
SUBSTITUTE HOUSE BILL 2748

State of Washington

65th Legislature

2018 Regular Session

By House Education (originally sponsored by Representatives Santos, Stonier, Muri, and Pollet)

READ FIRST TIME 02/02/18.

1 AN ACT Relating to modifying the learning assistance program to
2 balance local control and state accountability by making the
3 allowable uses of program funds more flexible and requiring that the
4 expenditure of funds be consistent with the Washington integrated
5 student supports protocol; amending RCW 28A.165.055, 28A.165.005,
6 28A.165.035, 28A.165.100, 28A.710.280, 28A.165.065, 28A.300.139, and
7 28A.320.190; creating new sections; providing an effective date; and
8 providing an expiration date.

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

10 NEW SECTION. **Sec. 1.** (1) The legislature acknowledges that the
11 learning assistance program was developed to provide supplemental
12 services for public school students who are not meeting academic
13 standards. Initially, school districts were allowed to use learning
14 assistance program funds in a flexible manner to support
15 participating students. Over time, the legislature restricted and
16 established priorities for the use of learning assistance program
17 funds. The legislature finds that it is time to restore the
18 flexibility of learning assistance program funds; however, local
19 control must be balanced with local accountability for improvement in
20 student academic achievement.

1 (2)(a) The legislature acknowledges that it established the
2 Washington integrated students supports protocol in 2016 to, among
3 other things: (i) Support a school-based approach to promoting the
4 success of all students by coordinating academic and nonacademic
5 supports to reduce barriers to academic achievement and educational
6 attainment; (ii) fulfill a vision of public education where educators
7 focus on education, students focus on learning, and auxiliary
8 supports enable teaching and learning to occur unimpeded; and (iii)
9 support the integration of high quality, evidence-based, student-
10 centered, coordinated school-based approaches throughout the state.

11 (b) The protocol developed by the center for the improvement of
12 student learning, within the office of the superintendent of public
13 instruction, includes the following components: (i) Student-level and
14 system-level needs and strengths assessments; (ii) community partners
15 that provide nonacademic supports; (iii) coordination and integration
16 of academic and nonacademic supports with the school district and
17 schools; and (iv) analysis of school-level and student-level data to
18 determine the efficiency of the activities, practices and programs
19 funded by the district's learning assistance program.

20 (3)(a) The legislature intends to restore flexibility to the use
21 of learning assistance program funds, but to require that school
22 districts budget and expend learning assistance program funds at both
23 the district and school levels in a manner consistent with the
24 Washington integrated student supports protocol. Before engaging in
25 the budgeting process, it is expected that school districts will use
26 needs assessments and data to map the resources of the district, each
27 school, and the community; identify gaps in the coordination and
28 integration of academic and nonacademic supports; and engage
29 community partners in strategic planning to prioritize the needs of
30 students. It is also expected that each school will use needs
31 assessments and data to determine how to best engage community
32 partners to address the academic and nonacademic needs of its
33 students in an integrated and coordinated manner. Data must be used
34 in an iterative process to drive decisions about how learning
35 assistance program funds are used in the district and schools, and to
36 determine whether the decision in the use of program funds resulted
37 in improvement in students' academic achievement.

38 (b) In addition, the legislature intends to require monitoring of
39 school district learning assistance programs to ensure fidelity in
40 implementing best practices in a manner consistent with the

1 Washington integrated student supports protocol. School districts and
2 schools should be able to demonstrate the link between the results of
3 the various needs assessments, the learning assistance program budget
4 and expenditures, and the improvement in participating students'
5 academic achievement.

6 NEW SECTION. **Sec. 2.** (1) In preparation for the implementation
7 of sections 3 through 10 of this act, school districts are encouraged
8 to expend the appropriations for the learning assistance program,
9 under RCW 28A.165.005 through 28A.165.065 in a manner consistent with
10 the Washington integrated student supports protocol established under
11 RCW 28A.300.139. Plans for district expenditures in the 2019-20
12 school year should consider the needs of participating students at
13 the school district's various schools, and prioritize student needs
14 based on system-level, including district, school, and community,
15 needs assessments, and student-level needs assessments performed as
16 part of the Washington integrated student supports protocol.

17 (2) This section expires August 1, 2019.

18 **Sec. 3.** RCW 28A.165.055 and 2017 3rd sp.s. c 13 s 405 are each
19 amended to read as follows:

20 (1) While the state allocations for the learning assistance
21 program under this chapter are intended to be flexible dollars within
22 the control of the public school and school district, this local
23 control must be balanced with local accountability for improvement in
24 student achievement.

25 (2) The funds for the learning assistance program shall be
26 appropriated in accordance with RCW 28A.150.260 and the omnibus
27 appropriations act. The distribution formula is for school district
28 allocation purposes only, except as provided in RCW
29 28A.150.260(10)(a)(ii), but all funds appropriated for the learning
30 assistance program must be expended for the purposes of RCW
31 28A.165.005 through 28A.165.065 in a manner consistent with the
32 Washington integrated student supports protocol, established under
33 RCW 28A.300.139. Plans for district expenditures must consider the
34 needs of participating students at the school district's various
35 schools, and prioritize student needs based on system-level,
36 including district, school, and community, needs assessments and
37 student-level needs assessments performed as part of the Washington

1 integrated student supports protocol, established under RCW
2 28A.300.139.

3 ~~((+2))~~ (3) A district's high poverty-based allocation is
4 generated by its qualifying schools ~~((buildings))~~ and must be
5 expended by the district for those ~~((buildings))~~ schools. This
6 funding must supplement and not supplant the district's expenditures
7 under this chapter for those schools ~~((buildings))~~.

8 **Sec. 4.** RCW 28A.165.005 and 2017 3rd sp.s. c 13 s 403 are each
9 amended to read as follows:

10 ~~((+1))~~ This chapter is designed to: ~~((+a))~~ (1) Promote the use
11 of data when developing programs to assist students who are not
12 meeting academic standards ~~((and reduce disruptive behaviors in the~~
13 ~~classroom))~~; and ~~((+b))~~ (2) guide school districts in providing the
14 most effective and efficient practices when implementing supplemental
15 instruction and services to assist students who are not meeting
16 academic standards ~~((and reduce disruptive behaviors in the~~
17 ~~classroom))~~.

18 ~~((+2) School districts implementing a learning assistance program~~
19 ~~shall focus first on addressing the needs of students in grades~~
20 ~~kindergarten through four who are deficient in reading or reading~~
21 ~~readiness skills to improve reading literacy.))~~

22 **Sec. 5.** RCW 28A.165.035 and 2016 c 72 s 803 are each amended to
23 read as follows:

24 (1) Use of best practices that have been demonstrated through
25 research to be associated with increased student achievement
26 magnifies the opportunities for student success. ~~((To the extent they~~
27 ~~are included as a best practice or strategy in one of the state menus~~
28 ~~or an approved alternative under this section or RCW 28A.655.235,))~~
29 The office of the superintendent of public instruction shall convene
30 a panel of experts to identify best practices and strategies that may
31 be used to assist participating students in meeting state standards
32 in federally required state assessments and to provide behavioral and
33 other nonacademic supports. The office of the superintendent of
34 public instruction shall publish the best practices and strategies by
35 July 1, 2018, and update this publication by each July 1st
36 thereafter.

37 (2) The following are services and activities that may be
38 supported by the learning assistance program:

1 (a) Extended learning time opportunities occurring:
2 (i) Before or after the regular school day;
3 (ii) On Saturday; and
4 (iii) Beyond the regular school year;
5 (b) Services under RCW 28A.320.190;
6 (c) Intensive reading and literacy improvement strategies under
7 RCW 28A.655.235;
8 (d) Professional development for certificated and classified
9 staff that focuses on:
10 (i) The needs of a diverse student population;
11 (ii) Specific literacy and mathematics content and instructional
12 strategies; and
13 (iii) The use of student work to guide effective instruction and
14 appropriate assistance;
15 ~~((d))~~ (e) Consultant teachers to assist in implementing
16 effective instructional practices by teachers serving participating
17 students;
18 ~~((e))~~ (f) Tutoring support for participating students;
19 ~~((f))~~ (g) Outreach activities and support for parents of
20 participating students, including employing parent and family
21 engagement coordinators; and
22 ~~((g) Up to five percent of a district's learning assistance~~
23 ~~program allocation may be used for development of)~~ (h) Partnerships
24 with community-based organizations, educational service districts,
25 and other local agencies to deliver academic and nonacademic supports
26 to participating students who are significantly at risk of not being
27 successful in school to reduce barriers to learning, increase student
28 engagement, and enhance students' readiness to learn. The academic
29 and nonacademic supports must be identified through system-level,
30 including district, school, and community, needs assessments and
31 student-level needs assessments performed as part of the Washington
32 integrated student supports protocol, established under RCW
33 28A.300.139. The school board must approve in an open meeting any
34 community-based organization or local agency before learning
35 assistance funds may be expended for partnerships.
36 ~~((2) In addition to the state menu developed under RCW~~
37 ~~28A.655.235, the office of the superintendent of public instruction~~
38 ~~shall convene a panel of experts, including the Washington state~~
39 ~~institute for public policy, to develop additional state menus of~~
40 ~~best practices and strategies for use in the learning assistance~~

1 ~~program to assist struggling students at all grade levels in English~~
2 ~~language arts and mathematics and reduce disruptive behaviors in the~~
3 ~~classroom. The office of the superintendent of public instruction~~
4 ~~shall publish the state menus by July 1, 2015, and update the state~~
5 ~~menus by each July 1st thereafter.~~

6 ~~(3)(a) Beginning in the 2016-17 school year, except as provided~~
7 ~~in (b) of this subsection, school districts must use a practice or~~
8 ~~strategy that is on a state menu developed under subsection (2) of~~
9 ~~this section or RCW 28A.655.235.~~

10 ~~(b) Beginning in the 2016-17 school year, school districts may~~
11 ~~use a practice or strategy that is not on a state menu developed~~
12 ~~under subsection (2) of this section for two school years initially.~~
13 ~~If the district is able to demonstrate improved outcomes for~~
14 ~~participating students over the previous two school years at a level~~
15 ~~commensurate with the best practices and strategies on the state~~
16 ~~menu, the office of the superintendent of public instruction shall~~
17 ~~approve use of the alternative practice or strategy by the district~~
18 ~~for one additional school year. Subsequent annual approval by the~~
19 ~~superintendent of public instruction to use the alternative practice~~
20 ~~or strategy is dependent on the district continuing to demonstrate~~
21 ~~increased improved outcomes for participating students.~~

22 ~~(c) Beginning in the 2016-17 school year, school districts may~~
23 ~~enter cooperative agreements with state agencies, local governments,~~
24 ~~or school districts for administrative or operational costs needed to~~
25 ~~provide services in accordance with the state menus developed under~~
26 ~~this section and RCW 28A.655.235.~~

27 ~~(4) School districts are encouraged to implement best practices~~
28 ~~and strategies from the state menus developed under this section and~~
29 ~~RCW 28A.655.235 before the use is required.)) (3) The best practices~~

30 and strategies identified under subsection (1) of this section, and

31 the services and activities listed in subsection (2) of this section,

32 may be used by a school district or a school if the use is consistent

33 with the Washington integrated student supports protocol, established

34 under RCW 28A.300.139.

35 **Sec. 6.** RCW 28A.165.100 and 2013 2nd sp.s. c 18 s 204 are each
36 amended to read as follows:

37 (1) Beginning with the 2014-15 school year, school districts
38 shall record in the statewide individual student data system annual
39 entrance and exit performance data for each student participating in

1 the learning assistance program according to specifications
2 established by the office of the superintendent of public
3 instruction.

4 (2) By August 1, 2014, and each August 1st thereafter, school
5 districts shall report to the office of the superintendent of public
6 instruction, using a common format prepared by the office:

7 (a) The amount of academic growth gained by students
8 participating in the learning assistance program;

9 (b) The number of students who gain at least one year of academic
10 growth; (~~and~~)

11 (c) The specific practices, activities, and programs used by each
12 school building that received learning assistance program funding;
13 and

14 (d) Other data required by the office of the superintendent of
15 public instruction to demonstrate the efficacy of the learning
16 assistance program expenditures to show student academic growth
17 gains.

18 (3) Beginning November 1, 2018, and each November 1st thereafter,
19 the office of the superintendent of public instruction shall compile
20 the school district data reported as required by subsection (2) of
21 this section, and report, in compliance with RCW 43.01.036, to the
22 appropriate committees of the legislature with the annual and
23 longitudinal gains for the specific practices, activities, and
24 programs used by the school districts and schools to show which are
25 the most effective. The data must be disaggregated by student
26 subgroups.

27 **Sec. 7.** RCW 28A.710.280 and 2016 c 241 s 128 are each amended to
28 read as follows:

29 (1) The legislature intends that state funding for charter
30 schools be distributed equitably with state funding provided for
31 other public schools.

32 (2) For eligible students enrolled in a charter school
33 established and operating in accordance with this chapter, the
34 superintendent of public instruction shall transmit to each charter
35 school an amount calculated as provided in this section and based on
36 the statewide average staff mix factor for certificated instructional
37 staff, including any enrichment to those statutory formulae that is
38 specified in the omnibus appropriations act. The amount must be the
39 sum of (a) and (b) of this subsection, as applicable.

1 (a) The superintendent shall, for purposes of making
2 distributions under this section, separately calculate and distribute
3 to charter schools moneys appropriated for general apportionment
4 under the same ratios as in RCW 28A.150.260.

5 (b) The superintendent also shall, for purposes of making
6 distributions under this section, and in accordance with the
7 applicable formulae for categorical programs specified in (b)(i)
8 through (v) of this subsection (2) and any enrichment to those
9 statutory formulae that is specified in the omnibus appropriations
10 act, separately calculate and distribute moneys appropriated by the
11 legislature to charter schools for:

12 (i) Supplemental instruction and services for (~~underachieving~~)
13 students who are not meeting academic standards through the learning
14 assistance program under RCW 28A.165.005 through 28A.165.065;

15 (ii) Supplemental instruction and services for eligible and
16 enrolled students and exited students whose primary language is other
17 than English through the transitional bilingual instruction program
18 under RCW 28A.180.010 through 28A.180.080;

19 (iii) The opportunity for an appropriate education at public
20 expense as defined by RCW 28A.155.020 for all eligible students with
21 disabilities as defined in RCW 28A.155.020;

22 (iv) Programs for highly capable students under RCW 28A.185.010
23 through 28A.185.030; and

24 (v) Pupil transportation services to and from school in
25 accordance with RCW 28A.160.150 through 28A.160.180. Distributions
26 for pupil transportation must be calculated on a per eligible student
27 basis based on the allocation for the previous school year to the
28 school district in which the charter school is located.

29 (3) The superintendent of public instruction must adopt rules
30 necessary for the distribution of funding required by this section
31 and to comply with federal reporting requirements.

32 **Sec. 8.** RCW 28A.165.065 and 2013 2nd sp.s. c 18 s 206 are each
33 amended to read as follows:

34 To ensure that school districts are meeting the requirements of
35 this chapter, the superintendent of public instruction shall monitor
36 learning assistance programs no less than once every four years. The
37 primary purpose of program monitoring is to evaluate the
38 effectiveness of a district's allocation and expenditure of resources
39 and monitor school district fidelity in implementing best practices

1 in a manner consistent with the Washington integrated student
2 supports protocol, established under RCW 28A.300.139. The office of
3 the superintendent of public instruction's center for the improvement
4 of student learning and learning assistance program staff may provide
5 technical assistance to school districts identified, using data
6 reported as required under RCW 28A.165.100, as needing to improve the
7 effectiveness of a learning assistance program.

8 **Sec. 9.** RCW 28A.300.139 and 2016 c 72 s 801 are each amended to
9 read as follows:

10 (1) Subject to the availability of amounts appropriated for this
11 specific purpose, the Washington integrated student supports protocol
12 is established. The protocol shall be developed by the center for the
13 improvement of student learning, established in RCW 28A.300.130,
14 based on the framework described in this section. The purposes of the
15 protocol include:

16 (a) Supporting a school-based approach to promoting the success
17 of all students by coordinating academic and nonacademic supports to
18 reduce barriers to academic achievement and educational attainment;

19 (b) Fulfilling a vision of public education where educators focus
20 on education, students focus on learning, and auxiliary supports
21 enable teaching and learning to occur unimpeded;

22 (c) Encouraging the creation, expansion, and quality improvement
23 of community-based supports that can be integrated into the academic
24 environment of schools and school districts;

25 (d) Increasing public awareness of the evidence showing that
26 academic outcomes are a result of both academic and nonacademic
27 factors; and

28 (e) Supporting statewide and local organizations in their efforts
29 to provide leadership, coordination, technical assistance,
30 professional development, and advocacy to implement high-quality,
31 evidence-based, student-centered, coordinated approaches throughout
32 the state.

33 (2)(a) The Washington integrated student supports protocol must
34 be sufficiently flexible to adapt to the unique needs of schools and
35 districts across the state, yet sufficiently structured to provide
36 all students with the individual support they need for academic
37 success.

38 (b) The essential framework of the Washington integrated student
39 supports protocol includes:

1 (i) Needs assessments: A system-level needs assessment with
2 resource mapping must be conducted in order to identify academic and
3 nonacademic supports that are currently available or lacking in
4 schools, school districts, and the community. A needs assessment must
5 be conducted for all at-risk students in order to develop or identify
6 the needed academic and nonacademic supports within the students'
7 school and community. These supports must be coordinated to provide
8 students with a package of mutually reinforcing supports designed to
9 meet the individual needs of each student.

10 (ii) Integration and coordination: The school and district
11 leadership and staff must develop close relationships with providers
12 of academic and nonacademic supports to enhance the effectiveness of
13 the protocol.

14 (iii) Community partnerships: Community partners must be engaged
15 to provide nonacademic supports to reduce barriers to students'
16 academic success, including supports to students' families.

17 (iv) Data driven: Students' needs and outcomes must be tracked
18 over time to determine student progress and evolving needs.

19 (c) The framework must facilitate the ability of any academic or
20 nonacademic provider to support the needs of at-risk students,
21 including, but not limited to: Out-of-school providers, social
22 workers, mental health counselors, physicians, dentists, speech
23 therapists, and audiologists.

24 **Sec. 10.** RCW 28A.320.190 and 2009 c 578 s 2 are each amended to
25 read as follows:

26 (1) The extended learning opportunities program is created for
27 eligible (~~eleventh and~~) ninth through twelfth grade students who
28 are not on track to meet local or state graduation requirements as
29 well as eighth grade students who need additional assistance in order
30 to have the opportunity for a successful entry into high school. The
31 program shall provide early notification of graduation status and
32 information on education opportunities including preapprenticeship
33 programs that are available.

34 (2) Under the extended learning opportunities program and to the
35 extent funds are available for that purpose, districts shall make
36 available to students in grade twelve who have failed to meet one or
37 more local or state graduation requirements the option of continuing
38 enrollment in the school district in accordance with RCW 28A.225.160.
39 Districts are authorized to use basic education program funding to

1 provide instruction to eligible students under RCW 28A.150.220(~~(+3)~~)
2 (5).

3 (3) Under the extended learning opportunities program,
4 instructional services for eligible students can occur during the
5 regular school day, evenings, on weekends, or at a time and location
6 deemed appropriate by the school district, including the educational
7 service district, in order to meet the needs of these students.
8 Instructional services provided under this section do not include
9 services offered at private schools. Instructional services can
10 include, but are not limited to, the following:

11 (a) Individual or small group instruction;

12 (b) Instruction in English language arts and/or mathematics that
13 eligible students need to pass all or part of the (~~Washington~~)
14 statewide student assessment (~~(of student learning)~~);

15 (c) Attendance in a public high school or public alternative
16 school classes or at a skill center;

17 (d) Inclusion in remediation programs, including summer school;

18 (e) Language development instruction for English language
19 learners;

20 (f) Online curriculum and instructional support, including
21 programs for credit retrieval and (~~Washington~~) statewide student
22 assessment (~~(of student learning)~~) preparatory classes; and

23 (g) Reading improvement specialists available at the educational
24 service districts to serve eighth(~~, eleventh, and~~) through twelfth
25 grade educators through professional development in accordance with
26 RCW 28A.415.350. The reading improvement specialist may also provide
27 direct services to eligible students and those students electing to
28 continue a fifth year in a high school program who are still
29 struggling with basic reading skills.

30 NEW SECTION. **Sec. 11.** Sections 3 through 10 of this act take
31 effect January 1, 2019.

--- END ---