

SENATE BILL REPORT

SHB 1208

As Reported by Senate Committee On:
Early Learning & K-12 Education, March 17, 2021

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: House Committee on Education (originally sponsored by Representatives Santos, Steele, Lekanoff, Paul, Callan, Ortiz-Self, Bergquist and Harris-Talley).

Brief History: Passed House: 2/26/21, 93-4.

Committee Activity: Early Learning & K-12 Education: 3/12/21, 3/17/21 [DP-WM, DNP, w/oRec].

Brief Summary of Bill

- Requires that school districts temporarily budget and expend Learning Assistance Program (LAP) funds to identify and address the academic and nonacademic needs of students resulting from and exacerbated by the COVID-19 pandemic.
- Requires that school districts budget and expend LAP funds using the framework of the Washington Integrated Student Supports Protocol beginning at the end of the COVID-19 emergency, or September 1, 2025, whichever is later.
- Makes changes to requirements and restrictions on the use of LAP funds.
- Expands the Extended Learning Opportunity Program to ninth- and tenth-grade.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

SENATE COMMITTEE ON EARLY LEARNING & K-12 EDUCATION

Majority Report: Do pass and be referred to Committee on Ways & Means.

Signed by Senators Wellman, Chair; Nobles, Vice Chair, K-12; Wilson, C., Vice Chair, Early Learning; Hunt and Pedersen.

Minority Report: Do not pass.

Signed by Senators Hawkins, Ranking Member; Dozier and McCune.

Minority Report: That it be referred without recommendation.

Signed by Senator Mullet.

Staff: Alexandra Fairfortune (786-7416)

Background: Learning Assistance Program. *Program Design.* To assist students who are not meeting academic standards and reduce disruptive behaviors in the classroom, the Learning Assistance Program (LAP) is designed to promote the use of data when developing programs, and 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 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 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.

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 LAP.

Washington Integrated Student Supports Protocol and Framework. The Washington Integrated Student Supports Protocol (WISSP), was developed by the Center for the Improvement of Student Learning within OSPI. The purposes of WISSP 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 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 WISSP includes needs assessments, integration and coordination, community partnerships, and a requirement the protocol be data driven.

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 for a successful entry into high school. Instructional services for eligible students can occur at any time and location, deemed appropriate by the school districts, to meet the needs of these students. A nonexhaustive list of the instructional services that can be provided includes alternative school classes and classes at skill centers, inclusion in remediation programs, and reading improvement specialists.

Summary of Bill: Budgeting and Expending Learning Assistance 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.

Learning Assistance Program Modifications. Changes are made to requirements and restrictions on the use of LAP funds, including:

- LAP is no longer required to focus first on addressing the reading needs of kindergarten through fourth grade K-4 students or to be designed to reduce disruptive behaviors;
- 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;
- the statutory list of best practices, strategies, services and activities that may be supported by LAP, including the cap on the use of LAP funds for partnership development is repealed; and
- statutory permission to use LAP funds to meet dyslexia screening and intervention requirements for students who are not eligible to participate in LAP, and to use LAP funds for staff dyslexia trainings, is repealed.

Review and Reports. The Center for the Improvement of Student Learning (CISL), within 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, CISL must annually review LAP performance data reported by school districts and report to the Legislature a summary of the innovations made by school districts to reduce barriers to the academic achievement of students participating in 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 WISSP is modified as follows:

- a system-level needs assessment with resource mapping must be conducted to identify academic and nonacademic supports currently available or lacking in schools, school districts, and the community;
- 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
- 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. 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 subject to state funding.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: The bill contains several effective dates. Please refer to the bill.

Staff Summary of Public Testimony: PRO: The House Education Committee did a listening tour during the interim and heard from 317 school directors across the state about what challenges they were facing. The primary feedback was that the districts are spending all of their time on COVID response and recovery. This bill allows districts to keep their staff whole and keep supporting students in any way possible. The bill also gives districts flexibility to be responsive to kids and not return LAP dollars at the end of every year. Thirty-five percent of Yakima students qualify for LAP, and by using LAP funds to focus on credit retrieval on-time graduation was increased to 81 percent. Now more than ever students are struggling with mental health and re-establishing LAP flexibility will provide more support. Community partners are stepping in to support students by providing groceries, wellness checks, acting as liaisons, and providing safe space to socialize through virtual programs. Increasing flexibility and removing the 5 percent cap will help leverage these community resources and provide comprehensive supports, which are especially critical in rural communities. This bill makes it possible to leverage funding to innovate and meet the academic, nonacademic, and social-emotional needs of students. House amendments clarified that LAP funds can still be used for the supports and evidence-based practices listed in current law.

Persons Testifying: PRO: Representative Sharon Tomiko Santos, Prime Sponsor; Martha Rice, Washington State School Directors' Association; Ranna Daud, After-School All-Stars; Jessica Lara, Communities In Schools of North Central Washington; Tabatha Mires, Waterville School District; Lance Young, Orondo School District; Heather Lindberg, Washington State PTA; Lucinda Young, Washington Education Association; Nasue Nishida, Office of Superintendent of Public Instruction.

Persons Signed In To Testify But Not Testifying: No one.