

# SENATE BILL REPORT

## SB 5248

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As Reported by Senate Committee On:  
Early Learning & K-12 Education, February 6, 2023

**Title:** An act relating to using COVID-19 relief funding on high quality tutoring and rigorous extended learning programs.

**Brief Description:** Using COVID-19 relief funding on high quality tutoring and rigorous extended learning programs.

**Sponsors:** Senators Braun, Mullet, Dozier, Keiser, Shewmake, Torres, Wagoner, Wellman and Wilson, L..

**Brief History:**

**Committee Activity:** Early Learning & K-12 Education: 1/26/23, 2/06/23 [DPS-WM].

### Brief Summary of First Substitute Bill

- Directs the Office of the Superintendent of Public Instruction (OSPI) to allocate any unspent COVID-19 relief funds on targeted high-quality tutoring and rigorous extended learning programs that are focused on students with the greatest learning recovery needs.
- Directs OSPI to establish a state-matching grant program when school districts, charter schools, and state-tribal education compact schools choose to spend COVID-19 relief funding on tutoring and extended learning programs.

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### SENATE COMMITTEE ON EARLY LEARNING & K-12 EDUCATION

**Majority Report:** That Substitute Senate Bill No. 5248 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Wellman, Chair; Nobles, Vice Chair; Wilson, C., Vice Chair; Dozier, Hunt, Mullet and Pedersen.

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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 part of the legislation nor does it constitute a statement of legislative intent.*

**Staff:** Ailey Kato (786-7434)

**Background:** Office of the Superintendent of Public Instruction Grants. The 2021-23 operating budget appropriated \$27 million state funding and \$172 million in federal COVID-19 relief funding for the Office of the Superintendent of Public Instruction (OSPI) to administer grants for the purposes of learning recovery and acceleration. Allowable uses were limited to one-time contracts, professional learning, procuring assessment or data systems, and direct supports to students. It is assumed that \$46.5 million will need to be reappropriated in the 2023-25 biennium.

Elementary and Secondary School Emergency Relief Funding. Washington State received a total of \$1.7 billion in Elementary and Secondary School Emergency Relief (ESSER) III funding with 90 percent of this amount going directly to school districts through a formula. Currently, \$1 billion of this funding has not been used. The deadline for claiming this funding is September 2024.

State education agencies and state legislatures may not limit the use of the ESSER formula funds to school districts. However, states may encourage school districts to dedicate funding toward learning recovery programs, and not less than 20 percent of school district's ESSER III allocation must address the academic impact of lost instruction time through the implementation of evidence-based interventions.

**Summary of Bill (First Substitute):** Office of the Superintendent of Public Instruction Grants. OSPI must administer grants for the purposes of learning recovery and acceleration. Allowable uses of the funds are limited to targeted high quality tutoring and rigorous extended learning programs that are focused on students with the greatest learning recovery needs.

OSPI must allocate any unspent funds from the ESSER III Account for these grants.

State-Matching Grants. Subject to appropriations, OSPI must establish the state-matching grant program for learning recovery and acceleration. The purpose of the grant program is to provide state-matching funds to schools and school districts that choose to use allocations from the ESSER III Account on targeted high quality tutoring and rigorous extended learning programs.

The amount of state matching funds shall be 50 percent of the amount schools and school districts use on high quality tutoring and rigorous extended learning programs in the 2023-24 school year.

School districts, charter schools, and state-tribal education compact schools may apply for the state-matching funds.

Funding priority shall be given to schools and school districts that have the lowest

percentage of students meeting grade level standards as measured by the English language arts and mathematics results of the Smarter Balanced assessment or any other statewide student assessment.

OSPI may adopt rules for this grant program.

"High quality tutoring" means programs that:

- use certificated staff, paraeducators, and trained volunteers;
- have small student to teacher ratios;
- are ongoing throughout the school year and occur at least several times a week;
- use data to identify students most in need of support and monitor students' progress; and
- assess program effectiveness.

"Rigorous extended learning programs" means programs incorporating features that research has shown as most effective for student learning recovery, which include:

- high quality curriculum aligned with content from the regular school day and lesson plans that include options for individualized instruction;
- preservice and ongoing training, and one-to-one coaching for extended learning instructors;
- extra instruction time during the regular school year, school breaks, or the summer, and strategies such as double blocking, acceleration camps, or mandatory summer school programs;
- opportunities for students to attend at least 44 to 100 hours; and
- the use of certificated staff, paraeducators, and trained volunteers.

All provisions expire December 31, 2024.

**EFFECT OF CHANGES MADE BY EARLY LEARNING & K-12 EDUCATION COMMITTEE (First Substitute):**

- Adds definitions for “high quality tutoring” and “rigorous extended learning programs.”
- Specifies that the OSPI grants for high quality tutoring and rigorous extended learning programs are focused on students with the greatest learning recovery needs and adds this to intent language.
- Removes the appropriation for the OSPI grants and states that OSPI must allocate any unspent funds from the elementary and secondary school emergency relief III account to implement the grants.
- Corrects the name of the account to match RCW 28A.300.820.

**Appropriation:** The bill contains a section or sections to limit implementation to the availability of amounts appropriated for that specific purpose.

**Fiscal Note:** Requested on January 17, 2023.

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

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony on Original Bill:** *The committee recommended a different version of the bill than what was heard.* PRO: Educational disruption because of COVID has had severe consequences on student learning. There have been worrisome declines in reading and math achievement. These declines were broad-based, affecting students in every district across all demographic groups. Additionally, there have been increases to existing inequities for students of color and low-income students. To make up for the lost time, we need to help students accelerate and catch up. It's hard not to be frustrated by what school districts have spent their ESSER funding on. Most of the expenditures have been categorized as "other." This bill incentivizes tutoring and extended learning programs, which are evidence-based strategies to accelerate student learning. The bill should focus on students with the greatest learning recovery needs and definitions should be added for tutoring and extended learning. This bill should require school districts to update their academic and well-being recovery plans. Extra instructional time is not a replacement for youth development programs that occur outside of the traditional school day.

OTHER: The state set aside ESSER funding have been fully obligated and awarded through executed agreements and grants. Re-appropriating funds at this time would involve canceling current projects and assumes districts are able to pivot plans with already committed dollars. This would cut into valuable time that could be spent liquidating the funds by federally established deadlines. All demographics of students were impacted by learning lost due to COVID, especially in late elementary and middle school math, and this will have lifelong impacts on students and the workforce. Students in this state were impacted more because schools were closed longer than other states. School districts should make it clear what they are doing to help any student that is behind, and OSPI should measure the investments that are being made. Unspent ESSER funding should be provided directly to families, so they can hire tutors. More one-time funding is not needed. There needs to be ongoing support to help struggling students. Without knowing more about the tutoring program, we may exacerbate the effects of trauma by using curriculum that alienate students, rather than re-attach students to their school.

**Persons Testifying:** PRO: Senator John Braun, Prime Sponsor; Julie Barrett, Conservative Ladies of Washington; Ben Mitchell, Foundation for Tacoma Students / High School Success Coalition; Gray Sterling, The Education Trust in WA / High School Success Coalition; Liz Trautman, Stand for Children Washington / High School Success Coalition; Neil Strege, Washington Round Table.

OTHER: Liv Finne, Washington Policy Center; Sirena Wu, OSPI; Marguerite Roza; Dan

Steele, WA Assn. of School Administrators; Melissa Spiker.

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