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**SUBSTITUTE SENATE BILL 5248**

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**State of Washington**

**68th Legislature**

**2023 Regular Session**

**By** Senate Early Learning & K-12 Education (originally sponsored by Senators Braun, Mullet, Dozier, Keiser, Shewmake, Torres, Wagoner, Wellman, and L. Wilson)

READ FIRST TIME 02/08/23.

1 AN ACT Relating to using COVID-19 relief funding on high quality  
2 tutoring and rigorous extended learning programs; creating new  
3 sections; and providing expiration dates.

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

5 NEW SECTION. **Sec. 1.** (1) The legislature acknowledges that the  
6 state received billions in COVID-19 relief funding throughout the  
7 COVID-19 pandemic to support the educational system. Much of this  
8 funding, approximately 90 percent, was made available directly to  
9 school districts and other local educational agencies and a large  
10 amount was initially spent on preventing COVID-19 transmission.

11 (2) The legislature recognizes that the American rescue plan act  
12 of 2021, P.L. 117-2, requires school districts to allocate at least  
13 20 percent of elementary and secondary school emergency relief funds  
14 toward learning recovery efforts. The American rescue plan act also  
15 requires state educational agencies to use at least 5 percent of this  
16 funding on learning recovery. The legislature believes that even more  
17 of this funding should be used to address learning loss due to  
18 COVID-19.

19 (3) The legislature further recognizes that it directed the  
20 office of the superintendent of public instruction to use a portion  
21 of this COVID-19 relief funding to administer grants for the purposes

1 of learning recovery and acceleration in the 2021-2023 omnibus  
2 operating appropriations act. This funding can only be used in  
3 certain ways including one-on-one and small group instruction and  
4 other intensive learning supports. The legislature believes that  
5 targeted high quality tutoring and rigorous extended learning  
6 programs are the two most effective ways to spend this funding. The  
7 legislature intends to reappropriate the remaining funds from this  
8 grant program to these two effective methods for addressing learning  
9 recovery and acceleration. The legislature also intends for these  
10 funds to support high quality tutoring and rigorous extended learning  
11 programs that are targeted at students with the greatest learning  
12 recovery needs.

13 (4) The legislature also acknowledges that the office of the  
14 superintendent of public instruction and state legislature may not  
15 limit or direct the use of the COVID-19 relief funding that went  
16 directly to school districts. However, the legislature intends to  
17 incentivize school districts to use any remaining funds they have  
18 available on high quality tutoring and rigorous extended learning  
19 programs by creating a state matching grant program. The legislature  
20 believes that incentivizing the use of these funds on these two  
21 effective methods will best support students and address learning  
22 loss experienced during the COVID-19 pandemic.

23 NEW SECTION. **Sec. 2.** The definitions in this section apply  
24 throughout sections 3 and 4 of this act unless the context clearly  
25 requires otherwise.

26 (1) "High quality tutoring" means programs that: (a) Use  
27 certificated staff, paraeducators, and trained volunteers; (b) have  
28 small student to teacher ratios; (c) are ongoing throughout the  
29 school year and occur at least several times a week; (d) use data to  
30 identify students most in need of support and monitor students'  
31 progress; and (e) assess program effectiveness.

32 (2) "Rigorous extended learning programs" means programs  
33 incorporating features that research has shown as most effective for  
34 student learning recovery, which include: (a) High quality curriculum  
35 aligned with content from the regular school day and lesson plans  
36 that include options for individualized instruction; (b) preservice  
37 and ongoing training, and one-to-one coaching for extended learning  
38 instructors; (c) extra instruction time during the regular school  
39 year, school breaks, or the summer, and strategies such as double

1 blocking, acceleration camps, or mandatory summer school programs;  
2 (d) opportunities for students to attend at least 44 to 100 hours;  
3 and (e) the use of certificated staff, paraeducators, and trained  
4 volunteers.

5 (3) This section expires December 31, 2024.

6 NEW SECTION. **Sec. 3.** (1) The office of the superintendent of  
7 public instruction must administer grants for the purposes of  
8 learning recovery and acceleration.

9 (2) Allowable uses of the funds are limited to targeted high  
10 quality tutoring and rigorous extended learning programs that are  
11 focused on students with the greatest learning recovery needs.

12 (3) The office shall allocate any unspent funds from the  
13 elementary and secondary school emergency relief III account to  
14 implement this section.

15 (4) This section expires December 31, 2024.

16 NEW SECTION. **Sec. 4.** (1) Subject to the availability of amounts  
17 appropriated for this specific purpose, the office of the  
18 superintendent of public instruction must establish the state  
19 matching grant program for learning recovery and acceleration.

20 (2) The purpose of the grant program is to provide state matching  
21 funds to schools and school districts that choose to use the  
22 elementary and secondary school emergency relief III account subgrant  
23 allocations attributable to section 2001(e)(2) of the American rescue  
24 plan act of 2021, P.L. 117-2 on targeted high quality tutoring and  
25 rigorous extended learning programs.

26 (3) The amount of state matching funds shall be 50 percent of the  
27 amount schools and school districts use from the elementary and  
28 secondary school emergency relief III account on targeted high  
29 quality tutoring and rigorous extended learning programs.

30 (4)(a) School districts, charter schools, and state-tribal  
31 education compact schools may apply for the state matching funds.

32 (b) Applicants are eligible for these state matching funds if  
33 they only use the funding they receive from the elementary and  
34 secondary school emergency relief III account on either targeted high  
35 quality tutoring or rigorous extended learning programs, or both, in  
36 the 2023-24 school year.

37 (c) Funding priority shall be given to school districts, charter  
38 schools, and state-tribal education compact schools that have the

1 lowest percentage of students meeting grade level standards as  
2 measured by the English language arts and mathematics results of the  
3 smarter balanced assessments or any other statewide student  
4 assessment.

5 (5) The office of the superintendent of public instruction may  
6 adopt rules for the grant program established under this section.

7 (6) This section expires December 31, 2024.

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