Chapter 28A.165 RCW
LEARNING ASSISTANCE PROGRAM

Sections

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RCW 28A.165.005 Purpose. This chapter is designed to: (1) Promote the use of data when developing programs to assist students who are not meeting academic standards; and (2) guide school districts in providing the most effective and efficient practices when implementing supplemental instruction and services to assist students who are not meeting academic standards. [2021 c 111 s 5; 2017 3rd sp.s. c 13 s 403; 2013 2nd sp.s. c 18 s 201; 2009 c 548 s 701; 2004 c 20 s 1.]

Finding—Intent—Effective date—2021 c 111: See notes following RCW 28A.300.139.

Effective date—2017 3rd sp.s. c 13 ss 401-413: See note following RCW 28A.150.200.

Intent—2017 3rd sp.s. c 13: See note following RCW 28A.150.410.

Collective bargaining agreements not impaired—2017 3rd sp.s. c 13: See note following RCW 41.56.139.

Application—Enforcement of laws protecting health and safety—2013 2nd sp.s. c 18: See note following RCW 28A.600.022.

Effective date—2009 c 548 ss 101-110 and 701-710: See note following RCW 28A.150.200.

Intent—2009 c 548: See RCW 28A.150.1981.

Finding—2009 c 548: See note following RCW 28A.410.270.

Intent—Finding—2009 c 548: See note following RCW 28A.305.130.

RCW 28A.165.015 Definitions. Unless the context clearly indicates otherwise the definitions in this section apply throughout this chapter.

(1) "Basic skills areas" means reading, writing, and mathematics as well as readiness associated with these skills.

(2) "Statewide student assessments" means one or more of the assessments administered by school districts as required under RCW 28A.655.070.

(3) "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. [2021 c 111 s 6; 2017 3rd sp.s. c 13 s 404; 2013 2nd sp.s. c 18 s 202; 2009 c 548 s 702; 2004 c 20 s 2.]

Finding—Intent—Effective date—2021 c 111: See notes following RCW 28A.300.139.

Effective date—2017 3rd sp.s. c 13 ss 401-413: See note following RCW 28A.150.200.

Intent—2017 3rd sp.s. c 13: See note following RCW 28A.150.410.

Collective bargaining agreements not impaired—2017 3rd sp.s. c 13: See note following RCW 41.56.139.

Application—Enforcement of laws protecting health and safety—2013 2nd sp.s. c 18: See note following RCW 28A.600.022.

Effective date—2009 c 548 ss 101-110 and 701-710: See note following RCW 28A.150.200.

Intent—2009 c 548: See RCW 28A.150.1981.

Finding—2009 c 548: See note following RCW 28A.410.270.

Intent—Finding—2009 c 548: See note following RCW 28A.305.130.

RCW 28A.165.037 Compliance with the Washington integrated student supports protocol—Partnerships with out-of-school organizations. (1) While the state allocations for the learning assistance program under this chapter 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.

(2) School district boards of directors must budget and expend the appropriations for the learning assistance program, under RCW 28A.165.005 through 28A.165.065, using the framework of the Washington integrated student supports protocol, established under RCW 28A.300.139.

(3) A district may use up to 15 percent of the district's learning assistance program allocation to deliver academic, nonacademic, and social-emotional supports and services to students through partnerships with community-based or other out-of-school organizations in accordance with RCW 28A.300.139. Any agreement entered into by a school district and a community partner in accordance with RCW 28A.300.139 must:

(a) Specify that learning assistance program funds may be used only to provide direct supports and services to students;

(b) Clearly identify the academic, nonacademic, or social-emotional supports and services that will be made available to students by the community partner and how those supports and services align to the needs of the students as identified in the student-level needs assessment required by RCW 28A.300.139; and

(c) Identify the in-school supports that will be reinforced by the supports and services provided by the community partner to promote student progress towards meeting academic standards. [2021 c 111 s 3.]

Contingent effective date—2021 c 111 s 3: "Section 3 of this act takes effect at the later of either: (1) The expiration or termination of Proclamation 20-05, and any subsequent orders extending or amending the proclamation, declaring a state of emergency on February 29, 2020, for all counties in Washington due to COVID-19; or (2) September 1, 2025." [2021 c 111 s 15.] Proclamation 20-05 was terminated October 31, 2022 by Proclamation 20-05.1.

Notice of effective and expiration dates—2021 c 111 ss 2 and 3: "The office of the governor must provide written notice of the expiration date of section 2 of this act and the effective date of section 3 of this act to affected parties, the chief clerk of the house of representatives, the secretary of the senate, the office of the code reviser, and others as deemed appropriate by the office of the governor." [2021 c 111 s 16.]

Finding—Intent—Effective date—2021 c 111: See notes following RCW 28A.300.139.

RCW 28A.165.055 Funds—Appropriation and distribution. (1) The funds for the learning assistance program shall be appropriated in accordance with RCW 28A.150.260 and the omnibus appropriations act. The distribution formula is for school district allocation purposes only, except as provided in RCW 28A.150.260(10)(a)(ii), but all funds appropriated for the learning assistance program must be expended for the purposes of RCW 28A.165.005 through 28A.165.065.

(2) A district's high poverty-based allocation is generated by its qualifying schools as defined in RCW 28A.150.260(10) and must be expended by the district for those schools. This funding must supplement and not supplant the district's expenditures under this chapter for those schools. [2018 c 266 s 104; 2017 3rd sp.s. c 13 s 405; 2013 2nd sp.s. c 18 s 205; 2009 c 548 s 703; 2008 c 321 s 10; 2005 c 489 s 1; 2004 c 20 s 6.]

Effective date—2017 3rd sp.s. c 13 ss 401-413: See note following RCW 28A.150.200.

Intent—2017 3rd sp.s. c 13: See note following RCW 28A.150.410.

Collective bargaining agreements not impaired—2017 3rd sp.s. c 13: See note following RCW 41.56.139.

Application—Enforcement of laws protecting health and safety—2013 2nd sp.s. c 18: See note following RCW 28A.600.022.

Effective date—2009 c 548 ss 101-110 and 701-710: See note following RCW 28A.150.200.

Intent—2009 c 548: See RCW 28A.150.1981.

Finding—2009 c 548: See note following RCW 28A.410.270.

Intent—Finding—2009 c 548: See note following RCW 28A.305.130.

Findings—2008 c 321: See note following RCW 28A.320.190.

RCW 28A.165.065 Monitoring. To ensure that school districts are meeting the requirements of this chapter, the superintendent of public instruction shall monitor learning assistance programs using, at minimum, data reported as required under RCW 28A.165.100, no less than once every four years. The primary purpose of program monitoring is to evaluate the effectiveness of a school district's allocation and expenditure of resources and monitor school district fidelity in implementing best practices using the framework of the Washington integrated student supports protocol, established under RCW 28A.300.139. The office of the superintendent of public instruction may provide technical assistance to school districts to improve the effectiveness of a learning assistance program. [2021 c 111 s 7; 2013 2nd sp.s. c 18 s 206; 2004 c 20 s 7.]

Finding—Intent—Effective date—2021 c 111: See notes following RCW 28A.300.139.

Application—Enforcement of laws protecting health and safety—2013 2nd sp.s. c 18: See note following RCW 28A.600.022.

RCW 28A.165.075 Rules. The superintendent of public instruction shall adopt rules in accordance with chapter 34.05 RCW that are necessary to implement this chapter. [2004 c 20 s 8.]

RCW 28A.165.085 Condensed compliance reports—Second-class districts. Any compliance reporting requirements as a result of laws in this chapter that apply to second-class districts may be submitted in accordance with RCW 28A.330.250. [2011 c 45 s 6.]

Conflict with federal requirements—2011 c 45: See note following RCW 28A.330.250.

RCW 28A.165.100 Entrance and exit performance data—Report by school districts—Report by the office of the superintendent of public instruction. (1) School districts shall record in the statewide individual student data system annual entrance and exit performance data for each student participating in the learning assistance program according to specifications established by the office of the superintendent of public instruction.

(2) Annually [by] September 30th, school districts shall report to the office of the superintendent of public instruction, using a common format prepared by the office:

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

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

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

(d) The percentage of learning assistance program funding used to engage community partners, the number of students receiving direct supports and services from those community partners, and the types of supports and services; and

(e) Other data if required by the office of the superintendent of public instruction to demonstrate the efficacy of the learning assistance program expenditures to show student academic growth gains including indicators aligned with the accountability framework for schools receiving support under RCW 28A.657.110.

(3) By January 1, 2020, and each January 1st thereafter, the office of the superintendent of public instruction shall compile the school district data reported as required by subsection (2) of this section, and report, in compliance with RCW 43.01.036, to the appropriate committees of the legislature with the annual and longitudinal gains for the specific practices, activities, and programs used by the school districts and schools to show which are the most effective. The data must be disaggregated by student subgroups as described in RCW 28A.300.042(1) for student-level data. [2021 c 111 s 8; 2019 c 208 s 1; 2013 2nd sp.s. c 18 s 204.]

Finding—Intent—Effective date—2021 c 111: See notes following RCW 28A.300.139.

Application—Enforcement of laws protecting health and safety—2013 2nd sp.s. c 18: See note following RCW 28A.600.022.