

# House Bill 1208 (2021) Implementation

## Questions and Answers

### Purpose and Background

[House Bill 1208 \(2021\)](#) significantly modifies state laws pertaining to the Learning Assistance Program (LAP). This document addresses questions and answers for LAP funds, activities, and reporting requirements for the remainder of the 2020-21 school year and the 2021-22 school year.

These statutory changes impact OSPI rules for LAP under Washington Administrative Code (WAC) Chapter [392-162](#). The agency will align the rules with the provisions of this new bill through emergency rulemaking before the upcoming school year and will initiate regular rulemaking during the 2021-22 school year.



### A. Implementation Timeline

#### Question 1: When do provisions of the law go into effect?

With passage of HB 1208 (2021), the state's LAP laws under Revised Code of Washington (RCW) Chapter [28A.165](#) were amended in a manner that establishes two separate [implementation timelines](#). The first timeline takes effect immediately. The second timeline will take effect either (1) following the expiration or termination of the governor's proclamation declaring a state of emergency due to COVID-19, and any subsequent orders extending or amending the proclamation, or (2) on September 1, 2025—*whichever is later*.

#### Question 2: Which provisions of the law go into effect immediately?

Please refer to OSPI [Bulletin No. 028-21](#), which outlines the immediate changes to LAP program requirements.

#### Question 3: Which provisions of the law go into effect later?

When the second timeline goes into effect, districts will be required to budget and expend LAP funds using the [Washington Integrated Student Supports Protocol](#) (WISSP) in accordance with RCW [28A.300.139](#).



### B. LAP Funds

#### Question 1: Does the law change the allocation of LAP base and high poverty funds?

**No.** The state appropriation and distribution formula for LAP base and LAP high poverty funds under RCW [28A.150.260](#)(10)(a) remains unchanged. Districts will be required to access funds using FP 218 for the 2021-22 school year instead of in the LAP End-of-Year Application as previously communicated on March 29. FP 218 will be launched mid-May.



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## **Question 2: Does the law change the indirect cost and carryover provisions?**

**No.** Indirect cost limitations and carryover provisions under WAC [392-122-900](#) remain unchanged. A district may carry forward up to ten percent from one year to the next for both the LAP base and LAP high poverty funds. Carryover amounts in excess of ten percent will be recovered by SAFS in January of the following school year. Recovered funds are deposited in the state general fund and may not be reallocated to increase school year funding allocations for districts the following year. The federal restrictive indirect rate for the school year applies. SAFS provides approved school district indirect cost rates.



## **C. LAP Intent & Eligibility**

### **Question 1: Is LAP still a supplemental program?**

**Yes.** The Learning Assistance Program (LAP) will continue to fund supplemental instruction and services to "students who are not meeting academic standards" as defined under RCW [28A.165.015](#).

### **Question 2: Are districts still required to focus first on K-4 literacy?**

**No.** School districts implementing LAP are no longer required to focus first on addressing the needs of students in grades kindergarten through four who require supplemental support in reading or reading readiness skills to improve reading literacy. However, in accordance with the state's [K-4 literacy](#) laws under RCW [28A.655.235](#), school districts must continue to implement intensive reading and literacy improvement strategies from the [English Language Arts \(ELA\) Menu of Best Practices and Strategies](#) or an alternative practice or strategy to assist students in reaching grade level expectations in reading by the end of fourth grade. Districts may continue to use LAP funds to provide supplemental instruction and services for K-4 students identified for assistance under RCW [28A.655.235](#).

### **Question 3: Can districts use LAP funds to support learning recovery related to COVID-19?**

**Yes.** Districts may immediately expend LAP base and LAP high poverty funds to address the needs of students who are not meeting academic standards in a manner that includes any academic and nonacademic needs resulting from and exacerbated by the COVID-19 pandemic.

### **Question 4: How is eligibility for LAP services determined?**

School districts are no longer required to use multiple measures of performance to identify students to receive supplemental instruction and services through LAP. However, districts must continue to use statewide, school, or district assessments or other performance measurement tools when identifying students with the greatest academic needs in basic skills areas in reading, writing, and mathematics as well as readiness associated with these skills under RCW [28A.165.015](#).



## D. LAP Activities

### Question 1: What program activity requirements were removed?

RCW [28A.165.035](#) was repealed. School districts are no longer required to use best practices and strategies from one of the [Menus of Best Practices and Strategies](#) when implementing LAP services and activities. However, districts are encouraged to continue using best practices and strategies included in the [Menus of Best Practices and Strategies](#) when implementing LAP services and activities.

### Question 2: What program activity requirements were added?

Prior to the second timeline (see Section A), school districts are *encouraged* to budget and expend LAP funding using the components of the [WISSP](#). These components include: needs assessments, integration and coordination of supports, establishing community partnerships, and data-driven decision making. Starting September 1, 2025 or when the emergency order is removed (whichever is later), school districts are *required* to use this framework to budget and expend their LAP funds.

School districts may use up to fifteen percent of the district's LAP allocation to engage community partners using the framework of the [WISSP](#) in accordance with RCW [28A.300.139](#). Community partners may deliver academic, nonacademic, and social-emotional supports and services to students who are not meeting academic standards. Any agreement entered into by a school district and a community partner in accordance with RCW [28A.300.139](#) must:

- Specify that LAP funds may only be used to provide direct supports and services to students
- 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](#)
- 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

### Question 3: Can for-profit as well as non-profit organizations be engaged as community partners?

**Yes.** Schools districts may develop partnerships with community-based or other out-of-school organizations.

### Question 4: What types of activities would be considered direct supports and services?

An activity would be considered direct if the support/service is being provided to the LAP-served student without any intermediary. These direct academic, nonacademic, or social-

emotional supports and services must be aligned with the identified needs of LAP-served students. Examples may include out-of-school personnel providing tutoring, mentoring, health services, counseling, etc. to students.

**Question 5: Can districts continue to use the funds they budgeted for Readiness to Learn (RTL) related activities for the remainder of the 2020-21 school year?**

**Yes.** RTL activities, including services delivered in-house or through community partnerships, may continue as previously planned for the remainder of the 2020-21 school year. Any funds used for community partnerships in accordance with RCW [28A.165.035](#)(1)(g) must be included in the total percentage (up to fifteen percent) of LAP-funded community partnerships provided for under HB 1208 (2021).

**Question 6: Can districts continue to provide high school transition services and graduation assistance to LAP-served students?**

**Yes.** The *extended learning opportunities program* under RCW [28A.320.190](#) now includes eligible ninth and tenth grade students. Districts can provide high school transition services to 8th grade students and graduation assistance to 9th through 12th grade students. All LAP-served students who receive transition and graduation assistance should be coded as 11-extended learning opportunities (graduation assistance) in File I, Element I06 in CEDARS.

**Question 7: Can districts continue to focus on K-4 literacy?**

**Yes.** Districts may continue to use LAP funds to provide supplemental instruction and services for K-4 students who are eligible for LAP, including students identified for assistance under RCW [28A.655.235](#). This law still *requires* schools to implement intensive reading and literacy improvement strategies from the [English Language Arts \(ELA\) Menu of Best Practices and Strategies](#) or an alternative practice or strategy to assist students in reaching grade level expectations in reading by the end of fourth grade. More information on these requirements can be found on the [K-4 literacy webpage](#).

**Question 8: Can districts continue to use LAP funds to implement the K-2 literacy screening and intervention requirements?**

**Yes.** School districts may still use a portion of their LAP *base funds* for implementation of screening and intervention requirements under RCW [28A.320.260](#)(5). Specifically, base funds may be used to purchase one of the screening tools recommended by the [Dyslexia Advisory Council](#). Base funds may also be used to provide training and support to staff related to administering the recommended literacy screener and implementing multisensory interventions for students who need supplemental support based on the screening results. K-2 students identified as showing indications of below grade level literacy development or indications of, or areas of weakness associated with, dyslexia are eligible for LAP services.

### **Question 9: Can districts continue to provide behavioral, nonacademic, and social-emotional supports to LAP-served students?**

**Yes.** School districts may continue to provide nonacademic, behavioral, and social-emotional supports to LAP-served students. Consistent with the definition of "basic skills areas" under RCW [28A.165.015](#), readiness associated with basic skills in reading, writing, and mathematics may include nonacademic, behavioral, and social-emotional readiness activities. A student's academic and behavioral or social-emotional needs may be interrelated since components of one domain can influence the other.

Districts should adopt an integrated and systemic approach to nonacademic and academic needs, which may include using multiple academic and nonacademic measures when determining student eligibility and selecting students to participate in LAP services. Although districts must primarily use academic measures of performance to identify students as eligible to participate in LAP services, districts should also use nonacademic measures (e.g., attendance data, office discipline referrals, behavior assessment results) when designing and implementing LAP services. The impact of behavioral, nonacademic, and social-emotional supports is measured by academic growth in ELA or mathematics so the supports should be designed to positively influence student academic outcomes.

### **Question 10: Can districts continue to provide professional learning to staff?**

**Yes.** School districts may continue to provide targeted professional development to staff. The focus of professional learning, when funded by LAP, could include academic or behavioral strategies, pedagogies, and skills that are designed to support LAP-served students.

When designing professional learning opportunities around identifying and supporting the needs of LAP-served students, districts may use practices and strategies that can benefit all students so long as the intent is to support LAP-served students in accordance with decision-making processes that are data-informed. To the extent that staff support all students, including LAP-served students, districts are strongly encouraged to provide professional learning opportunities for all classified and certificated staff. LAP-funded professional learning activities should focus on strengthening a district or school's tier 2 and tier 3 interventions and supports.



## **E. Reporting & Monitoring**

### **Question 1: How does the law change reporting requirements for LAP?**

With the exception of student growth data for the 2020-21 school year, school districts must continue to report the amount of academic growth gained by students participating in LAP and the specific practices, activities, and programs used by each school building that received LAP funding by September 30 of each year in accordance with RCW [28A.165.100](#). Please review the step-by-step directions in the [2020-21 LAP end-of-year report user guide](#) for additional guidance.

School districts must also annually report the percentage of LAP funds 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. For the 2020-21 school year only, OSPI will collect this information in FP 218. For subsequent school years, that information will be collected in the LAP End-of-Year Application. OSPI will be launching the End-of-Year Application and the FP 218 in June 2021.

### **Question 2: How does the law change monitoring requirements for LAP?**

OSPI program monitoring of a school district's LAP allocation and expenditure of resources will continue to include monitoring school district fidelity in implementing best practices, starting with practices and strategies included in the state menus. The law added language regarding use of the [WISSP](#) in that process.

## **Information and Assistance**

For questions regarding LAP, contact the LAP office at 360-725-6100, or email [LAP@k12.wa.us](mailto:LAP@k12.wa.us).

For questions regarding ELA, contact Aira Jackson, Director of English Language Arts and Literacy, at 360-529-6212 or email [ELA@k12.wa.us](mailto:ELA@k12.wa.us).

For questions regarding the WISSP, contact the CISL office at 360-725-6052, or email [CISL@k12.wa.us](mailto:CISL@k12.wa.us).