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Washington Office of Superintendent of
PUBLIC INSTRUCTION
Chris Reykdal, Superintendent

k12.wa.us

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() Action Required
(X) Informational

BULLETIN NO. 028-21 Special Programs & Federal Accountability

TO: Educational Service District Superintendents
School District Superintendents
School District Business Managers
School District Title I, Part A Directors
School District LAP Directors
CEDARS Administrators

FROM: Chris Reykdal, Superintendent of Public Instruction

RE: Significant Learning Assistance Program (LAP) Policy Revisions—Changes
Effective Immediately

CONTACT: Learning Assistance Program (LAP) Department
360-725-6100, LAP@k12.wa.us

Aira Jackson, Director of English Language Arts and Literacy
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PURPOSE/BACKGROUND

During the 2021 legislative session the legislature passed [SHB 1208](#), a bill that significantly modifies state laws pertaining to the Learning Assistance Program (LAP). This bulletin outlines changes that may impact school district plans for expending LAP funds, LAP reporting requirements, and related LAP activities for the remainder of the 2020–21 school year and the 2021–22 school year. This bulletin includes information specific to the following areas:

1. Legislative Enactment Implementation Timelines
2. Supplemental Instruction and Services for Students Who Are Not Meeting Academic Standards
3. Multiple Measures and Student Eligibility
4. K–4 Focus and Early Literacy Interventions
5. K–2 Early Literacy Screening and Interventions
6. Best Practices and Strategies
7. Extended Learning Opportunities Program
8. CEDARS and LAP End-of-Year Reporting

9. Community Partnerships
10. Allocation of LAP Funds

These statutory changes impact the Office of Superintendent of Public Instruction's (OSPI) rules for LAP under [chapter 392-162 WAC](#). The agency will align the rules with the provisions of this new legislative enactment through emergency rulemaking before the upcoming school year and will initiate regular rulemaking during the 2021–22 school year.

For additional information, districts may refer to OSPI's [Learning Assistance Program \(LAP\)](#) webpage and [K–4 Literacy](#) webpage.

Legislative Enactment Implementation Timelines

With passage of [SHB 1208](#) during the 2021 legislative session, the state's laws regarding LAP under [chapter 28A.165 RCW](#) were amended in a manner that establishes two separate implementation timelines—with the *first* taking effect immediately¹ and the *second* set to 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*.²

This bulletin only provides information pertaining to the *first* timeline which takes effect immediately for the remainder of the 2020–21 school year and is set to expire on September 1, 2025 or following the end of the governor's state of emergency, *whichever is later*.³ OSPI will provide additional guidance regarding the *second* timeline at a later date.

Supplemental Instruction and Services for Students Who Are Not Meeting Academic Standards

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](#).⁴ Accordingly, 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.⁵

¹ SHB 1208, Sec. 2 and Sec. 14.

² SHB 1208, Sec. 3 and Sec. 15.

³ SHB 1208, Sec. 2 and Sec. 14.

⁴ SHB 1208, Sec. 1 (2)(a).

⁵ SHB 1208, Sec. 2 (1)

Multiple Measures and Student Eligibility

School districts are no longer required to use multiple measures of performance to identify students to receive supplemental instruction and services through LAP.⁶ 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](#). In accordance with provisions in the state's [supplemental operating budgets](#), for the remainder of the 2020–21 school year⁷ and during the 2021–22 and 2022–23 school years,⁸ districts are also authorized to use LAP funds to provide assistance to high school students who have not passed the state assessment in science.

K–4 Focus and Early Literacy Interventions

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.⁹ However, in accordance with 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](#).

K–2 Early Literacy Screening and Interventions

In accordance with RCW [28A.320.260](#)(5), school districts may still use LAP funds to meet the K–2 early literacy screening and intervention requirements that become effective for the 2021–22 school year. 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 under RCW [28A.165.015](#).

For additional information, refer to OSPI's [About Dyslexia](#) webpage.

Best Practices and Strategies

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.¹⁰ However, the removal of requirements to use best practices and strategies does not mean that districts cannot continue to use best practices and strategies included in the [Menus of Best](#)

⁶ SHB 1208, Sec. 6.

⁷ ESSB 6168, Sec. 515 (5).

⁸ ESSB 5092, Sec. 517 (5).

⁹ SHB 1208, Sec. 5.

¹⁰ SHB 1208, Sec. 13.

[Practices and Strategies](#) when implementing LAP services and activities.¹¹ 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 in accordance with RCW [28A.165.065](#).¹²

Extended Learning Opportunities Program

The *extended learning opportunities program* under RCW [28A.320.190](#) is expanded from eligible eighth, eleventh and twelfth grade students to include eligible ninth and tenth grade students.¹³ School districts may use basic education program funding to provide instructional services to eligible students as well as LAP funding to provide supplemental instruction and services for eligible students who are not meeting academic standards as defined under RCW [28A.165.015](#). Districts may continue to use LAP funds to provide before and after school, weekend, or summer programs for students who are not meeting academic standards in kindergarten through grade twelve.

CEDARS and LAP End-of-Year Reporting

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](#). Additionally, school districts must 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.¹⁴ OSPI will collect information required under [SHB 1208](#) pertaining to the 2020–21 school year in iGrants form package 218 for the 2021–22 school year. For subsequent school years, that information will be collected in the LAP End-of-Year Application. OSPI will be launching FP 218 and the End-of-Year Application mid-May.

Community Partnerships

School districts may use up to fifteen percent of the district's LAP allocation to deliver academic, non-academic, and social-emotional supports and services to students who are not meeting academic standards through partnerships with community-based or other out-of-school organizations using the framework of the [Washington integrated student supports protocol](#) in accordance with RCW [28A.300.139](#).¹⁵ Any agreement entered into by a school district and a community partner in accordance with RCW [28A.300.139](#) must:

¹¹ SHB 1208, Sec. 1 (2)(b).

¹² SHB 1208, Sec. 7.

¹³ SHB 1208, Sec. 11

¹⁴ SHB 1208, Sec. 8 (2)(d)

¹⁵ SHB 1208, Sec. 2 (3)

- Specify that LAP funds may only be used to provide direct supports and services to students¹⁶
- Clearly identify the academic, non-academic, 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](#)¹⁷
- 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 standards¹⁸

Any community partnership related to a school district's readiness to learn (RTL) program that was previously approved by the school board in accordance with RCW [28A.165.035](#)(1)(g) may be implemented as planned for the remainder of the 2020–21 school year. The district's 2020–21 RTL expenditures must be factored into the total percentage of LAP-funded community partnerships provided for under SHB 1208.

Allocation of LAP Funds

The state appropriation and distribution formula for LAP base and LAP high poverty funds under RCW [28A.150.260](#)(10)(a) remains unchanged. Indirect cost limitations and carryover provisions under WAC [392-122-900](#) remain unchanged. However, 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.

INFORMATION AND ASSISTANCE

For questions regarding LAP, please contact the LAP office at 360-725-6100, or email 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. The OSPI TTY number is 360-664-3631.

This bulletin is also available on the [Bulletins](#) page of the OSPI website.

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Special Programs & Federal Accountability

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¹⁶ SHB 1208, Sec. 2 (3)(a)

¹⁷ SHB 1208, Sec. 2 (3)(b)

¹⁸ SHB 1208, Sec. 2 (3)(c)

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Assistant Director

Title I, Part A & Learning Assistance Program

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