WAC 392-162-005 Authority. The authority for this chapter is RCW 28A.165.075 which authorizes the superintendent of public instruction to adopt rules and regulations for the administration of a program designed to provide learning assistance to public school students in grades kindergarten through twelve who score below standard in reading, writing, and mathematics for his or her grade level.

WAC 392-162-010 Purpose. The purpose of this chapter is to set forth policies and procedures for the administration of and to ensure district compliance with state requirements for a program designed to assist underachieving students in grades kindergarten through twelve who score below standard in reading, writing, and mathematics for his or her grade level.

The learning assistance program requirements in this chapter are designed to:

1. Direct districts as they implement a learning assistance program that learning assistance program funds must first be used to address the needs of students in grades kindergarten through four who are deficient in reading or reading readiness skills to improve reading literacy;

2. Promote the use of data when developing programs to assist underachieving students and reduce disruptive behaviors in the classroom;

3. Guide school districts in providing the most effective and efficient practices when implementing supplemental instruction and services to assist underachieving students and reduce disruptive behaviors in the classroom; and

4. Guide school districts in providing extended learning opportunities to assist underachieving students and students in grades eleven and twelve who are at risk of not meeting state and local graduation requirements.

WAC 392-162-015 Definition—Basic skills. As used in this chapter, the term "basic skills" means reading, writing, and mathematics, as well as readiness associated with these skills.

WAC 392-162-020 Definition—Learning assistance program (LAP). As used in this chapter, the term "learning assistance program" means a statewide program designed to enhance educational opportunities for public school students.
in grades kindergarten through twelve who do not meet state reading, writing, and mathematics standards by providing supplemental instruction and services to those students. School districts implementing a learning assistance program must first focus on addressing the needs of students in grades kindergarten through four who are deficient in reading or reading readiness skills. The learning assistance program may then be used to support underachieving students in grades kindergarten through twelve by providing supplemental reading, writing, or mathematics instruction, by addressing the needs of eleventh and twelfth grade students to assist them in meeting state and district graduation requirements, and to reduce disruptive behaviors in the classroom.


WAC 392-162-025 Definition—Statewide student assessments. As used in this chapter, the term "statewide student assessments" means one or more of the assessments administered by school districts as required under RCW 28A.655.070.


WAC 392-162-032 Definition—Participating student. As used in this chapter, the term "participating student" means a student in kindergarten through grade twelve who scores below standard for his or her grade level using multiple measures of performance, including on the statewide student assessments or other assessments and performance or other assessments and performance measurement tools administered by the school or district and who is identified by the district to receive services.


WAC 392-162-033 Definition—Underachieving students. As used in this chapter, the term "underachieving students" means students with the greatest academic deficits in basic skills as identified by statewide, school, or district assessments or other performance tools.

costs needed to provide services in accordance with the state menus developed beginning in 2016-17.

[Statutory Authority: RCW 28A.165.075. WSR 14-08-067, § 392-162-051, filed 3/31/14, effective 5/1/14.]

WAC 392-162-054 Definition—District eligibility and distribution of funds. The funds for the learning assistance program shall be appropriated in accordance with the Omnibus Appropriations Act and RCW 28A.150.260. The distribution formula is for school district allocation purposes only, but funds appropriated for the learning assistance program must be expended for the purposes of RCW 28A.165-005 through 28A.165.065 and for chapter 28A.655 RCW. A school district's funded students for the learning assistance program shall be the sum of the district's full-time equivalent enrollment in grades K-12 for the prior school year multiplied by the district's percentage of October headcount enrollment in grades K-12 eligible for free or reduced price lunch in the prior school year.

[Statutory Authority: RCW 28A.165.075. WSR 14-08-067, § 392-162-054, filed 3/31/14, effective 5/1/14; WSR 09-24-075, § 392-162-054, filed 11/30/09, effective 12/31/09; WSR 08-21-053, § 392-162-054, filed 10/9/08, effective 11/9/08. Statutory Authority: RCW 28A.300.070. WSR 07-02-015, § 392-162-054, filed 12/21/06, effective 1/21/07.]

WAC 392-162-056 Exception to state-approved selection of best practices and strategies for use in the learning assistance program. Beginning in the 2016-17 school year, school districts may use a practice or strategy that is not on the state menu for two years. At the end of the two years, the district must be able to demonstrate improved outcomes for participating learning assistance program students. If the district is able to demonstrate improved outcomes commensurate with the state approved menu for such students, the office of the superintendent of public instruction will approve the use of the alternative practice for one additional year. For each subsequent year, the district must provide data that demonstrates that participating students are meeting or exceeding academic achievement compared to those students who are being served by a state approved best practices and strategy.

[Statutory Authority: RCW 28A.165.075. WSR 14-08-067, § 392-162-056, filed 3/31/14, effective 5/1/14.]

WAC 392-162-080 Program requirement—Selection of students. Students selected to participate in the learning assistance program shall be limited to those who:

(1) Are enrolled in grades kindergarten through twelve;
(2) Who score below standard for his or her grade level using multiple measures of performance, including on the statewide student assessments or other assessments and performance measurement tools administered by the school or district and who is identified by the district to receive services; and
(3) Are in grades eleven or twelve and are at risk of not meeting state or local graduation requirements as defined in RCW 28A.320.190.


WAC 392-162-100 Program coordination. School districts may coordinate federal, state, and local programs in order to serve the maximum number of students who are below grade level in basic skills. Students receiving assistance in another special needs program may also be served in the learning assistance program if they meet student eligibility and selection requirements as identified in WAC 392-162-032 and 392-162-080.

[Statutory Authority: RCW 28A.300.070. WSR 07-02-015, § 392-162-100, filed 12/21/06, effective 1/21/07. Statutory Authority: 1987 c 478. WSR 87-22-001 (Order 87-14), § 392-162-100, filed 10/22/87. Statutory Authority: RCW 28A.41.408. WSR 84-14-038 (Order 84-21), § 392-162-100, filed 6/28/84.]

WAC 392-162-110 Program requirement—Annual report. Districts shall submit to the superintendent of public instruction by August 1, 2014, and each August 1st thereafter, an annual report on electronic forms provided by the superintendent of public instruction. The report must include the following:

(1) The amount of academic growth gained by students participating in the learning assistance program;
(2) The number of students who gain at least one year of academic growth; and
(3) The specific practices, activities, and programs used by each school building that received learning assistance program funds.


WAC 392-162-112 Carry over of funds. Districts may carry over from one year to the next up to ten percent of the LAP funds—state or education legacy trust funds allocated under this program; however, carry over funds shall be expended for the learning assistance program.

[Statutory Authority: RCW 28A.300.070. WSR 07-02-015, § 392-162-112, filed 12/21/06, effective 1/21/07.]

WAC 392-162-115 Monitoring of districts. In order to insure that school districts are meeting the requirements of this chapter, the superintendent of public instruction shall monitor learning assistance programs no less than once every four years by using the state program review process. The primary purpose of the monitoring is to evaluate the effectiveness of a district's allocation and expenditure of resources and to monitor school district fidelity in their implementation of best practices. Individual student records shall be recorded beginning with the 2014-15 school year, 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.