

FINAL BILL REPORT

E2SSB 5091

C 387 L 19
Synopsis as Enacted

Brief Description: Concerning state and federal special education funding.

Sponsors: Senate Committee on Ways & Means (originally sponsored by Senators Wellman, Conway, Darneille, Wilson, C., Kuderer and Takko).

Senate Committee on Early Learning & K-12 Education

Senate Committee on Ways & Means

House Committee on Education

House Committee on Appropriations

Background: Special Education Funding. The state allocates funding for a program of special education for students with disabilities. Special education is funded on an excess cost formula for up to 13.5 percent of a district's students. This formula multiplies the district's base allocation for students enrolled in special education by an excess cost multiplier of 0.9609.

Safety Net Funding. Beyond these allocations, the Office of the Superintendent of Public Instruction (OSPI) may provide safety net funding if a district can convincingly demonstrate that all legitimate expenditures for special education exceed all available revenues from state funding formulas, and it is maximizing its eligibility for all related state and federal revenues. Districts must expend at least three times the statewide average per-pupil expenditure as a cost threshold prior to being able to receive federal safety net awards.

Professional Learning Days. State law defines professional learning as a comprehensive, sustained, job-embedded, and collaborative approach to improving teachers' and principals' effectiveness in raising student achievement. Beginning with the 2018-2019 school year, the Legislature must begin phasing in funding for professional learning days for certificated instructional staff, beginning with a minimum of one professional learning day in 2018-19, two in 2019-20, and three in 2020-21.

Summary: Special Education Excess Cost Multiplier. The special education excess cost multiplier for enrolled students is increased from 0.9609 to 0.995 in school year 2019-20. Beginning in the 2020-21 school year, a tiered-multiplier applies as follows:

- 1.0075 for K-12 students receiving special education and reported to be in the general education setting for 80 percent or more of the school day; and

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- 0.995 for K-12 students receiving special education and reported to be in the general education setting for less than 80 percent of the school day.

Safety Net Funding. Beginning in the 2019-20 school year, a high-need student is eligible for safety net awards if the student's individualized education program costs exceed 2.3 times the average per-pupil expenditure under the federal Every Student Succeeds Act of 2015.

Language referring to special education students is changed to students with disabilities.

Professional Learning Days. OSPI must calculate each school district's professional learning allocation separately from the minimum state allocation for salaries and associated fringe benefits. The allocation must be equal to the proportional increase in professional learning days required by statute. For programs funded on a per-student basis, professional learning allocations must be included in per-pupil calculations.

Audits. The state auditor is required to review special education data during audits of districts in the 2018-2019 school year. The following information must be reviewed:

- special education revenues and the sources of those revenues; and
- special education expenditures and the object of those expenditures.

The state auditor is required to compile and submit the data reported under the audits to the Legislature by December 1, 2020.

Votes on Final Passage:

Senate	46	0	
House	97	0	(House amended)
Senate	47	0	(Senate concurred)

Effective: July 28, 2019