

SHB 2180 - S AMD 867

By Senator Robinson

ADOPTED 03/01/2024

1 Strike everything after the enacting clause and insert the
2 following:

3 **"Sec. 1.** RCW 28A.150.390 and 2023 c 417 s 3 are each amended to
4 read as follows:

5 (1) The superintendent of public instruction shall submit to each
6 regular session of the legislature during an odd-numbered year a
7 programmed budget request for special education programs for students
8 with disabilities. Funding for programs operated by local school
9 districts shall be on an excess cost basis from appropriations
10 provided by the legislature for special education programs for
11 students with disabilities and shall take account of state funds
12 accruing through RCW 28A.150.260 (4)(a), (5), (6), and (8) and
13 28A.150.415.

14 (2) The excess cost allocation to school districts shall be based
15 on the following:

16 (a) A district's annual average head count enrollment of students
17 ages three and four and those five year olds not yet enrolled in
18 kindergarten who are eligible for and receiving special education,
19 multiplied by the district's base allocation per full-time equivalent
20 student, multiplied by 1.2;

21 (b)(i) Subject to the limitation in (b)(ii) of this subsection
22 (2), a district's annual average enrollment of resident students who
23 are eligible for and receiving special education, excluding students
24 ages three and four and those five year olds not yet enrolled in
25 kindergarten, multiplied by the district's base allocation per full-
26 time equivalent student, multiplied by the special education cost
27 multiplier rate of:

28 (A) Beginning in the 2020-21 school year, either:

29 (I) 1.0075 for students eligible for and receiving special
30 education and reported to be in the general education setting for 80
31 percent or more of the school day; or

1 (II) 0.995 for students eligible for and receiving special
2 education and reported to be in the general education setting for
3 less than 80 percent of the school day;

4 (B) Beginning in the 2023-24 school year, either:

5 (I) 1.12 for students eligible for and receiving special
6 education and reported to be in the general education setting for 80
7 percent or more of the school day; or

8 (II) 1.06 for students eligible for and receiving special
9 education and reported to be in the general education setting for
10 less than 80 percent of the school day.

11 (ii) If the enrollment percent exceeds (~~(15)~~) 16 percent, the
12 excess cost allocation calculated under (b)(i) of this subsection
13 must be adjusted by multiplying the allocation by (~~(15)~~) 16 percent
14 divided by the enrollment percent.

15 (3) As used in this section:

16 (a) "Base allocation" means the total state allocation to all
17 schools in the district generated by the distribution formula under
18 RCW 28A.150.260 (4)(a), (5), (6), and (8) and the allocation under
19 RCW 28A.150.415, to be divided by the district's full-time equivalent
20 enrollment.

21 (b) "Basic education enrollment" means enrollment of resident
22 students including nonresident students enrolled under RCW
23 28A.225.225 and students from nonhigh districts enrolled under RCW
24 28A.225.210 and excluding students residing in another district
25 enrolled as part of an interdistrict cooperative program under RCW
26 28A.225.250.

27 (c) "Enrollment percent" means the district's resident annual
28 average enrollment of students who are eligible for and receiving
29 special education, excluding students ages three and four and those
30 five year olds not yet enrolled in kindergarten and students enrolled
31 in institutional education programs, as a percent of the district's
32 annual average full-time equivalent basic education enrollment.

33 NEW SECTION. **Sec. 2.** The state auditor, in consultation with
34 the office of the superintendent of public instruction, shall conduct
35 a review of the prevalence of disabilities and whether the provisions
36 and funding for evaluating students and providing services reflects
37 the prevalence of disabilities, including whether any populations are
38 disparately underevaluated or underserved. The state auditor must
39 report findings and recommendations to the governor and the

1 committees of the legislature with jurisdiction over fiscal matters
2 and special education by November 30, 2025.
3 This section expires March 30, 2026."

SHB 2180 - S AMD 867
By Senator Robinson

ADOPTED 03/01/2024

4 On page 1, line 2 of the title, after "cap;" strike the remainder
5 of the title and insert "amending RCW 28A.150.390; creating a new
6 section; and providing an expiration date."

EFFECT: Changes the special education cap from 17.25 percent to 16 percent. Removes section 3, the null and void clause.

EXPENDITURE EFFECT (2023-25): Savings of \$8.7 million Near General Fund—State

FOUR-YEAR OUTLOOK EXPENDITURE EFFECT: Savings of \$32.1 million Near General Fund—State

--- END ---