

SENATE BILL REPORT

SB 5031

As of January 17, 2023

Title: An act relating to safety net award distributions for students receiving special education services outside of the state of Washington.

Brief Description: Concerning safety net award distributions.

Sponsors: Senators Wellman, Braun, Dhingra, Hunt, Kuderer, Nguyen, Nobles and Wilson, C..

Brief History:

Committee Activity: Early Learning & K-12 Education: 1/19/23.

Brief Summary of Bill

- Requires the Office of the Superintendent of Public Instruction to distribute safety net awards on a quarterly basis for high-cost students served by nonpublic agencies located outside of Washington, provided certain criteria are met.

SENATE COMMITTEE ON EARLY LEARNING & K-12 EDUCATION

Staff: Alexandra Fairfortune (786-7416)

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 K-12 special education by an excess cost multiplier of either:

- 1.0075 for students receiving special education and reported to be in the general education setting for 80 percent or more of the school day; or
- 0.995 for students receiving special education and reported to be in the general education setting for less than 80 percent of the school day.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

Safety Net Funding. Beyond these allocations, the Safety Net Oversight Committee, appointed by the Superintendent of Public Instruction, may award 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. The Safety Net Oversight Committee may award safety net funding to applicants for high-need individuals and for community characteristics that draw a large number of students eligible for special education. A high-need individual is eligible for a safety net award if the student's IEP costs exceed 2.3 times the average per-pupil expenditure as defined in federal law.

Nonpublic Agencies. If a student's special education needs cannot be met by their resident school district, the district may contract with an approved nonpublic agency (NPA) to provide a program of special education and related services. NPAs must be approved by the Office of the Superintendent of Public Instruction and may re-apply for approval every three years. Each out-of-state NPA must provide documentation that it has been approved to provide special education related services by the state in which the NPA is located—home state. In the event the home state does not have a formal approval process, or there is a basis for the NPA not obtaining home state approval, the NPA must meet the Washington State approval requirements established in state rule.

Summary of Bill: Beginning in the 2023-24 school year, the Office of the Superintendent of Public Instruction must distribute safety net awards to school districts on a quarterly basis if the following criteria are met:

- the safety net award is provided for a high-cost student that receives special education services from an approved nonpublic agency located outside of Washington;
- the school district successfully applied for and received a safety net award for the high-cost student in a prior school year, and the student's placement has not changed since that safety net award was granted; and
- the school district meets all other safety net award eligibility requirements as determined by the Safety Net Oversight Committee.

Appropriation: None.

Fiscal Note: Requested on January 4, 2023.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.