
SENATE BILL 5311

State of Washington

68th Legislature

2023 Regular Session

By Senators Wellman, Braun, Dhingra, Hunt, Kuderer, Mullet, Nguyen, Nobles, Pedersen, Torres, and C. Wilson; by request of Office of Financial Management

Read first time 01/12/23. Referred to Committee on Early Learning & K-12 Education.

1 AN ACT Relating to special education funding formula; and
2 amending RCW 28A.150.390.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 28A.150.390 and 2020 c 90 s 3 are each amended to
5 read as follows:

6 (1) The superintendent of public instruction shall submit to each
7 regular session of the legislature during an odd-numbered year a
8 programmed budget request for special education programs for students
9 with disabilities. Funding for programs operated by local school
10 districts shall be on an excess cost basis from appropriations
11 provided by the legislature for special education programs for
12 students with disabilities and shall take account of state funds
13 accruing through RCW 28A.150.260 (4)(a), (5), (6), and (8) and
14 28A.150.415.

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

17 (a) A district's annual average headcount enrollment of students
18 ages three and four and those five year olds not yet enrolled in
19 kindergarten who are eligible for and receiving special education,
20 multiplied by the district's base allocation per full-time equivalent
21 student, multiplied by ~~((1.15))~~ the following multipliers:

- 1 (i) In the 2023-24 school year, 1.175;
2 (ii) In the 2024-25 school year, 1.18;
3 (iii) In the 2025-26 school year, 1.19;
4 (iv) Beginning in the 2026-27 school year, 1.2;

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

12 (A) In the 2019-20 school year, 0.995 for students eligible for
13 and receiving special education.

14 (B) Beginning in the 2020-21 school year, either:

15 (I) 1.0075 for students eligible for and receiving special
16 education and reported to be in the general education setting for
17 eighty percent or more of the school day; or

18 (II) 0.995 for students eligible for and receiving special
19 education and reported to be in the general education setting for
20 less than eighty percent of the school day.

21 (ii) If the enrollment percent exceeds (~~thirteen and five-~~
22 ~~tenths~~) 15 percent, the excess cost allocation calculated under
23 (b)(i) of this subsection must be adjusted by multiplying the
24 allocation by (~~thirteen and five-tenths~~) 15 percent divided by the
25 enrollment percent.

26 (3) As used in this section:

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

32 (b) "Basic education enrollment" means enrollment of resident
33 students including nonresident students enrolled under RCW
34 28A.225.225 and students from nonhigh districts enrolled under RCW
35 28A.225.210 and excluding students residing in another district
36 enrolled as part of an interdistrict cooperative program under RCW
37 28A.225.250.

38 (c) "Enrollment percent" means the district's resident annual
39 average enrollment of students who are eligible for and receiving
40 special education, excluding students ages three and four and those

1 five year olds not yet enrolled in kindergarten and students enrolled
2 in institutional education programs, as a percent of the district's
3 annual average full-time equivalent basic education enrollment.

--- **END** ---