

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 2180

Chapter 229, Laws of 2024

68th Legislature
2024 Regular Session

SPECIAL EDUCATION ENROLLMENT FUNDING CAP—INCREASE

EFFECTIVE DATE: June 6, 2024

Passed by the House March 5, 2024
Yeas 93 Nays 0

LAURIE JINKINS

**Speaker of the House of
Representatives**

Passed by the Senate March 1, 2024
Yeas 49 Nays 0

DENNY HECK

President of the Senate

Approved March 25, 2024 1:44 PM

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 2180** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BERNARD DEAN

Chief Clerk

FILED

March 26, 2024

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 2180

AS AMENDED BY THE SENATE

Passed Legislature - 2024 Regular Session

State of Washington 68th Legislature 2024 Regular Session

By House Appropriations (originally sponsored by Representatives Callan, Bergquist, Reed, Ormsby, Ramel, Stonier, Paul, Alvarado, Farivar, Fosse, and Reeves; by request of Office of Financial Management)

READ FIRST TIME 01/31/24.

1 AN ACT Relating to increasing the special education enrollment
2 funding cap; amending RCW 28A.150.390; creating a new section; and
3 providing an expiration date.

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

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

7 (1) The superintendent of public instruction shall submit to each
8 regular session of the legislature during an odd-numbered year a
9 programmed budget request for special education programs for students
10 with disabilities. Funding for programs operated by local school
11 districts shall be on an excess cost basis from appropriations
12 provided by the legislature for special education programs for
13 students with disabilities and shall take account of state funds
14 accruing through RCW 28A.150.260 (4)(a), (5), (6), and (8) and
15 28A.150.415.

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

18 (a) A district's annual average head count enrollment of students
19 ages three and four and those five year olds not yet enrolled in
20 kindergarten who are eligible for and receiving special education,

1 multiplied by the district's base allocation per full-time equivalent
2 student, multiplied by 1.2;

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

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

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

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

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

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

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

24 (ii) If the enrollment percent exceeds (~~15~~) 16 percent, the
25 excess cost allocation calculated under (b)(i) of this subsection
26 must be adjusted by multiplying the allocation by (~~15~~) 16 percent
27 divided by the enrollment percent.

28 (3) As used in this section:

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

34 (b) "Basic education enrollment" means enrollment of resident
35 students including nonresident students enrolled under RCW
36 28A.225.225 and students from nonhigh districts enrolled under RCW
37 28A.225.210 and excluding students residing in another district
38 enrolled as part of an interdistrict cooperative program under RCW
39 28A.225.250.

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

7 NEW SECTION. **Sec. 2.** The state auditor, in consultation with
8 the office of the superintendent of public instruction, shall conduct
9 a review of the prevalence of disabilities and whether the provisions
10 and funding for evaluating students and providing services reflects
11 the prevalence of disabilities, including whether any populations are
12 disparately underevaluated or underserved. The state auditor must
13 report findings and recommendations to the governor and the
14 committees of the legislature with jurisdiction over fiscal matters
15 and special education by November 30, 2025.

16 This section expires March 30, 2026.

Passed by the House March 5, 2024.

Passed by the Senate March 1, 2024.

Approved by the Governor March 25, 2024.

Filed in Office of Secretary of State March 26, 2024.

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