

Safety Net Survey

Report to the Legislature



Randy I. Dorn
State Superintendent of
Public Instruction

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Safety Net Survey

Annual Report 2009–10

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2009–10 Survey Summary

Since 2007, the Legislature has required the Office of Superintendent of Public Instruction (OSPI) to annually survey school districts regarding improvement to the special education Safety Net process. The annual Safety Net survey is intended to obtain opinions and elicit suggestions for improving the process. In August 2010, an electronic survey instrument was distributed to districts that participated in the Safety Net program during 2009–10. The results section of this report graphically displays the responses to the questions that were posed in the survey instrument in the years 2007–08, 2008–09, and 2009–10. Examples of comments received for 2009–10 are included with each graph, if applicable. Not all respondents chose to comment.

The Safety Net process for 2009–10 was heavily influenced by the American Recovery and Reinvestment Act (ARRA) funding for fiscal year (FY) 2009. ARRA provided an additional \$229,833,050 in federal special education revenue to school districts in Washington State. ARRA funding for special education essentially doubled the amount of federal special education funding available to districts in Washington during the 2009–10 school year. Although the districts have until September 30, 2011, to obligate the additional supplemental funding provided by ARRA, all of these funds were available in 2009–10, and any unobligated funding from this source is considered carryover until September 30, 2011. The Legislature has consistently required since 1995 that all districts applying for additional Safety Net funding declare all available state and federal special education funding in the determination of capacity for their Safety Net requests each year. In 2009–10 available revenues included the ARRA allocation. Survey responses for 2009–10 indicated that despite OSPI's concentrated training efforts, district and program personnel were confused by the influence of ARRA funding and the effect of the additional funding on the district's ability to demonstrate capacity for funding. Thus, many program directors continued to prepare Safety Net applications despite the district's diminished capacity for funding in 2009–10 in comparison to prior years when the supplemental ARRA allocation was not available. Therefore, when the applications were not funded as a result of the district's inability to demonstrate capacity for Safety Net funding, some respondents concluded that the Safety Net process had somehow changed.

Other respondents continue to perceive Safety Net funding as an entitlement, and have become reliant upon the supplemental funding available from the Safety Net. As such, they indicated that the notion of applying for reimbursement for funds already expended under any conditions imposed by the Legislature or the court system is "onerous," "time intensive," and "frustrating." Others still seem to believe that fundamental differences of concept and opinion regarding the cost of an adequately funded system of basic education have not been resolved, and thus Safety Net relief has become an integral part of the local district budget process to back-fill their on-going financial commitments.

The 2009–10 comments also reflected recognition of need for expanded staff training at the district level, additional opportunities for professional development at the Educational Service District (ESD) level, and continuing guidance from OSPI. Although OSPI has expanded

training opportunities through K-20 video conferencing and electronic tutorials, it is possible that some district personnel who need updated training did not take advantage of the training opportunities because they have been historical applicants. Once again in 2009–10, districts that received supplemental special education funding through the Safety Net were generally supportive of the process, and districts that did not receive additional funding through the Safety Net were less supportive.

Background

The Legislature mandated the development of a “Safety Net” to accompany legislative changes to the state funding formula for special education in 1995. The special education Safety Net was implemented in 1996–97 and has continued to operate each year since that time. The funding formula change for special education in 1995 was in response to numerous public policy issues, various studies, and a Thurston County Superior Court decision in 1988 in which plaintiffs argued that the state limitation on a category of special education students (specific learning disabled) for state funding purposes was unconstitutional. Judge Robert Doran ruled the funding formula constitutional, but did conclude that the state *could choose* to make provisions in addition to the funding formula such as a “Safety Net” whereby districts could apply for supplemental funding when districts could demonstrate, within parameters established by the Legislature, that they were unable to provide an appropriate program of special education using all available resources.

The Safety Net created a process in which districts could seek supplemental state and federal funding in addition to the routine and regular formula allocation amounts. The Legislature has consistently indicated that Safety Net funding is not an entitlement. Rather, Safety Net funding is a supplement to the state funding formula and includes conditions for accessing the funds which exceed the regular apportionment formula criteria. As an example, in order to receive supplemental Safety Net funding, districts are required to demonstrate that the district: (a) provided a reasonably efficient program, (b) utilized all available state and federal funding and (c) had properly formulated Individualized Education Programs (IEPs) for eligible students in the applicant districts. These criteria were derived from the Doran decision in 1988. Since the 1996–97 school-year, the state Safety Net oversight committee (authorized by the Legislature), has approved nearly \$250 million in state and federal Safety Net funding, based on the conditions and limitations established in subsequent appropriations act language.

The Safety Net process as authorized by the Legislature and administered by OSPI has evolved during the last 15 years. Annual adjustments have been made consistent with changes in public policy to both the Safety Net and the state special education funding formula. For example, the categories of and sources of money for Safety Net funding have changed over time. Initially, the primary category of Safety Net relief was a formula driven amount known as Maintenance of Effort State Revenue, or MOESR. This category of state funding was a buffer for changes to the state funding formula when the Legislature transitioned from a categorical funding formula to a non-categorical funding formula in

1995–96. MOESR funding was essentially “hold harmless” funding for the first four years after the formula changed. Demographics, percentage, and other categories of state funding have also been available at one time or another during the past 13 years. Federal Safety Net funding has been available to support individual high need students since 1995.

In 2005, an alliance of 12 school districts sued the state in Thurston County Superior Court claiming that the state special education funding formula was unconstitutional. Judge Thomas McPhee ruled that the formula was constitutional. He also concluded that the state could not limit access to the Safety Net on the basis of whether or not a district exceeded the 12.7 percent index in the apportionment formula. In response, the 2007 Legislature created the community impact category for state Safety Net funding. The community impact category allows districts to identify and quantify unique characteristics of their school communities that have an adverse fiscal impact on the district’s provision of special education services. Although the Superior Court opinion was upheld by the Court of Appeals in March of 2009, the case was accepted for review by the State Supreme Court in September of 2009. In December of 2010, the Washington State Supreme Court upheld the Superior and Court of Appeals rulings by a margin of eight to one.

The only category of Safety Net funding that has been available for each of the years in which the Safety Net has operated is the high need individual student category. The high need individual student category essentially costs out the IEP for each student the district submits for supplemental funding. Federal funding has always been the principal, if not sole source, for this Safety Net category. Adjustments to the calculation of the state funding formula for special education to reflect 12.7 percent of the total district K-12 enrollment, and expanded and enhanced state funding for students with disabilities aged 0–5 from students aged 0–2 are two adjustments made over the years. The “excess cost” accounting requirements associated with special education have also been adjusted by the Legislature in recent years.

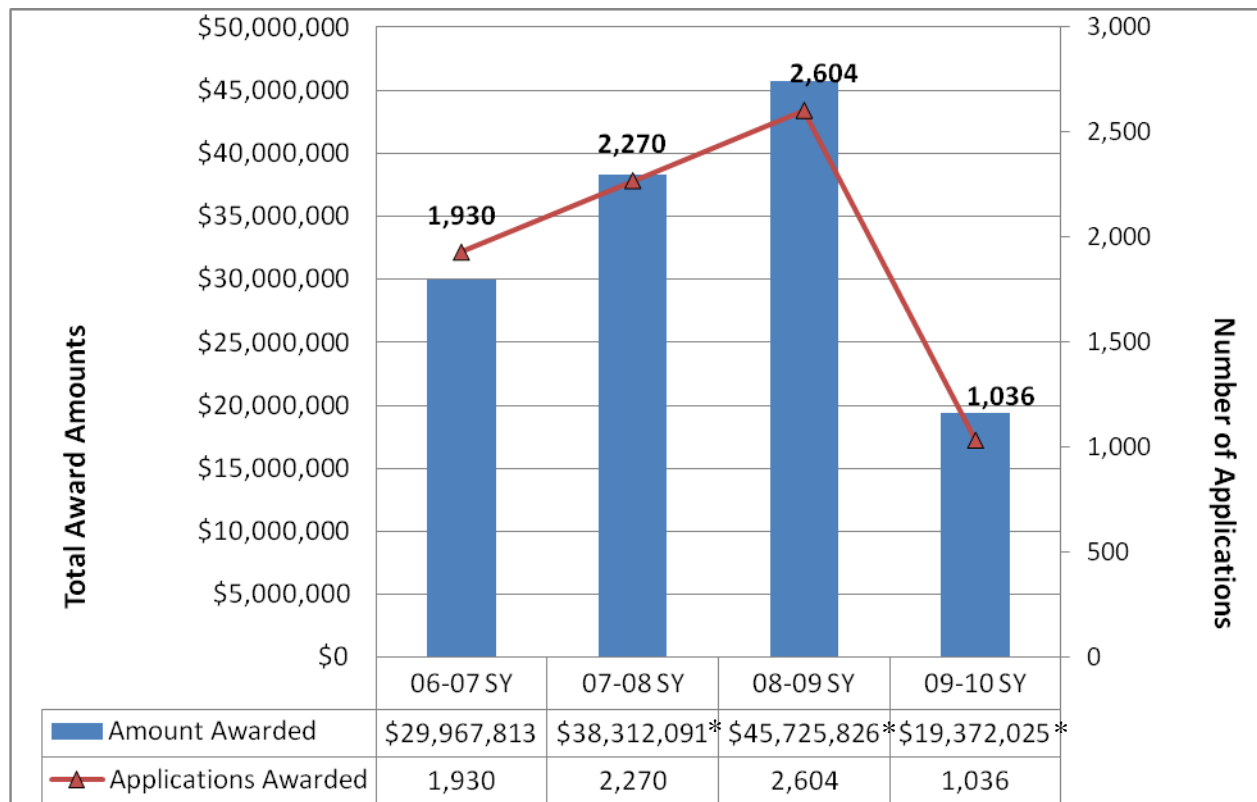
Purpose of Survey

The 2007 Legislature required that OSPI review and streamline the application process, provide technical assistance to school districts, and annually survey school districts regarding improvement to the process. This survey is intended to determine school district perceptions of the 2009–10 Safety Net process.

2009–10 Safety Net Award Results

In 2009–10, the state Safety Net committee approved sixty-six (66) districts for Safety Net awards. The committee awarded 1,036 high need individual student applications and four community impact applications for a total of \$19,372,025 (see Table 1.1). This amount represents a 56 percent decrease from the prior year. The substantial decrease in Safety Net funding from the prior year is directly related to the availability of the ARRA federal funding during 2009–10. State sponsored Safety Net training was provided to 137 district staff in six ESDs prior to the initial 2009–10 submission dates.

Table 1.1 displays a four-year history of Safety Net awards.



*Includes High Need Individual Student and Community Impact applications

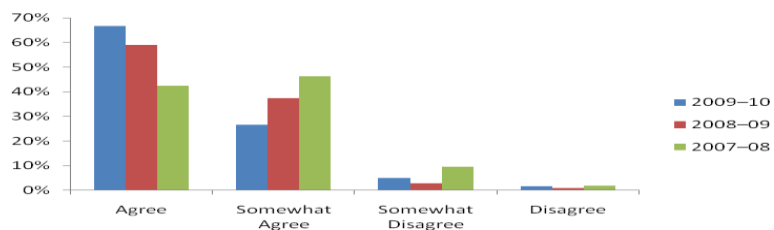
Survey Demographics

The survey instrument was sent via Survey Gizmo to all superintendents, special education directors, and business managers of districts that applied for Safety Net funding. The survey included 11 specific questions related to the Safety Net process, and the opportunity for respondents to comment and suggest improvements to the process. Sixty-two (62) respondents completed the survey, and thirty-three (33) comments were received.

Of the 62 respondents 59.68 percent identified themselves as special education administrators. Another 14.52 percent indicated they were the district superintendent, and 24.19 percent stated they were the district business manager or business services administrator. The percentage of respondents for each of the nine ESDs was as follows: ESD 101 (Spokane) 4.84 percent, ESD 105 (Yakima) 3.23 percent, ESD 112 (Vancouver) 1.61 percent, ESD 113 (Olympia) 20.97 percent, ESD 114 (Bremerton) 9.68 percent, ESD 121 (Seattle-Tacoma) 25.81 percent, ESD 123 (Tri-Cities) 4.84 percent, ESD 171 (Wenatchee) 4.84 percent, and ESD 189 (Anacortes) 24.19 percent.

Survey Results

- 1. The 2009–10 Safety Net Bulletin outlining changes to the Safety Net process and criteria for Safety Net applications including submission timelines and line-by-line instructions was clear.**



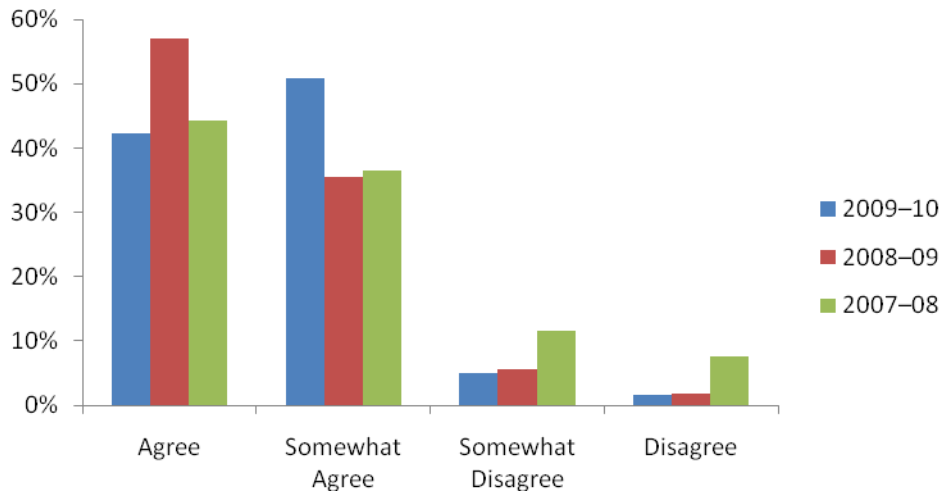
Ninety-four (94) percent of the respondents either agree or somewhat agree that the 2009–10 Safety Net bulletin which outlined the changes to the Safety Net process and the criteria for Safety Net applications including submission timelines and line-by-line instructions was clear. This is consistent with the survey results for 2008–09, which indicated that ninety-six (96) percent of the respondents either agreed or somewhat agreed that the bulletin and instructions were clear.

Sample 2009–10 Comments:

“It does seem that the Safety Net process is becoming more standardized, objective, and clear. Our thanks to your team for these improvements.”

“The frequency of changes in the Safety Net process over the years has created significant frustration. That said, the process and criteria seem to have improved lately.”

2. The OSPI sponsored training for the 2009–10 Safety Net process was helpful.



Ninety-three (93) percent of the respondents either agree or somewhat agree that the OSPI sponsored training was helpful. In 2008–09, ninety-three (93) percent also agreed or somewhat agreed that the training was helpful. In 2007–08, only 81 percent of respondents agreed or somewhat agreed that the OSPI sponsored training was helpful. It is also important to note that there are numerous Safety Net training opportunities available to districts that are not sponsored or endorsed by OSPI. This question is only intended to evaluate OSPI sponsored trainings.

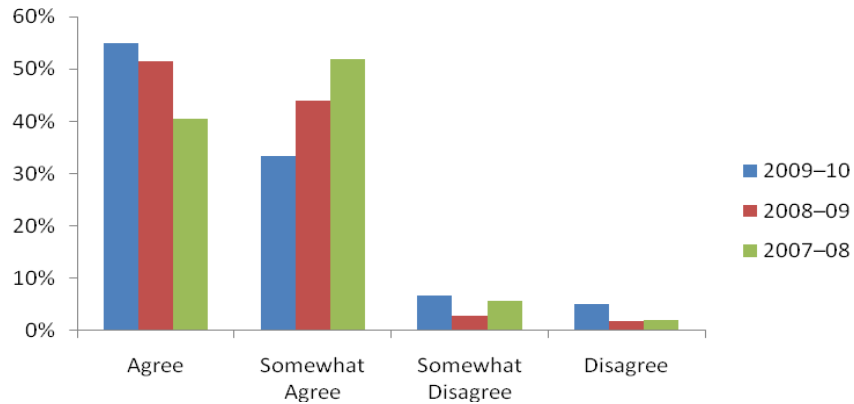
Sample Comments:

“Training on how Medicaid interfaces with Safety Net.”

“Trainings targeted to district business managers may be helpful.”

“Have workshops a bit earlier in the year.”

3. The Safety Net website includes information that is helpful to my district in the Safety Net application process.

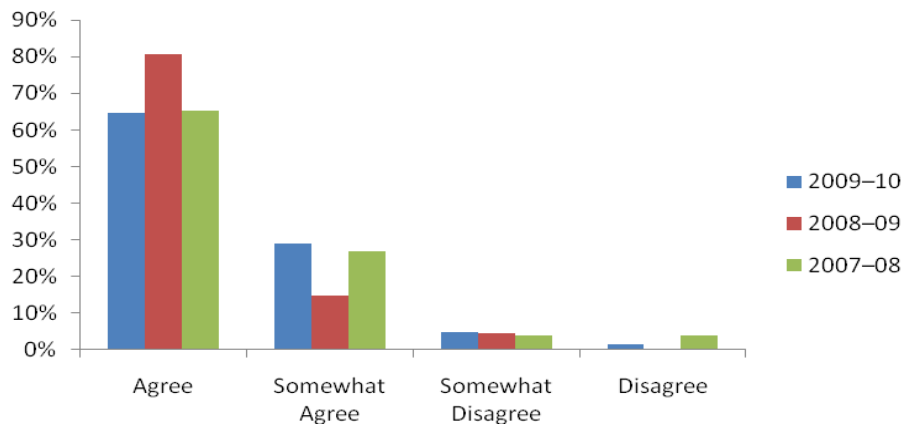


Eighty-eight (88) percent of respondents either agree or somewhat agree that information provided on the OSPI Safety Net website was helpful to them in the application process. This percentage is slightly down from 2008–09 in which 95 percent either agreed or somewhat agreed that the information provided on the OSPI Safety Net website was helpful.

Sample Comment:

“I was not aware that there is a Safety Net Web site.”

4. OSPI staff members are helpful to my district in the Safety Net application process.

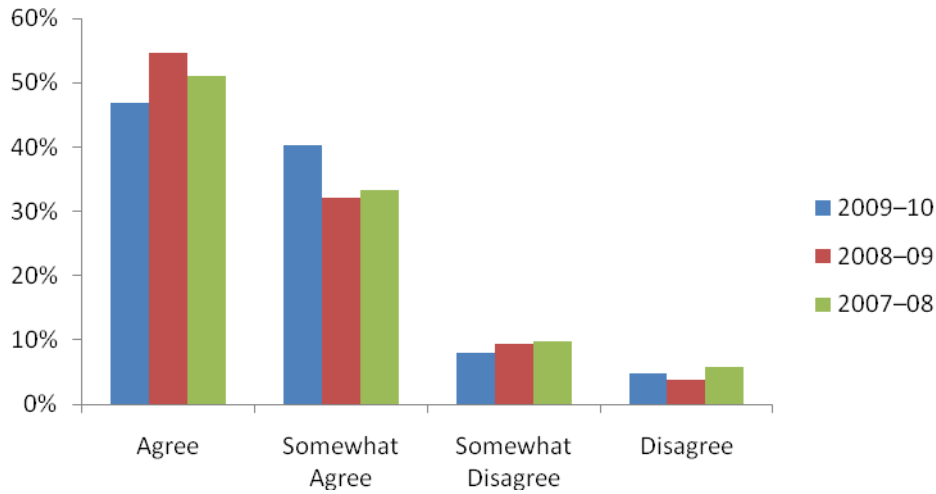


Ninety-four (94) percent of respondents either agree or somewhat agree that OSPI staff members are helpful to their district in the Safety Net application process. This percentage is similar to both 2008–09 and 2007–08, which has exceeded ninety (90) percent in each year.

Sample Comment:

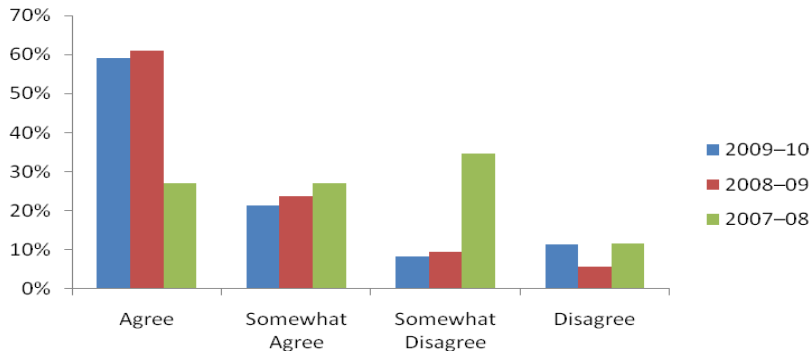
“The OSPI staff is always extremely helpful and patient and I appreciate that! The IEP checklist/form has been a useful tool for SN and for training.”

5. The Safety Net committee members are representative of districts in our state and carefully consider the district requests for Safety Net funding.



Eighty-seven (87) percent of the respondents either agree or somewhat agree that the Safety Net committee members are representative of districts in the state and carefully consider the district requests for Safety Net funding. This percentage is also similar the results in prior years. During 2009-10, there were 16 members of the Safety Net committee. Of this number, seven were local directors of special education, three were ESD special education directors, three were local district business managers or district finance directors and three were either current or former district administrators. The committee also includes two non-voting members from the State Auditor’s Office and staff support from OSPI.

6. Although I may not always agree with the results, I was informed why my Safety Net applications were/were not funded.

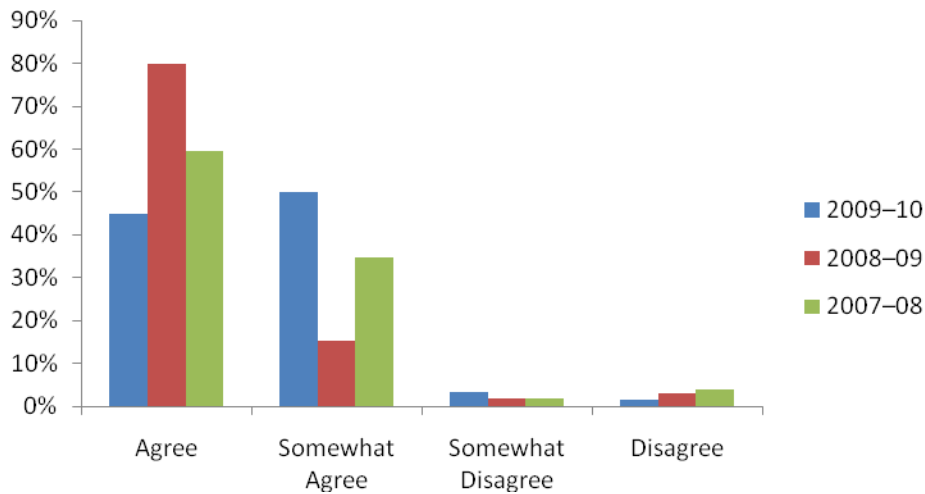


Eighty (80) percent of the respondents either agree or somewhat agree that they were informed why their Safety Net applications were/were not funded. While eighty-five (85) percent responded similarly in 2008–09, it should be noted that only fifty-four (54) percent agreed or somewhat agreed with this statement in 2007–08.

Sample Comment:

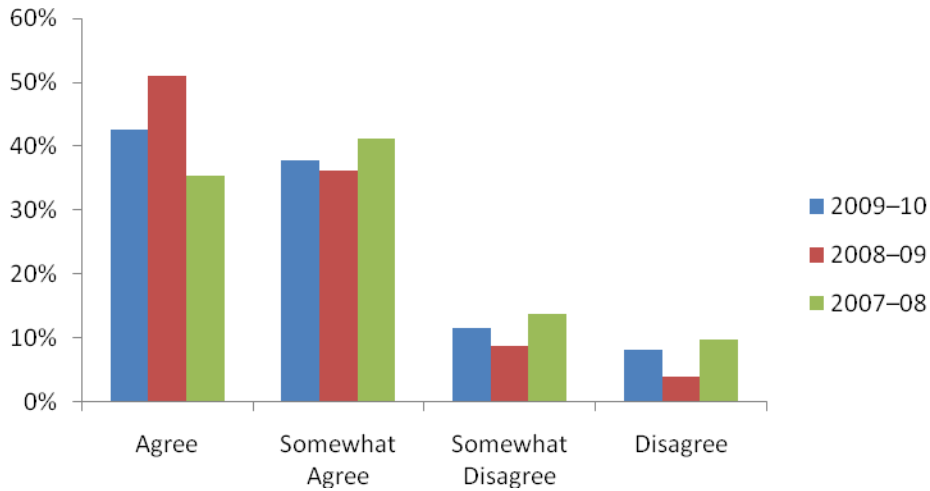
“...in 2009–10, given the influx of ARRA dollars, it was difficult to determine the impact ARRA would have on SN eligibility.”

7. The IEP review form was a helpful tool in submitting the Safety Net applications.



Ninety-five (95) percent of the respondents either agree or somewhat agree that the IEP review form was a helpful tool in submitting Safety Net applications. The ninety-five (95) percent rate is consistent with 2008–09 and 2007–08.

8. My district's IEPs have improved as a result of the Safety Net process.

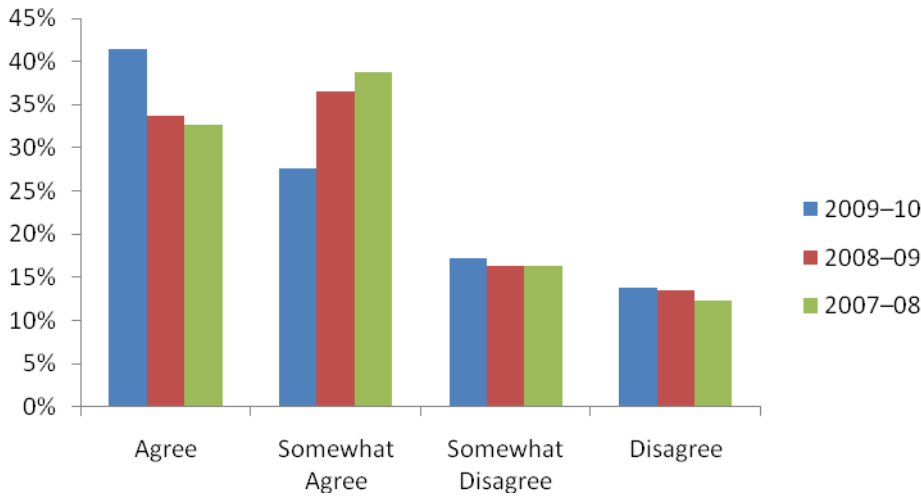


Eighty-one (81) percent of the respondents either agree or somewhat agree that the district's IEPs have improved as a result of the Safety Net process. Eighty-seven (87) percent either agreed or somewhat agreed with this statement in 2008-09 when compared to seventy-six (76) percent of respondents either agreeing or somewhat agreeing with the statement in 2007-08.

Sample Comment:

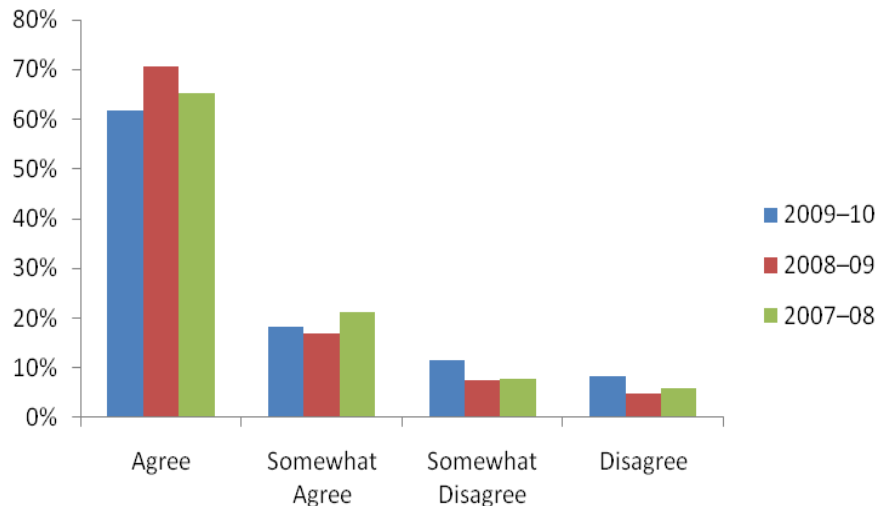
"It would be helpful to have a better idea of why certain areas were rejected; perhaps the notes from the reviewers could be elaborated upon."

9. Although I may not always agree with the results, I believe the Safety Net standards are uniformly applied to all districts.



Sixty-nine (69) percent of the respondents agree or somewhat agree that the Safety Net process is fair and that the standards are uniformly applied to all districts. Seventy-two (72) percent responded similarly to this statement in both 2008-09 and 2007-08. It should be noted that there is considerable variability in and among the districts that apply for Safety Net funding. For example, of the 74 districts that applied for Safety Net funding in 2009-10, six were non-high districts, 28 were districts with total enrollments of less than 2,000, and 46 were districts with greater than 2,000 students.

10. Being able to resubmit an application that has been previously rejected for reasons specified by the Safety Net committee is helpful to me.

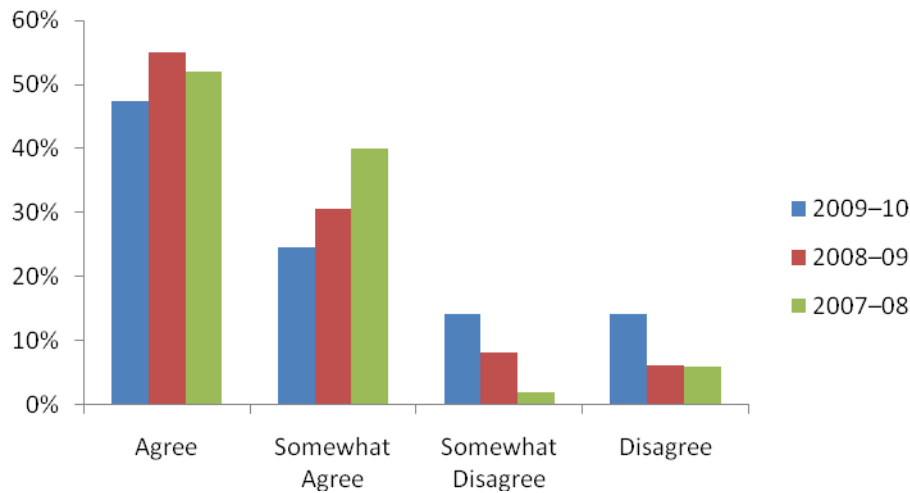


Eighty (80) percent of respondents agree or somewhat agree that being able to resubmit a Safety Net application that had been previously rejected during the year was helpful. This percentage is down from prior years and may be reflective of some confusion surrounding the impact of the ARRA funding in 2009–10. For example, if a district did not demonstrate capacity for Safety Net funding on Worksheet A in 2009–10 as a result of the increase in funding from ARRA, a resubmission that did not demonstrate capacity would also be rejected regardless of the quality of the IEPs submitted in the application.

Sample Comment:

“The ability to resubmit is not as helpful as could be given the length of time between the first review and the second. The services that are provided year-round but rejected due to an error in the initial IEP – respectfully I would request that a mechanism be put in place that allows consideration of those IEPs as year-round costs versus only once an IEP has been determined to be compliant.”

11. Being able to electronically submit my Safety Net application will be helpful to me.



Seventy-two (72) percent of all respondents agree or somewhat agree that being able to electronically submit their Safety Net applications is helpful. The percentage of respondents agreeing or somewhat agreeing with this statement has steadily declined since 2007–08. Issues of student confidentiality and the transmission of voluminous data over the internet or loading information on to CDs that is already in hard copy form seem to be prohibitive for many districts. A common platform for reviewers is also an issue that impedes the realization of electronic submissions for Safety Net. It is also important to note that some districts do not want the electronic submissions to prevent them from being able to submit hard copy applications.

Sample Comments:

“I hope the ability to submit Safety Net applications by mail, as well as electronically, will continue to be an option. It is my preference in terms of accurately gathering all of the required paperwork and checking that everything is included.”

For More Information

If you have additional questions, or would like additional information, please contact OSPI, Special Education at (360) 725-6075 or visit www.k12.wa.us/specialed.

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