
SUBSTITUTE SENATE BILL 5091

State of Washington

66th Legislature

2019 Regular Session

By Senate Early Learning & K-12 Education (originally sponsored by Senators Wellman, Conway, Darneille, Wilson, C., Kuderer, and Takko)

READ FIRST TIME 02/19/19.

1 AN ACT Relating to state and federal special education funding;
2 and amending RCW 28A.150.392 and 28A.150.415.

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

4 **Sec. 1.** RCW 28A.150.392 and 2018 c 266 s 106 are each amended to
5 read as follows:

6 (1) ~~((a))~~ To the extent necessary, state funds shall be made
7 available for safety net awards for districts with demonstrated needs
8 for special education funding beyond the amounts provided through the
9 special education funding formula under RCW 28A.150.390.

10 ~~((b) If the federal safety net awards based on the federal
11 eligibility threshold exceed the federal appropriation in any fiscal
12 year, then the superintendent shall expend all available federal
13 discretionary funds necessary to meet this need.))~~

14 (2) Safety net funds shall be awarded by the state safety net
15 oversight committee subject to the following conditions and
16 limitations:

17 (a) The committee shall award additional funds for districts that
18 can convincingly demonstrate that all legitimate expenditures for
19 special education exceed all available revenues from state basic
20 education funding formulas.

1 (b) In the determination of need, the committee shall consider
2 additional available revenues from federal sources.

3 (c) Differences in program costs attributable to district
4 philosophy, service delivery choice, or accounting practices are not
5 a legitimate basis for safety net awards.

6 (d) In the determination of need, the committee shall require
7 that districts demonstrate that they are maximizing their eligibility
8 for all state revenues related to services for students eligible for
9 special education~~((eligible students))~~ and all federal revenues from
10 federal impact aid, medicaid, and the individuals with disabilities
11 education act-Part B and appropriate special projects. Awards
12 associated with (e) and (f) of this subsection shall not exceed the
13 total of a district's specific determination of need.

14 (e) The committee shall then consider the extraordinary high cost
15 needs of one or more individual ~~((special education))~~ students with
16 disabilities under the individuals with disabilities act. Differences
17 in costs attributable to district philosophy, service delivery
18 choice, or accounting practices are not a legitimate basis for safety
19 net awards.

20 (f) Using criteria developed by the committee, the committee
21 shall then consider extraordinary costs associated with communities
22 that draw a larger number of families with children in need of
23 special education services, which may include consideration of
24 proximity to group homes, military bases, and regional hospitals.
25 Safety net awards under this subsection (2)(f) shall be adjusted to
26 reflect amounts awarded under (e) of this subsection.

27 (g) The committee shall then consider the extraordinary high cost
28 needs of one or more individual ~~((special education))~~ students with
29 disabilities under the individuals with disabilities act served in
30 residential schools as defined in RCW 28A.190.020, programs for
31 juveniles under the department of corrections, and programs for
32 juveniles operated by city and county jails to the extent they are
33 providing a secondary program of education ~~((for students enrolled in~~
34 ~~special education)).~~

35 (h) The maximum allowable indirect cost for calculating safety
36 net eligibility may not exceed the federal restricted indirect cost
37 rate for the district plus one percent.

38 (i) Safety net awards shall be adjusted based on the percent of
39 potential medicaid eligible students billed as calculated by the

1 superintendent of public instruction in accordance with chapter 318,
2 Laws of 1999.

3 (j) Safety net awards must be adjusted for any audit findings or
4 exceptions related to special education funding.

5 (k) Beginning in school year 2019-20, the average per pupil
6 expenditure used to determine safety net awards shall be calculated
7 by the aggregate prior year special education expenditures
8 differentiated by salary factor tier, as determined under RCW
9 28A.150.412 and the omnibus operating appropriations act. Aggregate
10 special education expenditures for this calculation must exclude
11 state safety net funding provided in this section.

12 (3) The superintendent of public instruction shall adopt such
13 rules and procedures as are necessary to administer the special
14 education funding and safety net award process. By December 1, 2018,
15 the superintendent shall review and revise the rules to achieve full
16 and complete implementation of the requirements of this subsection
17 and subsection (4) of this section including revisions to rules that
18 provide additional flexibility to access community impact awards.
19 Before revising any standards, procedures, or rules, the
20 superintendent shall consult with the office of financial management
21 and the fiscal committees of the legislature. In adopting and
22 revising the rules, the superintendent shall ensure the application
23 process to access safety net funding is streamlined, timelines for
24 submission are not in conflict, feedback to school districts is
25 timely and provides sufficient information to allow school districts
26 to understand how to correct any deficiencies in a safety net
27 application, and that there is consistency between awards approved by
28 school district and by application period. The office of the
29 superintendent of public instruction shall also provide technical
30 assistance to school districts in preparing and submitting special
31 education safety net applications.

32 (4) On an annual basis, the superintendent shall survey districts
33 regarding their satisfaction with the safety net process and consider
34 feedback from districts to improve the safety net process. Each year
35 by December 1st, the superintendent shall prepare and submit a report
36 to the office of financial management and the appropriate policy and
37 fiscal committees of the legislature that summarizes the survey
38 results and those changes made to the safety net process as a result
39 of the school district feedback.

1 (5) The safety net oversight committee appointed by the
2 superintendent of public instruction shall consist of:

3 (a) One staff member from the office of the superintendent of
4 public instruction;

5 (b) Staff of the office of the state auditor who shall be
6 nonvoting members of the committee; and

7 (c) One or more representatives from school districts or
8 educational service districts knowledgeable of special education
9 programs and funding.

10 (6) Beginning in fiscal year 2020, safety net appropriations
11 provided in the omnibus operating appropriations act may not include
12 federal funding thereby eliminating the federal expenditure ratio
13 requirement for districts to expend three times the statewide average
14 per pupil to qualify for state safety net awards. A state expenditure
15 ratio requirement may be identified in the omnibus operating
16 appropriations act but, if identified, it must be less than the
17 federal expenditure ratio requirement.

18 **Sec. 2.** RCW 28A.150.415 and 2017 3rd sp.s. c 13 s 105 are each
19 amended to read as follows:

20 (1) Beginning with the 2018-19 school year, the legislature shall
21 begin phasing in funding for professional learning days for
22 certificated instructional staff. At a minimum, the state must
23 allocate funding for:

24 (a) One professional learning day in the 2018-19 school year;

25 (b) Two professional learning days in the 2019-20 school year;

26 and

27 (c) Three professional learning days in the 2020-21 school year.

28 (2) The office of the superintendent of public instruction shall
29 calculate each school district's professional learning allocation as
30 provided in subsection (1) of this section separate from the minimum
31 state allocation for salaries as specified in RCW 28A.150.410 and
32 associated fringe benefits on the apportionment reports provided to
33 each school district. The professional learning allocation shall be
34 equal to the proportional increase resulting from adding the
35 professional learning days provided in subsection (1) of this section
36 to the required minimum number of school days in RCW
37 28A.150.220(5)(a) applied to the school district's minimum state
38 allocation for salaries and associated fringe benefits for
39 certificated instructional staff as specified in the omnibus

1 operating appropriations act. Professional learning allocations shall
2 be included in per-pupil calculations, such as special education, for
3 programs funded on a per-student rate calculation.

4 (3) Nothing in this section entitles an individual certificated
5 instructional staff to any particular number of professional learning
6 days.

7 ~~((3))~~ (4) The professional learning days must meet the
8 definitions and standards provided in RCW 28A.415.430, 28A.415.432,
9 and 28A.415.434.

10 (5) Federal special education allocations may be used to provide
11 professional development to classified and certificated staff who
12 provide educational services and supports to students with a
13 disability, as provided in this section or under RCW 28A.413.060.

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