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**SENATE BILL 5312**

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**State of Washington**

**66th Legislature**

**2019 Regular Session**

**By** Senators Wellman and Kuderer; by request of Superintendent of Public Instruction

Read first time 01/17/19. Referred to Committee on Early Learning & K-12 Education.

1 AN ACT Relating to appropriations for special education programs;  
2 and 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 2018 c 266 s 102 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 birth through four and those five year olds not yet enrolled in  
19 kindergarten who are eligible for and enrolled in special education,  
20 multiplied by the district's base allocation per full-time equivalent  
21 student, multiplied by 1.15; (~~and~~)

1 (b) A district's annual average (~~(full-time equivalent basic~~  
2 ~~education enrollment, multiplied by the district's funded enrollment~~  
3 ~~percent)) enrollment of resident students who are eligible for and  
4 enrolled in special education reported by bands of weekly minutes of  
5 special education and related services, multiplied by the district's  
6 base allocation ((per full-time equivalent student)), multiplied by  
7 ((0.9609)) the special education excess cost multiplier rate for each  
8 band;~~

9 (c) For the weekly minutes of service, districts shall report  
10 through the special education enrollment reporting system, the sum of  
11 the quantifiable special education services, related services, and  
12 supplemental aids and supports, per each individualized education  
13 program in effect each month;

14 (d) For allocation purposes, each special education excess cost  
15 multiplier rate is linked to the federally reported least restrictive  
16 environment designation, under 34 C.F.R. Sec. 300.114, within the  
17 individualized education program; and

18 (e) The special education excess cost multipliers, determined for  
19 each combination band of weekly minutes of special education and  
20 related services and least restrictive environment incentivizes the  
21 provision of special education and related services within the least  
22 restrictive environment for each student, determined by the  
23 individualized education program team, and may not result in  
24 placements that violate 34 C.F.R. Sec. 300.114(a).

25 (3) As used in this section:

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

31 (b) "~~(Basic education))~~ Enrollment of resident students" means  
32 enrollment of resident students kindergarten through twenty-one years  
33 of age, including nonresident students enrolled under RCW 28A.225.225  
34 and students from nonhigh districts enrolled under RCW 28A.225.210  
35 and excluding students residing in another district enrolled as part  
36 of an interdistrict cooperative program under RCW 28A.225.250.

37 (c) (~~"Enrollment percent" means the district's resident special~~  
38 ~~education annual average enrollment, excluding students ages birth~~  
39 ~~through four and those five year olds not yet enrolled in~~

1 ~~kindergarten, as a percent of the district's annual average full-time~~  
2 ~~equivalent basic education enrollment.~~

3 ~~(d) "Funded enrollment percent" means the lesser of the~~  
4 ~~district's actual enrollment percent or thirteen and five-tenths~~  
5 ~~percent)) "Special education excess cost multiplier" means the factor~~  
6 ~~assigned to each band of services based on weekly minutes of special~~  
7 ~~education and related services and service setting.~~

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