
SUBSTITUTE HOUSE BILL 2551

State of Washington 52nd Legislature 1992 Regular Session

By House Committee on Education (originally sponsored by Representatives H. Sommers, Peery, Brough and Valle)

Read first time 02/05/92.

1 AN ACT Relating to special educational services demonstration
2 projects; amending RCW 28A.630.820 and 28A.630.840; adding a new
3 section to chapter 28A.630 RCW; providing an expiration date; and
4 declaring an emergency.

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

6 **Sec. 1.** RCW 28A.630.820 and 1991 c 265 s 1 are each amended to
7 read as follows:

8 It is the intent of the legislature to (1) encourage school
9 districts, individually and cooperatively, to develop innovative
10 special services demonstration projects that use resources efficiently
11 and increase student learning; (2) promote noncategorical approaches to
12 special services program design, funding, and administration; (3)
13 develop efficient and cost-effective means for identifying students as
14 specific learning disabled, in order to increase the proportion of

1 resources devoted to classroom instruction; ~~((and))~~ (4) avoid
2 unnecessary labeling of students while still providing state funding
3 for needed services; and (5) provide a means to grant waivers from
4 state rules.

5 **Sec. 2.** RCW 28A.630.840 and 1991 c 265 s 5 are each amended to
6 read as follows:

7 (1) Project funding may include state, federal, and local funds, as
8 specified by the district in its approved project ~~((est))~~ proposal.
9 ~~((The superintendent of public instruction shall include all project~~
10 ~~funding for a participating district in a project contract and disburse~~
11 ~~the funds as contract payments.))~~

12 (2) As a general guideline, subject to refinements in the district
13 ~~((est))~~ proposal and approval by the superintendent of public
14 instruction, the portion of state handicapped funding included as
15 project funding shall be determined as follows:

16 (a) If the district serves specific learning disabled students in
17 the project, the portion of the handicapped allocation attributed to
18 specific learning disabled students shall be included, with
19 proportional adjustments if the project serves only part of the
20 district's specific learning disabled population;

21 (b) If other handicapped students are served in the project, the
22 portions of the handicapped allocation attributed to those students
23 shall be included, with proportional adjustments if the project serves
24 only part of the district's population in those categories of
25 handicapped students.

26 (3) State handicapped allocations shall be calculated for project
27 districts according to the handicapped funding formula in use for other
28 districts, ~~((but))~~ except for the provisions of section 3 of this act
29 and with the following changes:

1 (a) (~~Except as provided in (b) of this subsection, funding in each~~
2 ~~school year for specific learning disabled and other handicapped~~
3 ~~students served in a project shall be based on the average percentage~~
4 ~~of the kindergarten through twelfth grade enrollment in the particular~~
5 ~~handicapped category during the prior three years.~~

6 **(b))** Project funding for school districts that had pilot projects
7 approved under section 13, chapter 233, Laws of 1989, and that were
8 participating in projects under this section on January 31, 1992, shall
9 be based for the duration of a project under RCW 28A.630.820 through
10 28A.630.840 on four percent of the kindergarten through twelfth grade
11 enrollment considered as specific learning disabled, without regard to
12 the actual number of students so identified. The legislature
13 recognizes the importance of continuing and developing the pilot
14 projects.

15 **((e)) (b)** The funding percentages for demonstration projects
16 specified in (a) (~~and (b))~~) of this subsection shall be used to adjust
17 basic education allocations under RCW 28A.150.260 and learning
18 assistance program allocations under RCW 28A.165.070.

19 **((d)) (c)** State handicapped allocations under subsection (2) of
20 this section up to the level required by federal maintenance of effort
21 rules shall be expended for services to handicapped students in the
22 project. Allocations greater than the amount needed to comply with
23 federal maintenance of effort rules (~~shall~~) may at the option of the
24 district be designated as noncategorical project funds and may be
25 expended on services to any student served in the project.

26 (4) Federal handicapped allocations may be designated in whole or
27 in part for project use (~~(, if the amounts are included in the~~
28 ~~district's approved cost proposal and the project contract))~~).

29 (5) Learning assistance program allocations may be designated in
30 whole or in part for project use(~~(, if the amounts are included in the~~

1 ~~district's approved cost proposal and the project contract~~). These
2 allocations shall be calculated for project districts according to the
3 funding formula in use for other districts, except that any increases
4 in the district allocation above the fiscal year 1991 amount shall be
5 designated as noncategorical project funds and may be expended on
6 services to any student served in the project.

7 (6) Transitional bilingual program allocations may be designated in
8 whole or in part for project use(~~(, if the amounts are included in the~~
9 ~~district's approved cost proposal and the project contract)~~). These
10 allocations shall be calculated for project districts according to the
11 funding formula in use for other districts, except that any increases
12 in the district allocation above the fiscal year 1991 amount shall be
13 designated as noncategorical project funds and may be expended on
14 services to any student served in the project.

15 (7) Funding under the federal remediation program allocations may
16 be designated in whole or in part for project use(~~(, if the amounts are~~
17 ~~included in the district's approved cost proposal and the project~~
18 ~~contract)~~).

19 (8) Funding from local sources may be designated for project use(~~(,~~
20 ~~if the amounts are included in the district's approved cost proposal~~
21 ~~and the project contract)~~).

22 (9) Expenditures of noncategorical project funds under subsections
23 (3)~~((d))~~(c), (5), and (6) of this section shall be accounted for in
24 new and discrete program or subprogram codes designated by the
25 superintendent of public instruction. The codes shall take effect by
26 September 1, 1991.

27 NEW SECTION. **Sec. 3.** A new section is added to chapter 28A.630
28 RCW to read as follows:

1 (1) The legislature finds that the state system of funding
2 handicapped education has fiscal incentives to label children as
3 handicapped and that unnecessary labeling can be detrimental to
4 children. The legislature encourages demonstration projects that
5 provide needed services without unnecessary labeling. To test this
6 approach, the legislature intends to maintain the funding level for
7 innovative special services programs that reduce the incidence of
8 unnecessary labeling.

9 (2) School districts may propose demonstration projects under this
10 section to provide needed services and achieve major reductions in the
11 percentage of district students labeled as handicapped in one or more
12 specified categories. State handicapped funding for districts with
13 such projects shall be based for the duration of the project and for
14 two years after the end of the project on the average percentage of the
15 kindergarten through twelfth grade enrollment in the specified
16 categories during the 1991-92 school year or, for projects approved
17 after the effective date of this section, during the school year before
18 the start of the project.

19 (3) Funding under subsection (2) of this section is contingent on
20 the following: (a) The funding is spent on children needing special
21 services; and (b) the overall percentage of first through twelfth grade
22 students in the district labeled as handicapped declines each year of
23 the project after the 1991-92 school year, excluding handicapped
24 students who transfer into the district.

25 (4) School districts with approved demonstration projects that wish
26 to convert to a project under this section shall by May 1, 1992, notify
27 the selection advisory committee and the superintendent of public
28 instruction and propose appropriate modifications to the project.

29 (5) This section expires September 1, 1997.

1 NEW SECTION. **Sec. 4.** Sections 1 and 2 of this act shall
2 expire January 1, 1996.

3 NEW SECTION. **Sec. 5.** This act is necessary for the immediate
4 preservation of the public peace, health, or safety, or support of the
5 state government and its existing public institutions, and shall take
6 effect immediately.