
SENATE BILL 5532

State of Washington

66th Legislature

2019 Regular Session

By Senators Braun, Rolfes, Fortunato, Wagoner, and Zeiger

Read first time 01/23/19. Referred to Committee on Early Learning & K-12 Education.

1 AN ACT Relating to special education; amending RCW 28B.10.032,
2 28A.155.090, 28A.150.550, 28A.155.220, 28A.150.390, and 28A.150.392;
3 adding a new section to chapter 28A.415 RCW; adding a new section to
4 chapter 28A.310 RCW; adding new sections to chapter 28A.320 RCW;
5 adding a new section to chapter 28A.305 RCW; adding a new section to
6 chapter 28A.155 RCW; and creating a new section.

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

8 **PART I**

9 **INTENT**

10 NEW SECTION. **Sec. 101.** (1) The state of Washington stands at a
11 critical juncture in the education of students with disabilities. For
12 too long special education in our state has languished with a
13 piecemeal approach in both funding and practice.

14 (2) When compared to other states, including those with
15 comparable funding, students with disabilities in Washington lag
16 behind their peers. Washington ranks near the bottom nationally for
17 inclusion of students with disabilities. Only seven states having a
18 lower percentage of students spending eighty percent or more of their
19 day in the general education classroom. The numbers are even more
20 stark for students with intellectual disabilities, where only five

1 percent of students in Washington spend a majority of the day in
2 regular classrooms. Only two states have inclusion rates that are
3 worse.

4 (3) Washington does not fare much better when it comes to other
5 basic indicators of success. Thirty-four percent of students with
6 disabilities dropped out of school in 2017; only two other states
7 reported worse dropout rates. Only fifty-eight percent of students
8 receiving special education services earned their diploma in 2016.
9 That puts Washington in the bottom thirteen in the nation.

10 (4) To ensure students with disabilities receive an education
11 that prepares them for a meaningful and productive life, this act
12 will focus on:

13 (a) Professional development for teachers to support best
14 practices in special education;

15 (b) Providing advocacy support for families to help navigate the
16 special education system;

17 (c) Establishing local special education advisory committees to
18 better engage families and recognize the valuable role they play;

19 (d) Improving transition planning to support education and
20 training after high school; and

21 (e) Revising funding formulas to better align to actual costs,
22 and supporting cooperative efforts to provide services across
23 districts.

24 (5) With this act, the state of Washington will advance
25 expectations and lay a foundation that commits to ensuring every
26 child with a disability has an opportunity to live a full,
27 meaningful, and productive life.

28

PART II

29

PROFESSIONAL DEVELOPMENT AND TEACHER PREPARATION COURSES

30 NEW SECTION. **Sec. 201.** A new section is added to chapter
31 28A.415 RCW to read as follows:

32 (1) Each school district must provide professional development
33 regarding special education that includes, but is not limited to, the
34 following:

35 (a) Why some students with disabilities need special education or
36 related services;

37 (b) How to recognize students with disabilities who may qualify
38 for special education or related services; and

1 (c) Best practices for providing the following:

2 (i) For students with disabilities eligible for special
3 education, access to the general education curriculum to obtain a
4 diploma;

5 (ii) The opportunity for students with disabilities eligible for
6 special education to participate in both school and work-based
7 learning;

8 (iii) Inclusion of the classroom teacher in the development of
9 the individualized education program;

10 (iv) How classroom teachers can provide special education in the
11 general education classroom;

12 (v) A culture of high expectations for students with
13 disabilities;

14 (vi) Effective and efficient classroom management; and

15 (vii) Appropriate transition services for students with
16 disabilities eligible for special education, including collaborating
17 with local community employers.

18 (2) (a) The professional development provided under this section
19 must include all certificated and classified instructional staff,
20 principals, and counselors, and may include other school and school
21 district staff.

22 (b) For certificated instructional staff teaching students with
23 disabilities in a general education classroom, the professional
24 development provided under this section must be job-embedded as
25 defined in RCW 28A.415.434.

26 **Sec. 202.** RCW 28B.10.032 and 1987 c 525 s 233 are each amended
27 to read as follows:

28 (1) The state's public and private institutions of higher
29 education offering teacher preparation programs and school districts
30 are encouraged to explore ways to facilitate faculty exchanges, and
31 other cooperative arrangements, to generate increased awareness and
32 understanding by higher education faculty of the common school
33 teaching experience and increased awareness and understanding by
34 common school faculty of the teacher preparation programs.

35 (2) Each teacher preparation program shall include mandatory
36 coursework on special education and related services that includes,
37 but is not limited to, the following:

38 (a) Why some students with disabilities need special education or
39 related services;

1 (b) How to recognize students with disabilities who may qualify
2 for special education or related services;

3 (c) Best practices for providing the following:

4 (i) For students with disabilities eligible for special
5 education, access to the general education curriculum to obtain a
6 diploma;

7 (ii) The opportunity for students with disabilities eligible for
8 special education to participate in both school and work-based
9 learning;

10 (iii) Inclusion of the classroom teacher in the development of
11 the individualized education program;

12 (iv) How classroom teachers can provide special education in the
13 general education classroom;

14 (v) A culture of high expectations for students with
15 disabilities;

16 (vi) Effective and efficient classroom management; and

17 (vii) Appropriate transition services, including collaborating
18 with local community employers.

19 **PART III**

20 **ADVOCATE FOR THE CHILD**

21 NEW SECTION. Sec. 301. A new section is added to chapter
22 28A.310 RCW to read as follows:

23 (1) Each educational service district shall provide or contract,
24 or both, for special education advocates.

25 (2) The role of a special education advocate is to:

26 (a) Serve as a resource for a child with disabilities who is
27 eligible for special education due to the disability and the child's
28 parents and family;

29 (b) Advocate on behalf of the child for a free and appropriate
30 public education from the public school system that emphasizes
31 special education and related services that are:

32 (i) Provided in the least restrictive environment;

33 (ii) Designed to meet the child's unique needs;

34 (iii) Appropriately ambitious and reasonably calculated to enable
35 a child to make progress in light of the child's circumstances; and

36 (iv) Addressing the child's further education, employment, and
37 independent living goals; and

38 (c) Assist parents with any one or more of the following:

1 (i) Preparing for a meeting to develop or update their child's
2 individualized education program;

3 (ii) Attending the individualized education program meetings to
4 help present the parents' concerns, negotiate components that meet
5 the parents' goals and requests, or otherwise assist with the
6 understanding and navigation of the process;

7 (iii) Attending an individual education program meeting on behalf
8 of the child to assist in writing an appropriate program when a
9 parent opts out or otherwise cannot attend the meeting.

10 **PART IV**

11 **LOCAL SPECIAL EDUCATION ADVISORY COMMITTEES**

12 NEW SECTION. **Sec. 401.** A new section is added to chapter
13 28A.320 RCW to read as follows:

14 (1) Each school district shall convene an ongoing special
15 education advisory committee. The purposes of the committee are to:

16 (a) Increase parental and family involvement by providing a forum
17 for parents, families, and the community to ask questions, propose
18 solutions, and otherwise give feedback on the special education
19 program in their schools; and

20 (b) Be a partner with the school district in its efforts to
21 provide effective special education programming for eligible students
22 with disabilities.

23 (2) The committee shall be appointed by the school board of
24 directors and shall advise the school board through the school
25 district superintendent.

26 (3) At a minimum, a majority of the committee members must be
27 parents of children with disabilities or individuals with
28 disabilities. The committee must also include one teacher member.
29 Additional school or school district personnel shall serve only as
30 consultants to the committee.

31 (4) The committee has the following duties:

32 (a) Advise the school district of needs in the education of
33 children with disabilities;

34 (b) Participate in the development of priorities and strategies
35 for meeting the identified needs of children with disabilities;

36 (c) Facilitate partnerships with community employers to provide
37 appropriate transition services;

1 (d) Facilitate trainings by experienced outside consultants not
2 employed by the school district, at least two times per school year
3 to families of children with disabilities to teach families how to
4 advocate for their child and to teach students with disabilities how
5 to self-advocate;

6 (e) Submit periodic reports and recommendations to the school
7 district superintendent for transmission to the school district board
8 of directors regarding the education of children with disabilities;

9 (f) Assist the school district in interpreting plans to the
10 community for meeting the special needs of children with disabilities
11 for educational and transition services; and

12 (g) Review the school district proposed policies and procedures
13 for the provision of special education and related services prior to
14 submission to the school district board of directors.

15 (5) Committee meetings must be held at least four times in a
16 school year and shall be open to the public.

17 (6) The school district must post on its web site: The names of
18 the committee members; the committee meeting schedule and agendas;
19 and information on the process for interested parties to express
20 their views to the committee.

21 **PART V**

22 **REPORTING/RECOGNITION**

23 NEW SECTION. **Sec. 501.** A new section is added to chapter
24 28A.320 RCW to read as follows:

25 (1) Beginning November 15, 2019, and every November 15th
26 thereafter, each school district shall annually report to the
27 superintendent of public instruction the following least restrictive
28 environment data for students with disabilities who are eligible for
29 special education and are between three and twenty-one years old.

30 (2) The report required under subsection (1) of this section must
31 include at least the following:

32 (a) The number of students who spend eighty to one hundred
33 percent of the school day in a general education class. These student
34 may receive supports and services including, but not limited to, a
35 tutor or aide, assistive technology, related services, or other
36 accommodations, provided within the general education classroom, or
37 outside of the general education classroom for no more than twenty
38 percent of the regular school day.

1 (b) The number of students who spend forty to seventy-nine
2 percent of the school day in a general education classroom. These
3 students receive individual or small-group instruction in a special
4 education resource room or are pulled out of the general education
5 classroom for some services for no more than sixty percent of the
6 regular school day.

7 (c) The number of students who spend zero to thirty-nine percent
8 of the school day in a general education classroom. These students
9 receive specialized instruction with students in a self-contained
10 classroom for no less than sixty-one percent of the regular school
11 day.

12 (d) The number of students who attend specialized programs inside
13 or outside of the resident school district, including private
14 schools, residential programs, detention and correctional facilities,
15 and hospital programs.

16 **Sec. 502.** RCW 28A.155.090 and 2007 c 115 s 11 are each amended
17 to read as follows:

18 The superintendent of public instruction shall have the duty and
19 authority, through the administrative section or unit for the
20 education of children with disabling conditions, to:

21 (1) Assist school districts in the formation of programs to meet
22 the needs of children with disabilities;

23 (2) Develop interdistrict cooperation programs for children with
24 disabilities as authorized in RCW 28A.225.250;

25 (3) Provide, upon request, to parents or guardians of children
26 with disabilities, information as to the special education programs
27 for students with disabilities offered within the state;

28 (4) Assist, upon request, the parent or guardian of any child
29 with disabilities in the placement of any child with disabilities who
30 is eligible for but not receiving special educational services for
31 children with disabilities;

32 (5) Approve school district and agency programs as being eligible
33 for special excess cost financial aid to students with disabilities;

34 (6) Consistent with the provisions of RCW 28A.150.390,
35 28A.160.030, and 28A.155.010 through 28A.155.160, and part B of the
36 federal individuals with disabilities education improvement act,
37 administer administrative hearings and other procedures to ensure
38 procedural safeguards of children with disabilities; (~~and~~)

1 (7) Make rules for the school district reporting required under
2 section 501 of this act that align as much as possible with the
3 federal individuals with disabilities education act, part B,
4 reporting requirements on the same least restrictive environment
5 data;

6 (8) Annually compile and report by school district the least
7 restrictive environment data required under section 501 of this act.
8 The report must be posted on the web site of the office of the
9 superintendent of public instruction and submitted to the education
10 committees of the house of representatives and the senate beginning
11 December 15th, 2019, and every December 15th thereafter; and

12 (9) Promulgate such rules as are necessary to implement part B of
13 the federal individuals with disabilities education improvement act
14 or other federal law providing for special education services for
15 children with disabilities and the several provisions of RCW
16 28A.150.390, 28A.160.030, and 28A.155.010 through 28A.155.160 and to
17 ensure appropriate access to and participation in the general
18 education curriculum and participation in statewide assessments for
19 all students with disabilities.

20 **Sec. 503.** RCW 28A.150.550 and 2013 c 282 s 2 are each amended to
21 read as follows:

22 (1) The following statewide indicators of educational system
23 health are established:

24 (a) The percentage of students demonstrating the characteristics
25 of entering kindergartners in all six areas identified by the
26 Washington kindergarten inventory of developing skills administered
27 in accordance with RCW 28A.655.080;

28 (b) The percentage of students meeting the standard on the fourth
29 grade statewide reading assessment administered in accordance with
30 RCW 28A.655.070;

31 (c) The percentage of students meeting the standard on the eighth
32 grade statewide mathematics assessment administered in accordance
33 with RCW 28A.655.070;

34 (d) The four-year cohort high school graduation rate;

35 (e) The percentage of high school graduates who during the second
36 quarter after graduation are either enrolled in postsecondary
37 education or training or are employed, and the percentage during the
38 fourth quarter after graduation who are either enrolled in
39 postsecondary education or training or are employed; and

1 (f) The percentage of students enrolled in precollege or remedial
2 courses in college.

3 (2) The statewide indicators established in subsection (1) of
4 this section shall be disaggregated as provided under RCW
5 28A.300.042.

6 (3) The state board of education, with assistance from the office
7 of the superintendent of public instruction, the workforce training
8 and education coordinating board, the educational opportunity gap
9 oversight and accountability committee, and the student achievement
10 council, shall establish a process for identifying realistic but
11 challenging system-wide performance goals and measurements, if
12 necessary, for each of the indicators established in subsection (1)
13 of this section, including for subcategories of students as provided
14 under subsection (2) of this section. The performance goal for each
15 indicator must be set on a biennial basis, and may only be adjusted
16 upward.

17 (4) The state board of education, the office of the
18 superintendent of public instruction, and the student achievement
19 council shall each align their strategic planning and education
20 reform efforts with the statewide indicators and performance goals
21 established under this section.

22 (5)(a) The state board of education, with assistance from the
23 office of the superintendent of public instruction, the workforce
24 training and education coordinating board, the educational
25 opportunity gap oversight and accountability committee, and the
26 student achievement council, shall submit a report on the status of
27 each indicator in subsection (1) of this section and recommend
28 revised performance goals and measurements, if necessary, by December
29 1st of each even-numbered year, except that the initial report
30 establishing baseline values and initial goals shall be delivered to
31 the education committees of the legislature by December 1, 2013.

32 (b) If the educational system is not on target to meet the
33 performance goals on any individual indicator, the report must
34 recommend evidence-based reforms intended to improve student
35 achievement in that area.

36 (c) To the extent data is available, the performance goals for
37 each indicator must be compared with national data in order to
38 identify whether Washington student achievement results are within
39 the top ten percent nationally or are comparable to results in peer
40 states with similar characteristics as Washington. If comparison data

1 show that Washington students are falling behind national peers on
2 any indicator, the report must recommend evidence-based reforms
3 targeted at addressing the indicator in question.

4 (6) Any school district that meets or exceeds any system-wide
5 performance goals or measurements established under subsection (3) of
6 this section for students with disabilities must be recognized in the
7 next report required under subsection (5) of this section.
8 Additionally, these school districts must receive a recognition award
9 as determined under section 504 of this act.

10 NEW SECTION. Sec. 504. A new section is added to chapter
11 28A.305 RCW to read as follows:

12 The state board of education in collaboration with the office of
13 the superintendent of public instruction shall decide upon the
14 details of the recognition award for school districts under RCW
15 28A.150.550(6). The award may be a banner, ribbon, medal, trophy,
16 plaque, or other type of award. The school district shall receive
17 enough of the awards for each individual school in the school
18 district to display the award in the school.

19 PART VI

20 TRANSITION PLANNING

21 **Sec. 601.** RCW 28A.155.220 and 2015 c 217 s 2 are each amended to
22 read as follows:

23 (1) The office of the superintendent of public instruction must
24 establish interagency agreements with the department of social and
25 health services, the department of services for the blind, and any
26 other state agency that provides high school transition services for
27 special education students. Such interagency agreements shall not
28 interfere with existing individualized education programs, nor
29 override any individualized education program team's decision-making
30 power. The purpose of the interagency agreements is to foster
31 effective collaboration among the multiple agencies providing
32 transition services for individualized education program-eligible
33 special education students from the beginning of transition planning,
34 as soon as educationally and developmentally appropriate, through age
35 twenty-one, or through high school graduation, whichever occurs
36 first. Interagency agreements are also intended to streamline

1 services and programs, promote efficiencies, and establish a uniform
2 focus on improved outcomes related to self-sufficiency.

3 (2) (a) When educationally and developmentally appropriate, the
4 interagency responsibilities and linkages with transition services
5 under subsection (1) of this section must be addressed in a
6 transition plan to a postsecondary setting in the individualized
7 education program of a student with disabilities.

8 (b) Transition planning shall be based upon educationally and
9 developmentally appropriate transition assessments that outline the
10 student's individual needs, strengths, preferences, and interests.
11 Transition assessments may include observations, interviews,
12 inventories, situational assessments, formal and informal
13 assessments, as well as academic assessments.

14 (c) The transition services that the transition plan must address
15 include activities needed to assist the student in reaching
16 postsecondary goals and courses of study to support postsecondary
17 goals.

18 (d) Transition activities that the transition plan may address
19 include instruction, related services, community experience,
20 employment and other adult living objectives, daily living skills,
21 and functional vocational evaluation.

22 (e) Beginning when a student reaches the age of sixteen and
23 continuing until the student reaches the age of twenty-one, or
24 through high school graduation, whichever occurs first, a
25 representative from the division of vocational rehabilitation in the
26 department of social and health services must attend all
27 individualized education program meetings to assist students with
28 transition planning.

29 (f) When educationally and developmentally appropriate, a
30 discussion must take place with the student and parents, and others
31 as needed, to determine the postsecondary goals or postschool vision
32 for the student. This discussion may be included as part of an annual
33 individualized education program review, high school and beyond plan
34 meeting, or any other meeting that includes parents, students, and
35 educators. The postsecondary goals included in the transition plan
36 shall be goals that are measurable and must be based on appropriate
37 transition assessments related to training, education, employment,
38 and independent living skills, when necessary. The goals must also be
39 based on the student's needs, while considering the strengths,
40 preferences, and interests of the student. During this discussion,

1 students and parents must be provided with information about the
2 Washington achieving a better life experience program, including
3 information on eligibility, benefits, and Washington achieving a
4 better life experience program account creation.

5 ~~((f))~~ (g) As the student gets older, changes in the transition
6 plan may be noted in the annual update of the student's
7 individualized education program.

8 ~~((g))~~ (h) A student with disabilities who has a high school and
9 beyond plan may use the plan to comply with the transition plan
10 required under this subsection (2).

11 (3) To the extent that data is available through data-sharing
12 agreements established by the education data center under RCW
13 43.41.400, the education data center must monitor the following
14 outcomes for individualized education program-eligible special
15 education students after high school graduation:

16 (a) The number of students who, within one year of high school
17 graduation:

18 (i) Enter integrated employment paid at the greater of minimum
19 wage or competitive wage for the type of employment, with access to
20 related employment and health benefits; or

21 (ii) Enter a postsecondary education or training program focused
22 on leading to integrated employment;

23 (b) The wages and number of hours worked per pay period;

24 (c) The impact of employment on any state and federal benefits
25 for individuals with disabilities;

26 (d) Indicators of the types of settings in which students who
27 previously received transition services primarily reside;

28 (e) Indicators of improved economic status and self-sufficiency;

29 (f) Data on those students for whom a postsecondary or integrated
30 employment outcome does not occur within one year of high school
31 graduation, including:

32 (i) Information on the reasons that the desired outcome has not
33 occurred;

34 (ii) The number of months the student has not achieved the
35 desired outcome; and

36 (iii) The efforts made to ensure the student achieves the desired
37 outcome.

38 (4) To the extent that the data elements in subsection (3) of
39 this section are available to the education data center through data-
40 sharing agreements, the office of the superintendent of public

1 instruction must prepare an annual report using existing resources
2 and submit the report to the legislature.

3 **PART VII**

4 **FUNDING**

5 **Sec. 701.** RCW 28A.150.390 and 2018 c 266 s 102 are each amended
6 to 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 headcount enrollment of students
19 ages birth through four and those five year olds not yet enrolled in
20 kindergarten who are eligible for and enrolled in special education,
21 multiplied by the district's base allocation per full-time equivalent
22 student, multiplied by 1.15; and

23 (b) A district's annual average full-time equivalent basic
24 education enrollment, multiplied by the district's funded enrollment
25 percent, multiplied by the district's base allocation per full-time
26 equivalent student, multiplied by 0.9609.

27 (3) As used in this section:

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

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

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

6 (d) "Funded enrollment percent" means:

7 (i) The lesser of the district's actual enrollment percent or
8 thirteen and five-tenths percent; or

9 (ii) For school districts with a student enrollment under one
10 thousand students, the actual enrollment percent, if above thirteen
11 and five-tenths percent.

12 **Sec. 702.** RCW 28A.150.392 and 2018 c 266 s 106 are each amended
13 to read as follows:

14 (1)(a) To the extent necessary, funds shall be made available for
15 safety net awards for districts with demonstrated needs for special
16 education funding beyond the amounts provided through the special
17 education funding formula under RCW 28A.150.390. The state allocation
18 for the special education safety net shall be specified in the
19 omnibus appropriations act but must be at least five percent of the
20 total allocated to school districts under RCW 28A.150.390(2)(b).

21 (b) If the federal safety net awards based on the federal
22 eligibility threshold exceed the federal appropriation in any fiscal
23 year, then the superintendent shall expend all available federal
24 discretionary funds necessary to meet this need.

25 (2) Safety net funds shall be awarded by the state safety net
26 oversight committee subject to the following conditions and
27 limitations:

28 (a) The committee shall award additional funds for districts that
29 can convincingly demonstrate that all legitimate expenditures for
30 special education exceed all available revenues from state funding
31 formulas.

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

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

37 (d) In the determination of need, the committee shall require
38 that districts demonstrate that they are maximizing their eligibility
39 for all state revenues related to services for special education-

1 eligible students and all federal revenues from federal impact aid,
2 medicaid, and the individuals with disabilities education act-Part B
3 and appropriate special projects. Awards associated with (e) and (f)
4 of this subsection shall not exceed the total of a district's
5 specific determination of need.

6 (e) The committee shall then consider the extraordinary high cost
7 needs of one or more individual special education students.
8 Differences in costs attributable to district philosophy, service
9 delivery choice, or accounting practices are not a legitimate basis
10 for safety net awards.

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

18 (g) The committee shall then consider the extraordinary high cost
19 needs of one or more individual special education students served in
20 residential schools as defined in RCW 28A.190.020, programs for
21 juveniles under the department of corrections, and programs for
22 juveniles operated by city and county jails to the extent they are
23 providing a program of education for students enrolled in special
24 education.

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

28 (i) Safety net awards shall be adjusted based on the percent of
29 potential medicaid eligible students billed as calculated by the
30 superintendent of public instruction in accordance with chapter 318,
31 Laws of 1999.

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

34 (3) The superintendent of public instruction shall adopt such
35 rules and procedures as are necessary to administer the special
36 education funding and safety net award process. By December 1, 2018,
37 the superintendent shall review and revise the rules to achieve full
38 and complete implementation of the requirements of this subsection
39 and subsection (4) of this section including revisions to rules that
40 provide additional flexibility to access community impact awards.

1 Before revising any standards, procedures, or rules, the
2 superintendent shall consult with the office of financial management
3 and the fiscal committees of the legislature. In adopting and
4 revising the rules, the superintendent shall ensure the application
5 process to access safety net funding is streamlined, timelines for
6 submission are not in conflict, feedback to school districts is
7 timely and provides sufficient information to allow school districts
8 to understand how to correct any deficiencies in a safety net
9 application, and that there is consistency between awards approved by
10 school district and by application period. The office of the
11 superintendent of public instruction shall also provide technical
12 assistance to school districts in preparing and submitting special
13 education safety net applications.

14 (4) On an annual basis, the superintendent shall survey districts
15 regarding their satisfaction with the safety net process and consider
16 feedback from districts to improve the safety net process. Each year
17 by December 1st, the superintendent shall prepare and submit a report
18 to the office of financial management and the appropriate policy and
19 fiscal committees of the legislature that summarizes the survey
20 results and those changes made to the safety net process as a result
21 of the school district feedback.

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

24 (a) One staff member from the office of the superintendent of
25 public instruction;

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

28 (c) One or more representatives from school districts or
29 educational service districts knowledgeable of special education
30 programs and funding.

31 NEW SECTION. **Sec. 703.** A new section is added to chapter
32 28A.155 RCW to read as follows:

33 (1) School districts are encouraged to participate in the
34 establishment or continuation of existing cooperative programs
35 between or among school districts, or educational service districts
36 and school districts, to provide special education and services to
37 eligible students with disabilities.

1 (2) Prior to the 2020-21 school year and every five years
2 thereafter, each special education cooperative must apply for
3 approval of the program by the superintendent of public instruction.

--- **END** ---