

2SSB 5841 - S AMD 147

By Senator Brandland

PULLED 3/9/2007

1 On page 2, after line 9, insert the following:

2 NEW SECTION. **Sec. 2.** The legislature finds the current special
3 education safety net process needs to be modified in order to improve
4 student learning opportunities and make necessary funds more readily
5 accessible, to ease the administrative burden on school districts, and
6 to make the process more transparent and streamlined. It is the intent
7 of the legislature to maintain the requirement that a school district
8 operate effective and efficient special education programs in order to
9 be eligible for a special education safety net award, but at the same
10 time, the legislature intends to make the application and grant process
11 less cumbersome and time consuming.

12 NEW SECTION. **Sec. 3.** A new section is added to chapter 28A.155
13 RCW to read as follows:

14 A state special education safety net oversight committee is
15 established to be appointed by the office of the superintendent of
16 public instruction. In appointing members to the committee, the office
17 of the superintendent of public instruction shall seek recommendations
18 from the Washington state school directors' association, the Washington
19 parent teacher association, the Washington association of school
20 administrators, the Washington school principals' association, and the
21 office of financial management. The special education safety net
22 oversight committee shall have a maximum of fourteen members, exclusive
23 of alternatives, and shall include the following:

24 (1) One staff person from the office of the superintendent of
25 public instruction;

26 (2) One staff person from the office of the state auditor, who
27 shall be a nonvoting member of the committee; and

28 (3) Up to twelve representatives from school districts or
29 educational service districts knowledgeable in special education
30 programs and funding.

1 NEW SECTION. **Sec. 4.** A new section is added to chapter 28A.155
2 RCW to read as follows:

3 Safety net funds shall be awarded by the state special education
4 safety net oversight committee subject to the following conditions and
5 limitations:

6 (1) The committee shall consider unmet needs for districts that can
7 convincingly demonstrate that all legitimate expenditures for special
8 education exceed all available revenues from state funding formulas. In
9 the determination of need, the committee shall also consider additional
10 available revenues from federal sources. Differences in program costs
11 attributable to district philosophy, service delivery choice, or
12 accounting practices are not a legitimate basis for safety net awards.

13 (2) The committee shall then consider the extraordinary high-cost
14 needs of one or more individual special education students.
15 Differences in costs attributable to district philosophy, service
16 delivery choice, or accounting practices are not a legitimate basis for
17 safety net awards.

18 (3) The committee shall then consider extraordinary costs
19 associated with communities that draw a larger number of families with
20 children in need of special education services.

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

23 NEW SECTION. **Sec. 5.** A new section is added to chapter 28A.155
24 RCW to read as follows:

25 The superintendent of public instruction shall adopt rules
26 necessary to administer the special education safety net award process.
27 In adopting such rules, the superintendent shall ensure the application
28 process to access funding for high-cost students is streamlined, time
29 lines for submission are not in conflict, feedback to school districts
30 is timely and provides sufficient information to allow school districts
31 to know what they need to do to correct any deficiencies in their
32 safety net application, and that there is consistency between awards
33 approved by school districts and by application period. The office of
34 the superintendent of public instruction shall also provide technical
35 assistance to school districts to assist them in preparing and
36 submitting their special education safety net application.

37 On an annual basis, the superintendent shall survey districts
38 regarding their satisfaction with the safety net process and

1 incorporate feedback to improve the safety net process. Each year by
2 December 1st, the superintendent shall prepare and submit a report to
3 the office of financial management and the appropriate policy and
4 fiscal committees of the legislature that summarizes the survey results
5 and changes made to the safety net process as a result of the school
6 district feedback.

7 NEW SECTION. **Sec. 6.** (1) In addition to the responsibilities in
8 section 4 of this act, the state special education safety net oversight
9 committee, with the assistance of the office of the superintendent of
10 public instruction, shall conduct further evaluation of issues raised
11 in the recently completed review of the special education excess cost
12 accounting procedures by the office of the superintendent of public
13 instruction and the 2006 report of the joint legislative audit and
14 review committee report on the accounting of special education excess
15 costs. Specifically, the state special education safety net oversight
16 committee shall evaluate options for modifying or replacing the current
17 accounting methodology in place for the 2005-06 school year in a way
18 that better reflects the special education program funding and
19 spending. By November 1, 2008, the oversight committee shall submit a
20 report to the office of financial management and the appropriate policy
21 and fiscal committees of the legislature outlining the options for
22 replacing the current excess cost method. One of the options will be
23 based on, to the maximum extent appropriate, a full cost accounting.

24 (2) This section expires June 30, 2009.

25 Renumber the sections consecutively and correct any internal
26 references accordingly.

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30 On page 1, line 4 of the title, strike "creating a new section" and
31 insert "adding new sections to chapter 28A.155 RCW; creating new
32 sections"

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EFFECT: Requires OSPI streamline the special education safety net process, seek district feedback on the satisfaction with the process, and report to the legislature on changes made as a result of the feedback. Codifies the special education safety net oversight committee. Requires a report back to the legislature on options for accounting for special education costs.