

# SENATE BILL REPORT

## SHB 2180

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As Reported by Senate Committee On:  
Early Learning & K-12 Education, February 21, 2024  
Ways & Means, February 26, 2024

**Title:** An act relating to increasing the special education enrollment funding cap.

**Brief Description:** Increasing the special education enrollment funding cap.

**Sponsors:** House Committee on Appropriations (originally sponsored by Representatives Callan, Bergquist, Reed, Ormsby, Ramel, Stonier, Paul, Alvarado, Farivar, Fosse and Reeves; by request of Office of Financial Management).

**Brief History:** Passed House: 2/13/24, 97-0.

**Committee Activity:** Early Learning & K-12 Education: 2/21/24 [DP-WM].  
Ways & Means: 2/24/24, 2/26/24 [DP, w/oRec].

### Brief Summary of Bill

- Increases the K-12 special education enrollment funding cap from 15 percent to 17.25 percent.
- Requires the State Auditor to conduct a review of the prevalence of disabilities.

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### SENATE COMMITTEE ON EARLY LEARNING & K-12 EDUCATION

**Majority Report:** Do pass and be referred to Committee on Ways & Means.

Signed by Senators Wellman, Chair; Nobles, Vice Chair; Wilson, C., Vice Chair; Hawkins, Ranking Member; Dozier, Hunt, McCune, Mullet and Pedersen.

**Staff:** Alex Fairfortune (786-7416)

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### SENATE COMMITTEE ON WAYS & MEANS

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.*

**Majority Report:** Do pass.

Signed by Senators Robinson, Chair; Mullet, Vice Chair, Capital; Nguyen, Vice Chair, Operating; Wilson, L., Ranking Member, Operating; Gildon, Assistant Ranking Member, Operating; Schoesler, Ranking Member, Capital; Rivers, Assistant Ranking Member, Capital; Billig, Boehnke, Conway, Dhingra, Hasegawa, Hunt, Keiser, Muzzall, Pedersen, Randall, Saldaña, Torres, Van De Wege, Wagoner and Wellman.

**Minority Report:** That it be referred without recommendation.

Signed by Senator Braun.

**Staff:** Richard Ramsey (786-7909)

**Background:** Special Education Funding. The state allocates funding for a program of special education for students with disabilities. Special education is funded on an excess cost formula for up to 15 percent of a district's students. This formula multiplies the district's base allocation for students enrolled in K-12 special education by an excess cost multiplier of either:

- 1.12 for students receiving special education and reported to be in the general education setting for 80 percent or more of the school day; or
- 1.06 for students receiving special education and reported to be in the general education setting for less than 80 percent of the school day.

Pre-K students receiving special education services, including three-year-olds, four-year-olds, and five-year-olds not yet enrolled in kindergarten, are funded based on a multiplier of 1.2 percent. These students are excluded from the 15 percent enrollment funding cap.

**Summary of Bill:** The K-12 special education enrollment funding cap is increased from 15 percent to 17.25 percent.

The State Auditor (Auditor) must review the prevalence of disabilities and whether the provisions and funding for evaluating students and providing services reflects the prevalence of disabilities, including whether any populations are disparately underevaluated or underserved. This review must be conducted in consultation with the Office of the Superintendent of Public Instruction. The Auditor must report findings and recommendations to the Governor and fiscal and education committees of the Legislature by November 30, 2025.

**Appropriation:** The bill contains a null and void clause requiring specific funding be provided in an omnibus appropriation act.

**Fiscal Note:** Available.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony (Early Learning & K-12 Education):** No public hearing was held.

**Persons Testifying (Early Learning & K-12 Education):** N/A

**Persons Signed In To Testify But Not Testifying (Early Learning & K-12 Education):** N/A

**Staff Summary of Public Testimony (Ways & Means):** PRO: This bill would increase the special education cap and would provide additional support to 156 school districts and would maintain many paraeducators which are a major source of support for special education students. The Legislature made significant investments in the biennial budget for special education, increasing the cap and the multiplier. This bill will be of particular help to Clover Park which gets kids from JBLM. Special education is not just a basic education program it is a promise to students with disabilities. Our special education teachers are quitting because their caseloads are too high and the burn out is real. I'm a teacher at Jefferson Middle School here in Olympia. We have over 20 percent of our kids with special needs and we've had to go into the levy funds to provide support with dignity. The PTA has taken the position that the cap on special education funding should be removed entirely. School districts have a legal obligation to serve all students with disabilities and the state has a legal obligation to reimburse the school districts these costs. Two thirds of districts were above the 15 percent cap. Even at the 17.25 percent cap, about 100 districts would still be above the cap.

**Persons Testifying (Ways & Means):** PRO: Julie Salvi, Washington Education Association; Justin Mckaughan; Nancy Chamberlain, Washington State PTA; Charlie Brown, South Sound Superintendents; Marissa Rathbone, Washington State School Directors' Association (WSSDA); Mikhail Cherniske, Office of Superintendent of Public Instruction; Maddy Thompson, Office of the Governor; Melinda Swedberg.

**Persons Signed In To Testify But Not Testifying (Ways & Means):** No one.