

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 2170

Chapter 13, Laws of 1994

53rd Legislature
1994 Regular Session

SPECIAL SERVICES DEMONSTRATION PROJECTS--REVISIONS

EFFECTIVE DATE: 3/21/94

Passed by the House February 10, 1994
Yeas 93 Nays 0

BRIAN EBERSOLE

**Speaker of the
House of Representatives**

Passed by the Senate March 2, 1994
Yeas 47 Nays 1

R. LORRAINE WOJAHN

President of the Senate

Approved March 21, 1994

MIKE LOWRY

Governor of the State of Washington

CERTIFICATE

I, Marilyn Showalter, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 2170** as passed by the House of Representatives and the Senate on the dates hereon set forth.

MARILYN SHOWALTER

Chief Clerk

FILED

March 21, 1994 - 11:15 a.m.

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 2170

Passed Legislature - 1994 Regular Session

State of Washington 53rd Legislature 1994 Regular Session

By House Committee on Education (originally sponsored by Representatives Sommers, Silver, Ogden, Fuhrman, Dunshee, Dorn, Brough, B. Thomas, L. Johnson and J. Kohl; by request of Legislative Budget Committee)

Read first time 02/02/94.

1 AN ACT Relating to special services demonstration projects;
2 amending RCW 28A.630.845, 28A.630.850, 28A.630.825, 28A.630.830, and
3 28A.630.840; repealing RCW 28A.630.851; and declaring an emergency.

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

5 **Sec. 1.** RCW 28A.630.845 and 1992 c 180 s 3 are each amended to
6 read as follows:

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

15 (2) School districts may propose demonstration projects under this
16 ((section)) subsection to provide needed services and achieve major
17 reductions in the percentage of district students labeled as
18 handicapped in one or more specified categories. State handicapped
19 funding for districts with such projects shall be based for the

1 duration of the project (~~and for two years after the end of the~~
2 ~~project~~) on the average percentage of the kindergarten through twelfth
3 grade enrollment in the specified categories (~~during the 1991-92~~
4 ~~school year or, for projects approved after April 1, 1992,~~) during the
5 school year before the start of the project.

6 (3) School districts with specific learning disabled enrollment at
7 or above four percent of the district's kindergarten through twelfth
8 grade enrollment may propose demonstration projects under this
9 subsection to provide needed services and reduce unnecessary labeling
10 to below the four percent level. When the specific learning disabled
11 enrollment is below the four percent level, funding for the district
12 shall be based on four percent of the kindergarten through twelfth
13 grade enrollment considered as specific learning disabled, without
14 regard to the actual number of students so identified.

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

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

26 (~~(5) This section expires September 1, 1997.~~)

27 **Sec. 2.** RCW 28A.630.850 and 1991 c 265 s 7 are each amended to
28 read as follows:

29 (~~(Sections 1 through 5 of this act)~~) RCW 28A.630.820 through
30 28A.630.845 shall expire ((January 1, 1996)) September 1, 2001.

31 NEW SECTION. **Sec. 3.** RCW 28A.630.851 and 1992 c 180 s 4 are each
32 repealed.

33 **Sec. 4.** RCW 28A.630.825 and 1991 c 265 s 2 are each amended to
34 read as follows:

35 The superintendent of public instruction shall:

1 (1) (~~Make ten~~) Approve fifteen to twenty-five (~~awards for~~)
2 demonstration projects in individual school districts and cooperatives,
3 including at least seven projects approved after the effective date of
4 this section;

5 (2) Make awards for in-service training of teachers and other
6 staff;

7 (3) Provide technical assistance;

8 (4) Grant waivers from state rules needed to implement the
9 projects, or request such waivers to be granted by the appropriate
10 agency;

11 (5) (~~Contract with school districts for demonstration projects and~~
12 ~~make contract payments in accordance with RCW 28A.630.820 through~~
13 ~~28A.630.840~~;

14 ~~(6)~~) Perform or contract for an evaluation of the projects;

15 ~~((7))~~ (6) Confer on the evaluation design with the selection
16 advisory committee; and

17 ~~((8))~~ (7) Submit to the legislature an interim report on the
18 evaluation by December 31, 1993, and a final report by December 31,
19 1995.

20 **Sec. 5.** RCW 28A.630.830 and 1991 c 265 s 3 are each amended to
21 read as follows:

22 (1) The selection advisory committee is created. The committee
23 shall be composed of up to three members from the house of
24 representatives, up to three members from the senate, up to two members
25 from the office of the superintendent of public instruction, and one
26 member from each of the following: The office of financial management,
27 Washington state special education coalition, transitional bilingual
28 instruction educators, and Washington education association.

29 (2) The legislative budget committee and the superintendent of
30 public instruction shall provide staff for the selection advisory
31 committee.

32 (3) The selection advisory committee shall:

33 (a) Develop appropriate criteria for selecting demonstration
34 projects;

35 (b) Issue requests for proposals in accordance with RCW 28A.630.820
36 through ~~((28A.630.840))~~ 28A.630.845 for demonstration projects (~~to~~
37 ~~commence during the 1991-92 and 1992-93 school years~~);

1 (c) Review proposals and recommend demonstration projects for
2 approval by the superintendent of public instruction; and

3 (d) Advise the superintendent of public instruction on the
4 evaluation design(~~(; and~~

5 ~~(e) Report each year by December 1st on the status of the
6 demonstration projects to the legislative budget committee and the
7 appropriate policy and fiscal committees of the house of
8 representatives and the senate)).~~

9 **Sec. 6.** RCW 28A.630.840 and 1992 c 180 s 2 are each amended to
10 read as follows:

11 (1) ~~((Project))~~ Funding used in demonstration projects may include
12 state, federal, and local funds, as ~~((specified))~~ determined by the
13 district ~~((in its approved project proposal))~~.

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

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

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

28 ~~(3))~~ State handicapped allocations shall be calculated for
29 ~~((project))~~ districts with demonstration projects according to the
30 handicapped funding formula in use for other districts, except for the
31 provisions of RCW 28A.630.845 and with the following changes:

32 (a) ~~((Project))~~ Funding for school districts that had pilot
33 projects approved under section 13, chapter 233, Laws of 1989, and that
34 were participating in projects under this section on January 31, 1992,
35 shall be based for the duration of a project ~~((under RCW 28A.630.820~~
36 ~~through 28A.630.840))~~ on four percent of the kindergarten through
37 twelfth grade enrollment considered as specific learning disabled,
38 without regard to the actual number of students so identified. The

1 legislature recognizes the importance of continuing and developing the
2 pilot projects.

3 ~~(b) ((School districts with approved projects as of January 31,~~
4 ~~1992, may receive funding in each school year for handicapped students~~
5 ~~served in the project based on the average percentage of the~~
6 ~~kindergarten through twelfth grade enrollment in the particular~~
7 ~~handicapped category during the prior three years. School districts~~
8 ~~that wish to exercise this option shall notify the selection advisory~~
9 ~~committee and the superintendent of public instruction by May 1, 1992.~~

10 ~~(c))~~ The funding percentages for districts with demonstration
11 projects specified in (a) of this subsection and in RCW 28A.630.845
12 shall be used to adjust basic education allocations under RCW
13 28A.150.260 and learning assistance program allocations under RCW
14 28A.165.070.

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

22 ~~((4) Federal handicapped allocations may be designated in whole or~~
23 ~~in part for project use.~~

24 ~~(5))~~ (3) Learning assistance program allocations ~~((may be~~
25 ~~designated in whole or in part for project use. These allocations))~~
26 shall be calculated for ~~((project))~~ districts with demonstration
27 projects according to the funding formula in use for other districts,
28 except that any increases in the district allocation above the fiscal
29 year 1991 amount shall be designated as noncategorical project funds
30 and may be expended on services to any student served in the project.

31 ~~((6))~~ (4) Transitional bilingual program allocations ~~((may be~~
32 ~~designated in whole or in part for project use. These allocations))~~
33 shall be calculated for ~~((project))~~ districts with demonstration
34 projects according to the funding formula in use for other districts,
35 except that any increases in the district allocation above the fiscal
36 year 1991 amount shall be designated as noncategorical project funds
37 and may be expended on services to any student served in the project.

38 ~~((7) Funding under the federal remediation program allocations may~~
39 ~~be designated in whole or in part for project use.~~

1 ~~(8) Funding from local sources may be designated for project use.~~
2 ~~(9))~~ (5) Expenditures of noncategorical project funds under
3 subsections ~~((3)(d), (5), and (6))~~ (2)(c), (3), and (4) of this
4 section shall be accounted for in new and discrete program or
5 subprogram codes designated by the superintendent of public
6 instruction. The codes shall take effect by September 1, 1991.

7 NEW SECTION. **Sec. 7.** This act is necessary for the immediate
8 preservation of the public peace, health, or safety, or support of the
9 state government and its existing public institutions, and shall take
10 effect immediately.

Passed the House February 10, 1994.

Passed the Senate March 2, 1994.

Approved by the Governor March 21, 1994.

Filed in Office of Secretary of State March 21, 1994.