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**SENATE BILL 5312**

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**State of Washington 66th Legislature 2019 Regular Session**

**By** Senators Wellman and Kuderer; by request of Superintendent of Public Instruction

AN ACT Relating to appropriations for special education programs; and amending RCW 28A.150.390.

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

**Sec.**  RCW 28A.150.390 and 2018 c 266 s 102 are each amended to read as follows:

(1) The superintendent of public instruction shall submit to each regular session of the legislature during an odd-numbered year a programmed budget request for special education programs for students with disabilities. Funding for programs operated by local school districts shall be on an excess cost basis from appropriations provided by the legislature for special education programs for students with disabilities and shall take account of state funds accruing through RCW 28A.150.260 (4)(a), (5), (6), and (8) and 28A.150.415.

(2) The excess cost allocation to school districts shall be based on the following:

(a) A district's annual average headcount enrollment of students ages birth through four and those five year olds not yet enrolled in kindergarten who are eligible for and enrolled in special education, multiplied by the district's base allocation per full-time equivalent student, multiplied by 1.15; ((~~and~~))

(b) A district's annual average ((~~full-time equivalent basic education enrollment, multiplied by the district's funded enrollment percent~~)) enrollment of resident students who are eligible for and enrolled in special education reported by bands of weekly minutes of special education and related services, multiplied by the district's base allocation ((~~per full-time equivalent student~~)), multiplied by ((~~0.9609~~)) the special education excess cost multiplier rate for each band;

(c) For the weekly minutes of service, districts shall report through the special education enrollment reporting system, the sum of the quantifiable special education services, related services, and supplemental aids and supports, per each individualized education program in effect each month;

(d) For allocation purposes, each special education excess cost multiplier rate is linked to the federally reported least restrictive environment designation, under 34 C.F.R. Sec. 300.114, within the individualized education program; and

(e) The special education excess cost multipliers, determined for each combination band of weekly minutes of special education and related services and least restrictive environment incentivizes the provision of special education and related services within the least restrictive environment for each student, determined by the individualized education program team, and may not result in placements that violate 34 C.F.R. Sec. 300.114(a).

(3) As used in this section:

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

(b) "((~~Basic education~~)) Enrollment of resident students" means enrollment of resident students kindergarten through twenty-one years of age, including nonresident students enrolled under RCW 28A.225.225 and students from nonhigh districts enrolled under RCW 28A.225.210 and excluding students residing in another district enrolled as part of an interdistrict cooperative program under RCW 28A.225.250.

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

~~(d) "Funded enrollment percent" means the lesser of the district's actual enrollment percent or thirteen and five-tenths percent~~)) "Special education excess cost multiplier" means the factor assigned to each band of services based on weekly minutes of special education and related services and service setting.

**--- END ---**