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## Education Committee

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### SB 5852

**Brief Description:** Concerning special education safety net awards.

**Sponsors:** Senators Braun, Mullet, Short, Torres and Wilson, L..

<p style="text-align: center;"><b>Brief Summary of Bill</b></p> <ul style="list-style-type: none"><li>• Modifies safety net award eligibility and award adjustment provisions.</li><li>• Requires that a survey of small school districts be used to implement a simplified, standardized safety net application.</li></ul>
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**Hearing Date:** 2/14/24

**Staff:** Megan Wargacki (786-7194).

**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.

Safety Net Funding.

Safety net funding is available to school districts that need more than what is provided through the state special education allocation. The Safety Net Oversight Committee (Committee),

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appointed by the Office of the Superintendent of Public Instruction (OSPI), may award safety net funding if a school district can convincingly demonstrate that all legitimate expenditures for special education exceed all available revenues from state funding formulas, and that it is maximizing its eligibility for all related state and federal revenues. It is specified that differences in program costs attributable to school district philosophy, service delivery choice, or accounting practices are not a legitimate basis for safety net awards.

The Committee may award safety net funding to applicants for high-need individuals and for community characteristics that draw a large number of students eligible for special education. A high-need individual is eligible for a safety net award if the student's individualized education program (IEP) costs exceed: 2.2 times the average per-pupil expenditure, for school districts with 1,000 or more students; or 2 times the average per-pupil expenditure, for school districts with fewer than 1,000 students.

State statute requires safety net awards to be adjusted for any audit findings or exceptions related to special education funding. Under an OSPI rule, the Committee may adjust awards for fiscal corrections and for IEP noncompliance. The OSPI rule also specifies that a safety net application may not be approved if there are unresolved audit findings related to special education that are material to the application.

#### Safety Net Process Survey.

On an annual basis, the OSPI must survey school districts regarding their satisfaction with the safety net process and consider feedback for improvement. The OSPI must summarize the survey results and changes made to the safety net process in an annual report to the Office of Financial Management and the Legislature.

#### **Summary of Bill:**

#### Safety Net Award Eligibility and Amounts.

When determining award eligibility and amounts the Safety Net Oversight Committee (Committee) is directed to limit its review to relevant documentation that illustrates adherence to award criteria. The Committee must not make determinations regarding the content of individualized education programs beyond confirming documented and quantified services and evidence of corresponding expenditures for which a school district seeks reimbursement.

Adjustment of safety net awards for audit findings or exceptions related to special education funding are limited to unresolved findings and for errors in safety net applications or individualized education programs that materially affect the demonstration of need.

#### Safety Net Process Survey.

By December 1, 2024, the Office of the Superintendent of Public Instruction (OSPI) must develop a survey requesting specific feedback on the safety net application process from school districts with 3,000 or fewer students. The survey must include, at a minimum, questions regarding the average amount of time school district staff spend gathering safety net application

data, filling out application forms, and correcting application deficiencies. The survey must also include questions to help identify which application components are the most challenging and time consuming for school districts to complete. By December 1, 2025, the OSPI must use this feedback to implement a simplified, standardized safety net application for all school districts that reduces barriers to safety net funding.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.