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**SENATE BILL 5064**

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**State of Washington**

**68th Legislature**

**2023 Regular Session**

**By** Senators Wellman, Billig, Braun, Hunt, Kuderer, Nobles, Pedersen, Torres, Valdez, and C. Wilson

Prefiled 12/19/22. Read first time 01/09/23. Referred to Committee on Early Learning & K-12 Education.

1 AN ACT Relating to excess cost allocations for special education  
2 programs; and amending RCW 28A.150.390.

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

4 **Sec. 1.** RCW 28A.150.390 and 2020 c 90 s 3 are each amended to  
5 read as follows:

6 (1) The superintendent of public instruction shall submit to each  
7 regular session of the legislature during an odd-numbered year a  
8 programmed budget request for special education programs for students  
9 with disabilities. Funding for programs operated by local school  
10 districts shall be on an excess cost basis from appropriations  
11 provided by the legislature for special education programs for  
12 students with disabilities and shall take account of state funds  
13 accruing through RCW 28A.150.260 (4)(a), (5), (6), and (8) and  
14 28A.150.415.

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

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

1 (b)(i) Subject to the limitation in (b)(ii) of this subsection  
2 (2), a district's annual average enrollment of resident students who  
3 are eligible for and receiving special education, excluding students  
4 ages three and four and those five year olds not yet enrolled in  
5 kindergarten, multiplied by the district's base allocation per full-  
6 time equivalent student, multiplied by the special education cost  
7 multiplier rate of:

8 (A) In the 2019-20 school year, 0.995 for students eligible for  
9 and receiving special education.

10 (B) Beginning in the 2020-21 school year, either:

11 (I) 1.0075 for students eligible for and receiving special  
12 education and reported to be in the general education setting for  
13 eighty percent or more of the school day; or

14 (II) 0.995 for students eligible for and receiving special  
15 education and reported to be in the general education setting for  
16 less than eighty percent of the school day.

17 (ii) If the enrollment percent exceeds (~~(thirteen and five~~  
18 ~~tenths)~~) 14.5 percent, the excess cost allocation calculated under  
19 (b)(i) of this subsection must be adjusted by multiplying the  
20 allocation by (~~(thirteen and five tenths)~~) 14.5 percent divided by  
21 the enrollment percent.

22 (3) As used in this section:

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

28 (b) "Basic education enrollment" means enrollment of resident  
29 students including nonresident students enrolled under RCW  
30 28A.225.225 and students from nonhigh districts enrolled under RCW  
31 28A.225.210 and excluding students residing in another district  
32 enrolled as part of an interdistrict cooperative program under RCW  
33 28A.225.250.

34 (c) "Enrollment percent" means the district's resident annual  
35 average enrollment of students who are eligible for and receiving  
36 special education, excluding students ages three and four and those  
37 five year olds not yet enrolled in kindergarten and students enrolled

1 in institutional education programs, as a percent of the district's  
2 annual average full-time equivalent basic education enrollment.

--- **END** ---