

FAIR AND EQUAL SPECIAL EDUCATION FUNDING ACT

AN ACT Relating to state funding for special education; amending RCW 28A.150.390; and creating new sections.

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

Sec. 1. RCW 28A.150.390 and 2019 c 387 s 4 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)~~ 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 receiving special education, multiplied by the district's base allocation per full-time equivalent student, multiplied by 1.15(~~(+~~

~~(b)(i) Subject to the limitation in (b)(ii) of this subsection (2), a district's annual average enrollment of resident students who~~

~~are eligible for and receiving special education, excluding students ages birth through four and those five year olds not yet enrolled in kindergarten, multiplied by the district's base allocation per full-time equivalent student, multiplied by the special education cost multiplier rate of:~~

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

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

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

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

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

(3) As used in this section (

~~(a) "Base))~~, "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 allocation under RCW 28A.150.415, to be divided by the district's full-time equivalent enrollment.

~~((b) "Basic education enrollment" means enrollment of resident students 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 annual average enrollment of students who are eligible for and receiving special education, excluding students ages birth through four and~~

~~those five year olds not yet enrolled in kindergarten and students enrolled in institutional education programs, as a percent of the district's annual average full-time equivalent basic education enrollment.))~~

NEW SECTION. **Sec. 2.** This act applies to the 2021-22 school year and to all subsequent school years.

NEW SECTION. **Sec. 3.** This act must be liberally construed to effectuate the policies, purposes, and intent of this act.

NEW SECTION. **Sec. 4.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 5.** This act may be known and cited as the Fair and Equal Special Education Funding Act.

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