

March 2, 2023



2023 LEGISLATIVE CONFERENCE

HOT TOPICS

—**UPDATED**—

WASA/WSSDA/WASBO Members:

Thank you for stepping up and joining with your colleagues for the 2023 Legislative Conference and Day on the Hill!

During the Legislative Conference, we presented the “Hot Topics,” which are the agreed upon set of legislative priorities for the Conference. Following you will find an *UPDATED* version of the Hot Topics for your use. The two Hot Topic issues in 2023 are **Special Education funding** and **Pupil Transportation funding**. There are four bills that we continue to work on and each of those bills was amended just prior to the Conference. As you continue to engage with your legislators, we wanted you to have the most up-to-date information possible. **Please note that all four of these bills are on their respective house Floor Calendars and are expected to be acted upon (likely with additional amendments) prior to the house of origin cutoff on March 8.**

Both special education and pupil transportation are likely to be “end game” issues as the 2023-25 Operating Budget advances and is negotiated between the houses. Understanding that, **continuing to advocate on these two issues will remain critical throughout the remainder of the 2023 Legislative Session.** As you advocate, remember to add your own “stories” and your own voice to illuminate the issues.

Engagement among our collective members has been impressive in the first seven weeks of this session. If we hope to be successful, that engagement needs to continue in the remaining eight weeks.

Thank you, again, for your participation. Our association advocacy efforts cannot succeed without your support!

Marissa Rathbone
WSSDA

Dan Steele
WASA & WASBO

March 2, 2023



2023 LEGISLATIVE CONFERENCE

HOT TOPICS

—**UPDATED**—

The public education system is named in the state constitution as Washington's paramount duty. No other system has the same designation. School directors and administrators continue to advocate for public education while supporting and elevating the staff that enables it to exist and thrive. While our system continues to support students and families in unique and innovative ways, as exemplified during the pandemic, it is also severely strained. Despite our staff being exhausted, we persist in providing a fair and free public education to over 1.1 million students. However, we are desperate for the resources to improve the outcomes for each and every student in our system – and we are relying on the Legislature to help us do so.

School directors, administrators, and business officers have come together this session with a deliberate focus on just two issues: special education and transportation. Our collective interests are to effectively serve our students with disabilities and transport students to and from school in a safe and efficient manner. These responsibilities cannot be achieved without a significant investment from this Legislature and we ask for your commitment this session to enable us deliver on the promise of public education.

FULLY FUND SPECIAL EDUCATION SERVICES

Funding that school districts currently receive for special education services is not well aligned with expenditures, leaving most districts to rely on local levies to supplement special education programs. School districts have state and federal legal obligations to serve all students with disabilities in Washington, regardless of cost of services.

We acknowledge over the last four years, the Legislature has: increased the special education excess cost multiplier (2019); provided additional funding for safety net awards (2020); and provided funding for additional transition services, for professional development, and for family liaisons (2021). While these incremental steps to reduce the special education funding gap are positive and appreciated, WASA/WSSDA/WASBO urge the 2023 Legislature to take more deliberate action to provide full funding of special education costs and align funding with best practices. Specifically, we request the Legislature increase the special education tiered multiplier to fully cover the cost of special education services; remove the current, artificial 13.5

percent funding cap; and sustain the state's investment in the Inclusionary Practices Project (IPP).

2SSB 5311 (Wellman), as adopted by the Senate Ways & Means Committee, would:

- Increase special education excess cost multipliers for Pre-K and grades K-12 in the 2023-24 school year, rather than over a four-year period. The one-year multiplier is increased beyond the original proposal; however, it remains static for the next three school years—and ends up being less than previous versions of the bill;
- Continue to increase the special education enrollment funding cap from the current, arbitrary 13.5 percent to 15.0 percent; and
- Adjust special education safety net eligibility to allow school districts with low or no regionalization to more quickly—and equitably—access safety net funds. (NOTE: Potential amendments on the Senate Floor would eliminate this language and replace it with a lowering of the safety net threshold.)

The previous version of this bill would have cost \$303 million in 2023-25. Because of the accelerated rate of the multipliers in the first year, the total cost of the bill increases to \$352 million; however, because the multipliers are only increased in the first year, the four-year investment moves from just over \$1.0 billion to \$771 million.

SHB 1436 (Pollet) was introduced by request of Superintendent Reykdal. As introduced, the bill would have fully implemented Supt. Reykdal's budget request for special education and provided sufficient funding to fully cover school district costs to provide special education services. It would have increased the special education tiered multiplier, Pre-K through K-12, to move the state closer to a funding model that more closely reflects the actual costs of service delivery; eliminated the enrollment funding cap; and sustained the state-funded professional development and job-embedded coaching provided through the Inclusionary Practices Project.

As adopted by the House Appropriations Committee, the bill would:

- Phase-in increases in the special education enrollment cap over four years, with a full removal in 2027-28;
- Phase-in increases in the special education excess cost multipliers for grades K-12, although the multipliers in this version of the bill are dramatically lower than originally proposed, and lower than the current 2SSB 5311. Increases in PreK multipliers have been removed in this version of the bill;
- Require OSPI to review disproportionality data and assist schools with inclusionary teaching practices; and
- Require the Joint Legislative Audit and Review Committee and the State Auditor Office to conduct a performance audit of the state's special education system.

As originally proposed by Superintendent Reykdal, this bill would have cost \$803 million. This current version of the bill would cost \$168 million in 2023-25, while the four-year total would be \$410 million.

FIX PUPIL TRANSPORTATION

The state's current model for providing school districts with funding for student transportation is opaque, unpredictable, and does not sufficiently provide for the actual costs of transporting students to and from school each day.

In the last session, WASA/WSSDA/WASBO, along with most of the education community, made a considerable effort to persuade the Legislature to finally overhaul the current pupil transportation funding model. Key legislators were committed to advancing appropriate revisions; however, the task ultimately proved to be too complex in a short, supplemental session. Instead, legislators decided to take an initial, first step to fixing the formula by providing reimbursements to school districts which had excess costs due to transporting "special passengers." Special passengers were defined as: special education students; homeless students under McKinney-Vento; and students in foster care.

Legislation was introduced in both houses last year to support this short-term solution regarding special passengers; however, due to a dispute between legislators, both bills died. Fortunately, we were able to salvage the issue by persuading budget-writers to include funding in the 2022 Supplemental Operating Budget. In the end, \$13.0 million in one-time funding, was provided to implement a portion of the bills' provisions. Legislators committed to us that this was just the first step to updating the base formula to ensure it is more transparent, predictable, and adequately funded. Legislators in both houses again stepped up with proposed fixes this year to fulfill that commitment. Unfortunately, both bills, which would have updated the funding formula and held districts harmless in the transition between models have been drastically altered and reduced in scope.

2SSB 5174 (Wellman), as adopted by the Senate Ways & Means Committee, would:

- Create a new safety net program to support funding of special passengers (special education, homeless, and foster students); and
- Require OSPI to conduct an analysis of school district transportation costs and allocations and provide recommendations regarding a new transportation formula by due June 1, 2026.

SHB 1248 (Stonier), as adopted by the House Appropriations Committee, would:

- Create a new safety net program to support funding of special passengers (special education, homeless, and foster students); and
- Require districts that contract for pupil transportation services to ensure contracted employees receive health care and pension benefits comparable to school employee benefits. One-time funding would be provided to assist districts that experienced an increase in costs to pupil transportation services contracts due to the new benefit requirements.