

Multiple Agency Fiscal Note Summary

Bill Number: 5315 S SB	Title: Special education/nonpublic
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Estimated Cash Receipts

Agency Name	2023-25			2025-27			2027-29		
	GF-State	NGF-Outlook	Total	GF-State	NGF-Outlook	Total	GF-State	NGF-Outlook	Total
Office of Attorney General	0	0	22,000	0	0	13,000	0	0	16,000
Total \$	0	0	22,000	0	0	13,000	0	0	16,000

Agency Name	2023-25		2025-27		2027-29	
	GF- State	Total	GF- State	Total	GF- State	Total
Local Gov. Courts						
Loc School dist-SPI	No fiscal impact					
Local Gov. Other						
Local Gov. Total						

Estimated Operating Expenditures

Agency Name	2023-25				2025-27				2027-29			
	FTEs	GF-State	NGF-Outlook	Total	FTEs	GF-State	NGF-Outlook	Total	FTEs	GF-State	NGF-Outlook	Total
Office of Attorney General	.1	0	0	22,000	.0	0	0	13,000	.1	0	0	16,000
Superintendent of Public Instruction	4.0	1,873,000	1,873,000	1,873,000	3.4	1,510,000	1,510,000	1,510,000	3.4	1,510,000	1,510,000	1,510,000
Total \$	4.1	1,873,000	1,873,000	1,895,000	3.4	1,510,000	1,510,000	1,523,000	3.5	1,510,000	1,510,000	1,526,000

Agency Name	2023-25			2025-27			2027-29		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
Local Gov. Courts									
Loc School dist-SPI	No fiscal impact								
Local Gov. Other									
Local Gov. Total									

Estimated Capital Budget Expenditures

Agency Name	2023-25			2025-27			2027-29		
	FTEs	Bonds	Total	FTEs	Bonds	Total	FTEs	Bonds	Total
Office of Attorney General	.0	0	0	.0	0	0	.0	0	0
Superintendent of Public Instruction	.0	0	0	.0	0	0	.0	0	0
Total \$	0.0	0	0	0.0	0	0	0.0	0	0

Agency Name	2023-25			2025-27			2027-29		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
Local Gov. Courts									
Loc School dist-SPI	No fiscal impact								
Local Gov. Other									
Local Gov. Total									

Estimated Capital Budget Breakout

Prepared by: Val Terre, OFM	Phone: (360) 280-3973	Date Published: Final 4/ 4/2023
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Individual State Agency Fiscal Note

Bill Number: 5315 S SB	Title: Special education/nonpublic	Agency: 100-Office of Attorney General
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Part I: Estimates

No Fiscal Impact

Estimated Cash Receipts to:

ACCOUNT	FY 2024	FY 2025	2023-25	2025-27	2027-29
Legal Services Revolving Account-State 405-1	14,000	8,000	22,000	13,000	16,000
Total \$	14,000	8,000	22,000	13,000	16,000

Estimated Operating Expenditures from:

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	0.1	0.1	0.1	0.0	0.1
Account					
Legal Services Revolving Account-State 405-1	14,000	8,000	22,000	13,000	16,000
Total \$	14,000	8,000	22,000	13,000	16,000

Estimated Capital Budget Impact:

NONE

The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.
- Requires new rule making, complete Part V.

Legislative Contact: Kayla Hammer	Phone: 360-786-7400	Date: 02/06/2023
Agency Preparation: Chad Standifer	Phone: 3605863650	Date: 03/28/2023
Agency Approval: Edd Giger	Phone: 360-586-2104	Date: 03/28/2023
OFM Review: Cheri Keller	Phone: (360) 584-2207	Date: 03/29/2023

Part II: Narrative Explanation

II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.

Bill Summary

Section 1: Amending RCW 28A.155.090. Requiring the Office of the Superintendent of Public Instruction (OSPI) to establish standards for school district contracts with nonpublic agencies operating special education programs for students with disabilities.

Section 2: Amending RCW 28A.155.060. Defining a “nonpublic agency”; requiring OSPI to create a master contract to govern placement of students receiving special education services with nonpublic agencies, and specifying the requirements of that contract. Requiring OSPI to conduct on-site visits of nonpublic agencies. Authorizing OSPI to approve nonpublic agency contracts, and to suspend, revoke, or refuse to renew those contracts, under certain conditions. Authorizing OSPI to engage in rulemaking.

Section 3: Amending RCW 28A.155.210. Requiring a student’s individualized education program to specify procedures required to ensure nonpublic agency compliance with RCW 28A.600.485.

Section 4: Amending RCW 28A.600.485, adding a definition of “school” to mean a public school or a nonpublic agency that contracts with a school district as authorized by RCW 28A.150.010. Authorizing OSPI to use the data described in the section to determine a nonpublic agency’s compliance with the obligations and standards set forth in RCW 28A.155.060.

Section 5: New Section. Requiring OSPI to submit an annual report to the education committees of the legislature regarding student placements at nonpublic agencies, beginning December 1, 2023, and specifying the report’s requirement.

Section 6: Amending RCW 28A.310.515. Authorizing classroom training for nonpublic agencies located in Washington that contract with school districts.

Section 7: Emergency clause providing for immediate effective date.

II. B - Cash receipts Impact

Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.

Cash receipts are assumed to equal the Legal Services Revolving Account (LSRA) cost estimates. These will be billed through the revolving account to the client agency.

The client agency is the Office of Superintendent of Public Instruction (OSPI). The Attorney General’s Office (AGO) will bill all clients for legal services rendered.

These cash receipts represent the AGO’s authority to bill and are not a direct appropriation to the AGO. The direct appropriation is reflected in the client agency’s fiscal note. Appropriation authority is necessary in the AGO budget.

AGO AGENCY ASSUMPTIONS:

OSPI will be billed non-Seattle rates:

FY 2024: \$14,000 for 0.05 Assistant Attorney General FTE (AAG), and 0.03 Legal Assistant 3 FTE (LA).

FY 2025: \$8,000 for 0.03 AAG, and 0.02 LA.

FY 2026: \$5,000 for 0.02 AAG, 0.01 LA.
 FY 2027, and each FY thereafter: \$8,000 for 0.03 AAG, and 0.02 LA.

II. C - Expenditures

Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.

Attorney General’s Office (AGO) Agency Assumptions:

This bill has an emergency clause and is assumed to be effective immediately.

Location of staffing is assumed to be in a non-Seattle office building.

Total workload impact in this request includes standard assumption costs for goods & services, travel, and capital outlays for all FTE identified.

Agency administration support FTE are included in the tables. The Management Analyst 5 (MA), is used as a representative classification. An example ratio is for every 1.0 Assistant Attorney General FTE (AAG), the AGO includes 0.5 FTE for a Legal Assistant 3 (LA) and 0.25 FTE of an MA.

Assumptions for the AGO Education Division’s (EDU) Legal Services for the Office of Superintendent of Public Instruction (OSPI).

The AGO will bill OSPI for legal services based on the enactment of this bill.

During FY 2024, EDU assumes Section 1 and Section 2 of this bill will generate the need for approximately 0.05 AAG for legal services for drafting and review of a model contract, along with advice relating to the implementation of standards and other provisions. The lack of clarity about whether OSPI monitors contracts or Non-Public Agencies (NPAs) will also generate an increased need for legal advice concerning standards and rules adoption.

During FY 2025, EDU assumes 0.03 AAG will be required for the adoption of rules necessary to implement Section 2, and final implementation advice expected to carry over into FY 2025. During FY 2026, EDU assumes 0.02 AAG for Section 2 advice relating to site visits during early implementation. During FY 2027, and in each FY thereafter, EDU assumes 0.03 AAG will be required for: investigations and action taken to revoke, suspend or refuse to renew nonpublic agencies; and representation for one hearing per year lasting one to two days, along with the associated legal work relating to that hearing

EDU total non-Seattle impact:

FY 2024: \$14,000 for 0.05 AAG, and 0.03. LA.
 FY 2025: \$8,000 for 0.03 AAG, and 0.02 LA.
 FY 2026: \$5,000 for 0.02 AAG, and 0.01 LA.
 FY 2027, and each FY thereafter: \$8,000 for 0.03 AAG, and 0.02 LA.

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

Account	Account Title	Type	FY 2024	FY 2025	2023-25	2025-27	2027-29
405-1	Legal Services Revolving Account	State	14,000	8,000	22,000	13,000	16,000
Total \$			14,000	8,000	22,000	13,000	16,000

III. B - Expenditures by Object Or Purpose

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	0.1	0.1	0.1	0.0	0.1
A-Salaries and Wages	9,000	5,000	14,000	8,000	10,000
B-Employee Benefits	3,000	2,000	5,000	3,000	4,000
E-Goods and Other Services	2,000	1,000	3,000	2,000	2,000
Total \$	14,000	8,000	22,000	13,000	16,000

III. C - Operating FTE Detail: *List FTEs by classification and corresponding annual compensation. Totals need to agree with total FTEs in Part I and Part IIIA*

Job Classification	Salary	FY 2024	FY 2025	2023-25	2025-27	2027-29
Assistant Attorney General	118,700	0.1	0.0	0.0	0.0	0.0
Legal Assistant 3	55,872	0.0	0.0	0.0	0.0	0.0
Management Analyst 5	91,524	0.0		0.0		
Total FTEs		0.1	0.1	0.1	0.1	0.1

III. D - Expenditures By Program (optional)

Program	FY 2024	FY 2025	2023-25	2025-27	2027-29
Education Division (EDU)	14,000	8,000	22,000	13,000	16,000
Total \$	14,000	8,000	22,000	13,000	16,000

Part IV: Capital Budget Impact

IV. A - Capital Budget Expenditures

NONE

IV. B - Expenditures by Object Or Purpose

NONE

IV. C - Capital Budget Breakout

Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.

NONE

IV. D - Capital FTE Detail: *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*

NONE

Part V: New Rule Making Required

Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.

Individual State Agency Fiscal Note

Revised

Bill Number: 5315 S SB	Title: Special education/nonpublic	Agency: 350-Superintendent of Public Instruction
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Part I: Estimates

No Fiscal Impact

Estimated Cash Receipts to:

NONE

Estimated Operating Expenditures from:

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	4.7	3.4	4.0	3.4	3.4
Account					
General Fund-State 001-1	1,118,000	755,000	1,873,000	1,510,000	1,510,000
Total \$	1,118,000	755,000	1,873,000	1,510,000	1,510,000

Estimated Capital Budget Impact:

NONE

The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.
- Requires new rule making, complete Part V.

Legislative Contact: Kayla Hammer	Phone: 360-786-7400	Date: 02/06/2023
Agency Preparation: Tisha Kuhn	Phone: 360 725-6424	Date: 03/26/2023
Agency Approval: Amy Kollar	Phone: 360 725-6420	Date: 03/26/2023
OFM Review: Val Terre	Phone: (360) 280-3973	Date: 03/30/2023

Part II: Narrative Explanation

II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.

Changes in SSB 5315 compared to SB 5315:

Section 2

(1) Clarifying language is added that a nonpublic agency means a private in-state or out-of-state agency that contracts with a school district to provide special education to students with disabilities. “Nonpublic agency school” is now added which means a Washington State private school approved by the State Board of Education that contracts with a school district to provide special education for students with disabilities.

(2) This section directs OSPI to create a master contract to govern the placement of special education students receiving services with nonpublic agencies. Language is added that requires districts, that choose to contract with nonpublic agencies, to use this master contract to ensure uniform standards are met. Districts may adapt the master contract to include additional elements.

(3)(a) This section now adds an exception to the site visit requirement. It also requires the site visit to take place within 30 days of the student beginning to receive services.

(3)(b) Nonpublic agency schools that are approved by the State Board of Education may seek a five-year preapproval from OSPI. To grant preapproval, OSPI must visit the site and determine that the facilities, staffing levels, and procedural safeguards are sufficient to provide a safe and appropriate learning environment. This visit may occur independently from an application for contract approval. Once preapproval is granted, the nonpublic agency school is exempt from on-site visit requirements from OSPI when seeking contract approval under this section. Preapprovals may be renewed every five years with a new on-site visit by OSPI.

(4)(b) OSPI must notify the State Board of Education if any nonpublic agency school is investigated for noncompliance, directed to complete corrective action, or fails to maintain contract approval under this section.

(5) When creating the master contract, OSPI must seek to streamline requirements and reduce procedural redundancies, including coordinating with the State Board of Education to align requirements for nonpublic agency schools.

Summary of SSB 5315:

Section 1(6)

RCW 28A.155.090 and 2007 c 115 s 11 are amended to include the following:

OSPI shall establish standards for approval, monitoring, and investigating school district contracts with nonpublic agencies operating special education programs. Standards shall ensure that any student served by a nonpublic agency has the same rights and protections as they would if they were served by a school district.

Section 2

RCW 28A.155.060 and 2007 c 115 s 6 are amended

(1) For the purposes of this section, a nonpublic agency means a private in-state or out-of-state agency that contracts with a school district to provide a program of special education for students with disabilities. “Nonpublic agency school” is now added which means a Washington State private school approved by the State Board of Education that contracts with a school district to provide special education for students with disabilities.

(2) OSPI must create a master contract to govern placement of students receiving services with nonpublic agencies. The master contract must be used by districts to ensure uniform standards are met. Districts may adapt the master contract to include additional elements. The master contract must include, at minimum:

- a. A description of the administrative and financial agreements between the school district and the nonpublic agency;
- b. A list of each qualified staff member providing special education services and copy of their qualifying credentials;
- c. A description of the financial safeguards in place to track revenues and expenditures;
- d. A description of the nonpublic agency's responsibilities and process for data collection and reporting
- e. Acknowledgment that the nonpublic agency must comply with all emergency response protocols and isolation and restraint procedures provided in each Individualized Education Program (IEP);
- f. Acknowledgment that the nonpublic agency must notify the school district and OSPI of any program, staffing, or facility changes that may affect the agency's ability to provide services.
- g. Acknowledgment that the nonpublic agency must comply with all state and federal laws

(3)(a) Except as provided in (b) of this subsection, OSPI and the contracting school district must conduct an on-site visit within 30 days of a student receiving services. The school district must conduct at least one on-site visit annually thereafter. The on-site visit must ensure that all facilities, staffing levels, and procedural safeguards are sufficient to provide a safe and appropriate environment for all students served and verify compliance with contract requirements.

(3)(b) Nonpublic agency schools that are approved by the State Board of Education may seek a five-year preapproval form OSPI. To grant preapproval, OSPI must visit the site and determine that the facilities, staffing levels, and procedural safeguards are sufficient to provide a safe and appropriate learning environment. This visit may occur independently from an application for contract approval. Once preapproval is granted, the nonpublic agency school is exempt from on-site visit requirements from OSPI when seeking contract approval under this section. Preapprovals may be renewed every five years with a new on-site visit by OSPI.

(4)(a) OSPI may approve such contract for up to three years. OSPI may suspend, revoke, or refuse to renew said contract if the nonpublic agency:

- a. Fails to comply with all contract requirements;
- b. Violates the rights of eligible students; or
- c. Refuses to implement corrective actions ordered by OSPI

(4)(b) OSPI must notify the State Board of Education if any nonpublic agency school is investigated for noncompliance, direct to complete corrective action, or fails to maintain contract approval under this section.

(5) When creating the master contract, OSPI must seek to streamline requirements and reduce procedural redundancies, including coordinating with the State Board of Education to align requirements for nonpublic agency schools.

Section 3

RCW 28A.155.210 and 2013 c 202 s 3 are amended

Language is added to ensure that if a student is served by a nonpublic agency, the student's IEP must specify any additional procedures required to ensure the nonpublic agency fully complies with RCW 28A.600.485.

Section 4

(1)(d) A definition is added that states School means a public school as defined in RCW 28A.150.010 or a nonpublic agency that contracts with a school district as authorized under RCW 28A.155.060.

(7)(b) Language is added that allows OSPI to use the data collected in this subsection to determine if a nonpublic agency is in compliance with all contract obligations and approval standards.

Section 5

A new section is added to chapter RCW 28A.155.

(1) Beginning December 1, 2023, OPSI must report annually regarding student placements at nonpublic agencies. The report must be posted on OSPI's website

(2) The required report data in subsection (1) must be disaggregated by nonpublic agency when it is possible to do so

without disclosing a student's personally identifiable information.

Section 6

RCW 28A.310.515 and 2021 c 38 s 4 are amended

(3) Language is added allowing ESDs to provide classroom training on the subjects listed in subsection (2) to nonpublic agencies located in Washington that contract with school districts to provide a platform of special education to students.

Section 7

This new section requires this act to take effect immediately.

II. B - Cash receipts Impact

Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.

No impact to cash receipts.

II. C - Expenditures

Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.

OSPI Expenditure Impact:

OSPI will require a 3.25 FTE, Program Supervisor, to accomplish the work identified in this bill. The cost is \$529,000 in FY24 and \$492,000 annually thereafter. The work includes the following sections:

I. Section 1(6)

OSPI shall establish standards for approval, monitoring, and investigating school district contracts with nonpublic agencies operating special education programs. OSPI estimates 100 hours of staff time in FY24 to complete this work.

II. Section 2

Subsections (2), (4), and (5) define OSPI's role in creating, executing, and monitoring a master contract.

Subsection (3) requires OSPI and the school district to conduct a joint on-site visit of the nonpublic agency within 30 days of when a student begins receiving contracted services. The contracting school district must conduct at least one on-site visit annually thereafter while the contract is in effect. The latest data shows 574 students currently placed at a nonpublic agency, 60 of which are out-of-state. The requirement that an on-site visit be conducted within 30 days of each student beginning services would require at least 574 on-site visits each year, 60 of which would require out of state travel. Additional travel costs to visit 60 out-of-state sites each year would cost at least \$158,000 annually. Adding private schools as nonpublic agency schools would increase the number of site visits each year. This change in language from the previous bill version would require an additional 2.0 FTE, Program Supervisors, to complete.

III. Section 5

Beginning December 1, 2023, OPSI must report annually regarding student placements at nonpublic agencies. The report must be posted on OSPI's website. The required report data in subsection (1) must be disaggregated by nonpublic agency when it is possible to do so without disclosing a student's personally identifiable information.

Development of the system would cost an estimated \$169,000 in FY24 based on costs to develop similar applications. An additional \$79,000 annually would be required for enhancements/maintenance. OSPI staff costs include project management, data gathering and testing, and annual maintenance and support. This would include the following positions in FY24 only:

1. Technical Coordinator, 0.6 FTE, \$108,000
2. Application Developer, 0.6 FTE, \$108,000
3. Database Administrator, 0.1 FTE, \$20,000

SBE Expenditure Impact:

To implement Section 2 of the bill, the State Board of Education (SBE) would follow up on notifications from the Office of Superintendent of Public Instruction (OSPI). SBE assumes that one school will need compliance follow-up (including rescission proceedings) per biennium, based on the number of complaints requiring such follow-up per biennium for all approved private schools. SBE assumes such follow-up will involve approximately 60 hours per year of Assistant Attorney General time and effort. SBE further assumes that any bill-related increase in the number of private school approvals SBE processes each year would be insignificant enough for SBE to absorb.

Specifically, SBE would follow-up with schools reported by OSPI as noncompliant if the compliance issue may impact their private school operations. This follow-up includes:

1. Communication with the school to investigate and clarify issues that may affect the school’s private school approval status.
2. Possible rescission of private school approval as described in WAC 180-90-141 to -144.

Beginning in fiscal year 2024 and each subsequent fiscal year, this would require the following:

SBE Staffing:

- 0.07 FTE Program Manager
 - 0.04 FTE Program Director
- Total cost: \$14,000 per fiscal year

AGO Services:

SBE estimates services charged by the Office of the Attorney General (AGO) for agency administration support in implementing the requirements of section 2 to include 60 hours of an Assistant Attorney General. Total cost: \$8,000 per fiscal year.

Contract Support:

SBE estimates a need for contracted support of 40 hours of a Hearing Officer’s time and effort to support the implementation requirements of section 2. Total cost: \$4,000 per fiscal year.

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

Account	Account Title	Type	FY 2024	FY 2025	2023-25	2025-27	2027-29
001-1	General Fund	State	1,118,000	755,000	1,873,000	1,510,000	1,510,000
Total \$			1,118,000	755,000	1,873,000	1,510,000	1,510,000

III. B - Expenditures by Object Or Purpose

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	4.7	3.4	4.0	3.4	3.4
A-Salaries and Wages	437,000	303,000	740,000	606,000	606,000
B-Employee Benefits	227,000	157,000	384,000	314,000	314,000
C-Professional Service Contracts	173,000	83,000	256,000	166,000	166,000
E-Goods and Other Services	41,000	32,000	73,000	64,000	64,000
G-Travel	189,000	180,000	369,000	360,000	360,000
J-Capital Outlays	51,000		51,000		
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services					
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements					
9-					
Total \$	1,118,000	755,000	1,873,000	1,510,000	1,510,000

III. C - Operating FTE Detail: *List FTEs by classification and corresponding annual compensation. Totals need to agree with total FTEs in Part I and Part IIIA*

Job Classification	Salary	FY 2024	FY 2025	2023-25	2025-27	2027-29
Application Developer	103,000	0.6		0.3		
Database Administrator	105,000	0.1		0.1		
Program Supervisor	91,000	3.3	3.3	3.3	3.3	3.3
SBE Program Director	116,000	0.0	0.0	0.0	0.0	0.0
SBE Program Manager	71,000	0.1	0.1	0.1	0.1	0.1
Technical Coordinator	103,000	0.6		0.3		
Total FTEs		4.7	3.4	4.0	3.4	3.4

III. D - Expenditures By Program (optional)

NONE

Part IV: Capital Budget Impact

IV. A - Capital Budget Expenditures

NONE

IV. B - Expenditures by Object Or Purpose

NONE

IV. C - Capital Budget Breakout

Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.

NONE

IV. D - Capital FTE Detail: *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*

NONE

No capital budget impact.

Part V: New Rule Making Required

Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.

Sec. 2(5) requires rule making.

Individual State Agency Fiscal Note

Bill Number: 5315 S SB	Title: Special education/nonpublic	Agency: SDF-School District Fiscal Note - SPI
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Part I: Estimates

No Fiscal Impact

Estimated Cash Receipts to:

NONE

Estimated Operating Expenditures from:

NONE

Estimated Capital Budget Impact:

NONE

The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.
- Requires new rule making, complete Part V.

Legislative Contact: Kayla Hammer	Phone: 360-786-7400	Date: 02/06/2023
Agency Preparation: Jami Marcott	Phone: (360) 725-6230	Date: 04/03/2023
Agency Approval: Michelle Matakas	Phone: 360 725-6019	Date: 04/03/2023
OFM Review: Val Terre	Phone: (360) 280-3973	Date: 04/04/2023

Part II: Narrative Explanation

II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.

Changes in SSB 5315 compared to SB 5315:

Section 2

(1) Clarifying language is added that a nonpublic agency means a private in-state or out-of-state agency that contracts with a school district to provide special education to students with disabilities. "Nonpublic agency school" is now added which means a Washington State private school approved by the State Board of Education that contracts with a school district to provide special education for students with disabilities.

(2) This section directs OSPI to create a master contract to govern the placement of special education students receiving services with nonpublic agencies. Language is added that requires districts, that choose to contract with nonpublic agencies, to use this master contract to ensure uniform standards are met. Districts may adapt the master contract to include additional elements.

(3) (a) This section now adds an exception to the site visit requirement. It also requires the site visit to take place within 30 days of the student beginning to receive services.

(3)(b) Nonpublic agency schools that are approved by the State Board of Education may seek a five-year preapproval from OSPI. To grant preapproval, OSPI must visit the site and determine that the facilities, staffing levels, and procedural safeguards are sufficient to provide a safe and appropriate learning environment. This visit may occur independently from an application for contract approval. Once preapproval is granted, the nonpublic agency school is exempt from on-site visit requirements from OSPI when seeking contract approval under this section. Preapprovals may be renewed every five years with a new on-site visit by OSPI.

(4)(b) OSPI must notify the State Board of Education if any nonpublic agency school is investigated for noncompliance, directed to complete corrective action, or fails to maintain contract approval under this section.

(5) When creating the master contract, OSPI must seek to streamline requirements and reduce procedural redundancies, including coordinating with the State Board of Education to align requirements for nonpublic agency schools.

Summary of SSB 5315:

Section 1(6)

RCW 28A.155.090 and 2007 c 115 s 11 are amended to include the following:

OSPI shall establish standards for approval, monitoring, and investigating school district contracts with nonpublic agencies operating special education programs. Standards shall ensure that any student served by a nonpublic agency has the same rights and protections as they would if they were served by a school district.

Section 2

RCW 28A.155.060 and 2007 c 115 s 6 are amended

(1) For the purposes of this section, a nonpublic agency means a private in-state or out-of-state agency that contracts with a school district to provide a program of special education for students with disabilities. "Nonpublic agency school" is now added which means a Washington State private school approved by the State Board of Education that contracts with a school district to provide special education for students with disabilities.

(2) OSPI must create a master contract to govern placement of students receiving services with nonpublic agencies. The

master contract must be used by districts to ensure uniform standards are met. Districts may adapt the master contract to include additional elements. The master contract must include, at minimum:

- a. A description of the administrative and financial agreements between the school district and the nonpublic agency;
- b. A list of each qualified staff member providing special education services and copy of their qualifying credentials;
- c. A description of the financial safeguards in place to track revenues and expenditures;
- d. A description of the nonpublic agency's responsibilities and process for data collection and reporting
- e. Acknowledgment that the nonpublic agency must comply with all emergency response protocols and isolation and restraint procedures provided in each Individualized Education Program (IEP);
- f. Acknowledgment that the nonpublic agency must notify the school district and OSPI of any program, staffing, or facility changes that may affect the agency's ability to provide services.
- g. Acknowledgment that the nonpublic agency must comply with all state and federal laws

(3)(a) Except as provided in (b) of this subsection, OSPI and the contracting school district must conduct an on-site visit within 30 days of a student receiving services. The school district must conduct at least one on-site visit annually thereafter. The on-site visit must ensure that all facilities, staffing levels, and procedural safeguards are sufficient to provide a safe and appropriate environment for all students served and verify compliance with contract requirements.

(3)(b) Nonpublic agency schools that are approved by the State Board of Education may seek a five-year preapproval from OSPI. To grant preapproval, OSPI must visit the site and determine that the facilities, staffing levels, and procedural safeguards are sufficient to provide a safe and appropriate learning environment. This visit may occur independently from an application for contract approval. Once preapproval is granted, the nonpublic agency school is exempt from on-site visit requirements from OSPI when seeking contract approval under this section. Preapprovals may be renewed every five years with a new on-site visit by OSPI.

(4)(a) OSPI may approve such contract for up to three years. OSPI may suspend, revoke, or refuse to renew said contract if the nonpublic agency:

- a. Fails to comply with all contract requirements;
- b. Violates the rights of eligible students; or
- c. Refuses to implement corrective actions ordered by OSPI

(4)(b) OSPI must notify the State Board of Education if any nonpublic agency school is investigated for noncompliance, direct to complete corrective action, or fails to maintain contract approval under this section.

(5) When creating the master contract, OSPI must seek to streamline requirements and reduce procedural redundancies, including coordinating with the State Board of Education to align requirements for nonpublic agency schools.

Section 3

RCW 28A.155.210 and 2013 c 202 s 3 are amended

Language is added to ensure that if a student is served by a nonpublic agency, the student's IEP must specify any additional procedures required to ensure the nonpublic agency fully complies with RCW 28A.600.485.

Section 4

(1)(d) A definition is added that states School means a public school as defined in RCW 28A.150.010 or a nonpublic agency that contracts with a school district as authorized under RCW 28A.155.060.

(7)(b) Language is added that allows OSPI to use the data collected in this subsection to determine if a nonpublic agency is in compliance with all contract obligations and approval standards.

Section 5

A new section is added to chapter RCW 28A.155.

(1) Beginning December 1, 2023, OPSI must report annually regarding student placements at nonpublic agencies. The report must be posted on OSPI's website

(2) The required report data in subsection (1) must be disaggregated by nonpublic agency when it is possible to do so

without disclosing a student's personally identifiable information.

Section 6

RCW 28A.310.515 and 2021 c 38 s 4 are amended

(3) Language is added allowing ESDs to provide classroom training on the subjects listed in subsection (2) to nonpublic agencies located in Washington that contract with school districts to provide a platform of special education to students.

Section 7

This new section requires this act to take effect immediately.

II. B - Cash receipts Impact

Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.

No impact to cash receipts

II. C - Expenditures

Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.

Nothing in this bill requires school districts to contract with nonpublic agencies or nonpublic agency schools to accomplish this work, therefore there is no required cost to school districts to implement this bill.

Should districts choose to hire nonpublic agencies or nonpublic agency schools, they may incur costs surrounding data collection identified in Section 2(2). These districts would be required to conduct annual site visits per Section 2(3). OSPI assumes these districts would have staff costs to manage contracts with the chosen nonpublic agencies. Districts that currently hire nonpublic agencies already have staff doing this work therefore it would be no impact to those districts.

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

NONE

III. B - Expenditures by Object Or Purpose

NONE

III. C - Operating FTE Detail: *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part I and Part IIIA.*

NONE

III. D - Expenditures By Program (optional)

NONE

Part IV: Capital Budget Impact

IV. A - Capital Budget Expenditures

NONE

IV. B - Expenditures by Object Or Purpose

NONE

IV. C - Capital Budget Breakout

Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.

NONE

IV. D - Capital FTE Detail: *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*

NONE

No capital budget impact.

Part V: New Rule Making Required

Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.