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**HOUSE BILL 2175**

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**State of Washington**

**68th Legislature**

**2024 Regular Session**

**By** Representative Caldier

1 AN ACT Relating to removing the enrollment limit for special  
2 education funding; 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 2023 c 417 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 head count 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 1.2;

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

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

9           ~~(I) 1.0075 for students eligible for and receiving special~~  
10 ~~education and reported to be in the general education setting for 80~~  
11 ~~percent or more of the school day; or~~

12           ~~(II) 0.995 for students eligible for and receiving special~~  
13 ~~education and reported to be in the general education setting for~~  
14 ~~less than 80 percent of the school day;~~

15           ~~(B) Beginning in the 2023-24 school year, either:~~

16           ~~(I)) (i)~~ 1.12 for students eligible for and receiving special  
17 education and reported to be in the general education setting for 80  
18 percent or more of the school day; or

19           ~~((II)) (ii)~~ 1.06 for students eligible for and receiving  
20 special education and reported to be in the general education setting  
21 for less than 80 percent of the school day.

22           ~~((ii) If the enrollment percent exceeds 15 percent, the excess~~  
23 ~~cost allocation calculated under (b) (i) of this subsection must be~~  
24 ~~adjusted by multiplying the allocation by 15 percent divided by the~~  
25 ~~enrollment percent.))~~

26           (3) As used in this section(~~(~~

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

32           ~~((b) "Basic education enrollment" means enrollment of resident~~  
33 ~~students including nonresident students enrolled under RCW~~  
34 ~~28A.225.225 and students from nonhigh districts enrolled under RCW~~  
35 ~~28A.225.210 and excluding students residing in another district~~  
36 ~~enrolled as part of an interdistrict cooperative program under RCW~~  
37 ~~28A.225.250.~~

38           ~~(c) "Enrollment percent" means the district's resident annual~~  
39 ~~average enrollment of students who are eligible for and receiving~~  
40 ~~special education, excluding students ages three and four and those~~

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

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