

# Multiple Agency Fiscal Note Summary

<b>Bill Number:</b> 1305 HB	<b>Title:</b> Students with disabilities
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## Estimated Cash Receipts

NONE

Agency Name	2023-25		2025-27		2027-29	
	GF- State	Total	GF- State	Total	GF- State	Total
Local Gov. Courts						
Loc School dist-SPI	Non-zero but indeterminate cost and/or savings. Please see discussion.					
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
Department of Children, Youth, and Families	.0	0	0	0	.0	0	0	0	.0	0	0	0
Superintendent of Public Instruction	1.0	321,000	321,000	321,000	1.0	306,000	306,000	306,000	1.0	306,000	306,000	306,000
Superintendent of Public Instruction	In addition to the estimate above, there are additional indeterminate costs and/or savings. Please see individual fiscal note.											
State School For The Blind	.0	0	0	0	.0	0	0	0	.0	0	0	0
Washington State Center for Childhood Deafness and Hearing Loss	.0	25,000	25,000	25,000	.0	10,000	10,000	10,000	.0	10,000	10,000	10,000
<b>Total \$</b>	<b>1.0</b>	<b>346,000</b>	<b>346,000</b>	<b>346,000</b>	<b>1.0</b>	<b>316,000</b>	<b>316,000</b>	<b>316,000</b>	<b>1.0</b>	<b>316,000</b>	<b>316,000</b>	<b>316,000</b>

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	Non-zero but indeterminate cost and/or savings. Please see discussion.								
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
Department of Children, Youth, and Families	.0	0	0	.0	0	0	.0	0	0
Superintendent of Public Instruction	.0	0	0	.0	0	0	.0	0	0
State School For The Blind	.0	0	0	.0	0	0	.0	0	0
Washington State Center for Childhood Deafness and Hearing Loss	.0	0	0	.0	0	0	.0	0	0
<b>Total \$</b>	<b>0.0</b>	<b>0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0</b>

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	Non-zero but indeterminate cost and/or savings. Please see discussion.								
Local Gov. Other									
Local Gov. Total									

## Estimated Capital Budget Breakout

<b>Prepared by:</b> Val Terre, OFM	<b>Phone:</b> (360) 280-3973	<b>Date Published:</b> Final 2/23/2023
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# Individual State Agency Fiscal Note

<b>Bill Number:</b> 1305 HB	<b>Title:</b> Students with disabilities	<b>Agency:</b> 307-Department of Children, Youth, and Families
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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: Megan Wargacki	Phone: 360-786-7194	Date: 01/25/2023
Agency Preparation: Samuel Quartey	Phone: 360-628-4334	Date: 01/31/2023
Agency Approval: James Smith	Phone: 360-764-9492	Date: 01/31/2023
OFM Review: Cynthia Hollimon	Phone: (360) 810-1979	Date: 02/01/2023

## 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.*

This bill improves access to and provides appropriate public education for students with disabilities.

Section 11(6)(a) prohibits schools from preventing students who are the subject of a dependency proceeding from enrolling if there is incomplete information as enumerated in subsection (1) of this section during the 10 business days that the Department of Children, Youth, and Families (DCYF) has to obtain that information.

### 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.*

None.

### 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.*

NO FISCAL IMPACT - The requirements/impacts of this bill can be absorbed by current DCYF resources.

## 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

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

<b>Bill Number:</b> 1305 HB	<b>Title:</b> Students with disabilities	<b>Agency:</b> 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	1.0	1.0	1.0	1.0	1.0
<b>Account</b>					
General Fund-State 001-1	168,000	153,000	321,000	306,000	306,000
<b>Total \$</b>	<b>168,000</b>	<b>153,000</b>	<b>321,000</b>	<b>306,000</b>	<b>306,000</b>

In addition to the estimates above, there are additional indeterminate costs and/or savings. Please see discussion.

### 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: Megan Wargacki	Phone: 360-786-7194	Date: 01/25/2023
Agency Preparation: Jami Marcott	Phone: (360) 725-6230	Date: 02/21/2023
Agency Approval: Amy Kollar	Phone: 360 725-6420	Date: 02/21/2023
OFM Review: Val Terre	Phone: (360) 280-3973	Date: 02/22/2023

## 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.*

#### Section 1 NEW

This section defines the term “Business Day” to mean Monday through Friday, except federal and school holidays, including days that no students are in attendance at school for instructional purposes. This definition applies throughout this chapter unless context clearly requires otherwise.

#### Section 2 NEW

(1) This section requires school districts to provide parents who request their student be evaluated for special education services with written documentation on the initial evaluation process, including deadlines and parental consent requirements. This must be based on the template required under section 3 of this act.

(2) School districts have 15 business days to decide whether to conduct an initial evaluation after a referral request has been made.

(3) Within 5 business days after making a decision, under subsection 2, the district must notify the parent of the decision using multiple communication channels.

(4) If a district has decided to evaluate a student for services, the district must comply with the following procedures and deadlines for obtaining parental consent to evaluate, evaluating the student, and for the eligibility determination.

a. If the parent made the request for evaluation, consent is then presumed. The district then has 25 business days to conduct the evaluation and determine whether the student is eligible for special education services, except as provided under subsection 2; or

b. If someone other than the parent made the request for evaluation or if the parent did not specifically request an evaluation as part of the referral request, then the district must:

i. At the same time as a district makes the notification under subsection 3, they must provide the parent with a document describing how and when to provide parental consent to evaluate. The document must be based on the template created as required under section 3; and

ii. Within 25 business days of receiving written or oral consent to evaluate, the district must conduct an evaluation and determine whether the student is eligible for services.

(5) When a student transfers from another school district and who was referred for an initial evaluation but who does not have an Individualized Education Program (IEP), the receiving school district must continue the process of determining the student's eligibility for special education services where the transferring school district stopped.

#### Section 3 NEW

OSPI must collaborate with the Office of the Education Ombuds to create a template for school districts to use to meet the requirements in section 2(1) and (4) as they relate to initial special education evaluation information to parents. The template must be translated for limited English proficient parent groups described in section 4(1) and must be made publicly available on OSPI's website.

#### Section 4 NEW

(1) In regard to IEP meetings, school districts must provide prior notification to parents about the accommodations available for persons with disabilities who are in need of communication assistance or accommodations to fully participate in the meeting, including the option to record audio under certain circumstances. “Persons with disabilities who are in need of communication assistance or accommodations” are persons with hearing or speech disabilities and person with limited English proficiency.

(2) Within 5 business days of receiving a parent request for an IEP meeting, districts must respond in writing with either an agreement to convene a meeting within 15 school days or an explanation for why a meeting is unnecessary. If the meeting is unnecessary, districts must provide instructions for how and by what deadlines the parent may seek reconsideration of the district's decision.

(3) Paraeducators, or any other person providing a significant level of support to a student on a regular basis, must be invited to, and compensated for, participation in the IEP meeting.

(4) Administrative and legal staff whose presence at an IEP meeting does not serve the educational needs of a student are barred from attending the meeting.

#### Section 5 NEW

Within 30 calendar days of determining a student's eligibility for special education services, the district must have held an initial IEP meeting and commenced services in accordance with the student's IEP.

#### Section 6 NEW

(1) School districts may use oral interpreter services, written translation services, and other language access services available for contract through the Dept. of Enterprise Services (DES) to comply with Title II of the Americans with Disabilities Act.

(2) School districts shall provide written translation for each limited English proficient parent group that constitutes at least 5% of the school's total parent population or 1,000 persons, whichever is less.

#### Section 7 NEW

(1) The school district has the burden of proof and the burden of production whenever it is a party to a due process hearing regarding the identification of, evaluation of, reevaluation of, classification of, educational placement of, disciplinary action of, or provision of a free appropriate public education to, a student with a disability

(2) In a due process hearing, evidence showing that a student has not failed or been held back in a grade, and is advancing from grade to grade, does not create the presumption that the school has provided the student with a free appropriate public education as required by the federal Individuals with Disabilities Education Act (IDEA).

(3) In a due process hearing related to parent participation in an IEP, OSPI may order the IEP team to reconvene with a qualified interpreter, so that the parent can fully participate in any adoption of an IEP.

(4) This subsection provides definitions for "due process hearing" and "qualified interpreter."

#### Section 8 NEW

(1) Districts are allowed to enter into consultation and service agreements with the State School for the Blind and the Washington Center for Deaf and Hard of Hearing Youth to improve instructional programs for these targeted students.

(2) The State School for the Blind and the Washington Center for Deaf and Hard of Hearing Youth are authorized, upon request, to participate in IEP meetings.

(3) Districts must notify parents of students who are blind, have low vision, are deaf or hard of hearing about the services available through The State School for the Blind and the Washington Center for Deaf and Hard of Hearing Youth.

#### Section 9 NEW

(1) Any public entity in Washington responsible for providing special education, related services, or both in accordance with part B of IDEA must comply with the provisions of this chapter to the same extent as school districts.

(2) Any private entity, in-state or out-of-state, that provides special education, related services, or both to Washington students must comply with the provisions of this chapter to the same extent as school districts.

#### Section 10 NEW

(1) Subject to appropriation, OSPI shall distribute up to \$10,000,000 per biennium to ESDs for the purpose of making school psychologists and other providers with expertise in each category of disability under part B of IDEA available to conduct initial evaluations and reevaluations for special education.

(2) Each ESD must determine its regional need for evaluators as described in subsection (1). As required by OSPI, each ESD shall submit a proposal describing its regional need and associated funding.

(3) Subject to appropriation, OSPI must prioritize proposals submitted as required under subsection (2) and may fund all or part of each proposal.

(4) This section expires August 1, 2029.

#### Section 11

(2) RCW 28A.225.330 is amended to add special education as one of the records an enrolling school must request when a



student transfers. Examples of special education records include referral requests, whether an eligibility decision is pending and the deadline for making the decision, evaluation decisions, evaluations, and IEPs.

#### Section 12

RCW 28A.155.010 through 28A.155.160 are removed from and this chapter is added to the Purpose of Special Education under 28A.155 that aims to ensure all children with disabilities have the opportunity for an appropriate education at public expense as guaranteed by the Washington State Constitution and applicable federal laws.

#### Section 13

RCW 28A.155.010 through 28A.155.160 are removed from and this chapter is added to Administration Program at OSPI under 28A.155 establish excess costs funding for special education. These changes are also meant to define what an appropriate special education looks like for students with disabilities.

#### Section 14

RCW 28A.155.010 through 28A.155.160 are removed from and this chapter is added to RCW 28A.155.0040 that require school boards to cooperate with OSPI and the administrative officer to provide an appropriate education to students with disabilities.

These changes also impact the language that states these rules shall not preclude the extension by OSPI of special education opportunities to students with disabilities in residential schools operated by DSHS.

#### Section 15

RCW 28A.155.010 through 28A.155.160 are removed from and this chapter is added to RCW 28A.155.050 which governs the excess cost aid programs.

#### Section 16

RCW 28A.155.020 through 28A.155.050 are removed from and this chapter is added to RCW 28A.155.060 which governs school board contract with other agencies to provide special education programs.

#### Section 17

(6) RCW 28A.155.010 through 28A.155.160 are removed from and this chapter is added to the RCWs governing administrative hearings and other procedures to ensure procedural safeguards of children with disabilities.

(7) RCW 28A.155.010 through 28A.155.160 are removed from and this chapter is added to ensure appropriate access to and participation in the general education curriculum in statewide assessments for all students with disabilities.

#### Section 18

RCW 28A.155.080 through 28A.155.160 are removed from and this chapter is added to RCW 28A.155.100 which directs OSPI to establish sanctions against any district failing to comply which will result in withholding of state aid until compliance is assured.

#### Section 19

RCW 28A.155.010 through 28A.155.160 are removed from and this chapter is added to RCW 28A.155.140 that governs curriculum-based assessments.

#### Section 20 NEW

Sections 1-10 of this act are each added to chapter 28A.155 RCW.

## 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.

**Section 3**

OSPI must collaborate with the Office of the Education Ombuds to create a template for school districts to use to meet the requirements in section 2(1) and 2(4) as they relate to initial special education evaluation information to parents. The template must be translated for limited English proficient parent groups described in section 4(1) and must be made publicly available on OSPI's website. This will require 40 hours of staff time in FY24 only. The cost for this work is \$4,000.

**Section 10**

The distribution of funds to ESDs is indeterminate. Subject to appropriation, OSPI is directed to distribute up to \$10,000,000 per biennium to ESDs for the purpose of making school psychologists and other providers with expertise in each category of disability under part B of IDEA available to conduct initial evaluations and reevaluations for special education. Proposals must be prioritized as required under subsection (2). This section expires August 1, 2029. This work will require a 1.0 FTE, Program Supervisor. The cost is \$164,000 in FY24 and \$153,000 in FY25-29.

**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	168,000	153,000	321,000	306,000	306,000
<b>Total \$</b>			168,000	153,000	321,000	306,000	306,000

In addition to the estimates above, there are additional indeterminate costs and/or savings. Please see discussion.

**III. B - Expenditures by Object Or Purpose**

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	1.0	1.0	1.0	1.0	1.0
A-Salaries and Wages	92,000	91,000	183,000	182,000	182,000
B-Employee Benefits	50,000	48,000	98,000	96,000	96,000
C-Professional Service Contracts					
E-Goods and Other Services	7,000	7,000	14,000	14,000	14,000
G-Travel	7,000	7,000	14,000	14,000	14,000
J-Capital Outlays	12,000		12,000		
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services					
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements					
9-					
<b>Total \$</b>	168,000	153,000	321,000	306,000	306,000

In addition to the estimates above, there are additional indeterminate costs and/or savings. Please see discussion.

**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
Program Supervisor	91,000	1.0	1.0	1.0	1.0	1.0
<b>Total FTEs</b>		1.0	1.0	1.0	1.0	1.0

**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.*

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 1305 HB	<b>Title:</b> Students with disabilities	<b>Agency:</b> 351-State School For The Blind
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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: Megan Wargacki	Phone: 360-786-7194	Date: 01/25/2023
Agency Preparation: Mary Sarate	Phone: (360) 696-6321	Date: 01/30/2023
Agency Approval: Mary Sarate	Phone: (360) 696-6321	Date: 01/30/2023
OFM Review: Gaius Horton	Phone: (360) 819-3112	Date: 01/30/2023

## 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.*

1305 HB relates to improving access to and provision of a free appropriate public education for students with disabilities. Upon request, WSSB will participate in individualized education program team meetings convened by school districts. This will increase staff time to participate but at this time do not know the fiscal impact as we do not know the amount of meetings we will be requested to participate in. In addition, if students are referred for services, the impact could be increased enrollment and/or the need for services of itinerant Teachers of the Visually Impaired (TVI). If services surpass capacity, the school will seek additional funding through the decision package process, if needed.

### 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.*

### 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.*

## 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

## **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

<b>Bill Number:</b> 1305 HB	<b>Title:</b> Students with disabilities	<b>Agency:</b> 353-Washington State Center for Childhood Deafness and Hearing Loss
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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
<b>Account</b>					
General Fund-State      001-1	20,000	5,000	25,000	10,000	10,000
<b>Total \$</b>	20,000	5,000	25,000	10,000	10,000

### 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: Megan Wargacki	Phone: 360-786-7194	Date: 01/25/2023
Agency Preparation: April Burns	Phone: 360-418-4326	Date: 01/25/2023
Agency Approval: April Burns	Phone: 360-418-4326	Date: 01/25/2023
OFM Review: Gaius Horton	Phone: (360) 819-3112	Date: 01/25/2023

## 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.

CDHY currently partners with local school districts around the state to provide services. The agency is also working on developing and disseminating materials for the school district's use. The first year's costs will be approximately \$20k and \$5k each subsequent year.

### 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.

### 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.

## 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	20,000	5,000	25,000	10,000	10,000
<b>Total \$</b>			20,000	5,000	25,000	10,000	10,000

### III. B - Expenditures by Object Or Purpose

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years					
A-Salaries and Wages					
B-Employee Benefits					
C-Professional Service Contracts					
E-Goods and Other Services	20,000	5,000	25,000	10,000	10,000
G-Travel					
J-Capital Outlays					
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services					
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements					
9-					
<b>Total \$</b>	20,000	5,000	25,000	10,000	10,000

**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

## 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

<b>Bill Number:</b> 1305 HB	<b>Title:</b> Students with disabilities	<b>Agency:</b> SDF-School District Fiscal Note - SPI
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## Part I: Estimates

**No Fiscal Impact**

**Estimated Cash Receipts to:**

**Non-zero but indeterminate cost and/or savings. Please see discussion.**

**Estimated Operating Expenditures from:**

**Non-zero but indeterminate cost and/or savings. Please see discussion.**

**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: Megan Wargacki	Phone: 360-786-7194	Date: 01/25/2023
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## 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.*

#### Section 1 NEW

This section defines the term “Business Day” to mean Monday through Friday, except federal and school holidays, including days that no students are in attendance at school for instructional purposes. This definition applies throughout this chapter unless context clearly requires otherwise.

#### Section 2 NEW

- (1) This section requires school districts to provide parents who request their student be evaluated for special education services with written documentation on the initial evaluation process, including deadlines and parental consent requirements. This must be based on the template required under section 3 of this act.
- (2) School districts have 15 business days to decide whether to conduct an initial evaluation after a referral request has been made.
- (3) Within 5 business days after making a decision under subsection 2, the district must notify the parent of the decision using multiple communication channels.
- (4) If a district has decided to evaluate a student for services, the district must comply with the following procedures and deadlines for obtaining parental consent to evaluate, evaluating the student, and for the eligibility determination.
  - a. If the parent made the request for evaluation, consent is then presumed. The district then has 25 business days to conduct the evaluation and determine whether the student is eligible for special education services, except as provided under subsection 2; or
  - b. If someone other than the parent made the request for evaluation or if the parent did not specifically request an evaluation as part of the referral request, then the district must:
    - i. At the same time as a district makes the notification under subsection 3, they must provide the parent with a document describing how and when to provide parental consent to evaluate. The document must be based on the template created as required under section 3; and
    - ii. Within 25 business days of receiving written or oral consent to evaluate, the district must conduct an evaluation and determine whether the student is eligible for services.
- (5) When a student transfers from another school district and who was referred for an initial evaluation but who does not have an Individualized Education Program (IEP), the receiving school district must continue the process of determining the student's eligibility for special education services where the transferring school district stopped.

#### Section 3 NEW

OSPI must collaborate with the Office of the Education Ombuds to create a template for school districts to use to meet the requirements in section 2(1) and (4) as they relate to initial special education evaluation information to parents. The template must be translated for limited English proficient parent groups described in section (4)(1) and must be made publicly available on OSPI's website.

#### Section 4 NEW

- (1) In regard to IEP meetings, school districts must provide prior notification to parents about the accommodations available for persons with disabilities who are in need of communication assistance or accommodations to fully participate in the meeting, including the option to record audio under certain circumstances. “Persons with disabilities who are in need of communication assistance or accommodations” are persons with hearing or speech disabilities and person with limited English proficiency.
- (2) Within 5 business days of receiving a parent request for an IEP meeting, districts must respond in writing with either an agreement to convene a meeting within 15 school days or an explanation for why a meeting is unnecessary. If the meeting is unnecessary, districts must provide instructions for how and by what deadlines the parent may seek reconsideration of the district's decision.
- (3) Paraeducators, or any other person providing a significant level of support to a student on a regular basis, must be invited to, and compensated for, participation in the IEP meeting.

(4) Administrative and legal staff whose presence at an IEP meeting does not serve the educational needs of a student are barred from attending the meeting.

#### Section 5 NEW

Within 30 calendar days of determining a student's eligibility for special education services, the district must have held an initial IEP meeting and commenced services in accordance with the student's IEP.

#### Section 6 NEW

(1) School districts may use oral interpreter services, written translation services, and other language access services available for contract through the Dept. of Enterprise Services (DES) to comply with Title II of the Americans with Disabilities Act.

(2) School districts shall provide written translation for each limited English proficient parent group that constitutes at least 5% of the school's total parent population or 1,000 persons, whichever is less.

#### Section 7 NEW

(1) The school district has the burden of proof and the burden of production whenever it is a party to a due process hearing regarding the identification of, evaluation of, reevaluation of, classification of, educational placement of, disciplinary action of, or provision of a free appropriate public education to, a student with a disability

(2) In a due process hearing, evidence showing that a student has not failed or been held back in a grade, and is advancing from grade to grade, does not create the presumption that the school has provided the student with a free appropriate public education as required by the federal Individuals with Disabilities Education Act (IDEA).

(3) In a due process hearing related to parent participation in an IEP, OSPI may order the IEP team to reconvene with a qualified interpreter, so that the parent can fully participate in any adoption of an IEP.

(4) This subsection provides definitions for "due process hearing" and "qualified interpreter."

#### Section 8 NEW

(1) Districts are allowed to enter into consultation and service agreements with the State School for the Blind and the Washington Center for Deaf and Hard of Hearing Youth to improve instructional programs for these targeted students.

(2) The State School for the Blind and the Washington Center for Deaf and Hard of Hearing Youth are authorized, upon request, to participate in IEP meetings.

(3) Districts must notify parents of students who are blind, have low vision, are deaf or hard of hearing about the services available through The State School for the Blind and the Washington Center for Deaf and Hard of Hearing Youth.

#### Section 9 NEW

(1) Any public entity in Washington responsible for providing special education, related services, or both in accordance with part B of IDEA must comply with the provisions of this chapter to the same extent as school districts.

(2) Any private entity, in-state or out-of-state, that provides special education, related services, or both to Washington students must comply with the provisions of this chapter to the same extent as school districts.

#### Section 10 NEW

(1) Subject to appropriation, OSPI shall distribute up to \$10,000,000 per biennium to ESDs for the purpose of making school psychologists and other providers with expertise in each category of disability under part B of IDEA available to conduct initial evaluations and reevaluations for special education.

(2) Each ESD must determine its regional need for evaluators as described in subsection (1). As required by OSPI, each ESD shall submit a proposal describing its regional need and associated funding.

(3) Subject to appropriation, OSPI must prioritize proposals submitted as required under subsection (2) and may fund all or part of each proposal.

(4) This section expires August 1, 2029.

#### Section 11

(2) RCW 28A.225.330 is amended to add special education as one of the records an enrolling school must request when a

student transfers. Examples of special education records include referral requests, whether an eligibility decision is pending and the deadline for making the decision, evaluation decisions, evaluations, and IEPs.

#### Section 12

RCW 28A.155.010 through 28A.155.160 are removed from and this chapter is added to the Purpose of Special Education under 28A.155 that aims to ensure all children with disabilities have the opportunity for an appropriate education at public expense as guaranteed by the Washington State Constitution and applicable federal laws.

#### Section 13

RCW 28A.155.010 through 28A.155.160 are removed from and this chapter is added to Administration Program at OSPI under 28A.155 establish excess costs funding for special education. These changes are also meant to define what an appropriate special education looks like for students with disabilities.

#### Section 14

RCW 28A.155.010 through 28A.155.160 are removed from and this chapter is added to RCW 28A.155.0040 that require school boards to cooperate with OSPI and the administrative officer to provide an appropriate education to students with disabilities.

These changes also impact the language that states these rules shall not preclude the extension by OSPI of special education opportunities to students with disabilities in residential schools operated by DSHS.

#### Section 15

RCW 28A.155.010 through 28A.155.160 are removed from and this chapter is added to RCW 28A.155.050 which governs the excess cost aid programs.

#### Section 16

RCW 28A.155.020 through 28A.155.050 are removed from and this chapter is added to RCW 28A.155.060 which governs school board contract with other agencies to provide special education programs.

#### Section 17

(6) RCW 28A.155.010 through 28A.155.160 are removed from and this chapter is added to the RCWs governing administrative hearings and other procedures to ensure procedural safeguards of children with disabilities.

(7) RCW 28A.155.010 through 28A.155.160 are removed from and this chapter is added to ensure appropriate access to and participation in the general education curriculum in statewide assessments for all students with disabilities.

#### Section 18

RCW 28A.155.080 through 28A.155.160 are removed from and this chapter is added to RCW 28A.155.100 which directs OSPI to establish sanctions against any district failing to comply which will result in withholding of state aid until compliance is assured.

#### Section 19

RCW 28A.155.010 through 28A.155.160 are removed from and this chapter is added to RCW 28A.155.140 that governs curriculum-based assessments.

#### Section 20 NEW

Sections 1-10 of this act are each added to chapter 28A.155 RCW.

## 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.*

Subject to appropriation, ESDs could receive up to \$10,000,000 for the purpose of making school psychologists and other providers with expertise in each category of disability under part B of IDEA available to conduct initial evaluations and

reevaluations for special education. The impact is indeterminate as OSPI does not have a way to predict how much each ESD would request and receive.

**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.*

This bill as a whole reduces the timelines in which districts have to evaluate, communicate, and begin services for eligible students. These impacts would require Educational Service Districts (ESD) to hire additional staff to create more IEP evaluation teams in order to complete evaluations in the reduced timeline. Each ESD would need to determine its regional need (required in section 10). Most evaluation teams include psychologists, speech language pathologists, occupational therapists, and physical therapists. OSPI does not have a way to estimate how many additional evaluation teams would be needed statewide. The average annual education staff associate (ESA) is \$147,000 per year, including benefits. The \$10,000,000, subject to appropriation, in section 10 would fund 3.8 FTE ESAs per ESD. This is less than one full evaluation team. This also does not include staff working 260 days per year. Due to these factors, the cost to school districts to implement this bill is indeterminate.

**Section 4**

(3) Paraeducators, or any other person providing a significant level of support to a student on a regular basis, must be invited to, and compensated for, participation in the IEP meeting. Paraeducator contracts typically only account for the school day. IEP meetings usually occur before or after school. The cost to add this work is indeterminate. Paraeducator contracts would need to be rewritten to include the work and there would be overtime costs. OSPI does not have a way to project how many hours of overtime would be required statewide.

**Section 6**

This section requires school districts to provide translation services to parents. Costs to districts to provide translation varies. Costs range from \$100-\$300 per document. The number of families needing translation is indeterminate.

**Section 10**

Each ESD must determine its regional need for evaluators as described in subsection (1). Each ESD shall submit a proposal describing its regional need and associated funding. The cost is indeterminate as OSPI does not have a way to estimate how many ESDs will require additional evaluators or how many.

**Part III: Expenditure Detail**

**III. A - Operating Budget Expenditures**

**Non-zero but indeterminate cost and/or savings. Please see discussion.**

**III. B - Expenditures by Object Or Purpose**

**Non-zero but indeterminate cost and/or savings. Please see discussion.**

**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.*