

Multiple Agency Fiscal Note Summary

Bill Number: 5315 2S 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	Fiscal note not available					
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	Fiscal note not available											
Total \$	0.1	0	0	22,000	0.0	0	0	13,000	0.1	0	0	16,000

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	Fiscal note not available								
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	Fiscal note not available								
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	Fiscal note not available								
Local Gov. Other									
Local Gov. Total									

Estimated Capital Budget Breakout

Prepared by: Val Terre, OFM	Phone: (360) 280-3973	Date Published: Preliminary 3/30/2023
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Individual State Agency Fiscal Note

Bill Number: 5315 2S 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.

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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 approving nonpublic agencies that contract with school districts to provide special education programs for students with disabilities.

Section 2: Amending RCW 28A.155.060. Defining a “nonpublic agency”. Requiring OSPI to create an application process to approve nonpublic agencies that contract with school districts to provide special education services to students with disabilities, and specifying the approval criteria. Requiring OSPI to conduct on-site visits of nonpublic agencies prior to approving an application. Authorizing OSPI to suspend, revoke, or refuse to renew its approval of an application, under certain conditions. Requiring school districts that contract with approved nonpublic agencies to develop a written contract and specifying the contract elements. Requiring school districts to conduct annual on-site visits of nonpublic agency facilities. Clarifying that school districts remain responsible for student education as specified in the section.

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.