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Washington Office of Superintendent of
PUBLIC INSTRUCTION
Chris Reykdal, Superintendent

November 7, 2022

(X) Action Required
Due date: March 10, 2023, and May 12, 2023
(X) Informational

BULLETIN NO. 075-22 SPECIAL EDUCATION

TO: Educational Service District Superintendents
School District Superintendents
School District Business Managers
Educational Service District Special Education Directors
School District Special Education Directors
Public Charter Schools
Tribal Compact Schools
Juvenile Rehabilitation Institutions
Residential Habilitation Centers

FROM: Chris Reykdal, Superintendent of Public Instruction

RE: Special Education Safety Net Application for 2022–23

CONTACT: Amber O'Donnell, Special Education Administrative Program Specialist
360-725-6075, amber.odonnell@k12.wa.us, TTY: 360-664-3631

PURPOSE/BACKGROUND

Safety Net funding is available to Local Education Agencies (LEAs) with a demonstrated capacity for special education funding in excess of state and federal funding otherwise available to the LEA. This bulletin provides application instructions for applying for special education Safety Net funding in the 2022–23 school year.

The Special Education State Oversight Committee makes Safety Net funding decisions pursuant to [RCW 28A.150.392](#) and [WAC 392-140-600](#) through [WAC 392-140-685](#) based on the LEA's application and information available to the Office of Superintendent of Public Instruction (OSPI). Once available, required forms and instructions are available for download on [the Safety Net website](#).

Allocated Funding

The state Safety Net funding amount will be determined in the upcoming legislative session. Federal Safety Net funding in the amount of \$14,787,000 is available to the state for the 2022–23 school year. Any funding needed in excess of the state and federal amounts will be requested through a supplemental legislative request in Fall of 2023.

Information about prior year Safety Net applications and funding are available on [OSPI's Safety Net website](#).

APPLICATION DEADLINES and MEETING DATES

| Deadline for Receipt of Application at OSPI | Type of Application | Oversight Committee Meeting Date | Meeting Location |
|---|--|----------------------------------|----------------------|
| March 10, 2023 | High-Need Individuals (HNI) | June 21–22, 2023 | Zoom |
| May 12, 2023 | HNI (Updates Only) and Community Impact (CI) | June 21–22, 2023 | Zoom |
| | Final Verification & Award Meeting | August 10, 2023 | Zoom |

The State Oversight Committee approves or disapproves all Safety Net applications at the committee meetings. The Committee makes conditional awards in June and final awards in August. OSPI notifies applicants in writing of the determination of the committee after each meeting.

To observe the process, applicants may attend the State Oversight Committee meeting via Zoom June 22, 2023, and/or August 10, 2023. The Zoom meetings will be available to all applicants. Each LEA, regardless of planned attendance at the meeting, will receive an emailed draft summary of applications submitted at the June and August meetings. LEAs will receive funding determinations by an emailed letter after each meeting. After the letters are sent, the applicant's letter and back-up documentation will be uploaded to the secure file transfer protocol site.

The majority of High-Need Individual applications must be submitted by the March 10, 2023, deadline, except in the following circumstances. The May 12, 2023, High-Need Individuals submission deadline is **only** intended for:

- Students enrolling in the LEA after the March 10, 2023, submission deadline.
- Students with a significant change in services or placement after the March 10, 2023, submission deadline.
- Students accessing Extended School Year (ESY) when the ESY decision is made after the March 10, 2023, submission date.

APPLICATION PROCESS

Demonstration of Capacity (Worksheet A)

Worksheet A is used to demonstrate if an applicant has capacity to receive additional funds via a Safety Net award. Demonstration of capacity on Worksheet A does not entitle an applicant to Safety Net funding. Worksheet A and related documentation must be submitted with both High-Need Individual and Community Impact applications. See Worksheet A Line-by-Line Instructions for assistance when completing Worksheet A.

Worksheet A compares expenditures and revenues associated with special education and related services. If the expenditures exceed the revenues, the LEA will show demonstrated capacity on Worksheet A. Once the data are available, Worksheet A is pre-populated with:

- 2022–23 budgeted F-195 revenues and expenditures (generally available in December).
- Individuals with Disabilities Education Act (IDEA) federal flow-through allocations and carryover for Part B 611 and 619.
- The LEA's federal restricted indirect rate plus one percent.
- 2021–22 F-196 year-end data (generally available in January).

The components required to be submitted with Worksheet A for both the High-Need Individual and Community Impact Safety Net applications are:

- Worksheet A.
- The most recent completed monthly **detailed** expenditure reports for the special education programs showing the budgeted and actual year-to-date expenditures. The reports must subtotal at three separate levels:
 - Object (i.e., 21-27-5)
 - Activity (i.e., 21-27)
 - Program (i.e., 21)
- Reconciliation worksheet, if applicable. This worksheet compares the LEA's budgeted expenditures and the anticipated year-to-date program expenditures based on information from the LEA's detailed expenditure reports. In the review for the LEA's conditional award, the lesser of the amounts between the budgeted and annualized year-to-date amounts will be used in the analysis. An LEA may request otherwise and provide additional information on this reconciliation worksheet. In the review for the LEA's final award, the annualized year-to-date expenditures will be used unless the LEA requests otherwise and provides an explanation as to why a different number should be used.
- Special education enrollment exception reports for the 2022–23 school year.

High-Need Individual Applications

LEAs should request Safety Net funding on behalf of eligible, resident high-need students. Costs eligible for consideration in a Safety Net award must be associated with providing direct special education and related services identified in IEP(s) for the period of funding requested.

- The annualized threshold for a High-Need application is based on a multiple of the statewide average per pupil amount established by OSPI in consultation with the Office of Financial Management (OFM) and the fiscal committees of the legislature. **The 2022–23 application threshold is \$37,599.** The multiplier used to calculate the threshold is 2.3 for the 2022–23 school year based on [RCW 28A.150.392 \(6\)](#).
- Applicants are required to submit all IEPs in effect for the 2022–23 school year for each High-Need Individual application to validate and quantify reimbursable special education services for the period of the funding requested. Information referred to in IEPs should also be included, such as Emergency Response Protocols (ERPs), Behavior Intervention Plans (BIPs), and High School and Beyond Plans (HSBP).
- Per [WAC 180-51-220](#), each student must have an HSBP initiated during the 7th or 8th grade. As part of the Safety Net review, HSBPs are required to be submitted for students in the 9th grade and above. OSPI has added review requirements for HSBPs to the IEP Review Form. HSBPs will be reviewed, and technical assistance notes will be provided if needed. Applications with a missing or blank HSBP will be reduced.
- Students with disabilities served in residential schools, programs for juveniles under the Department of Corrections, and programs operated under city and county jails are also eligible to receive Safety Net funding.
- To receive reimbursement the student must be receiving services and services must be quantified in the IEP. Any changes in services due to remote, hybrid, or in-person delivery of service should be documented (e.g., IEP amendment). Any amendments should be included with the Safety Net application for the student.
- Calculate teacher caseload using the November caseload report. If the student is not included on the teacher's November caseload report, use the report from the first month the student appears on the teacher's caseload.
- It is the responsibility of the LEA to ensure that each application is complete and accurate when submitted. OSPI staff may contact the LEA to request missing documentation. The State Oversight Committee may also request additional documentation during the review process and concerns with accuracy of financial records may be referred to the State Auditors' Office (SAO) for review and/or WISM for program monitoring.

Items Required for Each High Need Individual Application

- Worksheet C (including Staff Costs, Other Staff Costs, and Personal Service Contractor Cost Worksheets, if applicable).
- Medicaid Reimbursement Calculator, if applicable. This calculator is built into the Worksheet C template.
- Billing Percentage Calculator for Contracted 1:1 Providers, if applicable. This calculator is built into the Worksheet C template.
- Transportation Cost Calculator, if applicable.
- Student's complete current IEP(s) in effect for the 2022–23 school year. If more than one IEP is in effect for 2022–23, submit the previous IEP(s). Please include any referenced documents, such as IEP amendments, PWNs, ERPs, and BIPs.
- Purchase Orders, contracts, and invoices for any expenditure claimed for contracted staff and/or purchased materials for students as required and quantified on the IEP.
- One copy of the November caseload report used to calculate teacher caseloads included on Worksheet C. Reports submitted must include service minutes for all students served by the teacher. If a different month is used to calculate caseload, include that report as well.

Allowable Costs

The following are costs that are eligible for Safety Net funding. This list is not exhaustive.

- Direct services to student quantified in the IEP.
 - Quantified special education teachers
 - Quantified paraeducators
 - Quantified interpreters
 - Quantified nurses
 - Quantified related service providers (in district and contracted). Providers could be:
 - speech language pathologists (SLPs)
 - occupational therapists (OTs)
 - physical therapists (PTs)
 - teachers of the visually impaired (TVIs)
 - teachers of the deaf (TOD)
 - orientation and mobility (O&M)
 - counselors
- Transportation, if specified in the student's IEP, for:
 - Student transportation to a residential placement.
 - Student transportation to an out of district placement. Include the transportation cost calculator with the submission. Applicants can only receive this funding if transportation reimbursement rate is less than 100 percent.

- Student transportation for ESY. Include the transportation cost calculator with the submission.
- Parent travel to a student's residential placement when the travel is to transport the student to the placement, or to participate in services specified in the IEP with the student.
- Braille translation if specified in IEP.
- Supplies and equipment if specified in the IEP. Include purchase orders (POs) and invoices for supplies with the submission.
- Out of district placement costs. IEP should specify the placement. Include POs, contracts, and invoices for these costs with the submission.
- ESY (extended school year) – if claiming, include the ESY IEP with the submission.

Unallowable Costs

The following are costs that are not eligible for Safety Net funding; however other special education funding may be used. This list is not exhaustive.

- Construction costs
- Costs not coded to a special education program (21, 23, 24, 26, 29)
- Consultant costs (if not providing a direct service to the student)
- Teacher training
- Parent initiated travel to a residential placement that is not outlined in the IEP
- Provider travel to and from work (bus paraeducators traveling with student are allowable).

IEP Reviews

OSPI recognizes the importance of compliance with federal and state requirements. However, compliance monitoring is not limited to the Safety Net process and is a general supervision responsibility that is also reviewed through Washington Integrated System of Monitoring (WISM) reviews, dispute resolution, and fiscal reviews by the SAO.

Application review will consist of a review of a sample of IEPs submitted by the LEA. If your LEA had a WISM review in the past two years, results from that review will be used. If your LEA has not had a WISM review in the past two years, a sample of IEPs from your current submission will be selected for review by the State Oversight Committee. IEP reviews will focus on the following areas of the current IEP developed by a team of required members:

- Measurable Annual Goals (MAGs)
- Summary of Service Matrix
- Signed Emergency Response Protocols (ERP)
- Behavior Intervention Plans (BIP)
- Overall transition components, including Courses of Study and Postsecondary Goals
- High School and Beyond Plan (HSBP) – to be reviewed for technical assistance notes only. Applications with a missing or blank HSBP will be reduced.

In September of this school year, LEAs were notified that iGrants form package 442 is available to use for correction of issues of identified non-compliance. IEPs that were submitted for Safety Net reimbursement in 2021–22 and had fiscal reductions due to noncompliance issues are listed on page 2 – Student Specific Corrections of iGrants Form Package 442. Should the LEA wish to submit the IEP for Safety Net reimbursement in 2022–23, the IEP must be corrected by the LEA prior to submission. All non-compliant IEPs may be prorated from the date of 442 correction, if not corrected prior to the beginning of the 2022–23 school year.

Sampling Method

For LEAs that have not had a WISM review in the past two years, the IEP review sample size is based on the number of applications submitted and OSPI discretion. If five or fewer applications are submitted, all applications will include an IEP review.

Medicaid Adjustments

Per [WAC 392-140-602](#), beginning in 2019–20, applicants must either submit verification of Medicaid billing for each high need student application, if applicable, or receive a deduction. If an LEA is billing for Medicaid, they should continue to calculate Medicaid adjustments for students who are Medicaid eligible by using the Medicaid Reimbursement Calculator. If an LEA is not billing for Medicaid, awards will be reduced by taking 70% of the average Medicaid award for a Medicaid eligible child. The average Medicaid award will be calculated using the Medicaid report provided to OSPI by the Health Care Authority (HCA).

May 12, 2023, Deadline

If submitting an update to an application submitted in March, the LEA should submit:

- An updated Worksheet C.
- The student's new IEP or IEP amendment.
- Any POs, contracts, or invoices applicable to the to the adjusted amount.
- Other back-up documentation needed to support the adjustment.

If applying for a student not included in your March 10, 2023, submission:

- Worksheet C (including Staff Costs, Other Staff Costs, and Personal Service Contractor Cost Worksheets, if applicable).
- Medicaid Reimbursement Calculator, if applicable. This calculator is built into the Worksheet C template.
- Billing Percentage Calculator for Contracted 1:1 Providers, if applicable. This calculator is built into the Worksheet C template.
- Transportation Cost Calculator, if applicable.
- Student's complete current IEP(s) in effect for the 2022–23 school year. If more than one IEP is in effect for 2022–23, submit the previous IEP(s). Please include any referenced documents, such as IEP amendments, ERPs, BIPs, Transition Plans and HSBPs.

- Purchase Orders, contracts, and invoices for any expenditure claimed for contracted staff and/or purchased materials for students as required and quantified on the IEP.

An updated Certification and Individuals Summary must also be submitted. These documents should include all applications. The totals on these documents should reflect all applications submitted for the school year.

Please note, if your LEA does not have any applications to submit in March, you may submit your initial application in May.

Community Impact Applications

Community Impact applications are for disproportional and extraordinary costs associated with communities that draw a larger number of students with disabilities in need of special education services to the LEA, **based on current unique attributes of the LEA that are not related to LEA philosophy, staffing decisions, or service delivery choices**. Applications cannot include students for whom the LEA is receiving state special education funding or Safety Net High Need Individual funds. A Community Impact application consists of a complete Worksheet A packet, Form SPI 1381-Community Impact application, and a Certification Form. Include Statewide Student Identifier (SSID) numbers for students associated with the Community Impact factor(s). OSPI must be able to verify the students included using OSPI's Comprehensive Education Data and Research System (CEDARS). See Community Impact instructions for more information.

Certification and Summary of Applications

The Certification form must be completed for both High-Need Individual and Community Impact Safety Net funding. This form details the LEAs requests, assures OSPI of accuracy of the application, and outlines the conditions associated with Safety Net funding. The Superintendent, Business Manager, and Special Education Director of the LEA must sign the certification.

The Summary of Applications is only submitted with an LEA's High-Need Individual application. This form lists the students the LEA is applying for (by SSID), and the amount requested for the student's application. The total amount listed on this form should be included as the request amount on the Certification Form.

Submission Process

Applications are submitted through the OSPI Special Education Division Secure File Transfer Protocol (SFTP) site. There are many versions of this type of software, but OSPI recommends [CoreFTP](#). Work with your LEA's Information Technology (IT) department to install this software. A [CoreFTP user guide](#) is available on the OSPI website.

If you do not have login credentials for the SFTP site, or if your LEA needs an accommodation to this submission method, contact the [Safety Net team by email](#) or call 360-725-6075 at least three days prior to the deadline.

Once the application files are uploaded to the SFTP, [complete the application submission form](#). This form will notify the Safety Net team of your submission and help collect contact information. Once you submit this form, the Safety Net team will get an email and will send a confirmation as soon as possible but no longer than three business days after receipt. Your application will not be considered submitted until this form is completed. Please do not send a separate email to notify us of your submission.

CONDITIONS ASSOCIATED WITH FUNDING FOR SAFETY NET

State and federal Safety Net funding is not an entitlement. Safety Net funding is an annual grant application. Safety Net funding in prior years does not guarantee future eligibility. The following are conditions associated with Safety Net funding:

- Capacity for funding is based on legitimate actual expenditures and all available revenues included on Worksheet A, which determines maximum funding capacity; however, maximum funding capacity does not entitle an LEA to Safety Net funding.
- Safety Net funding is only for direct special education and related services validated and quantified in an IEP, and/or quantifiable community impact factor(s).
- Safety Net award may be less than the amount of capacity demonstrated on Worksheet A, but in no case may exceed that amount.
- Funding is only provided for resident students (as defined by state law).
- Safety Net funding is only available for the excess cost of educating students with disabilities with an IEP, as required by RCW 28A.150.392, 34 CFR § 300.16, and WAC 392-172A-01075.

FINAL APPLICATION DETERMINATIONS

The Legislature requires that OSPI make funding determinations for Safety Net awards in August of each year. The state portion of the LEA's Safety Net award will be distributed through August apportionment; the federal portion of Safety Net award are drawn using iGrants. The iGrants Form Package number will be specified in the final award notification.

ADJUSTMENT AND RECOVERY

All Safety Net funding is subject to adjustment and recovery pursuant to WAC 392-140-630, 392-140-675, and 392-140-685. OSPI may review and verify data submitted in Safety Net applications, including certifications made by LEAs. Reviews may consider whether IEPs are properly formulated, verify student enrollment data, available revenue, and legitimate actual expenditures.

After the end of each school year, state special education revenue (Account 4121) that is not expended in the state special education program (Program 21) is subject to recovery by OSPI through the School Apportionment and Financial Service Office.

Additionally, Safety Net applicants are subject to audit by the SAO at the request of the State Oversight Committee and/or OSPI. Audits by the SAO may also affect Safety Net eligibility and funding. The results of the auditor's reviews may be considered by the oversight committee in determining, adjusting, or recovering Safety Net funding.

TRAINING/TECHNICAL ASSISTANCE

Regional trainings, tutorials, and webinars will be scheduled at each Educational Service District (ESD) and provided by OSPI staff. For training dates, see the [OSPI's Safety Net website](#). If you would like to request additional training opportunities or Technical Assistance for LEA-specific questions, [email the Safety Net team](#).

SURVEY

Per [RCW 28.150.392](#), OSPI must annually survey LEAs about their satisfaction with the Safety Net process. The survey is also used to consider feedback from LEAs to improve the Safety Net process. The 2021–22 Safety Net Survey Legislative Report will be available in December 2022. Once available, the report will be posted to [OSPI's Reports to the Legislature web page](#).

APPLICATION PLATFORM

As announced in 2021–22, our Safety Net team is working with REI Systems and a team of representatives from several LEAs on development of a unified Safety Net application platform. To allow for sufficient planning and implementation of this integral work, we will move ahead using the existing submission process for the 2022–23 application and plan to move to the new platform in 2023–24.

2022–23 MEMBERS OF THE SPECIAL EDUCATION STATE OVERSIGHT COMMITTEE

| Committee Member | Position and LEA |
|-------------------------|--|
| Tania May, Manager | Assistant Superintendent, Special Education, OSPI |
| Jennifer Acuna | Director of Special Services, ESD 114 |
| Kathryn Coleman | Director of Student Services, Vashon Island School District |
| Franklin Day | Director of Student Support Services, Cheney School District |
| Cody Gardiner | Director of Special Services, Sunnyside School District |
| Kiley Hodges | Special Education Director, Richland School District |
| Gavin Hottman | Chief Financial Officer, ESD 112 |
| Tammie Jensen-Tabor | Executive Director of Special Education, Centralia School District |
| Darcy Johnson | Associate Director of Student Success and Learning, ESD 171 |
| Ivy Kardes | Director of Special Education, Shelton School District |
| Dustin Kinley | Director of Fiscal Services, ESD 105 |
| Erika Kmiecik | Assistant State Auditor, State Auditor's Office (Non-voting) |
| Annie Lamberto | Special Populations Coordinator, Washington Education Association |
| Heather Larson | Director of Finance, North Thurston Public Schools |
| Lisa Muchlinski | Special Services, Kennewick School District |
| Dwight Remick | Business Manager, Cascade School Districts |
| Jennifer Traufler | Executive Director of Student Support, Renton School District |
| TBD | |
| TBD | |
| TBD | |
| TBD | |

A complete list of the Safety Net Oversight Committee will be posted to the website once openings are filled. Any parties interested in serving on the Safety Net Committee as a fiscal or IEP reviewer should [email the Safety Net team](#).

INFORMATION AND ASSISTANCE

For more information about Safety Net, visit the [OSPI Safety Net website](#). Questions regarding this bulletin should be directed to Amber O'Donnell, Special Education Administrative Program Specialist, at 360-725-6075 or [email the Safety Net team](#). The OSPI TTY number is 360-664-3631.

This bulletin is also available on the [Bulletins](#) page of the OSPI website.

Michaela W. Miller, Ed.D., NBCT
Deputy Superintendent

Tania May, Ed.D.
Assistant Superintendent
Special Education

Cynthia Hargrave
Director of Operations
Special Education

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