REPORT TO THE LEGISLATURE

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Safety Net Survey
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Executive Summary

Since 2007, the Legislature has required the Office of Superintendent of Public Instruction (OSPI) to annually survey school districts about improving the special education Safety Net process. In November 2011, an electronic survey was distributed to districts that participated in the Safety Net program during 2010–11. The results section of this report graphically displays the responses to the questions in the survey for the years 2008–09, 2009–10, and 2010–11.

The Safety Net process for 2010–11 was once again heavily influenced by the American Recovery and Reinvestment Act (ARRA) funding for fiscal year (FY) 2009. ARRA provided an additional $229,833,050 in federal special education revenue to school districts in Washington State which essentially doubled the amount of federal special education funding for the 2009–10 school year. Survey responses for 2010–11 indicated that despite OSPI’s concentrated training efforts, district and program personnel were confused by the influence of ARRA funding and the effect of the additional funding on the district’s ability to demonstrate capacity for funding.

When applications were not funded as a result of the district’s inability to demonstrate capacity for Safety Net funding, some respondents concluded that the Safety Net process had somehow changed.

Many respondents perceive Safety Net funding as an entitlement, and have become reliant upon the supplemental funding available from the Safety Net to back-fill their ongoing financial commitments. They indicated that the notion of applying for reimbursement for funds already expended under any conditions imposed by the Legislature or the court system is “onerous,” “time intensive,” and “frustrating.” Concerns were also expressed regarding the August safety net decision process required by the Legislature in 2011, such as reduced opportunities for resubmission.

The 2010–11 comments also highlighted the need for expanded staff training at the district level, additional opportunities for professional development at the Educational Service District (ESD) level and continuing guidance from OSPI. Although OSPI has expanded training opportunities through K-20 video conferencing and electronic tutorials, it is possible that some district personnel who need updated training did not take advantage of the training opportunities because they had applied for funds in the past. Overall, districts that received supplemental special education funding through the Safety Net were generally supportive of the process, and districts that did not receive additional funding through the Safety Net were less supportive.
Background

The Legislature mandated the development of a “Safety Net” to accompany legislative changes to the state funding formula for special education in 1995. The special education Safety Net was implemented in 1996–97 and has continued to operate each year since that time. The funding formula change for special education in 1995 was in response to numerous public policy issues, various studies and a Thurston County Superior Court decision in 1988 in which plaintiffs argued that the state limitation on a category of special education students (specific learning disabled) for state funding purposes was unconstitutional. Judge Robert Doran ruled the funding formula constitutional, but did conclude that the state could choose to make provisions in addition to the funding formula such as a “Safety Net” whereby districts could apply for supplemental funding when districts could demonstrate, within parameters established by the Legislature, that they were unable to provide an appropriate program of special education using all available resources.

The Safety Net created a way for districts to apply for supplemental state and federal funding. The Legislature has consistently agreed that Safety Net funding is not an entitlement. It is a supplement to the state funding formula and includes conditions, derived from the Doran decision in 1988, for accessing the funds which exceed the regular apportionment formula criteria. In order to receive supplemental Safety Net funding, districts are required to demonstrate that they:

(a) provided a reasonably efficient program,
(b) utilized all available state and federal funding and
(c) had properly formulated Individualized Education Programs (IEPs) for eligible students in the applicant districts.

Since the 1996–97 school-year, the state Safety Net oversight committee (authorized by the Legislature), has approved nearly $250 million in state and federal Safety Net funding.

The Safety Net process as authorized by the Legislature and administered by OSPI has evolved during the last 16 years. Annual adjustments have been made consistent with changes in public policy to both the Safety Net and the state special education funding formula. For example, the categories of and sources of money for Safety Net funding have changed over time. Initially, the primary category of Safety Net relief was a formula driven amount known as Maintenance of Effort State Revenue, or MOESR. This category of state funding was a buffer for changes to the state funding formula when the Legislature transitioned from a categorical funding formula to a non-categorical funding formula in 1995–96. MOESR funding was essentially “hold harmless” funding for the first four years after the formula changed. Demographics, percentage and other categories of state funding have also been available at one time or another during the past 14 years. Federal Safety Net funding has been available to support individual high need students since 1995.

In 2005, an alliance of 12 school districts sued the state in Thurston County Superior Court claiming that the state special education funding formula was unconstitutional. Judge Thomas McPhee ruled that the formula was constitutional. He also concluded that the state could not limit access to the Safety Net on the basis of whether or not a district exceeded the 12.7 percent
index in the apportionment formula. In response, the 2007 Legislature created the community impact category for state Safety Net funding. The community impact category allows districts to identify and quantify unique characteristics of their school communities that have an adverse fiscal impact on the district’s provision of special education services. Although the Superior Court opinion was upheld by the Court of Appeals in March of 2009, the case was accepted for review by the State Supreme Court in September of 2009. In December of 2010, the Washington State Supreme Court upheld the Superior and Court of Appeals rulings by a margin of eight to one.

The only category of Safety Net funding that has been available for each of the years in which the Safety Net has operated is the high need individual student category. The high need individual student category essentially costs out the IEP for each student the district submits for supplemental funding. Federal funding has always been the principal, if not sole source, for this Safety Net category. Adjustments to the calculation of the state funding formula for special education to reflect 12.7 percent of the total district K–12 enrollment, and expanded and enhanced state funding for students with disabilities aged 0–5 from students aged 0–2 are two adjustments made over the years. The “excess cost” accounting requirements associated with special education have also been adjusted by the Legislature in recent years. It should be noted that the 2011 Legislature modified the safety net language in the Appropriations Act to require that all safety net applications needed to be verified in August of each year. The requirement to make safety net determinations based on an analysis of actual expenditure data from the most current school year has the effect of restricting applications until the end of the school year when a more accurate picture of annualized services can be presented.

2010–11 Safety Net Award Results

In 2010–11, the state Safety Net committee approved eighty-five (85) districts for Safety Net awards. The committee awarded 1,854 high need individual student applications and eight community impact applications for a total of $28,304,671 (see Table 1). This amount represents a 47 percent increase from the prior year. The substantial increase in Safety Net funding from the prior year is directly related to the availability of the ARRA federal funding during 2009–10. State sponsored Safety Net training was provided to 181 district and ESD staff in nine ESDs prior to the initial 2010–11 submission dates.
Survey Demographics

The survey was sent to all superintendents, special education directors and business managers of districts that applied for Safety Net funding. It included 11 specific questions related to the Safety Net process and an opportunity for respondents to comment and suggest improvements to the process. One hundred-eight (108) respondents completed the survey, and forty-eight (48) comments were received.

Of the 108 respondents, 65.74 percent identified themselves as special education administrators. Another 7.41 percent indicated they were the district superintendent or assistant superintendent, and 26.85 percent stated they were the district business manager or business services administrator. The percentage of respondents for each of the nine ESDs was as follows: ESD 101 (Spokane) 4.63 percent, ESD 105 (Yakima) 1.85 percent, ESD 112 (Vancouver) 8.33 percent, ESD 113 (Olympia) 12.04 percent, ESD 114 (Bremerton) 10.19 percent, ESD 121 (Seattle-Tacoma) 30.56 percent, ESD 123 (Tri-Cities) 2.78 percent, ESD 171 (Wenatchee) 6.48 percent, and ESD 189 (Anacortes) 23.15 percent.
Survey Results

1. The 2010–11 Safety Net Bulletin outlining changes to the Safety Net process and criteria for Safety Net applications including submission timelines and line-by-line instructions was clear.

   Ninety-three (93) percent of the respondents either agree or somewhat agree that the 2010–11 Safety Net bulletin was clear. This is consistent with the survey results for 2009–10, which indicated that ninety-four (94) percent of the respondents either agreed or somewhat agreed that the bulletin and instructions were clear.

2. OSPI-sponsored training for the 2010–11 Safety Net process was helpful.

   Ninety-three (93) percent of the respondents either agree or somewhat agree that the OSPI-sponsored training was helpful. In 2009–10 and 2008–09, ninety-three (93) percent also agreed or somewhat agreed that the training was helpful. It is important to note that there are numerous Safety Net training opportunities available to districts that are not sponsored or endorsed by OSPI. This question is only intended to evaluate OSPI-sponsored trainings.
3. **The Safety Net website includes information that is helpful to my district in the Safety Net application process.**

![Bar chart showing percentage of respondents agreement with safety net website helpfulness]

Ninety-three (93) percent of respondents either agree or somewhat agree that information provided on the OSPI Safety Net website was helpful to them in the application process. This percentage is up slightly from 2009–10 in which eighty-eight (88) percent either agreed or somewhat agreed that the information provided on the OSPI Safety Net website was helpful.

4. **OSPI staff members are helpful to my district in the Safety Net application process.**

![Bar chart showing percentage of respondents agreement with staff member helpfulness]

Ninety-two (92) percent of respondents either agree or somewhat agree that OSPI staff members are helpful to their district in the Safety Net application process. This percentage is similar to both 2009–10 and 2008–09, which exceeded ninety (90) percent in each year.
5. The Safety Net committee members are representative of districts in our state and carefully consider the district requests for Safety Net funding.

Eighty-nine (89) percent of the respondents either agree or somewhat agree that the Safety Net committee members are representative of districts in the state and carefully consider the district requests for Safety Net funding. This percentage is also similar the results in prior years. During 2010–11, there were 16 voting members of the Safety Net committee. Of this number, six were local directors of special education, three were ESD special education directors, three were local district business managers or district finance directors, three were either current or former district administrators and one was a district life skills coordinator. The committee also includes one non-voting member from the State Auditor’s Office and staff support from OSPI.

6. Although I may not always agree with the results, I was informed why my Safety Net applications were/were not funded.

Ninety-two (92) percent of the respondents either agree or somewhat agree that they were informed why their Safety Net applications were/were not funded. This percentage is considerably higher than 2009–10 in which only eighty (80) percent either agreed or disagreed that they were informed why their Safety Net applications were/were not funded.
7. The IEP review form was a helpful tool in submitting the Safety Net applications.

Ninety-five (95) percent of the respondents either agree or somewhat agree that the IEP review form was a helpful tool in submitting Safety Net applications. The ninety-five (95) percent rate is consistent with 2009–10 and 2008–09.

8. My district’s IEPs have improved as a result of the Safety Net process.

Ninety (90) percent of the respondents either agree or somewhat agree that the district’s IEPs have improved as a result of the Safety Net process. This percentage is noticeably higher than 2009–10 in which only eighty-one (81) percent either agreed or somewhat agreed with this statement.
9. Although I may not always agree with the results, I believe the Safety Net standards are uniformly applied to all districts.

Eighty (80) percent of the respondents agree or somewhat agree that the Safety Net process is fair and that the standards are uniformly applied to all districts. Only sixty-nine (69) percent responded similarly to this statement in both 2009–10. It should be noted that there is considerable variability in and among the districts that apply for Safety Net funding. For example, of the 94 Local Education Agencies (LEAs) that applied for Safety Net funding in 2010–11, five were non-high districts, 22 were districts with total enrollments of less than 2,000, 71 were districts with greater than 2,000 students and one was an Educational Service Agency (ESA).

10. Being able to resubmit an application that has been previously rejected for reasons specified by the Safety Net committee is helpful to me.

Eighty-nine (89) percent of respondents agree or somewhat agree that being able to resubmit a Safety Net application that had been previously rejected during the year was helpful.
11. Being able to electronically submit my Safety Net application will be helpful to me.

Eighty-three (83) percent of all respondents agree or somewhat agree that being able to electronically submit their Safety Net applications is helpful. Until 2010–11, the percentage of respondents agreeing or somewhat agreeing with this statement had steadily declined since 2007–08. Issues of student confidentiality and the transmission of voluminous data over the internet or loading information on to CDs that is already in hard copy form seem to be prohibitive for many districts. A common platform for reviewers is also an issue that impedes the realization of electronic submissions for Safety Net. It is also important to note that some districts do not want the electronic submissions to prevent them from being able to submit hard copy applications.

For More Information

If you have additional questions, or would like additional information, please contact OSPI, Special Education office at (360) 725-6075 or visit http://www.k12.wa.us/SpecialEd/default.aspx.