



UPDATE: Special Education Safety Net Survey

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Authorizing legislation: RCW 28A.150.392(3)

(<http://apps.leg.wa.gov/rcw/default.aspx?cite=28A.150.392>)

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Executive Summary

Safety Net funding is available to districts that demonstrate a need for special education funding in excess of state and federal funding available to the district. The Office of Superintendent of Public Instruction (OSPI) publishes a bulletin, and application forms for Safety Net funding every year.

In 2014–15, the Safety Net committee approved awards for 109 districts. The committee awarded 1,984 high-need individual student applications and four community impact applications for a total of \$34,254,624.

Since 2007–08, the Legislature has required OSPI to annually survey districts about their satisfaction with the Safety Net process and consider feedback from districts to improve it. In September 2015, a survey was sent to 454 administrators in the 109 districts that participated in the Safety Net program during the 2014–15 school year.

Survey takers responded to 10 questions. Survey takers recorded agreement at 80 percent or higher to nine of the ten questions for the fourth consecutive year.

Eighty-two surveys from 63 districts were completed. This was 22 percent of the survey pool and over half of the applicant districts. Comments were submitted by 36 individuals which was eight percent of the survey pool. Consistent with prior years, the percentage of administrators and districts responding and comments submitted has continued to decline.

Background

The Safety Net process, as authorized by the Legislature and administered by OSPI, has evolved during the last 19 years. Since the 1996–97 school year, the state Safety Net Oversight Committee, has approved over \$411 million in state and federal Safety Net funding. Annual adjustments have been made, consistent with changes in public policy, to both the Safety Net and the state special education funding formula. The categories and sources of funding for Safety Net have changed over time. The Safety Net funding categories available during the past 19 years are:

- Maintenance of State Revenue (MOESR) (available 1996–2002)
- Students above the funded percentage (available 1997–2002)
- Student demographics (available 1997–2000)
- High-need individuals (available 1996–present)
- Community Impact (available 2007–present)

The only category of Safety Net funding that has been available every year is the high-need individual student category. The high-need individual student category costs out the IEP services for each student the district submits for supplemental funding.

In 2005, a group of 12 school districts sued the state in Thurston County Superior Court claiming that the state special education funding formula was unconstitutional. The community impact category was created by the 2007 Legislature in response to Judge Thomas McPhee’s ruling that the formula was constitutional. Judge McPhee concluded that the state could not limit access to Safety Net funding on the basis of whether or not a district exceeded the 12.7 percent index in the apportionment formula. The community impact category allows districts to identify demographic characteristics within the district boundaries that cause increased special education enrollment and costs.

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.

In 2011, the 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. Applications are not considered until the end of the school year because the committee must make Safety Net decisions based on an analysis of actual spending for the current school year.

Update Status

Participants of the survey responded to 10 questions regarding the safety net process. Survey takers recorded agreement at 80 percent or higher to nine of the ten questions for the fourth consecutive year.

As in previous years, a significant majority of responses:

- Thought the Safety Net bulletin was clear and the OSPI staff, trainings, and website were helpful.
- Believed that the process was fair and that they received good feedback if their application was not funded.
- Thought the IEP tool was helpful and found that their IEPs improved because of the Safety Net process.

Multiple respondents said that the process could be improved by:

- Releasing the Safety Net bulletin and providing training earlier in the school year.
- Providing award funding before August.
- Providing notification via email rather than by letter.

Complete survey results are available online

(<http://www.k12.wa.us/LegisGov/2015documents/SafetyNetSurveyDec2015-AppendixA.pdf>).

Conclusion and Next Steps

Due to the consistency of the data and the static nature of the responses, the Superintendent recommends that the Safety Net Survey requirement be changed from annual to biennial. Safety Net Survey results will be used to improve the Safety Net process for the 2015–16 school year. The application process is outlined in the 2015–16 Safety Net bulletin released October 16, 2015. The bulletin was released two weeks earlier than previous years. Training has been scheduled.

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