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Washington Office of Superintendent of  
**PUBLIC INSTRUCTION**  
Chris Reykdal, Superintendent

November 9, 2023

( X ) Action Required

Due date: March 8, 2024, and May 10, 2024

( X ) Informational

## BULLETIN NO. 070-23 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 2023–24

CONTACT: Amber O'Donnell, Special Education Administrative Program Specialist  
360-725-6075, [amber.odonnell@k12.wa.us](mailto: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 2023–24 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, instructions and training opportunities will be available for download on [the Safety Net website](#).

## Key Changes in 2023–24

- Applications will be submitted via the Education Grants Management System (EGMS).

- The threshold is now comprised of two tiers based on LEA size relating to revisions to RCW 28A.150.392.
- Proration percentages for identified Individualized Education Program (IEP) compliance issues are reduced.

### 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 2023–24 school year. Any funding needed in excess of the state and federal amounts will be requested through a supplemental legislative request in fall of 2024.

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

### APPLICATION PLATFORM

Safety Net applications will be submitted via the application platform in the Education Grants Management System (EGMS). To qualify and start your application go to the Opportunities tab in EGMS and search for:

- AN-OSPI-1834 for High-Need Individual Applications
- AN-OSPI-1835 for Community Impact Applications

### APPLICATION DEADLINES and MEETING DATES

<b>Deadline for Receipt of Application at OSPI</b>	<b>Type of Application</b>	<b>Oversight Committee Meeting Date</b>	<b>Meeting Location</b>
<a href="#">March 8, 2024</a>	High-Need Individuals (HNI)	June 20–21, 2024	<a href="#">Zoom</a>
<a href="#">May 10, 2024</a>	HNI (Updates Only) and Community Impact (CI)	June 20–21, 2024	<a href="#">Zoom</a>
	Final Verification & Award Meeting	August 8, 2024	<a href="#">Zoom</a>

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 21, 2024, and/or August 8, 2024. 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.

The majority of High-Need Individual applications must be submitted by the March 8, 2024, deadline, except in the following circumstances. The May 10, 2024, High-Need Individuals submission deadline is **only** intended for:

- Students enrolling in the LEA after the March 8, 2024, submission deadline.
- Students with a significant change in services or placement after the March 8, 2024, submission deadline.
- Students accessing Extended School Year (ESY) when the ESY decision is made after the March 8, 2024, 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:

- 2023–24 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.
- 2022–23 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:

- Application Forms (in EGMS platform):
  - Worksheet A
  - Worksheet A Budget Reconciliation, if applicable  
This form 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.

- Application Files (attachments in EGMS platform):
  - 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)

## 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 2023–24 application threshold is \$35,598 for LEAs with fewer than 1,000 FTE or \$39,158 for LEAs with greater than 1,000 FTE.** The multiplier used to calculate the threshold is 2 for those LEAs with fewer than 1,000 FTE or 2.2 for those LEAs with greater than 1,000 FTE. See [RCW 28A.150.392 \(6\)](#).
- Applicants are required to submit all IEPs in effect for the 2023–24 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. 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 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

- Application Forms (in EGMS platform)
  - Worksheet C Student Overview
  - Worksheet C IEP Staff and Other Staff Costs, if applicable
  - Worksheet C ESY Staff and Other Staff Costs, if applicable
  - Worksheet C Student Summary
- Application Files (attachments in EGMS platform)
  - Medicaid Reimbursement Calculator, if applicable.
  - Billing Percentage Calculator for Contracted 1:1 Providers, if applicable.
  - Transportation Cost Calculator, if applicable.
  - Student's complete current IEP(s) in effect for the 2023–24 school year. If more than one IEP is in effect for 2023–24, 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, 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, the Safety Net review process will not include an IEP review. 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

Applications with IEP compliance issues identified in the review will be prorated by the following percentages:

- One area identified: 5%
- Two areas identified: 10%
- Three areas identified: 15%
- Four or more areas identified: 20%

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 2022–23 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 2023–24, 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 2023–24 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, two 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 10, 2024, Deadline

If submitting an update to an application submitted in March, the LEA should [complete a revision request in Smartsheet](#). Completing this form will allow OSPI staff to unlock your current Safety Net submission in the EGMS platform. To update an application, revise any applicable Worksheet C forms in EGMS. Additionally provide as attachments in the EGMS platform:

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

If applying for a student not included in your March 8, 2024, submission:

- Application Forms (in EGMS platform)
  - Worksheet C Student Overview
  - Worksheet C IEP Staff and Other Staff Costs, if applicable
  - Worksheet C ESY Staff and Other Staff Costs, if applicable
  - Worksheet C Student Summary
- Application Files (attachments in EGMS platform)
  - Medicaid Reimbursement Calculator, if applicable.
  - Billing Percentage Calculator for Contracted 1:1 Providers, if applicable.
  - Transportation Cost Calculator, if applicable.
  - Student's complete current IEP(s) in effect for the 2023–24 school year. If more than one IEP is in effect for 2023–24, 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.

Revise the Total Budget Requested field on the Overview tab of the application in EGMS to reflect the new request amount listed on the Certification form.

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

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.



## Submission Process

Applications are submitted through EGMS Announcement AN-OSPI-1834 for High-Need Individuals and AN-OSPI-1835 for Community Impact. Training and instructions on submitting through the EGMS platform will be available on [OSPI's Safety Net website](#) mid-November.

## 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

Trainings, tutorials, webinars, and office hours will be provided by OSPI staff. For training opportunities, 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 2022–23 Safety Net Survey Legislative Report will be available in December 2023. Once available, the report will be posted to [OSPI's Reports to the Legislature web page](#).

## 2023–24 MEMBERS OF THE SPECIAL EDUCATION STATE OVERSIGHT COMMITTEE

<b>Committee Member</b>	<b>Position and LEA</b>
Tania May, Manager	Assistant Superintendent, Special Education, OSPI
Jennifer Acuña	Director of Special Services, ESD 114
Jan Bakken	Director of Special Education, Retired
Sue Ann Bube	Director of Special Education, Mercer Island School District
Lori Buijten	Director of Special Education, North Kitsap School District
Kathryn Coleman	Director of Student Services, Vashon Island School District
Franklin Day	Director of Student Support Services, Cheney School District
Devon Fliss	Special Education Teacher/Case Manager, Woodland Public Schools
Dana Floyd	Executive Director of Special Services, ESD 105
Cody Gardiner	Director of Special Services, Sunnyside School District
Gavin Hottman	Chief Financial Officer, ESD 112
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
LaShae Lee	PEARL Special Education Coordinator, Quilcene School District
Lisa Muchlinski	Special Services, Kennewick School District
Sarah Okun	Director, True Measure Collaborative (Charter Schools)
Jonathon Poolman	Director of Business Services, Mukilteo School District
Andrea Staton	Assistant Principal, Mead School District
Matthew Young	Director of Budget and Finance, Puyallup School District
Alternate Jeffrey Niess	Executive Director of Specialized Services, ESD 112

## 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.

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