

Briefing: OSPI Request to Fully Fund Special Education Services

2023-25 Biennial Operating Budget

Introduction

Part I of this briefing describes the request to [fully fund special education services](#), while **Part II** provides information that could be useful to the reader in understanding the request.

Part I

What is the issue?

School districts have a legal obligation to serve all students with disabilities regardless of the cost of services. In an effort to meet that obligation, many school districts have found that federal and state funding for special education services are not well aligned with their expenditures, leaving them to rely on local levies to make up for that cost.

In 2021–22, over 147,000 Washington students ages 3–21 received special education services. District expenditures for special education and related services exceeded the federal and state special education funding that districts received by over \$400 million (or nearly 18%). This gap requires school districts to cover over \$400 million of the excess costs of special education through local funding sources, including local levies.

How can OSPI and the Legislature address the funding gap and improve services for all students?

OSPI requests that the Legislature: (1) remove the 13.5% cap on state special education funding; (2) increase the special education tiered multipliers to fully cover the cost of special education services; and (3) sustain the state's investment in [inclusionary practices](#) at \$5 million per year.

These actions would remove the burden on school districts to utilize local funding sources for the excess costs of special education and provide a high-quality technical assistance network designed to help districts and schools prevent issues related to the disproportionate identification of students for special education services.

The total cost of this request is \$971.9 million for the 2023–25 biennium.

How does OSPI provide accountability?

OSPI is required by [WAC 392-172A-07040](#) to monitor disproportionality or overidentification of students receiving special education services. As part of that monitoring, the [Special Education](#)



[Program Improvement Team](#) collaborates with school districts to review of both quantitative data and qualitative information provided by districts to ensure that they are implementing the requirements of the Individuals with Disabilities Education Act (IDEA). Through the [Washington Integrated System of Monitoring](#) (WISM) process and based on [federal indicator](#) data and other factors, some districts are selected to take part in a systems analysis. In these systems analyses, districts are assisted in improving practices around data verification, fiscal accountability, dispute resolution, delivery of student services, and priority setting.

Research and data show that job-embedded professional development (PD) and coaching are critical to changing practice in educational systems and scaling and sustaining change. OSPI's [Inclusionary Practices Project \(IPP\)](#) serves as an example of how impactful statewide access to high-quality PD can be. As Washington becomes more proficient in data-based decision-making and the provision of early interventions for all students through a multi-tiered system of support (MTSS) framework, schools and districts are better positioned to guard against overidentification and other issues related to disproportionality.

How do these requests impact equity?

At the forefront of every program, policy, and decision, OSPI actively focuses on ensuring all students have access to the instruction and support they need to succeed in Washington schools. OSPI regularly engages with a wide array of partners to continuously connect with students, families, and community representatives as partners in decision-making. OSPI facilitates and participates in a significant range of committees and workgroups, regularly engaging with invested partners to ensure voices are heard and ideas are incorporated.

The Inclusionary Practices Project seeks to end systemic social injustices caused by ableist systems that define students receiving special services as "other" or "less than" by providing educators with professional development on how to provide inclusive, individualized instruction to students with a wide range of needs and abilities. The success of the IPP project has resulted in a statistically significant change in access to general education for students with disabilities in Washington. At their core, inclusive practices center equity, recognize the strengths and cultural assets of diversity, work to remove structural and barriers to access, and examine intersectionality and ways students and families can be multiply marginalized in the education system.

There is currently a disproportional identification of Black students, Indigenous students, and students of color to more restrictive and less inclusive educational placements. Providing full funding for special education allows districts and schools across the state to have access to the resources they need to reimagine the ways they can provide special education services. These opportunities to reimagine special education services with a focus on inclusionary outcomes is supported through job-embedded professional development based around inclusionary practices within an MTSS framework. The combination of fully funding special education, job-embedded coaching, and already existing accountability measures will address issues of disproportionality, as well as aid educators in the work of naming, problematizing, and reimagining dysfunctional education ecologies. Moving Washington toward a more robust and

self-sustaining system of inclusion from early learning through high school and beyond is going to take continued time, commitment, and coordinated effort across all levels of the education system.

Finally, a continued overreliance on local revenues to meet district obligations for serving students with disabilities means districts have fewer opportunities to leverage local funds to provide access for preventative and emergent supports for all students. This is an issue of equity because not all school districts have equal access to local funds, which means that some of Washington's students who are furthest from educational justice have less opportunity to access preventive and emergent supports.

Part II

What are some terms one should be familiar with?

Special education is specially designed instruction that addresses the unique needs of eligible students. Special education is provided by schools at no cost to families and includes the related services a student needs to benefit from their education. These services are determined as needed by the Individualized Education Program (IEP) team, and ensures the student receives a Free Appropriate Public Education (FAPE) and accesses and progresses in grade-level learning standards.

Inclusion is realized when all students, regardless of their designation to receive special education services, are provided with targeted services, supports, and accommodations; allowing them to learn in the general education setting, interact with peers, and engage the core curriculum. All students have a right to meaningfully participate in the general education setting, both academically and socially, to the fullest extent possible.

Extensive research on the efficacy of inclusion shows that it yields significant improvements in the academic performance of students receiving special education services—in all subjects—and improvements in social and emotional outcomes as compared to teaching in separate settings. Students who received special education services who spend 80-100% of their time in the general education settings develop better working habits, improved self-esteem, are more attentive, have improved social competencies, and have more diverse friendship networks. Students who do not have an identified disability or an individual education program (IEP) also see improved academic outcomes since the high-leverage teaching techniques used in inclusive classrooms (for example, multi-tiered system of supports (MTSS), universal design for learning (UDL), specially designed instruction (SDI), and culturally responsive teaching (CRT)) help all students learn in ways that work best for their individual styles and needs.

Least Restrictive Environment (LRE) data is a term that comes from the Individuals with Disabilities Education Act (IDEA) and is used to measure the percentage of a school day a student with a disability spends in general education settings.

There are three categories of LRE:

- LRE 1: Placed in general education for 80–100% of the school day
- LRE 2: Placed in general education for 40–79% of the school day
- LRE 3: Placed in general education for 0–39% of the school day

Multi-Tiered Systems of Supports (MTSS) is a framework for enhancing the adoption and implementation of a continuum of evidence-based practices to achieve important outcomes for every student. When MTSS is implemented with fidelity, this prevention-based framework ensures that schools create the necessary conditions to systematically integrate academic and nonacademic supports to meet the needs of the whole child. The MTSS framework builds on a public health approach that is preventative and focuses on organizing the efforts of adults within systems to be more efficient and effective. MTSS helps to ensure students benefit from nurturing environments and equitable access to universal instruction and supports that are culturally and linguistically responsive, universally designed, and differentiated to meet their unique needs.

Disproportionality or **overidentification** means unequal or being out of proportion. Although there are discrepancies in many areas, [disproportionality in special education](#) is generally referring to racial and ethnic discrepancies that exist in the identification, placement, and discipline of students with disabilities.

States are federally required to evaluate and address disproportionality in special education occurring in school districts related to: (1) the identification of children as [children with disabilities](#); (2) the identification of [children with a particular disability](#); (3) the placement of children in [particular educational settings](#); and (4) the incidence, duration, and type of disciplinary actions, including [suspensions and expulsions](#).

How does special education funding work?

Funding for special education comes to districts annually through a combination of federal and state sources. In the 2021–22 school year, federal funds accounted for about 12% of what districts received, with state funds accounting for the remaining 88%.

[Special education funding](#) is in addition to, or in “excess” of, the full [basic education allocation](#) (BEA) available for any student. The result is that school districts have two primary sources of revenue to support special education services to students: basic education and special education. The allocation for students with disabilities is capped at 13.5% of the resident K–21 full-time enrollment. Over half of Washington’s 295 school districts have a population of students requiring IEPs that result in over 13.5% of their student population.

How inclusive is Washington?

To support more inclusive schools in Washington, the Legislature provided OSPI with \$25 million in the 2019–21 biennium and \$12 million in the 2021–23 biennium to provide educators across the state with professional development opportunities in support of inclusionary practices. Data

from the first two years of the [Inclusionary Practices Project](#) (IPP) show Washington is successfully building inclusive educational cultures and systems. It is not the time to let up on this incredible work. When the IPP began in 2019, Washington was one of the 10 least inclusive states in the nation. While Washington has made great strides in the last two years, the state remains in the bottom half of [national rankings](#). LRE is an incomplete measure of the quality of a student's experience with inclusion. To gain a more complete picture of inclusionary outcomes and the impact of IPP, OSPI is working with partners develop indicators that meaningfully demonstrate the impact of inclusionary practices.

What do inclusionary practices look like within MTSS?

Inclusionary practices within an MTSS challenges the belief that increased services is equivalent to more restrictive placements. The MTSS framework not only focuses on general education supports, but also incorporates how special education services are integrated at each tier. An example is organizing special education instruction in an inclusive environment so general education and special education instruction and supports are aligned. With universally designed and differentiated instruction in general education and specially designed instruction from special education working together, all students can be supported in the MTSS framework. This provides a focus on instruction for all students, not just intervention when needed and access to the curriculum for all students with the scaffolds and supports required to make progress and engage in meaningful inclusion.

Where can one learn more about inclusive practices within an MTSS framework?

- [Myths and Facts about Inclusionary Practices—OSPI](#)
- [10 Reasons to Support Inclusive School Communities for ALL Students—TIES Center](#)
- [Washington's Multi-Tiered System of Supports Framework—OSPI](#)
- [Precarious or Purposeful? Proactively Building Inclusive Special Education Service Delivery on Solid Ground—Michael F. Giangreco and Jesse C. Suter](#)