



PROVIDING FOR COSTS DRIVEN BY INCREASED NEED OF AGO SERVICES

2026 Supplemental Operating Budget Decision Package

Agency: 3500 Office of Superintendent of Public Instruction

Budget period: 2026 Supplemental Budget

Budget level: ML

RECOMMENDATION SUMMARY

The Office of Superintendent of Public Instruction (OSPI) requests a maintenance level increase to cover additional legal services related to school bus driver certifications and the increased need for advice relating to actions and policies of the federal government. Based on recent experience, OSPI and the Attorney General's Office (AGO) believe costs related to these issues will exceed the agency's existing appropriation.

FISCAL DETAIL

Operating Expenditures	FY 2026	FY 2027	FY 2028	FY 2029
Fund 001-1 (Program 010)	\$315,000	\$319,000	\$319,000	\$0
Total Expenditures	\$315,000	\$319,000	\$319,000	\$0
Biennial Totals	\$634,000		\$319,000	
Staffing	FY 2026	FY 2027	FY 2028	FY 2029
FTEs	0.0	0.0	0.0	0.0
Average Annual	0.0		0.0	
Object of Expenditure	FY 2026	FY 2027	FY 2028	FY 2029
Obj. E	\$315,000	\$319,000	\$319,000	\$0
Revenue	FY 2026	FY 2027	FY 2028	FY 2029
Fund 0	\$0.00	\$0.00	\$0.00	\$0.00
Total Revenue	\$0.00	\$0.00	\$0.00	\$0.00
Biennial Totals	\$0.00		\$0.00	

PACKAGE DESCRIPTION

OSPI has seen an increased need for legal services from the AGO, primarily due to an outsized number of school bus driver certification cases and the significant need for legal support in response to actions and policies of the federal government.

What is the problem, opportunity, or priority you are addressing with the request?

OSPI is responsible for setting “the minimum standards and qualifications for local education agency(ies) or contracted employees operating school buses for the transportation of public school children.” WAC 392-144-005; RCW 28A.160.210. OSPI acts when it’s determined that a school bus driver fails minimum requirements or has engaged in a disqualifying act. In the past two school years there has been one such case per year. Last school year there were five, two of which have gone forward to hearings.

The agency’s general need for legal representation has also significantly increased over the past year. Legal interactions with the federal government related to Washington state’s civil rights protections for students have increased OSPI’s legal costs.

What is your proposal?

This request seeks increased maintenance level funding appropriated to OSPI to address the anticipated additional work performed on behalf of the agency by the AGO in the upcoming fiscal year. This package is being presented as a joint request with the AGO. These additional resources are critical to ensuring that OSPI can continue to fulfill its responsibility as the state’s education agency, supporting school districts, advancing student learning, and safeguarding equitable access to education. Strengthening OSPI’s partnership with the AGO will provide the legal capacity needed to navigate increasingly complex issues facing public schools. Issues ranging from ensuring student safety on buses and in classrooms, to enforcing students’ right to an education free from discrimination.

How is your proposal impacting equity in the state?

Please describe in detail how this proposal is likely to benefit communities and populations who have historically been excluded by governmental decisions. Include both demographic and geographic information about communities.

OSPI is incurring some of these costs while defending and enforcing Washington laws intended to promote equity and defend historically marginalized communities, including laws against discrimination in schools like Chapters 28A.642 and 28A.640 RCW and Chapter 392-190 WAC.

Describe how your agency engaged with communities and populations, particularly those who have been historically excluded and marginalized by governmental decisions?

N/A

What input did your agency receive and how was it incorporated into your proposal?

N/A

Explain why and how these equity impacts will be addressed, i.e., consider communities or populations excluded or disproportionately impacted by the proposal.

A negative outcome in OSPI's litigation efforts, particularly in its efforts to uphold Washington state civil rights law, would have a harmful impact on historically excluded populations, emphasizing the need for adequate funding for OSPI's legal efforts. Failure to fund these costs through the budget process could result in OSPI absorbing them within its base allocation, which would divert resources from programmatic activities, many of which are designed to serve the unique needs of these same historically underserved populations. By fully funding this decision package, the legislature ensures that OSPI can continue prioritizing initiatives aimed at improving educational outcomes for all students.

What are you purchasing and how does it solve the problem?

This request would fund additional legal support needed from the AGO. The AGO believes the increased legal need described above will require approximately 1.0 full-time equivalent (FTE) of AAG staffing, 0.5 FTE Paralegal, and 0.40 FTE Management Analyst 5. These additional funds will purchase the time necessary to litigate cases and for legal advice.

What alternatives did you explore and why was this option chosen?

Failure to fund this decision package would result in OSPI absorbing them within its base allocation, which would divert resources from programmatic activities.

What resources does the agency already have that are dedicated to this purpose?

OSPI receives an annual central service allocation to support this work. OSPI collaborated with the AGO and determined that the current allocation is insufficient to meet the agency's needs.

ASSUMPTIONS AND CALCULATIONS

Expansion, reduction, elimination or alteration of a current program or service:

This request supports ongoing efforts by the AGO to provide legal services to OSPI.

Detailed assumptions and calculations:

The AGO is estimating an average increase in billings to the OSPI of \$26,250 per month over the assumptions that went into the current central services funding model. Based on the cost increase, OSPI anticipates the need for an additional \$315,000 in FY 26, and \$319,000 in FY 27 and FY28. The requested increase will cover the estimated cost of FTE and associated non-compensation costs for AGO support.

Workforce assumptions:

OSPI is not seeking additional funding related to FTE costs.

Historical funding:

Fiscal Year 2026

- FTE = 0.0 FTE
- Total Funds = \$1.066 million
- Near General Fund = \$1.066 million
- Other Funds = \$0

Fiscal Year 2027

- FTE = 0.0 FTE
- Total Funds = \$1.066 million
- Near General Fund = \$1.066 million
- Other Funds = \$0

STRATEGIC AND PERFORMANCE OUTCOMES

Strategic framework:

This request supports the Governor's Results Washington priorities of:

- Goal 1 – World-class education: Providing every Washingtonian a world-class education that prepared him or her for a healthy and productive life, including success in job or career, in the community and as a lifelong learner.
- Goal 5 – Efficient, Effective and Accountable Government: Fostering a Lean culture that drives accountability and results for the people of Washington.

Additionally, this proposal supports the following goals in the OSPI Strategic Plan:

- Goal 1 – Equitable Access to Strong Foundations: Increase student access to and participation in high-quality early learning and elementary by amplifying and building on inclusive, asset-based policies and
- Goal 4 – A Committed, Unified, and Customer-Focused OSPI: Support school districts through consistent, timely, and meaningful funding and supports that center the needs of students. Agency operations are unified in facilitating services and resources in alignment with the commitments in our strategic goals.

Performance outcomes:

If funded, this request would allow the AGO to be paid for work performed through the central service allocation provided to OSPI for legal services.

OTHER COLLATERAL CONNECTIONS

Intergovernmental:

N/A

Stakeholder impacts:

The Attorney Generals' Office supports this request.

Legal or administrative mandates:

- Wash. Const. art III, § 22
- 20 U.S.C. §§ 1232a, 6575, 7906a
- Washington Law Against Discrimination: RCW 49.60.030, .040.
- Discrimination Prohibition (public schools): RCW 28A.642.010
- Prohibition of harassment, intimidation, and bullying: RCW 28A.600.477
- Discrimination, harassment, intimidation, and bullying (policies and complaint procedures): RCW 28A.300.286
- School Bus Drivers: RCW 28A.160.210; WAC 392-144.

Changes from current law:

None

State workforce impacts:

None

State facilities impacts:

None

Puget Sound recovery:

N/A

Governor's salmon strategy:

N/A

OTHER SUPPORTING MATERIALS**Information technology (IT):**

N/A