



Washington Office of Superintendent of
PUBLIC INSTRUCTION

REPORT TO THE LEGISLATURE

Special Education Statewide Activities

2025

Authorizing Legislation: E2SSB 5263, Sec. 2

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EXECUTIVE SUMMARY

Passed in 2025, E2SSB 5263, Sec. 2 directs the Office of the Superintendent of Public Instruction (OSPI) to engage in statewide special education activities to support students receiving special education services.

The statewide activities **must** include:

- monitoring and technical assistance to local education agencies with disproportionate identification of students for special education services, and
- developing and maintaining a statewide online system for individualized education programs.

Statewide activities **may** include:

- professional development in inclusionary practices within a multitiered system of supports framework to help safeguard against over-identification and disproportionality, and
- a funding match to local education agencies that opt to allocate federal funding for coordinated, early intervening services.

OSPI is required under Revised Code of Washington (RCW) 28A.155.270 to submit an annual report to the legislature on the statewide activities funded under RCW 28A.150.390(3). The 2025 and 2026 annual reports must include an update on the impact of removing the cap on the special education enrollment percentage, including the impact on safety net needs.

This report provides an update on the statewide activities planned for the 2025-26 academic year and beyond. This report also describes the 2025-26 data collections that will be used to measure the impact of removing the special education enrollment cap.

INTRODUCTION

This report provides a comprehensive overview of statewide activities undertaken by the Washington Office of Superintendent of Public Instruction (OSPI) to support students receiving special education services. Mandated by Section 2 of E2SSB 5263, this report details the required and optional activities OSPI is implementing to ensure equitable access, effective support, and improved outcomes for students with disabilities across Washington State.

Central to these efforts are annual monitoring and technical assistance for local education agencies (LEAs) to address disproportionate identification of students for special education, as well as the development and maintenance of a statewide online system for individualized education programs (IEPs). The report also highlights professional development in inclusionary practices, funding matches for coordinated early intervening services, and the impact of removing the cap on the special education enrollment percentage.

By documenting these activities and their outcomes, OSPI aims to inform the legislature and partners about progress, challenges, and next steps in advancing inclusive education and meeting the needs of all students with disabilities in Washington.

STATEWIDE ACTIVITIES

Disproportionate Identification of Students Receiving Special Education Services

E2SSB 5263 specifies that the statewide activities must include:

“Annually reviewing data from local education agencies, including the percentage of students receiving special education services, to ensure there is not a disproportionate identification of students, as defined by the superintendent of public instruction in accordance with federal requirements of the individuals with disabilities education act, 20 U.S.C. Sec. 1400”

As permitted by the federal Office of Special Education Programs (OSEP), OSPI will use Washington’s definitions of disproportionate representation. Washington will measure disproportionate representation using Risk Ratios (RR) and Alternate Risk Ratios (ARR). The two data sources that will be used to review the percentage of students receiving special education services are the LEA’s October Enrollment Report and the LEA’s Annual Federal Special Education Child Count submitted that same year. Notifications will be sent via email to local educational agencies (LEAs) identified as having disproportionate representation with regard to the identification of students with disabilities.

“Providing technical assistance to school districts with disproportionate data”

Technical assistance will be provided to LEAs through a multitiered system of support. Universal technical assistance resources will be made available and include research, articles, tools, templates, technical assistance centers, and websites. If disproportionality persists, OSPI will increase its involvement by offering targeted supports, facilitating root cause analyses, and helping districts develop and implement action plans to address the disproportionality. For districts showing continued disproportionality or limited progress, OSPI will implement more intensive interventions, such as requiring regular progress monitoring meetings, assigning a dedicated liaison, and directing the use of federal funds for specific improvement activities (per [34 C.F.R. §300.600](#), [RCW 28A.155.090](#), [RCW 28A.155.225](#), and [WAC 392-172A-07010](#)). This tiered approach ensures that districts receive the appropriate level of support to address the underlying causes of the disproportionality and improve outcomes for all students.

“Requiring districts with disproportionate data to complete and submit to the office of the superintendent of public instruction a self-assessment that includes an audit of student evaluations and individualized education programs”

All LEAs whose data meet the definitions of Disproportionality or Significant Disproportionality will be required to complete a disproportionality self-assessment, including a special education file review if determined to be necessary by OSPI. The self-assessment requires examination of district policies, procedures, and practices; potential root causes for the disproportionality; and a plan of action for addressing the identified disproportionality. Districts designated as having significant

disproportionality with regard to the identification of students with IEPs must also develop and submit a plan for implementing comprehensive coordinated early intervening services (CCEIS) to address the factors contributing to the significant disproportionality ([34 C.F.R. §300.646](#) and [WAC 392-172A-07040](#)).

“Implementing follow-up actions based on the results of the self-assessment required in (a)(iii) of this subsection if determined necessary”

Once submitted, the LEA’s self-assessment will be reviewed by a trained OSPI Special Education Program Improvement Supervisor. The reviewer will use a rubric to verify that the self-assessment includes all required information. The rubric will also help determine when additional action may be required from OSPI and/or the LEA to ensure compliance.

The monitoring of disproportionate identification of students for special education services directly informs the need for targeted professional development in inclusionary practices, as districts with identified disproportionality benefit from technical assistance that addresses systemic inequities. Inclusionary practices professional development, delivered through the Inclusionary Practices Technical Assistance Network (IPTN), equips educators and districts with strategies to reduce exclusionary practices and promote equitable access for students most affected by disproportionality. By integrating data-driven identification with robust professional development, OSPI ensures that technical assistance and grant opportunities are aligned to support districts in creating more inclusive educational environments and addressing the root causes of disproportionality.

Statewide Online System for Individualized Education Programs (IEPs)

The statewide activities must include developing and maintaining a statewide online system for individualized education programs as directed under Section 3 of E2SSB 5263.

The purpose of the online system is to:

- (a) Provide a uniform, centralized platform for creating and managing individualized education programs;
- (b) Ensure compliance with federal and state special education requirements;
- (c) Improve the efficiency and effectiveness of individualized education program development and oversight; and
- (d) Improve educator collaboration and serve as an instructional tool designed to improve educational outcomes by aligning individualized supports and services with evidence-based instructional practices.

OSPI envisions a modern, inclusive, and data-driven statewide IEP system that prioritizes student outcomes and equitable access to rigorous learning. Unlike legacy systems that emphasize procedural compliance, this statewide system will be intentionally designed to center the educational benefit of

students with disabilities, consistent with the mandates of the Individuals with Disabilities Education Act (IDEA) and Washington Administrative Code (WAC 392-172A).

The statewide IEP system will provide meaningful, accessible, and user-centered interfaces for families, educators, and students to foster collaboration, transparency, and shared responsibility for student success. The system will serve as an integrated tool to strengthen instructional planning, monitor student progress, and ensure alignment between special education services, general education curriculum, and postsecondary readiness. Additionally, the move to an online system provides the opportunity to align requirements of the High School and Beyond Plan (HSBP) with post-school transition plans for students with disabilities.

To achieve this vision, the system will be intentionally designed with functionality that ensures:

- **Annual IEP Goals** are rooted in valid and reliable data from comprehensive special education evaluations; reflect ambitious yet attainable expectations; and are aligned to grade-level standards, ensuring rigorous pathways toward closing achievement gaps.
- **Progress Monitoring** is timely, visually accessible, and adaptable, empowering educators to make data-informed instructional decisions while allowing parents and students (with appropriate permissions) to view real-time progress.
- **Access to General Education Curriculum** is clearly documented and supported, ensuring IEPs demonstrate how students with disabilities are engaged in, and making progress toward, the same challenging academic standards as their peers.
- **Family Portal Access** provides families with secure, user-friendly tools to review student records, access draft IEPs, view real-time progress monitoring data, and communicate directly with IEP team members. The portal must include embedded translation and accessibility features to ensure families who speak languages other than English, or who require alternative formats, can fully participate in their child's educational planning.

This vision will be advanced through a multi-year, phased approach:

- 1) OSPI will develop and deploy a functional statewide IEP system **pilot**.
- 2) OSPI will achieve **full statewide implementation**, ensuring all districts are equipped with and supported in the use of the system.
- 3) The project will transition into a **continuous improvement and sustainability phase**, focused on system refinements, data-driven evaluation of student outcomes, and ensuring long-term adaptability to evolving educational needs.

The feasibility study identified a strong vendor landscape with experience implementing similar platforms in other states, along with powerful tools that support compliance, instruction, and family engagement. Cost projections were developed for implementation and long-term sustainability. Over

seven years, total costs were estimated to be between \$53 million and \$90 million, including licensing, professional development, and technical support. Annual costs for the statewide online system will exceed the 0.06% set-aside funds available from the excess cost allocation. OSPI will seek additional funding through other means in order to meet annual costs.

Inclusionary Practices

E2SSB 5263 specifies that OSPI **may** provide professional development in inclusionary practices to local education agencies, schools, and community partners in promoting inclusionary practices within a multitiered system of supports framework to help safeguard against over-identification of other issues related to disproportionality.

The [Inclusionary Practices Technical Assistance Network \(IPTN\)](#) is a statewide effort to assist Washington school districts working to disrupt segregated systems of disproportionality and reduce exclusionary practices that unjustly limit choice, opportunity, and learning outcomes for students with disabilities. The network brings together technical assistance (TA) and professional development (PD) providers, with a shared vision of inclusive education, to support districts across the state.

The IPTN is committed to increasing meaningful inclusion and belonging of all students with disabilities in general education settings. Further, it focuses on the two groups of students who experience the least access to general education settings (referred to as the *IPTN's aim student populations*):

- Black students with disabilities, and
- Students with intellectual and developmental disabilities (IDD).

By improving TA and PD work to dismantle systemic inequities for these student populations, the IPTN improves outcomes for all students, while also addressing long-standing gaps in access to general education and supporting systemic change to ensure schools become more inclusive.

RCW 28A.150.390(3) will fund two grant opportunities designed for LEAs to strengthen inclusive systems and practices:

Inclusionary Practices Technical Assistance Providers

State Technical Assistance providers that are members of the IPTN receive both federal and state funds for activities and resources for educator preparation, technical assistance, and professional development to improve educational systems statewide. Each member organization's theory of action describes how their work improves meaningful inclusion of the IPTN's aim student populations. Members also collaborate to provide joint support, leveraging the power of the IPTN as a network.

Intensive IPTN District Grants

Districts participating in the IPTN will receive targeted grant funding. These funds are designed to help districts address disproportionality and strengthen inclusive systems, with a particular focus on students who experience the highest levels of exclusion in Washington schools. State technical assistance providers will work with districts to create sustainable, long-term systems and practices that ensure all students have meaningful access to general education and grade-level standards.

Ultimately, this work aims to create positive outcomes and foster true membership and belonging for every student.

Coordinated, Early Intervening Services

E2SSB 5263 specifies that OSPI *may* provide a funding match to local education agencies that opt to allocate federal funding for coordinated, early intervening services (CEIS) per 34 C.F.R. Sec. 300.226.

Districts that choose to use a portion of their IDEA Part B funds for CEIS may receive a state funding match to extend their investment. CEIS is designed to support students who are not yet identified for special education but are in need of additional academic or behavioral support. Examples of how districts can put these funds to work include expanding early literacy supports, building stronger middle school math interventions, and refining multi-tiered system of supports (MTSS) practices for identifying student needs.

SPECIAL EDUCATION ENROLLMENT PERCENTAGE

E2SSB 5263 requires OSPI to include an update on the impact of removing the cap on the special education enrollment percentage, including the impact on safety net needs. The two data sources that will be used to review the percentage of students receiving special education services are the LEA's October Enrollment Report and the LEA's Annual Federal Special Education Child Count submitted that same year. Validated enrollment data for 2025-26 was not available for this report, but will be included in subsequent submissions.

Washington state has historically funded special education through a capped enrollment model, meaning districts only received state funding for up to a set percentage of their total student population regardless of how many students were actually eligible and served. For many years, the cap was set at 13.5%, which left districts with higher percentages of students with disabilities covering the unfunded costs with local dollars. In 2023, the Legislature increased the cap to 15%, and soon after to 16%, acknowledging growing concerns that the cap created inequities and failed to meet the true costs of providing federally-required services. These concerns were especially acute in districts with higher numbers of students receiving special education, often rural or serving students with greater needs, who were disproportionately impacted by the funding shortfall. In 2025, with the passage of E2SSB 5263, Washington eliminated the cap entirely, ensuring districts can now receive state funding for all students with disabilities, rather than being limited by an arbitrary percentage. This shift represents a significant policy change aimed at aligning resources with actual student need and advancing the state's constitutional duty to fully fund education.

The removal of the cap on special education enrollment under E2SSB 5263 may reduce districts' reliance on Safety Net funding, as increased base funding could lessen the need for supplemental

awards. At the same time, the bill lowers the threshold multipliers for Safety Net eligibility, which could result in higher funding per high-need individual student application. In the 2024–25 school year, \$262 million in high-need Safety Net funding was awarded across 7,236 individual student applications submitted by 152 districts.

Additionally, E2SSB 5263 eliminates the Community Impact category from Safety Net funding. This category previously provided awards to districts that exceeded the funding cap due to unique community factors. With the cap now removed, the rationale for Community Impact awards no longer exists. In the 2024–25 school year, 22 districts received a total of \$14 million in Community Impact Safety Net awards.

CONCLUSION & NEXT STEPS

The passage of E2SSB 5263 marks a pivotal shift in Washington’s approach to special education, mandating comprehensive statewide activities to ensure equitable access and improved outcomes for students with disabilities. OSPI’s efforts—ranging from annual monitoring of disproportionate identification, technical assistance for local education agencies, and the development of a statewide online IEP system, to professional development in inclusionary practices—demonstrate a commitment to both compliance and innovation with a focus on educational benefit.

The removal of the special education enrollment cap represents a significant policy advancement, aligning funding with actual student needs and reducing reliance on supplemental safety net awards. Early data suggests this change will help address historic inequities, particularly in districts with higher percentages of students requiring special education services. However, the transition also introduces new challenges, including the need for ongoing evaluation of funding adequacy, system implementation, and the impact on student outcomes.

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