



Funding Attorney General Expenditures

2027-29 Biennium Operating Budget Decision Package

Agency: 350 Office of Superintendent of Public Instruction

Budget period: 2027-29 Biennium

Budget level: ML

RECOMMENDATION SUMMARY

This request aligns the Office of Superintendent of Public Instruction (OSPI) funding with the Attorney General's Office (AGO) to meet OSPI's projected increase in legal service needs. Anticipated regulatory and enforcement actions—including bus driver certifications and special education due process hearings—are expected to generate legal challenges requiring additional AGO support. OSPI also continues to need increased legal advice related to federal government actions and policies.

FISCAL DETAIL

Operating Expenditures	FY 2028	FY 2029	FY 2030	FY 2031
Fund 001-1 (Program 010)	\$615,000	\$615,000	\$615,000	\$615,000
Total Expenditures	\$615,000	\$615,000	\$615,000	\$615,000
Biennial Totals	\$1,230,000		\$1,230,000	
Staffing	FY 2028	FY 2029	FY 2030	FY 2031
FTEs	0.0	0.0	0.0	0.0
Average Annual	0.0		0.0	
Object of Expenditure	FY 2028	FY 2029	FY 2030	FY 2031
Obj. E	\$615,000	\$615,000	\$615,000	\$615,000
Revenue	FY 2028	FY 2029	FY 2030	FY 2031
Total Revenue	\$0	\$0	\$0	\$0
Biennial Totals	\$0		\$0	

PACKAGE DESCRIPTION

This request addresses OSPI's increased need for legal services related to federal policy and enforcement; and regulatory, enforcement, and defensive litigation.

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

Legal Support Related to Federal Policies

OSPI oversees Washington's public education system. Shifting federal priorities and increased federal scrutiny, including the Department of Education (DOE) and Department of Justice (DOJ) investigation into OSPI's gender-inclusive nondiscrimination laws, create potential risks to federally appropriated funds. Because Washington receives significant Individuals with Disabilities Education Act (IDEA) and Child and Adult Food Care Program (CACFP) funding, OSPI has related regulatory and enforcement duties, increasing legal-service needs beyond existing funding.

Legal Support Related to Litigation and Enforcement Activities

OSPI sets minimum standards for school-bus drivers serving public-school students and may intervene to protect student health and safety when drivers fail to meet requirements or engage in disqualifying conduct. Increased appeals of these enforcement actions have increased the need for AGO legal support.

Special education due-process requests have also increased. Because Washington receives more than \$285 million in federal IDEA funding, OSPI must provide dispute-resolution options, including due-process hearings. As hearing cases rise, OSPI's reliance on AGO support has grown.

Contested CACFP nutrition enforcement cases have also increased. CACFP is a voluntary federal program that supports nutritious meals in eligible care settings. The U.S. Department of Agriculture (USDA) funds state administration of CACFP and reimburses food-service costs. In Washington, OSPI administers the program, distributes funds, oversees proper spending, and enforces overpayment findings. The USDA is currently conducting a claims validation review of OSPI's CACFP program.

Rising demand for AGO support, combined with current federal impacts, has significantly increased OSPI's reliance on AGO legal services.

What is your proposal?

OSPI requests the resources needed to secure AGO legal support amid current federal and enforcement challenges. Without sufficient legal resources, OSPI's regulatory and enforcement work—and AGO's ability to advise and represent OSPI—could be hindered, harming Washington students.

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

Students are most affected by this request. Additional funding is needed to protect against discrimination in Washington's education system.

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

Not applicable.

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

Not applicable.

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

Inadequate funding would disproportionately affect gender-expansive students, students with disabilities, students who ride school buses, and children served by CACFP.

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

Funding from this request will pay for AGO legal services. Without adequate funding, reduced or eliminated services could affect students statewide.

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

After consulting with the AGO, OSPI determined that additional AGO funding is the best way to meet statewide needs. The AGO has provided critical support for the agency's enforcement, litigation, and federal legal issues.

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

OSPI's current central service allocation is insufficient to meet legal support demands. After previously coordinating with the AGO to secure an increased maintenance-level allocation in the 2025-27 biennium, OSPI requests a 2027-29 adjustment to support ongoing legal service needs.

ASSUMPTIONS AND CALCULATIONS

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

This request supports OSPI's increased legal needs driven by federal administration actions and growing litigation demands. OSPI and the AGO have requested and received supplemental funding in recent years. Without additional funding, OSPI's legal-services budget will not cover regulatory, enforcement, litigation, and increased need for advice related to federal initiatives.

OSPI's legal costs were \$1,531,662 in 2021-23, \$2,161,750 in 2023-25, and \$1,435,761 in fiscal year 2026.

Detailed assumptions and calculations:

OSPI coordinated with the AGO to estimate increased legal-service needs based on ongoing federal activities and expected increases in challenges to OSPI regulatory actions and district special education determinations, including complaints and due-process hearings.

Workforce assumptions:

There are no FTE costs associated with this request.

Historical funding:

Fiscal Year 2028

- FTE = 0.0 FTE
- Total Funds = \$1.069 million
- Near General Fund = \$1.069 million
- Other Funds = \$0 million

Fiscal Year 2029

- FTE = 0.0 FTE
- Total Funds = \$1.069 million
- Near General Fund = \$1.069 million
- Other Funds = \$0 million

STRATEGIC AND PERFORMANCE OUTCOMES

Strategic framework:

Governor Ferguson's Priorities

This request supports one of Governor Ferguson's strategic goals.

Goal 1 – Education

Strengthening K-12 education in the state of Washington, which includes plans to invest a

higher percentage of the total budget in K-12 education to ensure a strong start for Washington's younger residents. This priority references the Washington State Constitution, which declares that "It is the paramount duty of the state to make ample provision for the education of all children residing within its borders, without distinction or preference on account of race, colors, caste, or sex."

This request supports the Governor's commitment to strengthening K-12 education by funding OSPI's access to legal advice and representation for challenges that threaten Washington's education system.

OSPI Strategic Goals

This proposal directly supports the fourth of [OSPI's four strategic goals](#), with primary alignment to the agency's commitment to "eliminating opportunity gaps and supporting students furthest from educational justice."

Goal 4: A Committed, Unified, and Customer-Focused OSPI

Ensuring the Agency is funded to pay its AGO costs allows OSPI to better perform its duties in overseeing K-12 education statewide.

Performance outcomes:

OSPI will maintain access to AGO legal support for current legal challenges facing Washington's education system.

OTHER COLLATERAL CONNECTIONS

Intergovernmental:

If federal legal issues move forward, Washington's ability to defend against discrimination and participate in the CACFP may also be at risk and could affect school districts statewide.

Stakeholder impacts:

Students, parents, bus drivers, and school districts are most affected by this proposal. Without adequate funding, OSPI cannot fulfill its legal obligations to these stakeholders.

Legal or administrative mandates:

The proposal implicates the following constitutional and statutory provisions:

- [Wash. Const. art III, § 22](#).
- [RCW 49.60.030](#), [.040](#), [.500](#) (prohibiting discrimination on the basis of gender identity in places of public accommodation including schools and community athletic programs)
- [RCW 28A.642.010](#) (prohibiting discrimination in Washington public schools)

- [RCW 28A.600.477](#) (requiring all Washington public schools to implement a policy that prohibits harassment, intimidation and bullying, including a specific policy related to transgender students)
- [RCW 28A.300.286](#) (requiring OSPI to adopt policies and complaint procedures relating to discrimination, including sexual and gender harassment, intimidation, and bullying)
- [RCW 28A.160.210](#) (school bus driver and transportation standards)
- [Title IX, 20 USC §§ 1681-1688](#) (prohibiting discrimination on the basis of sex)
- [Title VI, 42 USC § 2000d](#) (prohibiting discrimination on the basis of race, color, national origin)
- [Individuals with Disabilities in Education Act \(IDEA\), 20 USC §1400](#)
- [Child and Adult Care Food Program \(CACFP\), C.F.R. § 226.1](#)
- [20 U.S.C. §§ 1232a, 6575, 7906a](#) (provisions prohibiting federal mandates, direction, or control of aspects of public education such as curriculum).
- [The Family Education Rights and Privacy Act, 20 U.S.C. § 1232g \(FERPA\).](#)

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

None.

Information technology (IT):

N/A