

# Multiple Agency Fiscal Note Summary

<b>Bill Number:</b> 5315 E 2S SB	<b>Title:</b> Special education/nonpublic
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## Estimated Cash Receipts

Agency Name	2023-25			2025-27			2027-29		
	GF-State	NGF-Outlook	Total	GF-State	NGF-Outlook	Total	GF-State	NGF-Outlook	Total
Office of Attorney General	0	0	16,000	0	0	13,000	0	0	16,000
<b>Total \$</b>	<b>0</b>	<b>0</b>	<b>16,000</b>	<b>0</b>	<b>0</b>	<b>13,000</b>	<b>0</b>	<b>0</b>	<b>16,000</b>

Agency Name	2023-25		2025-27		2027-29	
	GF- State	Total	GF- State	Total	GF- State	Total
Local Gov. Courts						
Loc School dist-SPI	Fiscal note not available					
Local Gov. Other						
Local Gov. Total						

## Estimated Operating Expenditures

Agency Name	2023-25				2025-27				2027-29			
	FTEs	GF-State	NGF-Outlook	Total	FTEs	GF-State	NGF-Outlook	Total	FTEs	GF-State	NGF-Outlook	Total
Office of Attorney General	.1	0	0	16,000	.0	0	0	13,000	.1	0	0	16,000
Superintendent of Public Instruction	Fiscal note not available											
<b>Total \$</b>	<b>0.1</b>	<b>0</b>	<b>0</b>	<b>16,000</b>	<b>0.0</b>	<b>0</b>	<b>0</b>	<b>13,000</b>	<b>0.1</b>	<b>0</b>	<b>0</b>	<b>16,000</b>

Agency Name	2023-25			2025-27			2027-29		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
Local Gov. Courts									
Loc School dist-SPI	Fiscal note not available								
Local Gov. Other									
Local Gov. Total									

## Estimated Capital Budget Expenditures

Agency Name	2023-25			2025-27			2027-29		
	FTEs	Bonds	Total	FTEs	Bonds	Total	FTEs	Bonds	Total
Office of Attorney General	.0	0	0	.0	0	0	.0	0	0
Superintendent of Public Instruction	Fiscal note not available								
<b>Total \$</b>	<b>0.0</b>	<b>0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0</b>

Agency Name	2023-25			2025-27			2027-29		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
Local Gov. Courts									
Loc School dist-SPI	Fiscal note not available								
Local Gov. Other									
Local Gov. Total									

## Estimated Capital Budget Breakout

<b>Prepared by:</b> Val Terre, OFM	<b>Phone:</b> (360) 280-3973	<b>Date Published:</b> Preliminary 3/30/2023
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# Individual State Agency Fiscal Note

<b>Bill Number:</b> 5315 E 2S SB	<b>Title:</b> Special education/nonpublic	<b>Agency:</b> 100-Office of Attorney General
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## Part I: Estimates

**No Fiscal Impact**

### Estimated Cash Receipts to:

ACCOUNT	FY 2024	FY 2025	2023-25	2025-27	2027-29
Legal Services Revolving Account-State 405-1	8,000	8,000	16,000	13,000	16,000
<b>Total \$</b>	8,000	8,000	16,000	13,000	16,000

### Estimated Operating Expenditures from:

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	0.1	0.1	0.1	0.0	0.1
<b>Account</b>					
Legal Services Revolving Account-State 405-1	8,000	8,000	16,000	13,000	16,000
<b>Total \$</b>	8,000	8,000	16,000	13,000	16,000

### Estimated Capital Budget Impact:

NONE

*The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.*

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.
- Requires new rule making, complete Part V.

Legislative Contact: Megan Wargacki	Phone: 360-786-7194	Date: 03/10/2023
Agency Preparation: Chad Standifer	Phone: 3605863650	Date: 03/28/2023
Agency Approval: Edd Giger	Phone: 360-586-2104	Date: 03/28/2023
OFM Review: Cheri Keller	Phone: (360) 584-2207	Date: 03/29/2023

## Part II: Narrative Explanation

### II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

*Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.*

#### Bill Summary

Section 1: Amending RCW 28A.155.090. Requiring the Office of the Superintendent of Public Instruction (OSPI) to establish standards for approving nonpublic agencies that contract with school districts to provide special education programs for students with disabilities.

Section 2: Amending RCW 28A.155.060. Defining a “nonpublic agency”. Requiring OSPI to create an application process to approve nonpublic agencies that contract with school districts to provide special education services to students with disabilities, and specifying the approval criteria. Requiring OSPI to conduct on-site visits of nonpublic agencies prior to approving an application. Authorizing OSPI to suspend, revoke, or refuse to renew its approval of an application, under certain conditions. Requiring school districts that contract with approved nonpublic agencies to develop a written contract and specifying the contract elements. Requiring school districts to conduct annual on-site visits of nonpublic agency facilities. Clarifying that school districts remain responsible for student education as specified in the section.

Section 3: Amending RCW 28A.155.210. Requiring a student’s individualized education program to specify procedures required to ensure nonpublic agency compliance with RCW 28A.600.485.

Section 4: Amending RCW 28A.600.485, adding a definition of “school” to mean a public school or a nonpublic agency that contracts with a school district as authorized by RCW 28A.150.010. Authorizing OSPI to use the data described in the section to determine a nonpublic agency’s compliance with the obligations and standards set forth in RCW 28A.155.060.

Section 5: New Section. Requiring OSPI to submit an annual report to the education committees of the legislature regarding student placements at nonpublic agencies, beginning December 1, 2023, and specifying the report’s requirement.

Section 6: Amending RCW 28A.310.515. Authorizing classroom training for nonpublic agencies located in Washington that contract with school districts.

Section 7: Emergency clause providing for immediate effective date.

### II. B - Cash receipts Impact

*Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.*

Cash receipts are assumed to equal the Legal Services Revolving Account (LSRA) cost estimates. These will be billed through the revolving account to the client agency.

The client agency is the Office of Superintendent of Public Instruction (OSPI). The Attorney General’s Office (AGO) will bill all clients for legal services rendered.

These cash receipts represent the AGO’s authority to bill and are not a direct appropriation to the AGO. The direct appropriation is reflected in the client agency’s fiscal note. Appropriation authority is necessary in the AGO budget.

#### AGO AGENCY ASSUMPTIONS:

OSPI will be billed non-Seattle rates:

FY 2024: \$8,000 for 0.03 Assistant Attorney General FTE (AAG), and 0.02 Legal Assistant 3 FTE (LA).  
 FY 2025: \$8,000 for 0.03 AAG, and 0.02 LA.  
 FY 2026: \$5,000 for 0.02 AAG, 0.01 LA.  
 FY 2027, and each FY thereafter: \$8,000 for 0.03 AAG, and 0.02 LA.

**II. C - Expenditures**

*Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.*

Attorney General’s Office (AGO) Agency Assumptions:

This bill has an emergency clause and is assumed to be effective immediately.

Location of staffing is assumed to be in a non-Seattle office building.

Total workload impact in this request includes standard assumption costs for goods & services, travel, and capital outlays for all FTE identified.

Agency administration support FTE are included in the tables. The Management Analyst 5 (MA), is used as a representative classification. An example ratio is for every 1.0 Assistant Attorney General FTE (AAG), the AGO includes 0.5 FTE for a Legal Assistant 3 (LA) and 0.25 FTE of an MA.

Assumptions for the AGO Education Division’s (EDU) Legal Services for the Office of Superintendent of Public Instruction (OSPI).

The AGO will bill OSPI for legal services based on the enactment of this bill.

The enactment of this bill will marginally impact the provision of legal services to OSPI. The enactment of this bill will likely result in fiscal impact to OSPI. Legal work will be required initially to support OSPI in the initial implementation of the bill, and it is expected to increase again once oversight and potential suspension, revocation, or renewal action is taken, since it will likely require an American Psychological Association (APA) complaint hearing. It is assumed that AAG advice will be sought during such an investigation and that an AAG would be representing OSPI in a hearing. Assumption is for one hearing per year starting in 2027 that lasts one or two days.

EDU total non-Seattle impact:

FY 2024: \$8,000 for 0.03 AAG, and 0.02. LA.  
 FY 2025: \$8,000 for 0.03 AAG, and 0.02 LA.  
 FY 2026: \$5,000 for 0.02 AAG, and 0.01 LA.  
 FY 2027, and each FY thereafter: \$8,000 for 0.03 AAG, and 0.02 LA.

**Part III: Expenditure Detail**

**III. A - Operating Budget Expenditures**

Account	Account Title	Type	FY 2024	FY 2025	2023-25	2025-27	2027-29
405-1	Legal Services	State	8,000	8,000	16,000	13,000	16,000
	Revolving Account						
<b>Total \$</b>			8,000	8,000	16,000	13,000	16,000

**III. B - Expenditures by Object Or Purpose**

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	0.1	0.1	0.1	0.0	0.1
A-Salaries and Wages	5,000	5,000	10,000	8,000	10,000
B-Employee Benefits	2,000	2,000	4,000	3,000	4,000
E-Goods and Other Services	1,000	1,000	2,000	2,000	2,000
<b>Total \$</b>	<b>8,000</b>	<b>8,000</b>	<b>16,000</b>	<b>13,000</b>	<b>16,000</b>

**III. C - Operating FTE Detail:** *List FTEs by classification and corresponding annual compensation. Totals need to agree with total FTEs in Part I and Part IIIA*

Job Classification	Salary	FY 2024	FY 2025	2023-25	2025-27	2027-29
Assistant Attorney General	118,700	0.0	0.0	0.0	0.0	0.0
Legal Assistant 3	55,872	0.0	0.0	0.0	0.0	0.0
<b>Total FTEs</b>		<b>0.1</b>	<b>0.1</b>	<b>0.1</b>	<b>0.1</b>	<b>0.1</b>

**III. D - Expenditures By Program (optional)**

Program	FY 2024	FY 2025	2023-25	2025-27	2027-29
Education Division (EDU)	8,000	8,000	16,000	13,000	16,000
<b>Total \$</b>	<b>8,000</b>	<b>8,000</b>	<b>16,000</b>	<b>13,000</b>	<b>16,000</b>

**Part IV: Capital Budget Impact**

**IV. A - Capital Budget Expenditures**

NONE

**IV. B - Expenditures by Object Or Purpose**

NONE

**IV. C - Capital Budget Breakout**

*Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.*

NONE

**IV. D - Capital FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*

NONE

**Part V: New Rule Making Required**

*Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.*