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**SENATE BILL 5946**

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**State of Washington 64th Legislature 2015 Regular Session**

**By** Senators Rivers, Rolfes, Hill, McAuliffe, Litzow, Benton, Conway, and Frockt

AN ACT Relating to establishing a comprehensive initiative to expand learning opportunities and improve educational outcomes for students with disabilities in Washington state using multiple strategies and statewide partnerships; adding new sections to chapter 28A.155 RCW; creating a new section; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. **Sec.**  FINDINGS—INTENT. (1) During the past decade, movements toward greater accountability in education have highlighted the achievement and opportunity gap that exists among students based on race/ethnicity, family income, language ability, and disability. While effort has been made to address the inequities evidenced in our educational outcomes, students with disabilities continue to remain among the lowest performing subgroups in Washington.

(a) About thirteen percent of Washington students experience a disability and require special education;

(b) Another two to three percent receive supports and services under section 504 of the federal rehabilitation act of 1973, 29 U.S.C. Sec. 701 et seq.;

(c) About one in every six students has at least one emotional, behavioral, or developmental condition;

(d) Approximately thirty to forty percent of all children in foster care receive special education;

(e) Children who are homeless are twice as likely to have learning disabilities and three times as likely to have an emotional disturbance as children who are not homeless;

(f) Only fifty-eight percent of students with disabilities graduate from high school, compared to seventy-seven percent of all students in Washington;

(g) Even fewer students with disabilities engage in higher education, with just twenty-five percent enrolled in higher education one year past high school. As many as one-third of former students served in special education are completely disengaged from work or postsecondary education one year after leaving high school;

(h) Students with disabilities are underrepresented in enrollment in advanced placement courses, honors programs, and college preparatory classes and overrepresented in low-performing schools;

(i) Nearly sixty-five percent of students with disabilities have a measured cognitive ability that is average or above but are not achieving similar to their peers due to learning disabilities, speech and language disabilities, and other health impairments. For the majority of these students, given appropriate intervention and accommodations, each could capably access rigorous coursework to obtain a high school diploma and pursue postsecondary education or technical and career opportunities;

(j) Only thirty-one percent of fourth grade students with disabilities scored proficient on statewide general assessments of reading/language arts, compared to seventy-two percent of all students;

(k) Only ten percent of eighth grade students with disabilities scored proficient on statewide general assessments of mathematics, compared to fifty-four percent of their peers;

(l) Students with disabilities are two and one-half times more likely to be disciplined and suspended or expelled from school. According to the office for civil rights, students who are suspended or expelled from school have a significantly increased risk of dropping out and not graduating; and

(m) The United States department of education, office of special education and rehabilitative services, has placed Washington state on the "needs assistance" list based on data related to the performance of students with disabilities on regular statewide assessments.

(2) The legislature finds compelling evidence that additional progress must be made to address the needs of students with disabilities in Washington public schools. The legislature finds there is no better opportunity to make a strong commitment to closing the achievement gap for students with disabilities and to affirm the state's constitutional obligation to provide opportunities to learn for all students without distinction or preference on account of race, ethnicity, disability, socioeconomic status, or gender.

(3) It is the legislature's intent that the state adopt a ten-year goal to eliminate barriers to the success of students with disabilities. As recommended by the office of the education ombuds' 2014 report on the creation of a statewide special education task force required by chapter 221, Laws of 2014, the 2014 operating supplemental appropriations act, the legislature establishes a blue ribbon commission to develop a strategic plan to accomplish this goal, with annual reports to the legislature containing prioritized recommendations for achieving the detailed goals.

(4) To provide focus and clarity to efforts to increase learning opportunities and improve educational outcomes for students with disabilities, the state of Washington includes students with disabilities in any reference to the state opportunity or achievement gap.

NEW SECTION. **Sec.**  DEFINITIONS. The definitions in this section apply throughout this section and sections 3 through 7 of this act unless the context clearly requires otherwise.

(1) "Commission" means the commission on improving outcomes for students with disabilities.

(2) "Institutions of higher education" includes the state board for community and technical colleges, community colleges, the four-year institutions of higher education, independent colleges and degree-granting institutions, certificate-granting institutions, and the workforce training and education coordinating board.

(3) "Mental health disorder" means any mental, behavioral, or emotional disorder described in the most recent edition of the diagnostic and statistical manual that substantially interferes with or substantially limits the functioning and social interactions of a child or adolescent.

(4) "State education agencies" includes the office of the superintendent of public instruction, the student achievement council, the state board for community and technical colleges, the workforce training and education coordinating board, the professional educator standards board, and the state board of education.

(5) "Students with disabilities" refers to any student who receives instruction pursuant to an individualized education plan (IEP) or a section 504 plan; or any student who is in the process of evaluation and identification to become eligible for services and protections under the federal individuals with disabilities education act (IDEA) or section 504 of the federal rehabilitation act; or any student who has previously received educational services and supports pursuant to an individualized education plan or section 504 plan. This term also includes students with a mental health disorder or neurological condition, such as dyslexia, dysgraphia, dyscalculia, or processing disorder who may also be eligible for a section 504 plan or individualized education plan.

NEW SECTION. **Sec.**  COMMISSION ESTABLISHED. The commission on improving outcomes for students with disabilities is established to develop a ten-year strategic plan to expand learning opportunities and improve educational outcomes for all students with disabilities. The commission must develop an accountability framework to monitor and report annually to the governor and the legislature on the progress being made toward the ten-year goal and must provide vision, guidance, assistance, and advice to support the initiatives under this chapter.

NEW SECTION. **Sec.**  COMMISSION REPORT CARD. (1) The commission, in collaboration with the office of the superintendent of public instruction, shall select a comprehensive list of indicators that leverage existing processes of data collection in order to produce an annual report card on the state's progress toward expanding learning opportunities and improving educational outcomes for students with disabilities in Washington.

(2) The report card must:

(a) Illustrate the most recent data for selected indicators and measures that comprise the accountability framework;

(b) Include data on, but not limited to:

(i) Academic achievement;

(ii) Access to the general education environment and curriculum;

(iii) Participation in states' assessments and alternative assessments;

(iv) Graduation and dropout;

(v) Waivers to graduation requirements, including students who pass using a collection of evidence (COE) or certificates of individual achievement;

(vi) Postgraduation and posttransition outcomes;

(vii) Suspension and expulsion;

(viii) Use of restraint and isolation; and

(ix) Use of medicaid-funded school-based services;

(c) Be prominently displayed on the education data center's data dashboard, required by RCW 28B.77.090, which must be linked to any web site created by the commission.

(3) The education data center created in RCW 43.41.400 must coordinate data collection and analysis to support the report card by designing a common reporting metric, in collaboration with the commission.

(4) The commission must publish the first report card with baseline data on the identified indicators and measures by January 10, 2016, and must update the report card by each January 10th thereafter.

NEW SECTION. **Sec.**  COMMISSION MEMBERSHIP AND MEETINGS. (1)(a) By thirty days after the effective date of this section, the governor shall appoint two cochairs to the commission. One cochair must demonstrate respected leadership in education and child advocacy, and must be known to foster collaboration and partnerships. The other cochair must equally represent a diverse range of child and parent consumer experiences with demonstrated leadership in building relationships and facilitating accord with educators, legislators, and policymakers.

(b) The cochairs shall hire an executive director responsible for convening and staffing the task force and subcommittees, providing research requested by the commission, administration, and preparation of reports.

(c) By thirty days after the effective date of this section, the governor's office shall create an application process for individuals interested in participating as members on the commission.

(d) By one hundred twenty days after the effective date of this section, the governor shall appoint twelve members to the commission from a list of nominees who have diverse expertise including university educators and researchers, academic and educational service providers, parents, students, foster care and homeless youth, related service providers, and mental health professionals. The nominees must have demonstrated leadership and innovation in the achievement of students with disabilities or proclaim a mission to enhance access to education from early learning through postsecondary education for students with disabilities.

(e) The following department heads or their designees are ex officio nonvoting members of the commission:

(i) The superintendent of public instruction;

(ii) The secretary of the department of social and health services;

(iii) The director of the department of early learning;

(iv) The director of the student achievement council; and

(v) The director of the office of the education ombuds.

(2) Members of the commission must be reimbursed for travel expenses, as provided in RCW 43.03.050 and 43.03.060 and are required to attend full commission meetings, but may not be reimbursed for costs related to attendance of regional work groups.

(3) Staff support for the commission shall be provided by the governor's office and the office of financial management, with support from the office of the superintendent of public instruction and other state education agencies and institutions of higher education, as necessary.

NEW SECTION. **Sec.**  COMMISSION POWERS. (1) The commission has the powers described in this section.

(2) The commission has the power to convene regional and statewide work groups as budgeted or solicited funding allows, that bring persons with relevant expertise to the work of the commission and create a level of consensus-building and trust needed to shift how services are delivered to students with disabilities or special needs.

(3) The commission has the power to conduct research and system reviews, and consult experts to inform its work. The commission may seek grants and federal funding to carry out research or other activities authorized by the chapter.

(4) The commission has the power to make policy recommendations that are informed by findings from the report card and research and that are aligned with the commission-established roadmap.

(5) The commission has the power to conduct state communication campaigns designed to expand awareness of the importance of educating students with disabilities or special needs and the opportunities available to close the educational opportunity gap for disadvantaged students and to promote economic self-sufficiency and reduced dependence on public benefits for students with disabilities or special needs over their lifetimes.

(6) To the extent possible, the commission shall use the data and analysis produced by, and in consultation with, the education data center created in RCW 43.41.400 in fulfilling its duties under sections 2 through 7 of this act.

NEW SECTION. **Sec.**  SPECIAL EDUCATION INNOVATION PROJECT. To the extent funds are appropriated or raised through grants specifically for this purpose, the commission shall establish an innovation fund and solicit and award competitive grants to public schools, including charter schools, as well as nonprofits operating in partnership with public schools. The commission shall annually set the priority areas for grants that will be aligned with the roadmap and identified areas of needed innovation to promote improved practices in education, from early learning through postsecondary education.

NEW SECTION. **Sec.**  Sections 2 through 7 of this act are each added to chapter 28A.155 RCW.

NEW SECTION. **Sec.**  This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect thirty days after signed into law.

**--- END ---**