

HOUSE BILL REPORT

HB 1947

As Reported by House Committee On:
Education

Title: An act relating to establishing a comprehensive plan to expand learning opportunities and improve educational outcomes for students with disabilities or special needs using multiple strategies and statewide partnerships.

Brief Description: Establishing a comprehensive plan to expand learning opportunities and improve educational outcomes for students with disabilities or special needs using multiple strategies and statewide partnerships.

Sponsors: Representatives Pollet, Walsh, Santos, S. Hunt, Orwall, Ortiz-Self, Tarleton, Kagi, Bergquist, Robinson, Gregerson and Ryu.

Brief History:

Committee Activity:

Education: 2/16/15, 2/19/15 [DPS].

Brief Summary of Substitute Bill

- Establishes the Commission on Improving Outcomes for Students with Special Needs to develop a 10-year strategic plan to expand learning opportunities and improve educational outcomes for all students with disabilities or special needs and an accountability framework to monitor and report annually on the progress being made toward the 10-year goal.
- Requires the Office of Financial Management to contract with experts in promoting and supporting education for students with disabilities for the purpose of expanding learning opportunities and improving educational outcomes that are aligned with the accountability framework, to the extent funds are appropriated for this purpose.
- Requires the Office of the Superintendent of Public Instruction to increase interdisciplinary instruction and project based learning that will assist students with disabilities or special needs, within existing resources.
- Clarifies the role of the Quality Education Council with regard to students with disabilities or special needs.
- Includes an emergency clause to make the bill effective 30 days after it is signed into law.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

HOUSE COMMITTEE ON EDUCATION

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 18 members: Representatives Santos, Chair; Ortiz-Self, Vice Chair; Reykdal, Vice Chair; Magendanz, Ranking Minority Member; Muri, Assistant Ranking Minority Member; Stambaugh, Assistant Ranking Minority Member; Bergquist, Caldier, Fagan, Gregory, Griffey, Hayes, S. Hunt, Kilduff, Lytton, Orwall, Pollet and Springer.

Minority Report: Do not pass. Signed by 2 members: Representatives Klippert and McCaslin.

Minority Report: Without recommendation. Signed by 1 member: Representative Hargrove.

Staff: Megan Wargacki (786-7194).

Background:

Office of the Education Ombuds Report on the Creation of a Statewide Special Education Task Force.

The Office of the Education Ombuds (OEO), within the Office of the Governor, was established in 2006 to serve as an independent resource for parents and families regarding their involvement with public schools. In November 2014, as directed by a proviso in the supplemental operating budget, the OEO submitted to the Legislature a scope of work and proposed plan for a task force on success for students with special needs. In developing the plan, and as directed by the proviso, the OEO sought input from a broad group of stakeholders, including interested parents, educators, state agencies, and organizations representing students placed or qualified to be placed in special education and students with a Section 504 plan. The OEO's report recommended the creation of a "Blue Ribbon" Commission that should:

- have autonomy and research capacity, including the ability to recommend technical and innovative changes across systems to promote better educational outcomes for all students;
- outline recommendations to ensure the various systems that serve children and youth, including education, health, mental health, social services, and juvenile justice can collaborate effectively, eliminate gaps, and avoid duplication of efforts;
- provide recommendations that will ensure continuity, access and success for students starting with early learning, and continuing from preschool to high school to postsecondary education, through career training and employment;
- have two co-chairs who demonstrate leadership in education and child advocacy, who promote collaborative relationships, and will guide 12 expert panelists through a process of results-focused regional conversations to build trust in educators and parents so that extraordinary results can be produced with common goals and a shared mission;
- convene statewide workgroups with dense and diverse geographic, agency, consumer and community representation that can foster collective efforts toward the continuous improvement of the education system to meet the needs of all learners and thoroughly research how education services are delivered to students with disabilities;

- be funded on a biennial basis and charged with developing a 10-year action plan, including an initial report with recommendations for systemic changes after the first two and four years; and
- be funded for a full-time executive director with administrative support.

Quality Education Council.

In 2009 the Legislature created the Quality Education Council (QEC) and tasked it with informing and making strategic recommendations on the ongoing implementation of the program of Basic Education and the funding to support it. The QEC members are eight legislators; representatives of the state education agencies; and a representative from the Department of Early Learning, the Office of the Governor, and the Educational Opportunity Gap Oversight and Accountability Committee. The QEC has submitted annual reports to the Legislature, including various recommendations intended to close the educational opportunity gap; improve supplemental instruction through the Learning Assistance Program, the Transitional Bilingual Instructional Program (TBIP), and the Highly Capable Program; and support education professionals, including through programs that encourage diverse populations to become teachers. The QEC has also examined issues related to early learning and the state funding formula for the TBIP in response to specific legislative assignments.

Summary of Substitute Bill:

Commission on Improving Outcomes for Students with Special Needs.

The Commission on Improving Outcomes for Students with Special Needs (Commission) is established to develop a 10-year strategic plan to expand learning opportunities and improve educational outcomes for all students with disabilities or special needs and an accountability framework to monitor and report annually on the progress being made toward the 10-year goal. Definitions are included for the following terms: institutions of higher education; mental health disorder; school organizations; state education agencies; students with disabilities; and students with special needs.

Framework. The single, cohesive, and comprehensive accountability framework must establish a limited number of select and specific goals that are meaningful indicators of progress toward eliminating the most significant barriers to success, and disparities in outcomes, for students with disabilities or special needs within 10 years. The framework must use measures that are quantifiable and based on data that are regularly and reliably collected statewide, examples are provided.

Roadmap. The Commission must propose goals and priorities to eliminate the most significant barriers to success for students with disabilities or special needs in a 10-year roadmap. The roadmap must address the needs of students with disabilities or special needs to reach higher levels of educational attainment and be aligned with Washington's workforce needs for certificates and degrees in particular fields of study. The first roadmap must be submitted to the Governor, the Office of the Superintendent of Public Instruction (OSPI), and the Legislature by December 1, 2016, and must include certain recommendations and analysis. The roadmap must be updated every two years.

Report Card. The Commission, in collaboration with the OSPI and the Education Research and Data Center, must produce an annual report card on the state's progress toward expanding learning opportunities and improving educational outcomes for students with disabilities or special needs. The first annual report card must be posted by January 10, 2016.

Commission Membership. The Governor must appoint two co-chairs to the Commission: one who demonstrates respected leadership in education and child advocacy, and is known to foster collaboration and partnerships; and one who equally represents a diverse range of child and parent consumer experiences with demonstrated leadership in building relationships and facilitating accord with educators, legislators, and policymakers. The co-chairs must hire an executive director responsible for convening and staffing the task force and subcommittees, providing research requested by the Commission, administration of the Commission, and preparation of reports. Staff support must be provided by the Office of the Governor and the Office of Financial Management (OFM), with support from the state education agencies and the institutions of higher education, as necessary.

The Office of the Governor must create an application process for individuals interested in participating as members on the Commission. The co-chairs must select a pool of nominees from the applicants who are geographically and demographically diverse and represent a wide variety of stakeholder groups. The Governor must appoint 12 members to the Commission from the list of nominees, including educators, parents, certain experts, and association representatives. Certain department heads or their designees are ex officio nonvoting members of the Commission.

Commission Powers. The Commission has the power to:

- convene regional and statewide work groups that bring persons with relevant expertise to the work of the Commission and create a level of consensus-building and trust needed for a meaningful shift in the way services are delivered to students with disabilities or special needs;
- conduct research and system reviews, and consult experts to inform its work; and
- seek grants and federal funding to carry out research or other activities authorized by the chapter.

Special Education Innovation Project.

To the extent funds are specifically appropriated, the OFM must contract with a statewide organization with expertise in promoting and supporting education from early learning through postsecondary education for students with disabilities or special needs. The purpose of the contract is to identify, test, and develop scalable, cost-effective, and evidence-based approaches for expanding learning opportunities and improving educational outcomes that are aligned with the Commission's accountability framework. Specific tasks are provided, including: conducting a statewide communications campaign; expanding regional networks; establishing an innovation fund offering competitive innovation grants; expanding professional development opportunities; and others.

Interdisciplinary Instruction and Project-based Learning in Schools.

Within existing resources, the OSPI, in consultation with the Commission, must identify and disseminate resources and materials to schools to encourage and increase interdisciplinary instruction and project-based learning that will assist a student with disabilities or special

needs to meet the requirements of a high school diploma. Within existing resources, the OSPI must create partnerships for collaboration using work groups of educators and education service districts, charter schools, institutions of higher education, and innovation grant recipients. These work groups must:

- identify interdisciplinary instructional modules and project-based learning models, projects, lessons, and guides appropriate for students with disabilities or special needs at different grade levels; and
- make the collected information available for teachers to incorporate into their classroom instruction.

The OSPI must disseminate information and research on best practices in interdisciplinary instruction and project-based learning that improves successful outcomes for students with disabilities or special needs, within existing resources. Subject to available funds, the OSPI must also collaborate with education service districts to make available professional development opportunities in brain research and assistive technology regarding learning and instruction for students with learning, neurological, physical, social-emotional, developmental disability, or mental health disorders. These professional development opportunities must be based upon the recommendations of the Commission.

Role of the Quality Education Council.

The QEC must develop strategic recommendations to improve outcomes for students with disabilities or special needs within the program of Basic Education for the common schools, taking into consideration the work of the Commission. Any recommendations for modifications to the program of Basic Education must consider the needs of students with disabilities or special needs and must be based on evidence that the programs effectively support the learning of students with disabilities or special needs. The QEC must update the statewide strategic recommendations every four years and include specific strategies to improve outcomes for students with disabilities or special needs.

Emergency Clause.

An emergency effective clause is included to make the bill effective 30 days after signed into law.

Substitute Bill Compared to Original Bill:

The substitute bill requires the OSPI to identify and disseminate resources and materials to increase interdisciplinary instruction and project-based learning, including research on best practices in these areas, within existing resources, rather than subject to funds appropriated for this purpose. The substitute bill adds that the OSPI must create partnerships for collaboration using work groups within existing resources. The substitute bill adds that the professional development opportunities made available by the OSPI must be based upon the recommendation of the Commission and subject to available funds.

Appropriation: None.

Fiscal Note: Available. New fiscal note requested on February 19, 2015.

Effective Date of Substitute Bill: The bill contains an emergency clause and takes effect 30 days after signed into law.

Staff Summary of Public Testimony:

(In support) Students with special needs have outcomes far below their peers and far below what we know they can achieve. The United States Department of Education has found that Washington is "in need of assistance" to meet new federal outcome based criteria for special needs students. The challenges of special education students are complicated and myriad. The direction to the OEO to report back to the Legislature was to help clarify what a task force on special education should do first.

There are so many problems within the special education system that a 10-year goal should be developed by a special commission created to set priorities, including using Medicaid dollars to fund progress. Special education attorneys know that it is spring when calls start coming in from families expressing their frustration with the special education system. The longer the state goes without addressing the issues, the more frustrated the families become. Those who have gone through the special education system are frustrated and feel cheated about not receiving the education they deserve. The best thing to do is bring all the stakeholders to the table for a discussion. The current system is not working for all students. The school districts are not being properly monitored by the OSPI.

Districts do not know how to identify dyslexia or provide evidenced-based research to teach students with dyslexia how to read. Many families are on free or reduced price means, so they cannot afford to place their children in private schools just to learn how to read. Many special education students do not graduate on time and never receive adequate services. There is a lack of oversight by the OSPI. Raising kids with special needs is difficult and made more so by the problems in the education system. These problems also make raising kids more expensive than it should be for families. Thousands of students in the state do not receive the proper resources. The resources afforded any student should not depend on the resources and wealth of their families.

The state needs to develop an integrated system to educate all children. Currently the system is segregated, but this bill would provide the tools to integrate the students, which would provide cost savings on the back end. This bill provides a way to pay attention to these issue. This bill allows the state to explore how to close the opportunity gap. The gap is not being closed fast enough. The east coast of the United States and Europe are ahead of Washington by including students with special needs to the regular education classroom.

(Opposed) None.

Persons Testifying: (In support) Representative Pollet, prime sponsor; Beth Sigall; Teresa Schulz; Sam Morely; Lynne Tucker; Donna Patrick, Development Disability Council; and Jason Mitchell, Highline Special Needs Parent Teacher Association.

Persons Signed In To Testify But Not Testifying: None.