

# HOUSE BILL REPORT

## SSB 5679

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### As Reported by House Committee On: Education

**Title:** An act relating to transition services for special education students.

**Brief Description:** Concerning transition services for special education students.

**Sponsors:** Senate Committee on Early Learning & K-12 Education (originally sponsored by Senators McAuliffe, Litzow, Dammeier, Hasegawa, Liias, Chase, Rolfes, Jayapal, Parlette and Conway).

#### **Brief History:**

##### **Committee Activity:**

Education: 3/19/15, 3/30/15 [DPA].

#### **Brief Summary of Substitute Bill (As Amended by Committee)**

- Requires that transition services be addressed in a transition plan in the Individualized Education Program of a student with disabilities by age 16.
- Specifies some requirements for transition planning, transition assessments, and transition services.
- Provides that a student with disabilities who has a High School and Beyond Plan may use it as the required transition plan.
- Requires the Office of the Superintendent of Public Instruction to establish interagency agreements with the Workforce Board Training and Education Coordinating Board to provide transition services.

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### HOUSE COMMITTEE ON EDUCATION

**Majority Report:** Do pass as amended. Signed by 19 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, Hargrove, S. Hunt, Kilduff, Lytton, McCaslin, Orwall, Pollet and Springer.

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*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.*

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

**Staff:** Megan Wargacki (786-7194).

**Background:**

High School and Beyond Plan.

The Legislature authorized the State Board of Education (SBE) to establish the minimum state requirements for high school graduation, within certain parameters established by the Legislature. The SBE's rules require each student to have a High School and Beyond Plan (HSBP) that describes what the student expects to do the year following graduation.

Special Education.

Under federal and state law, school districts must provide an appropriate educational opportunity to children with disabilities, meaning those children who have been determined eligible for special education due to a disability. An appropriate education is specially designed instruction and related services to address the unique needs, abilities, and limitations of a student with a disability.

The federal Individuals with Disabilities Education Improvement Act (IDEA) requires that districts provide to each public school child who receives special education an Individualized Education Program (IEP). An IEP guides a student's learning while in a special education program. It describes the amount of time the student will spend receiving special education, any related services the student will receive, and the academic/behavioral goals and expectations for the year. The IEP is developed and revised annually by an IEP team, which includes: the student's parent or guardian; one of the student's general education teachers; one special education teacher; a representative of the school district; someone who can interpret assessment results; and others who may have special knowledge or expertise.

Section 504 of the Rehabilitation Act of 1973 is a federal civil rights law that prohibits discrimination against individuals with disabilities. It applies to any school which receives federal funds. A Section 504 Plan details the accommodations that will be made to ensure a student with disabilities has equal access to educational programs, services, and activities. One way to meet Section 504 requirements is to implement an IEP. The Section 504 Plan is reevaluated periodically and prior to a significant change of placement.

Transition Plans and Services.

By the age of 16, students receiving special education services with an IEP must begin to develop a transition plan as part of their IEP. These plans include setting postsecondary goals for employment, education, and independent living skills, where appropriate. The plans also include developing a high school course of study and other activities for skills development to help students reach their goals. These components are also part of high-quality HSBP.

The Office of the Superintendent of Public Instruction (OSPI) must establish interagency agreements with the Department of Social and Health Services, the Department of Services for the Blind, and other state agencies that provide high school transition services for special education students. The purpose of these agreements is to foster effective collaboration among the multiple agencies providing these services for IEP-eligible special education

students from the beginning of transition planning through age 21, unless the student has graduated from high school. These agreements are intended to streamline services and programs, promote efficiencies, and establish a uniform focus on improved outcomes related to self-sufficiency. However, these provisions do not require transition service plan development in addition to what exists on June 12, 2014.

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### **Summary of Amended Bill:**

The purpose of the interagency agreements is changed to provide that transition services are for Section 504 Plan-eligible students, as well as to IEP-eligible students. In addition, it is specified that transition planning should occur as soon as educationally and developmentally appropriate.

Transition services must be addressed in a transition plan in the IEP or Section 504 Plan of a student with disabilities when educationally and developmentally appropriate. To determine the postsecondary goals or postschool vision for the student, a discussion must take place with the student and parents, and others as needed. This discussion may be included as part of an annual IEP review, Section 504 Plan review, HSBP meeting, or any other meeting that includes parents, students, and educators.

The postsecondary goals must be measurable and be based on appropriate transition assessments related to training, education, employment, and independent living skills, when necessary. The goals must also be based on the student's needs, strengths, preferences, and interests.

Transition assessments may include observations, interviews, inventories, situational assessments, formal and informal assessments, as well as academic assessments.

Transition services must include activities needed to assist the student in reaching postsecondary goals and courses of study to support postsecondary goals. These activities may include instruction, related services, community experience, employment and other adult living objectives, daily living skills, and functional vocational evaluation.

As a student gets older, changes in the transition plan may be noted in the annual update of the student's IEP or Section 504 Plan. A student with disabilities who has a HSBP may use it as the required transition plan.

### **Amended Bill Compared to Substitute Bill:**

The requirement that transition planning for students with disabilities start as early as age 14 when age-appropriate is changed to a requirement that transition planning start as soon as educationally and developmentally appropriate. Wherever an IEP or IEP-eligible students are mentioned, the bill also refers to a Section 504 Plan or Section 504 Plan-eligible students. The discussion about the postsecondary goals of the student with the student and parents is made mandatory, rather than permissive. This discussion may be included as part of an annual IEP review, Section 504 Plan review, HSBP meeting, or any other meeting that

includes parents, students, and educators. The Workforce Training and Education Coordinating Board is removed from the list of agencies that must enter into interagency agreements for the provision of transition services.

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**Appropriation:** None.

**Fiscal Note:** Available. New fiscal note requested on March 30, 2015.

**Effective Date of Amended Bill:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

**Staff Summary of Public Testimony:**

(In support) This bill is part of a process. Last year the Legislature passed a transition bill that required the OSPI to enter interagency agreements with certain agencies. This bill focuses attention on children with disabilities as they move through the schools and into a career. This bill starts the transition a little earlier, at age 14, if appropriate. The plan should be adjusted as the student ages, to ensure their success after high school. The HSBP and the transition plan should work together, so that parents do not have to come to multiple meetings. This bill will also reduce administrative barriers. There are amazing school to work programs across the state. Community organizations that offer these programs work intimately with the school. This bill increases services. One thing that would make the bill better is adding teacher training. Employment providers should work with community groups that offer job opportunities. Early engagement is very important for the success of students. Coordination between departments is critical. The state must support parents and students, and include their voices early in the process. There is a difference between culturally competent and culturally fluent. If educators do not apply their skills, then they will not become fluent. It is important for educators to bring parents and students into the process, engage them, and encourage them to advocate for themselves. It should be a thoughtful process to involve the parents and students.

(In support with concerns) Lowering the age for the transition may impact students with severe cognitive delays, because it moves the focus to postsecondary preparation rather than improving academic skills. High expectations are important, but the current system does not lend itself well to what that looks like.

(Opposed) None.

**Persons Testifying:** (In support) Senator McAuliffe, prime sponsor; Marcie Taylor, Community Employment Alliance; and Emilio Vela, Washington State Independent Living Council.

(In support with concerns) Jennifer Karls, Bellevue Special Needs Parent Teacher Association.

**Persons Signed In To Testify But Not Testifying:** None.