

SENATE BILL REPORT

SSB 5679

As Amended by House, April 9, 2015

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: Early Learning & K-12 Education: 2/05/15, 2/17/15 [DPS].

Passed Senate: 3/05/15, 48-0.

Passed House: 4/09/15, 84-13.

SENATE COMMITTEE ON EARLY LEARNING & K-12 EDUCATION

Majority Report: That Substitute Senate Bill No. 5679 be substituted therefor, and the substitute bill do pass.

Signed by Senators Litzow, Chair; Dammeier, Vice Chair; McAuliffe, Ranking Member; Billig, Fain, Hill, Mullet, Rivers and Rolfes.

Staff: Susan Mielke (786-7422)

Background: The Legislature has authorized the State Board of Education (SBE) to establish the minimum state requirements for high school graduation, within certain parameters established by the Legislature. SBE has established the state minimum requirements in rule. The rules require each student to have a High School and Beyond Plan for their high school experience, including what the student expects to do the year following graduation.

Under state special education laws and the federal Individuals with Disabilities Education Act (IDEA), school districts must provide an appropriate education for students with a disability. An appropriate education is specially designed instruction and related services to address the unique needs, abilities, and limitations of the student with a disability. Section 504 of the federal Rehabilitation Act of 1973 (Section 504) also requires an appropriate education to be provided for students with a disability. Students eligible for educational

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.

accommodations under Section 504 are not necessarily eligible for special education under IDEA.

The Office of Superintendent of Public Instruction (OSPI) collects data on students receiving special education which must be submitted annually to the U.S. Department of Education. In November 2014 OSPI reported there were 9173 students age 14 and 9240 students age 15 receiving special education in Washington.

Under IDEA, an Individualized Education Program (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. Under IDEA, transition services must be included in the IEP beginning at age 16, or earlier if appropriate. The transition services must be designed to facilitate the student's movement from school to postsecondary activities including education, vocational education, integrated or supported employment, adult services, and independent living, as appropriate. Under Section 504, there is no requirement for transition plans from secondary school to postsecondary activities.

Current state law requires OSPI to establish interagency agreements with the Department of Social and Health Services, the Department of Services for the Blind, and any other state agency that provides high school transition services for special education students in order to foster collaboration among the multiple agencies providing transition services.

Summary of Substitute Bill: Transition services must be addressed in a transition plan in the IEP of a student with disabilities who is age 16 or as early as age 14, if appropriate. Transition planning must be based on age-appropriate transition assessments that outline the student's needs, strengths, preferences, and interests. Transition services include activities to assist the student reach postsecondary goals and courses of study to support the goals. The 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 at the annual update of the student's IEP. A student with disabilities who has a High School and Beyond Plan may use it as the required transition plan.

To determine the postsecondary goals of the student a discussion should take place with the student, the student's parents, and others, as needed. The goals must be measurable and based on transition assessments, when necessary. The goals must also be based on the student's needs, strengths, preferences, and interests.

The Workforce Training and Education Coordinating Board is added to the list of state agencies that OSPI must establish an interagency agreement with for providing transition services.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on Original Bill: PRO: The agencies that are coordinating transition services through interagency agreements should include the Workforce Board.

The federal government allows transition planning before age 16, if it is age appropriate. Research shows us that high expectations for these students is very important. This bill strengthens the process for transitions for students with disabilities. The earlier you start and identify the after-school goals for students with disabilities, the better we can provide the services they will need to achieve these goals.

One critical thing is missing from this bill is teacher training, which would cost about \$50,000.

OTHER: We support the bill but have some concerns. High expectations and quality transition planning is important. But moving the transition planning to an earlier age will not necessarily improve the outcome for students with disabilities. We are concerned that earlier planning will track students with disabilities into lower expectations planning.

Persons Testifying: PRO: Senator McAuliffe, prime sponsor; Marcie Taylor, Community Employment Alliance; Teesha Kirschbaum, WA State Rehabilitation Council; Emilio Vela, Jr., WA State Independent Living Council.

OTHER: Sarah Butcher, Bellevue Special Needs Parent Teacher Assn.

House Amendment(s): Changes the requirement that transition planning for students with disabilities start as early as age 14 when age-appropriate to a requirement that transition planning start as soon as educationally and developmentally appropriate. Refers to a section 504 plan and section 504 plan-eligible students wherever an IEP or IEP-eligible students are mentioned. Provides that a discussion about the postsecondary goals of the student must, rather than should, take place with the student and parents. Adds that this discussion may be included as part of an annual IEP review, section 504 plan review, High School and Beyond Plan meeting, or any other meeting that includes parents, students, and educators. Removes the Workforce Training and Education Coordinating Board from the list of agencies that must enter into interagency agreements for the provision of transition services.