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HOUSE BILL 2613

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State of Washington

65th Legislature

2018 Regular Session

By Representatives Kilduff, Muri, Pollet, Kagi, Appleton, Wylie, Tarleton, Doglio, Stonier, and Santos

Read first time 01/11/18. Referred to Committee on Early Learning & Human Services.

1 AN ACT Relating to employment services for individuals with  
2 developmental disabilities; amending RCW 28A.155.220 and 71A.12.290;  
3 and adding a new section to chapter 71A.12 RCW.

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

5 **Sec. 1.** RCW 28A.155.220 and 2015 c 217 s 2 are each amended to  
6 read as follows:

7 (1) The legislature finds that transition planning grounded in  
8 individual needs and choices is a core function of special education  
9 and intends for students in special education to receive meaningful,  
10 person-centered opportunities for job exploration and to develop a  
11 meaningful transition plan into adult services when educationally and  
12 developmentally appropriate before graduation, including receipt of  
13 an objective assessment of the likelihood of competitive employment.

14 (2) The office of the superintendent of public instruction must  
15 establish interagency agreements with the department of social and  
16 health services division of vocational rehabilitation, the department  
17 of social and health services developmental disabilities  
18 administration, the department of services for the blind, and any  
19 other state agency that provides high school transition services for  
20 special education students. Such interagency agreements shall not  
21 interfere with existing individualized education programs, nor

1 override any individualized education program team's decision-making  
2 power. The purpose of the interagency agreements is to (~~to foster~~  
3 ~~effective collaboration~~) coordinate efforts among the multiple  
4 agencies providing transition services for individualized education  
5 program-eligible special education students from the beginning of  
6 transition planning(~~(7)~~) to efficiently arrive on a meaningful  
7 person-centered transition plan into adult services for students aged  
8 eighteen to twenty-one, or who are ready for graduation, which  
9 minimizes disruption at the time of graduation and the opportunity  
10 for isolation and loss of acquired skills. Coordination of transition  
11 services should begin as soon as educationally and developmentally  
12 appropriate, through age twenty-one, or through high school  
13 graduation, whichever occurs first. Interagency agreements are also  
14 intended to streamline services and programs, promote efficiencies,  
15 and establish a uniform focus on improved outcomes related to self-  
16 sufficiency.

17 (~~(2)~~) (3)(a) When educationally and developmentally  
18 appropriate, the interagency responsibilities and linkages with  
19 transition services under subsection (~~(1)~~) (2) of this section must  
20 be addressed in a transition plan to a postsecondary setting in the  
21 individualized education program of a student with disabilities.

22 (b) Transition planning shall be based upon educationally and  
23 developmentally appropriate transition assessments that outline the  
24 student's individual needs, strengths, preferences, and interests.  
25 Transition assessments may include observations, interviews,  
26 inventories, situational assessments, formal and informal  
27 assessments, as well as academic assessments.

28 (c) The transition services that the transition plan must address  
29 include activities needed to assist the student in reaching  
30 postsecondary goals and courses of study to support postsecondary  
31 goals. The transition plan must include an objective assessment of  
32 the likelihood of competitive employment which accounts for skill  
33 development and job exploration provided through the special  
34 education program, services provided through interagency agreements,  
35 and the student's individualized education program. This assessment  
36 must include a recommendation whether the student's circumstances are  
37 appropriate for exemption from the mandatory requirement for nine  
38 months enrollment in an employment program before transition to a  
39 community access program under RCW 71A.12.290.

1 (d) Transition activities that the transition plan may address  
2 include instruction, related services, community experience,  
3 employment and other adult living objectives, daily living skills,  
4 and functional vocational evaluation.

5 (e) When educationally and developmentally appropriate, a  
6 discussion must take place with the student and parents, and others  
7 as needed, to determine the postsecondary goals or postschool vision  
8 for the student. This discussion may be included as part of an annual  
9 individualized education program review, high school and beyond plan  
10 meeting, or any other meeting that includes parents, students, and  
11 educators. The postsecondary goals included in the transition plan  
12 shall be goals that are measurable and must be based on appropriate  
13 transition assessments related to training, education, employment,  
14 and independent living skills, when necessary. The goals must also be  
15 based on the student's needs, while considering the strengths,  
16 preferences, and interests of the student.

17 (f) As the student gets older, changes in the transition plan may  
18 be noted in the annual update of the student's individualized  
19 education program.

20 (g) A student with disabilities who has a high school and beyond  
21 plan may use the plan to comply with the transition plan required  
22 under this subsection (~~((+2))~~) (3).

23 (~~((+3))~~) (4) To the extent that data is available through data-  
24 sharing agreements established by the education data center under RCW  
25 43.41.400, the education data center must monitor the following  
26 outcomes for individualized education program-eligible special  
27 education students after high school graduation:

28 (a) The number of students who, within one year of high school  
29 graduation:

30 (i) Enter integrated employment paid at the greater of minimum  
31 wage or competitive wage for the type of employment, with access to  
32 related employment and health benefits; or

33 (ii) Enter a postsecondary education or training program focused  
34 on leading to integrated employment;

35 (b) The wages and number of hours worked per pay period;

36 (c) The impact of employment on any state and federal benefits  
37 for individuals with disabilities;

38 (d) Indicators of the types of settings in which students who  
39 previously received transition services primarily reside;

40 (e) Indicators of improved economic status and self-sufficiency;

1 (f) Data on those students for whom a postsecondary or integrated  
2 employment outcome does not occur within one year of high school  
3 graduation, including:

4 (i) Information on the reasons that the desired outcome has not  
5 occurred;

6 (ii) The number of months the student has not achieved the  
7 desired outcome; and

8 (iii) The efforts made to ensure the student achieves the desired  
9 outcome.

10 ~~((4))~~ (5) To the extent that the data elements in subsection  
11 ~~((3))~~ (4) of this section are available to the education data  
12 center through data-sharing agreements, the office of the  
13 superintendent of public instruction must prepare an annual report  
14 using existing resources and submit the report to the legislature.

15 **Sec. 2.** RCW 71A.12.290 and 2012 c 49 s 1 are each amended to  
16 read as follows:

17 (1) Clients age twenty-one and older who are receiving employment  
18 services must be offered the choice to transition to a community  
19 access program ~~((after nine months of enrollment in an employment  
20 program))~~, and the option to transition from a community access  
21 program to an employment program at any time.

22 (2) Nine months enrollment in an employment program prior to  
23 transition to a community access program is required unless the  
24 client or legal representative requests and receives an exemption  
25 from enrollment from the department, or the client has a transition  
26 plan developed under RCW 28A.155.220 which recommends exemption from  
27 such enrollment. Participation in a school to work program must be  
28 counted towards the nine month requirement. Enrollment in an  
29 employment program begins at the time the client is authorized to  
30 receive employment.

31 ~~((2) Prior approval by the department shall not be required to~~  
32 ~~effectuate the client's choice to)) A client may transition from an  
33 employment program to community access services without prior  
34 approval by the department after ~~((verifying))~~ nine months of  
35 participation in employment-related services.~~

36 (3) The department shall inform clients and their legal  
37 representatives of all available options for employment and day  
38 services, including the opportunity to request an exception from  
39 enrollment in an employment program. The department shall inform

1 clients and their legal representatives of the ability to request an  
2 exemption to the employment services participation requirement and  
3 describe the process for requesting such an exemption to clients in  
4 writing. The department shall provide a written response to clients  
5 who have requested such an exemption within sixty days. This written  
6 response from the department shall include a description of the  
7 reason or reasons why the request was granted or denied. Information  
8 provided to the client and the client's legal representative must  
9 include the types of activities each service option provides, and the  
10 amount, scope, and duration of service for which the client would be  
11 eligible under each service option. An individual client may be  
12 authorized for only one service option, either employment services or  
13 community access services. Clients may not participate in more than  
14 one of these services at any given time.

15 (4) The department shall work with counties and stakeholders to  
16 strengthen and expand the existing community access program,  
17 including the consideration of options that allow for alternative  
18 service settings outside of the client's residence. The program  
19 should emphasize support for the clients so that they are able to  
20 participate in activities that integrate them into their community  
21 and support independent living and skills.

22 (5) The department shall develop rules to allow for an exception  
23 to the requirement that a client participate in an employment program  
24 for nine months prior to transitioning to a community access program.

25 NEW SECTION. Sec. 3. A new section is added to chapter 71A.12  
26 RCW to read as follows:

27 (1) By December 1, 2018, the department shall adopt  
28 accountability and outcome measures to determine whether supported  
29 employment providers are achieving the employment goals of the  
30 clients that they serve. At a minimum, these accountability and  
31 outcome measures must include the following information provided  
32 annually:

- 33 (a) A description of the supported employment services provided;  
34 (b) The number of service hours billed per client;  
35 (c) The number of clients who obtained employment; and  
36 (d) Of those clients who obtained employment:  
37 (i) The number of service hours provided to the client;  
38 (ii) The number of service hours involving direct interaction  
39 with the client while employment was being secured;

1 (iii) The number of hours per month clients were employed;  
2 (iv) The amount of wages earned; and  
3 (v) The occupation types secured by clients.  
4 (2) By July 1, 2019, the department shall require that counties  
5 entering into new contracts for supported employment services or  
6 renewing supported employment contracts include performance-based  
7 contract provisions that incorporate the accountability and outcome  
8 measures adopted by the department pursuant to this section and  
9 mechanisms for reporting data to support the accountability and  
10 outcome measures.  
11 (3) As used in this section, "performance-based contract" means  
12 results-oriented contracting that focuses on the quality or outcomes  
13 that tie at least a portion of the contractor's payment, contract  
14 extensions, or contract renewals to the achievement of specific  
15 measurable performance standards and requirements.

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