
SUBSTITUTE SENATE BILL 6360

State of Washington

65th Legislature

2018 Regular Session

By Senate Human Services & Corrections (originally sponsored by Senators O'Ban, Darneille, Zeiger, Walsh, Brown, Keiser, and Hasegawa)

READ FIRST TIME 02/01/18.

1 AN ACT Relating to improving transition planning for students in
2 special education who meet criteria for services from the
3 developmental disabilities administration; amending RCW 28A.155.220
4 and 71A.12.290; and creating new sections.

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

6 NEW SECTION. **Sec. 1.** The legislature finds that transition
7 planning grounded in individual needs and choice is an important part
8 of special education. The legislature intends for students receiving
9 special education services to receive meaningful opportunities for
10 job exploration and to develop a meaningful transition plan into
11 adult services with appropriate service coordination, training, and
12 information to support individual potential and individual self-
13 determination.

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

16 (1) The office of the superintendent of public instruction must
17 establish interagency agreements with the department of social and
18 health services division of vocational rehabilitation, the
19 developmental disabilities administration, the department of services
20 for the blind, and any other state agency that provides high school

1 transition services for special education students. Such interagency
2 agreements shall not interfere with existing individualized education
3 programs, nor override any individualized education program team's
4 decision-making power. The purpose of the interagency agreements is
5 to (~~foster effective collaboration~~) coordinate efforts among the
6 multiple agencies providing transition services for individualized
7 education program-eligible special education students from the
8 beginning of transition planning(~~(, as soon as educationally and~~
9 ~~developmentally appropriate, through age twenty-one, or through high~~
10 ~~school graduation, whichever occurs first))~~ to efficiently arrive at
11 a meaningful transition plan into adult services for students aged
12 sixteen to twenty-one, or earlier if appropriate, which both
13 minimizes disruption at the time of the student's graduation and the
14 risk of isolation and loss of acquired skills. Coordination of
15 transition services for students potentially eligible for services
16 from the developmental disabilities administration must begin at
17 least two years before the student will exit school. State agencies
18 who will potentially provide transition services must be invited to
19 participate in individualized education program meetings with annual
20 consent from the parent or adult student with disabilities.
21 Interagency agreements are also intended to streamline services and
22 programs, promote efficiencies, align data, and establish a uniform
23 focus on improved outcomes related to independent living, community
24 engagement, employment, self-determination, and economic self-
25 sufficiency.

26 (2)(a) (~~(When educationally and developmentally appropriate,~~
27 ~~the))~~ Interagency responsibilities and linkages with transition
28 services under subsection (1) of this section must be (~~addressed~~)
29 documented in (~~(a))~~ the student's transition plan (~~(to a~~
30 ~~postsecondary setting in the individualized education program of a~~
31 ~~student with disabilities))~~ by the individualized education program
32 team.

33 (b) Transition planning shall be based upon (~~(educationally and~~
34 ~~developmentally appropriate))~~ person-centered and age-appropriate
35 transition assessments that outline the student's individual needs,
36 strengths, preferences, and interests. (~~(Transition assessments may~~
37 include observations, interviews, inventories, situational
38 assessments, formal and informal assessments, as well as academic
39 assessments.))

1 (c) The transition services that the individualized education
2 program transition plan must address include activities needed to
3 assist the student in reaching postsecondary goals and courses of
4 study to support postsecondary goals. Transition planning for
5 students who are potentially eligible for services from the
6 developmental disabilities administration, with annual parental
7 written consent, must include skill development, job interest
8 sampling, and job exploration, and may include other activities
9 explored by students and young adults prior to job development. The
10 developmental disabilities administration, division of vocational
11 rehabilitation, and school must collaborate to provide these
12 services. A school-to-work program that includes a partnership
13 between schools, the division of vocational rehabilitation, and
14 employment support providers may be used to meet the requirements of
15 this subsection.

16 (d) Individualized education program transition planning for
17 students who are potentially eligible for services through the
18 developmental disabilities administration must include provision of
19 information to the student and the student's family regarding service
20 options that may be available upon graduation, including the process
21 to obtain these services. Information may be provided by webinar or
22 other means. Such information must support informed decision making
23 so that the student and family may make an informed choice to pursue
24 employment services or community inclusion services upon graduation.

25 (e) The developmental disabilities administration must coordinate
26 with the office of the superintendent of public instruction to
27 provide training, by webinar or other means, to schools regarding
28 curriculum, eligibility criteria, and application processes relating
29 to services from the developmental disabilities administration, and
30 best practices for facilitating transition planning for students who
31 are potentially eligible for services. When a student is potentially
32 eligible for services through the developmental disabilities
33 administration, and is willing to apply for these services, the
34 school must coordinate with the developmental disabilities
35 administration to help facilitate the application and assessment
36 process for the student.

37 ~~((d) Transition activities that the transition plan may address~~
38 ~~include instruction, related services, community experience,~~
39 ~~employment and other adult living objectives, daily living skills,~~
40 ~~and functional vocational evaluation.~~

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

13 ~~((f))~~ (g) As the student gets older, changes in the transition
14 plan ~~((may))~~ must be noted in the annual update of the student's
15 individualized education program and, for students receiving services
16 from the developmental disabilities administration, in the student's
17 developmental disabilities administration annual assessment and
18 person-centered plan.

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

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

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

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

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

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

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

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

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

15 **Sec. 3.** 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))~~ inclusion services after nine months of enrollment
20 in an employment program, and the option to transition from ~~((a))~~
21 community ~~((access-program))~~ inclusion services to an employment
22 program at any time, subject to subsection (2) of this section.

23 (2) Enrollment in an employment program begins at the time the
24 client is authorized to receive employment. ~~((2) Prior approval by~~
25 the department shall not be required to effectuate the client's
26 choice to)) A client may transition from an employment program to
27 community ~~((access))~~ inclusion services without prior approval by the
28 department after ~~((verifying))~~ nine months of participation in
29 employment-related services. Clients who participated in at least
30 nine months of a transition program under RCW 28A.155.220(2)(c) after
31 January 1, 2021, or who participated in a school-to-work program
32 involving a partnership between the school, division of vocational
33 rehabilitation, and employment support providers may enroll directly
34 into community inclusion services, or transition from an employment
35 program to community inclusion services after fewer than nine months.

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. Information provided to the

1 client and the client's legal representative must include the types
2 of activities each service option provides, and the amount, scope,
3 and duration of service for which the client would be eligible under
4 each service option. An individual client may be authorized for only
5 one service option, either employment services or community
6 ~~((access))~~ inclusion services. Clients may not participate in more
7 than one of these services at any given time.

8 (4) The department shall work with counties and stakeholders to
9 strengthen and expand ~~((the))~~ all existing ~~((community—access
10 program))~~ home and community-based waiver services, including the
11 consideration of options that allow for alternative service settings
12 outside of the client's residence. The ~~((program))~~ waiver services
13 should emphasize support for the clients so that they are able to
14 participate in activities that integrate them into their community
15 and support independent living and skills.

16 (5) The department shall develop rules to allow for an exception
17 to the requirement that a client participate in an employment program
18 for nine months prior to transitioning to ~~((a))~~ community ~~((access
19 program))~~ inclusion services.

20 NEW SECTION. **Sec. 4.** The developmental disabilities
21 administration, division of vocational rehabilitation, and the office
22 of the superintendent of public instruction must develop a plan of
23 implementation to build statewide capacity among school districts to
24 meet the requirements of this act by January 1, 2021, and provide an
25 opportunity for all school districts to participate. This plan must
26 be reported to the governor and relevant committees of the
27 legislature, in compliance with RCW 43.01.036, by November 1, 2018,
28 and a final report must be provided by November 1, 2020.

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