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SENATE BILL 6360

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State of Washington

65th Legislature

2018 Regular Session

By Senators O'Ban, Darneille, Zeiger, Walsh, Brown, Keiser, and Hasegawa

Read first time 01/12/18. Referred to Committee on Human Services & Corrections.

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; and amending RCW  
4 28A.155.220 and 71A.12.290.

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

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

8 (1) The legislature finds that transition planning grounded in  
9 choice and individual needs is a core function of special education  
10 and intends for students in special education who meet criteria for  
11 services from the developmental disabilities administration to  
12 receive meaningful opportunities to plan for transition to adult  
13 services, including job exploration and assessment of the supports  
14 and accommodations that would be necessary for competitive  
15 employment, and receipt of information about the range of services  
16 available to empower the student and the student's family to make an  
17 informed choice as to which waiver services to pursue upon  
18 graduation.

19 (2) The office of the superintendent of public instruction must  
20 establish interagency agreements with the department of social and  
21 health services division of vocational rehabilitation, the

1 developmental disabilities administration, the department of services  
2 for the blind, and any other state agency that provides high school  
3 transition services for special education students. Such interagency  
4 agreements shall not interfere with existing individualized education  
5 programs, nor override any individualized education program team's  
6 decision-making power. The purpose of the interagency agreements is  
7 to ~~((foster effective collaboration))~~ coordinate efforts among the  
8 multiple agencies providing transition services for individualized  
9 education program-eligible special education students from the  
10 beginning of transition planning~~((7))~~ to efficiently arrive on a  
11 meaningful transition plan into adult services which minimizes  
12 disruption at the time of the student's graduation and the risk of  
13 isolation and loss of acquired skills. Coordination of transition  
14 services should begin as soon as educationally and developmentally  
15 appropriate, through age twenty-one, or through high school  
16 graduation, whichever occurs first. Interagency agreements are also  
17 intended to streamline services and programs, promote efficiencies,  
18 and establish a uniform focus on improved outcomes related to  
19 independent living, community engagement, employment, self-  
20 determination, and economic self-sufficiency.

21 ~~((2))~~ (3)(a) ~~((When educationally and developmentally~~  
22 ~~appropriate,))~~ The individualized education program team must  
23 document interagency responsibilities and linkages with transition  
24 services under subsection ~~((1))~~ (2) of this section ~~((must be~~  
25 ~~addressed))~~ in ~~((a))~~ the individualized education program transition  
26 plan ~~((to a postsecondary setting in the individualized education~~  
27 ~~program of a student with disabilities))~~ for students who meet  
28 criteria for services from the developmental disabilities  
29 administration.

30 (b) Transition planning shall be based upon educationally and  
31 developmentally appropriate transition assessments that outline the  
32 student's individual needs, strengths, preferences, and interests.  
33 ~~((Transition assessments may include observations, interviews,~~  
34 ~~inventories, situational assessments, formal and informal~~  
35 ~~assessments, as well as academic assessments.))~~

36 (c) The transition services that the individualized education  
37 program transition plan must address include activities needed to  
38 assist the student in reaching postsecondary goals and courses of  
39 study to support postsecondary goals. Transition planning for  
40 students who meet criteria for services from the developmental

1 disabilities administration must include skill development, job  
2 exploration, and assessment of the supports and accommodations needed  
3 for the student, including the supports and accommodations that would  
4 be needed for competitive employment. Where appropriate and subject  
5 to availability, the student may engage in services from the division  
6 of vocational rehabilitation.

7 (d) For students who meet criteria for services from the  
8 developmental disabilities administration, individualized education  
9 program transition planning must include provision of information to  
10 the student and the student's family regarding current service  
11 options that are available upon graduation, including the process to  
12 obtain these services. Information may be provided by webinar or  
13 other means. Such information must support informed decision making  
14 so that the student and family may make an informed choice to pursue  
15 employment services or other community-based services upon  
16 graduation.

17 (e) The office of the superintendent of public instruction must  
18 coordinate with the developmental disabilities administration to  
19 provide training, by webinar or other means, to schools regarding  
20 criteria for services from the developmental disabilities  
21 administration, and how to facilitate effective transition for  
22 students who meet those criteria. When a school determines that a  
23 student meets criteria for services from the developmental  
24 disabilities administration, the school must offer to refer the  
25 student and family for assessment for those services. If the student  
26 and family accept the referral, the school must coordinate with the  
27 developmental disabilities administration to make a warm hand off for  
28 assessment.

29 ~~((d) Transition activities that the transition plan may address~~  
30 ~~include instruction, related services, community experience,~~  
31 ~~employment and other adult living objectives, daily living skills,~~  
32 ~~and functional vocational evaluation.~~

33 ~~(e))~~ (f) When educationally and developmentally appropriate, a  
34 discussion must take place with the student and parents, and others  
35 as needed, to determine the postsecondary goals or postschool vision  
36 for the student. This discussion may be included as part of an annual  
37 individualized education program review, high school and beyond plan  
38 meeting, or any other meeting that includes parents, students, and  
39 educators. The postsecondary goals included in the transition plan  
40 shall be goals that are measurable and must be based on appropriate

1 transition assessments related to training, education, employment,  
2 and independent living skills, when necessary. The goals must also be  
3 based on the student's needs, while considering the strengths,  
4 preferences, and interests of the student.

5 ~~((f))~~ (g) As the student gets older, changes in the transition  
6 plan ~~((may))~~ must be noted in the annual update of the student's  
7 individualized education program and, for students receiving services  
8 from the developmental disabilities administration, in the student's  
9 developmental disabilities administration annual assessment and  
10 person-centered plan.

11 ~~((g))~~ (h) A student with disabilities who has a high school and  
12 beyond plan may use the plan to comply with the transition plan  
13 required under this subsection ~~((2))~~ (3).

14 ~~((3))~~ (4) To the extent that data is available through data-  
15 sharing agreements established by the education data center under RCW  
16 43.41.400, the education data center must monitor the following  
17 outcomes for individualized education program-eligible special  
18 education students after high school graduation:

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

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

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

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

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

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

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

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

35 (i) Information on the reasons that the desired outcome has not  
36 occurred;

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

39 (iii) The efforts made to ensure the student achieves the desired  
40 outcome.

1        ~~((4))~~ (5) To the extent that the data elements in subsection  
2        ~~((3))~~ (4) of this section are available to the education data  
3        center through data-sharing agreements, the office of the  
4        superintendent of public instruction must prepare an annual report  
5        using existing resources and submit the report to the legislature.

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

8        (1) Clients age twenty-one and older who are receiving employment  
9        services must be offered the choice to transition to a ~~((community  
10        access program after nine months of enrollment in an employment  
11        program))~~ community-based service program, and the option to  
12        transition from a ~~((community access))~~ community-based service  
13        program to an employment program at any time, subject to subsection  
14        (2) of this section.

15        (2) Enrollment in an employment program begins at the time the  
16        client is authorized to receive employment. ~~((2) Prior approval by  
17        the department shall not be required to effectuate the client's  
18        choice to))~~ A client may transition from an employment program to  
19        ((community access)) community-based services without prior approval  
20        by the department after ~~((verifying))~~ nine months of participation in  
21        employment-related services. Clients who participated in an  
22        individualized education program transition plan under RCW  
23        28A.155.220 after the effective date of this section may enroll  
24        directly into community-based services, or transition from an  
25        employment program to community-based services after fewer than nine  
26        months.

27        (3) The department shall inform clients and their legal  
28        representatives of all available options for employment and day  
29        services, including the opportunity to request an exception from  
30        enrollment in an employment program. Information provided to the  
31        client and the client's legal representative must include the types  
32        of activities each service option provides, and the amount, scope,  
33        and duration of service for which the client would be eligible under  
34        each service option. An individual client may be authorized for only  
35        one service option, either employment services or ~~((community  
36        access))~~ community-based services. Clients may not participate in  
37        more than one of these services at any given time.

38        (4) The department shall work with counties and stakeholders to  
39        strengthen and expand ~~((the))~~ all existing ~~((community access~~

1 ~~program~~) home and community-based waiver services, including the  
2 consideration of options that allow for alternative service settings  
3 outside of the client's residence. The (~~program~~) waiver services  
4 should emphasize support for the clients so that they are able to  
5 participate in activities that integrate them into their community  
6 and support independent living and skills.

7 (5) The department shall develop rules to allow for an exception  
8 to the requirement that a client participate in an employment program  
9 for nine months prior to transitioning to a (~~community-access~~)  
10 community-based services program.

11 (6) For the purposes of this section, "community-based services"  
12 includes all home and community-based waiver services available  
13 through the developmental disabilities administration for which the  
14 person may qualify.

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