

SSB 5532 - H COMM AMD
By Committee on Education

NOT CONSIDERED 12/23/2019

1 Strike everything after the enacting clause and insert the
2 following:

3 "PART I
4 INTENT

5 NEW SECTION. **Sec. 101.** (1) The state of Washington stands at a
6 critical juncture in the education of students with disabilities. For
7 too long special education in our state has languished with a
8 piecemeal approach in both funding and practice.

9 (2) When compared to other states, including those with
10 comparable funding, students with disabilities in Washington lag
11 behind their peers. Washington ranks near the bottom nationally for
12 inclusion of students with disabilities. Only seven states having a
13 lower percentage of students spending eighty percent or more of their
14 day in the general education classroom. The numbers are even more
15 stark for students with intellectual disabilities, where only five
16 percent of students in Washington spend a majority of the day in
17 regular classrooms. Only two states have inclusion rates that are
18 worse.

19 (3) Washington does not fare much better when it comes to other
20 basic indicators of success. Thirty-four percent of students with
21 disabilities dropped out of school in 2017; only two other states
22 reported worse dropout rates. Only fifty-eight percent of students
23 receiving special education services earned their diploma in 2016.
24 That puts Washington in the bottom thirteen in the nation. It is the
25 legislature's intent to increase the graduation rate of students
26 receiving special education services to seventy percent by 2025.

27 (4) Inclusive education practices significantly improve outcomes
28 for students with disabilities and have significant benefits for all
29 students in the classroom. It is the legislature's intent to develop
30 best practices for inclusion in numerous settings and to ensure that
31 the best practices are supported statewide.

1 (5) With this act, the state of Washington will advance
2 expectations and lay a foundation that commits to ensuring every
3 child with a disability has an opportunity to live a full,
4 meaningful, and productive life.

5 **PART II**

6 **PROFESSIONAL DEVELOPMENT**

7 NEW SECTION. **Sec. 201.** A new section is added to chapter
8 28A.415 RCW to read as follows:

9 School districts and educational service districts must embed in
10 any professional development provided to general education teachers
11 the best practices for differentiating instruction and learning
12 activities to meet each student's individual needs.

13 **PART III**

14 **TRAINING FOR STUDENTS, FAMILIES, SCHOOL STAFF, AND THE COMMUNITY**

15 NEW SECTION. **Sec. 301.** A new section is added to chapter 43.06B
16 RCW to read as follows:

17 (1) Subject to the availability of amounts appropriated for this
18 specific purpose, and as described in this section, the office of the
19 education ombuds shall serve as the lead agency to provide
20 information and training to students, families, educational service
21 district and school district staff, and communities regarding the
22 special education services and disability accommodations processes
23 under the federal individuals with disabilities education act,
24 section 504 of the federal rehabilitation act of 1973, and the
25 federal Americans with disabilities act.

26 (2)(a) The office of the education ombuds must develop a
27 multicourse training program for students with disabilities, families
28 of students with disabilities, educational service district and
29 school district staff, and community and educational organizations
30 supporting students with disabilities.

31 (b) The training program must address the components of: A free
32 and appropriate public education, family-school relationships,
33 navigation of the special education services and disability
34 accommodations processes, advocacy by families of students with
35 disabilities, self-advocacy for students with disabilities, and

1 communication strategies and conflict resolution between families and
2 educators.

3 (c) The training program must be developed, and revised annually,
4 in consultation with students with disabilities and their families,
5 and at least one representative each from: An educational service
6 district or school district, a community-based organization that
7 advocates for students with disabilities, a state organization that
8 represents parents and teachers, and the office of the superintendent
9 of public instruction.

10 (d) The office of the education ombuds must develop publications,
11 online training, videos, and other resources to supplement the
12 training program.

13 (3)(a) For the purpose of delivering the training program to
14 students, families, educational service district and school district
15 staff, and communities across the state, the office of the education
16 ombuds must distribute special education outreach ombuds statewide,
17 with the goal of at least one special education outreach ombuds
18 located within the boundaries of each educational service district.

19 (b) The office of the education ombuds, and its special education
20 outreach ombuds, may deliver the training program in partnership with
21 other entities, such as Washington professional educator standards
22 board-approved teacher preparation programs, educational service
23 districts, school districts, and community and educator organizations
24 that provide professional development or that support students with
25 disabilities.

26 (4) The office of the education ombuds must make the training
27 program available to other ombuds offices within Washington, as well
28 as nationally.

29 (5) The office of the education ombuds may charge for the
30 delivery of the training program, or the use of resources, developed
31 under this section.

32 **PART IV**
33 **RECOGNITION**

34 **Sec. 401.** RCW 28A.657.110 and 2013 c 159 s 12 are each amended
35 to read as follows:

36 (1) By November 1, 2013, the state board of education shall
37 propose rules for adoption establishing an accountability framework
38 that creates a unified system of support for challenged schools that

1 aligns with basic education, increases the level of support based
2 upon the magnitude of need, and uses data for decisions. The board
3 must seek input from the public and interested groups in developing
4 the framework. Based on the framework, the superintendent of public
5 instruction shall design a comprehensive system of specific
6 strategies for recognition, provision of differentiated support and
7 targeted assistance, and, if necessary, requiring intervention in
8 schools and school districts. The superintendent shall submit the
9 system design to the state board of education for review. The state
10 board of education shall recommend approval or modification of the
11 system design to the superintendent no later than January 1, 2014,
12 and the system must be implemented statewide no later than the
13 2014-15 school year. To the extent state funds are appropriated for
14 this purpose, the system must apply equally to Title I, Title I-
15 eligible, and non-Title I schools in the state.

16 (2) The state board of education shall develop a Washington
17 achievement index to identify schools and school districts for
18 recognition, for continuous improvement, and for additional state
19 support. The index shall be based on criteria that are fair,
20 consistent, and transparent. Performance shall be measured using
21 multiple outcomes and indicators including, but not limited to,
22 graduation rates and results from statewide assessments. The index
23 shall be developed in such a way as to be easily understood by both
24 employees within the schools and school districts, as well as parents
25 and community members. It is the legislature's intent that the index
26 provide feedback to schools and school districts to self-assess their
27 progress, and enable the identification of schools with exemplary
28 performance and those that need assistance to overcome challenges in
29 order to achieve exemplary performance.

30 (3) The state board of education, in cooperation with the office
31 of the superintendent of public instruction, shall annually recognize
32 schools for exemplary performance as measured on the Washington
33 achievement index. The state board of education shall have ongoing
34 collaboration with the educational opportunity gap oversight and
35 accountability committee regarding the measures used to measure the
36 closing of the achievement gaps and the recognition provided to the
37 school districts for closing the achievement gaps. Schools with
38 exemplary performance in serving students receiving special education
39 services must be recognized.

1 (4) In coordination with the superintendent of public
2 instruction, the state board of education shall seek approval from
3 the United States department of education for use of the Washington
4 achievement index and the state system of differentiated support,
5 assistance, and intervention to replace the federal accountability
6 system under P.L. 107-110, the no child left behind act of 2001.

7 (5) The state board of education shall work with the education
8 data center established within the office of financial management and
9 the technical working group established in RCW 28A.290.020 to
10 determine the feasibility of using the prototypical funding
11 allocation model as not only a tool for allocating resources to
12 schools and school districts but also as a tool for schools and
13 school districts to report to the state legislature and the state
14 board of education on how the state resources received are being
15 used.

16 **PART V**

17 **TRANSITION PLANNING**

18 **Sec. 501.** RCW 28A.155.220 and 2015 c 217 s 2 are each amended to
19 read as follows:

20 (1) The office of the superintendent of public instruction must
21 establish interagency agreements with the department of social and
22 health services, the department of services for the blind, and any
23 other state agency that provides high school transition services for
24 special education students. Such interagency agreements shall not
25 interfere with existing individualized education programs, nor
26 override any individualized education program team's decision-making
27 power. The purpose of the interagency agreements is to foster
28 effective collaboration among the multiple agencies providing
29 transition services for individualized education program-eligible
30 special education students from the beginning of transition planning,
31 as soon as educationally and developmentally appropriate, through age
32 twenty-one, or through high school graduation, whichever occurs
33 first. Interagency agreements are also intended to streamline
34 services and programs, promote efficiencies, and establish a uniform
35 focus on improved outcomes related to self-sufficiency.

36 (2)(a) When educationally and developmentally appropriate, the
37 interagency responsibilities and linkages with transition services
38 under subsection (1) of this section must be addressed in a

1 transition plan to a postsecondary setting in the individualized
2 education program of a student with disabilities.

3 (b) Transition planning shall be based upon educationally and
4 developmentally appropriate transition assessments that outline the
5 student's individual needs, strengths, preferences, and interests.
6 Transition assessments may include observations, interviews,
7 inventories, situational assessments, formal and informal
8 assessments, as well as academic assessments.

9 (c) The transition services that the transition plan must address
10 include activities needed to assist the student in reaching
11 postsecondary goals and courses of study to support postsecondary
12 goals.

13 (d) Transition activities that the transition plan may address
14 include instruction, related services, community experience,
15 employment and other adult living objectives, daily living skills,
16 and functional vocational evaluation.

17 (e) Beginning when a student reaches the age of sixteen and
18 continuing until the student reaches the age of twenty-one, or
19 through high school graduation, whichever occurs first, a
20 representative from the division of vocational rehabilitation in the
21 department of social and health services must attend individualized
22 education program meetings to assist students with transition
23 planning when requested by a member of a student's individualized
24 education program team.

25 (f) When educationally and developmentally appropriate, a
26 discussion must take place with the student and parents, and others
27 as needed, to determine the postsecondary goals or postschool vision
28 for the student. This discussion may be included as part of an annual
29 individualized education program review, high school and beyond plan
30 meeting, or any other meeting that includes parents, students, and
31 educators. The postsecondary goals included in the transition plan
32 shall be goals that are measurable and must be based on appropriate
33 transition assessments related to training, education, employment,
34 and independent living skills, when necessary. The goals must also be
35 based on the student's needs, while considering the strengths,
36 preferences, and interests of the student. During this discussion,
37 students and parents must be provided with information about the
38 Washington achieving a better life experience program, defined in RCW
39 43.330.460, including information on eligibility, benefits, and

1 Washington achieving a better life experience program account
2 creation.

3 ~~((f))~~ (g) As the student gets older, changes in the transition
4 plan may be noted in the annual update of the student's
5 individualized education program.

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

9 (3) To the extent that data is available through data-sharing
10 agreements established by the education data center under RCW
11 43.41.400, the education data center must monitor the following
12 outcomes for individualized education program-eligible special
13 education students after high school graduation:

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

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

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

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

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

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

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

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

30 (i) Information on the reasons that the desired outcome has not
31 occurred;

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

34 (iii) The efforts made to ensure the student achieves the desired
35 outcome.

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

1 **PART VI**

2 **COOPERATIVE PROGRAMS**

3 NEW SECTION. **Sec. 601.** A new section is added to chapter
4 28A.155 RCW to read as follows:

5 (1) School districts are encouraged to participate in the
6 establishment of, or continuation of existing, cooperative programs
7 between or among school districts, or educational service districts
8 and school districts, to provide special education and related
9 services to eligible students with disabilities.

10 (2) Prior to the 2020-21 school year and every five years
11 thereafter, each special education cooperative must apply for
12 approval from the office of the superintendent of public instruction.

13 **PART VII**

14 **ADVISORY GROUP AND DEMONSTRATION PROJECTS**

15 NEW SECTION. **Sec. 701.** (1) The office of the superintendent of
16 public instruction must convene an advisory group to design a
17 coordinated and responsive system for meeting the diverse needs of
18 students with disabilities.

19 (2) The advisory group must:

20 (a) Review state and federal laws and state policies related to
21 special education, including those related to least restrictive
22 environment;

23 (b) Review research on the following topics:

24 (i) Improving achievement and postsecondary outcomes for students
25 with disabilities;

26 (ii) Creating an inclusive educational environment;

27 (iii) Best practices to provide a continuum of services for
28 students receiving special education services;

29 (iv) Effective implementation at the school district office,
30 through the building principal, and using teacher teams;

31 (v) Best practices to train teachers and paraeducators on the use
32 of inclusive educational practices; and

33 (vi) The costs of implementing and maintaining an inclusive
34 education model compared to the current model;

35 (c) Establish a common language, including use of the following
36 terms:

37 (i) Continuum of services;

- 1 (ii) Coteaching;
- 2 (iii) Strategic intervention;
- 3 (iv) General education provision of specially designed
- 4 instruction; and
- 5 (v) Adult support models and plans;
- 6 (d) Review, discuss, and plan for the realities of implementing
- 7 inclusive education practices;
- 8 (e) Develop an inclusive education implementation plan template
- 9 to be used by local education agencies interested in applying for
- 10 designation as a special education demonstration project under
- 11 section 702 of this act. The template must include components of the
- 12 application described in section 702(2) of this act and must specify
- 13 that the inclusive education implementation plan must:
- 14 (i) Only be implemented in schools where the principal is in full
- 15 support of inclusive education practices;
- 16 (ii) Create a building coalition to support implementation;
- 17 (iii) Provide staff with support and training;
- 18 (iv) Celebrate student and staff achievement; and
- 19 (v) Provide staff release time for planning and collaboration;
- 20 (f) Develop an inclusive education guidance document for local
- 21 education agencies based on best practices learned from the special
- 22 education demonstration projects designated under section 702 of this
- 23 act;
- 24 (g) Recommend a technical assistance structure and a professional
- 25 learning structure to support local education agencies in improving
- 26 instructional practices and systems of meeting the diverse needs of
- 27 students with disabilities; and
- 28 (h) Review the feedback from educators, students, and families
- 29 gathered by the special education demonstration projects designated
- 30 under section 702 of this act.
- 31 (3) The office of the superintendent of public instruction must
- 32 appoint the following members to the advisory group:
- 33 (a) One representative each of the following groups at the office
- 34 of the superintendent of public instruction:
- 35 (i) The special education department;
- 36 (ii) The learning and teaching department;
- 37 (iii) The bilingual education advisory committee;
- 38 (iv) The center for the improvement of student learning,
- 39 established under RCW 28A.300.130; and
- 40 (v) The special education advisory council;

1 (b) A representative of the University of Washington's
2 disabilities, opportunities, internetworking, and technology center;

3 (c) A representative of Central Washington University's special
4 education technology center;

5 (d) A representative of the Washington professional educator
6 standards board;

7 (e) A general education teacher and a special education teacher,
8 both nominated by an association of educators;

9 (f) A parent of a student receiving special education services;

10 (g) Three individuals who represent organizations advocating for
11 equity, access, and improving outcomes for students with
12 disabilities, with one individual representing each of the following
13 disability perspectives: Intellectual or developmental, mental health
14 or physical health, and learning disability. The selected individuals
15 must be either an individual with a disability or a parent of a
16 student receiving, or who has received, special education services.
17 At least one of the selected individuals must be familiar with
18 research on inclusive education or improving outcomes for students
19 with disabilities;

20 (h) A representative of the office of the education ombuds; and

21 (i) One or two representatives each from the special education
22 demonstration projects designated under section 702 of this act.

23 (4) The members of the advisory group must select cochairs. One
24 cochair must be an individual with a disability or a parent of a
25 student receiving, or who has received, special education services
26 and the other cochair must be an educator.

27 (5) By November 1, 2019, and by November 1st each year
28 thereafter, and in compliance with RCW 43.01.036, the advisory group
29 must coordinate with the office of the superintendent of public
30 instruction to submit a report to the appropriate committees of the
31 legislature. The report must summarize the advisory group's
32 activities over the prior year and the progress of the special
33 education demonstration projects designated under section 702 of this
34 act. The report must also recommend any changes to state laws or
35 policies necessary to support the improvement of instructional
36 practices and systems to meet the diverse needs of students with
37 disabilities, such as changes related to inclusive education
38 practices, regional and school-level coordination, educator release
39 time, school climate and culture, professional learning, use of
40 multitiered systems of support, and blending resource streams.

1 (6) Staff support for the advisory group must be provided by the
2 office of the superintendent of public instruction.

3 (7) The advisory group must meet at least quarterly.

4 (8) This section expires August 1, 2023.

5 NEW SECTION. **Sec. 702.** (1) By September 1, 2019, the office of
6 the superintendent of public instruction must develop, and broadly
7 publicize, a process for local education agencies to apply to have
8 one or more schools designated as a special education demonstration
9 project.

10 (2) Local education agencies interested in having one or more
11 schools designated as a special education demonstration project must
12 submit an application to the office of the superintendent of public
13 instruction by January 6, 2020. The application must be developed in
14 collaboration with educators, parents of students with disabilities,
15 and community partners. The local education agency must use the
16 inclusive education implementation plan template developed by the
17 advisory group described in section 701 of this act to:

18 (a) Define the scope of the special education demonstration
19 project and describe why designation would support the school's
20 ability to improve its instructional practices and systems to meet
21 the diverse needs of students with disabilities;

22 (b) Enumerate specific, research-based, inclusive education
23 practices to be carried out under the designation;

24 (c) Justify each request for waiver of state statutes or
25 administrative rules as provided under section 703 of this act;

26 (d) Justify any requests for waiver of state statutes or
27 administrative rules that are in addition to the waivers authorized
28 under section 703 of this act that are necessary to carry out the
29 proposal;

30 (e) Identify additional training and supports that will be
31 provided to staff at the local education agency;

32 (f) Include a written statement that the governing board and
33 administrators are willing to exempt the local education agency from
34 specifically identified local rules, as needed;

35 (g) Include a written statement that the governing board and
36 local bargaining agents will modify those portions of their local
37 agreements as applicable for the local education agency; and

38 (h) Include written statements of support from the governing
39 board and administrators, the principal and staff, each local

1 employee association affected by the special education demonstration
2 project proposal, and the local parent organization.

3 (3) (a) The office of the superintendent of public instruction, in
4 collaboration with its special education advisory council, must
5 develop criteria for reviewing the applications and for evaluating
6 the need for waivers of state statutes and administrative rules as
7 provided under section 703 of this act.

8 (b) The office of the superintendent of public instruction must
9 review the applications and select up to five local education
10 agencies to designate as special education demonstration projects.
11 The selected local education agencies must be diverse in geography
12 and size. One of the selected local education agencies must have a
13 school or program that removes students receiving special education
14 services from the regular class for eighty percent or more of the
15 school day.

16 (c) The office of the superintendent of public instruction must
17 notify the applicants of its selection by February 21, 2020.

18 (4) The designation of the selected schools as special education
19 demonstration projects begins in the 2020-21 school year and lasts
20 for two school years.

21 (5) The schools selected as special education demonstration
22 projects must:

23 (a) Execute the inclusive education implementation plan approved
24 by the office of the superintendent of public instruction;

25 (b) Form collaborative learning teams of teachers with similar
26 grade levels and content areas to help implement the special
27 education demonstration project at the classroom level;

28 (c) Form an advisory committee to oversee the demonstration
29 project, where the committee includes administrators, educators,
30 parents of students with disabilities, and community partners;

31 (d) Gather feedback from educators, students, and families on the
32 progress of the special education demonstration project toward
33 meeting the diverse needs of students with disabilities;

34 (e) Participate in the advisory group created under section 701
35 of this act; and

36 (f) Report quarterly to the advisory group created under section
37 701 of this act and the office of the superintendent of public
38 instruction on the activities and progress of the special education
39 demonstration project in the prior year.

40 (6) This section expires August 1, 2023.

1 NEW SECTION. **Sec. 703.** (1)(a) The superintendent of public
2 instruction and the state board of education, each within the scope
3 of their statutory authority, may grant waivers of state statutes and
4 administrative rules for special education demonstration projects
5 designated under section 702 of this act, as follows:

6 (i) Waivers may be granted to permit the commingling of funds
7 appropriated by the legislature on a categorical basis for such
8 programs as special education, highly capable students, transitional
9 bilingual instruction, and learning assistance; and

10 (ii) Waivers may be granted of other administrative rules that in
11 the opinion of the superintendent of public instruction or the state
12 board of education are necessary to be waived in order to implement
13 the special education demonstration projects.

14 (b) Laws and rules related to the following topics may not be
15 waived: Public health, safety, and civil rights, including
16 protections for individuals with disabilities.

17 (2) At the request of a local education agency, the
18 superintendent of public instruction may petition the United States
19 department of education or other federal agencies to waive federal
20 regulations necessary to implement the special education
21 demonstration projects designated under section 702 of this act.

22 (3) Waivers may be granted under this section for a period not to
23 exceed the duration of the special education demonstration projects
24 designated under section 702 of this act.

25 (4) The superintendent of public instruction and the state board
26 of education must provide an expedited review of requests for waivers
27 for special education demonstration projects designated under section
28 702 of this act. Requests may be denied if the superintendent of
29 public instruction or the state board of education conclude that the
30 waiver:

31 (a) Is likely to result in a decrease in academic achievement;

32 (b) Would jeopardize the receipt of state or federal funds that a
33 local education agency would otherwise be eligible to receive, unless
34 the local education agency submits a written authorization for the
35 waiver acknowledging that receipt of these funds may be jeopardized;
36 or

37 (c) Would violate state or federal laws or rules that are not
38 authorized to be waived.

39 (5) This section expires August 1, 2023.

1 office of the superintendent of public instruction shall report to
2 the appropriate committees of the legislature on the state's progress
3 toward eliminating the most significant barriers to success, and
4 disparities in outcomes, for students with disabilities or special
5 needs."

6 Correct the title.

EFFECT: (1) Adds to the intent section the Legislature's findings and intent regarding inclusive education practices.

(2) Replaces language requiring special education training for teachers, principals, and teacher candidates with language requiring school districts and educational service districts to embed in any professional development provided to general education teachers the best practices for differentiating instruction and learning activities to meet each student's individual needs.

(3) Replaces language directing, subject to state funding, educational service districts to contract for independent special education advocates for students with disabilities and their families with language directing, subject to state funding, the Office of the Education Ombuds to serve as the lead agency to provide information and training regarding the special education services and disability accommodations processes. Describes the content of the training program and its development process. Permits the Office of the Education Ombuds to charge for delivery or use of the training program.

(4) Removes requirements related to: Local special education advisory committees and least restrictive environment reports.

(5) Maintains recognition of school districts performing well on indicators related to students with disabilities receiving special education services, but uses the Washington achievement index indicators, rather than the system-wide performance goals or measurements. Removes language requiring that districts receive enough awards to display in each school.

(6) Maintains the following transition planning requirements: (a) If requested, a representative from the Division of Vocational Rehabilitation must attend the Individualized Education Program meetings of students in special education to assist with transition planning; and (b) students and parents must be provided with information about the Washington Achieving a Better Life Experience Program.

(7) Maintains the requirement that special education cooperatives must apply for program approval every five years.

(8) Removes the requirement that the Office of the Superintendent of Public Instruction (OSPI) contract with a neutral party to facilitate an advisory group that must report to the Legislature with its activities and recommendations to improve outcomes for students in special education, and instead tasks the OSPI with convening an advisory group to design a coordinated and responsive system for meeting the needs of students with disabilities, and report recommendations to the Legislature.

(9) Allows five local education agencies to seek temporary waivers from certain laws in order to execute inclusive education implementation plans, and requires quarterly progress reports to the advisory group.

(10) Requires that the OSPI establish, by September 1, 2021, a technical assistance program on inclusive education practices and improving outcomes for students with disabilities.

(11) Directs the OSPI to identify, and report biennially on, meaningful indicators of progress toward eliminating within ten years the most significant barriers to success, and disparities in outcomes, for students with disabilities or special needs.

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