
Education Committee

HB 1454

Brief Description: Concerning students with disabilities.

Sponsors: Representatives Pollet, Senn, Slatter, Bergquist, Kloba, Thai, Valdez, Doglio and Tarleton.

Brief Summary of Bill

- Directs the Office of the Superintendent of Public Instruction (OSPI) to identify, and report biennially on, meaningful indicators of progress toward eliminating the most significant barriers to success, and disparities in outcomes, for students with disabilities or special needs within ten years.
- Requires that the OSPI establish, by September 1, 2021, a technical assistance program on inclusive education practices and improving outcomes for students with disabilities.
- Tasks an advisory group with designing a coordinated and responsive system for meeting the needs of students with disabilities, and reporting recommendations to the Legislature, by December 1, 2019 and December 1, 2020.
- 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.

Hearing Date: 2/5/19

Staff: Megan Wargacki (786-7194).

Background:

Special education is specially designed instruction and related services that address the unique needs of each student eligible to receive special education services.

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.

Federal Special Education Laws. Two federal laws require local education agencies (LEAs), such as school districts, charter public schools, and state-tribal compact schools, to provide individualized education and support services to children with disabilities. The Individuals with Disabilities Education Improvement Act (IDEA) guarantees a free, appropriate, public education to eligible children with disabilities. Services under IDEA are provided to eligible students according to an individualized education program in schools or other appropriate settings. Section 504 of the Rehabilitation Act of 1973 requires that LEAs provide to each qualified student with a disability regular or special education services and related services designed to meet the student's individual educational needs.

Least Restrictive Environment. The IDEA requires that LEAs provide special education services in the least restrictive environment (LRE). The LRE is the educational setting that is closest to the general education classroom that still allows the student to access an appropriate education from which the student can benefit.

Special Education Advisory Council. The Special Education Advisory Council (SEAC) was established through the IDEA to advise the Office of the Superintendent of Public Instruction (OSPI) on matters related to the provision of special education and related services. The SEAC identifies unmet needs in the education of special education students; comments publicly on proposed special education rules; and advise the OSPI on developing and implementing policies relating to the coordination of services for special education students.

Special Education Program Review. The IDEA requires: (1) the federal Department of Education (ED) to make annual determinations regarding each states' overall compliance with the IDEA; and (2) each state to make annual determinations regarding each LEAs overall compliance with the IDEA. The levels of determination are meets requirements, needs assistance, needs intervention, and needs substantial intervention. Due to determining that Washington "needs assistance" for two years in a row, the ED directed the OSPI to report, by February 1, 2019, on any the technical assistance that the state received and on any corrective actions that the state took. In November 2019, the OSPI determined that 38 LEAs need assistance, 11 LEAs need interventions, and no LEAs need substantial intervention.

Technical Assistance. The OSPI encourages LEAs to access technical assistance resources to improve compliance with IDEA. In addition, LEAs may be required to access technical assistance as a part of enforcement actions related their determination status. Technical assistance provides resources appropriate for teachers, administrators, parents, students, related services and other staff, and the general community. These resources may be used for the development of professional learning communities, peer review activities, mentoring for new personnel, staff and parent orientations, and student empowerment.

Summary of Bill:

Eliminating Barriers to Success. The Office of the Superintendent of Public Instruction (OSPI) must identify meaningful indicators of progress toward eliminating the most significant barriers to success, and disparities in outcomes, for students with disabilities or special needs within 10 years. The indicators must be quantifiable and based on data that are regularly and reliably collected statewide, for example: (1) data on educational opportunity gaps and other outcomes; (2) discipline rates and rates of restraint or isolation; and (3) use of Medicaid-funded school-

based services. Beginning September 1, 2020, and by September 1 every even-numbered year thereafter, the OSPI must report to the Legislature on the state's progress toward eliminating the most significant barriers to success, and disparities in outcomes, for students with disabilities or special needs.

Special Education Advisory Group. The OSPI must convene an advisory group, with specified members, to design a coordinated and responsive system for meeting the diverse needs of students with disabilities. The duties of the advisory group are stated, for example: (1) review relevant laws, policies, and research; (2) plan for the realities of implementing inclusive education practices; (3) develop an inclusive education implementation plan template with specified components; (4) develop an inclusive education best practices guidance; (5) recommend a technical assistance structure and a professional learning structure to meet the diverse needs of students with disabilities; and (6) review the feedback from the special education demonstration projects (demonstration projects), described below.

The advisory group must meet at least quarterly. The advisory group must submit four annual reports to the Legislature summarizing the advisory group's activities and the progress of the demonstration projects. The report must recommend any changes to state laws or policies necessary to support the improvement of instructional practices and systems to meet the diverse needs of students with disabilities.

Special Education Demonstration Projects. By September 1, 2019, the OSPI must publicize a process for local education associations (LEAs) to apply to have one or more schools designated as a demonstration project. The application deadline and minimum contents are described, for example, the application must define the scope of the demonstration project and describe why designation would support the school's ability to improve its instructional practices and systems to meet the diverse needs of students with disabilities; justify each request for waiver of state statutes or administrative rules; and include written statements of support from various leaders and partners.

The OSPI, in collaboration with its Special Education Advisory Council, must develop criteria for reviewing the applications and for evaluating the need for waivers. Up to five LEAs, diverse in geography and size, must be selected, with one having a school or program that removes students receiving special education from the regular class for 80 percent or more of the school day.

Beginning in the 2020-21 school year and for two school years, the demonstration projects must perform specified activities, such as: (1) executing an approved inclusive education implementation plan; (2) forming collaborative learning teams; (3) gathering and reporting feedback from stakeholders on the progress of the demonstration project; and (4) participating in the advisory group.

The OSPI and the State Board of Education may grant waivers of state statutes and administrative rules for the demonstration projects. Waiver requests may be denied if the waiver is likely to result in a decrease in academic achievement; would jeopardize the receipt of state or federal funds; or would violate state or federal laws or rules that are not authorized to be waived (such as those related to public health, safety, and civil rights).

Technical Assistance. Beginning September 1, 2021, the OSPI must establish a technical assistance program to provide resources and best practice guidance on inclusive education practices and improving outcomes for students with disabilities. The components of the technical assistance program must be informed by the advisory group.

Appropriation: None.

Fiscal Note: Requested on January 30, 2019.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.