
Education Committee

SSB 5532

Brief Description: Concerning special education.

Sponsors: Senate Committee on Ways & Means (originally sponsored by Senators Braun, Rolfes, Fortunato, Wagoner and Zeiger).

Brief Summary of Substitute Bill

- Requires special education training for teachers, principals, and teacher candidates.
- Directs, subject to state funding, educational service districts to contract for independent special education advocates for students with disabilities and their families.
- Requires school districts to convene an ongoing special education advisory committee with specified members and duties.
- Requires annual reports on least restrictive environment data for students in special education.
- Provides that, if requested, a representative from the Division of Vocational Rehabilitation will attend the Individualized Education Program meetings of students in special education to assist with transition planning.
- Requires special education cooperatives to apply for program approval every five years.
- Establishes an advisory committee to report to the Legislature with its activities and recommendations to improve outcomes for students in special education every three years, beginning November 1, 2021.

Hearing Date: 3/19/19

Staff: Megan Wargacki (786-7194).

Background:

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.

Education and Related Services for Children with Disabilities. Two federal laws require that children with disabilities receive individualized education and related services. The Individuals with Disabilities Education Act (IDEA) guarantees a free, appropriate, public education to children with qualifying disabilities. Section 504 of the Rehabilitation Act of 1973 requires that students with qualifying disability receive regular or special education and related services designed to meet their individual educational needs.

Individualized Education Program. Special education and related services under the IDEA are provided to eligible students according to an Individualized Education Program (IEP), which is a written statement that guides a student's learning while in special education. For example, an IEP describes the amount of time that a student will spend receiving special education, any related services the student will receive, and the academic and behavioral goals and expectations for the year.

Least Restrictive Environment. The IDEA requires that special education services are provided in the least restrictive environment (LRE). The LRE means that, to the maximum extent appropriate, students with disabilities are educated with students who do not have disabilities. Removal of students with disabilities from the regular educational environment occurs only when the nature or severity of the disability of the student is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily. The continuum of placement options ranges from general education classes with or without support services or modifications to home instruction and residential care or treatment facilities.

Transition Planning. When educationally and developmentally appropriate, a student's IEP must include a transition plan to a postsecondary setting. Transition planning consists of conducting assessments to identify student needs, strengths, preferences, and interests; developing postsecondary goals or postschool visions; and identifying and coordinating transition services.

Duties of the Superintendent of Public Instruction. The Superintendent of Public Instruction has the duty and authority to: assist school districts in the formation of programs to meet the needs of students with disabilities; develop interdistrict cooperation programs for students with disabilities; approve school district and agency programs as being eligible for special excess cost financial aid to students with disabilities; ensure procedural safeguards of students with disabilities; and ensure appropriate access to and participation in the general education curriculum and participation in statewide assessments for all students with disabilities.

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 students in special education; comments publicly on proposed special education rules; and advises the OSPI on developing and implementing policies relating to the coordination of special education services.

Indicators of Educational System Health. Washington has established statewide indicators of educational system health related to kindergarten readiness, fourth grade reading, eighth grade math, graduation rates, postsecondary activities, and remedial courses in college. These indicators must be disaggregated by student subgroups, such as students in special education. Every two years, the SBE, with the assistance of the OSPI and other education agencies:

identifies system-wide performance goals and measurements for each of the indicators; and reports on the status of each indicator with recommendations for revised performance goals and measurements.

Summary of Bill:

Professional Learning and Teacher Preparation. School districts must provide at least one-half day of professional learning on special education using state funding for professional learning days. Teacher preparation programs must include mandatory coursework on special education. Examples of the content of these special education topics are why some students with disabilities need special education or related services, recognizing students who may qualify for special education or related services, and best practices in special education.

Special Education Advocates. Subject to state funding, educational service districts must contract for independent special education advocates. The role of a special education advocate is to: serve as a resource for children who are eligible for special education and their families; advocate on behalf of these children for a free and appropriate public education that meets specified requirements; and assist the children's parents with preparing for or attending Individualized Education Program (IEP) meetings.

Local Special Education Advisory Committees. School districts must convene an ongoing special education advisory committee to increase parental and family involvement . The committee has an additional seven specified duties, for example to: advise the school district of needs in the education of children with disabilities; participate in the development of priorities and strategies for meeting the identified needs of children with disabilities; facilitate partnerships with community employers to provide appropriate transition services; and facilitate biannual trainings by experienced outside consultants for families of children with disabilities to teach families how to advocate for their child and to teach students with disabilities how to self-advocate.

The school board of directors appoints the committee members. A majority of the members must be parents of children with disabilities or individuals with disabilities, and one must be a teacher. Additional school or school district personnel may serve as consultants. Committee meetings must be held at least four times each school year and must be open to the public. Committee information must be posted on the school district website.

Least Restrictive Environment Data. Annually, by November 15, school districts must report to the Office of the Superintendent of Public Instruction (OSPI) with least restrictive environment data for students, age 3 through 21, who are eligible for special education. The report must include data on the percentage of time students spend in general education classrooms and in specialized programs, and must be aligned with reporting requirements of the Individuals with Disabilities Education Improvement Act (IDEA). Annually by December 15, the OSPI must post the report on its website and submit the report to the Legislature.

Indicators of Educational System Health. A school district that exceeds performance goals and measurements for statewide indicators of educational system health for students in special education must be recognized in the next report to the Legislature, and must receive an award developed by the State Board of Education and the OSPI.

Transition Planning. Beginning when a student turns 16 years old and continuing until the student turns 21 years old, or graduates high school, whichever occurs first, a representative from the Division of Vocational Rehabilitation in the Department of Social and Health Services will attend IEP meetings to assist students with transition planning when requested by a member of a student's IEP team. When discussing postsecondary goals or postschool vision, students and their parents must be provided information about the Washington Achieving a Better Life Experience Program (a savings plan that allows people with qualifying disabilities to save and invest, tax free, up to \$15,000 per year to use towards eligible expenses without affecting federal or state benefits).

Cooperative Programs. School districts are encouraged to participate in cooperative programs with other school districts or educational service districts to provide special education and services to eligible students. Prior to the 2020-21 school year and every five years thereafter, special education cooperatives must apply for approval from the OSPI.

Advisory Group. The OSPI must contract with the Ruckelshaus Center (a joint effort of the two state universities to foster collaborative public policy) or another neutral party to facilitate the meetings and discussions of an advisory group. The advisory group must review the outcomes of increased professional learning days, new teacher preparation courses on special education topics, the introduction of special education advocates, and the creation of special education advisory committees. It must investigate current and evolving special education policies and best practices in Washington and other states. It must also review graduation rates of students in special education to determine which school districts are outperforming the state average.

The parties invited to participate in the advisory group must include: four legislators representing each of the largest caucuses of the Senate and House of Representatives; five parents or guardians of students in special education; four teachers who provide instruction to students in special education; two school principals; and one professional independent advocate for students in special education.

By November 1, 2021, and every three years thereafter, the OSPI must submit a report to the Legislature that summarizes the advisory group's findings and recommendations to improve outcomes for students in special education.

Appropriation: None.

Fiscal Note: Preliminary fiscal note available.

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