
SUBSTITUTE SENATE BILL 5532

State of Washington

66th Legislature

2019 Regular Session

By Senate Ways & Means (originally sponsored by Senators Braun, Rolfes, Fortunato, Wagoner, and Zeiger)

READ FIRST TIME 02/19/19.

1 AN ACT Relating to special education; amending RCW 28A.150,415,
2 28B.10.032, 28A.155.090, 28A.150.550, and 28A.155.220; adding a new
3 section to chapter 28A.310 RCW; adding new sections to chapter
4 28A.320 RCW; adding a new section to chapter 28A.305 RCW; adding new
5 sections to chapter 28A.155 RCW; and creating a new section.

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

7 **PART I**
8 **INTENT**

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

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

1 regular classrooms. Only two states have inclusion rates that are
2 worse.

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

11 (4) To ensure students with disabilities receive an education
12 that prepares them for a meaningful and productive life, this act
13 will focus on:

14 (a) Requiring professional development for teachers to support
15 best practices in special education;

16 (b) Providing advocacy support for families to help navigate the
17 special education system;

18 (c) Establishing local special education advisory committees to
19 better engage families and recognize the valuable role they play;

20 (d) Requiring the reporting of least restrictive environment data
21 for students receiving special education services;

22 (e) Recognizing and awarding school districts that meet or exceed
23 systemwide performance goals for students with disabilities;

24 (f) Improving transition planning to support education and
25 training after high school; and

26 (g) Establishing an advisory group to review and investigate
27 special education topics and provide recommendations to the
28 legislature to improve outcomes for students in special education
29 programs.

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

34 **PART II**

35 **PROFESSIONAL DEVELOPMENT AND TEACHER PREPARATION COURSES**

36 **Sec. 201.** RCW 28A.150.415 and 2017 3rd sp.s. c 13 s 105 are each
37 amended to read as follows:

1 (1) Beginning with the 2018-19 school year, the legislature shall
2 begin phasing in funding for professional learning days for
3 certificated instructional staff. At a minimum, the state must
4 allocate funding for:

5 (a) One professional learning day in the 2018-19 school year;

6 (b) Two professional learning days in the 2019-20 school year;
7 and

8 (c) Three professional learning days in the 2020-21 school year.

9 (2) Beginning with the 2019-20 school year, each school district
10 must use a portion of the professional learning allocation provided
11 under this section to provide at least one-half day of professional
12 learning regarding special education that includes, but is not
13 limited to, the following:

14 (a) Why some students with disabilities need special education or
15 related services;

16 (b) How to recognize students with disabilities who may qualify
17 for special education or related services; and

18 (c) Best practices for providing the following:

19 (i) For students with disabilities eligible for special
20 education, access to the general education curriculum to obtain a
21 diploma;

22 (ii) The opportunity for students with disabilities eligible for
23 special education to participate in both school and work-based
24 learning;

25 (iii) Inclusion of the classroom teacher in the development of
26 the individualized education program;

27 (iv) How classroom teachers can provide special education in the
28 general education classroom;

29 (v) A culture of high expectations for students with
30 disabilities;

31 (vi) Effective and efficient classroom management; and

32 (vii) Appropriate transition services for students with
33 disabilities eligible for special education, including collaborating
34 with local community employers.

35 (3) Nothing in this section entitles an individual certificated
36 instructional staff to any particular number of professional learning
37 days.

38 ~~((3))~~ (4) The professional learning days must meet the
39 definitions and standards provided in RCW 28A.415.430, 28A.415.432,
40 and 28A.415.434.

1 (1) Subject to amounts appropriated for this specific purpose,
2 each educational service district shall contract for independent
3 special education advocates.

4 (2) The role of a special education advocate is to:

5 (a) Serve as a resource for a child with disabilities who is
6 eligible for special education due to the disability and the child's
7 parents and family;

8 (b) Advocate on behalf of the child for a free and appropriate
9 public education from the public school system that emphasizes
10 special education and related services that are:

11 (i) Provided in the least restrictive environment;

12 (ii) Designed to meet the child's unique needs;

13 (iii) Appropriately ambitious and reasonably calculated to enable
14 a child to make progress in light of the child's circumstances; and

15 (iv) Addressing the child's further education, employment, and
16 independent living goals; and

17 (c) Assist parents with any one or more of the following:

18 (i) Preparing for a meeting to develop or update their child's
19 individualized education program;

20 (ii) Attending the individualized education program meetings to
21 help present the parents' concerns, negotiate components that meet
22 the parents' goals and requests, or otherwise assist with the
23 understanding and navigation of the process;

24 (iii) Attending an individual education program meeting on behalf
25 of the child to assist in writing an appropriate program when a
26 parent opts out or otherwise cannot attend the meeting.

27 **PART IV**

28 **LOCAL SPECIAL EDUCATION ADVISORY COMMITTEES**

29 NEW SECTION. **Sec. 401.** A new section is added to chapter
30 28A.320 RCW to read as follows:

31 (1) Each school district shall convene an ongoing special
32 education advisory committee. The purposes of the committee are to:

33 (a) Increase parental and family involvement by providing a forum
34 for parents, families, and the community to ask questions, propose
35 solutions, and otherwise give feedback on the special education
36 program in their schools; and

1 (b) Be a partner with the school district in its efforts to
2 provide effective special education programming for eligible students
3 with disabilities.

4 (2) The committee shall be appointed by the school board of
5 directors and shall advise the school board through the school
6 district superintendent.

7 (3) At a minimum, a majority of the committee members must be
8 parents of children with disabilities or individuals with
9 disabilities. The committee must also include one teacher member.
10 Additional school or school district personnel shall serve only as
11 consultants to the committee.

12 (4) The committee has the following duties:

13 (a) Advise the school district of needs in the education of
14 children with disabilities;

15 (b) Participate in the development of priorities and strategies
16 for meeting the identified needs of children with disabilities;

17 (c) Facilitate partnerships with community employers to provide
18 appropriate transition services;

19 (d) Facilitate trainings by experienced outside consultants not
20 employed by the school district, at least two times per school year
21 to families of children with disabilities to teach families how to
22 advocate for their child and to teach students with disabilities how
23 to self-advocate;

24 (e) Submit periodic reports and recommendations to the school
25 district superintendent for transmission to the school district board
26 of directors regarding the education of children with disabilities;

27 (f) Assist the school district in interpreting plans to the
28 community for meeting the special needs of children with disabilities
29 for educational and transition services; and

30 (g) Review the school district proposed policies and procedures
31 for the provision of special education and related services prior to
32 submission to the school district board of directors.

33 (5) Committee meetings must be held at least four times in a
34 school year and shall be open to the public.

35 (6) The school district must post on its web site: The names of
36 the committee members; the committee meeting schedule and agendas;
37 and information on the process for interested parties to express
38 their views to the committee.

39 **PART V**

1 **REPORTING/RECOGNITION**

2 NEW SECTION. **Sec. 501.** A new section is added to chapter
3 28A.320 RCW to read as follows:

4 (1) Beginning November 15, 2019, and every November 15th
5 thereafter, each school district shall annually report to the
6 superintendent of public instruction the following least restrictive
7 environment data for students with disabilities who are eligible for
8 special education and are between three and twenty-one years old.

9 (2) The report required under subsection (1) of this section must
10 include at least the following:

11 (a) The number of students who spend eighty to one hundred
12 percent of the school day in a general education class. These student
13 may receive supports and services including, but not limited to, a
14 tutor or aide, assistive technology, related services, or other
15 accommodations, provided within the general education classroom, or
16 outside of the general education classroom for no more than twenty
17 percent of the regular school day.

18 (b) The number of students who spend forty to seventy-nine
19 percent of the school day in a general education classroom. These
20 students receive individual or small-group instruction in a special
21 education resource room or are pulled out of the general education
22 classroom for some services for no more than sixty percent of the
23 regular school day.

24 (c) The number of students who spend zero to thirty-nine percent
25 of the school day in a general education classroom. These students
26 receive specialized instruction with students in a self-contained
27 classroom for no less than sixty-one percent of the regular school
28 day.

29 (d) The number of students who attend specialized programs inside
30 or outside of the resident school district, including private
31 schools, residential programs, detention and correctional facilities,
32 and hospital programs.

33 **Sec. 502.** RCW 28A.155.090 and 2007 c 115 s 11 are each amended
34 to read as follows:

35 The superintendent of public instruction shall have the duty and
36 authority, through the administrative section or unit for the
37 education of children with disabling conditions, to:

1 (1) Assist school districts in the formation of programs to meet
2 the needs of children with disabilities;

3 (2) Develop interdistrict cooperation programs for children with
4 disabilities as authorized in RCW 28A.225.250;

5 (3) Provide, upon request, to parents or guardians of children
6 with disabilities, information as to the special education programs
7 for students with disabilities offered within the state;

8 (4) Assist, upon request, the parent or guardian of any child
9 with disabilities in the placement of any child with disabilities who
10 is eligible for but not receiving special educational services for
11 children with disabilities;

12 (5) Approve school district and agency programs as being eligible
13 for special excess cost financial aid to students with disabilities;

14 (6) Consistent with the provisions of RCW 28A.150.390,
15 28A.160.030, and 28A.155.010 through 28A.155.160, and part B of the
16 federal individuals with disabilities education improvement act,
17 administer administrative hearings and other procedures to ensure
18 procedural safeguards of children with disabilities; (~~and~~)

19 (7) Make rules for the school district reporting required under
20 section 501 of this act that align as much as possible with the
21 federal individuals with disabilities education act, part B,
22 reporting requirements on the same least restrictive environment
23 data;

24 (8) Annually compile and report by school district the least
25 restrictive environment data required under section 501 of this act.
26 The report must be posted on the web site of the office of the
27 superintendent of public instruction and submitted to the education
28 committees of the house of representatives and the senate beginning
29 December 15th, 2019, and every December 15th thereafter; and

30 (9) Promulgate such rules as are necessary to implement part B of
31 the federal individuals with disabilities education improvement act
32 or other federal law providing for special education services for
33 children with disabilities and the several provisions of RCW
34 28A.150.390, 28A.160.030, and 28A.155.010 through 28A.155.160 and to
35 ensure appropriate access to and participation in the general
36 education curriculum and participation in statewide assessments for
37 all students with disabilities.

38 **Sec. 503.** RCW 28A.150.550 and 2013 c 282 s 2 are each amended to
39 read as follows:

1 (1) The following statewide indicators of educational system
2 health are established:

3 (a) The percentage of students demonstrating the characteristics
4 of entering kindergartners in all six areas identified by the
5 Washington kindergarten inventory of developing skills administered
6 in accordance with RCW 28A.655.080;

7 (b) The percentage of students meeting the standard on the fourth
8 grade statewide reading assessment administered in accordance with
9 RCW 28A.655.070;

10 (c) The percentage of students meeting the standard on the eighth
11 grade statewide mathematics assessment administered in accordance
12 with RCW 28A.655.070;

13 (d) The four-year cohort high school graduation rate;

14 (e) The percentage of high school graduates who during the second
15 quarter after graduation are either enrolled in postsecondary
16 education or training or are employed, and the percentage during the
17 fourth quarter after graduation who are either enrolled in
18 postsecondary education or training or are employed; and

19 (f) The percentage of students enrolled in precollege or remedial
20 courses in college.

21 (2) The statewide indicators established in subsection (1) of
22 this section shall be disaggregated as provided under RCW
23 28A.300.042.

24 (3) The state board of education, with assistance from the office
25 of the superintendent of public instruction, the workforce training
26 and education coordinating board, the educational opportunity gap
27 oversight and accountability committee, and the student achievement
28 council, shall establish a process for identifying realistic but
29 challenging system-wide performance goals and measurements, if
30 necessary, for each of the indicators established in subsection (1)
31 of this section, including for subcategories of students as provided
32 under subsection (2) of this section. The performance goal for each
33 indicator must be set on a biennial basis, and may only be adjusted
34 upward.

35 (4) The state board of education, the office of the
36 superintendent of public instruction, and the student achievement
37 council shall each align their strategic planning and education
38 reform efforts with the statewide indicators and performance goals
39 established under this section.

1 (5) (a) The state board of education, with assistance from the
2 office of the superintendent of public instruction, the workforce
3 training and education coordinating board, the educational
4 opportunity gap oversight and accountability committee, and the
5 student achievement council, shall submit a report on the status of
6 each indicator in subsection (1) of this section and recommend
7 revised performance goals and measurements, if necessary, by December
8 1st of each even-numbered year, except that the initial report
9 establishing baseline values and initial goals shall be delivered to
10 the education committees of the legislature by December 1, 2013.

11 (b) If the educational system is not on target to meet the
12 performance goals on any individual indicator, the report must
13 recommend evidence-based reforms intended to improve student
14 achievement in that area.

15 (c) To the extent data is available, the performance goals for
16 each indicator must be compared with national data in order to
17 identify whether Washington student achievement results are within
18 the top ten percent nationally or are comparable to results in peer
19 states with similar characteristics as Washington. If comparison data
20 show that Washington students are falling behind national peers on
21 any indicator, the report must recommend evidence-based reforms
22 targeted at addressing the indicator in question.

23 (6) Any school district that meets or exceeds any system-wide
24 performance goals or measurements established under subsection (3) of
25 this section for students with disabilities must be recognized in the
26 next report required under subsection (5) of this section.
27 Additionally, these school districts must receive a recognition award
28 as determined under section 504 of this act.

29 NEW SECTION. **Sec. 504.** A new section is added to chapter
30 28A.305 RCW to read as follows:

31 The state board of education in collaboration with the office of
32 the superintendent of public instruction shall decide upon the
33 details of the recognition award for school districts under RCW
34 28A.150.550(6). The award may be a banner, ribbon, medal, trophy,
35 plaque, or other type of award. The school district shall receive
36 enough of the awards for each individual school in the school
37 district to display the award in the school.

1 **TRANSITION PLANNING**

2 **Sec. 601.** RCW 28A.155.220 and 2015 c 217 s 2 are each amended to
3 read as follows:

4 (1) The office of the superintendent of public instruction must
5 establish interagency agreements with the department of social and
6 health services, the department of services for the blind, and any
7 other state agency that provides high school transition services for
8 special education students. Such interagency agreements shall not
9 interfere with existing individualized education programs, nor
10 override any individualized education program team's decision-making
11 power. The purpose of the interagency agreements is to foster
12 effective collaboration among the multiple agencies providing
13 transition services for individualized education program-eligible
14 special education students from the beginning of transition planning,
15 as soon as educationally and developmentally appropriate, through age
16 twenty-one, or through high school graduation, whichever occurs
17 first. Interagency agreements are also intended to streamline
18 services and programs, promote efficiencies, and establish a uniform
19 focus on improved outcomes related to self-sufficiency.

20 (2)(a) When educationally and developmentally appropriate, the
21 interagency responsibilities and linkages with transition services
22 under subsection (1) of this section must be addressed in a
23 transition plan to a postsecondary setting in the individualized
24 education program of a student with disabilities.

25 (b) Transition planning shall be based upon educationally and
26 developmentally appropriate transition assessments that outline the
27 student's individual needs, strengths, preferences, and interests.
28 Transition assessments may include observations, interviews,
29 inventories, situational assessments, formal and informal
30 assessments, as well as academic assessments.

31 (c) The transition services that the transition plan must address
32 include activities needed to assist the student in reaching
33 postsecondary goals and courses of study to support postsecondary
34 goals.

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

1 (e) Beginning when a student reaches the age of sixteen and
2 continuing until the student reaches the age of twenty-one, or
3 through high school graduation, whichever occurs first, a
4 representative from the division of vocational rehabilitation in the
5 department of social and health services will attend individualized
6 education program meetings to assist students with transition
7 planning when requested by a member of a student's individualized
8 education program team.

9 (f) When educationally and developmentally appropriate, a
10 discussion must take place with the student and parents, and others
11 as needed, to determine the postsecondary goals or postschool vision
12 for the student. This discussion may be included as part of an annual
13 individualized education program review, high school and beyond plan
14 meeting, or any other meeting that includes parents, students, and
15 educators. The postsecondary goals included in the transition plan
16 shall be goals that are measurable and must be based on appropriate
17 transition assessments related to training, education, employment,
18 and independent living skills, when necessary. The goals must also be
19 based on the student's needs, while considering the strengths,
20 preferences, and interests of the student. During this discussion,
21 students and parents must be provided with information about the
22 Washington achieving a better life experience program, including
23 information on eligibility, benefits, and Washington achieving a
24 better life experience program account creation.

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

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

31 (3) To the extent that data is available through data-sharing
32 agreements established by the education data center under RCW
33 43.41.400, the education data center must monitor the following
34 outcomes for individualized education program-eligible special
35 education students after high school graduation:

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

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

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

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

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

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

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

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

12 (i) Information on the reasons that the desired outcome has not
13 occurred;

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

16 (iii) The efforts made to ensure the student achieves the desired
17 outcome.

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

23 **PART VII**

24 **COOPERATIVE PROGRAMS**

25 NEW SECTION. **Sec. 701.** A new section is added to chapter
26 28A.155 RCW to read as follows:

27 (1) School districts are encouraged to participate in the
28 establishment or continuation of existing cooperative programs
29 between or among school districts, or educational service districts
30 and school districts, to provide special education and services to
31 eligible students with disabilities.

32 (2) Prior to the 2020-21 school year and every five years
33 thereafter, each special education cooperative must apply for
34 approval of the program by the superintendent of public instruction.

35 **PART VIII**

36 **ADVISORY GROUP**

1 NEW SECTION. **Sec. 801.** A new section is added to chapter
2 28A.155 RCW to read as follows:

3 (1) The office of the superintendent of public instruction must
4 contract with the William D. Ruckelshaus center or another neutral
5 party to facilitate the meetings and discussions of an advisory group
6 with the following responsibilities:

7 (a) Review the outcomes of increased professional learning days,
8 new teacher preparation courses on special education topics, the
9 introduction of special education advocates, and the creation of
10 special education advisory committees;

11 (b) Investigate current and evolving special education policies
12 and best practices in Washington, considering input from a broad
13 range of experts with knowledge and experience in special education;

14 (c) Review special education policies and procedures in other
15 states;

16 (d) Review graduation rates by school district for students
17 receiving special education services to determine if there are any
18 school districts where performance significantly exceeds the
19 statewide special education graduation rate.

20 (2) The parties invited to participate in the advisory group
21 under subsection (1) of this section must include:

22 (a) One member from each of the two largest caucuses in the
23 senate, appointed by the majority leader and minority leader of the
24 senate;

25 (b) One member from each of the two largest caucuses of the house
26 of representatives, appointed by the speaker and minority leader of
27 the house of representatives;

28 (c) Five members who are parents or guardians of students
29 participating in special education programs;

30 (d) Four members who are teachers who provide instruction to
31 students receiving special education services. Together, the four
32 teachers must have experience working with students with a range of
33 disabilities represented in special education programs, ranging from
34 low to high service needs;

35 (e) Two members who are school principals: One representing a
36 school in a rural area and one representing a school in an urban or
37 suburban area; and

38 (f) One member who is a professional independent advocate for
39 students with special education service needs.

1 (3) By November 1, 2021, and every three years thereafter, the
2 office of the superintendent of public instruction must submit a
3 report to the education committees of the legislature that summarizes
4 the advisory group's findings and recommendations to improve outcomes
5 for students in special education programs.

--- **END** ---