

SSB 5790 - H COMM AMD
By Committee on Appropriations

ADOPTED 03/03/2022

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

3 **"Sec. 1.** RCW 74.29.010 and 2010 c 94 s 26 are each reenacted and
4 amended to read as follows:

5 (1) "Independence" means a reasonable degree of restoration from
6 dependency upon others to self-direction and greater control over
7 circumstances of one's life for personal needs and care and includes
8 but is not limited to the ability to live in one's home.

9 (2) "Individual with disabilities" means an individual:

10 (a) Who has a physical, mental, or sensory disability, which
11 requires vocational rehabilitation services to prepare for, enter
12 into, engage in, retain, or engage in and retain gainful employment
13 consistent with his or her capacities and abilities; or

14 (b) Who has a physical, mental, or sensory impairment whose
15 ability to function independently in the family or community or whose
16 ability to obtain, maintain, or advance in employment is
17 substantially limited and for whom the delivery of vocational
18 rehabilitation or independent living services will improve the
19 ability to function, continue functioning, or move towards
20 functioning independently in the family or community or to continue
21 in employment.

22 (3) "Individual with severe disabilities" means an individual
23 with disabilities:

24 (a) Who has a physical, mental, or sensory impairment that
25 seriously limits one or more functional capacities, such as mobility,
26 communication, self-care, self-direction, interpersonal skills, work
27 tolerance, or work skills, in terms of employment outcome, and/or
28 independence and participation in family or community life;

29 (b) Whose rehabilitation can be expected to require multiple
30 rehabilitation services over an extended period of time; and

31 (c) Who has one or more physical, mental, or sensory disabilities
32 resulting from amputation, arthritis, autism, blindness, burn injury,

1 cancer, cerebral palsy, cystic fibrosis, deafness, head injury, heart
2 disease, hemiplegia, hemophilia, respiratory or pulmonary
3 dysfunction, intellectual disability, mental illness, multiple
4 sclerosis, muscular dystrophy, musculoskeletal disorders,
5 neurological disorders (including stroke and epilepsy), paraplegia,
6 quadriplegia, other spinal cord conditions, sickle cell anemia,
7 specific learning disability, end-stage renal disease, or another
8 disability or combination of disabilities determined on the basis of
9 an assessment for determining eligibility and rehabilitation needs to
10 cause comparable substantial functional limitation.

11 (4) "Job support services" means ongoing goods and services
12 provided after vocational rehabilitation, subject to available funds,
13 that support an individual with severe disabilities in employment.
14 Such services include, but are not limited to, extraordinary
15 supervision or job coaching.

16 (5) "Physical, mental, or sensory disability" means a physical,
17 mental, or sensory condition which materially limits, contributes to
18 limiting or, if not corrected or accommodated, will probably result
19 in limiting an individual's activities or functioning.

20 (6) "Rehabilitation services" means goods or services provided
21 to: (a) Determine eligibility and rehabilitation needs of individuals
22 with disabilities, and/or (b) enable individuals with disabilities to
23 attain or retain employment and/or independence, and/or (c)
24 contribute substantially to the rehabilitation of a group of
25 individuals with disabilities. To the extent federal funds are
26 available, goods and services may include, but are not limited to,
27 the establishment, construction, development, operation and
28 maintenance of community rehabilitation programs and independent
29 living centers, as well as special demonstration projects.

30 (7) "~~((State agency))~~ Department" means the department of social
31 and health services.

32 **Sec. 2.** RCW 74.29.020 and 1993 c 213 s 3 are each amended to
33 read as follows:

34 Subject to available funds, and consistent with federal law and
35 regulations the ~~((state agency))~~ department shall:

36 (1) Develop statewide rehabilitation programs;

37 (2) Provide vocational rehabilitation services, independent
38 living services, and/or job support services to individuals with
39 disabilities or severe disabilities;

1 (3) Disburse all funds provided by law and may receive, accept
2 and disburse such gifts, grants, conveyances, devises and bequests of
3 real and personal property from public or private sources, as may be
4 made from time to time, in trust or otherwise, whenever the terms and
5 conditions thereof will aid in carrying out rehabilitation services
6 as specified by law and the regulations of the ((state—agency))
7 department; and may sell, lease or exchange real or personal property
8 according to the terms and conditions thereof. Any money so received
9 shall be deposited in the state treasury for investment, reinvestment
10 or expenditure in accordance with the conditions of its receipt and
11 RCW 43.88.180;

12 (4) Appoint and fix the compensation and prescribe the duties, of
13 the personnel necessary for the administration of this chapter,
14 unless otherwise provided by law;

15 (5) Make exploratory studies, do reviews, and research relative
16 to rehabilitation;

17 (6) Coordinate with the state rehabilitation advisory council and
18 the state independent living advisory council on the administration
19 of the programs;

20 (7) Report to the governor and to the legislature on the
21 administration of this chapter, as requested; and

22 (8) Adopt rules, in accord with chapter 34.05 RCW, necessary to
23 carry out the purposes of this chapter.

24 **Sec. 3.** RCW 74.29.037 and 1993 c 213 s 6 are each amended to
25 read as follows:

26 The ((state—agency)) department may establish cooperative
27 agreements with other state and local agencies.

28 **Sec. 4.** RCW 74.29.050 and 1969 ex.s. c 223 s 28A.10.050 are each
29 amended to read as follows:

30 The state of Washington does hereby:

31 (1) Accept the provisions and maximum possible benefits resulting
32 from any acts of congress which provide benefits for the purposes of
33 this chapter;

34 (2) Designate the state treasurer as custodian of all moneys
35 received by the state from appropriations made by the congress of the
36 United States for purposes of this chapter, and authorize the state
37 treasurer to make disbursements therefrom upon the order of the
38 ((state—agency)) department; and

1 (3) Empower and direct the ((state—agency)) department to
2 cooperate with the federal government in carrying out the provisions
3 of this chapter or of any federal law or regulation pertaining to
4 vocational rehabilitation, and to comply with such conditions as may
5 be necessary to assure the maximum possible benefits resulting from
6 any such federal law or regulation.

7 **Sec. 5.** RCW 74.29.080 and 1993 c 213 s 4 are each amended to
8 read as follows:

9 (1) Determination of eligibility and need for rehabilitation
10 services and determination of eligibility for job support services
11 shall be made by the ((state—agency)) department for each individual
12 according to its established rules, policies, procedures, and
13 standards.

14 (2) The ((state—agency)) department may purchase, from any
15 source, rehabilitation services and job support services for
16 individuals with disabilities, subject to the individual's income or
17 other resources that are available to contribute to the cost of such
18 services.

19 (3) The ((state—agency)) department shall maintain registers of
20 individuals and organizations which meet required standards and
21 qualify to provide rehabilitation services and job support services
22 to individuals with disabilities. Eligibility of such individuals and
23 organizations shall be based upon standards and criteria promulgated
24 by the ((state—agency)) department.

25 NEW SECTION. **Sec. 6.** A new section is added to chapter 74.29
26 RCW to read as follows:

27 The department of social and health services shall:

28 (1) Establish a school to work program in all counties in the
29 state to work with all students with intellectual and developmental
30 disabilities who are potentially eligible to receive adult support
31 services from the developmental disabilities administration of the
32 department and are receiving high school transition services in order
33 to connect these students with supported employment services; and

34 (2) In collaboration with the office of the superintendent of
35 public instruction, the counties administering supported employment
36 services in collaboration with the developmental disabilities
37 administration of the department, the department of services for the
38 blind, and any other relevant state agency working with students who

1 are potentially eligible for adult support services from the
2 developmental disabilities administration of the department shall:

3 (a) Create a statewide council to:

4 (i) Establish common guidelines and outcome goals across regional
5 interagency transition networks to ensure equitable access through
6 system navigation for individuals receiving high school transition
7 services and connection to services after leaving the school system;
8 and

9 (ii) Establish a referral and information system that helps
10 students who are potentially eligible for adult support services from
11 the developmental disabilities administration of the department who
12 are transitioning from high school, and their families or guardians,
13 connect to the necessary services and agencies that support the needs
14 of adults with intellectual and developmental disabilities; and

15 (b) Establish regional interagency transition networks as
16 proposed in the 2020 transition collaborative summative report. Each
17 regional network shall include representation from schools, counties,
18 the developmental disabilities administration of the department, the
19 regional division of vocational rehabilitation, service providers,
20 community members, and students and families. The regional networks
21 shall identify improvement goals and report no less than annually on
22 progress or barriers to achieving these goals to the statewide
23 council.

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

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

1 services and programs, promote efficiencies, and establish a uniform
2 focus on improved outcomes related to self-sufficiency.

3 (2) (a) When educationally and developmentally appropriate, the
4 interagency responsibilities and linkages with transition services
5 under subsection (1) of this section must be addressed in a
6 transition plan to a postsecondary setting in the individualized
7 education program of a student with disabilities.

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

14 (c) The transition services that the transition plan must address
15 include activities needed to assist the student in reaching
16 postsecondary goals and courses of study to support postsecondary
17 goals.

18 (d) Transition activities that the transition plan may address
19 include instruction, related services, community experience,
20 employment and other adult living objectives, daily living skills,
21 and functional vocational evaluation.

22 (e) When educationally and developmentally appropriate, a
23 discussion must take place with the student and parents, and others
24 as needed, to determine the postsecondary goals or postschool vision
25 for the student. This discussion may be included as part of an annual
26 individualized education program review, high school and beyond plan
27 meeting, or any other meeting that includes parents, students, and
28 educators. The postsecondary goals included in the transition plan
29 shall be goals that are measurable and must be based on appropriate
30 transition assessments related to training, education, employment,
31 and independent living skills, when necessary. The goals must also be
32 based on the student's needs, while considering the strengths,
33 preferences, and interests of the student.

34 (f) As the student gets older, changes in the transition plan may
35 be noted in the annual update of the student's individualized
36 education program.

37 (g) A ~~((student with disabilities who has a high school and~~
38 ~~beyond plan may use the plan to comply with the))~~ transition plan
39 required under this subsection (2) must be aligned with a student's
40 high school and beyond plan.

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

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

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

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

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

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

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

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

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

22 (i) Information on the reasons that the desired outcome has not
23 occurred;

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

26 (iii) The efforts made to ensure the student achieves the desired
27 outcome.

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

33 (5) To minimize gaps in services through the transition process,
34 no later than three years before students receiving special education
35 services leave the school system, the office of the superintendent of
36 public instruction shall transmit a list of potentially eligible
37 students to the department of social and health services, the
38 counties, the department of services for the blind, and any other
39 state agency working with individuals with intellectual and
40 developmental disabilities. The office of the superintendent of

1 public instruction shall ensure that consent be obtained prior to the
2 release of this information as required in accordance with state and
3 federal requirements.

4 NEW SECTION. **Sec. 8.** If specific funding for the purposes of
5 this act, referencing this act by bill or chapter number, is not
6 provided by June 30, 2022, in the omnibus appropriations act, this
7 act is null and void."

8 Correct the title.

EFFECT: Renders the bill null and void if funding is not provided
in the 2022 supplemental operating budget.

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