
SENATE BILL 5790

State of Washington

67th Legislature

2022 Regular Session

By Senators Braun, Conway, Fortunato, Frockt, King, Lovelett, Lovick, Muzzall, Randall, Rivers, Short, and L. Wilson

Read first time 01/11/22. Referred to Committee on Health & Long Term Care.

1 AN ACT Relating to strengthening critical community support
2 services for individuals with intellectual and developmental
3 disabilities; amending RCW 74.29.020, 74.29.037, 74.29.050,
4 74.29.080, and 28A.155.220; reenacting and amending RCW 74.29.010;
5 adding a new section to chapter 71A.12 RCW; and adding a new section
6 to chapter 74.29 RCW.

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

8 NEW SECTION. **Sec. 1.** A new section is added to chapter 71A.12
9 RCW to read as follows:

- 10 (1) For the year beginning July 1, 2022, through June 30, 2023:
- 11 (a) The contracted base rates paid to individual supported
12 employment providers shall be no less than \$101.19;
- 13 (b) The contracted base rates paid to group supported employment
14 providers shall be no less than \$76.61; and
- 15 (c) The contracted base rates paid to community inclusion
16 providers shall be no less than \$43.17.
- 17 (2) Beginning July 1, 2023, and annually thereafter, the
18 contracted rates paid to individual and group supported employment
19 and community inclusion providers shall be adjusted for inflation
20 using the western region consumer price index for urban consumers as
21 reported by the United States bureau of labor statistics.

1 **Sec. 2.** RCW 74.29.010 and 2010 c 94 s 26 are each reenacted and
2 amended to read as follows:

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

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

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

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

20 (3) "Individual with severe disabilities" means an individual
21 with disabilities:

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

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

29 (c) Who has one or more physical, mental, or sensory disabilities
30 resulting from amputation, arthritis, autism, blindness, burn injury,
31 cancer, cerebral palsy, cystic fibrosis, deafness, head injury, heart
32 disease, hemiplegia, hemophilia, respiratory or pulmonary
33 dysfunction, intellectual disability, mental illness, multiple
34 sclerosis, muscular dystrophy, musculoskeletal disorders,
35 neurological disorders (including stroke and epilepsy), paraplegia,
36 quadriplegia, other spinal cord conditions, sickle cell anemia,
37 specific learning disability, end-stage renal disease, or another
38 disability or combination of disabilities determined on the basis of
39 an assessment for determining eligibility and rehabilitation needs to
40 cause comparable substantial functional limitation.

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

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

10 (6) "Rehabilitation services" means goods or services provided
11 to: (a) Determine eligibility and rehabilitation needs of individuals
12 with disabilities, and/or (b) enable individuals with disabilities to
13 attain or retain employment and/or independence, and/or (c)
14 contribute substantially to the rehabilitation of a group of
15 individuals with disabilities. To the extent federal funds are
16 available, goods and services may include, but are not limited to,
17 the establishment, construction, development, operation and
18 maintenance of community rehabilitation programs and independent
19 living centers, as well as special demonstration projects.

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

22 **Sec. 3.** RCW 74.29.020 and 1993 c 213 s 3 are each amended to
23 read as follows:

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

26 (1) Develop statewide rehabilitation programs;

27 (2) Provide vocational rehabilitation services, independent
28 living services, and/or job support services to individuals with
29 disabilities or severe disabilities;

30 (3) Disburse all funds provided by law and may receive, accept
31 and disburse such gifts, grants, conveyances, devises and bequests of
32 real and personal property from public or private sources, as may be
33 made from time to time, in trust or otherwise, whenever the terms and
34 conditions thereof will aid in carrying out rehabilitation services
35 as specified by law and the regulations of the ~~((state agency))~~
36 department; and may sell, lease or exchange real or personal property
37 according to the terms and conditions thereof. Any money so received
38 shall be deposited in the state treasury for investment, reinvestment

1 or expenditure in accordance with the conditions of its receipt and
2 RCW 43.88.180;

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

6 (5) Make exploratory studies, do reviews, and research relative
7 to rehabilitation;

8 (6) Coordinate with the state rehabilitation advisory council and
9 the state independent living advisory council on the administration
10 of the programs;

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

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

15 **Sec. 4.** RCW 74.29.037 and 1993 c 213 s 6 are each amended to
16 read as follows:

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

19 **Sec. 5.** RCW 74.29.050 and 1969 ex.s. c 223 s 28A.10.050 are each
20 amended to read as follows:

21 The state of Washington does hereby:

22 (1) Accept the provisions and maximum possible benefits resulting
23 from any acts of congress which provide benefits for the purposes of
24 this chapter;

25 (2) Designate the state treasurer as custodian of all moneys
26 received by the state from appropriations made by the congress of the
27 United States for purposes of this chapter, and authorize the state
28 treasurer to make disbursements therefrom upon the order of the
29 ((state—agency)) department; and

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

36 **Sec. 6.** RCW 74.29.080 and 1993 c 213 s 4 are each amended to
37 read as follows:

1 (1) Determination of eligibility and need for rehabilitation
2 services and determination of eligibility for job support services
3 shall be made by the ((state—agency)) department for each individual
4 according to its established rules, policies, procedures, and
5 standards.

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

11 (3) The ((state—agency)) department shall maintain registers of
12 individuals and organizations which meet required standards and
13 qualify to provide rehabilitation services and job support services
14 to individuals with disabilities. Eligibility of such individuals and
15 organizations shall be based upon standards and criteria promulgated
16 by the ((state—agency)) department.

17 NEW SECTION. Sec. 7. A new section is added to chapter 74.29
18 RCW to read as follows:

19 The department of social and health services shall:

20 (1) Establish a school to work program in all counties in the
21 state to work with all students with intellectual and developmental
22 disabilities who are potentially eligible to receive adult support
23 services from the developmental disabilities administration of the
24 department and are receiving high school transition services in order
25 to connect these students with supported employment services; and

26 (2) In collaboration with the office of the superintendent of
27 public instruction, the counties administering supported employment
28 services in collaboration with the developmental disabilities
29 administration of the department, the department of services for the
30 blind, and any other relevant state agency working with students who
31 are potentially eligible for adult support services from the
32 developmental disabilities administration of the department shall:

33 (a) Create a statewide council to:

34 (i) Establish common guidelines and outcome goals across regional
35 interagency transition networks to ensure equitable access through
36 system navigation for individuals receiving high school transition
37 services and connection to services after leaving the school system;
38 and

1 (ii) Establish a referral and information system that helps
2 students who are potentially eligible for adult support services from
3 the developmental disabilities administration of the department who
4 are transitioning from high school, and their families or guardians,
5 connect to the necessary services and agencies that support the needs
6 of adults with intellectual and developmental disabilities; and

7 (b) Establish regional interagency transition networks as
8 proposed in the 2020 transition collaborative summative report. Each
9 regional network shall include representation from schools, counties,
10 the developmental disabilities administration of the department, the
11 regional division of vocational rehabilitation, service providers,
12 community members, and students and families. The regional networks
13 shall identify improvement goals and report no less than annually on
14 progress or barriers to achieving these goals to the statewide
15 council.

16 **Sec. 8.** RCW 28A.155.220 and 2015 c 217 s 2 are each amended to
17 read as follows:

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

34 (2)(a) When educationally and developmentally appropriate, the
35 interagency responsibilities and linkages with transition services
36 under subsection (1) of this section must be addressed in a
37 transition plan to a postsecondary setting in the individualized
38 education program of a student with disabilities.

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

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

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

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

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

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

34 (3) To the extent that data is available through data-sharing
35 agreements established by the education data center under RCW
36 43.41.400, the education data center must monitor the following
37 outcomes for individualized education program-eligible special
38 education students after high school graduation:

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

1 (i) Enter integrated employment paid at the greater of minimum
2 wage or competitive wage for the type of employment, with access to
3 related employment and health benefits; or
4 (ii) Enter a postsecondary education or training program focused
5 on leading to integrated employment;
6 (b) The wages and number of hours worked per pay period;
7 (c) The impact of employment on any state and federal benefits
8 for individuals with disabilities;
9 (d) Indicators of the types of settings in which students who
10 previously received transition services primarily reside;
11 (e) Indicators of improved economic status and self-sufficiency;
12 (f) Data on those students for whom a postsecondary or integrated
13 employment outcome does not occur within one year of high school
14 graduation, including:
15 (i) Information on the reasons that the desired outcome has not
16 occurred;
17 (ii) The number of months the student has not achieved the
18 desired outcome; and
19 (iii) The efforts made to ensure the student achieves the desired
20 outcome.
21 (4) To the extent that the data elements in subsection (3) of
22 this section are available to the education data center through data-
23 sharing agreements, the office of the superintendent of public
24 instruction must prepare an annual report using existing resources
25 and submit the report to the legislature.
26 (5) To minimize gaps in services through the transition process,
27 no later than three years before students receiving special education
28 services leave the school system, the office of the superintendent of
29 public instruction shall transmit a list of potentially eligible
30 students to the department of social and health services, the
31 counties, the department of services for the blind, and any other
32 state agency working with individuals with intellectual and
33 developmental disabilities. The office of the superintendent of
34 public instruction shall ensure that consent be obtained prior to the
35 release of this information as required in accordance with state and
36 federal requirements.

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