

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 5790

67th Legislature
2022 Regular Session

Passed by the Senate March 7, 2022
Yeas 49 Nays 0

President of the Senate

Passed by the House March 3, 2022
Yeas 98 Nays 0

**Speaker of the House of
Representatives**

Approved

Governor of the State of Washington

CERTIFICATE

I, Sarah Bannister, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5790** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 5790

AS AMENDED BY THE HOUSE

Passed Legislature - 2022 Regular Session

State of Washington

67th Legislature

2022 Regular Session

By Senate Ways & Means (originally sponsored by Senators Braun, Conway, Fortunato, Frockt, King, Lovelett, Lovick, Muzzall, Randall, Rivers, Short, and L. Wilson)

READ FIRST TIME 02/07/22.

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 74.29 RCW; and creating a new
6 section.

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

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

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

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

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

19 (b) Who has a physical, mental, or sensory impairment whose
20 ability to function independently in the family or community or whose
21 ability to obtain, maintain, or advance in employment is

1 substantially limited and for whom the delivery of vocational
2 rehabilitation or independent living services will improve the
3 ability to function, continue functioning, or move towards
4 functioning independently in the family or community or to continue
5 in employment.

6 (3) "Individual with severe disabilities" means an individual
7 with disabilities:

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

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

15 (c) Who has one or more physical, mental, or sensory disabilities
16 resulting from amputation, arthritis, autism, blindness, burn injury,
17 cancer, cerebral palsy, cystic fibrosis, deafness, head injury, heart
18 disease, hemiplegia, hemophilia, respiratory or pulmonary
19 dysfunction, intellectual disability, mental illness, multiple
20 sclerosis, muscular dystrophy, musculoskeletal disorders,
21 neurological disorders (including stroke and epilepsy), paraplegia,
22 quadriplegia, other spinal cord conditions, sickle cell anemia,
23 specific learning disability, end-stage renal disease, or another
24 disability or combination of disabilities determined on the basis of
25 an assessment for determining eligibility and rehabilitation needs to
26 cause comparable substantial functional limitation.

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

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

36 (6) "Rehabilitation services" means goods or services provided
37 to: (a) Determine eligibility and rehabilitation needs of individuals
38 with disabilities, and/or (b) enable individuals with disabilities to
39 attain or retain employment and/or independence, and/or (c)
40 contribute substantially to the rehabilitation of a group of

1 individuals with disabilities. To the extent federal funds are
2 available, goods and services may include, but are not limited to,
3 the establishment, construction, development, operation and
4 maintenance of community rehabilitation programs and independent
5 living centers, as well as special demonstration projects.

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

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

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

12 (1) Develop statewide rehabilitation programs;

13 (2) Provide vocational rehabilitation services, independent
14 living services, and/or job support services to individuals with
15 disabilities or severe disabilities;

16 (3) Disburse all funds provided by law and may receive, accept
17 and disburse such gifts, grants, conveyances, devises and bequests of
18 real and personal property from public or private sources, as may be
19 made from time to time, in trust or otherwise, whenever the terms and
20 conditions thereof will aid in carrying out rehabilitation services
21 as specified by law and the regulations of the ~~((state agency))~~
22 department; and may sell, lease or exchange real or personal property
23 according to the terms and conditions thereof. Any money so received
24 shall be deposited in the state treasury for investment, reinvestment
25 or expenditure in accordance with the conditions of its receipt and
26 RCW 43.88.180;

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

30 (5) Make exploratory studies, do reviews, and research relative
31 to rehabilitation;

32 (6) Coordinate with the state rehabilitation advisory council and
33 the state independent living advisory council on the administration
34 of the programs;

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

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

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

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

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

7 The state of Washington does hereby:

8 (1) Accept the provisions and maximum possible benefits resulting
9 from any acts of congress which provide benefits for the purposes of
10 this chapter;

11 (2) Designate the state treasurer as custodian of all moneys
12 received by the state from appropriations made by the congress of the
13 United States for purposes of this chapter, and authorize the state
14 treasurer to make disbursements therefrom upon the order of the
15 ((state—agency)) department; and

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

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

24 (1) Determination of eligibility and need for rehabilitation
25 services and determination of eligibility for job support services
26 shall be made by the ((state—agency)) department for each individual
27 according to its established rules, policies, procedures, and
28 standards.

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

34 (3) The ((state—agency)) department shall maintain registers of
35 individuals and organizations which meet required standards and
36 qualify to provide rehabilitation services and job support services
37 to individuals with disabilities. Eligibility of such individuals and

1 organizations shall be based upon standards and criteria promulgated
2 by the (~~state agency~~) department.

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

5 The department of social and health services shall:

6 (1) Establish a school to work program in all counties in the
7 state to work with all students with intellectual and developmental
8 disabilities who are potentially eligible to receive adult support
9 services from the developmental disabilities administration of the
10 department and are receiving high school transition services in order
11 to connect these students with supported employment services; and

12 (2) In collaboration with the office of the superintendent of
13 public instruction, the counties administering supported employment
14 services in collaboration with the developmental disabilities
15 administration of the department, the department of services for the
16 blind, and any other relevant state agency working with students who
17 are potentially eligible for adult support services from the
18 developmental disabilities administration of the department shall:

19 (a) Create a statewide council to:

20 (i) Establish common guidelines and outcome goals across regional
21 interagency transition networks to ensure equitable access through
22 system navigation for individuals receiving high school transition
23 services and connection to services after leaving the school system;
24 and

25 (ii) Establish a referral and information system that helps
26 students who are potentially eligible for adult support services from
27 the developmental disabilities administration of the department who
28 are transitioning from high school, and their families or guardians,
29 connect to the necessary services and agencies that support the needs
30 of adults with intellectual and developmental disabilities; and

31 (b) Establish regional interagency transition networks as
32 proposed in the 2020 transition collaborative summative report. Each
33 regional network shall include representation from schools, counties,
34 the developmental disabilities administration of the department, the
35 regional division of vocational rehabilitation, service providers,
36 community members, and students and families. The regional networks
37 shall identify improvement goals and report no less than annually on
38 progress or barriers to achieving these goals to the statewide
39 council.

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

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

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

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

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

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

38 (e) When educationally and developmentally appropriate, a
39 discussion must take place with the student and parents, and others
40 as needed, to determine the postsecondary goals or postschool vision

1 for the student. This discussion may be included as part of an annual
2 individualized education program review, high school and beyond plan
3 meeting, or any other meeting that includes parents, students, and
4 educators. The postsecondary goals included in the transition plan
5 shall be goals that are measurable and must be based on appropriate
6 transition assessments related to training, education, employment,
7 and independent living skills, when necessary. The goals must also be
8 based on the student's needs, while considering the strengths,
9 preferences, and interests of the student.

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

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

17 (3) To the extent that data is available through data-sharing
18 agreements established by the education data center under RCW
19 43.41.400, the education data center must monitor the following
20 outcomes for individualized education program-eligible special
21 education students after high school graduation:

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

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

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

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

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

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

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

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

38 (i) Information on the reasons that the desired outcome has not
39 occurred;

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

3 (iii) The efforts made to ensure the student achieves the desired
4 outcome.

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

10 (5) To minimize gaps in services through the transition process,
11 no later than three years before students receiving special education
12 services leave the school system, the office of the superintendent of
13 public instruction shall transmit a list of potentially eligible
14 students to the department of social and health services, the
15 counties, the department of services for the blind, and any other
16 state agency working with individuals with intellectual and
17 developmental disabilities. The office of the superintendent of
18 public instruction shall ensure that consent be obtained prior to the
19 release of this information as required in accordance with state and
20 federal requirements.

21 NEW SECTION. Sec. 8. If specific funding for the purposes of
22 this act, referencing this act by bill or chapter number, is not
23 provided by June 30, 2022, in the omnibus appropriations act, this
24 act is null and void.

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