

SHB 1109 - H AMD 784

By Representative Senn

NOT CONSIDERED 03/07/2024

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

3 "NEW SECTION. **Sec. 1.** (1) The legislature acknowledges that
4 school districts and other recipients of federal individuals with
5 disabilities education act grants and state appropriations for
6 special education programs are obligated to conduct timely initial
7 student evaluations for special education and to timely develop
8 individualized education programs for eligible three-year olds
9 through 21-year olds, as provided in law. While the legislature
10 recognizes that initial student evaluations for special education are
11 not often conducted during the summer, it finds that there is no
12 exception in the individuals with disabilities education act that
13 suspends these required activities during summer breaks. Washington
14 administrative rules do not direct recipients of these funds to
15 perform the required activities during summer breaks.

16 (2) The legislature recognizes that students are referred for
17 special education initial evaluations throughout the school year,
18 including within the final weeks of the school year. When the initial
19 evaluation process is paused for summer breaks, it delays the
20 determination of whether the student is eligible for special
21 education to the following school year. This results in delayed
22 provision of special education and related services and can result in
23 reorganization of classroom assignments, both of which cause
24 unnecessary frustrations at the beginning of the school year. In
25 addition, for children under age five who rely on school districts to
26 conduct their evaluations, a delay in individualized education
27 program development and special education service provision can have
28 particularly negative impacts on child development. Finally, because
29 of adverse childhood experiences, isolation, health issues, and
30 related trauma from the COVID-19 pandemic, which resulted in reduced
31 engagement in early learning and pediatric visits and fewer children
32 identified as needing special education evaluations, it is

1 anticipated that extraordinary numbers of children need evaluations
2 and individualized education programs so that they can receive
3 special education and related services.

4 (3) Therefore, the legislature intends to provide funding for
5 public schools to conduct initial evaluations for special education
6 and to subsequently develop individualized education programs for
7 eligible students by providing reimbursements for the cost of these
8 activities conducted during the summers of 2024, 2025, and 2026. The
9 legislature also intends to evaluate the program after two years to
10 determine whether and to what extent to continue providing
11 reimbursements in subsequent summers.

12 NEW SECTION. **Sec. 2.** (1) The office of the superintendent of
13 public instruction shall reimburse school districts, charter schools,
14 and state-tribal education compact schools up to:

15 (a) For eligible students ages three and four and eligible
16 students who are five years old not yet enrolled in kindergarten,
17 \$2,900 for conducting each initial evaluation and \$2,900 for
18 developing each individualized education program, including, if
19 needed, assistive technology devices and services; and

20 (b) For eligible students enrolled in kindergarten through 12th
21 grade, \$5,700 for conducting each initial evaluation and \$5,700 for
22 developing each individualized education program, including, if
23 needed, assistive technology devices and services.

24 (2) Reimbursements provided under this section are only for
25 activities described in subsection (1) of this section that are
26 conducted between the end of one regular school year and the
27 beginning of the following regular school year, i.e. the summer
28 break.

29 (3) The office of the superintendent of public instruction shall
30 establish processes and procedures to implement this section.

31 (4) School districts, charter schools, and state-tribal education
32 compact schools without capacity to conduct the activities described
33 in subsection (1) of this section during the time frame defined in
34 subsection (2) of this section may contract for these activities to
35 be completed by educational service districts or private
36 organizations with expertise.

37 (5) (a) At the time and in the manner required by the office of
38 the superintendent of public instruction, recipients of the
39 reimbursements provided under this section must submit information as

1 required by this subsection. Recipients must submit the number of
2 hours of staff time spent conducting initial student evaluations,
3 developing individualized education programs, and performing related
4 administrative activities, disaggregated by staff type. Recipients
5 must also submit the number of initial student evaluations conducted
6 and individualized education programs developed, per month, between
7 September 2020 and September 2026, disaggregated by student grade
8 level or age, if in preschool.

9 (b) Annually by December 1st, and in compliance with RCW
10 43.01.036, the office of the superintendent of public instruction
11 must report to the appropriate committees of the legislature with a
12 summary of the information submitted under (a) of this subsection and
13 a commentary on the effectiveness of the reimbursements.

14 (6) For the purposes of this section, "eligible student" means:
15 (a) A student with an incomplete initial special education evaluation
16 as of the last day of the regular school year of the current year,
17 who was referred for an initial evaluation prior to the last day of
18 the regular school year of the current year; (b) a student with
19 special circumstances, such as new enrollment, that necessitate
20 completion of an initial special education evaluation or development
21 of an individualized education program so that the student has any
22 individualized services and supports to which the student is entitled
23 in place prior to the beginning of the school year; or (c) a
24 preschool age student.

25 (7) This section expires June 30, 2027.

26 NEW SECTION. **Sec. 3.** If specific funding for the purposes of
27 this act, referencing this act by bill or chapter number, is not
28 provided by June 30, 2024, in the omnibus appropriations act, this
29 act is null and void."

30 Correct the title.

EFFECT: (1) Revises reimbursement amounts as follows:

(a) For eligible students ages three and four and eligible
students who are five years old not yet enrolled in kindergarten
\$2,900, from \$3,000, for each initial evaluation conducted and for
each individualized education program (IEP) developed; and

(b) For students enrolled in kindergarten through 12th grade,
\$5,700, from \$3,000 for each initial evaluation conducted and for
each IEP developed.

(2) Revises the definition of "eligible student" by changing the
definition to mean "(a) a student with an incomplete initial special

education evaluation as of the last day of the regular school year of the current year, who was referred for an initial evaluation prior to the last day of the regular school year of the current year; (b) a student with special circumstances, such as new enrollment, that necessitate completion of an initial special education evaluation or development of an individualized education program so that the student has any individualized services and supports to which the student is entitled in place prior to the beginning of the school year; or (c) a preschool age student," rather than "a student with an incomplete initial special education evaluation as of June 30th, of the current year, who was referred for an initial evaluation prior to June 30th of the current year."

(3) Provides that reimbursements are only for specified activities conducted "between the end of one regular school year and the beginning of the following regular school year, i.e. the summer break," rather than "during the months of July through September."

(4) Removes provisions directing the safety net committee to consider certain extraordinary special education costs beginning July 1, 2026.

(5) Makes changes to dates as follows:

(a) Requires recipients of reimbursement funding to submit certain data on initial student evaluations conducted and individualized education programs developed between September 2020 and September 2026, rather than between September 2021 and September 2024;

(b) Extends the effective dates of the reimbursement funding provisions to June 30, 2027, rather than June 30, 2026; and

(c) Makes the bill null and void if specific funding is not provided by June 30, 2024, rather than June 30, 2023.

(6) Modifies the intent language.

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