
HOUSE BILL 1914

State of Washington

68th Legislature

2024 Regular Session

By Representatives Couture, McClintock, Schmidt, Waters, Barkis, Rude, Klicker, Chambers, Eslick, Reed, Graham, Jacobsen, Cheney, Sandlin, Caldier, Hutchins, Corry, Pollet, and Griffey

Prefiled 12/08/23. Read first time 01/08/24. Referred to Committee on Education.

1 AN ACT Relating to improving the education of students with
2 varying abilities by enhancing special education services; amending
3 RCW 43.06B.010, 28A.155.040, 28A.155.090, and 28A.155.100; and adding
4 new sections to chapter 28A.155 RCW.

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

6 NEW SECTION. **Sec. 1.** With all correspondence and materials
7 related to evaluation for and provision of special education
8 services, a school district must provide the parent of a student who
9 is or may be eligible for special education services a description of
10 the services available through the office of the education ombuds and
11 the contact information for the office of the education ombuds.

12 NEW SECTION. **Sec. 2.** For each student whose individualized
13 education program includes provision of a related or supplementary
14 special education service that is quantifiable, such as hours,
15 minutes, or units, a school district must provide a monthly report,
16 in writing, to the parent of the student that indicates the quantity
17 of each service delivered to the student and the method in which the
18 service was delivered. Identification of the delivery method includes
19 whether the services were delivered in-person or virtually, whether
20 the services were delivered one-on-one or in a group, and whether the

1 services were delivered at the student's school or at another
2 location. The report must be made available within five business days
3 of a parent's request.

4 NEW SECTION. **Sec. 3.** Subject to the availability of amounts
5 appropriated for this specific purpose, each educational service
6 district shall contract for speech language pathologists,
7 audiologists, psychologists, physical therapists, orientation and
8 mobility specialists, occupational therapists, and behavior analysts
9 for the purpose of providing services to local students eligible for
10 special education services.

11 NEW SECTION. **Sec. 4.** (1) The school district has the burden of
12 proof and the burden of production whenever it is a party to a due
13 process hearing regarding the identification of, evaluation of,
14 reevaluation of, classification of, educational placement of,
15 disciplinary action of, or provision of a free appropriate public
16 education to a student with a disability.

17 (2) In a due process hearing, evidence showing that a student has
18 not failed or been retained in a course or grade, and is advancing
19 from grade to grade, does not create the presumption that the school
20 has provided the student with a free appropriate public education as
21 required by the federal individuals with disabilities education act,
22 Title 20 U.S.C. Sec. 1400 et seq.

23 (3) In a due process hearing related to the lack of parent
24 participation in the adoption of an individualized education program
25 due to an interpreter-related issue, the superintendent of public
26 instruction or the superintendent's designee may order the
27 individualized education program team to reconvene with a qualified
28 interpreter as defined in RCW 28A.183.010, so that the parent can
29 fully participate in any adoption of an individualized education
30 program.

31 (4) For purposes of this section, "due process hearing" means a
32 due process hearing held in accordance with the federal individuals
33 with disabilities education act, Title 20 U.S.C. Sec. 1400 et seq.

34 **Sec. 5.** RCW 43.06B.010 and 2023 c 417 s 5 are each amended to
35 read as follows:

36 (1) There is hereby created the office of the education ombuds
37 within the office of the governor for the purposes of providing

1 information to parents, students, and others regarding their rights
2 and responsibilities with respect to the state's public elementary
3 and secondary education system, and advocating on behalf of
4 elementary and secondary students.

5 (2) (a) The governor shall appoint an ombuds who shall be a person
6 of recognized judgment, independence, objectivity, and integrity and
7 shall be qualified by training or experience or both in the following
8 areas:

9 (i) Public education law and policy in this state;

10 (ii) Dispute resolution or problem resolution techniques,
11 including mediation and negotiation; and

12 (iii) Community outreach.

13 (b) The education ombuds may not be an employee of any school
14 district, the office of the superintendent of public instruction, or
15 the state board of education while serving as an education ombuds.

16 (3) Before the appointment of the education ombuds, the governor
17 shall share information regarding the appointment to a six-person
18 legislative committee appointed and comprised as follows:

19 (a) The committee shall consist of three senators and three
20 members of the house of representatives from the legislature.

21 (b) The senate members of the committee shall be appointed by the
22 president of the senate. Two members shall represent the majority
23 caucus and one member the minority caucus.

24 (c) The house of representatives members of the committee shall
25 be appointed by the speaker of the house of representatives. Two
26 members shall represent the majority caucus and one member the
27 minority caucus.

28 (4) If sufficient appropriations are provided, the education
29 ombuds shall delegate and certify regional education ombuds. The
30 education ombuds shall ensure that the regional ombuds selected are
31 appropriate to the community in which they serve and hold the same
32 qualifications as in subsection (2) (a) of this section. The education
33 ombuds may not contract with the superintendent of public
34 instruction, or any school, school district, or current employee of a
35 school, school district, or the office of the superintendent of
36 public instruction for the provision of regional ombuds services.

37 ~~(5) ((a) Subject to amounts appropriated for this specific~~
38 ~~purpose, the education ombuds shall delegate and certify at least one~~
39 ~~special education ombuds to serve each educational service district~~
40 ~~region. The education ombuds shall ensure that the special education~~

1 ~~ombuds selected are appropriate to the community in which they serve~~
2 ~~and hold the same qualifications as in subsection (2) (a) of this~~
3 ~~section. The education ombuds may not contract with the~~
4 ~~superintendent of public instruction, or any school, school district,~~
5 ~~educational service district, or current employee of a school, school~~
6 ~~district, educational service district, or the office of the~~
7 ~~superintendent of public instruction for the provision of special~~
8 ~~education ombuds services.~~

9 ~~(b) Special~~) The education ombuds must serve as a resource for
10 students eligible for special education services and their parents,
11 including:

12 ~~((i))~~ (a) Advocating on behalf of the student for a free and
13 appropriate public education from the public school system that
14 emphasizes special education and related services that are:

15 ~~((A))~~ (i) Provided in the least restrictive environment;

16 ~~((B))~~ (ii) Designed to meet the student's unique needs;

17 ~~((C))~~ (iii) Appropriately ambitious and reasonably calculated
18 to enable a student to make progress in light of the student's
19 circumstances; and

20 ~~((D))~~ (iv) Addressing the student's further education,
21 employment, and independent living goals.

22 ~~((ii))~~ (b) Assisting students and parents with individualized
23 education program development, including:

24 ~~((A))~~ (i) Preparing for a meeting to develop or update a
25 student's individualized education program;

26 ~~((B))~~ (ii) Attending individualized education program meetings
27 to help present the parents' concerns, negotiate components that meet
28 the parents' goals and requests, or otherwise assist the parent in
29 understanding and navigating the individualized education program
30 process; and

31 ~~((C))~~ (iii) Attending an individualized education program
32 meeting to assist in writing an appropriate program when a parent
33 opts out or otherwise cannot attend.

34 **Sec. 6.** RCW 28A.155.040 and 2007 c 115 s 4 are each amended to
35 read as follows:

36 The board of directors of each school district, for the purpose
37 of compliance with the provisions of RCW 28A.150.390, 28A.160.030,
38 ~~((and))~~ 28A.155.010 through 28A.155.160, and sections 1 and 2 of this
39 act, and chapter 28A.190 RCW, shall cooperate with the superintendent

1 of public instruction and with the administrative officer and shall
2 provide an appropriate educational opportunity to children with
3 disabilities, as defined in RCW 28A.155.020, in regular or special
4 school facilities within the district or shall contract for such
5 services with other agencies as provided in RCW 28A.155.060 or shall
6 participate in an interdistrict arrangement in accordance with RCW
7 28A.335.160 and 28A.225.220 and/or 28A.225.250 and 28A.225.260.

8 In carrying out their responsibilities under this chapter, school
9 districts severally or jointly with the approval of the
10 superintendent of public instruction are authorized to support and/or
11 contract for residential schools and/or homes approved by the
12 department of social and health services for aid and special
13 attention to students with disabilities.

14 The cost of board and room in facilities approved by the
15 department of social and health services shall be provided by the
16 department of social and health services for those students with
17 disabilities eligible for such aid under programs of the department.
18 The cost of approved board and room shall be provided for those
19 students with disabilities not eligible under programs of the
20 department of social and health services but deemed in need of the
21 same by the superintendent of public instruction: PROVIDED, That no
22 school district shall be financially responsible for special
23 education programs for students who are attending residential schools
24 operated by the department of social and health services: PROVIDED
25 FURTHER, That the provisions of RCW 28A.150.390, 28A.160.030, and
26 28A.155.010 through 28A.155.100 shall not preclude the extension by
27 the superintendent of public instruction of special education
28 opportunities to students with disabilities in residential schools
29 operated by the department of social and health services.

30 **Sec. 7.** RCW 28A.155.090 and 2023 c 436 s 2 are each amended to
31 read as follows:

32 The superintendent of public instruction shall have the duty and
33 authority, through the administrative section or unit for the
34 education of children with disabilities, to:

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

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

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

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

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

10 (6) Establish standards for authorizing, monitoring, and
11 investigating private schools approved by the state board of
12 education under RCW 28A.305.130, other private in-state entities, and
13 any out-of-state entities, that contract with school districts under
14 RCW 28A.155.060 to provide special education and related services to
15 children with disabilities. The standards must ensure that any
16 children with disabilities placed in authorized entities by school
17 districts have the same rights, protections, and access to special
18 education and related services that they would have if served by a
19 school district;

20 (7) Consistent with the provisions of RCW 28A.150.390,
21 28A.160.030, and 28A.155.010 through 28A.155.160, and part B of the
22 federal individuals with disabilities education improvement act,
23 administer administrative hearings and other procedures to ensure
24 procedural safeguards of children with disabilities; and

25 (8) Promulgate such rules as are necessary to implement part B of
26 the federal individuals with disabilities education improvement act
27 or other federal law providing for special education services for
28 children with disabilities and the several provisions of RCW
29 28A.150.390, 28A.160.030, (~~and~~) 28A.155.010 through 28A.155.160,
30 and sections 1 through 4 of this act, and to ensure appropriate
31 access to and participation in the general education curriculum and
32 participation in statewide assessments for all students with
33 disabilities.

34 **Sec. 8.** RCW 28A.155.100 and 2007 c 115 s 12 are each amended to
35 read as follows:

36 The superintendent of public instruction is hereby authorized and
37 directed to establish appropriate sanctions to be applied to any
38 school district of the state failing to comply with the provisions of
39 RCW 28A.150.390, 28A.160.030, (~~and~~) 28A.155.010 through 28A.155.060

1 ((and)), 28A.155.080 through 28A.155.160, and sections 1, 2, and 4 of
2 this act to be applied beginning upon the effective date thereof,
3 which sanctions shall include withholding of any portion of state aid
4 to such district until such time as compliance is assured.

5 NEW SECTION. **Sec. 9.** Sections 1 through 4 of this act are each
6 added to chapter 28A.155 RCW.

--- END ---