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**HOUSE BILL 2613**

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**State of Washington 65th Legislature 2018 Regular Session**

**By** Representatives Kilduff, Muri, Pollet, Kagi, Appleton, Wylie, Tarleton, Doglio, Stonier, and Santos

AN ACT Relating to employment services for individuals with developmental disabilities; amending RCW 28A.155.220 and 71A.12.290; and adding a new section to chapter 71A.12 RCW.

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

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

(1) The legislature finds that transition planning grounded in individual needs and choices is a core function of special education and intends for students in special education to receive meaningful, person-centered opportunities for job exploration and to develop a meaningful transition plan into adult services when educationally and developmentally appropriate before graduation, including receipt of an objective assessment of the likelihood of competitive employment.

(2) The office of the superintendent of public instruction must establish interagency agreements with the department of social and health services division of vocational rehabilitation, the department of social and health services developmental disabilities administration, the department of services for the blind, and any other state agency that provides high school transition services for special education students. Such interagency agreements shall not interfere with existing individualized education programs, nor override any individualized education program team's decision-making power. The purpose of the interagency agreements is to ((~~foster effective collaboration~~)) coordinate efforts among the multiple agencies providing transition services for individualized education program-eligible special education students from the beginning of transition planning((~~,~~)) to efficiently arrive on a meaningful person-centered transition plan into adult services for students aged eighteen to twenty-one, or who are ready for graduation, which minimizes disruption at the time of graduation and the opportunity for isolation and loss of acquired skills. Coordination of transition services should begin as soon as educationally and developmentally appropriate, through age twenty-one, or through high school graduation, whichever occurs first. Interagency agreements are also intended to streamline services and programs, promote efficiencies, and establish a uniform focus on improved outcomes related to self-sufficiency.

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

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

(c) The transition services that the transition plan must address include activities needed to assist the student in reaching postsecondary goals and courses of study to support postsecondary goals. The transition plan must include an objective assessment of the likelihood of competitive employment which accounts for skill development and job exploration provided through the special education program, services provided through interagency agreements, and the student's individualized education program. This assessment must include a recommendation whether the student's circumstances are appropriate for exemption from the mandatory requirement for nine months enrollment in an employment program before transition to a community access program under RCW 71A.12.290.

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

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

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

(g) A student with disabilities who has a high school and beyond plan may use the plan to comply with the transition plan required under this subsection ((~~(2)~~)) (3).

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

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

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

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

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

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

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

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

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

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

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

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

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

**Sec.**  RCW 71A.12.290 and 2012 c 49 s 1 are each amended to read as follows:

(1) Clients age twenty-one and older who are receiving employment services must be offered the choice to transition to a community access program ((~~after nine months of enrollment in an employment program~~)), and the option to transition from a community access program to an employment program at any time.

(2) Nine months enrollment in an employment program prior to transition to a community access program is required unless the client or legal representative requests and receives an exemption from enrollment from the department, or the client has a transition plan developed under RCW 28A.155.220 which recommends exemption from such enrollment. Participation in a school to work program must be counted towards the nine month requirement. Enrollment in an employment program begins at the time the client is authorized to receive employment.

((~~(2) Prior approval by the department shall not be required to effectuate the client's choice to~~)) A client may transition from an employment program to community access services without prior approval by the department after ((~~verifying~~)) nine months of participation in employment-related services.

(3) The department shall inform clients and their legal representatives of all available options for employment and day services, including the opportunity to request an exception from enrollment in an employment program. The department shall inform clients and their legal representatives of the ability to request an exemption to the employment services participation requirement and describe the process for requesting such an exemption to clients in writing. The department shall provide a written response to clients who have requested such an exemption within sixty days. This written response from the department shall include a description of the reason or reasons why the request was granted or denied. Information provided to the client and the client's legal representative must include the types of activities each service option provides, and the amount, scope, and duration of service for which the client would be eligible under each service option. An individual client may be authorized for only one service option, either employment services or community access services. Clients may not participate in more than one of these services at any given time.

(4) The department shall work with counties and stakeholders to strengthen and expand the existing community access program, including the consideration of options that allow for alternative service settings outside of the client's residence. The program should emphasize support for the clients so that they are able to participate in activities that integrate them into their community and support independent living and skills.

(5) The department shall develop rules to allow for an exception to the requirement that a client participate in an employment program for nine months prior to transitioning to a community access program.

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

(1) By December 1, 2018, the department shall adopt accountability and outcome measures to determine whether supported employment providers are achieving the employment goals of the clients that they serve. At a minimum, these accountability and outcome measures must include the following information provided annually:

(a) A description of the supported employment services provided;

(b) The number of service hours billed per client;

(c) The number of clients who obtained employment; and

(d) Of those clients who obtained employment:

(i) The number of service hours provided to the client;

(ii) The number of service hours involving direct interaction with the client while employment was being secured;

(iii) The number of hours per month clients were employed;

(iv) The amount of wages earned; and

(v) The occupation types secured by clients.

(2) By July 1, 2019, the department shall require that counties entering into new contracts for supported employment services or renewing supported employment contracts include performance-based contract provisions that incorporate the accountability and outcome measures adopted by the department pursuant to this section and mechanisms for reporting data to support the accountability and outcome measures.

(3) As used in this section, "performance-based contract" means results-oriented contracting that focuses on the quality or outcomes that tie at least a portion of the contractor's payment, contract extensions, or contract renewals to the achievement of specific measurable performance standards and requirements.

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