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**SENATE BILL 6360**

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

**By** Senators O'Ban, Darneille, Zeiger, Walsh, Brown, Keiser, and Hasegawa

AN ACT Relating to improving transition planning for students in special education who meet criteria for services from the developmental disabilities administration; and amending RCW 28A.155.220 and 71A.12.290.

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 choice and individual needs is a core function of special education and intends for students in special education who meet criteria for services from the developmental disabilities administration to receive meaningful opportunities to plan for transition to adult services, including job exploration and assessment of the supports and accommodations that would be necessary for competitive employment, and receipt of information about the range of services available to empower the student and the student's family to make an informed choice as to which waiver services to pursue upon graduation.

(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 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 transition plan into adult services which minimizes disruption at the time of the student's graduation and the risk of 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 independent living, community engagement, employment, self-determination, and economic self-sufficiency.

((~~(2)~~)) (3)(a) ((~~When educationally and developmentally appropriate,~~)) The individualized education program team must document interagency responsibilities and linkages with transition services under subsection ((~~(1)~~)) (2) of this section ((~~must be addressed~~)) in ((~~a~~)) the individualized education program transition plan ((~~to a postsecondary setting in the individualized education program of a student with disabilities~~)) for students who meet criteria for services from the developmental disabilities administration.

(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 individualized education program transition plan must address include activities needed to assist the student in reaching postsecondary goals and courses of study to support postsecondary goals. Transition planning for students who meet criteria for services from the developmental disabilities administration must include skill development, job exploration, and assessment of the supports and accommodations needed for the student, including the supports and accommodations that would be needed for competitive employment. Where appropriate and subject to availability, the student may engage in services from the division of vocational rehabilitation.

(d) For students who meet criteria for services from the developmental disabilities administration, individualized education program transition planning must include provision of information to the student and the student's family regarding current service options that are available upon graduation, including the process to obtain these services. Information may be provided by webinar or other means. Such information must support informed decision making so that the student and family may make an informed choice to pursue employment services or other community-based services upon graduation.

(e) The office of the superintendent of public instruction must coordinate with the developmental disabilities administration to provide training, by webinar or other means, to schools regarding criteria for services from the developmental disabilities administration, and how to facilitate effective transition for students who meet those criteria. When a school determines that a student meets criteria for services from the developmental disabilities administration, the school must offer to refer the student and family for assessment for those services. If the student and family accept the referral, the school must coordinate with the developmental disabilities administration to make a warm hand off for assessment.

((~~(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)~~)) (f) 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)~~)) (g) As the student gets older, changes in the transition plan ((~~may~~)) must be noted in the annual update of the student's individualized education program and, for students receiving services from the developmental disabilities administration, in the student's developmental disabilities administration annual assessment and person-centered plan.

((~~(g)~~)) (h) 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~~)) community-based service program, and the option to transition from a ((~~community access~~)) community-based service program to an employment program at any time, subject to subsection (2) of this section.

(2) 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~~)) community-based services without prior approval by the department after ((~~verifying~~)) nine months of participation in employment-related services. Clients who participated in an individualized education program transition plan under RCW 28A.155.220 after the effective date of this section may enroll directly into community-based services, or transition from an employment program to community-based services after fewer than nine months.

(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. 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~~)) community-based 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~~)) all existing ((~~community access program~~)) home and community-based waiver services, including the consideration of options that allow for alternative service settings outside of the client's residence. The ((~~program~~)) waiver services 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~~)) community-based services program.

(6) For the purposes of this section, "community-based services" includes all home and community-based waiver services available through the developmental disabilities administration for which the person may qualify.

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