

SENATE BILL REPORT

SB 6360

As of January 22, 2018

Title: An act relating to improving transition planning for students in special education who meet criteria for services from the developmental disabilities administration.

Brief Description: Improving transition planning for students in special education who meet criteria for services from the developmental disabilities administration.

Sponsors: Senators O'Ban, Darneille, Zeiger, Walsh, Brown, Keiser and Hasegawa.

Brief History:

Committee Activity: Human Services & Corrections: 1/15/18.

Brief Summary of Bill

- Requires expansion of interagency agreements to involve the Developmental Disabilities Administration (DDA) and Division of Vocational Rehabilitation (DVR) in postsecondary transition planning for students in special education.
- Allows eligible students who participate in special education after the effective date of this act to enroll in DDA community-based services without first enrolling in nine months of employment services.
- Requires special education transition planning to include information for students and families about available DDA services and requires schools to offer to provide referrals for DDA assessment to students who meet the criteria for DDA services.
- Requires the Office of the Superintendent of Public Instruction (OSPI) to collaborate with DDA to provide training for schools related to DDA services and eligibility criteria.

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Staff: Kevin Black (786-7747)

Background: Special education is public education provided to children who through an evaluation process are determined eligible due to a disability. Special education serves

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approximately 130,000 students in Washington. The federal Individuals with Disabilities Education Act (IDEA) provides that schools must guarantee that all children with disabilities between the ages of three and 21 must receive a free, appropriate public education. State law requires the OSPI to establish interagency agreements to foster effective collaboration among agencies providing transition services to students through age 21 or high school graduation, whichever occurs first. The transition plans must address activities and courses of study needed to reach postsecondary goals. Transition activities may include instruction, services, community experience, employment and other adult living objectives, daily living skills, and functional vocational evaluation.

An Individualized Education Program (IEP) is a document which must be developed for every public school child in special education. Federal regulations require IEPs to define the individualized objectives of the child in a manner tailored to the student's needs. An IEP is formed by an IEP team, consisting of the student's parents, at least one teacher, a school or school district representative, an individual with expertise in interpreting instructional implications of student evaluations, and, once the student has turned 14 or earlier if appropriate, the student. One of the many required components of an IEP is a statement of the student's post-secondary goals and a plan for a successful transition out of school. This statement and plan of transition must be in place by the time the student turns 16, and may be created at an earlier age if desired.

DVR and DDA are separate subdivisions of the Department of Social and Health Services. DVR assists individuals with disabilities to obtain and maintain employment by providing individualized employment services and counseling to individuals and training and technical assistance to employers. DDA administers programs designed to assist individuals with disabilities and their families to obtain services and supports based on individual assessments, needs, and preferences, including residential services and home and community based waiver services.

Employment services are services funded by Home and Community Based Services waivers administered by DDA which provide ongoing support services and training to eligible adults with developmental disabilities in a variety of settings and work sites. These include supported employment, group supported employment, prevocational services, and pre-employment services.

Community Access services are services funded similarly to employment services, which help adults with developmental disabilities participate in activities that promote individualized skill development, independent living, and community integration. Both employment services and community access services are provided through contracts with counties, which may in turn contract with service vendors. Under current law, an eligible client must choose between employment or community access program services, but must enroll in employment services for nine months before moving to community access program services, unless the client requests and receives an exception from enrollment in an employment program from DDA. The majority of clients authorized for individual and group-supported employment services are authorized for less than six hours per week, as are the majority of clients authorized for community access program services. A relatively small number of clients are authorized for more than ten hours per week.

Summary of Bill: OSPI must establish interagency agreements with DDA and the DVR to provide transition services for special education students. Interagency agreements must coordinate efforts to efficiently arrive on a meaningful transition plan for students into adult services which minimizes disruption at the time of graduation and the risk of isolation and loss of acquired skills. The list of improved outcomes expected from the use of interagency agreements is expanded to include independent living, community engagement, employment, self-determination, and economic self-sufficiency.

The IEP program team must document interagency responsibilities and linkages related to transition services for students who meet criteria for DDA services. The IEP transition plan must include activities needed to assist the student in reaching postsecondary goals. For students who meet criteria for DDA services, these activities must include skill development, job exploration, and assessment of the supports and accommodations needed for the student, including those that would be necessary for competitive employment. Where appropriate and subject to availability, the student may engage in DVR services. Changes in the transition plan must be noted in the annual IEP update and, for students receiving DDA services, in the student's DDA annual assessment and person-centered plan.

IEP transition planning for students who meet criteria for DDA services must include providing information to the students and their families about current services options available after graduation, including the process to obtain these services. Information may be provided by webinar or other means. This information must support informed decision making so that the students and their families may make an informed choice to pursue employment services or other community-based services upon graduation.

OSPI must coordinate with DDA to provide training, by webinar or other means, to schools regarding criteria for services from DDA and how to facilitate effective transition for students who meet those criteria. The school must offer to refer a student and family who appear to meet criteria for DDA services for an assessment and coordinate with DDA to make a warm handoff for assessment if the referral is accepted.

The requirement that a DDA client must participate in nine months of employment services before enrolling in community access services is lifted for students who participate in an IEP transition plan after the effective date of the act. The term community-based services is substituted for community access services, and defined to mean all home and community-based waiver services for which the person may qualify. DDA must work with counties and stakeholders to strengthen and expand all existing home and community-based waiver services.

Appropriation: None.

Fiscal Note: Requested on January 12, 2018.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: I started working on this topic out of concern for the DDA clients who do not succeed in employment services. We are looking for a compromise that will allow the analysis of the appropriate services to take place in school before the individual is 21 years of age. There should be a warm handoff at 21 to whatever services are most appropriate to the individual.

CON: This bill is well-intentioned and thoughtful but will not work. The system is rigged towards employment only. Community inclusion does not seem to be really valued. The solution is to allow choice for clients. The rates for community inclusion are insufficient to provide the services.

OTHER: We respect the amount of work that has gone into this and there are some aspects we very much like. We should build on the school-to-work model, support the efforts of DVR and others to intervene early, and build capacity for training and technical assistance. There is a gap where we are not well-serving people with more serious disabilities. Please change language requiring services to begin when educationally and developmentally appropriate, which may limit services to people who are not viewed as ready, but can still succeed. Please do not specify that a person has to be DDA-eligible to receive services, because many students have not applied or eligibility is not known. I value the employment first policy; students should get as much exposure to work as possible. We are committed to quality transition services in public schools and positive outcomes for students with developmental disabilities. This bill provides an opportunity to address this. We strongly support the collaboration between government entities. We would like to work with you on language. Students who receive quality transition services are better equipped to join the workforce when they graduate. Activities similar to Phase I discovery activities must be provided before nine months can be waived. We recommend a phase-in period of perhaps two years, to allow schools to develop the services described in the bill. Our main issue is making sure transition services start at age 16 and include job exploration, discovery, and a person-centered planning process. We need training and professional development for school personnel so that they can see the potential and ability of students and not just label them based on the severity of their disabilities. You must find a way to work within the K-12 system and start by at least age 16, if not age 14. Transition is a really important time. My daughter graduated from the school-to-work program, which brings employment vendors into the school before graduation. Most schools are not equipped to do job exploration and work with employers to customize a job for individuals. Schools cannot do it alone. When schools collaborate with DDA, DVR, and job vendors the outcomes are better. What is needed is an investment by the Legislature to figure out how to have school-to-work across the state. My daughter works for six hours a week and loves it. People should be eligible for both employment and community inclusion to fill up all the hours in the week. We preferred the previous draft of this bill. The most important component is skill development, job exploration, and an assessment process within the school which involves DDA, school districts, and DVR. It is premature to address the nine months issue without a good transition process in place. We need a good transition in every school throughout the state. Thank you for considering this complicated issue. The language requiring students to be eligible for DDA services would leave out autistic children who cannot qualify for DDA services but have an 80 percent unemployment rate. Only about 800 of the 7000 students who exit special education each year are eligible for DDA services. We have already begun the work of increasing collaboration between state agencies and we are excited about developing

informational materials for families and staff. We need clarification whether references to transition plans are intended to go beyond the requirements of IDEA. Referring students to DDA is not a competency or function of the IEP team. Even with training, school staff will not be able to make this determination. Please use the term "potentially eligible."

Persons Testifying: PRO: Senator Steve O'Ban, Prime Sponsor.

CON: Linda Hyatt; Families Building Better Lives.

OTHER: Seth Dawson, Community Employment Alliance; Karen Williams, Community Employment Alliance; Ivonova Smith, Community Employment Alliance; Lance Morehouse, Community Employment Alliance; Ramona Hattendorf, The Arc of King County; Cathy Murahashi, The Arc of King County; Becky Bisbee, The Arc of King County; Holly Murahashi, citizen; Diana Stadden, The Arc Of Washington; Brittany Stadden, Self Advocates in Leadership; Cheryl Monk, Self Advocates in Leadership; Zack Siddeek, Square Pegs Adult Autistics; Tania May, Office of the Superintendent of Public Instruction.

Persons Signed In To Testify But Not Testifying: No one.