

# HOUSE BILL REPORT

## SB 6047

---

### As Reported by House Committee On: Education

**Title:** An act relating to prohibiting retaliation against school district employees that report noncompliance with individualized education programs.

**Brief Description:** Prohibiting retaliation against school district employees that report noncompliance with individualized education programs.

**Sponsors:** Senators Hasegawa, Dhingra, Hunt, Keiser, Lovelett, Nguyen, Randall, Holy and Saldaña.

#### **Brief History:**

##### **Committee Activity:**

Education: 2/20/20, 2/25/20 [DP].

#### **Brief Summary of Bill**

- Prohibits school districts from taking retaliatory actions against a school district employee because the employee reported noncompliance with an Individualized Education Program to an appropriate school official, school district administrator, or the Office of the Superintendent of Public Instruction.

---

### HOUSE COMMITTEE ON EDUCATION

**Majority Report:** Do pass. Signed by 17 members: Representatives Santos, Chair; Dolan, Vice Chair; Paul, Vice Chair; Steele, Ranking Minority Member; McCaslin, Assistant Ranking Minority Member; Volz, Assistant Ranking Minority Member; Bergquist, Caldier, Callan, Corry, Harris, Ortiz-Self, Rude, Stonier, Thai, Valdez and Ybarra.

**Staff:** Ethan Moreno (786-7386).

#### **Background:**

Two federal laws require school districts to provide individualized education and support services to children who are eligible for special education due to a disability. The Individuals

---

*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

with Disabilities Education Improvement Act (commonly known as IDEA) requires that districts provide to each public school child who receives special education an Individualized Education Program (IEP). An IEP is a written statement that guides the delivery of special education supports and services designed to meet the child's unique needs. The IEP is developed and revised annually by an IEP team that includes:

- the student's parent or guardian;
- at least one of the student's general education teachers;
- at least one special education teacher;
- a representative of the school district;
- an individual who can interpret assessment results;
- other individuals who may have special knowledge or expertise; and
- the student, if appropriate.

Section 504 of the Rehabilitation Act of 1973 (Section 504) is a federal civil rights law that prohibits discrimination against individuals with disabilities. It applies to any school which receives federal funds. A Section 504 plan details the accommodations that will be made to ensure a student with disabilities has equal access to educational programs, services, and activities. The Section 504 plan is reevaluated periodically and prior to a significant change of placement. One way to meet Section 504 requirements is to implement an IEP, however an IEP is only available to students with disabilities who require special education services.

#### Whistleblower Protections.

Multiple state laws provide protections for employees and contain various mechanisms to enforce the protections.

Local government whistleblower provisions apply to school districts and prohibit local government officials and employees from taking retaliatory action against a local government employee because the employee provided information in good faith that an improper governmental action occurred.

A retaliatory action is defined as:

- any adverse change in a local government employee's employment status, or the terms and conditions of employment, including denial of adequate staff to perform duties, frequent staff changes, frequent and undesirable office changes, refusal to assign meaningful work, unwarranted and unsubstantiated letters of reprimand or unsatisfactory performance evaluations, demotion, transfer, reassignment, reduction in pay, denial of promotion, suspension, dismissal, or any other disciplinary action; or
- hostile actions by another employee towards a local government employee that were encouraged by a supervisor or senior manager or official.

Local government whistleblower provisions also prohibit officials or employees from using their authority or influence, directly or indirectly, to threaten, intimidate, or coerce an employee for the purpose of interfering with that employee's right to disclose information concerning an improper governmental action.

---

#### **Summary of Bill:**

No school district may discharge, threaten to discharge, demote, deny a promotion to, sanction, discipline, retaliate against, harass, or otherwise discriminate against a school district employee because the employee reported noncompliance with an IEP to an appropriate school official, school district administrator, or the Office of the Superintendent of Public Instruction.

---

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

**Staff Summary of Public Testimony:**

(In support) Some teachers are afraid to speak up when the IEP is not being adhered to, whether for costs or other reasons. If the IEP is not followed, the students' rights to their education are denied. This bill was requested by teachers.

Parental advocacy is important, but there is a fear of retaliation when educators and staff speak out on noncompliance issues. Some students cannot speak out for their own needs. While some employee protections exist, additional protections would be worthwhile.

Educators must support their families, but they have a fear of speaking out when they see that IEP requirements are not being met. If educators cannot call out IEP noncompliance without fear of retaliation, the students lose out. Many special education teachers cannot speak on these issues for fear of retaliation.

(Opposed) None.

**Persons Testifying:** Senator Hasegawa, prime sponsor; Rebecca Ritchie, Washington Education Association; and Jennifer Cole.

**Persons Signed In To Testify But Not Testifying:** None.