
HOUSE BILL 2012

State of Washington

58th Legislature

2003 Regular Session

By Representatives Fromhold, Cox, Kenney, Hunter, Quall, Moeller, Chase and Santos

Read first time 02/19/2003. Referred to Committee on Education.

1 AN ACT Relating to a special services pilot program; adding a new
2 section to chapter 28A.630 RCW; creating a new section; providing an
3 expiration date; and declaring an emergency.

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

5 NEW SECTION. **Sec. 1.** Research has shown that early, intensive
6 assistance can significantly improve reading and language skills for
7 children who are struggling academically. This early research-based
8 assistance has been successful in reducing the number of children who
9 require specialized programs. However, by being effective in reducing
10 the number of students eligible for these programs, school district
11 funding is reduced.

12 Current federal and state laws and rules and regulations require
13 school districts to identify, diagnose, categorize, reevaluate, and
14 develop individual education plans for students who are eligible for
15 special education services. To be eligible for special education
16 services, students have to experience academic failure. A significant
17 portion of the cost of completing and tracking these actions could be
18 redirected to early interventions focused upon research-based direct

1 instruction resulting in markedly improved outcomes. Students could
2 receive intensive academic help without first having to experience
3 chronic failure.

4 The enhanced ability of the participating districts to redirect
5 resources towards a redesigned intervention approach will ultimately
6 yield a number of desirable outcomes including: Significant increase
7 in the percentage of students meeting state standards; increased rates
8 of students graduating from high school; reduced risk of incurring
9 federal sanctions; reduced risk of special education litigation; and an
10 enhanced mechanism for effectively managing the growth in special
11 education population.

12 NEW SECTION. **Sec. 2.** A new section is added to chapter 28A.630
13 RCW to read as follows:

14 (1) The special services pilot program is created. The purpose of
15 the program is to encourage participating school districts to provide
16 early intensive reading and language assistance to students who are
17 struggling academically. The goal of such assistance is to effectively
18 address reading and language difficulties resulting in a substantially
19 greater proportion of students meeting the progressively increasing
20 performance standards for both the aggregate and disaggregated
21 subgroups under federal law. The pilot program will remove the
22 financial disincentive that will occur if the number of students
23 eligible for specialized programs is reduced as a result of this
24 effective early intervention.

25 (2) By May 15, 2003, school districts shall apply to the
26 superintendent of public instruction to participate in the pilot
27 program in this section. The superintendent shall make a decision no
28 later than June 15, 2003, regarding which school districts may
29 participate in the program.

30 (a) A maximum of three school districts may participate.
31 (b) Program implementation and state funding waivers in subsection
32 (4)(a) of this section shall not begin until the participating
33 districts and state obtain the appropriate federal waivers.

34 (c) The superintendent of public instruction shall determine if
35 federal waivers ultimately granted are sufficient to accommodate
36 program funding requirements, and warrant project implementation.

1 (3) The pilot program is intended to be six years, to begin in the
2 2003-04 school year and conclude in the 2008-09 school year, unless the
3 program is extended by the legislature. The superintendent of public
4 instruction may adjust both the start and end date of the pilot program
5 to be consistent with the time period of federal waivers.

6 (a) If a school district chooses to withdraw from the program, the
7 district has one calendar year to become fully compliant with existing
8 state special education rules. During this time, the state funding
9 waivers in subsection (4) of this section and programmatic requirements
10 in subsection (6) of this section shall continue.

11 (b) At the conclusion of the program, the district has one calendar
12 year to become fully compliant with existing state special education
13 rules. During this time, the state funding waivers in subsection (4)
14 of this section and programmatic requirements in subsection (6) of this
15 section shall continue.

16 (c) Upon written request, the superintendent of public instruction
17 may provide a district with an additional six months to become fully
18 compliant beyond the timelines specified in (a) and (b) of this
19 subsection.

20 (4) School districts participating in the pilot program:

21 (a) Shall receive state special education funding based on the
22 average percentage of students age three through twenty-one who were
23 eligible for special education services in the 2001-02 and 2002-03
24 school years or up to the maximum percent specified in the operating
25 budget bill for special education, whichever is lower. This funding
26 level shall continue for the duration of each districts' participation
27 in the pilot program and the conclusion years as determined in
28 subsection (3) of this section; and

29 (b) May use state funds for students participating in early
30 intensive reading and language assistance programs even if the student
31 has not been identified as a special education student.

32 (5) It is not the intent of this section to increase or decrease a
33 district's ability to access the safety net for high cost students by
34 virtue of the district's participation in this project. Districts
35 participating in this project shall have access to the special
36 education safety net using a modified application approach for the
37 office of the superintendent of public instruction Worksheet A -
38 demonstration of financial need. The superintendent shall create a

1 modified application to include all special education revenues received
2 by the district, and include expenditures for students with individual
3 education plans and expenditures for students generating special
4 education revenue but served in early intensive reading and language
5 assistance programs.

6 (6) School districts that participate in the program must agree to:

7 (a) Implement a tiered set of research-based instructional
8 interventions addressing individual student needs that address reading
9 and language deficits;

10 (b) Use multiple diagnostic instruments to identify the literacy
11 needs of each student;

12 (c) Assure parents are informed of diagnosed student needs, and
13 have input into designed interventions;

14 (d) Actively engage parents as partners in the learning process;

15 (e) Comply with state special education requirements with the
16 exception of those explicitly waived as part of the program; and

17 (f) Participate in an evaluation of the program as determined by
18 the superintendent of public instruction. This may include
19 contributing funds and staff expertise for the design and
20 implementation of the evaluation. Districts shall annually review and
21 report progress to the office of the superintendent of public
22 instruction.

23 (7) By December 15, 2007, the superintendent of public instruction
24 shall submit a report to the governor and legislature that summarizes
25 the effectiveness of the pilot program. The report shall also include
26 a recommendation as to whether or not the pilot program should be
27 continued, expanded, or otherwise modified.

28 (8) This section expires June 30, 2010.

29 NEW SECTION. **Sec. 3.** This act is necessary for the immediate
30 preservation of the public peace, health, or safety, or support of the
31 state government and its existing public institutions, and takes effect
32 immediately.

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