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**HOUSE BILL 1454**

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**State of Washington 66th Legislature 2019 Regular Session**

**By** Representatives Pollet, Senn, Slatter, Bergquist, Kloba, Thai, Valdez, Doglio, and Tarleton

AN ACT Relating to designing a coordinated and responsive system for meeting the diverse needs of students with disabilities; adding new sections to chapter 28A.630 RCW; adding a new section to chapter 28A.155 RCW; adding a new section to chapter 28A.300 RCW; providing an effective date; and providing expiration dates.

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

NEW SECTION. **Sec.**  (1) The office of the superintendent of public instruction must convene an advisory group to design a coordinated and responsive system for meeting the diverse needs of students with disabilities.

(2) The advisory group must:

(a) Review state and federal laws and state policies related to special education, including those related to least restrictive environment;

(b) Review research on the following topics:

(i) Improving achievement and postsecondary outcomes for students with disabilities;

(ii) Creating an inclusive educational environment;

(iii) Best practices to provide a continuum of services for special education students;

(iv) Effective implementation at the school district office, through the building principal, and using teacher teams;

(v) Best practices to train teachers and paraeducators on the use of inclusive educational practices; and

(vi) The costs of implementing and maintaining an inclusive education model compared to the current model;

(c) Establish a common language, including use of the following terms:

(i) Continuum of services;

(ii) Coteaching;

(iii) Strategic intervention;

(iv) General education provision of specially designed instruction;

(v) Adult support models and plans;

(d) Review, discuss, and plan for the realities of implementing inclusive education practices;

(e) Develop an inclusive education implementation plan template to be used by local education agencies interested in applying for designation as a special education demonstration project under section 2 of this act. The template must include components of the application described in section 2(2) of this act and must specify that the inclusive education implementation plan must:

(i) Only be implemented in schools where the principal is in full support of inclusive education practices;

(ii) Create a building coalition to support implementation;

(iii) Provide staff with support and training;

(iv) Celebrate student and staff achievement; and

(v) Provide staff release time for planning and collaboration;

(f) Develop an inclusive education guidance document for local education agencies based on best practices learned from the special education demonstration projects designated under section 2 of this act;

(g) Recommend a technical assistance structure and a professional learning structure to support local education agencies in improving instructional practices and systems of meeting the diverse needs of students with disabilities; and

(h) Review the feedback from educators, students, and families gathered by the special education demonstration projects designated under section 2 of this act.

(3) The office of the superintendent of public instruction must appoint the following members to the advisory group:

(a) One representative each of the following groups at the office of the superintendent of public instruction:

(i) The special education department;

(ii) The learning and teaching department;

(iii) The center for the improvement of student learning, established under RCW 28A.300.130; and

(iv) The special education advisory council;

(b) A representative of the University of Washington's disabilities, opportunities, internetworking, and technology center;

(c) A representative of Central Washington University's special education technology center;

(d) A representative of the professional educator standards board;

(e) A parent of a student receiving special education services;

(f) Three individuals who represent organizations advocating for equity, access, and improving outcomes for students with disabilities, with one individual representing each of the following disability perspectives: Intellectual or developmental, mental health or physical health, and learning disability. The selected individuals must be either an individual with a disability or a parent of a student receiving, or who has received, special education services. At least one of the selected individuals must be familiar with research on inclusive education or improving outcomes for students with disabilities;

(g) A representative of the office of the education ombuds; and

(h) One or two representatives each from the special education demonstration projects designated under section 2 of this act.

(4) The members of the advisory group must select cochairs. One cochair must provide the perspective of individuals with disabilities and the other cochair must provide the perspective of educators.

(5) By December 1, 2019, and by December 1st each year thereafter, and in compliance with RCW 43.01.036, the advisory group must coordinate with the office of the superintendent of public instruction to submit a report to the appropriate committees of the legislature. The report must summarize the advisory group's activities over the prior year and the progress of the special education demonstration projects designated under section 2 of this act. The report must also recommend any changes to state laws or policies necessary to support the improvement of instructional practices and systems to meet the diverse needs of students with disabilities, such as changes related to inclusive education practices, regional and school-level coordination, educator release time, school climate and culture, professional learning, use of multitiered systems of support, and blending resource streams.

(6) Staff support for the advisory group must be provided by the office of the superintendent of public instruction.

(7) The advisory group must meet at least quarterly.

(8) This section expires August 1, 2023.

NEW SECTION. **Sec.**  (1) By September 1, 2019, the office of the superintendent of public instruction must develop, and broadly publicize, a process for local education associations to apply to have one or more schools designated as a special education demonstration project.

(2) Local education agencies interested in having one or more schools designated as a special education demonstration project must submit an application to the office of the superintendent of public instruction by January 6, 2020. The application must be developed in collaboration with educators, parents of students with disabilities, and community partners. The local education agency must use the inclusive education implementation plan template developed by the advisory group described in section 1 of this act to:

(a) Define the scope of the special education demonstration project and describe why designation would support the school's ability to improve its instructional practices and systems to meet the diverse needs of students with disabilities;

(b) Enumerate specific, research-based, inclusive education practices to be carried out under the designation;

(c) Justify each request for waiver of state statutes or administrative rules as provided under section 3 of this act;

(d) Justify any requests for waiver of state statutes or administrative rules that are in addition to the waivers authorized under section 3 of this act that are necessary to carry out the proposal;

(e) Identify additional training and supports that will be provided to staff at the local education agency;

(f) Include a written statement that the governing board and administrators are willing to exempt the local education agency from specifically identified local rules, as needed;

(g) Include a written statement that the governing board and local bargaining agents will modify those portions of their local agreements as applicable for the local education agency; and

(h) Include written statements of support from the governing board and administrators, the principal and staff, each local employee association affected by the special education demonstration project proposal, and the local parent organization.

(3)(a) The office of the superintendent of public instruction, in collaboration with its special education advisory council, must develop criteria for reviewing the applications and for evaluating the need for waivers of state statutes and administrative rules as provided under section 3 of this act.

(b) The office of the superintendent of public instruction must review the applications and select up to five local education agencies to designate as special education demonstration projects. The selected local education agencies must be diverse in geography and size. One of the selected local education agencies must have a school or program that removes students receiving special education from the regular class for eighty percent or more of the school day.

(c) The office of the superintendent of public instruction must notify the applicants of its selection by February 21, 2020.

(4) The designation of the selected schools as special education demonstration projects begins in the 2020-21 school year and lasts for two school years.

(5) The schools selected as special education demonstration projects must:

(a) Execute the inclusive education implementation plan approved by the office of the superintendent of public instruction;

(b) Form collaborative learning teams of teachers with similar grade levels and content areas to help implement the special education demonstration project at the classroom level;

(c) Form an advisory committee to oversee the demonstration project, where the committee includes administrators, educators, parents of students with disabilities, and community partners;

(d) Gather feedback from educators, students, and families on the progress of the special education demonstration project toward meeting the diverse needs of students with disabilities;

(e) Participate in the advisory group created under section 1 of this act; and

(f) Report quarterly to the advisory group created under section 1 of this act and the office of the superintendent of public instruction on the activities and progress of the special education demonstration project in the prior year.

(6) This section expires August 1, 2023.

NEW SECTION. **Sec.**  (1)(a) The superintendent of public instruction and the state board of education, each within the scope of their statutory authority, may grant waivers of state statutes and administrative rules for special education demonstration projects designated under section 2 of this act, as follows:

(i) Waivers may be granted to permit the commingling of funds appropriated by the legislature on a categorical basis for such programs as special education, highly capable students, transitional bilingual instruction, and learning assistance; and

(ii) Waivers may be granted of other administrative rules that in the opinion of the superintendent of public instruction or the state board of education are necessary to be waived in order to implement the special education demonstration projects.

(b) Laws and rules related to the following topics may not be waived: Public health, safety, and civil rights, including protections for individuals with disabilities.

(2) At the request of a local education agency, the superintendent of public instruction may petition the United States department of education or other federal agencies to waive federal regulations necessary to implement the special education demonstration projects designated under section 2 of this act.

(3) Waivers may be granted under this section for a period not to exceed the duration of the special education demonstration projects designated under section 2 of this act.

(4) The superintendent of public instruction and the state board of education must provide an expedited review of requests for waivers for special education demonstration projects designated under section 2 of this act. Requests may be denied if the superintendent of public instruction or the state board of education conclude that the waiver:

(a) Is likely to result in a decrease in academic achievement;

(b) Would jeopardize the receipt of state or federal funds that a local education agency would otherwise be eligible to receive, unless the local education agency submits a written authorization for the waiver acknowledging that receipt of these funds may be jeopardized; or

(c) Would violate state or federal laws or rules that are not authorized to be waived.

(5) This section expires August 1, 2023.

NEW SECTION. **Sec.**  A new section is added to chapter 28A.155 RCW to read as follows:

The office of the superintendent of public instruction must establish a technical assistance program to provide resources and best practice guidance on inclusive education practices and improving outcomes for students with disabilities. The components of the technical assistance program must be informed by the advisory group created under section 1 of this act.

NEW SECTION. **Sec.**  A new section is added to chapter 28A.300 RCW to read as follows:

(1) The office of the superintendent of public instruction shall identify meaningful indicators of progress toward eliminating the most significant barriers to success, and disparities in outcomes, for students with disabilities or special needs within ten years. The indicators must be quantifiable and based on data that are regularly and reliably collected statewide. For example, the indicators might compare the data for all students to the following data for students with an individualized education program or plan developed under section 504 of the federal rehabilitation act of 1973:

(a) Educational opportunity gaps;

(b) Time spent in a general education classroom;

(c) Discipline rates and rates of restraint or isolation;

(d) Use of medicaid-funded school-based services;

(e) Training and curriculum; and

(f) Postsecondary education and employment outcomes.

(2) Beginning September 1, 2020, and by September 1st every even-numbered year thereafter, and in compliance with RCW 43.01.036, the office of the superintendent of public instruction shall report to the appropriate committees of the legislature on the state's progress toward eliminating the most significant barriers to success, and disparities in outcomes, for students with disabilities or special needs.

NEW SECTION. **Sec.**  Section 4 of this act takes effect September 1, 2021.

NEW SECTION. **Sec.**  Sections 1 through 3 of this act are each added to chapter 28A.630 RCW.

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