

E2SSB 5091 - H AMD TO APP COMM AMD (H-2874.1/19) **677**
By Representative Stokesbary

NOT ADOPTED 04/27/2019

1 On page 1, beginning on line 3, strike all of section 1 and
2 insert the following:

3 "NEW SECTION. **Sec. 1.** (1) The state of Washington stands at a
4 critical juncture in the education of students with disabilities,
5 especially those students who are receiving special education and
6 related services. For too long special education in Washington has
7 languished with a piecemeal approach in both funding and practice.
8 When compared to other states, including those with comparable
9 funding, students with disabilities in Washington lag behind their
10 peers. Washington ranks near the bottom nationally for inclusion of
11 students with disabilities: Only seven states having a lower
12 percentage of students with disabilities spending eighty percent or
13 more of their day in the general education classroom; and only five
14 percent of Washington students with intellectual disabilities
15 spending a majority of their day in general education classrooms.
16 Washington does not fare much better when it comes to other basic
17 indicators of success: Thirty-four percent of students with
18 disabilities dropped out of school in 2017 (only two other states
19 reported worse dropout rates); and only fifty-eight percent of
20 students receiving special education services earned their diploma in
21 2016 (this puts Washington in the bottom thirteen in the nation).

22 (2) The legislature intends to provide the funding necessary to
23 support a comprehensive and responsive education system that fully
24 addresses the needs of students with disabilities, especially those
25 students who are receiving special education and related services.
26 Under the current funding model, students with disabilities are
27 funded as basic education students first, with additional funding
28 provided through a statewide multiplier intended to meet the
29 additional needs of each student as established in the student's
30 individualized education program. Additionally, a safety net
31 administered by the office of the superintendent of public
32 instruction is available for school districts that demonstrate

1 significant extra need beyond what they receive from the base funding
2 formula.

3 (3) The legislature notes that school districts across the state
4 have identified the need for additional resources to create the
5 educational environment necessary to give every student with an
6 individualized education program the opportunity to succeed. It is
7 the legislature's intent to maintain the current funding structure
8 for special education with necessary resources and to collect data
9 related to the numbers of students who fall into different cost
10 categories of support. These additional data will inform whether an
11 alternative system of funding may be necessary to better reflect
12 current needs of our schools and our students. However, as these data
13 are collected, the legislature also intends to provide immediate
14 relief to school district special education programs by enhancing the
15 supplemental funding school districts receive for every student in
16 the program of special education and to provide easier access to the
17 safety net when those base funds are not adequate.

18 (4) Inclusive education practices significantly improve outcomes
19 for students with disabilities and have significant benefits for all
20 students in the classroom. It is the legislature's intent to develop
21 best practices for inclusion in numerous settings and to ensure that
22 the best practices are supported statewide. It is the legislature's
23 intent to increase the graduation rate of students receiving special
24 education services to seventy percent by 2025.

25 (5) With fiscal and policy supports provided in this act,
26 Washington will advance expectations and lay a foundation that
27 commits to ensuring every student with a disability has an
28 opportunity to live a full, meaningful, and productive life."

29 On page 7, after line 26, insert the following:

30 "NEW SECTION. **Sec. 7.** A new section is added to chapter 28A.415
31 RCW to read as follows:

32 School districts and educational service districts must embed in
33 any professional development provided to general education teachers
34 the best practices for differentiating instruction and learning
35 activities to meet each student's individual needs.

36 NEW SECTION. **Sec. 8.** A new section is added to chapter 43.06B
37 RCW to read as follows:

1 (1) Subject to the availability of amounts appropriated for this
2 specific purpose, and as described in this section, the office of the
3 education ombuds shall serve as the lead agency to provide
4 information and training to students, families, educational service
5 district and school district staff, and communities regarding the
6 special education services and disability accommodations processes
7 under the federal individuals with disabilities education act,
8 section 504 of the federal rehabilitation act of 1973, and the
9 federal Americans with disabilities act.

10 (2) (a) The office of the education ombuds must develop a
11 multicourse training program for students with disabilities, families
12 of students with disabilities, educational service district and
13 school district staff, and community and educational organizations
14 supporting students with disabilities.

15 (b) The training program must address the components of: A free
16 and appropriate public education, family-school relationships,
17 navigation of the special education services and disability
18 accommodations processes, advocacy by families of students with
19 disabilities, self-advocacy for students with disabilities, and
20 communication strategies and conflict resolution between families and
21 educators.

22 (c) The training program must be developed, and revised annually,
23 in consultation with students with disabilities and their families,
24 and at least one representative each from: An educational service
25 district or school district, a community-based organization that
26 advocates for students with disabilities, a state organization that
27 represents parents and teachers, and the office of the superintendent
28 of public instruction.

29 (d) The office of the education ombuds must develop publications,
30 online training, videos, and other resources to supplement the
31 training program.

32 (3) (a) For the purpose of delivering the training program to
33 students, families, educational service district and school district
34 staff, and communities across the state, the office of the education
35 ombuds must distribute special education outreach ombuds statewide,
36 with the goal of at least one special education outreach ombud
37 located within the boundaries of each educational service district.

38 (b) The office of the education ombuds, and its special education
39 outreach ombuds, may deliver the training program in partnership with
40 other entities, such as Washington professional educator standards

1 board-approved teacher preparation programs, educational service
2 districts, school districts, and community and educator organizations
3 that provide professional development or that support students with
4 disabilities.

5 (4) The office of the education ombuds must make the training
6 program available to other ombuds offices within Washington, as well
7 as nationally.

8 (5) The office of the education ombuds may charge for the
9 delivery of the training program, or the use of resources, developed
10 under this section.

11 NEW SECTION. **Sec. 9.** A new section is added to chapter 43.06B
12 RCW to read as follows:

13 (1) Subject to the availability of amounts appropriated for this
14 specific purpose, in addition to the duties under RCW 43.06B.020, the
15 office of the education ombuds must provide special education
16 advocacy services when requested by a child with a disability or a
17 member of the child's family.

18 (2) In providing special education advocacy services, the office
19 of the education ombuds must:

20 (a) Serve as a resource for the child with a disability who is
21 eligible for special education due to the disability and the child's
22 parents and family;

23 (b) Advocate on behalf of the child for a free and appropriate
24 public education from the public school system that emphasizes
25 special education and related services that are:

26 (i) Provided in the least restrictive environment;

27 (ii) Designed to meet the child's unique needs;

28 (iii) Appropriately ambitious and reasonably calculated to enable
29 the child to make progress in light of the child's circumstances; and

30 (iv) Addressing the child's further education, employment, and
31 independent living goals; and

32 (c) Assist parents with any one or more of the following:

33 (i) Preparing for a meeting to develop or update their child's
34 individualized education program;

35 (ii) Attending the individualized education program meetings to
36 help present the parents' concerns, negotiate components that meet
37 the parents' goals and requests, or otherwise assist with, the
38 understanding and navigation of the process;

1 (iii) Attending an individualized education program meeting on
2 behalf of the child to assist in writing an appropriate program when
3 a parent opts out or otherwise cannot attend the meeting.

4 NEW SECTION. **Sec. 10.** A new section is added to chapter 28A.320
5 RCW to read as follows:

6 (1) Each school district shall convene an ongoing special
7 education advisory committee. The purposes of the committee are to:

8 (a) Increase parental and family involvement by providing a forum
9 for parents, families, and the community to ask questions, propose
10 solutions, and otherwise give feedback on the special education
11 program in their schools; and

12 (b) Be a partner with the school district in its efforts to
13 provide effective special education programming for eligible students
14 with disabilities.

15 (2) The committee shall advise the school board through the
16 school district superintendent.

17 (3) The school district board of directors shall appoint
18 committee members as provided in this subsection. At a minimum, a
19 majority of the committee members must be parents of children with
20 disabilities or individuals with disabilities. The committee must
21 also include one teacher member. Additional school or school district
22 personnel shall serve only as consultants to the committee.

23 (4) The committee has the following duties:

24 (a) Advise the school district of needs in the education of
25 children with disabilities;

26 (b) Participate in the development of priorities and strategies
27 for meeting the identified needs of children with disabilities;

28 (c) Facilitate partnerships with community employers to provide
29 appropriate transition services;

30 (d) Facilitate trainings by experienced outside consultants not
31 employed by the school district, at least two times per school year,
32 to families of children with disabilities to teach families how to
33 advocate for their child and to teach students with disabilities how
34 to self-advocate;

35 (e) Submit periodic reports and recommendations to the school
36 district superintendent for transmission to the school district board
37 of directors regarding the education of children with disabilities;

1 (f) Assist the school district in interpreting plans to the
2 community for meeting the special needs of children with disabilities
3 for educational and transition services; and

4 (g) Review the school district proposed policies and procedures
5 for the provision of special education and related services prior to
6 submission to the school district board of directors.

7 (5) Committee meetings must be held at least four times in a
8 school year and must be open to the public.

9 (6) The school district must post on its web site: The names of
10 the committee members; the committee meeting schedule and agendas;
11 and information on the process for interested parties to express
12 their views to the committee.

13 **Sec. 11.** RCW 28A.657.110 and 2013 c 159 s 12 are each amended to
14 read as follows:

15 (1) By November 1, 2013, the state board of education shall
16 propose rules for adoption establishing an accountability framework
17 that creates a unified system of support for challenged schools that
18 aligns with basic education, increases the level of support based
19 upon the magnitude of need, and uses data for decisions. The board
20 must seek input from the public and interested groups in developing
21 the framework. Based on the framework, the superintendent of public
22 instruction shall design a comprehensive system of specific
23 strategies for recognition, provision of differentiated support and
24 targeted assistance, and, if necessary, requiring intervention in
25 schools and school districts. The superintendent shall submit the
26 system design to the state board of education for review. The state
27 board of education shall recommend approval or modification of the
28 system design to the superintendent no later than January 1, 2014,
29 and the system must be implemented statewide no later than the
30 2014-15 school year. To the extent state funds are appropriated for
31 this purpose, the system must apply equally to Title I, Title I-
32 eligible, and non-Title I schools in the state.

33 (2) The state board of education shall develop a Washington
34 achievement index to identify schools and school districts for
35 recognition, for continuous improvement, and for additional state
36 support. The index shall be based on criteria that are fair,
37 consistent, and transparent. Performance shall be measured using
38 multiple outcomes and indicators including, but not limited to,
39 graduation rates and results from statewide assessments. The index

1 shall be developed in such a way as to be easily understood by both
2 employees within the schools and school districts, as well as parents
3 and community members. It is the legislature's intent that the index
4 provide feedback to schools and school districts to self-assess their
5 progress, and enable the identification of schools with exemplary
6 performance and those that need assistance to overcome challenges in
7 order to achieve exemplary performance.

8 (3) The state board of education, in cooperation with the office
9 of the superintendent of public instruction, shall annually recognize
10 schools for exemplary performance as measured on the Washington
11 achievement index. The state board of education shall have ongoing
12 collaboration with the educational opportunity gap oversight and
13 accountability committee regarding the measures used to measure the
14 closing of the achievement gaps and the recognition provided to the
15 school districts for closing the achievement gaps. Schools with
16 exemplary performance in serving students receiving special education
17 services must be recognized.

18 (4) In coordination with the superintendent of public
19 instruction, the state board of education shall seek approval from
20 the United States department of education for use of the Washington
21 achievement index and the state system of differentiated support,
22 assistance, and intervention to replace the federal accountability
23 system under P.L. 107-110, the no child left behind act of 2001.

24 (5) The state board of education shall work with the education
25 data center established within the office of financial management and
26 the technical working group established in RCW 28A.290.020 to
27 determine the feasibility of using the prototypical funding
28 allocation model as not only a tool for allocating resources to
29 schools and school districts but also as a tool for schools and
30 school districts to report to the state legislature and the state
31 board of education on how the state resources received are being
32 used.

33 **Sec. 12.** RCW 28A.155.220 and 2015 c 217 s 2 are each amended to
34 read as follows:

35 (1) The office of the superintendent of public instruction must
36 establish interagency agreements with the department of social and
37 health services, the department of services for the blind, and any
38 other state agency that provides high school transition services for
39 special education students. Such interagency agreements shall not

1 interfere with existing individualized education programs, nor
2 override any individualized education program team's decision-making
3 power. The purpose of the interagency agreements is to foster
4 effective collaboration among the multiple agencies providing
5 transition services for individualized education program-eligible
6 special education students from the beginning of transition planning,
7 as soon as educationally and developmentally appropriate, through age
8 twenty-one, or through high school graduation, whichever occurs
9 first. Interagency agreements are also intended to streamline
10 services and programs, promote efficiencies, and establish a uniform
11 focus on improved outcomes related to self-sufficiency.

12 (2) (a) When educationally and developmentally appropriate, the
13 interagency responsibilities and linkages with transition services
14 under subsection (1) of this section must be addressed in a
15 transition plan to a postsecondary setting in the individualized
16 education program of a student with disabilities.

17 (b) Transition planning shall be based upon educationally and
18 developmentally appropriate transition assessments that outline the
19 student's individual needs, strengths, preferences, and interests.
20 Transition assessments may include observations, interviews,
21 inventories, situational assessments, formal and informal
22 assessments, as well as academic assessments.

23 (c) The transition services that the transition plan must address
24 include activities needed to assist the student in reaching
25 postsecondary goals and courses of study to support postsecondary
26 goals.

27 (d) Transition activities that the transition plan may address
28 include instruction, related services, community experience,
29 employment and other adult living objectives, daily living skills,
30 and functional vocational evaluation.

31 (e) Beginning when a student reaches the age of sixteen and
32 continuing until the student reaches the age of twenty-one, or
33 through high school graduation, whichever occurs first, a
34 representative from the division of vocational rehabilitation in the
35 department of social and health services must attend individualized
36 education program meetings to assist students with transition
37 planning when requested by a member of a student's individualized
38 education program team.

39 (f) When educationally and developmentally appropriate, a
40 discussion must take place with the student and parents, and others

1 as needed, to determine the postsecondary goals or postschool vision
2 for the student. This discussion may be included as part of an annual
3 individualized education program review, high school and beyond plan
4 meeting, or any other meeting that includes parents, students, and
5 educators. The postsecondary goals included in the transition plan
6 shall be goals that are measurable and must be based on appropriate
7 transition assessments related to training, education, employment,
8 and independent living skills, when necessary. The goals must also be
9 based on the student's needs, while considering the strengths,
10 preferences, and interests of the student. During this discussion,
11 students and parents must be provided with information about the
12 Washington achieving a better life experience program, defined in RCW
13 43.330.460, including information on eligibility, benefits, and
14 Washington achieving a better life experience program account
15 creation.

16 ~~((f))~~ (g) As the student gets older, changes in the transition
17 plan may be noted in the annual update of the student's
18 individualized education program.

19 ~~((g))~~ (h) A student with disabilities who has a high school and
20 beyond plan may use the plan to comply with the transition plan
21 required under this subsection (2).

22 (3) To the extent that data is available through data-sharing
23 agreements established by the education data center under RCW
24 43.41.400, the education data center must monitor the following
25 outcomes for individualized education program-eligible special
26 education students after high school graduation:

27 (a) The number of students who, within one year of high school
28 graduation:

29 (i) Enter integrated employment paid at the greater of minimum
30 wage or competitive wage for the type of employment, with access to
31 related employment and health benefits; or

32 (ii) Enter a postsecondary education or training program focused
33 on leading to integrated employment;

34 (b) The wages and number of hours worked per pay period;

35 (c) The impact of employment on any state and federal benefits
36 for individuals with disabilities;

37 (d) Indicators of the types of settings in which students who
38 previously received transition services primarily reside;

39 (e) Indicators of improved economic status and self-sufficiency;

1 (f) Data on those students for whom a postsecondary or integrated
2 employment outcome does not occur within one year of high school
3 graduation, including:

4 (i) Information on the reasons that the desired outcome has not
5 occurred;

6 (ii) The number of months the student has not achieved the
7 desired outcome; and

8 (iii) The efforts made to ensure the student achieves the desired
9 outcome.

10 (4) To the extent that the data elements in subsection (3) of
11 this section are available to the education data center through data-
12 sharing agreements, the office of the superintendent of public
13 instruction must prepare an annual report using existing resources
14 and submit the report to the legislature.

15 NEW SECTION. **Sec. 13.** A new section is added to chapter 28A.155
16 RCW to read as follows:

17 (1) School districts are encouraged to participate in the
18 establishment of, or continuation of existing, cooperative programs
19 between or among school districts, or educational service districts
20 and school districts, to provide special education and related
21 services to eligible students with disabilities.

22 (2) Prior to the 2020-21 school year and every five years
23 thereafter, each special education cooperative must apply for
24 approval from the office of the superintendent of public instruction.

25 NEW SECTION. **Sec. 14.** (1) The office of the superintendent of
26 public instruction must contract with the William D. Ruckelshaus
27 center or another neutral party to convene an advisory group to
28 design a coordinated and responsive system for meeting the diverse
29 needs of students with disabilities.

30 (2) The advisory group must:

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

34 (b) Review research on the following topics:

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

37 (ii) Creating an inclusive educational environment;

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

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

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

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

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

11 (i) Continuum of services;

12 (ii) Coteaching;

13 (iii) Strategic intervention;

14 (iv) General education provision of specially designed
15 instruction; and

16 (v) Adult support models and plans;

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

19 (e) Develop an inclusive education implementation plan template
20 to be used by local education agencies interested in applying for
21 designation as a special education demonstration project under
22 section 15 of this act. The template must include components of the
23 application described in section 15(2) of this act and must specify
24 that the inclusive education implementation plan must:

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

27 (ii) Create a building coalition to support implementation;

28 (iii) Provide staff with support and training;

29 (iv) Celebrate student and staff achievement; and

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

31 (f) Develop an inclusive education guidance document for local
32 education agencies based on best practices learned from the special
33 education demonstration projects designated under section 15 of this
34 act;

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

1 (h) Review the feedback from educators, students, and families
2 gathered by the special education demonstration projects designated
3 under section 15 of this act.

4 (3) The parties invited to participate in the advisory group must
5 include:

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

8 (i) The special education department;

9 (ii) The learning and teaching department;

10 (iii) The bilingual education advisory committee;

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

13 (v) The special education advisory council;

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

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

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

20 (e) A general education teacher and a special education teacher,
21 both nominated by an association of educators;

22 (f) Three parents of students receiving special education
23 services;

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

34 (h) A representative of the office of the education ombuds; and

35 (i) One or two representatives each from the special education
36 demonstration projects designated under section 15 of this act.

37 (4) The members of the advisory group must select cochairs. One
38 cochair must be an individual with a disability or a parent of a
39 student receiving, or who has received, special education services
40 and the other cochair must be an educator.

1 (5) By November 1, 2019, and by November 1st each year
2 thereafter, and in compliance with RCW 43.01.036, the advisory group
3 must coordinate with the office of the superintendent of public
4 instruction to submit a report to the appropriate committees of the
5 legislature. The report must summarize the advisory group's
6 activities over the prior year and the progress of the special
7 education demonstration projects designated under section 15 of this
8 act. The report must also recommend any changes to state laws or
9 policies necessary to support the improvement of instructional
10 practices and systems to meet the diverse needs of students with
11 disabilities, such as changes related to inclusive education
12 practices, regional and school-level coordination, educator release
13 time, school climate and culture, professional learning, use of
14 multitiered systems of support, and blending resource streams.

15 (6) The advisory group must meet at least quarterly.

16 (7) This section expires August 1, 2023.

17 NEW SECTION. **Sec. 15.** (1) By September 1, 2019, the office of
18 the superintendent of public instruction must develop, and broadly
19 publicize, a process for local education agencies to apply to have
20 one or more schools designated as a special education demonstration
21 project.

22 (2) Local education agencies interested in having one or more
23 schools designated as a special education demonstration project must
24 submit an application to the office of the superintendent of public
25 instruction by January 6, 2020. The application must be developed in
26 collaboration with educators, parents of students with disabilities,
27 and community partners. The local education agency must use the
28 inclusive education implementation plan template developed by the
29 advisory group described in section 14 of this act to:

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

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

36 (c) Justify each request for waiver of state statutes or
37 administrative rules as provided under section 16 of this act;

38 (d) Justify any requests for waiver of state statutes or
39 administrative rules that are in addition to the waivers authorized

1 under section 16 of this act that are necessary to carry out the
2 proposal;

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

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

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

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

15 (3) (a) The office of the superintendent of public instruction, in
16 collaboration with its special education advisory council, must
17 develop criteria for reviewing the applications and for evaluating
18 the need for waivers of state statutes and administrative rules as
19 provided under section 16 of this act.

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

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

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

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

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

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

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

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

7 (e) Participate in the advisory group created under section 14 of
8 this act; and

9 (f) Report quarterly to the advisory group created under section
10 14 of this act and the office of the superintendent of public
11 instruction on the activities and progress of the special education
12 demonstration project in the prior year.

13 (6) This section expires August 1, 2023.

14 NEW SECTION. **Sec. 16.** (1)(a) The superintendent of public
15 instruction and the state board of education, each within the scope
16 of their statutory authority, may grant waivers of state statutes and
17 administrative rules for special education demonstration projects
18 designated under section 15 of this act, as follows:

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

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

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

30 (2) At the request of a local education agency, the
31 superintendent of public instruction may petition the United States
32 department of education or other federal agencies to waive federal
33 regulations necessary to implement the special education
34 demonstration projects designated under section 15 of this act.

35 (3) Waivers may be granted under this section for a period not to
36 exceed the duration of the special education demonstration projects
37 designated under section 15 of this act.

38 (4) The superintendent of public instruction and the state board
39 of education must provide an expedited review of requests for waivers

1 for special education demonstration projects designated under section
2 15 of this act. Requests may be denied if the superintendent of
3 public instruction or the state board of education conclude that the
4 waiver:

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

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

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

13 (5) This section expires August 1, 2023.

14 NEW SECTION. **Sec. 17.** Sections 14 through 16 of this act are
15 each added to chapter 28A.630 RCW.

16 NEW SECTION. **Sec. 18.** A new section is added to chapter 28A.155
17 RCW to read as follows:

18 The office of the superintendent of public instruction must
19 establish a technical assistance program to provide resources and
20 best practice guidance on inclusive education practices and improving
21 outcomes for students with disabilities. The components of the
22 technical assistance program must be informed by the advisory group
23 created under section 14 of this act.

24 NEW SECTION. **Sec. 19.** Section 18 of this act takes effect
25 September 1, 2021.

26 NEW SECTION. **Sec. 20.** A new section is added to chapter 28A.300
27 RCW to read as follows:

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

- 1 (a) Educational opportunity gaps;
 - 2 (b) Time spent in a general education classroom;
 - 3 (c) Discipline rates and rates of restraint or isolation;
 - 4 (d) Use of medicaid-funded school-based services;
 - 5 (e) Training and curriculum; and
 - 6 (f) Postsecondary education and employment outcomes.
- 7 (2) Beginning September 1, 2020, and by September 1st every even-
- 8 numbered year thereafter, and in compliance with RCW 43.01.036, the
- 9 office of the superintendent of public instruction shall report to
- 10 the appropriate committees of the legislature on the state's progress
- 11 toward eliminating the most significant barriers to success, and
- 12 disparities in outcomes, for students with disabilities or special
- 13 needs."

14 Correct the title.

EFFECT: Requires school districts and educational service districts to embed the best practices for differentiating instruction and learning activities to meet each student's individual needs in any professional development provided to general education teachers. Makes the Office of the Education Ombuds (OEO) the lead agency responsible for providing information and training regarding the special education services and disability accommodations processes, subject to state funding. Tasks the OEO with providing special education advocacy services when requested by a child with a disability or a member of the child's family, subject to state funding. Requires school districts to convene an ongoing special education advisory committee with specified members and duties. Requires recognition of schools with exemplary performance in serving students receiving special education services, as measured on the Washington Achievement Index. Provides that, if requested, a representative from the Division of Vocational Rehabilitation will attend the Individualized Education Program meetings of students in special education to assist with transition planning. Requires special education cooperatives to apply for program approval every five years. Tasks an advisory group with designing a coordinated and responsive system for meeting the needs of students with disabilities, and reporting recommendations to the Legislature. Allows five local education agencies to seek temporary waivers from certain laws in order to execute inclusive education implementation plans, and requires quarterly progress reports to the advisory group. Requires that the Office of the Superintendent of Public Instruction (OSPI) establish, by September 1, 2021, a technical assistance program on inclusive education practices and improving outcomes for students with disabilities. Directs the OSPI to identify, and report biennially on, meaningful indicators of progress toward eliminating, within 10 years, the most significant barriers to success and

disparities in outcomes for students with disabilities or special needs.

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