
Education Committee

SB 6047

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 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.

Hearing Date: 2/20/20

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 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

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- 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.