

SENATE BILL REPORT

SB 6047

As Passed Senate, February 12, 2020

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: Early Learning & K-12 Education: 1/17/20, 1/31/20 [DP].

Floor Activity:

Passed Senate: 2/12/20, 45-1.

<p style="text-align: center;">Brief Summary of Bill</p> <ul style="list-style-type: none">• Prohibits retaliation against school district employees reporting noncompliance with Individualized Education Programs.

SENATE COMMITTEE ON EARLY LEARNING & K-12 EDUCATION

Majority Report: Do pass.

Signed by Senators Wellman, Chair; Wilson, C., Vice Chair; Hawkins, Ranking Member; Hunt, Mullet, Padden, Pedersen, Salomon and Wagoner.

Staff: Alex Fairfortune (786-7416)

Background: The federal Individuals with Disabilities Education Act requires the provision of special education services to eligible students as outlined in a student's Individualized Education Program (IEP). An IEP is a formal contract documenting a student's educational needs and services, including academic and behavioral goals, necessary accommodations, and details about participation in the general education setting. A student's IEP must be reviewed and updated annually by the student's IEP team.

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.

If a school district fails to provide a service identified on a student's IEP, the issue may be resolved informally with the IEP team or formally through filing a citizen complaint, participating in mediation, or requesting a due process hearing.

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 that employee reported noncompliance with an IEP. The report must be made to an appropriate school official, school administrator, or the Office of the Superintendent of Public Instruction.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: If schools do not live up to IEPs, they are denying certain youths the opportunity to an education. We need to make sure that the mandates to take care of these youths are being followed. Some students cannot communicate and are unable to advocate for themselves, so they cannot tell their parents if their IEP minutes are being met. Educators are the people who know the day-to-day of what is being provided to students. However, educators become afraid to speak out for fear of not being able to provide for their families. Many educators wanted to speak for this bill, but the fear of having a target placed on their back kept them from attending. IEP minutes and services are often compromised due to lack of resources, and school districts use bullying and intimidation tactics to keep IEP costs down. One educator requested four transfers to a position where she had experience and had previously received awards, but was repeatedly denied the position.

Persons Testifying: PRO: Senator Bob Hasegawa, Prime Sponsor; Martha Patterson, Teacher, Central Kitsap School District; Becca Ritchie, WEA BAT Caucus; Susan DuFresne, Washington Education Association.

Persons Signed In To Testify But Not Testifying: No one.