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**SUBSTITUTE HOUSE BILL 1454**

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**State of Washington**

**66th Legislature**

**2019 Regular Session**

**By** House Education (originally sponsored by Representatives Pollet, Senn, Slatter, Bergquist, Kloba, Thai, Valdez, Doglio, and Tarleton)

READ FIRST TIME 02/20/19.

1 AN ACT Relating to designing a coordinated and responsive system  
2 for meeting the diverse needs of students with disabilities; adding  
3 new sections to chapter 28A.630 RCW; adding a new section to chapter  
4 28A.155 RCW; adding a new section to chapter 28A.300 RCW; providing  
5 an effective date; and providing expiration dates.

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

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

11 (2) The advisory group must:

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

15 (b) Review research on the following topics:

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

18 (ii) Creating an inclusive educational environment;

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

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

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

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

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

9 (i) Continuum of services;

10 (ii) Coteaching;

11 (iii) Strategic intervention;

12 (iv) General education provision of specially designed  
13 instruction; and

14 (v) Adult support models and plans;

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

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

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

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

26 (iii) Provide staff with support and training;

27 (iv) Celebrate student and staff achievement; and

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

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

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

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

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

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

5 (i) The special education department;

6 (ii) The learning and teaching department;

7 (iii) The bilingual education advisory council;

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

10 (v) The special education advisory council;

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

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

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

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

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

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

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

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

33 (4) The members of the advisory group must select cochairs. One  
34 cochair must be an individual with a disability or a parent of a  
35 student with a disability and the other cochair must be an educator.

36 (5) By November 1, 2019, and by November 1st each year  
37 thereafter, and in compliance with RCW 43.01.036, the advisory group  
38 must coordinate with the office of the superintendent of public  
39 instruction to submit a report to the appropriate committees of the  
40 legislature. The report must summarize the advisory group's

1 activities over the prior year and the progress of the special  
2 education demonstration projects designated under section 2 of this  
3 act. The report must also recommend any changes to state laws or  
4 policies necessary to support the improvement of instructional  
5 practices and systems to meet the diverse needs of students with  
6 disabilities, such as changes related to inclusive education  
7 practices, regional and school-level coordination, educator release  
8 time, school climate and culture, professional learning, use of  
9 multitiered systems of support, and blending resource streams.

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

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

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

14 NEW SECTION. **Sec. 2.** (1) By September 1, 2019, the office of  
15 the superintendent of public instruction must develop, and broadly  
16 publicize, a process for local education agencies to apply to have  
17 one or more schools designated as a special education demonstration  
18 project.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6 (f) Report quarterly to the advisory group created under section  
7 1 of this act and the office of the superintendent of public  
8 instruction on the activities and progress of the special education  
9 demonstration project in the prior year.

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

11 NEW SECTION. **Sec. 3.** (1)(a) The superintendent of public  
12 instruction and the state board of education, each within the scope  
13 of their statutory authority, may grant waivers of state statutes and  
14 administrative rules for special education demonstration projects  
15 designated under section 2 of this act, as follows:

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

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

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

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

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

35 (4) The superintendent of public instruction and the state board  
36 of education must provide an expedited review of requests for waivers  
37 for special education demonstration projects designated under section  
38 2 of this act. Requests may be denied if the superintendent of public  
39 instruction or the state board of education conclude that the waiver:

- 1 (a) Is likely to result in a decrease in academic achievement;
- 2 (b) Would jeopardize the receipt of state or federal funds that a
- 3 local education agency would otherwise be eligible to receive, unless
- 4 the local education agency submits a written authorization for the
- 5 waiver acknowledging that receipt of these funds may be jeopardized;
- 6 or
- 7 (c) Would violate state or federal laws or rules that are not
- 8 authorized to be waived.
- 9 (5) This section expires August 1, 2023.

10 NEW SECTION. **Sec. 4.** A new section is added to chapter 28A.155

11 RCW to read as follows:

12 The office of the superintendent of public instruction must

13 establish a technical assistance program to provide resources and

14 best practice guidance on inclusive education practices and improving

15 outcomes for students with disabilities. The components of the

16 technical assistance program must be informed by the advisory group

17 created under section 1 of this act.

18 NEW SECTION. **Sec. 5.** A new section is added to chapter 28A.300

19 RCW to read as follows:

20 (1) The office of the superintendent of public instruction shall

21 identify meaningful indicators of progress toward eliminating the

22 most significant barriers to success, and disparities in outcomes,

23 for students with disabilities or special needs within ten years. The

24 indicators must be quantifiable and based on data that are regularly

25 and reliably collected statewide. For example, the indicators might

26 compare the data for all students to the following data for students

27 with an individualized education program or plan developed under

28 section 504 of the federal rehabilitation act of 1973:

- 29 (a) Educational opportunity gaps;
- 30 (b) Time spent in a general education classroom;
- 31 (c) Discipline rates and rates of restraint or isolation;
- 32 (d) Use of medicaid-funded school-based services;
- 33 (e) Training and curriculum; and
- 34 (f) Postsecondary education and employment outcomes.

35 (2) Beginning September 1, 2020, and by September 1st every even-

36 numbered year thereafter, and in compliance with RCW 43.01.036, the

37 office of the superintendent of public instruction shall report to

38 the appropriate committees of the legislature on the state's progress

1 toward eliminating the most significant barriers to success, and  
2 disparities in outcomes, for students with disabilities or special  
3 needs.

4 NEW SECTION. **Sec. 6.** Section 4 of this act takes effect  
5 September 1, 2021.

6 NEW SECTION. **Sec. 7.** Sections 1 through 3 of this act are each  
7 added to chapter 28A.630 RCW.

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