**1109-S AMH SENN H2074.2 - NOT FOR FLOOR USE**

**SHB 1109** - H AMD **784**

By Representative Senn

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec.**  (1) The legislature acknowledges that school districts and other recipients of federal individuals with disabilities education act grants and state appropriations for special education programs are obligated to conduct timely initial student evaluations for special education and to timely develop individualized education programs for eligible three-year olds through 21-year olds, as provided in law. While the legislature recognizes that initial student evaluations for special education are not often conducted during the summer, it finds that there is no exception in the individuals with disabilities education act that suspends these required activities during summer breaks. Washington administrative rules do not direct recipients of these funds to perform the required activities during summer breaks.

(2) The legislature recognizes that students are referred for special education initial evaluations throughout the school year, including within the final weeks of the school year. When the initial evaluation process is paused for summer breaks, it delays the determination of whether the student is eligible for special education to the following school year. This results in delayed provision of special education and related services and can result in reorganization of classroom assignments, both of which cause unnecessary frustrations at the beginning of the school year. In addition, for children under age five who rely on school districts to conduct their evaluations, a delay in individualized education program development and special education service provision can have particularly negative impacts on child development. Finally, because of adverse childhood experiences, isolation, health issues, and related trauma from the COVID-19 pandemic, which resulted in reduced engagement in early learning and pediatric visits and fewer children identified as needing special education evaluations, it is anticipated that extraordinary numbers of children need evaluations and individualized education programs so that they can receive special education and related services.

(3) Therefore, the legislature intends to provide funding for public schools to conduct initial evaluations for special education and to subsequently develop individualized education programs for eligible students by providing reimbursements for the cost of these activities conducted during the summers of 2024, 2025, and 2026. The legislature also intends to evaluate the program after two years to determine whether and to what extent to continue providing reimbursements in subsequent summers.

NEW SECTION. **Sec.**  (1) The office of the superintendent of public instruction shall reimburse school districts, charter schools, and state-tribal education compact schools up to:

(a) For eligible students ages three and four and eligible students who are five years old not yet enrolled in kindergarten, $2,900 for conducting each initial evaluation and $2,900 for developing each individualized education program, including, if needed, assistive technology devices and services; and

(b) For eligible students enrolled in kindergarten through 12th grade, $5,700 for conducting each initial evaluation and $5,700 for developing each individualized education program, including, if needed, assistive technology devices and services.

(2) Reimbursements provided under this section are only for activities described in subsection (1) of this section that are conducted between the end of one regular school year and the beginning of the following regular school year, i.e. the summer break.

(3) The office of the superintendent of public instruction shall establish processes and procedures to implement this section.

(4) School districts, charter schools, and state-tribal education compact schools without capacity to conduct the activities described in subsection (1) of this section during the time frame defined in subsection (2) of this section may contract for these activities to be completed by educational service districts or private organizations with expertise.

(5)(a) At the time and in the manner required by the office of the superintendent of public instruction, recipients of the reimbursements provided under this section must submit information as required by this subsection. Recipients must submit the number of hours of staff time spent conducting initial student evaluations, developing individualized education programs, and performing related administrative activities, disaggregated by staff type. Recipients must also submit the number of initial student evaluations conducted and individualized education programs developed, per month, between September 2020 and September 2026, disaggregated by student grade level or age, if in preschool.

(b) Annually by December 1st, and in compliance with RCW 43.01.036, the office of the superintendent of public instruction must report to the appropriate committees of the legislature with a summary of the information submitted under (a) of this subsection and a commentary on the effectiveness of the reimbursements.

(6) For the purposes of this section, "eligible student" means: (a) A student with an incomplete initial special education evaluation as of the last day of the regular school year of the current year, who was referred for an initial evaluation prior to the last day of the regular school year of the current year; (b) a student with special circumstances, such as new enrollment, that necessitate completion of an initial special education evaluation or development of an individualized education program so that the student has any individualized services and supports to which the student is entitled in place prior to the beginning of the school year; or (c) a preschool age student.

(7) This section expires June 30, 2027.

NEW SECTION. **Sec.**  If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2024, in the omnibus appropriations act, this act is null and void."

Correct the title.

EFFECT: (1) Revises reimbursement amounts as follows:

(a) For eligible students ages three and four and eligible students who are five years old not yet enrolled in kindergarten $2,900, from $3,000, for each initial evaluation conducted and for each individualized education program (IEP) developed; and

(b) For students enrolled in kindergarten through 12th grade, $5,700, from $3,000 for each initial evaluation conducted and for each IEP developed.

(2) Revises the definition of "eligible student" by changing the definition to mean "(a) a student with an incomplete initial special education evaluation as of the last day of the regular school year of the current year, who was referred for an initial evaluation prior to the last day of the regular school year of the current year; (b) a student with special circumstances, such as new enrollment, that necessitate completion of an initial special education evaluation or development of an individualized education program so that the student has any individualized services and supports to which the student is entitled in place prior to the beginning of the school year; or (c) a preschool age student," rather than "a student with an incomplete initial special education evaluation as of June 30th, of the current year, who was referred for an initial evaluation prior to June 30th of the current year."

(3) Provides that reimbursements are only for specified activities conducted "between the end of one regular school year and the beginning of the following regular school year, i.e. the summer break," rather than "during the months of July through September."

(4) Removes provisions directing the safety net committee to consider certain extraordinary special education costs beginning July 1, 2026.

(5) Makes changes to dates as follows:

(a) Requires recipients of reimbursement funding to submit certain data on initial student evaluations conducted and individualized education programs developed between September 2020 and September 2026, rather than between September 2021 and September 2024;

(b) Extends the effective dates of the reimbursement funding provisions to June 30, 2027, rather than June 30, 2026; and

(c) Makes the bill null and void if specific funding is not provided by June 30, 2024, rather than June 30, 2023.

(6) Modifies the intent language.