

2SSB 5311 - S AMD 96

By Senator Wellman

ADOPTED 03/03/2023

1 Beginning on page 5, line 27, after "(b)" strike all material
2 through "excluded." on page 6, line 3 and insert "Beginning in the
3 2023-24 school year, a high-need student is eligible for safety net
4 awards from state funding under subsection (2)(e) and (g) of this
5 section if the student's individualized education program costs
6 exceed:

7 (i) 2 times the average per-pupil expenditure, for school
8 districts with fewer than 1,000 full-time equivalent students;

9 (ii) 2.2 times the average per-pupil expenditure, for school
10 districts with 1,000 or more full-time equivalent students.

11 (c) For purposes of (b) of this subsection, "average per-pupil
12 expenditure" has the same meaning as in 20 U.S.C. Sec. 7801, the
13 every student succeeds act of 2015, and excludes safety net funding
14 provided in this section."

15 On page 6, beginning on line 4, strike all of section 3 and
16 insert the following:

17 "**Sec. 3.** RCW 43.06B.010 and 2013 c 23 s 82 are each amended to
18 read as follows:

19 (1) There is hereby created the office of the education ombuds
20 within the office of the governor for the purposes of providing
21 information to parents, students, and others regarding their rights
22 and responsibilities with respect to the state's public elementary
23 and secondary education system, and advocating on behalf of
24 elementary and secondary students.

25 (2)(a) The governor shall appoint an ombuds who shall be a person
26 of recognized judgment, independence, objectivity, and integrity and
27 shall be qualified by training or experience or both in the following
28 areas:

29 (i) Public education law and policy in this state;

30 (ii) Dispute resolution or problem resolution techniques,
31 including mediation and negotiation; and

32 (iii) Community outreach.

1 (b) The education ombuds may not be an employee of any school
2 district, the office of the superintendent of public instruction, or
3 the state board of education while serving as an education ombuds.

4 (3) Before the appointment of the education ombuds, the governor
5 shall share information regarding the appointment to a six-person
6 legislative committee appointed and comprised as follows:

7 (a) The committee shall consist of three senators and three
8 members of the house of representatives from the legislature.

9 (b) The senate members of the committee shall be appointed by the
10 president of the senate. Two members shall represent the majority
11 caucus and one member the minority caucus.

12 (c) The house of representatives members of the committee shall
13 be appointed by the speaker of the house of representatives. Two
14 members shall represent the majority caucus and one member the
15 minority caucus.

16 (4) If sufficient appropriations are provided, the education
17 ombuds shall delegate and certify regional education ombuds. The
18 education ombuds shall ensure that the regional ombuds selected are
19 appropriate to the community in which they serve and hold the same
20 qualifications as in subsection (2)(a) of this section. The education
21 ombuds may not contract with the superintendent of public
22 instruction, or any school, school district, or current employee of a
23 school, school district, or the office of the superintendent of
24 public instruction for the provision of regional ombuds services.

25 (5)(a) Subject to amounts appropriated for this specific purpose,
26 the education ombuds shall delegate and certify at least one special
27 education ombuds to serve each educational service district region.
28 The education ombuds shall ensure that the special education ombuds
29 selected are appropriate to the community in which they serve and
30 hold the same qualifications as in subsection (2)(a) of this section.
31 The education ombuds may not contract with the superintendent of
32 public instruction, or any school, school district, educational
33 service district, or current employee of a school, school district,
34 educational service district, or the office of the superintendent of
35 public instruction for the provision of special education ombuds
36 services.

37 (b) Special education ombuds must serve as a resource for
38 students eligible for special education services and their parents,
39 including:

1 (i) Advocating on behalf of the student for a free and
2 appropriate public education from the public school system that
3 emphasizes special education and related services that are:

4 (A) Provided in the least restrictive environment;

5 (B) Designed to meet the student's unique needs;

6 (C) Appropriately ambitious and reasonably calculated to enable a
7 student to make progress in light of the student's circumstances; and

8 (D) Addressing the student's further education, employment, and
9 independent living goals.

10 (ii) Assisting students and parents with individualized education
11 program development, including:

12 (A) Preparing for a meeting to develop or update a student's
13 individualized education program;

14 (B) Attending individualized education program meetings to help
15 present the parents' concerns, negotiate components that meet the
16 parents' goals and requests, or otherwise assist the parent in
17 understanding and navigating the individualized education program
18 process; and

19 (C) Attending an individualized education program meeting to
20 assist in writing an appropriate program when a parent opts out or
21 otherwise cannot attend.

22 On page 6, line 35, after "eligible" insert "for"

23 On page 7, beginning on line 3, after "instruction" strike "and
24 the state auditor"

25 On page 7, line 11, after "individualized education" strike
26 "plan" and insert "program"

27 On page 7, line 12, after "individualized education" strike
28 "plan" and insert "program"

2SSB 5311 - S AMD 96
By Senator Wellman

ADOPTED 03/03/2023

29 On page 1, beginning on line 2 of the title, after "28A.150.390"
30 strike all material through "28A.310 RCW" on line 3 and insert "
31 28A.150.392, and 43.06B.010"

EFFECT: (1) Modifies the safety net award threshold for high-need students, changing it from a tiered threshold based on regionalization to a tiered threshold based on school district enrollment of full-time equivalent (FTE) students. Lowers the threshold to 2 times the average per-pupil expenditure for school districts with fewer than 1,000 FTE students and 2.2 times the average per-pupil expenditure for school districts with 1,000 or more FTE students.

(2) Requires the Office of the Education Ombuds to delegate and certify at least one special education ombuds to serve each educational service district region, subject to appropriations. Removes similar language requiring educational service districts to contract with special education advocates.

(3) Provides that special education ombuds must serve as a resource for students eligible for special education services and their parents, including:

(a) Advocating on behalf of the student for a free and appropriate public education from the public school system, including education and related services that meet certain requirements; and

(b) Assisting students and parents with individualized education program development and meetings.

(4) Establishes criteria for special education ombuds selection and prohibits ombuds from contracting with the Office of the Superintendent of Public Instruction, schools, school districts, educational service districts, or an employee of such entities for the provision of special education ombuds services.

(5) Removes the State Auditor from the requirement to develop an allocation and cost accounting methodology.

(6) Changes the term "individualized education plan" to "individualized education program" and inserts a missing word.

--- END ---