
SENATE BILL 5946

State of Washington

64th Legislature

2015 Regular Session

By Senators Rivers, Rolfes, Hill, McAuliffe, Litzow, Benton, Conway, and Frockt

Read first time 02/12/15. Referred to Committee on Early Learning & K-12 Education.

1 AN ACT Relating to establishing a comprehensive initiative to
2 expand learning opportunities and improve educational outcomes for
3 students with disabilities in Washington state using multiple
4 strategies and statewide partnerships; adding new sections to chapter
5 28A.155 RCW; creating a new section; and declaring an emergency.

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

7 NEW SECTION. **Sec. 1.** FINDINGS—INTENT. (1) During the past
8 decade, movements toward greater accountability in education have
9 highlighted the achievement and opportunity gap that exists among
10 students based on race/ethnicity, family income, language ability,
11 and disability. While effort has been made to address the inequities
12 evidenced in our educational outcomes, students with disabilities
13 continue to remain among the lowest performing subgroups in
14 Washington.

15 (a) About thirteen percent of Washington students experience a
16 disability and require special education;

17 (b) Another two to three percent receive supports and services
18 under section 504 of the federal rehabilitation act of 1973, 29
19 U.S.C. Sec. 701 et seq.;

20 (c) About one in every six students has at least one emotional,
21 behavioral, or developmental condition;

1 (d) Approximately thirty to forty percent of all children in
2 foster care receive special education;

3 (e) Children who are homeless are twice as likely to have
4 learning disabilities and three times as likely to have an emotional
5 disturbance as children who are not homeless;

6 (f) Only fifty-eight percent of students with disabilities
7 graduate from high school, compared to seventy-seven percent of all
8 students in Washington;

9 (g) Even fewer students with disabilities engage in higher
10 education, with just twenty-five percent enrolled in higher education
11 one year past high school. As many as one-third of former students
12 served in special education are completely disengaged from work or
13 postsecondary education one year after leaving high school;

14 (h) Students with disabilities are underrepresented in enrollment
15 in advanced placement courses, honors programs, and college
16 preparatory classes and overrepresented in low-performing schools;

17 (i) Nearly sixty-five percent of students with disabilities have
18 a measured cognitive ability that is average or above but are not
19 achieving similar to their peers due to learning disabilities, speech
20 and language disabilities, and other health impairments. For the
21 majority of these students, given appropriate intervention and
22 accommodations, each could capably access rigorous coursework to
23 obtain a high school diploma and pursue postsecondary education or
24 technical and career opportunities;

25 (j) Only thirty-one percent of fourth grade students with
26 disabilities scored proficient on statewide general assessments of
27 reading/language arts, compared to seventy-two percent of all
28 students;

29 (k) Only ten percent of eighth grade students with disabilities
30 scored proficient on statewide general assessments of mathematics,
31 compared to fifty-four percent of their peers;

32 (l) Students with disabilities are two and one-half times more
33 likely to be disciplined and suspended or expelled from school.
34 According to the office for civil rights, students who are suspended
35 or expelled from school have a significantly increased risk of
36 dropping out and not graduating; and

37 (m) The United States department of education, office of special
38 education and rehabilitative services, has placed Washington state on
39 the "needs assistance" list based on data related to the performance
40 of students with disabilities on regular statewide assessments.

1 (2) The legislature finds compelling evidence that additional
2 progress must be made to address the needs of students with
3 disabilities in Washington public schools. The legislature finds
4 there is no better opportunity to make a strong commitment to closing
5 the achievement gap for students with disabilities and to affirm the
6 state's constitutional obligation to provide opportunities to learn
7 for all students without distinction or preference on account of
8 race, ethnicity, disability, socioeconomic status, or gender.

9 (3) It is the legislature's intent that the state adopt a ten-
10 year goal to eliminate barriers to the success of students with
11 disabilities. As recommended by the office of the education ombuds'
12 2014 report on the creation of a statewide special education task
13 force required by chapter 221, Laws of 2014, the 2014 operating
14 supplemental appropriations act, the legislature establishes a blue
15 ribbon commission to develop a strategic plan to accomplish this
16 goal, with annual reports to the legislature containing prioritized
17 recommendations for achieving the detailed goals.

18 (4) To provide focus and clarity to efforts to increase learning
19 opportunities and improve educational outcomes for students with
20 disabilities, the state of Washington includes students with
21 disabilities in any reference to the state opportunity or achievement
22 gap.

23 NEW SECTION. **Sec. 2.** DEFINITIONS. The definitions in this
24 section apply throughout this section and sections 3 through 7 of
25 this act unless the context clearly requires otherwise.

26 (1) "Commission" means the commission on improving outcomes for
27 students with disabilities.

28 (2) "Institutions of higher education" includes the state board
29 for community and technical colleges, community colleges, the four-
30 year institutions of higher education, independent colleges and
31 degree-granting institutions, certificate-granting institutions, and
32 the workforce training and education coordinating board.

33 (3) "Mental health disorder" means any mental, behavioral, or
34 emotional disorder described in the most recent edition of the
35 diagnostic and statistical manual that substantially interferes with
36 or substantially limits the functioning and social interactions of a
37 child or adolescent.

38 (4) "State education agencies" includes the office of the
39 superintendent of public instruction, the student achievement

1 council, the state board for community and technical colleges, the
2 workforce training and education coordinating board, the professional
3 educator standards board, and the state board of education.

4 (5) "Students with disabilities" refers to any student who
5 receives instruction pursuant to an individualized education plan
6 (IEP) or a section 504 plan; or any student who is in the process of
7 evaluation and identification to become eligible for services and
8 protections under the federal individuals with disabilities education
9 act (IDEA) or section 504 of the federal rehabilitation act; or any
10 student who has previously received educational services and supports
11 pursuant to an individualized education plan or section 504 plan.
12 This term also includes students with a mental health disorder or
13 neurological condition, such as dyslexia, dysgraphia, dyscalculia, or
14 processing disorder who may also be eligible for a section 504 plan
15 or individualized education plan.

16 NEW SECTION. **Sec. 3.** COMMISSION ESTABLISHED. The commission on
17 improving outcomes for students with disabilities is established to
18 develop a ten-year strategic plan to expand learning opportunities
19 and improve educational outcomes for all students with disabilities.
20 The commission must develop an accountability framework to monitor
21 and report annually to the governor and the legislature on the
22 progress being made toward the ten-year goal and must provide vision,
23 guidance, assistance, and advice to support the initiatives under
24 this chapter.

25 NEW SECTION. **Sec. 4.** COMMISSION REPORT CARD. (1) The
26 commission, in collaboration with the office of the superintendent of
27 public instruction, shall select a comprehensive list of indicators
28 that leverage existing processes of data collection in order to
29 produce an annual report card on the state's progress toward
30 expanding learning opportunities and improving educational outcomes
31 for students with disabilities in Washington.

32 (2) The report card must:

33 (a) Illustrate the most recent data for selected indicators and
34 measures that comprise the accountability framework;

35 (b) Include data on, but not limited to:

36 (i) Academic achievement;

37 (ii) Access to the general education environment and curriculum;

- 1 (iii) Participation in states' assessments and alternative
2 assessments;
- 3 (iv) Graduation and dropout;
- 4 (v) Waivers to graduation requirements, including students who
5 pass using a collection of evidence (COE) or certificates of
6 individual achievement;
- 7 (vi) Postgraduation and posttransition outcomes;
- 8 (vii) Suspension and expulsion;
- 9 (viii) Use of restraint and isolation; and
- 10 (ix) Use of medicaid-funded school-based services;
- 11 (c) Be prominently displayed on the education data center's data
12 dashboard, required by RCW 28B.77.090, which must be linked to any
13 web site created by the commission.
- 14 (3) The education data center created in RCW 43.41.400 must
15 coordinate data collection and analysis to support the report card by
16 designing a common reporting metric, in collaboration with the
17 commission.
- 18 (4) The commission must publish the first report card with
19 baseline data on the identified indicators and measures by January
20 10, 2016, and must update the report card by each January 10th
21 thereafter.

22 NEW SECTION. **Sec. 5.** COMMISSION MEMBERSHIP AND MEETINGS. (1)(a)
23 By thirty days after the effective date of this section, the governor
24 shall appoint two cochairs to the commission. One cochair must
25 demonstrate respected leadership in education and child advocacy, and
26 must be known to foster collaboration and partnerships. The other
27 cochair must equally represent a diverse range of child and parent
28 consumer experiences with demonstrated leadership in building
29 relationships and facilitating accord with educators, legislators,
30 and policymakers.

31 (b) The cochairs shall hire an executive director responsible for
32 convening and staffing the task force and subcommittees, providing
33 research requested by the commission, administration, and preparation
34 of reports.

35 (c) By thirty days after the effective date of this section, the
36 governor's office shall create an application process for individuals
37 interested in participating as members on the commission.

38 (d) By one hundred twenty days after the effective date of this
39 section, the governor shall appoint twelve members to the commission

1 from a list of nominees who have diverse expertise including
2 university educators and researchers, academic and educational
3 service providers, parents, students, foster care and homeless youth,
4 related service providers, and mental health professionals. The
5 nominees must have demonstrated leadership and innovation in the
6 achievement of students with disabilities or proclaim a mission to
7 enhance access to education from early learning through postsecondary
8 education for students with disabilities.

9 (e) The following department heads or their designees are ex
10 officio nonvoting members of the commission:

11 (i) The superintendent of public instruction;

12 (ii) The secretary of the department of social and health
13 services;

14 (iii) The director of the department of early learning;

15 (iv) The director of the student achievement council; and

16 (v) The director of the office of the education ombuds.

17 (2) Members of the commission must be reimbursed for travel
18 expenses, as provided in RCW 43.03.050 and 43.03.060 and are required
19 to attend full commission meetings, but may not be reimbursed for
20 costs related to attendance of regional work groups.

21 (3) Staff support for the commission shall be provided by the
22 governor's office and the office of financial management, with
23 support from the office of the superintendent of public instruction
24 and other state education agencies and institutions of higher
25 education, as necessary.

26 NEW SECTION. **Sec. 6.** COMMISSION POWERS. (1) The commission has
27 the powers described in this section.

28 (2) The commission has the power to convene regional and
29 statewide work groups as budgeted or solicited funding allows, that
30 bring persons with relevant expertise to the work of the commission
31 and create a level of consensus-building and trust needed to shift
32 how services are delivered to students with disabilities or special
33 needs.

34 (3) The commission has the power to conduct research and system
35 reviews, and consult experts to inform its work. The commission may
36 seek grants and federal funding to carry out research or other
37 activities authorized by the chapter.

1 (4) The commission has the power to make policy recommendations
2 that are informed by findings from the report card and research and
3 that are aligned with the commission-established roadmap.

4 (5) The commission has the power to conduct state communication
5 campaigns designed to expand awareness of the importance of educating
6 students with disabilities or special needs and the opportunities
7 available to close the educational opportunity gap for disadvantaged
8 students and to promote economic self-sufficiency and reduced
9 dependence on public benefits for students with disabilities or
10 special needs over their lifetimes.

11 (6) To the extent possible, the commission shall use the data and
12 analysis produced by, and in consultation with, the education data
13 center created in RCW 43.41.400 in fulfilling its duties under
14 sections 2 through 7 of this act.

15 NEW SECTION. **Sec. 7.** SPECIAL EDUCATION INNOVATION PROJECT. To
16 the extent funds are appropriated or raised through grants
17 specifically for this purpose, the commission shall establish an
18 innovation fund and solicit and award competitive grants to public
19 schools, including charter schools, as well as nonprofits operating
20 in partnership with public schools. The commission shall annually set
21 the priority areas for grants that will be aligned with the roadmap
22 and identified areas of needed innovation to promote improved
23 practices in education, from early learning through postsecondary
24 education.

25 NEW SECTION. **Sec. 8.** Sections 2 through 7 of this act are each
26 added to chapter 28A.155 RCW.

27 NEW SECTION. **Sec. 9.** This act is necessary for the immediate
28 preservation of the public peace, health, or safety, or support of
29 the state government and its existing public institutions, and takes
30 effect thirty days after signed into law.

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