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**SUBSTITUTE HOUSE BILL 1914**

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**State of Washington**

**68th Legislature**

**2024 Regular Session**

**By** House Education (originally sponsored by Representatives Couture, McClintock, Schmidt, Waters, Barkis, Rude, Klicker, Chambers, Eslick, Reed, Graham, Jacobsen, Cheney, Sandlin, Caldier, Hutchins, Corry, Pollet, and Griffey)

1 AN ACT Relating to improving the education of students with  
2 varying abilities by enhancing special education services; amending  
3 RCW 43.06B.010, 28A.155.040, 28A.155.090, and 28A.155.100; and adding  
4 new sections to chapter 28A.155 RCW.

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

6 NEW SECTION. **Sec. 1.** With all correspondence and materials  
7 related to evaluation for and provision of special education  
8 services, a school district must provide the parent of a student who  
9 is or may be eligible for special education services with the  
10 following:

11 (1) A description of the services available through the office of  
12 the education ombuds and the contact information for the office of  
13 the education ombuds;

14 (2) Information about accessing special education guidance and  
15 other resources for parents available through the office of the  
16 superintendent of public instruction; and

17 (3) A notification that parents have a right to information about  
18 their child's education in a language that they can understand and in  
19 accordance with the school district's language access policy and  
20 procedures as required under chapter 28A.183 RCW.

1        NEW SECTION.    **Sec. 2.**    (1) For each student whose individualized  
2 education program includes provision of a related or supplementary  
3 special education service that is quantifiable, such as hours,  
4 minutes, or units, a school district must notify the parents of the  
5 student that a quarterly quantitative service report is available  
6 upon request.

7        (2) (a) A quarterly quantitative service report must indicate the  
8 quantity of each service delivered to the student during the prior  
9 quarter and the method in which the service was delivered.  
10 Identification of the delivery method includes whether the services  
11 were delivered in-person or virtually, whether the services were  
12 delivered one-on-one or in a group, and whether the services were  
13 delivered at the student's school or at another location.

14        (b) When the quantity of a service delivered to the student in  
15 the prior quarter is less than the quarterly quantity of that service  
16 required under the student's individualized education program, the  
17 report must include a plan to provide the student with additional  
18 services in the following quarter.

19        (3) The quarterly quantitative service report must be made  
20 available to a parent in writing within 10 business days of the  
21 parent's request. However, the school district is not required to  
22 provide a parent with the report more than once per quarter.

23        NEW SECTION.    **Sec. 3.**    Subject to the availability of amounts  
24 appropriated for this specific purpose, each educational service  
25 district shall employ, or contract for, one or more speech language  
26 pathologist, audiologist, psychologist, physical therapist,  
27 orientation and mobility specialist, occupational therapist, and  
28 behavior analyst for the purpose of providing services to local  
29 school districts to assist the districts with implementing the  
30 federal individuals with disabilities education act, Title 20 U.S.C.  
31 Sec. 1400 et seq.

32        NEW SECTION.    **Sec. 4.**    (1) The school district has the burden of  
33 proof and the burden of production whenever it is a party to a due  
34 process hearing regarding the identification of, evaluation of,  
35 reevaluation of, classification of, educational placement of,  
36 disciplinary action of, or provision of a free appropriate public  
37 education to a student with a disability.

1 (2) In a due process hearing, evidence showing that a student has  
2 not failed or been retained in a course or grade, and is advancing  
3 from grade to grade, does not create the presumption that the school  
4 has provided the student with a free appropriate public education as  
5 required by the federal individuals with disabilities education act,  
6 Title 20 U.S.C. Sec. 1400 et seq.

7 (3) In a due process hearing related to the lack of parent  
8 participation in the adoption of an individualized education program  
9 due to an interpreter-related issue, the superintendent of public  
10 instruction or the superintendent's designee may order the  
11 individualized education program team to reconvene with a qualified  
12 interpreter as defined in RCW 28A.183.010, so that the parent can  
13 fully participate in any adoption of an individualized education  
14 program.

15 (4) For purposes of this section, "due process hearing" means a  
16 due process hearing held in accordance with the federal individuals  
17 with disabilities education act, Title 20 U.S.C. Sec. 1400 et seq.

18 **Sec. 5.** RCW 43.06B.010 and 2023 c 417 s 5 are each amended to  
19 read as follows:

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

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

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

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

33 (iii) Community outreach.

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

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

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

3 (b) The senate members of the committee shall be appointed by the  
4 president of the senate. Two members shall represent the majority  
5 caucus and one member the minority caucus.

6 (c) The house of representatives members of the committee shall  
7 be appointed by the speaker of the house of representatives. Two  
8 members shall represent the majority caucus and one member the  
9 minority caucus.

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

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

31 ~~(b) Special))~~ In addition to the duties specified under RCW  
32 43.06B.020, the education ombuds must serve as a resource for  
33 students eligible for special education services and their parents,  
34 including:

35 ~~((i) Advocating on behalf of the student for a free and))~~ (a)  
36 Supporting eligible students to receive a free appropriate public  
37 education from the public school system that emphasizes special  
38 education and related services that are:

39 ~~((A))~~ (i) Provided in the least restrictive environment;

40 ~~((B))~~ (ii) Designed to meet the student's unique needs;

1       ~~((C))~~ (iii) Appropriately ambitious and reasonably calculated  
2 to enable a student to make progress in light of the student's  
3 circumstances; and

4       ~~((D))~~ (iv) Addressing the student's further education,  
5 employment, and independent living goals.

6       ~~((ii))~~ (b) Assisting students and parents with individualized  
7 education program development, including:

8       ~~((A))~~ (i) Preparing for a meeting to develop or update a  
9 student's individualized education program; and

10       ~~((B))~~ (ii) Attending individualized education program meetings  
11 as available to help present the parents' concerns, negotiate  
12 components that meet the parents' goals and requests, or otherwise  
13 assist the parent in understanding and navigating the individualized  
14 education program process(~~;~~and

15       ~~(C) Attending an individualized education program meeting to~~  
16 ~~assist in writing an appropriate program when a parent opts out or~~  
17 ~~otherwise cannot attend)).~~

18       **Sec. 6.** RCW 28A.155.040 and 2007 c 115 s 4 are each amended to  
19 read as follows:

20       The board of directors of each school district, for the purpose  
21 of compliance with the provisions of RCW 28A.150.390, 28A.160.030,  
22 ~~((and))~~ 28A.155.010 through 28A.155.160, and sections 1 and 2 of this  
23 act, and chapter 28A.190 RCW, shall cooperate with the superintendent  
24 of public instruction and with the administrative officer and shall  
25 provide an appropriate educational opportunity to children with  
26 disabilities, as defined in RCW 28A.155.020, in regular or special  
27 school facilities within the district or shall contract for such  
28 services with other agencies as provided in RCW 28A.155.060 or shall  
29 participate in an interdistrict arrangement in accordance with RCW  
30 28A.335.160 and 28A.225.220 and/or 28A.225.250 and 28A.225.260.

31       In carrying out their responsibilities under this chapter, school  
32 districts severally or jointly with the approval of the  
33 superintendent of public instruction are authorized to support and/or  
34 contract for residential schools and/or homes approved by the  
35 department of social and health services for aid and special  
36 attention to students with disabilities.

37       The cost of board and room in facilities approved by the  
38 department of social and health services shall be provided by the  
39 department of social and health services for those students with

1 disabilities eligible for such aid under programs of the department.  
2 The cost of approved board and room shall be provided for those  
3 students with disabilities not eligible under programs of the  
4 department of social and health services but deemed in need of the  
5 same by the superintendent of public instruction: PROVIDED, That no  
6 school district shall be financially responsible for special  
7 education programs for students who are attending residential schools  
8 operated by the department of social and health services: PROVIDED  
9 FURTHER, That the provisions of RCW 28A.150.390, 28A.160.030, and  
10 28A.155.010 through 28A.155.100 shall not preclude the extension by  
11 the superintendent of public instruction of special education  
12 opportunities to students with disabilities in residential schools  
13 operated by the department of social and health services.

14 **Sec. 7.** RCW 28A.155.090 and 2023 c 436 s 2 are each amended to  
15 read as follows:

16 The superintendent of public instruction shall have the duty and  
17 authority, through the administrative section or unit for the  
18 education of children with disabilities, to:

19 (1) Assist school districts in the formation of programs to meet  
20 the needs of children with disabilities;

21 (2) Develop interdistrict cooperation programs for children with  
22 disabilities as authorized in RCW 28A.225.250;

23 (3) Provide, upon request, to parents or guardians of children  
24 with disabilities, information as to the special education programs  
25 for students with disabilities offered within the state;

26 (4) Assist, upon request, the parent or guardian of any child  
27 with disabilities in the placement of any child with disabilities who  
28 is eligible for but not receiving special educational services for  
29 children with disabilities;

30 (5) Approve school district and agency programs as being eligible  
31 for special excess cost financial aid to students with disabilities;

32 (6) Establish standards for authorizing, monitoring, and  
33 investigating private schools approved by the state board of  
34 education under RCW 28A.305.130, other private in-state entities, and  
35 any out-of-state entities, that contract with school districts under  
36 RCW 28A.155.060 to provide special education and related services to  
37 children with disabilities. The standards must ensure that any  
38 children with disabilities placed in authorized entities by school  
39 districts have the same rights, protections, and access to special

1 education and related services that they would have if served by a  
2 school district;

3 (7) Consistent with the provisions of RCW 28A.150.390,  
4 28A.160.030, and 28A.155.010 through 28A.155.160, and part B of the  
5 federal individuals with disabilities education improvement act,  
6 administer administrative hearings and other procedures to ensure  
7 procedural safeguards of children with disabilities; and

8 (8) Promulgate such rules as are necessary to implement part B of  
9 the federal individuals with disabilities education improvement act  
10 or other federal law providing for special education services for  
11 children with disabilities and the several provisions of RCW  
12 28A.150.390, 28A.160.030, (~~and~~) 28A.155.010 through 28A.155.160,  
13 and sections 1 through 4 of this act, and to ensure appropriate  
14 access to and participation in the general education curriculum and  
15 participation in statewide assessments for all students with  
16 disabilities.

17 **Sec. 8.** RCW 28A.155.100 and 2007 c 115 s 12 are each amended to  
18 read as follows:

19 The superintendent of public instruction is hereby authorized and  
20 directed to establish appropriate sanctions to be applied to any  
21 school district of the state failing to comply with the provisions of  
22 RCW 28A.150.390, 28A.160.030, (~~and~~) 28A.155.010 through 28A.155.060  
23 (~~and~~), 28A.155.080 through 28A.155.160, and sections 1, 2, and 4 of  
24 this act to be applied beginning upon the effective date thereof,  
25 which sanctions shall include withholding of any portion of state aid  
26 to such district until such time as compliance is assured.

27 NEW SECTION. **Sec. 9.** Sections 1 through 4 of this act are each  
28 added to chapter 28A.155 RCW.

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