

**REPORT TO THE LEGISLATURE,
GOVERNOR,
AND SUPERINTENDENT OF
PUBLIC INSTRUCTION**

*On the Creation of a Statewide
Special Education Task Force*

**Presented by the Washington State
Governor's Office of the Education Ombuds**

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The 2014 Supplemental Operating Budget contained a proviso directing the Office of the Education Ombuds (OEO) to develop a scope of work and proposed plan for a task force on the success of students with special needs. The proviso requires OEO to submit this initial report to the Education and Fiscal Committees of the State Legislature by December 1, 2014.

OEO thanks the numerous individuals, agencies, and groups who provided written comment and participated in stakeholder meetings to help shape the recommendations included in this report. OEO also thanks the staff of the Washington State Board of Community and Technical Colleges and Washington State University College of Education for their help in identifying locations for the meeting, and the flexibility of all stakeholders with the changes in locations needed to accommodate the large number of interested individuals.

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Executive Summary

Washington State has the opportunity to move forward as a national leader in identifying strategies for prevention, innovation and progressive practices to improve educational outcomes for all students, including students with disabilities. From the way our schools are funded and structured, to the way our teachers are certified, our current system creates unnecessary divisions between “special education” and “general education”, making it difficult to provide appropriate supports at the right time and in the right amount to students based on their individual needs. This separation contributes to harmful segregation and the continuing stigmatization of “special education” students. Classrooms designed in ways that are inaccessible to students with disabilities negatively impact all students, and, moreover, lead to poor educational outcomes for students with disabilities.

- In 2013, only **54.4%** of students with disabilities graduated from high school on time; and only **62.4%** within 5 years.
- Only **1.5% of districts** met the state’s Annual Measurable Objectives under NCLB for students with IEPs.
- In several large districts, students with IEPs are between **2 and 3 times more likely** to be suspended or expelled than their peers.¹
- Graduates with disabilities continue onto higher education at **less than half the rate** of their peers.²
- **Over 1/3** of students who had IEPs are “not engaged” in employment, post-secondary education or training one year after graduating from high school.³
- The U.S. Department of Education has determined that Washington state is in “**need of assistance**” to meet new federal results-driven outcome measures for students with disabilities.⁴

The evidence is clear that disabilities do not cause disparate outcomes, but that the system itself perpetuates limitations in expectations and false belief systems about who children with disabilities can be and how much they can achieve in their lifetime.

¹ Graduation and Dropout Statistics Annual Report, 2012-13, at: <http://www.k12.wa.us/LegisGov/2014documents/GraduationAndDropoutStatisticsAnnualReport.pdf>; Data for State Performance Plan: <http://www2.ed.gov/fund/data/report/idea/partbspap/2014/wa-response-2014b.pdf>. Analysis of preliminary discipline data from 2013, at: <http://www.waappleseed.org/#!/school-discipline/c6wu>.

² See 2014 Annual Report to the Legislature by the Washington State Disability Task Force <http://www.wsac.wa.gov/disability-task>.

³ See <http://www.seattleu.edu/ccts/post-school-survey-and-outcomes/>.

⁴ See <http://www.ed.gov/news/press-releases/new-accountability-framework-raises-bar-state-special-education-programs>.

The evidence is clear that disabilities do not cause disparate outcomes, but that the system itself perpetuates limitations in expectations and false belief systems about who children with disabilities can be and how much they can achieve in their lifetime.

There is a need for statewide coordination and leadership to identify best practices and scalable models that will connect education as a whole to other systems that support the welfare of children in our state, and improve educational outcomes for all students with disabilities.

To meet this challenge, the state will need leadership from the state Legislature, the state Superintendent and the Governor's Office to create a **"Blue Ribbon" Commission** that will identify obstacles to student achievement and give schools and educators the tools to teach to lifelong outcomes.

This multi-disciplinary body should work in concert with existing structures and groups to collect and analyze data, recognize innovative practices, and make recommendations to the Legislature, Governor, and Superintendent of Public Instruction to identify our system needs and propose strategies to promote an inclusive, universally-designed education system.

The Commission should look to the entire system of education for innovative solutions and should not work in isolation or limit its work solely to the improvement of the delivery of special education. Students with disabilities belong in general education settings where rich, robust curriculum, social relationships, and learning activities occur, provided with access to appropriate instruction and supports to be successful during their school years and when they leave the school system.

The **Blue Ribbon Commission** should:

- Have autonomy and research capacity, including the ability to recommend technical and innovative changes across systems to promote better educational outcomes for all students.
- Outline recommendations to ensure the various systems that serve children and youth, including education, health, mental health, social services, and juvenile justice can collaborate effectively, eliminate gaps, and avoid duplication of efforts.
- Provide recommendations that will ensure continuity, access and success for students starting with early learning, and continuing through PK-12 and post-secondary education, career training and employment.
- Have 2 co-chairs who demonstrate leadership in education and child advocacy, who promote collaborative relationships, and will guide 12 expert panelists through a process of results-focused regional conversations to build trust in educators and parents so that extraordinary results can be produced with common goals and a shared mission.
- Convene statewide workgroups with dense and diverse geographic, agency, consumer and community representation that can foster collective efforts toward the continuous improvement of the education system to meet the needs of all learners and do a "deep dive" on how education services are delivered to students with disabilities.

- Be funded on a biennium basis and charged with developing a ten-year action plan, including an initial report with recommendations for systemic changes after the first two and four years.
- Be funded for a full-time Executive Director with administrative support.

While the unaddressed needs of vulnerable students with disabilities creates its own urgency for action, creating an expert body that would lead a coordinated multi-agency, cross-disciplinary approach within the education system **will also**:

- significantly reduce the state opportunity gap,
- improve graduation rates and reduce the state's dropout rate,
- decrease reliance on our state public safety net
- improve the economic vitality of the state of Washington

We cannot continue to rely on existing models for delivering special education if we are intent on reaching new and different results. The historical focus on regulatory compliance is important but not enough. Basic compliance alone does not transform students' lives by providing them real educational opportunities. In fact, for most students with disabilities, it translates to a life of unemployment, poverty and dependence. We have experienced nearly 40 years of a special education system that is largely procedural, highly regulated, places parents in adversarial positions with the schools, and is more expensive than it needs to be - without achieving the positive outcomes that we desire for these students.

It is time to focus on better outcomes as we fund basic education under the *McCleary* decision and look to the program of basic education "first" to better meet the needs of all students, including students with disabilities.⁵ However, simply relying on the additional excess cost allotment that will result when there is a raise in the basic education allotment (BEA) will not be sufficient to improve outcomes and change the way we deliver services to students with disabilities.

We believe there is clear support for this endeavor, with input from over 228 stakeholders representing more than 138 different agencies, organizations and consumers. We heard from a broad cast of educators, administrators, parents, health professionals, mental health providers, child advocates, juvenile justice administrators, disability rights advocates, and researchers that the time has come for a concerted effort around changing and improving educational outcomes for children with disabilities.

Our full report follows, with stakeholders' shared hopes and concerns for embarking on the important work of lifelong outcomes for students with disabilities in Washington State.

⁵ Washington's Supreme Court decisions in *Alliance* and *McCleary* state that students who receive special education are "basic education students first" and that basic education includes special education. The Court explains that basic education is not solely to meet the basic needs of students with disabilities, but includes special education. *Alliance* decision: <https://www.k12.wa.us/SpecialEd/pubdocs/SupremeCourtDecision.pdf> *McCleary* decision: Court orders and case filings in the case of *McCleary v Washington* are available here: http://www.courts.wa.gov/appellate_trial_courts/SupremeCourt/?fa=supremecourt.McCleary_Education. A brief summary of the Supreme Court's decision is available here: <https://k12.wa.us/Communications/OtherCommunications/SummaryMcLearyDecision2013.pdf>.

OEO's Detailed Recommendations

A Panel of Experts Appointed by the Governor:

- 1) The State Legislature, the Governor's Office and OSPI should provide leadership on this compelling education issue and create a **"Blue Ribbon" Commission** that will **improve educational outcomes for all students with disabilities**. The Commission should envision an inclusive education system that provides supports to students when they need it, without having to be stigmatized or segregated to get the instruction and assistance they need to succeed, and not focus solely on the improvement of special education.
- 2) Two co-chairs should be selected by the Governor, one who demonstrates respected leadership in education and child advocacy, and is known to foster collaboration and partnerships; and the other who can equally represent a diverse range of child and parent consumer experiences with demonstrated leadership in building relationships and facilitating accord with educators, legislators and policy makers.
- 3) A 12-member Commission should be appointed by Governor Inslee and include but not be limited to:
 - 3 educators in the categories of Superintendents, principals, teachers, or related services staff representing early learning, K-12, and transition to post-school life and special education and general education perspectives,
 - 2 parent representatives,
 - 4 agency leaders including:
 - the Superintendent of Public Instruction or designee,
 - the Secretary of the Department of Social and Health Services or designee,
 - the Director of the Department of Early Learning,
 - the Director of the Washington Student Achievement Council,
 - the Director of the Washington State Office of the Education Ombuds,
 - 1 Expert(s) in neuroscience research, neurodiversity, or diverse learning styles,
 - 1 Expert(s) in classroom design that promotes inclusive and differentiated instruction.

Duties of the Commission:

- 4) The two (2) co-chairs would be charged with hiring an Executive Director and reviewing and selecting Commission members for nomination for appointment by the Governor. Commission applicants would fulfill geographic, demographic, and organizational categories of representation (see page 14-15 for full considerations of applicant categories).
- 5) The Commission should have autonomy and capacity to develop a ten-year innovative "roadmap" and the ability to work on and monitor implementation following an initial 2 year and 4 year strategic reporting period. The Commission's reporting should be aligned with the state biennium legislative and budget process. Reporting should include a state "report card"

with a “dashboard of indicators” that monitors successful outcomes for students with disabilities.

- 6)** The Commission should be charged with reporting recommendations to the state Legislature, Governor, and the Superintendent of Public Instruction for systemic changes and identifying successful models for education and service delivery, including improved coordination of early learning through postsecondary education and alignment with efforts in other state agencies to impact and influence outcomes for students with disabilities. The Commission should have the ability to identify innovative strategies and serve as a conduit of expertise and information to support model programs for improved outcomes across the state, regionally, and locally.
- 7)** The Commission should be charged with looking at ways to improve outcomes for a very broadly defined group of students with disabilities that looks beyond a current diagnosis or eligibility under the IDEA and/or Section 504.
- 8)** The Commission should be provided funding for research capacity and policy analysis and include a representative(s) with expertise in research and best practices related to cognitive neurosciences, learning, or brain development in children and youth, universal design for learning (UDL) and evidence-based and best practices for inclusive classroom instruction.
- 9)** The Commission’s work should strive to keep a relationship to the work being done by Results Washington, the Washington Student Achievement Council, the Governor’s Committee on Disability Issues and Employment, and the state Developmental Disabilities Council to improve graduation rates, increase post-secondary access, improve asset-based education and career planning, increase opportunities for career-connected learning, work experience, supported employment and improved transitions to post-school employment and independent living for all individuals with disabilities.

Costs:

- 10)** The Commission should be funded for a full-time Executive Director with administrative support. Additional staffing as needed for the Commission should be shared by the Governor’s Office, OFM, OSPI, and other state agencies as necessary.
- 11)** Funds should be provided to the Commission and its subcommittee membership for travel and meal reimbursement for non-agency members, such as parents, self-advocates, or other nonprofit organizational members to attend the full Commission meetings and subcommittee meetings. To minimize travel, meeting space costs, and meal-related costs, the Commission is encouraged to utilize internet and telecommunication solutions whenever possible to conduct its work, including meetings, workgroups, and public engagement.
- 12)** The Commission should be funded adequately to receive support by staff from the Education Research and Data Center and Washington State Institute for Public Policy.
- 13)** The Commission should have sufficient funding for report writing capacity, a website, and other communications support to ensure a statewide, regional, local, and geographic presence to share information and conduct its work.

Background

Stakeholder Input

A broad group of stakeholders were convened in two separate parts of the state to gather information and input into the development of a plan for a statewide Special Education Task Force. The first was held in Olympia on July 24, 2014, and the second was held in Spokane on September 10, 2014. The meetings were hosted by the Office of the Education Ombuds and facilitated by the University of Washington Center for Continuing Education in Rehabilitation. A third meeting was held by webinar on October 15, 2014 to vet the draft of a final plan to the legislature.

Through this process, OEO asked stakeholders several questions such as: “What issues should a statewide special education task force address?” “What are the most significant obstacles/concerns related to outcomes for students with disabilities?” “What are the challenges to the delivery of special education that lay the foundation for the work of a task force?” “Who should be assigned to the task force and how should they be selected?” “Where should its home be?” “How long should it run?” “What should the outcomes be?”

There were a total 228 participants representing over 138 different social, health, educational, parent, student, and child advocacy organizations. Some general themes emerged as a result of those initial conversations about the problems that need to be solved which are included at the end of this report.

Stakeholder organizations represented included:

ACLU of Washington	Disability Rights Washington
Arc of Snohomish County	DSHS Juvenile Rehabilitation
Arc of King County	Dussault Law Group
Arc of Washington State	East Valley School District
Arc of Spokane	Eastern Washington University
Autism Society of Washington	Eastern Washington University School of Psychology
Bellevue School District	Education Northwest
Bellevue Special Needs PTSA	ESD 101
Bellevue Parent	ESD 105
Bethel School District	Excelsior Youth Center
Boost Collaborative	Fairchild Air Force Base Parent
Brightmont Academy	Feeney Law Office
Castle Rock Parent	Governor’s Policy Office
Central Valley School District	Highline School District
Central Washington University	Highline School District Special Services
Children’s Administration	Highline School District Special Needs PTSA
Children’s Intensive In-home Behavioral Support Program	House Education and Higher Education Committee Staff
Communities and Parents for Public Schools of Seattle	House Legislative Staff
Deer Park School District	Independent Wellness Consultants
Developmental Disabilities Administration	Issaquah parent
Department of Early Learning	Isaac Foundation
	Juvenile Justice and Rehabilitation Administration

King County Division of Developmental Disabilities
King County Parent to Parent Program
Kitsap County Parent Coalition
Kittitas County Parent to Parent Program
Lake Washington School District
Lake Washington School District PTSA – Special Needs Group
Lake Washington Student with Disabilities
Lake Washington/Sammamish Parent
League of Education Voters
Liberty School District
Listen and Talk
Mary Bridge Children’s Health Center
Maxim Healthcare Services
Mercer Island parent and PTSA representative
Mead School District
Mental Health Wrap Around and Family Alliance
Mercer Island Parent
NW Autism Center
NW Justice Project - Colville
NW PBIS Network
Office of the Education Ombuds
Open Gathering
Open Doors for Multicultural Families
Orting School District
Office of the Superintendent of Public Instruction
Spokane County Parent to Parent Program
PAVE – Spokane and Tacoma
PDZ Consulting
People First of Washington
Professional Educator Standards Board
Public School Employees of Washington – Spokane, Tacoma & Spokane Valley
Pullman Public Schools
Puyallup School District
Snohomish County
State Board of Education
Seattle Children’s Hospital
Seattle School District
Seattle Special Education PTSA
Seattle parent
Seattle University
Seattle University School of Law
Senate Legislative Staff
Seneca Family of Agencies

Spokane Parent
Spokane Public Schools
Spokane Public Schools Parent Advisory Committee
Spokane Regional Health District
Sunnyside School District
STOMP
TeamChild – Spokane
Treehouse
University of Washington Autism Center
University of Washington School of Education
University of Washington Center for Continuing Education
Unlock My Brain
Vancouver Special Education PTSA
Washington Association of School Social Workers
Washington Family and Community Engagement Trust
Washington State Developmental Disabilities Council
Washington State Parent to Parent Program
Washington State University Department of Teaching and Learning
Washington State University College of Education
Washington State University Tri-Cities
Washington State PTA
Washington Autism Alliance
Washington Autism Action Coalition
Washington Association of School Administrators
Washington Services for the Blind
Washington State School for the Blind
West Valley School District
Washington Student Achievement Council
Washington Association of School Social Workers
Washington Association of School Business Officials
Washington State Special Education Coalition
Workforce Training Board
Workforce Development Council of Seattle-King County
Yelm Community Schools
Youth Ambassadors
46th Legislative District State Representative
46th Legislative District State Senator, Legislative Assistant
3rd Legislative District Representative, Legislative Assistant

Work of Other States

OEO conducted research to see what other states are doing to improve outcomes for students with disabilities. A few other states also have task forces examining special education practices. At the time of this report, they included New Jersey, Kentucky, Virginia, Colorado, Massachusetts, Pennsylvania, and New York. Each has their own unique scope, governance, and timeframe, but California's is the most ambitious and similarly aligned with the changes that stakeholders indicated they believe are necessary in Washington State.⁶ As part of its research, OEO met with the co-Executive Directors of the California Special Education Task Force to hear about their work. The Director of OEO attended a meeting held in Sacramento, California on October 30, 2014, to watch as their task force's final recommendations were being honed.

The overarching themes for the California Statewide Special Education Task Force included: 1) Reform educator preparation and professional development, 2) Provide incentives for evidence-based practices, 3) Update special education funding procedures and align with general education funding reform, 4) Ensure students with disabilities are included in the new statewide assessment system, and 5) Increased access and equity of service availability prior to kindergarten.

"We must reduce this to kitchen-table talk where everybody 'gets' it and says this makes sense."

--Carl Cohn, Chair of California Special Education Task Force

"When a person is in a welcoming, accessible environment, with appropriate supports, accommodations, and tools, where she can be successful, does she still have a disability? No. Disability is not a constant state. The diagnosis may be constant, but whether it is a disability is more a consequence of the environment than what a person's body or brain can or cannot do."

*--Kathie Snow,
www.disabilityisnatural.com*

⁶ California Special Education Task Force <http://www.smcoe.org/about-smcoe/statewide-special-education-task-force/> and <http://www.smcoe.org/assets/files/about-smcoe/superintendents-office/statewide-special-education-task-force/Overarching%20Themes%20DRAFT9.16.pdf>

Considerations

Stakeholders provided OEO substantial input into the creation of a special education task force, and their considerations are reflected in this section.

What Should It Be Named?

OEO recommends the creation of a “Blue Ribbon” Commission that would improve educational outcomes for all students with disabilities and connote innovative transformation, omitting the use of the terms “task force” or “special education” in the name.

While on its face *what the task force should be named* may seem to be a trivial consideration, it drew significant opinion from stakeholders. The discussion grew out of concern for the credibility and vast nature of the work that should be conducted to improve outcomes for students with disabilities, as well as the need for a values statement regarding the ultimate goal of a task force.

There was a great deal of dialogue among the groups about whether the term “task force” was desirable. For some constituencies, while expressing unconditional support for the idea that a statewide body of experts from within educator, stakeholder and cross-agency constituencies needed to come together, the term “task force” was generally not desirable, some suggesting the term connotes a place “where good ideas go to die.” For most of those who had an opinion about what the name of this “brain trust” of good ideas should be called, a **Commission** seemed to feel more accessible and grounded in work that would be considered authentic, credible and viable. There was consensus that the Commission needed to be autonomous, innovative, and follow a “collective impact” model.⁷

There was also broad consensus that one of the main reasons for having a task force would be to promote *further inclusion of students with disabilities into general education classrooms*. This included addressing the universal design of an education system⁸.

“The goal is the widest possible authorization so we build consensus and speak with one voice. We don't want to end up with a really nice report that sits on a shelf. We want to create a brighter future for children with disabilities.”

--Stakeholder in Spokane

⁷ “Collective impact” is a model of social change that requires broad cross-sector coordination, not focused on the isolated interventions of individual schools or districts but coordinated improvements at every stage of a young person’s life, from “cradle to career.” For information and resources on collective impact, see, for example, the Collective Impact Forum: <http://collectiveimpactforum.org/getting-started>.

⁸ For more information, see the National Center for Universal Design Learning, available here: <http://www.udlcenter.org/aboutudl/whatisudl>

There was strong support for and conversation about the need for better access to core curriculum and typical peers with effective instruction that supports learning – without students having to be unnecessarily stigmatized or segregated to get needed instruction and supports. Special education has, for most students, become a place where students “go” to get instruction that is very different from their peers, often not aligned with what all students should know when they leave school, not necessarily designed to improve access to learning and academic attainment, or to provide the skills needed for independence, self-sufficiency or self-determination.

In other words, the *last thing* participants wanted was to change **only** “special education.” Most opinions reflected a desire to ensure all learners were educated to the maximum extent possible in general education settings with appropriate supports for their disabilities. Therefore, using the word “special education” in the name of the group was also determined undesirable.

Where should it be seated?

OEO recommends that the Governor’s Office provide leadership on this important education issue and house a Blue Ribbon Commission that will improve educational outcomes for students with disabilities.

It was clear from feedback by all stakeholders that the work of the task force or Commission should be conducted by an ***independent, autonomous body*** that could facilitate difficult conversations and challenge the status quo. More discussion will appear further in this report about who was thought should be a member of the Commission, but no single existing agency was identified as able to inspire representation from all geographic regions of the state and across agencies that serve children during each of their school transitions – from birth to career.

There was consensus that the Commission should facilitate collaboration among state agencies including health, social and juvenile justice, with standing membership by the Office of the Superintendent of Public Instruction (OSPI), the Department of Early Learning (DEL), and higher learning organizations, including 2-year and 4-year colleges, career and technical institutes, and workforce representatives.

There was also a clear insistence that both general and special educators, families, students, and community organizations be provided seats on the Commission to ensure a broad perspective.

An important note, there was discussion in both stakeholder groups about whether OEO should be considered as a possible “home” for the task force or Commission – either as its fiscal home or in support of its governance structure. While it may be considered a logical place for the Commission to reside because of its independence outside the education system, in thinking about this option, OEO would caution the legislature not to seat the Commission within OEO or have OEO be appointed to “run” the task force. OEO’s statute, standard of practice and core mission dictates that it remain independent, neutral, and impartial, and in doing so, reside outside of the educational system it monitors. Placing the work of the Commission at OEO could potentially put it in a position of being part of the system it monitors. This could jeopardize OEO’s ability to conduct its work impartially and may compromise its ability to participate based on its own discoveries gleaned through casework, representing the stories of hundreds of families and students currently struggling within the educational system.

Inviting OEO to be a member of the task force, or potentially facilitating task force conversations would be in keeping with OEO's role to bring together differing perspectives and parties with very disparate stakes in the outcome – keeping the focus on student success. But it would be difficult to “run” the Commission *and* conduct its core mission. OEO's location in the Governor's Office allows it to maintain its independence and impartiality from the education system while having a solid, statewide foundation. These will also be essential components of the Commission.

How long should it run? What would it report on?

OEO recommends that the Commission on improving outcomes for students with disabilities be directed to develop a 10 year action plan, including initial recommendations after two and four years, with research capacity and the ability to conduct regional, statewide workgroups. The strategic plan would be adjusted every two years following the initial plan, aligned with the biennium budget process.

OEO shared with the stakeholder groups some of the variations in current state task forces, their membership, and differences in duration that currently exist in Washington, along with explaining how the California Special Education Task Force has conducted its work. As an example, the state Education Opportunity Gap Oversight and Accountability Committee (EOGOAC)⁹ is a standing committee that meets monthly across the state and has representatives from each of the state's ethnic commissions assigned to it. It reports annually to the legislature and is included in other important work such as the Quality Education Committee (QEC)¹⁰. The QEC meets only four times per year and is comprised primarily of legislators. Both are ongoing committees that solicit statewide input but have limited budgets and staffing to do so. Recently, the state legislature created a Paraeducator Task Force¹¹ that meets monthly, runs for two years with bold goals around paraeducator certification and articulation of standards for paraeducators, and has subcommittees that run between task force meetings to inform recommendations. That committee has a focus on educator standards and certification, so it is seated in the Professional Education Standards Board (PESB) and runs concomitant subcommittees on defined areas of its legislative task. It has broad representation from districts, educator membership organizations, and parents.

In another example, the state Disability Task Force¹² runs through the Washington Student Achievement Council (WSAC), has a two year charge with annual reports and recommendations by a cross section of K-12 and higher education members. Its focus is on identifying and removing obstacles for post-secondary enrollment and outcomes for individual with disabilities. WSAC is a cabinet-level state agency that is part of Higher Education Coordinating Board and is not ideally situated to look at all of the issues within a PK-20 system. All agreed its work should be connected to the work of the Commission on improving outcomes for students with disabilities, and that it could serve as a neutral home if provided sufficient scope and capacity to do so.

In addition to task forces, OEO also researched Commissions that have been established within the state and looked carefully at the construction of a most recent body that addresses the coordination, innovation and accountability of STEM education efforts across the state. Known as the “STEM

⁹ <http://www.k12.wa.us/achievementgap/>.

¹⁰ <http://www.k12.wa.us/QEC/>.

¹¹ <http://www.pesb.wa.gov/home/para-work-group>.

¹² <http://www.wsac.wa.gov/disability-task>.

Alliance”¹³, this commission will run for 10 years and provide for an annual report card with a “dashboard of indicators”, a strategic roadmap, and two year adjustments to the 10 year course. It provides for a bold, results-driven approach to align state agencies and resources around a comprehensive PK-20 system and evidence-based framework for accountability, including innovative projects, and tied to economic outcomes for the state. This workgroup provides a “report card” on dashboard indicators and progress toward goals.

Who should be members of the task force and how should they be selected?

OEO recommends that members provide applications for their seat on the Commission and that two co-chairs appointed by the Governor be charged with reviewing and selecting members among the applicants that fulfill geographic, demographic, and organizational categories of representation.

Legislation often names types of members to a large cross-sector body to ensure interagency collaboration, participation of consumer stakeholders and regional representation. An initial selection process by two co-chairs would ensure capaciousness, expertise, diversity and a variety of perspectives from birth to adulthood, regionally, and across disability groups and interest groups.

The Commission would provide leadership across agencies and be able to remove obstacles and barriers to improved outcomes that are identified by regional workgroups. For this reason, the Commission needs to have participation from agency directors to identify what parts of their systems influence and contribute to educational outcomes and affect partnerships that facilitate the change process.

OEO recommends that the Commission stay limited to 12 members who would be appointed by Governor Inslee and include but not be limited to:

- 3 educators in the categories of Superintendents, principals, teachers, or related services staff representing early learning, K-12, and transition to post-school life and special education and general education perspectives
- 2 parent representatives
- 4 agency leaders including:
 - the Superintendent of Public Instruction or designee,
 - the Secretary of the Department of Social and Health Services or designee,
 - the Director of the Department of Early Learning,
 - the Director of the Washington Student Achievement Council,
- the Director of the Washington State Office of the Education Ombuds,
- 1 Expert(s) in neuroscience research, neurodiversity, or diverse learning styles,
- 1 Expert(s) in classroom design that promotes inclusive and differentiated instruction

Workgroups would be formed across the state to include a variety of additional stakeholders. Critical to the composition of the regional workgroups are content specialists, stakeholders, and systems analysts who can bring together best practices and focus on innovation.

In many ways, much of the “real” work of the Commission will occur in the dense, robust workgroups across the state – because there is a need for a philosophical shift, cultural change, and a tolerance for children in need, as much as a change to fiscal policies, pedagogy, and program reform. Regional

¹³ <http://apps.leg.wa.gov/billinfo/summary.aspx?bill=1872&year=2013>.

workgroups will not only bring expertise to the conversations, but will allow for the level of consensus-building and trust needed for a meaningful shift in the way services are delivered to children with disabilities. Schools will need to develop learning communities that operate under a system of universal design if we are to reach students who are historically marginalized and underserved - so they can thrive in the school environment rather than be removed from the dynamic and complex teaching that occurs in general education classrooms. In addition, there must be space and time that allows educators to collaborate and identify practices that will contribute to a framework for learning experiences that are effective with a wide spectrum of learners.

Workgroup subcommittee members should contain these members:

- classroom educators, both general and special education,
- administrators (including specifically principals),
- ESD, Superintendent, and School Board Director representatives,
- self-advocates and parents,
- partners in the social and health services, including juvenile justice and developmental disabilities
- related services professionals such as school psychologists, counselors, social workers, speech/language therapists, physical and occupational therapists, audiologists, school nurses, and other staff involved in the delivery of services and design of individual plans for students based on their needs,
- community partners such as physicians, psychologists, clinics, hospitals, public health representatives.

In addition, there was input that the Commission needed to ensure voices are clearly heard from each transition between from early learning through higher education, the state ethnic commissions, and school finance experts.

Many stakeholders also felt strongly that representatives from higher education include specifically researchers in the field of brain science and learning as well as a representative from the Governor's Committee on Disability Issues and Employment.¹⁴

For those professionals and consumers involved with students who have intellectual and developmental disabilities (I/DD), there was a strong preference to ensure that self-advocates were allowed to contribute to the process – self-advocates expressing “nothing about us without us”, and ensuring that the work of the state Developmental Disabilities Council is included in conversations.

Stakeholders also wanted to ensure adequate representation and consideration of the unique issues posed by students with disabilities who are also English language learners, students of color, students living in poverty, students who are part of the foster care system, students involved with the juvenile justice system, or students who may have limited-English speaking parents.

¹⁴ <http://www.esd.wa.gov/newsandinformation/legresources/gcde/index.php>.

Conclusions

Washington state needs a comprehensive plan that galvanizes educators and their partners into a new framework that has a direct relationship to general education and provides universal architecture to meet the needs of all learners, whether they are identified as having a disability or not.

The work must resonate with a very wide audience of stakeholders, implementers, and communities and must account for our state's needs and differences geographically and demographically – without compromising the overarching outcomes. Through a statewide task force with independent and strong leadership, necessary partnerships can develop at state, regional, and local levels to address the diverse needs of our students and our communities. The work needs to have at least two layers: deep-in-the-weeds conversations by subcommittees and an ability to take that information and step back to identify the parts of a whole system that can be aligned for better outcomes.

In the world of aviation and health, strict adherence to following systems and demonstrating compliance with efficacy is rewarded and treasured - because it saves lives and it is life-threatening not to. In education, by contrast, there is a fractious resentment toward compliance. But compliance is essential along with a focus on outcomes with results-driven improvement based on data. If education were aviation, planes would fall out of the sky every day. And maybe in some analogous respect they do. The “human debris” of students with disabilities who drop out every day, who do not find meaningful employment, who sit at home unable to navigate their communities, who don't go onto college because they don't think they are smart enough, must have some measure much like a crash.

Stakeholders expressed in a variety of ways that the system must first “do no harm,” and give educators time to focus on student relationships and identify students who may be suffering from trauma to get them appropriate help.

Educators need to know why they are practicing procedures and what difference it will make for their students and their families. Educators need access to innovative techniques, evidence-based practices, and they need it easily accessible and provided by mentors with the support of their school teams and district administration.

The challenges faced by students with disabilities are evident in every measure of the “opportunity gap” including disproportionately high discipline rates, low academic achievement, high dropout rates, low participation in postsecondary education, and low post-school employment indicators. We must look at how our educational system perpetuates disparate outcomes for different students because of *who they are* - racially, culturally, linguistically, socio-economically or because of their disabilities.

We must resist change through a deficit lens – that is, the notion that some groups of children will be educated at the expense of other groups of children. Without taking away resources in one place to make up for gaps in other programs, we must design a cost-effective, coordinated, inclusive system that is not an “add on” to an educational system that was not originally designed with the needs of all

“I need to know how to answer the protests from my chief financial officer and my attorney when I bring them in the room to explain the kinds of changes I want to make – because it is the right thing to do. I need someone to tell me how I can do it – not just tell me that I can't.”

--District Superintendent

children in mind. With the impetus created by the *McCleary*¹⁵ decision to fully fund basic education, the general education system will have the increased revenue it needs to look comprehensively at the disparate results the current system produces and make changes to ensure equitable outcomes for all children.

To see successful outcomes for students with disabilities, every student must be seen as a general education student “first.” The Washington State Constitution guarantees the right to a basic education for each and every child in our state, **regardless of whether or not they have a disability or a diagnosis.**¹⁶ This means that all adults in the education system should be responsible for instruction and support, and should share responsibility for providing a safe and appropriate learning environment for *all* students. All teachers and principals should attend to the academic, behavioral, social and emotional needs of all students. Early and appropriate interventions and services should be provided regardless of whether or not the student is identified as a student with a disability.

There are also other important developments that, when considered together with *McCleary*, signal this is a historical time of great opportunity for system-wide improvements.

- Washington state has been determined to “need assistance” to ensure meaningful access to special education to improve outcomes in reading and math, and improve graduation rates and transition services for students with disabilities. Only 24% of students with disabilities were proficient in math by high school, compared to 79% of their peers.¹⁷ In high school reading, only 38% of students with disabilities were proficient, compared to 85% of their peers.¹⁸ A new federal Results-Driven Accountability framework will be used to measure improvements for Washington students with disabilities beginning this year.¹⁹
- Washington is the first state to lose its federal “waiver” to the requirements for No Child Left Behind (NCLB), also known as the Elementary and Secondary Education Act (ESEA). At the same time, much

“We need to develop a more porous system of helping students who are in need – right now it is very binary – you are “in” or you are “out,” driven largely by the need to account for dollars within programs. The energy and resources in the system to support strong outcomes must at least be matched by the resources and energy used to pass fiscal audits.”

--Special Education Administrator

¹⁵ Court orders and case filings in the case of *McCleary v Washington* are available here:

http://www.courts.wa.gov/appellate_trial_courts/SupremeCourt/?fa=supremecourt.McCleary_Education. A brief summary of the Supreme Court’s decision is available here:

<https://k12.wa.us/Communications/OtherCommunications/SummaryMcLearyDecision2013.pdf>.

¹⁶ See the Supreme Court’s decision in *School Districts’ Alliance for Adequate Funding of Special Education v. State*, available at: <https://www.k12.wa.us/SpecialEd/pubdocs/SupremeCourtDecision.pdf>.

¹⁷ <http://www2.ed.gov/fund/data/report/idea/sppapr.html>.

¹⁸ <http://www2.ed.gov/fund/data/report/idea/sppapr.html>.

¹⁹ For a detailed description of the new accountability system, see: <http://www2.ed.gov/about/offices/list/osers/osep/rda/index.html>.

work is being done within the state to rollout Common Core standards and the Smarter Balance assessment, which could fundamentally alter how services and instruction are delivered to all students, including students with disabilities. But educators are already concerned that students with disabilities are being left out of these common standards and assessments. If looked at in conjunction with one another, the new framework for accountability for special education and the changes under the ESEA provide a unique opportunity to look at both major federal statutes together to improve and align the systems of general and special education.

- The Washington state legislature has recently passed a law that increases new graduation minimum standards to 24 credits, raising the bar for the performance of all students in our public schools. These efforts to increase standards are particularly impactful for students with disabilities who historically experience disproportionately low educational attainment. Before passing these requirements, both the state legislature and the State Board of Education heard from many parents of students with disabilities who urged lawmakers and policy makers to ensure that increased barriers to meeting graduation requirements will not occur for children with disabilities as we raise expectations for all students.

We need an education system that is not based on labels and places, but rather *expertise, resources, and program design* resulting in a unified system responsive to the needs of all students. It is time to build capacity in school communities through identification of innovative and successful educational models and programs that measure outcomes such as inclusion, academic achievement, post-secondary access and post-school employment success.

The state should while take advantage of current efforts in early learning and early intervention, changes in the state mental health system to allow greater access to services for children, increased Medicaid access, increased supports for students in the foster care system, general education reforms required under the ESEA using Common Core Standards and the Smarter Balance assessment that account for students with disabilities, and compliance with the federal Results-Driven Accountability framework to fundamentally look at how to include students with disabilities in improvements to Washington's education system.

There is a need for a philosophical shift, cultural change, and a tolerance for children in need, as much as a change to fiscal policies, pedagogy, and program reform. A system of universal design will allow us to get to students are historically marginalized and underserved and provide a framework for learning experiences that are effective with a wide spectrum of learners.

In some respects, this process will feel a lot like building a plane while it is flying. But reform is more likely a series of "tweaks" and refinement, putting a focus on human systems, data, and practices which foster equity, inclusion and school cultures that promote the dignity of risk.

Current Challenges in Meeting the Needs of Students with Disabilities

Because the proviso requests OEO to submit a plan that focuses on the construction of a task force, it was difficult to determine where to put the very valuable and insightful challenges to the delivery of special education that were identified in stakeholder meetings. These will likely serve as the “seeds” of the initial work of a task force or Commission. Readers should not construe these important issues as an “afterthought” to the report, or consider their placement in the report supplemental. In fact, the issues identified below were considered to be the “heart and soul” of why a Commission is needed. The following are major themes that arose in both stakeholder gatherings and in comments submitted directly to OEO:

Significantly improve the ability of the general education system to address the needs of all students.

We serve about 135,000 students with disabilities in our public schools. Students with disabilities make up at least 12.7% of the student population across the state, and another 2-3% of students are identified under Section 504. The Center for Disease Control reports that 11% of children aged 4-17 were diagnosed with ADHD in 2011, making them 10 times more likely to have relationship issues and 3 times more likely to have peer difficulties.²⁰ About 1 in 68 children is diagnosed with autism spectrum disorder which is 5 times more likely to occur in boys.²¹ There are many other students who have not been identified but still struggle behaviorally, socially and academically, placing them at high risk to drop out. We know that students with disabilities have a 2.5 times greater chance than other students of being suspended or expelled. Achievement rates are more than 40% lower than their nondisabled peers on any measure of academic performance, and we “lose” more than a quarter of our students with disabilities from public high schools before graduation.

Participants and stakeholders were clear this cannot be the work solely of special education teachers, particularly when we know that nearly 60% of students with disabilities have the same cognitive abilities as their peers and should be able to access the same options for college and career as their peers.

In addition, the value of including students with intellectual and developmental disabilities in all aspects of student activity and student relationships is a civil right and expectations for these students should be high and aligned with the same outcomes desired for all students – independence, economic self-sufficiency, and choice. *“When a person is in a welcoming, accessible environment, with appropriate supports, accommodations, and tools, where she can be successful, does she still have a disability? No. Disability is not a constant state. The diagnosis may be constant, but whether it is a disability is more a consequence of the environment than what a person’s body or brain can or cannot do.”*²²

Stakeholders agreed across all constituencies that the improvements that need to be made in the delivery of special education begin in general education.

²⁰ See <http://www.cdc.gov/ncbddd/adhd/data.html>.

²¹ See <http://www.cdc.gov/ncbddd/autism/data.html>.

²² <http://www.disabilityisnatural.com/> See also: <http://www.who.int/disabilities/media/news/unconvention/en/>

Align mental health, early childhood, and foster care reforms so services can be delivered at the right time in the right amount over the course of childhood.

About one out of every six students in Washington has at least one emotional, behavioral or developmental condition²³ and our state public schools need improved systems (and systems collaboration) to support these students. Access to children’s mental health and behavioral services were identified by stakeholders as top priorities. Educators and families see students with disabilities who begin to experience mental health problems when they are struggling with school; they see students who live with depression, anxiety and other mental health challenges that sometimes make it impossible for students to get to school or engage in their education, and they see students who have experienced trauma and need counseling, not special education services. Across the state there is a need for improved identification, coordination of services and access to care for mental health for students.

Recently, the state Department of Social and Health Services entered into a settlement agreement with Disability Rights Washington (DRW) representing a class of youth with mental health needs.²⁴ This agreement will restructure and improve access to community based mental health services for severely impacted youth across the state. Efforts are underway to ensure coordinated care for Medicaid-eligible children and adolescents through a new program titled “WISe” (Wraparound with Intensive Services). Many of the youth eligible for these services face exclusion from school, repeated disciplinary action and/or restraint and isolation at school. These services are critical to supporting students and working with their families and school teams to allow the youth to stay in school. But they are only one component of necessary mental health services.

OSPI’s Department of Secondary Education and Student Support²⁵ has done valuable work through the temporary task force convened by the legislature to identify best practices, model programs, and successful strategies for school districts that will support partnerships with qualified health, mental health, and social services agencies in the community. Their work to date has been a valuable jumping off point, but must be continued and expanded to involve all stakeholders. This again, is an ideal time for the state to take a comprehensive look at mental health access and schools as three school districts will be working on implementation of grants from the Substance Abuse and Mental Health Services Administration (SAMHSA).²⁶

Develop innovative projects and help educators share work across the state that improves outcomes for students now, at the same time the system is being redesigned.

Educators were clear in all three conversations convened by OEO that the state cannot wait to design a system to improve outcomes before beginning to **identify effective and innovative models of practice** and service delivery. Districts want to know what other districts are doing to affect good results to promote inclusion, to raise the academic achievement of struggling students, and increase student engagement. And they want to know it right away.

Districts also want to know how to make small innovative practices and projects more scalable. What are the differences between large and small district implementation? What are the costs? How can the

²³ http://www.k12.wa.us/Communications/PressReleases2014/AWARE_Grant.aspx.

²⁴ <http://www.dshs.wa.gov/pdf/dbhr/08%20013%20031%20Joint%20News%20release%20on%20TR%20v%20Dreyfus.pdf>.

²⁵ <http://www.k12.wa.us/LegisGov/2013documents/PartnershipstoSupportYouthinNeedDec2013.pdf>.

²⁶ https://www.k12.wa.us/Communications/PressReleases2014/AWARE_Grant.aspx?printable=true.

state deliver effective services in both rural and urban communities? How do we address the needs of students with disabilities who might also be homeless? How do we address the needs of students with autism, developmental delays, and blindness in one school? Innovation requires a culture that supports the dignity of risk – so that a better solution can be found.

Create a comprehensive structure for addressing the social, emotional, and behavioral needs of all students that connects evidence-based strategies and more intensive approaches that succeed with students who require individualized support and instruction.

Educators, families and community members highlighted the need for school leadership reforms so that a multi-tiered system of interventions and services can work together to thoughtfully inform decision-making about each and every student in relation to their conduct and behavior. School-wide building practices need to be inclusive of all learners, and systems need to be focused on early identification and intervention for students whose needs are not being addressed by daily instruction and supports, including behavioral, social and emotional skills. The importance of social and emotional learning, the function of communication related to behavior, practices that support positive behavioral interventions rather than isolation and restraint practices are essential foundations for all students, including students with disabilities. These foundational supports cannot be developed or maintained effectively when they are viewed as the responsibility only of the “special education” staff of a school. Furthermore, students with intensive needs in this area will have more success in the general education environment when there is continuity between their individualized instruction and behavioral and social emotional skills taught to all students.

Improve post-school outcomes for students with disabilities and align transition planning to real-world outcomes and skills needed for employment.

Transition services are a coordinated set of activities that promote movement from high school to such post-school activities as post-secondary education, vocational training, employment, adult services, independent living and community participation. Transition outcomes include the behavioral, social, communicative, functional, occupational, and academic skills that enable young adults with disabilities to obtain and hold meaningful employment, live independently, and obtain further training and education. There are new requirements for the state to focus on data related to improved outcomes related to self-sufficiency for students with disabilities.²⁷ In addition, several recommendations are being made by the state Disability Task Force convened by the Washington Student Achievement Council in order to remove barriers and obstacles for students with disabilities to improve access to post-secondary settings. Research continues to suggest that high expectations for students with disabilities and building the capacity of educators to use effective learning strategies is paramount to improving outcomes: *“To increase the number of students with disabilities prepared for higher education, teachers and administrators in K-12 education should continue the improvements in the acceptance of students with disabilities as full-fledged learners for whom there are high expectations. Continuous development in pedagogy and services for these students should be encouraged. In addition, a greater proportion of the education of students with disabilities should*

²⁷ See <http://app.leg.wa.gov/rcw/default.aspx?cite=28A.155.220> and The National Council on Disability policy brief on Improving Educational Outcomes for Students with Disabilities <http://www.ncd.gov/publications/2004/Mar172004>

include exposure to the core curriculum in regular classrooms and be aimed at preparation for standard high school diplomas.”²⁸ (Wolanin and Steele)

Raise expectations for all students without creating unreasonable barriers and eliminating alternative pathways for success for students with disabilities.

The Washington State Legislature has recently passed a law that increases minimum graduation requirements to 24 credits, raising the bar for the performance of students and schools. In response, the State Board of Education (SBE) recently approved the Career and College Ready Graduation Requirements. These increased minimum requirements for graduation aim to ensure all students finish high school and are college and career ready. But without further consideration, they promise to have a significant, and potentially adverse, impact on students with disabilities who have historically experienced disproportionately low academic achievement. The SBE, before passing these requirements, heard from many parents of student with disabilities who urged the Board to ensure that loopholes and gaps in graduation requirements are not excessively and unnecessarily going to affect children with disabilities. Parents are not asking that expectations not apply to their children with disabilities, but are reasonably concerned with schools’ ability to ensure each child gets the type and level of individualized services needed to meet those expectations.

The Commission should also take the time to understand and take full advantage of the enactment of the federal Workforce Innovation and Opportunity Act (WIOA)²⁹, which provides resources to support disconnected youth and youth with disabilities to transition effectively into adulthood. The Act emphasizes career pathway development, attainment of post-secondary credentials with market value, and early work experience.

Improve inclusion of students with disabilities in all aspects of general education

In some schools, educators have been implementing inclusive school models for years that keep students with disabilities in classrooms with their peers without disabilities and ensure all students have access to the general education curriculum. We see other districts trying to shift conversations toward inclusive models that treat special education as a “service,” not a “place.” However, reports from families and educators reveal that these are still the exception, not the norm. Many families still report that if a student is found eligible for special education services, the student will be required to switch to a “special education classroom” in order to get access to specialized instruction, behavioral support, or individualized curriculum. In addition, once students are “in” special education, they miss out on general education instruction, creating more gaps in knowledge, and often don’t experience curriculum in special education settings that relate back to their success or improve the likelihood that they will be successful later in general education settings. This makes it virtually impossible for a student to return to general education once a student has been removed.

²⁸ See the Washington Student Achievement Council 2013 annual report to the legislature at: <http://www.wsac.wa.gov/sites/default/files/2013.11.27.Disabilities.Task.Force.Report.pdf> and the “Higher Education Opportunities for Students with Disabilities: A Primer for Policymakers”, by Wolanin and Steele, June, 2004.

<https://www.ahead.org/uploads/docs/resources/ada/Opportunities%20for%20Students%20with%20Disabilities.pdf>.

²⁹ <http://www.doleta.gov/wioa/>.

In truly inclusive systems, school staff collaborate on a daily basis with other agencies such as mental health, developmental disabilities, local physicians and private family providers. In inclusive schools and districts, it is nearly impossible to identify "a place" where students with disabilities get educated - and when asked that question - all educators would say - "What do you mean?" - because students with disabilities are not separated from their peers because of a disability.

Inclusion models require thoughtful preparation, including making sure general education staff and special education staff have the time, skills and expectation that they will work collaboratively and regularly together. A systematic review of how services can best be provided offers the opportunity to identify what barriers are in the way of implementing inclusive models, including staffing numbers, attitudes toward students with disabilities, expertise, and space and building structures that provide environmental support for inclusive education. A state, district and school do not reach a completion date for implementing a plan for inclusion. It must be an ongoing commitment that is facilitated by educator training programs, funding structures and systems development.

Take advantage of reforms at federal level in both general and special education programs to create a system of universal design that promotes "unconditional" education.

Stakeholders were clear that students with disabilities must be included in any general education accountability efforts and that the new federal framework for special education needed to be aligned with general education efforts to raise the expectations and achievement for every student. To the extent the state implements the Common Core and Smarter Balanced assessment systems, students with disabilities must be included in these efforts. General education teachers should also become familiar with the Washington Access to Instruction and Measurement and how to provide access to instruction for students with disabilities in the general education classroom. In addition, the State Board of Education recently approved the Career and College Ready Graduation Requirements and close scrutiny of any obstacles that may be created that keep graduation further out of the reach of students with disabilities needs to occur.

Restructure Educator Preparation and Professional Development so that separate programs and expectations for "general educators" and "special educators" will be minimized, and reduce or eliminate separated administrative and fiscal agencies and processes so the education system will not continue to reinforce a separation between "special education" and "general education" students.

In the past 40 years, teacher preparation and certification programs have developed different tracks, with individuals specializing in elementary, secondary, ELL/bilingual, and special education. Teachers with a special education certificate invest time learning about the existence and nature of different disabilities, how to differentiate instruction for different learners, and how to meet the learning needs of students who struggle with appropriate behavior.

This development of expertise has revolutionized education in many ways, vastly expanding the opportunities for many students with disabilities. Unfortunately, the division of the teaching profession into special and general educators has contributed to the continuing isolation of students with disabilities from "general" education classrooms and from their peers without disabilities. Stakeholders were clear that this separation perpetuates poor outcomes for all students and leads to segregation and stigmatization before help for a student can occur. Educators are asking for more tools and innovative

strategies to differentiate instruction, including within the Common Core curriculum, and push in support for students in the general education classroom setting.

Build capacity for our general and special educators to meet the needs of all students in pre-service and in-service programs.

All educators need access to effective pre-service programs and ongoing professional development to ensure high fidelity, evidence-based practices that include early identification, social emotional learning, multi-tiered systems of support, project based learning, co-teaching to promote inclusive practices, and effective partnering with families.

Improve the infrastructure for family support and advocacy and expand alternatives to dispute resolution when there is disagreement.

Special education is a complex area that sometimes results in teams of well-meaning adults disagreeing about what is best for a child. Just as schools and district staff are supported by legal teams and experts in special education law and compliance, parents also need access to supports that help them understand and exercise their procedural rights when communication breaks down or intractable disagreements occur. Too often parents and districts wind up in unnecessarily lengthy and expensive legal battles over these disagreements. By increasing the options available to families and districts to **reduce conflict and resolve their disputes**, the system can become more efficient in dealing with conflict and decisions can be reached in less time and with less expense.

For parents, increased alternatives to dispute resolution and more *equitable* access to legal support to correct egregious individual situations will be necessary to shift the paradigm that in order to survive getting your child through special education you must either be a lawyer or get a lawyer. Parents are natural advocates for their children and want to be partners with their child's teachers and schools. However, in the current system, parents report procedures that favor compliance to the detriment of effective communication, data-collection, practices, and at the expense sometimes of the families' relationship with their child's school team. Educators often say, "I don't know what I'm doing this for and why it matters" when asked to conduct meetings without sufficient time to have real conversations about a student, asked to sign an IEP they were not part of developing, or when told to comply with stringent timelines without a structure that triggers proper planning, expertise, or data collection to report student success or problem-solve failures of the system.

Addressing the needs of families with children who have disabilities must be included in funding considerations for Family Resource Centers, and family engagement specialists. Parents also stated a need to improve access to alternative dispute resolution models, and equitable access to due process for families who cannot afford legal support.

Appreciate the Statewide Implications of Seattle's challenge.

This year, Seattle Public Schools (SPS), the largest district in the state serving approximate 6500 students with disabilities³⁰, and an additional number who have been undiagnosed or are served under Section 504, has been determined in need of "urgent, substantial and significant improvement." The state issued a corrective action plan in response to multiple complaints filed by parents and

³⁰ This is a corrected estimated figure, revised from the original issue of this report.

additional auditing. Most recently, OSPI withheld \$3 million dollars from SPS's budget due to long-standing failures to educate students with disabilities in accordance with federal law and to respond in a timely fashion to the timelines and actions under a corrective action plan. Under scrutiny by its own community and state officials to improve outcomes, SPS faces on-site quarterly reviews, weekly district meetings with an on-site compliance officer, and additional consequences.

As the largest district in our state's largest urban area, we all own what happens in Seattle. The obstacles, barriers, and problems in Seattle are mirrored in most districts to some degree around the state. In OEO's casework and in discussions with stakeholders it is clear that SPS is not particularly unique in its challenges, but certainly the scale of practices and outcomes are more highly visible, and thus set the tone and the bar for the rest of the state. Seattle is a district that needs to get it right, and we all share in the responsibility to ensure that it succeeds.

Reform funding and auditing requirements, including providing incentives for districts to provide inclusive, evidence-based practices in general education classrooms.

Special education funding has been historically inadequate at the federal level (providing only about 11% of total costs) and excess cost was never intended to replace basic education spending or otherwise infringe on the use of basic education dollars to meet any need for a student with a disability. 'Local control' funding formulas have had some success because districts have been allowed to adjust and account for the unique challenges and innovations needed in local communities. But too much of the cost has shifted to local funding over the years as necessary incremental adjustments were made to the central system. In times of depressed revenue, a re-calibrating needs to occur. There are many fiscal questions that need answers about how maintenance of effort requirements (MOE) will be impacted by changes and reforms in fiscal accounting and program/pedagogy shifts in practice.

We perpetuate a "silo-ed" education system when we rely on excess cost funding formulas because we create incentives to get more dollars when we label and separate students by disability. We need to finance a system that supports the whole child. Funding reforms are needed that address restrictions and limitations on blended funds to enhance, not restrict, inclusive instruction, co-teaching, blended classrooms, and high fidelity teaching practices. MOE, categorical funding (and by implication labeling to get access to additional funds), and current practices in teaching preparation and categorical teaching certification all get in the way of becoming a system that regards and serves all students as general education students.

We need a set of clear fiscal policies and reforms that support the systemic changes across general and special education, supporting the notion that early and appropriate interventions and services should be provided to a student based on need, regardless of whether that student is identified as a student with a disability or not.

In addition, simply relying on the additional excess cost allotment that will result when there is a raise in the basic education allotment (BEA) will not be sufficient to resolve the existing problems with delivering services to students with disabilities. More money to fund the same dual system that was not designed to account for the outcomes of students with disabilities will not be sufficient.

Improve data systems so that transformation is led by data and conducted from a place of information.

Educators report they are confounded by multiple data systems and either can't obtain sufficient data or are flooded with so much uncoordinated data they aren't able to decipher what it might be telling them. The current systems create data duplication and simultaneous gaps in what we know. This leaves our system challenged to understand patterns such as: How many students in foster care also have an IEP? Are students living in poverty more likely to need support from special education? How many students who receive Medicaid also receive school-based Medicaid services? Did the interventions we provided and programs we developed get us the outcomes we had targeted?

System reform cannot occur without a reliable source of information that helps us efficiently see trends and patterns. Data systems are currently not aligned to give us the information we want, and move us toward a results-driven accountability system being made at the national level. Until such systems are in place, concerns will continue to exist about how close we are to solving the problems we define and decision making will be relegated to good guesses and best efforts rather than clear information to guide innovation and produce extraordinary results.

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