

# OSPI Special Education Briefing for SEAC – February 2024

## Data & Reporting Updates

OSPI submitted the FFY 2022 State Performance Plan / Annual Performance Report (SPP/APR) before the February 1, 2024, due date. We are now waiting for preliminary feedback and clarifying questions from the federal Office of Special Education Program (OSEP); we will receive our state's Determination Level for special education, in response to the SPP/APR, this summer.

## Legislative & Legal Updates

As the current legislative session draws to a close, our office will continue to update our [OSPI Special Education & MTSS Bill Tracker](#). Any bills shaded in gray are no longer moving forward. We kept those bills on the tracker for reference and in case any of the language is later included as an amendment to a different bill or as a budget proviso. The final day for a bill to be passed is March 1, 2024, and the last day of the session and deadline to vote through a supplemental budget is March 7, 2024.

Regarding legal updates, the hearing requested by NW SOIL is no longer proceeding because NW SOIL ceased operations as of January 27, 2024, and transferred ownership to another approved non-public agency (NPA), Emerald Learning Center. Although House Bill 2130, which would extend special education eligibility to age 22, did not move forward in the State Legislature, the class action suit, *N.D. v Reykdal*, is proceeding. This case looks at whether Washington state law is aligned with the IDEA requirement that a free appropriate public education (FAPE) be provided to students "between the ages of 3 and 21, inclusive", which has been interpreted to mean until their 22nd birthday unless state law holds otherwise for all students. Currently, the case is on appeal to the Ninth Circuit Court of Appeals, and oral argument is scheduled for March 25, 2023.

## Dispute Resolution Updates

As of February 22, 2024, OSPI has received 25 community complaint filings of which 23 have opened for investigation and 2 were not opened; 22 due process have also been filed. For comparison, in 2023 there were 193 total community complaints filed (169 opened and 24 not opened) and 211 due process filed.

In 2023, for community complaints with reported demographic information on the student whose education was at issue, we saw complaints reflecting 14 students identified as female, 36 as male; 20 students of color, 26 white students; and 11 of the 13 disability eligibility categories represented (no intellectual disability or TBI).



We are starting to see a trend of community complaints and due process including *allegations* related to bullying; so far, we have not seen violations related to bullying. For example, due process [2023-SE-0028X](#) (decision issued December 18, 2023) included an allegation related to bullying, but no violations were found (the decision stated that no teachers observed any indication the student was being bullied and one HIB complaint was determined to be unfounded.) In community complaints there is some indication that allegations related to bullying are representative of increased needs in the area of behavior – i.e., the student in the complaint and peers are showing the need for behavior supports generally.

## Non-Public Agencies (NPAs) – SSB 5315 Implementation

The first [legislative report](#), as required by Substitute Senate Bill (SSB) 5315, has been published. Initial guidance (i.e., FAQs) related to NPA placements and Safety Net applications has also been developed and distributed to the field. The OSPI Special Education team is currently working with district and community partners to field test updated checklists for onsite visits and incorporate feedback on potential revisions to the overall NPA application and approval processes in accordance with SSB 5135. On-site visits are underway ahead of the June 1, 2024 priority deadline for NPA applications for renewal and reauthorization.

## Inclusionary Practices Technical Assistance Network (IPTN)

The Inclusionary Practices Technical Assistance Network (IPTN) is a transformative force shaping the future of [inclusive education in Washington state](#). IPTN is designed to provide high-quality guidance, technical assistance (TA), and professional development to disrupt segregated systems of disproportionality and reduce exclusionary practices in Washington schools. This will result in improved student outcomes, with an additional focus on the outcomes and inclusion of students served for the majority of their day in special education setting and for Black students with disabilities. Supports include statewide capacity-building by leveraging the structures of a cascading support model for students and families, schools and districts, and professional development providers as part of Washington’s Multi-Tiered System of Supports (MTSS) framework. For more information, email [IPTN@k12.wa.us](mailto:IPTN@k12.wa.us). IPTN webpage will be launching soon!

## Secondary Transition Updates

OSPI Special Education has launched the 2023–24 Secondary IEP Transition Components Pilot! This effort will establish a data share agreement that will provide transition partner agencies with an annual list of students with disabilities preparing to transition out of the school system, about three years before they plan to leave the school system. A total of 36 school districts have volunteered for the pilot, representing a diversity of sizes and locations across all 9 educational service districts (ESDs). Pilot districts are utilizing the new Secondary IEP Transition Platform in Education Data System (EDS) to record consent received and complete a self-review of secondary IEP Transition Components. The consent form and information briefs for school teams and students and families are posted on both the [Secondary Transition webpage](#) and the [State Model Form webpage](#). These collaborative activities mark a significant step forward in creating positive, transformative experiences for students’ post-secondary lives.