Performance Audit of Special Education: Service Delivery and Access

PRELIMINARY REPORT | DECEMBER 2024

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Legislative Auditor's conclusion

Districts meet state and federal timelines for deciding whether students qualify for special education. Coordinated implementation of six strategies across all school districts could increase inclusion for students receiving special education.

Key points

- Federal law and state rules dictate how school districts decide whether students qualify for special education.
- Special education enrollment has grown faster than general education. It has approached pre-pandemic figures.
- Once parents give consent, districts complete 92% of evaluations for special education within the state requirement of 35 school days.
- In 2022-23, two-thirds of students who received special education were served in general education classrooms at least 80% of the time.
- National experts identify six strategies to increase the number of students served in general education classrooms. Washington uses elements of these strategies, but implementation is not coordinated across all districts statewide.
- The Legislature has not explicitly set a public policy objective for inclusion.

Two reports on Special Education

The Legislature directed JLARC to review special education funding and service delivery.

JLARC staff completed two reports for this study.

- This report addresses service delivery and access.
- A separate report addresses the funding formula and district spending.

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Executive summary

Federal and state laws require school districts to provide special education and related services to eligible students. The Office of the Superintendent of Public Instruction (OSPI) is responsible for setting rules, monitoring district practices, and ensuring they comply with state and federal law. OSPI and educational service districts offer guidance, training, and other supports to districts.

> **Students**
>
> In this report, "students" refers to "students who receive special education services" unless the text indicates otherwise.

Not all students with disabilities are eligible for special education services. The federal Individuals with Disabilities Education Act (IDEA) sets three criteria that school districts must use to decide eligibility:
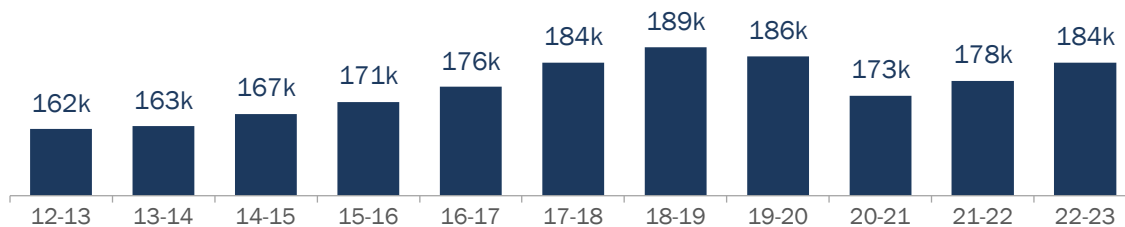
1. The student has at least one of the 13 eligible disabilities under IDEA or a developmental delay.
2. The disability adversely affects the student's educational performance.
3. The student's unique needs require specially designed instruction to access their education.

Special education enrollment has grown faster than general education. It has approached pre-pandemic figures

Enrollment in both general and special education grew over the last decade. However, special education enrollment grew more quickly. From the 2012-13 school year through the 2022-23 school year:

- The number of students in special education grew from 162,000 to 184,000 (14%).
- The number of students in general education grew from 961,000 to 973,000 (1%).

Figure 1: Enrollment in special education has nearly reached pre-pandemic levels

12-13	13-14	14-15	15-16	16-17	17-18	18-19	19-20	20-21	21-22	22-23
162k	163k	167k	171k	176k	184k	189k	186k	173k	178k	184k

Source: JLARC staff's analysis of OSPI's Comprehensive Education Data and Research System (CEDARS) data.

In the 2022-23 school year, 91% of students who received special education services had a disability in one of five categories. The most prevalent (29% of students) was specific learning disabilities, which includes dyslexia and dyscalculia. Additional common disability categories were other health impairments (e.g., ADHD), communication disorders (e.g., speech impairment), autism, and developmental delays.

Districts complete 92% of evaluations for special education within the state requirement of 35 school days

There are four steps to determine if a student is eligible for special education:

1. Parents, teachers, or others identify a student who may need special education services and refer them to the district for evaluation.
2. The district decides whether a referred student will be evaluated.
3. The district obtains written consent from the student's parent for an evaluation.
4. A team evaluates whether a student is eligible for special education services, based on the criteria in the federal IDEA.

Under state law, districts have 35 school days to complete evaluations from when they receive consent. Districts completed 92% of evaluations on time in the 2022-23 school year.

Once parents gave consent, evaluations took an average of 24 days to complete. JLARC staff found no significant differences from this average based on district, location, disability type, economic status, or housing status. The greatest difference was for students with limited English proficiency; on average, their evaluations took 30 days.

Federal law requires districts to complete the evaluation within 60 days of receiving parental consent.

In 2022-23, two-thirds of students who received special education were served in general education classrooms at least 80% of the time

Students who are eligible for special education receive an individualized education program (IEP). An IEP details the services and placements that the student needs.

Districts categorize student placements based on the amount of time they spend in general education classrooms. This is called the least restrictive environment (LRE). For example, LRE 1 means that a student spends 80% to 100% of their time in general education classrooms.

Inclusion

Serving a student in general education classrooms as much as possible based on their unique needs.

Federal IDEA requirements encourage districts to serve students in general education settings as much as possible. This is commonly known as inclusion. Federal and state agencies use the percentage of students in LRE 1 to measure inclusion.

- As of November 2017, 56% of students were served in LRE 1.
- As of November 2022, almost 66% of students were served in LRE 1.
- OSPI's target is to achieve 69% of students in LRE 1 by November 2025. The Legislature has not set a public policy objective for inclusion.

As of November 2022, Washington ranked 37th among all other states for the percent of students served in LRE 1. The median was 69%.

Figure 2: Districts in Washington have served an increasing percentage of students in LRE 1 since the 2017-18 school year through the 2022-23 school year

2017-18	2018-19	2019-20	2020-21	2021-22	2022-23
56%	58%	59%	63%	64%	66%
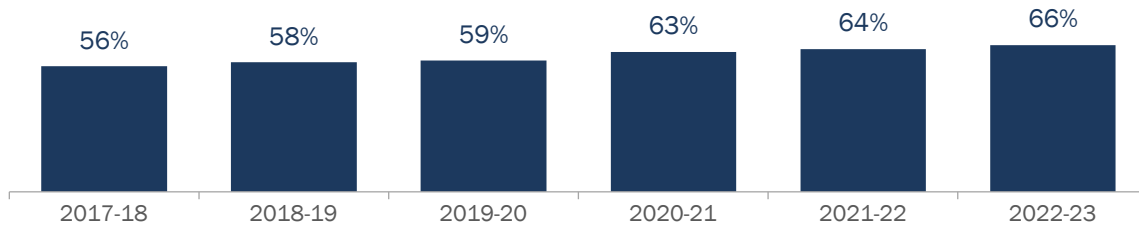
Source: JLARC staff's analysis of OSPI's CEDARS data.

National experts recommend implementing and aligning six strategies to improve inclusion

National experts identified six strategies that states commonly use to increase inclusion. They recommend coordinated implementation of six strategies across all districts.

1. Increase opportunities for young children with disabilities (ages 3-5) to be with their nondisabled peers.
2. Offer three tiers of support for all students who struggle with academics and/or behavioral challenges.
3. Train current teachers and pre-service teachers to use practices with demonstrated success.
4. Use instructional technology to increase accessibility and improve student outcomes.
5. Design learning materials and activities to allow for multiple means of engagement and expression.
6. Enhance training, coaching, and mentoring of administrators, principals, and other school leaders.

Washington uses many of the identified strategies, but not in a coordinated and consistent manner

In Washington, OSPI and certain districts and schools have used some of the six strategies. However, they have been isolated projects or voluntary programs that involve a subset of the state's schools and students. For example, there are no mandatory requirements for all Washington school districts or staff to participate in professional development around these strategies. The lack of implementation in all districts limits the reach and impact of the strategies.

Since 2019, the Legislature has funded OSPI's programs related to inclusion. However, it has not explicitly stated that its policy objective is to improve or increase inclusion. Some elements of the funding formula are designed to encourage districts to increase inclusion. Other elements offset the financial incentive for inclusion. More information is in the companion report about funding.

Legislative Auditor's recommendation

If the Legislature wants to improve inclusion, it should state its public policy objective.

Improving or increasing inclusion is a policy decision for the Legislature. The Legislature has not stated its policy objective, although some parts of the funding formula imply that inclusion is a priority.

If the Legislature sets an objective for inclusion, it could direct OSPI to set performance metrics, develop a plan, and identify resource needs and options to achieve the objective. The plan could specify how OSPI and the districts can implement the six strategies in a coordinated way across all districts.

You can find additional information in the Recommendations section.

Part 1. Background

Special education is instruction designed to meet the unique needs of an eligible student who has disabilities. School districts must provide it at no cost to the student's family.

Special education has two main components:

Students

In this report, "students" refers to "students who receive special education services" unless the text indicates otherwise.

1. **Changes to general education content or delivery.** Districts must make changes to ensure the student can meet educational standards, given their unique needs. This could mean curriculum unique to the student, curriculum adapted from what is used for other students, or a combination.
2. **Services that help the student access their education.** This includes services like physical, speech, or occupational therapy. It also includes vocational education and help participating in extracurricular activities.

Students also can access related services and supports. They include, for example, interpretation, counseling, one-on-one classroom assistance, specialized or assistive technology, and accommodations such as extra time to complete assignments or the use of large print materials. Services and supports can be available to students in general education as well as those who receive special education.

Federal and state laws require special education

Federal and state laws require school districts to identify and serve students with disabilities. They must have equal access to educational programs, services, and activities, regardless of the nature or severity of the disability.

*   **Federal Rehabilitation Act of 1973:** Prohibits discrimination based on disabilities including for students attending public schools.
*   **Individuals with Disabilities Education Act (IDEA):** If a student with a disability cannot access general education, the school district must modify the general education to meet their specific needs.
*   **RCW 28A.155.020:** School districts must provide educational opportunities for all children with disabilities between the ages of 3 and 21.

These laws specify how school districts determine eligibility, how quickly they evaluate students, and where students receive services. The Office of Superintendent of Public Instruction (OSPI) sets rules

that provide more specific requirements for districts. Parts 3 and 4 of this report discuss these laws and requirements in more detail.

School districts provide special education services, with support from OSPI and other entities

School districts identify students, determine eligibility, and provide special education services.

Educational service districts (ESDs) are regional agencies that provide support to school districts and act as regional partners for OSPI (Appendix A). ESDs help districts to identify students, comply with laws, and train staff. For example, they may have recurring meetings, offer training opportunities, contract for staff, or offer technical support. Other entities also support the districts. OSPI provides technical and compliance support. Nonprofit organizations, professional organizations, and universities offer guidance, training, and model policies to school districts.

OSPI is responsible for monitoring school district practices for compliance with state and federal law

OSPI oversees district special education programs in two ways:

> **School district**
>
> In this report, "school district" means both public school districts and charter schools.
>
> 2022-23 school year figures:
>
> - 295 public school districts
> - 17 charter schools
> - 4 of the school districts did not have students who received special education services
>
> The study mandate did not include tribal compact schools.

1. **Annual monitoring of all districts' compliance with state and federal laws.** OSPI reviews district records to determine how well each district is complying with legal requirements. It also collects and reviews district-level data, including the placements of students (Part 4). OSPI also reviews whether there is disproportionate enrollment, placement, and discipline of students from certain demographic, economic, or other backgrounds compared to their peers ("disproportionality"). OSPI can penalize districts that do not meet requirements for two or more years in a row.

2. **In-depth monitoring of select districts each year.** Additional district monitoring includes site visits and a more comprehensive look at a district's fiscal, dispute resolution, and intervention processes. OSPI conducts these reviews for approximately half of all districts each year. OSPI also does a more thorough systems analysis review for fewer districts. For example, it scheduled 38 reviews in the 2023-24 school year. Districts flagged by OSPI for disproportionality undergo additional monitoring activities and corrective action planning.

Part 2. Enrollment

Enrollment in both general and special education grew over the last decade. However, special education enrollment grew more quickly. From the 2012-13 school year through the 2022-23 school year:

- The number of students in general education grew from 961,000 to 973,000 (1% growth).
- The number of students in special education grew from 162,000 to 184,000 (14% growth).

Districts have experienced different rates of growth in special education enrollment. Appendix B includes an interactive map with details.
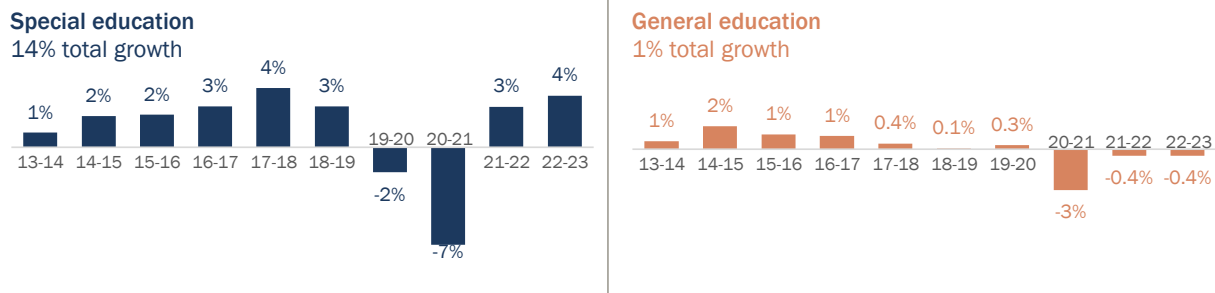
General enrollment and enrollment in special education declined in the 2020-21 school year. Research by the American Institutes for Research suggests that fewer students in Washington were identified for special education during the 2020-21 school year, when most schools delivered education remotely due to the COVID-19 pandemic. This could be a contributing factor for the drop in special education enrollment.

Enrollment in special education recovered more quickly than general enrollment from the decline.

- From the 2020-21 to the 2021-22 school year, special education grew 3%. It grew another 4% the following year.
- In contrast, general education enrollment declined in each of those school years.

Enrollment in special education has nearly reached pre-pandemic levels. In the 2019-20 school year, there were 186,000 students enrolled in special education. In 2022-23, enrollment had reached 184,000 and was expected to grow in the 2023-24 school year.

Figure 3: The annual growth rate for special education enrollment has outpaced general education

Enrollment figures +

	General education enrollment	Special education enrollment	Total enrollment
2012-13	960,823	161,795	1,122,618
2013-14	966,516	163,490	1,130,006
2014-15	982,826	167,174	1,150,000
2015-16	993,397	171,104	1,164,501
2016-17	1,003,061	176,119	1,179,180
2017-18	1,007,329	183,673	1,191,002
2018-19	1,008,095	189,084	1,197,179
2019-20	1,011,152	185,671	1,196,823
2020-21	981,592	172,586	1,154,178
2021-22	977,238	177,640	1,154,878
2022-23	972,885	184,248	1,157,133

Source: JLARC staff analysis using OSPI's CEDARS data.

Special education enrollment differs by disability type

School districts provide special education to students with diverse needs.

In the 2022-23 school year, 91% of students who received special education services had a disability in one of five categories. The most prevalent (29% of students) was specific learning disabilities, which includes dyslexia and dyscalculia. Additional common disability categories were other health impairments (e.g., ADHD), communication disorders (e.g., speech impairment), autism, and developmental delays.

Other disabilities include, for example, intellectual disabilities, blindness, hearing impairments, and emotional or behavioral disturbance.

Figure 4: 91% of students who receive special education in Washington have a disability that falls into one of five categories

Specific learning disabilities 29%	Other health impairment 19%	Communication disorders 18%	Autism 13%	Developmental delays 12%	Other 9%

Enrollment data +

	Number enrolled	Percent of students enrolled in WA special education
Specific learning disabilities	52,141	29%
Other health impairment	33,870	19%
Communication disorders	32,623	18%
Autism	23,582	13%
Developmental delay	22,586	12%
Emotional or behavioral	6,038	3%
Intellectual disabilities	4,797	3%
Multiple disabilities	3,528	2%
Hearing impairment	975	0.5%
Visual impairment	481	0.3%
Orthopedic impairment	459	0.3%
Deafness	335	0.2%
Traumatic brain injury	319	0.2%

Note: Total does not equal 100% due to rounding. We are not permitted to disclose the number of students for disability categories with less than 10 students.

Source: JLARC staff analysis using OSPI's CEDARS data for the 2022-23 school year.

Special education enrollment differs by student characteristics

There are different ways of determining whether a population is over- or under-represented. JLARC staff compared:

1. The percentage of all students who receive special education.
2. The percentage of students with specific characteristics who receive special education.

If the second percentage is higher than the first, there is overrepresentation. This approach is similar to the U.S. Department of Education's methodology. The analysis does not account for other factors that can affect special education enrollment. OSPI monitors risk of disproportionality at the district level, as described in Part 1.

JLARC reviewed enrollment differences across groups compared to the state average. In the 2022-23 school year, 16% of all Washington students received special education. Most groups of students were near or below this level. However, variation was seen for these populations:

- 23% of American Indian/Alaskan Native students received special education.
- 20% of male students received special education.
- 19% of Black students received special education.
- 19% of students eligible for free-/reduced-price lunch received special education.
- 18% of students with limited English proficiency received special education.

Washington is not unique. National research finds differences between students of color and white students in special education identification and enrollment across the country. There is no consensus on why some groups of students are identified at higher rates.

Part 3. Eligibility & evaluation

There are four steps to determine if a student is eligible for special education:

1. Parents, teachers, or others identify a student who may need special education services and refer them to the district for evaluation.
2. The district decides whether a referred student will be evaluated.
3. The district receives written consent from the student's parent or guardian for an evaluation.
4. A team evaluates whether a student is eligible for special education services.

Identify & refer student → Decide whether to evaluate student → Receive consent from parent → Evaluate student

Parents, teachers, and others can identify and refer students

State and federal laws require school districts to conduct outreach activities and identify students who are eligible for special education within the district's borders. This includes, for example, students who are:

- Enrolled at district schools.
- Attending private schools, non-public agencies, and other institutions.
- Home-schooled.

JLARC staff interviewed 58 school districts for this study. They were selected based on special education enrollment, inclusion, location, and other factors (Appendix D). They reported a variety of outreach activities such as mass screening events, posting flyers, and advertising on social media. At least one ESD supports the districts' efforts by producing and distributing brochures. In interviews, districts noted that language barriers can pose challenges. One reported that it makes resources available in primary languages and has bilingual staff present at screening events.

Once a child is identified, teachers, parents, doctors, and others can refer them for evaluation. Among the 58 districts interviewed for this study, 30 said that teachers made most referrals. Another 19 reported referrals came mostly from parents and teachers.

A parent's referral immediately triggers an evaluation. However, 38 of the 58 school districts reported that they require interventions before a teacher can refer a student. These interventions may include structured summer programs, tutoring, homework or book clubs, coaching, and at-home activities. OSPI does not collect data about these interventions. As a result, it is unknown how many students receive interventions and for how long statewide. It is also unknown how many students receive interventions and are not referred.

Identify & refer student → **Decide whether to evaluate student** → Receive consent from parent → Evaluate student

Districts must follow laws to determine a student's eligibility for evaluation

District and school staff review the referral and available data. With parent input, they determine whether the student is eligible for an evaluation. State laws specify the process that districts must follow to determine this eligibility. They do not specify the criteria or requirements a student must meet to then be evaluated.

If the school district decides not to evaluate a student, it must record the decision and notify the parents in writing. Parents can then pursue dispute resolution or other accommodations. OSPI does not collect data on referrals that do not lead to evaluations. As a result, it is unknown how many students are referred for special education but not evaluated.

Identify & refer student → Decide whether to evaluate student → **Receive consent from parent** → Evaluate student

Parents must consent to the evaluation

School districts notify parents in writing that a student is eligible for a special education evaluation. Parents must give their written consent before the student is evaluated.

Districts must make reasonable efforts to get the parent's permission. These efforts can include phone calls, letters, email, forms, and in-person visits. Districts interpret the "reasonable effort" requirement differently. For example, some may mail a form four times while others offer to meet families at their homes or workplaces. The districts' requirements also vary: some require ink signatures on physical documents while others use online systems.

Districts told JLARC staff that securing parental consent in a timely manner can be difficult. Barriers included parents' availability, the family's previous interactions with the district, economic status, and language.

While districts record parent decisions regarding consent, statewide data is unavailable.

Federal law sets three criteria for districts to use when evaluating students

The district is also responsible for creating a team of qualified professionals to evaluate the student. A team typically includes a school psychologist, teachers, other school staff, the student's parents, district staff, service providers, and other professionals as appropriate for the student.

Not all students with disabilities are eligible for special education services. Federal law (IDEA) sets three criteria that school districts use to decide eligibility:

1. The student has at least one of the 13 eligible disabilities under IDEA or a developmental delay.
2. The disability adversely affects the student's educational performance.
3. The student's unique needs require specially designed instruction to access their education.

IDEA categories of disability

1. Autism
2. Deaf-blindness
3. Deafness
4. Emotional disturbance
5. Hearing impairment
6. Intellectual disability
7. Multiple disabilities
8. Orthopedic impairment
9. Other health impairment (e.g., ADHD)
10. Specific learning disability (e.g., dyslexia, dyscalculia, dysgraphia)
11. Speech or language impairment
12. Traumatic brain injury
13. Visual impairment, blindness

This means, for example, that if a disability does not affect a student's educational performance, then they are not eligible for special education services.

Laws and rules set timelines, but data is limited

Federal law and state rules set timeframes for several steps in the evaluation process. State rules are stricter than the federal timeline. Data is available only for the final steps.

A. Referral to decision: 25 school days (state rule)
  o OSPI collects the date of a student's referral but does not know when the district decides to evaluate the student.
B. Time to parental consent: "Reasonable timeframe" (federal law)
  o Reasonable timeframe cannot be measured objectively.
C. Parental consent to completed evaluation: 35 school days (state rule) or 60 days (federal law)
  o OSPI collects data about the time from parental consent to completed evaluation.

Despite incomplete data, JLARC staff calculated that the average time for the entire process (i.e., referral to complete evaluation) was 48 weekdays in the 2022-23 school year. This is less than the required timeframes for separate parts of the process.

Figure 5: Federal law and state rules set timelines for the eligibility process steps
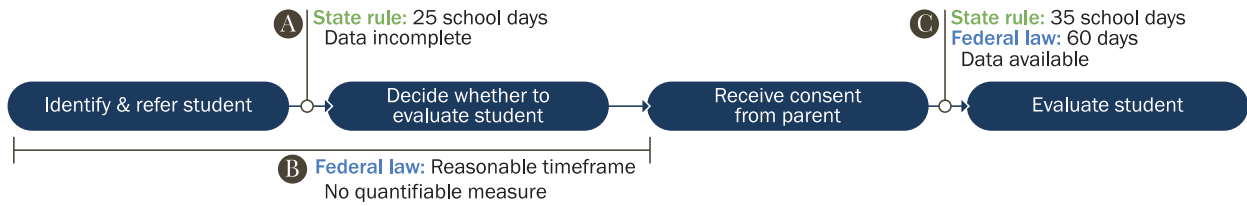
Source: JLARC staff analysis of federal law and state rules.

Once parents give consent, districts complete 92% of evaluations on time

In the 2022-23 school year, the average time from parental consent to completed evaluation was 24 school days. Districts completed 92% of evaluations within 35 school days as required. Another 7% had mutually agreed-upon extensions between parents and districts. For the other 1%, data shows timeliness was affected by data entry errors, district scheduling or staffing issues, and other issues.

Figure 6: During the 2022-23 school year, 92% of evaluations were completed on time

On time: 92%   Extended by agreement with parents: 7%

Other: 1%

Source: JLARC staff analysis using OSPI's CEDARS data for the 2022-23 school year.

While there is variation based on district and student characteristics, the average time for every subgroup is below the 35-school-day requirement

JLARC staff explored whether factors like district size and student characteristics (e.g., race, disability, income) affect evaluation timeliness. No group had an average evaluation time more than the maximum 35 school days.

Compared to the state average of 24 days for evaluation, JLARC staff found no significant differences:

- Districts were within 1-2 days of the average, regardless of location (e.g., rural vs urban).
- Student groups were within 1-2 days, regardless of disability type, economic status, or housing status.
- The greatest difference was for students with limited English proficiency. On average, their evaluations took 30 days.

OSPI is required to monitor whether districts meet deadlines for completing evaluations. It also must monitor whether districts disproportionately identify or evaluate student subgroups more or less compared to the overall student population.

Part 4. IEP & placement

If the evaluation team determines that the student is eligible for special education, the district must write an individualized education program (IEP). Parents, teachers, district representatives, and other specialists help write the IEP.

The IEP:

- Sets goals for the student.
- Identifies the services the student needs to progress toward the goals.
- Specifies where they will receive services and how much time they will spend in the general education classroom (placement).

Under state rules, the district must finish the IEP within 30 calendar days of determining eligibility to receive special education. In the 2022-23 school year data, districts completed 94% of IEPs in 30 days or less, and 6% in more than 30 days. The average time was 13 days.

Districts must provide all services identified in the IEP

State and federal laws require districts to provide all services that have an educational benefit and help the student make progress according to their IEP.

Districts can provide services through their own staff or by contracting with a third party such as a regional education agency or a private agency. In interviews, 51 out of 58 districts reported relying on contracted staff for at least some activities.

Districts must place students in the general education classroom to the maximum extent possible, if it meets the student's needs

Districts must meet the individual needs of each student. Different needs may require serving the same student in more than one setting. Districts also must educate students in settings with their nondisabled peers to the maximum extent appropriate, per federal and state laws. This means that a student may receive some services in a general education classroom and other services in a specialized setting.

When making placement decisions, districts must consider the student's IEP, their ability to achieve their educational goals, and any potential harmful effects on the student or on the quality of services.

Districts must periodically review a student's IEP

State rules require districts to review the student's IEP at least once per year. The reviews determine whether the student is achieving the IEP goals and if revisions are appropriate.

The district also must reevaluate the student at least every three years. The reevaluation determines whether the student remains eligible for special education.

If a student moves, the new school district reviews the existing IEP. It may or may not be able to adopt it, depending on how services are provided and other factors. If not, the district may need to reevaluate the student and create a new IEP that meets the student's needs.

Districts categorize student placements based on time spent in a general education classroom (least restrictive environment)

Under federal law, a student must be educated in the school that they would attend if they did not have a disability, unless their IEP requires another arrangement.

Districts categorize student placements based on the percent of time the student should spend in the general education setting, according to their IEPs. This metric is called the least restrictive environment (LRE), and it includes the following levels:

- LRE 1: 80%-100% time in general education classroom.
- LRE 2: 40%-79% time in general education classroom.
- LRE 3: 0%-39% time in general education classroom.
- Other placements: This includes residential facilities, day schools not operated by the district, homeschooling, private schools, and more.

LRE is a common but limited measure of inclusion

LRE is the only quantifiable measure that the federal government and states use to track inclusion. It is an imperfect proxy for inclusion, however, because it reflects only a student's physical presence in the classroom. It does not reflect other elements of inclusion such as participation in classroom activities, a sense of belonging, and engagement in non-academic activities. In interviews, 40 out of 58 school districts stated that LRE is an insufficient measure of inclusion.

Although there is no nationally recognized alternative measure or indicator for successful inclusion, districts use other measures to manage their programs. For example, in interviews, 28 school districts reported that they collect additional data to measure and understand student inclusion. Their data includes the types of classes taken and student participation in the school community and extracurricular activities. The information is not reported to OSPI or federal agencies.

Experts note that the emphasis on inclusion could encourage districts to focus on placing students in a general education setting rather than focusing on comprehensive assessments of individual needs, available resources, and the potential for each setting to meet these needs.

Part 5. Inclusion

Federal IDEA requirements encourage districts to serve students in general education settings as much as possible. This is commonly known as inclusion. Many experts believe that a student's performance toward academic and social goals improves in inclusive classrooms.

Least restrictive environment (LRE) measures the percent of time a student spends in a general education classroom. While imperfect, LRE is the only quantifiable measure that federal and state governments use to track inclusion.

### OSPI aims to increase the percent of students in LRE 1

To meet federal requirements, OSPI must annually evaluate the state's efforts to implement IDEA and describe how the state will improve its implementation. The Legislature has not established

goals or targets for inclusion. However, some elements of the funding formula are designed to encourage districts to increase inclusion, as described in the companion report about funding.

- OSPI worked with stakeholders and experts to set improvement goals. In January 2022, the Special Education Advisory Council (SEAC) approved a target of 1.7% annual growth in LRE 1. OSPI's target is to achieve 69% of students in LRE 1 by November 2025.
- As of November 2017, 56% of students were served in LRE 1.
- As of November 2022, almost 66% of students were served in LRE 1.
- As noted in Part 6, OSPI and districts have made efforts to improve inclusion. However, it is unclear how much these individual efforts contributed to the increase in students served in LRE 1.

The trend toward more placement in LRE 1 is seen with both new and current students. Newly identified students are more likely to be placed in LRE 1 compared to students in special education overall, especially since the 2020-21 school year. For about 80% of current students, placement does not change in subsequent years. Of those who changed placements, a higher percentage moved toward more inclusive placements than toward less inclusive placements.

Figure 7: Districts in Washington have served an increasing percent of students in LRE 1 since the 2017-18 school year
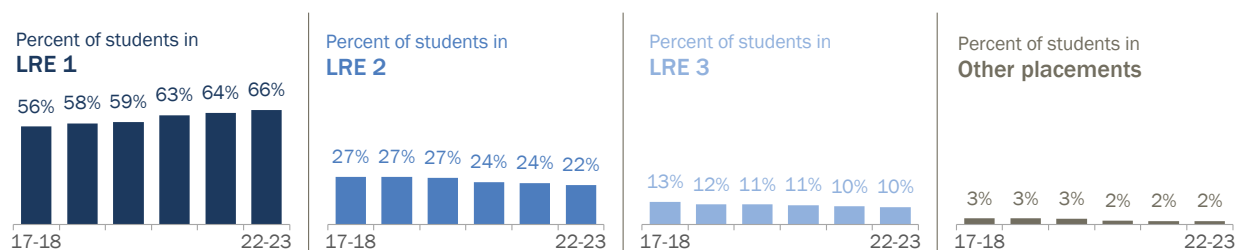
Note: LRE is time spent in general education classroom. LRE 1: 80%-100% of time; LRE 2: 40%-79%; LRE 3: 0%-39%. Other placements include residential facilities, homeschooling, and more as described in Part 4.

Source: JLARC staff's analysis of OSPI's CEDARS data. OSPI measures and collects this data at the end of the school year to ensure that all students are counted.
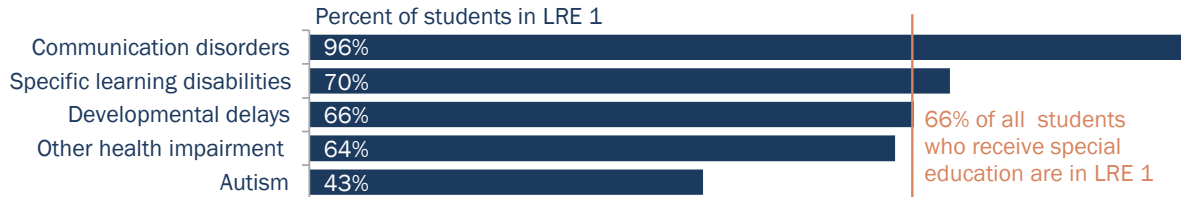
Students with some disabilities are more likely to be in LRE 1 than others

Although districts serve 66% of all students in LRE 1, students with certain disabilities are more likely to be served in LRE 1.

The relationship between placement and characteristics remains even when holding other factors constant. This means, for example, that students with communication disorders are more likely to be in LRE 1 than students with other disability types, regardless of other factors such as demographics or district location.

LRE placement is intended to reflect the student's unique needs. LRE 1 may not be the most appropriate placement for some students. In fact, some advocacy groups argue against full inclusion for students with certain disabilities. For example, the National Association of the Deaf (NAD) argues that blanket inclusion or placement in LRE 1, rather than tailored placements based on a student's needs, can lead to significant educational setbacks for students who are deaf or hard of hearing.

Figure 8: Students with communication disorders or specific learning disabilities are more likely to be served in LRE 1

Percent of students in LRE 1

Disability	Percent
Communication disorders	96%
Specific learning disabilities	70%
Developmental delays	66%
Other health impairment	64%
Autism	43%

66% of all students who receive special education are in LRE 1

LRE 1 data +

Disability type	Total students	Students in LRE 1 (percent)
Specific learning disabilities	52,141	70%
Other health impairment	33,870	64%
Communication disorders	32,623	96%
Autism	23,582	43%
Developmental delays	22,586	66%
Emotional or behavioral	6,038	58%
Intellectual disabilities	4,797	10%
Multiple disabilities	3,528	17%
Hearing impairment	975	65%
Visual impairment	481	76%
Orthopedic impairment	459	69%
Deafness	335	35%

Note: We are not permitted to disclose the number of students for disability categories with less than 10 students.

Source: JLARC staff analysis using OSPI's CEDARS data for the 2022-23 school year.

Students with certain demographic characteristics are less likely to be in LRE 1

In the 2022-23 school year, the percentages of students in LRE 1 with the following characteristics were below the overall percentage (66%). This means they are less likely to be in LRE 1. Like the analysis above, the relationships remain even when holding other factors constant. The reasons for these differences are unclear.

- 54% of Black students and 52% of Native Hawaiian/Pacific Islander students were in LRE 1.
- 63% of students eligible for free-/reduced-price lunch were in LRE 1.
- 59% of students with limited English proficiency were in LRE 1.

Location also seems to play a role. In the 2022-23 school year, 73% of students in rural districts were in LRE 1, as compared to 66% in urban districts. In charter schools, over 80% of students are placed in LRE 1.

Districts report challenges to placing students in LRE 1

In interviews with JLARC staff, districts reported challenges to serving students in general education classrooms:

- Need for more staff, especially paraeducators.
- Not enough qualified job seekers.
- Number of students served by each staff member.
- Need for more training for general education teachers.
- Time for staff to plan and work together.
- Getting additional supports and technology to students and teachers.

National research identifies other factors that affect the settings where students are served. These include teaching models, teachers' attitudes, assistive technology, resource availability, and administrative support.

Washington ranks behind other states in the percent of students served in LRE 1

The U.S. Department of Education collects placement data each November for all states. Its data shows that Washington ranks behind other states in the percent of students served in LRE 1. However, the pace of its improvement was greater than average.

- As of November 2018, Washington served 57% of students in LRE 1. It ranked 43rd among all states and the District of Columbia.
- As of November 2022, Washington served 63% of students in LRE 1. This placed it at 37th.
- This is an increase of 6 percentage points over 5 years. The national average was an increase of 3 percentage points during the same period.

Alabama, Vermont, Nebraska, and Colorado were at the top in each year. New Mexico, New Jersey, and Hawaii were at the bottom.

Figure 9: From 2018 to 2022, Washington moved from 43rd to 37th for the percent of students served in LRE 1
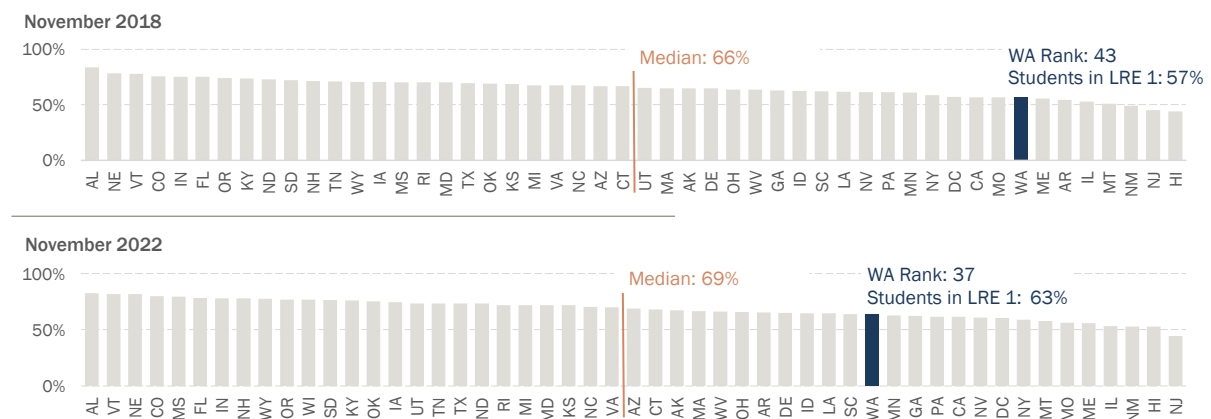
Note: The data in this chart is from November while data shown in Figure 7 is end of year.

Source: JLARC staff analysis of data from U.S. Department of Education. Data not available for Wisconsin in November 2018.

Part 6. Strategies

JLARC staff consulted with national experts to examine different ways to increase inclusion. The consultants compared Washington's approach with all other states, current research, and practices promoted by the U.S. Department of Education.

OSPI piloted voluntary programs to promote inclusion at certain districts

Since 2018, when Washington ranked 43rd nationally for the number of students served in LRE 1, OSPI and school districts have made efforts to improve inclusion.

Improving inclusion means adapting the educational environment and teaching methods to meet the needs of all students. From 2019 until 2024, OSPI operated a pilot project to provide professional development for classroom teachers and school leaders to support inclusive education. Of the 295 school districts in Washington, 100 districts chose to participate. OSPI reports this included 246 of the nearly 2,500 schools statewide as pilot sites.

In 2024, the project began focusing on equitable access for students in LRE 3 and Black students. Students in these groups saw less progress of moving into LRE 1 during the original pilot project period. For example, pilot sites saw an increase in LRE 1 placements of 19.8 percentage points. Black students with disabilities saw an increase of 3 percentage points statewide.

OSPI notes that the pilot project benefited some districts. However, there is limited information available to show that the pilot project caused broader changes in LRE placement. Experts note that the changes in LRE may also reflect other factors. For example, it is difficult to isolate the effect of the pilot project from other state or federal policies and programs occurring at the same time.

Washington schools and districts use different approaches to achieve inclusion

Although LRE is a standard metric for inclusion, the ways that districts and schools approach inclusion can vary significantly. JLARC staff heard and observed numerous examples from interviewed districts of practices they use to help students feel included. These efforts are not required by the state and are not implemented consistently in all districts. Examples include:

- **Offering calming corners.** Schools offer spaces in a general education classroom with cushions and soft objects. Any student may sit and take some time to themselves without leaving the classroom.
- **Creating dedicated sensory rooms.** Schools offer supervised rooms that any student can use for physical and emotional regulation.
- **Phasing out replacement classes or curriculums.** Instead of using different materials for some students, schools work with teachers to identify how students can meet IEP goals in applied or technical classes.
- **Creating spaces that feel physically inclusive.** Some schools have transparent walls so that students can receive services (e.g., one-on-one help) and still feel like part of the class.
- **Making activities and games available for all students.** This can destigmatize activities and games designed for students receiving special education services.

Research shows that often specific programs and practices that are intended to promote inclusion may be poorly defined or not rigorously tested with empirical research. This makes it difficult to say

with certainty that any specific practice will lead to a given outcome. For example, an inclusive practices program that is implemented within a district could look different at each school because of factors like administrative support, teacher training, and resource availability.

Experts recommend implementing six strategies using a coordinated approach in all districts to improve inclusion

JLARC's consultants identified six common strategies that states use to increase inclusion. The strategies are grounded in current research and align with those promoted and supported by the U.S. Department of Education.

The consultants suggest that coordinating the strategies and implementing them in all districts can improve their effectiveness. For example, developing an approach that includes multiple strategies that work together is likely to be more effective than an approach with fewer strategies or individual strategies that operate in isolation. This could mean collectively adopting strategies to promote inclusion for young students while creating supports for other students and offering professional development for teachers and school leaders. The separate programs would be aligned to achieve the shared goal of promoting inclusion.

States with higher percentages of students served in general education classrooms use comprehensive approaches and incorporate at least five of the six strategies. Some states implement strategies at all levels of the education system. This includes early childhood educators, general and special education teachers, school leaders, and institutions of higher education. Some states have passed laws that require implementation of individual strategies, ensuring comprehensive adoption by all districts, schools, and personnel. Additional information about other states is in Appendix C.

The six strategies are:

1. Increase opportunities for young children with disabilities (ages 3-5) to be with their nondisabled peers.
2. Offer three tiers of support for all students who struggle with academic and/or behavioral challenges.
3. Train current teachers and pre-service teachers to use practices with demonstrated success.
4. Use instructional technology to increase accessibility and improve student outcomes.
5. Design materials and activities to allow for multiple means of engagement and expression.
6. Enhance training, coaching, and mentoring for administrators, principals, and other school leaders.

Strategy 1: Increase opportunities for young children with disabilities (ages 3-5) to be with their nondisabled peers

What is it?

Provide more high-quality early childhood learning opportunities for younger children (ages 3-5) with disabilities to be with their peers who do not have disabilities. This includes learning and social activities, with any necessary accommodations and interventions for students. To implement inclusive practices, early learning programs need:

- Policies and procedures that align early childcare goals with educational agency goals.
- Technical assistance and guidance to promote inclusion.
- Standards for measuring quality of programs.

What are the benefits?

Research shows that children with disabilities from birth to age eight who participate in inclusive settings with peers have better educational outcomes.

Strategy 2: Offer three tiers of support for all students who struggle with academic and/or behavioral challenges

What is it?

Educators refer to the three tiers of support as the multi-tiered system of supports (MTSS). It is a framework that schools can use to give targeted help to struggling students.

In general, there are three tiers. The interventions are more intense and individualized at each level.

1. High-quality teaching for all students in the general education classroom.
2. Small group interventions for students who need additional support.
3. Individual interventions for students who need more targeted or intensive help.

What are the benefits?

The framework helps districts and schools ensure that all students receive the right level of support to succeed. It is designed to help schools identify struggling students early and intervene quickly. It can reduce the need for more intensive services later.

Strategy 3: Train current and future teachers to use practices with demonstrated success

What is it?

High-leverage practices are fundamental ways of teaching. They are aligned with evidence-based teaching. They also integrate with the multi-tiered systems of supports (strategy 2) and universal design for learning (strategy 5). Six high-leverage practices were shown to promote inclusive education, regardless of students' disabilities or grade level.

1. Teach social behaviors
2. Systematically design instruction toward a specific learning goal.
3. Teach cognitive and metacognitive strategies to support learning and independence.
4. Use explicit instruction.
5. Use assistive and instructional technologies (Strategy 4).
6. Provide intensive instruction.

What are the benefits?

Research shows that high-leverage practices promote access to high-quality, inclusive education.

Strategy 4: Use instructional technology to increase accessibility and improve student outcomes

What is it?

Instructional technology includes tools such as:

- Assistive devices that help students with disabilities access the curriculum and participate in classroom activities.
- Learning management systems that teachers use to provide differentiated instruction and track student progress.
- Adaptive learning software that helps students learn by providing immediate feedback and additional practice where needed.

What are the benefits?

Research suggests that instructional technology can foster more student-focused instruction and improve literacy, mathematics, and social behavior.

Strategy 5: Design materials and activities to allow for multiple means of engagement and expression

What is it?

Universal design for learning (UDL) is a framework that encourages teachers to use a variety of approaches in the classroom and accommodate all learners. It includes:

- Presenting information in different ways such as visuals, audio, or hands-on activities.
- Ensuring students have different ways to engage, such as collaborative projects, independent research, or interactive simulations.
- Giving students options for sharing what they learn, such as written reports, oral presentations, or artistic projects.

What are the benefits?

UDL ensures that all students, regardless of whether they have a disability, can access the curriculum. Research suggests that with UDL, students learn more and can achieve better outcomes. It also increases student engagement and may reduce the stigma associated with different learning styles.

Strategy 6: Enhance training, coaching, and mentoring for administrators, principals, and other school leaders

What is it?

New and current principals and administrators need training specific to how their schools can provide inclusive special education. This training can include:

- Comprehensive training programs that address inclusive practices, legal requirements, and effective school leadership.
- Coaches who provide feedback, model inclusive practices, and help develop action plans.
- Peer mentoring with experienced leaders who can offer guidance and support.

What are the benefits?

Experts suggest students with disabilities do better academically and socially when leaders are well-prepared, knowledgeable about special education, committed to inclusion, and implement effective leadership practices. They also suggest leaders are essential for the implementation of the first five strategies across district schools.

OSPI and districts use the strategies to varying degrees. Washington does not require implementation in all districts.

OSPI and school districts have taken steps to implement many of the strategies within existing resources. None of the strategies are required or implemented by all districts statewide.

JLARC's consultant noted that "Washington has the foundational strategies necessary to improve students with disabilities access to and progress in the general education curriculum. Increasing alignment across statewide efforts … would maximize the impact of these smaller, very targeted efforts."

Figure 10: OSPI and school districts have taken steps to implement the strategies, but efforts are generally small scale

Strategy	Examples in Washington
Strategy 1: Increase opportunities for young children with disabilities (ages 3-5) to be with their nondisabled peers	School districts have implemented programs with varying, limited scopes and durations. One example is implementing an inclusive, transitional kindergarten program. OSPI has collaborated with the Department of Children, Youth, and Families (DCYF) to understand and increase inclusion for children age birth to five. Washington does not require inclusive early childhood programs.
Strategy 2: Offer three tiers of support for all students who struggle with academic and/or behavioral challenges	OSPI has adopted an MTSS framework, offers professional development, and supports district implementation. Its framework focuses on both academic and social-emotional-behavioral skills. Educational service districts also support MTSS implementation. However, 43 of the 58 districts interviewed for this study said that they have not yet fully implemented MTSS.
Strategy 3: Train current and future teachers to use	Ten colleges and universities in Washington include these practices in their curriculum for teacher education. These institutions, OSPI, and other

practices with demonstrated success	partners cocreated a website. The site gives educators access to professional development and resources.
	Current teachers may not have received this training. OSPI's ongoing training and professional development is voluntary.
Strategy 4: Use instructional technology to increase accessibility and improve student outcomes	OSPI and its partners cocreated a website that includes resources on using instructional technology for inclusion. OSPI also funds the Special Education Technology Center (SETC), which provides training, consulting services, and technology to support students with disabilities.
	In fiscal year 2025, OSPI will offer grants to help schools and school districts purchase adaptive and inclusive technologies.
	Nine districts interviewed for this study noted that additional technology was needed so that they could increase inclusion.
Strategy 5: Design materials and activities to allow for multiple means of engagement and expression	OSPI has collaborated with partner organizations to provide a website with UDL resources.
	Washington does not actively promote the use of UDL through state policies, initiatives, or programs.
Strategy 6: Enhance training, coaching, and mentoring for administrators, principals, and other school leaders	OSPI and state universities offer the Enhancing Capacity for Special Education Leadership (ECSEL) program, which trains educators and other district staff to specialize in special education administration.
	OSPI has worked with higher education institutions to promote inclusive leadership training for principals. It also offers technical assistance to administrators.
	Washington's current offerings for administrators are voluntary. In interviews, some administrators told JLARC staff that they had insufficient training around legal requirements prior to taking on their roles. This was especially true for small districts.

Source: JLARC's national expert consultant review and JLARC staff interviews with Washington school districts.

Recommendation

The Legislative Auditor makes one recommendation.

Recommendation #1:
If the Legislature wants to improve inclusion, it should state its public policy objective.

Improving or increasing inclusion is a policy decision for the Legislature. The Legislature has not stated its policy objective, although some parts of the funding formula imply that inclusion is a priority.

If the Legislature sets an objective for inclusion, it could direct OSPI to set performance metrics, develop a plan, and identify resource needs and options to achieve the objective. The plan could specify how OSPI and the districts can implement the six strategies in a coordinated way across all districts.

Legislation required: Depends on legislative decision regarding policy.

Fiscal Impact: OSPI may need additional resources to develop a plan, depending on legislative direction. Implementation costs should be included in the plan.

Agency Response

To be included in proposed final report.

Current Recommendation Status

JLARC staff follow up on the status of Legislative Auditor recommendations to agencies and the Legislature for four years. The most recent responses from agencies and status of the recommendations in this report can be viewed on our Legislative Auditor Recommendations page.

Appendices

Appendix A: Key terms

ESD: Educational service districts (ESDs). ESDs are regional agencies that provide localized supports to school districts and act as regional partners for OSPI. There are nine ESD regions in Washington, with one agency per region. They were first established in 1969 through RCW 28A.310.010. They hold coordinated services agreements with OSPI that allows them to act on OSPI's behalf to engage in district monitoring and compliance requirements, including training and collecting data from districts.

ESDs also offer services on a contractual or paid basis to school districts; these services vary by ESD. While each ESD has a defined geographic region, their activities are not geographically bound. A district may contract for services with any ESD. ESD 112 operates the Educational Service Agency (ESA), a multiservice agency that a district can contract with to take responsibility for providing special education and related services. The ESA operates statewide and focuses primarily on serving small and rural districts.

IDEA: Individuals with Disabilities Education Act. A federal law that establishes special education. This includes the requirement that if a student with a disability cannot access general education, the school district must modify the general education to meet their specific needs. It requires states to have policies and procedures to ensure students with disabilities should be educated in the least restrictive environment (LRE) appropriate to their needs. This requirement ensures students are placed in appropriate settings to meet their annual goals and are educated with their nondisabled peers to the maximum extent appropriate for the individual student.

504: Section 504 of the federal Rehabilitation Act of 1973. A federal civil rights law that establishes that districts must provide services so students with disabilities can access public education. Under this law, not providing students with disabilities access to the same education as their nondisabled peers is considered discrimination.

FAPE: Free appropriate public education. First established under Section 504, a school district is required to provide FAPE to each qualified student with a disability who is in the school district's jurisdiction, regardless of the nature or severity of the disability. IDEA expands FAPE to include students with disabilities who require modification to meet their specific needs and consideration of LRE.

LRE: Least restrictive requirement. A requirement established in IDEA that a student receiving special education services must be placed in the educational setting that allows them to make the most progress toward their specific, unique academic goals. The amount of time that a student spends in general education settings is determined by whether that setting allows them to make appropriate progress, or if they would make that progress in a different setting.

LRE is also used to refer to the categories describing a student's placement during the day:

- LRE 1: 80%-100% time in general education classroom.
- LRE 2: 40%-79% time in general education classroom.
- LRE 3: 0%-39% time in general education classroom.
- Other placements: This includes residential facilities, day schools not operated by the district, homeschooling, private schools, and more.

The amount of time a student spends in general education settings is recorded on their IEP and then categorized. All students' LRE category value is reported to the federal government each year.

Appendix B: Enrollment detail by district

You can download the data here: Excel download

Appendix C: Other state approaches

Increase opportunities for young children with disabilities (ages 3-5) to be with their nondisabled peers

Virginia has a supporting state law and regulations regarding classroom placement for preschoolers with disabilities. The state also developed a guidance document that presents the rationale, definition, legal basis, benefits, and misconceptions about inclusion.

Alabama released a guidance document that clarifies what inclusion looks like, teacher competencies, and suggested inclusive pre-school practices. The state's approach to early childhood

inclusion incorporates inclusive practices from among the other five strategies, including instructional technology and universal design for learning.

Similarly, Nebraska offers technical assistance statewide to support their Pyramid Model for children age birth to five. This model is aligned with Nebraska's MTSS framework used for students in kindergarten through graduation.

Offer three tiers of support for all students who struggle with academics and/or behavioral challenges

Other states promote MTSS frameworks that focus on both academic skills and social-emotional-behavioral needs.

Florida and Colorado have developed an extensive training program for teachers on MTSS implementation. In addition, Florida uses a data system for monitoring progress and guiding decision-making. Florida has reported improved outcomes such as reduced rates of inappropriate referrals for special education and increased academic performance for students.

Alabama's approach is a prevention-based framework that encompasses academic, behavioral, and foundational needs, including both physical and mental health. It is aligned to the Alabama Achieves Strategic Plan. Alabama's MTSS coaches provide professional development to districts, one of the other five strategies.

Nebraska has MTSS support teams by region and also incorporates other strategies, including facilitators to work with early childhood programs.

Train current teachers and pre-service teachers to use practices with demonstrated success

Vermont has had statewide initiatives related to high-leverage practices (HLPs) since 2020. The initiatives focus on integrating practices into teacher preparation programs and clinical experiences. Similarly, Florida has had a statewide HLP initiative since 2013. It refined statewide licensure practices to increase the number of educator preparation programs that include HLPs. Alabama is collaborating with colleges to promote inclusionary practices, including the use of HLPs, in educator preparation programs.

Colorado faculty from 13 educator preparation programs have been collaborating to prepare general education teachers on HLPs. The collaboration focused on increasing culturally responsive teaching practices in inclusive learning environments. While focused on pre-service teachers and teacher educators, the program also incorporates UDL instruction.

Use instructional technology to increase accessibility and improve student outcomes

In 2023, Florida statute required the Florida Department of Education to develop an agency to help guide technology planning in school districts and develop a strategic technology plan to help districts establish digital classrooms. The plan outlined technology requirements, professional development expectations, suggested instructional technology tools, and funding for internet. The agency developed guidelines to assist schools and school districts in making technology decisions that best meet student needs.

Colorado funds Project Include, a program through University of Colorado Denver. The project provides training, support, and equipment via Universal Design and Inclusion Kits to licensed Colorado childcare programs. The goal of the project is to assist providers in developing environments and curriculums inclusive for all children, and explicitly identifies children with delays

and disabilities. This project implements instructional technology alongside other strategies, specifically a focus on early education and universal design.

Design materials and activities to allow for multiple means of engagement and expression

As of 2023, all new Alabama educators must complete an online UDL training as part of their disproportionality training.

Mississippi implemented a statewide initiative to scale UDL in cohorts of districts. It embedded in-person and virtual professional learning opportunities into eight preparation programs at colleges and universities. The opportunities focused on implementing UDL for Tier 1 (MTSS) activities and using a self-assessment tool to support local implementation.

In addition to also offering online lessons on UDL, Colorado has integrated UDL into how it defines and implements MTSS.

Enhance training, coaching, and mentoring for administrators, principals, and other school leaders

States like Virginia, Connecticut, Rhode Island, and Hawaii have implemented comprehensive training programs for school administrators, focusing on inclusive practices, legal requirements, and effective school leadership. These programs include providing workshops, coaching sessions, and peer mentoring.

In Colorado, faculty from 11 principal preparation programs have been collaborating alongside other partners to identify opportunities to advance training and inclusion practices within their programs. This has resulted in changes to coursework and field experiences/internships.

Appendix D: Study-specific methods

District interviews

JLARC staff interviewed school district professionals between December 2023 and March 2024. To select districts, JLARC staff first grouped school districts into their respective educational service districts (ESDs). There are nine ESDs across Washington. Using ESD as selection criteria ensures that the districts we selected capture the entire state.

JLARC staff then categorized districts into three size categories based on special education enrollment, which could influence funding, operations, and service delivery.

- Large districts are defined as being in the top quartile of district special education enrollment.
- Average districts are defined as being in the middle two quartiles of district special education enrollment.
- Small districts are defined as being in the bottom quartile of district special education enrollment.

JLARC staff categorized districts based on their level of inclusion for students receiving special education. Inclusion was measured using the three LRE categories (see definition in Appendix A).

Inclusion is a key feature of our evaluation in each district, so it was important that districts represent varied levels of inclusion. In practice, JLARC staff categorized districts based on the percent of students in LRE 1 and whether they are above or below the state average in this category.

JLARC staff then selected districts to ensure variation on additional district characteristics that are important for capturing a range of district experiences in special education. For example, the selected districts included those that:

- Are above and below the special education enrollment cap.
- Have applied for safety net funds including high needs, community impact, or both.
- Have participated in OSPI's Inclusionary Practices Project.
- Vary in their demographic and socioeconomic composition. For example, we included districts with higher-than-average non-white, migrant, non-English speaking, and low-income populations.

In addition to public school districts, JLARC was directed to include public charter schools in our analysis. At the time of our fieldwork, JLARC staff identified 16 charter schools operating in the state. Initially, staff reached out to a selection of charter schools but after a limited response, broadened the outreach to all charter schools.

As an additional measure of quality control, JLARC staff reviewed our sampling approach with a subject matter expert. The expert agreed that the criteria described above would create a sample of districts that were methodologically defensible, robust, and easy to explain. He further agreed that considering variation in districts above and below the enrollment cap, usage of the safety net, and differences in school and community demographic and socioeconomic composition would improve the sample.

Figure 11: Districts and charter schools included in this study

District	ESD
Bellingham School District	189
Bickleton School District	105
Cape Flattery	114
Castle Rock School District	112
Central Kitsap School District	114
Cheney School District	101
Chimacum School District	114
Columbia (Walla Walla) School District	123
Colville School District	101
Concrete School District	189

Cosmopolis School District	113
Dixie School District	123
Eastmont School District	171
Easton School District	105
Ellensburg School District	105
Endicott School District	101
Evergreen School District	112
Ferndale School District	189
Glenwood School District	112
Granite Falls School District	189
Impact Public Schools	Charter
Index Elementary School District 63	189
Kahlotus School District	123
Kennewick School District	123
Klickitat School District	112
Longview School District	112
Lumen High School	Charter
Mansfield School District	171
Mercer Island School District	121
Moses Lake School District	171
Mossyrock School District	113
Nespelem School District	171
North Beach School District No. 64	113
North Thurston	113
Ocean Beach School District	112

Odessa School District	101
Oroville School District	171
Othello School District	123
Paterson School District	123
Pinnacles Prep	Charter
Port Townsend School District	114
PRIDE Schools	Charter
Queets-Clearwater School District	114
Renton School District	121
Republic School District	101
Seattle School District No. 1	121
Selah School District	105
Sequim School District	114
Skykomish School District	121
Soap Lake School District	171
Southside School District	113
Spokane International Academy	Charter
Spokane School District	101
Tacoma School District	121
Toppenish School District	105
Why Not You Academy	Charter
Yakima School District	105
Yelm School District	113

Expert consulting

JLARC staff contracted with the American Institutes for Research (AIR) to review existing research and best practices in other states for including students in general education classrooms.

The consultants hold doctorates in special education and have published articles and books on special education law, policy, and practice. They routinely work with national technical assistance centers and serve as technical experts to states. In this work, they provide advice for how to comply with legal requirements and serve students in appropriate education settings.

To identify the six strategies, the consultants reviewed state improvement plans submitted to the U.S. Department of Education for all 50 states. Through the review, the consultants identified six commonly reported strategies for promoting inclusion, which are listed in Part 6 of this report. The strategies align with inclusionary practices promoted by the federal government.

Next, the consultants selected three states (Alabama, Nebraska, and Colorado) as case studies for comparison to Washington. These states serve the highest percentage of students in LRE 1. Additionally, the consultants relied on their experience providing technical assistance in other states. Collectively, they suggest that states serving more students in LRE 1 implement the six strategies in a coordinated manner and reach districts across their states.

Appendix E: Applicable statutes

RCW 28A.150.200

RCW 28A.150.210

Chapter 28A.155 RCW

Related federal laws

Rehabilitation Act of 1973: This federal law requires school districts to provide "free appropriate public education" (FAPE) to each qualified student with a disability in their jurisdictions. This federal civil rights law prohibits discrimination against students based on disability.

Individuals with Disabilities Education Act (IDEA): A federal law that governs how states and public agencies provide early intervention, special education, and related services to eligible children with disabilities, and authorizes both formula and discretionary grants. The relevant part to this study, Part B, establishes formula grants that assist states in providing a free and appropriate public education (FAPE) in the least restrictive environment (LRE) for children ages 3-21 (Section 611) and children ages 3-5 (Section 619).

IDEA covers 13 categories of disability and authorizes states to define developmental delays. It also contains the Child Find mandate, which states that schools must find and evaluate students thought to have disabilities—at no cost to families. To qualify for IDEA services, a child must have a qualifying disability and need special education to make progress in school. The law also includes procedural safeguards which provide for and protect the IEP (individualized education program) process, parent and student rights, and dispute resolution options.

IDEA passed in 1975 as the Education for All Handicapped Children Act, was reauthorized by Congress in 2004, and most recently amended in 2015 (20 U.S.C. sec. 1400).

Appendix F: Study questions & methodology

This study aimed to answer the following questions, which were presented to JLARC in September 2023 (view here).

1. What processes are used to identify, evaluate, and serve students with disabilities?

    a. What factors, including funding, affect identification, evaluation timelines, and the education settings where students with disabilities are served?

    b. To what extent do evaluation timelines and the settings where students are served vary by district, disability, and demographics, including race or ethnicity?

2. Are the school districts and state following best practices to serve students in inclusive education settings?

Methods

The methodology JLARC staff use when conducting analyses is tailored to the scope of each study, but generally includes the following:

- **Interviews** with stakeholders, agency representatives, and other relevant organizations or individuals.

- **Site visits** to entities that are under review.

- **Document reviews**, including applicable laws and regulations, agency policies and procedures pertaining to study objectives, and published reports, audits or studies on relevant topics.

- **Data analysis**, which may include data collected by agencies and/or data compiled by JLARC staff. Data collection sometimes involves surveys or focus groups.

- **Consultation with experts** when warranted. JLARC staff consult with technical experts when necessary to plan our work, to obtain specialized analysis from experts in the field, and to verify results.

The methods used in this study were conducted in accordance with Generally Accepted Government Auditing Standards.

More details about specific methods related to individual study objectives are described in the body of the report under the report details tab or in technical appendices.

Appendix G: Audit authority

The Joint Legislative Audit and Review Committee (JLARC) works to make state government operations more efficient and effective. The Committee is comprised of an equal number of House members and Senators, Democrats and Republicans.

JLARC's nonpartisan staff auditors, under the direction of the Legislative Auditor, conduct performance audits, program evaluations, sunset reviews, and other analyses assigned by the Legislature and the Committee.

The statutory authority for JLARC, established in [Chapter 44.28 RCW](#), requires the Legislative Auditor to ensure that JLARC studies are conducted in accordance with Generally Accepted Government Auditing Standards, as applicable to the scope of the audit. This study was conducted in accordance with those applicable standards. Those standards require auditors to plan and perform audits to obtain sufficient, appropriate evidence to provide a reasonable basis for findings and conclusions based on the audit objectives. The evidence obtained for this JLARC report provides a reasonable

basis for the enclosed findings and conclusions, and any exceptions to the application of audit standards have been explicitly disclosed in the body of this report.

JLARC members on publication date

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