

HOUSE BILL REPORT

SSB 5253

As Reported by House Committee On:

Education
Appropriations

Title: An act relating to extending special education services to students with disabilities until the end of the school year in which the student turns 22.

Brief Description: Extending special education services to students with disabilities until the end of the school year in which the student turns 22.

Sponsors: Senate Committee on Early Learning & K-12 Education (originally sponsored by Senators Cortes, Chapman, Conway, Frame, Krishnadasan, Lias, Nobles, Shewmake, Trudeau, Valdez and Wilson, C.; by request of Superintendent of Public Instruction).

Brief History:

Committee Activity:

Education: 3/18/25, 3/20/25 [DP];

Appropriations: 4/2/25, 4/4/25 [DPA].

Brief Summary of Substitute Bill (As Amended by Committee)

- Requires that special education and related services for students with disabilities be provided to the end of the school year in which a student turns age 22, or high school graduation, whichever occurs first.
- Directs the Office of the Superintendent of Public Instruction and other state agencies working with individuals with disabilities to collaborate to update a plan to improve transition planning activities for students likely to become eligible for services from the Developmental Disabilities Administration by October 30, 2026.

HOUSE COMMITTEE ON EDUCATION

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

Majority Report: Do pass. Signed by 18 members: Representatives Santos, Chair; Shavers, Vice Chair; Rude, Ranking Minority Member; Keaton, Assistant Ranking Minority Member; Bergquist, Callan, Chase, Couture, Donaghy, Marshall, McEntire, Ortiz-Self, Pollet, Reeves, Rule, Scott, Steele and Stonier.

Staff: Megan Wargacki (786-7194).

Background:

Basic Education.

The state's statutory program of basic education is available to students who are at least 5 years of age and less than 21 years of age at the beginning of the school year.

Special Education.

Special education is a component of basic education. The federal Individuals with Disabilities Education Act (IDEA) governs how states and public elementary and secondary schools (public schools) provide special education and related services to children and youth with disabilities.

In Washington, the Superintendent of Public Instruction is responsible for ensuring that the state and its public schools comply with requirements of the IDEA, and other federal and state special education laws.

With some exceptions, a state receiving federal funding under the IDEA must provide a free appropriate public education (FAPE) to children and youth with disabilities between their third and twenty-second birthdays. Under the IDEA, a state is not required to provide a FAPE to youth with disabilities ages 18 through 21 if doing so would be inconsistent with state law or practice for the provision of public education to youth in that age range.

Under Washington law, students with disabilities must be provided a FAPE between the ages of 3 and 21, or high school graduation, whichever occurs first. When a student's twenty-first birthday occurs during the school year, state statute allows continued provision of FAPE until the end of the school year; while a rule of the Superintendent of Public Instruction requires the provision of FAPE until the end of the school year in which the student turns age 21.

N.D. v. Reykdal.

In November 2024, the United States District Court for the Western District of Washington issued an order in the case of *N.D. v. Reykdal*, a class action lawsuit alleging that Washington's law violates the IDEA. The plaintiffs successfully argued that, because Washington offers adult education programs to 21-year-olds and waives the \$25 tuition fee for those who cannot pay, the state provides free public education to nondisabled students through age 21, which makes the IDEA exception inapplicable. The court further stated that, "The state's policy of aging students out of special education at the end of the school

year in which they turn 21 pursuant to [state statute] and [state administrative rule] presently violates the IDEA, has violated the IDEA at all times during the two years preceding the filing of this lawsuit, and will continue to violate the IDEA absent a substantial change in the state's policies for charging and waiving tuition for its adult secondary education programs."

Transition Planning.

Multiple state agencies provide services to people with disabilities. These agencies include the Office of the Superintendent of Public Instruction, State School for the Blind, the Washington Center for Deaf and Hard of Hearing Youth, the Department of Social and Health Services, and the Department of Services for the Blind. Some of these agencies collaborate to support students receiving special education in the transition from school to post school life.

Summary of Bill:

Special Education.

Special education and related services for students with disabilities must be provided to the end of the school year in which a student with disabilities turns age 22, or high school graduation, whichever occurs first. The provision of these special education services is not intended to reduce or supplant any other service that a student may be eligible for.

Education-related provisions applicable to students under age 21 are extended to students with disabilities to the end of the school year in which the students turn age 22, for example:

- provisions related to student enrollment in a nonresident school district;
- provisions related to programs of education in residential schools;
- the requirement for each school district to report to its educational service district the names of certain visually or hearing-impaired residents;
- free admission to the State School for the Blind and the Washington Center for Deaf and Hard of Hearing Youth; and
- provisions related to interagency agreements for high school transition services.

Transition Planning.

By October 30, 2026, the Office of the Superintendent of Public Instruction, the Department of Social and Health Services, the Department of Services for the Blind, and any other state agency working with individuals with disabilities must collaborate to update the implementation plan for improving transition planning activities for students likely to become eligible for services from the Developmental Disabilities Administration. In updating the plan, the state agencies must consult with nonprofit providers of high school transition services and advocates for students with individualized education programs. The updated implementation plan should include the provision of coordinated transition services, examples of how coordinated transition services can be provided to students between the ages of 16 and 22 to ensure a seamless transition from school to post-school

life, and how transition services are provided in a way that supplements and not supplants state special education funding.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) The state has a paramount responsibility to provide education, especially to students who have been underserved, such as those with disabilities. The bill is result of a federal court case that said there was a violation of the federal Individuals with Disabilities Education Act. Stopping students' special education services when they turn 22 years old, especially when that is in the middle of a school year, does not seem fair, is confusing for students and families, and is disruptive for schools. The bill strikes a balance between meeting the law and creating a smooth transition for students from school to post-school life. Other states provide special education services through the end of the school year, and Michigan even provides services through the end of a student's twenty-sixth year. This bill will make an impact on the most vulnerable kids in society.

Persons Testifying: Senator Adrian Cortes, prime sponsor; Cathy Murahashi, The Arc of Washington; Misha Cherniske, Office of the Superintendent of Public Instruction (OSPI); and Kathy McDonald.

Persons Signed In To Testify But Not Testifying: James Derouin Jr; Arzu Forough, Washington Autism Alliance; Emma Kohl; Sandra Mochizuki; TaraLyn Fray; and Annie Slade.

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: Do pass as amended. Signed by 30 members: Representatives Ormsby, Chair; Gregerson, Vice Chair; Macri, Vice Chair; Couture, Ranking Minority Member; Connors, Assistant Ranking Minority Member; Penner, Assistant Ranking Minority Member; Schmick, Assistant Ranking Minority Member; Berg, Bergquist, Burnett, Caldier, Callan, Corry, Cortes, Doglio, Dye, Fitzgibbon, Keaton, Leavitt, Lekanoff, Manjarrez, Marshall, Peterson, Pollet, Ryu, Springer, Stonier, Street, Thai and Tharinger.

Staff: James Mackison (786-7104).

Summary of Recommendation of Committee On Appropriations Compared to Recommendation of Committee On Education:

The Appropriations Committee's amendment modifies the language extending the provision of special education services to students with disabilities until the end of the school year in which they turn 22, so that the provisions do not alter special education funding for children ages 3, 4, and 5 who are not yet in kindergarten.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Amended Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) The bill is prompted by compliance with a legal ruling. It is also the right thing to do. It helps a subset of the special education students, those with the greatest need, to complete the school year in which they turn 22, rather than ending services on their twenty-second birthday. This policy ensures a smoother transition for students with disabilities as they prepare for adulthood, higher education, employment, or independent living. Extending services is a crucial step for equity and inclusion, giving these students the time and support they need. The bill promotes better coordination between educational, developmental, and employment services. It will help young adults and their families avoid the disability services gap. Ending services midyear is disruptive and destabilizing for students, and cuts off essential support at a critical time. This fulfills the state's paramount duty to educate all children. This is an easy fix that makes sense for students, families, and schools.

(Opposed) None.

Persons Testifying: Erica Limon-Trefielo, Communities in Schools of Washington; Misha Cherniske, Office of Superintendent of Public Instruction (OSPI); Cathy Murahashi, The Arc of Washington; Jen Chong Jewell; Stacy Dym, The Arc of WA; Kathy McDonald; and Preston Dwoskin.

Persons Signed In To Testify But Not Testifying: None.