

HOUSE BILL REPORT

HB 2130

As Reported by House Committee On:
Education

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.

Sponsors: Representatives Pollet, Couture, Reed, Callan, Orwall, Paul, Caldier, Doglio, Reeves and Kloba.

Brief History:

Committee Activity:

Education: 1/25/24, 1/29/24 [DPS].

Brief Summary of Substitute Bill

- Extends the provision of special education and related services to students with disabilities until the end of the school year in which the students turn age 22, or high school graduation, whichever occurs first.
- Requires specified state agencies to collaborate to develop an implementation plan for extending special education services.

HOUSE COMMITTEE ON EDUCATION

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 15 members: Representatives Santos, Chair; Shavers, Vice Chair; Rude, Ranking Minority Member; McEntire, Assistant Ranking Minority Member; Bergquist, Couture, Eslick, Harris, McClintock, Nance, Ortiz-Self, Pollet, Steele, Stonier and Timmons.

Staff: Megan Wargacki (786-7194).

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.

Background:

Special 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 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. When a student's twenty-first birthday occurs during the school year, state statute permits 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.

Notice to Educational Service Districts.

Each school district is required to report to its educational service district the names of all visually or hearing-impaired residents between the ages of 3 and 21.

State Schools for People with Vision and Hearing Disabilities.

The State School for the Blind and the Center for Childhood Deafness and Hearing Loss provide free educational services to residents between the ages of 3 and 21 who are blind or visually impaired, deaf or hearing impaired, or with disabilities where a vision or hearing disability is the major need for services.

Transition Service Interagency Agreements.

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 Center for Childhood Deafness and Hearing Loss, the Department of Social and Health Services, and the Department of Services for the Blind.

Interagency agreements must be established to foster effective collaboration among the

agencies providing transition services for students eligible for special education services from the beginning of transition planning, as soon as educationally and developmentally appropriate, through age 21 or high school graduation, whichever occurs first.

Summary of Substitute Bill:

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.

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;
- 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 Center for Childhood Deafness and Hearing Loss; and
- provisions related to interagency agreements for high school transition services.

By October 30, 2024, 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 develop an implementation plan for extending special education services to the end of the school year in which students with disabilities turn 22 years of age. In developing the implementation plan, the state agencies must consult with nonprofit providers of high school transition services and advocates for students with individualized education programs.

Substitute Bill Compared to Original Bill:

As compared to the original bill, the substitute bill requires, by October 30, 2024, specified state agencies to collaborate to develop an implementation plan for extending special education services to the end of the school year in which students with disabilities turn 22 years of age.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Substitute 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) Federal law requires the state to offer special education through age 21, inclusive, as quoted in the law. There is no ambiguity in the age requirement. Washington is providing special education to age 20, inclusive. Bringing state law into compliance with federal law is important; the court can order it. There are already court decisions on this topic, and our circuit has ruled on this issue. More importantly it is the right thing to do. It is a small number of students that will want their special education services to extend beyond age 20. There is a need to amend the bill to say that nothing about extending services to age 22 interferes or implies that transition services do not need to be provided.

Extending special education services to age 22 supports some of the students with the highest needs, including by providing transition services. Successful transition out of high school requires close coordination with other partners. The bill should focus on transition services.

There are students who would benefit from continued access to public education to give them time to gain and grow their skills to becoming an adult. There is a financial impact for families whose students age out of the public education system. Aging out of these services might result in the person being placed in a group home. Many older students with disabilities love learning, but due to the current law, they are unable to continue going to school.

(Opposed) None.

Persons Testifying: Representative Gerry Pollet, prime sponsor; Marin Marks, Washington School Counselor Association; Alyssa Fairbanks, Office of the Superintendent of Public Instruction; and Greg Crowder.

Persons Signed In To Testify But Not Testifying: Hodan Mohamed, Washington Multicultural Link and Seattle Council Parent Teacher Student Association; Lara Hruska, Cedar Law PLLC; and Franklin Day, Cheney School District.