
SUBSTITUTE HOUSE BILL 2130

State of Washington

68th Legislature

2024 Regular Session

By House Education (originally sponsored by Representatives Pollet, Couture, Reed, Callan, Orwall, Paul, Caldier, Doglio, Reeves, and Kloba)

READ FIRST TIME 01/31/24.

1 AN ACT Relating to extending special education services to
2 students with disabilities until the end of the school year in which
3 the student turns 22; amending RCW 28A.155.020, 28A.150.220,
4 28A.155.170, 28A.155.220, 28A.190.030, 28A.225.160, 28A.225.230,
5 28A.225.240, 72.40.040, and 72.40.060; creating new sections; and
6 providing an expiration date.

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

8 NEW SECTION. **Sec. 1.** The legislature finds that students
9 eligible for special education services may uniquely benefit from
10 extra individualized education and related services. For that reason,
11 the legislature intends to extend eligibility for special education
12 services to the end of the school year in which a student eligible
13 for special education services turns 22 years of age. The legislature
14 does not intend for this extension of special education services to
15 reduce or supplant any other services a student with disabilities is
16 eligible for.

17 NEW SECTION. **Sec. 2.** (1) By October 30, 2024, the office of the
18 superintendent of public instruction, the department of social and
19 health services, the department of services for the blind, and any
20 other state agency working with individuals with disabilities must

1 collaborate to develop an implementation plan for extending special
2 education services to the end of the school year in which students
3 with disabilities turn 22 years of age. In developing the
4 implementation plan, the state agencies must consult with nonprofit
5 providers of high school transition services and advocates for
6 students with individualized education programs.

7 (2) This section expires August 1, 2025.

8 **Sec. 3.** RCW 28A.155.020 and 2015 c 206 s 2 are each amended to
9 read as follows:

10 There is established in the office of the superintendent of
11 public instruction an administrative section or unit for the
12 education of children with disabilities who require special
13 education.

14 Students with disabilities are those children whether enrolled in
15 school or not who through an evaluation process are determined
16 eligible for special education due to a disability.

17 In accordance with part B of the federal individuals with
18 disabilities education improvement act and any other federal or state
19 laws relating to the provision of special education services, the
20 superintendent of public instruction shall require each school
21 district in the state to insure an appropriate educational
22 opportunity for all ~~((children with disabilities between the ages of
23 three and twenty-one, but when the twenty-first birthday occurs
24 during the school year, the educational program may be continued
25 until the end of that school year))~~ students with disabilities
26 beginning at three years of age and concluding at the end of the
27 school year in which the student turns 22 years of age. The
28 superintendent of public instruction, by rule, shall establish for
29 the purpose of excess cost funding, as provided in RCW 28A.150.390,
30 28A.160.030, and 28A.155.010 through 28A.155.160, functional
31 definitions of special education, the various types of disabling
32 conditions, and eligibility criteria for special education programs
33 for children with disabilities, including referral procedures, use of
34 positive behavior interventions, the education curriculum and
35 statewide or district-wide assessments, parent and district requests
36 for special education due process hearings, and procedural
37 safeguards. For the purposes of RCW 28A.155.010 through 28A.155.160,
38 an appropriate education is defined as an education directed to the
39 unique needs, abilities, and limitations of the children with

1 disabilities who are enrolled either full time or part time in a
2 school district. School districts are strongly encouraged to provide
3 parental training in the care and education of the children and to
4 involve parents in the classroom.

5 Nothing in this section shall prohibit the establishment or
6 continuation of existing cooperative programs between school
7 districts or contracts with other agencies approved by the
8 superintendent of public instruction, which can meet the obligations
9 of school districts to provide education for children with
10 disabilities, or prohibit the continuation of needed related services
11 to school districts by the department of social and health services.

12 This section shall not be construed as in any way limiting the
13 powers of local school districts set forth in RCW 28A.155.070.

14 **Sec. 4.** RCW 28A.150.220 and 2017 3rd sp.s. c 13 s 506 are each
15 amended to read as follows:

16 (1) In order for students to have the opportunity to develop the
17 basic education knowledge and skills under RCW 28A.150.210, school
18 districts must provide instruction of sufficient quantity and quality
19 and give students the opportunity to complete graduation requirements
20 that are intended to prepare them for postsecondary education,
21 gainful employment, and citizenship. The program established under
22 this section shall be the minimum instructional program of basic
23 education offered by school districts.

24 (2) Each school district shall make available to students the
25 following minimum instructional offering each school year:

26 (a) For students enrolled in grades one through twelve, at least
27 a district-wide annual average of one thousand hours, which shall be
28 increased beginning in the 2015-16 school year to at least one
29 thousand eighty instructional hours for students enrolled in grades
30 nine through twelve and at least one thousand instructional hours for
31 students in grades one through eight, all of which may be calculated
32 by a school district using a district-wide annual average of
33 instructional hours over grades one through twelve; and

34 (b) For students enrolled in kindergarten, at least four hundred
35 fifty instructional hours, which shall be increased to at least one
36 thousand instructional hours according to the implementation schedule
37 under RCW 28A.150.315.

38 (3) The instructional program of basic education provided by each
39 school district shall include:

1 (a) Instruction in the (~~essential-academic~~) state learning
2 (~~requirements~~) standards under RCW 28A.655.070;

3 (b) Instruction that provides students the opportunity to
4 complete twenty-four credits for high school graduation, beginning
5 with the graduating class of 2019 or as otherwise provided in RCW
6 28A.230.090. Course distribution requirements may be established by
7 the state board of education under RCW 28A.230.090;

8 (c) If the (~~essential-academic~~) state learning (~~requirements~~)
9 standards include a requirement of languages other than English, the
10 requirement may be met by students receiving instruction in one or
11 more American Indian languages;

12 (d) Supplemental instruction and services for students who are
13 not meeting academic standards through the learning assistance
14 program under RCW 28A.165.005 through 28A.165.065;

15 (e) Supplemental instruction and services for eligible and
16 enrolled students and exited students whose primary language is other
17 than English through the transitional bilingual instruction program
18 under RCW 28A.180.010 through 28A.180.080;

19 (f) The opportunity for an appropriate education at public
20 expense as defined by RCW 28A.155.020 for all eligible students with
21 disabilities as defined in RCW 28A.155.020; and

22 (g) Programs for highly capable students under RCW 28A.185.010
23 through 28A.185.030.

24 (4) Nothing contained in this section shall be construed to
25 require individual students to attend school for any particular
26 number of hours per day or to take any particular courses.

27 (5) (a) (~~Each~~) Except as provided for students with disabilities
28 under RCW 28A.155.020, each school district's kindergarten through
29 twelfth grade basic educational program shall be accessible to all
30 students who are five years of age, as provided by RCW 28A.225.160,
31 and less than twenty-one years of age and shall consist of a minimum
32 of one hundred eighty school days per school year in such grades as
33 are conducted by a school district, and one hundred eighty half-days
34 of instruction, or equivalent, in kindergarten, to be increased to a
35 minimum of one hundred eighty school days per school year according
36 to the implementation schedule under RCW 28A.150.315.

37 (b) Schools administering the Washington kindergarten inventory
38 of developing skills may use up to three school days at the beginning
39 of the school year to meet with parents and families as required in
40 the parent involvement component of the inventory.

1 (c) In the case of students who are graduating from high school,
2 a school district may schedule the last five school days of the one
3 hundred eighty day school year for noninstructional purposes
4 including, but not limited to, the observance of graduation and early
5 release from school upon the request of a student. All such students
6 may be claimed as a full-time equivalent student to the extent they
7 could otherwise have been so claimed for the purposes of RCW
8 28A.150.250 and 28A.150.260. Any hours scheduled by a school district
9 for noninstructional purposes during the last five school days for
10 such students shall count toward the instructional hours requirement
11 in subsection (2)(a) of this section.

12 (6) Subject to RCW 28A.150.276, nothing in this section precludes
13 a school district from enriching the instructional program of basic
14 education, such as offering additional instruction or providing
15 additional services, programs, or activities that the school district
16 determines to be appropriate for the education of the school
17 district's students.

18 (7) The state board of education shall adopt rules to implement
19 and ensure compliance with the program requirements imposed by this
20 section, RCW 28A.150.250 and 28A.150.260, and such related
21 supplemental program approval requirements as the state board may
22 establish.

23 **Sec. 5.** RCW 28A.155.170 and 2019 c 252 s 106 are each amended to
24 read as follows:

25 (1) (~~Beginning July 1, 2007, each~~) Each school district that
26 operates a high school shall establish a policy and procedures that
27 permit any student who is receiving special education or related
28 services under an individualized education program pursuant to state
29 and federal law (~~and who will continue to receive such services~~
30 ~~between the ages of eighteen and twenty-one~~) to participate in the
31 graduation ceremony and activities after four years of high school
32 attendance with his or her age-appropriate peers and receive a
33 certificate of attendance.

34 (2) Participation in a graduation ceremony and receipt of a
35 certificate of attendance under this section does not preclude a
36 student from continuing to receive special education and related
37 services under an individualized education program beyond the
38 graduation ceremony.

1 (3) A student's participation in a graduation ceremony and
2 receipt of a certificate of attendance under this section shall not
3 be construed as the student's receipt of a high school diploma
4 pursuant to RCW 28A.230.120.

5 **Sec. 6.** RCW 28A.155.220 and 2022 c 167 s 7 are each amended to
6 read as follows:

7 (1) The office of the superintendent of public instruction must
8 establish interagency agreements with the department of social and
9 health services, the department of services for the blind, and any
10 other state agency that provides high school transition services for
11 special education students. Such interagency agreements shall not
12 interfere with existing individualized education programs, nor
13 override any individualized education program team's decision-making
14 power. The purpose of the interagency agreements is to foster
15 effective collaboration among the multiple agencies providing
16 transition services for individualized education program-eligible
17 special education students from the beginning of transition planning,
18 as soon as educationally and developmentally appropriate, through
19 ~~((age twenty-one))~~ the end of the school year in which the student
20 turns 22 years of age, or through high school graduation, whichever
21 occurs first. Interagency agreements are also intended to streamline
22 services and programs, promote efficiencies, and establish a uniform
23 focus on improved outcomes related to self-sufficiency.

24 (2)(a) When educationally and developmentally appropriate, the
25 interagency responsibilities and linkages with transition services
26 under subsection (1) of this section must be addressed in a
27 transition plan to a postsecondary setting in the individualized
28 education program of a student with disabilities.

29 (b) Transition planning shall be based upon educationally and
30 developmentally appropriate transition assessments that outline the
31 student's individual needs, strengths, preferences, and interests.
32 Transition assessments may include observations, interviews,
33 inventories, situational assessments, formal and informal
34 assessments, as well as academic assessments.

35 (c) The transition services that the transition plan must address
36 include activities needed to assist the student in reaching
37 postsecondary goals and courses of study to support postsecondary
38 goals.

1 (d) Transition activities that the transition plan may address
2 include instruction, related services, community experience,
3 employment and other adult living objectives, daily living skills,
4 and functional vocational evaluation.

5 (e) When educationally and developmentally appropriate, a
6 discussion must take place with the student and parents, and others
7 as needed, to determine the postsecondary goals or postschool vision
8 for the student. This discussion may be included as part of an annual
9 individualized education program review, high school and beyond plan
10 meeting, or any other meeting that includes parents, students, and
11 educators. The postsecondary goals included in the transition plan
12 shall be goals that are measurable and must be based on appropriate
13 transition assessments related to training, education, employment,
14 and independent living skills, when necessary. The goals must also be
15 based on the student's needs, while considering the strengths,
16 preferences, and interests of the student.

17 (f) As the student gets older, changes in the transition plan may
18 be noted in the annual update of the student's individualized
19 education program.

20 (g) A transition plan required under this subsection (2) must be
21 aligned with a student's high school and beyond plan.

22 (3) To the extent that data is available through data-sharing
23 agreements established by the education data center under RCW
24 43.41.400, the education data center must monitor the following
25 outcomes for individualized education program-eligible special
26 education students after high school graduation:

27 (a) The number of students who, within one year of high school
28 graduation:

29 (i) Enter integrated employment paid at the greater of minimum
30 wage or competitive wage for the type of employment, with access to
31 related employment and health benefits; or

32 (ii) Enter a postsecondary education or training program focused
33 on leading to integrated employment;

34 (b) The wages and number of hours worked per pay period;

35 (c) The impact of employment on any state and federal benefits
36 for individuals with disabilities;

37 (d) Indicators of the types of settings in which students who
38 previously received transition services primarily reside;

39 (e) Indicators of improved economic status and self-sufficiency;

1 (f) Data on those students for whom a postsecondary or integrated
2 employment outcome does not occur within one year of high school
3 graduation, including:

4 (i) Information on the reasons that the desired outcome has not
5 occurred;

6 (ii) The number of months the student has not achieved the
7 desired outcome; and

8 (iii) The efforts made to ensure the student achieves the desired
9 outcome.

10 (4) To the extent that the data elements in subsection (3) of
11 this section are available to the education data center through data-
12 sharing agreements, the office of the superintendent of public
13 instruction must prepare an annual report using existing resources
14 and submit the report to the legislature.

15 (5) To minimize gaps in services through the transition process,
16 no later than three years before students receiving special education
17 services leave the school system, the office of the superintendent of
18 public instruction shall transmit a list of potentially eligible
19 students to the department of social and health services, the
20 counties, the department of services for the blind, and any other
21 state agency working with individuals with intellectual and
22 developmental disabilities. The office of the superintendent of
23 public instruction shall ensure that consent be obtained prior to the
24 release of this information as required in accordance with state and
25 federal requirements.

26 **Sec. 7.** RCW 28A.190.030 and 1995 c 77 s 19 are each amended to
27 read as follows:

28 Each school district within which there is located a residential
29 school shall, singly or in concert with another school district
30 pursuant to RCW 28A.335.160 and 28A.225.250 or pursuant to chapter
31 39.34 RCW, conduct a program of education, including related student
32 activities, for residents of the residential school. Except as
33 otherwise provided for by contract pursuant to RCW 28A.190.050, the
34 duties and authority of a school district and its employees to
35 conduct such a program shall be limited to the following:

36 (1) The employment, supervision and control of administrators,
37 teachers, specialized personnel and other persons, deemed necessary
38 by the school district for the conduct of the program of education;

1 (2) The purchase, lease or rental and provision of textbooks,
2 maps, audiovisual equipment, paper, writing instruments, physical
3 education equipment and other instructional equipment, materials and
4 supplies, deemed necessary by the school district for the conduct of
5 the program of education;

6 (3) The development and implementation, in consultation with the
7 superintendent or chief administrator of the residential school or
8 his or her designee, of the curriculum;

9 (4) The conduct of a program of education, including related
10 student activities, for residents who are three years of age and less
11 than twenty-one years of age((7)) and who have not met high school
12 graduation requirements as now or hereafter established by the state
13 board of education and the school district and for students with
14 disabilities as defined in RCW 28A.155.020, which includes:

15 (a) Not less than one hundred and eighty school days each school
16 year;

17 (b) Special education pursuant to RCW 28A.155.010 through
18 28A.155.100, and vocational education, as necessary to address the
19 unique needs and limitations of residents; and

20 (c) Such courses of instruction and school related student
21 activities as are provided by the school district for nonresidential
22 school students to the extent it is practical and judged appropriate
23 for the residents by the school district after consultation with the
24 superintendent or chief administrator of the residential school:
25 PROVIDED, That a preschool special education program may be provided
26 for residential school students with disabilities;

27 (5) The control of students while participating in a program of
28 education conducted pursuant to this section and the discipline,
29 suspension or expulsion of students for violation of reasonable rules
30 of conduct adopted by the school district; and

31 (6) The expenditure of funds for the direct and indirect costs of
32 maintaining and operating the program of education that are
33 appropriated by the legislature and allocated by the superintendent
34 of public instruction for the exclusive purpose of maintaining and
35 operating residential school programs of education, and funds from
36 federal and private grants, bequests and gifts made for the purpose
37 of maintaining and operating the program of education.

38 **Sec. 8.** RCW 28A.225.160 and 2023 c 420 s 2 are each amended to
39 read as follows:

1 (1) Except as provided in subsection (3) of this section, for
2 students with disabilities under RCW 28A.155.020, and otherwise
3 provided by law, it is the general policy of the state that the
4 common schools shall be open to the admission of all persons who are
5 five years of age and less than 21 years residing in that school
6 district. Except as otherwise provided by law or rules adopted by the
7 superintendent of public instruction, districts may establish uniform
8 entry qualifications, including but not limited to requirements, for
9 admission to kindergarten and first grade programs of the common
10 schools. Such rules may provide for individualized exceptions based
11 upon the ability, or the need, or both, of an individual student.
12 Nothing in this section authorizes school districts, public schools,
13 or the superintendent of public instruction to create state-funded
14 programs based on entry qualification exceptions except as otherwise
15 expressly provided by law.

16 (2) For the purpose of complying with any rule adopted by the
17 superintendent of public instruction that authorizes a preadmission
18 screening process as a prerequisite to granting individualized
19 exceptions to the uniform entry qualifications, a school district may
20 collect fees to cover expenses incurred in the administration of any
21 preadmission screening process: PROVIDED, That in so establishing
22 such fee or fees, the district shall adopt rules for waiving and
23 reducing such fees in the cases of those persons whose families, by
24 reason of their low income, would have difficulty in paying the
25 entire amount of such fees.

26 (3) A student who meets the definition of a child of a military
27 family in transition under Article II of RCW 28A.705.010 shall be
28 permitted to continue enrollment at the grade level in the common
29 schools commensurate with the grade level of the student when
30 attending school in the sending state as defined in Article II of RCW
31 28A.705.010, regardless of age or birthdate requirements.

32 **Sec. 9.** RCW 28A.225.230 and 1990 1st ex.s. c 9 s 204 are each
33 amended to read as follows:

34 (1) The decision of a school district within which a student
35 under the age of twenty-one years resides or of a school district
36 within which such a student under the age of twenty-one years was
37 last enrolled and is considered to be a resident for attendance
38 purposes by operation of law, to deny such student's request for
39 release to a nonresident school district pursuant to RCW 28A.225.220

1 may be appealed to the superintendent of public instruction or his or
2 her designee: PROVIDED, That the school district of proposed transfer
3 is willing to accept the student.

4 (2) The superintendent of public instruction or his or her
5 designee shall hear the appeal and examine the evidence. The
6 superintendent of public instruction may order the resident district
7 to release such a student who is under the age of twenty-one years if
8 the requirements of RCW 28A.225.220 have been met. The decision of
9 the superintendent of public instruction may be appealed to superior
10 court pursuant to chapter 34.05 RCW, the administrative procedure
11 act, as now or hereafter amended.

12 (3) The decision of a school district to deny the request for
13 accepting the transfer of a nonresident student under RCW 28A.225.225
14 may be appealed to the superintendent of public instruction or his or
15 her designee. The superintendent or his or her designee shall hear
16 the appeal and examine the evidence. The superintendent of public
17 instruction may order the district to accept the nonresident student
18 if the district did not comply with the standards and procedures
19 adopted under RCW 28A.225.225. The decision of the superintendent of
20 public instruction may be appealed to the superior court under
21 chapter 34.05 RCW.

22 (4) The provisions of this section applicable to students under
23 the age of 21 years also apply to students with disabilities as
24 defined in RCW 28A.155.020.

25 **Sec. 10.** RCW 28A.225.240 and 1975 1st ex.s. c 66 s 2 are each
26 amended to read as follows:

27 (1) If a student under the age of twenty-one years is allowed to
28 enroll in any common school outside the school district within which
29 the student resides or a school district of which the student is
30 considered to be a resident for attendance purposes by operation of
31 law, the student's attendance shall be credited to the nonresident
32 school district of enrollment for state apportionment and all other
33 purposes.

34 (2) The provisions of this section applicable to students under
35 the age of 21 years also apply to students with disabilities as
36 defined in RCW 28A.155.020.

37 **Sec. 11.** RCW 72.40.040 and 2000 c 125 s 8 are each amended to
38 read as follows:

1 (1) The schools shall be free to residents of the state (~~between~~
2 ~~the ages of three and twenty-one years~~) beginning at three years of
3 age and concluding at the end of the school year in which the
4 resident turns 22 years of age, who are blind/visually impaired or
5 deaf/hearing impaired, or with other disabilities where a vision or
6 hearing disability is the major need for services.

7 (2) The schools may provide nonresidential services to children
8 ages birth through three who meet the eligibility criteria in this
9 section, subject to available funding.

10 (3) Each school shall admit and retain students on a space
11 available basis according to criteria developed and published by each
12 school superintendent in consultation with each board of trustees and
13 school faculty: PROVIDED, That students (~~over the age of twenty-one~~
14 ~~years,~~) who do not meet the admission requirements under subsection
15 (1) of this section and who are otherwise qualified may be retained
16 at the school, if in the discretion of the superintendent in
17 consultation with the faculty they are proper persons to receive
18 further training given at the school and the facilities are adequate
19 for proper care, education, and training.

20 (4) The admission and retention criteria developed and published
21 by each school superintendent shall contain a provision allowing the
22 schools to refuse to admit or retain a student who is an adjudicated
23 sex offender except that the schools shall not admit or retain a
24 student who is an adjudicated level III sex offender as provided in
25 RCW 13.40.217(3).

26 **Sec. 12.** RCW 72.40.060 and 1985 c 378 s 21 are each amended to
27 read as follows:

28 It shall be the duty of all school districts in the state, to
29 report to their respective educational service districts the names of
30 all visually or hearing impaired youth residing within their
31 respective school districts who are between the ages of three and
32 (~~twenty-one~~) 22 years.

--- END ---