
HOUSE BILL 2130

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By Representatives Pollet, Couture, Reed, Callan, Orwall, Paul, Caldier, Doglio, Reeves, and Kloba

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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; and creating a new section.

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

7 NEW SECTION. **Sec. 1.** The legislature finds that students
8 eligible for special education services may uniquely benefit from
9 extra individualized education and related services. For that reason,
10 the legislature intends to extend eligibility for special education
11 services to the end of the school year in which a student eligible
12 for special education services turns 22 years of age.

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

15 There is established in the office of the superintendent of
16 public instruction an administrative section or unit for the
17 education of children with disabilities who require special
18 education.

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

4 In accordance with part B of the federal individuals with
5 disabilities education improvement act and any other federal or state
6 laws relating to the provision of special education services, the
7 superintendent of public instruction shall require each school
8 district in the state to insure an appropriate educational
9 opportunity for all ~~((children with disabilities between the ages of
10 three and twenty-one, but when the twenty-first birthday occurs
11 during the school year, the educational program may be continued
12 until the end of that school year))~~ students with disabilities
13 beginning at three years of age and concluding at the end of the
14 school year in which the student turns 22 years of age. The
15 superintendent of public instruction, by rule, shall establish for
16 the purpose of excess cost funding, as provided in RCW 28A.150.390,
17 28A.160.030, and 28A.155.010 through 28A.155.160, functional
18 definitions of special education, the various types of disabling
19 conditions, and eligibility criteria for special education programs
20 for children with disabilities, including referral procedures, use of
21 positive behavior interventions, the education curriculum and
22 statewide or district-wide assessments, parent and district requests
23 for special education due process hearings, and procedural
24 safeguards. For the purposes of RCW 28A.155.010 through 28A.155.160,
25 an appropriate education is defined as an education directed to the
26 unique needs, abilities, and limitations of the children with
27 disabilities who are enrolled either full time or part time in a
28 school district. School districts are strongly encouraged to provide
29 parental training in the care and education of the children and to
30 involve parents in the classroom.

31 Nothing in this section shall prohibit the establishment or
32 continuation of existing cooperative programs between school
33 districts or contracts with other agencies approved by the
34 superintendent of public instruction, which can meet the obligations
35 of school districts to provide education for children with
36 disabilities, or prohibit the continuation of needed related services
37 to school districts by the department of social and health services.

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

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

3 (1) In order for students to have the opportunity to develop the
4 basic education knowledge and skills under RCW 28A.150.210, school
5 districts must provide instruction of sufficient quantity and quality
6 and give students the opportunity to complete graduation requirements
7 that are intended to prepare them for postsecondary education,
8 gainful employment, and citizenship. The program established under
9 this section shall be the minimum instructional program of basic
10 education offered by school districts.

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

13 (a) For students enrolled in grades one through twelve, at least
14 a district-wide annual average of one thousand hours, which shall be
15 increased beginning in the 2015-16 school year to at least one
16 thousand eighty instructional hours for students enrolled in grades
17 nine through twelve and at least one thousand instructional hours for
18 students in grades one through eight, all of which may be calculated
19 by a school district using a district-wide annual average of
20 instructional hours over grades one through twelve; and

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

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

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

29 (b) Instruction that provides students the opportunity to
30 complete twenty-four credits for high school graduation, beginning
31 with the graduating class of 2019 or as otherwise provided in RCW
32 28A.230.090. Course distribution requirements may be established by
33 the state board of education under RCW 28A.230.090;

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

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

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

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

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

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

13 (5) (a) (~~Each~~) Except as provided for students with disabilities
14 under RCW 28A.155.020, each school district's kindergarten through
15 twelfth grade basic educational program shall be accessible to all
16 students who are five years of age, as provided by RCW 28A.225.160,
17 and less than twenty-one years of age and shall consist of a minimum
18 of one hundred eighty school days per school year in such grades as
19 are conducted by a school district, and one hundred eighty half-days
20 of instruction, or equivalent, in kindergarten, to be increased to a
21 minimum of one hundred eighty school days per school year according
22 to the implementation schedule under RCW 28A.150.315.

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

27 (c) In the case of students who are graduating from high school,
28 a school district may schedule the last five school days of the one
29 hundred eighty day school year for noninstructional purposes
30 including, but not limited to, the observance of graduation and early
31 release from school upon the request of a student. All such students
32 may be claimed as a full-time equivalent student to the extent they
33 could otherwise have been so claimed for the purposes of RCW
34 28A.150.250 and 28A.150.260. Any hours scheduled by a school district
35 for noninstructional purposes during the last five school days for
36 such students shall count toward the instructional hours requirement
37 in subsection (2) (a) of this section.

38 (6) Subject to RCW 28A.150.276, nothing in this section precludes
39 a school district from enriching the instructional program of basic
40 education, such as offering additional instruction or providing

1 additional services, programs, or activities that the school district
2 determines to be appropriate for the education of the school
3 district's students.

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

9 **Sec. 4.** RCW 28A.155.170 and 2019 c 252 s 106 are each amended to
10 read as follows:

11 (1) (~~Beginning July 1, 2007, each~~) Each school district that
12 operates a high school shall establish a policy and procedures that
13 permit any student who is receiving special education or related
14 services under an individualized education program pursuant to state
15 and federal law (~~and who will continue to receive such services~~
16 ~~between the ages of eighteen and twenty-one~~) to participate in the
17 graduation ceremony and activities after four years of high school
18 attendance with his or her age-appropriate peers and receive a
19 certificate of attendance.

20 (2) Participation in a graduation ceremony and receipt of a
21 certificate of attendance under this section does not preclude a
22 student from continuing to receive special education and related
23 services under an individualized education program beyond the
24 graduation ceremony.

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

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

31 (1) The office of the superintendent of public instruction must
32 establish interagency agreements with the department of social and
33 health services, the department of services for the blind, and any
34 other state agency that provides high school transition services for
35 special education students. Such interagency agreements shall not
36 interfere with existing individualized education programs, nor
37 override any individualized education program team's decision-making
38 power. The purpose of the interagency agreements is to foster

1 effective collaboration among the multiple agencies providing
2 transition services for individualized education program-eligible
3 special education students from the beginning of transition planning,
4 as soon as educationally and developmentally appropriate, through
5 (~~age twenty-one~~) the end of the school year in which the student
6 turns 22 years of age, or through high school graduation, whichever
7 occurs first. Interagency agreements are also intended to streamline
8 services and programs, promote efficiencies, and establish a uniform
9 focus on improved outcomes related to self-sufficiency.

10 (2)(a) When educationally and developmentally appropriate, the
11 interagency responsibilities and linkages with transition services
12 under subsection (1) of this section must be addressed in a
13 transition plan to a postsecondary setting in the individualized
14 education program of a student with disabilities.

15 (b) Transition planning shall be based upon educationally and
16 developmentally appropriate transition assessments that outline the
17 student's individual needs, strengths, preferences, and interests.
18 Transition assessments may include observations, interviews,
19 inventories, situational assessments, formal and informal
20 assessments, as well as academic assessments.

21 (c) The transition services that the transition plan must address
22 include activities needed to assist the student in reaching
23 postsecondary goals and courses of study to support postsecondary
24 goals.

25 (d) Transition activities that the transition plan may address
26 include instruction, related services, community experience,
27 employment and other adult living objectives, daily living skills,
28 and functional vocational evaluation.

29 (e) When educationally and developmentally appropriate, a
30 discussion must take place with the student and parents, and others
31 as needed, to determine the postsecondary goals or postschool vision
32 for the student. This discussion may be included as part of an annual
33 individualized education program review, high school and beyond plan
34 meeting, or any other meeting that includes parents, students, and
35 educators. The postsecondary goals included in the transition plan
36 shall be goals that are measurable and must be based on appropriate
37 transition assessments related to training, education, employment,
38 and independent living skills, when necessary. The goals must also be
39 based on the student's needs, while considering the strengths,
40 preferences, and interests of the student.

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

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

6 (3) To the extent that data is available through data-sharing
7 agreements established by the education data center under RCW
8 43.41.400, the education data center must monitor the following
9 outcomes for individualized education program-eligible special
10 education students after high school graduation:

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

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

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

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

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

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

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

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

27 (i) Information on the reasons that the desired outcome has not
28 occurred;

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

31 (iii) The efforts made to ensure the student achieves the desired
32 outcome.

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

38 (5) To minimize gaps in services through the transition process,
39 no later than three years before students receiving special education
40 services leave the school system, the office of the superintendent of

1 public instruction shall transmit a list of potentially eligible
2 students to the department of social and health services, the
3 counties, the department of services for the blind, and any other
4 state agency working with individuals with intellectual and
5 developmental disabilities. The office of the superintendent of
6 public instruction shall ensure that consent be obtained prior to the
7 release of this information as required in accordance with state and
8 federal requirements.

9 **Sec. 6.** RCW 28A.190.030 and 1995 c 77 s 19 are each amended to
10 read as follows:

11 Each school district within which there is located a residential
12 school shall, singly or in concert with another school district
13 pursuant to RCW 28A.335.160 and 28A.225.250 or pursuant to chapter
14 39.34 RCW, conduct a program of education, including related student
15 activities, for residents of the residential school. Except as
16 otherwise provided for by contract pursuant to RCW 28A.190.050, the
17 duties and authority of a school district and its employees to
18 conduct such a program shall be limited to the following:

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

22 (2) The purchase, lease or rental and provision of textbooks,
23 maps, audiovisual equipment, paper, writing instruments, physical
24 education equipment and other instructional equipment, materials and
25 supplies, deemed necessary by the school district for the conduct of
26 the program of education;

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

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

36 (a) Not less than one hundred and eighty school days each school
37 year;

1 (b) Special education pursuant to RCW 28A.155.010 through
2 28A.155.100, and vocational education, as necessary to address the
3 unique needs and limitations of residents; and

4 (c) Such courses of instruction and school related student
5 activities as are provided by the school district for nonresidential
6 school students to the extent it is practical and judged appropriate
7 for the residents by the school district after consultation with the
8 superintendent or chief administrator of the residential school:
9 PROVIDED, That a preschool special education program may be provided
10 for residential school students with disabilities;

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

15 (6) The expenditure of funds for the direct and indirect costs of
16 maintaining and operating the program of education that are
17 appropriated by the legislature and allocated by the superintendent
18 of public instruction for the exclusive purpose of maintaining and
19 operating residential school programs of education, and funds from
20 federal and private grants, bequests and gifts made for the purpose
21 of maintaining and operating the program of education.

22 **Sec. 7.** RCW 28A.225.160 and 2023 c 420 s 2 are each amended to
23 read as follows:

24 (1) Except as provided in subsection (3) of this section, for
25 students with disabilities under RCW 28A.155.020, and otherwise
26 provided by law, it is the general policy of the state that the
27 common schools shall be open to the admission of all persons who are
28 five years of age and less than 21 years residing in that school
29 district. Except as otherwise provided by law or rules adopted by the
30 superintendent of public instruction, districts may establish uniform
31 entry qualifications, including but not limited to birthdate
32 requirements, for admission to kindergarten and first grade programs
33 of the common schools. Such rules may provide for individualized
34 exceptions based upon the ability, or the need, or both, of an
35 individual student. Nothing in this section authorizes school
36 districts, public schools, or the superintendent of public
37 instruction to create state-funded programs based on entry
38 qualification exceptions except as otherwise expressly provided by
39 law.

1 (2) For the purpose of complying with any rule adopted by the
2 superintendent of public instruction that authorizes a preadmission
3 screening process as a prerequisite to granting individualized
4 exceptions to the uniform entry qualifications, a school district may
5 collect fees to cover expenses incurred in the administration of any
6 preadmission screening process: PROVIDED, That in so establishing
7 such fee or fees, the district shall adopt rules for waiving and
8 reducing such fees in the cases of those persons whose families, by
9 reason of their low income, would have difficulty in paying the
10 entire amount of such fees.

11 (3) A student who meets the definition of a child of a military
12 family in transition under Article II of RCW 28A.705.010 shall be
13 permitted to continue enrollment at the grade level in the common
14 schools commensurate with the grade level of the student when
15 attending school in the sending state as defined in Article II of RCW
16 28A.705.010, regardless of age or birthdate requirements.

17 **Sec. 8.** RCW 28A.225.230 and 1990 1st ex.s. c 9 s 204 are each
18 amended to read as follows:

19 (1) The decision of a school district within which a student
20 under the age of twenty-one years resides or of a school district
21 within which such a student under the age of twenty-one years was
22 last enrolled and is considered to be a resident for attendance
23 purposes by operation of law, to deny such student's request for
24 release to a nonresident school district pursuant to RCW 28A.225.220
25 may be appealed to the superintendent of public instruction or his or
26 her designee: PROVIDED, That the school district of proposed transfer
27 is willing to accept the student.

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

36 (3) The decision of a school district to deny the request for
37 accepting the transfer of a nonresident student under RCW 28A.225.225
38 may be appealed to the superintendent of public instruction or his or
39 her designee. The superintendent or his or her designee shall hear

1 the appeal and examine the evidence. The superintendent of public
2 instruction may order the district to accept the nonresident student
3 if the district did not comply with the standards and procedures
4 adopted under RCW 28A.225.225. The decision of the superintendent of
5 public instruction may be appealed to the superior court under
6 chapter 34.05 RCW.

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

10 **Sec. 9.** RCW 28A.225.240 and 1975 1st ex.s. c 66 s 2 are each
11 amended to read as follows:

12 (1) If a student under the age of twenty-one years is allowed to
13 enroll in any common school outside the school district within which
14 the student resides or a school district of which the student is
15 considered to be a resident for attendance purposes by operation of
16 law, the student's attendance shall be credited to the nonresident
17 school district of enrollment for state apportionment and all other
18 purposes.

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

22 **Sec. 10.** RCW 72.40.040 and 2000 c 125 s 8 are each amended to
23 read as follows:

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

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

33 (3) Each school shall admit and retain students on a space
34 available basis according to criteria developed and published by each
35 school superintendent in consultation with each board of trustees and
36 school faculty: PROVIDED, That students (~~over the age of twenty-one~~
37 ~~years,~~) who do not meet the admission requirements under subsection
38 (1) of this section and who are otherwise qualified may be retained

1 at the school, if in the discretion of the superintendent in
2 consultation with the faculty they are proper persons to receive
3 further training given at the school and the facilities are adequate
4 for proper care, education, and training.

5 (4) The admission and retention criteria developed and published
6 by each school superintendent shall contain a provision allowing the
7 schools to refuse to admit or retain a student who is an adjudicated
8 sex offender except that the schools shall not admit or retain a
9 student who is an adjudicated level III sex offender as provided in
10 RCW 13.40.217(3).

11 **Sec. 11.** RCW 72.40.060 and 1985 c 378 s 21 are each amended to
12 read as follows:

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

--- END ---