

SENATE BILL REPORT

SSB 5253

As Passed Senate, March 6, 2025

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, Liias, Nobles, Shewmake, Trudeau, Valdez and Wilson, C.; by request of Superintendent of Public Instruction).

Brief History:

Committee Activity: Early Learning & K-12 Education: 1/30/25, 2/11/25 [DPS-WM].
Ways & Means: 2/20/25, 2/27/25 [DPS (EDU)].

Floor Activity: Passed Senate: 3/6/25, 48-0.

Brief Summary of First Substitute Bill

- 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.

SENATE COMMITTEE ON EARLY LEARNING & K-12 EDUCATION

Majority Report: That Substitute Senate Bill No. 5253 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Wellman, Chair; Nobles, Vice Chair, K-12; Wilson, C., Vice Chair, Early Learning; Harris, Ranking Member; Cortes, Dozier, Krishnadasan and McCune.

Staff: Alex Fairfortune (786-7416)

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.

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: That Substitute Senate Bill No. 5253 as recommended by Committee on Early Learning & K-12 Education be substituted therefor, and the substitute bill do pass.

Signed by Senators Robinson, Chair; Stanford, Vice Chair, Operating; Trudeau, Vice Chair, Capital; Frame, Vice Chair, Finance; Gildon, Ranking Member, Operating; Torres, Assistant Ranking Member, Operating; Schoesler, Ranking Member, Capital; Dozier, Assistant Ranking Member, Capital; Boehnke, Braun, Cleveland, Conway, Dhingra, Hasegawa, Kauffman, Muzzall, Pedersen, Riccelli, Saldaña, Wagoner, Warnick, Wellman and Wilson, C..

Staff: Kayla Hammer (786-7305)

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. The federal Individuals with Disabilities Education Act (IDEA) governs how states and public schools provide special education and related services to children and youth with disabilities.

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.

N.D. v. Reykdal. In November 2024, the U.S. 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 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. The Division of Vocational Rehabilitation at the Washington State Department of Social and Health Services works with school districts and other agencies to provide transition services to youth between the ages of 14 through 21 who have a documented disability.

Summary of First Substitute 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.

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 Center for Deaf and Hard of Hearing Youth; and
- provisions related to interagency agreements for high school transition services.

The provision of special education services until the end of the school year in which a student with disabilities turns 22 years of age is not intended to reduce or supplant any other service that a student may be eligible for.

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

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on Original Bill (Early Learning & K-12 Education): *The committee recommended a different version of the bill than what was heard.* PRO: This bill aims to align state law with federal requirements under the IDEA by extending special education services until the end of the school year in which they turn 22 years old. This change is required to bring the state into compliance because a court found that current statute is in violation of federal law. This is required by the court but it is also the right thing to do. Special education can build confidence, social skills, and help students achieve success. It is disruptive to the special education program to end it in the middle of the school year. Districts already have to staff for student enrollment at the beginning of the year, but the student only gets half the benefit of that. Extending services supports districts with budgeting, planning ahead, and staffing. This bill will give students more time to meaningfully access adult transition services and graduate at the end of the year with the rest of their peers. Transition programs are very beneficial in reducing isolation both physically and socially as it allows students to be with similar students. It is the bright spot of many students' days, and it would be hard on students emotionally and behaviorally to leave these programs early. An amendment was added last year that should be considered this year, which states that the Legislature doesn't intend for the extension of the school year to reduce or supplant any other services a student with disabilities is eligible for.

Persons Testifying (Early Learning & K-12 Education): PRO: Senator Adrian Cortes, Prime Sponsor; Richard Pope, Parent of Special Education Student "Aging Out" This Week; Tania May, Office of Superintendent of Public Instruction; Alex Hur, Communities in Schools of Washington; Chitra Iyer, Washington State Association of School Psychologists; Tara Wilson; Amy Cannava, Washington State Association of School Psychologists; Kathy McDonald, none; Lance Morehouse, Sherwood Community Services; Leonard Salas, Open doors for Multicultural Families.

Persons Signed In To Testify But Not Testifying (Early Learning & K-12 Education): No one.

Staff Summary of Public Testimony on First Substitute (Ways & Means): PRO: This bill is the right thing to do along with being part of a lawsuit. Currently, students can remain until their 22nd birthday but this can be disruptive when it happens mid school year. Having a full academic year will help transition to life after high school.

Persons Testifying (Ways & Means): PRO: Cathy Murahashi, The Arc of Washington;

Misha Cherniske, Office of Superintendent of Public Instruction (OSPI); Jen Chong Jewell.

Persons Signed In To Testify But Not Testifying (Ways & Means): No one.