
SUBSTITUTE SENATE BILL 5253

State of Washington

69th Legislature

2025 Regular Session

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

READ FIRST TIME 02/12/25.

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.** (1)(a) The legislature finds that, with
9 some exceptions, a state receiving federal funding under the federal
10 individuals with disabilities education act is obligated to provide a
11 free appropriate public education to children with disabilities
12 "between the ages of 3 and 21, inclusive." However, the state is not
13 obligated to serve youth with disabilities aged 18-21 if it would be
14 inconsistent with state law or practice, or the order of any court,
15 regarding the provision of public education to youth in that age
16 range.

17 (b) The legislature observes that, under Washington law in effect
18 in 2024, children with disabilities must be provided a free
19 appropriate public education "between the ages of 3 and 21." When the
20 21st birthday of an individual with disabilities occurs during the

1 school year, state administrative rule requires that special
2 education services continue until the end of the school year.

3 (2) (a) The legislature acknowledges that, on November 22, 2024,
4 the United States district court for the western district of
5 Washington issued an order in the case of *N.D. v. Reykdal*. This class
6 action lawsuit alleged that Washington's law violates the federal
7 individuals with disabilities education act.

8 (b) The plaintiff students successfully argued that, because
9 Washington offers adult education programs to 21 year olds and waives
10 the \$25 tuition fee for those who cannot pay, the state provides
11 "free public education" to nondisabled students through age 21, which
12 makes the federal individuals with disabilities education act's
13 exception inapplicable.

14 (c) The court issued a declaratory judgment that Washington's
15 policy of aging students out of special education at the end of the
16 school year in which they turn 21 years old presently violates the
17 federal individuals with disabilities education act and will continue
18 to violate the federal individuals with disabilities education act
19 absent a substantial change in the state's policies for charging and
20 waiving tuition for its adult secondary education programs.

21 (3) The legislature finds that providing services through the
22 school year in which the student turns 22 years old is vital to
23 maximize educational gains, provide transitional supports, and for
24 planning purposes.

25 (4) For these reasons, when the 22nd birthday of an individual
26 with disabilities occurs during the school year, the legislature
27 intends to continue the provision of special education services until
28 the end of the school year.

29 NEW SECTION. **Sec. 2.** (1) By October 30, 2026, the office of the
30 superintendent of public instruction, the department of social and
31 health services, the department of services for the blind, and any
32 other state agency working with individuals with disabilities must
33 collaborate to update the implementation plan for improving
34 transition planning activities for students likely to become eligible
35 for services from the developmental disabilities administration as
36 outlined in section 501(3)(c), chapter 357, Laws of 2020. The updated
37 implementation plan should include:

38 (a) The provision of coordinated transition services;

1 (b) Examples of how coordinated transition services can be
2 provided to students between the ages of 16 and 22 to ensure a
3 seamless transition from school to postschool life; and

4 (c) How transition services are provided in a way that
5 supplements and not supplants state special education funding.

6 (2) In updating the implementation plan, the state agencies
7 referenced in subsection (1) of this section must consult with
8 nonprofit providers of high school transition services and advocates
9 for students with individualized education programs.

10 (3) This section expires August 1, 2027.

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

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

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

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

1 safeguards. For the purposes of RCW 28A.155.010 through 28A.155.160,
2 an appropriate education is defined as an education directed to the
3 unique needs, abilities, and limitations of the children with
4 disabilities who are enrolled either full time or part time in a
5 school district. School districts are strongly encouraged to provide
6 parental training in the care and education of the children and to
7 involve parents in the classroom.

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

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

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

21 **Sec. 4.** RCW 28A.150.220 and 2024 c 66 s 10 are each amended to
22 read as follows:

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

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

33 (a) For students enrolled in grades one through 12, at least a
34 district-wide annual average of 1,000 hours, which shall be increased
35 beginning in the 2015-16 school year to at least 1,080 instructional
36 hours for students enrolled in grades nine through 12 and at least
37 1,000 instructional hours for students in grades one through eight,
38 all of which may be calculated by a school district using a district-

1 wide annual average of instructional hours over grades one through
2 12; and

3 (b) For students enrolled in kindergarten, at least 450
4 instructional hours, which shall be increased to at least 1,000
5 instructional hours according to the implementation schedule under
6 RCW 28A.150.315.

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

9 (a) Instruction in the state learning standards under RCW
10 28A.655.070;

11 (b) Instruction that provides students the opportunity to
12 complete 24 credits for high school graduation. Course distribution
13 requirements may be established by the state board of education under
14 RCW 28A.230.090;

15 (c) If the state learning standards include a requirement of
16 languages other than English, the requirement may be met by students
17 receiving instruction in one or more American Indian languages;

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

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

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

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

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

33 (5) (a) (~~Each~~) Except as provided for students with disabilities
34 under RCW 28A.155.020, each school district's kindergarten through
35 12th grade basic educational program shall be accessible to all
36 students who are five years of age, as provided by RCW 28A.225.160,
37 and less than 21 years of age and shall consist of a minimum of 180
38 school days per school year in such grades as are conducted by a
39 school district, and 180 half-days of instruction, or equivalent, in
40 kindergarten, to be increased to a minimum of 180 school days per

1 school year according to the implementation schedule under RCW
2 28A.150.315.

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

7 (c) In the case of students who are graduating from high school,
8 a school district may schedule the last five school days of the 180-
9 day school year for noninstructional purposes including, but not
10 limited to, the observance of graduation and early release from
11 school upon the request of a student. All such students may be
12 claimed as a full-time equivalent student to the extent they could
13 otherwise have been so claimed for the purposes of RCW 28A.150.250
14 and 28A.150.260. Any hours scheduled by a school district for
15 noninstructional purposes during the last five school days for such
16 students shall count toward the instructional hours requirement in
17 subsection (2)(a) of this section.

18 (6) Subject to RCW 28A.150.276, nothing in this section precludes
19 a school district from enriching the instructional program of basic
20 education, such as offering additional instruction or providing
21 additional services, programs, or activities that the school district
22 determines to be appropriate for the education of the school
23 district's students.

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

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

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

1 (2) Participation in a graduation ceremony and receipt of a
2 certificate of attendance under this section does not preclude a
3 student from continuing to receive special education and related
4 services under an individualized education program beyond the
5 graduation ceremony.

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

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

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

29 (2)(a) When educationally and developmentally appropriate, the
30 interagency responsibilities and linkages with transition services
31 under subsection (1) of this section must be addressed in a
32 transition plan to a postsecondary setting in the individualized
33 education program of a student with disabilities.

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

1 (c) The transition services that the transition plan must address
2 include activities needed to assist the student in reaching
3 postsecondary goals and courses of study to support postsecondary
4 goals.

5 (d) Transition activities that the transition plan may address
6 include instruction, related services, community experience,
7 employment and other adult living objectives, daily living skills,
8 and functional vocational evaluation.

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

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

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

26 (3) To the extent that data is available through data-sharing
27 agreements established by the education data center under RCW
28 43.41.400, the education data center must monitor the following
29 outcomes for individualized education program-eligible special
30 education students after high school graduation:

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

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

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

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

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

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

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

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

7 (i) Information on the reasons that the desired outcome has not
8 occurred;

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

11 (iii) The efforts made to ensure the student achieves the desired
12 outcome.

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

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

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

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

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

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

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

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

18 (a) Not less than one hundred and eighty school days each school
19 year;

20 (b) Special education pursuant to RCW 28A.155.010 through
21 28A.155.100, and vocational education, as necessary to address the
22 unique needs and limitations of residents; and

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

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

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

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

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

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

29 (3) A student who meets the definition of a child of a military
30 family in transition under Article II of RCW 28A.705.010 shall be
31 permitted to continue enrollment at the grade level in the common
32 schools commensurate with the grade level of the student when
33 attending school in the sending state as defined in Article II of RCW
34 28A.705.010, regardless of age or birthdate requirements.

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

37 (1) The decision of a school district within which a student
38 under the age of twenty-one years resides or of a school district
39 within which such a student under the age of twenty-one years was

1 last enrolled and is considered to be a resident for attendance
2 purposes by operation of law, to deny such student's request for
3 release to a nonresident school district pursuant to RCW 28A.225.220
4 may be appealed to the superintendent of public instruction or his or
5 her designee: PROVIDED, That the school district of proposed transfer
6 is willing to accept the student.

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

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

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

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

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

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

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

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

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

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

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

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

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

--- END ---