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**SENATE BILL 5253**

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**State of Washington**

**69th Legislature**

**2025 Regular Session**

**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 01/14/25. Referred to Committee on Early Learning & K-12 Education.

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

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

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

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

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

37 (b) For students enrolled in kindergarten, at least 450  
38 instructional hours, which shall be increased to at least 1,000

1 instructional hours according to the implementation schedule under  
2 RCW 28A.150.315.

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

5 (a) Instruction in the state learning standards under RCW  
6 28A.655.070;

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

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

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

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

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

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

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

29 (5) (a) (~~Each~~) Except as provided for students with disabilities  
30 under RCW 28A.155.020, each school district's kindergarten through  
31 12th grade basic educational program shall be accessible to all  
32 students who are five years of age, as provided by RCW 28A.225.160,  
33 and less than 21 years of age and shall consist of a minimum of 180  
34 school days per school year in such grades as are conducted by a  
35 school district, and 180 half-days of instruction, or equivalent, in  
36 kindergarten, to be increased to a minimum of 180 school days per  
37 school year according to the implementation schedule under RCW  
38 28A.150.315.

39 (b) Schools administering the Washington kindergarten inventory  
40 of developing skills may use up to three school days at the beginning

1 of the school year to meet with parents and families as required in  
2 the parent involvement component of the inventory.

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

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

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

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

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

36 (2) Participation in a graduation ceremony and receipt of a  
37 certificate of attendance under this section does not preclude a  
38 student from continuing to receive special education and related

1 services under an individualized education program beyond the  
2 graduation ceremony.

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

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

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

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

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

37 (c) The transition services that the transition plan must address  
38 include activities needed to assist the student in reaching

1 postsecondary goals and courses of study to support postsecondary  
2 goals.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

37 (1) The employment, supervision and control of administrators,  
38 teachers, specialized personnel and other persons, deemed necessary  
39 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 ---