

# HOUSE BILL REPORT

## HB 1257

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**As Reported by House Committee On:**  
Education

**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:** Representatives Pollet, Couture, Taylor, Callan, Simmons, Penner, Wylie, Kloba, Timmons, Bergquist and Salahuddin; by request of Superintendent of Public Instruction.

**Brief History:**

**Committee Activity:**

Education: 2/3/25, 2/17/25 [DPS].

**Brief Summary of 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.
- Directs the Office of the Superintendent of Public Instruction and other state agencies working with individuals with disabilities to collaborate to update a plan to improve transition planning activities for students likely to become eligible for services from the Developmental Disabilities Administration, by October 30, 2026.

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### HOUSE COMMITTEE ON EDUCATION

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 19 members: Representatives Santos, Chair; Shavers, Vice Chair; Rude, Ranking Minority Member; Keaton, Assistant Ranking Minority Member; Bergquist, Callan, Chase, Couture, Donaghy, Eslick, Marshall, McEntire, Ortiz-Self, Pollet, Reeves,

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*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.*

Rule, Scott, Steele and Stonier.

**Staff:** Megan Wargacki (786-7194).

**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.

Special education is a component of basic education. The federal Individuals with Disabilities Education Act (IDEA) governs how states and public elementary and secondary schools (public schools) provide special education and related services to children and youth with disabilities.

In Washington, the Superintendent of Public Instruction is responsible for ensuring that the state and its public schools comply with requirements of the IDEA, and other federal and state special education laws.

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, or high school graduation, whichever occurs first. When a student's twenty-first birthday occurs during the school year, state statute allows 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 United States 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 \$25 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.

Multiple state agencies provide services to people with disabilities. These agencies include the Office of the Superintendent of Public Instruction, Washington State School for the Blind, the Center for Deaf and Hard of Hearing Youth, the Department of Social and Health Services, and the Department of Services for the Blind. Some of these agencies collaborate to support students receiving special education in the transition from school to post school life.

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### **Summary of 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 Washington State School for the Blind and the Washington Center for Deaf and Hard of Hearing Youth; and
- provisions related to interagency agreements for high school transition services.

#### 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 post school life, and how transition services are provided in a way that supplements and not supplants state special education funding.

### **Substitute Bill Compared to Original Bill:**

Compared to the original bill, the substitute bill adds that the Legislature does not intend for the extension of special education services through the school year in which a student with disabilities turns 22 years old to reduce or supplant any other services the student is eligible for. The substitute bill also corrects the date of the court order in the case of *N.D. v. Reykdal*.

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**Appropriation:** None.

**Fiscal Note:** Preliminary fiscal note available.

**Effective Date of Substitute Bill:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

**Staff Summary of Public Testimony:**

(In support) Special education students are allowed to attend public schools until their twenty-second birthday under the ninth circuit decision in *N.D. v Reykdal*. It seems manifestly unfair and a huge setback to say that the state is going to cut students off at age 22 in the middle of the school year. The state should extend services until the end of the school year. There is certainly a cost incurred to the state for the additional days that these students attend. However, the school districts hire staff for the special education programs based on the September student enrollment and are generally committed to paying the staff for the entire school year.

The fiscal note is three times greater this year and increases the number of students by three-fold compared to last year's estimate, despite the fact that the state is now under a court order that the services must be provided for most of the year.

The Office of the Superintendent of Public Instruction supports extending eligibility beyond the federal requirement of ages 3 to 21, so that students with disabilities who have turned age 22 during the school year have opportunity to receive their services for the entire school year when determined necessary by their individualized education program (IEP) team. In addition to the benefits for this population, extending services for the school year also supports schools with budgeting, staffing, and planning. This bill also continues the strong partnerships that have been developed over the past several years between the school system and other agencies to support a seamless transition for students from school to post school life. When these partners engage in transition work, students with intellectual and developmental disabilities are four times more likely to have a job when they leave the school system. The OSPI supports an amendment that the bill is not intended to reduce or supplant any other services that a student turning age 22 would be eligible for.

Some people with disabilities take longer to graduate from high school but can succeed with the proper support and infrastructure. This bill will allow students with disabilities to

access essential supports, including career preparation, vocational training, and independent life skills through the end of the school year in which they turn 22, ensuring a seamless path from school to post-school life.

(Opposed) None.

**Persons Testifying:** Representative Gerry Pollet, prime sponsor; Richard Pope, Parent of Special Education Student who "Aged Out" Last Week; Emilie Robertson, The Arc of WA; Tania May, Office of Superintendent of Public Instruction (OSPI); Lance Morehouse, Sherwood Community Services; and Sebrena Burr, Seattle Council PTSA.

**Persons Signed In To Testify But Not Testifying:** Kathy McDonald; Alex Hur, Communities in Schools of Washington; John Axtell; Preston Dwoskin; and Arzu Forough, Washington Autism Alliance.