
HOUSE BILL 1241

State of Washington

69th Legislature

2025 Regular Session

By Representatives Pollet and Couture

Prefiled 01/10/25.

1 AN ACT Relating to improving access to and provision of a free
2 appropriate public education for students with disabilities; amending
3 RCW 28A.225.330, 28A.155.010, 28A.155.020, 28A.155.040, 28A.155.090,
4 and 28A.155.100; adding new sections to chapter 28A.155 RCW; adding
5 new sections to chapter 43.131 RCW; creating a new section; providing
6 effective dates; and providing an expiration date.

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

8 NEW SECTION. **Sec. 1.** With all correspondence and materials
9 related to evaluation for and provision of special education
10 services, a school district shall provide the parent of a student who
11 is or may be eligible for special education services with the
12 following:

13 (1) A description of the services available through the office of
14 the education ombuds and the contact information for the office of
15 the education ombuds;

16 (2) Information about accessing special education guidance and
17 other resources for parents available through the office of the
18 superintendent of public instruction; and

19 (3) A notification that parents have a right to information about
20 their child's education in a language they understand, including the
21 right to translated documents under section 7 of this act.

1 NEW SECTION. **Sec. 2.** (1) If the parent of a student makes a
2 request for the student to be evaluated for a disability or for
3 eligibility for special education services, a school district shall
4 provide the parent with a document describing the referral request
5 and initial special education evaluation processes, including
6 relevant deadlines and parental consent requirements. The document
7 must be based on the template created as required under section 3 of
8 this act.

9 (2) Within 22 calendar days after receipt of a referral request
10 for special education services, a school district shall: (a) Decide
11 whether to conduct an initial evaluation to determine whether the
12 student is eligible for special education services; and (b) notify
13 the parent of the referred student of the district's decision, using
14 multiple communication channels.

15 (3) If a school district has decided to evaluate the student for
16 special education services, the school district shall comply with the
17 following procedures and deadlines for obtaining parental consent to
18 evaluate, for evaluating the student, and for the eligibility
19 determination:

20 (a) At the same time as it makes the notification under
21 subsection (2) of this section, the school district shall provide the
22 student's parent with a document that informs the parent about the
23 evaluation activities it plans to conduct, and that includes
24 instructions for how and when to provide parental consent to
25 evaluate. The document must be based on the template created as
26 required under section 3 of this act.

27 (b) Except as provided in rule, the school district shall, within
28 60 calendar days of receiving a parent's consent to evaluate the
29 student, conduct an evaluation and determine whether the student is
30 eligible for special education services. In accordance with Part B of
31 the federal individuals with disabilities education act, Title 20
32 U.S.C. Sec. 1400 et seq., the office of the superintendent of public
33 instruction may establish in rule research-based deadlines that may
34 be longer or shorter than 60 calendar days for specific types of
35 evaluations or categories of disability. For example, the rules may
36 allow a school district to exceed the 60 calendar day deadline during
37 summer breaks when conducting a quality evaluation warrants
38 additional time.

39 (4) When enrolling a student who has attended school in another
40 school district and who was referred for an initial evaluation for

1 special education services but who does not have an individualized
2 education program, the receiving school district shall continue the
3 process of determining the student's eligibility for special
4 education services where the transferring school district stopped.

5 (5) (a) (i) For each student referred for a special education
6 evaluation, a school district shall record the number of calendar
7 days between the following events, as applicable: (A) The date of the
8 parent or staff referral request and the date the initial evaluation
9 is conducted; (B) the date the initial evaluation is conducted and
10 the date the individualized education program is completed; and (C)
11 the date the individualized education program is completed and the
12 start date of service delivery. School districts shall submit the
13 previous school year's data, identified by disability category, at
14 the time and in the manner required by the office of the
15 superintendent of public instruction.

16 (ii) When it submits the data to the office of the superintendent
17 of public instruction, the school district shall post on its website
18 a report of the average, median, shortest, and longest number of
19 calendar days between the events described in (a)(i) of this
20 subsection (5).

21 (b) (i) The office of the superintendent of public instruction
22 shall annually share deidentified data submitted as required by
23 (a)(i) of this subsection (5) with the office of the education
24 ombuds.

25 (ii) The office of the superintendent of public instruction shall
26 make deidentified data submitted as required by (a)(i) of this
27 subsection (5) available to the public upon request.

28 NEW SECTION. **Sec. 3.** (1) The office of the superintendent of
29 public instruction shall collaborate with the office of the education
30 ombuds to create a template for school districts to use to meet the
31 requirements in section 2 (1) and (3) of this act related to
32 providing to parents: (a) Information about the initial special
33 education evaluation process; and (b) instructions for how and when
34 to provide parental consent to evaluate.

35 (2) The template must be translated for the limited English
36 proficient parent groups as described in section 7(1) of this act.
37 The template and its translations must be made publicly available on
38 the website of the office of the superintendent of public
39 instruction.

1 NEW SECTION. **Sec. 4.** (1) While the use of a multitiered system
2 of supports may not be used to delay or deny an evaluation to
3 determine whether a student is eligible for special education
4 services, school districts are encouraged to implement research-based
5 strategies and interventions using the framework of the Washington
6 integrated student supports protocol, established under RCW
7 28A.300.139, through a multitiered system of supports to identify and
8 support students who may have a specific learning disability.

9 (2) (a) School districts using a process based on a student's
10 response to scientific, research-based interventions to determine if
11 a student has a specific learning disability, in accordance with
12 Title 20 U.S.C. Sec. 1414 of the federal individuals with
13 disabilities education act, may offer a written intervention plan to
14 the parents of students who are not meeting age or grade level
15 standards.

16 (b) An intervention plan may describe the research-based
17 strategies and interventions to be provided to the student, set
18 measurable student performance goals, and establish a reasonable
19 timeline for meeting with the parent to determine whether the student
20 has made adequate progress towards the goals or whether more
21 intensive strategies and interventions must be provided to the
22 student.

23 NEW SECTION. **Sec. 5.** (1) For each student whose individualized
24 education program includes provision of a related or supplementary
25 special education service that is quantifiable, such as hours,
26 minutes, or units, a school district shall notify the parents of the
27 student that a quarterly quantitative service report is available
28 upon request.

29 (2) (a) A quarterly quantitative service report must indicate the
30 quantity of each service delivered to the student during the prior
31 quarter and the method in which the service was delivered.
32 Identification of the delivery method includes whether the services
33 were delivered in-person or virtually, whether the services were
34 delivered one-on-one or in a group, and whether the services were
35 delivered at the student's school or at another location.

36 (b) When the quantity of a service delivered to the student in
37 the prior quarter is less than the quarterly quantity of that service
38 required under the student's individualized education program, the

1 report must include a plan to provide the student with additional
2 services in the following quarter.

3 (3) The quarterly quantitative service report must be made
4 available to a parent in writing within 10 business days of the
5 parent's request. However, the school district is not required to
6 provide a parent with the report more than once per quarter.

7 NEW SECTION. **Sec. 6.** (1)(a) School districts shall take all
8 necessary actions to ensure that parents understand individualized
9 education program team meetings and related proceedings. This may
10 include arranging for an interpreter or providing the option to
11 record audio.

12 (b) Before convening individualized education program team
13 meetings, a school district shall notify parents with limited English
14 proficiency or disabilities requiring communication assistance or
15 accommodations, such as hearing or speech disabilities, that, under
16 34 C.F.R. Sec. 300.322 (2006) and (a) of this subsection, the
17 district is required to take all necessary actions to ensure the
18 parent understands the meeting proceedings.

19 (2) School district staff, including related services staff, may
20 participate in an individualized education program team meeting if
21 they have knowledge or special expertise regarding the student,
22 including knowledge of resources or services available to the
23 student.

24 NEW SECTION. **Sec. 7.** (1) School districts shall provide written
25 translation of documents for each limited English proficient parent
26 group that constitutes at least one percent of the school's total
27 parent population or 50 persons, whichever is less.

28 (2) School districts may use oral interpreter services, written
29 translation services, and other language access services available
30 for contract through the department of enterprise services to comply
31 with Title II of the Americans with disabilities act of 1990, 42
32 U.S.C. Sec. 12101 et seq., and Title IV of the civil rights act of
33 1964, 42 U.S.C. Sec. 2000d, et seq.

34 NEW SECTION. **Sec. 8.** (1) As needed to inform the activities
35 described in subsection (2) of this section, the office of the
36 superintendent of public instruction may collect and analyze
37 information about the implementation of the processes for predue

1 process hearing resolution and mediation that have been adopted in
2 rule by the office of the superintendent of public instruction. At a
3 minimum, the information must include: Reasons why disputes are not
4 resolved through these processes; and incentives that could be
5 provided or process improvements that could be made to ensure that
6 the parties comply with required elements of the processes and engage
7 in the processes in good faith.

8 (2) Based on the information collected and analyzed under
9 subsection (1) of this section, the office of the superintendent of
10 public instruction may develop, or revise, and publish guidance on
11 best practices for resolving disputes through the predue process
12 hearing resolution process and the mediation process.

13 (3) As used in this section, "due process hearing" means a due
14 process hearing held in accordance with the federal individuals with
15 disabilities education act, Title 20 U.S.C. Sec. 1400 et seq.

16 NEW SECTION. **Sec. 9.** (1) Subject to the availability of amounts
17 appropriated for this specific purpose, the office of the
18 superintendent of public instruction shall distribute up to
19 \$2,000,000 to educational service districts each year for the purpose
20 of making school psychologists and other providers with expertise in
21 each category of disability under Part B of the federal individuals
22 with disabilities education act, Title 20 U.S.C. Sec. 1400 et seq.,
23 available to conduct initial special education evaluations and
24 reevaluations for special education.

25 (2) Each educational service district shall determine its
26 regional need for special education evaluators as described in
27 subsection (1) of this section. At the time and in the manner
28 required by the office of the superintendent of public instruction,
29 each educational service district shall submit a proposal describing
30 its regional need and requesting funding to address that need.

31 (3) The office of the superintendent of public instruction shall
32 prioritize proposals submitted as required under subsection (2) of
33 this section and may fund all or part of each proposal, subject to
34 availability of amounts appropriated for this specific purpose.

35 (4) This section expires June 30, 2035.

36 **Sec. 10.** RCW 28A.225.330 and 2022 c 78 s 3 are each amended to
37 read as follows:

1 (1) When enrolling a student who has attended school in another
2 school district, the school enrolling the student may request the
3 parent and the student to briefly indicate in writing whether or not
4 the student has:

5 (a) Any history of placement in special educational programs;

6 (b) Any past, current, or pending disciplinary action;

7 (c) Any history of violent behavior, or behavior listed in RCW
8 13.04.155;

9 (d) Any unpaid fines or fees imposed by other schools; and

10 (e) Any health conditions affecting the student's educational
11 needs.

12 (2) The school enrolling the student shall request the student's
13 permanent record including records of disciplinary action, history of
14 violent behavior or behavior listed in RCW 13.04.155, attendance,
15 immunization records, ~~((and))~~ academic performance from the school
16 the student previously attended, and special education referral
17 requests, documentation of whether a special education eligibility
18 decision is pending and the deadline for making the decision, special
19 education evaluation decisions, special education evaluations, and
20 individualized education programs.

21 (3) Upon request, school districts shall furnish a set of
22 unofficial educational records to a parent or guardian of a student
23 who is transferring out of state and who meets the definition of a
24 child of a military family in transition under Article II of RCW
25 28A.705.010. School districts may charge the parent or guardian the
26 actual cost of providing the copies of the records.

27 (4) If information is requested under subsection (2) of this
28 section, the information shall be transmitted within two school days
29 after receiving the request and the records shall be sent as soon as
30 possible. The records of a student who meets the definition of a
31 child of a military family in transition under Article II of RCW
32 28A.705.010 shall be sent within 10 days after receiving the request.
33 Any school district or district employee who releases the information
34 in compliance with this section is immune from civil liability for
35 damages unless it is shown that the school district employee acted
36 with gross negligence or in bad faith. The professional educator
37 standards board shall provide by rule for the discipline under
38 chapter 28A.410 RCW of a school principal or other chief
39 administrator of a public school building who fails to make a good
40 faith effort to assure compliance with this subsection.

1 (5) Any school district or district employee who releases the
2 information in compliance with federal and state law is immune from
3 civil liability for damages unless it is shown that the school
4 district or district employee acted with gross negligence or in bad
5 faith.

6 (6) (a) A school may not prevent students who are the subject of a
7 dependency proceeding pursuant to chapter 13.34 RCW from enrolling if
8 there is incomplete information as enumerated in subsection (1) of
9 this section during the 10 business days that the department of
10 children, youth, and families has to obtain that information under
11 RCW 74.13.631.

12 (b) If the student who is the subject of a dependency proceeding
13 is subject to an order in a federally recognized tribal court that is
14 the equivalent of a shelter care or dependency order pursuant to
15 chapter 13.34 RCW, or the student is eligible for benefits under the
16 federal foster care system as defined in RCW 28B.117.020, the school
17 may not prevent the student from enrolling if there is incomplete
18 information as enumerated in subsection (1) of this section during
19 the 10 business days from the date the equivalent order is entered or
20 from a date determined by the state agency responsible for
21 implementing the unaccompanied refugee minors program.

22 (c) Upon enrollment of a student who is the subject of a
23 dependency proceeding, the school district must make reasonable
24 efforts to obtain and assess that child's educational history in
25 order to meet the child's unique needs within two business days.

26 (7) For the purposes of this section, "students who are the
27 subject of a dependency proceeding" has the same meaning as in RCW
28 28A.150.510.

29 **Sec. 11.** RCW 28A.155.010 and 2007 c 115 s 1 are each amended to
30 read as follows:

31 It is the purpose of RCW 28A.155.010 through 28A.155.160,
32 sections 1, 2, 4, 6, and 7 of this act, 28A.160.030, and 28A.150.390
33 to ensure that all children with disabilities as defined in RCW
34 28A.155.020 shall have the opportunity for an appropriate education
35 at public expense as guaranteed to them by the Constitution of this
36 state and applicable federal laws.

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

1 There is established in the office of the superintendent of
2 public instruction an administrative section or unit for the
3 education of children with disabilities who require special
4 education.

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

8 In accordance with part B of the federal individuals with
9 disabilities education improvement act and any other federal or state
10 laws relating to the provision of special education services, the
11 superintendent of public instruction shall require each school
12 district in the state to insure an appropriate educational
13 opportunity for all children with disabilities between the ages of
14 three and twenty-one, but when the twenty-first birthday occurs
15 during the school year, the educational program may be continued
16 until the end of that school year. The superintendent of public
17 instruction, by rule, shall establish for the purpose of excess cost
18 funding, as provided in RCW 28A.150.390, 28A.160.030, (~~and~~)
19 28A.155.010 through 28A.155.160, and sections 1, 2, and 4 of this
20 act, functional definitions of special education, the various types
21 of disabling conditions, and eligibility criteria for special
22 education programs for children with disabilities, including referral
23 procedures, use of positive behavior interventions, the education
24 curriculum and statewide or district-wide assessments, parent and
25 district requests for special education due process hearings, and
26 procedural safeguards. For the purposes of RCW 28A.155.010 through
27 28A.155.160 and sections 1, 2, and 4 of this act, an appropriate
28 education is defined as an education directed to the unique needs,
29 abilities, and limitations of the children with disabilities who are
30 enrolled either full time or part time in a school district. School
31 districts are strongly encouraged to provide parental training in the
32 care and education of the children and to involve parents in the
33 classroom.

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

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

3 **Sec. 13.** RCW 28A.155.040 and 2007 c 115 s 4 are each amended to
4 read as follows:

5 The board of directors of each school district, for the purpose
6 of compliance with the provisions of RCW 28A.150.390, 28A.160.030,
7 (~~and~~) 28A.155.010 through 28A.155.160, and sections 1, 2, and 4
8 through 7 of this act and chapter 28A.190 RCW, shall cooperate with
9 the superintendent of public instruction and with the administrative
10 officer and shall provide an appropriate educational opportunity to
11 children with disabilities, as defined in RCW 28A.155.020, in regular
12 or special school facilities within the district or shall contract
13 for such services with other agencies as provided in RCW 28A.155.060
14 or shall participate in an interdistrict arrangement in accordance
15 with RCW 28A.335.160 and 28A.225.220 and/or 28A.225.250 and
16 28A.225.260.

17 In carrying out their responsibilities under this chapter, school
18 districts severally or jointly with the approval of the
19 superintendent of public instruction are authorized to support and/or
20 contract for residential schools and/or homes approved by the
21 department of social and health services for aid and special
22 attention to students with disabilities.

23 The cost of board and room in facilities approved by the
24 department of social and health services shall be provided by the
25 department of social and health services for those students with
26 disabilities eligible for such aid under programs of the department.
27 The cost of approved board and room shall be provided for those
28 students with disabilities not eligible under programs of the
29 department of social and health services but deemed in need of the
30 same by the superintendent of public instruction: PROVIDED, That no
31 school district shall be financially responsible for special
32 education programs for students who are attending residential schools
33 operated by the department of social and health services: PROVIDED
34 FURTHER, That the provisions of RCW 28A.150.390, 28A.160.030, and
35 28A.155.010 through 28A.155.100 shall not preclude the extension by
36 the superintendent of public instruction of special education
37 opportunities to students with disabilities in residential schools
38 operated by the department of social and health services.

1 **Sec. 14.** RCW 28A.155.090 and 2023 c 436 s 2 are each amended to
2 read as follows:

3 The superintendent of public instruction shall have the duty and
4 authority, through the administrative section or unit for the
5 education of children with disabilities, to:

6 (1) Assist school districts in the formation of programs to meet
7 the needs of children with disabilities;

8 (2) Develop interdistrict cooperation programs for children with
9 disabilities as authorized in RCW 28A.225.250;

10 (3) Provide, upon request, to parents or guardians of children
11 with disabilities, information as to the special education programs
12 for students with disabilities offered within the state;

13 (4) Assist, upon request, the parent or guardian of any child
14 with disabilities in the placement of any child with disabilities who
15 is eligible for but not receiving special educational services for
16 children with disabilities;

17 (5) Approve school district and agency programs as being eligible
18 for special excess cost financial aid to students with disabilities;

19 (6) Establish standards for authorizing, monitoring, and
20 investigating private schools approved by the state board of
21 education under RCW 28A.305.130, other private in-state entities, and
22 any out-of-state entities, that contract with school districts under
23 RCW 28A.155.060 to provide special education and related services to
24 children with disabilities. The standards must ensure that any
25 children with disabilities placed in authorized entities by school
26 districts have the same rights, protections, and access to special
27 education and related services that they would have if served by a
28 school district;

29 (7) Consistent with the provisions of RCW 28A.150.390,
30 28A.160.030, (~~and~~) 28A.155.010 through 28A.155.160, and part B of
31 the federal individuals with disabilities education improvement act,
32 administer administrative hearings and other procedures to ensure
33 procedural safeguards of children with disabilities; and

34 (8) Promulgate such rules as are necessary to implement part B of
35 the federal individuals with disabilities education improvement act
36 or other federal law providing for special education services for
37 children with disabilities and the several provisions of RCW
38 28A.150.390, 28A.160.030, (~~and~~) 28A.155.010 through 28A.155.160,
39 and sections 1, 2, and 4 of this act and to ensure appropriate access
40 to and participation in the general education curriculum and

1 participation in statewide assessments for all students with
2 disabilities.

3 **Sec. 15.** RCW 28A.155.100 and 2007 c 115 s 12 are each amended to
4 read as follows:

5 The superintendent of public instruction is hereby authorized and
6 directed to establish appropriate sanctions to be applied to any
7 school district of the state failing to comply with the provisions of
8 RCW 28A.150.390, 28A.160.030, ~~((and))~~ 28A.155.010 through 28A.155.060
9 ~~((and)),~~ 28A.155.080 through 28A.155.160, and sections 1, 2, and 4
10 through 7 of this act to be applied beginning upon the effective date
11 thereof, which sanctions shall include withholding of any portion of
12 state aid to such district until such time as compliance is assured.

13 NEW SECTION. **Sec. 16.** Sections 1 through 9 of this act are each
14 added to chapter 28A.155 RCW.

15 NEW SECTION. **Sec. 17.** Section 2 of this act takes effect August
16 1, 2026.

17 NEW SECTION. **Sec. 18.** A new section is added to chapter 43.131
18 RCW to read as follows:

19 The educational service district special education evaluators
20 grant under section 9 of this act shall be terminated June 30, 2035,
21 as provided in section 19 of this act.

22 NEW SECTION. **Sec. 19.** A new section is added to chapter 43.131
23 RCW to read as follows:

24 The following acts or parts of acts, as now existing or hereafter
25 amended, is repealed, effective July 1, 2036.

26 RCW 28A.155.--- and 2025 c . . . s 9 (section 9 of this act).

27 NEW SECTION. **Sec. 20.** If specific funding for the purposes of
28 this act, referencing this act by bill or chapter number, is not
29 provided by June 30, 2025, in the omnibus appropriations act, this
30 act is null and void.

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