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ENGROSSED SUBSTITUTE HOUSE BILL 2557

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State of Washington

69th Legislature

2026 Regular Session

By House Education (originally sponsored by Representatives Chase, Schmidt, Eslick, and Santos)

READ FIRST TIME 02/04/26.

1 AN ACT Relating to parental access to special education  
2 evaluation reports; adding a new section to chapter 28A.155 RCW; and  
3 creating a new section.

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

5 NEW SECTION. **Sec. 1.** (1) The legislature finds that the federal  
6 individuals with disabilities education act, 20 U.S.C. Sec. 1400 et  
7 seq., requires an opportunity for the parents of a child with a  
8 disability to examine all records relating to the child and to  
9 participate in meetings regarding the identification, evaluation,  
10 eligibility, educational placement, and provision of a free  
11 appropriate public education to the child.

12 (2) The legislature further finds that parents' ability to  
13 participate meaningfully in eligibility determination meetings is  
14 hindered when written evaluation reports and conclusions are provided  
15 for the first time during or after the meeting.

16 (3) The legislature further finds that a single, combined  
17 timeline for completing evaluations and making eligibility  
18 determinations may limit a school district's practical ability to  
19 provide an evaluation report in advance of an eligibility  
20 determination meeting.

1 (4) Therefore, the legislature intends to establish a separate,  
2 clearly defined timeline for convening the meeting at which  
3 eligibility is discussed or determined that requires the evaluation  
4 report to be provided in advance and provides a brief, capped period  
5 for parents to review the report, consult as needed, and prepare  
6 questions and input. The legislature believes this will promote  
7 consistent statewide practice, support collaboration between families  
8 and school districts, and safeguard meaningful participation without  
9 altering special education evaluation completion timelines,  
10 eligibility standards, or services.

11 NEW SECTION. **Sec. 2.** A new section is added to chapter 28A.155  
12 RCW to read as follows:

13 (1) Except as otherwise provided in rules adopted by the office  
14 of the superintendent of public instruction, a school district must:

15 (a) Complete an initial evaluation or reevaluation to determine  
16 the eligibility or continuing eligibility of a student for special  
17 education services within 35 school days of receiving written consent  
18 for the evaluation from the student's parent or legal guardian;

19 (b) Provide the student's parent or legal guardian with a copy of  
20 the evaluation report no later than the 35th school day following  
21 receipt of consent under (a) of this subsection (1); and

22 (c) Convene an eligibility determination meeting to review the  
23 results in the evaluation report provided under (b) of this  
24 subsection (1) and discuss or determine the student's eligibility or  
25 continuing eligibility for special education services:

26 (i) No sooner than five school days after the evaluation report  
27 is provided to the student's parents or legal guardians as required  
28 by (b) of this subsection (1); and

29 (ii) No later than the 40th school day following receipt of  
30 consent under (a) of this subsection (1).

31 (2) The school district must provide the evaluation report  
32 required under subsection (1)(b) of this section in a written or  
33 electronic format that allows the parent or legal guardian to access,  
34 review, and retain the report. Providing the evaluation report solely  
35 through screen sharing or solely by review during a meeting does not  
36 satisfy this subsection.

37 (3) A parent or legal guardian may voluntarily waive, in writing,  
38 the requirement under subsection (1)(c)(i) of this section that the  
39 eligibility determination meeting occur no sooner than five school

1 days after the evaluation report is provided. A waiver is valid only  
2 if it applies to the specific eligibility determination meeting for  
3 which it is given.

4 (4) If a school district cannot provide the evaluation report  
5 within the time frame required under subsection (1)(b) of this  
6 section, the school district must reschedule the eligibility  
7 determination meeting to comply with this section unless the parent  
8 or legal guardian has provided a written waiver under subsection (3)  
9 of this section.

10 (5) Failure to provide the evaluation report as required under  
11 subsections (1) and (2) of this section, absent a written waiver  
12 under subsection (3) of this section, constitutes a procedural  
13 violation. In any administrative review, complaint, or due process  
14 proceeding, such failure may be considered as evidence relevant to  
15 whether the parent's or legal guardian's opportunity to participate  
16 in the decision-making process regarding the provision of a free  
17 appropriate public education to the student was significantly  
18 impeded.

19 (6) The office of the superintendent of public instruction must  
20 update model forms and technical assistance guidance to reflect the  
21 requirements of this section.

22 (7) The office of the superintendent of public instruction must  
23 adopt rules under chapter 34.05 RCW to implement this section. The  
24 rules must incorporate exceptions to evaluation and eligibility  
25 determination timelines established under the federal individuals  
26 with disabilities education act, 20 U.S.C. Sec. 1400 et seq.

27 (8) For purposes of this section, the following definitions  
28 apply:

29 (a) "Evaluation report" means the set of completed written  
30 evaluation materials for the student that the school district intends  
31 to rely on in making or supporting an eligibility determination at  
32 the eligibility determination meeting.

33 (b) "School day" has the same meaning as in RCW 28A.150.203.

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