RCW 28A.155.265 Evaluation report—Eligibility determination meeting—Time frames—Waiver—Rule making. (1) Except as otherwise provided in rules adopted by the office of the superintendent of public instruction, a school district must:

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

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

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

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

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

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

(3) A parent or legal guardian may voluntarily waive, in writing, the requirement under subsection (1)(c)(i) of this section that the eligibility determination meeting occur no sooner than five school days after the evaluation report is provided. A waiver is valid only if it applies to the specific eligibility determination meeting for which it is given.

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

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

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

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

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

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

(b) "School day" has the same meaning as in RCW 28A.150.203. [2026 c 34 s 2.]

Findings—Intent—2026 c 34: "(1) The legislature finds that the federal individuals with disabilities education act, 20 U.S.C. Sec. 1400 et seq., requires an opportunity for the parents of a child with a disability to examine all records relating to the child and to participate in meetings regarding the identification, evaluation, eligibility, educational placement, and provision of a free appropriate public education to the child.

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

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

(4) Therefore, the legislature intends to establish a separate, clearly defined timeline for convening the meeting at which eligibility is discussed or determined that requires the evaluation report to be provided in advance and provides a brief, capped period for parents to review the report, consult as needed, and prepare questions and input. The legislature believes this will promote consistent statewide practice, support collaboration between families and school districts, and safeguard meaningful participation without altering special education evaluation completion timelines, eligibility standards, or services." [2026 c 34 s 1.]