

ESHB 2557—Evaluation & Eligibility Determination Timelines Q&A

Background

During the 2025–26 legislative session Governor Ferguson signed [ESHB 2557](#) into law, which addresses special education evaluation timelines and eligibility determination meetings. [ESHB 2557](#) goes into effect on June 11, 2026.

OSPI has received multiple inquiries regarding the legislation. OSPI shares this Question-and-Answer document, current as of **April 7, 2026**, for districts¹, parents/guardians, and IEP teams to support team decision making during the 2025–26 school year and beyond.

As additional information is known, we will update this document with additional guidance. If you have questions, please contact Dr. Tania May, Assistant Superintendent of Special Education, at 360-725-6075, or email [OSPI Special Education](#).

A. Evaluation & Eligibility Determination Timelines

A1.A. When does the new timeline go into effect?

The requirements of [ESHB 2557](#) go into effect on June 11, 2026. For most students, this will impact evaluations initiated during the 2026-27 school year.

As discussed in Question A2.B. if an evaluation is currently in progress and the 35th school day falls after June 11, 2026, the district should follow the new timelines in [ESHB 2557](#), including providing a copy of the evaluation report to the parent by the 35th school day and scheduling an eligibility determination meeting five school days later and within 40 school days of the receipt of consent.

A1.B. Does this new timeline go into effect this summer for children turning three?

Yes. [ESHB 2557](#) goes into effect June 11, 2026 and C to B transition requires that the IEP be developed by the student's 3rd birthday, which could fall during summer 2026. [ESHB 2557](#) applies to all evaluations for special education eligibility conducted by districts, including Part C to Part B transitions. For these students, timelines are not limited to school days given the requirement that by the student's third birthday, the student should be evaluated for IDEA Part B eligibility and have an IEP developed and ready to implement ([WAC 392-172A-02080](#); [WAC 392-172A-02000](#)).

¹ Throughout this document, the term District is used to include all types of Local Educational Agencies (LEAs).



A2.A. What are the required timelines under ESHB 2557?

Districts must complete an initial special education 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 from the parent. The district must provide the parent with a copy of the evaluation report no later than the 35th school day, five days before the eligibility determination meeting ([ESHB 2557](#); [WAC 392-172A-03005](#)).

The district must then convene an eligibility determination meeting to review the results in the evaluation report and determine the student's eligibility (or continuing eligibility) for special education services no sooner than five school days after the evaluation report is provided to the parent and no later than 40 school days following the receipt of the parent consent.

A2.B. Does ESHB 2557 change the timelines for evaluations currently in progress?

If an evaluation for special education eligibility is currently in progress and the 35th school day falls after June 11, 2026, the district should follow the new timelines in [ESHB 2557](#), including providing a copy of the evaluation report to the parent by the 35th school day and scheduling an eligibility determination meeting five school days later and within 40 school days of the receipt of consent.

A2.C. If the evaluation report is provided to the parent prior to the 35th school day after receiving consent, does the district still have to immediately convene an eligibility determination meeting within five school days?

No. [ESHB 2557](#) requires an eligibility determination meeting to occur **no sooner than** five school days after providing the parents with a completed evaluation report and **no later than** the 40th school day after receiving consent. Districts must always wait at least five school days after providing parents with a copy of the completed evaluation report before holding an eligibility determination meeting (unless a waiver is provided, see Section D).

For example, if the district provided the parents with a completed evaluation report on the 30th school day after receiving consent, then the earliest the eligibility determination meeting may occur is on the 35th school day after consent. The latest date that the eligibility determination meeting must occur is the 40th school day after consent.

A3. Does this change apply to both initial and reevaluations?

Yes. The bill changes the timeline for completing the initial evaluation or reevaluation after receiving parent consent. The bill requires districts to complete an initial evaluation or reevaluation report within 35 school days of parent consent to evaluate a student's eligibility or continued eligibility for special education services. The report must be provided to the parent at

least five days prior to the eligibility determination meeting. The eligibility determination meeting must then be held no later than 40 school days of receiving consent. The bill does **not** change the requirement to complete a reevaluation within 3 years of the prior evaluation. ([WAC 392-172A-03015\(2\)\(a\)](#)).

A4. How does this interact with triennial reevaluation due dates?

The requirements for completing a reevaluation within three years of the prior evaluation remain unchanged ([WAC 392-172A-03015\(2\)\(a\)](#)). Districts must ensure that evaluations and eligibility determination meetings are completed within established timelines. This deadline may require initiating reevaluations earlier to ensure the evaluation report is completed and provided to the parent/guardian at least five days prior to the eligibility determination meeting, and that all steps occur before the triennial reevaluation due date.

The date of the eligibility determination meeting with the parent to review evaluation report and determine eligibility or continued eligibility for special education services establishes the next triennial reevaluation due date.

A5. Does ESHB 2557 apply to Part C to Part B transition timelines?

Yes. [ESHB 2557](#) applies to all evaluations for special education eligibility conducted by districts, including Part C to Part B transitions. Districts must have policies and procedures for students transitioning from early intervention programs (Part C) to Part B early childhood programs. By the student's third birthday, the student should be evaluated for IDEA Part B eligibility and have an IEP developed and ready to implement ([WAC 392-172A-02080](#); [WAC 392-172A-02000](#)).

A6. When does the 30-day initial IEP timeline begin?

The timeline begins the day after the eligibility determination meeting. For an initial individualized education program (IEP), a district must ensure that it holds a meeting to develop the student's IEP within thirty calendar days of the determination that the student is eligible for special education and related services ([WAC 392-172A-03105](#)). Note that for students transitioning from Part C to Part B services, the student's initial IEP must be developed and ready to implement by the student's third birthday even if that day occurs sooner than 30 days after the eligibility determination meeting.

A7. What happens when evaluation timelines are extended?

If timelines are extended through an agreement between the district and the parent, the evaluation must be completed by the agreed-upon date, and the evaluation report must still be provided at least five school days before the eligibility determination meeting. The agreement to extend the timeline must be documented, and the documentation must specify the reasons for the timeline extension ([WAC 392-172A-03005\(3\)\(c\)](#)).

B. Evaluation Report and Predetermination

B1. What does “completed evaluation report” mean under ESHB 2557?

[ESHB 2557](#) does not define what constitutes a “completed” evaluation report. The new law does describe the evaluation report as the “set of completed written evaluation materials for the student” that the district “intends to rely on in making or supporting an eligibility determination.” This definition aligns with IDEA and WAC requirements that evaluations include a variety of assessments, data, analysis, and documentation ([34 CFR 300.306](#); [WAC 392-172A-03020](#)) and the current description of an evaluation report under [WAC 392-172A-03035](#). A “completed evaluation report” should comply with these existing requirements. The new law, as well as the current regulations, do not require that the report include a final eligibility determination prior to the meeting; and the evaluation report should not include the final eligibility determination to avoid predetermination (see also, B3).

B2. Should the evaluation report include an eligibility determination?

No. Eligibility must be determined by a group of qualified professionals, including the parent, after reviewing the evaluation. The district must convene an eligibility determination meeting to review the results in the evaluation report and determine the student’s eligibility for special education services no sooner than five school days after the evaluation report is provided to the parent and no later than 40 school days following the receipt of consent ([ESHB 2557](#)).

IDEA requires that the eligibility determination be made by a group and not predetermined ([34 CFR 300.306\(a\)\(1\)](#)). Washington rules require parent participation ([WAC 392-172A-03040](#); [WAC 392-172A-05001](#)) in the determination of eligibility for special education. The report should include assessment information, data, and analysis but not a finalized eligibility determination.

B3. How do we avoid predetermination while providing the report in advance?

Providing the report in advance does not constitute predetermination if the report reflects evaluation data and analysis, including recommended service areas and services, and the eligibility determination is **not** finalized until the team meeting with the parent, where the parent has a full opportunity to ask questions, raise concerns, and provide input ([34 CFR 300.306](#); [WAC 392-172A-03040](#); [WAC 392-172A-05001](#)). The five-day window is designed to support meaningful participation by giving parents time to read and understand the report before the eligibility discussion occurs.

Districts should ensure that a full discussion occurs with the parents and other evaluation group members regarding the evaluation and eligibility determination. Avoiding predetermination means the parent’s input and perspective have a genuine opportunity to influence the outcome, and districts should ensure their documentation reflects that the determination was reached through that discussion.

C. Eligibility Meeting and Parent Participation

C1. Is a meeting required for determining eligibility?

Yes. [ESHB 2557](#) specifies that the district must convene an eligibility determination meeting that includes the parent and a group of qualified professionals to review the results in the evaluation report and determine the student's eligibility or continuing eligibility for special education services. The eligibility determination meeting must be held no sooner than five school days after the evaluation report is provided to the parent and no later than 40 school days following the receipt of consent. ([34 CFR 300.306](#); [WAC 392-172A-03040](#)).

C2. What if a parent cannot attend the eligibility determination meeting?

A school district is required to ensure that one or both parents of a student eligible for special education services are afforded the opportunity to participate in IEP or eligibility determination meetings. This requirement includes notifying parents of the meeting early enough to ensure that they will have an opportunity to attend and scheduling the meeting at a mutually agreeable time and place. In the event that a parent cannot attend the meeting, a district must use other methods to ensure parent participation, including video or telephone conference calls. A meeting may be conducted without a parent in attendance only if the school district has made reasonable efforts to support the parents' participation and convince the parents that they should attend. In this instance, the district must document its correspondence and attempts to arrange a mutually agreeable time and place ([WAC 392-172A-03100](#)).

C3. Should districts still obtain information from parents during the evaluation process or wait until the eligibility determination meeting?

Districts should obtain information from parents during the entirety of the evaluation process. In completing an evaluation, the evaluation group must use a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information about the student. This process must include information provided by the parents that may assist in determining whether the student is or remains eligible to receive special education services, and if so the content of the student's IEP, including information related to enabling the student to be involved in and progress in the general education curriculum ([34 CFR §300.304\(b\)](#); [WAC 392-172A-03020\(2\)\(a\)](#)). No single test or measure may be used as the sole criterion for determining the student's eligibility and/or determining the appropriate education program for a student ([34 CFR §300.304\(b\)\(2\)](#); [WAC 392-172A-03020\(2\)\(b\)](#)). OSPI does not recommend waiting until the eligibility determination meeting to obtain parent input into the evaluation.

D. Parent Waiver

D1. What does the parent waiver provision in ESHB 2257 mean?

A parent may voluntarily waive, in writing, the requirement to wait to hold the eligibility determination meeting five school days after the evaluation report is provided. [ESHB 2557](#) specifies that the waiver applies only to the timing of the eligibility determination meeting. The waiver must be made voluntarily and in writing.

The parent waiver does not waive receipt of the report.

D2. When must the waiver occur?

[ESHB 2557](#) does not specify timing for when to obtain a waiver. Best practice would be to obtain the waiver after the parent has received the report and before holding the eligibility determination meeting.

OSPI will be developing a model waiver form and will provide additional information about the waiver and model form as that becomes available.

D3. What is the difference between the parent waiver provision in ESHB 2257 and an agreement to extend the evaluation timeline?

The parent waiver provision in [ESHB 2557](#) only applies to the minimum five school day waiting period between the day the parents are provided a copy of the evaluation report and holding an eligibility determination meeting. By contrast, an agreement to extend the evaluation timeline applies to the deadline to hold an eligibility determination meeting (see, Question A7). Even if there is an agreement to extend the overall evaluation timeline, parents must still be provided within that extended timeline, a copy of the evaluation report and be given a minimum of five school days to review the report prior to holding an eligibility determination meeting.

E. Providing the Evaluation Report

E1. How must districts provide the evaluation report?

[ESHB 2557](#) states that the district must provide the evaluation report in a “written or electronic format” that allows the parents access to review and retain the report. The legislation states that providing the evaluation report “solely through screen sharing or solely by reviewing during a meeting” is not sufficient.

In practice, this means families must be given a copy they can keep—either in paper form or as an electronic document they can save, and revisit as needed.

Districts may consider using the same methods they already have in place for sharing other special education documents, such as IEPs, prior written notices, or progress reports. Examples of compliant methods include:

- Sending a secure email with the evaluation report attached (e.g., PDF format).
- Providing access through a secure parent portal where the document can be downloaded and retained.
- Mailing a printed copy of the report to the family.
- Providing a physical copy in person.
- Sharing via secure document delivery systems already used by the district.

When determining how to provide the report, districts should consider family access and preferences (e.g., technology access, language needs) and ensure the format allows the parent to keep a copy for future reference.

Ultimately, if a district already has established procedures for providing documents like IEPs or evaluation-related paperwork, those same systems and practices will typically meet the requirements of [ESHB 2557](#), as long as they result in the parent being able to access, review, and retain the evaluation report.

E2. How should districts document that the report was provided?

The law does not prescribe a specific method for documenting that the evaluation report was provided to the parent. However, districts should maintain records showing that the evaluation report was provided in a way the parent can access, review, and retain the report.

At a minimum, districts should document:

- Date the report was provided
- Method of delivery (e.g., email, portal, mail, in-person)
- Staff responsible

Districts should also document any follow-up attempts if there is uncertainty the report was received (e.g., re-sending, phone calls, returned mail).

Existing documentation practices used for IEPs, prior written notices, or other special education documents are generally sufficient, as long as they demonstrate a reasonable effort to provide the report.

E3. Does the evaluation report need to be translated?

IDEA and Washington special education regulations specifically require that parent consent, prior written notice, meeting notification, and procedural safeguards be translated ([WAC 392-172A-01040](#); [WAC 392-172A-05010](#); [WAC 392-172A-03100](#); [WAC 392-172A-05015](#)). Districts also have a duty to ensure parent participation in the special education process and should consider broader language access guidance, which may mean districts need to provide interpreters for parents or consider translating additional documentation to facilitate participation.

The district should translate the evaluation report if needed for meaningful participation and access. Districts must take whatever action is necessary to ensure that the parent understands

the proceedings of meetings related to the identification, evaluation, educational placement, and the provision of FAPE to the student including, but not limited to: (a) Notifying parents in advance in the parent's native language of the availability of interpretation and translation services at no cost to the parents; (b) Arranging for an interpreter for parents who are deaf or hard of hearing or whose native language is other than English; and (c) Documenting the language in which families prefer to communicate and whether a qualified interpreter for the student's family was provided. ([34 CFR 300.322\(e\)](#); [300.503\(c\)](#); [WAC 392-172A-05001](#); [WAC 392-172A-03100\(7\)](#)).

F. Implementation and System-Level Questions

F1. When will additional guidance and Q&A be available?

OSPI will provide additional guidance and additional clarification as additional information is available. If you have additional questions, please email [OSPI Special Education](#), and will incorporate additional questions and information into future versions of this Q&A.

OSPI is currently identifying and updating existing information on the OSPI special education webpage and guidance, such as Technical Assistance Paper (TAP) 5. If you have questions about a particular existing guidance document, please email [OSPI Special Education](#).

F2. Will model forms and templates be updated?

Yes. [ESHB 2557](#) specifically directs OSPI to update model forms and technical assistance guidance. OSPI is currently identifying existing model forms and templates that need to be updated and creating new model forms, for example a waiver model form.

G. Compliance and Monitoring

G1. Will failure to provide the report five days in advance be a violation?

Yes. This step is a statutory requirement under [ESHB 2557](#) and may result in a compliance finding as part of monitoring or if allegations regarding these requirements are made in a special education community complaint or due process. OSPI will also be conducting rulemaking to update WAC Chapter 392-172A based on [ESHB 2557](#).

[ESHB 2557](#) specifies that a failure to provide the evaluation report constitutes a procedural violation and that in any administrative review, complaint, or due process, a failure to provide the evaluation report may be considered as evidence relevant to whether the parent had the opportunity to participate in the decision-making process regarding the provision of free appropriate public education (FAPE) to the student.