

WAC 392-172A-07010 Monitoring. (1) The OSPI monitors school districts' special education programs to:

(a) Improve educational results and functional outcomes for all students eligible for special education services;

(b) Ensure that school districts meet the program requirements under Part B of the act with a particular emphasis on those requirements that are most closely related to improving educational results for students eligible for special education services;

(c) Determine the school district's compliance with this chapter, chapter 28A.155 RCW, and federal regulations implementing 20 U.S.C. Sec. 1400, et seq.;

(d) Validate information included in school district requests for federal funds; and

(e) Measure and report school district performance on relative targets and priorities from federally approved state performance plans.

(2) Procedures for monitoring school districts and other public agencies may include any or all of the following:

(a) Conducting on-site visits, off-site desk reviews, and/or district self-assessments;

(b) Collection, review, and analysis of such quantitative and qualitative data and other information as OSPI determines necessary to measure performance in the following areas:

(i) Provision of a FAPE in the least restrictive environment;

(ii) State exercise of general supervision, including child find, effective monitoring, and the use of resolution meetings, mediation, and a system of transition services; and

(iii) Racial and ethnic disproportionality with regard to the identification, placement, or discipline of students receiving special education services.

(3) As part of the monitoring process, a notification of identified noncompliance shall be issued to the school district. This notification will initiate a process of correction, verification, and validation to ensure that the noncompliance is corrected as soon as possible, but no later than one year from the identification of noncompliance. If noncompliance is systemic in nature, a systemic corrective action plan may be required.

(4) If the school district does not timely address compliance with corrective actions, the OSPI shall institute procedures to ensure compliance with applicable state and federal rules and priorities and targets from the state performance plan. Such procedures may include one or more of the following:

(a) Verification visits by the OSPI staff, or its designee, to:

(i) Determine whether the school district is taking the required corrective action(s); and/or

(ii) Provide any necessary technical assistance to the school district or other public agency in its efforts to comply.

(b) Withhold, in whole or part, a specified amount of state and/or federal special education funds, to address noncompliance.

(c) Request assistance from the state auditor's office.

[Statutory Authority: RCW 28A.155.090. WSR 21-19-065, § 392-172A-07010, filed 9/14/21, effective 10/15/21. Statutory Authority: RCW 28A.155.090 and 34 C.F.R. Part 300. WSR 13-20-034, § 392-172A-07010, filed 9/24/13, effective 10/25/13; WSR 09-20-053, § 392-172A-07010, filed 10/1/09, effective 11/1/09. Statutory Authority:

RCW 28A.155.090(7) and 42 U.S.C. 1400 et. seq. WSR 07-14-078, §
392-172A-07010, filed 6/29/07, effective 7/30/07.]