

head of the officer's employing agency, who shall advise the commission of that decision by appropriate notification upon the hiring of the officer. Upon receipt of such notification, the commission shall provide to such agency head all necessary forms and information required for the processing of a request for a certificate of equivalent basic reserve training.

(6) Upon approval of an applicant's eligibility to participate in the equivalency process, the applicant's employing agency shall submit to the commission all requested records, information and proof of background check as a precondition of participation with such process.

[Statutory Authority: RCW 43.101.080, 02-02-004, § 139-05-820, filed 12/20/01, effective 1/20/02.]

WAC 139-05-925 Requirement of training for railroad police officers. (1) For the purpose of this regulation, the term "railroad police" means any individual appointed by the commission under the provisions of RCW 81.60.010 through 81.60.060.

(2) Effective January 1, 2002, as a precondition of any newly appointed railroad police officer to enforce the laws of this state, railroad police shall:

(a) Possess the commission's basic certificate, or in the alternative have successfully completed training and possess a basic certification from another state. In the event certification and training are from another state, the newly appointed railroad police officer must satisfactorily complete the equivalency course approved by the commission, within the first six months of employment.

(b) The above requirements do not apply to railroad police officers appointed prior to January 1, 2002; however, they may, if qualified, attend the equivalency academy.

(3) It shall be the responsibility of the railroad police officer's employing agency to effect and ensure personnel compliance herein, and provide necessary records, proof of background check information upon request of the commission to which the employing agency shall be accountable for purposes of compliance.

(4) The corporation requesting appointment of a railroad police officer shall bear the full cost of training or any other expenses.

[Statutory Authority: RCW 43.101.080, 02-02-004, § 139-05-925, filed 12/20/01, effective 1/20/02. Statutory Authority: RCW 43.101.080(2), 90-07-012, § 139-05-925, filed 3/13/90, effective 4/13/90.]

Title 142 WAC

DAIRY PRODUCTS COMMISSION

Chapters

142-30 Assessment on milk.

Chapter 142-30 WAC

ASSESSMENT ON MILK

WAC

142-30-010 Declaration of purpose—Effective date.

[2002 WAC Supp—page 286]

WAC 142-30-010 Declaration of purpose—Effective date. To effectuate the purposes of chapter 15.44 RCW there is hereby levied upon all milk produced in this state an assessment of:

(1) 0.75 percent of the Class I price for 3.5% butterfat milk, as established in any market area by a market order in effect in that area or by the state department of agriculture in case there is no market order for that area; or

(2) While the Federal Dairy and Tobacco Adjustment Act of 1983, Title I, Subtitle B-Dairy Promotion Program, is in effect:

(a) An assessment rate not to exceed the rate approved at the most recent referendum that would achieve a ten cent per hundredweight credit to local, state or regional promotion organizations provided by Title I, Subtitle B of the Federal Dairy and Tobacco Adjustment Act of 1983; and

(b) An additional assessment of .00625 (five-eighths of one cent) per hundredweight.

[Statutory Authority: RCW 15.44.060(1), 15.44.130, 15.44.080, 01-21-054, § 142-30-010, filed 10/16/01, effective 1/1/02. Statutory Authority: RCW 15.44.130, 85-15-003 (Order 85-4), § 142-30-010, filed 7/5/85. Statutory Authority: Chapter 15.44 RCW, 83-08-019 (Order 83-2), § 142-30-010, filed 3/29/83; Order 2-76, § 142-30-10 (codified as WAC 142-30-010), filed 11/15/76, effective 1/1/77.]

Title 148 WAC

DEAF, WASHINGTON STATE SCHOOL FOR THE

Chapters

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148-171

Student conduct code.

Special education programs.

Chapter 148-120 WAC

STUDENT CONDUCT CODE

WAC

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WAC 148-120-100 Conduct violations. A student who, either as actor, aider, abettor, or accomplice, violates any provision of this chapter shall be subject to the disciplinary actions herein adopted. A student may be an accomplice, or found to have aided and abetted in the commission of a violation of the student conduct code if he or she knowingly associates with the wrongful purpose, undertaking or activity; encourages, promotes, or counsels another student in the commission of an offense, or participates in it as in something he or she desires to bring about, and seeks by his or her action to make it succeed.

The following offenses are prohibited:

(1) Physical abuse. Actual, attempted, or threatened physical abuse of any person or conduct which threatens or endangers the health and safety of any person or which intentionally causes a reasonable apprehension of harm to any person.

(2) Destroying or damaging property. Destroying, defacing, or damaging school property or the property of others on school premises or at school-sponsored activities.

(3) Sexual harassment. Engaging in unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct or communication of a sexual nature when:

(a) Submission to the conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining an education;

(b) Submission to or rejection of that conduct or communication by a person is used as a factor in decisions affecting that person's education;

(c) That conduct or communication has the purpose or effect of substantially or unreasonably interfering with a person's education; or creating an intimidating, hostile, or offensive educational environment.

Sexual harassment may include, but is not limited to: Unwelcome verbal harassment or abuse; unwelcome pressure for sexual activity; unwelcome, sexually motivated or inappropriate patting, pinching, or physical contact; unwelcome sexual behavior or words, including demands for sexual favors, accompanied by implied or overt threats concerning a person's educational status; or unwelcome behavior, verbal, signed, or written words or symbols directed at a person because of gender.

(4) Disruption. Disorderly, intimidating or abusive behavior which interferes with the rights of others, school, or school-sponsored activities; obstructing the free movement of people or vehicles; inciting others to engage in prohibited conduct; or threatening disruption.

(5) Insubordination. Refusal or failure to follow instructions and proper orders of school officials, while on school property, during transportation to and from school, or at school-sponsored activities, thereby infringing upon the rights and privileges of others, and/or refusal to desist from prohibited conduct.

(6) False alarms. Falsely setting off, improper use or disabling of any safety equipment, alarm, exit sign, or other device.

(7) False information. Filing a formal complaint which falsely accuses another with violation of this chapter, falsifying information to school officials, or forging or tendering any forged instrument to the school.

(8) Theft. Actual or attempted theft of property or services belonging to the school, any student, school employee[,], or school visitor, including knowing possession of stolen property.

(9) Academic dishonesty. All forms of cheating, plagiarism and fabrication, including submitting any work product that the student misrepresents as his or her work product for the purpose of fulfilling any assignment or task required as part of the student's course of studies.

(10) Conversion. Unauthorized use or possession of school equipment or services.

(11) Unlawful entry and trespassing. Entering and/or remaining in any administrative or other employee office or any locked or otherwise closed school facility, in any manner, at any time, without permission.

(12) Smoking. Students are not allowed to smoke or use tobacco products on school [property] [premises] or during school-sponsored activities.

(13) Alcohol. Use, possession, distribution of, or visible intoxication from alcoholic beverages is prohibited on school property or at school-sponsored activities.

(14) Drugs and controlled substances. Use, possession, distribution, or being visibly under the influence of any controlled substance [or illegal drug] as defined in WAC 148-120-300, except when the use or possession of a drug is specifically prescribed as medication by an authorized medical doctor or dentist; possession of drug paraphernalia.

(15) Weapons, lasers, and dangerous chemicals. Unauthorized use, possession or storage of any weapon, laser, explosives, ammunition, dangerous chemicals, substances or instruments, which is capable of causing bodily harm on another or damage upon school property or personal property.

(16) Sexual violence. Sexual violence is a physical act of aggression or force or the threat thereof which involves the touching of another's intimate parts. Intimate parts include the primary genital area, groin, inner thighs, buttocks or breast, as well as the clothing covering these areas. Sexual violence may include, but is not limited to:

(a) Touching, patting, grabbing or pinching another person's intimate parts, whether that person is of the same or the opposite sex;

(b) Coercing, forcing, attempting to coerce or force the touching of anyone's intimate parts;

(c) Coercing, forcing, attempting to coerce or force sexual intercourse or a sexual act on another;

(d) Threatening to force or coerce sexual acts, including the touching of intimate parts or intercourse, on another; or

(e) Threatening of forcing exposure of intimate apparel or body parts by removal of clothing.

(17) Sexual activity and displays of affection. Sexual activity involves touching of another's intimate parts. Intimate parts include the primary genital area, groin, inner thighs, buttocks or breast, as well as the clothing covering these areas. Even if consensual or mutually agreed to, sexual activity is prohibited. Excessive displays of affection are not appropriate in school or at any school-related function. Prohibited conduct includes, but is not limited to: any physical expression of affection that is intimate or sexual in nature, passionate or prolonged kissing, sexual touching, or fondling.

(18) Pornography. Possession, distribution, display, creation or production of sexually explicit or erotic material. Sexually explicit material includes material defined in RCW 9.68.130. Erotic material includes material defined in RCW 9.68.050.

(19) Malicious harassment. Harassment consists of verbal or physical conduct relating to a person's actual or perceived national origin, disability, race, sexual orientation, or religion, which has the purpose or effect of creating an intimidating, hostile or offensive academic, residential or work environment, or the purpose or effect of substantially or unreasonably interfering with a person's academic or work performance, or otherwise adversely affects a person's academic or work opportunities. Harassment may include: name calling, gestures, bullying, mimicking, mocking, derogatory jokes, remarks or rumors, unwelcome touching of a person or clothing, offensive or graphic posters, book covers, notes or cartoons, graffiti, display or circulation of written materials or pictures, or any other malicious or insensitive conduct of a severe or pervasive nature directed at the characteristics of a person's national origin, customs, culture, disability, race, sexual orientation, or religion.

(20) Unauthorized absence. Absconding from supervision; leaving or running away from the campus, a residential facility, a school building, school activity or school-related function, or school-provided transportation without permission.

(21) Gang activity. Claiming membership in, association with, affiliation with, or participation in a gang or gang-related activities at school or during school-related functions. A gang is a self-formed association of peers having the following characteristics: A gang name and recognizable symbols, identifiable leadership, a geographic territory, a regular or recurrent meeting pattern, may be identified by law enforcement as a gang, and collective actions to engage in serious criminal, or violent behavior. The type of dress, apparel, activities, acts, behavior, or manner of grooming displayed, reflected, or participated in by a student shall not:

(a) Lead school officials to reasonably believe that such behavior, apparel, activities, acts, or other attributes are gang-related, and would disrupt or interfere with the school environment or activity, and/or educational objectives;

(b) Present a safety hazard to self, students, or staff;

(c) Create an atmosphere in which a student, or other person's well-being is hindered by undue pressure, behavior, intimidation, overt gesture, or threat of violence; or

(d) Imply gang membership or affiliation by written communication, marks, drawings, painting, design, emblem upon any school or personal property, or one's person.

(22) Extortion. Obtaining or attempting to obtain by threat or bribery, money, property or services (including sexual favors) of another. Threats include direct as well as indirect communication.

(23) Hazing. Conspiring to engage in or participating in any method of initiation into a student organization or group, or any pastime or amusement engaged in with respect to such an organization or group that causes, or is likely to cause, bodily danger or physical harm, or serious mental or emotional harm, to any student. This does not include customary athletic events or other similar contests or competitions.

(24) Misuse of computers, electronic data or communications.

(a) Unauthorized copying of school-owned or licensed software or another computer user's data for personal or external use.

(b) Modifying or damaging, attempting to modify or damage, computer equipment, software, databases, files needed in another person's school work, or communications lines;

(c) Disrupting or attempting to disrupt computer operations;

(d) Invading the privacy of another person by using electronic means to obtain confidential information, even if access to such information is inadvertently allowed;

(e) Abusing or harassing another person through electronic means;

(f) Using the school's computing facilities in the commission of a crime or a violation of the student conduct code;

(g) Using computer services without authorization;

(h) Allowing another person to use one's computer identity/account or using another person's computer identity/account. This includes, but is not limited to, logging on to the account, accessing programs, and reading or altering computer records without authorization.

(25) Other conduct. Any other conduct or action, the terms and violations of which are published annually in the student/parent handbook, in which the school can demonstrate a clear and distinct interest and which substantially threatens the educational process or other legitimate function of the school or the health or safety of any member of the school community is prohibited.

[Statutory Authority: RCW 72.40.011. 01-20-032, § 148-120-100, filed 9/26/01, effective 10/27/01. Statutory Authority: RCW 72.40.022. 94-13-058, § 148-120-100, filed 6/8/94, effective 7/9/94.]

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffective changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 148-120-200 Policy. The Washington school for the deaf has established standards of conduct for students and the disciplinary process to protect members of the school community, maintain and advance its educational mission, and provide for the orderly conduct of the school's activities. Disciplinary procedures used by the school are considered part of its educational process. School policy and rules of conduct shall be applicable to all students in any program or activity conducted by the Washington school for the deaf. In every case of misconduct, the nature and circumstances of the violation will be considered and appropriate disciplinary actions will be administered on a less restrictive alternative basis, including but not limited to time out, detention, behavior contracts, restriction of privileges, reprimand, restitution, suspension or expulsion.

[Statutory Authority: RCW 72.40.011. 01-16-100, § 148-120-200, filed 7/27/01, effective 8/27/01. Statutory Authority: RCW 72.40.022. 94-13-058, § 148-120-200, filed 6/8/94, effective 7/9/94.]

WAC 148-120-220 Short-term suspension. (1) As used in this chapter, "short-term suspension" shall mean a

denial of attendance at any class or admission to or entry upon school property for up to and not exceeding ten consecutive school days.

(2) Short-term suspension may be imposed upon a student for violation(s) of student conduct code rules.

(3) A student may be suspended for a short-term after another less restrictive form of disciplinary action, reasonably calculated to modify his or her conduct, has been imposed as a consequence of misconduct of the same nature: Provided, That the school may resort to immediate short-term suspension in cases involving exceptional misconduct notwithstanding the fact that prior alternative corrective action or discipline has not been imposed. For the purposes of this section, "exceptional misconduct" means misconduct, other than absenteeism, (a) of such frequent occurrence, notwithstanding prior attempts by the school to control such misconduct through the use of other forms of disciplinary action, as to warrant immediate resort to short-term suspension, and/or (b) so serious in nature and/or in terms of the disruptive effect upon the operation of the school, as to warrant immediate resort to short-term suspension.

(4) Any student subject to short-term suspension shall be provided the opportunity upon return to make up assignments and tests missed by reason of the suspension if such assignments or tests have a substantial effect upon academic standing.

[Statutory Authority: RCW 72.40.011. 01-16-100, § 148-120-220, filed 7/27/01, effective 8/27/01. Statutory Authority: RCW 72.40.022. 94-13-058, § 148-120-220, filed 6/8/94, effective 7/9/94.]

WAC 148-120-225 Short-term suspension—Notice and conference—Grievance procedure. (1) Prior to the short-term suspension of any student pursuant to WAC 148-120-220, a conference shall be conducted with the student as follows:

(a) Notice of the alleged misconduct and violation(s) of school rules shall be provided to the student in writing or the mode of communication of the student;

(b) An explanation of the evidence in support of the allegation(s) shall be provided to the student in writing or the mode of communication of the student;

(c) An explanation of the corrective action or discipline which may be imposed shall be provided to the student in writing or the mode of communication of the student; and

(d) The student shall have the opportunity to present his/her explanation.

(2) In the event a suspension is to exceed one calendar day the parent(s) or guardian(s) of the student shall be notified of the reason for the student's suspension and the duration of the suspension orally and/or by letter deposited in the United States mail as soon as reasonably possible. The notice shall also inform the parent or guardian of the right to an informal conference pursuant to subsection (3) of this section and that the suspension may possibly be reduced as a result of such conference.

(3) Any student, parent, or guardian aggrieved by the imposition of a short-term suspension shall have the right to an informal conference with the principal or his or her designee for the purpose of resolving the grievance. During the conference, the student, parent, or guardian shall be subject to

questioning by the principal or his or her designee and shall be entitled to question school personnel involved in the matter being grieved. If the grievance is not resolved, the student, parent, or guardian, upon two school business days' prior notice, shall have the right to present a written and/or oral grievance to the superintendent who shall notify the student, parent, or guardian of his or her response to the grievance within ten school business days after receipt of the written or oral grievance. The disciplinary action may continue notwithstanding the implementation of the grievance procedure set forth in this section.

[Statutory Authority: RCW 72.40.011. 01-16-100, § 148-120-225, filed 7/27/01, effective 8/27/01. Statutory Authority: RCW 72.40.022. 94-13-058, § 148-120-225, filed 6/8/94, effective 7/9/94.]

WAC 148-120-230 Long-term suspension. (1) As used in this chapter, "long-term suspension" shall mean a denial of attendance at any class or admission to or entry upon school property in excess of ten consecutive school days.

(2) Long-term suspensions may be imposed on a student for violation(s) of student conduct code rules.

(3) When a student engages in conduct that would warrant long-term suspension, the requirements and procedures for disciplinary exclusion, found in WAC 148-120-300 through 148-120-313 shall be followed.

[Statutory Authority: RCW 72.40.011. 01-16-100, § 148-120-230, filed 7/27/01, effective 8/27/01. Statutory Authority: RCW 72.40.022. 94-13-058, § 148-120-230, filed 6/8/94, effective 7/9/94.]

WAC 148-120-234 Long-term suspension—Misconduct not a manifestation of disability—Notice. (1) Following a determination that behavior which warrants a long-term suspension was not a manifestation of the student's disability, a student may be suspended for a long term after another less restrictive form of disciplinary action, reasonably calculated to modify his or her conduct, has been imposed as a consequence of misconduct of the same nature: Provided, That the school may resort to immediate long-term suspension in cases involving exceptional misconduct notwithstanding the fact that prior alternative corrective action or discipline has not been imposed. For the purposes of this section, "exceptional misconduct" means misconduct, other than absenteeism, (a) of such frequent occurrence, notwithstanding prior attempts by the school to control such misconduct through the use of other forms of disciplinary action, as to warrant immediate resort to long-term suspension, and/or (b) so serious in nature and/or in terms of the disruptive effect upon the operation of the school, as to warrant immediate resort to long-term suspension.

(2) Prior to the long-term suspension of any student for misconduct which was not a manifestation of the student's disability, written notice of an opportunity for a hearing shall be delivered in person or by certified mail to the student and parent(s) or guardian(s). The notice shall:

(a) Be provided in the predominant language of a student and/or a parent(s) or guardian(s) who predominantly speak a language other than English, to the extent feasible;

(b) Specify the alleged misconduct and the rule(s) alleged to have been violated;

(c) Set forth the disciplinary action proposed;

(d) Set forth the right of the student and/or his or her parent(s) or guardian(s) to a hearing for the purpose of contesting the allegation(s).

(e) State that a written request for a hearing must be received by the school employee designated, or by his or her office within three school business days after receipt of the notice of opportunity for a hearing; and

(f) State that if such a request is not received within the prescribed period of time, then the right to a hearing may be deemed to have been waived and the proposed long-term suspension may be imposed. A schedule of school business days should be included with the notice.

(3) If a request for a hearing is not received within the required three school business day period, the school may deem the student and his or her parent(s) or guardian(s) to have waived the right to a hearing and the proposed long-term suspension may be imposed.

[Statutory Authority: RCW 72.40.011. 01-16-100, § 148-120-234, filed 7/27/01, effective 8/27/01. Statutory Authority: RCW 72.40.022. 94-13-058, § 148-120-234, filed 6/8/94, effective 7/9/94.]

WAC 148-120-236 Long-term suspension—Misconduct not a manifestation of disability—Hearing. (1) If a request for a hearing is received pursuant to WAC 148-120-234 within the required time period, the school shall schedule a hearing to commence within seven school days after the date upon which the request for a hearing was received.

(2) The hearing shall be a brief adjudicative proceeding in accordance with WAC 148-108-100. The hearing process described in WAC 180-40-270, applicable to long-term suspensions involving students without disabilities, should apply as guidelines for the conduct of the brief adjudicative proceeding.

(3) During the pendency of any administrative or judicial proceeding involving suspension under this section, unless the school and the parent(s) of the student (or the eligible student as defined in WAC 148-171-010(1)) agree otherwise, the student shall remain in the educational placement he or she was in when the request for hearing was made: Provided, That nothing in this section shall be construed to limit the superintendent's ability to seek injunctive relief in appropriate cases from a court of competent jurisdiction.

[Statutory Authority: RCW 72.40.011. 01-16-100, § 148-120-236, filed 7/27/01, effective 8/27/01. Statutory Authority: RCW 72.40.022. 94-13-058, § 148-120-236, filed 6/8/94, effective 7/9/94.]

WAC 148-120-300 Disciplinary exclusion—Definitions. The following definitions apply to this section only:

(1) "Controlled substance" means a drug or other substance identified under Schedules I, II, III, IV, or V in section 202(c) of the Controlled Substances Act (21 U.S.C. Sec. 812(c)).

(2) "Illegal drug" means a controlled substance, but does not include, a substance that is legally possessed or used under the supervision of a licensed health care professional or that is legally possessed or used under any other authority under the Controlled Substances Act or under any other provision of federal law.

(3) "Weapon" has the meaning given the term "dangerous weapon" under section 930 (g)(2) of Title 18 U.S.C.: "Dangerous weapon" means a weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, except that such term does not include a pocket knife with a blade of less than two and one-half inches in length.

(4) "Substantial evidence" means beyond a preponderance of the evidence.

[Statutory Authority: RCW 72.40.011. 01-16-100, § 148-120-300, filed 7/27/01, effective 8/27/01.]

WAC 148-120-301 Change of placement for disciplinary removals. For purposes of removals of a student from the student's current educational placement under this section, a change of placement occurs if:

(1) The removal is for more than ten consecutive school days; or

(2) The student is subjected to a series of removals that constitute a pattern because they cumulate to more than ten school days in a school year, and because of factors such as the length of each removal, the total amount of time the student is removed, and the proximity of the removals to one another.

[Statutory Authority: RCW 72.40.011. 01-16-100, § 148-120-301, filed 7/27/01, effective 8/27/01.]

WAC 148-120-302 Removals—Ten school days or less. School personnel may order the removal of a student from the student's current placement for not more than ten consecutive school days for any violation of school rules, including the student conduct code, and additional removals of not more than ten consecutive school days in that same school year for separate incidents of misconduct as long as those removals do not constitute a change of placement under WAC 148-120-202.

[Statutory Authority: RCW 72.40.011. 01-16-100, § 148-120-302, filed 7/27/01, effective 8/27/01.]

WAC 148-120-303 Required services. (1) In the case of a student who has been removed from his or her current placement for more than ten cumulative school days in the same school year, the school, for the remainder of the removals, shall provide services to the extent necessary to enable the student to appropriately progress in the general curriculum and advance toward achieving the goals set out in the student's individualized education program.

(2) When there is no change of placement, school personnel, in consultation with the student's special education teacher, determine the extent to which services are necessary to enable the student to appropriately progress in the general curriculum and appropriately advance toward achieving the goals set out in the student's IEP.

[Statutory Authority: RCW 72.40.011. 01-16-100, § 148-120-303, filed 7/27/01, effective 8/27/01.]

WAC 148-120-304 Change of placement—Removals for weapons or drugs. School personnel may order a change in placement of a student to an appropriate interim alternative

educational setting for not more than forty-five calendar days, if the student:

(1) Possesses a weapon, or carries a weapon to school or to a school function under the jurisdiction of the school for the deaf; or

(2) Knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or a school function under the jurisdiction of the school for the deaf.

[Statutory Authority: RCW 72.40.011. 01-16-100, § 148-120-304, filed 7/27/01, effective 8/27/01.]

WAC 148-120-305 Functional behavioral assessment and intervention plan. Within ten business days after first removing a student for more than ten consecutive school days in a school year or placing the student in an interim alternative educational setting, the following actions shall be taken by the school:

(1) If the school did not conduct a functional behavioral assessment and implement a behavioral intervention plan for the student before the behavior that resulted in the removal occurred, an individualized education program meeting will be convened to develop an assessment plan.

(2) If the student already has a behavioral intervention plan, the individualized education program team shall meet to review the plan and its implementation to determine whether modifications are necessary.

(3) As soon as practicable after developing the assessment plan described in subsection (1) of this section, and completing the assessments required by the plan, an IEP meeting will be convened to develop appropriate behavioral interventions to address the behavior that resulted in removal and to implement those interventions.

(4) If a student has a behavioral intervention plan and has been removed from the current educational placement for more than ten cumulative school days in a school year, and is subsequently subjected to a removal that does not constitute a change of placement under WAC 148-120-301, the IEP team may review the behavioral intervention plan and its implementation to determine if modifications are necessary.

(5) If one or more of the IEP team members believe that modifications to an existing behavioral intervention plan are needed, the team shall meet to modify the plan and its implementation, to the extent the team determines necessary.

[Statutory Authority: RCW 72.40.011. 01-16-100, § 148-120-305, filed 7/27/01, effective 8/27/01.]

WAC 148-120-306 Dangerous behavior—Authority of hearing officer. A hearing officer, described in WAC 392-172-352 (adopted by reference in WAC 148-171-601), may order a change in the placement of a student to an appropriate interim alternative educational setting for not more than forty-five days if the hearing officer, in an expedited due process hearing:

(1) Determines that the school has demonstrated by substantial evidence that maintaining the current placement of the student is substantially likely to result in injury to the student or to others;

(2)(a) Considers the appropriateness of the student's current placement;

(b) Including, when necessary, the requirements and limitations imposed by RCW 72.40.040(4), 72.40.050(2), 72.40.250(2), and 72.40.270;

(3) Considers whether the school has made reasonable efforts to minimize the risk of harm in the student's current placement, including the use of supplementary aids and services; and

(4) Determines that the interim alternative educational setting that is proposed by school personnel who have consulted with the student's special education teacher meets the requirements of WAC 148-120-307.

[Statutory Authority: RCW 72.40.011. 01-16-100, § 148-120-306, filed 7/27/01, effective 8/27/01.]

WAC 148-120-307 Determination of interim alternative educational setting. The individualized education program team shall determine an interim alternative educational setting. Any interim alternative educational setting in which a student is placed under WAC 148-120-304 and 148-120-306 shall:

(1) Be selected so as to enable the student to continue to progress in the general curriculum, although in another setting, and to continue to receive those services and modifications, including those described in the student's current individualized education program, that will enable the student to meet the goals set out in that individualized education program; and

(2) Include services and modifications designed to address and prevent the recurrence of the behavior described in WAC 148-120-304 or 148-120-306.

[Statutory Authority: RCW 72.40.011. 01-16-100, § 148-120-307, filed 7/27/01, effective 8/27/01.]

WAC 148-120-308 Manifestation determination review requirements. If school personnel or a hearing officer contemplates action that involves removing a student for behavior described in WAC 148-120-304 or behavior that is substantially likely to result in injury to the student or to others, or other behavior that violates any rule or code of conduct which results in a change of placement under WAC 148-120-301, the school shall:

(1) Not later than the date on which the decision to take action is made, notify the parents of the school's decision and provide the procedural safeguards notice described under WAC 392-172-307; and

(2) Immediately, if possible, but in no case later than ten school days after the date on which the decision to remove the student is made, conduct a review of the relationship between the student's disability and the behavior subject to the disciplinary action.

[Statutory Authority: RCW 72.40.011. 01-16-100, § 148-120-308, filed 7/27/01, effective 8/27/01.]

WAC 148-120-309 Procedures for conducting a manifestation determination. The individualized education program team and other qualified personnel in a meeting shall conduct a manifestation determination review. In carrying out the review, the team may determine that the behavior

of the student was not a manifestation of the student's disability only if the team:

(1) First considers, in terms of the behavior subject to disciplinary action, all relevant information, including:

(a) Evaluation and diagnostic results, including the results of other relevant information supplied by the parents of the student;

(b) Observations of the student; and

(c) The student's individualized education program and placement.

(2) Then determines that:

(a) In relationship to the behavior subject to disciplinary action, the student's individualized education program and placement were appropriate and the special education services, supplementary aids and services, and behavior intervention strategies were provided consistent with the student's individualized education program and placement;

(b) The student's disability did not impair the ability of the student to understand the impact and consequences of the behavior subject to disciplinary action; and

(c) The student's disability did not impair the ability of the student to control the behavior subject to disciplinary action.

(3) If the team determines that any of the above standards in this section were not met, the behavior must be considered a manifestation of the student's disability.

(4) The manifestation determination review described in this section may be conducted at the same individualized education program meeting that is convened to address a functional behavioral assessment and behavioral intervention plan.

(5) If the review identifies deficiencies in the student's IEP or placement or in their implementation, the school will take immediate steps to remedy those deficiencies.

[Statutory Authority: RCW 72.40.011. 01-16-100, § 148-120-309, filed 7/27/01, effective 8/27/01.]

WAC 148-120-310 Determination that behavior was not manifestation of disability. (1) If the results of the manifestation determination review indicate that the behavior of the student was not a manifestation of the student's disability, the student may be subject to the same disciplinary measures applicable to students without disabilities, including long-term suspensions and expulsions, except that a free appropriate public education shall continue to be made available to those students consistent with 34 CFR Sec. 300.121(d).

(2) The student's IEP team determines the extent to which services are necessary to enable the student to appropriately progress in the general curriculum and appropriately advance toward achieving the goals set out in the student's IEP if the student is removed because of behavior that has been determined not to be a manifestation of the student's disability.

(3) If a parent requests a hearing to challenge the determination that the behavior of the student was not a manifestation of the student's disability, then the student shall remain in the current educational placement or interim alternative educational setting consistent with WAC 148-120-312, whichever applies.

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[Statutory Authority: RCW 72.40.011. 01-16-100, § 148-120-310, filed 7/27/01, effective 8/27/01.]

WAC 148-120-311 Expedited due process hearings.

(1) "Expedited due process hearing" means a hearing that is conducted by a due process hearing officer, in accordance with WAC 148-171-601 (impartial due process hearing rights) and this section, and may be requested in any of the following situations:

(a) The parent disagrees with a determination that the student's behavior was not a manifestation of the student's disability.

(b) The parent disagrees with the school's decision regarding the student's disciplinary change of placement under WAC 148-120-304.

(c) The school maintains that it is dangerous for the student to return to the current placement (placement prior to removal to the interim alternative educational setting) after the expiration of the student's placement in an interim alternative educational setting or to be in the current placement (placement prior to removal to the interim alternative educational setting) during the pendency of the due process proceedings.

(2) Pursuant to WAC 392-172-350 (adopted by reference in WAC 148-171-601) the office of superintendent of public instruction shall arrange for an expedited hearing in any case described in subsection (1) of this section if requested by the parent.

(3) In reviewing a decision with respect to the manifestation determination, the hearing officer shall determine whether the school has demonstrated that the student's behavior was not a manifestation of the student's disability consistent with the requirements of WAC 148-120-309.

(4) In reviewing a decision to place the student in an interim alternative educational setting, the hearing officer shall apply the standards under WAC 148-120-306.

(5) An expedited due process hearing shall:

(a) Result in a written decision being mailed to the parties within forty-five days of the office of superintendent of public instruction's receipt of the request for the hearing without exceptions or extensions. The timeline established in this subsection shall be the same for hearings requested by parents or the school;

(b) Meet the requirements of WAC 392-172-354 (adopted by reference in WAC 148-171-601) except that the time periods identified for the disclosure of records and evaluations for purposes of expedited due process hearings are not less than two business days prior to the hearing; and

(c) Be conducted by a due process hearing officer who satisfies the impartiality requirements of WAC 392-172-352 (adopted by reference in WAC 148-171-601).

(6) The decisions on expedited due process hearings are appealable under the state's due process appeal procedures (see WAC 148-171-601 and 392-172-360).

[Statutory Authority: RCW 72.40.011. 01-16-100, § 148-120-311, filed 7/27/01, effective 8/27/01.]

WAC 148-120-312 Placement during appeals. (1) If a parent requests a hearing regarding a disciplinary action described in WAC 148-120-304 or 148-120-306 to challenge

the interim alternative educational setting or the manifestation determination, the student must remain in the interim alternative educational setting pending the decision of the hearing officer or until the expiration of the forty-five day time period provided for, whichever occurs first, unless the parent and the school agree otherwise.

(2) If a student is placed in an interim alternative educational setting pursuant to this section and school personnel propose to change the student's placement after expiration of the interim alternative placement, during the pendency of any proceeding to challenge the proposed change in placement, the student must remain in the current placement (the student's placement prior to the interim alternative educational setting), except as provided for below.

(3) In determining whether the student may be placed in the alternative educational setting or in another appropriate placement ordered by the hearing officer, the hearing officer shall apply the standards under WAC 148-120-211.

(4) A placement ordered pursuant to this section may not be longer than forty-five days.

(5) The procedure in this section may be repeated as necessary.

[Statutory Authority: RCW 72.40.011. 01-16-100, § 148-120-312, filed 7/27/01, effective 8/27/01.]

WAC 148-120-313 Referral to and action by law enforcement and judicial authorities. (1) Nothing in Part B of the Individuals with Disabilities Education Act, or this chapter prohibits the Washington school for the deaf from reporting a crime committed by a student to appropriate authorities, or prevents state law enforcement and judicial authorities from exercising their responsibilities with regard to the application of federal and state law to crimes committed by a student.

(2) When reporting a crime committed by a student, the school shall ensure that copies of the special education and disciplinary records of the student are transmitted for consideration by the appropriate authorities to whom it reports the crime.

(3) When reporting a crime under this section, the school may transmit copies of the student's special education and disciplinary records only to the extent that the transmission is permitted by the Family Educational Rights and Privacy Act.

[Statutory Authority: RCW 72.40.011. 01-16-100, § 148-120-313, filed 7/27/01, effective 8/27/01.]

WAC 148-120-314 Aversive interventions. WAC 392-172-388 through 392-172-396 are adopted by reference.

[Statutory Authority: RCW 72.40.011. 01-16-100, § 148-120-314, filed 7/27/01, effective 8/27/01.]

Chapter 148-171 WAC

SPECIAL EDUCATION PROGRAMS

WAC

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148-171-601	Due process rights and procedures.
148-171-605	Request for hearing, notice by parent.
148-171-610	Repealed.
148-171-620	Repealed.
148-171-630	Repealed.
148-171-640	Repealed.
148-171-650	Surrogate parents.
148-171-700	Repealed.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

148-171-130	Summary analysis of assessment data. [Statutory Authority: RCW 72.40.022 and 20 U.S.C. §§1401, 1412-1417. 90-16-016, § 148-171-130, filed 7/19/90, effective 8/19/90.] Repealed by 01-16-101, filed 7/27/01, effective 8/27/01. Statutory Authority: RCW 72.40.022.
148-171-200	Definition. [Statutory Authority: RCW 72.40.022 and 20 U.S.C. §§1401, 1412-1417. 90-16-016, § 148-171-200, filed 7/19/90, effective 8/19/90.] Repealed by 01-16-101, filed 7/27/01, effective 8/27/01. Statutory Authority: RCW 72.40.022.
148-171-400	Annual review of placement and student progress—Program evaluation. [Statutory Authority: RCW 72.40.022 and 20 U.S.C. §§1401, 1412-1417. 90-16-016, § 148-171-400, filed 7/19/90, effective 8/19/90.] Repealed by 01-16-101, filed 7/27/01, effective 8/27/01. Statutory Authority: RCW 72.40.022.
148-171-420	Reassessment purposes. [Statutory Authority: RCW 72.40.022 and 20 U.S.C. §§1401, 1412-1417. 90-16-016, § 148-171-420, filed 7/19/90, effective 8/19/90.] Repealed by 01-16-101, filed 7/27/01, effective 8/27/01. Statutory Authority: RCW 72.40.022.
148-171-430	Reassessment notice. [Statutory Authority: RCW 72.40.022 and 20 U.S.C. §§1401, 1412-1417. 90-16-016, § 148-171-430, filed 7/19/90, effective 8/19/90.] Repealed by 01-16-101, filed 7/27/01, effective 8/27/01. Statutory Authority: RCW 72.40.022.
148-171-600	Right to initiate. [Statutory Authority: RCW 72.40.022 and 20 U.S.C. §§1401, 1412-1417. 90-16-016, § 148-171-600, filed 7/19/90, effective 8/19/90.] Repealed by 01-16-101, filed 7/27/01, effective 8/27/01. Statutory Authority: RCW 72.40.022.
148-171-610	Hearing rights. [Statutory Authority: RCW 72.40.022 and 20 U.S.C. §§1401, 1412-1417. 90-16-016, § 148-171-610, filed 7/19/90, effective 8/19/90.] Repealed by 01-16-101, filed 7/27/01, effective 8/27/01. Statutory Authority: RCW 72.40.022.
148-171-620	Timeline for decision. [Statutory Authority: RCW 72.40.022 and 20 U.S.C. §§1401, 1412-1417. 90-16-016, § 148-171-620, filed 7/19/90, effective 8/19/90.] Repealed by 01-16-101, filed 7/27/01, effective 8/27/01. Statutory Authority: RCW 72.40.022.
148-171-630	Petition for review. [Statutory Authority: RCW 72.40.022 and 20 U.S.C. §§1401, 1412-1417. 90-16-016, § 148-171-630, filed 7/19/90, effective 8/19/90.] Repealed by 01-16-101, filed 7/27/01, effective 8/27/01. Statutory Authority: RCW 72.40.022.
148-171-640	Student's status during proceedings. [Statutory Authority: RCW 72.40.022 and 20 U.S.C. §§1401, 1412-1417.]

90-16-016, § 148-171-640, filed 7/19/90, effective 8/19/90.] Repealed by 01-16-101, filed 7/27/01, effective 8/27/01. Statutory Authority: RCW 72.40.022.

148-171-700 Administration of medication. [Statutory Authority: RCW 72.40.022. 90-23-053, § 148-171-700, filed 11/19/90, effective 12/20/90.] Repealed by 01-16-101, filed 7/27/01, effective 8/27/01. Statutory Authority: RCW 72.40.022.

WAC 148-171-001 Purposes. The purposes of this chapter are:

(1) To implement chapter 72.40 RCW in a manner that is compatible with chapter 28A.155 RCW and in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. Sec. 1400 et seq.; and

(2) To meet the obligations of additional federal and state civil rights laws (e.g., 29 U.S.C. Sec. 794, 42 U.S.C. Sec. 12132, RCW 49.60.030) that apply to students who have a disability regardless of the student's eligibility for special education and related services.

[Statutory Authority: RCW 72.40.022. 01-16-101, § 148-171-001, filed 7/27/01, effective 8/27/01. Statutory Authority: RCW 72.40.022 and 20 U.S.C. §§1401, 1412-1417. 90-16-016, § 148-171-001, filed 7/19/90, effective 8/19/90.]

WAC 148-171-010 Definitions. The definitions set forth in WAC 392-172-035, 392-172-040, 392-172-045, 392-172-055, 392-172-065, 392-172-070, 392-172-073, and 392-172-075 are hereby incorporated by reference into this chapter and should be referred to if necessary. The Washington school for the deaf, a "public agency" as defined in WAC 392-172-035 (6)(c), is a "state operated program."

[Statutory Authority: RCW 72.40.022. 01-16-101, § 148-171-010, filed 7/27/01, effective 8/27/01. Statutory Authority: RCW 72.40.022 and 20 U.S.C. §§1401, 1412-1417. 90-16-016, § 148-171-010, filed 7/19/90, effective 8/19/90.]

WAC 148-171-015 Definition and eligibility criteria for deafness and hearing impairment. The definitions and eligibility criteria in WAC 392-172-138 and 392-172-140 are adopted by reference.

[Statutory Authority: RCW 72.40.022. 01-16-101, § 148-171-015, filed 7/27/01, effective 8/27/01. Statutory Authority: RCW 72.40.022 and 20 U.S.C. §§1401, 1412-1417. 90-16-016, § 148-171-015, filed 7/19/90, effective 8/19/90.]

WAC 148-171-110 General areas of evaluation. WAC 392-172-106 is adopted by reference.

[Statutory Authority: RCW 72.40.022. 01-16-101, § 148-171-110, filed 7/27/01, effective 8/27/01. Statutory Authority: RCW 72.40.022 and 20 U.S.C. §§1401, 1412-1417. 90-16-016, § 148-171-110, filed 7/19/90, effective 8/19/90.]

WAC 148-171-120 Evaluation procedures. The evaluation or reevaluation of any student shall be performed using the procedures established in chapter 392-172 WAC except as specifically provided otherwise in this chapter.

Evaluations may include assessments to identify students who present a moderate or high risk of sexually aggressive behavior or who may be vulnerable to victimization by such students, as required by RCW 72.40.270. Evaluations will be conducted by a group of qualified professionals selected by the Washington school for the deaf who are

knowledgeable about the student, the suspected area of disability, and in cases where assessment is required by RCW 72.40.270, sexual abuse and assault.

[Statutory Authority: RCW 72.40.022. 01-16-101, § 148-171-120, filed 7/27/01, effective 8/27/01. Statutory Authority: RCW 72.40.022 and 20 U.S.C. §§1401, 1412-1417. 90-16-016, § 148-171-120, filed 7/19/90, effective 8/19/90.]

WAC 148-171-130 Repealed. See Disposition Table at beginning of this chapter.

WAC 148-171-131 Evaluation report and documentation of determination of eligibility. WAC 392-172-10905 is adopted by reference.

[Statutory Authority: RCW 72.40.022. 01-16-101, § 148-171-131, filed 7/27/01, effective 8/27/01.]

WAC 148-171-140 Independent educational evaluation. WAC 392-172-150 is adopted by reference.

[Statutory Authority: RCW 72.40.022. 01-16-101, § 148-171-140, filed 7/27/01, effective 8/27/01. Statutory Authority: RCW 72.40.022 and 20 U.S.C. §§1401, 1412-1417. 90-16-016, § 148-171-140, filed 7/19/90, effective 8/19/90.]

WAC 148-171-150 Admission and placement—Annual review. (1) Upon a referral for admission and placement from a parent, legal guardian, emancipated minor, adult student, or local educational agency (LEA), a Washington school for the deaf admissions team will assess the appropriateness of placement of a deaf or hard-of-hearing student residing in the state of Washington as provided for under this chapter.

(2) Applications for placement shall be in writing and shall include the reason for referral. Reasons for referral to the school for the deaf may include, but are not limited to: Specific services not readily available in the local school district for deaf or hard-of-hearing students, need for more intensive language development, assistive listening devices, greater array of auditory support services, social skill development, leisure time skill development, and organization skill development.

(3) The LEA will be notified if the referral is from a parent and the student's records will be requested. The following records must be received prior to review by the school's admissions team: Complete application materials, most recent IEP, most recent three-year summary assessment or evaluation, psychological records, transcripts (for high school students), all records subject to disclosure under RCW 28A.225.330, including, but not limited to: History of disciplinary actions, criminal or violent behavior, or other behavior that indicates the student could be a threat to the safety of educational staff or other students.

(4) The admissions team shall review the records and if the information is complete, determine whether to proceed with or terminate the application.

(5) Placement of a student at the school for the deaf shall be determined at a meeting conducted pursuant to WAC 148-171-210.

(6) The determination of the appropriate placement for a student shall be based upon:

(a) The student's individualized education program (IEP);

(b) The least restrictive environment requirements of WAC 392-172-172;

(c) The placement option(s) that provides a reasonably high probability of assisting the student to attain his or her annual goals;

(d) A consideration of any potential harmful effect on the student or on the quality of services which he or she needs; and

(e) The status of the student as an adjudicated sex offender.

(7) The decision on the educational placement shall be made by a group of persons, including the parents, the LEA, and other persons knowledgeable about the student, the evaluation data, and the placement options.

(8) Pursuant to RCW 72.40.040(4) and 72.40.050(2), admission and retention at the Washington school for the deaf may be denied for a student who is an adjudicated sex offender.

(9) The educational placement of each student shall be determined at least annually at a meeting conducted pursuant to WAC 148-171-210.

[Statutory Authority: RCW 72.40.022. 01-16-101, § 148-171-150, filed 7/27/01, effective 8/27/01. Statutory Authority: RCW 72.40.022 and 20 U.S.C. §§ 1401, 1412-1417. 90-16-016, § 148-171-150, filed 7/19/90, effective 8/19/90.]

WAC 148-171-200 Repealed. See Disposition Table at beginning of this chapter.

WAC 148-171-210 IEP meetings. WAC 392-172-156 is adopted by reference.

[Statutory Authority: RCW 72.40.022. 01-16-101, § 148-171-210, filed 7/27/01, effective 8/27/01. Statutory Authority: RCW 72.40.022 and 20 U.S.C. §§ 1401, 1412-1417. 90-16-016, § 148-171-210, filed 7/19/90, effective 8/19/90.]

WAC 148-171-220 Participants in IEP meetings. WAC 392-172-153 is adopted by reference.

Involvement and participation of the LEA at meetings in which a decision is to be made relating to the educational placement of the student is considered essential for meaningful discussion to occur. A representative of the student's LEA will be invited to meetings involving an IEP, transition services, or placement. The LEA representative should be an individual who is knowledgeable about the availability of resources of the LEA, authorized to allocate resources, or develop collaborative requests for funding to establish programs to meet a student's extraordinary program needs. If the LEA representative is unable to attend the meeting, Washington school for the deaf staff shall keep the LEA representative informed of the proceedings and obtain information that will assist in the provision of services.

[Statutory Authority: RCW 72.40.022. 01-16-101, § 148-171-220, filed 7/27/01, effective 8/27/01. Statutory Authority: RCW 72.40.022 and 20 U.S.C. §§ 1401, 1412-1417. 90-16-016, § 148-171-220, filed 7/19/90, effective 8/19/90.]

WAC 148-171-230 Parent participation and involvement. WAC 392-172-15700 and 392-172-15705 are adopted by reference.

Inclusion of an LEA representative in meetings with the parent(s) will be encouraged and appropriate notice to the parent(s) will be provided.

[Statutory Authority: RCW 72.40.022. 01-16-101, § 148-171-230, filed 7/27/01, effective 8/27/01. Statutory Authority: RCW 72.40.022 and 20 U.S.C. §§ 1401, 1412-1417. 90-16-016, § 148-171-230, filed 7/19/90, effective 8/19/90.]

WAC 148-171-240 Individualized education program. WAC 392-172-160 is adopted by reference.

[Statutory Authority: RCW 72.40.022. 01-16-101, § 148-171-240, filed 7/27/01, effective 8/27/01. Statutory Authority: RCW 72.40.022 and 20 U.S.C. §§ 1401, 1412-1417. 90-16-016, § 148-171-240, filed 7/19/90, effective 8/19/90.]

WAC 148-171-242 Individualized education program—Implementation. WAC 392-172-158 is adopted by reference.

[Statutory Authority: RCW 72.40.022. 01-16-101, § 148-171-242, filed 7/27/01, effective 8/27/01.]

WAC 148-171-244 Individualized education program—Development, review, revision—Consideration of special factors. WAC 392-172-159 is adopted by reference.

[Statutory Authority: RCW 72.40.022. 01-16-101, § 148-171-244, filed 7/27/01, effective 8/27/01.]

WAC 148-171-400 Repealed. See Disposition Table at beginning of this chapter.

WAC 148-171-410 Reevaluation. WAC 392-172-182 through 392-172-190 are adopted by reference.

The student's LEA should continue to be involved in the planning for any student who is enrolled at the Washington school for the deaf; therefore, the group of individuals referred to in the reevaluation procedures adopted by reference should include a representative of the LEA.

[Statutory Authority: RCW 72.40.022. 01-16-101, § 148-171-410, filed 7/27/01, effective 8/27/01. Statutory Authority: RCW 72.40.022 and 20 U.S.C. §§ 1401, 1412-1417. 90-16-016, § 148-171-410, filed 7/19/90, effective 8/19/90.]

WAC 148-171-420 Repealed. See Disposition Table at beginning of this chapter.

WAC 148-171-430 Repealed. See Disposition Table at beginning of this chapter.

WAC 148-171-500 When prior notice must be given. WAC 392-172-302 is adopted by reference. Where the adopted rule refers to WAC 392-172-306, refer to WAC 148-171-510.

[Statutory Authority: RCW 72.40.022. 01-16-101, § 148-171-500, filed 7/27/01, effective 8/27/01. Statutory Authority: RCW 72.40.022 and 20 U.S.C. §§ 1401, 1412-1417. 90-16-016, § 148-171-500, filed 7/19/90, effective 8/19/90.]

WAC 148-171-510 Contents of prior written notice. WAC 392-172-306 is adopted by reference. Where the adopted rule refers to WAC 392-172-302, refer to WAC 148-171-500.

[Statutory Authority: RCW 72.40.022. 01-16-101, § 148-171-510, filed 7/27/01, effective 8/27/01. Statutory Authority: RCW 72.40.022 and 20 U.S.C. §§1401, 1412-1417. 90-16-016, § 148-171-510, filed 7/19/90, effective 8/19/90.]

WAC 148-171-512 Parent consent. WAC 392-172-304 is adopted by reference. Where the adopted rule refers to WAC 392-172-185 (reevaluation), refer to WAC 148-171-120.

[Statutory Authority: RCW 72.40.022. 01-16-101, § 148-171-512, filed 7/27/01, effective 8/27/01.]

WAC 148-171-514 Transfer of parental rights at age of majority. WAC 392-172-309 is adopted by reference.

[Statutory Authority: RCW 72.40.022. 01-16-101, § 148-171-514, filed 7/27/01, effective 8/27/01.]

WAC 148-171-550 Mediation. In order to ensure that mediation is available to resolve disagreements concerning the identification, evaluation, educational placement of the student or provision of FAPE to the student, and disputes involving any matter where a hearing is requested under this chapter, WAC 392-172-310 through 392-172-317 are adopted and incorporated by reference.

[Statutory Authority: RCW 72.40.022. 01-16-101, § 148-171-550, filed 7/27/01, effective 8/27/01.]

WAC 148-171-600 Repealed. See Disposition Table at beginning of this chapter.

WAC 148-171-601 Due process rights and procedures. (1) Hearing rights and procedures shall be consistent with the requirements applicable to public agencies in WAC 392-172-350 through 392-172-364, which are adopted by reference.

(2) A parent, adult student, or the superintendent (or designee) may initiate a hearing in any of the matters and for the purposes stated in WAC 392-172-350(1).

(3) Where the adopted rule refers to WAC 392-172-150 (independent educational evaluation), refer to WAC 148-171-140.

[Statutory Authority: RCW 72.40.022. 01-16-101, § 148-171-601, filed 7/27/01, effective 8/27/01.]

WAC 148-171-605 Request for hearing, notice by parent. In addition to the information required in WAC 392-172-350(2), the parent, adult student, or the attorney representing the student must provide notice (which must remain confidential) to the Washington school for the deaf in a request for a hearing to the office of the superintendent of public instruction. The notice must include:

- (1) The name of the student;
- (2) The address of the residence of the student;
- (3) The name of the school the student is attending;

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(4) A description of the nature of the problem of the student relating to the proposed initiation or change, including facts relating to the problem; and

(5) A proposed resolution of the problem to the extent known and available to the parents at the time.

[Statutory Authority: RCW 72.40.022. 01-16-101, § 148-171-605, filed 7/27/01, effective 8/27/01.]

WAC 148-171-610 Repealed. See Disposition Table at beginning of this chapter.

WAC 148-171-620 Repealed. See Disposition Table at beginning of this chapter.

WAC 148-171-630 Repealed. See Disposition Table at beginning of this chapter.

WAC 148-171-640 Repealed. See Disposition Table at beginning of this chapter.

WAC 148-171-650 Surrogate parents. WAC 392-172-308 is adopted by reference. The definition of "parent" in WAC 392-172-035(5) is adopted by reference in WAC 148-171-010.

[Statutory Authority: RCW 72.40.022. 01-16-101, § 148-171-650, filed 7/27/01, effective 8/27/01. Statutory Authority: RCW 72.40.022 and 20 U.S.C. §§1401, 1412-1417. 90-16-016, § 148-171-650, filed 7/19/90, effective 8/19/90.]

WAC 148-171-700 Repealed. See Disposition Table at beginning of this chapter.

Title 173 WAC

ECOLOGY, DEPARTMENT OF

OF

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