

Chapter 148-172 WAC

RULES FOR THE PROVISION OF SPECIAL EDUCATION

WAC

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WAC 148-172-001 Purposes. The purposes of this chapter are:

(1) To implement chapter 72.40 RCW in a manner that is compatible with chapters 28A.155 RCW and 392-172A WAC, and in compliance with the Individuals with Disabilities Education Act, as amended by the Individuals with Disabilities Education Improvement Act of 2004, 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.

(3) Unless the context clearly requires otherwise, the rules for the provision of special education, contained in chapter 392-172A WAC, are incorporated by reference: Provided, That the Washington state center for childhood deafness and hearing loss (center) may undertake the responsibilities of a local educational agency (LEA) in providing a free appropriate public education only to the extent authorized by chapter 72.40 RCW and inclusion as an LEA makes the center eligible for assistance under the Individuals with Disabilities Education Act.

(4) This chapter sets forth rules and procedures applicable to the provision of special education and related services for eligible students at the center. It should be read in conjunction with chapter 392-172A WAC. In case of any conflict between specific rules and procedures adopted herein, and the rules and regulations in chapter 392-172A WAC, the specific rules and procedures shall control.

(5) Where the term "school district" is used in this chapter, it shall mean the LEA or local school district, as defined and described in RCW 28A.315.025, where a student would be enrolled and/or attending.

[Statutory Authority: RCW 72.40.0191, 42 U.S.C. §§ 1400 et seq. and chapter 28A.155 RCW. 11-05-033, § 148-172-001, filed 2/8/11, effective 3/11/11.]

WAC 148-172-100 Admission and initial evaluation.

(1) A parent, guardian, local education agency or school district may refer a student for admission to the Washington state school for the deaf (WSD) at the center. Students who are eighteen years old or are deemed to have reached the age of majority, consistent with RCW 26.28.010 through 26.28-020, and who are eligible for special education may self-refer for admission.

(2) An application packet for new students may be obtained by contacting the office of the superintendent at 360-696-6525 x0401 V/TTY, or through the link on the school's web site at <http://www.wsd.wa.gov/about/admissions.aspx>. Applications for admission shall include the reason(s) for referral.

(3) WSD will assess the appropriateness of admission by first considering the student for evaluation in a diagnostic placement. A diagnostic placement allows school personnel to obtain necessary information about the student's needs and to evaluate how the student will fare in a placement at WSD. The diagnostic placement is limited to forty-five school days. A visit by the parent(s)/guardian(s) and student to WSD is required before a diagnostic placement is initiated.

(4) WSD will request the following records from the student's current school district. All requested records must be received before the admissions team will consider and make a decision on the application for a diagnostic placement:

(a) All completed forms and material in the application packet;

(b) Student's most recent individualized education program (IEP);

(c) Student's most recent triennial evaluation report;

(d) All psychological records;

(e) High school transcripts or academic records and report cards;

(f) Records of all behavioral information, including history of criminal or violent behavior; past, current or pending disciplinary history; and other behavior that indicates the student could be a threat to the safety of staff and students; and information that would be required under RCW 28A.225-330. Any falsification of or withholding of information will result in the termination of the application process, the evaluation, or continued placement; and

(g) Needs assessment inventory interview (NAII) and safety risk matrix completed by the parent(s).

If access to necessary information requires parental or student consent for the exchange of information with a third party, all such written consents must be attached to the completed application.

(5) If a student is deemed to pose a safety risk after review of the records submitted during the admissions process, the admissions team and/or the superintendent may:

(a) Deny the application for diagnostic placement; or

(b) Develop a safety plan designed to mitigate perceived safety risk(s).

If the safety plan can be implemented within existing resources at WSD, the admissions team may accept the student for diagnostic placement. If all elements of the safety plan cannot be accomplished within existing resources at Washington school for the deaf, the application shall be denied unless additional resources which are needed to ensure the safety of the student, staff and other students can

be provided through an interagency agreement with the LEA or other agency.

(6)(a) Upon approval of the application for diagnostic placement, the admissions team will establish the beginning date of the diagnostic placement.

(b) The LEA or school district is responsible for ensuring that the student's IEP and evaluations remain current and valid through the end of the diagnostic placement.

(c) The admissions team will review the student's current IEP from the LEA or school district to ascertain whether any modifications should be considered or made for the purposes of the diagnostic placement. All modifications must be approved by the parent. Modifications to a student's educational program for the purposes of a diagnostic placement shall not constitute a change in placement for purposes of the Individuals with Disabilities in Education Act or stay-put under WAC 392-172A-05125.

(d) The admissions team will provide prior written notification to the parent, LEA or school district that the diagnostic placement shall not exceed forty-five school days and shall not become the student's stay-put or current educational placement should the parent(s) or school district contest the decision on the student's educational placement at the conclusion of the diagnostic placement.

(7) Residential program services may be available to a student during a diagnostic placement: Provided, That:

(a) The student is accepted into the academic program for diagnostic purposes;

(b) The residential program has space available and can provide the needed services;

(c) A one-way commute by school bus is greater than sixty minutes; and

(d) The student is able to finger-feed, chew and swallow most foods, indicated need for help when self-soiled or wet, and assist in self-dressing and bathing.

(8) Prior to the end of the diagnostic placement timeline, the admissions team will meet to determine whether the student may be enrolled at WSD.

(a) If enrollment is approved, one of the following options will occur:

(i) The student's evaluation and IEP from the school district is reviewed and adopted following office of the superintendent of public instruction (OSPI) transfer procedures;

(ii) The student's evaluation from the school district is reviewed and accepted following OSPI transfer procedures, and a new IEP is developed; or

(iii) WSD will conduct a reevaluation and develop a new IEP.

(b) If enrollment is denied, partnerships and interagency agreements with LEAs and school districts may be developed to support a student's educational placement at the school for the deaf when a lack of existing resources is a reason for denying enrollment. WSD does not constitute a potential stay-put placement for students who have been denied enrollment but may be receiving services at WSD pursuant to an interagency agreement.

(9) Pursuant to RCW 72.40.040, WSD shall not admit and may not retain any student who is an adjudicated sex offender, classified level III pursuant to RCW 13.40.217 or 72.09.345. It is the policy of the school to deny admission to

any student who has sexually abused, assaulted or victimized any student who is currently enrolled at WSD.

[Statutory Authority: RCW 72.40.0191, 42 U.S.C. §§ 1400 et seq. and chapter 28A.155 RCW. 11-05-033, § 148-172-100, filed 2/8/11, effective 3/11/11.]

WAC 148-172-105 Assessment to identify students at risk for sexually aggressive behavior is not an evaluation.

The assessment to identify residential students who present a moderate or high risk of sexually aggressive behavior or who may be vulnerable to victimization by such students, required by RCW 72.40.270, shall not be considered an evaluation for eligibility for special education and related services.

[Statutory Authority: RCW 72.40.0191, 42 U.S.C. §§ 1400 et seq. and chapter 28A.155 RCW. 11-05-033, § 148-172-105, filed 2/8/11, effective 3/11/11.]

WAC 148-172-200 Child find. The purpose of child find is to locate, evaluate and identify children with suspected disabilities in need of special education services including those who are not currently receiving special education and related services and who may be eligible for those services. In conjunction with child find activities conducted by school districts pursuant to WAC 392-172A-02040 and the reports on deaf or hard of hearing children provided by educational service districts pursuant to RCW 72.40.070, CDHL will provide an online survey three times per school year (fall, winter, spring) to all special education directors to identify children within their districts who are deaf, deaf-blind or hard of hearing; information to school districts regarding service delivery options in the state for students who are deaf, deaf-blind or hard of hearing; a resource and referral guide listing programs and services available statewide; and a mechanism for school districts to request training and/or consultation support for district personnel.

[Statutory Authority: RCW 72.40.0191, 42 U.S.C. §§ 1400 et seq. and chapter 28A.155 RCW. 11-05-033, § 148-172-200, filed 2/8/11, effective 3/11/11.]

WAC 148-172-300 Least restrictive environment.

Notwithstanding the provisions of WAC 392-172A-02050, the IEP team may conclude that a student will receive greater benefit from education in a specialized setting due to specific instructional and related services needs such that the least restrictive environment and appropriate placement for a student may be WSD.

[Statutory Authority: RCW 72.40.0191, 42 U.S.C. §§ 1400 et seq. and chapter 28A.155 RCW. 11-05-033, § 148-172-300, filed 2/8/11, effective 3/11/11.]