

# Chapter 72-171 WAC

## SPECIAL EDUCATION PROGRAMS

### WAC

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### DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

72-171-010	Definitions. [Statutory Authority: RCW 72.40.022. WSR 01-16-022, § 72-171-010, filed 7/20/01, effective 8/20/01. Statutory Authority: RCW 72.40.022 and 20 U.S.C. §§1401, 1412-1417. WSR 90-16-008, § 72-171-010, filed 7/19/90, effective 8/19/90.] Repealed by WSR 16-13-070, filed 6/13/16, effective 7/14/16. Statutory Authority: RCW 72.40.022 and 28A.155.010.
72-171-016	Definition and eligibility criteria for deaf-blind. [Statutory Authority: RCW 72.40.022. WSR 01-16-022, § 72-171-016, filed 7/20/01, effective 8/20/01. Statutory Authority: RCW 72.40.022 and 20 U.S.C. §§1401, 1412-1417. WSR 90-16-008, § 72-171-016, filed 7/19/90, effective 8/19/90.] Repealed by WSR 16-13-070, filed 6/13/16, effective 7/14/16. Statutory Authority: RCW 72.40.022 and 28A.155.010.
72-171-100	Initial assessment. [Statutory Authority: RCW 72.40.022 and 20 U.S.C. §§1401, 1412-1417. WSR 90-16-008, § 72-171-100, filed 7/19/90, effective 8/19/90.] Repealed by WSR 01-16-022, filed 7/20/01, effective 8/20/01. Statutory Authority: RCW 72.40.022.
72-171-110	General areas of evaluation. [Statutory Authority: RCW 72.40.022. WSR 01-16-022, § 72-171-110, filed 7/20/01, effective 8/20/01. Statutory Authority: RCW 72.40.022 and 20 U.S.C. §§1401, 1412-1417. WSR 90-16-008, § 72-171-110, filed 7/19/90, effective 8/19/90.] Repealed by WSR 16-13-070, filed 6/13/16, effective 7/14/16. Statutory Authority: RCW 72.40.022 and 28A.155.010.
72-171-130	Summary analysis of assessment data. [Statutory Authority: RCW 72.40.022 and 20 U.S.C. §§1401, 1412-1417. WSR 90-16-008, § 72-171-130, filed 7/19/90, effective 8/19/90.] Repealed by WSR 01-16-022, filed 7/20/01, effective 8/20/01. Statutory Authority: RCW 72.40.022.
72-171-131	Evaluation report and documentation of determination of eligibility. [Statutory Authority: RCW 72.40.022. WSR 01-16-022, § 72-171-131, filed 7/20/01, effective 8/20/01.] Repealed by WSR 16-13-070, filed 6/13/16, effective 7/14/16. Statutory Authority: RCW 72.40.022 and 28A.155.010.
72-171-140	Independent educational evaluation. [Statutory Authority: RCW 72.40.022. WSR 01-16-022, § 72-171-140, filed 7/20/01, effective 8/20/01. Statutory Authority: RCW 72.40.022 and 20 U.S.C. §§1401, 1412-1417. WSR 90-16-008, § 72-171-140, filed 7/19/90, effective 8/19/90.] Repealed by WSR 16-13-070, filed 6/13/16, effective 7/14/16. Statutory Authority: RCW 72.40.022 and 28A.155.010.
72-171-200	Definition. [Statutory Authority: RCW 72.40.022 and 20 U.S.C. §§1401, 1412-1417. WSR 90-16-008, § 72-171-200, filed 7/19/90, effective 8/19/90.] Repealed by WSR 01-16-022, filed 7/20/01, effective 8/20/01. Statutory Authority: RCW 72.40.022.
72-171-210	IEP meetings. [Statutory Authority: RCW 72.40.022. WSR 01-16-022, § 72-171-210, filed 7/20/01, effective 8/20/01. Statutory Authority: RCW 72.40.022 and 20 U.S.C. §§1401, 1412-1417. WSR 90-16-008, § 72-171-210, filed 7/19/90, effective 8/19/90.] Repealed by WSR 16-13-070, filed 6/13/16, effective 7/14/16. Statutory Authority: RCW 72.40.022 and 28A.155.010.

72-171-230	Parent participation and involvement. [Statutory Authority: RCW 72.40.022. WSR 01-16-022, § 72-171-230, filed 7/20/01, effective 8/20/01. Statutory Authority: RCW 72.40.022 and 20 U.S.C. §§1401, 1412-1417. WSR 90-16-008, § 72-171-230, filed 7/19/90, effective 8/19/90.] Repealed by WSR 16-13-070, filed 6/13/16, effective 7/14/16. Statutory Authority: RCW 72.40.022 and 28A.155.010.
72-171-240	Individualized education program. [Statutory Authority: RCW 72.40.022. WSR 01-16-022, § 72-171-240, filed 7/20/01, effective 8/20/01. Statutory Authority: RCW 72.40.022 and 20 U.S.C. §§1401, 1412-1417. WSR 90-16-008, § 72-171-240, filed 7/19/90, effective 8/19/90.] Repealed by WSR 16-13-070, filed 6/13/16, effective 7/14/16. Statutory Authority: RCW 72.40.022 and 28A.155.010.
72-171-242	Individualized education program—Implementation. [Statutory Authority: RCW 72.40.022. WSR 01-16-022, § 72-171-242, filed 7/20/01, effective 8/20/01.] Repealed by WSR 16-13-070, filed 6/13/16, effective 7/14/16. Statutory Authority: RCW 72.40.022 and 28A.155.010.
72-171-244	Individualized education program—Development, review, revision—Consideration of special factors. [Statutory Authority: RCW 72.40.022. WSR 01-16-022, § 72-171-244, filed 7/20/01, effective 8/20/01.] Repealed by WSR 16-13-070, filed 6/13/16, effective 7/14/16. Statutory Authority: RCW 72.40.022 and 28A.155.010.
72-171-400	Annual review of placement and student progress—Program evaluation. [Statutory Authority: RCW 72.40.022 and 20 U.S.C. §§1401, 1412-1417. WSR 90-16-008, § 72-171-400, filed 7/19/90, effective 8/19/90.] Repealed by WSR 01-16-022, filed 7/20/01, effective 8/20/01. Statutory Authority: RCW 72.40.022.
72-171-410	Reevaluation. [Statutory Authority: RCW 72.40.022. WSR 01-16-022, § 72-171-410, filed 7/20/01, effective 8/20/01. Statutory Authority: RCW 72.40.022 and 20 U.S.C. §§1401, 1412-1417. WSR 90-16-008, § 72-171-410, filed 7/19/90, effective 8/19/90.] Repealed by WSR 16-13-070, filed 6/13/16, effective 7/14/16. Statutory Authority: RCW 72.40.022 and 28A.155.010.
72-171-420	Reassessment purposes. [Statutory Authority: RCW 72.40.022 and 20 U.S.C. §§1401, 1412-1417. WSR 90-16-008, § 72-171-420, filed 7/19/90, effective 8/19/90.] Repealed by WSR 01-16-022, filed 7/20/01, effective 8/20/01. Statutory Authority: RCW 72.40.022.
72-171-430	Reassessment notice. [Statutory Authority: RCW 72.40.022 and 20 U.S.C. §§1401, 1412-1417. WSR 90-16-008, § 72-171-430, filed 7/19/90, effective 8/19/90.] Repealed by WSR 01-16-022, filed 7/20/01, effective 8/20/01. Statutory Authority: RCW 72.40.022.
72-171-500	When prior notice must be given. [Statutory Authority: RCW 72.40.022. WSR 01-16-022, § 72-171-500, filed 7/20/01, effective 8/20/01. Statutory Authority: RCW 72.40.022 and 20 U.S.C. §§1401, 1412-1417. WSR 90-16-008, § 72-171-500, filed 7/19/90, effective 8/19/90.] Repealed by WSR 16-13-070, filed 6/13/16, effective 7/14/16. Statutory Authority: RCW 72.40.022 and 28A.155.010.
72-171-510	Contents of prior written notice. [Statutory Authority: RCW 72.40.022. WSR 01-16-022, § 72-171-510, filed 7/20/01, effective 8/20/01. Statutory Authority: RCW 72.40.022 and 20 U.S.C. §§1401, 1412-1417. WSR 90-16-008, § 72-171-510, filed 7/19/90, effective 8/19/90.] Repealed by WSR 16-13-070, filed 6/13/16, effective 7/14/16. Statutory Authority: RCW 72.40.022 and 28A.155.010.
72-171-512	Parent consent. [Statutory Authority: RCW 72.40.022. WSR 01-16-022, § 72-171-512, filed 7/20/01, effective 8/20/01.] Repealed by WSR 16-13-070, filed 6/13/16, effective 7/14/16. Statutory Authority: RCW 72.40.022 and 28A.155.010.

- 72-171-514 Transfer of parental rights at age of majority. [Statutory Authority: RCW 72.40.022. WSR 01-16-022, § 72-171-514, filed 7/20/01, effective 8/20/01.] Repealed by WSR 16-13-070, filed 6/13/16, effective 7/14/16. Statutory Authority: RCW 72.40.022 and 28A.155.010.
- 72-171-550 Mediation. [Statutory Authority: RCW 72.40.022. WSR 01-16-022, § 72-171-550, filed 7/20/01, effective 8/20/01.] Repealed by WSR 16-13-070, filed 6/13/16, effective 7/14/16. Statutory Authority: RCW 72.40.022 and 28A.155.010.
- 72-171-600 Right to initiate. [Statutory Authority: RCW 72.40.022 and 20 U.S.C. §§1401, 1412-1417. WSR 90-16-008, § 72-171-600, filed 7/19/90, effective 8/19/90.] Repealed by WSR 01-16-022, filed 7/20/01, effective 8/20/01. Statutory Authority: RCW 72.40.022.
- 72-171-601 Due process rights and procedures. [Statutory Authority: RCW 72.40.022. WSR 01-16-022, § 72-171-601, filed 7/20/01, effective 8/20/01.] Repealed by WSR 16-13-070, filed 6/13/16, effective 7/14/16. Statutory Authority: RCW 72.40.022 and 28A.155.010.
- 72-171-605 Request for hearing, notice by parent. [Statutory Authority: RCW 72.40.022. WSR 01-16-022, § 72-171-605, filed 7/20/01, effective 8/20/01.] Repealed by WSR 16-13-070, filed 6/13/16, effective 7/14/16. Statutory Authority: RCW 72.40.022 and 28A.155.010.
- 72-171-610 Hearing rights. [Statutory Authority: RCW 72.40.022 and 20 U.S.C. §§1401, 1412-1417. WSR 90-16-008, § 72-171-610, filed 7/19/90, effective 8/19/90.] Repealed by WSR 01-16-022, filed 7/20/01, effective 8/20/01. Statutory Authority: RCW 72.40.022.
- 72-171-620 Timeline for decision. [Statutory Authority: RCW 72.40.022 and 20 U.S.C. §§1401, 1412-1417. WSR 90-16-008, § 72-171-620, filed 7/19/90, effective 8/19/90.] Repealed by WSR 01-16-022, filed 7/20/01, effective 8/20/01. Statutory Authority: RCW 72.40.022.
- 72-171-630 Petition for review. [Statutory Authority: RCW 72.40.022 and 20 U.S.C. §§1401, 1412-1417. WSR 90-16-008, § 72-171-630, filed 7/19/90, effective 8/19/90.] Repealed by WSR 01-16-022, filed 7/20/01, effective 8/20/01. Statutory Authority: RCW 72.40.022.
- 72-171-640 Student's status during proceedings. [Statutory Authority: RCW 72.40.022 and 20 U.S.C. §§1401, 1412-1417. WSR 90-16-008, § 72-171-640, filed 7/19/90, effective 8/19/90.] Repealed by WSR 01-16-022, filed 7/20/01, effective 8/20/01. Statutory Authority: RCW 72.40.022.
- 72-171-650 Surrogate parents. [Statutory Authority: RCW 72.40.022. WSR 01-16-022, § 72-171-650, filed 7/20/01, effective 8/20/01; WSR 90-23-055, § 72-171-650, filed 11/19/90, effective 12/20/90.] Repealed by WSR 16-13-070, filed 6/13/16, effective 7/14/16. Statutory Authority: RCW 72.40.022 and 28A.155.010.
- 72-171-700 Administration of medication. [Statutory Authority: RCW 72.40.022. WSR 90-23-054, § 72-171-700, filed 11/19/90, effective 12/20/90.] Repealed by WSR 01-16-022, filed 7/20/01, effective 8/20/01. Statutory Authority: RCW 72.40.022.
- 72-171-710 Aversive interventions. [Statutory Authority: RCW 72.40.022. WSR 01-16-022, § 72-171-710, filed 7/20/01, effective 8/20/01.] Repealed by WSR 16-13-070, filed 6/13/16, effective 7/14/16. Statutory Authority: RCW 72.40.022 and 28A.155.010.

**WAC 72-171-001 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 Improvement Act, 20 U.S.C. Sec. 1400 et seq.;
- (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 school for the blind

(WSSB) 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 school 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 WSSB. 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, local school district, or resident district, where a student would be enrolled and/or attending.

[Statutory Authority: RCW 72.40.022 and 28A.155.010. WSR 16-13-070, § 72-171-001, filed 6/13/16, effective 7/14/16. Statutory Authority: RCW 72.40.022. WSR 01-16-022, § 72-171-001, filed 7/20/01, effective 8/20/01. Statutory Authority: RCW 72.40.022 and 20 U.S.C. §§1401, 1412-1417. WSR 90-16-008, § 72-171-001, filed 7/19/90, effective 8/19/90.]

#### **WAC 72-171-015 Definitions and eligibility criteria.**

The definition and eligibility criteria in WAC 392-172A-01035 are adopted by reference.

[Statutory Authority: RCW 72.40.022 and 28A.155.010. WSR 16-13-070, § 72-171-015, filed 6/13/16, effective 7/14/16. Statutory Authority: RCW 72.40.022. WSR 01-16-022, § 72-171-015, filed 7/20/01, effective 8/20/01. Statutory Authority: RCW 72.40.022 and 20 U.S.C. §§1401, 1412-1417. WSR 90-16-008, § 72-171-015, filed 7/19/90, effective 8/19/90.]

**WAC 72-171-120 Evaluation procedures.** The evaluation or reevaluation of any student shall be in accordance with WAC 392-172A-03000 through 392-172A-03040 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 blind 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 and 28A.155.010. WSR 16-13-070, § 72-171-120, filed 6/13/16, effective 7/14/16. Statutory Authority: RCW 72.40.022. WSR 01-16-022, § 72-171-120, filed 7/20/01, effective 8/20/01. Statutory Authority: RCW 72.40.022 and 20 U.S.C. §§1401, 1412-1417. WSR 90-16-008, § 72-171-120, filed 7/19/90, effective 8/19/90.]

#### **WAC 72-171-150 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 state school for the blind admissions team will assess the appropriateness of placement of a visually impaired 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 state school for the blind may include, but are not limited to: Vision specific services not readily available in the local

school district, need for more intensive vision specific services, adaptive aids and appliances, greater array of vision 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 state school for the blind shall be determined at an IEP meeting conducted pursuant to WAC 392-172A-03090 through 392-172A-03115, 72-171-150(9) and 72-171-200.

(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 392-172A-02050 through 392-172A-02070; provided that the IEP team may conclude that a student will receive greater benefit from education in a specialized setting due to specific instructional and related service needs such that the least restrictive environment and appropriate placement for a student may be WSSB;

(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 classified as risk Level II or III in the state of Washington or the equivalent under the laws of the state in which the student resides.

(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 state school for the blind 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 72-171-150(5).

[Statutory Authority: RCW 72.40.022 and 28A.155.010. WSR 16-13-070, § 72-171-150, filed 6/13/16, effective 7/14/16. Statutory Authority: RCW 72.40.022. WSR 01-16-022, § 72-171-150, filed 7/20/01, effective 8/20/01. Statutory Authority: RCW 72.40.022 and 20 U.S.C. §§1401, 1412-1417. WSR 90-16-008, § 72-171-150, filed 7/19/90, effective 8/19/90.]

(6/13/16)

**WAC 72-171-201 Individualized education program.** WAC 392-172A-03090 through 392-172A-03115 are adopted by reference.

[Statutory Authority: RCW 72.40.022 and 28A.155.010. WSR 16-13-070, § 72-171-201, filed 6/13/16, effective 7/14/16.]

**WAC 72-171-220 School district involvement and participation IEP meetings.** 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 and appropriate notice to the parent(s) and adult student will be provided. 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 the extraordinary program needs. If the LEA representative is unable to attend the meeting, Washington state school for the blind staff shall keep the representative informed of the meeting and obtain information that will assist in the provision of services.

[Statutory Authority: RCW 72.40.022 and 28A.155.010. WSR 16-13-070, § 72-171-220, filed 6/13/16, effective 7/14/16. Statutory Authority: RCW 72.40.022. WSR 01-16-022, § 72-171-220, filed 7/20/01, effective 8/20/01. Statutory Authority: RCW 72.40.022 and 20 U.S.C. §§1401, 1412-1417. WSR 90-16-008, § 72-171-220, filed 7/19/90, effective 8/19/90.]

**WAC 72-171-300 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 blind/visually impaired or deaf-blind children provided by educational service districts pursuant to RCW 72.40.070, WSSB will provide an online survey on a yearly basis to all special education directors to identify children within their districts who are blind/visually impaired or deaf-blind; information to school districts regarding service delivery options in the state for students who are blind/visually impaired or deaf-blind 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 72.40.022 and 28A.155.010. WSR 16-13-070, § 72-171-300, filed 6/13/16, effective 7/14/16.]