

**WAC 392-172A-04080 Applicability and authorization.** (1) The provisions of WAC 392-172A-04080 through 392-172A-04095 apply to students eligible for special education services who have been placed in or referred to an in-state private elementary or secondary school or facility, or placed in or referred to a public or private out-of-state elementary or secondary school or facility meeting nonpublic agency (NPA) approval by the student's school district as a means of providing special education and related services when the school district cannot provide an appropriate education for the student within the district.

(2)(a) School districts are also authorized to contract with other public and private agencies under WAC 392-121-188 to provide special education or related services, or both to eligible students when the private or public agency does not meet the criteria for nonpublic agencies under WAC 392-172A-04090 and 392-172A-04095, but the school district determines that the private or public agency can provide the student with a free appropriate public education (FAPE).

(b) When a district contracts with other public or private agencies to provide special education or related services or both, under subsection (2)(a) of this section, the school district shall notify in writing the OSPI special education division of its intent to serve a student under this section and ensure that it follows the requirements under WAC 392-172A-04085.

(3) The provisions of this section do not apply to the authority of school districts to enter into interdistrict agreements with other Washington state school districts pursuant to chapter 392-135 WAC.

[Statutory Authority: RCW 28A.155.090. WSR 21-19-065, § 392-172A-04080, filed 9/14/21, effective 10/15/21. Statutory Authority: RCW 28A.155.090 and 34 C.F.R. Part 300. WSR 13-20-034, § 392-172A-04080, filed 9/24/13, effective 10/25/13. Statutory Authority: RCW 28A.155.090(7) and 42 U.S.C. 1400 et. seq. WSR 07-14-078, § 392-172A-04080, filed 6/29/07, effective 7/30/07.]