

E2SSB 5315 - H AMD 739

By Representatives Santos, Couture, Rude

ADOPTED 04/12/2023

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** (1)(a)(i) The legislature finds that the
4 federal individuals with disabilities education act, Title 20 U.S.C.
5 Sec. 1400 et seq., establishes duties for the state education agency,
6 which is the office of the superintendent of public instruction in
7 Washington, with respect to students with disabilities who are placed
8 in a private school or facility by a school district or other public
9 agency as a means of providing special education and related
10 services.

11 (ii) Since 2006, the federal implementing regulations of the
12 federal individuals with disabilities education act have required
13 that the office of the superintendent of public instruction ensure
14 that a student with a disability who is placed in a private school or
15 facility by a school district or other public agency:

16 (A) Is provided special education and related services in
17 conformance with an individualized education program that meets the
18 requirements of federal law and at no cost to the student's parents;

19 (B) Is provided an education that meets the standards that apply
20 to education provided by a school district or other public agency;
21 and

22 (C) Has all of the rights of a student with a disability who is
23 served by a school district or other public agency.

24 (iii) Since 2006, the federal implementing regulations of the
25 federal individuals with disabilities education act have required
26 that the office of the superintendent of public instruction, in
27 implementing the requirements described in (a)(ii) of this
28 subsection:

29 (A) Monitor compliance through procedures such as written
30 reports, on-site visits, and parent questionnaires;

31 (B) Disseminate copies of applicable standards to each private
32 school and facility to which a school district or other public agency
33 has placed a student with a disability; and

1 (C) Provide an opportunity for those private schools and
2 facilities to participate in the development and revision of state
3 standards that apply to them.

4 (iv) The federal implementing regulations of the federal
5 individuals with disabilities education act require the state to
6 monitor implementation of the individuals with disabilities education
7 act to improve educational results and functional outcomes for all
8 students with disabilities. The state must use indicators to measure
9 school district performance, identify areas of noncompliance, and use
10 appropriate enforcement mechanisms, such as technical assistance,
11 corrective action, or withholding funds.

12 (b) The legislature acknowledges that it has not codified the
13 requirements described in (a) of this subsection into state statute.
14 Therefore, the legislature intends to codify the duty and authority
15 of the superintendent of public instruction to establish standards
16 for approving, monitoring, and investigating education centers, which
17 are private schools and facilities, approved by the office of the
18 superintendent of public instruction, that contract with school
19 districts to provide special education and related services to
20 students with disabilities placed in the education centers by school
21 districts. The legislature also intends to codify the requirement
22 that these standards must ensure that any students with disabilities
23 placed in education centers by school districts have the same rights,
24 protections, and access to special education and related services
25 that they would have if served by school districts.

26 (2) (a) (i) The federal implementing regulations of the federal
27 individuals with disabilities education act specify that, when a
28 school district or other public agency has placed a student with
29 disabilities in a private school or facility, responsibility for
30 compliance with the federal individuals with disabilities education
31 act remains with the school district or other public agency and with
32 the office of the superintendent of public instruction.

33 (ii) State statute permits school districts to contract with
34 private schools or facilities approved by the office of the
35 superintendent of public instruction to operate special education
36 programs for students with disabilities and specifies that the
37 approval standards must conform substantially to those of special
38 education programs in the school districts.

39 (iii) Rules of the office of the superintendent of public
40 instruction specify the minimum elements of the written contract that

1 must be made between a school district and the private school or
2 facility. In addition, these rules specify that the school district
3 remains responsible for ensuring that any student placed in the
4 private school or facility is provided a free appropriate public
5 education in conformance with the individualized education program
6 developed by the school district.

7 (b) The legislature intends to codify the responsibilities of
8 school districts placing students with disabilities in education
9 centers, including specifying minimum contract and parent
10 notification requirements.

11 (3) In addition, the legislature intends to ensure accountability
12 is properly exercised and shared by directing the state auditor to
13 conduct a performance audit of the system for overseeing education
14 centers that provide special education services to students with
15 disabilities, as well as requiring school districts contracting with
16 education centers to report concerns about education overbilling to
17 the office of the superintendent of public instruction and the office
18 of the state auditor.

19 **Sec. 2.** RCW 28A.155.090 and 2007 c 115 s 11 are each amended to
20 read as follows:

21 The superintendent of public instruction shall have the duty and
22 authority, through the administrative section or unit for the
23 education of children with (~~(disabling conditions)~~) disabilities, to:

24 (1) Assist school districts in the formation of programs to meet
25 the needs of children with disabilities;

26 (2) Develop interdistrict cooperation programs for children with
27 disabilities as authorized in RCW 28A.225.250;

28 (3) Provide, upon request, to parents or guardians of children
29 with disabilities, information as to the special education programs
30 for students with disabilities offered within the state;

31 (4) Assist, upon request, the parent or guardian of any child
32 with disabilities in the placement of any child with disabilities who
33 is eligible for but not receiving special educational services for
34 children with disabilities;

35 (5) Approve school district and agency programs as being eligible
36 for special excess cost financial aid to students with disabilities;

37 (6) Establish standards for approving, monitoring, and
38 investigating education centers, as defined in section 3 of this act,
39 that contract with school districts under RCW 28A.155.060 to provide

1 special education and related services to children with disabilities.
2 The standards must ensure that any children with disabilities placed
3 in education centers by school districts have the same rights,
4 protections, and access to special education and related services
5 that they would have if served by a school district;

6 (7) Consistent with the provisions of RCW 28A.150.390,
7 28A.160.030, and 28A.155.010 through 28A.155.160, and part B of the
8 federal individuals with disabilities education improvement act,
9 administer administrative hearings and other procedures to ensure
10 procedural safeguards of children with disabilities; and

11 ((7)) (8) Promulgate such rules as are necessary to implement
12 part B of the federal individuals with disabilities education
13 improvement act or other federal law providing for special education
14 services for children with disabilities and the several provisions of
15 RCW 28A.150.390, 28A.160.030, and 28A.155.010 through 28A.155.160 and
16 to ensure appropriate access to and participation in the general
17 education curriculum and participation in statewide assessments for
18 all students with disabilities.

19 NEW SECTION. Sec. 3. A new section is added to chapter 28A.205
20 RCW to read as follows:

21 (1) "Education center" as used in this chapter means one of the
22 following types of entities approved by the office of the
23 superintendent of public instruction to contract with school
24 districts to provide specific types of educational programs and
25 related services to students whose needs are not being met by their
26 resident school district:

27 (a) A private school in Washington approved by the state board of
28 education under chapter 28A.195 RCW;

29 (b) An out-of-state public or private school; or

30 (c) A licensed facility, such as a hospital or mental health or
31 behavioral health treatment facility.

32 (2) An education center is not a common school as defined in RCW
33 28A.150.020.

34 NEW SECTION. Sec. 4. A new section is added to chapter 28A.205
35 RCW to read as follows:

36 (1) The office of the superintendent of public instruction may
37 approve schools and facilities to operate as education centers for a
38 period of up to three years. For schools and facilities with multiple

1 locations, the office of the superintendent of public instruction
2 must approve each location independently.

3 (2) The office of the superintendent of public instruction shall
4 establish a process for schools and facilities to apply for approval
5 to operate specific types of educational programs and related
6 services as education centers.

7 (3) To qualify for approval or reapproval, an applicant must, at
8 a minimum, meet the following requirements:

9 (a) Offer a program of basic education that will provide:

10 (i) Opportunities for students to meet the goals of RCW
11 28A.150.210, in accordance with an individual assessment of student
12 strengths and needs as determined by the placing school districts,
13 and any other requirements established by contract; and

14 (ii) Opportunities for students in grades nine through 12 to
15 either meet high school graduation requirements under RCW 28A.230.090
16 or to earn a high school equivalency certificate under RCW 28B.50.536
17 or laws of the state in which the applicant is located;

18 (b) Maintain applicable facility licenses and applicable agency
19 approvals of the state in which the applicant is located;

20 (c) Employ or contract with teachers and related services staff
21 who meet the licensing requirements of the state in which the
22 applicant is located;

23 (d) Meet applicable fire codes of the local fire marshal or the
24 fire marshal of the state in which the applicant is located;

25 (e) Meet applicable health and safety standards of the local
26 jurisdiction and state in which the applicant is located;

27 (f) Demonstrate through audits that the applicant is financially
28 stable and has accounting systems that allow for separation of school
29 district funds, including financial safeguards in place to track
30 revenues and expenditures associated with contracted placements to
31 ensure that funds are used to provide education and related services
32 to students placed in the school or facility by the school district;

33 (g) Demonstrate that the applicant has procedures in place that
34 address staff employment and contracting, including checking personal
35 and professional references, conducting state and federal criminal
36 background checks, and conducting regular staff evaluations that
37 address staff competencies;

38 (h) Provide assurance that the applicant will meet all
39 requirements of this chapter applicable to education centers during
40 the period of approval;

1 (i) Maintain a policy of nondiscrimination and provide procedural
2 safeguards for students and their families; and

3 (j) Pass an on-site inspection conducted by the office of the
4 superintendent of public instruction that confirms that the health
5 and safety of the facilities, the staffing qualifications and levels,
6 and the procedural safeguards are sufficient to provide a safe and
7 appropriate learning environment for students.

8 (4) The office of the superintendent of public instruction must
9 prohibit education centers from charging tuition or fees to students
10 placed in the education center by a school district.

11 NEW SECTION. **Sec. 5.** A new section is added to chapter 28A.205
12 RCW to read as follows:

13 (1) On its webpage related to education centers, the office of
14 the superintendent of public instruction shall publish guidelines for
15 individuals to report education centers for noncompliance with local,
16 state, or federal laws or for violation of students rights. At a
17 minimum, the guidelines must include instructions for submitting
18 complaints to the resident school district and for using the special
19 education community complaint processes, when applicable.

20 (2) The office of the superintendent of public instruction shall
21 monitor and investigate education centers and the school districts
22 contracting with education centers for compliance with the
23 requirements of this chapter using data and other information
24 submitted by school districts and education centers, information
25 gathered during on-site visits, complaints, and other information and
26 data.

27 (3) The office of the superintendent of public instruction may
28 suspend, revoke, or refuse to renew approval of an education center
29 if the education center:

30 (a) Fails to maintain approval standards under section 4 of this
31 act;

32 (b) Violates the rights of students placed in the education
33 center by a school district;

34 (c) Fails to adhere to applicable local, state, and federal laws,
35 including health, safety, and civil rights laws;

36 (d) Fails to comply with contract requirements under section 6 of
37 this act; or

38 (e) Refuses to implement any corrective actions ordered by the
39 office of the superintendent of public instruction.

1 NEW SECTION. **Sec. 6.** A new section is added to chapter 28A.205

2 RCW to read as follows:

3 (1) Each school district that chooses to contract with an
4 education center must enter into a written contract with the
5 education center to establish the responsibilities of the school
6 district and the education center and set forth the rights of
7 students placed in the education center by the school district.

8 (2) The contract must, at a minimum, include the following
9 elements:

10 (a) The names of the parties involved and the name of the student
11 placed in the education center by the school district;

12 (b) The locations and settings of the education and related
13 services to be provided;

14 (c) (i) A description of the opportunities for the student to meet
15 a program of basic education that meets the goals of RCW 28A.150.210,
16 in accordance with an individual assessment of student strengths and
17 needs initially performed by the placing school districts and updated
18 by the education center; and

19 (ii) When applicable, a description of the opportunities for the
20 student to either meet high school graduation requirements under RCW
21 28A.230.090 or to earn a high school equivalency certificate under
22 RCW 28B.50.536 or laws of the state in which the education center is
23 located;

24 (d) A schedule, of at least once per academic term, for the
25 education center to provide to the school district student progress
26 reports. The progress reports must describe how the student is
27 meeting personalized learning outcomes;

28 (e) The total contract cost and applicable charge and
29 reimbursement systems, including billing and payment procedures;

30 (f) Acknowledgment that the education center is responsible for
31 full reimbursement to the school district of any overpayments
32 determined to have been made by the school district;

33 (g) Acknowledgment that the education center has a list of staff
34 members providing the education and related services and a copy of
35 the license that qualifies each staff member to provide the services;

36 (h) Acknowledgment that staff of the education center are
37 regularly trained on the following topics:

38 (i) The constitutional and civil rights of students in schools;

39 (ii) Child and adolescent development;

- 1 (iii) Trauma-informed approaches to working with children and
2 youth;
- 3 (iv) Cultural competency, diversity, equity, and inclusion,
4 including best practices for interacting with students from
5 particular backgrounds, including English learner, LGBTQ, immigrant,
6 female, and nonbinary students. For the purposes of this subsection,
7 "cultural competency," "diversity," "equity," and "inclusion" have
8 the same meanings as in RCW 28A.415.443;
- 9 (v) Student isolation and restraint requirements under RCW
10 28A.600.485; and
- 11 (vi) The federal family educational rights and privacy act (Title
12 20 U.S.C. Sec. 1232g) requirements including limits on access to and
13 dissemination of student records for noneducational purposes;
- 14 (i) Acknowledgment that the school district and education center
15 have clearly established their respective responsibilities and
16 processes for student data collection and reporting;
- 17 (j) Acknowledgment that the education center will promptly submit
18 to the school district any complaints it receives;
- 19 (k) Acknowledgment that the education center will submit other
20 information required by the school district or the office of the
21 superintendent of public instruction;
- 22 (l) Acknowledgment that the education center must comply with
23 student isolation and restraint requirements under RCW 28A.600.485;
- 24 (m) Acknowledgment that the education center must provide
25 notifications to the school district and the office of the
26 superintendent of public instruction as required under section 8 of
27 this act; and
- 28 (n) Acknowledgment that the school district must provide the
29 office of the superintendent of public instruction with the
30 opportunity to review the contract and related documentation upon
31 request.
- 32 (3) Each school district contracting with an education center to
33 provide special education and related services to students with
34 disabilities placed in education centers by school districts must
35 additionally include the elements described in RCW 28A.155.060 in the
36 written contract.
- 37 (4) Each school district contracting with an education center
38 shall report to the office of the superintendent of public
39 instruction and the office of the Washington state auditor any

1 concerns the school district has about overbilling by an education
2 center.

3 NEW SECTION. **Sec. 7.** A new section is added to chapter 28A.205
4 RCW to read as follows:

5 Each school district contracting with an education center shall
6 provide the following documents to the parents or guardians of each
7 student placed in the education center by the school district:

8 (1) A summary of the school district and education center's
9 responsibilities and processes for reporting incidents of student
10 isolation and restraint under RCW 28A.600.485; and

11 (2) A copy of the school district's and the education center's
12 complaint processes and, if applicable, instructions for accessing
13 the office of the superintendent of public instruction's special
14 education community complaint processes.

15 NEW SECTION. **Sec. 8.** A new section is added to chapter 28A.205
16 RCW to read as follows:

17 (1)(a) An education center shall notify the office of the
18 superintendent of public instruction and every school district with
19 which it contracts of any major program changes that occur during the
20 approval period, including adding or eliminating services or changing
21 the type of programs available to students.

22 (b) The office of the superintendent of public instruction shall
23 review these program changes with affected school districts to
24 determine whether the education center remains able to provide the
25 contracted services.

26 (2) An education center shall promptly notify the office of the
27 superintendent of public instruction, every school district with
28 which it contracts, and every parent or guardian of an affected
29 student of any conditions that would affect the education center's
30 ability to continue to provide the contracted services.

31 (3) An education center shall promptly notify the office of the
32 superintendent of public instruction and every school district with
33 which it contracts of any complaints it receives regarding services
34 to students, as well as any law enforcement incident reports
35 involving the education center and its enrolled students.

36 NEW SECTION. **Sec. 9.** A new section is added to chapter 28A.205
37 RCW to read as follows:

1 (1) The office of the superintendent of public instruction shall
2 notify the state board of education if any education center that is
3 also a private school approved by the state board of education under
4 chapter 28A.195 RCW is investigated for noncompliance, is directed to
5 complete corrective action, or fails to maintain approval under
6 section 4 of this act.

7 (2) The state board of education shall notify the office of the
8 superintendent of public instruction of any unresolved concerns,
9 deficiencies, or deviations related to an education center that is
10 also a private school approved by the state board of education under
11 chapter 28A.195 RCW.

12 NEW SECTION. Sec. 10. A new section is added to chapter 28A.205
13 RCW to read as follows:

14 The office of the superintendent of public instruction shall
15 adopt rules under chapter 34.05 RCW for the implementation of this
16 chapter.

17 **Sec. 11.** RCW 28A.155.060 and 2007 c 115 s 6 are each amended to
18 read as follows:

19 (1) For the purpose of carrying out the provisions of RCW
20 28A.155.020 through 28A.155.050, the board of directors of every
21 school district shall be authorized to contract with ((agencies
22 approved by the superintendent of public instruction for operating
23 special education programs for students with disabilities. Approval
24 standards for such agencies shall conform substantially with those of
25 special education programs in the common schools)) education centers
26 approved under section 4 of this act to provide special education and
27 related services to students with disabilities placed in education
28 centers by school districts.

29 (2) A school district contracting with an education center under
30 this section must enter into a written contract with the education
31 center as required under section 6 of this act, and additionally
32 include the following elements in the contract:

33 (a) An agreement by the education center to employ or contract
34 with at least one licensed teacher with a special education
35 endorsement;

36 (b) Acknowledgment that the staff of the education center are
37 regularly trained on the following topics:

1 (i) Recognizing and responding to student mental health issues;
2 and

3 (ii) Educational rights of students with disabilities, the
4 relationship of disability to behavior, and best practices for
5 interacting with students with disabilities; and

6 (c) Acknowledgment that the education center must comply with all
7 relevant Washington state and federal laws that are applicable to the
8 school district.

9 (3) A school district contracting with an education center under
10 this section shall remain responsible for ensuring that the students
11 with disabilities placed in the education center by the school
12 district are:

13 (a) Provided a free appropriate public education in accordance
14 with the federal individuals with disabilities education act, Title
15 20 U.S.C. Sec. 1400 et seq. and this chapter;

16 (b) Provided with special education and related services at no
17 cost to the student's parents and in conformance with an
18 individualized education program as required by law, including
19 evaluations and individualized education program team meetings that
20 meet all applicable requirements; and

21 (c) Provided with an opportunity to participate in Washington
22 state and school district assessments.

23 (4) For the purposes of this section, "education center" has the
24 same meaning as in section 3 of this act.

25 **Sec. 12.** RCW 28A.155.210 and 2013 c 202 s 3 are each amended to
26 read as follows:

27 A ~~((school that is required to develop an))~~ student's
28 individualized education program ((as required by federal law)) must
29 include ~~((within the plan))~~ procedures for notification of a parent
30 or guardian regarding the use of restraint or isolation under RCW
31 28A.600.485. If a student is placed in an education center under RCW
32 28A.155.060, the student's individualized education program must also
33 specify any additional procedures required to ensure the education
34 center fully complies with RCW 28A.600.485.

35 NEW SECTION. **Sec. 13.** A new section is added to chapter 28A.155
36 RCW to read as follows:

37 (1) Beginning December 1, 2023, and in compliance with RCW
38 43.01.036, the office of the superintendent of public instruction

1 shall annually submit a report to the education committees of the
2 legislature regarding student placements at education centers under
3 RCW 28A.155.060. A summary of the report, including a link to the
4 full report content, must also be posted on the office of the
5 superintendent of public instruction's website. The report must
6 include:

7 (a) The academic progress of students receiving special education
8 services from education centers, using the results of the two most
9 recent state assessments;

10 (b) The graduation rates of students who have received special
11 education services from education centers;

12 (c) The rate at which students receiving special education
13 services from education centers return to their resident school
14 districts;

15 (d) Data on student restraint and isolation incidents,
16 discipline, and attendance at education centers; and

17 (e) Any corrective action or change in an education center's
18 approval status, as ordered by the office of the superintendent of
19 public instruction.

20 (2) The data published under subsection (1) of this section must
21 be disaggregated by education centers when it is possible to do so
22 without disclosing, directly or indirectly, a student's personally
23 identifiable information as protected under the federal family
24 educational rights and privacy act (Title 20 U.S.C. Sec. 1232g).

25 NEW SECTION. **Sec. 14.** (1) The state auditor shall conduct a
26 performance audit of the approval, monitoring, and investigation of
27 education centers as defined in section 3 of this act and school
28 districts that contract with education centers under RCW 28A.155.060.
29 As appropriate, the state auditor shall make recommendations for
30 improving the system for overseeing education centers that provide
31 special education and related services to students with disabilities
32 placed in the education center by a school district. The state
33 auditor may conduct the performance audit at a sample of school
34 districts and education centers as needed.

35 (2) By November 30, 2026, and in compliance with RCW 43.01.036,
36 the state auditor shall report the performance audit's findings and
37 recommendations to the governor and the education committees of the
38 legislature.

39 (3) This section expires August 1, 2027.

1 NEW SECTION. **Sec. 15.** The following acts or parts of acts are
2 each repealed:

3 (1) RCW 28A.205.010 ("Education center," "basic academic skills,"
4 defined—Certification as education center and withdrawal of
5 certification) and 2006 c 263 s 408, 2005 c 497 s 214, 1999 c 348 s
6 2, 1993 c 211 s 1, 1990 c 33 s 180, 1983 c 3 s 38, & 1977 ex.s. c 341
7 s 1;

8 (2) RCW 28A.205.020 (Common school dropouts—Reimbursement) and
9 1999 c 348 s 3, 1997 c 265 s 7, 1993 c 211 s 2, 1990 c 33 s 181, 1979
10 ex.s. c 174 s 1, & 1977 ex.s. c 341 s 2;

11 (3) RCW 28A.205.030 (Reentry of prior dropouts into common
12 schools, rules—Eligibility for test to earn a high school equivalency
13 certificate) and 2013 c 39 s 6;

14 (4) RCW 28A.205.040 (Fees—Rules—Priority for payment—Review of
15 records) and 2013 c 39 s 7, 2006 c 263 s 412, 1999 c 348 s 4, 1990 c
16 33 s 183, 1979 ex.s. c 174 s 2, & 1977 ex.s. c 341 s 4;

17 (5) RCW 28A.205.050 (Rules) and 2005 c 497 s 215, 1995 c 335 s
18 201, 1993 c 211 s 4, 1990 c 33 s 184, & 1977 ex.s. c 341 s 5;

19 (6) RCW 28A.205.070 (Allocation of funds—Criteria—Duties of
20 superintendent) and 2006 c 263 s 409, 1993 c 211 s 6, 1990 c 33 s
21 185, & 1985 c 434 s 3;

22 (7) RCW 28A.205.080 (Legislative findings—Distribution of funds—
23 Cooperation with school districts) and 1997 c 265 s 8, 1993 c 211 s
24 7, 1990 c 33 s 186, & 1987 c 518 s 220; and

25 (8) RCW 28A.205.090 (Inclusion of education centers program in
26 biennial budget request—Quarterly plans—Funds—Payment) and 1993 c
27 211 s 8, 1990 c 33 s 187, & 1985 c 434 s 4."

28 Correct the title.

EFFECT: Makes the following changes to the underlying bill:

Adds an intent section.

Replaces the term "nonpublic agency," which generally refers to approved schools and facilities contracting with school districts to provide special education and related services to students with disabilities, with the term "education center," which generally refers to approved schools and facilities contracting with school districts to provide educational programs and related services to students whose needs are not being met by their district. And explicitly states that an "education center" may be: (1) A private school in Washington approved by the State Board of Education (SBE); (2) an out-of-state public or private school; or (3) a licensed facility, such as a hospital or mental health or behavioral health treatment facility.

Authorizes the Office of the Superintendent of Public Instruction (OSPI) to approve, rather than certify, education centers, and, for schools and facilities with multiple locations, requires that the OSPI approve each location independently.

Removes the OSPI's authorization to approve for up to five years private schools in Washington that are also approved by the SBE by limiting all education center approvals to up to three years.

Adds to education center approval standards that the applicant: (1) Offer a program of basic education that will provide: (a) opportunities for students to meet the four goals of public education, in accordance with an individual assessment of student strengths and needs as determined by the placing school districts, and any other requirements established by contract; and (b) opportunities for students in grades nine through 12 to either meet Washington high school graduation requirements or to earn a high school equivalency certificate; and (2) provide assurance that it will meet all requirements applicable to education centers during the period of approval.

Removes the requirement that education centers conduct a Washington State Patrol criminal background check, and instead requires education centers to conduct state and federal criminal background checks, as is currently required under rules of the OSPI.

Modifies education center on-site visit requirements by: (1) Specifying that the OSPI's preapproval inspection must include confirmation of staffing qualifications; and (2) eliminating the requirement for school districts to conduct annual on-site visits.

Adds to the reasons that the OSPI can suspend, revoke, or refuse to renew approval of an education center that the education center fails to adhere to local, state, and federal laws, including health, safety, and civil rights laws.

Removes the requirement that the OSPI develop and publish a complaint process for individuals to report noncompliance or violations of student rights at education centers and instead directs the OSPI to publish guidelines for individuals to report education centers for noncompliance with local, state, or federal laws or for violation of student rights. Specifies that, at a minimum, the guidelines must include instructions for submitting complaints to the resident school district and for using the special education community complaint processes, when applicable.

Removes the requirement that each school district contracting with an education center provide the parents or guardians of students placed in the education center with the OSPI complaint procedure and instead requires that the school district provide the parents or guardians of the students with a copy of the school district's and the education center's complaint processes and, if applicable, instructions for accessing the OSPI's special education community complaint processes.

Modifies the requirement that the OSPI use its complaint process to identify and address patterns of misconduct at education centers, including issuing corrective action or revoking approval, by instead specifying that the OSPI must monitor and investigate education centers and the school districts contracting with education centers using information submitted by school districts and education centers, information gathered during on-site visits, complaints, and other information and data.

Adds the following elements to the required school district education center contract: (1) A description of the opportunities for the student to meet a program of basic education that meets the four goals of public education, in accordance with an individual assessment of student strengths and needs initially performed by the

placing school districts and updated by the education center, and, when applicable, a description of the opportunities for the student to either meet Washington high school graduation requirements or to earn a high school equivalency certificate; (2) establish a schedule, of at least once per academic term, for the education center to provide to the school district student progress reports, which must describe how the student is meeting personalized learning outcomes; (3) acknowledgment that the education center is responsible for full reimbursement to the school district of any overpayments determined to have been made by the school district; (4) acknowledgment that staff of the education center are regularly trained on six specified topics; (5) acknowledgment that the education center will promptly submit to the school district any complaints it receives; and (6) acknowledgment that the education center will submit other information required by the school district or the office of the superintendent of public instruction.

Specifies that the following contract elements apply only to school district contracts with education centers to provide special education to students with disabilities: (1) An agreement by the education center to employ or contract with at least one licensed teacher with a special education endorsement; and (2) acknowledgment that the education center must comply with all relevant Washington state and federal laws that are applicable to the school district.

Adds that school district contracts with education centers to provide special education to students with disabilities must include acknowledgment that staff of the education center are regularly trained on recognizing and responding to student mental health issues and the educational rights of students with disabilities, the relationship of disability to behavior, and best practices for interacting with students with disabilities.

Removes the requirement that school districts contracting with education centers to provide special education to students with disabilities remain responsible for ensuring that the student being served is provided with the Washington minimum instructional hours and days.

Directs each school district contracting with an education center to report to the OSPI and the Office of the State Auditor any concerns the school district has about overbilling by an education center.

Directs the State Auditor to: (1) Conduct a performance audit of the approval, monitoring, and investigation of education centers and school districts that contract with education centers to provide special education to students with disabilities; (2) make recommendations for improving the system for overseeing education centers; and (3) report to the Governor and the Legislature by November 30, 2026.

Modifies and codifies rules of the OSPI related to notifications nonpublic agencies must make to the OSPI and contracting school districts related to program changes and complaints by: (1) Making these provisions applicable to education centers; (2) adding that a change includes eliminating services; (3) specifying that the parent or guardian of an affected student must also be notified in certain circumstances; and (4) requiring notification of law enforcement incident reports involving the education center and its enrolled students.

Directs the SBE to notify the OSPI of any unresolved concerns, deficiencies, or deviations it has with an education center that is also a private school approved by the SBE.

Removes language permitting classroom training provided to school safety and security staff by Educational Service Districts to be provided to nonpublic agencies located in Washington.

Repeals eight provisions of existing education center law related primarily to definitions, funding of the education centers, and enrollment of common school dropouts.

Makes nonsubstantive changes, for example restructures the bill provisions, adds legal citations, and makes language clarifications.

--- END ---