

WAC 392-173-080 Decisions, appeals and citizen complaints regarding educational programming and exclusion from an educational program.

(1) Decisions made by the state school for the deaf and the blind and early childhood developmental centers regarding the educational program of a student or the student's total or partial exclusion therefrom shall be the responsibility of the department, as shall be complaints registered by any person, entity, or organization alleging one or more violations of this chapter: Provided, That such procedures shall at least guarantee parents, guardians, surrogate parents, public agencies, and others such notice and right to register a complaint, including the appeal process, as may now or hereafter be provided for in and pursuant to chapter 392-168 WAC.

(2) Appeals and complaints by a parent, guardian, or a surrogate parent shall be pursuant to procedures as now or hereafter established by the department: Provided, That such procedures shall at least guarantee parents, guardians, surrogate parents, and others such notice and hearing rights as may now or hereafter be provided for in and pursuant to 20 U.S.C. §1415 as amended by Public Law 94-142 including, but not limited to, prior notice of and a right to an impartial due process hearing in connection with decisions to initiate or change, or to refuse to initiate or change, the identification, evaluation, or educational placement of a student or the provision of a free appropriate education.

[Statutory Authority: Chapter 28A.155 RCW. WSR 93-19-064 (Order 93-14), § 392-173-080, filed 9/13/93, effective 10/14/93. Statutory Authority: RCW 28A.02.100. WSR 84-20-086 (Order 84-46), § 392-173-080, filed 10/2/84. Statutory Authority: RCW 72.05.140(2) and Art. III, § 22 of the state Constitution. WSR 80-11-038 (Order 80-30), § 392-173-080, filed 8/15/80; Order 16-76, § 392-173-080, filed 12/21/76.]