

**WAC 392-172A-04095 Application requirements for nonpublic agency approval.** (1) A nonpublic agency must meet the following requirements to be approved:

(a) The nonpublic agency is approved by the state board as a private school, and has at least one certificated teacher with a special education endorsement, other certificated teachers who meet state standards, and related services staff meeting state licensure requirements for their profession. If the education program is associated with a facility, such as a hospital mental health, or treatment facility, and the program is not an approved private school, the program must comply with the licensing requirements for the facility, such as the department of health, and the facility will assure that it has teachers who meet certification requirements developed by the professional educators standards board, related services staff meeting state licensure requirements for their profession as applicable, and at least one certificated teacher with a special education endorsement.

(b) The private school or facility meets applicable fire codes of the local or state fire marshal, including inspections and documentation of corrections of violation.

(c) The private school or facility meets applicable health and safety standards.

(d) The private school or facility can demonstrate through audits that it is financially stable, and has accounting systems that allow for separation of school district funds.

(e) The private school or facility has procedures in place that address staff hiring and evaluation including:

(i) Checking personal and professional references for employees;

(ii) Criminal background checks in accordance with state rules for public school employees;

(iii) Regular scheduling of staff evaluations of the competencies that enable the staff to work with students.

(f) The private school or facility has a policy of nondiscrimination.

(g) The private school or facility meets state education rules for hours and days of instruction.

(h) The private school or facility understands and has procedures in place to protect the procedural safeguards of the students eligible for special education and their families.

(2) After approval as a nonpublic agency, the private school or facility must provide annual review information to the OSPI and school districts with whom they contract the following two years. The nonpublic agency must complete a renewal application, including scheduling a site visit by a contracting school district every third year following approval.

[Statutory Authority: RCW 28A.155.090 and 34 C.F.R. Part 300. WSR 13-20-034, § 392-172A-04095, 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-04095, filed 6/29/07, effective 7/30/07.]