

WAC 392-172A-07040 Significant disproportionality. (1) The state collects and examines data annually from school districts to determine if significant disproportionality based on race or ethnicity is occurring in the state with respect to:

(a) The identification of children as students eligible for special education services;

(b) The identification of students with a particular disability;

(c) The placement of students in particular educational settings;

or

(d) The incidence, duration, and type of disciplinary actions, including suspensions and expulsions.

(2) In the case of a determination of significant disproportionality with respect to the identification of students eligible for special education services including those with a particular disability, the placement in particular educational settings of these students, or discipline, the OSPI shall:

(a) Require the school district to review and, if appropriate, revise the policies, procedures, and practices used in the identification, placement, or discipline of students receiving special education services to ensure that the policies, procedures, and practices comply with the requirements of the act;

(b) Require the school district to publicly report on any changes made to its policies, practices, and procedures described under (a) of this subsection; and

(c) Require any school district identified under this section to reserve the maximum amount of fifteen percent of its federal funds under WAC 392-172A-06085 to provide comprehensive coordinated early intervening services (CCEIS) to serve students in the school district, particularly, but not exclusively, students in those groups that were significantly over identified.

(3) Each school district that implements CCEIS under this section must annually report to the OSPI on:

(a) The number of students served under this section who received CCEIS; and

(b) The number of students served under this section who received CCEIS and later received special education and related services within the following two-year period.

[Statutory Authority: RCW 28A.155.090. WSR 21-19-065, § 392-172A-07040, filed 9/14/21, effective 10/15/21. Statutory Authority: RCW 28A.155.090 and 34 C.F.R. Part 300. WSR 09-20-053, § 392-172A-07040, filed 10/1/09, effective 11/1/09. Statutory Authority: RCW 28A.155.090(7) and 42 U.S.C. 1400 et. seq. WSR 07-14-078, § 392-172A-07040, filed 6/29/07, effective 7/30/07.]