

WAC 392-172A-07012 Determinations. (1) The OSPI annually reviews the data it obtains from school districts through monitoring, submission of other required data reports, required by the district, and other public information provided by the district. Based on the data and information provided, OSPI determines if the school district:

- (a) Meets the requirements and purposes of Part B of the act;
- (b) Needs assistance in implementing the requirements of Part B of the act;
- (c) Needs intervention in implementing the requirements of Part B of the act; or
- (d) Needs substantial intervention in implementing the requirements of Part B of the act.

(2) If the OSPI determines, for two or more consecutive years, that a district needs assistance in implementing the OSPI's annual performance requirements, OSPI will advise the district of available sources of technical assistance that may help the district address the areas in which the district needs assistance, which may include assistance from the OSPI, office of special education programs, other offices of the United States Department of Education, other federal agencies, technical assistance providers approved by the Department of Education, and other federally or state funded nonprofit agencies, and require the district to work with appropriate entities. Such technical assistance may include:

- (a) The provision of advice by experts to address the areas in which the district needs assistance, including explicit plans for addressing the areas of concern within a specified period of time;
- (b) Assistance in identifying and implementing professional development, instructional strategies, and methods of instruction that are based on scientifically based research;
- (c) Designating and using distinguished superintendents, principals, special education administrators, special education teachers, and other teachers to provide advice, technical assistance, and support; and
- (d) Devising additional approaches to providing technical assistance, such as collaborating with institutions of higher education, educational service districts, national centers of technical assistance, and private providers of scientifically based technical assistance.

(3) If the OSPI determines, for three or more consecutive years, that a district needs intervention in implementing the OSPI's annual performance requirements, OSPI may take actions described under subsection (2) of this section and will take one or more of the following actions:

(a) Require the district to prepare a corrective action plan or improvement plan if the OSPI determines that the district should be able to correct the problem within one year;

(b) Withhold, in whole or in part, any further payments to the district under Part B of the act;

(4) Notwithstanding subsection (2) or (3) of this section, at any time that the OSPI determines that a district needs substantial intervention in implementing the requirements of Part B of the act or that there is a substantial failure to comply with any condition of a school district's eligibility under Part B of the act, OSPI will withhold, in whole or in part, any further payments to the district under Part B of the act, in addition to any other actions taken under subsection (2) or (3) of this section.

[Statutory Authority: RCW 28A.155.090. WSR 21-19-065, § 392-172A-07012, 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-07012, filed 9/24/13, effective 10/25/13; WSR 09-20-053, § 392-172A-07012, filed 10/1/09, effective 11/1/09.]