

RCW 28A.155.020 Administration of program in the office of the superintendent of public instruction—Adoption of definitions by rule—Local school district powers not limited. There is established in the office of the superintendent of public instruction an administrative section or unit for the education of children with disabilities who require special education.

Students with disabilities are those children whether enrolled in school or not who through an evaluation process are determined eligible for special education due to a disability.

In accordance with part B of the federal individuals with disabilities education improvement act and any other federal or state laws relating to the provision of special education services, the superintendent of public instruction shall require each school district in the state to insure an appropriate educational opportunity for all children with disabilities between the ages of three and twenty-one, but when the twenty-first birthday occurs during the school year, the educational program may be continued until the end of that school year. The superintendent of public instruction, by rule, shall establish for the purpose of excess cost funding, as provided in RCW 28A.150.390, 28A.160.030, and 28A.155.010 through 28A.155.160, functional definitions of special education, the various types of disabling conditions, and eligibility criteria for special education programs for children with disabilities, including referral procedures, use of positive behavior interventions, the education curriculum and statewide or district-wide assessments, parent and district requests for special education due process hearings, and procedural safeguards. For the purposes of RCW 28A.155.010 through 28A.155.160, an appropriate education is defined as an education directed to the unique needs, abilities, and limitations of the children with disabilities who are enrolled either full time or part time in a school district. School districts are strongly encouraged to provide parental training in the care and education of the children and to involve parents in the classroom.

Nothing in this section shall prohibit the establishment or continuation of existing cooperative programs between school districts or contracts with other agencies approved by the superintendent of public instruction, which can meet the obligations of school districts to provide education for children with disabilities, or prohibit the continuation of needed related services to school districts by the department of social and health services.

This section shall not be construed as in any way limiting the powers of local school districts set forth in RCW 28A.155.070. [2015 c 206 s 2; 2007 c 115 s 2; 1995 c 77 s 8; 1990 c 33 s 121; 1985 c 341 s 4; 1984 c 160 s 1; 1971 ex.s. c 66 s 2; 1969 ex.s. c 2 s 2; 1969 ex.s. c 223 s 28A.13.010. Prior: 1951 c 92 s 1; prior: (i) 1943 c 120 s 1; Rem. Supp. 1943 s 4679-25. (ii) 1943 c 120 s 2, part; Rem. Supp. 1943 s 4679-26, part. Formerly RCW 28A.13.010, 28.13.010.]

Finding—2015 c 206: "The legislature finds that there is no educational or therapeutic benefit to children from physically restraining or isolating them as part of their public school programs when not necessary for immediate safety. The use of seclusion or restraints in nonemergency situations poses significant physical and psychological danger to students and school staff. The legislature declares that it is the policy of the state of Washington to prohibit the planned use of aversive interventions, to promote positive

interventions when a student with disabilities is determined to need specially designed instruction to address behavior, and to prohibit schools from physically restraining or isolating any student except when the student's behavior poses an imminent likelihood of serious harm to that student or another person." [2015 c 206 s 1.]

Effective date—1985 c 341 ss 4 and 13: "Sections 4 and 13 of this act shall take effect August 1, 1985." [1985 c 341 s 18.]

Severability—1984 c 160: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1984 c 160 s 6.]

Severability—Effective date—1971 ex.s. c 66: See notes following RCW 28A.155.010.