

RCW 28A.155.060 District authority to contract with authorized entities—Contract requirements—Annual on-site visits—Notice to parents and guardians—Miscellaneous. (1) For the purpose of carrying out the provisions of RCW 28A.155.020 through 28A.155.050, the board of directors of every school district shall be authorized to contract with private schools approved by the state board of education under RCW 28A.305.130, other private in-state entities, and any out-of-state entities authorized by the office of the superintendent of public instruction under RCW 28A.300.690 to provide special education and related services to students with disabilities placed in the authorized entities by school districts.

(2) A school district that chooses to contract with an authorized entity must enter into a written contract to establish the responsibilities of the school district and the authorized entity, and set forth the rights of students with disabilities placed in the authorized entity by the school district as a means of providing special education and related services. The contract must include, at a minimum, the following elements:

(a) The names of the parties involved and the name of the student placed in the authorized entity by the school district;

(b) The locations and settings of the education and related services to be provided;

(c) (i) A description of the opportunities for the student to meet a program of basic education that meets the goals of RCW 28A.150.210, in accordance with an individual assessment of student strengths and needs initially performed by the placing school districts and updated by the authorized entity; and

(ii) When applicable, a description of the opportunities for the student to either meet high school graduation requirements under RCW 28A.230.090 or to earn a high school equivalency certificate under RCW 28B.50.536 or laws of the state in which the authorized entity is located;

(d) A schedule, of at least once per academic term, for the authorized entity to provide to the school district student progress reports. The progress reports must describe how the student is meeting personalized learning outcomes;

(e) The total contract cost and applicable charge and reimbursement systems, including billing and payment procedures;

(f) Acknowledgment that the authorized entity is responsible for full reimbursement to the school district of any overpayments determined to have been made by the school district;

(g) Acknowledgment that the authorized entity has a list of staff members providing the education and related services and a copy of the license that qualifies each staff member to provide the services;

(h) An agreement by the authorized entity to employ or contract with at least one licensed teacher with a special education endorsement;

(i) Acknowledgment that the staff of the authorized entity are regularly trained on the following topics:

(i) The constitutional and civil rights of students in schools;

(ii) Child and adolescent development;

(iii) Trauma-informed approaches to working with children and youth;

(iv) Cultural competency, diversity, equity, and inclusion, including best practices for interacting with students from particular backgrounds, including English learner, LGBTQ, immigrant, female, and

nonbinary students. For the purposes of this subsection, "cultural competency," "diversity," "equity," and "inclusion" have the same meanings as in RCW 28A.415.443;

(v) Student isolation and restraint requirements under RCW 28A.600.485;

(vi) The federal family educational rights and privacy act (Title 20 U.S.C. Sec. 1232g) requirements including limits on access to and dissemination of student records for noneducational purposes;

(vii) Recognizing and responding to student mental health issues; and

(viii) Educational rights of students with disabilities, the relationship of disability to behavior, and best practices for interacting with students with disabilities;

(j) Acknowledgment that the school district and the authorized entity have clearly established their respective responsibilities and processes for student data collection and reporting;

(k) Acknowledgment that the authorized entity will promptly submit to the school district any complaints it receives;

(l) Acknowledgment that the authorized entity will submit other information required by the school district or the office of the superintendent of public instruction;

(m) Acknowledgment that the authorized entity must comply with student isolation and restraint requirements under RCW 28A.600.485;

(n) Acknowledgment that the authorized entity will notify:

(i) The office of the superintendent of public instruction and every school district with which it contracts of any major program changes that occur during the authorization period, including adding or eliminating services or changing the type of programs available to students;

(ii) The office of the superintendent of public instruction, every school district with which it contracts, and every parent or guardian of an affected student of any conditions that would affect the authorized entity's ability to continue to provide the contracted services; and

(iii) The office of the superintendent of public instruction and every school district with which it contracts of any complaints it receives regarding services to students, as well as any law enforcement incident reports involving the authorized entity and its enrolled students;

(o) Acknowledgment that the authorized entity must comply with all relevant Washington state and federal laws that are applicable to the school district; and

(p) Acknowledgment that the school district must provide the office of the superintendent of public instruction with the opportunity to review the contract and related documentation upon request.

(3) (a) A school district that contracts with an authorized entity under this section shall conduct an annual on-site visit to confirm that the health and safety of the facilities, the staffing qualifications and levels, and the procedural safeguards are sufficient to provide a safe and appropriate learning environment for students.

(b) A contracting school district may arrange for another school district to complete the annual on-site visit on its behalf, so long as the school district conducting the on-site visit provides a written report to the contracting school district that documents the results of the on-site visit and any concerns about the learning environment.

(4) Each school district contracting with an authorized entity under this section shall provide the following documents to the parents or guardians of each student placed in the authorized entity by the school district:

(a) A summary of the school district's and the authorized entity's responsibilities and processes for reporting incidents of student isolation and restraint under RCW 28A.600.485; and

(b) A copy of the complaint procedure developed by the office of the superintendent of public instruction under RCW 28A.155.240.

(5) Each school district contracting with an authorized entity under this section shall report to the office of the superintendent of public instruction and the office of the Washington state auditor any concerns the school district has about overbilling by the authorized entity.

(6) Each school district contracting with an authorized entity under this section shall remain responsible for ensuring that the students with disabilities placed in the authorized entity are:

(a) Provided a free appropriate public education in accordance with the federal individuals with disabilities education act, Title 20 U.S.C. Sec. 1400 et seq. and this chapter;

(b) Provided with special education and related services at no cost to the student's parents and in conformance with an individualized education program as required by law, including evaluations and individualized education program team meetings that meet all applicable requirements; and

(c) Provided with an opportunity to participate in Washington state and school district assessments.

(7) As used in this section, the term "authorized entity" has the same meaning as in RCW 28A.300.690. [2023 c 436 s 6; 2007 c 115 s 6; 2006 c 263 s 915; 1995 c 77 s 12; 1990 c 33 s 125; 1971 ex.s. c 66 s 6. Formerly RCW 28A.13.045.]

Finding—Intent—2023 c 436: See note following RCW 28A.300.690.

Findings—Purpose—Part headings not law—2006 c 263: See notes following RCW 28A.150.230.

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