

**WAC 392-172A-04085 Responsibility of the school district.** (1) A school district that places a student eligible for special education services with a nonpublic agency or with another private or public agency under WAC 392-172A-04080(2) for special education and related services shall develop a written contract which must include, but not be limited to, the following elements:

(a) The names of the parties involved;  
(b) The name(s) of the student(s);  
(c) The location(s) and setting(s) of the services to be provided;

(d) A description of services provided, program administration and supervision, including access to state learning standards;

(e) The charges and reimbursement including billing and payment procedures;

(f) The total contract cost;

(g) A description of the district responsibility and process of data collection and reporting for the student(s), including the data required under IDEA, restraint or isolation (RCW 28A.600.485) reports to parents and the OSPI, and school discipline;

(h) Assurance that the requirements of WAC 392-172A-02105 through 392-172A-02110 are met (including requirements for parental consent, notification, and reporting);

(i) Assurance that the agency will notify the school district and OSPI of program changes within the agency that may affect the agency's ability to contract or any complaints against the agency regarding services to students eligible for special education services; and

(j) Any other contractual elements including those identified in WAC 392-121-188 that may be necessary to assure compliance with state and federal rules.

(2) Each school district must ensure that a student eligible for special education services placed in or referred to a nonpublic agency under WAC 392-172A-04080(1) or with another private or public agency under WAC 392-172A-04080(2) is provided special education and related services:

(a) In conformance with an IEP developed by the school district that meets the requirements of this chapter; and

(b) At no cost to the parents.

(3) Each school district remains responsible for ensuring that the student is provided FAPE.

(4) The school district remains responsible for evaluations and IEP meetings for the student. If the school district requests that the nonpublic agency conduct evaluations or IEP meetings, the school district will ensure that all applicable requirements of Part B of the act are met.

(5) The student retains all of the rights of a student eligible for special education services who is served within the school district.

(6) The student must be provided with an opportunity to participate in state and district assessments.

(7) The student must be provided with an opportunity to fulfill the requirements to receive a Washington state diploma.

[Statutory Authority: RCW 28A.155.090. WSR 21-19-065, § 392-172A-04085, filed 9/14/21, effective 10/15/21; WSR 17-23-054, § 392-172A-04085, filed 11/9/17, effective 12/10/17. Statutory Authority: RCW 28A.155.090 and 34 C.F.R. Part 300. WSR 13-20-034, § 392-172A-04085, filed 9/24/13, effective 10/25/13. Statutory Authority:

ty: RCW 28A.155.090(7) and 42 U.S.C. 1400 et. seq. WSR 07-14-078, § 392-172A-04085, filed 6/29/07, effective 7/30/07.]