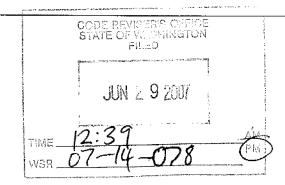
RULE-MAKING ORDER		CR-103 (June 2004) (Implements RCW 34.05.360)		
Agency: Office of Superintendent of Public Instruction		☑ Permanent Rule☐ Emergency Rule		
Effective date of rule:	Effe	ctive date of rule:		
Permanent Rules	Emergency Rules			
□ 31 days after filing.		mmediately upon filing.		
Other (specify) (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)	🔲 L	Later (specify)		
☐ Yes ☐ No If Yes, explain: Purpose: The purpose of these regulations is to ensure that the state	has r	ules that are consistent with federal regulations		
implementing the Individuals with Disabilities Education Act of 2004 an of rules in conformance with IDEA is required for the receipt of federal	d with fundin	state law under 28A.155 RCW. Implementation g.		
Citation of existing rules affected by this order:				
Repealed: Chapter 392-172				
Amended:				
Suspended:				
Statutory authority for adoption: 28A.155.090(7)				
Other authority: 42 USC 1400 et. seq.				
PERMANENT RULE ONLY (Including Expedited Rule Making)	_			
Adopted under notice filed as WSR <u>07-08-086</u>	on <u>Ar</u>	oril 2, 2007 (date).		
Describe any changes other than editing from proposed to adopted references to other federal laws addressing disability protections, the second secon	versi	on: WAC 392-1/2A-01035 (1) includes cross		
district responsibility for students who may not be eligible for specia	iiai we	re contained in the former version, to clarify		
392-172A-02040(1) removes the reference to an age range of child	arcuu Iren a	nd clarifies the child find is for students who are		
in need of Part B services. A reference to child find responsibilities	unde:	r Part C is added to clarify that child find for		
those children is done according to those procedures. WAC 392-1	72A-0	3305(1) clarifies that the referral be in writing		
and also includes referrals from other sources knowledgeable about	ut the	student. WAC 392-172A-03020 (3)(a) clarifies		
that professional judgment is used if properly validated tests are no	t avail	lable. In addition, (2) clarifies that the evaluation		
group is selected by the district. WAC 392-172A-03055(2) clarifies	that a	student's pattern of strengths and weaknesses		
may be considered under either the severe discrepancy model, or	the res	sponse to intervention (RTI) process, WAC 392-		

clarify bility. WAC ts who are ind for writing) clarifies evaluation aknesses WAC 392-172A-03060 clarifies that universal screenings were at least 3 times a year, core curriculum is designed to meet the needs of all students, and the number of data points is sufficient to address response to an intervention. WAC 392-172A-03080 (1) (d) clarifies that patterns of strengths and weakness may be a part of an eligibility determination under either the severe discrepency model or RTI. WAC 392-172A-04010 (1) clarifies that the applicable part-time enrollment provisions apply when a student is enrolled in a public school for receipt of special education services. WAC 392-172A-04095(1) includes special education certification requirements for non-public agencies who are approved by the state board, so that it is consistent with other regulations addressing non-public agency services to students eligible for special education and consistent with current application requirements. WAC 392-172A-07040 (3) (b) clarifies that the risk ratio applies to the district's population and is not a state wide average. The terms related to discipline and placement are added for consistency with the definition of disproportionality in subsections (1) and (2).

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

Name:NA Address:NA phone (NA) ______ fax (NA)



EMERGENCY RULE ONLY	
Under RCW 34.05.350 the agency for good cause finds:	
That immediate adoption, amondment, or remark of	
That immediate adoption, amendment, or repeal of a ru	le is necessary for the preservation of the public
The income, safety, or general welfare, and that observing the	le time requirements of notice and apportunity to
to thinless upon adoption of a permanent rule would be	Contrary to the public interest
That state or federal law or federal rule or a federal dea	dline for state receipt of federal funds requires
immediate adoption of a rule.	·
Reasons for this finding:	
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Date adopted: June 29, 2007	
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(COMPLETE REVERSE SIDE)

Note: If any category is left blank, it will be calculated as zero. No descriptive text.

Count by whole WAC sections only, from the WAC number through the history note.

A section may be counted in more than one category.

The number of sections adopted in o	rder to co	mply with	:		
Federal statute:	New	176	Amended	Repealed	<u>182</u>
Federal rules or standards:	New	181	Amended	Repealed	194
Recently enacted state statutes:	New	<u>5</u>	Amended	Repealed	
The number of sections adopted at th	ne reques	t of a non	governmental entity:		
	New	<u>0</u>	Amended <u>0</u>	Repealed	0
The number of sections adopted in the	e agency	's own ini	tiative:		
	New	· ·	Amended	Repealed	<u>3</u>
The number of sections adopted in or	rder to cla	arify, strea	ımline, or reform agency	procedures:	
	New	*****	Amended	Repealed	8
The number of sections adopted usin	g:				
Negotiated rule making:	New		Amended	Repealed	
Pilot rule making:	New		Amended	Repealed	
Other alternative rule making:	New		Amended	Repealed	