

WSR 13-13-004
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)

[Filed June 6, 2013, 10:42 a.m., effective July 7, 2013]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The community services division (CSD) is amending WAC 388-482-0005 How does being a student impact my eligibility for the Washington Basic Food program?, to remove references to the food stamp employment and training program and replace it with the Basic Food employment and training. CSD is also using this opportunity to edit rule language to provide more clarity of student status as it relates to Basic Food eligibility and improve accuracy in the Basic Food program.

The department seeks to avoid Basic Food payment errors and improve overall program access. This will help assure Washington state continues to receive federal funding for its supplemental nutrition assistance program (SNAP) and avoid financial penalties.

Citation of Existing Rules Affected by this Order: Amending WAC 388-482-0005.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510, and 74.08.090.

Other Authority: 7 C.F.R. § 273.5.

Adopted under notice filed as WSR 13-09-026 on April 9, 2013.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 1, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Date Adopted: June 3, 2013.

Katherine I. Vasquez
Rules Coordinator

AMENDATORY SECTION (Amending WSR 03-22-037, filed 10/28/03, effective 12/1/03)

WAC 388-482-0005 How does being a student of higher education impact my eligibility for the Washington Basic Food program? (1) For Basic Food, we consider you a student of higher education if you are:

(a) Age eighteen through forty-nine;

(b) Physically and mentally able to work (we determine if you are unable to work); (~~and~~)

(c) Enrolled in an institution of higher education at least half-time as defined by the institution; and

(d) Enrolled in coursework considered to be higher education.

(2) An institution of higher education is:

(a) Any educational institution that requires a high school diploma or general education development certificate (GED);

(b) A business, trade, or vocational school that requires a high school diploma or GED; or

(c) A two-year or four-year college or university that offers a degree but does not require a high school diploma or GED.

(3) If you are a student of higher education, you must also meet one of the following conditions to be eligible for Basic Food:

(a) You have paid employment of at least twenty hours per week.

(b) (~~(Be)~~) You are self-employed, work, and earn at least the amount you would earn working twenty hours at the federal minimum wage;

(c) (~~(Be)~~) You were participating in a state or federal work study program (~~(at the time you applied for Basic Food benefits. For the purpose of being eligible for Basic Food, work study is:~~

(i) ~~Working and receiving money from the work study program; and~~

(ii) ~~Not turning down a work assignment~~) during the regular school year.

(i) To qualify under this condition, you must:

(A) Have approval for work study at the time of application for Basic Food;

(B) Have work study that is approved for the school term; and

(C) Anticipate actually working during that time.

(ii) The work study exemption begins:

(A) The month in which the school term starts; or

(B) The month work study is approved, whichever is later.

(iii) Once begun, the work study exemption shall continue until:

(A) The end of the month in which the school term ends;

or

(B) We find out you refused a work study assignment.

(d) (~~(Be)~~) You are responsible for more than half the care of a dependent person in your assistance unit (AU) who is age five or younger;

(e) (~~(Be)~~) You are responsible for more than half the care of a dependent person in your AU who is between age six and eleven, if we have determined that there is not adequate child care available during the school year to allow you to:

(i) Attend class and satisfy the twenty-hour work requirement; or

(ii) Take part in a work study program.

(f) (~~(Be)~~) You are a single parent responsible for the care of your natural, step, or adopted child who is eleven or younger;

(g) (~~(Be)~~) You are an adult who has the parental responsibility of a child who is age eleven or younger if none of the following people live in the home:

- (i) The child's parents; or
- (ii) Your spouse.
- (h) You participate in the WorkFirst program under WAC 388-310-0200;
- (i) You receive TANF or SFA benefits;
- (j) You attend an institution of higher education through:
 - (i) The Workforce Investment Act (WIA);
 - (ii) The ~~((food stamp))~~ Basic Food employment and training ~~(BF E&T)~~ program under chapter 388-444 WAC;
 - (iii) An approved state or local employment and training program; or
 - (iv) Section 236 of the Trade Act of 1974.
- (4) If you are a student of higher education and the only reason you are eligible for Basic Food is because you ~~((participate))~~ are participating in work study, you are only eligible while you work and receive money from work study. If your work study stops during the summer months, you must meet another condition to be an eligible student during this period.
- (5) If you are a student of higher education, your status as a student:
 - (a) Begins the first day of the school term; and
 - (b) Continues through vacations. This includes the summer break if you plan to return to school for the next term.
 - (6) We do not consider you a student of higher education if you:
 - (a) Graduate;
 - (b) Are suspended or expelled;
 - (c) Drop out; or
 - (d) Do not intend to register for the next normal school term other than summer school.

WSR 13-13-005
PERMANENT RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION

[Filed June 6, 2013, 10:57 a.m., effective July 7, 2013]

Effective Date of Rule: Thirty-one days after filing.

Purpose: Chapter 392-700 WAC requires updating to address the following:

- Adjust the AAFTE averaging calculation due to the new June enrollment reporting requirement,
- Remove language of standard and nonstandard school year,
- Clarify program development issues, and
- Update language to align with existing apportionment WACs.

Citation of Existing Rules Affected by this Order:
 Amending chapter 392-700 WAC, Dropout reengagement.

Statutory Authority for Adoption: RCW 28A.175.100.

Adopted under notice filed as WSR 13-08-041 on March 28, 2013.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or

Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 4, Amended 10, Repealed 11.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: May 10, 2013.

Randy Dorn
 Superintendent of
 Public Instruction

AMENDATORY SECTION (Amending WSR 11-17-045, filed 8/11/11, effective 9/11/11)

WAC 392-700-001 Purpose and authority. (1) The purpose of this chapter is to provide a statutory framework for a statewide dropout reengagement system and to provide appropriate educational opportunities and access to services for students age sixteen to twenty-one who have dropped out of high school or are not accumulating sufficient credits to reasonably complete a high school diploma in a public school before the age of twenty-one.

(2) Authority for this chapter is RCW 28A.175.100, which authorizes the superintendent of public instruction to adopt rules and procedures for statewide dropout reengagement programs (hereafter called program).

AMENDATORY SECTION (Amending WSR 11-17-045, filed 8/11/11, effective 9/11/11)

WAC 392-700-015 Definitions. The following definitions in this section apply throughout this chapter:

(1) "**Agency**" means an educational service district, nonprofit community-based organization, or public entity other than a ~~((community or technical))~~ college.

(2) "**Annual ~~((student))~~ average full-time equivalent (AAFTE)**" means the total student full-time equivalent (FTE) reported for each enrolled student in a school year divided by ~~((nine))~~ ten with the maximum being 1.0 per year.

~~((Average annual full-time equivalent (AAFTE) means the sum total of the annual student full-time equivalents (AFTEs) reported for a reengagement program divided by the total number of enrolled students in the program.))~~

(3) "**CEDARS**" refers to comprehensive educational data and ~~((resource))~~ research system, the statewide longitudinal data system of educational data for K-12 student information.

(4) "**College**" means community college or technical college.

(5) "**Consortium**" means a regional group of organizations that will consist of ~~((school))~~ districts, and agencies and/or colleges who agree to work together to create and operate a ~~((reengagement))~~ program ~~((or reengagement pro-~~

grams)) that will serve students from multiple ((school)) districts and reduce the administrative burden on ((school)) districts.

(6) **"Consortium agreement"** means:

(a) The agreement that is signed by the consortium lead and all ((school)) districts which are part of the consortium and agree to refer eligible students to the consortium's ((reengagement)) program((s)). This agreement will clearly outline the responsibilities of the consortium lead and those of the referring ((school)) districts. ~~(A model consortium agreement with standard language will be provided by OSPI);~~ or

(b) The agreement that is signed by a ((school)) district or ((technical)) college that is directly operating a ((reengagement)) program and all ((school)) districts which agree to refer eligible students to the program. This agreement will clearly outline the responsibilities of the ((technical)) college or ((school)) district directly operating the program and those of the referring ((school)) districts. ~~(A model consortium agreement with standard language will be provided by OSPI.)~~

(7) **"Consortium lead"** means the lead organization in a consortium that will assume the responsibilities outlined in WAC ~~((392-700-225 (4)(d)))~~ 392-700-042.

(8) **"Contract"** means the document signed by the administrator of a ((school)) district and the administrator of an agency ~~((educational service district, community-based organization, or public entity other than a college or technical college))~~ when the program is operated by an agency ~~((agrees to operate a reengagement program))~~ on behalf of the district and will receive compensation ~~((for doing so))~~ in accordance with WAC 392-700-165. The contract will specifically outline all the required elements of a ((reengagement)) program ~~((as stated in this chapter))~~ that the agency and the ((school)) district ~~((are agreeing))~~ agree to implement. ~~(A model contract containing standard language will be provided by OSPI and may be used by the school district when requesting OSPI approval of their program as a reengagement program.)~~

(9) **"Credential"** ~~((means a GED,))~~ is identified as one of the following:

(a) High school equivalency certificate;

(b) High school diploma(;;);

(c) College certificate received after completion of a college program requiring at least forty hours of instruction(;; a);

(d) College degree(;;); or ~~((an))~~

(e) Industry recognized certificate of completion of training or licensing received after completion of a program requiring at least forty hours of instruction.

(10) **"Enrolled student"** is ((a)) an eligible student ((who)) whose enrollment and attendance meets ((aH)) the criteria adopted by the office of superintendent of public instruction (OSPI) specifically for the program and outlined in WAC ~~((392-700-045))~~ 392-700-035 and 392-700-160, and is reported ((for student FTE)) as an FTE for state funding.

(11) **"ERDC"** refers to education research and data center, which conducts analyses of early learning, K-12, and higher education programs and education issues across the P-20 system that collaborates with legislative evaluation and accountability program and other statutory partner agencies.

(12) **"Full-time equivalent (FTE) ((eligible student" means))"** is the measurement of enrollment that an ((eligible)) enrolled student ((whose enrollment and attendance meets criteria adopted by the office of superintendent of public instruction (OSPI) specifically for dropout reengagement programs. The criteria shall be based on the community or technical college credits generated by the student if the program provider is a community or technical college or based on a minimum amount of planned programming or instruction and minimum attendance by the student rather than hours of seat time if the program provider is a community based organization. (See WAC 392-700-160.)) can be claimed on a monthly basis with the maximum being 1.0 FTE per month.

(13) **"Instructional staff"** means the following:

(a) For programs operated by or in partnership with a district, the instructional staff is a certificated instructional staff pursuant to WAC 392-121-205;

(b) For programs operated by or in partnership with a college, the instructional staff is one who is employed or appointed by the college whose required credentials are established by the college; and

(c) For programs operated by or in partnership with an agency, the instructional staff is one who is employed or appointed by the agency whose required credentials are established by the agency.

(14) **"Interlocal agreement"** means the document signed by the administrator of a ((school)) district and the administrator of a college when the program is operated by a college ((agrees to operate a reengagement program)) on behalf of the district and will receive compensation ((for doing so)) in accordance with WAC 392-700-165. The interlocal agreement will specifically outline all the required elements of a ((reengagement)) program ((as stated in this chapter)) that the college and the ((school)) district ((are agreeing)) agree to implement. ~~(A model interlocal contract containing standard language will be provided by OSPI and may be used by the school district when requesting OSPI approval of their program as a reengagement program.)~~

(15) **"Letter of intent"** means the document signed by the administrator of ~~((any school))~~ a district or ((technical)) college that specifically outlines ~~((aH))~~ the required elements of a ((reengagement)) program ~~((as stated in this chapter))~~ that the ((school)) district or ((technical)) college ~~((is agreeing))~~ agree to implement. ~~(A model letter of intent containing standard language will be provided by OSPI and may be used by the school district or technical college when requesting OSPI approval of their program as a reengagement program.)~~

(16) **"Measure of academic progress"** means standard academic benchmarks that are measures of academic performance which are attained by reengagement students in addition to a credential. These measures will be tracked and reported by ~~((reengagement))~~ the program((s)) and ((school)) district((s)) for each student and for ~~((reengagement))~~ programs as a whole using definitions and procedures outlined by OSPI. Measures of academic progress will be reported when a student does one of the following:

(a) Passes one or more ~~((GED tests))~~ high school equivalency certificate measures (each measure may only be claimed once ~~((in a year)))~~;

(b) Makes a significant gain in math and/or reading skills level as measured by a post-test using a commonly accepted standardized assessment (may be claimed multiple times in a year);

(c) Completes approved college readiness course work with documentation of competency attainment;

(d) Completes job search and job retention course work with documentation of competency attainment;

(e) Successfully completes a paid or unpaid work based learning experience of at least forty-five hours. This experience must meet ~~((at))~~ the requirements of WAC 392-410-315(2);

(f) Enrolls in postsecondary classes other than adult basic education (ABE(~~(/GED)~~)), high school equivalency certificate, or English as a second language (ESL); or

(g) Transitions from ESL to ABE(~~(/GED)~~) high school equivalency certificate classes;

(h) Transitions from ABE(~~(/GED)~~) high school equivalency certificate classes to postsecondary developmental math and English classes (math or English classes ~~((at less than))~~ below the 101 level);

(i) Transitions from postsecondary developmental math or English classes to the next level of postsecondary developmental math or English or from postsecondary developmental math or English classes to college level math and English classes (classes at 101 or above); and

(j) Transitions from ABE(~~(/GED)~~) high school equivalency certificate classes to college level classes at 101 or above (other than English or math).

(17) "Minimum attendance standard" means the minimum attendance that must be made by a student enrolled in a ~~((reengagement program operated by an agency or directly by a district in order for student FTE to be reported for that student on any monthly count day. (See WAC 392-700-165 (1)(a)(ii)-))~~

~~"Nonstandard school year" means the months of the year, not in the standard school year, the period during which a summer instruction may be offered.)~~ program in order to be eligible to be claimed on any monthly count day.

(18) "Noninstructional staff" is any person employed in a position that is not an instructional staff as defined under subsection (13) of this section.

(19) "OSPI" means the office of superintendent of public instruction.

(20) "Program" means a statewide dropout reengagement program approved by OSPI, established through E2SHB 1418, and pursuant to RCW 28A.175.105.

(21) "School year" ~~((means))~~ is the twelve-month period that ~~((encompasses the standard nine month school year and the three month nonstandard school year.~~

~~"Standard school year" means the nine months from September through May or October through June during which instruction is provided and FTE is reported.~~

~~"Student full-time equivalent (FTE)" means the enrollment reported to OSPI for an enrolled student on a monthly basis with the maximum being 1.0 FTE per month.~~

~~"Total annual student full-time equivalent" means the sum of the annual student full-time equivalents (AFTEs) reported for a reengagement program.~~

~~"Written agreement" means either a contract or an inter-local agreement))~~ begins in September and ends in August during which instruction is provided and FTE is reported.

AMENDATORY SECTION (Amending WSR 11-17-045, filed 8/11/11, effective 9/11/11)

WAC 392-700-035 Student eligibility. (1) ~~((Youth))~~ Students are eligible ~~((for reengagement programming))~~ to enroll in a program when they meet the following criteria:

(a) Under twenty-one years of age, but at least sixteen years of age, as of September 1st;

(b) Have not yet met the high school graduation requirements of either the district, or the college under RCW 28B.50.535; and

(c) Are significantly behind in credit as outlined below:

(i) Students who, based on their expected graduation date, participated or could have participated in up to two full years of high school must have an earned to attempted credit ratio that is sixty-five percent or less~~((-))~~; or

(ii) Students who, based on their expected graduation date, participated or could have participated in more than two full years of high school must have an earned to attempted ratio that is seventy-five percent or less.

(2) If not credit deficient as outlined in subsection (1)~~((c))~~ of this section, have been:

(a) Recommended for enrollment by case managers from the department of social and health services, the juvenile justice system, district approved school personnel, or staff from community agencies which provide educational advocacy services;

(b) Are not currently enrolled in any high school or other educational program receiving state basic education funding; and

(c) Released from their district of residence and accepted by the serving district, if the ~~((reengagement))~~ program is operated by a different district.

(3) Once determined eligible for ~~((reengagement programming))~~ enrolling in the program, a student will retain eligibility, regardless of breaks in enrollment, until the student does one of the following:

(a) Earns a high school diploma;

(b) Earns an associate degree;

(c) Becomes ineligible because of age which occurs when a student is twenty-one years of age as of September 1st.

(4) A student's eligibility does not ~~((necessarily))~~ guarantee enrollment or continued enrollment in specific ~~((reengagement))~~ programs if the program determines that the student does not meet the program's enrollment criteria or if, after enrollment, a student's academic performance or conduct does not meet established program guidelines.

NEW SECTION

WAC 392-700-042 Program operating agreements and OSPI approval. (1) Districts, agencies, and colleges are encouraged to work together to design programs and collab-

orations that will best serve students. Many models of operation are authorized as part of the statewide dropout reengagement system.

(a) A district may enter into one of the following models of operations:

- (i) An interlocal agreement with a college;
- (ii) A contract with an agency; or
- (iii) Directly operate a program through a letter of intent.

In each of these models, the necessary agreement will address whether the program will only serve students who are residents of the district or whether the program will also serve students who are not residents of the district but who petition for release from the resident district, under RCW 28A.225.-220 through 28A.225.230, in order to attend the program.

(b) A district may work with other districts, with regional partner agencies, with colleges in or near the district to form a consortium. The purpose of the consortium will be to create and operate a program that will serve students enrolled in multiple districts and reduce the administrative burden on districts. If such a regional reengagement consortium is implemented, a consortium lead agency will be identified and assume the following responsibilities:

- (i) Take the lead in organizing and managing the regional consortium;
- (ii) Provide information and technical assistance to districts interested in participating in the consortium and providing the opportunity for students from their district to enroll;
- (iii) Develop a consortium agreement that is signed by all member districts;
- (iv) Develop interlocal agreements and contracts with agencies and colleges to operate the programs;
- (v) Provide oversight and technical assistance to the program to ensure compliance with all requirements of this chapter and the delivery of quality programming;
- (vi) Assist the program with the preparation of required reports, enrollment data, and course records needed by each district to enroll students, award credit, and report FTE and performance to OSPI;
- (vii) Facilitate data entry of required student data into each district's statewide student information system related to enrollment; and
- (viii) Work with the districts to facilitate the provision of special education and accommodations under Section 504 of the Rehabilitation Act of 1973.

(c) A technical college receiving direct funding and authorized to enroll students under WAC 392-121-187 may directly operate a program and serve students referred from multiple districts. The technical college will assume the responsibilities of operating the program as described in this chapter and will meet all responsibilities outlined in WAC 392-121-187.

(2) All programs must be approved by OSPI as follows:

- (a) If the program is run by a district, agency or college, the program must be approved.
- (b) If the program is run by a consortium, both the program and participating districts must be approved.
- (3) Dependent on the model of operations, OSPI will specify the necessary documentation required for approval.
- (4) OSPI will provide a model interlocal agreement, a model contract, a model letter of intent, and a model consor-

tium agreement and will indicate which elements of these standard documents must be submitted to OSPI for review and approval.

(5) Upon initial approval, OSPI will specify the duration of the approval, assign a school code, and indicate the necessary criteria to obtain reapproval. The school code will be used to uniquely identify this program and all students enrolled in the program in the district's/college's student data system and in CEDARS.

(6) If a district does not operate a program directly or enter into an interlocal agreement or contract with an agency or college, the agency or college may petition a district other than the resident district to enroll the eligible students under RCW 28A.225.220 through 28A.225.230 and enter into an interlocal agreement or contract with the petitioning entity to provide a program for the eligible students.

(7) This chapter does not affect the authority of districts, under RCW 28A.150.305 and 28A.320.035, to contract for educational services other than reengagement programs as defined by WAC 392-700-015(20).

AMENDATORY SECTION (Amending WSR 11-17-045, filed 8/11/11, effective 9/11/11)

WAC 392-700-065 Instruction. (1) All program instruction ((for reengagement students enrolled in programs operated by an agency)) will meet the following criteria:

(a) Instruction will be designed to help students acquire high school credits, acquire at least high school level skills, and be academically prepared for success in college and/or work.

(b) Instruction will be provided in accordance with the skills level and learning needs of individual students and not the student's chronological age or associated grade level. Therefore:

(i) Instruction that is at the ninth grade level or higher shall generate credits that can be applied to a high school diploma; and

(ii) Instruction that is below the ninth grade level shall not generate high school credits but will be counted as part of the program's instructional programming for the purposes of calculating FTE and will be designed to prepare students for course work that is at the ninth grade level or higher.

(c) Instruction in which each student is enrolled will not be limited to only those courses or subject areas in which they are deficient in high school credits.

(d) The program will administer standardized tests within one month of enrollment or secure test results from no more than six months prior to enrollment in order to determine a student's initial math and reading level upon entering the program.

(e) The district, agency or college will provide all instruction, tuition, and required academic skills assessments at no cost to the students, but may collect mandatory fees as established by each program.

(i) Consumable supplies, textbooks, and other materials that are retained by the student do not constitute tuition or a fee.

(ii) Programs are encouraged to offer a waiver or scholarship process.

(2) Instruction for students enrolled in programs operated by a district or agency will meet the following criteria:

(a) Instruction must include:

(i) Academic skills instruction and ((GED)) high school equivalency certificate preparation course work with curriculum and instruction appropriate to each student's skills levels and academic goals; and

(ii) College readiness and work readiness preparation course work.

(b) Instruction may include:

(i) Competency based vocational training;

(ii) College preparation math or writing instruction;

(iii) Subject specific high school credit recovery instruction;

(iv) English as a second language instruction (ESL); and

(v) Other course work approved by the ((school)) district, including cooperative work experience.

(c) Instruction will be scheduled so that ((all)) enrolled students have the opportunity to attend and work with instructional staff during ((all)) the hours of the program's standard instructional day.

(d) The program will maintain an instructor to student ratio as follows:

(i) The scheduled teaching hours of an instructional staff will equal or exceed the hours of the program's standard instructional day plus one additional hour per every five teaching hours for planning, curriculum development, recordkeeping, and required coordination of services with case management staff.

(ii) The program will assign instructional staff as needed to maintain an instructional staff FTE to student ratio that does not exceed 1:25.

(iii) For programs that use noninstructional staff as part of the calculated instructional staff FTE to student ratio, the following conditions must be met:

(A) Noninstructional staff may not be a replacement for the instructional staff and must work under the guidance and direct supervision of the instructional staff; and

(B) The ratio of total instructional and noninstructional staff FTE to students may not exceed 1:50.

((2)) (3) Instruction for ((reengagement)) students enrolled in programs operated by a college will meet the following criteria:

(a) Instruction will be provided through courses approved by the college, identifiable by course title, course number, quarter, number of credits, and, for vocational course, the classification of instructional((-and)) program (CIP) code number assigned by OSPI to the approved career and technical education (CTE) course.

(b) The following instruction will be offered ((provided)) to all students, as appropriate ((with their)) for their goals, skills levels, and ((goals, will have the opportunity to enroll in each)) completion of prerequisites:

(i) Basic skills remediation courses and ((GED)) high school equivalency certificate preparation courses;

(ii) Courses that will lead to a postsecondary degree or certificate;

(iii) Course work that will lead to a high school diploma; and

(iv) College and work readiness preparation course work.

((3) The instruction in which each student is enrolled will not be limited to only those courses or subject areas in which they are deficient in high school credits.

(4) All reengagement instruction will be designed to help students acquire high school credits, acquire at least high school level skills, and be academically prepared for success in college and/or work. All instruction will be provided in accordance with the skills level and learning needs of individual students and not the student's chronological age or associated grade level. Therefore:

(a) All instruction that is at the ninth grade level or higher shall generate credits that can be applied to a high school diploma; and

(b) All instruction that is below the ninth grade level shall not generate high school credits but will be counted as part of the program's instructional programming for the purposes of calculating student FTE (see also WAC 392-700-155) and will be designed to prepare students for course work that is at the ninth grade level or higher.

(5) The program will administer standardized tests within one month of enrollment or secure test results from no more than six months prior to enrollment in order to determine a student's initial math and reading level upon entering the program.

(6) The agency or college will provide all instruction, core instructional materials, and required academic skills assessments at no cost to the students.) (c) The program will maintain an instructor to student ratio as follows:

(i) Instructor to student ratio for any course open to both program students and nonprogram students will be determined by the college; and

(ii) Instructor to student ratio for classes designed exclusively for program students will not exceed 1:35.

AMENDATORY SECTION (Amending WSR 11-17-045, filed 8/11/11, effective 9/11/11)

WAC 392-700-085 Case management and student support. (1) Case management staff will be employed or assigned to the ((reengagement)) program to provide accessible, consistent support to students, as well as, academic advising, career guidance information, employment assistance or referrals, and referrals to social and health services.

(2) The program will maintain a case management staff to student ratio not to exceed 1:75 (one case manager FTE to seventy-five enrolled students) on a full-time continuous basis throughout the ((program)) school year.

(3) Only the percent of each staff member's time that is allocated to fulfilling case management responsibilities for reengagement students will be included in the calculation of a program's case management staff FTE to student ratio.

(4) Even though the provision of case management services ((will)) may require case management staff to work in the community to meet client needs, case management staff will be primarily based at the ((reengagement)) program's instructional site(s).

(5) The district, agency, or college will ensure that case management services and instruction are integrated and coordinated.

minated and that procedures are in place that facilitate timely relevant communication about student progress.

(6) Case management staff will be ~~((employed or))~~ assigned to provide services to ~~((reengagement))~~ students on a continuous basis throughout the ~~((program))~~ school year.

(7) All case management staff will ~~((be employed or assigned by the agency or college and will))~~ have at least a bachelor's degree in social work, counseling, education, or a related field **or** at least two years' experience providing case management, counseling, or related direct services to at-risk individuals or sixteen to twenty-one year old youth.

NEW SECTION

WAC 392-700-137 Award of credit. (1) For programs operated by districts and agencies, high school credit will be awarded for all course work in which students are enrolled, including high school equivalency certificate preparation, in accordance with the following:

(a) Determination of credit will take place on a quarterly basis with quarters defined as follows:

- (i) September through November;
- (ii) December through February;
- (iii) March through May; and
- (iv) June through August.

(b) Credit will be awarded at the end of each quarter, in accordance with the following guidelines, if the student has been enrolled for at least one month of the quarter:

(i) A maximum of 0.5 high school elective credits will be awarded when a student passes one or more standardized high school equivalency certificate pretests during the quarter and the instructional staff has assessed student learning and determined that a course of study has been successfully completed.

(ii) A 0.5 high school elective credit will be awarded when a student makes a statistically significant standardized assessment post-test gain in a specific subject area during the quarter and the following conditions are met:

(A) The student's standardized skills assessment score at the beginning of the quarter demonstrated high school level skills; and

(B) The instructional staff has assessed student learning and determined that a course of study has been successfully completed. A maximum of 1.0 credit may be awarded for such subject gains in a quarter.

(iii) High school elective credit ranging from at least 0.1 credits to no more than 0.25 credits will be awarded for completion of a work readiness or college readiness curriculum in which the student has demonstrated mastery of specific competencies. The district and the agency will determine the amount of credit to be awarded for each course of study based on the competencies to be attained.

(iv) For students taking part in district approved subject-specific credit recovery course work, the amount and type of credit to be awarded will be defined by the district.

(v) The district may elect to award credit for other course work provided by the agency with amount of credit to be awarded determined in advance, based on the agency's instructional staff's recommendation and on a district review

of the curriculum and intended learning outcomes. Credit will only be awarded when:

(A) The student's standardized skills assessment score at the start of the quarter demonstrates high school level skills; and

(B) The instructional staff has assessed student learning and determined that the course of study has been successfully completed.

(2) For programs operated by colleges, high school credit will be awarded for course work in which students are enrolled, in accordance with the following:

(a) The district and the college will determine whether the high school diploma will be awarded by the district or by the college as part of the college's high school completion program.

(b) If the college is awarding the diploma:

(i) 1.0 high school credit will be awarded for successful completion of every five quarter or three semester hours of college course work at or above the one hundred level. The college will determine the type of credit;

(ii) 1.0 high school credit will be awarded for successful completion of every five quarter or three semester hours of college course work that is below the one hundred level but has been determined by the college to be at the ninth grade level or higher. The college will determine the type of credit. College based high school equivalency certificate and adult basic education (ABE) classes will not be included in this category;

(iii) 0.5 elective credits will be awarded for successful completion of every five quarter or three semester hours of high school equivalency certificate course work; and

(iv) ABE courses or other college courses that have been determined to be below the ninth grade level that does not generate high school credit will be counted as part of the program's instructional programming for the purposes of calculating FTE.

(c) If the district is awarding the diploma:

(i) 1.0 high school credit will be awarded for successful completion of every five quarter or three semester hours of college course work at or above the one hundred level. The district will determine the type of credit;

(ii) 0.5 or 1.0 high school credit will be awarded for successful completion of every five quarter or three semester hours of college course work that is below the one hundred level but has been determined by the district to be at the ninth grade level or higher. The district will determine the type and amount of credit for each class. College based high school equivalency certificate and ABE classes will not be included in this category;

(iii) 0.5 elective credits will be awarded for successful completion of every five quarter or three semester hours of high school equivalency certificate course work; and

(iv) ABE courses or other college courses that have been determined to be below the ninth grade level will not generate high school credit but the college credits associated with these courses will be included in the total credit count used to calculate and report student FTE.

(3) The district is responsible for reporting all high school credits earned by students in accordance with OSPI regulations. College transcripts and other student records

requested by the district will be provided by the college or agency as needed to facilitate this process.

(4) The district will ensure that the process for awarding high school credits under this contract is implemented as part of the district's policy regarding award of credits per WAC 180-51-050 (5) and (6).

NEW SECTION

WAC 392-700-147 Provision of special education and Section 504 of the Rehabilitation Act of 1973 accommodations. (1) The resident district is responsible for the provision of special education services to any enrolled reengagement students who qualify for special education in accordance with all state and federal law and pursuant to chapter 392-172A WAC.

(2) Section 504 of the Rehabilitation Act of 1973 accommodations will be provided to all eligible students served by the agency or college in accordance with all applicable state and federal law.

NEW SECTION

WAC 392-700-152 Statewide student assessment. (1) All programs will ensure that students have the opportunity to participate in the statewide assessment of student learning to fulfill the minimum requirements for high school graduation.

(2) The district will include program students when calculating district-wide statistics in relation to the statewide assessments.

(3) The program staff is not required to be direct test administrators but may act in this capacity with the approval of the reporting district which will be responsible for the appropriate training of agency or college staff. The reporting district will submit the proposed test site information to OSPI if a program is operating in adult jail, adult institution, hospital care, home care, library, group home, or church.

AMENDATORY SECTION (Amending WSR 11-17-045, filed 8/11/11, effective 9/11/11)

WAC 392-700-155 Annual reporting calendar. (1) For ~~((reengagement))~~ programs operated by district and agencies, the following requirements will be met in relation to the school calendar:

(a) The school year ~~((calendar shall be as follows:~~

~~(i) The standard school year will have nine instructional months and will))~~ begins in September and ends in ~~((May; and~~

~~(ii) The agency may, but is not required to, offer instruction during one or more months of the nonstandard school year which will begin in June and end in))~~ August ~~((;),~~

(b) The ~~((agency))~~ program will provide the reporting district a calendar of ~~((instruction for))~~ the ~~((standard))~~ school year prior to the ~~((first day of instruction in September.~~

~~(c) If the agency is going to provide summer reengagement instruction during one or more months of the nonstandard school year, the agency will provide the district with a calendar for the nonstandard school year prior to April 1st.~~

~~((d) Both the standard year and nonstandard year))~~ beginning of the program's start date for that school year.

(c) The school year calendar((s)) must meet the following criteria:

~~(i) ((Each of the instructional months will have at least ten instructional days;~~

~~((ii)))~~ The specific planned days of instruction will be identified; and

~~((((iii)))~~ (ii) There must be a minimum of ten instructional months.

~~(d) The number of hours of instruction as defined in WAC ((392-700-065 (1), (3), and (4) that will be provided in a standard instructional day will be defined. For the purposes of calculation:~~

~~((A)))~~ 392-700-065 must meet the following criteria:

(i) The calculation for standard instructional day may not exceed six hours per day even if instruction is provided for more than six hours per day; and

~~((((B)))~~ (ii) The standard instructional day may not be less than two hours per day((; and

~~(iv) The calculated number of hours of instruction that will be provided in a standard instructional day during the standard school year may be different than the calculated number of hours of instruction that will be provided in a standard instructional day in the nonstandard school year).~~

~~(e) The ((agency's)) total planned hours of instruction ((will be calculated and reported as part of each calendar.~~

~~(i) The total planned hours of instruction for the standard school year will be calculated by multiplying the total number of instructional days scheduled during the standard school year by the hours of instruction that will be provided on a standard instructional day during the standard school year; and~~

~~(ii) The total planned hours of instruction for the nonstandard school year will be calculated by multiplying the total number of instructional days scheduled during the nonstandard school year by the hours of instruction that will be provided on a standard instructional day during the nonstandard school year.~~

~~(f) If the agency is going to offer instruction for the nonstandard school year, the average hours of instruction per instructional month must be calculated and reported as part of the nonstandard year calendar. The average hours of instruction per month will be calculated by dividing the total planned hours of instruction for the nonstandard school year by the number of instructional months that will be provided during the nonstandard school year))~~ for the school year is the sum of the instructional hours for all instructional months of the school year.

(2) For ~~((reengagement))~~ programs operated by colleges ~~((, the following requirements will be met in relation to the school calendar):~~

(a) The ~~((standard))~~ school year ~~((will be nine months in length.~~

~~(b) Annually, the college and the school district will determine whether the standard school year runs from September through May or from October through June.~~

~~((e)))~~ calendar shall meet the following criteria:

(i) The specific planned days of instruction will be identified; and

(ii) There must be a minimum of ten instructional months.

(b) The count day for each ~~((of the nine months of the standard school year will be))~~ month is the first college instructional day ~~((of each))~~ of the month~~((s-~~

(d) Regardless of the program's annual reporting calendar, instruction will be offered in accordance with the college's academic calendar.

(e) Instruction provided during a college's summer quarter or summer session will not be included in the standard school year. The three months that include the summer quarter of summer sessions will be considered the nonstandard school year.

(f) The count day for each of the three months of the non-standard school year will be the first college instructional day of each of the months.

(g) Colleges will not be required to offer instruction to reengagement students during the nonstandard school year).

AMENDATORY SECTION (Amending WSR 11-17-045, filed 8/11/11, effective 9/11/11)

WAC 392-700-160 Reporting of student ~~((FTE))~~ enrollment. (1) For ~~((reengagement))~~ all programs ~~((operated by agencies, student FTE will be reported as follows:~~

(a) Student FTE for the standard school year for reengagement), the following will apply when reporting student enrollment:

(a) Met all eligibility criteria pursuant to WAC 392-700-035;

(b) Been accepted for enrollment by the reporting district or the direct funded technical college;

(c) Enrolled in an approved program pursuant to WAC 392-700-042;

(d) Met the minimum attendance standard by attending at least one instructional day on count day or during the month prior to count day;

(e) Has not withdrawn or been dropped prior to the monthly count day;

(f) If concurrently enrolled in any other program for which basic education allocation funding is received, i.e., common high school, running start, alternative learning experience, or college in the high school, does not exceed the FTE limitation pursuant to WAC 392-121-136;

(g) Is not enrolled in course work that has been reported by a college for postsecondary funding; and

(h) A student's enrollment in the program is limited to the following:

(i) May not exceed 1.0 FTE in any month (including nonvocational and vocational FTE).

(ii) May not exceed 1.00 AAFTE in any school year as defined in WAC 392-700-015(2).

(2) For programs operated by districts and agencies, the student enrollment is dependent upon attaining satisfactory progress during any three month period that a student is reported as 1.0 FTE.

(a) Satisfactory progress is defined as the documented attainment of at least one credential identified in WAC 392-700-015(9) and/or of at least one measure of academic progress identified in WAC 392-700-015(16).

(b) A student who after any three month period of being counted for a 1.0 FTE has not attained a credential or a measure of academic progress cannot be counted until a credential or measure of academic progress is earned.

(i) During this reporting exclusion period, the program may elect to permit the student to continue to attend;

(ii) When the student achieves a credential or a measure of academic progress, the student enrollment may resume to be reported for funding. A new three month period for attaining a credential or a measure of academic progress begins; and

(iii) Rules governing the calculation of the three month period are:

(A) The three month period may occur in two different school years, if the student is enrolled in consecutive school years;

(B) The three month period is not limited to consecutive months, if there is a break in the student's enrollment; and

(C) For students claimed less than 1.0 FTE, the three month period is adjusted proportionately to provide additional time to attain a credential or a measure of academic progress.

(3) For programs operated by districts or agencies, student enrollment will be reported ~~((in accordance with the following))~~ as follows:

~~((+))~~ (a) If the program's total planned hours of instruction pursuant to WAC 392-700-155 (1)(d) for the ~~((standard))~~ school year equals or exceeds nine hundred hours ~~((also see WAC 392-700-155-1(e)))~~;

~~((A))~~ (i) The program will be considered a full-time program; and

~~((B))~~ Each (ii) An enrolled student ~~((will be))~~ is a full-time student and is reported ~~((for a standard full-time student FTE of))~~ as 1.0 FTE on each monthly count day ~~((of the regular school year as long as they meet the minimum attendance standard and demonstrate satisfactory progress as defined in WAC 392-700-165(1))).~~

~~((+))~~ (b) If the program's total planned hours of instruction for the ~~((regular))~~ school year totals less than nine hundred hours~~((, then))~~;

~~((A))~~ (i) The program will be considered a part-time program ~~((and a standard))~~;

(ii) An enrolled student is a part-time student and is reported as a part-time FTE ~~((figure will be used;~~

~~((B))~~ on each monthly count day; and

(iii) The ~~((standard))~~ part-time FTE ~~((figure will be))~~ is calculated by dividing the program's total planned hours of instruction by nine hundred~~((, and~~

~~((C))~~ The standard part-time FTE figure will be reported for each enrolled student on each monthly count day of the standard school year as long as they meet the minimum attendance standard and demonstrate satisfactory progress as defined in WAC 392-700-165(1).

(b) Student FTE for the nonstandard school year for reengagement programs operated by agencies will be reported in accordance with the following:

(i) No student may be reported as an FTE on count days during the nonstandard year months of instruction after the point they have been reported by any district for 1.0 annual FTE for the school year beginning in September;

(ii) If the program's average hours of instruction per instructional month for the nonstandard school year equals or exceeds one hundred hours (also see WAC 392-700-155(1)(f)):-

(A) The program will be considered a full-time program; and

(B) Each enrolled student will be reported as a 1.0 FTE for each instructional month as long as they meet the minimum attendance standard and demonstrate satisfactory progress as defined in WAC 392-700-165(1); and

(iii) If the program's average hours of instruction per instructional month for the nonstandard school year is less than an average of one hundred hours per month of instruction:

(A) The program will be considered a part-time program and a standard part-time FTE figure will be used;

(B) The standard part-time FTE figure will be calculated by dividing the average hours of instruction per instructional month by one hundred; and

(C) The standard part-time FTE figure will be reported for each enrolled student on each monthly count day of the nonstandard school year as long as they meet the minimum attendance standard and demonstrate satisfactory progress as defined in WAC 392-700-165(1)).

((2)) (4) For reengagement programs operated by colleges, student ((FTE)) enrollment will be reported ((in accordance with the following)) as follows:

(a) ((The number of credits of college course work in which a student is enrolled on the monthly count day will determine the student FTE reported each month.

(b) A student enrolled in)) For students enrolled in college level classes, the FTE is determined by the student's enrolled credits on each monthly count day.

(i) Fifteen ((quarterly)) college credits ((on the count day of any month will be reported as)) equal 1.0 FTE ((for that month-));

((e) (f) (ii) A student ((is)) enrolled in more than fifteen ((quarterly)) college credits ((on the count day of any month, only fifteen of these can)) is limited to be reported ((as reengagement enrollment credits and the student will be reported)) as 1.0 FTE for that month((-

(d)); and

(iii) If a student is enrolled ((in)) for less than fifteen ((quarterly)) college credits, the FTE ((reported for that month will be)) is calculated by dividing the ((number of)) enrolled college credits ((of enrollment)) by fifteen.

((e) If a student withdraws or is dropped prior to a monthly count day, the student will not be counted as enrolled for that month and no student FTE will be reported.

(3) For all reengagement programs, agencies, colleges, and school districts will adhere to the following when reporting student FTEs:

(a) No student may be counted for more than 1.0 FTE in any month (including nonvocational and vocational FTE).

(b) If nonstandard school year instruction is provided, FTE may not be reported for any student after a total of 1.0 annual FTE has been reported for that student by any school district during the standard school year.

(c) The agency or college may not report student FTEs to the school district and the school district may not report stu-

dent FTEs to OSPI for reengagement students who are concurrently enrolled in any other program for which basic education allocation funding is received, i.e., common high school, running start, alternative learning education, college in the high school, education clinic, or on-line learning.

(d) The agency or college may not report student FTEs to the school district and the school district may not report student FTEs to OSPI for reengagement students who are enrolled in course work that has been reported by a college for postsecondary student FTE-)) (b) For students enrolled in classes below college level pursuant to WAC 392-700-065(3), the student must meet the requirement of attaining satisfactory progress during any three month period pursuant to WAC 392-700-160(2) and the program's FTE for each student is based on the program's total planned hours of instruction pursuant to WAC 392-700-160(3).

AMENDATORY SECTION (Amending WSR 11-17-045, filed 8/11/11, effective 9/11/11)

WAC 392-700-165 Funding and reimbursement.

((1) For reengagement programs operated by agency or college, the school district and the agency will receive state basic education apportionment funding, as authorized in RCW 28A.175.100 and WAC 392-700-001 relating to the creation of a statewide dropout reengagement system, in accordance with the procedures set forth below:

(a) Each student will be reported as a full- or part-time student FTE on each monthly count day in accordance with the procedures outlined in WAC 392-700-160, only if all of the following conditions are met:

(i) Enrollment on or before count day;

(ii) Have met the minimum attendance standard by attending at least one instructional day on count day or during the month prior to count day; and

(iii) Has not withdrawn prior to the monthly count day.

(b) For students enrolled in reengagement programs operated by an agency reporting of FTE for students will be dependent upon satisfactory progress as outlined below:

(i) Satisfactory progress will be defined as the documented attainment of at least one credential and/or one measure of academic progress during any period that a student is reported for a total of 3.0 student FTE (also see WAC 392-700-175(4));

(ii) If a student has not attained a credential or at least one of the approved measures of academic progress during the period that 3.0 student FTEs have been reported, no additional student FTE will be reported until the student does make one of the specified gains or earns a credential;

(iii) During the reporting exclusion period, the student will be allowed to continue to attend the reengagement program, if the program has the resources and capacity to support that student;

(iv) When and if the student achieves one of the specified gains or earns one of the credentials, FTE may again be reported for that student and the student will again be required to attain a measure of academic progress or earn a credential during the next period for which 3.0 student FTE is reported; and

~~(v) Rules governing the calculation of the 3.0 student FTEs as it relates to attain a measure of academic progress:~~

~~(A) The period during which the 3.0 student FTE is calculated and academic progress or a credential must be attained, may occur in two different school years, if the student is enrolled in successive school years;~~

~~(B) 3.0 student FTEs may be reported over the course of three successive months or over the course of multiple months;~~

~~(C) For students enrolled in full-time reengagement programs operated by an agency, 1.0 FTE will be reported each month for students who meet the conditions of WAC 392-700-160 (1)(b)(ii). Therefore, these students will be required to attain a measure of academic progress or earn a credential within three months;~~

~~(D) For students enrolled in part-time reengagement program operated by an agency, it will take more than three months to report 3.0 student FTEs because standard student FTE for all students who meet the conditions of WAC 392-700-160 (1)(b)(iii) is less than 1.0; and~~

~~(E) The period that is used to calculate the 3.0 student FTEs is not limited to successive months. (For example, if a student was claimed as 1.0 FTE for January, February and April, but not in March, the student will not have to make a gain or earn a credential until the end of April.)~~

~~(c) In relation to school closures, during the standard school year:~~

~~(i) If planned days of instruction, as scheduled on the standard year calendar, are not provided, the agency may make up the scheduled days, as long as the replacement days occur during the nine months that comprise the standard school year;~~

~~(ii) At the end of the standard school year, prior to the final invoice, the agency will report to the district the actual total hours of instruction provided. The agency may not include more than six hours per instructional day in this calculation per WAC 392-700-155 (1)(d)(iii);~~

~~(iii) If the program was a full-time program and total hours of instruction provided is less than nine hundred hours of instruction, the amount of basic education apportionment funding received by the school district and agency will be adjusted retroactively on a proportional status and will be reflected on the final invoice;~~

~~(iv) If the program was a part time program and total hours of instruction provided is less than the total planned hours of instruction, the amount of basic education apportionment funding received by the school district and agency will be adjusted retroactively on a proportional status and will be reflected on the final invoice; and~~

~~(v) These calculations take into account any reductions to the total planned hours of instruction that may have been made during the standard or nonstandard school year in the event of program closures consistent with the provisions of chapter 392-129 WAC.~~

~~(2) For reengagement programs operated by colleges, the school district and college will receive state basic education apportionment funding in accordance with the following:~~

~~(a) Reimbursement will be based on the student FTE reported each month;~~

~~(b) Student FTE will be reported as outlined in WAC 392-700-160(2); and~~

~~(c) If a student withdraws or is dropped from classes prior to a monthly count day, the student will not be counted as enrolled for that month and no student FTE will be reported for that month.~~

~~(3) For all reengagement programs, the following rules apply:~~

~~(a) School district will work with the agency or college to ensure that student FTE and related data is reported as required on the appropriate P223x form;~~

~~(b) The school district, agency, and college will ensure that no student FTE is reported nor reimbursement requested from OSPI for any student after the point they have been reported by any district for 1.0 annual FTE for the school year beginning in September;~~

~~(c) The agency or college may not report student FTEs for reengagement students who are concurrently enrolled in any other program for which basic education allocation funding is received, i.e., common high school, running start, alternative learning education, college in the high school, education clinic, or on-line learning; and~~

~~(d) The agency or college may not report student FTEs to the school district for reengagement students enrolled in course work that has been reported by a college for postsecondary student FTE.~~

~~(4) For all reengagement programs the monthly reimbursement rate per student FTE for reengagement programs will be determined as follows:~~

~~(a) The annual standard nonvocational and vocational reimbursement rates for all reengagement program FTEs will equal the statewide average annual nonvocational and vocational FTE rates as determined by OSPI; and~~

~~(b) The amount of reimbursement received per month will equal the annual standard nonvocational and vocational reimbursement rate divided by nine.~~

~~(5)) (1) OSPI shall apportion funding for an approved program to district or direct funded technical colleges based upon the reported nonvocational and vocational FTE enrollment and the standard reimbursement rates. The standard reimbursement rates are the statewide average annual nonvocational and vocational rates as determined by OSPI pursuant to WAC 392-169-095.~~

~~(a) The basic education allocation funded to districts will be as follows:~~

~~(i) Monthly payments for the months September through December is based on estimated student enrollment projected by the district.~~

~~(ii) Beginning in January, monthly payments shall be adjusted to reflect actual student enrollment.~~

~~(b) Direct funded technical colleges will be paid quarterly pursuant to WAC 392-121-187 (7)(c).~~

~~(2) Distribution of state funding for programs is as follows:~~

~~(a) For programs directly operated by a district, the district will retain one hundred percent of the basic education allocation.~~

~~(b) For programs directly operated by a direct funded technical college pursuant to WAC 392-121-187, the techni-~~

cal college will retain one hundred percent of the basic education allocation.

(c) For ~~((reengagement))~~ programs operated by a college or agency under contract or interlocal agreement with a ~~((school))~~ district:

~~((a))~~ (i) The ~~((school))~~ district ~~((will))~~ may retain up to seven percent of the basic education ((FTE)) allocation ((received from OSPI for reported student FTEs)); and

~~((b))~~ (ii) The agency or college will receive ~~((ninety-three percent of))~~ the remaining basic education ((FTE)) allocation ((received by the school district from OSPI for reported student FTEs).

~~(6) For reengagement programs directly operated by a school district and serving only students enrolled in that district. The district will assume all the responsibilities outlined in this chapter for both the district and the program and will retain one hundred percent of the basic education FTE allocation received from OSPI for reported student FTEs.~~

~~(7) For reengagement programs directly operated by a technical college receiving direct funding and authorized to directly enroll students and act as a district under WAC 392-121-187. The technical college will assume all the responsibilities outlined in this chapter for both the district and the program and will retain one hundred percent of the basic education FTE allocation received from OSPI for reported student FTEs).~~

~~((8))~~ (d) For ~~((reengagement))~~ programs operated as part of a consortium with a consortium lead agency ~~((see WAC 392-700-225 (4)(e)))~~:

~~((a))~~ (i) The ~~((school))~~ district ~~((will))~~ may retain up to five percent of the basic education ((FTE)) allocation ((received from OSPI for reported student FTEs));

~~((b))~~ (ii) The consortium lead ~~((will receive))~~ may retain up to seven percent of the basic education ((FTE)) allocation ((received from OSPI for reported student FTEs)); and

~~((c))~~ (iii) The operating agency or college will receive ~~((eighty-eight percent of))~~ the remaining basic education ((FTE)) allocation ~~((received by the district from OSPI for reported student FTEs)).~~

(3) In the event that the program closes prior to the end of the school year, the following will occur:

(a) If the planned days of instruction, as provided on the school year calendar are not provided, the agency may make up the scheduled days, as long as the replacement days occur during the school year;

(b) At the end of the school year, prior to the final monthly count day, the agency will report to the district the actual total hours of instruction provided;

(c) If the program was a full-time program and total hours of instruction provided is less than nine hundred hours of instruction, the amount of basic education funding received by the district and agency will be adjusted retroactively on a proportional status and will be reflected on the final enrollment count; and

(d) If the program was a part-time program and total hours of instruction provided is less than the total planned hours of instruction, the amount of basic education funding received by the district and agency will be adjusted retroactively on a proportional status and will be reflected on the final enrollment count.

(4) Programs and districts may provide transportation for students but additional funds are not generated or provided.

(5) Reengagement students enrolled in a state-approved K-12 transitional bilingual instructional program pursuant to chapter 392-160 WAC can be claimed by the district for bilingual enhanced funding.

AMENDATORY SECTION (Amending WSR 11-17-045, filed 8/11/11, effective 9/11/11)

WAC 392-700-175 Required ~~((reports and record-keeping))~~ documentation and reporting. ~~((1))~~ Agencies will submit a report of the actual and planned total hours of instruction for the standard school year with the last P223 report of the standard school year and colleges will submit a report of the actual and planned total days of instruction for the regular school year with the last P223 of the standard school year.

~~(2) Agencies will submit a report of the actual and planned total hours of instruction for the nonstandard school year with the last P223 report of the nonstandard school year and colleges will submit a report of the actual and planned total days of instruction for the nonstandard school year with the last P223 of the nonstandard school year.~~

~~(3) On a monthly basis, the agency or college will report the type of credentials earned by each enrolled student and by monthly and year-to-date total for the following:~~

~~(a) GED;~~

~~(b) High school diploma;~~

~~(c) College certificate received after completion of a program requiring at least forty hours of instruction;~~

~~(d) College degree; and~~

~~(e) Industry recognized certificate of completion of training or licensing received after completion of a program requiring at least forty hours of instruction.~~

~~(4) Each month the following measures of academic progress for each student will be reported on a monthly and year-to-date basis:~~

~~(a) Passes one or more GED tests (may only be claimed once in a year);~~

~~(b) Makes a significant gain in math and/or reading skills level as measured by a post test using a commonly accepted standardized assessment (may be claimed multiple times in a year);~~

~~(c) Completes approved college readiness course work with documentation of competency attainment;~~

~~(d) Completes job search and job retention course work with documentation of competency attainment;~~

~~(e) Successfully completes a paid or unpaid work-based learning experience of at least forty-five hours. This experience must meet all the requirements of WAC 392-410-315 (2);~~

~~(f) Enrolls in postsecondary classes other than ABE/GED/ESL or continuing education courses;~~

~~(g) Transitions from ESL to ABE/GED classes;~~

~~(h) Transitions from ABE/GED classes to postsecondary developmental math and English classes (math or English classes at less than the 101 level);~~

~~(i) Transitions from postsecondary developmental math or English classes to the next level of postsecondary develop-~~

mental math or English or from postsecondary developmental math or English classes to college level math and English classes (classes above at 101 or above); and

(j) Transitions from ABE/GED classes to college level classes at 101 or above (other than English or math).

(5) The agency or college will prepare and submit an annual performance report with, at a minimum, statistics related to the following standard reengagement system performance goals:

(a) Total enrolled students;

(b) Total annual FTE: The sum of all the enrolled students' annual FTE;

(c) Average annual FTE: The total annual student FTEs by the total enrolled students;

(d) Total measures of academic progress made and measures of academic progress made per annual student FTE: Total measures of academic progress divided by the total annual student FTE;

(e) Total high school credits earned and high school credits per annual student FTE;

(f) Total credentials earned and credentials earned per annual student FTE: Total high school credits divided by the total annual student FTE; and

(g) Total college credits earned and college credits earned per annual student FTE: Total college credits divided by the total annual student FTE.

(6) The program's annual performance report for the standard school year will be provided by the agency or college to the school district by no later than July 1st.

(7) The program's annual performance report, which will include outcomes from both the standard school year and the nonstandard school year and total annual school year will be provided by the agency or college to the school district by no later than September 1st.

(8) The school district will provide the program's annual performance report to the OSPI administrator responsible for implementation of the reengagement system by no later than September 30th.) (1) Student documentation:

(a) The program shall maintain the following documentation to support the monthly enrollment claimed and make available upon request by the reporting district or direct funded technical college:

(i) Each student's eligibility pursuant to WAC 392-700-035;

(ii) Evidence of each student's enrollment requirements under WAC 392-700-160 to include:

(A) Enrollment in district or direct funded technical college;

(B) Minimum attendance standard; and

(C) Earned credentials or attained measure of progress.

(iii) Case management support pursuant to WAC 392-700-085.

(b) The district, agency, or college operating the program shall comply with all state and federal laws related to the privacy, sharing, and retention of student records.

(c) Access to all student records will be provided in accordance with the Family Educational Rights and Privacy Act (FERPA).

(2) Student reporting:

(a) The district, agency, or college to which the school code is assigned will ensure that there is accurate and timely data entry of all program student information into its student data system.

(b) The district, agency, or college to which the school code is assigned will transmit student data to CEDARS in accordance with OSPI standards and procedures for reengagement programs.

(3) Annual reporting:

(a) The program will prepare and submit an annual performance report to the district, agency, or college to which the school code is assigned no later than September 1st.

(b) The district, agency, or college to which the school code is assigned will review and submit the annual performance report to OSPI no later than September 30th.

(c) The annual report will include the following:

(i) Total number of students enrolled, dismissed, and withdrawn.

(ii) Total AAFTE reported for the school year.

(iii) Total number of instructional staff FTE.

(A) For programs operated by a district or agency, report total number of instructional staff assigned to the program.

(B) For programs operated by a college, report the number of instructional staff teaching students for the program.

(iv) Types and total measures of academic progress completed per AAFTE.

(v) Types and total credentials earned per AAFTE.

(vi) Total high school credits earned and high school credits per AAFTE.

(vii) Total college credits earned and college credits earned per AAFTE.

AMENDATORY SECTION (Amending WSR 11-17-045, filed 8/11/11, effective 9/11/11)

WAC 392-700-195 Longitudinal performance goals.

(1) Longitudinal performance data for the ((reengagement)) program and the statewide reengagement system as a whole will be reported through the Washington's P-20 (preschool to postsecondary and workforce) longitudinal data system maintained by the ERDC.

(2) The ((school)) district will work with the agency or college to collect and report student data requested by the ERDC in order to accomplish the longitudinal follow-up of reengagement students. Specifically, the following unique identifier data points will be collected, to the extent possible, by the program, reported by the agency, and verified by the ((school)) district, for each enrolled reengagement student:

(a) Full legal name;

(b) Birth date;

(c) State student identifier (SSID);

(d) Social Security number; and

(e) College student identification number (SID), if applicable.

(3) While reengagement students will be encouraged to provide the data needed for longitudinal follow-up, the program will ensure that a student's unwillingness or inability to provide the requested data will not be a barrier to enrollment.

(4) Appropriate ((school)) district and/or agency, college, or consortium lead staff will participate in ERDC or

OSPI training related longitudinal follow-up and a specific ((school)) district staff or ((school)) district designated program staff will be responsible for ensuring that accurate and complete student identifier data points are entered into the ((school)) district's student information system in accordance with this training.

(5) At the end of each ((program)) school year, the ERDC will identify the cohort of students for each ((reengagement)) program for whom longitudinal tracking will be done. ((A)) Standard criteria to determine when students will be included in a longitudinal study cohort will be developed by the ERDC, with input from OSPI, district and program representatives and will apply to all ((reengagement)) programs.

(6) The ERDC will collect longitudinal data for each specific program cohort on an annual basis for five years. The ERDC will work with the OSPI administrator responsible for ((reengagement)) programs to prepare annual program specific reports for each cohort and an annual system-wide report for the entire reengagement system including data for the cohorts of all programs.

(7) The ERDC and OSPI will work with the ((school)) district so that the ((school)) district and the agency or college will have the opportunity to review data about the program prior to the release of the annual reports in December of each year. The ERDC and OSPI will develop procedures by which the ((school)) district or agency can provide supplemental information and backup documentation for review and inclusion as it relates to postsecondary or workforce engagement of specific students in the cohort.

(8) In relation to postsecondary engagement, the ERDC will collect the following longitudinal data for students included in each program's follow-up cohort:

(a) Total number of ((annual FTEs)) AAFTE originally reported by the program during targeted school year for which follow-up data is being collected;

(b) Quarters of enrollment in postsecondary programming or other advanced training during the follow-up year and since the targeted school year ended;

(c) Enrolled credits per quarter during the follow-up year and total enrolled credits since the targeted school year ended;

(d) Earned credits per quarter during the follow-up year and total earned credits since the targeted school year ended; and

(e) Credentials earned during the follow-up year and total credentials earned since the targeted school year.

(9) In relation to labor market engagement, the ERDC will collect the following longitudinal data for students included in each program's follow-up cohort:

(a) Total number of ((annual FTEs)) AAFTE originally reported by the program during targeted school year for which follow-up data is being collected;

(b) Number of quarters with employment during the follow-up year and since the targeted school year ended;

(c) Average hours worked per week for any employment reported during the follow-up year and since the targeted school year ended;

(d) Average pay per hour for any employment reported during the follow-up year and since the targeted school year ended; and

(e) Total earnings during the follow-up year and since the targeted school year ended.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 392-700-025	Interlocal agreements.
WAC 392-700-045	Enrollment.
WAC 392-700-055	Student documentation.
WAC 392-700-075	Instructional staff to student ratio.
WAC 392-700-095	District administrative responsibilities.
WAC 392-700-105	Reporting of student data.
WAC 392-700-120	Statewide student assessment.
WAC 392-700-135	Provision of special education and Section 504 of the Rehabilitation Act of 1973 accommodations.
WAC 392-700-145	Award of credit.
WAC 392-700-200	Other agreements.
WAC 392-700-225	Operating agreements and OSPI approval.

WSR 13-13-021

PERMANENT RULES

OFFICE OF

INSURANCE COMMISSIONER

[Insurance Commissioner Matter No. R 2012-31—Filed June 12, 2013, 10:10 a.m., effective September 1, 2013]

Effective Date of Rule: September 1, 2013.

Purpose: The new rule ensures that policyholders of term life insurance policies receive a notice of options that are available to them when their policy might lapse (and other events) that is more appropriate for the type of life insurance policy that they own. The purpose of these changes is to reduce consumer confusion and reduce unnecessary contacts with life insurers and their insurance producers.

Citation of Existing Rules Affected by this Order: Amending 2.

Statutory Authority for Adoption: RCW 48.02.060, 48.102.100, and 48.102.170.

Adopted under notice filed as WSR 13-07-054 on March 19, 2013.

A final cost-benefit analysis is available by contacting Jim Tompkins, P.O. Box 40258, Olympia, WA 98504-0258, phone (360) 725-7036, fax (360) 586-3109, e-mail rules coordinator@oic.wa.gov.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal

Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 2, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 1, Amended 2, Repealed 0.

Date Adopted: June 12, 2013.

Mike Kreidler
Insurance Commissioner

AMENDATORY SECTION (Amending Matter No. R 2009-14, filed 1/27/10, effective 2/27/10)

WAC 284-97-015 Definitions. For purposes of this chapter:

(1) "Domestic life settlement provider" means a provider as defined in RCW 48.102.006(19) who if:

(a) A natural person either resides or has their principal place of business in this state, or both; or

(b) A legal entity that either has their principal place of business in this state, or is incorporated in or otherwise formed under the laws of the state of Washington, or both.

(2) "NAIC" means the National Association of Insurance Commissioners.

(3) "Nonresident or foreign life settlement provider" means a provider as defined in RCW 48.102.006(19) who if:

(a) A natural person does not either reside or have their principal place of business in this state, or both; or

(b) A legal entity who does not either have their principal place of business in this state, or is not incorporated in or otherwise formed under the laws of the state of Washington, or both.

(4) "SERFF" means the System for Electronic Rate and Form Filing. SERFF is a proprietary NAIC computer-based application that allows filers to create and submit rate, rule, and form filings electronically to the commissioner.

(5) "Solicitation" means, for example; proposing, negotiating, signing, or doing any act in furtherance of making or proposing to make a life settlement contract. Solicitation specifically includes advertising by mail, use of the print or electronic media, telephone, or any other method of presenting, distributing, issuing, circulating, or permitting to be issued or circulated any information or material in connection with a life settlement contract.

(6) "Term life insurance" means life insurance that provides a death benefit only if the insured dies during the period specified in the policy and coverage ceases without value if the insured survives until the end of the period.

AMENDATORY SECTION (Amending Matter No. R 2009-14, filed 1/27/10, effective 2/27/10)

WAC 284-97-910 Insurance company disclosure form for other than term life insurance policies. RCW 48.102.100 requires that insurers provide a notice to owners of individual life insurance policies at certain times. The following is the only document approved by the commissioner to give this notice, for life insurance policies other than term life insurance policies.

Important information about your life insurance policy
from the State of Washington Office of the Insurance Commissioner

Life insurance is a critical part of a broader financial plan. There are many options available, and you have the right to shop around and seek advice from different financial advisers in order to find the options best suited to your needs.

You are encouraged to consider the following possible alternatives to [requesting a surrender of your life insurance policy, requesting accelerated death benefits under your life insurance policy, or letting your life insurance policy lapse*]. These alternatives include, but are not limited to:

- **Accelerated Death Benefit:** Your policy may provide an early or accelerated discounted benefit payment if you have a terminal or chronic illness.
- **Cash Surrender:** Your policy may have a cash surrender value your life insurer would pay you if you cancel it.
- **Gift:** You may be able to gift your policy to your beneficiary, who would then assume responsibility for paying premiums.
- **Life Settlement:** You may be able to sell your life insurance policy to a third party for an amount that, under Washington law must be greater than the cash surrender value or accelerated death benefits under your policy. You pay no further premium. The third party becomes the policyholder and receives the benefit upon the insured's death.
- **Maintain Your Policy:** You may be able to maintain your life insurance policy in force by paying the premiums directly or using your current policy values to pay the premiums.
- **Policy Changes:** You may be able to reduce or eliminate future premium payments by obtaining a paid-up policy, by reducing optional coverages, or through other options available from your life insurer.

- **Policy Loan:** You may be able to take out a loan from your life insurance company using the cash value of your policy as collateral. Loan proceeds can be used to pay the premiums or for other purposes.
- **Third-Party Loan:** You may be able to get a loan from another party to pay your policy's premiums. In return, the lender may require an assignment of a portion or all of the policy's death benefits.

These options may or may not be available depending on your circumstances and the terms of your life insurance policy. Please see your policy or contact your life insurance company, financial advisor, (~~agent or broker~~) insurance producer to determine your particular options.

If you're a Washington state resident and have questions about life insurance and your rights, contact the Office of the Insurance Commissioner at 1-800-562-6900, or go to www.insurance.wa.gov. Ask questions if you don't understand your policy. Here's a list of commonly used terms:

Accelerated death benefit: A benefit allowing terminally ill or chronically ill life insurance policyholders to receive cash advances of all or part of the expected death benefit. The accelerated death benefit can be used for health care treatments or any other purpose.

Cash surrender value: This term is also called "cash value," "surrender value," and "policyholder's equity." The amount of cash due to a policyholder who requests the insurance company cancel their life insurance policy before it matures or death occurs.

Expected death benefit: The face amount of the policy, less any policy loan amounts, that the insurance company is expected to pay the beneficiaries named in the life insurance policy upon the death of the insured.

Lapse: Refers to a life insurance policy ending or expiring when a policyholder stops making premium payments.

Life settlement: Refers to a contract in which the policyholder sells his or her life insurance policy to a third party for a one-time cash payment which is greater than the cash surrender value, but less than the death benefit of the policy. A life settlement includes a viatical settlement, defined below.

Policy loan: A loan issued by an insurance company using the cash value of a person's life insurance policy as collateral.

Viatical settlement: An arrangement in which someone with a terminal illness sells his or her life insurance policy at an amount less than the death benefit. The ill person receives cash, and the buyer receives the full amount of the death benefit. This death benefit is payable once the former policyholder dies.

This brochure is for informational purposes only and does not constitute an endorsement of any of the options described above.

- * A life insurance company should choose among these three phrases to state the appropriate phrase that fits the situation of the particular policy owner to whom the notice is being sent.

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency.

NEW SECTION

WAC 284-97-925 Insurance company disclosure form for term life insurance policies. RCW 48.102.100 requires that insurers provide a notice to owners of individual life insurance policies at certain times. The following is the only document approved by the commissioner to give this notice for term life insurance policies.

Important information about your term life insurance policy
from the State of Washington Office of the Insurance Commissioner

Life insurance is a critical part of a broader financial plan. There are options available to you rather than letting your policy lapse, and you have the right to shop around and seek advice from different financial advisers in order to find the option best suited to your needs.

You are encouraged to consider the following possible alternatives to letting your term life insurance policy lapse. These alternatives include, but are not limited to:

- **Life Settlement:** You may be able to sell your term life insurance policy to a third party. You pay no further premium. The third party becomes the policyholder and receives the benefit upon the insured's death.
- **Maintain Your Policy:** You may be able to maintain your term life insurance policy in force by paying the premiums directly.
- **Third-Party Loan:** You may be able to get a loan from another party to pay your policy's premiums. In return, the lender may require an assignment of a portion or all of the policy's death benefits.

These options may or may not be available depending on your circumstances and the terms of your life insurance policy. Please see your policy or contact your life insurance company, financial advisor, insurance producer to determine your particular options.

If you're a Washington state resident and have questions about life insurance and your rights, contact the Office of the Insurance Commissioner at 1-800-562-6900, or go to www.insurance.wa.gov. Ask questions if you don't understand your policy. Here's a list of commonly used terms:

Expected death benefit: The face amount of the policy, less any policy loan amounts, that the insurance company is expected to pay the beneficiaries named in the life insurance policy upon the death of the insured.

Lapse: Refers to a life insurance policy ending or expiring when a policyholder stops making premium payments.

Life settlement: Refers to a contract in which the policyholder sells his or her life insurance policy to a third party for a one-time cash payment. A life settlement includes a viatical settlement, defined below.

Viatical settlement: An arrangement in which someone with a terminal illness sells his or her life insurance policy at an amount less than the death benefit. The ill person receives cash, and the buyer receives the full amount of the death benefit. This death benefit is payable once the former policyholder dies.

This brochure is for informational purposes only and does not constitute an endorsement of any of the options described above.

WSR 13-13-040

PERMANENT RULES

HORSE RACING COMMISSION

[Filed June 14, 2013, 2:28 p.m., effective July 15, 2013]

Effective Date of Rule: Thirty-one days after filing.

Purpose: Updates the number of commissioners to comply with RCW 67.16.012.

Citation of Existing Rules Affected by this Order: Amending WAC 260-08-005.

Statutory Authority for Adoption: RCW 67.16.020.

Adopted under notice filed as WSR 13-08-014 on March 25, 2013.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 1, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 1, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: June 14, 2013.

Douglas L. Moore
Executive Secretary

AMENDATORY SECTION (Amending WSR 05-05-049, filed 2/14/05, effective 3/17/05)

WAC 260-08-005 Horse racing commission—Composition—Duties. The horse racing commission, composed of ((five)) three members appointed by the governor, is

responsible for licensing, regulating and supervising all horse racing meets in the state where the parimutuel system is used. The commission also approves and regulates satellite locations and simulcasting, and licenses and regulates advance deposit wagering. The commission functions through periodic public meetings and where required, conducts hearings in accordance with this chapter. Various commission employees, where required, assist the commission with the statutory duties and the enforcement of chapters 260-12 through 260-84 WAC.

WSR 13-13-041

PERMANENT RULES

HORSE RACING COMMISSION

[Filed June 14, 2013, 2:28 p.m., effective July 15, 2013]

Effective Date of Rule: Thirty-one days after filing.

Purpose: Updates safety standards for equipment used while on horseback.

Citation of Existing Rules Affected by this Order: Amending WAC 260-12-180.

Statutory Authority for Adoption: RCW 67.16.020.

Adopted under notice filed as WSR 13-08-015 on March 25, 2013.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 1, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 1, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: June 14, 2013.

Douglas L. Moore
Executive Secretary

AMENDATORY SECTION (Amending WSR 07-11-114, filed 5/18/07, effective 6/18/07)

WAC 260-12-180 Safety equipment required. (1)

When on association grounds, all persons on horseback must wear a securely fastened safety helmet that meets current standards for equipment designed and manufactured for use while riding horses as established by the American Society for Testing and Materials (~~(Safety Equipment Institute (ASTM/SEI), the British Standards Institute (BSI) or similar organization)~~) (ASTM 1163), UK Standards (EN-1384 and PAS-015); or, Australian/New Zealand Standard (AS/NZ 3838).

(2) All persons on horseback must wear a securely fastened safety vest that is designed to provide shock-absorbing protection of:

(a) ("Level 1," as defined by the 2000 British Equestrian Trade Association (BETA) Horse Rider's Body and Shoulder Protectors; or) British Equestrian Trade Association (BETA):2000 Level 1.

(b) American Society for Testing and Materials (~~(Safety Equipment Institute (ASTM/SEI) standard F1937-04)~~) (ASTM 1163)F2681-08 or 1937 (Specification for Body Protectors Used in Horse Sports and Horseback Riding).

(c) Euro Norm (EN) 13158:2000 Level 1.

(d) Shoe and Allied Trade Research Association (SATRA) Jockey Vest Document M6 Issue 3.

(e) Australian Racing Board (ARB) Standard 1.1198.

(3) All persons on horseback must wear equestrian footwear that covers the rider's ankle with a minimum of a 1/2 inch heel, except jockeys while riding in a race who must wear jockey boots as required by WAC 260-32-100.

This rule does not apply to nonracing related events conducted for entertainment purposes. Safety equipment for such entertainment events shall be at the discretion of the racing association.

WSR 13-13-042

PERMANENT RULES

HORSE RACING COMMISSION

[Filed June 14, 2013, 2:31 p.m., effective July 15, 2013]

Effective Date of Rule: Thirty-one days after filing.

Purpose: Repeals WAC 260-28-095 Retirement of a horse.

Citation of Existing Rules Affected by this Order: Repealing WAC 260-28-095; and amending WAC 260-40-145.

Statutory Authority for Adoption: RCW 67.16.020.

Adopted under notice filed as WSR 13-10-011 on April 19, 2013.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 1.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 1, Repealed 1; Pilot Rule Making: New 0, Amended 1, Repealed 1; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: June 14, 2013.

Douglas L. Moore
Executive Secretary

AMENDATORY SECTION (Amending WSR 12-17-061, filed 8/10/12, effective 9/10/12)

WAC 260-40-145 Prohibiting entry of certain horses.

(1) No horse will be allowed to enter or start if it has been fraudulently entered or raced in any jurisdiction under a different name, with an altered registration certificate or altered lip tattoo or other identification method approved by the appropriate breed registry and the commission.

(2) No horse may be allowed to enter or start if its owner, lessor(s), or trainers have not been licensed as required by the commission.

~~((3) No horse may be allowed to enter or start if the horse has been declared "retired" as provided in WAC 260-28-095.))~~

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 260-28-095 Retirement of a horse.

WSR 13-13-060

PERMANENT RULES

GAMBLING COMMISSION

[Order 688—Filed June 18, 2013, 9:06 a.m., effective July 19, 2013]

Effective Date of Rule: Thirty-one days after filing.

Purpose: Galaxy Gaming, a licensed manufacturer, and Rockland Ridge Corporation, a licensed gambling service supplier, submitted a petition for rule change requesting authorization to connect "envy" and "share the wealth" "bonus features" between different card games and different tables within a house-banked card room. The commissioners filed the petition for discussion at their April 2012 meeting

(WSR 12-09-045 and a continuance WSR 12-20-062 was filed in October 2012). After a year of discussion, the petitioners revised their petition to no longer connect different card game types and to connect only bonus features of the same game, over multiple tables. At their April 2013 meeting, the commissioners did not adopt the petitioners' amendments to WAC 230-15-040 which would have allowed bonus features to be connected over multiple tables for the same game. However, the commissioners did adopt a proposed amendment to WAC 230-15-685 to clarify that licensees may connect "progressive jackpots" offered on the same card game on multiple tables within the same location; this is something that is currently allowed and this rule change merely codified current practice. Unfortunately, the amendment to WAC 230-15-685 was not filed within the timeline allowed by the code reviser's office for the filing made under WSR 12-20-062. An expedited filing (WSR 13-09-068) was made to codify this amendment which was discussed for a year and previously adopted by the commissioners.

Reasons Supporting Proposal: See above

Citation of Existing Rules Affected by this Order: Amending 230-15-685.

Statutory Authority for Adoption: RCW 9.46.070, 9.46-0282.

Adopted under notice filed as WSR 13-09-068 filed on April 17, 2013.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 1, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Date Adopted: June 18, 2013.

Susan Newer
Rules Coordinator

AMENDATORY SECTION (Amending WSR 07-09-033, filed 4/10/07, effective 1/1/08)

WAC 230-15-685 Restrictions on progressive jackpots. House-banked card game licensees operating progressive jackpots must follow these restrictions and procedures:

(1) Progressive jackpot funds must accrue according to the rules of the game; and

(2) At each gambling table, licensees must prominently post the amount of the progressive jackpot that players can win; and

(3) Licensees must record the beginning amount of each progressive jackpot offered, including explanations for any increases or decreases in the prize amount offered. Licensees

must keep this documentation with the progressive jackpot records; and

(4) Licensees may establish a maximum limit on a progressive jackpot prize. If licensees establish a limit, they must make the amount equal to, or greater than, the amount of the jackpot when they imposed the limit. They must prominently post a notice of the limit at or near the game; and

(5) Licensees may connect progressive jackpots offered on the same card game on multiple tables within the same licensed location.

WSR 13-13-063

PERMANENT RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Aging and Long-Term Support Administration)

[Filed June 18, 2013, 10:25 a.m., effective July 19, 2013]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The rule change is needed to amend chapter 388-78A WAC to change the term "boarding home" to "assisted living facility" throughout the chapter in compliance with SHB 2056 passed in the 2011-2012 legislative session. The scope of this rule making is limited to the terminology change from "boarding home" to "assisted living facility."

Citation of Existing Rules Affected by this Order: Amending WAC 388-78A-2010, 388-78A-2020, 388-78A-2030, 388-78A-2032, 388-78A-2035, 388-78A-2040, 388-78A-2050, 388-78A-2060, 388-78A-2070, 388-78A-2080, 388-78A-2090, 388-78A-2100, 388-78A-2110, 388-78A-2120, 388-78A-2130, 388-78A-2140, 388-78A-2150, 388-78A-2160, 388-78A-2170, 388-78A-2180, 388-78A-2190, 388-78A-2200, 388-78A-2202, 388-78A-2204, 388-78A-2206, 388-78A-2208, 388-78A-2210, 388-78A-2220, 388-78A-2230, 388-78A-2240, 388-78A-2250, 388-78A-2260, 388-78A-2270, 388-78A-2280, 388-78A-2290, 388-78A-2300, 388-78A-2305, 388-78A-2310, 388-78A-2320, 388-78A-2330, 388-78A-2340, 388-78A-2350, 388-78A-2360, 388-78A-2370, 388-78A-2380, 388-78A-2390, 388-78A-2400, 388-78A-2410, 388-78A-2420, 388-78A-2430, 388-78A-2440, 388-78A-2450, 388-78A-2460, 388-78A-2461, 388-78A-2462, 388-78A-2464, 388-78A-24641, 388-78A-24642, 388-78A-2465, 388-78A-2466, 388-78A-2467, 388-78A-2468, 388-78A-24681, 388-78A-2469, 388-78A-2470, 388-78A-24701, 388-78A-2471, 388-78A-2474, 388-78A-2480, 388-78A-2481, 388-78A-2482, 388-78A-2483, 388-78A-2484, 388-78A-2485, 388-78A-2486, 388-78A-2487, 388-78A-2488, 388-78A-2489, 388-78A-2490, 388-78A-2500, 388-78A-2510, 388-78A-2520, 388-78A-2522, 388-78A-2524, 388-78A-2525, 388-78A-2526, 388-78A-2527, 388-78A-2530, 388-78A-2540, 388-78A-2550, 388-78A-2560, 388-78A-2570, 388-78A-2580, 388-78A-2592, 388-78A-2593, 388-78A-2594, 388-78A-2595, 388-78A-2600, 388-78A-2610, 388-78A-2620, 388-78A-2630, 388-78A-2640, 388-78A-2650, 388-78A-2660, 388-78A-2665, 388-78A-2670, 388-78A-2680, 388-78A-2690, 388-78A-2700, 388-78A-2710, 388-78A-2720, 388-78A-2730, 388-78A-

2732, 388-78A-2733, 388-78A-2734, 388-78A-2740, 388-78A-2750, 388-78A-2760, 388-78A-2770, 388-78A-2773, 388-78A-2775, 388-78A-2780, 388-78A-2783, 388-78A-2785, 388-78A-2787, 388-78A-2790, 388-78A-2800, 388-78A-2810, 388-78A-2820, 388-78A-2830, 388-78A-2840, 388-78A-2850, 388-78A-2860, 388-78A-2870, 388-78A-2880, 388-78A-2890, 388-78A-2900, 388-78A-2910, 388-78A-2920, 388-78A-2930, 388-78A-2940, 388-78A-2950, 388-78A-2960, 388-78A-2970, 388-78A-2980, 388-78A-2990, 388-78A-3000, 388-78A-3010, 388-78A-3030, 388-78A-3040, 388-78A-3050, 388-78A-3060, 388-78A-3070, 388-78A-3080, 388-78A-3090, 388-78A-3100, 388-78A-3110, 388-78A-3120, 388-78A-3130, 388-78A-3140, 388-78A-3152, 388-78A-3160, 388-78A-3170, 388-78A-3180, 388-78A-3190, 388-78A-3200, 388-78A-3210, 388-78A-3220, 388-78A-3230, 388-78A-3390, 388-78A-3400, 388-78A-3470 and 388-78A-4010.

Statutory Authority for Adoption: Chapter 18.20 RCW.

Adopted under notice filed as WSR 13-08-084 on April 3, 2013.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 174, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 174, Repealed 0.

Date Adopted: June 18, 2013.

Katherine I. Vasquez
Rules Coordinator

Reviser's note: The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 13-15 issue of the Register.