

Title 392 WAC

PUBLIC INSTRUCTION, SUPERINTENDENT OF

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Chapter 392-109 WAC

STATE BOARD OF EDUCATION—ELECTION OF MEMBERS

WAC

392-109-120	Vacancies and appointments.
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WAC 392-109-120 Vacancies and appointments. (1) Whenever a vacancy among members elected by public school boards of directors occurs on the state board of education, from any cause whatsoever, it shall be the duty of the

remaining members representing public school boards of directors to fill such vacancy by appointment, subject to full board approval. The appointment shall be consistent with the appropriate regional position being vacated. The person so appointed shall continue in office until the term expires. The appointed person has the option to step down or run for reelection consistent with RCW 28A.305.021 at the time the term expires.

(2) Whenever a vacancy of the approved private school elected member occurs on the state board of education, from any cause whatsoever, it shall be the duty of the private school advisory committee to fill such vacancy by appointment consistent with RCW 28A.305.011. The person so appointed shall continue in office until the term expires. The appointed person has the option to step down or run for election consistent with RCW 28A.305.021 at the time the term expires.

[Statutory Authority: Chapter 28A.305 RCW. 11-01-057, § 392-109-120, filed 12/7/10, effective 1/7/11. Statutory Authority: Chapter 28A.305 RCW and 2005 c 497. 05-22-007, § 392-109-120, filed 10/20/05, effective 11/20/05. Statutory Authority: RCW 28A.305.020. 96-08-001 (Order 96-05), § 392-109-120, filed 3/21/96, effective 4/21/96. Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-109-120, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.04.020. 80-07-038 (Order 80-20), § 392-109-120, filed 6/17/80.]

Chapter 392-121 WAC

FINANCE—GENERAL APPORTIONMENT

WAC

392-121-108	Definition—Enrollment exclusions.
392-121-136	Limitation on enrollment counts.
392-121-264	Definition—Certificated years of experience.

WAC 392-121-108 Definition—Enrollment exclusions. A person who qualifies for any of the exclusions set forth in this section shall not be counted as an enrolled student pursuant to WAC 392-121-106.

(1) Absences - except as provided in (a) and (b) of this subsection, a student whose consecutive days of absence from school exceed twenty school days, or a part-time student that has not attended school at least once within a time period consisting of twenty consecutive school days, shall not be counted as an enrolled student until attendance is resumed. School days are defined as the regularly scheduled instructional days for the general population of the school or district the student is enrolled in, regardless of the student's individualized schedule.

(a) If there is a written agreement between the appropriate school official and a student's parent or guardian pursuant to RCW 28A.225.010 that the student's temporary absence is not deemed to cause a serious adverse effect upon the student's educational progress, the absent student may be counted as an enrolled student for up to two monthly enrollment count dates as specified in WAC 392-121-122.

(b) A student receiving home and/or hospital service pursuant to WAC 392-172A-02100 shall be counted as an enrolled student as provided in WAC 392-122-145.

(2) Dropouts - a student for whom the school district has received notification of dropping out of school by the student or the student's parent or guardian shall not be counted as an enrolled student until attendance is resumed.

(3) Transfers - a student who has transferred to another public or private school and for whom the school district has received notification of transfer from the school to which the student has transferred, from the student, or from the student's parent or guardian shall not be counted as an enrolled student unless the student reenrolls in the school district.

(4) Suspensions - a student who has been suspended from school pursuant to WAC 392-400-260, when the conditions of the suspension will cause the student to lose academic grades or credit, shall not be counted as an enrolled student until attendance is resumed.

(5) Expulsions - a student who has been expelled from all school subjects or classes by the school district pursuant to WAC 392-400-275 or 392-400-295 shall not be counted as an enrolled student; a student who has been partially expelled, such as from a single school subject or class, by the school district pursuant to WAC 392-400-275 or 392-400-295 may be considered a part-time enrolled student.

(6) Graduates - a student who has met the high school graduation requirements of chapter 180-51 WAC by the beginning of the school year.

(7) Tuition - a student paying tuition including, but not limited to, students on an F-1 visa or students enrolled in a tuition-based summer school program.

(8) An institution student who is claimed as a 1.0 FTE by any institution as an enrolled student eligible for state institutional education support pursuant to chapter 392-122 WAC where the institution's count date occurs prior to the school district count date for the month. Where the count dates occur on the same date, the institution shall have priority for counting the student.

[Statutory Authority: RCW 28A.150.290. 10-12-037, § 392-121-108, filed 5/25/10, effective 6/25/10; 09-01-044, § 392-121-108, filed 12/10/08, effective 1/10/09; 07-23-008, § 392-121-108, filed 11/8/07, effective 12/9/07; 05-19-140, § 392-121-108, filed 9/21/05, effective 10/22/05; 97-22-013 (Order 97-06), § 392-121-108, filed 10/27/97, effective 11/27/97; 95-01-013, § 392-121-108, filed 12/8/94, effective 1/8/95. Statutory Authority: RCW 28A.150.290, 28A.150.250 and 28A.150.260. 91-02-096 (Order 50), § 392-121-108, filed 1/2/91, effective 2/2/91. Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-121-108, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.41.055 and 28A.41.170. 88-03-013 (Order 88-8), § 392-121-108, filed 1/11/88.]

WAC 392-121-136 Limitation on enrollment counts. Enrollment counts pursuant to WAC 392-121-106 through 392-121-133 are subject to the following limitations:

(1) Except as provided in (a), (b) and (c) of this subsection, no student, including a student enrolled in more than one school district, shall be counted as more than one full-time equivalent student on any count date or more than one annual average full-time equivalent student in any school year.

(a) School districts operating approved vocational skills center programs during the summer vacation months may claim additional full-time equivalent students based upon actual enrollment in such vocational skills centers on the aggregate of enrolled hours based upon the fourth day of each summer session. Each district operating an approved vocational skills center program shall be entitled to claim one annual average full-time equivalent student for each 900 hours of planned student enrollment for the summer term(s) subject to the limitation in (c) of this subsection.

(b) Enrollment count limitations apply separately to a student's running start, skills center and high school enrollments and is limited to an overall maximum 2.0 FTE.

(c) Subject to (b) of this subsection, a student enrolled in a skill center program during the regular school year may be claimed for up to a combined 1.6 full-time equivalent student.

Each student may be claimed for a maximum of a 1.0 full-time equivalent for the skills center enrollment and a maximum of a 1.0 full-time equivalent for the student's high school enrollment subject to the overall 1.6 FTE maximum.

(2) Running start enrollment counts are limited as provided in chapter 392-169 WAC and specifically as provided in WAC 392-169-060.

(3) The full-time equivalent reported for a five year old preschool student with a disability is limited as provided in WAC 392-121-137.

(4) No kindergarten student, including a student enrolled in more than one school district, shall be counted as more than one-half of an annual average full-time equivalent student in any school year.

(5) A student reported as part-time on Form SPI E-672 shall not be reported by a school district for more than part-time basic education funding on that enrollment count date and the total enrollment reported by one or more school districts for basic education and on Form SPI E-672 must not exceed one full-time equivalent.

(6) Districts providing an approved state-funded full-day kindergarten program as provided in chapter 28A.150 RCW (from E2SSB 5841) may claim up to an additional 0.50 FTE based upon student enrolled hours in excess of the 0.50 FTE provided under subsection (4) of this section.

[Statutory Authority: RCW 28A.150.290(1). 10-13-020, § 392-121-136, filed 6/4/10, effective 7/5/10. Statutory Authority: RCW 28A.150.290. 09-01-172, § 392-121-136, filed 12/23/08, effective 1/23/09; 08-04-010, § 392-121-136, filed 1/24/08, effective 2/24/08; 97-22-013 (Order 97-06), § 392-121-136, filed 10/27/97, effective 11/27/97; 95-01-013, § 392-121-136, filed 12/8/94, effective 1/8/95. Statutory Authority: RCW 28A.150.290, 28A.150.250 and 28A.150.260. 91-02-096 (Order 50), § 392-121-136, filed 1/2/91, effective 2/2/91. Statutory Authority: RCW 28A.41.055 and 28A.41.170. 88-03-013 (Order 88-8), § 392-121-136, filed 1/11/88.]

WAC 392-121-264 Definition—Certificated years of experience. Regardless of the experience factors used by a school district for the purposes of its salary schedule(s), as used in this chapter, the term "certificated years of experience" means the number of years of accumulated full-time and part-time professional education employment prior to the current reporting school year in the state of Washington, out-of-state, and a foreign country. School districts shall report all certificated years of experience including those beyond the experience limit of the school district's salary schedule.

(1) Professional education employment shall be limited to the following:

(a) Employment in public or private preschools or elementary and secondary schools in positions which require certification where:

(i) Schools include the Centrum education program, the Pacific Science Center education program, educational centers authorized under chapter 28A.205 RCW, and Seattle Children's Hospital education program;

(ii) Certification means the concurrent public professional education licensing requirements established in the state, province, country, or other governmental unit in which employment occurred and which, for the state of Washington, refers to the certificates authorized by WAC 181-79A-140 and temporary permits authorized by WAC 181-79A-128;

(b) Employment in public or private vocational-technical schools, technical colleges, community/junior colleges, colleges, and universities in positions comparable to those which require certification in Washington school districts;

(c) Employment in a governmental educational agency with regional administrative responsibilities for preschool, elementary, and/or secondary education including but not limited to an educational service district, office of superintendent of public instruction, or United States department of education in any professional position including but not limited to C.P.A., architect, business manager, or physician;

(d) Experience in the following areas:

(i) Military, Peace Corps, or Vista service which interrupted professional education employment included in (a), (b), or (c) of this subsection; and

(ii) Sabbatical leave.

(e) For nondegreed vocational/career and technical education instructors, up to a maximum of six years of management experience as defined in WAC 181-77-003(6) acquired after the instructor meets the minimum vocational/career and technical education certification requirements of three years (six thousand hours) established in WAC 181-77-041 (1)(a)(i), regardless of when the initial certificate is issued and regardless of type of vocational/career and technical education certificate held. If a degree is obtained while employed in the state of Washington as a nondegreed vocational/career and technical education instructor, the eligible years of management experience pursuant to this subsection reported on Report S-275 prior to the awarding of the degree shall continue to be reported but shall not increase.

(f) Beginning in the 2007-08 school year, for occupational therapists, physical therapists, nurses, speech-language pathologists, audiologists, counselors, psychologists, and social workers regulated under Title 18 RCW, years of experience may include employment as occupational therapists, physical therapists, nurses, speech-language pathologists, audiologists, counselors, psychologists, and social workers, that does not otherwise meet the requirements of (a) through (e) of this subsection, subject to the following conditions and limitations:

(i) Experience included under this subsection shall be limited to a maximum of two years.

(ii) The calculation of years of experience shall be that one year of experience in a school or other nonschool position counts as one year of experience for the purposes of this subsection, per subsection (2)(a) of this section.

(iii) Employment as occupational therapists shall be limited to the following:

(A) In positions requiring licensure as an occupational therapist under Title 18 RCW, or comparable out-of-state employment; and

(B) While holding a valid occupational therapist license, or other comparable occupational therapist credential.

(iv) Employment as physical therapists shall be limited to the following:

(A) In positions requiring licensure as a physical therapist under Title 18 RCW, or comparable out-of-state employment; and

(B) While holding a valid physical therapist license, or other comparable physical therapist credential.

(v) Employment as nurses shall be limited to the following:

(A) In positions requiring licensure as a registered nurse under Title 18 RCW, or comparable out-of-state employment; and

(B) While holding a valid registered nurse license, or other comparable registered nurse credential.

(vi) Employment as speech-language pathologists or audiologists shall be limited to the following:

(A) In positions requiring the same or similar duties and responsibilities as are performed by speech-language pathologists or audiologists regulated under Title 18 RCW; and

(B) After completion of the minimum requirements for conditional certification as a school speech-language pathologist or audiologist established in WAC 181-79A-231 (1)(c)(iv).

(vii) Employment as counselors shall be limited to the following:

(A) In positions requiring the same or similar duties and responsibilities as are performed by counselors regulated under Title 18 RCW; and

(B) After completion of the minimum requirements for emergency certification as a school counselor established in WAC 181-79A-231(3).

(viii) Employment as psychologists shall be limited to the following:

(A) In positions requiring the same or similar duties and responsibilities as are performed by psychologists regulated under Title 18 RCW; and

(B) After completion of the minimum requirements for emergency certification as a school psychologist established in WAC 181-79A-231(3).

(ix) Employment as social workers shall be limited to the following:

(A) In positions requiring the same or similar duties and responsibilities as are performed by social workers regulated under Title 18 RCW; and

(B) After completion of the minimum requirements for emergency certification as a school social worker established in WAC 181-79A-231(3).

(x) Certificated years of experience as occupational therapists, physical therapists, nurses, speech-language pathologists, audiologists, counselors, psychologists, and social workers, determined pursuant to this subsection and reported on Report S-275, by teachers and other certificated staff who are no longer employed as occupational therapists, physical therapists, nurses, speech-language pathologists, audiologists, counselors, psychologists, and social workers, shall continue to be reported but shall not increase.

(2) Years of full-time and part-time professional education employment prior to the current reporting school year are accumulated as follows:

(a) For each professional education employment which is not employment as a casual substitute pursuant to subsection (1)(a) of this section;

(i) Determine the total number of hours, or other unit of measure, per year for an employee working full-time with each employer;

(ii) Determine the number of hours, or other unit of measure, per year with each employer, including paid leave and excluding unpaid leave;

(iii) Calculate the quotient of the hours, or other unit of measure, determined in (a)(ii) of this subsection divided by the hours, or other unit of measure, in (a)(i) of this subsection rounded to two decimal places for each year.

(b) For professional education employment as a casual substitute pursuant to subsection (1)(a) of this section:

(i) Determine the total number of full-time equivalent substitute days per year;

(ii) Calculate the quotient of full-time equivalent days determined in (b)(i) of this subsection divided by 180 rounded to two decimal places for each year.

(c) No more than 1.0 year may be accumulated in any traditional nine-month academic year or any twelve-month period.

(i) Accumulate, for each year, professional education employment calculated in (a)(iii) and (b)(ii) of this subsection.

(ii) Determine the smaller of the result in (c)(i) of this subsection or 1.00 for each year.

(d) Determine certificated years of experience as the accumulation of all years of professional education employment calculated in (c)(ii) of this subsection and report such years rounded to one decimal place.

[Statutory Authority: RCW 28A.150.290(1), 10-07-141, § 392-121-264, filed 3/23/10, effective 4/23/10. Statutory Authority: RCW 28A.150.290.09-06-038, § 392-121-264, filed 2/25/09, effective 3/28/09. Statutory Authority: RCW 28A.150.290(1), 08-03-086, § 392-121-264, filed 1/16/08, effective 2/16/08; 07-23-041, § 392-121-264, filed 11/14/07, effective 12/15/07; 06-19-045, § 392-121-264, filed 9/15/06, effective 10/16/06. Statutory Authority: RCW 28A.150.290(1) and section 503 (1)(b) of the 2002 supplemental budget, 02-22-065, amended and recodified as § 392-121-264, filed 11/1/02, effective 12/2/02. Statutory Authority: RCW 28A.150.290 and chapter 28A.415 RCW, 97-22-106 (Order 97-07), § 392-121-245, filed 11/5/97, effective 12/6/97. Statutory Authority: RCW 28A.150.290, 95-21-096 (Order 95-09), § 392-121-245, filed 10/18/95, effective 11/18/95. Statutory Authority: RCW 28A.150.290, 28A.150.400 and the Biennial Operating Appropriations Act, 94-01-190, § 392-121-245, filed 12/22/93, effective 1/22/94. Statutory Authority: RCW 28A.41.055 and 28A.41.170, 88-03-013 (Order 88-8), § 392-121-245, filed 1/11/88.]

Chapter 392-122 WAC

FINANCE—CATEGORICAL APPORTIONMENT

WAC

392-122-205	State institutional education program—Eligible programs.
392-122-228	Alternative learning experiences for juvenile students incarcerated in adult jail facilities.

WAC 392-122-205 State institutional education program—Eligible programs. Programs supported as state institutional education programs include those provided in:

(1) State operated group homes—i.e., facilities maintained by the division of juvenile rehabilitation of the depart-

ment of social and health services to house adjudicated youth twenty-four hours a day;

(2) Juvenile detention centers—i.e., facilities meeting the definition of a "detention facility" in RCW 13.40.020.

(3) Institutions for juvenile delinquents—i.e., facilities maintained by the division of juvenile rehabilitation of the department of social and health services for the diagnosis, confinement and rehabilitation of juveniles committed by the courts.

(4) Residential habilitation centers—i.e., facilities maintained by the division of developmental disabilities of the department of social and health services for care and treatment of persons with exceptional needs by reason of mental and/or physical deficiency.

Programs providing educational services to youth in a residential rehabilitation center may include services provided at facilities controlled and operated by the school district providing those services.

(5) Adult jails and correctional facilities housing juveniles—i.e., facilities maintained by the state department of corrections for juvenile inmates under eighteen years of age.

[Statutory Authority: RCW 28A.150.290. 10-20-055 and 10-20-127, § 392-122-205, filed 9/27/10 and 10/5/10, effective 10/28/10 and 11/5/10; 07-23-023, § 392-122-205, filed 11/9/07, effective 12/10/07; 05-15-127, § 392-122-205, filed 7/18/05, effective 8/18/05; 01-24-002, § 392-122-205, filed 11/21/01, effective 12/22/01. Statutory Authority: 1998 c 244 § 9(2) and RCW 28A.150.290. 98-21-065 (Order 98-09), § 392-122-205, filed 10/20/98, effective 11/20/98. Statutory Authority: RCW 28A.150.290. 95-08-025, § 392-122-205, filed 3/29/95, effective 4/29/95; 92-03-045 (Order 92-03), § 392-122-205, filed 1/10/92, effective 2/10/92. Statutory Authority: RCW 28A.41.170. 84-20-078 (Order 84-36), § 392-122-205, filed 10/2/84.]

WAC 392-122-228 Alternative learning experiences for juvenile students incarcerated in adult jail facilities.

(1) A school district alternative learning experience for juvenile students incarcerated in adult jail facilities may make use of digital and/or on-line curricula, and may be delivered over the internet or using other electronic means. A school district alternative learning experience for juvenile students incarcerated in adult jail facilities may also include participation by students and parents in the design and implementation of a student's learning experience.

This section provides an alternative method of determining full-time equivalent enrollment and claiming state funding for public school learning experiences that are:

(a) Individual courses of study for juvenile students incarcerated in adult jail facilities. "Adult jail facility" means any jail operated under the authority of chapter 70.48 RCW;

(b) Supervised, monitored, assessed, and evaluated by school staff. As used in this section, "school staff" means certificated instructional staff of the school district according to the provisions of chapter 181-82 WAC, or a contractor pursuant to WAC 392-121-188;

(c) Provided in accordance with a written alternative learning experience plan that is implemented pursuant to the school district board's policy for alternative learning experiences; and

(d) Provided in whole or part, outside the regular classroom setting, including those learning experiences provided digitally via the internet or other electronic means.

This section sets forth the standards, procedures, and requirements for state funded alternative learning experi-

ences for juvenile students incarcerated in adult jail facilities. This section is not intended to prevent or limit alternative education programs provided by a school district with federal or local resources.

An alternative learning experience for a juvenile student incarcerated in adult jail facilities may be counted as a course of study pursuant to WAC 392-121-107 if the following requirements are met:

(2) School district board policies for alternative learning experiences: The board of directors of a school district claiming state funding for alternative learning experiences for juvenile students incarcerated in adult jail facilities shall adopt and annually review written policies for each alternative learning experience program and program provider that:

(a) Require a written plan for each student participating in an alternative learning experience for juvenile students incarcerated in adult jail facilities that meets the minimum criteria pursuant to subsection (4) of this section;

(b) Describe how student performance will be supervised, monitored, assessed, evaluated, and recorded by school staff. Such description shall include methods for periodic grade reporting, if different from existing school district policy;

(c) Require each juvenile student who is incarcerated in an adult jail facility and enrolled in an alternative learning experience to have direct personal contact with school staff at least weekly, until the student completes the course objectives or the requirements of the learning plan. Such direct personal contact must be for a period not less than thirty minutes per week. Direct personal contact shall be for the purposes of instruction, review of assignments, testing, reporting of student progress, or other learning activities. Direct personal contact means a face-to-face meeting with the student;

(d) Require that each student's educational progress be reviewed at least monthly and that the results of each review be communicated to the student;

(e) Designate one or more school district official(s) responsible for approving specific alternative learning experience programs or courses, monitoring compliance with this section, and reporting at least annually to the school district board of directors on the program. This annual report shall include at least the following:

(i) Documentation of alternative learning experience student headcount and full-time equivalent enrollment claimed for basic education funding;

(ii) A description of how certificated and classified staff are assigned program management and instructional responsibilities that maximize student learning, including the ratio of certificated instructional staff to full-time equivalent students;

(iii) A description of how a written student learning plan pursuant to subsection (4) of this section, is developed, and student performance supervised and evaluated, by certificated staff;

(iv) A description of how the program supports the district's overall goals and objectives for student academic achievement; and

(v) Results of any self-evaluations conducted pursuant to subsection (7) of this section;

(f) Satisfy the office of superintendent of public instruction's requirements for courses of study and equivalencies (chapter 392-410 WAC); and

(g) For alternative learning experience courses offering credit, or for alternative learning experience programs issuing a high school diploma, satisfy the state board of education's high school graduation requirements (chapter 180-51 WAC).

(3) Alternative learning experience implementation standards:

(a) Alternative learning experiences shall be accessible to all juveniles incarcerated in adult jail facilities, including those with disabilities. Alternative learning experiences for special education students shall be provided in accordance with chapter 392-172A WAC.

(b) It is the responsibility of the school district or school district contractor to ensure that enrolled juvenile students incarcerated in adult jail facilities have all curricula, course content, instructional materials, and other learning resources essential to successfully complete the requirements of the written student learning plan.

(c) Contracting for alternative learning experiences shall be subject to the provisions of WAC 392-121-188 and RCW 28A.150.305.

(d) The school district shall institute reliable methods to verify a student is doing his or her own work. The methods may include proctored examinations or projects, including the use of web cams or other technologies. "Proctored" means directly monitored by an adult authorized by the school district.

(4) Written student learning plan: Each juvenile student incarcerated in an adult jail facility who is enrolled in an alternative learning experience course of study shall have a written student learning plan designed to meet the student's individual educational needs. The written student learning plan may be developed in partnership with the student, with recognition that school staff has the primary responsibility and accountability for the plan, including supervision and monitoring, and evaluation and assessment of the student's progress. The written student learning plan shall include, but not be limited to, the following elements:

(a) A beginning and ending date for the learning experience;

(b) An estimate of the average number of hours per week that the student will engage in learning activities to meet the requirements of the student learning plan. This estimate may be used in reporting enrollment in compliance with subsection (5) of this section and must be based upon the criteria in subsection (6) of this section;

(c) A description of how weekly contact requirements will be fulfilled;

(d) A description of the specific learning goals and performance objectives of the alternative learning experience. This requirement may be met through the use of course syllabi or other similarly detailed descriptions of learning requirements. The description shall clearly identify the requirements a student must meet to successfully complete the course or program;

(e) Identification of instructional materials essential to successful completion of the learning plan; and

(f) A description of the timelines and methods for evaluating student progress toward the learning goals and performance objectives specified in the learning plan.

The written student learning plan shall identify whether the alternative learning experience meets one or more of the state essential academic learning requirements or any other academic goals, objectives, and learning requirements defined by the school district. For a high school alternative learning experience, the plan shall specify whether the experience meets state and district graduation requirements.

(5) Enrollment reporting: Effective the 2009-10 school year, the full-time equivalency of juvenile students incarcerated in adult jail facilities who are enrolled in alternative learning experience programs shall be determined as follows:

(a) Using the definition of full-time equivalent student in WAC 392-122-225(1) and the estimated average weekly hours of learning activity described in the written student learning plan on the first enrollment count date on or after the start date specified in the written student learning plan; and

(b) The enrollment count shall exclude students meeting the definition of enrollment exclusions in WAC 392-121-108 or students who have not had direct personal contact with school staff for ten consecutive school days. Any such student shall not be counted as an enrolled student until the student has met with appropriate school staff and resumed participation in his or her alternative learning experience or participated in another course of study as defined in WAC 392-121-107.

(6) Accountability for student performance:

(a) At minimum, juvenile students incarcerated in adult jails who are enrolled in alternative learning experiences shall have their educational performance evaluated according to the following process and schedule:

(i) Each student's educational progress shall be reviewed at least once per month. The progress review shall be based on the learning goals and performance objectives defined in the written student learning plan.

(ii) The progress review shall be conducted by school staff and shall include direct personal contact with the student. The results of the review shall be communicated to the student.

(iii) Based on the progress review, school staff shall determine and document whether the student is making satisfactory progress in completing the learning activities and reaching the learning goals and performance objectives defined in the written plan.

(iv) If the student fails to make satisfactory progress for no more than two consecutive evaluation periods or if the student fails to follow the written student learning plan, an intervention plan designed to improve student progress shall be developed and implemented. This intervention plan shall be developed by school staff in conjunction with the student.

(v) If, after no more than three subsequent evaluation periods, the student still is not making satisfactory progress, a plan designed to more appropriately meet the student's educational need shall be developed and implemented by school staff.

(b) The educational progress of juvenile students incarcerated in adult jail facilities who are enrolled in alternative learning experiences shall be assessed at least annually, using, for full-time students, the state assessment for the stu-

dent's grade level and using any other annual assessments required by the school district.

(7) Program evaluation: School districts offering alternative learning experiences to juvenile students incarcerated in adult jail facilities shall engage in periodic self-evaluation of these learning experiences in a manner designed to objectively measure their effectiveness, including the impact of the experiences on student learning and achievement. Self-evaluation shall follow a continuous improvement model, and may be implemented as part of the school district's school improvement planning efforts.

(8) Annual reporting: Each school district offering alternative learning experiences shall report annually to the superintendent of public instruction on the types of programs and course offerings subject to this section, including student headcount and full-time equivalent enrollment claimed for basic education funding. The report shall identify the ratio of certificated instructional staff to full-time equivalent students enrolled in alternative learning experience courses or programs. The report shall separately identify alternative learning experience enrollment of students provided under contract pursuant to RCW 28A.150.305 and WAC 392-121-188.

(9) Documentation: In accordance with required records retention schedules, a school district claiming state funding for alternative learning experiences shall maintain the following written documentation available for audit:

(a) School board policy for alternative learning experiences pursuant to this section;

(b) Annual reports to the school district board of directors as required by subsection (2)(g) of this section;

(c) Annual reports to the superintendent of public instruction as required by subsection (8) of this section;

(d) The written student learning plans required by subsection (4) of this section, including documentation of required weekly direct personal contact;

(e) Student progress reviews, evaluations, and assessments required by subsection (6) of this section; and

(f) Student enrollment detail substantiating full-time equivalent enrollment reported to the state, including estimated total hours of participation in educational activities, and any actual documentation of hours of learning for those students failing to make satisfactory progress.

[Statutory Authority: RCW 28A.150.290, 10-20-055 and 10-20-127, § 392-122-228, filed 9/27/10 and 10/5/10, effective 10/28/10 and 11/5/10.]

Chapter 392-127 WAC

FINANCE—CERTIFICATED INSTRUCTIONAL STAFF RATIO (46:1000) COMPLIANCE

WAC

392-127-085	School district reporting—Optional report—Staff changes.
392-127-090	School district reporting—Optional report—Enrollment changes.

WAC 392-127-085 School district reporting—Optional report—Staff changes. At any time prior to completion of audit of data by the state auditor, school districts may report to the superintendent of public instruction supplemental full-time equivalent staff for the school year pursuant to WAC 392-127-065 and instructions provided by the superintendent.

[Statutory Authority: RCW 28A.150.290(1), 10-13-048, § 392-127-085, filed 6/9/10, effective 7/10/10. Statutory Authority: RCW 28A.150.290(2) and 28A.150.200(2), 00-02-064, § 392-127-085, filed 1/3/00, effective 2/3/00. Statutory Authority: RCW 28A.41.170(1), 90-12-078 (Order 10), § 392-127-085, filed 6/1/90, effective 7/2/90.]

WAC 392-127-090 School district reporting—Optional report—Enrollment changes. A school district may request that the superintendent of public instruction use a different full-time equivalent enrollment to compute staffing ratios than that reported for October. The school district shall request the use of a different enrollment period prior to completion of audit of data by the state auditor. The school district may select:

(1) Through the 2010-11 school year, the full-time equivalent enrollment for any one month during the current school year.

(2) For the 2011-12 school year and thereafter, the full-time equivalent enrollment for any one month during the current school year when all basic education instructional programs are operating.

[Statutory Authority: RCW 28A.150.290(1), 10-13-048, § 392-127-090, filed 6/9/10, effective 7/10/10. Statutory Authority: RCW 28A.150.290, 96-05-022 (Order 96-03), § 392-127-090, filed 2/13/96, effective 3/15/96. Statutory Authority: RCW 28A.41.170(1), 90-12-078 (Order 10), § 392-127-090, filed 6/1/90, effective 7/2/90.]

Chapter 392-137 WAC

FINANCE—NONRESIDENT ATTENDANCE

WAC

392-137-115 Student residence—Definition.

WAC 392-137-115 Student residence—Definition. As used in this chapter, the term "student residence" means the physical location of a student's principal abode—i.e., the home, house, apartment, facility, structure, or location, etc.—where the student lives the majority of the time. The following shall be considered in applying this section:

(1) The mailing address of the student—e.g., parent's address or post office box—may be different than the student's principal abode.

(2) The student's principal abode may be different than the principal abode of the student's parent(s).

(3) The lack of a mailing address for a student does not preclude residency under this section.

(4) If students are expected to reside at address for twenty consecutive days or more.

[Statutory Authority: RCW 28A.150.290(1), 10-15-041, § 392-137-115, filed 7/13/10, effective 8/13/10. Statutory Authority: RCW 28A.22.230 [28A.225.230] and 34.05.220(4), 90-19-068 (Order 26), § 392-137-115, filed 9/17/90, effective 10/18/90.]

Chapter 392-139 WAC

FINANCE—MAINTENANCE AND OPERATION LEVIES

WAC

392-139-007 Organization of this chapter.
 392-139-310 Determination of excess levy base.
 392-139-320 Determination of maximum excess levy percentage.
 392-139-670 Local effort assistance allocations.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

392-139-600 Definition—Adjusted assessed valuation. [Statutory Authority: RCW 84.52.0531(10) and 28A.41.170, 88-03-007 (Order 88-6), § 392-139-600, filed 1/8/88.] Repealed by 10-19-030, filed 9/9/10, effective 10/10/10. Statutory Authority: RCW 28A.150.290 and 84.52.-0531.

392-139-606 Definition—District twelve percent levy amount. [Statutory Authority: RCW 28A.150.290(2) and 84.52.0531(10), 93-21-092 (Order 93-20), § 392-139-606, filed 10/20/93, effective 11/20/93.] Repealed by 10-19-030, filed 9/9/10, effective 10/10/10. Statutory Authority: RCW 28A.150.290 and 84.52.0531.

392-139-610 Definition—District twelve percent levy rate. [Statutory Authority: RCW 84.52.0531(9) and 28A.150.290, 00-09-017, § 392-139-610, filed 4/11/00, effective 5/12/00. Statutory Authority: RCW 28A.150.290(2) and 84.52.-0531(10), 93-21-092 (Order 93-20), § 392-139-610, filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 84.52.0531(10) and 28A.41.170, 88-03-007 (Order 88-6), § 392-139-610, filed 1/8/88.] Repealed by 10-19-030, filed 9/9/10, effective 10/10/10. Statutory Authority: RCW 28A.150.290 and 84.52.0531.

392-139-615 Definition—Statewide average twelve percent levy rate. [Statutory Authority: RCW 84.52.0531(9) and 28A.150.290, 00-09-017, § 392-139-615, filed 4/11/00, effective 5/12/00. Statutory Authority: RCW 28A.150.-290(2) and 84.52.0531(10), 93-21-092 (Order 93-20), § 392-139-615, filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 84.52.0531(10) and 28A.41.170, 88-03-007 (Order 88-6), § 392-139-615, filed 1/8/88.] Repealed by 10-19-030, filed 9/9/10, effective 10/10/10. Statutory Authority: RCW 28A.150.290 and 84.52.-0531.

392-139-620 Definition—Eligible school district. [Statutory Authority: RCW 84.52.0531(9) and 28A.150.290, 00-09-017, § 392-139-620, filed 4/11/00, effective 5/12/00. Statutory Authority: RCW 84.52.0531(a) and 28A.150.290(2), 98-08-096 (Order 98-06), § 392-139-620, filed 4/1/98, effective 5/2/98. Statutory Authority: RCW 28A.150.290(2) and 84.52.0531(10), 93-21-092 (Order 93-20), § 392-139-620, filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.41.170 and 84.52.0531(10), 89-23-121 (Order 18), § 392-139-620, filed 11/22/89, effective 12/23/89; 88-03-007 (Order 88-6), § 392-139-620, filed 1/8/88.] Repealed by 10-19-030, filed 9/9/10, effective 10/10/10. Statutory Authority: RCW 28A.150.290 and 84.52.0531.

392-139-625 Definition—State matching ratio. [Statutory Authority: RCW 84.52.0531(9) and 28A.150.290, 00-09-017, § 392-139-625, filed 4/11/00, effective 5/12/00. Statutory Authority: RCW 84.52.0531(a) and 28A.150.290(2), 98-08-096 (Order 98-06), § 392-139-625, filed 4/1/98, effective 5/2/98. Statutory Authority: RCW 28A.150.-290(2) and 84.52.0531(10), 93-21-092 (Order 93-20), § 392-139-625, filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 84.52.0531(10) and 28A.41.170, 88-03-007 (Order 88-6), § 392-139-625, filed 1/8/88.] Repealed by 10-19-030, filed 9/9/10, effective 10/10/10. Statutory Authority: RCW 28A.150.290 and 84.52.-0531.

392-139-660 Determination of maximum local effort assistance. [Statutory Authority: RCW 28A.150.290(1) and 84.52.-0531(9), 02-17-113, § 392-139-660, filed 8/21/02, effective 9/21/02. Statutory Authority: RCW 84.52.-0531(9) and 28A.150.290, 00-09-017, § 392-139-660, filed 4/11/00, effective 5/12/00. Statutory Authority: RCW 84.52.0531(a) and 28A.150.290(2), 98-08-096 (Order 98-06), § 392-139-660, filed 4/1/98, effective 5/2/98. Statutory Authority: RCW 28A.150.290(2) and 84.52.0531(10), 93-21-092 (Order 93-20), § 392-139-660, filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.41.170 and 84.52.0531(10), 89-23-121 (Order 18), § 392-139-660, filed 11/22/89, effective 12/23/89; 88-03-007 (Order 88-6), § 392-139-660, filed 1/8/88.] Repealed by 10-19-030, filed 9/9/10, effective 10/10/10. Statutory Authority: RCW 28A.150.290 and 84.52.0531.

WAC 392-139-007 Organization of this chapter. This chapter contains rules for excess levy authority and state

matching money for excess levies also known as local effort assistance. The general organization of the chapter is as follows:

Sections 001-099 General provisions and definitions.

Sections 100-299 Definitions for excess levy authority.

Sections 300-399 Determination of excess levy authority.

Sections 665-676 Determination of local effort assistance.

Sections 900-999 Notification, petitions and requests for review.

[Statutory Authority: RCW 28A.150.290 and 84.52.0531. 10-19-030, § 392-139-007, filed 9/9/10, effective 10/10/10. Statutory Authority: RCW 84.52.0531(9) and 28A.150.290. 00-09-017, § 392-139-007, filed 4/11/00, effective 5/12/00. Statutory Authority: RCW 84.52.0531(a) and 28A.150.290(2). 98-08-096 (Order 98-06), § 392-139-007, filed 4/1/98, effective 5/2/98. Statutory Authority: RCW 28A.150.290(2) and 84.52.0531(10). 93-21-092 (Order 93-20), § 392-139-007, filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.41.170 and 84.52.-0531(10). 89-23-121 (Order 18), § 392-139-007, filed 11/22/89, effective 12/23/89; 88-03-007 (Order 88-6), § 392-139-007, filed 1/8/88.]

WAC 392-139-310 Determination of excess levy base.

The superintendent of public instruction shall calculate each school district's excess levy base as provided in this section.

(1) Sum the following state and federal allocations from the prior school year(s) as determined in subsections (4) and (5) of this section:

(a) The basic education allocation as defined in WAC 392-139-115 and as reported on the August Report 1191;

(b) The state and federal categorical allocations for the following:

(i) Pupil transportation. Allocations for pupil transportation include allocations for the following accounts:

4199 Transportation - operations;

4399 Transportation - operations;

4499 Transportation - depreciation;

6199 Transportation - operations;

6299 Transportation - operations; and

6399 Transportation - operations.

(ii) Special education. Allocations for special education include allocations for the following accounts:

4121 Special education;

4321 Special education;

6114 Federal Stimulus - IDEA;

6124 Special education supplemental;

6214 Federal Stimulus - IDEA;

6224 Special education supplemental;

6314 Federal Stimulus - IDEA; and

6324 Special education supplemental.

(iii) Education of highly capable students. Allocations for education of highly capable students include allocations identified by account 4174 Highly capable.

(iv) Compensatory education. Allocations for compensatory education include allocations identified by the following accounts:

3100 Barrier reduction;

4155 Learning assistance;

4165 Transitional bilingual;

4163 Promoting academic success;

4166 Student achievement;

4365 Transitional bilingual;

6111 Federal Stimulus - Title 1;

6151 Disadvantaged;

6153 Migrant;

6164 Limited English proficiency;

6211 Federal Stimulus - Title 1;

6251 Disadvantaged;

6253 Migrant;

6264 Limited English proficiency;

6267 Indian education - JOB;

6268 Indian education - ED;

6311 Federal Stimulus - Title 1;

6351 Disadvantaged;

6353 Migrant;

6364 Limited English proficiency;

6367 Indian education - JOM; and

6368 Indian education - ED.

(v) Food services. Allocations for food services include allocations identified by the following accounts:

4198 School food services (state);

4398 School food services;

6198 School food services (federal);

6298 School food services;

6398 School food services; and

6998 USDA commodities.

(vi) Statewide block grant programs. Allocations for statewide block grant programs include allocations identified by the following accounts:

310004 Full-day kindergarten;

4134 Middle school vocational;

4175 Professional development;

6113 Federal Stimulus - State Fiscal Stabilization Fund;

6176 Targeted assistance;

6213 Federal Stimulus - State Fiscal Stabilization Fund;

6276 Targeted assistance;

6313 Federal Stimulus - State Fiscal Stabilization Fund;

and

6376 Targeted assistance.

(c) General federal programs. Allocations for general federal programs identified by the following accounts:

5200 General purpose direct federal grants - unassigned;

6100 Special purpose - OSPI - unassigned;

6112 Federal Stimulus - School Improvement;

6118 Federal Stimulus - Competitive Grants;

6119 Federal Stimulus - Other;

6121 Special education - Medicaid reimbursement;

6138 Secondary vocational education;

6146 Skills center;

6152 School improvement;

6154 Reading first;

6162 Math and science - professional development;

6200 Direct special purpose grants;

6212 Federal Stimulus - School Improvement;

6218 Federal Stimulus - Competitive Grants;

6219 Federal Stimulus - Other;

6221 Special education - Medicaid reimbursement;

6238 Secondary vocational education;

6246 Skills center;

6252 School improvement;

6254 Reading first;

6262 Math and science - professional development;
 6300 Federal grants through other agencies - unassigned;
 6310 Medicaid administrative match;
 6312 Federal Stimulus - School Improvement;
 6318 Federal Stimulus - Competitive Grants;
 6319 Federal Stimulus - Other;
 6321 Special education - Medicaid reimbursement;
 6338 Secondary vocational education;
 6346 Skills center;
 6352 School improvement;
 6354 Reading first; and
 6362 Math and science - professional development.

(2) Increase the result obtained in subsection (1) of this section by the percentage increase per full-time equivalent student in the state basic education appropriation between the prior school year and the current school year as stated in the state Operating Appropriations Act divided by 0.55.

(3) Revenue accounts referenced in this section are defined in the accounting manual for public school districts in the state of Washington.

(4) The dollar amount of revenues for state and federal categorical allocations identified in this section shall come from the following sources:

(a) The following state and federal categorical allocations are taken from the Report 1197 Column A (Annual Allotment Due):

3100 Barrier reduction;
 310004 Full-day kindergarten;
 4121 Special education;
 4134 Middle school vocational;
 4155 Learning assistance;
 4163 Promoting academic success;
 4165 Transitional bilingual;
 4166 Student achievement;
 4174 Highly capable;
 4175 Professional development;
 4198 School food services (state);
 4199 Transportation - operations;
 4499 Transportation - depreciation;
 6111 Federal Stimulus - Title 1;
 6112 Federal Stimulus - School Improvement;
 6113 Federal Stimulus - State Fiscal Stabilization Fund;
 6114 Federal Stimulus - IDEA, one-half the August 2010 amount will be used in the 2011 calculation, and one-half in the 2012;
 6118 Federal Stimulus - Competitive Grants;
 6119 Federal Stimulus - Other;
 6121 Special education - Medicaid reimbursements;
 6124 Special education - supplemental;
 6138 Secondary vocational education;
 6146 Skills center;
 6151 Disadvantaged;
 6152 School improvement;
 6153 Migrant;
 6154 Reading first;
 6162 Math and science - professional development;
 6164 Limited English proficiency;
 6176 Targeted assistance;
 6198 School food services (federal); and
 6199 Transportation - operations.

(b) For the 2004 calendar year, the following state and federal allocations are taken from the F-195 budget including budget extensions.

For the 2005 calendar year and thereafter, the following federal allocations shall be taken from the school district's second prior year F-196 annual financial report:

4321 Special education;
 4365 Transitional bilingual;
 4398 School food services;
 4399 Transportation - operations;
 5200 General purpose direct federal grants - unassigned;
 6100 Special purpose - OSPI - unassigned;
 6200 Direct special purpose grants;
 6211 Federal Stimulus - Title 1;
 6212 Federal Stimulus - School Improvement;
 6213 Federal Stimulus - State Fiscal Stabilization Fund;
 6214 Federal Stimulus - IDEA;
 6218 Federal Stimulus - Competitive Grants;
 6219 Federal Stimulus - Other;
 6221 Special education - Medicaid reimbursement;
 6224 Special education supplemental;
 6238 Secondary vocational education;
 6246 Skills center;
 6251 Disadvantaged;
 6252 School improvement;
 6253 Migrant;
 6254 Reading first;
 6262 Math and science - professional development;
 6264 Limited English proficiency;
 6267 Indian education - JOM;
 6268 Indian education - ED;
 6276 Targeted assistance;
 6298 School food services;
 6299 Transportation - operations;
 6300 Federal grants through other agencies - unassigned;
 6310 Medicaid administrative match;
 6311 Federal Stimulus - Title 1;
 6312 Federal Stimulus - School Improvement;
 6313 Federal Stimulus - State Fiscal Stabilization Fund;
 6314 Federal Stimulus - IDEA;
 6318 Federal Stimulus - Competitive Grants;
 6319 Federal Stimulus - Other;
 6321 Special education - Medicaid reimbursement;
 6324 Special education supplemental;
 6338 Secondary vocational education;
 6346 Skills center;
 6351 Disadvantaged;
 6352 School improvement;
 6353 Migrant;
 6354 Reading first;
 6362 Math and science - professional development;
 6364 Limited English proficiency;
 6367 Indian education - JOM;
 6368 Indian education - ED;
 6376 Targeted assistance;
 6398 School food services;
 6399 Transportation - operations; and
 6998 USDA commodities.

(5) Effective for levy authority and local effort assistance calculations for the 2005 calendar year and thereafter:

(a) District revenues determined in subsection (4) of this section shall be reduced for revenues received as a fiscal agent. School districts shall report fiscal agent revenues pursuant to instructions provided by the superintendent of public instruction.

(b) The amount determined in subsection (4)(b) of this section, after adjustment for fiscal agent moneys, shall be inflated for one year using the percentage change in the implicit price deflator for personal consumption expenditures for the United States as published for the most recent twelve-month period by the Bureau of Economic Analysis of the Federal Department of Commerce.

(6) State and federal moneys generated by a school district's students and redirected by the superintendent of public instruction to an educational service district at the request of the school district shall be included in the district's levy base.

(7) State basic education moneys generated by a school district's students and allocated directly to a technical college shall be included in the district's levy base.

(8) Funding which the district would have received calculated pursuant to RCW 84.52.0531 shall be included in the district's levy base.

[Statutory Authority: RCW 28A.150.290 and 84.52.0531. 10-19-030, § 392-139-310, filed 9/9/10, effective 10/10/10. Statutory Authority: RCW 28A.150.290. 08-20-054, § 392-139-310, filed 9/24/08, effective 10/25/08; 07-21-037, § 392-139-310, filed 10/10/07, effective 11/10/07; 06-17-142, § 392-139-310, filed 8/22/06, effective 9/22/06. Statutory Authority: RCW 84.52.0531(9) and 28A.150.290. 03-21-040, § 392-139-310, filed 10/8/03, effective 11/8/03. Statutory Authority: RCW 28A.150.290(1) and 84.52.0531(9). 02-17-113, § 392-139-310, filed 8/21/02, effective 9/21/02; 01-22-098, § 392-139-310, filed 11/6/01, effective 12/7/01. Statutory Authority: RCW 84.52.0531(9) and 28A.150.290. 00-09-017, § 392-139-310, filed 4/11/00, effective 5/12/00. Statutory Authority: RCW 84.52.-0531(a) and 28A.150.290(2). 98-08-096 (Order 98-06), § 392-139-310, filed 4/1/98, effective 5/2/98. Statutory Authority: RCW 84.52.0531(10) and 28A.150.290. 96-19-037 (Order 96-13), § 392-139-310, filed 9/11/96, effective 10/12/96. Statutory Authority: RCW 28A.150.290(2) and 84.52.-0531(10). 93-21-092 (Order 93-20), § 392-139-310, filed 10/20/93, effective 11/20/93; 92-19-124 (Order 92-07), § 392-139-310, filed 9/21/92, effective 10/22/92. Statutory Authority: RCW 28A.41.170 and 84.52.0531(10). 89-23-121 (Order 18), § 392-139-310, filed 11/22/89, effective 12/23/89; 88-03-007 (Order 88-6), § 392-139-310, filed 1/8/88.]

WAC 392-139-320 Determination of maximum excess levy percentage. The superintendent of public instruction shall calculate each school district's maximum excess levy percentage pursuant to RCW 84.52.0531.

[Statutory Authority: RCW 28A.150.290 and 84.52.0531. 10-19-030, § 392-139-320, filed 9/9/10, effective 10/10/10. Statutory Authority: RCW 84.52.0531(9) and 28A.150.290. 00-09-017, § 392-139-320, filed 4/11/00, effective 5/12/00. Statutory Authority: RCW 84.52.0531(a) and 28A.150.-290(2). 98-08-096 (Order 98-06), § 392-139-320, filed 4/1/98, effective 5/2/98. Statutory Authority: RCW 84.52.0531(10) and 28A.150.290. 96-19-037 (Order 96-13), § 392-139-320, filed 9/11/96, effective 10/12/96. Statutory Authority: RCW 28A.150.290(2) and 84.52.0531(10). 93-21-092 (Order 93-20), § 392-139-320, filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.41.170 and 84.52.0531(10). 89-23-121 (Order 18), § 392-139-320, filed 11/22/89, effective 12/23/89; 88-03-007 (Order 88-6), § 392-139-320, filed 1/8/88.]

WAC 392-139-670 Local effort assistance allocations. The superintendent of public instruction shall calculate each eligible school district's local effort assistance entitlement pursuant to chapter 28A.500 RCW.

[Statutory Authority: RCW 28A.150.290 and 84.52.0531. 10-19-030, § 392-139-670, filed 9/9/10, effective 10/10/10. Statutory Authority: RCW

28A.150.290(1) and 84.52.0531(9). 02-17-113, § 392-139-670, filed 8/21/02, effective 9/21/02. Statutory Authority: RCW 84.52.0531(9) and 28A.150.290. 00-09-017, § 392-139-670, filed 4/11/00, effective 5/12/00. Statutory Authority: RCW 84.52.0531(a) and 28A.150.290(2). 98-08-096 (Order 98-06), § 392-139-670, filed 4/1/98, effective 5/2/98. Statutory Authority: RCW 28A.150.290(2) and 84.52.0531(10). 93-21-092 (Order 93-20), § 392-139-670, filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.41.170 and 84.52.0531(10). 89-23-121 (Order 18), § 392-139-670, filed 11/22/89, effective 12/23/89; 88-03-007 (Order 88-6), § 392-139-670, filed 1/8/88.]

Chapter 392-140 WAC

FINANCE—SPECIAL ALLOCATIONS

WAC

392-140-956	Learning improvement days—Other definitions.
392-140-961	Learning improvement days—Determination of the number of funded learning improvement days.
392-140-962	Learning improvement days—Salary allocations for learning improvement days.
392-140-973	Salary bonus for teachers and other certificated staff who hold current certification by the national board—Eligibility.
392-140-975	Salary bonus for teachers and other certificated staff who hold current certification by the national board—Requests for review and adjustment.

WAC 392-140-956 Learning improvement days—Other definitions. As used in WAC 392-140-950 through 392-140-967:

(1) "Certificated instructional staff" means district certificated instructional employees and contractor certificated instructional employees as defined in WAC 392-121-205 and 392-121-206.

(2) "Base contract" means a contract protected by the continuing contract law, RCW 28A.405.300. The base contract does not include hours or compensation provided under a supplemental contract as defined in RCW 28A.400.200.

(3) "Number of days in the base contract" means the number of full work days in the school year for a full-time certificated instructional employee holding the position for the full school year. Days include paid leave. The number of hours in a full work day is determined by each school district. Days scheduled before September 1 can be counted in the school year if included and compensated in the base contract for the school year beginning September 1.

(4) "Selected state-funded programs" means the following programs as defined in the *Accounting Manual for Public School Districts in the State of Washington*:

- 01 Basic Education
- 02 Basic Education-Alternative Learning Experience
- 21 Special Education-Supplemental-State
- 31 Vocational-Basic-State
- 34 Middle School Career and Technical Education-State
- 45 Skills Center-Basic-State
- 55 Learning Assistance Program-State
- 65 Transitional Bilingual-State
- 74 Highly Capable
- 97 District-wide Support

(5) "State institutional education programs" means the following programs:

- 26 Special Education-Institutions-State
- 56 State Institutions, Centers, and Homes-Delinquent
- 59 Institutions-Juveniles in Adult Jails

[Statutory Authority: RCW 28A.150.290(1), 10-19-028, § 392-140-956, filed 9/9/10, effective 10/10/10; 09-19-050, § 392-140-956, filed 9/11/09, effective 10/12/09. Statutory Authority: RCW 28A.150.290 [28A.150.290], 28A.505.140, 01-08-048, § 392-140-956, filed 3/30/01, effective 4/30/01. Statutory Authority: RCW 28A.150.290(2) and 1999 c 309 § 503(7), 99-20-021 (Order 98-07), § 392-140-956, filed 9/28/99, effective 9/29/99.]

WAC 392-140-961 Learning improvement days—Determination of the number of funded learning improvement days. The superintendent of public instruction shall separately determine for selected state-funded programs and for institutional education programs the number of funded learning improvement days for each school district for each school year as follows:

(1) In September through December of each school year, the superintendent will use the number of learning improvement days budgeted by the district and reported on Form F-203.

(2) Monthly, beginning in January of the school year, using current personnel data reported on the S-275 Personnel Report:

(a) Select all certificated instructional staff with assignments in the selected state-funded programs.

(b) For each employee, subtract one hundred eighty days from the number of days reported in the base contract.

(c) For each school year, take the lesser of the number of learning improvement days funded in the state Biennial Operating Appropriations Act or the result of (b) of this subsection, but not less than zero.

(d) Sum the number of days determined for all employees pursuant to (b) and (c) of this subsection.

(e) Divide the result of (d) of this subsection by the number of employees and round to two decimal places.

(f) The result is the number of funded learning improvement days for the district.

(3) After the close of the school year, the superintendent shall fund the lesser of:

(a) The number of days determined pursuant to subsection (2) of this section; or

(b) The number of days reported by the district pursuant to WAC 392-140-967.

[Statutory Authority: RCW 28A.150.290(1), 10-19-028, § 392-140-961, filed 9/9/10, effective 10/10/10; 09-19-050, § 392-140-961, filed 9/11/09, effective 10/12/09. Statutory Authority: RCW 28A.150.290(1) and section 503(7) of the 2001-03 state budget and 2002 supplemental budget. 02-20-063, § 392-140-961, filed 9/27/02, effective 10/28/02. Statutory Authority: RCW 28A.150.290(2) and 1999 c 309 § 503(7), 99-20-021 (Order 98-07), § 392-140-961, filed 9/28/99, effective 9/29/99.]

WAC 392-140-962 Learning improvement days—Salary allocations for learning improvement days. Using the number of learning improvement days determined pursuant to WAC 392-140-961, the superintendent of public instruction shall adjust salary allocations to school districts as follows:

(1) For general apportionment, the derived base salary allocation for learning improvement days as shown on LEAP Document 2, or successor salary allocation schedules, shall be reduced pro rata for any district with less than the number of learning improvement days funded in the state Biennial Operating Appropriations Act as the result of the determination under WAC 392-140-961.

(2) Special education allocations shall be adjusted based on adjustments to the unenhanced basic education allocation per full-time equivalent student.

(3) For transitional bilingual, highly capable, and learning assistance program allocations, the additional state allocation per pupil for learning improvement days shall be reduced pro rata for any district with less than the number of learning improvement days funded in the state Biennial Operating Appropriations Act as the result of the determination under WAC 392-140-961.

(4) For state institutional education programs the salary allocation for learning improvement days shall be reduced pro rata for any district with less than the number of learning improvement days funded in the state Biennial Operating Appropriations Act as the result of the determination under WAC 392-140-961. Educational service districts or contractors operating state-funded institutional education programs shall be eligible for learning improvement day funding in the same manner as school districts.

(5) Allocations for learning improvement days are subject to adjustment or recovery based on findings of the Washington state auditor and chapters 392-115 and 392-117 WAC.

[Statutory Authority: RCW 28A.150.290(1), 10-19-028, § 392-140-962, filed 9/9/10, effective 10/10/10; 09-19-050, § 392-140-962, filed 9/11/09, effective 10/12/09. Statutory Authority: RCW 28A.150.290(1) and section 503(7) of the 2001-03 state budget and 2002 supplemental budget. 02-20-063, § 392-140-962, filed 9/27/02, effective 10/28/02. Statutory Authority: RCW 28A.150.290(2) and 1999 c 309 § 503(7), 99-20-021 (Order 98-07), § 392-140-962, filed 9/28/99, effective 9/29/99.]

WAC 392-140-973 Salary bonus for teachers and other certificated staff who hold current certification by the national board—Eligibility. Candidates who are eligible for the bonus shall be limited to those meeting the following requirements:

(1) Hold current certification by the national board for professional teaching standards; and

(2) Who are:

(a) Teachers and other certificated staff employed full time or part time under written contract by Washington public school districts or educational service districts pursuant to RCW 28A.405.210; or

(b) Teachers and other certificated staff employed full time or part time by a contractor pursuant to WAC 392-121-188 and 392-121-206 (2)(a); or

(c) Teachers and other certificated staff employed full time or part time by the Washington school for the deaf or Washington school for the blind; or

(d) Beginning in the 2007-08 school year and thereafter, national board certified teachers who received the bonus as a teacher or other certificated instructional staff in Washington and become public school principals or vice-principals shall continue to receive the bonus for as long as they are principals or vice-principals and maintain the national board certification.

(3) In addition to bonuses provided by subsection (2) of this section, teachers and other certificated staff shall be eligible for additional bonuses if the employee is in an instructional assignment in challenging, high poverty schools, subject to the following conditions and limitations:

(a) For the 2009-10 school year and thereafter, challenging, high poverty schools are schools eligible by either:

(i) Eligibility in the prior year; or
 (ii) Schools where, for the prior year, the student head-count enrollment eligible for the federal free or reduced price lunch program was at least:

(A) 70 percent for elementary schools;

(B) 60 percent for middle schools; or

(C) 50 percent for high schools; as determined by the October 1 count of the core student records system or successor data collection and reporting systems, such as the comprehensive education data and research system (CEDARS), of the office of superintendent of public instruction.

(b) For purposes of the national board challenging, high poverty schools bonus, a building shall be categorized based upon the highest grades served as follows:

(i) A building whose highest grade served is 6th grade or lower shall be considered an elementary school;

(ii) A building whose highest grade served is either 7th, 8th, or 9th grade shall be considered a middle school;

(iii) A building whose highest grade served is either 10th, 11th, or 12th grade shall be considered a high school; provided, that, a building shall be considered only if it serves thirty or more students, or is the largest building in the district serving its designated category.

(c) The student enrollment data used shall include the state-funded students in kindergarten through twelfth grade, plus prekindergarten students in special education.

(d) Teachers and other certificated staff that meet the qualifications for additional bonuses under this subsection who are assigned for less than one full school year or less than full time for the school year shall receive the additional bonuses in a prorated manner, subject to the following conditions and limitations:

(i) The portion of the employee's assignment to challenging, high poverty schools shall be determined as of either October 1 of the current school year or the employee's employment contract date for the current school year.

(ii) If the employee's assignment to challenging, high poverty schools is less than 1.0 full-time equivalent, the proration shall use the methodology in WAC 392-121-212 and shall be rounded to three decimal places.

(e) Principals and vice-principals shall not be eligible for additional bonuses that are based on instructional assignments in challenging, high poverty schools.

[Statutory Authority: RCW 28A.150.290(1), 10-12-020, § 392-140-973, filed 5/21/10, effective 6/21/10; 09-07-043, § 392-140-973, filed 3/11/09, effective 4/11/09; 08-17-013, § 392-140-973, filed 8/8/08, effective 9/8/08. Statutory Authority: RCW 28A.150.290(2) and 2001 c 7 § 514(12), 02-15-023, § 392-140-973, filed 7/9/02, effective 8/9/02.]

WAC 392-140-975 Salary bonus for teachers and other certificated staff who hold current certification by the national board—Requests for review and adjustment. A school district may request that the superintendent of public instruction review and adjust data and calculations used to determine funding for the salary bonus for teachers and other certificated staff who hold current certification by the national board for professional teaching standards pursuant to this chapter and instructions issued by the superintendent of public instruction. Requests to review and adjust data shall be considered only for those districts wishing to appeal a

school's eligibility designation for the challenging, high poverty schools bonus pursuant to WAC 392-140-973(3).

Requests to review and adjust data shall be considered only if the district shows that the data or calculations are in error, or other bona fide adjustments are necessary.

[Statutory Authority: RCW 28A.150.290(1), 10-12-020, § 392-140-975, filed 5/21/10, effective 6/21/10.]

Chapter 392-141 WAC

TRANSPORTATION—STATE ALLOCATION FOR OPERATIONS

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

392-141-205 Choice low-income criteria. [Statutory Authority: RCW 28A.150.290, 92-20-063 (Order 92-12), § 392-141-205, filed 10/2/92, effective 11/2/92.] Repealed by 10-14-079, filed 7/1/10, effective 8/1/10. Statutory Authority: RCW 28A.150.150.

392-141-210 Choice program transportation eligibility for reimbursement. [Statutory Authority: RCW 28A.150.290, 92-20-063 (Order 92-12), § 392-141-210, filed 10/2/92, effective 11/2/92.] Repealed by 10-14-079, filed 7/1/10, effective 8/1/10. Statutory Authority: RCW 28A.150.-150.

392-141-215 Choice calculation of payment. [Statutory Authority: RCW 28A.150.290, 92-20-063 (Order 92-12), § 392-141-215, filed 10/2/92, effective 11/2/92.] Repealed by 10-14-079, filed 7/1/10, effective 8/1/10. Statutory Authority: RCW 28A.150.150.

392-141-220 Choice reimbursement limitations. [Statutory Authority: RCW 28A.150.290, 92-20-063 (Order 92-12), § 392-141-220, filed 10/2/92, effective 11/2/92.] Repealed by 10-14-079, filed 7/1/10, effective 8/1/10. Statutory Authority: RCW 28A.150.150.

392-141-225 Choice method of payment. [Statutory Authority: RCW 28A.150.290, 92-20-063 (Order 92-12), § 392-141-225, filed 10/2/92, effective 11/2/92.] Repealed by 10-14-079, filed 7/1/10, effective 8/1/10. Statutory Authority: RCW 28A.150.150.

392-141-230 Choice appropriation limitation. [Statutory Authority: RCW 28A.150.290, 92-20-063 (Order 92-12), § 392-141-230, filed 10/2/92, effective 11/2/92.] Repealed by 10-14-079, filed 7/1/10, effective 8/1/10. Statutory Authority: RCW 28A.150.150.

Chapter 392-142 WAC

TRANSPORTATION—REPLACEMENT AND DEPRECIATION ALLOCATION

WAC

392-142-255 Deposit of payments in transportation vehicle fund.
 392-142-260 Allowable uses of transportation vehicle fund.

WAC 392-142-255 Deposit of payments in transportation vehicle fund. School districts shall deposit proceeds for the rent, sale, or lease of school buses and replacement payments for school district-owned vehicles in the transportation vehicle fund. School districts shall not deposit school bus depreciation payments for contractor-owned vehicles in the transportation vehicle fund.

[Statutory Authority: RCW 28A.150.290, 10-02-088, § 392-142-255, filed 1/6/10, effective 2/6/10; 05-19-072, § 392-142-255, filed 9/16/05, effective 10/17/05; 03-13-049, § 392-142-255, filed 6/12/03, effective 7/13/03. Statutory Authority: RCW 28A.41.170 and 28A.41.540, 90-02-077 (Order 21), § 392-142-255, filed 1/2/90, effective 2/2/90.]

WAC 392-142-260 Allowable uses of transportation vehicle fund. School districts shall use moneys in the transportation vehicle fund for the following purposes:

- (1) The purchase of school buses;
- (2) Performing major repairs of a school bus receiving prior approval by the superintendent of public instruction.
- (3) The transfer of moneys from the transportation vehicle fund to the debt service fund exclusively for the payment of debt and interest incurred by the transportation vehicle fund shall not be considered to be a transfer of moneys from the transportation vehicle fund to any other fund within the meaning of RCW 28A.160.130.

[Statutory Authority: RCW 28A.150.290. 10-02-088, § 392-142-260, filed 1/6/10, effective 2/6/10; 03-13-049, § 392-142-260, filed 6/12/03, effective 7/13/03. Statutory Authority: RCW 28A.41.170 and 28A.41.540. 91-23-071 (Order 25), § 392-142-260, filed 11/19/91, effective 12/20/91. Statutory Authority: Chapter 28A.530 and HB 1224. 91-23-042 (Order 21), § 392-142-260, filed 11/14/91, effective 12/15/91. Statutory Authority: RCW 28A.41.170 and 28A.41.540. 90-02-077 (Order 21), § 392-142-260, filed 1/2/90, effective 2/2/90.]

Chapter 392-169 WAC

SPECIAL SERVICE PROGRAMS—RUNNING START PROGRAM

WAC

392-169-033 Institution of higher education—Definition.

WAC 392-169-033 Institution of higher education—Definition. As used in this chapter, the term "institution of higher education" means:

- (1) A Washington community college established under chapter 28B.50 RCW;
- (2) A Washington technical college established under chapter 28B.50 RCW;
- (3) Central Washington University, Eastern Washington University, Washington State University, and The Evergreen State College if:
 - (a) The university has decided to participate in the running start program; and
 - (b) The board of directors of the school district through which an eligible student seeks to obtain running start program high school credit has decided to participate in the universities' running start program.
- (4) A public tribal college located in Washington and accredited by the northwest commission on colleges and universities or another accrediting association recognized by the United States Department of Education pursuant to RCW 28A.600.300.
- (5) Community colleges in Idaho or Oregon pursuant to RCW 28A.600.385.

[Statutory Authority: RCW 28A.150.290. 10-19-029, § 392-169-033, filed 9/9/10, effective 10/10/10. Statutory Authority: RCW 28A.300.390, 28A.150.260 and 28A.150.290. 95-09-042 (Order 95-02), § 392-169-033, filed 4/14/95, effective 5/15/95.]

Chapter 392-172A WAC

RULES FOR THE PROVISION OF SPECIAL EDUCATION

(Formerly chapter 392-172 WAC)

WAC

392-172A-05080 Right to a due process hearing.

WAC 392-172A-05080 Right to a due process hearing. (1) A parent or a school district may file a due process hearing request on any of the matters relating to the identification, evaluation or educational placement, or the provision of FAPE to a student.

(2) The due process hearing request must be made within two years of, and allege a violation that occurred not more than two years before, the date the parent or school district knew or should have known about the alleged action that forms the basis of the due process complaint except the timeline does not apply to a parent if the parent was prevented from filing a due process hearing request due to:

(a) Specific misrepresentations by the school that it had resolved the problem forming the basis of the due process hearing request; or

(b) The school district withheld information from the parent that was required under this chapter to be provided to the parent.

(3)(a) Information about any free or low-cost legal and other relevant services available in the area is maintained on OSPI's web site and is provided by the office of administrative hearings to parents whenever a due process hearing request is filed by either the parent or the school district; and

(b) Districts must provide this information to parents whenever a parent requests the information.

[Statutory Authority: RCW 28A.155.090 and 34 C.F.R. §§ 300.507 and 300.511. 10-10-044, § 392-172A-05080, filed 4/28/10, effective 5/29/10. Statutory Authority: RCW 28A.155.090(7) and 42 U.S.C. 1400 et. seq. 07-14-078, § 392-172A-05080, filed 6/29/07, effective 7/30/07.]

Chapter 392-300 WAC

FINGERPRINT RECORD CHECKS—ACCESS TO RECORDS—PRIVACY

WAC

392-300-025 Access to record check information by district employee or applicant.
 392-300-035 Requests for record check information.
 392-300-050 Access to record check data base.
 392-300-070 Private school fingerprint process.

WAC 392-300-025 Access to record check information by district employee or applicant. All district employees and applicants shall have access to record check information about them maintained by the superintendent of public instruction or designee. Any additional information collected by the superintendent of public instruction or designee as a result of the investigation of any data shall be available for inspection and copying by the district employee or applicant to whom it pertains during normal office hours in the office where the information is located. Information that is gathered as part of an ongoing investigation, shall not be released to the district employee or applicant until the investigation is completed.

[Statutory Authority: RCW 28A.400.303, 10-17-059, § 392-300-025, filed 8/12/10, effective 9/12/10. Statutory Authority: RCW 28A.400.303, 28A.400.306, 28A.410.010 and 1996 c 126, 96-17-045 (Order 96-12), § 392-300-025, filed 8/19/96, effective 9/19/96.]

WAC 392-300-035 Requests for record check information. In accordance with the requirements of RCW 42.56.100 that agencies prevent unreasonable invasions of privacy, protect public records from damage or disorganization, and prevent excessive interference with essential functions of the agency, record check information is obtainable by district employees or applicants to whom it pertains when they comply with the following procedures:

The request shall be made in writing. The district employee or applicant shall complete, sign and return the request for Background Check Results form located at <http://www.k12.wa.us/profpractices/fingerprint>. The written request shall be presented to the fingerprint records office of the superintendent of public instruction during customary office hours or may be mailed or faxed to the office. The request shall include the following information:

- (1) The name of the person requesting the record;
- (2) The time of day and the calendar date on which the request was made;
- (3) The nature of the request;
- (4) Height, weight and date of birth of individual fingerprinted; and
- (5) Social Security number of individual fingerprinted (optional).

[Statutory Authority: RCW 28A.400.303, 10-17-059, § 392-300-035, filed 8/12/10, effective 9/12/10. Statutory Authority: RCW 42.56.100, 09-02-024, § 392-300-035, filed 12/30/08, effective 1/30/09. Statutory Authority: RCW 28A.400.303, 28A.400.306, 28A.410.010 and 1996 c 126, 96-17-045 (Order 96-12), § 392-300-035, filed 8/19/96, effective 9/19/96.]

WAC 392-300-050 Access to record check data base. School districts, the state school for the deaf, the state school for the blind, educational service districts, Bureau of Indian Affairs funded schools, authorized employees of approved private schools, colleges and universities shall establish written policies or procedures to determine which employees are authorized to access the data base. Access to the superintendent of public instruction's record check data base shall be limited to:

- (1) Employees of the superintendent of public instruction processing record check information including employees within the fingerprint records section, the office of professional practices, the legal services section, the certification section or their equivalents in case of future agency reorganization.
- (2) Authorized employees of school districts.
- (3) Authorized employees of educational service districts.
- (4) Authorized employees of college or universities with state board of education approved certification programs.
- (5) Authorized employees of the state school for the deaf.
- (6) Authorized employees of the state school for the blind.
- (7) Authorized employees of Bureau of Indian Affairs funded schools.
- (8) Authorized employees of approved private schools.

(9) Other authorized individuals as determined by the superintendent of public instruction or designee.

Access to the data base will be controlled by a confidential password issued by the superintendent of public instruction.

[Statutory Authority: RCW 28A.400.305 10-22-054, § 392-300-050, filed 10/28/10, effective 11/28/10. Statutory Authority: RCW 28A.400.303, 28A.410.090, 07-19-012, § 392-300-050, filed 9/7/07, effective 10/8/07. Statutory Authority: RCW 28A.150.290(1), 02-06-044, § 392-300-050, filed 2/27/02, effective 3/30/02. Statutory Authority: RCW 28A.400.303, 28A.400.306, 28A.410.010 and 1996 c 126, 96-17-045 (Order 96-12), § 392-300-050, filed 8/19/96, effective 9/19/96.]

WAC 392-300-070 Private school fingerprint process. Fingerprinting of subject individuals employed by private schools.

(1) Definitions of private school terms.

(a) "Subject individual" means: Any person, certified or classified employed by a private school in a position having regularly scheduled, unsupervised access to children;

(b) "Regularly scheduled, unsupervised access to children" means contact with students that provides the person opportunity and probability for personal communication or touch when not under direct supervision;

(c) "Fee" means the total charges assessed to process fingerprint cards through the Washington state patrol and Federal Bureau of Investigation records check;

(d) "Information to be required" means all information requested by the office of the superintendent of public instruction;

(e) "Convictions of crimes" means, notwithstanding any other statutes or Washington administrative rule, conviction of a crime listed in WAC 180-86-013, or being under indictment for any of the crimes listed in WAC 180-86-013;

(f) "Private school" means a school that is approved with the Washington state board of education under chapter 180-90 WAC.

(2) The office of the superintendent of public instruction shall request criminal information from the Washington state patrol and the Federal Bureau of Investigation in the manner prescribed by law. A fee shall be charged for such services.

(3) Upon the private school's submission of the completed fingerprint cards and information form, the office of the superintendent of public instruction shall review the criminal records of subject individual.

(4) OSPI will send conviction information to administrators of approved private schools as allowed under RCW 10.97.050.

(5) The office of the superintendent of public instruction shall assure the destruction of all fingerprint cards, facsimiles or other materials from which fingerprints can be reproduced used by Washington state patrol or Federal Bureau of Investigation.

(6) Only cards and forms approved by the office of the superintendent of public instruction will be accepted. The office of the superintendent of public instruction will hold fingerprint cards on file and notify the private school and subject individual when there is no fee, an incorrect fee, when necessary information is missing from the fingerprint cards, or the information form was not received.

(7) The office of the superintendent of public instruction will return to the private school any fingerprint cards that the

Washington state patrol or Federal Bureau of Investigation rejects for poor quality prints. The private school will be responsible for having the subject individual submit additional prints as required.

(8) The superintendent's office shall maintain a record of all properly submitted fingerprint cards in the current records data base for a period of at least two years. The record shall include at least the following:

- (a) Card sequence number;
- (b) Name of private school submitting the cards;
- (c) Date cards received at the Washington state patrol;
- (d) Date letter regarding incomplete card was sent to the subject individual with a copy to the private school (only if applicable);
- (e) Date Washington state patrol received fingerprint cards;
- (f) Date private school was notified of Washington state patrol criminal history record or clearance;
- (g) Date private school was notified of Federal Bureau of Investigation record or lack of record.

This WAC will remain in effect through June 30, 2011.

[Statutory Authority: RCW 28A.400.305 10-22-054, § 392-300-070, filed 10/28/10, effective 11/28/10. Statutory Authority: RCW 28A.400.303. 09-04-031, § 392-300-070, filed 1/29/09, effective 3/1/09. Statutory Authority: RCW 28A.410.010, 28A.400.305. 00-21-077, § 392-300-070, filed 10/17/00, effective 11/17/00.]

Chapter 392-341 WAC

STATE ASSISTANCE IN PROVIDING SCHOOL PLANT FACILITIES—PRELIMINARY PROVISIONS

(Formerly chapter 180-25 WAC)

WAC

392-341-005	Authority.
392-341-010	Purpose.
392-341-020	District application—Study and survey.
392-341-025	State study and survey—Content.
392-341-030	State study and survey—Local involvement.
392-341-037	Out of date state study and survey.
392-341-040	State study and survey—Superintendent of public instruction approval or denial.
392-341-043	Superintendent of public instruction commitment at project approval.
392-341-045	Approval criteria for state funding assistance.
392-341-060	Eligibility for state funding assistance for new construction—Definition—Contiguous school district.
392-341-065	Eligibility for state funding assistance for new construction—Definition—Negotiate in good faith.
392-341-070	Eligibility for state funding assistance for new construction—Survey of suitable school facilities in contiguous school districts that are unused or underutilized.
392-341-075	Eligibility for state funding assistance for new construction—Contents of survey.
392-341-080	Eligibility for state funding assistance for new construction—Application to superintendent of public instruction—Necessary documentation.
392-341-085	Eligibility for state funding assistance for new construction—Review of survey of available and suitable school plant facilities in contiguous school districts.
392-341-090	Eligibility for state funding assistance for new construction—Approval by the superintendent of public instruction of applicant's school district certification.
392-341-200	Forms.

WAC 392-341-005 Authority. This chapter is adopted pursuant to RCW 28A.525.020 which authorizes the superintendent of public instruction to prescribe rules and regula-

tions governing the administration, control, terms, conditions, and disbursements of state funding assistance to school districts to assist them in providing school facilities. In accordance with RCW 28A.525.200, the only provisions of chapter 28A.525 RCW currently applicable to state funding assistance for school facilities are RCW 28A.525.030, 28A.525.-040, 28A.525.050, 28A.525.162 through 28A.525.178.

[Statutory Authority: RCW 28A.525.020. 10-09-008, § 392-341-005, filed 4/8/10, effective 5/9/10; 06-16-032, amended and recodified as § 392-341-005, filed 7/25/06, effective 8/25/06; 98-19-139, § 180-25-005, filed 9/23/98, effective 10/24/98. Statutory Authority: 1990 c 33. 90-17-009, § 180-25-005, filed 8/6/90, effective 9/6/90. Statutory Authority: RCW 28A.47.830. 83-21-064 (Order 9-83), § 180-25-005, filed 10/17/83.]

WAC 392-341-010 Purpose. The purpose of this chapter is to set forth provisions applicable to a district's official application for state funding assistance, including conditions preceding, in the construction of school facilities.

[Statutory Authority: RCW 28A.525.020. 10-09-008, § 392-341-010, filed 4/8/10, effective 5/9/10; 06-16-032, recodified as § 392-341-010, filed 7/25/06, effective 8/25/06. Statutory Authority: RCW 28A.47.830. 85-24-047 (Order 24-85), § 180-25-010, filed 11/27/85; 83-21-064 (Order 9-83), § 180-25-010, filed 10/17/83.]

WAC 392-341-020 District application—Study and survey. Prior to the superintendent of public instruction consideration of state funding assistance in providing school facilities, the board of directors of a school district shall file with the superintendent of public instruction an application for each school facility project, whether new construction or modernization of an existing facility, and shall request the superintendent of public instruction to study and survey existing and proposed school facilities within the district.

[Statutory Authority: RCW 28A.525.020. 10-09-008, § 392-341-020, filed 4/8/10, effective 5/9/10; 06-16-032, amended and recodified as § 392-341-020, filed 7/25/06, effective 8/25/06. Statutory Authority: RCW 28A.47.-830. 83-21-064 (Order 9-83), § 180-25-020, filed 10/17/83.]

WAC 392-341-025 State study and survey—Content. The study and survey to be conducted by the superintendent of public instruction with the cooperation of the local school district shall include the following:

(1) An inventory and area analysis of existing school facilities within the district, a description of the types and kinds of systems and subsystems used in those facilities and their physical condition;

(2) A long-range (i.e., minimum of six years) educational and facilities plan setting forth the projected facility needs and priorities of the district based on the educational plan;

(3) Demographic data including population projections and projected economic growth and development;

(4) The ability of such district to provide capital funds by local effort;

(5) The existence of a school housing emergency;

(6) The need to improve racial balance and/or to avoid creation or aggravation of racial imbalance;

(7) The type and extent of new and/or additions to existing school facilities required and the urgency of need for such facilities;

(8) A cost/benefit analysis on the need to modernize and/or replace existing school facilities in order to meet current educational needs and the current state building code;

(9) The need and the estimated capital cost to restore, to design specifications, the major systems and subsystems in the facilities that have deteriorated due to deferred maintenance.

(10) A determination of the district's time line for completion of the school facilities project;

(11) An inventory of accessible unused or underutilized school facilities in neighboring school districts and the physical condition of such school facilities;

(12) The need for adjustments of school attendance areas among or within such districts; and

(13) Such other matters as the superintendent of public instruction deems pertinent to decision making in the allocation of funds for school facilities. Cooperation by the applicant school district in conducting the study and survey is a requisite for the superintendent of public instruction to complete the study and survey and to establish the eligibility of the district for state funding assistance in school facility construction.

[Statutory Authority: RCW 28A.525.020. 10-09-008, § 392-341-025, filed 4/8/10, effective 5/9/10; 06-16-032, amended and recodified as § 392-341-025, filed 7/25/06, effective 8/25/06; 98-19-139, § 180-25-025, filed 9/23/98, effective 10/24/98. Statutory Authority: [RCW 28A.525.020.] 91-12-058, § 180-25-025, filed 6/5/91, effective 7/6/91. Statutory Authority: RCW 28A.47.803, 28A.47.060, 28A.47.802 and 28A.47.105. 90-04-031, § 180-25-025, filed 1/30/90, effective 3/2/90. Statutory Authority: RCW 28A.47.830. 85-24-047 (Order 24-85), § 180-25-025, filed 11/27/85; 83-21-064 (Order 9-83), § 180-25-025, filed 10/17/83.]

WAC 392-341-030 State study and survey—Local involvement. When in the judgment of the superintendent of public instruction information is not readily available to complete the state study and survey or the superintendent of public instruction determines that an existing study and survey, although completed within the previous six years, is out of date, the superintendent of public instruction shall approve a district's request for a state planning grant to offset all or a portion of the cost of acquiring such information unless it is determined that there is no possibility that the district will be eligible for state funding assistance within the next seventy-two months. The state planning grant shall be based on a minimum flat amount for each enrollment category plus a variable allocation based on the district's estimated gross square footage of existing school facilities and in accordance with the following schedule:

Headcount Enrollment Categories

Enrollment of 1 to 500—Minimum state planning grant plus square footage allocation

Enrollment of 501 to 3,000—Minimum state planning grant plus square footage allocation

Enrollment of 3,001 to 10,000—Minimum state planning grant plus square footage allocation

Enrollment of above 10,000—Minimum state planning grant plus square footage allocation

The dollar amount for the minimum grants and the square footage allocations for these categories shall be established annually by the superintendent of public instruction.

[Statutory Authority: RCW 28A.525.020. 10-09-008, § 392-341-030, filed 4/8/10, effective 5/9/10; 06-16-032, amended and recodified as § 392-341-030, filed 7/25/06, effective 8/25/06. Statutory Authority: RCW 28A.525.-020 and 1992 c 233 § 24(8). 92-16-058, § 180-25-030, filed 8/3/92, effective 9/3/92. Statutory Authority: RCW 28A.47.830. 85-24-047 (Order 24-85), § 180-25-030, filed 11/27/85; 83-21-064 (Order 9-83), § 180-25-030, filed 10/17/83.]

WAC 392-341-037 Out of date state study and survey. The superintendent of public instruction, commencing June 7, 2006, shall not grant approval of state funding assistance pursuant to WAC 392-341-040 to a district without consideration of a state study and survey conducted within the preceding six years that addresses such project.

[Statutory Authority: RCW 28A.525.020. 10-09-008, § 392-341-037, filed 4/8/10, effective 5/9/10; 06-16-032, amended and recodified as § 392-341-037, filed 7/25/06, effective 8/25/06. Statutory Authority: RCW 28A.47.-830. 85-24-047 (Order 24-85), § 180-25-037, filed 11/27/85.]

WAC 392-341-040 State study and survey—Superintendent of public instruction approval or denial. Upon receipt of a request for one or more project approvals and after review of the state study and survey, together with recommendations and comments, the superintendent of public instruction shall in accordance with WAC 392-341-045 take one of the following actions:

(1) Deny approval of state funding assistance for the construction and/or modernization of school facilities; or

(2) Grant approval of state funding assistance for the construction and/or modernization of school facilities by authorizing the maximum area allocation eligible for state funding assistance for each school plant project approved and for which the superintendent of public instruction shall issue an appropriate SPI form and state any conditions that may or may not be applicable including whether eligibility was approved or denied for additional state funding assistance pursuant to WAC 392-343-115 for one or more approved school plant projects or whether such decision for any approved school plant project has been deferred due to insufficient factual information for a determination or due to a request by the district to present the necessary factual information to the superintendent of public instruction. Upon receipt of the superintendent of public instruction approval, the school district is authorized to prepare educational specifications pursuant to chapter 392-342 WAC. Project approval shall become null and void one year from the date of the superintendent of public instruction action unless the district:

(a) Obtains capital funds to provide the local share required for state funding assistance;

(b) Completes the educational specifications pursuant to chapter 392-342 WAC; and

(c) Selects a site pursuant to chapter 392-342 WAC.

[Statutory Authority: RCW 28A.525.020. 10-09-008, § 392-341-040, filed 4/8/10, effective 5/9/10; 06-16-032, amended and recodified as § 392-341-040, filed 7/25/06, effective 8/25/06; 98-19-139, § 180-25-040, filed 9/23/98, effective 10/24/98. Statutory Authority: RCW 28A.47.830. 85-24-047 (Order 24-85), § 180-25-040, filed 11/27/85; 85-09-059 (Order 7-85), § 180-25-040, filed 4/17/85; 83-21-064 (Order 9-83), § 180-25-040, filed 10/17/83.]

WAC 392-341-043 Superintendent of public instruction commitment at project approval. The superintendent of public instruction project approval pursuant to WAC 392-

341-040 defines the type of project and the maximum allowable square footage in which the state conditionally agrees to participate. There is no commitment whatsoever by the superintendent of public instruction or the state to any project or to any amount of state funding assistance. The superintendent of public instruction reserves the right to amend and/or repeal any rule(s) respecting state funding assistance in school building construction. Such rule changes may be made regardless of the negative and/or positive impact of such changes upon the eligibility of any project for state funding assistance and/or the extent of eligibility of any project for state funding assistance.

[Statutory Authority: RCW 28A.525.020. 10-09-008, § 392-341-043, filed 4/8/10, effective 5/9/10; 06-16-032, amended and recodified as § 392-341-043, filed 7/25/06, effective 8/25/06. Statutory Authority: RCW 28A.47.-830. 86-04-065 (Order 1-86), § 180-25-043, filed 2/4/86.]

WAC 392-341-045 Approval criteria for state funding assistance. The superintendent of public instruction shall conditionally agree to state funding assistance for a school facility or facilities for a school district that demonstrates the following:

(1) The existence of unhoused students which for the purpose of this section shall mean current or projected enrolled students who are in excess of the capacity calculated for existing facilities within the district pursuant to chapter 392-343 WAC: Provided, That current or projected enrolled students shall not be designated as unhoused for a high school district of application which has a student enrollment of four hundred or less in grades nine through twelve, if the students involved or affected can be served without undue inconvenience in a neighboring school, or schools of larger size and the neighboring school district has indicated a willingness to serve, and has the capacity to house the applying district high school students; and

(2) The ability of the district to obtain capital funds to provide the local share required for state funding assistance: Provided, That the existence of unhoused students provision of subsection (1) of this section shall not be required for approval of the following school facilities projects: Interdistrict cooperative centers authorized by chapter 392-345 WAC, interdistrict transportation cooperatives authorized by chapter 392-346 WAC, and modernization and new construction authorized by chapter 392-347 WAC.

[Statutory Authority: RCW 28A.525.020. 10-09-008, § 392-341-045, filed 4/8/10, effective 5/9/10; 06-16-032, amended and recodified as § 392-341-045, filed 7/25/06, effective 8/25/06; 98-19-139, § 180-25-045, filed 9/23/98, effective 10/24/98. Statutory Authority: RCW 28A.47.830. 85-09-059 (Order 7-85), § 180-25-045, filed 4/17/85; 83-21-064 (Order 9-83), § 180-25-045, filed 10/17/83.]

WAC 392-341-060 Eligibility for state funding assistance for new construction—Definition—Contiguous school district. As used in this chapter the term "contiguous school district" means a school district sharing a common boundary with another school district.

[Statutory Authority: RCW 28A.525.020. 10-09-008, § 392-341-060, filed 4/8/10, effective 5/9/10; 06-16-032, recodified as § 392-341-060, filed 7/25/06, effective 8/25/06. Statutory Authority: RCW 28A.47.803, 28A.47.-060, 28A.47.802 and 28A.47.105. 90-01-075, § 180-25-060, filed 12/19/89, effective 12/19/89.]

WAC 392-341-065 Eligibility for state funding assistance for new construction—Definition—Negotiate in good faith. As used in this chapter the term "negotiate in good faith" means approach a school district with an available and suitable school facility with the intent to enter into an agreement to lease the facility.

[Statutory Authority: RCW 28A.525.020. 10-09-008, § 392-341-065, filed 4/8/10, effective 5/9/10; 06-16-032, recodified as § 392-341-065, filed 7/25/06, effective 8/25/06. Statutory Authority: RCW 28A.47.803, 28A.47.-060, 28A.47.802 and 28A.47.105. 90-01-075, § 180-25-065, filed 12/19/89, effective 12/19/89.]

WAC 392-341-070 Eligibility for state funding assistance for new construction—Survey of suitable school facilities in contiguous school districts that are unused or underutilized. A school district applying for state funding assistance for new construction shall conduct a documented survey of suitable school facilities in contiguous school districts that are unused or underutilized.

[Statutory Authority: RCW 28A.525.020. 10-09-008, § 392-341-070, filed 4/8/10, effective 5/9/10; 06-16-032, recodified as § 392-341-070, filed 7/25/06, effective 8/25/06; 98-19-139, § 180-25-070, filed 9/23/98, effective 10/24/98. Statutory Authority: RCW 28A.47.803, 28A.47.060, 28A.47.802 and 28A.47.105. 90-01-075, § 180-25-070, filed 12/19/89, effective 12/19/89.]

WAC 392-341-075 Eligibility for state funding assistance for new construction—Contents of survey. The survey required in WAC 392-341-070 shall include at a minimum:

- (1) A listing of contiguous school districts.
- (2) Name and title of each person contacted regarding availability of facilities.
- (3) A listing of available facilities including location.

[Statutory Authority: RCW 28A.525.020. 10-09-008, § 392-341-075, filed 4/8/10, effective 5/9/10; 06-16-032, amended and recodified as § 392-341-075, filed 7/25/06, effective 8/25/06. Statutory Authority: RCW 28A.47.-803, 28A.47.060, 28A.47.802 and 28A.47.105. 90-01-075, § 180-25-075, filed 12/19/89, effective 12/19/89.]

WAC 392-341-080 Eligibility for state funding assistance for new construction—Application to superintendent of public instruction—Necessary documentation. As part of the application submitted to the superintendent of public instruction, the district applying for state funding assistance for new construction shall include:

- (1) A copy of the survey conducted pursuant to WAC 392-341-070.
- (2) A board resolution certifying one of the following:
 - (a) No suitable space is available in any contiguous district;
 - (b) Space is available in a contiguous district but the facilities do not meet needs of the applicant district. The applicant district shall provide substantial evidence to support the unsuitability of the available facility;
 - (c) Space is available in a contiguous district but good faith negotiations did not lead to an agreement between the applicant district and the district containing the available facility. The applicant district shall provide substantial evidence to support the lack of lease agreement including a history of the negotiations and proposed offers by each district.
- (3) Other information deemed pertinent by the applicant district.

[Statutory Authority: RCW 28A.525.020. 10-09-008, § 392-341-080, filed 4/8/10, effective 5/9/10; 06-16-032, amended and recodified as § 392-341-080, filed 7/25/06, effective 8/25/06. Statutory Authority: RCW 28A.47-803, 28A.47.060, 28A.47.802 and 28A.47.105. 90-01-075, § 180-25-080, filed 12/19/89, effective 12/19/89.]

WAC 392-341-085 Eligibility for state funding assistance for new construction—Review of survey of available and suitable school plant facilities in contiguous school districts. The superintendent of public instruction shall review and approve the applicant school boards certification and supporting documentation submitted pursuant to WAC 392-341-080, if the certification is complete, technically accurate, and complies with all applicable rules and regulations. Until this certification and supporting documentation is approved by the superintendent of public instruction, the school district's application for state funding assistance will not be given further consideration.

[Statutory Authority: RCW 28A.525.020. 10-09-008, § 392-341-085, filed 4/8/10, effective 5/9/10; 06-16-032, amended and recodified as § 392-341-085, filed 7/25/06, effective 8/25/06. Statutory Authority: RCW 28A.47-803, 28A.47.060, 28A.47.802 and 28A.47.105. 90-01-075, § 180-25-085, filed 12/19/89, effective 12/19/89.]

WAC 392-341-090 Eligibility for state funding assistance for new construction—Approval by the superintendent of public instruction of applicant's school district certification. The superintendent of public instruction shall approve an applicant school district's certification of the unavailability of suitable school plant facilities in contiguous school districts if it is established to the superintendent of public instruction's satisfaction that vacant, available, and suitable school plant facilities neither exist nor are scheduled to exist within the foreseeable future in a contiguous school district.

[Statutory Authority: RCW 28A.525.020. 10-09-008, § 392-341-090, filed 4/8/10, effective 5/9/10; 06-16-032, amended and recodified as § 392-341-090, filed 7/25/06, effective 8/25/06. Statutory Authority: RCW 28A.47-803, 28A.47.060, 28A.47.802 and 28A.47.105. 90-01-075, § 180-25-090, filed 12/19/89, effective 12/19/89.]

WAC 392-341-200 Forms. Forms applicable to provisions of this chapter for school facilities shall be as follows:

(1) Applications for a state study and survey by a district pursuant to WAC 392-341-020 shall be designated as SPI Form D-1.

(2) State planning grants to districts pursuant to WAC 392-341-030 shall be awarded to such districts through SPI Form D-2.

(3) Applications for approval of a school project by a district pursuant to WAC 392-341-040 shall be designated as SPI Form D-3.

(4) Project approval for districts pursuant to WAC 392-341-040 shall be awarded to such district through SPI Form D-4.

[Statutory Authority: RCW 28A.525.020. 10-09-008, § 392-341-200, filed 4/8/10, effective 5/9/10; 06-16-032, amended and recodified as § 392-341-200, filed 7/25/06, effective 8/25/06. Statutory Authority: RCW 28A.47-830, 85-24-047 (Order 24-85), § 180-25-200, filed 11/27/85.]

[2011 WAC Supp—page 18]

Chapter 392-342 WAC

STATE ASSISTANCE IN PROVIDING SCHOOL PLANT FACILITIES—EDUCATIONAL SPECIFICATIONS AND SITE SELECTION (Formerly chapter 180-26 WAC)

WAC

392-342-005	Authority.
392-342-020	Site review and evaluation.
392-342-025	Racial imbalance prohibition—Definition and acceptance criteria.
392-342-050	Option to request preliminary funding status prior to proceeding pursuant to WAC 392-342-040.
392-342-057	The superintendent of public instruction project commitment at preliminary funded status.
392-342-200	Forms.

WAC 392-342-005 Authority. This chapter is adopted pursuant to RCW 28A.525.020 relating to authority of the superintendent of public instruction to prescribe rules and regulations governing the administration, control, terms, conditions, and disbursements of allocations to school districts to assist them in providing school facilities. In accordance with RCW 28A.525.200, the only provisions of chapter 28A.525 RCW currently applicable to state funding assistance for school facilities are RCW 28A.525.030, 28A.525.040, 28A.525.050, and 28A.525.162 through 28A.525.178.

[Statutory Authority: RCW 28A.525.020. 10-09-008, § 392-342-005, filed 4/8/10, effective 5/9/10; 06-16-032, amended and recodified as § 392-342-005, filed 7/25/06, effective 8/25/06; 98-19-140, § 180-26-005, filed 9/23/98, effective 10/24/98. Statutory Authority: 1990 c 33. 90-17-009, § 180-26-005, filed 8/6/90, effective 9/6/90. Statutory Authority: RCW 28A.47.830. 83-21-065 (Order 10-83), § 180-26-005, filed 10/17/83.]

WAC 392-342-020 Site review and evaluation. The superintendent of public instruction together with the school district shall conduct a review and evaluation of sites for new and existing state funding assisted projects. In selecting sites for schools, a district shall consider the following:

(1) The property upon which the school facility is or will be located is free of all encumbrances that would detrimentally interfere with the construction, operation, and useful life of the facility;

(2) The site is of sufficient size to meet the needs of the facility. The minimum acreage of the site should be five usable acres and one additional usable acre for each one hundred students or portion thereof of projected maximum enrollment plus an additional five usable acres if the school contains any grade above grade six. A district considering the use of a site that is less than the recommended minimum usable acreage should assure that:

(a) The health and safety of the students will not be in jeopardy;

(b) The internal spaces within the proposed facility will be adequate for the proposed educational program;

(c) The neighborhood in which the school facility is or will be situated will not be detrimentally impacted by lack of parking for students, employees, and the public; and

(d) The physical education and recreational program requirements will be met.

(3) A site review or predesign conference has been conducted with all appropriate local code agencies in order to determine design constraints;

(4) A geotechnical engineer has conducted a limited sub-surface investigation to gather basic information regarding potential foundation and subgrade performance.

[Statutory Authority: RCW 28A.525.020. 10-09-008, § 392-342-020, filed 4/8/10, effective 5/9/10; 06-16-032, recodified as § 392-342-020, filed 7/25/06, effective 8/25/06; 98-19-140, § 180-26-020, filed 9/23/98, effective 10/24/98. Statutory Authority: RCW 28A.525.020 and 1992 c 233 § 24 (8)(e). 94-01-014, § 180-26-020, filed 12/3/93, effective 1/3/94; 93-07-104, § 180-26-020, filed 3/23/93, effective 4/23/93. Statutory Authority: RCW 28A.525.020 and 28A.525.164. 91-12-057, § 180-26-020, filed 6/5/91, effective 7/6/91. Statutory Authority: RCW 28A.47.830. 83-21-065 (Order 10-83), § 180-26-020, filed 10/17/83.]

WAC 392-342-025 Racial imbalance prohibition—Definition and acceptance criteria. The superintendent of public instruction shall not accept a site unless the applicant district provides assurances that its attendance policies for the proposed or modernized school facility will not create or aggravate racial imbalance within the boundaries of the applicant school district. For the purpose of this chapter, racial imbalance shall be defined as the situation that exists when minority enrollment (as defined by current federal categories) of a school plant facility is as follows:

(1) General rule. As a general rule—except for greater than fifty percent minority school districts—racial imbalance shall be defined as the situation that exists:

(a) When the combined minority enrollment of a school exceeds the district-wide combined minority percentage by twenty percentage points or more; or

(b) When a school's enrollment of a single minority group with a district-wide enrollment of less than thirty percent exceeds fifty percent; or

(c) When a school's enrollment of a single minority group with a district-wide enrollment of thirty percent or more exceeds the minority group's district-wide percentage by twenty percentage points or more.

(2) Greater than fifty percent minority districts. This is a school district with a district-wide combined minority enrollment that exceeds fifty percent. Racial imbalance in a greater than fifty percent minority, nonmultiracial school district shall be defined as existing:

(a) When the combined minority enrollment of a school varies from the district-wide combined minority percentage by more than plus or minus twenty-five percentage points; or

(b) When a school's enrollment of a single minority group with a district-wide enrollment of less than thirty percent exceeds fifty percent; or

(c) When a school's enrollment of a single minority group with a district-wide enrollment of thirty percent or more exceeds the minority group's district-wide percentage by twenty percentage points or more.

(3) Greater than fifty percent minority, multiracial districts. This is a school district with a district-wide combined minority enrollment that exceeds fifty percent and consists of two or more minority group enrollments which are each greater than twenty percent. Racial imbalance in a greater than fifty percent minority, multiracial school district shall be defined as existing:

(a) When the combined minority enrollment of a school varies from the district-wide combined minority percentage by more than plus or minus twenty-five percent percentage points; or

(b) When a school's enrollment of a single minority exceeds the combined district-wide minority percentage.

(4) Exclusions—This policy does not apply to:

(a) Public schools located on American Indian reservations; or

(b) School facilities which are the sole site within a school district for the conduct of a regular or special needs program for students of the age(s) or grade level(s) served at the site; or

(c) Student enrollments in programs established and conducted to address extraordinary educational needs, such as bilingual orientation programs, where the assignment and enrollment of students are based solely upon their extraordinary educational needs, the enrollment of students in the program is limited to the duration of their extraordinary educational need, and adherence to the policy would defeat the educational purpose of the program.

[Statutory Authority: RCW 28A.525.020. 10-09-008, § 392-342-025, filed 4/8/10, effective 5/9/10; 06-16-032, recodified as § 392-342-025, filed 7/25/06, effective 8/25/06; 94-20-055, § 180-26-025, filed 9/30/94, effective 10/31/94. Statutory Authority: RCW 28A.47.830. 84-11-046 (Order 5-84), § 180-26-025, filed 5/17/84; 83-21-065 (Order 10-83), § 180-26-025, filed 10/17/83.]

WAC 392-342-050 Option to request preliminary funding status prior to proceeding pursuant to WAC 392-342-040. As used in chapters 392-342, 392-343, and 392-344 WAC, the term "preliminary funding status" shall mean the project shall be considered for approval pursuant to WAC 392-344-107 prior to projects without such preliminary funding status and shall be eligible for state funding assistance pursuant to the superintendent of public instruction rules pertaining to eligible square footage, construction cost allocation for the fiscal year funded, and priorities in effect at the time such status is granted. Any district may request the superintendent of public instruction to grant preliminary funding status for any project that obtained capital funds to provide the local share required for state funding assistance and has the authority to proceed pursuant to WAC 392-342-040. The superintendent of public instruction shall grant such approval if in the judgment of the superintendent of public instruction such project will receive approval pursuant to WAC 392-344-107 within one year.

[Statutory Authority: RCW 28A.525.020. 10-09-008, § 392-342-050, filed 4/8/10, effective 5/9/10; 06-16-032, amended and recodified as § 392-342-050, filed 7/25/06, effective 8/25/06. Statutory Authority: RCW 28A.47.830 and 28A.525.020. 01-19-042, § 180-26-050, filed 9/14/01, effective 10/15/01. Statutory Authority: RCW 28A.47.830. 85-24-047 (Order 24-85), § 180-26-050, filed 11/27/85.]

WAC 392-342-057 The superintendent of public instruction project commitment at preliminary funded status. When preliminary funding status for a project is requested and granted pursuant to WAC 392-342-050, the superintendent of public instruction commitment is limited to the eligibility of the project for state funding assistance, the eligible square footage, the construction cost allocation for the fiscal year funded and the priority standing of the project as determined pursuant to the state construction assistance rules in effect at that time. This commitment is effective only for the initial one-year period set forth at WAC 392-342-060. The superintendent of public instruction reserves the right to

amend and/or repeal any rule(s) respecting state funding assistance in school facility construction. Such rule changes may be made regardless of the impact upon the eligibility of any project and/or the extent of eligibility of any project for state funding assistance.

[Statutory Authority: RCW 28A.525.020. 10-09-008, § 392-342-057, filed 4/8/10, effective 5/9/10; 06-16-032, amended and recodified as § 392-342-057, filed 7/25/06, effective 8/25/06. Statutory Authority: RCW 28A.47.830 and 28A.525.020. 01-19-042, § 180-26-057, filed 9/14/01, effective 10/15/01. Statutory Authority: RCW 28A.525.020. 98-19-140, § 180-26-057, filed 9/23/98, effective 10/24/98. Statutory Authority: RCW 28A.525.020 and 1991 c 14. 91-20-151, § 180-26-057, filed 10/2/91, effective 11/2/91. Statutory Authority: RCW 28A.525.020. 90-24-068, § 180-26-057, filed 12/5/90, effective 1/5/91. Statutory Authority: RCW 28A.47.830. 86-04-065 (Order 1-86), § 180-26-057, filed 2/4/86.]

WAC 392-342-200 Forms. Forms applicable to the provisions of this chapter for school facilities shall be as follows:

(1) Applications for preliminary funding status pursuant to WAC 392-342-050 shall be designated as SPI Form D-5.

(2) Grants of preliminary funding status pursuant to WAC 392-342-050 shall be given to districts through SPI Form D-6.

[Statutory Authority: RCW 28A.525.020. 10-09-008, § 392-342-200, filed 4/8/10, effective 5/9/10; 06-16-032, amended and recodified as § 392-342-200, filed 7/25/06, effective 8/25/06. Statutory Authority: RCW 28A.47.830. 85-24-047 (Order 24-85), § 180-26-200, filed 11/27/85.]

Chapter 392-343 WAC

STATE FUNDING ASSISTANCE IN PROVIDING SCHOOL PLANT FACILITIES—BASIC STATE SUPPORT

(Formerly chapter 180-27 WAC)

WAC

392-343-005	Authority.
392-343-010	Purpose.
392-343-015	State board policy.
392-343-016	Rules determining eligibility and timing of state funding assistance.
392-343-020	Related factors and formula for determining amount of state funding assistance.
392-343-025	State funding assistance percentage—General.
392-343-030	Applicable state funding assistance percentage for project.
392-343-032	Growth impact fees and mitigation payments.
392-343-035	Space allocations.
392-343-045	Space allocations—Enrollment projection provisions.
392-343-050	Space allocations—Computing building capacity.
392-343-053	State moneys for studies and surveys.
392-343-056	Funding during the period of a priority approval process order by the superintendent of public instruction.
392-343-057	State funding assistance—Deferred payment.
392-343-060	Determining the construction cost allocation.
392-343-065	Educational specifications.
392-343-070	Architectural and engineering services.
392-343-075	Energy conservation report.
392-343-080	Value engineering studies, constructability reviews, and building commissioning—Requirements and definition.
392-343-085	Construction cost savings—Sharing incentive.
392-343-095	Support level—Furniture and equipment allowances.
392-343-100	Special inspections and testing.
392-343-102	Construction management.
392-343-110	Support level—Federal moneys.
392-343-115	Support level—Additional state funding assistance.
392-343-120	Costs to be financed entirely with school district funds.
392-343-125	Unforeseen costs.
392-343-405	Instructional space inventory of school facilities—Eligibility.

392-343-425	Removal from instructional space inventory—Replacement.
392-343-500	State funding assistance—Priorities after June 30, 1992.
392-343-505	State funding assistance—Common priority elements.
392-343-510	State funding assistance—New construction for growth priority factors.
392-343-515	Modernization or new-in-lieu of modernization priority elements.
392-343-525	State funding assistance—Priorities for co-ops.
392-343-535	Existing building condition—Evaluation.
392-343-615	Emergency repair grant applications—Repayment conditions.

WAC 392-343-005 Authority. This chapter is adopted pursuant to RCW 28A.525.020 relating to authority of the superintendent of public instruction to prescribe rules and regulations governing the administration, control, terms, conditions, and disbursements of allotments to school districts to assist them in providing school facilities. In accordance with RCW 28A.525.200, the only provisions of chapter 28A.525 RCW currently applicable to state funding assistance for school plant facilities are RCW 28A.525.030, 28A.525.040, 28A.525.050, and 28A.525.162 through 28A.525.178.

[Statutory Authority: RCW 28A.525.020. 10-09-008, § 392-343-005, filed 4/8/10, effective 5/9/10; 06-16-032, amended and recodified as § 392-343-005, filed 7/25/06, effective 8/25/06; 98-19-143, § 180-27-005, filed 9/23/98, effective 10/24/98. Statutory Authority: 1990 c 33. 90-17-009, § 180-27-005, filed 8/6/90, effective 9/6/90. Statutory Authority: RCW 28A.47.830. 83-21-066 (Order 11-83), § 180-27-005, filed 10/17/83.]

WAC 392-343-010 Purpose. The purpose of this chapter is to set forth provisions applicable to state funding assistance in the construction of school facilities, including the superintendent of public instruction approval criteria. The limitations set forth represent the level of state funding assistance within moneys available and are not to be interpreted as maximum criteria to meet the educational requirements of all school districts, the determination of such criteria being the prerogative of respective school districts.

[Statutory Authority: RCW 28A.525.020. 10-09-008, § 392-343-010, filed 4/8/10, effective 5/9/10; 06-16-032, amended and recodified as § 392-343-010, filed 7/25/06, effective 8/25/06. Statutory Authority: RCW 28A.47.830. 83-21-066 (Order 11-83), § 180-27-010, filed 10/17/83.]

WAC 392-343-015 State board policy. (1) In the interpretation of the regulations in this chapter, the superintendent of public instruction shall be guided by the following state board of education policy:

(a) To equate insofar as possible the efforts by districts to provide capital moneys;

(b) To equalize insofar as possible the educational opportunities for the students of the state;

(c) To establish a level of state funding assistance for the construction and modernization of school facilities consistent with moneys available; and

(d) To recognize that districts may have reasons to remove district facilities from current inventories and provide consistent statewide policies for removal.

(2) Nonhigh district participation in financing the cost of secondary school facilities shall be established pursuant to the provisions of chapter 28A.540 RCW.

[Statutory Authority: RCW 28A.525.020. 10-09-008, § 392-343-015, filed 4/8/10, effective 5/9/10; 06-16-032, recodified as § 392-343-015, filed 7/25/06, effective 8/25/06; 98-19-143, § 180-27-015, filed 9/23/98, effective 10/24/98. Statutory Authority: 1990 c 33. 90-17-009, § 180-27-015, filed 8/6/90, effective 9/6/90. Statutory Authority: RCW 28A.47.830, 28A.47.-

060 and 28A.47.802. 90-01-076, § 180-27-015, filed 12/19/89, effective 12/19/89. Statutory Authority: RCW 28A.47.830. 83-21-066 (Order 11-83), § 180-27-015, filed 10/17/83.]

WAC 392-343-016 Rules determining eligibility and timing of state funding assistance. The eligibility for and the amount of state funding assistance shall be determined as outlined in WAC 392-343-020. The prioritization and timing for receipt of state funding assistance for eligible projects shall be determined by WAC 392-343-500.

[Statutory Authority: RCW 28A.525.020. 10-09-008, § 392-343-016, filed 4/8/10, effective 5/9/10; 06-16-032, amended and recodified as § 392-343-016, filed 7/25/06, effective 8/25/06; 98-19-143, § 180-27-016, filed 9/23/98, effective 10/24/98. Statutory Authority: RCW 28A.525.020 and 1992 c 233 § 24(8). 92-16-058, § 180-27-016, filed 8/3/92, effective 9/3/92.]

WAC 392-343-020 Related factors and formula for determining amount of state funding assistance. (1) The amount of state funding assistance to a school district to provide school facilities shall be determined on the basis of component factors, as hereinafter set forth in this chapter, relating to:

- (a) The number of unhoused students;
- (b) Space allocations;
- (c) Reduction of the number of operating schools as per chapter 392-347 WAC;
- (d) Construction cost allocation for the fiscal year funded;
- (e) Allowances for furniture and equipment purchases;
- (f) The amount of insurance, federal, or other nontax source local moneys applied to a school facilities project;
- (g) Certain specified costs which must be financed directly by the school district; and
- (h) The amount of fees for professional services.

(2) State funding assistance for an approved project shall be derived by multiplying the state funding assistance percentage determined pursuant to RCW 28A.525.166 by the following:

- (a) The eligible construction cost which shall be calculated by multiplying the approved square foot area of the project as set forth in WAC 392-343-035 by the construction cost allocation as set forth in WAC 392-343-060;
- (b) The cost of preparing educational specifications as set forth in WAC 392-343-065;
- (c) The cost of architectural and engineering services as set forth in WAC 392-343-070;
- (d) The cost of preparing and reviewing the energy conservation report as set forth in WAC 392-343-075;
- (e) The cost of a value engineering study, a constructability review, and building commissioning as set forth in WAC 392-343-080;
- (f) The construction cost savings—sharing incentive as set forth in WAC 392-343-085;
- (g) The cost of furniture and equipment as set forth in WAC 392-343-095;
- (h) The cost of special inspections and testing as set forth in WAC 392-343-100; and
- (i) The cost of construction management as set forth in WAC 392-343-102.

Any cost in excess of the maximum allowable shall be financed entirely by the school district.

[Statutory Authority: RCW 28A.525.020. 10-09-008, § 392-343-020, filed 4/8/10, effective 5/9/10; 06-16-032, amended and recodified as § 392-343-020, filed 7/25/06, effective 8/25/06. Statutory Authority: RCW 28A.47.830 and 28A.525.020. 01-19-042, § 180-27-020, filed 9/14/01, effective 10/15/01. Statutory Authority: RCW 28A.525.020. 99-24-127, § 180-27-020, filed 12/1/99, effective 1/1/00. Statutory Authority: RCW 28A.525.020 and chapters 39.35 and 60.28 RCW. 92-24-027, § 180-27-020, filed 11/24/92, effective 12/25/92. Statutory Authority: 1990 c 33. 90-17-009, § 180-27-020, filed 8/6/90, effective 9/6/90. Statutory Authority: RCW 28A.47.830. 83-21-066 (Order 11-83), § 180-27-020, filed 10/17/83.]

WAC 392-343-025 State funding assistance percentage—General. (1) The state funding assistance percentage for which a school district is eligible, if otherwise qualified under prevailing statutory provisions and rules and regulations of the superintendent of public instruction, shall be determined in accordance with the state funding assistance percentage formula set forth in RCW 28A.525.166.

(2) In the event the state funding assistance percentage to any school district computed in accordance with RCW 28A.525.166(2) is less than twenty percent and such school district otherwise is eligible for state funding assistance under statutory provisions and the superintendent of public instruction regulations, the percentage for such district shall be twenty percent of the state allowable costs of the project.

(3) In addition to the computed state funding assistance percentage as stated above, a school district as provided in RCW 28A.525.166(3), shall be entitled to additional percentage points determined by the average percentage of growth for the past three years. One percent shall be added to the computed state funding assistance percentage for each average percent of student growth for the past three years, with a maximum addition of twenty percent. In no case shall the state funding assistance exceed one hundred percent of the maximum allowable cost of the project.

[Statutory Authority: RCW 28A.525.020. 10-09-008, § 392-343-025, filed 4/8/10, effective 5/9/10; 06-16-032, amended and recodified as § 392-343-025, filed 7/25/06, effective 8/25/06. Statutory Authority: 1990 c 33. 90-17-009, § 180-27-025, filed 8/6/90, effective 9/6/90. Statutory Authority: RCW 28A.47.830. 83-21-066 (Order 11-83), § 180-27-025, filed 10/17/83.]

WAC 392-343-030 Applicable state funding assistance percentage for project. Pursuant to provisions of RCW 28A.525.168, the state funding assistance percentage used for the allocation of state moneys shall be the highest amount prevailing at the time of:

- (1) Passage of bonds and/or levies by the voters of the school district to provide the local share required for state funding assistance;
- (2) The superintendent of public instruction project approval; or
- (3) Superintendent of public instruction approval to bid.

In the event that a district is otherwise eligible to receive approval to bid one or more projects but a lack of state funding assistance precludes the issuance of such approval(s), the district shall retain the higher state funding assistance percentage as provided for in this section for such approval(s). This provision shall apply to all projects having received project approval by the state board of education after September 1, 1997, or by the superintendent of public instruction after June 6, 2006.

[Statutory Authority: RCW 28A.525.020. 10-09-008, § 392-343-030, filed 4/8/10, effective 5/9/10; 06-16-032, amended and recodified as § 392-343-

030, filed 7/25/06, effective 8/25/06; 99-24-127, § 180-27-030, filed 12/1/99, effective 1/1/00; 98-19-143, § 180-27-030, filed 9/23/98, effective 10/24/98. Statutory Authority: 1990 c 33. 90-17-009, § 180-27-030, filed 8/6/90, effective 9/6/90. Statutory Authority: RCW 28A.47.830. 83-21-066 (Order 11-83), § 180-27-030, filed 10/17/83.]

WAC 392-343-032 Growth impact fees and mitigation payments. Notwithstanding the financial requirements of WAC 392-343-030, districts may use growth impact fees as provided for in RCW 82.02.020, 82.02.050 through 82.02.100, 58.17.060 and 58.17.110 and mitigation payments as provided for in RCW 43.21C.060 of the State Environmental Policy Act to assist in capital construction projects. The impact fees and payments collected pursuant to the above cited statutes may be used by the district to provide the local funding share required for state funding assistance and may not be substituted for the amount of state funding assistance that would otherwise be provided for school capital projects.

[Statutory Authority: RCW 28A.525.020. 10-09-008, § 392-343-032, filed 4/8/10, effective 5/9/10; 06-16-032, amended and recodified as § 392-343-032, filed 7/25/06, effective 8/25/06; 00-04-007, § 180-27-032, filed 1/20/00, effective 2/20/00. Statutory Authority: RCW 28A.525.020 and 1992 c 233 § 24 (8)(e). 94-01-030, § 180-27-032, filed 12/6/93, effective 1/6/94. Statutory Authority: RCW 28A.525.020 and 28A.525.164. 91-12-056, § 180-27-032, filed 6/5/91, effective 7/6/91.]

WAC 392-343-035 Space allocations. (1) State funding assistance in the construction of school facilities for grades kindergarten through twelve and classrooms planned for the exclusive use of students with developmental disabilities shall be based on a space allocation per enrolled student and for state funding assistance purposes shall be computed in accordance with the following table:

Grade or Area	Through June 30, 2006 Maximum Space Allocation Per Student	Beginning July 1, 2006 Maximum Space Allocation Per Student
	Grades kindergarten through six	80 square feet
Grades seven and eight	110 square feet	117 square feet
Grades nine through twelve	120 square feet	130 square feet
Classrooms for students with developmental disabilities	140 square feet	144 square feet

For purposes of this subsection, students with developmental disabilities shall be counted as one student for each such student assigned to a specially designated self-contained classroom for students with developmental disabilities for at least one hundred minutes per school day, calculated on actual headcount enrollment submitted to the superintendent of public instruction.

(2) State funding assistance for construction of vocational skill centers shall be based on one-half of students enrolled on October 1 and computed as follows:

Type of Facility	Maximum Space Allocation Per One-Half Enrolled Student
Skill Centers	140 square feet

(3) Space allocation for state funding assistance purposes for districts with senior or four-year high schools with fewer than four hundred students shall be computed in accordance with the following formula:

Number of Headcount Student-Grades 9-12	Maximum Space Allocation Per Facility
0-100	37,000 square feet
101-200	42,000 square feet
201-300	48,000 square feet
301-or more	52,000 square feet

[Statutory Authority: RCW 28A.525.020. 10-09-008, § 392-343-035, filed 4/8/10, effective 5/9/10; 06-16-032, recodified as § 392-343-035, filed 7/25/06, effective 8/25/06; 05-19-108, § 180-27-035, filed 9/20/05, effective 10/21/05; 01-19-044, § 180-27-035, filed 9/14/01, effective 10/15/01; 98-19-143, § 180-27-035, filed 9/23/98, effective 10/24/98. Statutory Authority: RCW 28A.47.830. 84-11-047 (Order 6-84), § 180-27-035, filed 5/17/84; 83-21-066 (Order 11-83), § 180-27-035, filed 10/17/83.]

WAC 392-343-045 Space allocations—Enrollment projection provisions. In planning for construction of all school facilities, a school district shall estimate capacity needs on the basis of the following:

- (1) A three or five-year cohort survival enrollment projection for growth districts, whichever is greater;
- (2) A three or five-year cohort survival enrollment projection for a declining district, whichever is lesser;
- (3) Actual enrollment of preschool students with developmental disabilities; and
- (4) Supplemental information regarding district growth factors which may include but not be limited to the following types of information:
 - (a) County live birth rates;
 - (b) New housing starts;
 - (c) Utility/telephone hookups; and
 - (d) Economic/industrial expansion.

For the purpose of this section, kindergarten students and students with developmental disabilities shall be counted as provided under WAC 392-343-035 and all other grade one through twelve students shall be counted as October count day full-time equivalent students as reported to the superintendent of public instruction: Provided, That a school district which has or has had an annual average full-time equivalent enrollment of over five hundred, and which applied for and received additional state basic education allocation moneys based upon an enrollment increase after the first of the month enrollment count, may use the average of the two highest monthly full-time equivalent enrollment counts during the school year.

[Statutory Authority: RCW 28A.525.020. 10-09-008, § 392-343-045, filed 4/8/10, effective 5/9/10; 06-16-032, amended and recodified as § 392-343-045, filed 7/25/06, effective 8/25/06; 98-19-143, § 180-27-045, filed 9/23/98, effective 10/24/98. Statutory Authority: RCW 28A.525.020 and chapters 39.35 and 60.28 RCW. 92-24-027, § 180-27-045, filed 11/24/92, effective 12/25/92. Statutory Authority: RCW 28A.47.830. 83-21-066 (Order 11-83), § 180-27-045, filed 10/17/83.]

WAC 392-343-050 Space allocations—Computing building capacity. The net total area of a school facility eligible for state funding assistance shall be calculated as follows:

(1) The capacity of existing buildings within the district based on the school district's assigned grade spans shall be computed in accordance with the tables set forth in WAC 392-343-035 and the square foot area analysis set forth in WAC 392-343-040.

(2) The number of students projected at each grade span shall be multiplied by appropriate numbers of square feet as set forth in WAC 392-343-035. (Note: The area generated at each grade level determines district eligibility, if any.)

(3) The amount of housing the district is eligible to construct at each grade span is determined by subtracting the area computed in subsection (2) of this section from the existing housing capacity at each grade span in the school district. Using this formula, over housing at the secondary grade level, grades nine through twelve, or elementary grade level, kindergarten through eight, will not negatively affect unboxed eligibility at the elementary grade level or secondary grade level respectively.

(4) Appropriate grade assignment is a local determination.

[Statutory Authority: RCW 28A.525.020. 10-09-008, § 392-343-050, filed 4/8/10, effective 5/9/10; 06-16-032, amended and recodified as § 392-343-050, filed 7/25/06, effective 8/25/06; 98-19-143, § 180-27-050, filed 9/23/98, effective 10/24/98. Statutory Authority: RCW 28A.47.803, 28A.47.060, 28A.47.802 and 28A.47.105. 90-04-031, § 180-27-050, filed 1/30/90, effective 3/2/90. Statutory Authority: RCW 28A.47.830. 83-21-066 (Order 11-83), § 180-27-050, filed 10/17/83.]

WAC 392-343-053 State moneys for studies and surveys. State planning grant for school district studies and surveys conducted pursuant to chapter 392-341 WAC shall be available even though the superintendent of public instruction deems it necessary to order a priority approval process pursuant to WAC 392-343-054. At the beginning of each biennium, the superintendent of public instruction shall estimate the amount of money necessary for allocation to districts for studies and surveys and not make such money available for any other purpose. In the event the estimated amount proves to be insufficient, the superintendent shall set aside additional money.

[Statutory Authority: RCW 28A.525.020. 10-09-008, § 392-343-053, filed 4/8/10, effective 5/9/10; 06-16-032, amended and recodified as § 392-343-053, filed 7/25/06, effective 8/25/06. Statutory Authority: RCW 28A.47.830. 85-04-008 (Order 2-85), § 180-27-053, filed 1/25/85.]

WAC 392-343-056 Funding during the period of a priority approval process order by the superintendent of public instruction. During the period of a priority approval process imposed by order of the superintendent of public instruction school construction projects shall receive final approval pursuant to WAC 392-344-107 as follows:

(1) On or after July 1 following the superintendent of public instruction order for the implementation of a priority approval process the superintendent of public instruction shall rank all projects for which final approval has been requested pursuant to WAC 392-344-107 as per the applicable priority list in WAC 392-343-500. Only school construction projects with the superintendent of public instruction

approval under WAC 392-341-045 and secured capital funds to provide the local share required for state funding assistance by January 31 of the previous state fiscal year and eligible for final approval pursuant to WAC 392-344-107 by June 30 of the previous state fiscal year shall be placed on the priority list.

(2) Each fiscal year the superintendent of public instruction shall give final approval to school construction projects on the priority list pursuant to WAC 392-344-107 based on the level and conditions of legislative appropriations. For the purpose of this subsection the term "estimated revenue available for the state fiscal year" shall mean the estimated revenue from the common school construction fund for the current state fiscal year and the subsequent state fiscal year, the result of which is divided by two.

(3) In the event the superintendent of public instruction does not rescind the order for the implementation of a priority approval process by the close of the state fiscal year, school construction projects remaining on the priority list without final approval and, therefore, without secured funding status pursuant to WAC 392-344-107 shall be combined with new school construction projects that have secured capital funds to provide the local share required for state funding assistance by January 31 of the state fiscal year and that are eligible, pursuant to WAC 392-344-107, for final approval by the close of the state fiscal year, and a new priority list shall be established on or after July 1 of the next state fiscal year and such remaining and new school construction projects shall be eligible for final approval pursuant to the provisions of subsections (1) and (2) of this section.

[Statutory Authority: RCW 28A.525.020. 10-09-008, § 392-343-056, filed 4/8/10, effective 5/9/10; 06-16-032, amended and recodified as § 392-343-056, filed 7/25/06, effective 8/25/06; 99-24-127, § 180-27-056, filed 12/1/99, effective 1/1/00; 98-23-033, § 180-27-056, filed 11/10/98, effective 12/11/98; 98-19-143, § 180-27-056, filed 9/23/98, effective 10/24/98. Statutory Authority: RCW 28A.525.020 and 1992 c 233 § 24(8). 92-16-058, § 180-27-056, filed 8/3/92, effective 9/3/92. Statutory Authority: RCW 28A.47.830. 85-04-008 (Order 2-85), § 180-27-056, filed 1/25/85.]

WAC 392-343-057 State funding assistance—Deferred payment. In the event state funding assistance is not sufficient for a school district project, a school district may proceed at its own financial risk. At such time state funding assistance becomes available, reimbursement may be made for the project provided the provisions of chapter 392-344 WAC have been complied with.

[Statutory Authority: RCW 28A.525.020. 10-09-008, § 392-343-057, filed 4/8/10, effective 5/9/10; 06-16-032, amended and recodified as § 392-343-057, filed 7/25/06, effective 8/25/06; 98-19-143, § 180-27-057, filed 9/23/98, effective 10/24/98. Statutory Authority: RCW 28A.47.060, 28A.47.802 and 28A.47.830. 89-22-007, § 180-27-057, filed 10/20/89, effective 11/20/89. Statutory Authority: RCW 28A.47.830. 83-21-066 (Order 11-83), § 180-27-057, filed 10/17/83.]

WAC 392-343-060 Determining the construction cost allocation. (1) The construction cost allocation for state funding assistance shall apply to the cost of construction of the total facility and grounds, including state sales and use taxes generally levied throughout the state of Washington and excluding those local option sales and use taxes levied by political subdivisions.

(2) The construction cost allocation used in calculating state funding assistance for construction of school facilities

shall be determined by the superintendent of public instruction using the prior year's construction cost allocation, plus a construction inflation factor.

(3) The superintendent of public instruction's office shall work with appropriate parties to develop a method for determining the annual construction inflation factor.

[Statutory Authority: RCW 28A.525.020. 10-09-008, § 392-343-060, filed 4/8/10, effective 5/9/10; 06-16-032, amended and recodified as § 392-343-060, filed 7/25/06, effective 8/25/06. Statutory Authority: RCW 28A.47.830 and 28A.525.020. 01-19-042, § 180-27-060, filed 9/14/01, effective 10/15/01. Statutory Authority: RCW 28A.525.020. 98-19-143, § 180-27-060, filed 9/23/98, effective 10/24/98. Statutory Authority: RCW 28A.47.830. 85-24-048 (Order 25-85), § 180-27-060, filed 11/27/85; 84-11-047 (Order 6-84), § 180-27-060, filed 5/17/84; 83-21-066 (Order 11-83), § 180-27-060, filed 10/17/83.]

WAC 392-343-065 Educational specifications. (1)

Only school facility projects which are complete new facilities or modernization projects pursuant to chapter 392-347 WAC are eligible for state funding assistance in the preparation of education specifications.

(2) The construction of interdistrict transportation cooperatives, or additions of less than fifteen thousand square feet to existing facilities, unless combined with modernization, are not eligible.

(3) The amount of state funding assistance for which a district is eligible for the preparation of educational specifications shall be the state funding assistance percentage multiplied by the greater of the following:

(a) One quarter of one percent of the construction cost allocation multiplied by the square foot area for the fiscal year funded; or

(b) Ten thousand dollars.

[Statutory Authority: RCW 28A.525.020. 10-09-008, § 392-343-065, filed 4/8/10, effective 5/9/10; 06-16-032, amended and recodified as § 392-343-065, filed 7/25/06, effective 8/25/06. Statutory Authority: RCW 28A.47.830 and 28A.525.020. 01-19-042, § 180-27-065, filed 9/14/01, effective 10/15/01. Statutory Authority: RCW 28A.47.830. 83-21-066 (Order 11-83), § 180-27-065, filed 10/17/83.]

WAC 392-343-070 Architectural and engineering services. School districts shall select their architectural and engineering consultants in accordance with chapter 39.80 RCW. As required by RCW 39.80.050, the district shall negotiate a contract with the most qualified consultants at a price which the school district determines is fair and reasonable. In making its determination, the district shall take into account the estimated value of the services to be rendered based upon the scope and complexity of the project.

The state maximum allowable cost for architecture and engineering services shall be based on the latest edition of the *American Institute of Architects Handbook of Professional Practice* and calculated by the percentage(s) in relation to the square foot area of construction as calculated in WAC 392-343-040 and project type, as set forth below:

(1) **New construction projects:**

Architectural and Engineering Team Fee Funding Assistance Limitations

Square Feet of Construction	Percent of Construction Cost
0 - 3,699	10.0
3,700 - 7,349	9.0
7,350 - 10,999	8.75
11,000 - 14,649	8.5
14,650 - 18,299	8.25
18,300 - 25,699	8.0
25,700 - 36,699	7.75
36,700 - 54,999	7.5
55,000 - 73,399	7.25
73,400 - 100,999	7.0
101,000 - 128,449	6.75
128,450 - 155,999	6.5
156,000 - 183,499	6.25
183,500 & above	6.0

(2) **Modernization projects:**

For modernization projects, the limits of state funding assistance shall be one and one-half times the amount calculated for new construction.

(3) **Combination projects:**

For those projects which include a combination of new construction and modernization, the limits of state participation shall be prorated as set forth in subsection (1) and (2) of this section.

[Statutory Authority: RCW 28A.525.020. 10-09-008, § 392-343-070, filed 4/8/10, effective 5/9/10; 06-16-032, amended and recodified as § 392-343-070, filed 7/25/06, effective 8/25/06; 01-09-011, § 180-27-070, filed 4/6/01, effective 5/7/01; 98-19-143, § 180-27-070, filed 9/23/98, effective 10/24/98. Statutory Authority: RCW 28A.525.020 and 1992 c 233 § 24 (8)(e). 93-13-026, § 180-27-070, filed 6/10/93, effective 7/11/93. Statutory Authority: RCW 28A.47.830. 84-07-036 (Order 1-84), § 180-27-070, filed 3/20/84; 83-21-066 (Order 11-83), § 180-27-070, filed 10/17/83.]

WAC 392-343-075 Energy conservation report. In compliance with the provisions of chapter 39.35 RCW, school districts constructing school facilities shall complete an energy conservation report for any new construction or for additions to and modernization of existing school facilities which will be reviewed by the Washington state department of general administration. One copy of the energy conservation report, approved by the district board of directors, shall be filed with the superintendent of public instruction. The amount of state funding assistance for which a district is eligible for the preparation of the energy conservation report shall be the state funding assistance percentage multiplied by ten thousand dollars. The amount of state funding assistance for which a district is eligible shall be the state funding assistance percentage multiplied by the fee charged.

[Statutory Authority: RCW 28A.525.020. 10-09-008, § 392-343-075, filed 4/8/10, effective 5/9/10; 06-16-032, recodified as § 392-343-075, filed 7/25/06, effective 8/25/06; 98-19-143, § 180-27-075, filed 9/23/98, effective 10/24/98. Statutory Authority: RCW 28A.525.020 and chapters 39.35 and 60.28 RCW. 92-24-027, § 180-27-075, filed 11/24/92, effective 12/25/92. Statutory Authority: RCW 28A.47.830. 83-21-066 (Order 11-83), § 180-27-075, filed 10/17/83.]

WAC 392-343-080 Value engineering studies, constructability reviews, and building commissioning—

Requirements and definition. At the appropriate time in the design process for a school facility approved by the superintendent of public instruction, the district shall prepare a value engineering study, complete a constructability review, and perform building commissioning for all projects greater than fifty thousand square feet. Value engineering studies and constructability reviews shall be optional for projects larger than fifteen thousand square feet but less than fifty thousand square feet. Any project which includes fifteen thousand square feet or less shall be exempt from this requirement. For projects subject to chapter 39.35D RCW, building commissioning must be performed for all projects over five thousand square feet. For the purpose of this section, a value engineering study is defined as a cost control technique which is based on the use of a systematic, creative analysis of the functions of the facility with the objective of identifying unnecessary high costs or functions and/or identifying cost savings that may result in high maintenance and operation costs. The study shall consist of a forty-hour workshop involving a minimum of a five-person team pursuant to WAC 392-344-065. A constructability review is defined as a cost control technique which is based on the review of project documents by mechanical, electrical, structural, construction, and design professionals prior to a request for bids. The purpose of a constructability review is to identify potential claim or problem areas and deficiencies that may occur as a result of errors, ambiguities, omissions, discrepancies, and conflicts in design documents. The study shall consist of a forty-hour workshop involving a minimum of a five-person team pursuant to WAC 392-344-066. Building commissioning is defined as the process of verifying that the installation and performance of selected building systems meet or exceed the specified design criteria and therefore satisfy the design intent. Building commissioning shall include a physical inspection, functional performance testing, listing of noted deficiencies, and a final commissioning report. Building commissioning shall be performed by a professional agent or authority not contractually or otherwise financially associated with the project design team or contractor. A district shall be eligible for state funding assistance for a value engineering study, a constructability review, and building commissioning for each qualifying project.

(1) The maximum amount of state funding assistance for value engineering studies and constructability reviews of the study package shall be the state funding assistance percentage multiplied by the greater of the following:

(a) Two-fifths of one percent of the construction cost allocation multiplied by the square foot area for the fiscal year funded; or

(b) Twenty thousand dollars.

(2) The maximum amount of state funding assistance for building commissioning shall be:

(a) Seven thousand five hundred dollars for projects larger than five thousand square feet but less than ten thousand square feet;

(b) Ten thousand dollars for projects ten thousand square feet but less than fifteen thousand square feet;

(c) The larger of the following for projects fifteen thousand square feet and above:

(i) Two-fifths of one percent of the construction cost allocation multiplied by the square foot area for the fiscal year funded; or

(ii) Twenty thousand dollars.

[Statutory Authority: RCW 28A.525.020, 10-09-008, § 392-343-080, filed 4/8/10, effective 5/9/10; 08-09-023, § 392-343-080, filed 4/8/08, effective 5/9/08; 06-16-032, amended and recodified as § 392-343-080, filed 7/25/06, effective 8/25/06. Statutory Authority: RCW 28A.47.830 and 28A.525.020, 01-19-042, § 180-27-080, filed 9/14/01, effective 10/15/01. Statutory Authority: RCW 28A.525.020, 99-24-127, § 180-27-080, filed 12/1/99, effective 1/1/00; 98-19-143, § 180-27-080, filed 9/23/98, effective 10/24/98. Statutory Authority: RCW 28A.47.830, 83-21-066 (Order 11-83), § 180-27-080, filed 10/17/83.]

WAC 392-343-085 Construction cost savings—Sharing incentive. The purpose of this section is to set forth provisions designed to further enhance cost effectiveness in the construction of exclusively new school facilities.

(1) Districts become eligible for a cost saving incentive equal to sixty percent of the state share of the construction cost savings if the cost of new construction at bid is less than the state maximum allowable construction cost as set forth in WAC 392-343-020 (2)(a).

(2) The state funding assistance fee for basic architectural and engineering services shall not be reduced if the project is bid and is awarded below the state maximum allowable costs for architectural and engineering services (WAC 392-343-070) or the cost contracted for between the school district and architect/engineer, whichever is less.

(3) Any project attached to or adjacent to or otherwise designed to operate in conjunction with an existing facility and which contains additional area equal to or less than fifty percent of the area in the existing facility shall be classified as an addition and shall not be eligible for the cost saving incentive option authorized in this section.

(4) Districts shall not be eligible for a cost-saving incentive where the entire project, or any part of the project, qualifies for state funding assistance under chapter 392-347 WAC.

(5) Receipt of a portion of the state share of construction cost savings shall not reduce the district's future eligibility and entitlement to state funding assistance in providing school facilities and shall not result in the district receiving more than one hundred percent of the cost of construction.

[Statutory Authority: RCW 28A.525.020, 10-09-008, § 392-343-085, filed 4/8/10, effective 5/9/10; 06-16-032, amended and recodified as § 392-343-085, filed 7/25/06, effective 8/25/06. Statutory Authority: RCW 28A.47-830, 85-24-048 (Order 25-85), § 180-27-085, filed 11/27/85; 83-21-066 (Order 11-83), § 180-27-085, filed 10/17/83.]

WAC 392-343-095 Support level—Furniture and equipment allowances. (1) State funding assistance allowance for furniture and equipment purchases shall be added to total construction cost of an approved school facilities project. The amount of state funding assistance for which a district is eligible shall be the eligible square foot area of the project multiplied by the construction cost allocation for the fiscal year funded and that product multiplied by:

(a) Two percent for elementary schools;

(b) Three percent for middle and junior high schools;

(c) Four percent for high schools;

(d) Five percent for facilities for students with developmental disabilities;

(e) Five percent for interdistrict cooperative occupational skill centers; and

(f) Seven percent for interdistrict transportation cooperatives.

(2) For those projects where the eligible square footage is allocated to grade spans which do not conform to those listed above, the equipment allowance shall be allocated based on eligibility as established in WAC 392-343-035.

[Statutory Authority: RCW 28A.525.020. 10-09-008, § 392-343-095, filed 4/8/10, effective 5/9/10; 06-16-032, amended and recodified as § 392-343-095, filed 7/25/06, effective 8/25/06. Statutory Authority: RCW 28A.47.830 and 28A.525.020. 01-19-042, § 180-27-095, filed 9/14/01, effective 10/15/01. Statutory Authority: RCW 28A.525.020. 98-19-143, § 180-27-095, filed 9/23/98, effective 10/24/98. Statutory Authority: RCW 28A.47.830. 83-21-066 (Order 11-83), § 180-27-095, filed 10/17/83.]

WAC 392-343-100 Special inspections and testing.

All special inspections and testing to be performed by independent sources as specified in the construction documents shall be allowed for state funding assistance in addition to the construction costs subject to the approval of the superintendent of public instruction. For the purposes of this section, special inspections shall be those special inspections required under the State Building Code.

[Statutory Authority: RCW 28A.525.020. 10-09-008, § 392-343-100, filed 4/8/10, effective 5/9/10; 06-16-032, recodified as § 392-343-100, filed 7/25/06, effective 8/25/06; 04-23-009, § 180-27-100, filed 11/4/04, effective 12/5/04. Statutory Authority: RCW 28A.47.830. 83-21-066 (Order 11-83), § 180-27-100, filed 10/17/83.]

WAC 392-343-102 Construction management. Prior to commencing with project design the district shall employ or contract personnel to perform professional construction management. Construction management shall be required for all projects greater than fifty thousand square feet and is optional for projects fifty thousand square feet or less. For the purpose of this section construction management is defined as the process of professional management applied to a construction program for the purpose of controlling time, cost, and quality.

The construction manager shall have appropriate and demonstrable experience in the management of construction projects including procurement, contract administration, scheduling, budgets, quality assurance, information management, and health and safety.

The amount of state funding assistance for which a district shall be eligible for construction management shall be the state funding assistance percentage multiplied by two and one-half percent of the construction cost allocation multiplied by the square foot area for the fiscal year funded.

[Statutory Authority: RCW 28A.525.020. 10-09-008, § 392-343-102, filed 4/8/10, effective 5/9/10; 06-16-032, recodified as § 392-343-102, filed 7/25/06, effective 8/25/06. Statutory Authority: RCW 28A.47.830 and 28A.525.020. 01-19-042, § 180-27-102, filed 9/14/01, effective 10/15/01. Statutory Authority: RCW 28A.525.020. 00-09-045, § 180-27-102, filed 4/14/00, effective 5/15/00; 99-24-127, § 180-27-102, filed 12/1/99, effective 1/1/00.]

WAC 392-343-110 Support level—Federal moneys.

A school district determined to be eligible for moneys made available by acts of congress for school facility construction, including but not limited to Public Law 815 moneys, shall complete the following steps:

(1) Make application for such moneys, which requirement shall be prerequisite for a preliminary or provisional allocation of state funding assistance;

(2) Furnish evidence of the availability of such federal moneys, which requirement shall be a prerequisite for a final allocation of state moneys: Provided, That nothing in this section shall restrict a school district from receipt of federal moneys otherwise provided for specific purposes in accordance with the conditions imposed by the federal government incumbent upon the recipient school district; and

(3) Include the number of square feet in school facilities constructed with federal moneys and used for instructional purposes in the district's inventory which will decrease district eligibility for state funding assistance by an equal number.

[Statutory Authority: RCW 28A.525.020. 10-09-008, § 392-343-110, filed 4/8/10, effective 5/9/10; 06-16-032, recodified as § 392-343-110, filed 7/25/06, effective 8/25/06. Statutory Authority: RCW 28A.47.830. 83-21-066 (Order 11-83), § 180-27-110, filed 10/17/83.]

WAC 392-343-115 Support level—Additional state funding assistance.

State funding assistance in addition to the amount determined pursuant to WAC 392-343-020 may be allowed for the purposes and in accordance with the requirements set forth in this section: Provided, That in no case shall the state funding assistance exceed one hundred percent of the amount calculated for state funding assistance purposes: In each of the following exceptions, either at the time the project is approved pursuant to WAC 392-341-040 or at any time prior to receiving secured funding status pursuant to WAC 392-344-107, written school district application for additional state funding assistance and the superintendent of public instruction approval is required:

(1) A school facility subject to abatement and an order to vacate.

A school district required to replace a school facility determined to be hazardous to the safety and health of school children and staff—as evidenced by reports of architects or engineers licensed to practice in the state of Washington, the health agency having jurisdiction, and/or the fire marshal and building official having jurisdiction—shall be eligible for additional assistance if the voters of the school district authorize the issuance of bonds and/or the levying of excess taxes to meet the statutory limits. If the superintendent of public instruction determines that the voters of the school district have authorized the issuance of bonds to its legal limit, the superintendent of public instruction shall provide state funding assistance for the remaining cost of the building to a level not exceeding the construction cost allocation for the fiscal year funded: Provided, That at any time thereafter when the superintendent of public instruction finds that the capital financial position of such district has improved, the amount of the additional allocation provided pursuant to this subsection shall be recovered by deducting an amount equal to all or a portion of such additional allocation from any future state funding assistance which might otherwise be provided to such district.

(2) Interdistrict cooperative centers.

In the financing of interdistrict cooperative projects as set forth in chapter 392-345 WAC, the superintendent of public instruction shall allocate at seventy-five percent of the

total approved project cost determined eligible for state funding assistance purposes if the planned school facility meets the following criteria:

(a) Provides educational opportunities, including vocational skills programs, not otherwise provided; or

(b) Avoids unnecessary duplication of specialized or unusually expensive educational programs or facilities.

(3) School housing emergency.

A school district found by the superintendent of public instruction to have a school housing emergency requiring an allocation of state funding assistance in excess of the amount allocable under the statutory formula may be considered for an additional allocation of state funding assistance: Provided, That the school district must have authorized the issuance of bonds to its legal capacity to meet the statutory and the superintendent of public instruction fiscal requirements for state funding assistance in providing school facilities.

The total amount of state funding assistance allocated shall be the total approved project cost determined eligible for state funding assistance purposes multiplied by the districts' regular state funding assistance percentage as calculated pursuant to RCW 28A.525.166 plus twenty percent and not to exceed ninety percent in total: Provided further, That at any time thereafter when the superintendent of public instruction finds that the capital financial position of such district has improved, the amount of the additional allocation provided pursuant to this subsection shall be recovered by deducting an amount equal to all or a portion of such additional allocation from any future state school facility construction funds which might otherwise be provided to such district.

(4) Improved school district organization.

If two or more school districts reorganize into a single school district and the construction of new school facilities results in the elimination of a small high school with a full-time equivalent enrollment in grades 9-12 of less than four hundred students and/or an elementary school with a full-time equivalent enrollment of less than one hundred students, the superintendent of public instruction shall provide state funding assistance based on the total approved cost of the project at seventy-five percent.

(5) Racial imbalance.

Any school district that contains a school facility which is racially imbalanced as defined in WAC 392-342-025 shall receive state funding assistance under this subsection in the amount of an additional ten percentage points above the state funding assistance percentage as calculated pursuant to RCW 28A.525.116 (b) and (c) which will not exceed a total of ninety percent of the total approved cost of construction: Provided, school construction projects for racial balance that meet the following conditions shall be provided state funding assistance at seventy-five percent of the construction cost allocation for the fiscal year funded under the provisions of this subsection as they existed prior to the amendment of this subsection in 1993:

(a) Voter approved local funds were authorized before December 31, 1992;

(b) The superintendent of public instruction approved a comprehensive desegregation plan with specific construction and modernization projects under additional state funding

assistance criterion in effect at that time, which will be identified on or before September 15, 1993; and

(c) The superintendent of public instruction confirms at the time of project approval pursuant to WAC 392-341-040 the continued existence of racial balance needs.

In the case of a school district which contains a racially imbalanced school facility the district must demonstrate that, as a result of new construction or modernization, the particular school facility will no longer be racially imbalanced, that the combined minority enrollment in the particular school facility will be reduced by more than ten percentage points, and that the above stated results will be obtained as a direct result of increased enrollment of nonminority students in the particular school facility: Provided, That the particular school facility shall remain racially balanced for a period of at least five years after the date of actual building occupancy: Provided further, That if the superintendent of public instruction finds that the school facility does not remain racially balanced for five years then the amount of additional state funding assistance provided pursuant to this subsection shall be recovered by deducting an amount equal to all of the additional allocation from any future state funding assistance which might otherwise be provided to such district.

(6) Any project that has received approval for additional state funding assistance under provisions of this section as they existed prior to the amendment of this section in 1993 shall retain authorization for additional state funding assistance under the provisions in effect at the time of such approval.

[Statutory Authority: RCW 28A.525.020, 10-09-008, § 392-343-115, filed 4/8/10, effective 5/9/10; 06-16-032, amended and recodified as § 392-343-115, filed 7/25/06, effective 8/25/06. Statutory Authority: RCW 28A.47.830 and 28A.525.020, 01-19-042, § 180-27-115, filed 9/14/01, effective 10/15/01. Statutory Authority: RCW 28A.525.020, 98-19-143, § 180-27-115, filed 9/23/98, effective 10/24/98. Statutory Authority: RCW 28A.525.020 and 28A.525.166(4), 93-20-067, § 180-27-115, filed 10/1/93, effective 11/1/93. Statutory Authority: RCW 28A.525.020 and 28A.525.-164, 91-12-059, § 180-27-115, filed 6/5/91, effective 7/6/91. Statutory Authority: 1990 c 33, 90-17-009, § 180-27-115, filed 8/6/90, effective 9/6/90. Statutory Authority: RCW 28A.47.830, 28A.47.060 and 28A.47.-802, 90-01-076, § 180-27-115, filed 12/19/89, effective 12/19/89. Statutory Authority: RCW 28A.47.830, 85-24-048 (Order 25-85), § 180-27-115, filed 11/27/85; 83-21-066 (Order 11-83), § 180-27-115, filed 10/17/83.]

WAC 392-343-120 Costs to be financed entirely with school district funds. The cost of the following areas, facilities, and items shall not be eligible for state funding assistance:

(1) The cost of area in excess of the space allocations as set forth in WAC 392-343-035;

(2) Acquisition cost of site;

(3) Maintenance and operation;

(4) Alterations, repair, and demolitions, except alterations necessary to connect new construction to an existing building;

(5) Central administration buildings;

(6) Stadia/grandstands;

(7) Costs incidental to advertising for bids, site surveys, soil testing for site purchase, and costs other than those connected directly with the construction of facilities;

(8) Bus garages, except interdistrict cooperatives;

(9) Sales and/or use taxes levied by local governmental agencies other than those sales and/or use taxes levied by the state of Washington;

(10) All costs in excess of state allocations established by the superintendent of public instruction for state funding assistance in financing school construction; and/or

(11) All costs associated with the purchase, installation, and relocation of portable classrooms.

[Statutory Authority: RCW 28A.525.020. 10-09-008, § 392-343-120, filed 4/8/10, effective 5/9/10; 06-16-032, amended and recodified as § 392-343-120, filed 7/25/06, effective 8/25/06; 04-23-009, § 180-27-120, filed 11/4/04, effective 12/5/04; 98-19-143, § 180-27-120, filed 9/23/98, effective 10/24/98. Statutory Authority: RCW 28A.47.830. 83-21-066 (Order 11-83), § 180-27-120, filed 10/17/83.]

WAC 392-343-125 Unforeseen costs. The superintendent of public instruction shall not provide additional state funding assistance for unforeseen circumstances related to the construction project after the filing of construction contract(s) with the superintendent of public instruction except those required by change to the state building code as set forth in chapter 19.27 RCW.

[Statutory Authority: RCW 28A.525.020. 10-09-008, § 392-343-125, filed 4/8/10, effective 5/9/10; 06-16-032, amended and recodified as § 392-343-125, filed 7/25/06, effective 8/25/06. Statutory Authority: RCW 28A.47-830. 83-21-066 (Order 11-83), § 180-27-125, filed 10/17/83.]

WAC 392-343-405 Instructional space inventory of school facilities—Eligibility. For purposes of determining district eligibility for state funding assistance for the new construction of school facilities, except for the new construction of school facilities for which an acceptable Form D-3 project request was on file with the superintendent of public instruction and local funds were secured prior to March 31, 1989, the superintendent of public instruction shall establish and maintain an instructional space inventory of all school facilities within the state of Washington. Such listing shall consist of the following:

- (1) Facility name;
- (2) Location (address);
- (3) Gross square footage;
- (4) Gross square footage of available instructional space (if different than subsection (3) of this section);
- (5) Date of construction, additions, and/or modernizations; and
- (6) Grade spans served in the facility.

School facilities that are surplus and under lease per the provision of RCW 28A.335.040 are considered to be available for instructional activities and shall be included in the instructional space inventory.

[Statutory Authority: RCW 28A.525.020. 10-09-008, § 392-343-405, filed 4/8/10, effective 5/9/10; 06-16-032, recodified as § 392-343-405, filed 7/25/06, effective 8/25/06. Statutory Authority: 1990 c 33. 90-17-009, § 180-27-405, filed 8/6/90, effective 9/6/90. Statutory Authority: RCW 28A.47.830, 28A.47.060 and 28A.47.802. 90-01-076, § 180-27-405, filed 12/19/89, effective 12/19/89.]

WAC 392-343-425 Removal from instructional space inventory—Replacement. A school facility shall be removed from the superintendent of public instruction's instructional space inventory after it has been replaced with a school facility accepted by the school district board of direc-

tors on a square footage basis through one of the following actions:

(1) The replacement school facility is wholly financed with local funds; or

(2) The replacement school facility is constructed with state funding assistance authorized under the authority of chapter 392-347 WAC.

[Statutory Authority: RCW 28A.525.020. 10-09-008, § 392-343-425, filed 4/8/10, effective 5/9/10; 06-16-032, amended and recodified as § 392-343-425, filed 7/25/06, effective 8/25/06; 98-19-143, § 180-27-425, filed 9/23/98, effective 10/24/98. Statutory Authority: RCW 28A.47.803, 28A.47.060, 28A.47.802 and 28A.47.105. 90-04-031, § 180-27-425, filed 1/30/90, effective 3/2/90.]

WAC 392-343-500 State funding assistance—Priorities after June 30, 1992. The priority system for the funding of school construction projects after June 30, 1992, shall be as follows: For all new construction and modernization projects for school districts, there will be a unique priority score determined by the elements and formulas contained in WAC 392-343-505 through 392-343-520. The total score shall be used to rank all projects that have secured local funding and state board of education approval after January 26, 1991, or the superintendent of public instruction approval after June 6, 2006, and are otherwise eligible for state funding assistance. The elements are divided into three groups:

- (1) Common elements;
- (2) New construction for growth elements; and
- (3) Modernization or new-in-lieu of modernization elements.

In the case of a combined project (i.e., new construction for growth and modernization), the respective scores in each group will be prorated on the basis of each group's related gross square footage in the total project.

[Statutory Authority: RCW 28A.525.020. 10-09-008, § 392-343-500, filed 4/8/10, effective 5/9/10; 06-16-032, amended and recodified as § 392-343-500, filed 7/25/06, effective 8/25/06; 98-19-143, § 180-27-500, filed 9/23/98, effective 10/24/98. Statutory Authority: RCW 28A.525.020 and 1992 c 233 § 24(8). 92-16-058, § 180-27-500, filed 8/3/92, effective 9/3/92.]

WAC 392-343-505 State funding assistance—Common priority elements. The four priority elements that are common to all projects are as follows:

(1) Type of space - Ten possible points. In this element the net assignable square feet (NASF) of a project are identified by planned space inventory category. Category One is space used for scheduled instruction and libraries (classrooms, laboratories, PE teaching space, libraries, and learning resource centers). Category Two is space used in support of instruction (assembly, student services, office space, and classroom/lab service and support). Category Three space is cafeteria/food service, spectator seating, covered play areas, and general support space. The formula for determining points prorates the NASF with weightings of ten for Category One, seven for Category Two, and four for Category Three as shown below.

NASF of Category One	X	10 points = X
NASF of Category Two	X	7 points = X
NASF of Category Three	X	4 points = X

Then: The sum of X divided by the sum of NASF equals points.

(2) Local priority - Five points. For this element, five maximum points are awarded to the district's first priority project. Each priority from there has one point deducted from it, to a minimum of zero points awarded.

(3) Joint funding - Five possible points. A binding agreement between the school district and another governmental entity for the joint financing of new construction or modernization of space which is not otherwise eligible for state funding assistance.

Total Project Cost	Required Joint Funding 25% of total project cost
Up to \$1,000,000	\$275,000
Between \$1,000,000 and \$2,000,000	\$300,000
Between \$2,000,000 and \$3,000,000	\$325,000
Between \$3,000,000 and \$4,000,000	\$350,000
Between \$4,000,000 and \$5,000,000	\$375,000
Between \$5,000,000 and \$6,000,000	\$400,000
Between \$6,000,000 and \$7,000,000	\$425,000
Between \$7,000,000 and \$8,000,000	\$450,000
Between \$8,000,000 and \$9,000,000	\$475,000
Between \$9,000,000 and \$10,000,000	\$500,000
\$10,000,000 and over	\$500,000

(4) Modified calendar or schedule - Five possible points. For this element, up to five points utilizing the table below will be awarded to a project in a district which has adopted a modified school calendar or schedule that enables more students to use school buildings each year over what current state capacity standards at WAC 392-343-035 recognize for state funding assistance purposes. The modified calendar or schedule shall utilize either extended school day or additional days for instruction in the year. The enrollment percentage shall be calculated on the same grade span groupings as for eligibility in WAC 392-343-050. For the purpose of this subsection, the enrollment shall include all students enrolled at the facility as opposed to only those students in attendance.

Enrollment Percentage Increase Over Capacity	Priority Points
20 to above	5
16 to 19.9	4
12 to 15.9	3
8 to 11.9	2
4 to 7.9	1
Below 4	0

The scores for this group of elements will be determined after district compliance with the requirements of WAC 392-344-107.

[Statutory Authority: RCW 28A.525.020, 10-09-008, § 392-343-505, filed 4/8/10, effective 5/9/10; 06-16-032, amended and recodified as § 392-343-505, filed 7/25/06, effective 8/25/06; 98-19-143, § 180-27-505, filed 9/23/98, effective 10/24/98. Statutory Authority: RCW 28A.525.020 and 1993 [1992] c 233 § 24 (8)(e). 93-04-019, § 180-27-505, filed 1/26/93, effective 2/26/93. Statutory Authority: RCW 28A.525.020 and 1992 c 233 § 24(8). 92-16-058, § 180-27-505, filed 8/3/92, effective 9/3/92.]

WAC 392-343-510 State funding assistance—New construction for growth priority factors. The three factors that are related to new construction for growth are as follows:

(1) Projected percent unhoused - Fifty-five possible points. The district percent unhoused five years in the future

is based on the projection of enrollment per WAC 392-343-045 for two grade categories, including preschool special education, compared to the formula capacity of existing space based on WAC 392-343-035 as computed per WAC 392-343-050.

If the projected district percent unhoused for the applicable grade category is equal to or greater than forty percent, full points are awarded. If the projected district percent unhoused is less than five percent but greater than zero percent, then a minimum of fifteen points are awarded. If the projected percent unhoused is between five percent and forty percent, then the forty remaining points (55-15) are proportionately awarded.

(2) Mid-range projection - Five possible points. This factor is to recognize the degree of immediacy of a district's capacity problem. The district's point score in subsection (1) of this section is first multiplied by .091 to reflect the relationship between the fifty-five possible points in subsection (1) of this section and the five points in this subsection. This produces the maximum points a project can be awarded in this factor. The actual points are determined by the relationship between the district's unhoused percentage three years in the future divided by the unhoused percentage five years in the future. For example, if a district received 43.57 points in subsection (1) of this section due to a projected thirty percent unhoused condition and its three-year projection is that it will be twenty-four percent unhoused, it will receive 3.17 points (i.e., $((42.57 \times .091) \times (24 \text{ percent}/30 \text{ percent})) = 3.17$).

(3) Number of years unhoused - Five possible points. This factor is to recognize the duration of an unhoused problem. One point is awarded for each year the district has had an unhoused condition in the applicable grade category during the past five years, up to the five points maximum.

The scores shall be determined at the time of project approval per WAC 392-341-045. These scores shall be carried for a period of twenty-four months, at which time new scores shall be determined utilizing the then most current enrollment projections and facts. A district may request a redetermination of scores at any time.

[Statutory Authority: RCW 28A.525.020, 10-09-008, § 392-343-510, filed 4/8/10, effective 5/9/10; 06-16-032, amended and recodified as § 392-343-510, filed 7/25/06, effective 8/25/06. Statutory Authority: RCW 28A.525.-020 and 1992 c 233 § 24(8). 92-16-058, § 180-27-510, filed 8/3/92, effective 9/3/92.]

WAC 392-343-515 Modernization or new-in-lieu of modernization priority elements. The three priority elements that are related to modernization or new-in-lieu projects are as follows:

(1) Health & safety - Twenty possible points. A maximum of sixteen points are awarded based on the evaluation contained in the Building Condition Evaluation Form (BCEF) (WAC 392-343-535) and are awarded as follows:

15 - 19 percent = 16 points, 20 - 24 percent = 15 points, 25 - 29 percent = 14 points, etc., until 95 percent at which no points are awarded.

The health and safety condition points are combined with an additional:

Two points if school does not meet seismic code requirements.

Two points if school is not asbestos free.

(2) Condition of building - Thirty possible points. The score is based on the Building Condition Evaluation Form (WAC 392-343-535) analysis for all categories other than access for persons with developmental disabilities. If the building condition score is thirty-one or less, then the maximum thirty points are awarded to the project. If the condition score is ninety-one or more, then no points are awarded. If the condition score is from thirty-two to ninety, the condition score is subtracted from ninety-one and multiplied by fifty percent to determine the points. In cases where projects affect multiple buildings, the BCEF score is weighted by the proportion of gross square feet (GSF) affected.

(3) Cost/benefit factor - Ten minus points possible. If the proposed project is a modernization and the BCEF score is less than forty, one point is deducted for each point the BCEF score is less than forty up to a total possible deduction of ten points.

If the proposed project is a new-in-lieu of modernization and the BCEF score is greater than sixty, one point is deducted for each point the BCEF score is higher than sixty to a total possible deduction of ten points.

The scores shall be determined at the time of project approval per WAC 392-341-045. These scores shall be carried until the district requests a redetermination.

[Statutory Authority: RCW 28A.525.020. 10-09-008, § 392-343-515, filed 4/8/10, effective 5/9/10; 06-16-032, amended and recodified as § 392-343-515, filed 7/25/06, effective 8/25/06; 98-19-143, § 180-27-515, filed 9/23/98, effective 10/24/98. Statutory Authority: RCW 28A.525.020 and 1992 c 233 § 24(8). 92-16-058, § 180-27-515, filed 8/3/92, effective 9/3/92.]

WAC 392-343-525 State funding assistance—Priorities for co-ops. For cooperative projects approved by the superintendent of public instruction under the authority of chapters 392-345 and 392-346 WAC, the following priority scores shall be assigned with similar projects ranked in order of date of approval with the earliest date ranked highest:

Type of Interdistrict Cooperative Facility	Priority Score
Vocational Skill Centers	25
Transportation Centers	10
Other Cooperative Facilities	20

[Statutory Authority: RCW 28A.525.020. 10-09-008, § 392-343-525, filed 4/8/10, effective 5/9/10; 06-16-032, amended and recodified as § 392-343-525, filed 7/25/06, effective 8/25/06. Statutory Authority: RCW 28A.525.020 and 1992 c 233 § 24(8). 92-16-058, § 180-27-525, filed 8/3/92, effective 9/3/92.]

WAC 392-343-535 Existing building condition—Evaluation. Building condition and health and safety evaluations for purposes of determining priority scores and completing building inventories shall be conducted and reported to the superintendent of public instruction, utilizing an evaluation model and reporting forms for building type, history, equipage, condition, health and safety factors, and portables on site that shall be adopted and subject to revision from time to time by the superintendent of public instruction. The information provided by the district on these forms shall be subject to review by the staff or agents of the superintendent of public instruction, or to audit by the state auditor. Compliance with this requirement for all schools in a district is a

requirement for the receipt of any state construction funding assistance for projects approved after January 26, 1991.

[Statutory Authority: RCW 28A.525.020. 10-09-008, § 392-343-535, filed 4/8/10, effective 5/9/10; 06-16-032, amended and recodified as § 392-343-535, filed 7/25/06, effective 8/25/06. Statutory Authority: RCW 28A.525.020 and 1992 c 233 § 24(8). 92-16-058, § 180-27-535, filed 8/3/92, effective 9/3/92.]

WAC 392-343-615 Emergency repair grant applications—Repayment conditions. Grants of emergency repair moneys shall be conditioned upon the written commitment and plan of the school district board of directors to repay the grant by waiving the school district's current or future eligibility for state funding assistance under chapters 392-341 through 392-347 WAC, or with insurance payments, or with any judgment(s) that have been awarded, or with other means and sources of repayment. Any such written commitment and plan for repayment may subsequently be modified by mutual agreement between the school district board of directors and the superintendent of public instruction.

[Statutory Authority: RCW 28A.525.020. 10-09-008, § 392-343-615, filed 4/8/10, effective 5/9/10; 06-16-032, amended and recodified as § 392-343-615, filed 7/25/06, effective 8/25/06; 99-24-127, § 180-27-615, filed 12/1/99, effective 1/1/00. Statutory Authority: 1995 2nd sp.s. c 16 § 508. 95-20-088, § 180-27-615, filed 10/4/95, effective 11/4/95.]

**Chapter 392-344 WAC
STATE ASSISTANCE IN PROVIDING SCHOOL
PLANT FACILITIES—PROCEDURAL
REGULATIONS**

(Formerly chapter 180-29 WAC)

WAC

392-344-005	Authority.
392-344-010	Purpose.
392-344-025	Superintendent of public instruction review.
392-344-055	Architect-engineer contracts.
392-344-075	Contracts—Filing.
392-344-080	Construction documents—Bids and contract provisions.
392-344-085	Construction and other documents—Submittal.
392-344-095	Construction documents—Compliance with public works statutory provisions.
392-344-107	Bid opening—Superintendent of public instruction approval.
392-344-1075	Superintendent of public instruction commitment when district is authorized to open bids.
392-344-108	Condition precedent to approval to bid.
392-344-115	Authorization for contract award.
392-344-125	Award of contract(s).
392-344-130	Disbursement of moneys—Sequence of payments.
392-344-140	Disbursements of moneys by school district(s)—Superintendent of public instruction filing.
392-344-145	Disbursement of moneys by superintendent of public instruction.
392-344-147	Retained percentage law related requirements.
392-344-150	Changes in contract cost.
392-344-165	Documents required for release of retainage by school district.

WAC 392-344-005 Authority. This chapter is adopted pursuant to RCW 28A.525.020 relating to authority of the superintendent of public instruction to prescribe rules and regulations governing the administration, control, terms, conditions, and disbursements of allotments to school districts to assist them in providing school facilities. In accordance with RCW 28A.525.200, the only provision of chapter 28A.525 RCW currently applicable to state funding assistance for

school plant facilities are RCW 28A.525.030, 28A.525.040, 28A.525.050, and 28A.525.162 through 28A.525.178.

[Statutory Authority: RCW 28A.525.020. 10-09-008, § 392-344-005, filed 4/8/10, effective 5/9/10; 06-16-032, amended and recodified as § 392-344-005, filed 7/25/06, effective 8/25/06; 98-19-141, § 180-29-005, filed 9/23/98, effective 10/24/98. Statutory Authority: 1990 c 33. 90-17-009, § 180-29-005, filed 8/6/90, effective 9/6/90. Statutory Authority: RCW 28A.47.830. 83-21-067 (Order 12-83), § 180-29-005, filed 10/17/83.]

WAC 392-344-010 Purpose. The purpose of this chapter is to set forth the procedures governing all applications for state funding assistance, allocations of state funds, and disbursements by school districts and the superintendent of public instruction for school facility projects approved for state funding assistance by the superintendent of public instruction. The superintendent of public instruction shall prescribe and furnish forms for the purposes set forth in this chapter.

[Statutory Authority: RCW 28A.525.020. 10-09-008, § 392-344-010, filed 4/8/10, effective 5/9/10; 06-16-032, amended and recodified as § 392-344-010, filed 7/25/06, effective 8/25/06. Statutory Authority: RCW 28A.47.830. 83-21-067 (Order 12-83), § 180-29-010, filed 10/17/83.]

WAC 392-344-025 Superintendent of public instruction review. Upon completion of the study and survey by the superintendent of public instruction and review by district board of directors, the study and survey and an application for state funding assistance from the district for the project(s) to be considered shall be reviewed by the superintendent of public instruction. Superintendent of public instruction approval of a proposed project(s) shall establish the maximum eligible area and estimated amount of state funding assistance based upon the information furnished in the study and survey.

[Statutory Authority: RCW 28A.525.020. 10-09-008, § 392-344-025, filed 4/8/10, effective 5/9/10; 06-16-032, amended and recodified as § 392-344-025, filed 7/25/06, effective 8/25/06; 98-19-141, § 180-29-025, filed 9/23/98, effective 10/24/98. Statutory Authority: RCW 28A.47.830. 83-21-067 (Order 12-83), § 180-29-025, filed 10/17/83.]

WAC 392-344-055 Architect-engineer contracts. Architects and engineers employed on approved school facility projects involving state school funding assistance shall be licensed to practice in the state of Washington. Contract(s) between the school district and the architects and engineers shall stipulate the maximum amount of the fee and the duties, i.e., scope of work, to be performed as required in chapter 392-343 WAC.

[Statutory Authority: RCW 28A.525.020. 10-09-008, § 392-344-055, filed 4/8/10, effective 5/9/10; 06-16-032, amended and recodified as § 392-344-055, filed 7/25/06, effective 8/25/06. Statutory Authority: RCW 28A.47.830. 83-21-067 (Order 12-83), § 180-29-055, filed 10/17/83.]

WAC 392-344-075 Contracts—Filing. The school district shall submit to the superintendent of public instruction one copy of the following contracts for projects approved by the superintendent of public instruction for state funding assistance:

- (1) Educational specifications (WAC 392-344-050);
- (2) Architect-engineer (WAC 392-344-055);
- (3) Energy conservation report (WAC 392-344-060);
- (4) Value engineering (WAC 392-344-065);
- (5) Constructability review (WAC 392-344-066);
- (6) Building commissioning (WAC 392-344-067);

(7) Construction management (WAC 392-344-068).

[Statutory Authority: RCW 28A.525.020. 10-09-008, § 392-344-075, filed 4/8/10, effective 5/9/10; 06-16-032, amended and recodified as § 392-344-075, filed 7/25/06, effective 8/25/06; 99-24-126, § 180-29-075, filed 12/1/99, effective 1/1/00. Statutory Authority: RCW 28A.47.830. 83-21-067 (Order 12-83), § 180-29-075, filed 10/17/83.]

WAC 392-344-080 Construction documents—Bids and contract provisions. The construction documents shall include the following bid and contract provisions:

(1) Separate or combined bids. The school district shall determine if the bids for general, mechanical, or electrical are to be separate or combined.

(2) Combination projects. For those projects which include a combination of both new construction and modernization, bid documents shall provide for separate and distinct bids for each and shall, when combined, be the low bid for the project.

(3) Ineligible items. Items ineligible for state funding assistance shall be bid separate or as an alternate.

(4) Bid law. All items included in the construction documents shall be bid in accordance with RCW 28A.335.190 and 43.19.1906.

(5) Commercial all-risk property insurance. Provision for commercial all-risk property insurance is mandatory for all school facilities under construction. The insurance shall cover at a minimum the amount of the work in place and materials to be used in the project which is in place and on the site. A certificate of insurance shall be submitted to the superintendent of public instruction that insurance is provided for by the contractor or the school district. Only costs for insurance provided for in the construction documents will be eligible for state funding assistance.

[Statutory Authority: RCW 28A.525.020. 10-09-008, § 392-344-080, filed 4/8/10, effective 5/9/10; 06-16-032, recodified as § 392-344-080, filed 7/25/06, effective 8/25/06; 98-23-034, § 180-29-080, filed 11/10/98, effective 12/11/98. Statutory Authority: 1990 c 33. 90-17-009, § 180-29-080, filed 8/6/90, effective 9/6/90. Statutory Authority: RCW 28A.47.830. 83-21-067 (Order 12-83), § 180-29-080, filed 10/17/83.]

WAC 392-344-085 Construction and other documents—Submittal. (1) For the purpose of determining that the provisions set forth in chapters 392-341 through 392-344 WAC have been complied with prior to the opening of bids of any project to be financed with state funding assistance, the school district shall have on file with the superintendent of public instruction the following:

(a) One copy of the construction documents forwarded by others;

(b) Cost estimate of construction on a form approved by the superintendent of public instruction, completed and signed by the architect-engineer;

(c) Signed copy or photocopy of letters of approval by other governmental agencies in accordance with WAC 392-344-090;

(d) Area analysis on a form approved by the superintendent of public instruction in accordance with chapter 392-343 WAC;

(e) Complete listing of construction special inspections and/or testing to be performed by independent sources that are included in the project pursuant to WAC 392-343-100;

(f) School district board acceptance of a value engineering report and its implementation.

The report shall include the following:

- (i) A brief description of the original design;
- (ii) A brief description of the value engineering methodology used;
- (iii) The areas analyzed;
- (iv) The design alternatives proposed;
- (v) The cost changes proposed;
- (vi) The alternates accepted; and
- (vii) A brief statement explaining why each alternate not accepted was rejected;

(g) Certification by the school district that a constructability review report was completed.

The report shall include:

- (i) A brief description of the constructability review methodology used;
- (ii) The area analyzed;
- (iii) The recommendations accepted; and
- (iv) A brief statement explaining why each recommendation not accepted was rejected;

(h) Completed Building Condition Evaluation Forms (BCEF) as required by WAC 392-343-535 for every school facility in the district.

(2) If the above documents reflect an increase in square foot size from the application approved by the superintendent of public instruction as per WAC 392-344-025 which will result in an increase in state funding assistance, a new application must be submitted to the superintendent of public instruction.

[Statutory Authority: RCW 28A.525.020. 10-09-008, § 392-344-085, filed 4/8/10, effective 5/9/10; 08-20-008, § 392-344-085, filed 9/18/08, effective 10/19/08; 06-16-032, amended and recodified as § 392-344-085, filed 7/25/06, effective 8/25/06; 00-18-060, § 180-29-085, filed 9/1/00, effective 10/2/00; 99-24-126, § 180-29-085, filed 12/1/99, effective 1/1/00; 98-19-141, § 180-29-085, filed 9/23/98, effective 10/24/98. Statutory Authority: RCW 28A.525.020 and 1992 c 233 § 24(8). 92-16-058, § 180-29-085, filed 8/3/92, effective 9/3/92. Statutory Authority: RCW 28A.47.830. 83-21-067 (Order 12-83), § 180-29-085, filed 10/17/83.]

WAC 392-344-095 Construction documents—Compliance with public works statutory provisions. The construction documents shall provide for compliance by the contractor with pertinent statutory provisions relating to public works including the following:

- (1) Chapter 39.08 RCW relating to contractor's bond;
- (2) Chapter 39.12 RCW relating to prevailing wages;
- (3) Chapter 18.27 RCW relating to contractor registration;
- (4) Chapter 49.28 RCW relating to hours of labor;
- (5) Chapter 49.60 RCW relating to discrimination;
- (6) Chapter 70.92 RCW relating to the provisions for the aged and physically handicapped;
- (7) RCW 39.04.320 relating to apprenticeship utilization.

[Statutory Authority: RCW 28A.525.020. 10-19-025, § 392-344-095, filed 9/9/10, effective 10/10/10; 06-16-032, recodified as § 392-344-095, filed 7/25/06, effective 8/25/06. Statutory Authority: Chapter 39.25 RCW, RCW 39.25.010, 39.25.020 and 39.25.030. 95-08-031, § 180-29-095, filed 3/29/95, effective 4/29/95. Statutory Authority: RCW 28A.47.802. 84-21-003 (Order 11-84), § 180-29-095, filed 10/4/84. Statutory Authority: RCW 28A.47.830. 83-21-067 (Order 12-83), § 180-29-095, filed 10/17/83.]

WAC 392-344-107 Bid opening—Superintendent of public instruction approval. (1) A school district shall not open bids until receiving written approval of the superintendent of public instruction. Such approval shall not be granted if more than one year has passed since the project received preliminary funding status pursuant to WAC 392-342-050.

(2) The superintendent of public instruction shall grant approval if moneys are available for state funding assistance and the required documents pursuant to WAC 392-344-075, 392-344-080, 392-344-085, 392-344-090, 392-344-095, and 392-344-100 are complete.

(3) If the superintendent of public instruction determines that the required documents are incomplete, the superintendent of public instruction shall hold the project and notify the school district in writing as to the incomplete items.

(4) If moneys are not available for state funding assistance in construction, the school district shall notify the superintendent of public instruction that they are proceeding with their own moneys with the expectation that they will be reimbursed as per WAC 392-343-057.

[Statutory Authority: RCW 28A.525.020. 10-09-008, § 392-344-107, filed 4/8/10, effective 5/9/10; 06-16-032, amended and recodified as § 392-344-107, filed 7/25/06, effective 8/25/06. Statutory Authority: RCW 28A.525.020 and 28A.525.164. 91-12-055, § 180-29-107, filed 6/5/91, effective 7/6/91. Statutory Authority: RCW 28A.47.830. 85-24-047 (Order 24-85), § 180-29-107, filed 11/27/85; 83-21-067 (Order 12-83), § 180-29-107, filed 10/17/83.]

WAC 392-344-1075 Superintendent of public instruction commitment when district is authorized to open bids. When a district is granted approval to open bids pursuant to WAC 392-344-107, the superintendent of public instruction is committed as provided at WAC 392-344-107 as well as to all other state funding assistance determinations including but not limited to additional state funding assistance and professional fees determined pursuant to state funding assistance rules and regulations in effect at the time such approval to open bids is granted. This commitment is subject to the district's compliance with the time limitation for requesting an authorization for contract award as set forth in WAC 392-344-108.

[Statutory Authority: RCW 28A.525.020. 10-09-008, § 392-344-1075, filed 4/8/10, effective 5/9/10; 06-16-032, amended and recodified as § 392-344-1075, filed 7/25/06, effective 8/25/06; 98-19-141, § 180-29-1075, filed 9/23/98, effective 10/24/98. Statutory Authority: RCW 28A.525.020 and 1991 c 14. 91-20-151, § 180-29-1075, filed 10/2/91, effective 11/2/91. Statutory Authority: RCW 28A.47.830. 86-04-065 (Order 1-86), § 180-29-1075, filed 2/4/86.]

WAC 392-344-108 Condition precedent to approval to bid. Any project for which the superintendent of public instruction authorizes a district to open bids pursuant to WAC 392-344-107 shall request an authorization for contract award pursuant to WAC 392-344-110 within ninety calendar days of receipt of approval pursuant to WAC 392-344-107: Provided, That the ninety-day period shall be automatically extended for an additional ninety calendar days if:

- (1) The lowest legally acceptable base bid, exclusive of alternates, received by a district exceeds the cost estimate submitted to the superintendent of public instruction pursuant to WAC 392-344-085 by ten percent or more; and

(2) Prior to the expiration on or after June 15, 1989, of the initial ninety-day period the district has rejected, or hereafter rejects, all bids in order to solicit new bids.

A district which fails to request an authorization for contract award pursuant to WAC 392-344-110 within the time period allowed by this section shall have its authority to proceed withdrawn. Districts with such projects withdrawn may reinitiate an application for state funding assistance by first reapplying for project approval pursuant to WAC 392-341-040.

[Statutory Authority: RCW 28A.525.020. 10-09-008, § 392-344-108, filed 4/8/10, effective 5/9/10; 06-16-032, amended and recodified as § 392-344-108, filed 7/25/06, effective 8/25/06. Statutory Authority: RCW 28A.47-830. 89-22-008, § 180-29-108, filed 10/20/89, effective 11/20/89; 85-24-047 (Order 24-85), § 180-29-108, filed 11/27/85.]

WAC 392-344-115 Authorization for contract award. (1) Upon receipt of the items as per WAC 392-344-110, the superintendent of public instruction shall:

- (a) Analyze the bids;
- (b) Determine the amount of state funding assistance; and
- (c) Make an allocation of state funding assistance for construction and other items as per chapter 392-343 WAC.

(2) Authorization for contract award and allocation of state funding assistance shall be contingent upon the following:

- (a) The contract price for the construction has been established by competitive bid(s); and
- (b) The school district has available sufficient local funds pursuant to chapter 392-341 WAC.

[Statutory Authority: RCW 28A.525.020. 10-09-008, § 392-344-115, filed 4/8/10, effective 5/9/10; 06-16-032, amended and recodified as § 392-344-115, filed 7/25/06, effective 8/25/06; 98-19-141, § 180-29-115, filed 9/23/98, effective 10/24/98. Statutory Authority: RCW 28A.525.020 and 1991 c 14. 91-20-151, § 180-29-115, filed 10/2/91, effective 11/2/91. Statutory Authority: RCW 28A.47.830. 83-21-067 (Order 12-83), § 180-29-115, filed 10/17/83.]

WAC 392-344-125 Award of contract(s). Upon receipt of authorization to award contract(s) from the superintendent of public instruction, the board of directors of the school district shall award contract(s) for construction of the school facility project no later than the expiration of the time period permitted by the terms and conditions of the bid(s) for the award of contract(s). Immediately following the awarding of contract(s), the board of directors of the school district shall forward to the superintendent of public instruction one copy of each properly executed contract, one copy of the contractor's cost breakdown, and one copy of the contract(s) payment schedule. Such cost breakdown and payment schedule shall be displayed on a form issued and approved by the superintendent of public instruction in accordance with WAC 392-344-085 (1)(b). All state funding assistance-related approvals granted by the superintendent of public instruction under this chapter shall lapse and be null and void if a school district fails to award contract(s) within the time period permitted by the terms and conditions of the bid(s), unless non-compliance is waived for extraordinary reasons by the superintendent of public instruction.

[Statutory Authority: RCW 28A.525.020. 10-09-008, § 392-344-125, filed 4/8/10, effective 5/9/10; 06-16-032, amended and recodified as § 392-344-

125, filed 7/25/06, effective 8/25/06. Statutory Authority: RCW 28A.525.-020 and 28A.525.200. 95-08-030, § 180-29-125, filed 3/29/95, effective 4/29/95. Statutory Authority: RCW 28A.525.020 and 1992 c 233 § 24 (8)(e). 94-01-013, § 180-29-125, filed 12/3/93, effective 1/3/94. Statutory Authority: RCW 28A.47.830. 83-21-067 (Order 12-83), § 180-29-125, filed 10/17/83.]

WAC 392-344-130 Disbursement of moneys—Sequence of payments. The order in which funds shall be disbursed for school facility construction shall be as follows:

(1) Prior to payment of state funding assistance, the school district shall make payments on all claims submitted until such time as the total amount of local funds obligated by the district have been expended.

(2) When local funds have been expended as in subsection (1) of this section, payments of state funding assistance shall then be made: Provided, That for projects authorized for state funding assistance pursuant to WAC 392-344-115(2) after June 30, 1993, payment shall be made after receipt of written certification by the school district board of directors that the school facility project authorized for state funding assistance has been or will be completed according to the purposes for which the state funding assistance is being provided.

[Statutory Authority: RCW 28A.525.020. 10-09-008, § 392-344-130, filed 4/8/10, effective 5/9/10; 06-16-032, amended and recodified as § 392-344-130, filed 7/25/06, effective 8/25/06. Statutory Authority: RCW 28A.525.-020 and 1994 c 6 sp.s. 94-13-019, § 180-29-130, filed 6/3/94, effective 7/4/94. Statutory Authority: RCW 28A.47.830. 83-21-067 (Order 12-83), § 180-29-130, filed 10/17/83.]

WAC 392-344-140 Disbursements of moneys by school district(s)—Superintendent of public instruction filing. At such time as the total amount of local funds obligated by the school district have been expended, a signed statement by an authorized agent of the board of directors comprising a listing of all payments to contractors and others, including retainage, shall be submitted to the superintendent of public instruction.

[Statutory Authority: RCW 28A.525.020. 10-09-008, § 392-344-140, filed 4/8/10, effective 5/9/10; 06-16-032, recodified as § 392-344-140, filed 7/25/06, effective 8/25/06. Statutory Authority: RCW 28A.47.830. 83-21-067 (Order 12-83), § 180-29-140, filed 10/17/83.]

WAC 392-344-145 Disbursement of moneys by superintendent of public instruction. All school district claims for payment from state funding assistance shall be submitted to the superintendent of public instruction on invoice vouchers provided by the superintendent of public instruction and shall be signed by the authorized agent of the school district. State warrants issued in payments, unless the school district agent designates a specific payee, shall be drawn payable to the school district. In all cases, warrants shall be transmitted to the school district for disposition.

[Statutory Authority: RCW 28A.525.020. 10-09-008, § 392-344-145, filed 4/8/10, effective 5/9/10; 06-16-032, recodified as § 392-344-145, filed 7/25/06, effective 8/25/06. Statutory Authority: RCW 28A.47.830. 83-21-067 (Order 12-83), § 180-29-145, filed 10/17/83.]

WAC 392-344-147 Retained percentage law related requirements. (1) State funding assistance is conditioned upon a school district's compliance with the cash, or bond in lieu of cash, retained percentage requirements of chapter

60.28 RCW and this section. A school district may elect to administer compliance with all requirements of chapter 60.28 RCW or, in part, designate the superintendent of public instruction as agent of the school district for purposes of administering retained percentage moneys reserved under RCW 60.28.011.

(2) Under RCW 60.28.011, a school district either:

(a) Must provide for the reservation of five percent of all moneys earned by a contractor either by the district, deposited by the district in an interest-bearing account or placed in escrow as provided in RCW 60.28.011(4); or

(b) Must accept a bond submitted by the contractor from any portion of the retainage in a form acceptable to the superintendent of public instruction and the school district and from a bonding company which meets the standards established at subsection (4)(b) of this section and by the school district, unless the school district can demonstrate good cause for refusing to accept the bond.

As a general rule, the superintendent of public instruction prefers and recommends the cash retainage option for reasons which include the security and ease of enforcement which the cash option affords.

(3) Cash retainage.

(a) If the school district reserves five percent of all moneys earned by the contractor in a retainage trust fund administered by the school district in accordance with RCW 60.28.011(1), moneys deposited in that trust fund (whether retained by the district, deposited by the district in an interest-bearing account, or placed in escrow), may be paid to the contractor without prior written consent by the superintendent of public instruction. The superintendent of public instruction shall make available to the school district model procedures and forms for setting up the trust fund selected by the contractor under RCW 60.28.011(4).

(b) At the request of the school district, the superintendent of public instruction may be designated as agent of the school district for cash retainage and will:

(i) Administer the retained percentage trust fund in accordance with RCW 60.28.011, inclusive of depositing, releasing and accounting for such moneys;

(ii) Establish and administer the retained percentage trust fund in accordance with the terms of chapter 60.28 RCW, and such terms as may be established by the superintendent of public instruction to ensure compliance with chapter 60.28 RCW, the security of trust fund moneys and efficient administration; and

(iii) Ensure that no moneys lawfully deposited in the retained percentage trust fund shall be paid to the contractor without the prior written consent of the superintendent of public instruction, except for the payment of interest earnings as may be required by law.

(4) If at the request of the contractor the bond in lieu of cash retained percentage option is implemented the following conditions apply:

(a) The bond shall be in terms and of a form approved and established by the superintendent of public instruction to ensure that the bond adequately addresses the purposes of chapter 60.28 RCW; and

(b) The bond shall be signed by a surety that is:

(i) Registered with the Washington state insurance commissioner; and

(ii) On the currently authorized insurance list published by the Washington state insurance commissioner.

(c) Whatever additional requirements for the bonding company as may be established by the school district.

(5) The release of retainage, whether cash or bond-in-lieu, shall be conditioned upon satisfactory compliance with the provisions of WAC 392-344-165.

[Statutory Authority: RCW 28A.525.020, 10-09-008, § 392-344-147, filed 4/8/10, effective 5/9/10; 06-16-032, amended and recodified as § 392-344-147, filed 7/25/06, effective 8/25/06. Statutory Authority: RCW 28A.525.-020 and 1992 c 233 § 24 (8)(e), 94-14-028, § 180-29-147, filed 6/28/94, effective 7/29/94.]

WAC 392-344-150 Changes in contract cost. The final contract cost shall be determined after inclusion of the net change due to additive and/or deductive change orders. If the final contract cost results in an increase above the original bid amount, the school district shall finance the entire increase. If the final contract cost results in a decrease from the original bid amount, the school district and the state shall share the amount of the decrease based on the state funding assistance percentage in effect at the time of contract award. Copies of all change orders when executed and signed by the school district's authorized agent and the project architect/engineer shall be forwarded to the superintendent of public instruction.

[Statutory Authority: RCW 28A.525.020, 10-09-008, § 392-344-150, filed 4/8/10, effective 5/9/10; 06-16-032, recodified as § 392-344-150, filed 7/25/06, effective 8/25/06. Statutory Authority: RCW 28A.47.830, 83-21-067 (Order 12-83), § 180-29-150, filed 10/17/83.]

WAC 392-344-165 Documents required for release of retainage by school district. Release of retainage on contracts shall be subject to receipt by the superintendent of public instruction of the following documents:

(1) These documents shall be required no later than thirty days after official acceptance:

(a) Properly executed state invoice voucher as per the requirements of WAC 392-344-145;

(b) Architect/engineer certificate(s) of completion;

(c) School district board of directors' resolution of final acceptance signed by the authorized agent of the school district;

(d) School district board of directors' resolution accepting the building commissioning report;

(e) Certification by the authorized agent of the school district that the requirements of RCW 39.04.320 apprenticeship utilization have been met.

(2) These documents shall be required no later than sixty days after official acceptance:

(a) Certification by the authorized agent of the school district that the district has on file all affidavits of wages paid in compliance with RCW 39.12.040;

(b) After expiration of forty-five days following acceptance of the project by the school district, a signed statement by the authorized agent of the school district that no lien(s) is on file with the school district or a certified list of each lien is on file with the school district. A copy of each lien shall be forwarded to the superintendent of public instruction;

(c) Either a permanent or temporary occupancy permit by building official of the jurisdiction. Also required are

release documents as defined in chapter 60.28 RCW, RCW 50.24.130, and 51.12.050.

[Statutory Authority: RCW 28A.525.020. 10-19-025, § 392-344-165, filed 9/9/10, effective 10/10/10; 08-20-008, § 392-344-165, filed 9/18/08, effective 10/19/08; 06-16-032, amended and recodified as § 392-344-165, filed 7/25/06, effective 8/25/06. Statutory Authority: RCW 28A.525.020 and chapters 39.35 and 60.28 RCW. 92-24-027, § 180-29-165, filed 11/24/92, effective 12/25/92. Statutory Authority: RCW 28A.47.830. 83-21-067 (Order 12-83), § 180-29-165, filed 10/17/83.]

Chapter 392-345 WAC

STATE FUNDING ASSISTANCE IN PROVIDING SCHOOL PLANT FACILITIES—INTERDISTRICT COOPERATION IN FINANCING SCHOOL PLANT CONSTRUCTION

(Formerly chapter 180-31 WAC)

WAC

392-345-005	Authority.
392-345-020	Cooperative plan subject to the superintendent of public instruction approval.
392-345-025	Application provisions.
392-345-035	Approval of program or services by superintendent of public instruction.
392-345-040	Dissolution provisions.
392-345-045	Interdistrict cooperation in financing school construction—Project construction approval required—Rules and regulations governing.

WAC 392-345-005 Authority. This chapter is adopted pursuant to RCW 28A.525.020 relating to authority of the superintendent of public instruction to prescribe rules and regulations governing the administration, control, terms, conditions and disbursements of allotments to school facilities. In accordance with RCW 28A.525.200, the only provisions of chapter 28A.525 RCW currently applicable to state funding assistance for school plant facilities are RCW 28A.525-030, 28A.525.040, 28A.525.050, and 28A.525.162 through 28A.525.178.

[Statutory Authority: RCW 28A.525.020. 10-09-040, § 392-345-005, filed 4/14/10, effective 5/15/10; 06-16-031, amended and recodified as § 392-345-005, filed 7/25/06, effective 8/25/06; 98-19-144, § 180-31-005, filed 9/23/98, effective 10/24/98. Statutory Authority: 1990 c 33. 90-17-009, § 180-31-005, filed 8/6/90, effective 9/6/90. Statutory Authority: RCW 28A.47.830. 83-21-068 (Order 13-83), § 180-31-005, filed 10/17/83.]

WAC 392-345-020 Cooperative plan subject to the superintendent of public instruction approval. Any interdistrict financial plan for construction or modernization of school facilities utilizing state funding assistance in the financing of the proposed project, shall require approval by the superintendent of public instruction prior to carrying into effect the provisions of such plan. The superintendent of public instruction approval is only required for projects utilizing state funding assistance.

[Statutory Authority: RCW 28A.525.020. 10-09-040, § 392-345-020, filed 4/14/10, effective 5/15/10; 06-16-031, amended and recodified as § 392-345-020, filed 7/25/06, effective 8/25/06; 98-19-144, § 180-31-020, filed 9/23/98, effective 10/24/98. Statutory Authority: RCW 28A.47.830. 83-21-068 (Order 13-83), § 180-31-020, filed 10/17/83.]

WAC 392-345-025 Application provisions. For projects utilizing state funding assistance, the host district shall submit a written application to the superintendent of public

instruction which shall include but not be limited to the following documents and data:

(1) A joint resolution by the board of directors of all participating school districts which shall:

(a) Confer contractual authority and subsequent ownership on the board of directors in which jurisdiction the school facility is to be located (host district) or, in the event of modernization, the board of directors in which jurisdiction the facility is located (host district);

(b) Designate such board of directors of the host district as the legal applicant. Evidence shall be submitted that the said resolution has been incorporated in the official record of the board of directors of each participating school district; and

(c) Certify that the facility shall be used for the purpose for which it was constructed unless an exception is granted by the superintendent of public instruction.

(2) Copy of contracts(s) between applicant district and participating school districts prepared in accordance with provisions in WAC 392-345-030.

(3) A statement defining the education program or services to be offered and the number and grade level(s) by district of all students to be housed in the proposed new or modernized facility.

(4) A description of the proposed project including size in terms of square feet and the estimated cost of construction including professional services, sales tax, site acquisition and site development.

(5) An area map indicating location of schools within the participating school districts and the location of the proposed new or modernized school facility.

(6) A statement certifying that a separate account has been established into which participating districts make deposits in order to pay for all future minor repair and renovation costs.

[Statutory Authority: RCW 28A.525.020. 10-09-040, § 392-345-025, filed 4/14/10, effective 5/15/10; 06-16-031, amended and recodified as § 392-345-025, filed 7/25/06, effective 8/25/06; 98-19-144, § 180-31-025, filed 9/23/98, effective 10/24/98. Statutory Authority: RCW 28A.47.830. 83-21-068 (Order 13-83), § 180-31-025, filed 10/17/83.]

WAC 392-345-035 Approval of program or services by superintendent of public instruction. Approval by the superintendent of public instruction of the educational program or services to be offered in the proposed new or modernized facility and the proposed administration of such program or services shall be a prerequisite for approval by the superintendent of public instruction of an interdistrict cooperative financial plan for construction of new or modernization of facilities when state funding assistance is provided.

[Statutory Authority: RCW 28A.525.020. 10-09-040, § 392-345-035, filed 4/14/10, effective 5/15/10; 06-16-031, amended and recodified as § 392-345-035, filed 7/25/06, effective 8/25/06; 98-19-144, § 180-31-035, filed 9/23/98, effective 10/24/98. Statutory Authority: RCW 28A.47.830. 83-21-068 (Order 13-83), § 180-31-035, filed 10/17/83.]

WAC 392-345-040 Dissolution provisions. (1) Procedures for the dissolution of the operation of school facilities pursuant to an interdistrict cooperative agreement shall not be instituted prior to the expiration of ten years after the date of the superintendent of public instruction approval of the financial plan for the construction of such school facilities when

such facilities were constructed with state funding assistance: Provided, That a request for dissolution prior to such ten-year period may be approved when, in the judgment of the superintendent of public instruction, there is substantiation of sufficient cause therefor.

(2) Any plan for dissolution as described in subsection (1) of this section shall be submitted to the superintendent of public instruction for review and approval prior to proceeding with dissolution action.

[Statutory Authority: RCW 28A.525.020. 10-09-040, § 392-345-040, filed 4/14/10, effective 5/15/10; 06-16-031, amended and recodified as § 392-345-040, filed 7/25/06, effective 8/25/06; 98-19-144, § 180-31-040, filed 9/23/98, effective 10/24/98. Statutory Authority: RCW 28A.47.830. 83-21-068 (Order 13-83), § 180-31-040, filed 10/17/83.]

WAC 392-345-045 Interdistrict cooperation in financing school construction—Project construction approval required—Rules and regulations governing. A project to be constructed under interdistrict cooperative financing pursuant to provisions of RCW 28A.335.160 shall be subject to approval by the superintendent of public instruction only when state funding assistance is involved in the financing thereof and shall be in conformity with the applicable rules and regulations hereinafter prescribed. The applicant school district shall be responsible for compliance with said rules and regulations.

(1) Projects financed with state funding assistance.

(a) All rules and regulations promulgated by the superintendent of public instruction relating to school building construction shall govern the approval of an application for state funding assistance in financing an interdistrict cooperative project except such rules deemed by the superintendent of public instruction to be inapplicable to the said construction: Provided, That in the interest of program improvement and/or improvement in equalization of educational opportunities, the pertinent requirements relating to eligibility on the basis of number of unhouseed children may be waived as shall be determined by the superintendent of public instruction.

(b) In determining the amount of state funding assistance, the principle to be applied shall be that each participating district, otherwise eligible for state funding assistance, shall receive such assistance on the basis of the computed area ratio. The amount that each participating district shall provide may be the percentage proportion that the value of its taxable property bears to the total value of taxable property of all participating districts or such other amounts as set forth in the contract submitted as are accepted and approved by the superintendent of public instruction.

(2) Application for additional state funding assistance. In the financing of interdistrict cooperative projects, applications for state funding assistance, in addition to the amount determined allocable under basic state support level provisions, shall be judged by the superintendent of public instruction on the basis of the need for said facilities for the expressed purpose of:

- (a) Providing educational opportunities, including vocational skills programs not otherwise provided;
- (b) Avoiding unnecessary duplication of specialized or unusually expensive educational programs or facilities; or
- (c) Improving racial balance within and among participating districts.

(3) Determination of amount of additional state funding assistance. When in the judgment of the superintendent of public instruction an expressed need exists for an interdistrict cooperative project to achieve one or more of the expressed purposes as set forth in subsection (2) of this section and additional state funding assistance in financing said joint construction is necessary to meet such need, additional state funding assistance may be allowed in an amount to be determined by the superintendent of public instruction: Provided, That the total amount allotted shall not exceed ninety percent of the total project cost determined eligible for state funding assistance purposes: Provided further, That the total funds available to the superintendent of public instruction for the biennial period are sufficient to meet statewide needs for state funding assistance in providing necessary school facilities to individual school districts as well as for this purpose.

[Statutory Authority: RCW 28A.525.020. 10-09-040, § 392-345-045, filed 4/14/10, effective 5/15/10; 06-16-031, amended and recodified as § 392-345-045, filed 7/25/06, effective 8/25/06; 98-19-144, § 180-31-045, filed 9/23/98, effective 10/24/98.]

Chapter 392-346 WAC

STATE FUNDING ASSISTANCE IN PROVIDING SCHOOL PLANT FACILITIES—INTERDISTRICT TRANSPORTATION COOPERATIVES

(Formerly chapter 180-32 WAC)

WAC

392-346-005	Authority.
392-346-010	Purpose.
392-346-015	Interdistrict transportation cooperative members—Definition.
392-346-020	Interdistrict transportation cooperative—Cooperative plan subject to the superintendent of public instruction approval.
392-346-025	Application provisions.
392-346-035	Approval—The superintendent of public instruction.
392-346-040	Dissolution provisions.
392-346-045	Interdistrict transportation cooperative—Types.
392-346-050	Site review and evaluation.
392-346-060	Design team—Architect/engineering services.
392-346-065	Support level—Furniture and equipment allowances.
392-346-070	Interdistrict transportation cooperatives—State funding assistance.

WAC 392-346-005 Authority. This chapter is adopted pursuant to RCW 28A.525.020 which authorizes the superintendent of public instruction to prescribe rules and regulations governing the administration, control, terms, conditions, and disbursements of moneys to school districts to assist them in providing school facilities. In accordance with RCW 28A.525.200, the only provisions of chapter 28A.525 RCW currently applicable to state funding assistance for school facilities are RCW 28A.525.030, 28A.525.040, 28A.525.050, and 28A.525.162 through 28A.525.178.

[Statutory Authority: RCW 28A.525.020. 10-09-040, § 392-346-005, filed 4/14/10, effective 5/15/10; 06-16-031, amended and recodified as § 392-346-005, filed 7/25/06, effective 8/25/06; 98-19-145, § 180-32-005, filed 9/23/98, effective 10/24/98. Statutory Authority: 1990 c 33. 90-17-009, § 180-32-005, filed 8/6/90, effective 9/6/90. Statutory Authority: RCW 28A.47.830. 83-21-070 (Order 15-83), § 180-32-005, filed 10/17/83.]

WAC 392-346-010 Purpose. The purpose of this chapter is to set forth provisions applicable prior to a district's application for state funding assistance in the construction of interdistrict transportation cooperative facilities. Except as

otherwise noted in this chapter, the rules and regulations which apply to state funding assistance in financing school facilities set forth below shall apply to the construction of interdistrict transportation cooperatives:

(1) State funding assistance: WAC 392-343-040, 392-343-060, and 392-343-070 through 392-343-125.

(2) Procedural regulations: WAC 392-344-055 through 392-344-170.

[Statutory Authority: RCW 28A.525.020. 10-09-040, § 392-346-010, filed 4/14/10, effective 5/15/10; 06-16-031, amended and recodified as § 392-346-010, filed 7/25/06, effective 8/25/06. Statutory Authority: RCW 28A.47.830. 83-21-070 (Order 15-83), § 180-32-010, filed 10/17/83.]

WAC 392-346-015 Interdistrict transportation cooperative members—Definition. As used in this chapter:

(1) "Participating member" means a district in a cooperative which anticipates making full use of all the services offered by the cooperative and provides its agreed share of local funds required by the superintendent of public instruction. A participating member must be a member of the cooperative for at least ten years.

(2) "Contract member" means a district which contracts to use the services of the cooperative as outlined in the initial agreement for at least three years. At a minimum, contracts for service shall include lubrication, oil and filter changes on a regular basis.

(3) "Applicant district" means the school district in which the proposed interdistrict transportation cooperative facility is to be located or in which the facility proposed for modernization is located. It shall be the responsibility of said applicant district to submit the application for financial plan approval.

[Statutory Authority: RCW 28A.525.020. 10-09-040, § 392-346-015, filed 4/14/10, effective 5/15/10; 06-16-031, amended and recodified as § 392-346-015, filed 7/25/06, effective 8/25/06. Statutory Authority: RCW 28A.47.830. 83-21-070 (Order 15-83), § 180-32-015, filed 10/17/83.]

WAC 392-346-020 Interdistrict transportation cooperative—Cooperative plan subject to the superintendent of public instruction approval. Any financial plan for construction of an interdistrict transportation cooperative utilizing state funding assistance in the financing of the proposed project, shall require approval by the superintendent of public instruction prior to implementing the provisions of such plan. The superintendent of public instruction approval is only required for projects utilizing state funding assistance.

[Statutory Authority: RCW 28A.525.020. 10-09-040, § 392-346-020, filed 4/14/10, effective 5/15/10; 06-16-031, amended and recodified as § 392-346-020, filed 7/25/06, effective 8/25/06; 98-19-145, § 180-32-020, filed 9/23/98, effective 10/24/98. Statutory Authority: RCW 28A.47.830. 83-21-070 (Order 15-83), § 180-32-020, filed 10/17/83.]

WAC 392-346-025 Application provisions. For projects utilizing state funding assistance, the host school district shall submit a written application to the superintendent of public instruction which shall include but not be limited to the following documents and data:

(1) A joint resolution by the board of directors of all participating school districts which shall:

(a) Confer contractual authority and subsequent ownership on the board of directors in which jurisdiction the facility

is to be located or, in the event of modernization, in which jurisdiction the facility is located (host district);

(b) Designate such board of directors as the legal applicant; and

(c) A copy of the official record of the board of directors of each participating school district indicating that the resolution has been formally adopted.

(2) Copy of contract(s) between districts prepared in accordance with chapter 392-345 WAC.

(3) A written description of services to be offered in the proposed interdistrict transportation cooperative, including number of districts involved and whether or not cooperating members are participating districts or contract districts; the number of buses from each participating and contract district to be serviced, and number of bus miles traveled per year for each participating and contract district.

(4) A description of the proposed project including square footage and the estimated cost of construction including professional services, sales tax, site costs, and site development.

(5) An area map indicating location of the facility in relationship to the participating and contract school districts.

(6) A statement certifying that a separate account has been established into which participating districts make deposits in order to pay for all future minor repair and renovation costs.

[Statutory Authority: RCW 28A.525.020. 10-09-040, § 392-346-025, filed 4/14/10, effective 5/15/10; 06-16-031, amended and recodified as § 392-346-025, filed 7/25/06, effective 8/25/06; 98-19-145, § 180-32-025, filed 9/23/98, effective 10/24/98. Statutory Authority: RCW 28A.47.830. 83-21-070 (Order 15-83), § 180-32-025, filed 10/17/83.]

WAC 392-346-035 Approval—The superintendent of public instruction. Approval by the superintendent of public instruction of services to be offered in the proposed interdistrict transportation cooperative and the proposed district administration of such program or services shall be a prerequisite for approval by the superintendent of public instruction of an interdistrict cooperative financial plan for construction of new facilities or modernization of existing facilities when state funding assistance is provided.

[Statutory Authority: RCW 28A.525.020. 10-09-040, § 392-346-035, filed 4/14/10, effective 5/15/10; 06-16-031, amended and recodified as § 392-346-035, filed 7/25/06, effective 8/25/06; 98-19-145, § 180-32-035, filed 9/23/98, effective 10/24/98. Statutory Authority: RCW 28A.47.830. 83-21-070 (Order 15-83), § 180-32-035, filed 10/17/83.]

WAC 392-346-040 Dissolution provisions. (1) Procedures for the dissolution of the operation of interdistrict cooperatives under an interdistrict cooperative agreement shall not be instituted prior to the expiration of ten years after the date of the superintendent of public instruction approval of the financial plan for the construction of such school facilities when such facilities were constructed with state funding assistance: Provided, That a request for dissolution prior to the expiration of ten years may be approved when in the judgment of the superintendent of public instruction there is substantiation of sufficient cause therefor.

(2) Any plan for dissolution as described in subsection (1) of this section shall be submitted to the superintendent of public instruction for review and written approval prior to proceeding with dissolution action.

[Statutory Authority: RCW 28A.525.020. 10-09-040, § 392-346-040, filed 4/14/10, effective 5/15/10; 06-16-031, amended and recodified as § 392-346-040, filed 7/25/06, effective 8/25/06; 98-19-145, § 180-32-040, filed 9/23/98, effective 10/24/98. Statutory Authority: RCW 28A.47.830. 83-21-070 (Order 15-83), § 180-32-040, filed 10/17/83.]

WAC 392-346-045 Interdistrict transportation cooperative—Types. Except as otherwise noted, the amount of the final allocation of state funding assistance in the construction of an approved interdistrict transportation cooperative facility shall be based on the number of buses in actual service and the number of buses for which the cooperative has contracted from other districts at the time of application and in accordance with the following cooperative types and square footage allowances:

Type	Number of Buses	Square Footage	
		Minimum	Maximum
One	96 or more	21,000	Negotiable
Two	46-95	15,000	20,999
Three	0-45	10,000	14,999

[Statutory Authority: RCW 28A.525.020. 10-09-040, § 392-346-045, filed 4/14/10, effective 5/15/10; 06-16-031, recodified as § 392-346-045, filed 7/25/06, effective 8/25/06. Statutory Authority: RCW 28A.47.830. 83-21-070 (Order 15-83), § 180-32-045, filed 10/17/83.]

WAC 392-346-050 Site review and evaluation. The superintendent of public instruction together with the proposing district(s) shall conduct an on-site review and evaluation of sites for new and existing state funding assistance projects. In selecting sites, the district(s) should assure that:

(1) The property upon which the facility is or will be located is free and clear of all encumbrances that would detrimentally interfere with the construction and operation or useful life of the facility.

(2) The site is of sufficient size to meet the needs of the facility.

(3) A geotechnical engineer has conducted a limited subsurface investigation to gather basic information regarding potential foundation and subgrade performance.

(4) The site accessibility is convenient and efficient for participating and contract school districts with the least amount of disturbance to the area in which it is located.

(5) The site topography is conducive to desired site development.

(6) A site review or predesign conference has been conducted with all local code agencies in order to determine design constraints.

[Statutory Authority: RCW 28A.525.020. 10-09-040, § 392-346-050, filed 4/14/10, effective 5/15/10; 06-16-031, recodified as § 392-346-050, filed 7/25/06, effective 8/25/06; 98-19-145, § 180-32-050, filed 9/23/98, effective 10/24/98. Statutory Authority: RCW 28A.47.830. 83-21-070 (Order 15-83), § 180-32-050, filed 10/17/83.]

WAC 392-346-060 Design team—Architect/engineering services. Architect/engineering service fees for state funding assistance purposes shall be determined pursuant to WAC 392-343-070.

[Statutory Authority: RCW 28A.525.020. 10-09-040, § 392-346-060, filed 4/14/10, effective 5/15/10; 06-16-031, amended and recodified as § 392-346-060, filed 7/25/06, effective 8/25/06. Statutory Authority: RCW 28A.47.830. 83-21-070 (Order 15-83), § 180-32-060, filed 10/17/83.]

WAC 392-346-065 Support level—Furniture and equipment allowances. An allowance for furniture and equipment purchases shall be added to the total construction costs of a project determined eligible for state funding assistance. The equipment allowance shall be determined by multiplying the approved square foot area of the project by the construction cost allocation of state support for the fiscal year funded and that product multiplied by seven percent.

[Statutory Authority: RCW 28A.525.020. 10-09-040, § 392-346-065, filed 4/14/10, effective 5/15/10; 06-16-031, recodified as § 392-346-065, filed 7/25/06, effective 8/25/06. Statutory Authority: RCW 28A.47.830 and 28A.525.020. 01-19-042, § 180-32-065, filed 9/14/01, effective 10/15/01. Statutory Authority: RCW 28A.47.830. 83-21-070 (Order 15-83), § 180-32-065, filed 10/17/83.]

WAC 392-346-070 Interdistrict transportation cooperatives—State funding assistance. In the financing of an approved interdistrict transportation cooperative, the superintendent of public instruction shall provide ninety percent of the total approved project cost determined eligible for state funding assistance.

[Statutory Authority: RCW 28A.525.020. 10-09-040, § 392-346-070, filed 4/14/10, effective 5/15/10; 06-16-031, amended and recodified as § 392-346-070, filed 7/25/06, effective 8/25/06. Statutory Authority: RCW 28A.47.830. 83-21-070 (Order 15-83), § 180-32-070, filed 10/17/83.]

Chapter 392-347 WAC

STATE FUNDING ASSISTANCE IN PROVIDING SCHOOL PLANT FACILITIES—MODERNIZATION

(Formerly chapter 180-33 WAC)

WAC

392-347-005	Authority.
392-347-007	Purpose.
392-347-013	Annually determined building replacement value.
392-347-015	Eligibility for state funding assistance.
392-347-020	Formula for determining the amount of state funding assistance.
392-347-023	State funding assistance in post 1993 facilities.
392-347-025	Space eligible for state funding assistance in modernization.
392-347-030	Certification of continued use.
392-347-035	Minimum project—Forty percent of replacement costs.
392-347-040	Maximum costs eligible for state funding assistance— One hundred percent of replacement cost.
392-347-042	Replacement option.
392-347-045	Architect and engineering services.
392-347-050	Study and survey of school district as prerequisite.
392-347-055	Regulations governing.

WAC 392-347-005 Authority. This chapter is adopted pursuant to RCW 28A.525.020 which authorizes the superintendent of public instruction to prescribe rules and regulations governing the administration, control, terms, conditions, and disbursements of moneys to school districts to assist them in providing school facilities. In accordance with RCW 28A.525.200, the only provisions of chapter 28A.525 RCW currently applicable to state funding assistance for school facilities are RCW 28A.525.030, 28A.525.040, and 28A.525.162 through 28A.525.178.

[Statutory Authority: RCW 28A.525.020. 10-09-008, § 392-347-005, filed 4/8/10, effective 5/9/10; 06-16-031, amended and recodified as § 392-347-005, filed 7/25/06, effective 8/25/06; 98-19-138, § 180-33-005, filed 9/23/98, effective 10/24/98. Statutory Authority: 1990 c 33. 90-17-009, § 180-33-005, filed 8/6/90, effective 9/6/90. Statutory Authority: RCW 28A.47.830. 83-21-071 (Order 16-83), § 180-33-005, filed 10/17/83. Statu-

tory Authority: RCW 28A.47.073. 81-24-049 (Order 13-81), § 180-33-005, filed 12/1/81.]

WAC 392-347-007 Purpose. The purpose of this chapter is to set forth provisions applicable to state funding assistance in the modernization of existing school facilities.

[Statutory Authority: RCW 28A.525.020. 10-09-008, § 392-347-007, filed 4/8/10, effective 5/9/10; 06-16-031, recodified as § 392-347-007, filed 7/25/06, effective 8/25/06. Statutory Authority: RCW 28A.47.830. 83-21-071 (Order 16-83), § 180-33-007, filed 10/17/83.]

WAC 392-347-013 Annually determined building replacement value. The annually determined building replacement value for any building in any year is the state determined maximum construction cost allocation for July of that year times the gross square footage determined under WAC 392-343-040.

[Statutory Authority: RCW 28A.525.020. 10-09-008, § 392-347-013, filed 4/8/10, effective 5/9/10; 06-16-031, amended and recodified as § 392-347-013, filed 7/25/06, effective 8/25/06. Statutory Authority: [RCW 28A.525.020.] 91-12-058, § 180-33-013, filed 6/5/91, effective 7/6/91.]

WAC 392-347-015 Eligibility for state funding assistance. (1) In order to be eligible for state funding assistance, a modernization project shall have as its principal purpose one or more of the following:

(a) Bringing a facility into compliance with current building and health codes when so required by state or local health or safety officials;

(b) Changing the grade span grouping by facility by the addition, deletion, or combination thereof of two or more grades within the affected facility;

(c) The reduction of the number of operating school facilities in a district by combining the remaining school facilities through modernization and new capital construction so as to achieve more cost effective and efficient operation in the combined school facility or facilities. In order to be eligible for state funding assistance, such a project shall result in additional space for at least 100 additional pupils and the following enrollment in any combined facility:

- (i) Elementary school facility—500 pupils;
- (ii) Middle or junior high school facility—700 pupils;
- (iii) Senior high school facility—850 pupils;

Provided, That modernization projects in school districts with a high school enrollment of less than 850 pupils need not comply with the enrollment figures set forth above: Provided further, That unless the district demonstrates the existence of unhoused students, state funding assistance for the new construction component of a combined modernization and new construction project shall be limited to the provision of WAC 392-347-040; or

(d) Meeting the educational program of the facility.

(2) School districts shall certify that a proposed modernization project will extend the life of the modernized school facility by at least twenty years.

(3) School districts shall be ineligible for state funding assistance for modernization of any school facility accepted by the school district board of directors prior to January 1, 1993, where the principal purpose of that modernization project is to:

(a) Restore building systems and subsystems that have deteriorated due to deferred maintenance;

(b) Perform piecemeal work on one section or system of a school facility;

(c) Modernize a facility or any section thereof which has been constructed within the previous twenty years;

(d) Modernize a facility or any section thereof which has received state funding assistance under the authority of this chapter within the previous twenty years;

(e) To modernize a senior high school facility in a district with a senior high school where there is existing space available to serve the students involved or affected in a neighboring senior high school without, in the judgment of the superintendent of public instruction, an undue increase in the cost of transporting the students to and from school, decrease in educational opportunity, or proportional increase in the cost of instruction pursuant to chapter 392-341 WAC.

(4) School facilities accepted by the school district board of directors after January 1, 1993, shall be ineligible for state funding assistance for modernization of the facility or any section thereof where:

(a) The facility was constructed and occupied within the previous thirty years;

(b) The facility received state funding assistance under the authority of this chapter within the previous thirty years.

[Statutory Authority: RCW 28A.525.020. 10-09-008, § 392-347-015, filed 4/8/10, effective 5/9/10; 06-16-031, amended and recodified as § 392-347-015, filed 7/25/06, effective 8/25/06; 05-23-046, § 180-33-015, filed 11/9/05, effective 12/10/05; 91-12-058, § 180-33-015, filed 6/5/91, effective 7/6/91. Statutory Authority: RCW 28A.47.830. 85-24-049 (Order 26-85), § 180-33-015, filed 11/27/85; 85-09-060 (Order 8-85), § 180-33-015, filed 4/17/85; 83-21-071 (Order 16-83), § 180-33-015, filed 10/17/83. Statutory Authority: RCW 28A.47.073. 81-24-049 (Order 13-81), § 180-33-015, filed 12/1/81.]

WAC 392-347-020 Formula for determining the amount of state funding assistance. State funding assistance in an approved modernization project shall be derived by applying the state funding assistance percentage determined pursuant to provisions of RCW 28A.525.166 and WAC 392-343-025 to the eligible cost which shall be calculated by multiplying the approved square foot area of the modernization project by the construction cost allocation for the fiscal year funded, less any deductions as set forth in WAC 392-347-023 if applicable, by the factor in WAC 392-347-040 set forth, any cost in excess thereof shall be financed entirely by the school district.

[Statutory Authority: RCW 28A.525.020. 10-09-008, § 392-347-020, filed 4/8/10, effective 5/9/10; 06-16-031, amended and recodified as § 392-347-020, filed 7/25/06, effective 8/25/06. Statutory Authority: RCW 28A.47.830 and 28A.525.020. 01-19-042, § 180-33-020, filed 9/14/01, effective 10/15/01. Statutory Authority: [RCW 28A.525.020.] 91-12-058, § 180-33-020, filed 6/5/91, effective 7/6/91. Statutory Authority: 1990 c 33. 90-17-009, § 180-33-020, filed 8/6/90, effective 9/6/90. Statutory Authority: RCW 28A.47.830. 83-21-071 (Order 16-83), § 180-33-020, filed 10/17/83. Statutory Authority: RCW 28A.47.073. 81-24-049 (Order 13-81), § 180-33-020, filed 12/1/81.]

WAC 392-347-023 State funding assistance in post 1993 facilities. As a condition precedent to receiving state funding assistance for modernization under WAC 392-347-015 or new-in-lieu of modernization under WAC 392-347-042, school districts that received state funding assistance for new and new-in-lieu school buildings and whose buildings were accepted as complete by school board of directors as of

January 1, 1994, and later, shall adopt by board resolution and implement an asset preservation program (APP).

(1) Definitions: For purposes of this chapter:

(a) An asset preservation program is a systematic approach to ensure performance accountability; promote student health and safety by maintaining and operating building systems to their design capacity; maintain an encouraging learning environment; and extend building life, thus minimizing future capital needs.

(b) An asset preservation system is a system of tasks or projects that are active, reactive, or proactive in maintaining the day to day health, safety, and instructional quality of the school facility and tasks or projects that are proactive, predictive or preventative in maintaining the school facility over its thirty-year expected life cycle.

(c) A building condition evaluation is an evaluation of the condition of building components and systems using a standardized scoring matrix.

(d) A building condition standard is a numeric scoring table with a scale identifying the expected condition score for each year of the building's expected life cycle.

(2) The office of the superintendent of public instruction shall establish and adopt a uniform program of specifications, standards, and requirements for implementing and maintaining the asset preservation program.

(3) School districts with affected buildings under this chapter are required to:

(a) Adopt or implement an asset preservation system;

(b) Annually perform a building condition evaluation and report the condition of such building to the school district's board of directors no later than April 1st of each year;

(c) Thereafter in six year intervals during the thirty-year expected life span of the building, have a certified evaluator, as approved by the office of the superintendent of public instruction, perform a building condition evaluation and report the condition to the school district's board of directors and to the office of the superintendent of public instruction no later than April 1st.

(4) A school district building affected under this chapter and that does not meet the minimum building condition standard score of forty points at the end of the thirty years from the accepted date shall:

(a) Have its allowable cost per square foot used to determine the amount of state funding assistance in any modernization project reduced at a rate of two percent for each point below forty points, not to exceed a total twenty percent reduction; or

(b) Be ineligible for state funding assistance when the building condition score is less than thirty points.

(5) The following schedule shall apply to school districts with buildings affected under this chapter, and the requirements set forth shall replace the former requirements of this section:

(a) Buildings accepted by the school board in 1994 must begin an asset preservation program in 2009, and shall fully implement the program within no more than one and one-half years;

(b) Buildings accepted by the school board in 1995 must begin an asset preservation program in 2010, and shall fully implement the program within no more than one year;

(c) Buildings accepted by the school board in 1996 through 2010 must begin an asset preservation program in 2011, and shall fully implement the program within no more than six months;

(d) Buildings accepted by the school board after December 31, 2010, must implement an asset preservation program within six months of facility acceptance.

[Statutory Authority: RCW 28A.525.020. 10-09-008, § 392-347-023, filed 4/8/10, effective 5/9/10; 09-10-023, § 392-347-023, filed 4/28/09, effective 5/29/09; 08-09-024, § 392-347-023, filed 4/8/08, effective 5/9/08; 06-16-031, amended and recodified as § 392-347-023, filed 7/25/06, effective 8/25/06; 01-09-012, § 180-33-023, filed 4/6/01, effective 5/7/01; 91-12-058, § 180-33-023, filed 6/5/91, effective 7/6/91.]

WAC 392-347-025 Space eligible for state funding assistance in modernization. Student space allocations and enrollment projection provisions for state funding assistance.

(1) In planning for modernization in any school facility, under the provisions of WAC 392-347-015 (1)(a) and (b), a school district shall estimate capacity needs on the basis of a cohort survival enrollment as per WAC 392-343-045. Any space above and beyond a school district's estimated capacity needs as calculated on the basis of a five-year cohort survival or adjusted cohort survival enrollment shall not be eligible for state funding assistance in modernization.

(2) The changes to this section shall take effect January 1, 2006: Provided, That those districts having authorized bond issues and/or excess tax levies for their building funds for specific school construction projects as identified in ballot propositions on or before July 1, 2006, may, when requesting the superintendent of public instruction consideration of state funding assistance for such projects, determine, in computing the amount of eligible space for modernization, state funding assistance will be provided on the entire facility of three quarters of the overall square footage of the school districts' facilities is eligible for state funding assistance: Provided further, That the provision shall not be applicable to new construction in lieu of modernization facility projects authorized by this chapter.

[Statutory Authority: RCW 28A.525.020. 10-09-008, § 392-347-025, filed 4/8/10, effective 5/9/10; 06-16-031, amended and recodified as § 392-347-025, filed 7/25/06, effective 8/25/06; 05-19-109, § 180-33-025, filed 9/20/05, effective 10/21/05; 98-09-052, § 180-33-025, filed 4/16/98, effective 5/17/98. Statutory Authority: RCW 28A.525.020 and 1992 c 233 § 28 (8)(e). 94-13-020, § 180-33-025, filed 6/3/94, effective 7/4/94. Statutory Authority: RCW 28A.47.830. 85-24-049 (Order 26-85), § 180-33-025, filed 11/27/85; 83-21-071 (Order 16-83), § 180-33-025, filed 10/17/83. Statutory Authority: RCW 28A.47.073. 81-24-049 (Order 13-81), § 180-33-025, filed 12/1/81.]

WAC 392-347-030 Certification of continued use.

Any school facilities modernized under WAC 392-347-015 must be used for at least five years beyond the completion of modernization. School directors will pass a resolution and submit it to the superintendent of public instruction that the modernized facility will be used for instructional purposes for five years after the completion of the project. If the school facility is not used for instructional purposes during this five-year period, the amount of state funding assistance allocated and spent for the modernization project must be returned to the state school building construction fund. The five-year use requirement and the five year prohibition against additional modernization funding shall be waived in the event that a

facility is rendered permanently unusable before the end of the five-year period by an unforeseen natural event. The definition of "unforeseen natural event" shall be as set forth in RCW 28A.150.290.

[Statutory Authority: RCW 28A.525.020. 10-09-008, § 392-347-030, filed 4/8/10, effective 5/9/10; 06-16-031, amended and recodified as § 392-347-030, filed 7/25/06, effective 8/25/06. Statutory Authority: 1990 c 33. 90-17-009, § 180-33-030, filed 8/6/90, effective 9/6/90. Statutory Authority: RCW 28A.47.830. 85-24-049 (Order 26-85), § 180-33-030, filed 11/27/85; 83-21-071 (Order 16-83), § 180-33-030, filed 10/17/83. Statutory Authority: RCW 28A.47.073. 81-24-049 (Order 13-81), § 180-33-030, filed 12/1/81.]

WAC 392-347-035 Minimum project—Forty percent of replacement costs. (1) State funding assistance in modernization of school facilities shall be limited to projects which may include an entire facility or one or more complete buildings within a facility for which the estimated cost of major structural change is not less than forty percent of the estimated cost of replacement. The estimated cost of major structural change shall not include the estimated capital costs associated with restoring building systems or subsystems due to deterioration as determined in the study and survey to be caused by deferred maintenance. The estimated cost of replacement shall be derived from multiplication of the total square foot area of the facility or facilities proposed for modernization by the construction cost allocation for the fiscal year funded as in WAC 392-343-045 set forth.

(2) The superintendent of public instruction may grant a waiver from subsection (1) of this section in the event of an unanticipated increase in the construction cost allocation that might cause prior approved projects expecting state funding assistance to become disqualified for such assistance.

[Statutory Authority: RCW 28A.525.020. 10-09-008, § 392-347-035, filed 4/8/10, effective 5/9/10; 06-16-031, amended and recodified as § 392-347-035, filed 7/25/06, effective 8/25/06; 05-19-110, § 180-33-035, filed 9/20/05, effective 10/21/05. Statutory Authority: RCW 28A.47.830 and 28A.525.020. 01-19-042, § 180-33-035, filed 9/14/01, effective 10/15/01. Statutory Authority: [RCW 28A.525.020.] 91-12-058, § 180-33-035, filed 6/5/91, effective 7/6/91. Statutory Authority: RCW 28A.47.830. 85-24-049 (Order 26-85), § 180-33-035, filed 11/27/85; 83-21-071 (Order 16-83), § 180-33-035, filed 10/17/83. Statutory Authority: RCW 28A.47.073. 81-24-049 (Order 13-81), § 180-33-035, filed 12/1/81.]

WAC 392-347-040 Maximum costs eligible for state funding assistance—One hundred percent of replacement cost. State funding assistance for modernization projects shall not exceed one hundred percent of the cost of new construction of a comparable school facility based on the prevailing level of state support as defined in chapter 392-343 WAC. Costs exceeding one hundred percent shall be paid with local funds by the district.

[Statutory Authority: RCW 28A.525.020. 10-09-008, § 392-347-040, filed 4/8/10, effective 5/9/10; 06-16-031, amended and recodified as § 392-347-040, filed 7/25/06, effective 8/25/06; 05-19-111, § 180-33-040, filed 9/20/05, effective 10/21/05; 98-19-138, § 180-33-040, filed 9/23/98, effective 10/24/98. Statutory Authority: RCW 28A.47.830. 83-21-071 (Order 16-83), § 180-33-040, filed 10/17/83. Statutory Authority: RCW 28A.47.073. 81-24-049 (Order 13-81), § 180-33-040, filed 12/1/81.]

WAC 392-347-042 Replacement option. A district with space eligible for modernization pursuant to WAC 392-347-015 and 392-347-025 may elect to replace such space through new construction in lieu of modernization. In such case, the district shall apply for a new school facility in accor-

dance with applicable rules and regulations pertaining to new school plant facilities and the local board shall certify that after the new construction is finally completed:

(1) The existing building or space to be replaced will not be used for district instructional purposes; and

(2) The existing building or space will be ineligible for any future state funding assistance.

Further, if the existing building or space is subsequently returned by the district to instructional purposes in whole or in part, the district shall become ineligible for any state funding assistance for a period of ten years from the date that the superintendent of public instruction sends written notice to members of the local board recognizing the return of the building in whole or in part to instructional purposes. Districts exercising this election shall be limited in state funding assistance to the provision of WAC 392-347-040. In the event the district elects to replace a facility and construct a new facility with more space than the facility being replaced, the additional space, in order to be eligible for state funding assistance shall meet the eligibility requirements for new construction or the new construction component requirement of WAC 392-347-015 (1)(c): Provided, That no new construction in lieu of modernization project may qualify for additional state funding assistance pursuant to WAC 392-343-115 unless the facility being replaced would have qualified pursuant to such section for additional state funding assistance as a modernization project.

(3) The superintendent of public instruction may waive the provisions of this section for a period it determines is appropriate to the particular situation. A waiver request must be submitted in writing to the superintendent of public instruction. The superintendent of public instruction shall review the waiver request and approve or deny the request. The waiver request shall include, but not be limited to, the following information:

- (a) Description of the district's planning process;
- (b) Rationale why the need for the waiver request was not anticipated;
- (c) The requested length of time of the waiver;
- (d) The availability of funding for proposed projects;
- (e) List of specific projects and timelines;
- (f) List of the specific student groups that will use the facility;
- (g) Rationale why this is the best use of facilities and public funds;
- (h) Assurance that the facility meets health and safety standards for occupancy.

[Statutory Authority: RCW 28A.525.020. 10-09-008, § 392-347-042, filed 4/8/10, effective 5/9/10; 06-16-031, amended and recodified as § 392-347-042, filed 7/25/06, effective 8/25/06; 01-14-019, § 180-33-042, filed 6/26/01, effective 7/27/01; 98-19-138, § 180-33-042, filed 9/23/98, effective 10/24/98. Statutory Authority: RCW 28A.525.020 and 1993 sp.s. c 22 § 708(5). 93-20-066, § 180-33-042, filed 10/1/93, effective 11/1/93. Statutory Authority: RCW 28A.47.830. 85-09-060 (Order 8-85), § 180-33-042, filed 4/17/85.]

WAC 392-347-045 Architect and engineering services. In the allocation of state funding assistance for an approved modernization project, architectural and engineering services eligible for state funding assistance shall not exceed one and one-half times the architectural and engineering services as in chapter 392-343 WAC set forth.

[Statutory Authority: RCW 28A.525.020, 10-09-008, § 392-347-045, filed 4/8/10, effective 5/9/10; 06-16-031, amended and recodified as § 392-347-045, filed 7/25/06, effective 8/25/06. Statutory Authority: RCW 28A.47-830, 83-21-071 (Order 16-83), § 180-33-045, filed 10/17/83. Statutory Authority: RCW 28A.47.073, 81-24-049 (Order 13-81), § 180-33-045, filed 12/1/81.]

WAC 392-347-050 Study and survey of school district as prerequisite. A survey of facilities proposed for modernization conducted under the direction of the superintendent of public instruction as per chapter 392-341 WAC shall be a prerequisite for consideration of an application for state funding assistance of a modernization project.

[Statutory Authority: RCW 28A.525.020, 10-09-008, § 392-347-050, filed 4/8/10, effective 5/9/10; 06-16-031, amended and recodified as § 392-347-050, filed 7/25/06, effective 8/25/06. Statutory Authority: RCW 28A.47-830, 83-21-071 (Order 16-83), § 180-33-050, filed 10/17/83. Statutory Authority: RCW 28A.47.073, 81-24-049 (Order 13-81), § 180-33-050, filed 12/1/81.]

WAC 392-347-055 Regulations governing. In addition to the regulations hereinbefore in chapter 392-347 WAC prescribed; all regulations governing the basic assistance program prescribed in chapters 392-341, 392-342, 392-343, and 392-344 WAC shall govern administration of state funding assistance in financing modernization of school facilities: Provided, That compliance with those regulations not pertinent to modernization projects as determined by the superintendent of public instruction shall not be required.

[Statutory Authority: RCW 28A.525.020, 10-09-008, § 392-347-055, filed 4/8/10, effective 5/9/10; 06-16-031, amended and recodified as § 392-347-055, filed 7/25/06, effective 8/25/06. Statutory Authority: RCW 28A.47-830, 83-21-071 (Order 16-83), § 180-33-055, filed 10/17/83. Statutory Authority: RCW 28A.47.073, 81-24-049 (Order 13-81), § 180-33-055, filed 12/1/81.]

Chapter 392-501 WAC

ACADEMIC ACHIEVEMENT, ACCOUNTABILITY AND ASSESSMENT

WAC

392-501-707	Authority.
392-501-710	Purpose.
392-501-720	Process and criteria for identifying persistently lowest-achieving schools.
392-501-730	Process and criteria for recommending to the state board of education school districts for required action.
392-501-740	Exit criteria for required action designation.

WAC 392-501-707 Authority. The authority for these rules is RCW 28A.657.020, 28A.657.030, and 28A.657.100, which require the superintendent of public instruction to annually identify persistently lowest-achieving schools, to recommend school districts for designation as required action districts to the state board of education, and to make recommendations to the state board of education regarding the release of school districts from being designated as a required action district.

[Statutory Authority: RCW 28A.657.020, 28A.657.030, and 28A.657.100, 10-24-057, § 392-501-707, filed 11/29/10, effective 12/1/10.]

WAC 392-501-710 Purpose. The purposes of this chapter are to:

(1) Adopt criteria for identifying persistently lowest-achieving schools;

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(2) Establish criteria for recommending to the state board of education school districts for required action; and

(3) Establish exit criteria for districts that receive a required action designation.

[Statutory Authority: RCW 28A.657.020, 28A.657.030, and 28A.657.100, 10-24-057, § 392-501-710, filed 11/29/10, effective 12/1/10.]

WAC 392-501-720 Process and criteria for identifying persistently lowest-achieving schools. By December 1, 2010, and annually thereafter, the superintendent of public instruction shall identify persistently lowest-achieving Title I and Title I eligible schools based on the following criteria:

(1) A Title I school that has been identified as being in improvement, corrective action or restructuring in accordance with the 2001 reauthorization of the federal Elementary and Secondary Education Act that:

(a) Is among the lowest-achieving five percent in the all students group in reading and mathematics combined for the past three consecutive years; or

(b) Is a high school that has a weighted-average graduation rate that is less than sixty percent based on the past three years of data.

(2) A secondary school that is eligible for, but does not receive, Title I funds that:

(a) Is among the lowest-achieving five percent of secondary schools in the all students group in reading and mathematics combined for the past three consecutive years; or

(b) Is a high school that has a weighted-average graduation rate that is less than sixty percent based on the past three years of data.

(3) However, the superintendent of public instruction may exclude specific schools from the list based on a case-by-case analysis. The case-by-case analysis shall consider the percentage of overage and under-credited students, whether including the school on the list would be invalid or unreliable due to the small number of students on whom the identification would be based, and on other reasonable contextual conditions that would make it inappropriate for the school to be included on the list.

[Statutory Authority: RCW 28A.657.020, 28A.657.030, and 28A.657.100, 10-24-057, § 392-501-720, filed 11/29/10, effective 12/1/10.]

WAC 392-501-730 Process and criteria for recommending to the state board of education school districts for required action. By January 15, 2011, and annually thereafter, the superintendent of public instruction shall recommend to the state board of education school districts for designation as required action districts.

(1) The criteria for recommending designation shall be as follows:

(a) The school district has one or more schools on the persistently lowest-achieving list;

(b) For recommendations in January 2011 only, the school district did not apply for a school improvement grant in the 2009-10 school year application period;

(c) Student achievement in the school or schools on the persistently lowest-achieving list within the school district has improved at a rate less than the state average in reading and mathematics in the most recent past three years for which data are available as measured by state assessment scores;

(d) Schools on the persistently lowest-achieving school list within school districts that are identified in (a) through (c) of this subsection shall be ranked in priority order based on:

(i) The lowest levels of achievement in the all students group in reading and mathematics combined for the past three consecutive years; and

(ii) The schools with the lowest rate of improvement in reading and mathematics combined for the past three years.

(e) Using the priority ranking in (d) of this subsection, the superintendent shall recommend school districts that have a school or schools that have the lowest levels of achievement and lowest rates of improvement. The number of school districts that shall be recommended shall be based on the availability of federal funds and the amount of funding needed for each identified school. For the 2011 recommendations, no more than half of the federal fund appropriation for school improvement grants shall be utilized for required action districts. All other federal funds will be allocated consistent with the federal school improvement guidelines competitive process.

(2) Notwithstanding subsection (1) of this section, school districts that applied for and received a school improvement grant in the 2009-10 school year application period shall not be eligible for being designated as a required action district until recommendations are made to the state board of education in January 2014, unless the school district does not implement a federal intervention model at each school that received a grant.

[Statutory Authority: RCW 28A.657.020, 28A.657.030, and 28A.657.100. 10-24-057, § 392-501-730, filed 11/29/10, effective 12/1/10.]

WAC 392-501-740 Exit criteria for required action designation. The superintendent of public instruction shall recommend to the state board of education that a school district be released from being designated as a required action district after the district implements a required action plan for a period of three years if:

(1) The district no longer has a school on the persistently lowest-achieving list; and

(2) The school or schools that were on the persistently lowest-achieving list have a positive improvement trend in reading and mathematics on state assessments in the "all students" category based on the most recent three-year average.

[Statutory Authority: RCW 28A.657.020, 28A.657.030, and 28A.657.100. 10-24-057, § 392-501-740, filed 11/29/10, effective 12/1/10.]

Chapter 392-502 WAC

ON-LINE LEARNING—APPROVAL OF MULTIDISTRICT ON-LINE PROVIDERS

WAC

392-502-011 District responsibility.

WAC 392-502-011 District responsibility. By August 31, 2010, each school district board of directors shall develop policies and procedures regarding student access to on-line courses and on-line learning programs.

(1) The policies and procedures shall include, but not be limited to:

(a) Student eligibility criteria;

(b) The types of on-line courses available to students through the school district;

(c) The methods districts will use to support student success, which may include a local advisor;

(d) When the school district will and will not pay course fees and other costs;

(e) The granting of high school credit; and

(f) A process to make students and parents or guardians aware when a course would not be eligible for credit.

(2) School districts shall submit their policies to the superintendent of public instruction by September 15, 2010.

(3) The policies and procedures shall take effect beginning with the 2010-11 school year.

(4) School districts shall provide students with information regarding on-line courses that are available through the school district. The information shall include the types of information described in subsection (1) of this section.

(5) When developing local or regional on-line learning programs, school districts shall incorporate into the program design the approval criteria developed by the superintendent of public instruction under WAC 392-502-030(1).

[Statutory Authority: 2009 c 542 and chapter 34.05 RCW. 10-07-142, § 392-502-011, filed 3/23/10, effective 4/23/10.]

Chapter 392-600 WAC

WASHINGTON STATE SKILL CENTER RULES

WAC

392-600-010	Definitions.
392-600-020	Skill center interdistrict cooperative agreements.
392-600-030	Administrative councils.
392-600-040	Skill center facilities and capital funding.
392-600-050	Enrollment.
392-600-060	Enrollment apportionment.
392-600-070	Single school district skill centers.
392-600-080	Skill center feasibility study procedures.
392-600-090	Emerging skill centers.
392-600-100	Branch campuses.
392-600-110	Satellite programs.
392-600-120	Dissolution of skill centers.

WAC 392-600-010 Definitions. (1) A "skill center" is a regional career and technical education partnership. It is established to provide access to comprehensive, industry-defined career and technical programs of study that prepare students for careers, employment, apprenticeships and post-secondary education. A skill center is operated by a host school district and governed by an administrative council in accordance with an interdistrict cooperative agreement, or as otherwise provided by legislation.

(2) An "interdistrict cooperative agreement" is a joint resolution by the board of directors of all participating school districts designating the host district as the legal applicant.

(3) The "host district" is a member of the skill center cooperative selected to be responsible for the planning, construction, administration, operation and fiscal services of the skill center. A single district forming a skill center is the host district.

(4) The "administrative council" serves as the governing body of the interdistrict cooperative and makes policy for the operation of the skill center. The administrative council is comprised of the superintendent of each member school district where skill center facilities are sited and the applicable college president participating in the cooperative agreement.

In the case of a single school district forming an autonomous skill center, the school board of directors shall serve as the administrative council.

(5) The "skill center core campus" is the facility housing a majority of the skill center students enrolled. It is operated by the skill center. The cooperative shall manage and maintain the core campus.

(6) A "single school district skill center" is a single school district with an annual headcount enrollment at or exceeding twelve thousand students in grades nine through twelve that offers skill center programs.

(7) An "emerging skill center" is a new core or branch skill center having an approved application still in the development phase, but not yet offering programs.

(8) A "skill center branch campus" is a common school or higher education facility which provides three or more programs at a location other than the skill center core campus. Each branch campus must be approved by the superintendent of public instruction.

(9) A "skill center satellite program" is a facility or site which provides less than three programs at a location other than the skill center core campus. Each satellite program must be approved by the superintendent of public instruction and shall only be hosted by a core campus. If the satellite program is housed in another skill center's service area, approval by both skill center administrative councils is required.

[Statutory Authority: RCW 28A.245.030. 10-04-010, § 392-600-010, filed 1/22/10, effective 2/22/10.]

WAC 392-600-020 Skill center interdistrict cooperative agreements. An interdistrict cooperative agreement, as defined in WAC 392-600-010, shall include and set forth the following:

(1) The administration of the school facility and of the program or services to be offered;

(2) The estimated number of students to be served from each district;

(3) The estimated amount of any operating costs of the program that are not funded from state or federal sources and the method of sharing the unfunded costs;

(4) Financial terms by which each participating district will share in the cost of construction or modernization and operation of school facilities to comply with WAC 392-347-023;

(5) Terms by which the skill center may be dissolved in accordance with the provisions for dissolution of skill centers as outlined in WAC 392-600-120;

(6) Duration of the interdistrict cooperative agreement:

(a) The initial interdistrict cooperative agreement must be a minimum of ten years;

(b) The minimum period of operation prior to dissolution consideration must be in accordance with the provisions for dissolution of skill centers as outlined in WAC 392-600-120;

(c) The renewal or amendments to agreements shall be submitted for approval of the superintendent of public instruction, career and technical education.

(7) Ownership of all capital equipment and skill center facilities;

(8) Distribution of assets and liabilities or the payments to be made to the participating districts;

(9) Relationship and governance structure of branch campuses, if applicable;

(10) Responsibilities for services to be provided by participating school districts directly to the skill center. These shall include, but are not limited to:

(a) Transportation;

(b) Special education;

(c) Other noncore skill center needs of the student.

(11) Programs eligible for consideration and approval by OSPI shall be:

(a) Voluntary student enrollment;

(b) Tuition-free;

(c) Necessary for the express purpose of:

(i) Providing educational programs not otherwise available;

(ii) Avoiding unnecessary duplications of specialized or unusually expensive programs and facilities.

[Statutory Authority: RCW 28A.245.030. 10-04-010, § 392-600-020, filed 1/22/10, effective 2/22/10.]

WAC 392-600-030 Administrative councils. Skill center administrative councils shall:

(1) Establish policies and procedures;

(2) Be responsible for equipment replacement, facility maintenance, and ongoing operation of the skill center, including a branch campus/satellite program, to meet current industry and educational standards;

(3) Offer programs that are approved by the superintendent of public instruction for career and technical education enhancement as defined in WAC 392-121-138, or provide basic support to students enrolled in skill center programs: Programs that are approved by the superintendent of public instruction for vocational enhancement shall provide a minimum of five hundred forty hours of instruction per year;

(4) Skill center programs may be less than the equivalent of three consecutive fifty-minute periods if offered as an extension of the student's one whole full-time equivalent-funded school year;

(5) Submit an application to the superintendent of public instruction, career and technical education, requesting approval to operate a satellite program eligible for skill center funding;

(6) Select an official name to be submitted to the superintendent of public instruction, career and technical education, which will include the phrase "skill center" modified by the specific unique name given locally. The specific name given should be different than the name of any school district participating in the skill center cooperative;

(7) Have three years from the date of approval to establish a financial plan, including the operation and capital funds which will contribute to the ongoing site, facility, equipment, and maintenance and operation of the skill center to be reviewed annually;

(8) Serve the majority of student enrollment at its core campus.

Skill centers that serve or intend to serve less than a majority of students at the core campus must submit a waiver request to the superintendent of public instruction, career and technical education.

[Statutory Authority: RCW 28A.245.030. 10-04-010, § 392-600-030, filed 1/22/10, effective 2/22/10.]

WAC 392-600-040 Skill center facilities and capital funding. (1) A skill center administrative council, as defined in WAC 392-600-010, in need of core or branch facility investments may request state capital funding through the state capital budget process.

(a) Existing skill center core and branch campuses requesting major capital project funding within the ten year capital budget planning cycle shall submit a capital plan to the superintendent of public instruction, school facilities and organization, for their skill center facilities by December 1st of each odd-numbered year.

(b) Emerging skill center core or branch campuses in need of new or remodeled permanent housing as identified in the feasibility study or feasibility study waiver request, may initiate through their administrative council and host district a request to the superintendent of public instruction, school facilities and organization, for a capital plan for predesign, design and subsequently for capital construction by May 1st of each year.

(c) The capital budget plan must identify a local contribution as provided in RCW 28A.245.030(3). The local contribution may be determined based on the total expected value of the project cost to include all phases of construction as proposed in the ten year plan. The local contribution must receive prior approval from the superintendent of public instruction, school facilities and organization, and may include the following:

- (i) Local project funding from cooperating districts;
- (ii) Fair market value of land as determined by a state certified general appraiser;
- (iii) In-kind labor for capital planning, design, construction or capital project management; and
- (iv) Other capital services provided by the cooperating districts.

(d) All capital plan submissions shall conform to the office of financial management's capital budget guidelines. Activities surrounding program development and operational oversight are not allowable capital expenditures.

(2) Minor works. A skill center administrative council may request state funding for core, branch or satellite facility minor works projects through the biennial capital budget.

Project requests shall be received by the superintendent of public instruction, school facilities and organization, by May 1st of each even-numbered year.

(3) All projects must conform to the office of financial management's capital budget guidelines.

(4) Ten year plan. The state superintendent or designee, in cooperation with the skill center directors and a representative of each emerging skill center, shall prepare a prioritized list of skill center capital projects to include major construction and minor works funding levels for the ten year plan required by RCW 28A.245.030(3).

[Statutory Authority: RCW 28A.245.030. 10-04-010, § 392-600-040, filed 1/22/10, effective 2/22/10.]

WAC 392-600-050 Enrollment. A skill center core campus shall submit a plan to the superintendent of public instruction, career and technical education that demonstrates they will meet the following conditions within three years from the date programs begin.

(1) A skill center must serve a minimum of one hundred fifty full-time equivalent students in a minimum of three different programs. A district must partner with an established skill center as a branch campus until the proposed skill center reaches one hundred fifty full-time equivalent students; exemptions include existing skill centers as of the date of formal adoption of skill center rules;

(2) No more than seventy percent of full-time equivalent students served by the skill center consortium may be resident students of the host district, except for single school district skill centers;

(3) The skill center will enter a two year probation period if a skill center is not able to meet enrollment requirements as set forth in this section. During this period, the superintendent of public instruction, career and technical education, will provide guidance and assistance to the skill center to help meet the enrollment requirements. Skill centers unable to meet the enrollment requirements at the end of the two year probation period will begin dissolution procedures as described in WAC 392-600-120;

(4) Skill center academic courses not approved as skill center career and technical education courses shall only report as basic education enrollment;

(5) Exemptions may be granted by OSPI career and technical education for start-up and existing skill centers operating prior to the 2010-11 school year.

[Statutory Authority: RCW 28A.245.030. 10-04-010, § 392-600-050, filed 1/22/10, effective 2/22/10.]

WAC 392-600-060 Enrollment apportionment. (1) A skill center shall only receive the enhanced skill center funding for its programs after the date on which program approval is issued by the superintendent of public instruction, career and technical education.

(2) The core or branch campus district hiring the instructional staff and providing skill center programs to the student shall report the monthly student enrollment to the superintendent of public instruction, school apportionment and financial services, for state funding purposes, unless otherwise provided for by the interlocal agreement.

(3) Satellite programs shall not provide a monthly count of students directly to the superintendent of public instruction, for apportionment purposes and shall not be direct funded.

(4) Exemptions may be granted by the superintendent of public instruction, career and technical education, for start-up and existing skill centers operating prior to the 2010-11 school year.

[Statutory Authority: RCW 28A.245.030. 10-04-010, § 392-600-060, filed 1/22/10, effective 2/22/10.]

WAC 392-600-070 Single school district skill centers. (1) A single school district's board of directors shall be the skill center administrative council and shall operate in accordance with WAC 392-600-030.

(2) It shall have an advisory committee comprised of the district superintendent and representatives from business/industry reflective of the proposed programs.

[Statutory Authority: RCW 28A.245.030. 10-04-010, § 392-600-070, filed 1/22/10, effective 2/22/10.]

WAC 392-600-080 Skill center feasibility study procedures. (1) Two or more school districts, through a joint resolution designating a lead district, may request funding to conduct a feasibility study for a skill center core or branch campus to the superintendent of public instruction, school facilities and organization. The lead district will be the primary contact for the superintendent of public instruction, and will be responsible for disseminating information to member districts.

(2) In the case of branch campuses, the existing skill center host district and administrative council shall be the applicant or co-applicant.

(3) In addition:

(a) Feasibility study funding requests received before May 1st of each year will be submitted in OSPI's capital budget request.

(b) Two or more school districts, through a joint resolution, may request a waiver to the feasibility study requirement by demonstrating an existing skill center cooperative relationship and addressing the required elements of a feasibility study set forth by the superintendent of public instruction, school facilities and organization. Waivers may be granted by the state superintendent of public instruction.

(c) After legislative approval to fund the feasibility study, the superintendent of public instruction, school facilities and organization, shall issue a grant notification letter to the lead district for the appropriated funding to complete the feasibility study. The grant notification letter shall include the required elements of the study.

(d) The lead district shall return a completed feasibility study to the superintendent of public instruction, school facilities and organization, within one year from the grant notification letter.

(e) Participating school districts wanting to proceed with the creation of a skill center shall submit a written application to the superintendent of public instruction, school facilities and organization which shall include, but not be limited to, the interdistrict cooperative agreement requirements as prescribed in WAC 392-600-020. The application for the interdistrict cooperative shall be received within two school years of submitting the feasibility study.

(f) The superintendent of public instruction shall have final approval of the interdistrict cooperative agreement and the designation for the interdistrict cooperative to become an emerging skill center. The lead district shall receive a letter from the superintendent of public instruction regarding the outcome of the superintendent of public instruction review.

[Statutory Authority: RCW 28A.245.030. 10-04-010, § 392-600-080, filed 1/22/10, effective 2/22/10.]

WAC 392-600-090 Emerging skill centers. Emerging skill centers, as defined in WAC 392-600-010, shall:

(1) Develop policies and procedures to ensure cooperation and avoid unnecessary duplication of programs within the skill center member districts.

(2) Follow the superintendent of public instruction, career and technical education, course approval application process.

(3) All career and technical education course offerings provided by the skill center must be submitted for approval by the skill center and not by the participating districts.

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(4) Apply for a school entity code through the superintendent of public instruction, information technology.

All existing skill centers must meet the rules herein set forth by June 30, 2014.

[Statutory Authority: RCW 28A.245.030. 10-04-010, § 392-600-090, filed 1/22/10, effective 2/22/10.]

WAC 392-600-100 Branch campuses. (1) The superintendent or designee from the branch campus shall serve on the core campus host district council.

(2) The branch campus shall:

(a) Receive interdistrict cooperative approval from the superintendent of public instruction as described in WAC 392-600-020;

(b) Have programs reviewed and approved by the core campus host district before submitting to the superintendent of public instruction, career and technical education.

(3) A skill center branch campus may submit a request to the superintendent of public instruction, career and technical education, to be considered as a skill center core campus if it meets the following standards:

(a) Develops interdistrict agreements that meet the standards in WAC 392-600-020;

(b) Meets or has a plan to meet the enrollment requirements in WAC 392-600-050;

(c) Provides a minimum of three approved instructional programs;

(d) Receives a written release from the core campus.

(4) A branch campus may not establish a branch campus or a satellite program.

[Statutory Authority: RCW 28A.245.030. 10-04-010, § 392-600-100, filed 1/22/10, effective 2/22/10.]

WAC 392-600-110 Satellite programs. (1) Existing core skill centers may request approval through the superintendent of public instruction, career and technical education, for satellite programs. If a satellite program is located at a comprehensive high school, written approval from district career and technical education director and superintendent is required.

(2) A satellite program shall not report the monthly student enrollment directly to the superintendent of public instruction, apportionment financial services. State apportionment funding shall be paid only through the core campus host district.

(3) Program approvals will be submitted to the superintendent of public instruction, career and technical education, through the core campus.

(4) Interlocal agreements shall be developed as necessary with:

(a) School districts;

(b) Private or other entities.

[Statutory Authority: RCW 28A.245.030. 10-04-010, § 392-600-110, filed 1/22/10, effective 2/22/10.]

WAC 392-600-120 Dissolution of skill centers. (1) A skill center administrative council, as defined in WAC 392-600-010, seeking to dissolve the operation of a skill center campus shall request prior approval from the superintendent

of public instruction before dissolution and shall conform to the following:

(a) Skill centers receiving state funding for construction or major modernization shall not initiate procedures for the dissolution of the operation of a skill center prior to the end of the useful life of the facility or thirty years after the state funded facility's construction completion date, whichever is less.

(b) Any skill center facilities which were constructed, or have received major modernization, with state funding shall revert to the school district in which the facility is physically located and shall be counted as instructional space in the district's inventory.

(c) Request for dissolution outside the terms of the inter-district cooperative agreement may be approved when, in the judgment of the superintendent of public instruction, there is substantiation of sufficient cause.

(2) Skill centers unable to meet enrollment requirements during the probationary period as described in WAC 392-600-060 shall enter into the skill center dissolution process. Within thirty days after conclusion of the probationary period the skill center administrative council shall submit in writing, for approval by the superintendent of public instruction, one of the following dissolution options:

(a) Partner with an existing skill center to become a branch campus or satellite program. The proposed core campus skill center administrative council must submit a resolution proposal for the new branch campus or satellite program.

(b) Remove skill center status and no longer qualify for enhanced skill center funding as described in WAC 392 121-465.

(c) Proceed with dissolution as outlined in the skill center interdistrict cooperative agreement.

[Statutory Authority: RCW 28A.245.030. 10-04-010, § 392-600-120, filed 1/22/10, effective 2/22/10.]