

# Chapter 392-126 WAC

## FINANCE

**WAC**

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392-126-105, filed 8/13/84.] Repealed by WSR 89-17-069 (Order 89-10), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.

Definition—Prior school year. [Statutory Authority: RCW 28A.58.095. WSR 84-17-053 (Order 84-32), § 392-126-110, filed 8/13/84.] Repealed by WSR 89-17-069 (Order 89-10), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.

Definition—Compensation. [Statutory Authority: RCW 28A.58.095. WSR 84-17-053 (Order 84-32), § 392-126-115, filed 8/13/84.] Repealed by WSR 89-17-069 (Order 89-10), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.

Definition—LEAP document for basic education staff salary allocations. [Statutory Authority: RCW 28A.58.095. WSR 86-21-091 (Order 86-16), § 392-126-120, filed 10/17/86; WSR 86-01-023 (Order 85-18), § 392-126-120, filed 12/9/85; WSR 84-17-053 (Order 84-32), § 392-126-120, filed 8/13/84.] Repealed by WSR 89-17-069 (Order 89-10), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.

Definition—Reduction in force (RIF). [Statutory Authority: RCW 28A.58.095. WSR 84-17-053 (Order 84-32), § 392-126-125, filed 8/13/84.] Repealed by WSR 89-17-069 (Order 89-10), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.

Definition—New position. [Statutory Authority: RCW 28A.58.095. WSR 84-17-053 (Order 84-32), § 392-126-130, filed 8/13/84.] Repealed by WSR 89-17-069 (Order 89-10), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.

Definition—Report 1191. [Statutory Authority: RCW 28A.58.095. WSR 84-17-053 (Order 84-32), § 392-126-135, filed 8/13/84.] Repealed by WSR 89-17-069 (Order 89-10), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.

Definition—Certificated employee. [Statutory Authority: RCW 28A.58.095. WSR 84-17-053 (Order 84-32), § 392-126-200, filed 8/13/84.] Repealed by WSR 89-17-069 (Order 89-10), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.

Definition—Full-time equivalent certificated employee. [Statutory Authority: RCW 28A.58.095. WSR 84-17-053 (Order 84-32), § 392-126-205, filed 8/13/84.] Repealed by WSR 89-17-069 (Order 89-10), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.

Definition—Form S-275. [Statutory Authority: RCW 28A.58.095. WSR 84-17-053 (Order 84-32), § 392-126-210, filed 8/13/84.] Repealed by WSR 89-17-069 (Order 89-10), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.

Definition—Report S-727. [Statutory Authority: RCW 28A.58.095. WSR 84-17-053 (Order 84-32), § 392-126-215, filed 8/13/84.] Repealed by WSR 89-17-069 (Order 89-10), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.

Definition—Basic education certificated staff. [Statutory Authority: RCW 28A.58.095. WSR 84-17-053 (Order 84-32), § 392-126-220, filed 8/13/84.] Repealed by WSR 89-17-069 (Order 89-10), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.

Definition—Certificated staff salaries. [Statutory Authority: RCW 28A.58.095. WSR 86-21-091 (Order 86-16), § 392-126-225, filed 10/17/86; WSR 84-17-053 (Order 84-32), § 392-126-225, filed 8/13/84.] Repealed by WSR 89-17-069 (Order 89-10), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.

Definition—Current school year certificated staff highest annual salaries. [Statutory Authority: RCW 28A.58-095. WSR 86-21-091 (Order 86-16), § 392-126-230, filed 10/17/86; WSR 84-17-053 (Order 84-32), § 392-126-230, filed 8/13/84.] Repealed by WSR 89-17-069



	WSR 84-17-053 (Order 84-32), § 392-126-365, filed 8/13/84.] Repealed by WSR 89-17-069 (Order 89-10), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.		[Statutory Authority: RCW 28A.58.095. WSR 84-17-053 (Order 84-32), § 392-126-615, filed 8/13/84.] Repealed by WSR 89-17-069 (Order 89-10), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.
392-126-370	Definition—Form 1045. [Statutory Authority: RCW 28A.58.095. WSR 84-17-053 (Order 84-32), § 392-126-370, filed 8/13/84.] Repealed by WSR 89-17-069 (Order 89-10), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.	392-126-620	Salary-compensation lid compliance—Reporting cycle—Determination of violation after review—Certificated staff. [Statutory Authority: RCW 28A.58.095. WSR 86-01-023 (Order 85-18), § 392-126-620, filed 12/9/85; WSR 84-17-053 (Order 84-32), § 392-126-620, filed 8/13/84.] Repealed by WSR 89-17-069 (Order 89-10), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.
392-126-375	Definition—Form 1046. [Statutory Authority: RCW 28A.58.095. WSR 84-17-053 (Order 84-32), § 392-126-375, filed 8/13/84.] Repealed by WSR 89-17-069 (Order 89-10), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.	392-126-625	Salary-compensation lid compliance—Reporting cycle—District subsequent changes of certificated personnel data. [Statutory Authority: RCW 28A.58.095. WSR 84-17-053 (Order 84-32), § 392-126-625, filed 8/13/84.] Repealed by WSR 89-17-069 (Order 89-10), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.
392-126-380	Definition—Form 1047. [Statutory Authority: RCW 28A.58.095. WSR 84-17-053 (Order 84-32), § 392-126-380, filed 8/13/84.] Repealed by WSR 89-17-069 (Order 89-10), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.	392-126-630	Salary-compensation lid compliance—Withholding of basic education allocation—Certificated staff. [Statutory Authority: RCW 28A.58.095. WSR 84-17-053 (Order 84-32), § 392-126-630, filed 8/13/84.] Repealed by WSR 89-17-069 (Order 89-10), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.
392-126-385	Definition—Form 1048. [Statutory Authority: RCW 28A.58.095. WSR 86-21-091 (Order 86-16), § 392-126-385, filed 10/17/86; WSR 86-01-023 (Order 85-18), § 392-126-385, filed 12/9/85; WSR 84-17-053 (Order 84-32), § 392-126-385, filed 8/13/84.] Repealed by WSR 89-17-069 (Order 89-10), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.	392-126-630	Salary-compensation lid compliance—Withholding of basic education allocation—Certificated staff. [Statutory Authority: RCW 28A.58.095. WSR 84-17-053 (Order 84-32), § 392-126-630, filed 8/13/84.] Repealed by WSR 89-17-069 (Order 89-10), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.
392-126-390	Definition—Form 1049. [Statutory Authority: RCW 28A.58.095. WSR 86-21-091 (Order 86-16), § 392-126-390, filed 10/17/86.] Repealed by WSR 89-17-069 (Order 89-10), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.	392-126-700	Salary-compensation lid compliance—Compliance of average classified salaries. [Statutory Authority: RCW 28A.58.095. WSR 86-21-091 (Order 86-16), § 392-126-700, filed 10/17/86; WSR 86-01-023 (Order 85-18), § 392-126-700, filed 12/9/85; WSR 84-17-053 (Order 84-32), § 392-126-700, filed 8/13/84.] Repealed by WSR 89-17-069 (Order 89-10), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.
392-126-391	Definition—Prior school year classified staff highest annual salaries. [Statutory Authority: RCW 28A.58.095. WSR 86-21-091 (Order 86-16), § 392-126-391, filed 10/17/86.] Repealed by WSR 89-17-069 (Order 89-10), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.	392-126-705	Salary-compensation lid compliance—Compliance of classified insurance benefits. [Statutory Authority: RCW 28A.58.095. WSR 86-01-023 (Order 85-18), § 392-126-705, filed 12/9/85; WSR 84-17-053 (Order 84-32), § 392-126-705, filed 8/13/84.] Repealed by WSR 89-17-069 (Order 89-10), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.
392-126-392	Definition—Prior school year district classified derived base salary. [Statutory Authority: RCW 28A.58.095. WSR 86-21-091 (Order 86-16), § 392-126-392, filed 10/17/86.] Repealed by WSR 89-17-069 (Order 89-10), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.	392-126-710	Salary-compensation lid compliance—No increases constitute compliance—Classified staff. [Statutory Authority: RCW 28A.58.095. WSR 86-01-023 (Order 85-18), § 392-126-710, filed 12/9/85; WSR 84-17-053 (Order 84-32), § 392-126-710, filed 8/13/84.] Repealed by WSR 89-17-069 (Order 89-10), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.
392-126-500	Salary-compensation lid compliance—Compliance of average certificated salaries. [Statutory Authority: RCW 28A.58.095. WSR 84-17-053 (Order 84-32), § 392-126-500, filed 8/13/84.] Repealed by WSR 89-17-069 (Order 89-10), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.	392-126-800	Salary-compensation lid compliance—Reporting cycle—Classified staff. [Statutory Authority: RCW 28A.58.095. WSR 86-21-091 (Order 86-16), § 392-126-800, filed 10/17/86; WSR 84-17-053 (Order 84-32), § 392-126-800, filed 8/13/84.] Repealed by WSR 89-17-069 (Order 89-10), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.
392-126-505	Salary-compensation lid compliance—Compliance of certificated insurance benefits. [Statutory Authority: RCW 28A.58.095. WSR 86-01-023 (Order 85-18), § 392-126-505, filed 12/9/85; WSR 84-17-053 (Order 84-32), § 392-126-505, filed 8/13/84.] Repealed by WSR 89-17-069 (Order 89-10), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.	392-126-805	Salary-compensation lid compliance—Reporting cycle—District initial edit of classified personnel data. [Statutory Authority: RCW 28A.58.095. WSR 84-17-053 (Order 84-32), § 392-126-805, filed 8/13/84.] Repealed by WSR 89-17-069 (Order 89-10), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.
392-126-510	Salary-compensation lid compliance—No increases constitute compliance—Certificated staff. [Statutory Authority: RCW 28A.58.095. WSR 84-17-053 (Order 84-32), § 392-126-510, filed 8/13/84.] Repealed by WSR 89-17-069 (Order 89-10), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.	392-126-810	Salary-compensation lid compliance—Reporting cycle—Data analysis and determination of need for additional information—Classified staff. [Statutory Authority: RCW 28A.58.095. WSR 84-17-053 (Order 84-32), § 392-126-810, filed 8/13/84.] Repealed by WSR 89-17-069 (Order 89-10), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.
392-126-600	Salary-compensation lid compliance—Reporting cycle—Certificated staff. [Statutory Authority: RCW 28A.58.095. WSR 84-17-053 (Order 84-32), § 392-126-600, filed 8/13/84.] Repealed by WSR 89-17-069 (Order 89-10), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.	392-126-815	Salary-compensation lid compliance—Reporting cycle—Review of additional information—Classified staff. [Statutory Authority: RCW 28A.58.095. WSR 86-21-091 (Order 86-16), § 392-126-815, filed 10/17/86; WSR 84-17-053 (Order 84-32), § 392-126-815, filed 8/13/84.] Repealed by WSR 89-17-069 (Order 89-10), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.
392-126-605	Salary-compensation lid compliance—Reporting cycle—District initial edit of certificated personnel data. [Statutory Authority: RCW 28A.58.095. WSR 84-17-053 (Order 84-32), § 392-126-605, filed 8/13/84.] Repealed by WSR 89-17-069 (Order 89-10), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.	392-126-820	Salary-compensation lid compliance—Reporting cycle—Determination of violation after review—Classified staff. [Statutory Authority: RCW 28A.58.095. WSR 86-01-023 (Order 85-18), § 392-126-820, filed 12/9/85; WSR 84-17-053 (Order 84-32), § 392-126-820, filed 8/13/84.] Repealed by WSR 89-17-069 (Order 89-10), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.
392-126-610	Salary-compensation lid compliance—Reporting cycle—Data analysis and determination of need for additional information—Certificated staff. [Statutory Authority: RCW 28A.58.095. WSR 84-17-053 (Order 84-32), § 392-126-610, filed 8/13/84.] Repealed by WSR 89-17-069 (Order 89-10), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.		
392-126-615	Salary-compensation lid compliance—Reporting cycle—Review of additional information—Certificated staff.		

- 392-126-825 Salary-compensation lid compliance—Reporting cycle—District subsequent changes of classified personnel data. [Statutory Authority: RCW 28A.58.095. WSR 84-17-053 (Order 84-32), § 392-126-825, filed 8/13/84.] Repealed by WSR 89-17-069 (Order 89-10), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.
- 392-126-830 Salary-compensation lid compliance—Withholding of basic education allocation—Classified staff. [Statutory Authority: RCW 28A.58.095. WSR 84-17-053 (Order 84-32), § 392-126-830, filed 8/13/84.] Repealed by WSR 89-17-069 (Order 89-10), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.

## FINANCE—SHARED LEAVE

**WAC 392-126-004 Authority.** The authority for this chapter is RCW 28A.400.380 which authorizes the superintendent of public instruction to adopt rules and regulations promulgating standards governing the administration of the shared leave program which permits sharing of annual and sick leave by school district and educational service district employees and sharing of personal holiday by educational service district employees.

[Statutory Authority: RCW 28A.400.380 and 41.04.650 through 41.04.665. WSR 98-24-043 (Order 98-11), § 392-126-004, filed 11/24/98, effective 12/25/98. Statutory Authority: RCW 28A.58.095. WSR 90-17-110 (Order 25), § 392-126-004, filed 8/21/90, effective 9/21/90.]

**WAC 392-126-006 Purpose.** The purpose of this chapter is to set forth policies and procedures for the operation of a permissive shared leave program in school districts and educational service districts which permits employees to donate annual leave, sick leave, or personal holiday to a fellow employee who is suffering from or has a relative or household member suffering from an extraordinary or severe illness, injury, impairment, or physical or mental condition, or who has been called to service in the uniformed services, which has caused or is likely to cause the employee to take leave without pay or terminate his or her employment.

[Statutory Authority: Chapter 28A.150 RCW. WSR 05-17-176, § 392-126-006, filed 8/23/05, effective 9/23/05. Statutory Authority: RCW 28A.400.380 and 41.04.650 through 41.04.665. WSR 98-24-043 (Order 98-11), § 392-126-006, filed 11/24/98, effective 12/25/98. Statutory Authority: RCW 28A.58.095. WSR 90-17-110 (Order 25), § 392-126-006, filed 8/21/90, effective 9/21/90.]

**WAC 392-126-009 Definition—Program.** "Program" means the leave sharing program established in RCW 41.04.660.

[Statutory Authority: Chapter 28A.150 RCW. WSR 05-17-176, § 392-126-009, filed 8/23/05, effective 9/23/05.]

**WAC 392-126-015 Definition—Annual leave.** As used in this chapter, "annual leave" means vacation leave that an employee accrues and is maintained in records of a district for employees eligible to accrue vacation leave.

[Statutory Authority: RCW 28A.58.095. WSR 90-17-110 (Order 25), § 392-126-015, filed 8/21/90, effective 9/21/90.]

**WAC 392-126-020 Definition—Sick leave.** As used in this chapter, "sick leave" means leave granted to an employee for the purpose of absence from work with pay in the event of illness, injury, and emergencies as authorized in RCW 28A.400.300 (2)(c).

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[Statutory Authority: RCW 28A.58.095. WSR 90-17-110 (Order 25), § 392-126-020, filed 8/21/90, effective 9/21/90.]

**WAC 392-126-022 Definition—Personal holiday.** As used in this chapter, "personal holiday" means the additional paid holiday per calendar year granted to an educational service district employee pursuant to RCW 1.16.050.

[Statutory Authority: RCW 28A.400.380 and 41.04.650 through 41.04.665. WSR 98-24-043 (Order 98-11), § 392-126-022, filed 11/24/98, effective 12/25/98.]

**WAC 392-126-025 Definition—Employee.** As used in this chapter, "employee" means any school district or educational service district employee entitled to use and accrue annual and/or sick leave.

[Statutory Authority: RCW 28A.58.095. WSR 90-17-110 (Order 25), § 392-126-025, filed 8/21/90, effective 9/21/90.]

**WAC 392-126-026 Definition—Service in the uniformed services.** "Service in the uniformed services" means the performance of duty on a voluntary or involuntary basis in a uniformed service under competent authority and includes active duty, active duty for training, initial active duty for training, inactive duty training, full-time National Guard duty including state-ordered active duty, and a period for which a person is absent from a position of employment for the purpose of an examination to determine the fitness of the person to perform any such duty.

[Statutory Authority: Chapter 28A.150 RCW. WSR 05-17-176, § 392-126-026, filed 8/23/05, effective 9/23/05.]

**WAC 392-126-027 Definition—Uniformed services.** "Uniformed services" means the armed forces, the Army National Guard, and the Air National Guard of any state, territory, commonwealth, possession, or district when engaged in active duty for training, inactive duty training, full-time National Guard duty, or state active duty, the commissioned corps of the Public Health Service, the Coast Guard, and any other category of persons designated by the president of the United States in time of war or national emergency.

[Statutory Authority: Chapter 28A.150 RCW. WSR 05-17-176, § 392-126-027, filed 8/23/05, effective 9/23/05.]

**WAC 392-126-030 Definition—District.** As used in this chapter, "district" means a school district or an educational service district.

[Statutory Authority: RCW 28A.58.095. WSR 90-17-110 (Order 25), § 392-126-030, filed 8/21/90, effective 9/21/90.]

**WAC 392-126-032 Definition—Agency.** As used in this chapter, "agency" means departments, offices, agencies, or institutions of state government, the legislature, and institutions of higher education.

[Statutory Authority: RCW 28A.400.280. WSR 11-10-014, § 392-126-032, filed 4/25/11, effective 5/26/11.]

**WAC 392-126-035 Definition—Leave recipient.** As used in this chapter, "leave recipient" means a current employee who has an approved application to receive shared leave.

[Statutory Authority: RCW 28A.58.095. WSR 90-17-110 (Order 25), § 392-126-035, filed 8/21/90, effective 9/21/90.]

**WAC 392-126-040 Definition—Leave donor.** As used in this chapter, "leave donor" means an employee who has an approved written request for the transfer of annual leave, sick leave, or personal holiday to the shared leave program.

[Statutory Authority: RCW 28A.400.380 and 41.04.650 through 41.04.665. WSR 98-24-043 (Order 98-11), § 392-126-040, filed 11/24/98, effective 12/25/98. Statutory Authority: RCW 28A.58.095. WSR 90-17-110 (Order 25), § 392-126-040, filed 8/21/90, effective 9/21/90.]

**WAC 392-126-045 Definition—Donated annual leave.** As used in this chapter, "donated annual leave" means the amount of annual leave donated by a leave donor under the shared leave program.

[Statutory Authority: RCW 28A.58.095. WSR 90-17-110 (Order 25), § 392-126-045, filed 8/21/90, effective 9/21/90.]

**WAC 392-126-050 Definition—Donated sick leave.** As used in this chapter, "donated sick leave" means the amount of sick leave donated by a leave donor under the shared leave program.

[Statutory Authority: RCW 28A.58.095. WSR 90-17-110 (Order 25), § 392-126-050, filed 8/21/90, effective 9/21/90.]

**WAC 392-126-053 Definition—Donated personal holiday.** As used in this chapter, "donated personal holiday" means the amount of personal holiday donated by a leave donor under the shared leave program of an educational service district pursuant to RCW 1.16.050.

[Statutory Authority: RCW 28A.400.380 and 41.04.650 through 41.04.665. WSR 98-24-043 (Order 98-11), § 392-126-053, filed 11/24/98, effective 12/25/98.]

**WAC 392-126-055 Definition—Employee's relative.** As used in this chapter, "employee's relative" means the leave recipient's spouse, child, stepchild, grandchild, grandparent, parent, sibling, or other close relative by blood or marriage.

[Statutory Authority: RCW 28A.58.095. WSR 90-17-110 (Order 25), § 392-126-055, filed 8/21/90, effective 9/21/90.]

**WAC 392-126-060 Definitions—Household members.** As used in this chapter, "household members" means those persons who reside in the same home as a family unit. This term shall include foster children and legal wards even if they do not live in the household. The term does not include persons sharing the same general house when the living style is primarily that of a dormitory or commune.

[Statutory Authority: RCW 28A.58.095. WSR 90-17-110 (Order 25), § 392-126-060, filed 8/21/90, effective 9/21/90.]

**WAC 392-126-065 Definition—Extraordinary or severe.** As used in this chapter, "extraordinary or severe" means serious or extreme and/or life threatening.

[Statutory Authority: RCW 28A.58.095. WSR 90-17-110 (Order 25), § 392-126-065, filed 8/21/90, effective 9/21/90.]

**WAC 392-126-070 Permissibility of shared leave program.** Pursuant to RCW 28A.400.380 districts may insti-

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tute a shared leave program for employees. This chapter shall govern such programs.

[Statutory Authority: RCW 28A.58.095. WSR 90-17-110 (Order 25), § 392-126-070, filed 8/21/90, effective 9/21/90.]

**WAC 392-126-075 Eligibility.** In the event a district implements a shared leave program, an employee shall be eligible to receive shared leave under the following conditions:

(1) The employee's job is one in which annual leave, sick leave, or personal holiday can be used and accrued.

(2) The employee is not eligible for time loss compensation under chapter 51.32 RCW.

(3) The employee has abided by district policies regarding the use of sick leave.

(4) The employee has exhausted, or will exhaust, his or her annual leave, sick leave and personal holiday.

(5) The condition has caused, or is likely to cause, the employee to go on leave without pay or terminate district employment.

(6) Districts shall have the option of allowing their employees to share leave with:

(a) Employees of the same employing district, as outlined in WAC 392-126-099; or

(b) Employees of other districts or agencies, as outlined in WAC 392-126-101.

[Statutory Authority: RCW 28A.400.280. WSR 11-10-014, § 392-126-075, filed 4/25/11, effective 5/26/11. Statutory Authority: RCW 28A.400.380 and 41.04.650 through 41.04.665. WSR 98-24-043 (Order 98-11), § 392-126-075, filed 11/24/98, effective 12/25/98. Statutory Authority: RCW 28A.58.095. WSR 90-17-110 (Order 25), § 392-126-075, filed 8/21/90, effective 9/21/90.]

**WAC 392-126-080 Donation of annual leave.** An employee may donate annual leave to specific individuals or pool using the following criteria:

(1) The employee may donate any amount of accrued annual leave provided the donation does not cause the employee's annual leave balance to fall below ten days. For the purpose of this section, annual leave does not accrue if the employee receives compensation in lieu of accumulating a balance of annual leave.

(2) Employees may not donate excess annual leave that the donor would not be able to take because of an approaching date after which the annual leave cannot be used.

(3) All donated annual leave must be given voluntarily. No employee shall be coerced, threatened, intimidated, or financially induced into donating annual leave.

[Statutory Authority: RCW 28A.400.380 and 41.04.650 through 41.04.665. WSR 98-24-043 (Order 98-11), § 392-126-080, filed 11/24/98, effective 12/25/98. Statutory Authority: RCW 28A.58.095. WSR 90-17-110 (Order 25), § 392-126-080, filed 8/21/90, effective 9/21/90.]

**WAC 392-126-085 Donation of sick leave.** An employee may donate sick leave to specific individuals or pool using the following criteria:

(1) The employee must have accrued more than twenty-two days of sick leave.

(2) Employees may not donate an amount of sick leave that will result in his or her sick leave account going below twenty-two days.

(3) All donated sick leave must be given voluntarily. No employee shall be coerced, threatened, intimidated, or financially induced into donating sick leave.

[Statutory Authority: Chapter 28A.150 RCW. WSR 05-17-176, § 392-126-085, filed 8/23/05, effective 9/23/05. Statutory Authority: RCW 28A.400.-380 and 41.04.650 through 41.04.665. WSR 98-24-043 (Order 98-11), § 392-126-085, filed 11/24/98, effective 12/25/98. Statutory Authority: RCW 28A.58.095. WSR 90-17-110 (Order 25), § 392-126-085, filed 8/21/90, effective 9/21/90.]

**WAC 392-126-087 Donation of personal holiday.** An educational service district employee may donate part or all of his or her personal holiday to specific individuals or pool.

[Statutory Authority: RCW 28A.400.380 and 41.04.650 through 41.04.665. WSR 98-24-043 (Order 98-11), § 392-126-087, filed 11/24/98, effective 12/25/98.]

**WAC 392-126-090 Maximum amount.** The district shall determine the amount of shared leave a recipient may receive and may only authorize an employee to use up to a maximum of five hundred twenty-two days of shared leave during total district employment. All forms of paid leave available for use by the recipient must be used prior to using shared leave.

[Statutory Authority: RCW 28A.400.280. WSR 11-10-014, § 392-126-090, filed 4/25/11, effective 5/26/11. Statutory Authority: RCW 28A.400.380 and 41.04.650 through 41.04.665. WSR 98-24-043 (Order 98-11), § 392-126-090, filed 11/24/98, effective 12/25/98. Statutory Authority: RCW 28A.58.095. WSR 90-17-110 (Order 25), § 392-126-090, filed 8/21/90, effective 9/21/90.]

**WAC 392-126-092 Repayment of shared leave used.** An employee who uses leave that is transferred to him or her may not be required to repay the value of the leave that he or she used.

[Statutory Authority: RCW 28A.400.380 and 41.04.650 through 41.04.665. WSR 98-24-043 (Order 98-11), § 392-126-092, filed 11/24/98, effective 12/25/98.]

**WAC 392-126-095 Documentation.** The district shall require the employee or his or her legal representative, to submit, prior to approval or disapproval, documentation from a licensed physician or other authorized health care practitioner verifying the severe or extraordinary nature and expected duration of the condition, or orders verifying the employee has been called to service in the uniformed services.

[Statutory Authority: Chapter 28A.150 RCW. WSR 05-17-176, § 392-126-095, filed 8/23/05, effective 9/23/05. Statutory Authority: RCW 28A.58.095. WSR 90-17-110 (Order 25), § 392-126-095, filed 8/21/90, effective 9/21/90.]

**WAC 392-126-099 Calculation of shared leave benefit—Proration.** Shared leave between employees of the same district shall be calculated as follows:

(1) The leave recipient shall be paid his or her regular rate of pay; therefore, one hour of shared leave may cover more or less than one hour of the recipient's salary. The dollar value of the leave shall be converted from the donor to the recipient. The leave received shall be coded as shared leave and shall be maintained separately from all other leave balances.

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(2) In the alternative the dollar value of the leave donated shall be ignored and the leave shall be calculated on a day donated and day received basis.

(3) Regardless of which basis is used to calculate and account for shared leave, in the event the district determines that unused shared leave should be returned to leave donors, the district shall develop a plan for prorated return of both annual and sick leave.

[Statutory Authority: RCW 28A.400.280. WSR 11-10-014, § 392-126-099, filed 4/25/11, effective 5/26/11. Statutory Authority: RCW 28A.58.095. WSR 90-17-110 (Order 25), § 392-126-099, filed 8/21/90, effective 9/21/90.]

**WAC 392-126-101 Shared leave benefits—Transfers between districts—Calculations of donated leave amounts.** (1) Districts shall have the option, as a matter of board policy, of allowing their employees to share leave with employees of other districts or agencies, or to receive leave from employees of other districts or agencies.

(2) The leave recipient shall be paid his or her regular rate of pay; therefore, one hour of shared leave may cover more or less than one hour of the recipient's salary.

(3) Leave shared between districts and/or agencies shall be calculated in a format designated by the office of superintendent of public instruction. Donated shared leave shall be converted into the dollar equivalent. Received shared leave shall be converted from the dollar amount received into days to be paid. Shared leave shall be transferred between districts and/or agencies based on the dollar equivalent computed under this section.

(4) Leave received shall be coded as shared leave and shall be maintained separately from all other leave balances.

(5) In the event the district determines that unused shared leave should be returned to leave donors, the district shall develop a plan for prorated return of any unused leave.

[Statutory Authority: RCW 28A.400.280. WSR 11-10-014, § 392-126-101, filed 4/25/11, effective 5/26/11.]

**WAC 392-126-104 Annual conversion of accumulated sick leave.** The provisions of this chapter shall not reduce the ability of the employee to convert accumulated sick leave under WAC 392-136-015.

[Statutory Authority: RCW 28A.58.095. WSR 90-17-110 (Order 25), § 392-126-104, filed 8/21/90, effective 9/21/90.]

## FINANCE—PARTNERSHIPS AMONG SMALL SCHOOL DISTRICTS

**WAC 392-126-400 Authority.** The authority for this chapter is RCW 28A.340.060(1) which authorizes the superintendent of public instruction to adopt rules and regulations as are necessary to implement the cooperative partnerships among small school districts program.

[Statutory Authority: 1990 c 33. WSR 90-16-002 (Order 18), § 392-126-400, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.100.090(1). WSR 90-01-140 (Order 23), § 392-126-400, filed 12/20/89, effective 1/20/90.]

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**WAC 392-126-405 Purpose.** The purpose of this chapter is to set forth the policies and procedures to implement the cooperative partnerships among small school districts program set forth in RCW 28A.340.010 through 28A.340.070.

[Statutory Authority: 1990 c 33. WSR 90-16-002 (Order 18), § 392-126-405, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.100.090(1). WSR 90-01-140 (Order 23), § 392-126-405, filed 12/20/89, effective 1/20/90.]

**WAC 392-126-410 Definition—Eligible school districts.** As used in this chapter, "eligible school district" means a school district eligible for funding as a small high school district pursuant to the state Omnibus Appropriations Act in effect when the school districts are approved for participation in a cooperative project.

[Statutory Authority: RCW 28A.100.090(1). WSR 90-01-140 (Order 23), § 392-126-410, filed 12/20/89, effective 1/20/90.]

**WAC 392-126-415 Definition—School year.** As used in this chapter, "school year" means the same defined in WAC 392-121-031.

[Statutory Authority: RCW 28A.100.090(1). WSR 90-01-140 (Order 23), § 392-126-415, filed 12/20/89, effective 1/20/90.]

**WAC 392-126-420 Application process.** Eligible school districts may apply to participate in a cooperative partnership for a period of five years. If additional eligible school districts wish to join the cooperative partnership at a later date, the cooperative partnership shall reapply as a whole. The application shall be reviewed by the superintendent of public instruction for the following:

- (1) The granting of waivers from rules and regulations; and
- (2) Technical accuracy.

The applicant school districts may not commence the proposed cooperative partnership until the superintendent of public instruction has completed the review of the application: Provided, That for those cooperative programs approved by the superintendent of public instruction pursuant to RCW 28A.03.448 through 28A.03.450 shall be allowed to continue operations until they have had applications reviewed by the superintendent of public instruction.

[Statutory Authority: RCW 28A.100.090(1). WSR 90-01-140 (Order 23), § 392-126-420, filed 12/20/89, effective 1/20/90.]

**WAC 392-126-425 Application process—Content of cooperative partnership application.** The cooperative partnership application will include the following:

- (1) A description of the cooperative project, including the programs, services, and administrative activities to be jointly operated;
- (2) The improvements in curriculum offerings and educational opportunities expected to result from the establishment of the cooperative project;
- (3) A list of statutory requirements or administrative rules which act as financial disincentives to the establishment and/or would impede the operation of the cooperative project;
- (4) The financial impact to the school districts and the state that would result from the waiving of the statutory requirement or administrative rules;

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(5) An assessment of community support for the proposed cooperative project, including an assessment of each affected community; and

(6) A plan for evaluating the educational and cost-effectiveness of the proposed cooperative project. The evaluation plan shall include a means of evaluating curriculum offerings and staffing patterns.

[Statutory Authority: RCW 28A.100.090(1). WSR 90-01-140 (Order 23), § 392-126-425, filed 12/20/89, effective 1/20/90.]

**WAC 392-126-430 Application process—Waivers from rules and regulations.** The superintendent of public instruction may grant waivers for five years from rules and regulations if they meet the following conditions:

(1) That the rules and regulations have been adopted by the superintendent of public instruction pursuant to express statutory authority;

(2) That waiving the rules will not affect the health, safety, or civil rights of students, parents, or staff; and

(3) That the request for waiver has been expressly stated in the cooperative partnership application.

[Statutory Authority: RCW 28A.100.090(1). WSR 90-01-140 (Order 23), § 392-126-430, filed 12/20/89, effective 1/20/90.]

**WAC 392-126-435 Reporting process.** Each school district participating in cooperative partnership shall submit the following reports:

(1) By September 1 of the third school year of continuous operation, a report on the progress of the cooperative partnership in meeting the objectives set forth in the application pursuant to WAC 392-126-425.

(2) By September 1 of the fifth school year of continuous operation, a report evaluating the success of the cooperative partnership in meeting the objectives set forth in the application submitted pursuant to WAC 392-126-425.

[Statutory Authority: RCW 28A.100.090(1). WSR 90-01-140 (Order 23), § 392-126-435, filed 12/20/89, effective 1/20/90.]

**WAC 392-126-440 Reporting process—Reapplication.** The report submitted pursuant to WAC 392-126-435(2) may include an application for continuation of the cooperative partnership. The contents of this application will conform to the requirements set forth in WAC 392-126-425 and will be subject to review by the superintendent of public instruction set forth in WAC 392-126-420.

[Statutory Authority: RCW 28A.100.090(1). WSR 90-01-140 (Order 23), § 392-126-440, filed 12/20/89, effective 1/20/90.]