

# Chapter 392-122 WAC

## FINANCE—CATEGORICAL APPORTIONMENT

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Full-day kindergarten program—Subsequent determination of eligible schools. Full-day kindergarten program—Apportionment of state moneys. State learning assistance program—Applicable code provisions. Apportionment of state moneys for the state learning assistance program. Payment of state moneys for the state learning assistance program. State transitional bilingual program—Applicable code provisions. Formula for the distribution of state moneys for the state transitional bilingual program. Distribution of state moneys for the transitional bilingual program. State highly capable students education program—Applicable code provisions. Formula for distribution of state moneys for the state highly capable students education program. Distribution of state moneys for the state highly capable students education program. General provision—Indirect cost limitations, carryover limitations and recoveries. General provision—Maximum control factor—Proration. General provisions—Recovery for failure to meet program requirements.</p> <p style="text-align: center;"><b>DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER</b></p> <p>Definition—State handicapped program—Handicapped program classified derived base salary. [Statutory Authority: RCW 28A.41.170. WSR 86-01-021 (Order 85-16), § 392-122-115, filed 12/9/85; WSR 84-20-078 (Order 84-36), § 392-122-115, filed 10/2/84.] Repealed by WSR 91-03-118 (Order 2), filed 1/23/91, effective 2/23/91. Statutory Authority: RCW 28A.150.290, 1989 1st ex.s. c 19 and 1990 1st ex.s. c 16.</p> <p>State handicapped program—Handicapped program classified derived base salary. [Statutory Authority: RCW 28A.41.170. WSR 86-01-021 (Order 85-16), § 392-122-125, filed 12/9/85; WSR 84-20-078 (Order 84-36), § 392-122-125, filed 10/2/84.] Repealed by WSR 91-03-118 (Order 2), filed 1/23/91, effective 2/23/91. Statutory Authority: RCW 28A.150.290, 1989 1st ex.s. c 19 and 1990 1st ex.s. c 16.</p> <p>Definition—State institutional education program—Residential institution. [Statutory Authority: 1998 c 244 § 9(2) and RCW 28A.150.290. WSR 98-21-065 (Order 98-09), § 392-122-207, filed 10/20/98, effective 11/20/98. Statutory Authority: RCW 28A.150.290. WSR 92-03-045 (Order 92-03), § 392-122-207, filed 1/10/92, effective 2/10/92.] Repealed by WSR 01-24-002, filed 11/21/01, effective 12/22/01. Statutory Authority: RCW 28A.150.290.</p> <p>Definition—State institutional education program—Court-involved. [Statutory Authority: RCW 28A.150.-290. WSR 92-03-045 (Order 92-03), § 392-122-214,</p>
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- filed 1/10/92, effective 2/10/92.] Repealed by WSR 95-08-025, filed 3/29/95, effective 4/29/95. Statutory Authority: RCW 28A.150.290.
- 392-122-215 Definition—State institutional education program—Institutional program classified average salary. [Statutory Authority: RCW 28A.41.170. WSR 84-20-078 (Order 84-36), § 392-122-215, filed 10/2/84.] Repealed by WSR 91-03-118 (Order 2), filed 1/23/91, effective 2/23/91. Statutory Authority: RCW 28A.150.290, 1989 1st ex.s. c 19 and 1990 1st ex.s. c 16.
- 392-122-240 State institutional education program—Institutional program classified average salary. [Statutory Authority: RCW 28A.41.170. WSR 84-20-078 (Order 84-36), § 392-122-240, filed 10/2/84.] Repealed by WSR 91-03-118 (Order 2), filed 1/23/91, effective 2/23/91. Statutory Authority: RCW 28A.150.290, 1989 1st ex.s. c 19 and 1990 1st ex.s. c 16.
- 392-122-245 State institutional education program—Institutional program insurance benefits. [Statutory Authority: RCW 28A.41.170. WSR 84-20-078 (Order 84-36), § 392-122-245, filed 10/2/84.] Repealed by WSR 91-03-118 (Order 2), filed 1/23/91, effective 2/23/91. Statutory Authority: RCW 28A.150.290, 1989 1st ex.s. c 19 and 1990 1st ex.s. c 16.
- 392-122-250 State institutional education program—Institutional program nonemployee related cost. [Statutory Authority: RCW 28A.41.170. WSR 84-20-078 (Order 84-36), § 392-122-250, filed 10/2/84.] Repealed by WSR 91-03-118 (Order 2), filed 1/23/91, effective 2/23/91. Statutory Authority: RCW 28A.150.290, 1989 1st ex.s. c 19 and 1990 1st ex.s. c 16.
- 392-122-260 State institutional education program—Basic education funding for state learning centers. [Statutory Authority: RCW 28A.150.290. WSR 92-03-045 (Order 92-03), § 392-122-260, filed 1/10/92, effective 2/10/92. Statutory Authority: RCW 28A.41.170. WSR 84-20-078 (Order 84-36), § 392-122-260, filed 10/2/84.] Repealed by WSR 95-08-025, filed 3/29/95, effective 4/29/95. Statutory Authority: RCW 28A.150.290.
- 392-122-265 State institutional education program—Institutional program traffic safety allocation. [Statutory Authority: RCW 28A.220.030. WSR 92-03-138 (Order 92-04), § 392-122-265, filed 1/22/92, effective 2/22/92. Statutory Authority: RCW 28A.41.170. WSR 84-20-078 (Order 84-36), § 392-122-265, filed 10/2/84.] Repealed by WSR 09-04-082, filed 2/3/09, effective 3/6/09. Statutory Authority: RCW 28A.150.290.
- 392-122-300 Traffic safety education—Applicable provisions. [Statutory Authority: RCW 28A.220.030. WSR 92-03-138 (Order 92-04), § 392-122-300, filed 1/22/92, effective 2/22/92.] Repealed by WSR 09-04-082, filed 2/3/09, effective 3/6/09. Statutory Authority: RCW 28A.150.290.
- 392-122-301 Traffic safety education—Definition—Completing student. [Statutory Authority: RCW 28A.220.030. WSR 92-03-138 (Order 92-04), § 392-122-301, filed 1/22/92, effective 2/22/92.] Repealed by WSR 09-04-082, filed 2/3/09, effective 3/6/09. Statutory Authority: RCW 28A.150.290.
- 392-122-302 Traffic safety education—Definition—Low-income student. [Statutory Authority: RCW 28A.220.030. WSR 92-03-138 (Order 92-04), § 392-122-302, filed 1/22/92, effective 2/22/92.] Repealed by WSR 09-04-082, filed 2/3/09, effective 3/6/09. Statutory Authority: RCW 28A.150.290.
- 392-122-303 Traffic safety education—Low-income eligibility—Documentation and confidentiality. [Statutory Authority: RCW 28A.220.030. WSR 92-03-138 (Order 92-04), § 392-122-303, filed 1/22/92, effective 2/22/92.] Repealed by WSR 09-04-082, filed 2/3/09, effective 3/6/09. Statutory Authority: RCW 28A.150.290.
- 392-122-304 Traffic safety education—Definition—Low-income tuition assistance. [Statutory Authority: RCW 28A.220.030. WSR 92-03-138 (Order 92-04), § 392-122-304, filed 1/22/92, effective 2/22/92.] Repealed by WSR 09-04-082, filed 2/3/09, effective 3/6/09. Statutory Authority: RCW 28A.150.290.
- 392-122-320 Traffic safety education—Apportionment of state moneys. [Statutory Authority: RCW 28A.220.030 and 1992 c 232 § 509. WSR 92-21-009 (Order 92-13), § 392-122-320, filed 10/9/92, effective 11/9/92. Statutory Authority: RCW 28A.220.030. WSR 92-03-138 (Order 92-04), § 392-122-320, filed 1/22/92, effective 2/22/92.] Repealed by WSR 09-04-082, filed 2/3/09, effective 3/6/09. Statutory Authority: RCW 28A.150.290.
- 392-122-321 Traffic safety education—School district reporting. [Statutory Authority: RCW 28A.220.030 and 1992 c 232 § 509. WSR 92-21-009 (Order 92-13), § 392-122-321, filed 10/9/92, effective 11/9/92. Statutory Authority: RCW 28A.220.030. WSR 92-03-138 (Order 92-04), § 392-122-321, filed 1/22/92, effective 2/22/92.] Repealed by WSR 09-04-082, filed 2/3/09, effective 3/6/09. Statutory Authority: RCW 28A.150.290.
- 392-122-322 Traffic safety education—Recovery of moneys. [Statutory Authority: RCW 28A.220.030 and 1992 c 232 § 509. WSR 92-21-009 (Order 92-13), § 392-122-322, filed 10/9/92, effective 11/9/92. Statutory Authority: RCW 28A.220.030. WSR 92-03-138 (Order 92-04), § 392-122-322, filed 1/22/92, effective 2/22/92.] Repealed by WSR 09-04-082, filed 2/3/09, effective 3/6/09. Statutory Authority: RCW 28A.150.290.
- 392-122-400 Fair start program—Applicable provisions. [Statutory Authority: RCW 28A.600.445. WSR 93-12-017 (Order 93-09), § 392-122-400, filed 5/21/93, effective 6/21/93.] Repealed by WSR 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-122-401 Fair start program—Timely reporting. [Statutory Authority: RCW 28A.600.445. WSR 93-12-017 (Order 93-09), § 392-122-401, filed 5/21/93, effective 6/21/93.] Repealed by WSR 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-122-405 Fair start program—Definition—Kindergarten through sixth grade annual average full-time equivalent students. [Statutory Authority: RCW 28A.600.445. WSR 93-12-017 (Order 93-09), § 392-122-405, filed 5/21/93, effective 6/21/93.] Repealed by WSR 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-122-410 Fair start program—Definition—Approved fair start program. [Statutory Authority: RCW 28A.600.445. WSR 93-12-017 (Order 93-09), § 392-122-410, filed 5/21/93, effective 6/21/93.] Repealed by WSR 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-122-415 Fair start program—Apportionment of moneys to school districts and educational service districts. [Statutory Authority: RCW 28A.600.445. WSR 93-12-017 (Order 93-09), § 392-122-415, filed 5/21/93, effective 6/21/93.] Repealed by WSR 96-18-014, filed 8/22/96, effective 9/22/96.

**WAC 392-122-005 Authority.** The authority for this chapter is RCW 28A.150.290 which authorizes the superintendent of public instruction to adopt rules and regulations for the implementation of chapter 28A.150 RCW. This chapter is further authorized under RCW 28A.710.040(5), which provides that public charter schools are subject to the supervision of the superintendent of public instruction to the same extent as other public schools.

[Statutory Authority: RCW 28A.150.290 and 28A.710.220. WSR 15-18-078, § 392-122-005, filed 8/28/15, effective 9/28/15. Statutory Authority: 1990 c 33. WSR 90-16-002 (Order 18), § 392-122-005, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.41.170. WSR 84-13-020 (Order 84-10), § 392-122-005, filed 6/13/84.]

**WAC 392-122-010 Purpose.** The purpose of this chapter is to establish policies and procedures for the distribution of state moneys to school districts and charter schools for programs authorized by RCW 28A.150.370 other than basic education apportionment, special allocations pursuant to chapter 392-140 WAC, and transportation allocations.

[Statutory Authority: RCW 28A.150.290 and 28A.710.220. WSR 15-18-078, § 392-122-010, filed 8/28/15, effective 9/28/15. Statutory Authority: RCW 28A.150.290, 1989 1st ex.s. c 19 and 1990 1st ex.s. c 16. WSR 91-03-118 (Order 2), § 392-122-010, filed 1/23/91, effective 2/23/91. Statutory Authority: 1990 c 33. WSR 90-16-002 (Order 18), § 392-122-010, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.41.170. WSR 84-13-020 (Order 84-10), § 392-122-010, filed 6/13/84.]

**WAC 392-122-100 State special education program—Applicable code provisions.** The following sections of this chapter are applicable to the distribution of state moneys for the state education program for special education students:

- (1) WAC 392-122-100 through 392-122-166; and
- (2) WAC 392-122-900 through 392-122-910.

[Statutory Authority: RCW 28A.150.290. WSR 96-03-002, § 392-122-100, filed 1/3/96, effective 2/3/96. Statutory Authority: RCW 28A.150.290, 1989 1st ex.s. c 19 and 1990 1st ex.s. c 16. WSR 91-03-118 (Order 2), § 392-122-100, filed 1/23/91, effective 2/23/91. Statutory Authority: RCW 28A.41.170. WSR 84-20-078 (Order 84-36), § 392-122-100, filed 10/2/84.]

**WAC 392-122-105 Definition—LEAP document for state special education program allocation.** "LEAP document for state special education program allocation" means the formula unit worksheet establishing the ratios and percentage distribution of specified disability conditions cited in the State Operating Appropriations Act in effect for the purpose of distributing special education program allocations for the 1994-95 school year.

[Statutory Authority: RCW 28A.150.290. WSR 96-03-002, § 392-122-105, filed 1/3/96, effective 2/3/96. Statutory Authority: RCW 28A.41.170. WSR 84-20-078 (Order 84-36), § 392-122-105, filed 10/2/84.]

**WAC 392-122-106 Definition—Form P-223H.** "Form P-223H" means the report of school district and charter school special education headcount enrollment for eligible special education students as defined in WAC 392-122-135 submitted monthly by the school districts and charter schools to the superintendent of public instruction for the school year for the purpose of calculating the special education program allocations.

(1) The count dates for special education student enrollments shall be the same as specified in WAC 392-121-122.

(2) This report shall indicate the special education enrollment by resident school district and serving school district.

[Statutory Authority: RCW 28A.150.290 and 28A.710.220. WSR 15-18-078, § 392-122-106, filed 8/28/15, effective 9/28/15. Statutory Authority: RCW 28A.150.290. WSR 96-03-002, § 392-122-106, filed 1/3/96, effective 2/3/96. Statutory Authority: RCW 28A.150.290, 1989 1st ex.s. c 19 and 1990 1st ex.s. c 16. WSR 91-03-118 (Order 2), § 392-122-106, filed 1/23/91, effective 2/23/91. Statutory Authority: RCW 28A.41.170. WSR 86-01-021 (Order 85-16), § 392-122-106, filed 12/9/85.]

**WAC 392-122-107 Definition—Report 1220.** "Report 1220" means the school district's and charter school's special education allocation report calculated and prepared by the superintendent of public instruction using the district's or charter school's nine-month average annual headcount enrollment as submitted on Form P-223H for the school year and for the 1994-95 school year the ratios and percentages established in the LEAP document for state special education program allocation as defined in WAC 392-122-105. For the purpose of special education allocations, the district's or charter school's nine-month average annual headcount enrollment shall be the average of the enrollments for the first school day of October through June.

[Statutory Authority: RCW 28A.150.290. WSR 16-10-116, § 392-122-107, filed 5/4/16, effective 6/4/16. Statutory Authority: RCW 28A.150.290 and 28A.710.220. WSR 15-18-078, § 392-122-107, filed 8/28/15, effective 9/28/15. Statutory Authority: RCW 28A.150.290. WSR 96-03-002, § 392-122-107, filed 1/3/96, effective 2/3/96. Statutory Authority: RCW

(9/24/18)

28A.150.290, 1989 1st ex.s. c 19 and 1990 1st ex.s. c 16. WSR 91-03-118 (Order 2), § 392-122-107, filed 1/23/91, effective 2/23/91. Statutory Authority: RCW 28A.41.170. WSR 86-01-021 (Order 85-16), § 392-122-107, filed 12/9/85.]

**WAC 392-122-110 Definition—State special education program—Special education program certificated instructional staff salary and mix factor variables for the allocation formula for the 1994-95 school year.** Special education program certificated instructional staff salary and mix factor variables used in the special education allocation formula for the 1994-95 school year shall be defined the same as those defined in WAC 392-121-200 through 392-121-299: Provided, That the words "state special education program" shall be substituted for "basic education" throughout those definitions.

[Statutory Authority: RCW 28A.150.290. WSR 96-03-002, § 392-122-110, filed 1/3/96, effective 2/3/96. Statutory Authority: RCW 28A.150.290 and the Biennial Operating Appropriations Act. WSR 93-21-090 (Order 93-19), § 392-122-110, filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.150.290, 1989 1st ex.s. c 19 and 1990 1st ex.s. c 16. WSR 91-03-118 (Order 2), § 392-122-110, filed 1/23/91, effective 2/23/91. Statutory Authority: RCW 28A.41.170. WSR 84-20-078 (Order 84-36), § 392-122-110, filed 10/2/84.]

**WAC 392-122-120 State special education program—Determination of district average state special education program certificated instructional staff salary for the purpose of apportionment.** For the 1994-95 school year the determination of district average special education program certificated instructional staff salary used in the special education allocation formula for the purposes of apportionment to schools and charter schools shall be the same as specified in WAC 392-121-299: Provided, That the words "state special education program" shall be substituted for "basic education" throughout that section.

[Statutory Authority: RCW 28A.150.290 and 28A.710.220. WSR 15-18-078, § 392-122-120, filed 8/28/15, effective 9/28/15. Statutory Authority: RCW 28A.150.290. WSR 96-03-002, § 392-122-120, filed 1/3/96, effective 2/3/96. Statutory Authority: RCW 28A.150.290, 1989 1st ex.s. c 19 and 1990 1st ex.s. c 16. WSR 91-03-118 (Order 2), § 392-122-120, filed 1/23/91, effective 2/23/91. Statutory Authority: RCW 28A.41.170. WSR 84-20-078 (Order 84-36), § 392-122-120, filed 10/2/84.]

**WAC 392-122-130 State special education program—Nonemployee related cost.** For the 1994-95 school year state special education program moneys for nonemployee related costs (NERC) shall be allocated to school districts for eligible special education students served at the maximum rate established in the LEAP document for state special education programs.

[Statutory Authority: RCW 28A.150.290. WSR 96-03-002, § 392-122-130, filed 1/3/96, effective 2/3/96. Statutory Authority: RCW 28A.41.170. WSR 84-20-078 (Order 84-36), § 392-122-130, filed 10/2/84.]

**WAC 392-122-131 State special education program—Basic education backout.** For the 1994-95 school year the district's basic education backout shall be calculated based on the percentages established in the LEAP document for state special education program allocations as defined in WAC 392-122-105.

[Statutory Authority: RCW 28A.150.290. WSR 96-03-002, § 392-122-131, filed 1/3/96, effective 2/3/96. Statutory Authority: RCW 28A.41.170. WSR 86-01-021 (Order 85-16), § 392-122-131, filed 12/9/85.]

**WAC 392-122-132 State special education program—Substitute teacher pay allocations.** For the 1994-95 school year state special education program moneys for substitute teacher pay allocations shall be allocated to school districts for certificated staff units at the maximum rate established in the LEAP document for state special education program allocations as defined in WAC 392-122-105.

[Statutory Authority: RCW 28A.150.290. WSR 96-03-002, § 392-122-132, filed 1/3/96, effective 2/3/96. Statutory Authority: RCW 28A.41.170. WSR 86-01-021 (Order 85-16), § 392-122-132, filed 12/9/85.]

**WAC 392-122-135 State special education program—Eligible special education students.** Eligible special education students are those students:

- (1) For the 1994-95 school year as defined in:
  - (a) WAC 392-171-381 (developmentally disabled preschool students);
  - (b) WAC 392-171-386 (seriously behaviorally disabled students);
  - (c) WAC 392-171-391 (communication disordered students);
  - (d) WAC 392-171-396 (orthopedically impaired students);
  - (e) WAC 392-171-401 (health impaired students);
  - (f) WAC 392-171-406 (specific learning disabled students);
  - (g) WAC 392-171-421 (mentally retarded students);
  - (h) WAC 392-171-431 (multidisability students);
  - (i) WAC 392-171-436 (deaf students);
  - (j) WAC 392-171-441 (hard of hearing students);
  - (k) WAC 392-171-446 (visually impaired students); and
  - (l) WAC 392-171-451 (deaf-blind students); and
- (2) For the 1995-96 school year and thereafter:
  - (a) Meeting the definition of enrolled student in WAC 392-121-106, enrolled in a course of study pursuant to WAC 392-121-107 and who qualify and are receiving special education services pursuant to chapter 392-172A WAC; or
  - (b) Who are under six years of age, qualify as developmentally delayed pursuant to WAC 392-172A-01035 and are receiving special education services pursuant to chapter 392-172A WAC; or
  - (c) Who are under six years of age, qualify as communication disordered pursuant to WAC 392-172A-01035 and are receiving special education services pursuant to chapter 392-172A WAC.

[Statutory Authority: RCW 28A.150.290. WSR 09-04-082, § 392-122-135, filed 2/3/09, effective 3/6/09; WSR 96-03-002, § 392-122-135, filed 1/3/96, effective 2/3/96. Statutory Authority: RCW 28A.41.170. WSR 84-20-078 (Order 84-36), § 392-122-135, filed 10/2/84.]

**WAC 392-122-140 State special education program—Home and/or hospital care.** State special education program moneys shall be allocated to school districts and charter schools for students eligible under WAC 392-172A-02100 temporarily requiring home and/or hospital care at the maximum rate provided annually by the superintendent of public instruction for the purpose of distributing home and/or hospital care allocations.

[Statutory Authority: RCW 28A.150.290 and 28A.710.220. WSR 15-18-078, § 392-122-140, filed 8/28/15, effective 9/28/15. Statutory Authority: RCW 28A.150.290. WSR 09-04-082, § 392-122-140, filed 2/3/09, effective 3/6/09; WSR 96-03-002, § 392-122-140, filed 1/3/96, effective 2/3/96. Stat-

utory Authority: RCW 28A.41.170. WSR 84-20-078 (Order 84-36), § 392-122-140, filed 10/2/84.]

**WAC 392-122-145 State special education program—Home and/or hospital care—Extended absences.** Students eligible under WAC 392-172A-02100 temporarily requiring home and/or hospital care shall be counted as enrolled students pursuant to WAC 392-121-106 as follows:

(1) Students not deemed eligible special education students pursuant to WAC 392-122-135 whose absence from the regular attendance continues through two consecutive monthly enrollment report days shall be dropped from the rolls and shall not be counted as an enrolled student on the next monthly enrollment report day unless attendance has resumed. Such students shall only be eligible for home and/or hospital care allocations until attendance in the regular program is resumed.

(2) Students deemed eligible special education students pursuant to WAC 392-122-135 shall be reported as enrolled students for the duration of the home and/or hospital care.

[Statutory Authority: RCW 28A.150.290. WSR 09-04-082, § 392-122-145, filed 2/3/09, effective 3/6/09; WSR 05-15-126, § 392-122-145, filed 7/18/05, effective 8/18/05; WSR 96-03-002, § 392-122-145, filed 1/3/96, effective 2/3/96. Statutory Authority: RCW 28A.150.290, 1989 1st ex.s. c 19 and 1990 1st ex.s. c 16. WSR 91-03-118 (Order 2), § 392-122-145, filed 1/23/91, effective 2/23/91. Statutory Authority: RCW 28A.41.170. WSR 84-20-078 (Order 84-36), § 392-122-145, filed 10/2/84.]

**WAC 392-122-150 State special education program—Hospital educational program.** State special education program moneys shall be allocated by the superintendent of public instruction to school districts and charter schools operating a hospital educational program for the exclusive purpose of maintaining and operating the hospital educational program. School districts and charter schools shall be allocated funds for hospital educational programs at the maximum rate provided annually by the superintendent of public instruction for the purpose of distributing hospital educational program allocations.

[Statutory Authority: RCW 28A.150.290 and 28A.710.220. WSR 15-18-078, § 392-122-150, filed 8/28/15, effective 9/28/15. Statutory Authority: RCW 28A.150.290. WSR 96-03-002, § 392-122-150, filed 1/3/96, effective 2/3/96. Statutory Authority: RCW 28A.41.170. WSR 84-20-078 (Order 84-36), § 392-122-150, filed 10/2/84.]

**WAC 392-122-155 State special education program—Board and room cost.** State special education program moneys shall be allocated to school districts and charter schools for the cost of approved board and room for eligible handicapped students served and requiring board and room, who are not eligible under programs of the department of social and health services, but deemed in need of the board and room by the superintendent of public instruction. These moneys are in lieu of transportation costs. School districts and charter schools shall be allocated moneys for board and room of eligible special education students at the maximum rate provided annually by the superintendent of public instruction for the purpose of distributing board and room allocations.

[Statutory Authority: RCW 28A.150.290 and 28A.710.220. WSR 15-18-078, § 392-122-155, filed 8/28/15, effective 9/28/15. Statutory Authority: RCW 28A.150.290. WSR 96-03-002, § 392-122-155, filed 1/3/96, effective

2/3/96. Statutory Authority: RCW 28A.41.170. WSR 84-20-078 (Order 84-36), § 392-122-155, filed 10/2/84.]

**WAC 392-122-160 State special education program—Reporting.** (1) At such times as are designated by the superintendent of public instruction, each school district and charter school shall report the number of eligible special education students receiving special education according to instructions provided by the superintendent of public instruction. The disability condition shall be one of such conditions in WAC 392-122-135. The age for the purpose of determining the special education program allocation calculated in WAC 392-122-105 shall be the age of the student on the monthly enrollment count date as defined by WAC 392-121-119. The age reported by the school district or charter school shall be for apportionment purposes only and not for determination of a child's eligibility for access to a special education program.

(2) Each school district and charter school shall provide, upon request, such additional data as are necessary to enable the superintendent of public instruction to allocate and substantiate the school district's or charter school's allocation of state special education moneys.

[Statutory Authority: RCW 28A.150.290 and 28A.710.220. WSR 15-18-078, § 392-122-160, filed 8/28/15, effective 9/28/15. Statutory Authority: RCW 28A.150.290. WSR 14-10-009, § 392-122-160, filed 4/24/14, effective 5/25/14; WSR 96-03-002, § 392-122-160, filed 1/3/96, effective 2/3/96. Statutory Authority: RCW 28A.41.170. WSR 84-20-078 (Order 84-36), § 392-122-160, filed 10/2/84.]

**WAC 392-122-165 State special education program—Apportionment of state special education program moneys.** From moneys appropriated by the legislature, the superintendent of public instruction shall apportion state special education program moneys to each school district and charter school based on the criteria cited in the State Operating Appropriations Act for the respective school year for state special education program allocation and on the provisions of WAC 392-122-100 through 392-122-166. The superintendent of public instruction shall make payments in the same manner as provided in WAC 392-121-400.

[Statutory Authority: RCW 28A.150.290 and 28A.710.220. WSR 15-18-078, § 392-122-165, filed 8/28/15, effective 9/28/15. Statutory Authority: RCW 28A.150.290. WSR 96-03-002, § 392-122-165, filed 1/3/96, effective 2/3/96. Statutory Authority: RCW 28A.150.290, 1989 1st ex.s. c 19 and 1990 1st ex.s. c 16. WSR 91-03-118 (Order 2), § 392-122-165, filed 1/23/91, effective 2/23/91.]

**WAC 392-122-166 State special education program allocation.** The board of directors of a school district or charter school may request the superintendent of public instruction to pay a portion of the district's or charter school's special education allocation to another school district, charter school, or an educational service district. The request must be submitted on Form 1295 and must state the dollar amount of the transfer. The board can modify the dollar amount of the transfer by submitting another Form 1295 to the superintendent of public instruction. Unless the form requesting a transfer states a timeline for making the transfer, the superintendent of public instruction shall execute the transfer pursuant to the provisions of WAC 392-121-400.

(9/24/18)

[Statutory Authority: RCW 28A.150.290 and 28A.710.220. WSR 15-18-078, § 392-122-166, filed 8/28/15, effective 9/28/15. Statutory Authority: RCW 28A.150.290. WSR 09-04-082, § 392-122-166, filed 2/3/09, effective 3/6/09; WSR 96-03-002, § 392-122-166, filed 1/3/96, effective 2/3/96.]

**WAC 392-122-200 State institutional education program—Applicable code provisions.** The following sections of this chapter are applicable to the distribution of state moneys for the state institutional education program:

- (1) WAC 392-122-200 through 392-122-275; and
- (2) WAC 392-122-900 through 392-122-910.

[Statutory Authority: RCW 28A.150.290, 1989 1st ex.s. c 19 and 1990 1st ex.s. c 16. WSR 91-03-118 (Order 2), § 392-122-200, filed 1/23/91, effective 2/23/91. Statutory Authority: RCW 28A.41.170. WSR 84-20-078 (Order 84-36), § 392-122-200, filed 10/2/84.]

**WAC 392-122-201 Definition—State institutional education program—School day.** "School day" means the same as defined in WAC 392-121-033.

[Statutory Authority: RCW 28A.150.290. WSR 92-03-045 (Order 92-03), § 392-122-201, filed 1/10/92, effective 2/10/92.]

**WAC 392-122-202 Definition—State institutional education program—School year.** "School year" means the same as defined in WAC 392-121-031.

[Statutory Authority: RCW 28A.150.290. WSR 92-03-045 (Order 92-03), § 392-122-202, filed 1/10/92, effective 2/10/92.]

**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 department 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. WSR 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; WSR 07-23-023, § 392-122-205, filed 11/9/07, effective 12/10/07; WSR 05-15-127, § 392-122-205, filed 7/18/05, effective 8/18/05; WSR 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. WSR 98-21-065 (Order 98-09), § 392-122-205, filed 10/20/98, effective 11/20/98. Statutory Authority: RCW 28A.150.290. WSR 95-08-025, § 392-122-205, filed 3/29/95, effective 4/29/95; WSR 92-03-045 (Order 92-03), § 392-122-205, filed 1/10/92, effective 2/10/92.]

[Ch. 392-122 WAC p. 5]

tive 2/10/92. Statutory Authority: RCW 28A.41.170. WSR 84-20-078 (Order 84-36), § 392-122-205, filed 10/2/84.]

**WAC 392-122-206 Definition—State institutional education program—Form E-672.** "Form E-672" means the form distributed by the superintendent of public instruction on which school districts, or other education providers operating institutional education programs report eligible institutional education students enrolled on the enrollment count dates specified in WAC 392-122-211.

[Statutory Authority: 1998 c 244 § 9(2) and RCW 28A.150.290. WSR 98-21-065 (Order 98-09), § 392-122-206, filed 10/20/98, effective 11/20/98. Statutory Authority: RCW 28A.150.290. WSR 92-03-045 (Order 92-03), § 392-122-206, filed 1/10/92, effective 2/10/92. Statutory Authority: RCW 28A.150.290, 1989 1st ex.s. c 19 and 1990 1st ex.s. c 16. WSR 91-03-118 (Order 2), § 392-122-206, filed 1/23/91, effective 2/23/91.]

**WAC 392-122-208 Definition—State institutional education program—Other education provider.** "Other education provider" means:

(1) An educational service district, institution of higher education, private contractor (including public charter school) or any combination thereof providing an institutional education program in an adult correctional facility operated by the department of corrections under contract with the superintendent of public instruction and the department of corrections; or

(2) An educational service district providing an institutional education program pursuant to a contract with a school district in a state-operated group home, institution for juvenile delinquents, or residential habilitation center, or county-operated juvenile detention center.

[Statutory Authority: RCW 28A.150.290 and 28A.710.220. WSR 15-18-078, § 392-122-208, filed 8/28/15, effective 9/28/15. Statutory Authority: 1998 c 244 § 9(2) and RCW 28A.150.290. WSR 98-21-065 (Order 98-09), § 392-122-208, filed 10/20/98, effective 11/20/98.]

**WAC 392-122-210 Definition—State institutional education program—Certificated instructional staff and mix factor variables for the purpose of apportionment.** For the purpose of apportionment of state moneys, state institutional education program certificated instructional staff salary and mix factor variables shall be defined the same as in WAC 392-121-200 through 392-121-299: Provided, That the words "state institutional education program" shall be substituted for "basic education" throughout those sections.

[Statutory Authority: RCW 28A.150.290. WSR 92-03-045 (Order 92-03), § 392-122-210, filed 1/10/92, effective 2/10/92. Statutory Authority: RCW 28A.150.290, 1989 1st ex.s. c 19 and 1990 1st ex.s. c 16. WSR 91-03-118 (Order 2), § 392-122-210, filed 1/23/91, effective 2/23/91. Statutory Authority: RCW 28A.41.170. WSR 84-20-078 (Order 84-36), § 392-122-210, filed 10/2/84.]

**WAC 392-122-211 Definition—State institutional education program—Institution enrollment count dates.** "Institution enrollment count dates" means the fourth school day of September and the first school day of each of the ten subsequent months of the school year.

[Statutory Authority: RCW 28A.150.290. WSR 92-03-045 (Order 92-03), § 392-122-211, filed 1/10/92, effective 2/10/92.]

[Ch. 392-122 WAC p. 6]

**WAC 392-122-212 Definition—State institutional education program—Educational activity.** As used in WAC 392-122-200 through 392-122-275, "educational activity" means the following teaching/learning experiences provided by a school district or other education provider:

(1) Instruction, testing, counseling, supervision, advising, and other services provided directly by certificated staff or by classified staff who are supervised by certificated staff.

(2) Up to one hour per day of scheduled study time if the study is in conjunction with other educational activity and if the study is monitored by educational staff who are present during the study.

(3) Up to two hours per day of individual study conducted by a student when educational staff are not present if all of the following conditions are met:

(a) The study is in pursuit of high school graduation credit; or the study is in a department of corrections facility and is in pursuit of a certificate of educational competence pursuant to RCW 28B.50.536 and chapter 131-48 WAC;

(b) The study is part of a program of instruction defined by a certificated employee who evaluates the student's progress in that program;

(c) The student is making progress in the program;

(d) The study is not counted as work training experience pursuant to subsection (4) of this section; and

(e) Combined individual study time and scheduled study time pursuant to subsection (2) of this section claimed in determining the student's full-time equivalent pursuant to WAC 392-122-225 do not exceed two hours per day.

(4) Work based learning meeting the requirements of WAC 392-410-315: Provided, That for work based learning provided pursuant to WAC 392-410-315, a student's full-time equivalent shall be determined pursuant to WAC 392-121-124.

[Statutory Authority: RCW 28A.150.290. WSR 07-23-022, § 392-122-212, filed 11/9/07, effective 12/10/07; WSR 05-19-139, § 392-122-212, filed 9/21/05, effective 10/22/05. Statutory Authority: 1998 c 244 § 9(2) and RCW 28A.150.290. WSR 98-21-065 (Order 98-09), § 392-122-212, filed 10/20/98, effective 11/20/98. Statutory Authority: RCW 28A.150.290. WSR 92-03-045 (Order 92-03), § 392-122-212, filed 1/10/92, effective 2/10/92.]

**WAC 392-122-213 Definition—State institutional education program—Excused absence.** As used in WAC 392-122-200 through 392-122-275, "excused absence" means an absence from scheduled educational activity which certificated staff determine to be due to one or more of the following:

(1) Illness;

(2) Attendance in court; or

(3) Meeting with a lawyer, case worker, counselor, physician, dentist, nurse, or other professional service provider.

[Statutory Authority: 1998 c 244 § 9(2) and RCW 28A.150.290. WSR 98-21-065 (Order 98-09), § 392-122-213, filed 10/20/98, effective 11/20/98. Statutory Authority: RCW 28A.150.290. WSR 92-03-045 (Order 92-03), § 392-122-213, filed 1/10/92, effective 2/10/92.]

**WAC 392-122-220 Definition—State institutional education program—Enrolled institutional education program student.** "Enrolled institutional education program student" means a person who:

(1)(a) Is in a program in a department of corrections facility and is under eighteen years of age or is eighteen years

of age and is continuing in the institutional education program with the permission of the department of corrections and the education provider; or

(b) Is under twenty-one years of age at the beginning of the school year and is either:

(i) In a residential school as defined in RCW 28A.190-.020; or

(ii) Confined in a county detention center within the meaning of confinement provided in RCW 13.40.020;

(2) Is scheduled to engage in educational activity in the institutional education program during the current week;

(3) During the current school year, has engaged in educational activity in the institutional education program provided or supervised by educational certificated staff; and

(4) Does not qualify for any of the enrollment exclusions in WAC 392-122-221.

[Statutory Authority: RCW 28A.150.290. WSR 01-24-002, § 392-122-220, filed 11/21/01, effective 12/22/01. Statutory Authority: 1998 c 244 § 9(2) and RCW 28A.150.290. WSR 98-21-065 (Order 98-09), § 392-122-220, filed 10/20/98, effective 11/20/98. Statutory Authority: RCW 28A.150.290. WSR 92-03-045 (Order 92-03), § 392-122-220, filed 1/10/92, effective 2/10/92.]

**WAC 392-122-221 Definition—State institutional education program—Enrollment exclusions.** The following may not be counted as an enrolled institutional education program student:

(1) A person whose educational activity has terminated.

(2) A person who has transferred to another institution, school district, or charter school.

(3) An institution student who:

(a) Has not engaged in educational activity in the past five school days, excluding days of excused absence;

(b) Has not engaged in educational activity in the past ten school days including days of excused absence; or

(c) Is claimed by any school district or charter school as an enrolled student eligible for state basic education support pursuant to chapter 392-121 WAC where the school district's count date occurs prior to the institution's count date for the month.

When the institution's count date and the school district's or charter school's count date are on the same date, institutions shall have priority for counting the student.

[Statutory Authority: RCW 28A.150.290 and 28A.710.220. WSR 15-18-078, § 392-122-221, filed 8/28/15, effective 9/28/15. Statutory Authority: RCW 28A.150.290. WSR 08-24-029, § 392-122-221, filed 11/24/08, effective 12/25/08; WSR 01-24-002, § 392-122-221, filed 11/21/01, effective 12/22/01. Statutory Authority: 1998 c 244 § 9(2) and RCW 28A.150.290. WSR 98-21-065 (Order 98-09), § 392-122-221, filed 10/20/98, effective 11/20/98. Statutory Authority: RCW 28A.150.290. WSR 95-08-025, § 392-122-221, filed 3/29/95, effective 4/29/95; WSR 92-03-045 (Order 92-03), § 392-122-221, filed 1/10/92, effective 2/10/92.]

**WAC 392-122-225 Definition—State institutional education program—Institutional education full-time equivalent (FTE) students.** "Institutional education full-time equivalent (FTE) students" means the sum of FTE students on an enrollment count date determined as follows:

(1) Prior to the 2018-19 school year, FTE shall be calculated as follows:

(a) An enrolled institutional education program student who is three to eight years of age and scheduled to engage in

(9/24/18)

a minimum of twenty hours of educational activity per week shall be counted as one FTE.

(b) An enrolled institutional education program student who is nine years of age or older and scheduled to engage in a minimum of twenty-five hours of educational activity per week shall be counted as one FTE.

(2) Beginning with the 2018-19 school year, an enrolled institutional education program student scheduled to engage in a minimum of twenty-seven hours and forty-five minutes of educational activity per week shall be counted as one FTE.

(3) An enrolled institutional education program student who is scheduled to engage in less than the minimum hours for one FTE shall be counted as a partial FTE, determined by dividing the scheduled hours of educational activity by the minimum hours for one FTE.

(4) In determining a student's FTE, educational activity may include up to ten minutes of class transition time between classes but shall not include time for meals.

(5) No student shall be counted as more than one FTE.

[Statutory Authority: RCW 28A.150.290. WSR 17-16-162, § 392-122-225, filed 8/2/17, effective 9/2/17. Statutory Authority: 1998 c 244 § 9(2) and RCW 28A.150.290. WSR 98-21-065 (Order 98-09), § 392-122-225, filed 10/20/98, effective 11/20/98. Statutory Authority: RCW 28A.150.290. WSR 92-03-045 (Order 92-03), § 392-122-225, filed 1/10/92, effective 2/10/92.]

**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 online 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 experiences 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 student'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-evalu-

ation 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. WSR 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.]

**WAC 392-122-230 Definition—State institutional education program—Annual average full-time equivalent (AAFTE) institutional education students.** "Annual average full-time equivalent (AAFTE) institutional education students" means the average institutional education FTE students on the eleven institution enrollment count dates of the school year.

[Statutory Authority: RCW 28A.150.290. WSR 95-08-025, § 392-122-230, filed 3/29/95, effective 4/29/95; WSR 92-03-045 (Order 92-03), § 392-122-230, filed 1/10/92, effective 2/10/92. Statutory Authority: RCW 28A.150.290, 1989 1st ex.s. c 19 and 1990 1st ex.s. c 16. WSR 91-03-118 (Order 2), § 392-122-230, filed 1/23/91, effective 2/23/91. Statutory Authority: RCW 28A.41.170. WSR 84-20-078 (Order 84-36), § 392-122-230, filed 10/2/84.]

**WAC 392-122-235 State institutional education program—Determination of average state institutional program certificated instructional staff salary for the purpose of apportionment.** The determination of average institutional education program certificated instructional staff salary used in the institutional education allocation formula for the purposes of apportionment shall be the same as specified in WAC 392-121-299; provided, that the words "state institutional education program" shall be substituted for "basic education" throughout that section.

[Statutory Authority: RCW 28A.150.290. WSR 09-04-082, § 392-122-235, filed 2/3/09, effective 3/6/09. Statutory Authority: 1998 c 244 § 9(2) and RCW 28A.150.290. WSR 98-21-065 (Order 98-09), § 392-122-235, filed 10/20/98, effective 11/20/98. Statutory Authority: RCW 28A.150.290, 1989 1st ex.s. c 19 and 1990 1st ex.s. c 16. WSR 91-03-118 (Order 2), § 392-122-235, filed 1/23/91, effective 2/23/91. Statutory Authority: RCW 28A.41.170. WSR 84-20-078 (Order 84-36), § 392-122-235, filed 10/2/84.]

**WAC 392-122-255 State institutional education program—Institutional program indirect cost.** State institutional education program moneys for the purpose of recognition of institutional program indirect costs shall be allocated to school districts and other education providers based on the indirect cost rate assumed in the state Operating Appropriations Act.

[Statutory Authority: 1998 c 244 § 9(2) and RCW 28A.150.290. WSR 98-21-065 (Order 98-09), § 392-122-255, filed 10/20/98, effective 11/20/98. Statutory Authority: RCW 28A.150.290. WSR 92-19-125 (Order 92-08), § 392-122-255, filed 9/21/92, effective 10/22/92; WSR 92-03-045 (Order 92-03), § 392-122-255, filed 1/10/92, effective 2/10/92. Statutory Authority: RCW 28A.41.170. WSR 84-20-078 (Order 84-36), § 392-122-255, filed 10/2/84.]

**WAC 392-122-270 State institutional education program—Apportionment of state moneys.** From the state institutional education program moneys appropriated to the superintendent of public instruction, the superintendent shall make allocations to school districts and other education providers based on the institutional education program's annual average full-time equivalent institutional education students and as provided in the state Operating Appropriations Act and WAC 392-122-200 through 392-122-275.

(1) Institutional education program allocations shall be based on a two hundred twenty-day school year. Allocations to a school district or other education provider offering less than two hundred twenty school days shall be reduced pro rata as provided in WAC 392-122-910.

(2) The superintendent of public instruction shall make payments in the same manner as provided in WAC 392-121-400.

(3) The superintendent of public instruction may reduce or delay payment of institutional education program moneys pursuant to chapter 392-117 WAC, Timely reporting.

[Statutory Authority: 1998 c 244 § 9(2) and RCW 28A.150.290. WSR 98-21-065 (Order 98-09), § 392-122-270, filed 10/20/98, effective 11/20/98. Statutory Authority: RCW 28A.150.290. WSR 92-03-045 (Order 92-03), § 392-122-270, filed 1/10/92, effective 2/10/92. Statutory Authority: RCW 28A.150.290, 1989 1st ex.s. c 19 and 1990 1st ex.s. c 16. WSR 91-03-118 (Order 2), § 392-122-270, filed 1/23/91, effective 2/23/91. Statutory Authority: RCW 28A.41.170. WSR 84-20-078 (Order 84-36), § 392-122-270, filed 10/2/84.]

**WAC 392-122-275 State institutional education program—Reporting requirements.** Each school district or other education provider operating an institutional education program shall report to the superintendent of public instruction as follows:

(1) The district or provider shall report on Form E-672 the number of individual enrolled institutional education program students and the number of institutional education full-time equivalent students on each institution enrollment count date.

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Report forms shall be signed by the school district superintendent or a designated official of the school district or other education provider.

(2) Each school district or other education provider operating an institutional education program shall provide, upon request, such additional data as are necessary to enable the superintendent of public instruction to allocate and substantiate the program's allocation of state institutional education program moneys.

(3) Institutional enrollment reporting shall be subject to chapter 392-117 WAC, Timely reporting.

(4) Each school district or other education provider shall report personnel data pursuant to instructions provided by the superintendent of public instruction.

(5) By August 15 of each year, each other education provider shall provide a budget showing the anticipated activities and objects of expenditures for the institutional education program for the ensuing school year.

(6) By December 15 following the end of the school year, each other education provider shall provide an annual financial summary of the actual activities and objects of expenditures for the institutional education program for the preceding school year.

(7) Information required by this section shall be reported pursuant to instructions provided by the superintendent of public instruction.

[Statutory Authority: 1998 c 244 § 9(2) and RCW 28A.150.290. WSR 98-21-065 (Order 98-09), § 392-122-275, filed 10/20/98, effective 11/20/98. Statutory Authority: RCW 28A.150.290. WSR 95-08-025, § 392-122-275, filed 3/29/95, effective 4/29/95; WSR 92-03-045 (Order 92-03), § 392-122-275, filed 1/10/92, effective 2/10/92. Statutory Authority: RCW 28A.41.170. WSR 84-20-078 (Order 84-36), § 392-122-275, filed 10/2/84.]

**WAC 392-122-420 Full-day kindergarten program—Authority.** The authority for WAC 392-122-420 through 392-122-426 is:

- (1) RCW 28A.150.290(1); and
- (2) RCW 28A.150.315.

[Statutory Authority: RCW 28A.150.290. WSR 16-10-112, § 392-122-420, filed 5/4/16, effective 6/4/16; WSR 09-11-018, § 392-122-420, filed 5/8/09, effective 6/8/09.]

**WAC 392-122-421 Full-day kindergarten program—Definitions.** As used in WAC 392-122-420 through 392-122-426, the following definitions shall apply:

- (1) Full-day kindergarten (FDK) means an approved program that is eligible for state-funded full-day kindergarten program as provided for in the annual state operating budget;
- (2) Full-time equivalent (FTE) has the same meaning as defined in WAC 392-121-122(1).

[Statutory Authority: RCW 28A.150.290. WSR 17-16-162, § 392-122-421, filed 8/2/17, effective 9/2/17. Statutory Authority: RCW 28A.150.290(1). WSR 13-21-023, § 392-122-421, filed 10/7/13, effective 11/7/13. Statutory Authority: RCW 28A.150.290. WSR 09-11-018, § 392-122-421, filed 5/8/09, effective 6/8/09.]

**WAC 392-122-422 Full-day kindergarten program—Applicable provisions.** The following sections of this chapter are applicable to the distribution of state moneys for the full-day kindergarten program: WAC 392-122-420 through 392-122-426.

(9/24/18)

[Statutory Authority: RCW 28A.150.290. WSR 09-11-018, § 392-122-422, filed 5/8/09, effective 6/8/09.]

**WAC 392-122-423 Full-day kindergarten program—Determination of eligibility.** Except as provided in subsection (3) of this section, determination for eligibility for full-day kindergarten (FDK) programs is based on an individual school's poverty percentage from the prior school year.

(1) Two weeks after the legislature adopts the state Operating Appropriations Act for the subsequent school year, the superintendent of public instruction shall develop and publish an eligibility list for FDK for the subsequent school year, pursuant to the legislative limitation parameters in the annual budget bill. Should the governor veto all or a portion of the funding for FDK, the superintendent of public instruction shall modify the eligibility list as needed.

(2) A school's poverty percentage is determined by the school's free and reduced priced lunch percentage eligibility for students in kindergarten through sixth grade from the prior school year's October 1st CEDARS report as of March 31st.

(3) Beginning in the 2016-17 school year, all schools that include kindergarten students will be eligible to receive state funds for full-day kindergarten.

(4) Funding amounts per school shall be calculated in accordance with the state Operating Appropriations Act and WAC 392-121-400.

[Statutory Authority: RCW 28A.150.290. WSR 16-10-112, § 392-122-423, filed 5/4/16, effective 6/4/16; WSR 13-12-008, § 392-122-423, filed 5/23/13, effective 6/23/13; WSR 09-11-018, § 392-122-423, filed 5/8/09, effective 6/8/09.]

**WAC 392-122-424 Full-day kindergarten program—Letter of acceptance and approvals.** (1) School districts with eligible schools or charter schools that intend to provide a FDK program shall submit a letter of acceptance to the superintendent of public instruction in accordance with a timeline established by the superintendent of public instruction. This letter of acceptance must include the following:

(a) Assurances that the school shall comply with all program requirements outlined in RCW 28A.150.315(1);

(b) Any other requirements as established by the office of superintendent of public instruction; and

(c) In the 2016-17 school year, full-day kindergarten funding is available for schools in which, due to the lack of space/capacity, not all students are able to be served with a full-day kindergarten program. When selecting students for these full-day classrooms, school districts must prioritize students from low income families and consider other students who likely receive the greatest benefits from full-day kindergarten.

(2) The superintendent shall approve the letters of acceptance that have met the requirements in subsection (1) of this section. If, after approving all of the letters of acceptance that were received that met the requirements in subsection (1) of this section, the superintendent determines that additional funding will be available, the superintendent shall notify charter schools and school districts with schools that have the next highest levels of free and reduced price lunch eligibility that they are eligible.

(9/24/18)

(3) The eligibility for FDK is determined based upon an individual building's student poverty and may not transfer to other buildings or students within a school district.

[Statutory Authority: RCW 28A.150.290. WSR 16-10-112, § 392-122-424, filed 5/4/16, effective 6/4/16. Statutory Authority: RCW 28A.150.290 and 28A.710.220. WSR 15-18-078, § 392-122-424, filed 8/28/15, effective 9/28/15. Statutory Authority: RCW 28A.150.290. WSR 13-12-008, § 392-122-424, filed 5/23/13, effective 6/23/13; WSR 09-11-018, § 392-122-424, filed 5/8/09, effective 6/8/09.]

**WAC 392-122-425 Full-day kindergarten program—Subsequent determination of eligible schools.** Prior to the 2016-17 school year, after consideration of the funding requirement of all submitted applications, the school projected FTE and subject to the amount of remaining funding available, the office of superintendent of public instruction may publish a subsequent list of additional eligible schools that may apply for the FDK program. Eligibility on this list shall be ranked in order of decreasing poverty percentage, in the manner outlined in WAC 392-122-423.

Upon program approval for the full-day kindergarten program, a school shall remain eligible for funding in subsequent school years regardless of changes in the school's percentage of students eligible for FRPL as long as all other program requirements are fulfilled.

[Statutory Authority: RCW 28A.150.290. WSR 16-10-112, § 392-122-425, filed 5/4/16, effective 6/4/16; WSR 09-11-018, § 392-122-425, filed 5/8/09, effective 6/8/09.]

**WAC 392-122-426 Full-day kindergarten program—Apportionment of state moneys.** Apportionment of state moneys for full-day kindergarten will be conducted in a manner prescribed by WAC 392-121-400.

[Statutory Authority: RCW 28A.150.290. WSR 09-11-018, § 392-122-426, filed 5/8/09, effective 6/8/09.]

**WAC 392-122-600 State learning assistance program—Applicable code provisions.** The following sections of this chapter are applicable to the distribution of state moneys for the state learning assistance program:

(1) WAC 392-122-600 through 392-122-610;

(2) WAC 392-122-900; and

(3) WAC 392-122-905 through 392-122-910.

[Statutory Authority: RCW 28A.150.290. WSR 09-04-082, § 392-122-600, filed 2/3/09, effective 3/6/09. Statutory Authority: RCW 28A.150.290, 1989 1st ex.s. c 19 and 1990 1st ex.s. c 16. WSR 91-03-118 (Order 2), § 392-122-600, filed 1/23/91, effective 2/23/91. Statutory Authority: RCW 28A.41.170. WSR 84-20-078 (Order 84-36), § 392-122-600, filed 10/2/84; WSR 84-13-020 (Order 84-10), § 392-122-600, filed 6/13/84.]

**WAC 392-122-605 Apportionment of state moneys for the state learning assistance program.** (1) State learning assistance program moneys shall be allocated as provided in the state Operating Appropriations Act in effect at the time the apportionment is due. The superintendent of public instruction may withhold the monthly learning assistance program apportionment payment to a school district, public charter school, or school operated pursuant to a state-tribe education compact if the school district, charter school, or compact school fails to submit its annual report for the prior school year to the superintendent of public instruction by the established due date. The first learning assistance program

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apportionment payment of the school year and subsequent allocations may be withheld until the annual reports are completed in approvable form.

(2) Learning assistance program moneys include two allocations: A district learning assistance program base allocation and a learning assistance program high-poverty based school allocation for eligible schools.

(a) A school district's funded students for the learning assistance program base allocation shall be the sum of the district's annual average full-time equivalent enrollment in grades K-12 for the prior school year multiplied by the district's percentage of October headcount enrollment in grades K-12 eligible for free or reduced-price lunch in the prior school year. The prior school year's October headcount enrollment for free and reduced-price lunch shall be as reported in the comprehensive education data and research system.

(b)(i) A school is eligible for the learning assistance program high-poverty based school allocation if it is funded through the prototypical model and has at least fifty percent of its students eligible for free and reduced-price meals in the prior school year. The percentage is determined by the school's percentage of October headcount enrollment in grades K-12 for free and reduced-price lunch. The prior school year's October headcount enrollment for free and reduced-price lunch shall be as reported in the comprehensive education data and research system.

(ii) An eligible school's funded students for the learning assistance high-poverty based allocation shall be the sum of the school's annual average full-time enrollment in grades K-12 for the prior year.

[Statutory Authority: RCW 28A.165.075 and 28A.150.290. WSR 18-02-082, § 392-122-605, filed 1/2/18, effective 2/2/18; WSR 16-16-078, § 392-122-605, filed 7/29/16, effective 9/1/16. Statutory Authority: RCW 28A.150.290, 1989 1st ex.s. c 19 and 1990 1st ex.s. c 16. WSR 91-03-118 (Order 2), § 392-122-605, filed 1/23/91, effective 2/23/91. Statutory Authority: RCW 28A.41.170. WSR 87-09-018 (Order 87-2), § 392-122-605, filed 4/6/87; WSR 86-01-021 (Order 85-16), § 392-122-605, filed 12/9/85; WSR 84-20-078 (Order 84-36), § 392-122-605, filed 10/2/84; WSR 84-13-020 (Order 84-10), § 392-122-605, filed 6/13/84.]

**WAC 392-122-610 Payment of state moneys for the state learning assistance program.** From the state learning assistance program moneys appropriated to the superintendent of public instruction, the superintendent shall make payments in the same manner as provided in WAC 392-121-400.

[Statutory Authority: RCW 28A.150.290, 1989 1st ex.s. c 19 and 1990 1st ex.s. c 16. WSR 91-03-118 (Order 2), § 392-122-610, filed 1/23/91, effective 2/23/91. Statutory Authority: 1990 c 33. WSR 90-16-002 (Order 18), § 392-122-610, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.41.170. WSR 86-01-021 (Order 85-16), § 392-122-610, filed 12/9/85; WSR 84-20-078 (Order 84-36), § 392-122-610, filed 10/2/84; WSR 84-13-020 (Order 84-10), § 392-122-610, filed 6/13/84.]

**WAC 392-122-700 State transitional bilingual program—Applicable code provisions.** The following sections of this chapter are applicable to the distribution of state moneys for the state transitional bilingual program:

- (1) WAC 392-122-700 through 392-122-710; and
- (2) WAC 392-122-900 through 392-122-910.

[Statutory Authority: RCW 28A.150.290, 1989 1st ex.s. c 19 and 1990 1st ex.s. c 16. WSR 91-03-118 (Order 2), § 392-122-700, filed 1/23/91, effective 2/23/91. Statutory Authority: RCW 28A.41.170. WSR 84-20-078 (Order 84-

36), § 392-122-700, filed 10/2/84; WSR 84-13-020 (Order 84-10), § 392-122-700, filed 6/13/84.]

**WAC 392-122-705 Formula for the distribution of state moneys for the state transitional bilingual program.** (1) As used in this section the term "eligible student" shall mean those students defined under WAC 392-160-005(3) and 392-150-015.

(2) A district's or charter school's entitlement for state moneys for the state transitional bilingual program shall be calculated as follows:

(a) Multiplying the number of eligible students by the per pupil allocation established in the State Appropriation Act for the state transitional bilingual program.

(b) The result of the calculation provided in (a) of this subsection is the district's or charter school's entitlement subject to WAC 392-122-710 and its provision for enrollment adjustment.

[Statutory Authority: RCW 28A.150.290 and 28A.710.220. WSR 15-18-078, § 392-122-705, filed 8/28/15, effective 9/28/15. Statutory Authority: RCW 28A.150.290. WSR 09-04-082, § 392-122-705, filed 2/3/09, effective 3/6/09. Statutory Authority: RCW 28A.41.170. WSR 84-20-078 (Order 84-36), § 392-122-705, filed 10/2/84; WSR 84-13-020 (Order 84-10), § 392-122-705, filed 6/13/84.]

**WAC 392-122-710 Distribution of state moneys for the transitional bilingual program.** The superintendent of public instruction shall apportion to districts or charter schools for the state transitional bilingual program the amount calculated per district in WAC 392-122-705 according to the apportionment schedule provided in RCW 28A.510.250. Monthly payments to districts and charter schools shall be adjusted during the year to reflect changes in the district's or charter school's reported eligible students as reported on the P223, monthly report of school district enrollment form. For the purpose of transitional bilingual allocations, the district's or charter school's nine-month average annual headcount enrollment of eligible students as defined in WAC 392-160-005(3) and 392-160-015 shall be the average of such enrollment for the first school day of October through June.

[Statutory Authority: RCW 28A.150.290. WSR 16-10-116, § 392-122-710, filed 5/4/16, effective 6/4/16. Statutory Authority: RCW 28A.150.290 and 28A.710.220. WSR 15-18-078, § 392-122-710, filed 8/28/15, effective 9/28/15. Statutory Authority: RCW 28A.150.290. WSR 09-04-082, § 392-122-710, filed 2/3/09, effective 3/6/09; WSR 96-03-002, § 392-122-710, filed 1/3/96, effective 2/3/96. Statutory Authority: 1990 c 33. WSR 90-16-002 (Order 18), § 392-122-710, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.41.170. WSR 86-01-021 (Order 85-16), § 392-122-710, filed 12/9/85; WSR 84-20-078 (Order 84-36), § 392-122-710, filed 10/2/84; WSR 84-13-020 (Order 84-10), § 392-122-710, filed 6/13/84.]

**WAC 392-122-800 State highly capable students education program—Applicable code provisions.** The following sections of this chapter are applicable to the distribution of state moneys for the state highly capable students education program:

- (1) WAC 392-122-800 through 392-122-810; and
- (2) WAC 392-122-900 through 392-122-910.

[Statutory Authority: RCW 28A.150.290, 1989 1st ex.s. c 19 and 1990 1st ex.s. c 16. WSR 91-03-118 (Order 2), § 392-122-800, filed 1/23/91, effective 2/23/91. Statutory Authority: RCW 28A.41.170. WSR 84-13-020 (Order 84-10), § 392-122-800, filed 6/13/84.]

**WAC 392-122-805 Formula for distribution of state moneys for the state highly capable students education program.** (1) As used in this section, the term "average annual full-time equivalent students" or AAFTE shall be defined as that term defined in WAC 392-121-133.

(2) A district's or charter school's entitlement for state moneys for the state highly capable students education program shall be calculated as follows:

(a) Multiplying the AAFTE of the reporting district or charter school by the per pupil allocation established in the State Operating Appropriations Act in effect at the time the apportionment is due; and

(b) The product is the district's or charter school's entitlement subject to WAC 392-122-810 and its provision for enrollment adjustment.

[Statutory Authority: RCW 28A.150.290 and 28A.710.220. WSR 15-18-078, § 392-122-805, filed 8/28/15, effective 9/28/15. Statutory Authority: RCW 28A.150.290. WSR 09-04-082, § 392-122-805, filed 2/3/09, effective 3/6/09; WSR 96-03-002, § 392-122-805, filed 1/3/96, effective 2/3/96. Statutory Authority: RCW 28A.150.290, 1989 1st ex.s. c 19 and 1990 1st ex.s. c 16. WSR 91-03-118 (Order 2), § 392-122-805, filed 1/23/91, effective 2/23/91. Statutory Authority: RCW 28A.41.170. WSR 84-20-078 (Order 84-36), § 392-122-805, filed 10/2/84; WSR 84-13-020 (Order 84-10), § 392-122-805, filed 6/13/84.]

**WAC 392-122-810 Distribution of state moneys for the state highly capable students education program.** The superintendent of public instruction shall apportion to districts and charter schools for the state highly capable student education program the amount calculated per district or charter school in WAC 392-122-805 according to the apportionment schedule provided in RCW 28A.510.250. The amount apportioned may be adjusted intermittently to reflect changes in the district's or charter school's AAFTE students as reported on the P223, monthly report of school district enrollment form.

[Statutory Authority: RCW 28A.150.290 and 28A.710.220. WSR 15-18-078, § 392-122-810, filed 8/28/15, effective 9/28/15. Statutory Authority: 1990 c 33. WSR 90-16-002 (Order 18), § 392-122-810, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.41.170. WSR 84-20-078 (Order 84-36), § 392-122-810, filed 10/2/84; WSR 84-13-020 (Order 84-10), § 392-122-810, filed 6/13/84.]

**WAC 392-122-900 General provision—Indirect cost limitations, carryover limitations and recoveries.** Categorical apportionment moneys shall be expended for allowable categorical program costs. Indirect cost charges to categorical programs are limited as provided in this section. Categorical moneys may be carried over from one school district or charter school fiscal year to another only as provided in this section.

(1) The superintendent of public instruction shall recover categorical program allocations made pursuant to this chapter if not expended by the school district or charter school during the school year for allowable program costs.

(2) For the 2000-01 school year and thereafter, "allowable program costs" means direct program expenditures plus allowable indirect program charges.

(a) Direct program expenditures are expenditures directly traceable to the program for the school year reported consistent with the *Accounting Manual for Public School Districts in the State of Washington* and instructions provided by the superintendent of public instruction including the

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(b) For the purposes of this section, special education program expenditures shall be reduced (abated) by revenues to account 7121 special education revenues from other districts or charter schools.

(c) For special education, highly capable, and transitional bilingual, allowable indirect program charges equal direct program expenditures times the percentage calculated from the school district's or charter school's annual financial statements (Report F-196) for two school years prior as follows:

(i) Divide direct expenditures for program 97 district-wide support by;

(ii) Total general fund direct expenditures for all programs minus direct expenditures for program 97 district-wide support; and

(iii) Round to three decimal places.

(d) For the learning assistance program, allowable indirect program charges equal the direct program expenditures times the federal restricted indirect rate calculated by the superintendent of public instruction.

(e) For the institutional education program, allowable indirect program charges equal the state institutional education program allocation times the percentage allocated for indirect costs pursuant to the biennial operating appropriations act and the state funding formula.

(3) Commencing with the 1994-95 school year allocation, a school district or charter school may carry over from one school district fiscal year to the next up to ten percent of the state learning assistance program allocation. For the 2017-18 school year only, a school district or charter school may carry over all unspent learning assistance program high poverty allocations to the 2018-19 school year. Carryover moneys shall be expended solely for allowable learning assistance program costs.

(4) Commencing with the 1997-98 school year allocation, a district or charter school may carry over from one school fiscal year to the next up to ten percent of state special education program allocation. Carryover moneys shall be expended solely for allowable state special education program costs.

(5) Commencing with the 1998-99 school year allocation, a school district may carry over from one school district fiscal year to the next up to ten percent of the state institutional education program allocation. Carryover moneys shall be expended solely for allowable state institutional education program costs.

(6) The amount recovered pursuant to this section for special education, highly capable, bilingual, and learning assistance programs shall be determined as follows:

(a) Sum the state allocation for the categorical program for the school year and any carryover from the prior school year if applicable;

(b) Determine the district's or charter school's allowable program costs for the school year pursuant to this section;

(c) If the result of (a) of this subsection exceeds the result of (b) of this subsection, the difference less any allowable carryover shall be recovered.

(7) For the 2017-18 school year only, learning assistance program high poverty allocations are not subject to the recov-

ery provisions outlined in WAC 392-122-900 (6)(a) through (c).

(8) The amount recovered pursuant to this section for the institutional education program shall be determined as follows:

(a) Sum the state allocation for the institutional education program for the school year excluding any amount provided for indirect costs, and any carryover from the prior school year if applicable;

(b) Determine the school district's direct expenditures for the institutional education program as reported on Report F-196 or such other document filed pursuant to instructions provided by the superintendent of public instruction;

(c) If the amount of (a) of this subsection exceeds the amount of (b) of this subsection, the difference less any allowable carryover shall be recovered.

(9) This section applies to categorical program allocations to school districts, educational service districts and, in the case of institutional education programs, entities contracting to provide an institutional education program funded under this chapter.

[Statutory Authority: RCW 28A.150.290 and 28A.710.220. WSR 18-20-023, § 392-122-900, filed 9/24/18, effective 10/25/18; WSR 15-18-078, § 392-122-900, filed 8/28/15, effective 9/28/15. Statutory Authority: RCW 28A.150.290. WSR 09-04-082, § 392-122-900, filed 2/3/09, effective 3/6/09. Statutory Authority: RCW 28A.150.290 and 1999 c 309 § 512. WSR 02-04-023, § 392-122-900, filed 1/24/02, effective 1/24/02. Statutory Authority: RCW 28A.150.290. WSR 96-03-002, § 392-122-900, filed 1/3/96, effective 2/3/96. Statutory Authority: 1995 2nd sp.s. c 18 § 519. WSR 95-18-074, § 392-122-900, filed 9/1/95, effective 10/2/95. Statutory Authority: RCW 28A.150.290. WSR 92-19-125 (Order 92-08), § 392-122-900, filed 9/21/92, effective 10/22/92. Statutory Authority: RCW 28A.41.170. WSR 86-01-021 (Order 85-16), § 392-122-900, filed 12/9/85; WSR 84-20-078 (Order 84-36), § 392-122-900, filed 10/2/84; WSR 84-13-020 (Order 84-10), § 392-122-900, filed 6/13/84.]

**WAC 392-122-905 General provision—Maximum control factor—Proration.** The maximum rate of allocation specified in this chapter shall be allocated by the superintendent of public instruction to school districts and charter schools unless the state appropriations for these programs are insufficient and it is necessary for the superintendent of public instruction to prorate all or a portion of these funds appropriated for allocation to school districts or charter schools for such programs. All such prorations shall be announced to school districts and charter schools through official agency bulletins or reports.

[Statutory Authority: RCW 28A.150.290 and 28A.710.220. WSR 15-18-078, § 392-122-905, filed 8/28/15, effective 9/28/15. Statutory Authority: RCW 28A.41.170. WSR 86-01-021 (Order 85-16), § 392-122-905, filed 12/9/85; WSR 84-13-020 (Order 84-10), § 392-122-905, filed 6/13/84.]

**WAC 392-122-910 General provisions—Recovery for failure to meet program requirements.** (1) Categorical apportionment moneys affected by this chapter shall be recovered in the event that a school district or charter school fails to meet one or more conditions that are established in state law, including the state Operating Appropriations Act, or state rules, or regulations.

(2) Such recovery shall occur if:

(a) The school district's or charter school's failure to meet one or more established conditions is documented either on a school district or charter school report that has been submit-

ted to the superintendent of public instruction or by review of the school district's or charter school's program by the superintendent of public instruction; and

(b) The school district or charter school has been given notice by the superintendent of public instruction of such failure at least thirty calendar days prior to the date of recovery.

(3) The amount of such recovery shall be proportional to the degree to which the school district or charter school fails to meet the established condition.

[Statutory Authority: RCW 28A.150.290 and 28A.710.220. WSR 15-18-078, § 392-122-910, filed 8/28/15, effective 9/28/15. Statutory Authority: RCW 28A.150.290, 1989 1st ex.s. c 19 and 1990 1st ex.s. c 16. WSR 91-03-118 (Order 2), § 392-122-910, filed 1/23/91, effective 2/23/91.]