

**WAC 192-210-005 Definitions—Educational employees.** (1) **Considerably less.** The economic conditions of an offer of employment are considerably less if the individual will not earn at least ninety percent of the total wages earned in the prior academic year or term.

(2) **Educational institution.** Includes any public or private pre-school, elementary school, secondary school, technical or vocational school, community or technical college, college, and university.

(3) **Educational service district** means an educational service district established pursuant to chapter 28A.310 RCW.

(4) **Highly probable** means very likely.

(5) **Nonprofessional capacity.** Includes all other services not performed in a professional capacity, regardless of the legal or educational requirements to perform such services.

(6) **Professional capacity.** Includes services performed in an instructional, research, or principal administrative capacity.

(7) **Same capacity.** In order for services to be performed in the same capacity, both the current work and the future work must both be in a professional capacity or both be in a nonprofessional capacity, even if the job titles or duties are different. In addition, both the current work and the future work must both be for an educational institution or both be for an educational services district, even if the employers or districts are different. For example:

(a) An assistant principal for the ABC school district has a contract to be a teacher for the XYZ school district the following academic year. These two positions are in the same capacity.

(b) A counselor who performed services in an educational institution for an educational services district is given reasonable assurance to work as a counselor directly for an educational institution the following academic year. These two positions are not in the same capacity.

(8) **Totality of the circumstances.** Analyzing the totality of the circumstances requires considering factors such as funding (including appropriations), enrollment, the nature of the course (required or optional, taught regularly or only sporadically), the claimant's seniority, budgeting and assignment practices of the school, the number of offers made in relation to the number of potential teaching assignments, the period of student registration, and any other contingencies.

[Statutory Authority: RCW 50.12.010, 50.12.040, 50.44.050, 50.44.053 and 50.44.055. WSR 18-19-007, § 192-210-005, filed 9/7/18, effective 10/8/18. Statutory Authority: RCW 50.12.010 and 50.12.040. WSR 07-22-055, § 192-210-005, filed 11/1/07, effective 12/2/07; WSR 02-19-009, § 192-210-005, filed 9/5/02, effective 10/6/02. Statutory Authority: RCW 50.12.010, 50.12.040 and 50.20.010. WSR 99-18-066, § 192-210-005, filed 8/31/99, effective 10/1/99.]