

(2) Require each school selected in accordance with criteria established by the district or agency to establish a school-based standing panel to carry out the duties described in WAC 392-172-645;

(3) Establish:

(a) Criteria that must be used by the district or agency in the selection of an eligible school;

(b) Criteria that must be used by an eligible public school in the establishment of a school-based standing panel to carry out the duties described in WAC 392-172-645 that ensure that the membership of the panel reflects the diversity of the community in which the public school is located and includes, at a minimum:

(i) Parents of special education students who attend a public school, including parents of special education students from unserved and underserved populations, as appropriate;

(ii) Special education and general education teachers of public schools;

(iii) Special education and general education administrators, or the designee of those administrators, of those public schools; and

(iv) Related services providers who are responsible for providing services to the special education students who attend those public schools.

(c) Criteria that must be used by the district or agency with respect to the distribution of funds under Part B of the IDEA to carry out this section.

(4) Disseminate the criteria to local school district personnel and local parent organizations within the jurisdiction of the district or agency;

(5) Require a public school that desires to design, implement, and evaluate a school-based improvement plan to submit an application at the time, in the manner and accompanied by the information, that the district or agency shall reasonably require; and

(6) Establish procedures for approval by the district or agency of a school-based improvement plan designed under Part B of the IDEA.

[Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq. 99-24-137, § 392-172-650, filed 12/1/99, effective 1/1/00.]

**WAC 392-172-655 Limitation.** A school-based improvement plan may be submitted to a district or agency, for approval only if a consensus with respect to any matter relating to the design, implementation, or evaluation of the goals of the plan is reached by the school-based standing panel that designed the plan.

[Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq. 99-24-137, § 392-172-655, filed 12/1/99, effective 1/1/00.]

**WAC 392-172-660 Additional requirements.** (1) In carrying out the requirements of WAC 392-172-640 et seq., a school district or other public agency shall ensure that the parents of special education students are involved in the design, evaluation, or if appropriate, implementation of school-based improvement plans in accordance with this section.

(2) A district or agency may approve a school-based improvement plan of a public school within its jurisdiction for a period of three years if:

(a) The approval is consistent with the policies, procedures, and practices established by the district or agency in accordance with WAC 392-172-640 et seq.; and

(b) A majority of the parents of students who are members of the school-based standing panel and a majority of other members of the school-based standing panel that designed the plan, agree in writing to the plan.

[Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq. 99-24-137, § 392-172-660, filed 12/1/99, effective 1/1/00.]

**WAC 392-172-665 Extension of plan.** If a public school within the jurisdiction of a school district or other public agency meets the applicable requirements and criteria described in this section, at the expiration of the three-year approval period, the district or agency may approve a school-based improvement plan of the school for an additional three-year period.

[Statutory Authority: RCW 28A.155.090(7), 28A.300.070 and 20 U.S.C. 1400 et seq. 99-24-137, § 392-172-665, filed 12/1/99, effective 1/1/00.]

## Title 399 WAC COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT, DEPARTMENT OF (PUBLIC WORKS BOARD)

### Chapters 399-30

**Public works loans and pledges.**

### Chapter 399-30 WAC PUBLIC WORKS LOANS AND PLEDGES

#### WAC

399-30-032

What are the requirements for meeting the Growth Management Act under RCW 43.155.070 (1)(d)?

399-30-033

How will the board address a "public health need" under RCW 43.155.070 (1)(d)?

399-30-034

How will the board address "substantial environmental degradation" as found in RCW 43.155.070 (1)(d)?

**WAC 399-30-032 What are the requirements for meeting the Growth Management Act under RCW 43.155.070 (1)(d)?** (1) "Compliance with the Growth Management Act" means that at the time of application for financial assistance:

(a) A local government that is required to or chooses to plan under RCW 36.70A.040 has adopted a comprehensive plan and development regulations in conformance with the requirements of chapter 36.70A RCW, after it is required that the comprehensive plan and development regulations be adopted; and

(b) The local government has not been found out of compliance by a growth management hearings board; or

(c) A growth management hearings board has found a local government in compliance with the requirements of

chapter 36.70A RCW, after previously finding the local government was not in compliance.

(2) Exceptions based on "public health need" or "substantial environmental degradation" shall not be used as a method to provide unrestricted access to financial assistance for local governments not in compliance with the law.

[Statutory Authority: RCW 43.155.040(4). 99-09-020, § 399-30-032, filed 4/14/99, effective 5/15/99.]

**WAC 399-30-033 How will the board address a "public health need" under RCW 43.155.070 (1)(d)?**

"Public health need" means that a situation exists that causes or is about to cause a real, documented, acute public health need related to the state's air, water, or soil that contributes to injuries or deaths on public highways, or risk of a public health emergency due to contaminated domestic water, the failure of a sanitary sewer system, storm sewer system, or solid waste or recycling system; and the problem generally involves a discrete area including, but not limited to, a county, city, subdivision, or an area serviced by on-site wastewater disposal systems.

In determining whether a project is necessary to address a public health need, the board shall consider the following factors:

(1) For bridge or road projects - whether injury or fatal injury motor or nonmotorized vehicle traffic collisions at a specific site, roadway control section, or area have occurred at a rate to be in the top five percent of all such collisions within the applicant jurisdiction for the most recent three-year period; and whether the proposed public works project will eliminate or reduce the likelihood of such vehicle collisions. Applicants applying under this subsection may utilize jurisdiction-wide accident data, or break the data down into arterial or nonarterial roads, intersection or nonintersection, and for intersections, whether they are signalized or nonsignalized.

(2) For domestic water projects - whether a drinking water system regulated by the department of health has been contaminated or is in imminent danger of being contaminated to the extent of creating a public health risk and; whether the proposed public works project will eliminate or reduce the chance of contamination.

(3) For sanitary sewer projects - whether failure of existing wastewater system or systems, including on-site systems, has resulted in contamination being present on the surface of the ground in such quantities and locations so as to create a potential for public contact; or whether contamination of a commercial or recreational shellfish bed so as to create a public health risk associated with the consumption of the shellfish, or contamination of surface water so as to create a public health risk associated with recreational use; and whether the proposed public works project will eliminate or reduce the danger of such public health risk.

(4) For storm sewer projects - whether failure of an existing storm sewer system has caused or is in imminent danger of causing localized flooding which disrupts critical public services; causes disease, illness, or attraction of rodents so as to create a public health risk; or contamination of a commercial or recreational shellfish bed so as to create a public health risk associated with the consumption of the shellfish, or con-

tamination of surface water so as to create a public health risk associated with recreational use and; whether the proposed public works project will eliminate or reduce the danger of localized flooding which disrupts critical public services or causes a public health risk.

(5) For solid waste or recycling projects - whether failure of an existing solid waste or recycling system has caused or is in danger of causing ground water contamination; causes disease, illness, or attraction of rodents so as to create a public health risk and; whether the proposed public works project will eliminate or reduce the danger of such public health risk.

(6) For all projects - whether more efficient operation of an existing system, changing public access, or modifying other regulatory standards (e.g., reduced speed limits, water conservation measures, rodent control, restricted shellfish harvesting) is likely to provide the same or similar level of resolution.

(7) For all projects - whether the public health problem is caused by failure to maintain or periodically replace, reconstruct, or rehabilitate a public works system.

(8) For all projects - other factors the board finds on the record are significant in light of facts and circumstances unique to the project.

(9) The factors enumerated in subsection (1) of this section must be addressed in a letter of request, with supporting documentation, addressed to the chair of the board and signed by the public official who signed the application for financial assistance.

(10) The factors enumerated in subsections (2) through (5) of this section must be addressed in a letter of request, with supporting documentation, addressed to the secretary of the Washington state department of health and signed by the public official who signed the application for financial assistance. A determination of a public health need may be made by the secretary, or designee, and addressed to the same public official. The board will consider the determination of the secretary. The board will also consider information presented on factors enumerated in subsections (6) through (8) of this section, which must be documented in a manner acceptable to the board.

[Statutory Authority: RCW 43.155.040(4). 99-09-020, § 399-30-033, filed 4/14/99, effective 5/15/99.]

**WAC 399-30-034 How will the board address "substantial environmental degradation" as found in RCW 43.155.070 (1)(d)?**

"Substantial environmental degradation" means a situation causes or is about to cause real, documented, substantial environmental degradation that contributes to violations of the state's air quality, water quality, or soil contaminate standards, interferes with beneficial uses of the air, water, or land, and the problem generally involves a discrete area including, but not limited to, a county, city, subdivision, or an area serviced by on-site wastewater disposal systems.

In determining whether a project is necessary to address substantial environmental degradation, the board shall consider the following factors:

(1) For bridge and road projects - whether motorized or nonmotorized vehicle traffic has caused substantial environmental degradation of the air, water, or soils of the state at the

site for which a proposed public works project is the subject of a financial assistance application, and; whether the proposed public works project will eliminate or reduce the chance of such vehicle-caused critical substantial environmental degradation.

(2) For domestic water projects - whether a drinking water system regulated by the department of health has caused substantial environmental degradation of the air, water, or soil of the state including, but not limited to: Causing disease or illness to humans, the attraction of rodents, or the killing of fish and shellfish that reside in the waters of the state, and; whether the proposed public works project will eliminate or reduce the chance of substantial environmental degradation.

(3) For sanitary sewer projects - whether failure of an existing wastewater system, including individual on-site systems, has caused substantial environmental degradation of the air, water, or soil of the state including, but not limited to: Causing disease or illness to humans, the attraction of rodents, or the killing of fish and shellfish that reside in the waters of the state, and; whether the proposed public works project will eliminate or reduce such substantial environmental degradation.

(4) For storm sewer systems - whether of an existing storm sewer system has caused substantial environmental degradation of the air, water, or soil of the state including, but not limited to: Causing disease or illness to humans, the attraction of rodents, or the killing of fish and shellfish that reside in the waters of the state, and; whether the proposed public works project will eliminate or reduce such substantial environmental degradation.

(5) For solid waste or recycling projects - whether failure of an existing solid waste system or recycling system has caused substantial environmental degradation of the air, water, or soil of the state including, but not limited to: Causing disease or illness to humans, the attraction of rodents, or the killing of fish and shellfish that reside in the waters of the state, and; whether the proposed public works project will eliminate or reduce such substantial environmental degradation.

(6) For all projects - whether more efficient operation of an existing system, changing public access, or modifying other regulatory standards (e.g., reduced speed limits, water conservation measures, rodent control, restricted shellfish harvesting) is likely to provide the same or similar level of resolution.

(7) For all projects - whether the substantial environmental degradation is caused by failure to maintain or periodically replace, reconstruct, or rehabilitate a public works system.

(8) For all projects - other factors the board finds on the record are significant in light of facts and circumstances unique to the project. Fish passage, water quality, or water quantity issues directly impacting salmonid fish survival in a watershed which is designated as a candidate for listing, proposed for listing, threatened listing, or endangered listing under the federal Endangered Species Act may be considered significant and unique to a project.

(9) The factors enumerated in subsections (1) through (5) of this section must be addressed in a letter of request, with

supporting documentation, to the director of the Washington state department of ecology and signed by the public official who signed the application for financial assistance. A determination of substantial environmental degradation may be made by the director or designee and addressed to the same public official. The board will consider the determination of the director. The board will also consider information presented on factors enumerated in subsections (6) through (8) of this section, which must be documented in a manner acceptable to the board.

[Statutory Authority: RCW 43.155.040(4). 99-09-020, § 399-30-034, filed 4/14/99, effective 5/15/99.]

## Title 415 WAC

### RETIREMENT SYSTEMS, DEPARTMENT OF

#### Chapters

<b>415-104</b>	<b>Law enforcement officers' and fire fighters' retirement system.</b>
<b>415-105</b>	<b>Local disability board procedures.</b>
<b>415-108</b>	<b>Public employees' retirement system.</b>
<b>415-112</b>	<b>Teachers' retirement board of trustees.</b>
<b>415-113</b>	<b>Portability of public employment benefits.</b>
<b>415-115</b>	<b>Assessment of an additional administrative fee.</b>
<b>415-116</b>	<b>Administrative fee rate.</b>

#### Chapter 415-104 WAC

#### LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' RETIREMENT SYSTEM

#### WAC

415-104-035	Jurisdiction of director.
415-104-045	Appeal of a local disability board decision.
415-104-050	Review of disability board action—Appeal of director's decision.
415-104-060	Records reviewed on appeals filed under RCW 41.26.200.
415-104-070	Parties to a de novo hearing.
415-104-080	The department can require an examination.
415-104-090	Notice of appeal to the superior court.
415-104-112	Interim retirement allowance—Employer final compensation report—Final computation of retirement allowance—Adjustment of retirement allowance for errors.
415-104-125	DRS review of disability board order.
415-104-135	Notice for hearing.
415-104-145	Department examination.
415-104-165	Payment of benefits pending final determination.
415-104-175	Comparison of disability retirement allowance and service retirement allowance.
415-104-211	Married member's benefit selection—Spousal consent required.
415-104-215	Retirement benefit options.
415-104-299	Basic salary table.

**WAC 415-104-035 Jurisdiction of director.** The director or the director's designee (director, designee or DRS) does not have authority to review local disability board findings or decisions regarding:

(1) Whether a member's disability was incurred in the line of duty under RCW 41.26.120 or not incurred in the line of duty under RCW 41.26.125; or