

Title 392 WAC

PUBLIC INSTRUCTION, SUPERINTENDENT OF

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392-08-360 Provisions of deposition rule. [Regulation .08.360, filed 3/22/60.] Repealed by Order 1-75, filed 1/21/75.

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392-08-450 Submission of documentary evidence in advance. [Regulation .08.450, filed 3/22/60.] Repealed by Order 1-75, filed 1/21/75.

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392-08-490 Supporting data. [Regulation .08.490, filed 3/22/60.] Repealed by Order 1-75, filed 1/21/75.

392-08-500 Effect of noncompliance with 392-08-470 or 392-08-480. [Regulation .08.500, filed 3/22/60.] Repealed by Order 1-75, filed 1/21/75.

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392-08-530 Tentative admission—Exclusion—Discontinuance—Objections. [Regulation .08.530, filed 3/22/60.] Repealed by Order 1-75, filed 1/21/75.

392-08-540 Petitions for rule making, amendment or repeal—Who may petition. [Regulation .08.540, filed 3/22/60.] Repealed by Order 1-75, filed 1/21/75.

392-08-550 Requisites. [Regulation .08.550, filed 3/22/60.] Repealed by Order 1-75, filed 1/21/75.

392-08-560 Agency must consider. [Regulation .08.560, filed 3/22/60.] Repealed by Order 1-75, filed 1/21/75.

392-08-570 Notice of disposition. [Regulation .08.570, filed 3/22/60.] Repealed by Order 1-75, filed 1/21/75.

392-08-580 Declaratory rulings. [Regulation .08.580, filed 3/22/60.] Repealed by Order 1-75, filed 1/21/75.

392-08-590 Forms. [Regulation .08.590, filed 3/22/60.] Repealed by Order 1-75, filed 1/21/75.

392-08-600 Administrative practices regarding hearings and rule proceedings. [Order 1-75, § 392-08-600, filed 1/21/75.] Repealed by Order 7-75, filed 12/22/75.

Chapter 392-10

CONFLICT OF INTEREST

392-10-010 Purpose and effect. [Order 73, § 392-10-010, filed 5/13/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-103-005.

392-10-020 Prohibited practices in general. [Order 73, § 392-10-020, filed 5/13/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-103-010, 392-103-020, and 392-103-025.

392-10-030 Disqualification. [Order 73, § 392-10-030, filed 5/13/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-103-025.

392-10-040 Permissible transactions. [Order 73, § 392-10-040, filed 5/13/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-103-040.

392-10-050 Permissible outside employment. [Order 73, § 392-10-050, filed 5/13/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-103-045.

392-10-060 Former employees—Prohibited practices. [Order 73, § 392-10-060, filed 5/13/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-103-035.

392-10-070 Appointed advisory committee members. [Order 82, § 392-10-070, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-103-030.

Chapter 392-12

ACCESS TO PUBLIC RECORDS

392-12-010 Access to public records. [Order 81, § 392-12-010, filed 9/10/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-105-010, 392-105-015, 392-105-020, 392-105-025, and 392-105-030.

Chapter 392-13

WORK STOPPAGE—STRIKES—PROCEDURES FOR APPROVAL/DISAPPROVAL—STATE EQUALIZATION APPORTIONMENT

392-13-010 Purpose. [Order 75, § 392-13-010, filed 6/10/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-131-005.

392-13-020 Presumption of approved program operation—Strikes—Exception—Approval/disapproval of program during strike period. [Order 75, § 392-13-020, filed 6/10/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-131-015.

392-13-030 Strike defined. [Order 75, § 392-13-030, filed 6/10/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-131-010.

392-13-040 Work stoppages and maintenance of approved programs for less than 180 days not condoned. [Order 75, § 392-13-040, filed 6/10/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-131-020.

392-13-050 Kindergarten and grade one through twelve programs considered collectively—Failure to operate an approved program—Denial of apportionment. [Order 75, § 392-13-050, filed 6/10/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-131-025.

Chapter 392-14

EMERGENCY SCHOOL CLOSURES—APPORTIONMENT

- 392-14-010 Purpose and construction. [Order 69, § 392-14-010, filed 4/18/74; Order 14, filed 5/23/69.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-129-005.
- 392-14-020 Definitions. [Order 69, § 392-14-020, filed 4/18/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-129-010.
- 392-14-030 Superintendent's determination of eligibility. [Order 69, § 392-14-030, filed 4/18/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-129-015.
- 392-14-040 Kindergarten and grade one through twelve programs considered separately. [Order 69, § 392-14-040, filed 4/18/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-129-020.

Chapter 392-15

INTERDISTRICT COOPERATION

- 392-15-715 Authority. [Order 21, § 392-15-715, filed 12/30/69.] Repealed by Order 90, filed 3/6/75.
- 392-15-720 Additional weighting support. [Order 32, § 392-15-720, filed 10/13/70; Order 21, § 392-15-720, filed 12/30/69.] Repealed by Order 90, filed 3/6/75. Later promulgation, see WAC 392-15-925, 392-135-025.
- 392-15-725 Additional weighting support—Entrusted children. [Order 21, § 392-15-725, filed 12/30/69.] Repealed by Order 90, filed 3/6/75.
- 392-15-730 Additional weighting support—Students resident on nontaxable state or political subdivision property. [Order 21, § 392-15-730, filed 12/30/69.] Repealed by Order 90, filed 3/6/75.
- 392-15-735 Program types. [Order 21, § 392-15-735, filed 12/30/69.] Repealed by Order 90, filed 3/6/75. Later promulgation, see WAC 392-15-910, 392-135-015.
- 392-15-740 Application—Requirements for approval. [Order 21, § 392-15-740, filed 12/30/69.] Repealed by Order 90, filed 3/6/75. Later promulgation, see WAC 392-15-915, 392-135-020.
- 392-15-745 Approval by superintendent of public instruction prerequisite for state funds. [Order 21, § 392-15-745, filed 12/30/69.] Repealed by Order 7-75, filed 12/22/75.
- 392-15-750 Vocational-technical schools. [Order 21, § 392-15-750, filed 12/30/69.] Repealed by Order 90, filed 3/6/75. Later promulgation, see WAC 392-15-930.
- 392-15-755 Tuition to be set by superintendent of public instruction under certain conditions. [Order 21, § 392-15-755, filed 12/30/69.] Repealed by Order 7-75, filed 12/22/75.
- 392-15-760 Duties of intermediate district superintendent. [Order 21, § 392-15-760, filed 12/30/69.] Repealed by Order 90, filed 3/6/75. Later promulgation, see WAC 392-15-935.
- 392-15-765 Attendance reports by resident districts. [Order 21, § 392-15-765, filed 12/30/69.] Repealed by Order 90, filed 3/6/75. Later promulgation, see WAC 392-15-940.
- 392-15-770 Cooperative financing of construction. [Order 21, § 392-15-770, filed 12/30/69.] Repealed by Order 90, filed 3/6/75. Later promulgation, see WAC 392-15-945, 392-135-030.
- 392-15-800 Purpose. [Order 78, § 392-15-800, filed 8/28/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-137-005.
- 392-15-805 Definitions. [Order 78, § 392-15-805, filed 8/28/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-137-010.
- 392-15-810 Persons entitled to attend—Tuition free. [Order 78, § 392-15-810, filed 8/28/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-137-015.
- 392-15-815 Nonresident minor students—Mutual agreement between resident and nonresident districts required.

- [Order 78, § 392-15-815, filed 8/28/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-137-020.
- 392-15-820 Nonresident adult students—Agreement between adult and nonresident district required. [Order 78, § 392-15-820, filed 8/28/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-137-025.
- 392-15-825 Resident adult students who are twenty-one years of age or older—Agreement required. [Order 78, § 392-15-825, filed 8/28/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-137-030.
- 392-15-830 Contents of agreements between adults and nonresident or resident districts and between resident and nonresident districts in behalf of minor nonresidents. [Order 78, § 392-15-830, filed 8/28/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-137-035.
- 392-15-835 District policies—Procedures and criteria for release of resident students and admission of nonresident students. [Order 78, § 392-15-835, filed 8/28/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-137-040.
- 392-15-840 Tuition—Amounts—Lack of agreement between resident and nonresident districts—Deposit. [Order 78, § 392-15-840, filed 8/28/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-137-045.
- 392-15-845 State apportionment credit—Grades one through eight—Grades nine through twelve. [Order 78, § 392-15-845, filed 8/28/74.] Repealed by Order 7-75, filed 12/22/75.
- 392-15-850 Procedure for obtaining nonresident attendance credit—Notices—Forfeiture of state apportionment. [Order 78, § 392-15-850, filed 8/28/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-137-045.
- 392-15-855 Agreements and policies deemed approved—Retention and filing of. [Order 78, § 392-15-855, filed 8/28/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-137-050.
- 392-15-900 Purpose. [Order 90, § 392-15-900, filed 3/6/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-135-005.
- 392-15-905 Definitions. [Order 90, § 392-15-905, filed 3/6/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-135-010.
- 392-15-910 Program types. [Order 90, § 392-15-910, filed 3/6/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-135-015.
- 392-15-915 Application—Requirements for approval. [Order 90, § 392-15-915, filed 3/6/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-135-020.
- 392-15-920 Approval by superintendent of public instruction prerequisite for state funds. [Order 90, § 392-15-920, filed 3/6/75.] Repealed by Order 7-75, filed 12/22/75.
- 392-15-925 Additional weighting support. [Order 90, § 392-15-925, filed 3/6/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-135-025.
- 392-15-930 Vocational-technical schools. [Order 90, § 392-15-930, filed 3/6/75.] Repealed by Order 7-75, filed 12/22/75.
- 392-15-935 Duties of intermediate district superintendent. [Order 90, § 392-15-935, filed 3/6/75.] Repealed by Order 7-75, filed 12/22/75.
- 392-15-940 Attendance reports by resident districts. [Order 90, § 392-15-940, filed 3/6/75.] Repealed by Order 7-75, filed 12/22/75.
- 392-15-945 Cooperative financing of construction. [Order 90, § 392-15-945, filed 3/6/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-135-030.

Chapter 392-20

APPROVED SCHOOL TRANSPORTATION GUIDE

- 392-20-010 School districts—General authority to provide transportation. [Rules (part), filed 8/31/65; Rules (part), filed 3/22/60.] Repealed by Order 7-75, filed 12/22/75.
- 392-20-020 Applications for exceptions. [Rules (part), filed 8/31/65.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-141-035.
- 392-20-030 Transportation routes. [Rules (part), filed 8/31/65; Rules (part), filed 3/22/60.] Repealed by Order 7-75, filed 12/22/75.
- 392-20-040 Age of pupils. [Rules (part), filed 8/31/65; Rules (part), filed 3/22/60.] Repealed by Order 7-75, filed 12/22/75.
- 392-20-050 Cost reimbursement. [Rules (part), filed 8/31/65; Rules (part), filed 3/22/60.] Repealed by Order 7-75, filed 12/22/75.

Chapter 392-21

SPECIFICATIONS FOR SCHOOL BUSES

- 392-21-005 Applicable statutes. [Order 53, § 392-21-005, filed 9/6/72; Reference to statutes, filed 9/10/65.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-010 School bus specifications. [Specifications for school buses (part), filed 9/10/65; Rules (part), filed 7/23/64, effective 1/1/65; Rules (part), filed 3/22/60.] Repealed by Order 53, filed 9/6/72.
- 392-21-012 School bus chassis. [Specification rules (part), filed 9/10/65; Rules (part), filed 7/23/64, effective 1/1/65; Rules (part), filed 3/22/60.] Repealed by Order 53, filed 9/6/72.
- 392-21-014 School bus body. [Specifications for school buses (part), filed 9/10/65; Specifications (part), filed 7/23/64, effective 1/1/65; Section 1, filed 2/14/63; Rules (part), filed 3/22/60.] Repealed by Order 53, filed 9/6/72.
- 392-21-016 Conversion vehicles. [Specification rules (part), filed 9/10/65; Rules (part), filed 7/23/64, effective 1/1/65; Rules (part), filed 3/22/60.] Repealed by Order 53, filed 9/6/72.
- 392-21-018 Specification illustrations. [Specification rules (part), filed 9/10/65; Rules (part), filed 7/23/64, effective 1/1/65; Rules (part), filed 3/22/60.] Repealed by Order 53, filed 9/6/72.
- 392-21-040 List of chassis models approved to date for use under bus bodies of maximum capacities indicated, providing they comply with other school bus specifications. [Approved chassis list, dated March 1958 and filed 3/22/60.] Repealed by Order 53, filed 9/6/72.
- 392-21-050 Forms—School bus chassis weight and body dimensions information. [Form, filed 3/22/60.] Repealed by Order 53, filed 9/6/72.
- 392-21-055 Forms—School bus purchase information. [Form T-5, filed 6/17/63; Form T-5, filed 3/22/60.] Repealed by Order 53, filed 9/6/72.
- 392-21-060 Forms—School bus rebuilding information. [Form T-10, filed 6/17/63; Form T-10, filed 2/14/63.]
- 392-21-100 Authority for minimum standards for public school buses. [Order 53, § 392-21-100, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-143-005.
- 392-21-105 Authority of district boards. [Order 53, § 392-21-105, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-143-025.
- 392-21-110 Definition of school bus. [Order 59, § 392-21-110, filed 4/19/73, effective 6/30/73; Order 53, § 392-21-110, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-143-010.
- 392-21-115 School bus operation permit, inspection and license. [Order 53, § 392-21-115, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-143-030.

- 392-21-120 Inspections. [Order 53, § 392-21-120, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-143-035.
- 392-21-125 Inspection of rebuilt school buses. [Order 53, § 392-21-125, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-143-040.
- 392-21-130 Compliance with federal motor vehicle safety standards. [Order 59, § 392-21-130, filed 4/19/73, effective 6/30/73; Order 53, § 392-21-130, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-143-020 (part).
- 392-21-135 Compliance with Washington specifications. [Order 59, § 392-21-135, filed 4/19/73, effective 6/30/73; Order 53, § 392-21-135, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-143-020 (part).
- 392-21-140 Types of vehicles. [Order 59, § 392-21-140, filed 4/19/73, effective 6/30/73; Order 53, § 392-21-140, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-145 Appeal for exception vehicles. [Order 53, § 392-21-145, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-143-045.
- 392-21-150 Regulations for resold school buses. [Order 53, § 392-21-150, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-143-050.
- 392-21-155 Responsibility of dealers and manufacturers. [Order 53, § 392-21-155, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-143-055.
- 392-21-160 Amendment of specifications. [Order 53, § 392-21-160, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-165 Effective date of specifications. [Order 59, § 392-21-165, filed 4/19/73, effective 6/30/73; Order 53, § 392-21-165, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-170 School bus chassis specifications. [Order 59, § 392-21-170, filed 4/19/73, effective 6/30/73; Order 53, § 392-21-170, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-175 Air cleaner. [Order 53, § 392-21-175, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-180 Axles. [Order 53, § 392-21-180, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-185 Battery. [Order 53, § 392-21-185, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-190 Brakes. [Order 53, § 392-21-190, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-195 Bumper, front. [Order 53, § 392-21-195, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-200 Certification. [Order 53, § 392-21-200, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-205 Clutch assemblies. [Order 53, § 392-21-205, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-210 Color. [Order 53, § 392-21-210, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-215 Drive shaft. [Order 53, § 392-21-215, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-220 Electrical system. [Order 53, § 392-21-220, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-225 Exhaust system. [Order 53, § 392-21-225, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-230 Fenders, front. [Order 53, § 392-21-230, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-235 Frame. [Order 53, § 392-21-235, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-240 Frame lengths. [Order 53, § 392-21-240, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-245 Fuel tank. [Order 53, § 392-21-245, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-250 Generator or alternator. [Order 53, § 392-21-250, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.

- 392-21-255 Governor. [Order 53, § 392-21-255, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-260 Heating system, provision for. [Order 53, § 392-21-260, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-265 Horn. [Order 53, § 392-21-265, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-270 Instruments and instrument panel. [Order 53, § 392-21-270, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-275 Oil filter. [Order 53, § 392-21-275, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-280 Openings. [Order 53, § 392-21-280, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-285 Passenger load. [Order 53, § 392-21-285, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-290 Power and gradeability—(See WAC 392-21-800 for formula). [Order 53, § 392-21-290, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-295 Shock absorbers. [Order 53, § 392-21-295, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-300 Springs. [Order 53, § 392-21-300, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-305 Steering gear. [Order 53, § 392-21-305, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-310 Tires and rims. [Order 53, § 392-21-310, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-315 Tow hooks. [Order 53, § 392-21-315, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-320 Transmission. [Order 53, § 392-21-320, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-325 Undercoating. [Order 53, § 392-21-325, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-330 Weight distribution. [Order 53, § 392-21-330, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-335 Wheels. [Order 53, § 392-21-335, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-390 Diagrams of chassis plan and chassis elevation. [Order 53, § 392-21-390, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-400 School bus body specifications. [Order 53, § 392-21-400, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-405 Aisle. [Order 53, § 392-21-405, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-410 Battery. [Order 53, § 392-21-410, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-415 Body sizes. [Order 53, § 392-21-415, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-420 Bumper, front. [Order 53, § 392-21-420, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-425 Bumper, rear. [Order 53, § 392-21-425, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-430 Ceiling. [Order 53, § 392-21-430, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-435 Chains. [Order 53, § 392-21-435, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-440 Color. [Order 53, § 392-21-440, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-445 Construction. [Order 53, § 392-21-445, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-450 Defrosters. [Order 53, § 392-21-450, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-455 Doors. [Order 53, § 392-21-455, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-460 Electrical system. [Order 53, § 392-21-460, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-465 Emergency window. [Order 53, § 392-21-465, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-470 Fire extinguisher. [Order 53, § 392-21-470, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-475 First-aid kit. [Order 53, § 392-21-475, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-480 Flags and flares. [Order 53, § 392-21-480, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-485 Floor. [Order 53, § 392-21-485, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-490 Heaters. [Order 53, § 392-21-490, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-495 Identification. [Order 53, § 392-21-495, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-500 Inside height. [Order 53, § 392-21-500, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-505 Insulation. [Order 53, § 392-21-505, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-510 Interior. [Order 53, § 392-21-510, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-515 Lamps and signals. [Order 53, § 392-21-515, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-520 Metal treatment. [Order 53, § 392-21-520, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-525 Mirrors. [Order 53, § 392-21-525, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-530 Mounting. [Order 53, § 392-21-530, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-535 Overall length. [Order 53, § 392-21-535, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-540 Overall width. [Order 53, § 392-21-540, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-545 Permit holder. [Order 53, § 392-21-545, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-550 Posts. [Order 53, § 392-21-550, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-560 Racks. [Order 53, § 392-21-560, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-565 Rub rails. [Order 53, § 392-21-565, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-570 Sanders. [Order 53, § 392-21-570, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-575 Seat belt for the operator. [Order 53, § 392-21-575, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-580 Seats. [Order 53, § 392-21-580, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-585 Stanchions and guard rails. [Order 53, § 392-21-585, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-590 Steering wheel. [Order 53, § 392-21-590, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-600 Steps. [Order 53, § 392-21-600, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-605 Step treads. [Order 53, § 392-21-605, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-610 Stirrup steps. [Order 53, § 392-21-610, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-615 Stop sign. [Order 53, § 392-21-615, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-620 Storage compartment. [Order 53, § 392-21-620, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-625 Sun visor. [Order 53, § 392-21-625, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-630 Tailpipe. [Order 53, § 392-21-630, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-635 Tow hook, rear. [Order 53, § 392-21-635, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-640 Undercoating. [Order 53, § 392-21-640, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-645 Ventilation. [Order 53, § 392-21-645, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-650 Wheel housings. [Order 53, § 392-21-650, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-655 Windshields. [Order 53, § 392-21-655, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-660 Windshield washer. [Order 53, § 392-21-660, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-665 Windshield wipers. [Order 53, § 392-21-665, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-670 Wiring. [Order 53, § 392-21-670, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-700 Diagrams of body plan and body elevation. [Order 53, § 392-21-700, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-750 Specifications for conversion vehicles. [Order 59, § 392-21-750, filed 4/19/73, effective 6/30/73; Order

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- 53, § 392-21-750, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-755 Conversion vehicles—Body. [Order 59, § 392-21-755, filed 4/19/73, effective 6/30/73.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-760 Conversion vehicles—Chassis. [Order 59, § 392-21-760, filed 4/19/73, effective 6/30/73.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-765 Vehicles for transporting handicapped children. [Order 59, § 392-21-765, filed 4/19/73, effective 6/30/73.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-800 Appendix. [Order 53, § 392-21-800, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.

Chapter 392-22

OPERATION RULES FOR SCHOOL BUS DRIVERS

- 392-22-005 Objectives of school bus transportation. [Order 24, § 392-22-005, filed 7/1/70.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-145-010.
- 392-22-010 General operation regulations. [Order 24, § 392-22-010, filed 7/1/70; General Operation Regulations, filed 8/31/65; General Operation Regulations, filed 3/22/60.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-145-015, 392-145-020, 392-145-025, and 392-145-030.
- 392-22-100 Rules for school bus drivers. [Order 24, § 392-22-100, filed 7/1/70; Rules for School Bus Drivers, filed 8/31/65; Rules for School Bus Drivers, filed 3/22/60.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-145-015, 392-145-020, 392-145-025, and 392-145-030.

Chapter 392-23

RULES FOR STUDENTS RIDING BUSES

- 392-23-005 Applicability of rules. [Rules (part), filed 8/31/65; Rules (part), filed 3/22/60.] Repealed by Order 7-75, filed 12/22/75.
- 392-23-010 Rules for students riding school buses. [Order 24, § 392-23-010, filed 7/1/70; Regulations (part), filed 8/31/65; Rules (part), filed 3/22/60.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-145-035.

Chapter 392-24

SCHOOL SAFETY PATROL

- 392-24-006 School patrol appointment, authority, finance, insurance. [Order 54, § 392-24-006, filed 11/24/72; Safety Patrol Manual (part), filed 3/22/60.] Repealed by Order 7-75, filed 12/22/75.
- 392-24-007 Washington's school safety patrol—General. [Order 54, § 392-24-007, filed 11/24/72; Safety Patrol Manual (part), filed 3/22/60.] Repealed by Order 7-75, filed 12/22/75.
- 392-24-010 Washington's school safety patrol—Purpose and function. [Order 54, § 392-24-010, filed 11/24/72; Safety Patrol Manual (part), filed 3/22/60.] Repealed by Order 7-75, filed 12/22/75.
- 392-24-011 Rules for operation of school safety patrol—General. [Order 54, § 392-24-011, filed 11/24/72; Safety Patrol Manual (part), filed 3/22/60.] Repealed by Order 7-75, filed 12/22/75.
- 392-24-015 Rules for operation of school safety patrol—Establishment and support—Administration—Community support. [Order 54, § 392-24-015, filed 11/24/72; Safety Patrol Manual (part), filed 3/22/60.] Repealed by Order 7-75, filed 12/22/75.
- 392-24-020 Rules for operation of school safety patrol—Instruction and supervision. [Order 54, § 392-24-020, filed 11/24/72; Safety Patrol Manual (part), filed 3/22/60.] Repealed by Order 7-75, filed 12/22/75.
- 392-24-025 Rules for operation of school safety patrol—Selection and appointment. [Order 54, § 392-24-025, filed 11/24/72; Safety Patrol Manual (part), filed 3/22/60.] Repealed by Order 7-75, filed 12/22/75.

- 392-24-026 Rules for operation of school safety patrol—Suggested application form. [Order 54, § 392-24-026, filed 11/24/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-24-027 Rules for operation of school safety patrol—Suggested parental endorsement letter. [Order 54, § 392-24-027, filed 11/24/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-24-030 Rules for operation of school safety patrol—Size of patrol and officers needed. [Order 54, § 392-24-030, filed 11/24/72; Safety Patrol Manual (part), filed 3/22/60.] Repealed by Order 7-75, filed 12/22/75.
- 392-24-035 Rules for operation of school safety patrol—Standard uniforms. [Order 54, § 392-24-035, filed 11/24/72; Safety Patrol Manual (part), filed 3/22/60.] Repealed by Order 7-75, filed 12/22/75.
- 392-24-040 Standard school patrol procedure. [Safety Patrol Manual (part), filed 3/22/60.] Repealed by Order 54, filed 11/24/72.
- 392-24-045 Placement of signs. [Safety Patrol Manual (part), filed 3/22/60.] Repealed by Order 54, filed 11/24/72.
- 392-24-050 Rules for operation of school safety patrol—Equipment. [Order 54, § 392-24-050, filed 11/24/72; Safety Patrol Manual (part), filed 3/22/60.] Repealed by Order 7-75, filed 12/22/75.
- 392-24-055 Rules for operation of school safety patrol—Care of equipment. [Order 54, § 392-24-055, filed 11/24/72; Safety Patrol Manual (part), filed 3/22/60.] Repealed by Order 7-75, filed 12/22/75.
- 392-24-060 Increasing visibility. [Safety Patrol Manual (part), filed 3/22/60.] Repealed by Order 54, filed 11/24/72.
- 392-24-065 Rules for operation of school safety patrol—Controlled crossings. [Order 54, § 392-24-065, filed 11/24/72; Safety Patrol Manual (part), filed 3/22/60.] Repealed by Order 7-75, filed 12/22/75.
- 392-24-067 Rules for operation of school safety patrol—Location of school patrol crossings. [Order 54, § 392-24-067, filed 11/24/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-24-070 Rules for operation of school safety patrol—Positions at crosswalks. [Order 54, § 392-24-070, filed 11/24/72; Safety Patrol Manual (part), filed 3/22/60.] Repealed by Order 7-75, filed 12/22/75.
- 392-24-075 Rules for operation of school safety patrol—Hours of duty. [Order 54, § 392-24-075, filed 11/24/72; Safety Patrol Manual (part), filed 3/22/60.] Repealed by Order 7-75, filed 12/22/75.
- 392-24-080 Rules for operation of school safety patrol—Bus duty. [Order 54, § 392-24-080, filed 11/24/72; Safety Patrol Manual (part), filed 3/22/60.] Repealed by Order 7-75, filed 12/22/75.
- 392-24-085 Rules for operation of school safety patrol—School bus stop sign violations. [Order 54, § 392-24-085, filed 11/24/72; Safety Patrol Manual (part), filed 3/22/60.] Repealed by Order 7-75, filed 12/22/75.
- 392-24-090 Rules for operation of school safety patrol—Installing the school safety patrol—Pledge—Motivation, recognition, morale. [Order 54, § 392-24-090, filed 11/24/72; Safety Patrol Manual (part), filed 3/22/60.] Repealed by Order 7-75, filed 12/22/75.
- 392-24-100 Rules for operation of school safety patrol—Suggested evaluation form. [Order 54, § 392-24-100, filed 11/24/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-24-205 Function of the school patrol. [Order 85, § 392-24-205, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-151-010.
- 392-24-210 Administration and support. [Order 85, § 392-24-210, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-151-015.
- 392-24-215 Liability. [Order 85, § 392-24-215, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-151-020.
- 392-24-220 Local school route plans. [Order 85, § 392-24-220, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-151-025.

- 392-24-225 Warrants for utilizing adult crossing guards. [Order 85, § 392-24-225, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-151-055.
- 392-24-230 Suggested factors to consider for placement of adult guards. [Order 85, § 392-24-230, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-151-055.
- 392-24-235 Criteria to consider when selecting an adult guard. [Order 85, § 392-24-235, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-151-060.
- 392-24-240 Controlled crossings. [Order 85, § 392-24-240, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-151-030.
- 392-24-245 School crossing warning and speed limit signs. [Order 85, § 392-24-245, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-151-035.
- 392-24-250 Organization, instruction, and supervision. [Order 85, § 392-24-250, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-151-040 and 392-151-045.
- 392-24-255 Selection, appointment. [Order 85, § 392-24-255, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-151-050.
- 392-24-260 Size of patrol and officers needed. [Order 85, § 392-24-260, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-151-070.
- 392-24-265 Hours on duty. [Order 85, § 392-24-265, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-151-075.
- 392-24-270 The Patrol Captain. [Order 85, § 392-24-270, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-151-080.
- 392-24-275 The Patrol Lieutenant. [Order 85, § 392-24-275, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-151-080.
- 392-24-280 The patrol member. [Order 85, § 392-24-280, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-151-085.
- 392-24-285 Standard uniforms. [Order 85, § 392-24-285, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-151-090.
- 392-24-290 Equipment. [Order 85, § 392-24-290, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-151-095.
- 392-24-295 Care of equipment. [Order 85, § 392-24-295, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-151-100.
- 392-24-300 Instruction of safety patrol members. [Order 85, § 392-24-300, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-151-105.
- 392-24-305 Installing the school safety patrol. [Order 85, § 392-24-305, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-151-110.
- 392-24-310 School safety patrol pledge. [Order 85, § 392-24-310, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-151-110.
- 392-24-315 Patrol operation—Assignment and inspection. [Order 85, § 392-24-315, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-151-115.
- 392-24-320 Basic crossing position and flag operation. [Order 85, § 392-24-320, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-151-120.
- 392-24-325 Single posts and one-way streets. [Order 85, § 392-24-325, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-151-125.
- 392-24-330 Traffic hazards. [Order 85, § 392-24-330, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-151-130.
- 392-24-335 Multiple posts. [Order 85, § 392-24-335, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-151-135.
- 392-24-340 Operation with an adult guard or police officer or traffic signal. [Order 85, § 392-24-340, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-151-140.
- 392-24-345 Police officer or adult crossing guard. [Order 85, § 392-24-345, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-151-065.
- 392-24-350 Operation at an intersection with traffic signal. [Order 85, § 392-24-350, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-151-145.
- 392-24-355 Violation reports and accidents. [Order 85, § 392-24-355, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-151-150.
- 392-24-360 Morale and discipline. [Order 85, § 392-24-360, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-151-150.
- 392-24-365 Recognition and awards. [Order 85, § 392-24-365, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-151-150.

Chapter 392-25**CERTIFICATION OF SCHOOL BUS DRIVERS**

- 392-25-010 Procedure for training and certification of school bus drivers—General. [Rules (part), filed 3/22/60.] Repealed by Order 24, filed 7/1/70. Later promulgation, see chapter 392-145 WAC.
- 392-25-020 Certification requirements—Temporary certificates. [Rules and forms (part), filed 3/22/60.] Repealed by Order 24, filed 7/1/70. Later promulgation, see chapter 392-145 WAC.
- 392-25-030 Regular school bus drivers' certificates and forms. [Rules (part), filed 3/22/60.] Repealed by Order 24, filed 7/1/70. Later promulgation, see chapter 392-145 WAC.

Chapter 392-26**SAFE WALK-WAYS TO AND FROM SCHOOL**

- 392-26-010 Reimbursement by the state. [Order 29, § 392-26-010, filed 8/5/70; Rules (part), filed 8/29/67.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-147-010.
- 392-26-020 Prior approval by county transportation commission required. [Rules (part), filed 8/29/67.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-147-015.
- 392-26-030 Report of transportation commission. [Order 29, § 392-26-030, filed 8/5/70; Rules (part), filed 8/29/67.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-147-020.
- 392-26-040 Information required by state superintendent. [Order 29, § 392-26-040, filed 8/5/70; Rules (part), filed 8/29/67.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-147-025 and 392-147-030.
- 392-26-050 Application for state reimbursement for safe walk-way construction. [Order 29, § 392-26-050, filed 8/5/70; Rules (part), filed 8/29/67.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-147-035.

Chapter 392-27**REIMBURSEMENT TO SCHOOL DISTRICTS FOR TRANSPORTATION COSTS**

- 392-27-010 District records required. [Order 36, § 392-27-010, filed 1/12/71; Transportation rules (part), filed

- 3/22/60.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-141-025.
- 392-27-020 Approval of transportation routes—Limitation. [Order 36, § 392-27-020, filed 1/12/71; Reimbursement rules (part), filed 3/22/60.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-141-030 and 392-141-040.
- 392-27-030 Preparation of T-2 form and approved transportation costs. [Order 36, § 392-27-030, filed 1/12/71; Rules (part), filed 3/22/60.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-141-030 and 392-141-040.
- 392-27-031 T-2 Form (front). [Order 9, § 392-27-031, filed 2/3/69; WAC 392-27-030(3), filed 6/22/60.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-141-030 and 392-141-040.
- 392-27-032 T-2 form (back side, containing rules and regulations for school transportation commission). [Order 9, § 392-27-032, filed 6/22/60; WAC 392-27-020(4), filed 6/22/60.] Repealed by Order 7-75, filed 12/22/75.
- 392-27-040 Purchase of school buses and state allowance for depreciation. [Order 48, § 392-27-040, filed 6/28/72; Order 36, § 392-27-040, filed 1/12/71; Reimbursement rules (part), filed 3/22/60.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-141-045 and 392-141-050.
- 392-27-045 Lease purchase of school buses—Reimbursement. [Order 36, § 392-27-045, filed 1/12/71.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-141-045 and 392-141-050.
- 392-27-050 Presenting buses for safety inspection. [From Rules dated March, 1958 (part), filed 3/22/60.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-141-045 and 392-141-050.
- 392-27-100 Depreciation schedule—New buses. [Order 37, § 392-27-100, filed 1/12/71, effective 7/1/71; Subsections 1, 2, and 3 from Rules (part), filed 8/2/62; Rules (part), filed 3/22/60; Subsection 4 from Rules, filed 8/2/62; Rules (part), filed 3/22/60; Example, filed 8/2/62; Rules (part), filed 3/22/60.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-141-055.
- 392-27-110 Additional depreciation for rebuilt district-owned buses that have served the state's required years for original depreciation. [Subsection 5 from Rules (part), filed 6/17/63; Subsections 1, 2, 3, and 4 from Rules (part), filed 2/14/63; Form T-10, filed 2/14/63.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-141-060.

Chapter 392-29

DISTRIBUTION OF FUNDS APPROPRIATED FOR APPORTIONMENT TO THE COMMON SCHOOLS

- 392-29-010 Authority. [Order 52, § 392-29-010, filed 8/15/72.] Repealed by Order 89, filed 3/6/75.
- 392-29-020 Purpose. [Order 52, § 392-29-020, filed 8/15/72.] Repealed by Order 89, filed 3/6/75.
- 392-29-030 Policy. [Order 52, § 392-29-030, filed 8/15/72.] Repealed by Order 89, filed 3/6/75.
- 392-29-100 Procedures. [Order 52, § 392-29-100, filed 8/15/72.] Repealed by Order 89, filed 3/6/75.
- 392-29-110 Authority and purpose. [Order 89, § 392-29-110, filed 3/6/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-121-005.
- 392-29-120 Intent of equalization apportionment. [Order 89, § 392-29-120, filed 3/6/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-121-005.
- 392-29-130 Definitions—Terms. [Order 89, § 392-29-130, filed 3/6/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-121-010 and 392-121-015.
- 392-29-140 Definitions—School year—Day. [Order 89, § 392-29-140, filed 3/6/75.] Repealed by Order 7-75, filed

- 12/22/75. Later promulgation, see WAC 392-121-015.
- 392-29-150 Annual distribution of apportionment funds. [Order 89, § 392-29-150, filed 3/6/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-121-020.
- 392-29-160 Apportionment credit, resident and nonresident districts. [Order 89, § 392-29-160, filed 3/6/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-121-030.
- 392-29-170 Apportionment credit—Preschool handicapped and kindergarten. [Order 89, § 392-29-170, filed 3/6/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-121-030.
- 392-29-180 Apportionment funds resources. [Order 89, § 392-29-180, filed 3/6/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-121-035.
- 392-29-190 Pupil weighting—Weighting schedule—Weighted pupil enrollment. [Order 89, § 392-29-190, filed 3/6/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-121-040.
- 392-29-200 Per weighted pupil guarantee—Method of computation. [Order 89, § 392-29-200, filed 3/6/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-121-050.
- 392-29-210 Proportional district entitlement—Computation of. [Order 89, § 392-29-210, filed 3/6/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-121-055.
- 392-29-220 Full-time equivalent pupil. [Order 89, § 392-29-220, filed 3/6/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-121-055.
- 392-29-230 Enrollment time credit—Off-campus, educational institution. [Order 89, § 392-29-230, filed 3/6/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-121-045.
- 392-29-240 Part-time student. [Order 89, § 392-29-240, filed 3/6/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-121-045.
- 392-29-250 Reporting requirements. [Order 89, § 392-29-250, filed 3/6/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-121-065.
- 392-29-260 Payment schedule. [Order 89, § 392-29-260, filed 3/6/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-121-025.
- 392-29-270 Advance payments—Emergency. [Order 89, § 392-29-270, filed 3/6/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-121-060.

Chapter 392-30

SCHOOL DISTRICT BUDGETING

- 392-30-010 Authority. [Order 83, § 392-30-010, filed 10/3/74; Order 38, § 392-30-010, filed 2/5/71.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-123-005.
- 392-30-020 The accounting manual. [Order 83, § 392-30-020, filed 10/3/74; Order 38, § 392-30-020, filed 2/5/71.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-123-010.
- 392-30-030 Preliminary and final budgets required. [Order 83, § 392-30-030, filed 10/3/74; Order 38, § 392-30-030, filed 2/5/71.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-123-015.
- 392-30-035 Petition to stipulate that preliminary budget shall become final budget. [Order 83, § 392-30-035, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-123-020.
- 392-30-040 Preliminary and final budget forms provided by state superintendent. [Order 83, § 392-30-040, filed 10/3/74; Order 38, § 392-30-040, filed 2/5/71.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-123-025.

- 392-30-050 Preliminary and final budget preparation. [Order 83, § 392-30-050, filed 10/3/74; Order 38, § 392-30-050, filed 2/5/71.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-123-030.
- 392-30-060 Budget required to be developed on accrual basis. [Order 83, § 392-30-060, filed 10/3/74; Order 38, § 392-30-060, filed 2/5/71.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-123-035.
- 392-30-070 The time schedule for the preliminary budget process. [Order 83, § 392-30-070, filed 10/3/74; Order 38, § 392-30-070, filed 2/5/71.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-123-040 and 392-123-045.
- 392-30-080 The time schedule for the final budget process. [Order 83, § 392-30-080, filed 10/3/74; Order 38, § 392-30-080, filed 2/5/71.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-123-055.
- 392-30-090 Identification of revenues to be included in the budget. [Order 83, § 392-30-090, filed 10/3/74; Order 38, § 392-30-090, filed 2/5/71.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-123-055.
- 392-30-100 Petition to budget future receivables—Final budget. [Order 83, § 392-30-100, filed 10/3/74; Order 38, § 392-30-100, filed 2/5/71.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-123-060.
- 392-30-110 Noncompliance with binding restrictions placed on school district. [Order 83, § 392-30-110, filed 10/3/74; Order 38, § 392-30-110, filed 2/5/71.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-123-065.
- 392-30-120 Required analysis of budgetary changes—Prior year budget to preliminary and preliminary to final budget. [Order 83, § 392-30-120, filed 10/3/74; Order 38, § 392-30-120, filed 2/5/71.] Repealed by Order 7-75, filed 12/22/75.
- 392-30-130 Overexpending and exceeding the budget. [Order 83, § 392-30-130, filed 10/3/74; Order 38, § 392-30-130, filed 2/5/71.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-123-070.
- 392-30-140 Identification of a balanced budget. [Order 83, § 392-30-140, filed 10/3/74; Order 55, § 392-30-140, filed 12/28/72; Order 38, § 392-30-140, filed 2/5/71.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-123-075.
- 392-30-150 Budget determined to be unsound after state superintendent's review. [Order 83, § 392-30-150, filed 10/3/74; Order 38, § 392-30-150, filed 2/5/71.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-123-080.
- 392-30-160 Meeting to review budget after determined unsound—Findings issued. [Order 83, § 392-30-160, filed 10/3/74; Order 38, § 392-30-160, filed 2/5/71.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-123-085.
- 392-30-170 Preliminary budget noncompliant and unsound. [Order 83, § 392-30-170, filed 10/3/74; Order 38, § 392-30-170, filed 2/5/71.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-123-090.
- 392-30-180 Final budget noncompliant and unsound. [Order 83, § 392-30-180, filed 10/3/74; Order 38, § 392-30-180, filed 2/5/71.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-123-095.
- 392-30-190 Revised final budget not submitted or noncompliant. [Order 83, § 392-30-190, filed 10/3/74; Order 38, § 392-30-190, filed 2/5/71.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-123-100.
- 392-30-200 State board of education action regarding missing or noncompliant final budget. [Order 83, § 392-30-200, filed 10/3/74; Order 38, § 392-30-200, filed 2/5/71.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-123-105.
- 392-30-210 Monthly financial statements and reports prepared by school district administration. [Order 83, § 392-30-210, filed 10/3/74; Order 38, § 392-30-210, filed 2/5/71.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-123-110.
- 392-30-220 Budget status report for general fund operations. [Order 83, § 392-30-220, filed 10/3/74; Order 38, § 392-30-220, filed 2/5/71.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-123-115.
- 392-30-230 Consolidated balance sheet—Financial position of the school district. [Order 83, § 392-30-230, filed 10/3/74; Order 38, § 392-30-230, filed 2/5/71.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-123-120.
- 392-30-240 Personnel budget status report—First and second class districts. [Order 83, § 392-30-240, filed 10/3/74; Order 55, § 392-30-240, filed 12/28/72; Order 38, § 392-30-240, filed 2/5/71.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-123-125.
- 392-30-250 Cash and investment status report for funds other than the general fund. [Order 83, § 392-30-250, filed 10/3/74; Order 38, § 392-30-250, filed 2/5/71.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-123-130.
- 392-30-260 Interfund loans—Definition. [Order 83, § 392-30-260, filed 10/3/74; Order 38, § 392-30-260, filed 2/5/71.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-123-135.
- 392-30-270 Interfund loans allowable. [Order 83, § 392-30-270, filed 10/3/74; Order 38, § 392-30-270, filed 2/5/71.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-123-140.
- 392-30-280 Interfund loans—Identification of temporary loans. [Order 83, § 392-30-280, filed 10/3/74; Order 38, § 392-30-280, filed 2/5/71.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-123-145.
- 392-30-290 Interfund loans—Payment of interest. [Order 83, § 392-30-290, filed 10/3/74; Order 38, § 392-30-290, filed 2/5/71, effective 7/1/71.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-123-150.
- 392-30-300 Interfund loans—Full disclosure on financial statements. [Order 83, § 392-30-300, filed 10/3/74; Order 38, § 392-30-300, filed 2/5/71.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-123-155.
- 392-30-310 Interfund loans—Board resolution adopted—Contents. [Order 83, § 392-30-310, filed 10/3/74; Order 38, § 392-30-310, filed 2/5/71.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-123-160.

Chapter 392-31

INTERMEDIATE SCHOOL DISTRICT BUDGETING

- 392-31-010 Authority. [Order 41, § 392-31-010, filed 10/20/71.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-125-005.
- 392-31-020 Principles of accounting. [Order 41, § 392-31-020, filed 10/20/71.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-125-010.
- 392-31-030 Budgets required. [Order 41, § 392-31-030, filed 10/20/71.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-125-015.
- 392-31-040 Budget preparation, hearing and adoption. [Order 57, § 392-31-040, filed 4/13/73; Order 41, § 392-31-040, filed 10/20/71.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-125-020.

- 392-31-050 Budget approval. [Order 41, § 392-31-050, filed 10/20/71.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-125-025.
- 392-31-060 Time schedule for budget process. [Order 57, § 392-31-060, filed 4/13/73; Order 41, § 392-31-060, filed 10/20/71.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-125-030.
- 392-31-070 Budget content. [Order 41, § 392-31-070, filed 10/20/71.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-125-035.
- 392-31-080 Overexpending and exceeding the budget. [Order 41, § 392-31-080, filed 10/20/71.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-125-040.
- 392-31-090 A balanced budget. [Order 41, § 392-31-090, filed 10/20/71.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-125-045.
- 392-31-100 Termination of appropriations. [Order 41, § 392-31-100, filed 10/20/71.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-125-050.
- 392-31-110 Budget extensions. [Order 41, § 392-31-110, filed 10/20/71.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-125-055.
- 392-31-120 Monthly budget status report. [Order 41, § 392-31-120, filed 10/20/71.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-125-060.
- 392-31-130 Content of the monthly budget status report. [Order 41, § 392-31-130, filed 10/20/71.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-125-065.
- 392-31-140 Approval of the budget by the superintendent of public instruction. [Order 41, § 392-31-140, filed 10/20/71.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-125-070.
- 392-31-150 Distribution of county funds when county contains parts of two or more intermediate school districts. [Order 41, § 392-31-150, filed 10/20/71.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-125-075.

Chapter 392-35**PRINCIPALS--EMPLOYEE ORGANIZATION--ELECTION PROCEDURE**

- 392-35-010 Purpose. [Order 67, § 392-35-010, filed 9/21/73.] Repealed by Order 7-75, filed 12/22/75.
- 392-35-020 Definitions. [Order 67, § 392-35-020, filed 9/21/73.] Repealed by Order 7-75, filed 12/22/75.
- 392-35-030 Request for election. [Order 67, § 392-35-030, filed 9/21/73.] Repealed by Order 7-75, filed 12/22/75.
- 392-35-040 Notice of election. [Order 67, § 392-35-040, filed 9/21/73.] Repealed by Order 7-75, filed 12/22/75.
- 392-35-050 Contents of notice of election—Designation of chief election officer—Duties. [Order 67, § 392-35-050, filed 9/21/73.] Repealed by Order 7-75, filed 12/22/75.
- 392-35-060 List of principals—Posting of list. [Order 67, § 392-35-060, filed 9/21/73.] Repealed by Order 7-75, filed 12/22/75.
- 392-35-070 Election inspectors—Duties—Right to challenge voter—Improper conduct. [Order 67, § 392-35-070, filed 9/21/73.] Repealed by Order 7-75, filed 12/22/75.
- 392-35-080 Ballots. [Order 67, § 392-35-080, filed 9/21/73.] Repealed by Order 7-75, filed 12/22/75.
- 392-35-090 Record of vote—Signature—Challenge. [Order 67, § 392-35-090, filed 9/21/73.] Repealed by Order 7-75, filed 12/22/75.
- 392-35-100 Incorrectly marked ballot. [Order 67, § 392-35-100, filed 9/21/73.] Repealed by Order 7-75, filed 12/22/75.
- 392-35-110 Privacy for voter—Equipment. [Order 67, § 392-35-110, filed 9/21/73.] Repealed by Order 7-75, filed 12/22/75.

- 392-35-120 Folding ballot—Ballot box. [Order 67, § 392-35-120, filed 9/21/73.] Repealed by Order 7-75, filed 12/22/75.
- 392-35-130 Challenged ballot—Procedure. [Order 67, § 392-35-130, filed 9/21/73.] Repealed by Order 7-75, filed 12/22/75.
- 392-35-140 Employees present entitled to vote—Sealing ballot box—Unused ballots. [Order 67, § 392-35-140, filed 9/21/73.] Repealed by Order 7-75, filed 12/22/75.
- 392-35-150 Election inspectors' duties after voting has terminated. [Order 67, § 392-35-150, filed 9/21/73.] Repealed by Order 7-75, filed 12/22/75.
- 392-35-160 Disposition of challenged ballots—Tally sheets—Investigation by chief election officer. [Order 67, § 392-35-160, filed 9/21/73.] Repealed by Order 7-75, filed 12/22/75.
- 392-35-170 Counting of ballots—Procedure—Certification of results of election—Retention of ballots—Signed voting lists. [Order 67, § 392-35-170, filed 9/21/73.] Repealed by Order 7-75, filed 12/22/75.
- 392-35-180 Electioneering within the polls forbidden. [Order 67, § 392-35-180, filed 9/21/73.] Repealed by Order 7-75, filed 12/22/75.
- 392-35-190 Contest of election—Time for filing objections—Investigation of objections. [Order 67, § 392-35-190, filed 9/21/73.] Repealed by Order 7-75, filed 12/22/75.
- 392-35-200 Election determined by majority of valid votes cast—Runoff election. [Order 67, § 392-35-200, filed 9/21/73.] Repealed by Order 7-75, filed 12/22/75.
- 392-35-210 Time lapse for new election. [Order 67, § 392-35-210, filed 9/21/73.] Repealed by Order 7-75, filed 12/22/75.

Chapter 392-45**WASHINGTON STATE SPECIAL EDUCATION PROGRAM FOR CHILDREN WITH HANDICAPPING CONDITIONS**

- 392-45-005 Purpose. [Order 66, § 392-45-005, filed 8/27/73.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-171-005.

ADMINISTRATION OF WASHINGTON STATE SPECIAL EDUCATION PROGRAM (RCW 28A.13.070)

- 392-45-010 Administrative duties of superintendent of public instruction. [Order 66, § 392-45-010, filed 8/27/73.] Repealed by Order 7-75, filed 12/22/75.
- 392-45-015 Special education advisory council. [Order 66, § 392-45-015, filed 8/27/73.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-171-010.
- 392-45-020 Special education advisory council—Special education advisory council authority. [Order 66, § 392-45-020, filed 8/27/73.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-171-015.
- 392-45-025 Special education standing committee. [Order 66, § 392-45-025, filed 8/27/73.] Repealed by Order 7-75, filed 12/22/75.

COMPONENTS OF WASHINGTON STATE SPECIAL EDUCATION PROGRAM (CHAPTER 28A.13 RCW)

- 392-45-030 Common school age (RCW 28A.13.010, 28A.58.190 and 28A.35.010). [Order 66, § 392-45-030, filed 8/27/73.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-171-020.
- 392-45-035 Procedures for functionally defining handicapping conditions (RCW 28A.13.070). [Order 66, § 392-45-035 and flow charts, filed 8/27/73.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-171-025 and 392-171-030.
- 392-45-040 Procedures for functionally defining handicapping conditions (RCW 28A.13.070)—Child as focus of concern. [Order 66, § 392-45-040, filed 8/27/73.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-171-035.

- 392-45-045 Procedures for functionally defining handicapping conditions (RCW 28A.13.070)—Referral procedure. [Order 66, § 392-45-045, filed 8/27/73.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-171-040.
- 392-45-050 Procedures for functionally defining handicapping conditions (RCW 28A.13.070)—Parent decision. [Order 66, § 392-45-050, filed 8/27/73.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-171-045.
- 392-45-055 Procedures for functionally defining handicapping conditions (RCW 28A.13.070)—Decision to terminate. [Order 66, § 392-45-055, filed 8/27/73.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-171-050.
- 392-45-060 Procedures for functionally defining handicapping conditions (RCW 28A.13.070)—Assessment procedures. [Order 66, § 392-45-060, filed 8/27/73.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-171-055.
- 392-45-065 Procedures for functionally defining handicapping conditions (RCW 28A.13.070)—Collection of descriptions of child performance. [Order 66, § 392-45-065, filed 8/27/73.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-171-060.
- 392-45-070 Procedures for functionally defining handicapping conditions (RCW 28A.13.070)—Assessment or needed consultation by professional resources not employed by school district. [Order 66, § 392-45-070, filed 8/27/73.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-171-065.
- 392-45-075 Procedures for functionally defining handicapping conditions (RCW 28A.13.070)—Assessment areas. [Order 66, § 392-45-075, filed 8/27/73.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-171-070.
- 392-45-080 Procedures for functionally defining handicapping conditions (RCW 28A.13.070)—Assessment personnel. [Order 66, § 392-45-080, filed 8/27/73.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-171-075.
- 392-45-085 Procedures for functionally defining handicapping conditions (RCW 28A.13.070)—Analysis of assessment data. [Order 66, § 392-45-085, filed 8/27/73.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-171-080.
- 392-45-090 Procedures for functionally defining handicapping conditions (RCW 28A.13.070)—Goals and objectives. [Order 66, § 392-45-090, filed 8/27/73.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-171-085.
- 392-45-095 Procedures for functionally defining handicapping conditions (RCW 28A.13.070)—Goals relating to placement (long range). [Order 66, § 392-45-095, filed 8/27/73.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-171-090.
- 392-45-100 Procedures for functionally defining handicapping conditions (RCW 28A.13.070)—Placement options. [Order 66, § 392-45-100, filed 8/27/73.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-171-095, 392-171-100, 392-171-105, and 392-171-110.
- 392-45-105 Procedures for functionally defining handicapping conditions (RCW 28A.13.070)—Program criteria necessary for eligibility. [Order 5-75, § 392-45-105, filed 6/9/75; Order 66, § 392-45-105, filed 8/27/73.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-171-115.
- 392-45-110 Procedures for functionally defining handicapping conditions (RCW 28A.13.070)—Definitions and criteria for child eligibility. [Order 76, § 392-45-110, filed 7/11/74; Order 66, § 392-45-110, filed 8/27/73.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-171-120, 392-171-125, 392-171-130, 392-171-135, 392-171-140, 392-171-145, 392-171-150, 392-171-155, 392-171-160, 392-171-165, 392-171-170, 392-171-175, and 392-171-180.
- 392-45-115 Procedures for functionally defining handicapping conditions (RCW 28A.13.070)—School district decision. [Order 66, § 392-45-115, filed 8/27/73.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-171-185.
- 392-45-120 Procedures for functionally defining handicapping conditions (RCW 28A.13.070)—Parent decision. [Order 66, § 392-45-120, filed 8/27/73.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-171-190.
- 392-45-125 Procedures for functionally defining handicapping conditions (RCW 28A.13.070)—Objectives relating to instructional programs (short term). [Order 66, § 392-45-125, filed 8/27/73.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-171-195.
- 392-45-130 Procedures for functionally defining handicapping conditions (RCW 28A.13.070)—Evaluation and program improvement. [Order 66, § 392-45-130, filed 8/27/73.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-171-200.
- 392-45-135 Contractual services (RCW 28A.13.030). [Order 66, § 392-45-135, filed 8/27/73.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-171-205.
- 392-45-140 Contractual services (RCW 28A.13.030)—Approval of agencies and individuals for contractual arrangements. [Order 66, § 392-45-140, filed 8/27/73.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-171-210.
- 392-45-145 Contractual services (RCW 28A.13.030)—Determining eligibility of nonpublic school agencies and individuals to provide special education services through contractual arrangements with school districts. [Order 66, § 392-45-145, filed 8/27/73.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-171-215.
- 392-45-150 Contractual services (RCW 28A.13.030)—Responsibilities of school districts. [Order 66, § 392-45-150, filed 8/27/73.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-171-220.
- 392-45-155 Contractual services (RCW 28A.13.030)—Compliance with federal, state and local laws. [Order 66, § 392-45-155, filed 8/27/73.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-171-225.
- 392-45-160 Contractual services (RCW 28A.13.030)—Written policies. [Order 66, § 392-45-160, filed 8/27/73.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-171-230.
- 392-45-165 Contractual services (RCW 28A.13.030)—Coordination of services. [Order 66, § 392-45-165, filed 8/27/73.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-171-235.
- 392-45-170 Contractual services (RCW 28A.13.030)—Written contracts. [Order 66, § 392-45-170, filed 8/27/73.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-171-240.
- 392-45-175 Contractual services (RCW 28A.13.030)—Special placement and parent appeal concerning contractual arrangements. [Order 66, § 392-45-175, filed 8/27/73.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-171-245.
- 392-45-180 Interdistrict arrangements (RCW 28A.13.030). [Order 66, § 392-45-180, filed 8/27/73.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-171-250.
- 392-45-185 Appeals and sanctions procedures (RCW 28A.13.060 through 28A.13.080). [Order 66, § 392-45-185, filed 8/27/73.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-171-255, 392-171-260, 392-171-265, 392-171-270 and 392-171-275.

- 392-45-190 Transportation. [Order 66, § 392-45-190, filed 8/27/73.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-171-280.
- 392-45-195 Facilities. [Order 66, § 392-45-195, filed 8/27/73.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-171-285.

Chapter 392-50**TRAFFIC SAFETY EDUCATION**

- 392-50-010 Definitions. [Order 65, § 392-50-010, filed 8/10/73; Rules (part), filed 11/1/63.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-153-010.
- 392-50-020 Reimbursement to school districts. [Order 65, § 392-50-020, filed 8/10/73; Rules (part), filed 11/1/63.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-153-015.
- 392-50-030 Teacher certification. [Order 65, § 392-50-030, filed 8/10/73.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-153-020.
- 392-50-040 Traffic safety education vehicles. [Order 65, § 392-50-040, filed 8/10/73.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-153-025.
- 392-50-050 Local curriculum guides. [Order 65, § 392-50-050, filed 8/10/73.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-153-030.
- 392-50-060 Scheduling. [Order 65, § 392-50-060, filed 8/10/73.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-153-035.
- 392-50-070 Administration. [Order 65, § 392-50-070, filed 8/10/73.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-153-040.

Chapter 392-60**ACCUMULATED SICK LEAVE**

- 392-60-010 Contributions of school districts. [Rules (part), filed 8/16/66, effective 11/14/66.] Repealed by Order 7-75, filed 12/22/75.
- 392-60-020 Reimbursement to districts. [Rules (part), filed 8/16/66, effective 11/14/66.] Repealed by Order 7-75, filed 12/22/75.

Chapter 392-65**EMPLOYEE HEALTH AND INSURANCE BENEFITS**

- 392-65-020 Authority. [Order 26, § 392-65-020, filed 7/9/70.] Repealed by Order 42, filed 10/29/71.
- 392-65-025 Authority. [Order 49, § 392-65-025, filed 6/28/72; Order 42, § 392-65-025, filed 10/29/71.] Repealed by Order 7-75, filed 12/22/75.
- 392-65-030 Salary improvement funds separate allotment (not equalized). [Order 26, § 392-65-030, filed 7/9/70.] Repealed by Order 42, filed 10/29/71.
- 392-65-035 Salary increase maintenance funds separate appropriations. [Order 49, § 392-65-035, filed 6/28/72; Order 42, § 392-65-035, filed 10/29/71.] Repealed by Order 7-75, filed 12/22/75.
- 392-65-040 Calculation of amount of distributable funds by employee categories—Certificated—Classified. [Order 26, § 392-65-040, filed 7/9/70.] Repealed by Order 42, filed 10/29/71.
- 392-65-045 Preliminary payments—Adjustments. [Order 49, § 392-65-045, filed 6/28/72; Order 42, § 392-65-045, filed 10/29/71.] Repealed by Order 7-75, filed 12/22/75.
- 392-65-050 Base year and average district salary stipulated. [Order 26, § 392-65-050, filed 7/9/70.] Repealed by Order 42, filed 10/29/71.
- 392-65-055 Calculation of funds distributable for salary increase and related benefits maintenance—General provisions—Exclusion. [Order 49, § 392-65-055, filed 6/28/72; Order 42, § 392-65-055, filed 10/29/71.] Repealed by Order 7-75, filed 12/22/75.

- 392-65-060 Exclusion—Extra stipends—Definition. [Order 26, § 392-65-060, filed 7/9/70.] Repealed by Order 42, filed 10/29/71.
- 392-65-065 Lunchroom personnel—Salary increase and related benefits maintenance. [Order 49, § 392-65-065, filed 6/28/72; Order 42, § 392-65-065, filed 10/29/71.] Repealed by Order 7-75, filed 12/22/75.
- 392-65-070 Identification of extra stipends. [Order 26, § 392-65-070, filed 7/9/70.] Repealed by Order 42, filed 10/29/71.
- 392-65-075 Employee health benefits—Appropriations—Regulations governing. [Order 49, § 392-65-075, filed 6/28/72; Order 42, § 392-65-075, filed 10/29/71.] Repealed by Order 7-75, filed 12/22/75.
- 392-65-080 Certain programs paid from specific budget categories. [Order 26, § 392-65-080, filed 7/9/70.] Repealed by Order 42, filed 10/29/71.
- 392-65-085 Employee insurance benefits—Appropriations to superintendent of public instruction. [Order 88, § 392-65-085, filed 3/6/75.] Repealed by Order 7-75, filed 12/22/75.
- 392-65-090 Salary improvements specified by year and percentage. [Order 26, § 392-65-090, filed 7/9/70.] Repealed by Order 42, filed 10/29/71.
- 392-65-095 Governor's special appropriation. [Order 88, § 392-65-095, filed 3/6/75.] Repealed by Order 7-75, filed 12/22/75.
- 392-65-100 Continuing employment requisite to average salary computation. [Order 26, § 392-65-100, filed 7/9/70.] Repealed by Order 42, filed 10/29/71.
- 392-65-105 Basic precepts of distribution. [Order 88, § 392-65-105, filed 3/6/75.] Repealed by Order 7-75, filed 12/22/75.
- 392-65-110 Maintenance of pupil-teacher ratio as of 1968-69 school year. [Order 35, § 392-65-110, filed 12/8/70; Order 26, § 392-65-110, filed 7/9/70.] Repealed by Order 42, filed 10/29/71.
- 392-65-115 Reimbursement rates. [Order 88, § 392-65-115, filed 3/6/75.] Repealed by Order 7-75, filed 12/22/75.
- 392-65-120 Staff replacements and staff additions. [Order 26, § 392-65-120, filed 7/9/70.] Repealed by Order 42, filed 10/29/71.
- 392-65-125 Computation of full-time equivalent employee. [Order 88, § 392-65-125, filed 3/6/75.] Repealed by Order 7-75, filed 12/22/75.
- 392-65-130 Funds to be expended for limited purpose—Otherwise reallocated. [Order 26, § 392-65-130, filed 7/9/70.] Repealed by Order 42, filed 10/29/71.
- 392-65-135 Benefits allowable. [Order 88, § 392-65-135, filed 3/6/75.] Repealed by Order 7-75, filed 12/22/75.
- 392-65-140 Annual increment—Negotiable item. [Order 26, § 392-65-140, filed 7/9/70.] Repealed by Order 42, filed 10/29/71.
- 392-65-145 Reports—Basis of computations. [Order 88, § 392-65-145, filed 3/6/75.] Repealed by Order 7-75, filed 12/22/75.
- 392-65-150 Schedule for employee benefits. [Order 26, § 392-65-150, filed 7/9/70.] Repealed by Order 42, filed 10/29/71.
- 392-65-160 Preliminary payments—Basis. [Order 26, § 392-65-160, filed 7/9/70.] Repealed by Order 42, filed 10/29/71.
- 392-65-170 Adjusted payments—Basis. [Order 26, § 392-65-170, filed 7/9/70.] Repealed by Order 42, filed 10/29/71.
- 392-65-180 District qualification—Health benefits. [Order 26, § 392-65-180, filed 7/9/70.] Repealed by Order 42, filed 10/29/71.
- 392-65-190 Monthly rate (1969-70). [Order 26, § 392-65-190, filed 7/9/70.] Repealed by Order 42, filed 10/29/71.
- 392-65-200 Monthly rate determined by residue (1970-71). [Order 26, § 392-65-200, filed 7/9/70.] Repealed by Order 42, filed 10/29/71.

Chapter 392-67**DISTRIBUTION OF FUNDS FOR CLASSIFIED EMPLOYEES AND SALARY INCREASE FOR SCHOOL DISTRICT EMPLOYEES**

- 392-67-010 Authority. [Order 50, § 392-67-010, filed 6/28/72.] Repealed by Order 72, filed 4/24/74.
- 392-67-01001 Purpose. [Order 72, § 392-67-01001, filed 4/24/74.] Repealed by Order 7-75, filed 12/22/75.
- 392-67-020 Policy. [Order 50, § 392-67-020, filed 6/28/72.] Repealed by Order 72, filed 4/24/74.
- 392-67-02001 Salary increase funds separate appropriation. [Order 72, § 392-67-02001, filed 4/24/74.] Repealed by Order 7-75, filed 12/22/75.
- 392-67-030 Appropriation—Distribution outside equalization formula. [Order 50, § 392-67-030, filed 6/28/72.] Repealed by Order 72, filed 4/24/74.
- 392-67-03001 Payments—Adjustments. [Order 72, § 392-67-03001, filed 4/24/74.] Repealed by Order 7-75, filed 12/22/75.
- 392-67-040 Salary increase calculation. [Order 50, § 392-67-040, filed 6/28/72.] Repealed by Order 72, filed 4/24/74.
- 392-67-04001 Local determination. [Order 72, § 392-67-04001, filed 4/24/74.] Repealed by Order 7-75, filed 12/22/75.
- 392-67-050 Preliminary payments. [Order 50, § 392-67-050, filed 6/28/72.] Repealed by Order 72, filed 4/24/74.
- 392-67-05001 Certification. [Order 72, § 392-67-05001, filed 4/24/74.] Repealed by Order 7-75, filed 12/22/75.
- 392-67-060 Salary increases—Other uses—Districts which grant less. [Order 50, § 392-67-060, filed 6/28/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-67-070 Authority. [Order 87, § 392-67-070, filed 3/6/75; Order 58, § 392-67-070, filed 4/19/73.] Repealed by Order 7-75, filed 12/22/75.
- 392-67-080 Policy. [Order 87, § 392-67-080, filed 3/6/75; Order 58, § 392-67-080, filed 4/19/73.] Repealed by Order 7-75, filed 12/22/75.
- 392-67-090 Appropriation—Distribution outside equalization formula. [Order 87, § 392-67-090, filed 3/6/75; Order 58, § 392-67-090, filed 4/19/73.] Repealed by Order 7-75, filed 12/22/75.
- 392-67-100 Salary increase calculation. [Order 87, § 392-67-100, filed 3/6/75; Order 58, § 392-67-100, filed 4/19/73.] Repealed by Order 7-75, filed 12/22/75.
- 392-67-110 Preliminary payments. [Order 87, § 392-67-110, filed 3/6/75; Order 58, § 392-67-110, filed 4/19/73.] Repealed by Order 7-75, filed 12/22/75.
- 392-67-120 Salary increases—Other uses—Districts which grant less. [Order 87, § 392-67-120, filed 3/6/75; Order 58, § 392-67-120, filed 4/19/73.] Repealed by Order 7-75, filed 12/22/75.
- 392-67-130 Purpose. [Order 87, § 392-67-130, filed 3/6/75; Order 58, § 392-67-130, filed 4/19/73.] Repealed by Order 7-75, filed 12/22/75.
- 392-67-140 Distribution criteria and procedures. [Order 87, § 392-67-140, filed 3/6/75; Order 58, § 392-67-140, filed 4/19/73.] Repealed by Order 7-75, filed 12/22/75.
- 392-67-150 Additional procedures. [Order 87, § 392-67-150, filed 3/6/75; Order 58, § 392-67-150, filed 4/19/73.] Repealed by Order 7-75, filed 12/22/75.
- 392-67-160 District revenue account—New. [Order 87, § 392-67-160, filed 3/6/75; Order 58, § 392-67-160, filed 4/19/73.] Repealed by Order 7-75, filed 12/22/75.
- 392-67-170 "Classified employee" defined. [Order 87, § 392-67-170, filed 3/6/75.] Repealed by Order 7-75, filed 12/22/75.
- 392-67-180 "Full-time" classified employee defined. [Order 87, § 392-67-180, filed 3/6/75.] Repealed by Order 7-75, filed 12/22/75.
- 392-67-190 Increase applicable to full-time classified employees. [Order 87, § 392-67-190, filed 3/6/75.] Repealed by Order 7-75, filed 12/22/75.
- 392-67-200 Prorated increase applicable to part-time classified employees. [Order 87, § 392-67-200, filed 3/6/75.] Repealed by Order 7-75, filed 12/22/75.
- 392-67-210 Salary increase for February 1973 prohibited—When. [Order 87, § 392-67-210, filed 3/6/75.] Repealed by Order 7-75, filed 12/22/75.
- 392-67-220 Intent—To increase base pay rates. [Order 87, § 392-67-220, filed 3/6/75.] Repealed by Order 7-75, filed 12/22/75.

Chapter 392-70**PART-TIME PRIVATE SCHOOL ATTENDANCE IN PUBLIC SCHOOLS AND PROVIDING BY PUBLIC SCHOOLS OF ANCILLARY SERVICES TO SUCH STUDENTS**

- 392-70-020 Regulatory provisions relating to specific acts. [Order 51, § 392-70-020, filed 6/28/72; Order 20, § 392-70-020, filed 11/6/69.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-181-005.
- 392-70-030 Work-training program. [Order 20, § 392-70-030, filed 11/6/69.] Repealed by Order 51, filed 6/28/72.
- 392-70-040 Resident requirement. [Order 51, § 392-70-040, filed 6/28/72; Order 20, § 392-70-040, filed 11/6/69.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-181-015.
- 392-70-045 Definitions. [Order 51, § 392-70-045, filed 6/28/72.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-181-010.
- 392-70-050 Work-study program approval required. [Order 20, § 392-70-050, filed 11/6/69.] Repealed by Order 51, filed 6/28/72.
- 392-70-055 School districts—Duties and responsibilities. [Order 51, § 392-70-055, filed 6/28/72.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-181-020 and 392-181-025.
- 392-70-060 Only offerings unavailable in private schools approved for private school student attendance in public schools—State superintendent to interpret literally. [Order 20, § 392-70-060, filed 11/6/69.] Repealed by Order 51, filed 6/28/72.
- 392-70-065 Ancillary services—Location. [Order 51, § 392-70-065, filed 6/28/72.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-181-025.
- 392-70-070 Compliance with state superintendent's rules prerequisite to reimbursement of costs. [Order 51, § 392-70-070, filed 6/28/72; Order 20, § 392-70-070, filed 11/6/69.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-181-035.
- 392-70-075 Reimbursement requirements. [Order 51, § 392-70-075, filed 6/28/72.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-181-030.
- 392-70-090 State superintendent to recognize additional costs to school districts. [Order 20, § 392-70-090, filed 11/6/69.] Repealed by Order 51, filed 6/28/72.
- 392-70-100 School district to submit cost report. [Order 20, § 392-70-100, filed 11/6/69.] Repealed by Order 51, filed 6/28/72.

Chapter 392-80**EXCESS LEVIES**

- 392-80-100 Rules implementing chapters 84.52 and 28.48 RCW. [Rules (part), filed 10/30/67.] Repealed by Order 7-75, filed 12/22/75.

Chapter 392-90**WASHINGTON STATE URBAN, RURAL, RACIAL, DISADVANTAGED EDUCATION PROGRAMS**

- 392-90-800 Purpose. [Order 84, § 392-90-800, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-161-005.
- 392-90-805 Definitions. [Order 84, § 392-90-805, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-161-010.
- 392-90-810 Administrative duties of the superintendent of public instruction. [Order 84, § 392-90-810, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-161-015.
- 392-90-815 URRD state advisory committee. [Order 84, § 392-90-815, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-161-020.

Title 392 WAC

Title 392 WAC: Public Instruction, Supt. of

- 392-90-820 URRD program supervision. [Order 84, § 392-90-820, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-161-025.
- 392-90-825 Eligibility requirements. [Order 84, § 392-90-825, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-161-030.
- 392-90-830 Evidence of school district proposal review. [Order 84, § 392-90-830, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-161-035.
- 392-90-835 Required documentation. [Order 84, § 392-90-835, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-161-040.
- 392-90-840 Private applicant agency requirement. [Order 84, § 392-90-840, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-161-045.
- 392-90-845 Authorized program activities. [Order 84, § 392-90-845, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-161-050.
- 392-90-850 Interdistrict or consortium projects. [Order 84, § 392-90-850, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-161-055.
- 392-90-855 Complementary nature of private agency projects. [Order 84, § 392-90-855, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-161-060.
- 392-90-860 Fiscal constraints. [Order 84, § 392-90-860, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-161-065.
- 392-90-865 Basic program thrust summarized. [Order 84, § 392-90-865, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-161-070.
- 392-90-870 URRD program categories. [Order 84, § 392-90-870, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-161-075.
- 392-90-875 Re-entry motivation programs summarized. [Order 84, § 392-90-875, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-161-080 and 392-161-085.
- 392-90-880 Preschool education programs summarized. [Order 84, § 392-90-880, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-161-090.
- 392-90-885 Academic achievement program summary. [Order 84, § 392-90-885, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-161-100 and 392-161-105.
- 392-90-890 Bilingual/bicultural education program summary. [Order 84, § 392-90-890, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-161-110 and 392-161-115.
- 392-90-895 Indian education program summary. [Order 84, § 392-90-895, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-161-120 and 392-161-125.
- 392-90-900 General application information. [Order 84, § 392-90-900, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-161-130.
- 392-90-905 Legislative concerns and general guidelines. [Order 84, § 392-90-905, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-161-135.
- 392-90-910 Review process described. [Order 84, § 392-90-910, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-161-140.
- 392-90-915 Basic selection criteria information. [Order 84, § 392-90-915, filed 10/3/74.] Repealed by Order 7-75, filed

- 12/22/75. Later promulgation, see WAC 392-161-145 and 392-161-150.
- 392-90-920 URRD appeals procedure summarized. [Order 84, § 392-90-920, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-161-155.
- 392-90-925 Program evaluation and reporting procedures. [Order 84, § 392-90-925, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-161-160.
- 392-90-930 Integration policy statement. [Order 84, § 392-90-930, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-161-165.

Chapter 392-96

GRANTS MANAGEMENT--ELEMENTARY AND SECONDARY EDUCATION ACT--TITLE I PROGRAM, MIGRANT

- 392-96-005 Introduction. [Order 2-75, § 392-96-005, filed 1/21/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-164-005.
- 392-96-010 Purpose. [Order 2-75, § 392-96-010, filed 1/21/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-164-010.
- 392-96-015 Definitions. [Order 2-75, § 392-96-015, filed 1/21/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-164-015.
- 392-96-020 Eligibility requirements. [Order 2-75, § 392-96-020, filed 1/21/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-164-020.
- 392-96-025 Formerly migratory children. [Order 2-75, § 392-96-025, filed 1/21/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-164-025.
- 392-96-030 Bilingual education. [Order 2-75, § 392-96-030, filed 1/21/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-164-030.
- 392-96-035 Student identification. [Order 2-75, § 392-96-035, filed 1/21/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-164-035.
- 392-96-040 Student insurance. [Order 2-75, § 392-96-040, filed 1/21/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-164-040.
- 392-96-045 Property, facilities, and equipment. [Order 2-75, § 392-96-045, filed 1/21/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-164-045.
- 392-96-050 Project descriptions. [Order 2-75, § 392-96-050, filed 1/21/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-164-050.
- 392-96-055 Day care. [Order 2-75, § 392-96-055, filed 1/21/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-164-055.
- 392-96-060 Local parent advisory councils. [Order 2-75, § 392-96-060, filed 1/21/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-164-060.
- 392-96-065 Local parent advisory council appeal process for projects. [Order 2-75, § 392-96-065, filed 1/21/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-164-065.
- 392-96-070 Local parent advisory council appeal process for PAC. [Order 2-75, § 392-96-070, filed 1/21/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-164-070.
- 392-96-075 Grievance procedure. [Order 2-75, § 392-96-075, filed 1/21/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-164-075.
- 392-96-080 State advisory committee. [Order 2-75, § 392-96-080, filed 1/21/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-164-080.
- 392-96-085 Accountability. [Order 2-75, § 392-96-085, filed 1/21/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-164-085.

- 392-96-090 Administrative costs. [Order 2-75, § 392-96-090, filed 1/21/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-164-090.
- 392-96-095 Fiscal constraints. [Order 2-75, § 392-96-095, filed 1/21/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-164-095.

Chapter 392-97**GRANTS MANAGEMENT--ESEA III**

- 392-97-005 Authority. [Order 4-75, § 392-97-005, filed 1/21/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-167-005.
- 392-97-010 Purpose. [Order 4-75, § 392-97-010, filed 1/21/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-167-010.
- 392-97-015 Definitions. [Order 4-75, § 392-97-015, filed 1/21/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-167-015.
- 392-97-020 Advisory councils. [Order 4-75, § 392-97-020, filed 1/21/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-167-020.
- 392-97-025 Evaluation criteria for approving projects. [Order 4-75, § 392-97-025, filed 1/21/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-167-025.
- 392-97-030 Additional criteria for approving projects. [Order 4-75, § 392-97-030, filed 1/21/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-167-030.
- 392-97-035 Timeline for approving projects. [Order 4-75, § 392-97-035, filed 1/21/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-167-035.
- 392-97-040 Provisions for assuring 15% for special needs of handicapped children. [Order 4-75, § 392-97-040, filed 1/21/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-167-040.
- 392-97-045 Criteria for achieving equitable distribution of assistance. [Order 4-75, § 392-97-045, filed 1/21/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-167-045.
- 392-97-050 Provision for private nonprofit school participation. [Order 4-75, § 392-97-050, filed 1/21/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-167-050.
- 392-97-055 Length of project period. [Order 4-75, § 392-97-055, filed 1/21/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-167-055.
- 392-97-060 Provisions for continuing projects. [Order 4-75, § 392-97-060, filed 1/21/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-167-060.
- 392-97-065 Provisions for terminating Title III projects. [Order 4-75, § 392-97-065, filed 1/21/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-167-065.
- 392-97-070 Provisions for hearings. [Order 4-75, § 392-97-070, filed 1/21/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-167-070.
- 392-97-075 Legal applicants. [Order 4-75, § 392-97-075, filed 1/21/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-167-075.

Chapter 392-98**GRANTS MANAGEMENT--WASHINGTON STATE ESEA TITLE I PROGRAM**

- 392-98-005 Authority and purpose. [Order 3-75, § 392-98-005, filed 1/21/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-163-005.
- 392-98-010 Eligible participants. [Order 3-75, § 392-98-010, filed 1/21/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-163-010.

- 392-98-015 Ancillary services. [Order 3-75, § 392-98-015, filed 1/21/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-163-015.
- 392-98-020 Size and scope of activity. [Order 3-75, § 392-98-020, filed 1/21/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-163-020.
- 392-98-025 Construction and remodelling. [Order 3-75, § 392-98-025, filed 1/21/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-163-025.
- 392-98-030 Field trips. [Order 3-75, § 392-98-030, filed 1/21/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-163-030.
- 392-98-035 Notification of parents. [Order 3-75, § 392-98-035, filed 1/21/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-163-035.
- 392-98-040 Nonpublic student involvement. [Order 3-75, § 392-98-040, filed 1/21/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-163-040.
- 392-98-045 Local education agency parent advisory council. [Order 3-75, § 392-98-045, filed 1/21/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-163-045.
- 392-98-050 School parent advisory councils. [Order 3-75, § 392-98-050, filed 1/21/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-163-050.
- 392-98-055 PAC grievance procedures. [Order 3-75, § 392-98-055, filed 1/21/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-163-055.
- 392-98-060 State Advisory Committee. [Order 3-75, § 392-98-060, filed 1/21/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-163-060.
- 392-98-065 Administrative costs. [Order 3-75, § 392-98-065, filed 1/21/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-163-065.
- 392-98-070 In-service training. [Order 3-75, § 392-98-070, filed 1/21/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-163-070.
- 392-98-075 Approval of projects. [Order 3-75, § 392-98-075, filed 1/21/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-163-075.
- 392-98-080 Evaluation. [Order 3-75, § 392-98-080, filed 1/21/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-163-080.
- 392-98-085 Disposition of property. [Order 3-75, § 392-98-085, filed 1/21/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-163-085.

Chapter 392-99**STATE BOARD OF EDUCATION--ELECTION OF MEMBERS**

- 392-99-010 Purpose. [Order 86, § 392-99-010, filed 1/6/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-109-005.
- 392-99-020 Limitation--biographical data. [Order 86, § 392-99-020, filed 1/6/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-109-010.
- 392-99-030 Composition of election board. [Order 86, § 392-99-030, filed 1/6/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-109-015.
- 392-99-040 Postage. [Order 86, § 392-99-040, filed 1/6/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-109-020.
- 392-99-050 Publicity. [Order 86, § 392-99-050, filed 1/6/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-109-025.
- 392-99-060 Recount of votes cast--automatic--by request certification. [Order 86, § 392-99-060, filed 1/6/75.]

Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-109-030.

392-99-070

Rotation of names on ballot. [Order 86, § 392-99-070, filed 1/6/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-109-035.

Chapter 392-32 WAC

STATE PLANS ADOPTED PURSUANT TO FEDERAL LAWS

The following state plans and amendments thereto filed in the reviser's office pursuant to chapter 34.04 RCW have been omitted from the Washington Administrative Code pursuant to the authority of RCW 34.04.050(3). Copies of such plans may be obtained from the office of the Superintendent of Public Instruction, Old Capitol Building, Olympia, Washington 98501 (Attn: Mr. L. O. Griffith).

State Plan for the Adult Basic Education Program, FY-1968. Under the provisions of Public Law 89-750, Title III, Adult Education Act of 1966. 6/5/69.

Title III National Defense Education Act, P.L. 85-864 (State Plans for Strengthening Instruction in Science, Mathematics, Modern Foreign Languages, etc.) - 8/3/67, 5/18/66, 1/27/66, 4/28/65, 8/3/64, 3/31/64, 11/18/63, 10/2/62, 8/28/62, 10/25/60, and 3/22/60.

State Plan for Operation of Title III, Elementary and Secondary Education Act of 1965 (Public Law 89-10, as amended by Public Law 89-247). 5/23/69; Order 43, 11/17/71.

State Plan for Operation of Title III, Elementary and Secondary Education Act of 1965 (Public Law 89-10 as amended by Public Law 90-247). 8/22/68.

Title V & VA National Defense Education Act, P.L. 85-864, Guidance, Counseling, and Testing - 2/23/67, 1/25/67, 8/5/64, 10/2/62, 8/28/62, and 10/25/60.

Washington State Plan for Migrant Education, P.L. 89-10, Title I, as amended by P.L. 89-750 (fiscal year 1971). Filed 9/11/70.

Amendment to Washington State Plan for Migrant Education, P.L. 89-10, Title I, as amended by P.L. 89-750 (fiscal year 1971) to reflect budget changes because of federal appropriations being increased. Filed 12/1/70. For fiscal year 1972. Order 40, filed 10/15/71 and Order 44, filed 2/23/72.

Title I Elementary and Secondary Education Act, P.L. 89-10 and/or as amended by P.L. 89-750, Educational Programs for Migratory Children - Order 19, filed 9/24/69, 1/10/69, 8/22/68, 3/19/68, 11/1/67, and 4/11/67.

Title II Elementary and Secondary Education Act, P.L. 89-10 (School Library Resources, Textbooks and other Instructional Materials for Pupils and Teachers); 2/5/69, 4/10/68, 3/12/68, 8/3/67, 4/4/67, and 11/12/65.

State Plan for Title III of the Elementary and Secondary Education Act of 1965 in which Federal funding is being requested for the Fiscal Year ending June 30, 1971. Filed 9/10/70.

State Plan for Attracting and Qualifying Teachers to Meet Critical Teacher Shortages Under Part B (2) of the Education Professions Development Act (Public Law 90-35) (Title V, Higher Education Act of 1965, Public Law 89-329 as amended by P.L. 90-35). 10/29/68.

Title VI Elementary & Secondary Education Act, P.L. 89-10 as amended by P.L. 89-750 (State Plan for Education of Handicapped Children) - 11/17/67, 8/3/67, and 4/4/67.

Title VI A Amendments to State Plan for the Operation of Title VI A, Elementary and Secondary Education Act (Public Law 89-10, as amended). 6/27/67.

Interim State Plan, Title VI (Part B) of the Education of the Handicapped Act (P.L. 91-230) for fiscal year 1971 - 7/1/70.

State Plan for the Preparation of Professional Personnel in the Education of Handicapped Children [Public Law 85-926, as amended]. Emergency 12/20/68, 2/25/69.

Civil Rights Act of 1964, P.L. 88-352 (Re: School Board Grant Program on School Desegregation Problems under Title IV, Section 405 Civil Rights Act of 1964) - 1/16/68 - Adoption of State Plan.

Title II B Economic Opportunity Act of 1964, P.L. 88-452
- 7/28/65 - State Plan.

Vocational Rehabilitation Plans - 1/27/66.

Federal School Lunch, Surplus Commodity and Special
Milk Programs - 2/10/67, 9/9/66, 7/14/65, 6/17/63, 2/20/63,
1/28/63, 1/31/61, 9/25/60, 9/14/60, and 3/22/60.

Chapter 392-40 WAC

CERTIFICATES OF EDUCATIONAL COMPETENCE

WAC

392-40-005	Purpose of rules.
392-40-010	The rules.
392-40-990	Appendix—Instructions for the administration of the program for the certificate of educational competence.

WAC 392-40-005 Purpose of rules. It is evident that a substantial number of adults will not have completed their high school education and will be unable for one reason or another to enroll in a program for the completion of an adult high school diploma. Inasmuch as an increasing proportion of employment opportunities, or the training essential to them, are based upon a specified level of educational attainment, it continues to be the responsibility of this state to provide these adults with an opportunity to demonstrate their level of educational proficiency and to receive some appropriate certificate attesting to this. [Rules (part), filed 1/20/66.]

WAC 392-40-010 The rules. (1) The state superintendent of public instruction shall authorize those agencies established by the Commission on Accreditation of Service Experiences of the American Council on Education and approved by the state board of education to administer the appropriate forms of the general educational development test to qualified applicants.

(2) The superintendent may authorize testing and counseling offices established by other official state agencies to administer tests which qualify for the certificate of educational competence, provided prior interagency agreements have been reached as to tests used, the applicable norms and minimum scores and the submission of essential reports to the superintendent's office.

(3) Upon satisfactory completion of such tests and in accordance with norms established by the state superintendent of public instruction, a certificate of educational competence shall be issued by the state superintendent, to be countersigned by the examining officer.

(4) Any person twenty-one years of age and over shall be eligible for the testing program upon payment to the authorized testing agency of a fee to cover the costs of the tests as established by the state superintendent of public instruction. Under special circumstances persons under twenty-one years of age who are unable to complete their high school education in a formal course of study, but who must present evidences of educational competence in order to qualify for employment or training, may be given the test upon presentation of an affidavit properly signed by the designated official of the school district of residence. The department of public assistance, the department of employment security, a

court, parole or probation officer, or other public officer charged with responsibility involving the applicant, may recommend such action to the proper school official.

(5) Upon satisfactory completion of the test, the applicant will be eligible to receive a certificate of educational competence, approved and issued by the state superintendent of public instruction and countersigned by the examining officer.

To qualify for the certificate of educational competence, the applicant's test scores must achieve the minimum level as determined by the state superintendent of public instruction. The certificate will indicate the applicant's scores in total and by test areas along with the average score of Washington high school seniors.

(6) The state superintendent of public instruction will require all authorized testing agencies to keep adequate records of applicants tested and other pertinent information and submit such reports as the superintendent may require. [Rules (part), filed 1/20/66.]

WAC 392-40-990 Appendix—Instructions for the administration of the program for the certificate of educational competence.

APPENDIX

Instructions for the Administration
of the

**PROGRAM FOR THE CERTIFICATE OF
EDUCATIONAL COMPETENCE**

1. The minimum acceptable score on The General Educational Development Tests entitling the applicant to receive a Certificate of Educational Competence is a standard score of 35 or above on each of the 5 tests and an average standard score of 45.
2. Applicants who fail to achieve minimum acceptable scores qualifying them to receive the Certificate may be given a form certifying to their actual scores and indicating the Washington high school senior and national test percentiles by the officer in charge of the authorized testing agency.
3. Subject to the regulations of the Commission on Accreditation of Service Experiences, an applicant who has failed to achieve a minimum test score may apply for a re-test at the discretion of the testing official. In the event of such re-test, the testing official must ascertain the place and circumstances under which the test had been initially administered; the form of the test given and any other pertinent matters.
4. Official test agencies authorized to administer tests for the Certificate of Educational Competence shall be those agencies authorized by the State Superintendent of Public Instruction, established in connection with community colleges, technical institutes, adult education centers and other public schools administered under the State Superintendent of Public Instruction.

5. Any public agency, i.e. the Departments of Public Assistance, Employment Security, a court, parole or probation officer charged with responsibility with regard to an applicant under 21 may request the proper school officials to certify the applicant as eligible for the Certificate of Educational Competence Testing Program. Such request and certification should be accompanied by a brief description of the circumstances warranting the request.

6. Where local offices of Public Assistance, Employment Security or other State agency maintain an approved testing center, permission may be given for these centers to administer the test and to transmit the test results and supplementary report through the local public school testing center to the State Superintendent of Public Instruction for issuance of the Certificate.

Where possible, it is preferable that the test be administered in the authorized testing center established in the nearest community college, technical institute or adult education center.

7. The Certificates of Educational Competence will be issued by the State Superintendent of Public Instruction upon receipt of the official test results and required supplementary information from the testing center.

The Certificate, signed by the State Superintendent, will be sent to the testing center to be countersigned by the official in charge of the testing center and transmitted to the applicant.

8. The Certificate may be issued to servicemen who have taken the General Educational Development tests at an educational center maintained by the Armed Forces under the following conditions: The serviceman may make application to a local authorized testing center or directly to the Office of the State Superintendent of Public Instruction. If application is made to the local office the necessary information will be transmitted to the State Office which will request an official transcript of the applicant's test record from the Armed Forces testing center, which administered the test. The Certificate will be issued directly from the office of the State Superintendent.

9. The same procedure may be followed in processing applications from persons who may have satisfactorily passed the tests in connection with the Job Corps Training Program, or other official state or federal activities maintaining educational programs and authorized testing centers.

10. Authorized testing centers approved by the State Superintendent of Public Instruction for the issuance of the Certificate of Educational Competence will charge a uniform fee of \$7.50 for administration of the test. As a minimum service the Center will be required to provide an individual counseling interview to the applicant providing him with an

explanation of his test results and such relevant information as to the educational needs of the applicant as might be deemed appropriate.

[Instructions for the administration of program (codified as WAC 392-40-990), filed 1/20/66.]

Chapter 392-100 WAC

GENERAL DEFINITIONS AND RULES OF CONSTRUCTION

WAC

392-100-005 Purpose.
392-100-010 Definitions.

WAC 392-100-005 Purpose. The purpose of this chapter is to establish the definition of common terms used in Title 392 WAC and rules of construction applicable to Title 392 WAC. [Order 7-75, § 392-100-005, filed 12/22/75.]

WAC 392-100-010 Definitions. As used in Title 392 WAC, the term:

(1) "Superintendent of public instruction" shall mean the public officer duly elected to the office of superintendent of public instruction and any authorized subordinate or agent of such public officer unless the context limits application of the term to the public officer himself or herself.

(2) "Superintendent" shall mean the superintendent of public instruction unless the context requires that the term be interpreted as having reference to the superintendent of a school district or the superintendent of an educational service district or another chief executive officer of an educational entity. [Order 7-75, § 392-100-010, filed 12/22/75.]

Chapter 392-101 WAC

SUPERINTENDENT OF PUBLIC INSTRUCTION—ADMINISTRATIVE PRACTICES AND PROCEDURES

WAC

392-101-005 Administrative practices regarding hearings and rule proceedings.

Reviser's note: With the filing of Superintendent of Public Instruction Order 7-75, on December 22, 1975, chapter 392-08 WAC, entitled Practice and Procedure, has been superseded by chapter 392-101 WAC. See Title 392 WAC Digest page for disposition of chapters and reference notes relative thereto.

WAC 392-101-005 Administrative practices regarding hearings and rule proceedings. The superintendent of public instruction is governed by the state Administrative Procedures Act, chapter 34.04 RCW. This act governs the conduct of "rule" making proceedings and the conduct of "contested case" hearings as these terms are defined in RCW 34.04.010(2) and (3). Appearances in representative capacities before the superintendent of public instruction; the procedures and conditions governing petitions for declaratory rulings or the adoption,

amendment, or repeal of a rule; and, the standards, procedures and conditions governing the conduct of contested case hearings and proceedings by or before the superintendent of public instruction shall be as set forth in rules of the state code reviser as now or hereafter amended. The rules of the code reviser are currently set forth in chapter 1-08 WAC.

All other regulatory actions and hearings conducted by the superintendent of public instruction may be conducted informally at the discretion of the superintendent. [Order 7-75, § 392-100-005, filed 12/22/75.]

Chapter 392-103 WAC
SUPERINTENDENT OF PUBLIC
INSTRUCTION—CONFLICT OF INTEREST

WAC

392-103-005	Purpose and effect.
392-103-010	Prohibited practices—Direct and indirect receipt of benefits prohibited.
392-103-015	Prohibited practices—Certain assistance, gifts and sharing in compensation prohibited.
392-103-020	Prohibited practices—Gifts and use of office to induce provision of economic benefits prohibited.
392-103-025	Disqualification.
392-103-030	Appointed advisory committee members.
392-103-035	Former employees—Prohibited practices.
392-103-040	Permissible transactions.
392-103-045	Permissible outside employment.

Reviser's note: With the filing of Superintendent of Public Instruction Order 7-75, on December 22, 1975, chapter 392-10 WAC, entitled Conflict of Interest has been superseded by chapter 392-103 WAC. See Title 392 Digest page for disposition of chapters and reference notes relative thereto.

WAC 392-103-005 Purpose and effect. The purpose of this chapter is to formally advise all current and former employees of the superintendent of public instruction of certain practices which are strictly prohibited and of those which are allowed within rather narrow confines by the Executive Conflict of Interest Act, chapter 42.18 RCW, and RCW 28A.87.090.

The prohibitions and narrow exceptions exist notwithstanding these regulations. However, in light of the severity of the penalties for violation and the possibility for violation in the case of an agency with such diverse statewide duties as the superintendent of public instruction, it is deemed appropriate to formally bring a summary of chapter 42.18 RCW and RCW 28A.87.090 to the attention of all employees.

The duty to observe the provisions of this chapter, RCW 28A.87.090, and chapter 42.18 RCW is the obligation of the individual employee. Violations of this chapter or of chapter 42.18 RCW, as now or hereafter amended, may subject an employee to dismissal, suspension, or other appropriate disciplinary action by the superintendent and/or civil action or prosecution for commission of a gross misdemeanor.

One readily apparent conclusion following a reading of this chapter is that an employee should be most wary of accepting anything of value (other than his/her state compensation) in connection with any matter falling within the scope of his/her state employment duties.

[Order 7-75, § 392-103-005, filed 12/22/75. Formerly WAC 392-10-010.]

WAC 392-103-010 Prohibited practices—Direct and indirect receipt of benefits prohibited. An employee of the superintendent of public instruction is prohibited from:

(1) Requesting or receiving, directly or indirectly, anything of value (other than his/her state compensation) for or on account of his/her influence with respect to any act or proceeding of the state board of education, the superintendent of public instruction, any educational service district, or any school district when such act or proceeding shall inure to the benefit of those offering or giving the thing of value (RCW 28A.87.090).

(2) Being personally and substantially involved in any transaction involving the state as a state employee through approval, disapproval, decision, recommendation, the rendering of advice, investigation, or otherwise in the consequences of which the employee has a substantial economic interest of which he/she may reasonably be expected to know.

(3) Being personally and substantially involved in any transaction involving the state as a state employee through approval, disapproval, decision, recommendation, the rendering of advice, investigation, or otherwise in the consequences of which, to the employee's actual knowledge, any of the following persons has a direct and substantial economic interest:

(a) the employee's spouse or child; or

(b) any person (including partnerships, corporations, etc.) in which the employee has a substantial economic interest of which the employee may reasonably be expected to know; or

(c) any person (including partnerships, corporations, etc.) of which the employee is an officer, director, trustee, partner, or employee; or

(d) any person (including partnerships, corporations, etc.) with whom the employee is negotiating or has any arrangement concerning prospective employment; or

(e) any person (including partnerships, corporations, etc.) who is a party to an existing contract with the employee or an obligee (e.g., debtor) of the employee as to a thing of economic value and who by reason thereof is in a position to affect directly and substantially such employee's economic interest. [Order 7-75, § 392-103-010, filed 12/22/75. Formerly 392-10-020 (part).]

WAC 392-103-015 Prohibited practices—Certain assistance, gifts and sharing in compensation prohibited. An employee of the superintendent of public instruction is prohibited from:

(1) Assisting another person (including partnerships, corporations, etc.) whether or not for compensation, except in the course of the employee's official duties or incident thereto, in any transaction involving the state:

(a) in which the employee has at any time participated; or

(b) if such transaction involving the state is or has been under the employee's official responsibility at any time within a period of two years preceding such assistance.

(2) Sharing in any compensation received by another for assistance which the employee is prohibited from rendering by subsection (1) above.

(3) Receiving, accepting, taking, seeking, or soliciting, directly or indirectly, anything of economic value as a gift, gratuity, or favor from any person (including partnerships, corporations, etc.) if the employee has reason to believe the donor would not give the gift, gratuity, or favor but for the employee's office or position with the state. [Order 7-75, § 392-103-015, filed 12/22/75. Formerly WAC 392-10-020 (part).]

WAC 392-103-020 Prohibited practices—Gifts and use of office to induce provision of economic benefits prohibited. An employee of the superintendent of public instruction is prohibited from:

(1) Receiving, accepting, taking, seeking, or soliciting, directly or indirectly, anything of economic value as a gift, gratuity, or favor from any person or from any officer or director of a person referred to in WAC 392-103-015(3), if the employee has reason to believe such person:

(a) has or is seeking to obtain contractual or other business or financial relationships with the superintendent or the state board of education; or

(b) conducts operations or activities which are regulated by the superintendent or the state board of education (e.g., educational service districts and common school districts);

(c) has interests which may be substantially affected by the employee's performance or nonperformance of his/her official duties.

(2) Using the power or authority of his/her office or position with the state in any manner except in the course of his/her official duties or incident thereto, which is intended to induce or coerce any person from whom the employee is prohibited by WAC 392-103-015(3) and subsection (1), above, from accepting, taking, etc., anything of economic value to provide the employee with anything of economic value, directly or indirectly. [Order 7-75, § 392-103-020, filed 12/22/75. Formerly WAC 392-10-020 (part).]

WAC 392-103-025 Disqualification. Every employee of the superintendent of public instruction who has reason to believe that his/her employment duties may include a transaction involving the state in the consequences of which the employee or another person (including partnerships, corporations, etc.) may receive a substantial economic interest in violation of WAC 392-103-010(2) or (3) shall:

(1) Review the factual situation possibly giving rise to such violations in advance with the superintendent of public instruction's legal counsel; and

(2) If it is ascertained that a possible conflict of interest does in fact exist, disqualify himself or herself from participation in such transaction as a state employee. All such disqualifications shall be in writing and directed to the employee's immediate supervisor with a copy to the superintendent. [Order 7-75, § 392-103-025, filed 12/22/75. Formerly WAC 392-10-030.]

WAC 392-103-030 Appointed advisory committee members. Notwithstanding any other provision of this chapter, no person shall be eligible for appointment to an advisory committee or to continue serving as a member of such a committee if that person:

(1) Is, or becomes, a party to any contract with the superintendent of public instruction which is concerned with, or relates to, the same subject area or program over which the advisory committee has jurisdiction; or

(2) Is, or becomes, an officer, director, trustee, partner, or employee of any person (including partnerships, corporations, etc.) which is a party to any contract with the superintendent which is concerned with or relates to, the same subject area or program over which the advisory committee has jurisdiction. [Order 7-75, § 392-103-030, filed 12/22/75. Formerly WAC 392-10-070.]

WAC 392-103-035 Former employees—Prohibited practices. No former employee of the superintendent of public instruction shall ever assist another person (including partnerships, corporations, etc.), for or without compensation, in any transaction involving the superintendent in which the employee participated during his/her state employment; nor shall:

(1) A former employee appear before the superintendent within two years of termination of employment; or

(2) A former state employee share in any compensation received by another person (including partnerships, corporations) for assistance which the former employee is prohibited from providing by the foregoing provisions of this section, within two years of termination of employment; or

(3) A partnership of which a former state employee is a partner, or any partner or employee of such a partnership, assist another person in any transaction involving the state in which the former employee participated at any time while a state employee, within two years of the former employee's termination of state employment: *Provided*, That this section shall not prohibit a former state employee's participation in transactions permitted by WAC 392-103-040 at any time, except as this exception may be qualified by rules of the Governor issued pursuant to RCW 42.18.240, as now or hereafter amended.

Violation of this section may result in the imposition of a bar or conditions upon the former state employee or other persons' appearances before the superintendent or their conduct of, or negotiation or competition for, business with the superintendent, in addition to such other penalties as may be imposed pursuant to law. Any such administrative sanction shall be made only upon notice and an opportunity for a hearing in compliance with the Administrative Procedures Act, chapter 34.04 RCW. [Order 7-75, § 392-103-035, filed 12/22/75. Formerly WAC 392-10-060.]

WAC 392-103-040 Permissible transactions. Subject to advance disclosure to and approval of the superintendent of public instruction an employee may assist the following persons in a transaction involving the state, provided the employee shall not at any time have participated in such transactions:

(1) The employee's parent, spouse, or child, or any child thereof for whom the employee is serving as guardian, executor, administrator, trustee, or other personal fiduciary; or

(2) A person other than the employee's parent, spouse, or child for whom the employee is serving as guardian, executor, administrator, trustee, or other personal fiduciary.

An employee may assist, in a transaction involving the state, another state employee involved in disciplinary or other personnel administration proceedings, provided that such transaction has not been under his/her official responsibility. [Order 7-75, § 392-103-040, filed 12/22/75. Formerly WAC 392-10-040.]

WAC 392-103-045 Permissible outside employment.

An employee of the superintendent of public instruction may perform personal services in return for anything of economic value (i.e., in addition to his/her compensation from the state of Washington) only if such services meet each and every one of the following qualifications:

(1) The services are bona fide and are actually performed by the employee;

(2) The services are not within the course of the employee's official state employment duties;

(3) The services are not performed during such periods of time (excluding periods of compensated annual leave) for which the employee is compensated by the state;

(4) The services are not performed in connection with (a) any transaction involving the state in which he/she has participated at any time as a state employee or (b) any transaction involving the state which has been under his/her official responsibility at any time within the preceding two years;

(5) The services are neither performed for nor compensated by any person (including partnerships, corporations, etc.) from whom the employee would be prohibited by WAC 392-103-020(1) and (2) from receiving, accepting, etc., a gift (e.g., educational service districts and common school districts).

In the event qualifications (1) through (4) are met, qualification (5) may be waived provided a full disclosure in writing is made to the superintendent of public instruction and prior written approval is made by the superintendent. [Order 7-75, § 392-103-045, filed 12/22/75. Formerly WAC 392-10-050.]

Chapter 392-105 WAC

SUPERINTENDENT OF PUBLIC INSTRUCTION—ACCESS TO PUBLIC RECORDS

WAC

392-105-010	Access to public records.
392-105-015	Copying.
392-105-020	Protection of records.
392-105-025	Review of denial.
392-105-030	Index.

Reviser's note: With the filing of Superintendent of Public Instruction Order 7-75, on December 22, 1975, chapter 392-12 WAC, entitled Access to Public Records, has been superseded by chapter 392-105 WAC. See Title 392 WAC Digest page for disposition of chapters and reference notes relative thereto.

WAC 392-105-010 Access to public records. (1) All public records as defined by RCW 42.17.020(24) and (25) (including photographs, tapes, and other records as well as written documents) prepared, owned, used, or retained by the superintendent of public instruction shall be available for public inspection and copying during normal office hours in the office where they are located, except for the following:

(a) Personal information in files maintained by the superintendent of public instruction to the extent that disclosure would violate any individual's right to privacy.

(b) Preliminary drafts, notes, recommendations, and intra-agency memorandums in which opinions are expressed or policies formulated or recommended, except that a specific record shall not be exempt when publicly cited by the agency in connection with any agency action.

(c) Records which are relevant to a controversy to which the agency is a party but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts.

(d) Any other information which is exempt from public inspection under RCW 42.17.310 where disclosure would violate personal privacy or vital government interests.

(2) The exemptions of this section shall be inapplicable to the extent that information, the disclosure of which would violate personal privacy or vital government interests, can be deleted from the specific records sought. No exception shall be construed to permit the nondisclosure of statistical information not descriptive of any readily identifiable person or persons. [Order 7-75, § 392-105-010, filed 12/22/75. Formerly WAC 392-12-010 (part).]

WAC 392-105-015 Copying. (1) Persons may copy any record which may be inspected. The superintendent of public instruction may charge a fee of ten cents per page for copies made by agency copy machines. This charge is the amount necessary to reimburse the agency for its actual costs incident to such copying.

(2) When the provision of copies of public records requires computer operations, the superintendent may make appropriate charges for programming and computer costs, which charges shall not exceed the amount necessary to reimburse the agency for actual costs incident to fulfilling the request. [Order 7-75, § 392-105-015, filed 12/22/75. Formerly WAC 392-12-010 (part).]

WAC 392-105-020 Protection of records. No records shall be removed from any office of the superintendent of public instruction by anyone other than a staff member or other officially authorized person, unless a receipt for the records signed by the person taking them and giving the address where they will be kept has been approved and signed by the person in charge of the records office. [Order 7-75, § 392-105-020, filed 12/22/75. Formerly WAC 392-12-010 (part).]

WAC 392-105-025 Review of denial. When an agency staff member believes that a request to inspect a

record must be denied, the staff member shall immediately contact his or her supervisor and obtain concurrence from the supervisor before denying inspection. The supervisor shall then promptly issue, or cause to be promptly issued, a written statement as required by RCW 42.17.310(4) and RCW 42.17.320 which shall identify the specific exemption authorizing the withholding of the record (or part) and provide a brief explanation of how the exemption applies to the record withheld. A copy of the statement shall be immediately transmitted to the deputy superintendent. [Order 7-75, § 392-105-025, filed 12/22/75. Formerly WAC 392-12-010 (part).]

WAC 392-105-030 Index. The superintendent of public instruction does maintain a current index of public records as required by RCW 42.17.260(2) in the records office (office of management services) first floor, Old Capitol Building, Olympia, Washington. [Order 7-75, § 392-105-030, filed 12/22/75. Formerly WAC 392-12-010 (part).]

Chapter 392-109 WAC

STATE BOARD OF EDUCATION—ELECTION OF MEMBERS

WAC

392-109-005	Purpose.
392-109-010	Biographical—Limitation data.
392-109-015	Composition of election board.
392-109-020	Postage.
392-109-025	Publicity.
392-109-030	Recount of votes cast—Automatic—By request—Certification.
392-109-035	Rotation of names on ballot.

Reviser's note: With the filing of Superintendent of Public Instruction Order 7-75, on December 22, 1975, chapter 392-99 WAC, entitled State Board of Education—Election of Members, has been superseded by chapter 392-109 WAC. See Title 392 WAC Digest page for disposition of chapters and reference notes relative thereto.

WAC 392-109-005 Purpose. The purpose of this chapter is to establish the procedures which in addition to statutory procedures shall govern the conduct of the annual election by mail ballot for membership on the state board of education provided for in RCW 28A.04-.010 et seq. [Order 7-75, § 392-109-005, filed 12/22/75. Formerly WAC 392-99-010.]

WAC 392-109-010 Biographical—Limitation data. Biographical materials submitted by candidates for state board of education membership pursuant to RCW 28A.04.050 shall not exceed two single spaced letter size pages in length. [Order 7-75, § 392-109-010, filed 12/22/75. Formerly WAC 392-99-020.]

WAC 392-109-015 Composition of election board. The state board of education, in addition to finalizing the three member election board authorized in RCW 28A.04.060, shall appoint at least one alternate who shall serve thereon in the event of any emergency preventing the full attendance of the election board. [Order 7-75, § 392-109-015, filed 12/22/75. Formerly WAC 392-99-030.]

WAC 392-109-020 Postage. Postage for the casting of votes by mail shall be prepaid by the superintendent of public instruction. [Order 7-75, § 392-109-020, filed 12/22/75. Formerly WAC 392-99-040.]

WAC 392-109-025 Publicity. The superintendent of public instruction shall annually provide ample public information concerning the election of state board of education members beginning in May through press and publication releases, including the publishing of names of those school directors who voted in the preceding election. [Order 7-75, § 392-109-025, filed 12/22/75. Formerly WAC 392-99-050.]

WAC 392-109-030 Recount of votes cast—Automatic—By request—Certification. A recount of votes cast shall be automatic if the electoral point difference between any two candidates for the same position is less than the largest weighted vote for the position. A recount of votes cast shall be afforded any candidate as a matter of right, providing the request is made within seven days of the count of votes, including the initial day of counting. Pursuant to RCW 28A.04-.060, the superintendent of public instruction shall certify to the secretary of state the name or names of persons elected to membership on the state board of education. [Order 7-75, § 392-109-030, filed 12/22/75. Formerly WAC 392-99-060.]

WAC 392-109-035 Rotation of names on ballot. The listing of candidates' names upon election ballots shall be rotated. [Order 7-75, § 392-109-035, filed 12/22/75. Formerly WAC 392-99-070.]

Chapter 392-121 WAC

FINANCE—GENERAL APPORTIONMENT

WAC

392-121-005	Authority and purpose.
392-121-010	Definitions.
392-121-015	Additional definitions.
392-121-020	Annual distribution of apportionment funds.
392-121-025	Payment schedule.
392-121-030	Apportionment credit—Resident and nonresident students.
392-121-035	Apportionment funds resources and computation data.
392-121-040	Average annual base enrollment—Conversion to weighted student enrollment.
392-121-045	Enrollment time credit—off-campus—Alternative learning experiences—Study time—National guard—Absences.
392-121-050	Per weighted student guarantee—Method of computation.
392-121-055	District entitlement—Computation of.
392-121-060	Advance payments—Emergency.
392-121-065	Reporting requirements.

Reviser's note: With the filing of Superintendent of Public Instruction Order 7-75, on December 22, 1975, chapter 392-29 WAC, entitled Distribution of Funds Appropriated for Apportionment to the Common Schools, has been superseded by chapter 392-121 WAC. See Title 392 WAC Digest page for disposition of chapters and reference notes relative thereto.

WAC 392-121-005 Authority and purpose. This chapter is adopted pursuant to authority vested in the

superintendent of public instruction by RCW 28A.41.170, RCW 28A.41.055, and the provisions of legislative appropriation acts. It is the intent and purpose of this chapter to govern the distribution of equalization apportionment funds to the common schools in a manner which guarantees each school district the availability of an equal number of dollars per weighted student enrolled for the maintenance and operation of a basic educational program for one hundred and eighty school days. [Order 7-75, § 392-121-005, filed 12/22/75. Formerly WAC 392-29-110 and 392-29-120.]

WAC 392-121-010 Definitions. As used in this chapter, the term: (1) "Full-time equivalent student" shall mean each individual student who is enrolled as of the second Monday of September (or by the fourth school day after commencement of the instructional program in the month of September in the event a district is unable to comply with the second Monday report by reason of an emergency school closure or a strike) and/or as of the first school day of any subsequent month (exclusive of an intermission at noon, but inclusive of normal class change passing time):

(a) Pre-school handicapped: 20 hours each week, or four hours (240 minutes) each scheduled school day;

(b) Kindergarten (full-day): 20 hours each week, or four hours (240 minutes) for 90 scheduled school days;

(c) Kindergarten (half-day): 10 hours each week, or two hours (120 minutes) each scheduled school day;

(d) Primary (grades 1 through 3): 20 hours each week, or four hours (240 minutes) each scheduled school day;

(e) Elementary (grades 4 through 6): 25 hours each week, or five hours (300 minutes) each scheduled school day;

(f) Secondary (grades 7 through 12): 25 hours each week, or five hours (300 minutes) each scheduled school day;

(2) "Kindergarten" shall mean an instructional program conducted for students four to six years of age.

(3) "Nonresident student" shall mean any student other than a resident student whose residence is within the state of Washington.

(4) "Part-time student" shall mean a student who is enrolled pursuant to chapter 392-181 WAC (part-time attendance and ancillary services) for less time than the minimum time required for a full-time equivalent student.

(5) "Pre-school handicapped student" shall mean a handicapped student who is enrolled in a pre-first grade level educational program operated by or in behalf of the school district of enrollment. [Order 7-75, § 392-121-010, filed 12/22/75. Formerly WAC 392-29-130 (part).]

WAC 392-121-015 Additional definitions. As used in this chapter, the term:

(1) "Residence" shall mean the physical location of a student's principal abode (e.g., the home, house, apartment, etc., within which the student lives the majority of the time).

(2) "Resident student" shall mean:

(a) A student whose residence is within the school district of enrollment;

(b) A student whose residence is within the boundaries of any military, naval, lighthouse, or other United States reservation, national forest, or Indian reservation (provided the student resides upon rented or leased un-deeded lands within the Indian reservation) which is contiguous to the school district of attendance; or

(c) A student whose residence is within a school district which does not carry the grades for which the student is eligible to enroll.

(3) A "school day" shall mean a calendar day on which all students enrolled in the pre-school handicapped/kindergarten through twelfth grade program of a school district are scheduled for participation in educational activity which is planned, supervised, and conducted by or under the supervision of the school district certificated staff, and on which day all, or any portion, of the students enrolled in the program actually commence participation in such educational activity.

(4) "School year" shall mean the period commencing on the first day of July and ending with the last day of June.

(5) "Weighting schedule" shall mean the list of factors to which incremental values have been assigned pursuant to RCW 28A.41.140 in order to provide appropriate recognition of costs incurred among various types of students and school districts. [Order 7-75, § 392-121-015, filed 12/22/75. Formerly WAC 392-29-130 (part) and WAC 392-29-140 (part).]

WAC 392-121-020 Annual distribution of apportionment funds. From the equalization apportionment funds available to the superintendent of public instruction for the support of the common schools, the superintendent shall annually transmit equalization apportionment funds to each eligible school district pursuant to the provisions of this chapter. [Order 7-75, § 392-121-020, filed 12/22/75. Formerly WAC 392-29-150.]

WAC 392-121-025 Payment schedule. (1) Apportionment credits shall accrue on a school year basis. Equalization apportionment funds shall be transmitted to each eligible school district in twelve consecutive monthly installments during the "apportionment year", September through August.

(2) Each monthly installment shall represent a percentage, developed pursuant to RCW 28A.48.010, of the total entitlement estimated to accrue. Payments may be altered by the superintendent of public instruction as necessary to reconcile estimated data and revenues with actual data and revenues.

(3) The superintendent of public instruction shall annually advise each school district of the payment schedule for the apportionment year. [Order 7-75, § 392-121-025, filed 12/22/75. Formerly WAC 392-29-260.]

WAC 392-121-030 Apportionment credit—Resident and nonresident students. (1) State equalization apportionment shall be granted only in connection with the enrollment of pre-school handicapped students who are

at least three years of age and in connection with the enrollment of students in grades kindergarten through twelve who are at least five years of age and under twenty-one years of age: *Provided*, That all handicapped children enrolled in a special education program prior to the effective date of this chapter and who are less than three years of age shall remain eligible for purposes of computing state equalization apportionment entitlement.

(2) State equalization apportionment shall be granted to each eligible school district in connection with the enrollment of resident students and in connection with the enrollment of nonresident students who are enrolled pursuant to chapter 392-135 WAC (interdistrict cooperation), chapter 392-137 WAC (nonresident attendance), or RCW 28A.58.225 (education of students in another district with permission of educational service district superintendents). [Order 7-75, § 392-121-030, filed 12/22/75. Formerly WAC 392-29-160 and WAC 392-29-170.]

WAC 392-121-035 Apportionment funds resources and computation data. (1) In addition to those funds appropriated by the legislature for apportionment purposes, the revenues identified in and/or pursuant to RCW 28A.41.130 shall be included in the total of those funds from which the amount of the per weighted student guarantee shall be derived.

(2) The superintendent of public instruction shall annually advise each school district of the revenues identified pursuant to subsection (1), together with estimates thereof. In addition, the superintendent shall establish, in cooperation with the department of revenue, the annual period(s) from which pertinent data relating to said revenues shall be derived. [Order 7-75, § 392-121-035, filed 12/22/75. Formerly WAC 392-29-180.]

WAC 392-121-040 Average annual base enrollment—Conversion to weighted student enrollment. At such times as are designated by the superintendent of public instruction, each school district shall:

(1) Compute the estimated average annual base enrollment of the district pursuant to the following formula:

Average Annual Base =

$$\frac{1/2 \times \left(\begin{array}{l} \text{The sum of the 9 monthly full-} \\ \text{time equivalent student counts} \\ \text{for half-day kindergarten} \end{array} \right)}{9} + \frac{\left(\begin{array}{l} \text{The sum of the 9 monthly full-} \\ \text{time equivalent student counts} \\ \text{+ for pre-school handicapped,} \\ \text{full day kindergarten, and} \\ \text{grades one through twelve} \end{array} \right)}{9}$$

(2) Compute the weighted student enrollment of the district by applying the biennial weighting schedule established by the superintendent of public instruction pursuant to RCW 28A.41.140 to the average annual

base enrollment of the district and/or the components thereof (e.g., vocational students, remote and necessary elementary schools or school districts, and small high schools). [Order 7-75, § 392-121-040, filed 12/22/75. Formerly WAC 392-29-190.]

WAC 392-121-045 Enrollment time credit—off-campus—Alternative learning experiences—Study time—National guard—Absences. (1) Off-Campus Instruction. Enrollment time for teaching/learning experiences primarily conducted off-campus may be credited towards full-time equivalent student enrollment counts: *Provided*, That the program operates in compliance with an approved written program plan on file in the appropriate school building. Off-campus program plans shall include, but not be limited to:

- (a) The objective(s) of the program.
- (b) The major teaching and learning activities required by the program.
- (c) A schedule for completion of the teaching/learning experience.

(d) A description of how student learning performance off-campus will be adequately supervised, evaluated, and recorded by the certificated staff or by qualified employees under the direct supervision of the certificated staff. Adequate off-campus supervision shall mean the assignment of at least one full-time staff member for every 125 or less off-campus students. Staff members serving in this capacity less than full-time shall be assigned no more than a proportional number of students.

(2) Alternative Learning Experience. Alternative learning experiences on or off-campus may be credited towards full-time equivalent student enrollment counts: *Provided*, That:

- (a) A written plan is on file as described in subsection (1).
- (b) The student is working toward course credit in courses of study formally established by the school district, and

(c) The student's performance is subject to the direction of and evaluation by, the district's certificated staff. Each course credit which is actively being pursued in an alternative learning experience and which is the equivalent of one course credit may supplement or replace one hour of minimum time toward a scheduled school day.

(3) Contracting. Enrollment time in an educational institution other than a school district may be credited towards full time equivalent students enrollment count(s): *Provided*, That:

- (a) The student is working towards course credits which satisfy high school graduation requirements, and
- (b) The school district has a contractual agreement with the educational institution to provide instruction at no cost to the student for tuition or fees.

(4) National Guard. Enrollment time in a national guard high school career training program for which credit is being given towards either required high school or elective high school credits pursuant to chapter 262, Laws of 1975, 1st ex. sess., and the rules of the state board of education hereafter adopted may be credited towards the full-time equivalent student enrollment

counts of the school district an individual so enrolled last attended prior to enrollment in such national guard program.

(5) Study Time. Enrollment time for non-class study time may be credited towards full-time equivalent student enrollment counts: *Provided*, That the non-class study time is scheduled in conjunction with other educational activity during the school day, and participation in such study time is monitored.

(6) Absences. Students who are absent during an entire reporting period (i.e., a calendar month) shall not be counted as an enrolled student until attendance is resumed. [Order 7-75, § 392-121-045, filed 12/22/75. Formerly WAC 392-29-230 and 392-29-240.]

WAC 392-121-050 Per weighted student guarantee—Method of computation. (1) The superintendent of public instruction shall annually establish a statewide per weighted student guarantee by dividing the sum of the estimated weighted student enrollments of all school districts into the state appropriation(s) and other revenues provided for in and/or pursuant to RCW 28A.41.130 which are estimated to become available to school districts for equalization apportionment calculation purposes.

(2) Each school district shall be advised by the superintendent of public instruction of the estimated guarantee per weighted student prior to the preparation and adoption of school district preliminary and final budgets.

(3) Subsequent to the submission of final reports for a given school year, and at such other times as are deemed necessary, the superintendent of public instruction shall reconcile any disparities between estimated average annual base enrollment(s), estimated average annual weighted students, and estimated revenues available for equalization apportionment purposes and actual annual base enrollment(s), actual average annual weighted students, and revenues available for equalization apportionment. Adjustments in the entitlement of school districts, individually or as a whole, shall be made as dictated by the result(s) of such periodic reconciliations. [Order 7-75, § 392-121-050, filed 12/22/75. Formerly WAC 392-29-200.]

WAC 392-121-055 District entitlement—Computation of. (1) The total annual support level for each school district shall be computed by multiplying the weighted student enrollment of the district computed pursuant to WAC 392-121-040 by the statewide per weighted student guarantee computed pursuant to WAC 392-121-050.

(2) Each school district shall be entitled to receive state appropriated equalization apportionment funds in an amount equal to the difference between the total annual support level established for the district pursuant to subsection (1) and the total amount of revenues which the district receives from the revenue sources identified pursuant to WAC 392-121-035: *Provided*, That for each school year each school district shall be guaranteed state and local funds in a total amount which is not less than 95 percent of the average amount per enrolled student which the district realized from state and local

funds, excluding special levy funds, during the preceding three (3) school years. [Order 7-75, § 392-121-055, filed 12/22/75. Formerly WAC 392-29-210 and 392-29-220.]

WAC 392-121-060 Advance payments—Emergency. (1) A school district may petition the superintendent of public instruction for an emergency advance not to exceed 10 percent of the total amount to become due and apportionable to the district during the fiscal year. Emergency advances may be granted on the basis of the following conditions:

(a) It is probable that the district will be on an interest-bearing warrant issuing basis two (2) months following the petition if an advance is not paid.

(b) It is probable that the district will be on warrant-interest for at least three months during the period September through June if an advance is not paid.

(c) The district shall not have cash investments of the general fund or an interfund loan from the general fund during the months it expects to be on warrant interest.

(d) The petition shall be adopted by the board of directors of the district and shall set forth the following:

(i) The nature of the emergency requiring the advance.

(ii) The net cash balance of the general fund as of the date of petition.

(iii) A forecast of the net cash balance for each month remaining in the fiscal year, and

(iv) The percentage requested to be advanced.

(2) Forfeiture of earnings on emergency advance any earnings by a school district on the investment of a temporary cash surplus materializing as a consequence of a previously obtained advance shall be deducted from the equalization apportionment entitlement of the district. [Order 7-75, § 392-121-060, filed 12/22/75. Formerly WAC 392-29-270.]

WAC 392-121-065 Reporting requirements. (1) Each school district shall provide, upon request, such data as is necessary to enable the superintendent of public instruction to substantiate the district's entitlement to state equalization apportionment.

(2) The superintendent of public instruction shall provide each district with necessary report forms and shall advise each district of the due dates established by the superintendent for the completion and return of such report forms.

(3) In the event any district fails to submit data in the form required by the superintendent of public instruction on or before the due date established, the district's monthly allocation of all state funds shall be delayed until the next regular payment date following the submission of such data. [Order 7-75, § 392-121-065, filed 12/22/75. Formerly WAC 392-29-250.]

Chapter 392-123 WAC

FINANCE—SCHOOL DISTRICT BUDGETING

WAC

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Reviser's note: With the filing of Superintendent of Public Instruction Order 7-75, on December 22, 1975, chapter 392-30 WAC, entitled School District Budgeting, has been superseded by chapter 392-123 WAC. See Title 392 WAC digest page for disposition of chapters and reference notes relative thereto.

WAC 392-123-005 Purposes. The purposes of this chapter are to implement section 14, chapter 118, Laws of 1975-76 2nd ex. sess. and insure proper budgetary

procedures and practices on the part of school districts. [Order 8-76, § 392-123-005, filed 7/23/76; Order 7-75, § 392-123-005, filed 12/22/75. Formerly WAC 392-30-010.]

WAC 392-123-010 The accounting manual. The superintendent of public instruction and the office of the state auditor shall publish and distribute to each school district an accounting manual which shall be referred to as *The Accounting Manual for Public School Districts of the State of Washington*. Such accounting manual, as now or hereafter amended, shall govern the accounting procedures of each school district and is hereby incorporated into this chapter by this reference. Prior to any revision thereof, the superintendent shall publish notice of such proposed action and shall hold at least one public hearing. [Order 8-76, § 392-123-010, filed 7/23/76; Order 7-75, § 392-123-010, filed 12/22/75. Formerly WAC 392-30-020.]

WAC 392-123-011 School district fiscal year. There shall be a twelve month fiscal period of July 1st through June 30th for fiscal years 1975-76 and 1976-77 with a preliminary and final budget for both fiscal years.

For July and August 1977 there shall be a two month fiscal period with a budget for that period to be prepared by May 10, 1977.

For fiscal year 1977-78 there shall be a twelve month fiscal period beginning September 1, 1977 and ending on August 31, 1978 with one budget to be prepared by July 10, 1977.

For every fiscal year thereafter, a twelve month fiscal period shall begin on September 1 and end on August 31 with one budget to be prepared by July 10th. [Order 8-76, § 392-123-011, filed 7/23/76.]

WAC 392-123-015 Fiscal year 1976-77 preliminary and final budgets required. Each school district shall prepare a preliminary and final budget, except as provided in WAC 392-123-020, for fiscal year 1976-77 if that district anticipates being (preliminary budget) or is deemed to be (final budget) an operating district in the common school system of the state. For districts anticipating consolidation, separate budgets shall be prepared pending official consolidation proceedings. (Effective until July 1, 1977.) [Order 8-76, § 392-123-015, filed 7/23/76; Order 7-75, § 392-123-015, filed 12/22/75. Formerly WAC 392-30-030.]

WAC 392-123-020 Petition to stipulate that fiscal year 1976-77 preliminary budget shall become final budget. On or before September 1, 1976, any school district may submit a petition to the superintendent of public instruction requesting that the preliminary budget of the district be accepted and established as the final budget of the district.

Any petition to the superintendent of public instruction requesting that the preliminary budget become the final budget shall be in writing, signed by the board of directors of the district, and received by the superintendent on or before September 1, 1976.

The superintendent of public instruction shall decide whether or not a petition shall be approved on or before September 15, 1976. A copy of the superintendent's approval shall be attached to all final copies of the preliminary budget document; and a copy of the preliminary budget, including the approval, shall be filed with the division of municipal corporations, office of the state auditor.

The superintendent of public instruction may request and require supplemental information from those districts whose petitions have been approved in order to update information contained in the originally submitted preliminary budgets. In cases where petitions are approved, a certification of tax levies shall be completed.

Numerous factors may be utilized in determining whether a petition made pursuant to this section shall be approved or denied. While not all inclusive, the following factors shall be considered by the superintendent in making a determination:

(1) All districts

(a) The completeness, reliability, and accuracy of previously submitted budgets.

(b) The past and present financial conditions of a district

(c) The need for complete and consistent budgets by all school districts.

(2) Second-class districts—Deficiencies revealed as a result of the preliminary budget review process. (Effective until July 1, 1977.) [Order 8-76, § 392-123-020, filed 7/23/76; Order 7-75, § 392-123-020, filed 12/22/75. Formerly WAC 392-30-035.]

WAC 392-123-025 Fiscal year 1976-77 preliminary and final budget forms provided by the superintendent. Each school district shall prepare preliminary and final budgets, except as provided in WAC 392-123-020, on the official budget forms provided by the superintendent of public instruction for fiscal year 1976-77. A budget prepared on forms other than those issued by the superintendent shall not be considered an official budget of a district. The completed budgets in the official state format shall be filed with the proper officials at the proper time according to statute. (Effective until July 1, 1977.) [Order 8-76, § 392-123-025, filed 7/23/76; Order 7-75, § 392-123-025, filed 12/22/75. Formerly WAC 392-30-040.]

WAC 392-123-030 Fiscal year 1976-77 preliminary and final budget preparation. All pertinent items on the budget form shall be completed correctly before the budget for fiscal year 1976-77 is presented for hearing, review, and approval. Information pertaining to budget development which is not available at the time of budget preparation shall be estimated using the most current and reliable information available. (Effective until July 1, 1977.) [Order 8-76, § 392-123-030, filed 7/23/76; Order 7-75, § 392-123-030, filed 12/22/75. Formerly WAC 392-30-050.]

WAC 392-123-035 Fiscal year 1976-77 budget required to be developed on accrual basis. Each school district shall prepare the 1976-77 fiscal year preliminary

and final budgets of the general, building and associated student body program funds on the modified accrual basis. Accruals of expenditures for the beginning of the year and estimates of ending accrued expenditures shall be displayed in the budget document with the difference between these amounts being an adjustment to expenditures to calculate disbursements. The bond interest and redemption fund shall be prepared on the cash basis. (Effective until July 1, 1977.) [Order 8-76, § 392-123-035, filed 7/23/76; Order 7-75, § 392-123-035, filed 12/22/75. Formerly WAC 392-30-060.]

WAC 392-123-040 The time schedule for the fiscal year 1976-77 preliminary budget process—Adoption. The time schedule for preparation and adoption of the fiscal year 1976-77 preliminary budget is as follows:

DATE	FIRST-CLASS DISTRICTS	SECOND-CLASS DISTRICTS
May 10, 1976	Final date for board of directors to prepare preliminary budget. Immediately thereafter publish notice of the completion of the preliminary budget (once each week for two consecutive weeks), and date, time, and place of public hearing.	Same as First-Class
2 weeks preceding public hearing	Copies of preliminary budget made available to taxpayers.	Same as First-Class
June 1, 1976	Final date for board of directors in public hearing to fix and adopt the preliminary budget. (The maximum time for this hearing is two days.)	Same as First-Class
Conclusion of hearing	Board of directors' resolution to adopt preliminary budget.	Same as First-Class

(Effective until July 1, 1977.) [Order 8-76, § 392-123-040, filed 7/23/76; Order 7-75, § 392-123-040, filed 12/22/75. Formerly WAC 392-30-070 (part).]

WAC 392-123-045 Time schedule for the fiscal year 1976-77 preliminary budget process—Post adoption. The time schedule for post adoption activities of the fiscal year 1976-77 preliminary budget is as follows:

DATE	FIRST-CLASS DISTRICTS	SECOND-CLASS DISTRICTS
Within 5 days after adoption		Forward 5 copies of the preliminary budget to the educational service district superintendent for review, alteration, and approval by the preliminary budget review committee.

DATE	FIRST-CLASS DISTRICTS	SECOND-CLASS DISTRICTS	DATE	FIRST-CLASS DISTRICTS	SECOND-CLASS DISTRICTS
Within 10 days after adoption	File copies of the budget with the educational service district superintendent, the superintendent of public instruction, and the county auditor.		September 25, 1976		Final date for a district to submit revised budget to educational service district for review and approval by final budget committee.
June 30, 1976		Final date for approval by the preliminary budget review committee.	September 30, 1976		Final date for final budget review committee in meeting open to the public to fix and determine budget for district. The final budget review committee shall consist of the educational service district superintendent, a member of the local board of directors, and the members of the educational service district board.
Within 10 days after approval by the preliminary budget review committee		Educational service district files a copy of the budget with the superintendent of public instruction, appropriate county auditor and the local school district. One copy shall be retained by the educational service district.	October 4, 1976	Final date for certification and filing of a final budget by a school district. File copies of budget with educational service district, superintendent of public instruction, office of state auditor, and appropriate county auditor(s).	Same as First-Class except educational service district does the filing. One copy of the budget is returned to the school district.

(Effective until July 1, 1977.) [Order 8-76, § 392-123-045, filed 7/23/76; Order 7-75, § 392-123-045, filed 12/22/75. Formerly WAC 392-30-070 (part).]

WAC 392-123-050 Time schedule for the fiscal year 1976-77 final budget process. The time schedule for preparation adoption and filing of the fiscal year 1976-77 final budget is as follows:

DATE	FIRST-CLASS DISTRICTS	SECOND-CLASS DISTRICTS
September 1, 1976	Final date for board of directors to petition state superintendent in writing that preliminary budget shall become final budget.	Same as First-Class
September 2 weeks preceding public hearing	Final date to commence public notice per WAC 392-123-040 for meeting of board of directors to revise preliminary budget.	Same as First-Class
September 15, 1976	Final date for board of directors to petition state superintendent in writing for permission to budget receivables collectible in future years.	Same as First-Class
September 25, 1976		Final date for board of directors to hold public meeting for purpose of revising preliminary budget.

(Effective until July 1, 1977.) [Order 8-76, § 392-123-050, filed 7/23/76; Order 7-75, § 392-123-050, filed 12/22/75. Formerly WAC 392-30-080.]

WAC 392-123-051 Basis of budgeting and accounting for fiscal periods after the fiscal year 1976-77. This section sets forth the basis for revenue and expenditure recognition for budgeting and accounting for fiscal periods.

(1) The following terms when used herein shall have the following meanings, unless where used the context thereof shall clearly indicate to the contrary:

(a) "Revenue" means additions of assets during a given fiscal period to a fund of a school district in the form of cash which does not accompany the incurrence of liabilities or represent refunds of previous disbursements.

(b) "Accrual basis expenditures" mean costs during a given fiscal period for liabilities incurred, whether paid or unpaid.

(c) "Cash basis expenditures" mean actual disbursements during a given fiscal period for operating costs, capital outlay, and debt service, regardless of when liabilities are incurred, or the period of incurrence of cost.

(d) "Appropriation" means the maximum authorization during a given fiscal period to incur expenditures.

(e) "Disbursements" mean payments in cash, including but not limited to payments by warrants.

(2) All school districts must utilize the following methods of revenue and expenditure recognition in budgeting, accounting and financial reporting:

(a) Recognize revenue as defined above.

(b) Utilize the accrual basis for the recognition of expenditures in determining operating costs from the general fund: *Provided*, That school districts with less than one thousand full time equivalent students for the previous year may utilize the cash basis for the recognition of expenditures in determining operating costs from the general fund: *Provided further*, That in school districts with less than one thousand full time equivalent students using the cash basis for the recognition of expenditures shall prepare a list of accounts payable as of the end of the fiscal year, subject to the penalties of perjury, a copy of which will accompany the districts' annual report and a copy of which will be filed with the districts' board of directors.

(c) Utilize the accrual basis for the recognition of expenditures in determining the costs of site acquisitions and the construction of buildings from the building fund: *Provided*, That school districts with less than one thousand full time equivalent students for the previous year may utilize the cash basis for recognition of expenditures in determining the costs of site acquisitions and the construction of buildings from the building fund.

(d) Utilize the cash basis for the recognition of expenditures in determining costs for bond interest and redemption funds, refunding bond funds and refunded bond funds.

(e) Utilize the cash basis for the recognition of expenditure in determining costs for permanent insurance funds.

(f) Utilize the accrual basis of expenditure recognition for the associated student body program fund: *Provided*, school districts with less than 1000 full time equivalent students for the previous fiscal year may utilize the cash basis for recognition of expenditure in determining operating cost of the associated student body program fund. [Order 8-76, § 392-123-051, filed 7/23/76.]

WAC 392-123-0511 July and August 1977 budget.

In order to implement the change in fiscal years provided in chapter 118, Laws of 1975-76 2nd ex. sess., a short fiscal period shall exist from July 1, 1977 through August 31, 1977.

(1) Each school district that anticipates being an operating district in the common school system of the state shall prepare a budget for the period July 1, 1977 through August 31, 1977. For districts anticipating consolidation or annexation, separate budgets shall be prepared pending official consolidation or annexation proceedings.

(2) Budgets for the period July 1, 1977 through August 31, 1977, shall be prepared and adopted in the format provided by the office of the superintendent of public instruction. The budget classifications shall be in accordance with the latest revised accounting manual for

public school districts published by the office of the superintendent of public instruction and the office of the state auditor.

(3) The revenue section of said budget shall set forth the estimated revenues from all sources for said period and the probable cash balance and investments available at the close of the 1976-77 fiscal year: *Provided*, That school districts pursuant to WAC 392-123-060 shall be granted permission to include as revenues in said budget receivables collectible in future fiscal periods.

(4) The expenditure section of said budget shall set forth by detailed items or classes the estimated expenditures for said period. (Effective until September 1, 1977.) [Order 8-76, § 392-123-0511, filed 7/23/76.]

WAC 392-123-052 Time schedule for July and August 1977 budget process. The time schedule for preparation, adoption and filing of the July and August 1977 budget is as follows:

DATE	FIRST-CLASS DISTRICTS	SECOND-CLASS DISTRICTS
May 10, 1977	Final date for school districts to prepare budget for July and August, 1977. Immediately thereafter publish notice of completion in a newspaper of general circulation in the district or if there be none, in a newspaper of general circulation in the county. Such notice of said budget shall be given once each week for two consecutive weeks with the second notice no later than seven days immediately prior to adoption hearing. Said notice shall designate date, time and place of adoption hearing and state that the budget is on file in the district administration office, that a copy thereof will be furnished any person who will call upon the district for it, that any person may appear at the adoption hearing and be heard for or against any part of the budget, and that the school district board of directors will meet for the purpose of fixing and adopting said budget of the district for said period.	Same as first class.

DATE	FIRST-CLASS DISTRICTS	SECOND-CLASS DISTRICTS	DATE	FIRST-CLASS DISTRICTS	SECOND-CLASS DISTRICTS
14 days preceding public hearing	Copies of said budget made available to the public.	Same as first class.		auditor and the appropriate county auditor. A copy shall be retained by the educational service district.	retained by the the educational service district.
June 1, 1977		Final date for board of directors in public hearing to fix and adopt said budget. At the conclusion of the hearing the board of directors shall fix and determine the appropriation from each fund contained in said budget separately and shall by resolution adopt the budget and the appropriations as so finally determined and enter the same in the official minutes of the board.	(Effective until September 1, 1977.) [Order 8-76, § 392-123-052, filed 7/23/76.]		
June 3, 1977		Final date for district to forward five copies of their adopted budget to their educational service district for review, alteration and approval.			
June 30, 1977	Final date for board of directors in public hearings to fix and adopt said budget. At the conclusion of the hearing the board of directors shall fix and determine the appropriation from each fund contained in said budget separately and shall by resolution adopt the budget and the appropriations as so finally determined and enter the same in the official minutes of the board.	Final date for educational service districts to fix and approve the amount of the appropriation from each fund of said budget. One copy of said approved budget shall be returned to the local school district.			
July 10,	Final date for district to file four copies of adopted budget for said period with their educational service district. A copy of said budget for each first class district shall be filed by the educational service district with the superintendent of public instruction, the office of the state	Final date for educational service district to file a a copy of said approved budget for each second class district with the superintendent of public instruction, the office of the state auditor, and the appropriate county auditor. A copy shall be			

WAC 392-123-053 Budget for fiscal year 1977-78 and every year thereafter. Beginning with fiscal year 1977-78 and every year thereafter, each school district that anticipates being an operating district in the common school system of the state shall prepare a budget. For districts anticipating consolidation or annexation, separate budgets shall be prepared pending official consolidation or annexation proceedings.

Every school district budget shall be prepared, submitted and adopted on forms provided by the office of the superintendent of public instruction. The budget classifications contained in said format shall be in accordance with accounting manual for public school districts, published by the office of the superintendent of public instruction and the office of the state auditor. Budgets on forms other than those provided by the office of the superintendent of public instruction shall not be official and will have no legal effect.

All pertinent items on the budget form shall be completed correctly before the budget is presented for hearing review and approval. Information pertaining to budget development which is not available at the time of budget preparation shall be estimated using the most current and reliable information available.

The revenue section of every school district budget shall set forth the estimated revenues for the ensuing fiscal year, the estimated revenues for the fiscal year current at the time of budget preparation, the actual revenues for the last completed fiscal year, and the probable net cash balance and investments available for ensuing fiscal year disbursements at the close of the said current fiscal year. The estimated revenues from all sources for the ensuing [ensuing] fiscal year shall not include any revenue not anticipated to be received in cash during that fiscal year: *Provided*, That school districts, pursuant to WAC 392-123-060 can be granted permission by the superintendent of public instruction to include as revenues in their budgets, receivables collectible in future fiscal years.

Any budget or appropriation adopted by the board of directors that contains estimated disbursements in excess of the total of estimated revenue for the ensuing fiscal year plus estimated net cash balance and investments at the close of the current fiscal year without written permission from the superintendent of public instruction shall be null and void and shall not be considered an appropriation.

The expenditure section of the budget shall set forth by detailed items or classes the estimated expenditures for the ensuing fiscal year, the estimated expenditures

for the fiscal year current at the time of budget preparation, and the actual expenditures for the last completed fiscal year. Each salary shall be set forth separately, together with the title or position of the recipient: *Provided*, That salaries may be set out in total amounts under each budget class if detailed schedule(s) of such salaries and positions are attached to the budget and made a part thereof. In districts where negotiations have not been completed, the district may budget the salaries at the current year's rate and restrict ending net cash for the amount of anticipated increase in salaries, so long as an explanation shall be attached to the budget on such restriction of ending cash. [Order 8-76, § 392-123-053, filed 7/23/76.]

WAC 392-123-054 Time schedule for fiscal year 1977-78 budget and budget for every year thereafter. The time schedule for preparation, adoption and filing of the fiscal year 1977-78 budget and the budget for every year thereafter is as follows:

DATE	FIRST-CLASS DISTRICTS	SECOND-CLASS DISTRICTS
July 10	Final date for district to prepare budget. Upon completion of their budgets, every school district shall publish a notice stating that the district has completed the budget and placed the same on file in the school district administration office, that a copy thereof will be furnished any person who will call upon the district for it, and that the board of directors will meet for the purpose of fixing and adopting the budget of the district for the ensuing fiscal year. Such notice shall designate the date, time, and place of said meeting. The notice shall also state that any person may appear thereat and be heard for or against any part of such budget. Said notice shall be published at least once each week for two consecutive weeks in a newspaper of general circulation in the district, or, if there be none, in a newspaper of general circulation in the	Same as first class.

DATE	FIRST-CLASS DISTRICTS	SECOND-CLASS DISTRICTS
July 10	county or counties in which such district is a part. The last notice shall be published no later than seven days immediately prior to the hearing. Final date for district board of directors to petition in writing the superintendent of public instruction for permission to include receivables collectible in future years, in order to balance the budget.	Same as first class.
July 15		Final date to have sufficient number of copies of budget to meet reasonable demands of public. Also, final date to submit one copy of budget to educational service district for review and comment.
July 20	Final date to have sufficient copies of budget to meet reasonable demands of public.	
August 1		Final date for board directors to meet in public hearing and fix and adopt said budget. Such hearing may be continued not to exceed a total two days: <i>Provided</i> , That the budget must be adopted no later than August 1st. Upon conclusion of the hearing the board of directors shall fix and determine the appropriation from each fund contained in the budget separately, and shall by resolution adopt the budget and the appropriations as so finally determined, and enter the same in the official minutes of the board.

DATE	FIRST-CLASS DISTRICTS	SECOND-CLASS DISTRICTS	DATE	FIRST-CLASS DISTRICTS	SECOND-CLASS DISTRICTS
August 3		Last date to forward five copies of said adopted budget to educational service district for review, alteration and approval.	September 10	Last date for educational service district to file copies of said adopted budgets with the superintendent of public instruction, the office of the state auditor and the appropriate county auditor. One copy will be retained by educational service district.	Same as first class except one copy of adopted and approved budget must be returned to local school district by this date.
August 31	Final date for board of directors to meet in public hearing and fix and adopt said budget. Such hearing may be continued not to exceed a total of two days: <i>Provided</i> , That the budget must be adopted no later than August 31st. Upon conclusion of the hearing, the board of directors shall fix and determine the appropriation from each fund contained in the budget separately, and shall by resolution adopt the budget and the appropriations as so finally determined, and enter the same in the official minutes of the board.	Last date for the budget review committee to fix and approve the amount of the appropriation from each fund of the budget. No budget review committee shall knowingly approve any budget or appropriation that is in violation of state law or rules and regulations adopted by the superintendent of public instruction. A copy of said budget shall be returned to the local school districts no later than September 10th. Members of the budget review committee as referred to in this section shall consist of the educational service district superintendent or a representative thereof, a member of the local board of directors or a representative thereof and a representative of the superintendent of public instruction.			
September 3	Final date for district to file four copies of said adopted budget with their educational service district.				

[Order 8-76, § 392-123-054, filed 7/23/76.]

WAC 392-123-055 Identification of revenues to be included in the budget. Only revenues which can be reasonably anticipated to be received in cash in the fiscal period for which the budget is being prepared may be budgeted by a school district, except under the following condition: Receipt of written permission from the superintendent of public instruction to budget as revenue in a district's budget receivables collectible in future fiscal periods as provided in section 11, chapter 118, Laws of 1975 2nd ex. sess. as now or hereafter amended.

All available current information shall be used to determine the amount of budget revenues that can reasonably be expected to be received in cash in the fiscal period. A major emphasis shall be placed on the tax levy collection success in the time period immediately preceding the budget period. Proposed levies which have not been certified as approved by the voters shall not be included in the budget as adopted for operation of the district. [Order 8-76, § 392-123-055, filed 7/23/76; Order 7-75, § 392-123-055, filed 12/22/75. Formerly WAC 392-30-080 and 392-30-090.]

WAC 392-123-060 Petition to budget collectible in future years. When a school district is unable to prepare a budget in which the estimated revenues for the ensuing fiscal period plus the estimated net cash and investments on hand at the close of the current fiscal period do not at least equal the estimated disbursements for the ensuing fiscal period plus the mandated cash reserve for transportation equipment at the close of the ensuing fiscal period as required by RCW 28A.41.160 the school district board shall petition in writing the superintendent of public instruction for permission to include receivables collectible in future period's in order to balance the ensuing fiscal period's budget. If such permission is granted, it shall be in writing, and it shall contain conditions, binding on the district, designed to improve the district's financial condition. [Order 8-76, § 392-123-060, filed 7/23/76; Order 7-75, § 392-123-060, filed 12/22/75. Formerly WAC 392-30-100.]

WAC 392-123-065 Noncompliance with binding restrictions. If a local school district fails to comply with any binding restrictions issued by the superintendent of

public instruction, the allocation of state funds for support of the local school district may be withheld, pending an investigation of the reason for such noncompliance by the office of the superintendent of public instruction. Written notice of the intent to withhold state funds, with reasons stated for this action, shall be made to the school district by the office of the superintendent of public instruction before any portion of the state allocation is withheld. [Order 8-76, § 392-123-065, filed 7/23/76; Order 7-75, § 392-123-065, filed 12/22/75. Formerly WAC 392-30-110.]

WAC 392-123-070 Overexpending and exceeding the budget. Total budgeted expenditures for each fund as adopted in the budget of a school district shall constitute the appropriations of the district for the ensuing fiscal year and the board of directors shall be limited in the incurring of expenditures to the amount of each such appropriation. The board of directors shall incur no expenditures for any purpose in excess of the appropriation for each fund: *Provided*, That no board of directors shall be prohibited from incurring expenditures for the payment of regular employees, for the necessary repairs and upkeep of the school plant, for the purchase of books and supplies, and for their participation in joint purchasing agencies authorized in RCW 28A.58.107 during the interim while the budget is being settled under WAC 392-123-080: *Provided further*, That transfers between budget classes may be made by the school district's chief administrative officer or finance officer, subject to such restrictions as may be imposed by the school district board of directors.

Directors, officers or employees who knowingly or negligently violate or participate in a violation of this section by the incurring of expenditures in excess of any appropriation(s) shall be held civilly liable, jointly and severally, for such expenditures in excess of such appropriation(s), including consequential damages following therefrom, for each such violation. If as a result of any civil or criminal action the violation is found to have been done knowingly, such director, officer, or employee who is found to have participated in such breach shall immediately forfeit his office or employment, and the judgment in any such action shall so provide.

Nothing in this section shall be construed to limit the duty of the attorney general to carry out the provisions of RCW 43.09.260, as now or hereafter amended. [Order 8-76, § 392-123-070, filed 7/23/76; Order 7-75, § 392-123-070, filed 12/22/75. Formerly WAC 392-30-130.]

WAC 392-123-071 Budget extensions—First class school districts. Upon the happening of any emergency in first class school districts caused by fire, flood, explosion, storm, earthquake, epidemic, riot, insurrection, or for the restoration to a condition of usefulness of any school district property, the usefulness of which has been destroyed by accident, and no provision has been made for such expenditures in the adopted appropriation, the board of directors, upon the adoption by the vote of the majority of all board members of a resolution

stating the facts constituting the emergency, may make an appropriation therefor without notice or hearing.

Notwithstanding any other provision of this section, if in first class districts it becomes necessary to increase the amount of the appropriation, and if the reason is not one of the emergencies specifically enumerated above the school district board of directors, before incurring expenditures in excess of expenditures therefor, shall adopt a resolution stating the facts and the estimated amount of appropriation to meet it.

Such resolution shall be voted on at a public meeting, notice to be given in the manner provided in WAC 392-123-054. Its introduction and passage shall require the vote of a majority of all members of the school district board of directors.

Any person may appear at the meeting at which the appropriation resolution is to be voted on and be heard for or against the adoption thereof.

All adopted appropriation resolutions shall be filed with the office of superintendent of public instruction, the office of the state auditor, the educational service district and the appropriate county auditor. [Order 8-76, § 392-123-071, filed 7/23/76.]

WAC 392-123-072 Budget extensions—Second class school districts. If a second class school district needs to increase the amount of the appropriation from any fund for any reason, the school district board of directors shall adopt a resolution stating the facts and estimating the amount of additional appropriation needed.

Such resolution shall be voted on at a public meeting, notice to be given in the manner provided by WAC 392-123-054. Introduction and passage shall require the vote of a majority of all members of the school district board of directors.

Any person may appear at the meeting at which the appropriation resolution is to be voted on and be heard for or against the adoption thereof.

Upon passage of the appropriation resolution the school district shall petition the superintendent of public instruction for approval to increase the amount of its appropriations. Such petition to be made on forms provided by the superintendent of public instruction. Five copies of the request for budget extension shall be prepared and attached to each copy shall be a copy of the latest budget status report and a copy of the board resolution.

The request for budget extension shall be forwarded to the educational service district for approval by the educational service district superintendent except that for fiscal year 1976-77 approval shall be made by the educational service district board of directors.

If approved the request for budget extension shall be forwarded to the superintendent of public instruction for approval.

All appropriation resolutions approved by the superintendent of public instruction shall be filed by the office of the superintendent of public instruction with the educational service district, the office of the state auditor, and the appropriate county auditor. [Order 8-76, § 392-123-072, filed 7/23/76.]

WAC 392-123-075 Identification of a balanced budget for fiscal year 1976-77. For each fund contained in the budget for fiscal year 1976-77, the estimated disbursements shall not be greater than the total of the estimated cash receipts plus the probable (for the preliminary budget) or the actual (for the final budget) net cash balance and investments at the close of the 1975-76 fiscal year. The budget is considered a balanced budget if the above requirement is met: *Provided*, That, in the general fund, estimated revenue plus beginning net cash and investments shall exceed cash disbursements by an amount equal to or greater than the mandated cash reserve for transportation equipment as required by RCW 28A.41.160, as now or hereafter amended. The proceeds of any interfund loan shall not be used to balance the budget of the borrowing fund. (Effective until July 1, 1977.) [Order 8-76, § 392-123-075, filed 7/23/76; Order 7-75, § 392-123-075, filed 12/22/75. Formerly WAC 392-30-140.]

WAC 392-123-076 Identification of balanced budget for fiscal periods after fiscal year 1976-77. For each fund contained in the school district budget the estimated disbursements for the ensuing fiscal period must not be greater than the total of the estimated revenues for the ensuing fiscal period, the probable net cash balance and investments at the close of the current fiscal period, and the projected revenue from receivables collectible in future periods as approved by the superintendent of public instruction for inclusion in the budget.

The budget shall be considered a balanced budget if the above requirement is met: *Provided*, That in the general fund, estimated revenue, plus beginning net cash and investments, must exceed cash disbursements by an amount equal to or greater than the mandated cash reserve for transportation equipment as required by RCW 28A.41.160.

The proceeds of any interfund loan must not be used to balance the budget of the borrowing fund. [Order 8-76, § 392-123-076, filed 7/23/76.]

WAC 392-123-077 Termination of appropriations. All appropriations shall lapse at the end of the fiscal period. At the expiration of said period all appropriations of said period shall become null and void and any claim presented thereafter against any such appropriation for the fiscal period just closed shall be provided for in the appropriations for the ensuing fiscal period. *Provided*, That this shall not prevent payments upon incompleting improvements in progress at the close of the fiscal period: *Provided further*, That only in July of 1976 the appropriation accounts shall remain open for a period of twenty days following June 30, 1976 for the payment of claims incurred against them before the close of the 1975-76 fiscal year. [Order 8-76, § 392-123-077, filed 7/23/76.]

WAC 392-123-080 Budget determined to be unsound after superintendent's review. If the superintendent of public instruction determines that the budget of any school district does not comply with this chapter and/or the provisions of state statutory law applicable to school

districts budgets, written notice of such determination shall be provided to the board of directors of the district. [Order 8-76, § 392-123-080, filed 7/23/76; Order 7-75, § 392-123-080, filed 12/22/75. Formerly WAC 392-30-150.]

WAC 392-123-085 Meeting to review budget after determined unsound—Findings issued. If the budget of a school district is determined to be in noncompliance with this chapter and/or state statutory law, the superintendent of public instruction shall convene a meeting to review the budget in question. The meeting shall consist of the educational service district superintendent, the board of directors of the school district, the chief administrative officer of the school district and a representative of the superintendent of public instruction. At the conclusion of this meeting, the superintendent of public instruction shall issue findings and, if necessary, direct that a financially sound budget be developed by the school district. [Order 8-76, § 392-123-085, filed 7/23/76; Order 7-75, § 392-123-085, filed 12/22/75. Formerly WAC 392-30-160.]

WAC 392-123-090 Preliminary budget for fiscal year 1976-77 as noncompliant and unsound. If the budget in question is the fiscal year 1976-77 preliminary budget, a school district shall submit a final budget for fiscal year 1976-77 which is totally compliant with statutory requirements and this chapter. The fiscal year 1976-77 final budget shall incorporate such improvements as are necessitated by the superintendent of public instruction's findings issued pursuant to WAC 392-123-085. (Effective until July 1, 1977.) [Order 8-76, § 392-123-090, filed 7/23/76; Order 7-75, § 392-123-090, filed 12/22/75. Formerly WAC 392-30-170.]

WAC 392-123-095 Budget as noncompliant and unsound. Except for the fiscal year 1976-77 preliminary budget, a school district shall submit a revised budget within thirty days following the date the superintendent of public instruction issues a written directive requiring the district to do so. The revised budget shall comply with state statutory law and this chapter. The revised budget shall incorporate such improvements as are necessitated by the superintendent's findings issued pursuant to WAC 392-123-085. [Order 8-76, § 392-123-095, filed 7/23/76; Order 7-75, § 392-123-095, filed 12/22/75. Formerly WAC 392-30-180.]

WAC 392-123-100 Revised budget as not submitted or noncompliant. If a school district fails or refuses to submit a revised budget at the direction of the superintendent of public instruction which complies with state statutory law and this chapter, the matter shall be submitted to the state board of education. Written notification of the superintendent's intention to submit the matter to the state board shall be made to the board of directors and administration of the school district and to the educational service district superintendent. [Order 8-76, § 392-123-100, filed 7/23/76; Order 7-75, § 392-123-100, filed 12/22/75. Formerly WAC 392-30-190.]

WAC 392-123-105 State board of education action regarding missing or noncompliant budget. The state board of education shall be provided written notification of the superintendent of public instruction's determination and shall meet to adopt a financial plan to operate the district. The plan adopted by the state board shall be in effect until a revised budget which complies with state statutory law and this chapter is adopted and submitted by the district. [Order 8-76, § 392-123-105, filed 7/23/76; Order 7-75, § 392-123-105, filed 12/22/75. Formerly WAC 392-30-200.]

WAC 392-123-110 Monthly financial statements and reports prepared by school district administration. Monthly financial statements and reports shall be prepared by the administration of each school district on a monthly basis as required by this chapter. The reports shall contain the most current information available at the time of preparation. The purpose of these financial reports shall be to provide the board of directors of the district with certain financial information necessary for the proper financial management of the district. All monthly reports shall be made available by the administration of a district to each member of the board of directors of the district and to any person or organization upon request pursuant to the policies of the board of directors. A district shall provide the superintendent of public instruction with any of the required reports upon request. [Order 8-76, § 392-123-110, filed 7/23/76; Order 7-75, § 392-123-110, filed 12/22/75. Formerly WAC 392-30-210.]

WAC 392-123-115 Monthly budget status report for general fund operations. A monthly budget status report for the general fund shall be prepared by the administration of each school district; and a copy of the most current budget status report shall be provided to each member of the board of directors of the district at the board's regular monthly meeting. The report shall contain the most current approved budget amounts by summary level accounts and the cash and investment balance at the beginning and end of the period being analyzed. State form F-198, which is entitled "The Budget Status Report" and also is found in the state form F-196, Part II, is an example of the type and level of information necessary for this report. Also, as a part of the budget status report, the administration shall provide each member of the board of directors with a brief written explanation of any significant deviations in revenue and/or expenditure projections that may affect the financial status of the district. A section of the budget status report for the general fund shall indicate an analysis of any change in the amount of investments of general fund moneys and shall display investment earnings and the fund to which they are credited. [Order 8-76, § 392-123-115, filed 7/23/76; Order 7-75, § 392-123-115, filed 12/22/75. Formerly WAC 392-30-220.]

WAC 392-123-120 Statement of financial condition—Financial position of the school district. The administration of each school district which is required to

maintain a double-entry accounting system shall be required to provide the board of directors of the district with a statement of financial condition. The "statement of financial condition" in state form F-196, Part II, is an example of the type of format and level of information necessary for this report. [Order 8-76, § 392-123-120, filed 7/23/76; Order 7-75, § 392-123-120, filed 12/22/75. Formerly WAC 392-30-230.]

WAC 392-123-125 Personnel budget status report. Each school district shall maintain the capability to prepare a monthly personnel status report within fifteen days following the end of each month. This report shall display the combined responsibilities of the district's administrative staff for personnel management and budget control and shall indicate the status of expenditures and commitments for salaries and wages (the largest budgetary item in the general fund). The report shall also indicate the number of certificated and classified positions planned in the budget and the amount of funds budgeted for those positions, summarized by program and/or responsibility area. The number of positions actually filled and the amount of funds actually expended or encumbered in support of these positions shall also be displayed in a manner that can be compared with budget. Any significant variance between budgeted positions and actual should be analyzed. The personnel budget status report shall be provided to the superintendent of public instruction or the board of directors of the district within ten days from the date of such request from either the superintendent or board. A district's board of directors may use the personnel status report in conjunction with a monthly budget status report and the statement of financial condition to manage the financial position of the district. [Order 8-76, § 392-123-125, filed 7/23/76; Order 7-75, § 392-123-125, filed 12/22/75. Formerly WAC 392-30-240.]

WAC 392-123-130 Monthly cash and investment status report for funds other than the general fund. A monthly status report shall be prepared for the cash and investment status of all funds operated by a school district other than the general fund. This report shall indicate beginning balances, activity during the period, and ending balances and shall be provided to each member of the board of directors of a district at the board's regular monthly board meeting. As a part of these status reports, investment activity of the subject fund shall also be indicated with investments made, investments cashed, interest earned, and the fund to which interest was credited being displayed. [Order 8-76, § 392-123-130, filed 7/23/76; Order 7-75, § 392-123-130, filed 12/22/75. Formerly WAC 392-30-250.]

WAC 392-123-132 Reconciliation of monthly county treasurers' statements to district records. Every school district shall reconcile ending net cash and investments, revenues and expenditures reported by the county treasurer with the district records for all funds. Any differences shall be noted and adjustments to school district records shall be made if necessary. [Order 8-76, § 392-123-132, filed 7/23/76.]

WAC 392-123-135 Interfund loans—Definition.

An interfund loan is considered to be a temporary loan of moneys between one district fund and another. An interfund loan is not considered to be an investment pursuant to the provisions of RCW 28A.58.440. [Order 8-76, § 392-123-135, filed 7/23/76; Order 7-75, § 392-123-135, filed 12/22/75. Formerly WAC 392-30-260.]

WAC 392-123-140 Interfund loans allowable.

Loans between the general fund, the building fund, or to the bond interest and redemption fund are allowable to alleviate a temporary cash deficiency in the borrowing fund. Loans shall not be made from any fund to the detriment of any function or project for which the fund was established. [Order 8-76, § 392-123-140, filed 7/23/76; Order 7-75, § 392-123-140, filed 12/22/75. Formerly WAC 392-30-270.]

WAC 392-123-145 Interfund loans—Identification of temporary loans. A temporary loan is considered to be a loan which is completely liquidated in less than one year. No interfund loans shall be allowed to extend beyond the end of any fiscal year. [Order 8-76, § 392-123-145, filed 7/23/76; Order 7-75, § 392-123-145, filed 12/22/75. Formerly WAC 392-30-280.]

WAC 392-123-150 Interfund loans—Payment of interest. Interest shall be charged by the loaning fund to be paid by the borrowing fund. The rate of interest shall be not less than the current warrant interest rate prevailing in the county in which the school district is considered to be located. The interest shall be credited to the loaning fund and shall not be transferred to any other fund. [Order 8-76, § 392-123-150, filed 7/23/76; Order 7-75, § 392-123-150, filed 12/22/75. Formerly WAC 392-30-290.]

WAC 392-123-155 Interfund loans—Full disclosure on financial statements. Financial reports of each school district, including the monthly financial reports provided to the board of directors of the district, shall specify all outstanding interfund loans and all interest charges involved. The proceeds of any interfund loan shall not be used to balance the budget of the borrowing fund. [Order 8-76, § 392-123-155, filed 7/23/76; Order 7-75, § 392-123-155, filed 12/22/75. Formerly WAC 392-30-300.]

WAC 392-123-160 Interfund loans—Board resolution adopted—Contents. The board of directors of a school district shall adopt a resolution before any interfund loan transaction may take place. The resolution shall contain the exact amount of the loan, the funds involved, the specific source of funds for repayment, the schedule for repayment, and the interest rate involved. [Order 8-76, § 392-123-160, filed 7/23/76; Order 7-75, § 392-123-160, filed 12/22/75. Formerly WAC 392-30-310.]

Chapter 392-125 WAC**FINANCE—EDUCATIONAL SERVICE DISTRICT BUDGETING****WAC**

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392-125-070	Approval of the budget by the superintendent of public instruction.
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Reviser's note: With the filing of Superintendent of Public Instruction Order 7-75, on December 22, 1975, chapter 392-31 WAC, entitled Intermediate School District Budgeting, has been superseded by chapter 392-125 WAC. See Title 392 WAC Digest page for disposition of chapters and reference notes relative thereto.

WAC 392-125-005 Purposes. The purposes of this chapter are to implement RCW 28A.21.135 and establish budgeting procedures governing educational service districts. [Order 8-76, § 392-125-005, filed 7/23/76; Order 7-75, § 392-125-005, filed 12/22/75. Formerly WAC 392-31-010.]

WAC 392-125-010 Principles of accounting. In all cases, the budgeting and accounting systems of educational service districts shall be governed by generally accepted accounting principles modified where necessary by statute and/or this chapter. *The Accounting Manual for Educational Service Districts* shall govern the accounting system of educational service districts and is hereby incorporated into this chapter by this reference. The general expense fund of an educational service district shall be the only fund of the district and shall be used for all activities which an educational service district performs. [Order 8-76, § 392-125-010, filed 7/23/76; Order 7-75, § 392-125-010, filed 12/22/75. Formerly WAC 392-31-020.]

WAC 392-125-015 Budgets required. Each educational service district shall prepare a complete budget for each fiscal year of operation. An incomplete budget shall be considered null and void and shall not be an appropriation. The fiscal year for educational service districts commences on July 1st of one year and extends through June 30th of the following year. The annual budget shall be prepared on forms provided by the superintendent of public instruction, shall receive all necessary approvals, and shall be filed with the proper officials in order to constitute an official budget and appropriation for the subject fiscal year. The superintendent may require a second or revised budget at any time the financial situation is deemed to warrant a revised budget. [Order 8-76, § 392-125-015, filed 7/23/76; Order 7-75, § 392-125-015, filed 12/22/75. Formerly WAC 392-31-030.]

WAC 392-125-020 Budget preparation, hearing and adoption. On or before the 1st day of May, each educational service district shall prepare a budget for the operation of the educational service district for the ensuing fiscal year and immediately following completion of the budget, shall publish a notice stating that the budget is completed and placed on file in the district headquarters office with copies available for any interested person or organization. The notice shall state the date, time, and place the educational service district board will meet for the purpose of fixing and adopting the budget of the district for the ensuing fiscal year. Said meeting shall occur on or before the 18th day of May. The notice shall also state that any person may appear during the meeting and be heard for or against any part of such budget. The notice shall be published once each week for two consecutive weeks immediately following the completion of the budget in a newspaper of general circulation in the district.

An educational service district board shall secure the signature of the chairman of the superintendents' advisory committee as an indication that the budget has been reviewed by the committee. At the conclusion of the hearing which shall not exceed two days, the board of directors shall adopt the budget by resolution. After the budget has been adopted by the board at the public hearing, four certified copies shall be forwarded to the superintendent of public instruction on or before the 20th day of May in order that the superintendent may revise and fix the budget according to statute. [Order 8-76, § 392-125-020, filed 7/23/76; Order 7-75, § 392-125-020, filed 12/22/75. Formerly WAC 392-31-040.]

WAC 392-125-025 Budget approval. The superintendent of public instruction shall revise and fix the annual budget of each educational service district, establish the appropriation and return two approved copies of the budget to the district prior to the 30th day of June. One of the copies returned to the district shall be forwarded to the county auditor of the headquarters county of the district. The other copy returned to the district shall be for district use. The superintendent shall submit a copy of the district's approved budget to the state auditor. [Order 8-76, § 392-125-025, filed 7/23/76; Order 7-75, § 392-125-025, filed 12/22/75. Formerly WAC 392-31-050.]

WAC 392-125-030 Time schedule for budget process. The time schedule for preparation of the annual budget of an educational service district follows: If the superintendent of public instruction deems it necessary to request a second and revised budget, the timing of the process shall be similar and shall be outlined specifically in the request.

On or Before	<u>Requirement</u>
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May 1	Final date for board to prepare budget. Immediately thereafter publish notice of the completion of the budget as provided in WAC 392-125-020.
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On or Before	<u>Requirement</u>
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2 weeks preceding public hearing	Copies of budget made available to interested citizens.
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May 18	Final date for board in public hearing to fix and adopt the budget. (The maximum time for this hearing is two days.)
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Conclusion of hearing	Board resolution to adopt budget (obtain signature of chairman of superintendents' advisory committee).
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May 20	Forward four properly signed copies of budget to superintendent of public instruction.
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June 30	Superintendent revises, fixes and approves budget and returns two copies to the district (one for county auditor of headquarters county).
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[Order 8-76, § 392-125-030, filed 7/23/76; Order 7-75, § 392-125-030, filed 12/22/75. Formerly WAC 392-31-060.]

WAC 392-125-035 Budget content. (1) The budget prepared by an educational service district shall set forth the complete financial program and consider all activities of the district for the ensuing [ensuing] fiscal year in detailed expenditures by program and the sources of revenue from which it is to be financed.

(2) The revenue section of a budget shall set forth the estimated receipts from all sources for the ensuing fiscal year, the estimated receipts for the fiscal year current at the time of the budget preparation, the actual receipts for the last completed fiscal year, and the probable net cash and investments available for ensuing fiscal year disbursements at the close of the said current fiscal year. The estimated receipts from all sources for the ensuing fiscal year shall not include any revenue which cannot reasonably be anticipated to be received in cash during that fiscal year.

(3) The expenditure section of the budget shall set forth budgeted expenditures for the ensuing fiscal year, budgeted expenditures for the current fiscal year, and the expenditures for the last completed fiscal year. Expenditures shall be broken out by program, activity, and object of expenditure. Each salary shall be set out separately, together with the title or position, in a salary exhibit. The salary exhibit shall be divided into two major groupings with subtotals which agree with the object of expenditure detail in the budget. The two groupings are certificated and classified.

(4) All pertinent items on the budget form shall be completed correctly before the budget is presented for hearing, review, and approval. Information pertaining to budget development which is not available at the time of budget preparation shall be estimated using the most current and reliable information available. All budgets

shall be prepared on the modified accrual basis. Accruals of expenditures for the beginning of the fiscal year and estimates of ending accrued expenditures shall be displayed in the budget document with the difference between these amounts being an adjustment to expenditures to calculate disbursements. [Order 8-76, § 392-125-035, filed 7/23/76; Order 7-75, § 392-125-035, filed 12/22/75. Formerly WAC 392-31-070.]

WAC 392-125-040 Overexpending and exceeding the budget. The budget as fixed and approved by the superintendent of public instruction shall constitute the appropriation from the general expense fund for an educational service district for the ensuing fiscal year. A budget is overexpended and is exceeded if expenditures are made in excess of the amount of the appropriation including budget extensions. Expenditures are liabilities incurred for budgetary charges during the fiscal year whether paid or unpaid. [Order 8-76, § 392-125-040, filed 7/23/76; Order 7-75, § 392-125-040, filed 12/22/75. Formerly WAC 392-31-080.]

WAC 392-125-045 A balanced budget. The estimated disbursements for the ensuing fiscal year shall not be greater than the total of the estimated cash receipts for the ensuing fiscal year plus the probable (for the initial budget) or actual (or budgets developed after cash balance is known) net cash balance and investments at the close of the fiscal year preceding the ensuing fiscal year. A budget is considered a balanced budget if the above requirement is met. [Order 8-76, § 392-125-045, filed 7/23/76; Order 7-75, § 392-125-045, filed 12/22/75. Formerly WAC 392-31-090.]

WAC 392-125-050 Termination of appropriations. All appropriations shall lapse at the end of the fiscal year. At the expiration of said fiscal year the appropriation shall become null and void and any claim presented thereafter against any such appropriation for the fiscal year just closed shall be provided for in the appropriation for the ensuing fiscal year. [Order 8-76, § 392-125-050, filed 7/23/76; Order 7-75, § 392-125-050, filed 12/22/75. Formerly WAC 392-31-100.]

WAC 392-125-055 Budget extensions. The procedure for increasing the appropriation level shall be patterned after the procedure that exists for second-class school districts.

If an educational service district needs an increase in the amount of the appropriation for any reason, the educational service district board of directors shall adopt a resolution stating the facts and estimating the amount of additional appropriation needed.

Such resolution shall be voted on at a public meeting, notice to be given in the manner provided by WAC 392-125-020. Its introduction and passage shall require the vote of a majority of all members of the educational service district board of directors.

Any person may appear at the meeting at which the appropriation resolution is to be voted on and be heard for or against the adoption thereof.

Upon passage of the appropriation resolution the educational service district shall petition the superintendent of public instruction for approval to increase the amount of its appropriation, such petition to be made on forms provided by the superintendent of public instruction. Four copies of the request for budget extension shall be prepared and attached to each copy shall be: (1) a copy of the latest budget status report and (2) a copy of the board's appropriation resolution.

The appropriation resolution approved by the superintendent of public instruction shall be filed by the office of the superintendent of public instruction with the educational service district, the office of the state auditor, and the appropriate county auditor. [Order 8-76, § 392-125-055, filed 7/23/76; Order 7-75, § 392-125-055, filed 12/22/75. Formerly WAC 392-31-110.]

WAC 392-125-060 Monthly budget status report. A budget status report shall be prepared by the administration of each educational service district on a monthly basis. A monthly budget status report shall contain the most current information available at the time of preparation and shall be made available to each member of the district board at its regular monthly meeting. [Order 8-76, § 392-125-060, filed 7/23/76; Order 7-75, § 392-125-060, filed 12/22/75. Formerly WAC 392-31-120.]

WAC 392-125-065 Content of the monthly budget status. The monthly budget status report shall contain the most current approved budget amounts by summary level accounts and the cash and investment balance at the beginning and end of the period being analyzed. Encumbrances also shall be reflected in the report. The report shall display activity on a fiscal year-to-date basis on both revenues and expenditures and the "as of" date shall be indicated at the top of the report. The report shall be signed by the educational service district superintendent. [Order 8-76, § 392-125-065, filed 7/23/76; Order 7-75, § 392-125-065, filed 12/22/75. Formerly WAC 392-31-130.]

WAC 392-125-070 Approval of the budget by the superintendent of public instruction. The superintendent of public instruction may approve an educational service district's budget or request for a budget extension as presented or revise and fix a budget or request for an extension and establish the appropriation. In revising a budget or budget extension, the superintendent shall collect information and prepare exhibits which display the financial condition of the district. The revised financial plan shall include specific budgeted expenditure levels. The financial plan may include the required district staff levels necessary to insure improvements in the financial condition of the district. [Order 8-76, § 392-125-070, filed 7/23/76; Order 7-75, § 392-125-070, filed 12/22/75. Formerly WAC 392-31-140.]

WAC 392-125-075 Distribution of county funds when county contains parts of two or more educational

service districts. The formula for determining the apportioning of county funds appropriated to two or more educational service districts containing portions of the same county shall be computed using a ratio determined as follows: the most current certified assessed valuation of the property for tax purposes of that portion of the county to the current certified assessed valuation of all property in the county. Prior to September 15th of each year, the district which encompasses the major portion of the county (as determined by assessed valuations) shall compute this ratio and apply this ratio to the county appropriation as provided in RCW 28A.21.160 and immediately thereafter shall file this information with the superintendent of public instruction for approval. Upon receiving approval for the division of funds from the superintendent, the district superintendents involved shall negotiate procedures for effecting the appropriate distribution of these funds. [Order 8-76, § 392-125-075, filed 7/23/76; Order 7-75, § 392-125-075, filed 12/22/75. Formerly WAC 392-31-150.]

Chapter 392-129 WAC

FINANCE—EMERGENCY SCHOOL CLOSURE

WAC

392-129-005	Purpose and construction.
392-129-010	Definitions.
392-129-015	Superintendent's determination of eligibility.
392-129-020	Rate of reduction in annual apportionment entitlement.

Reviser's note: With the filing of Superintendent of Public Instruction Order 7-75, on December 22, 1975, chapter 392-14 WAC, entitled Emergency School Closure—Appointment, has been superseded by chapter 392-129 WAC. See Title 392 WAC Digest page for disposition of chapters and reference notes relative thereto.

WAC 392-129-005 Purpose and construction. This chapter shall govern a school district's entitlement to state equalization apportionment funds for any school year during which it is unable to conduct the minimum number of school days required by law for the kindergarten program and/or the grade one through twelve program (or that portion offered by a district) by reason of one or more unforeseen emergencies. The provisions of this chapter shall be narrowly construed by the superintendent of public instruction. [Order 7-75, § 392-129-005, filed 12/22/75. Formerly WAC 392-14-010.]

WAC 392-129-010 Definitions. As used in this chapter, the term:

(1) "Unforeseen emergency" shall mean a fire, flood, explosion, storm, earthquake, riot, insurrection, community disaster, or act of God, or any combination of the foregoing, which acts as a principal cause for a school district's inability to conduct one or more scheduled school days.

(2) A "school day" shall mean a calendar day on which all students enrolled in the pre-school handicapped/kindergarten through twelfth grade program of a school district are scheduled for participation in educational activity which is planned, supervised, and

conducted by or under the supervision of the school district certificated staff and on which day all, or any portion, of the students enrolled in the program actually commence participation in such educational activity.

(3) A "reasonable effort" shall mean the rescheduling and/or extension of the school district's instructional calendar in an effort to attain the minimum number of school days required by law by (a) extending the school year to and through at least June fourteenth (14th) and/or (b) the use of scheduled vacation days: *Provided*, That in no case shall a district be deemed to have made a reasonable effort unless at least three school days which have been lost by reason of one or more unforeseen emergencies shall have in fact been made up. [Order 7-75, § 392-129-010, filed 12/22/75. Formerly WAC 392-14-020.]

WAC 392-129-015 Superintendent's determination of eligibility. If a reasonable effort has been made to make up all school days lost by reason of one or more unforeseen emergencies, but fewer than the minimum number of school days required by law have been conducted, the school district will nevertheless be credited with full annual equalization apportionment. [Order 7-75, § 392-129-015, filed 12/22/75. Formerly WAC 392-14-030.]

WAC 392-129-020 Rate of reduction in annual apportionment entitlement. For each school day short of the minimum number of school days required by law which a school district fails to conduct by reason of one or more unforeseen emergencies, and/or by reason of any other cause, and for which the school district is not entitled to apportionment credit pursuant to this chapter, the superintendent of public instruction shall reduce the equalization apportionment and entitlement of the district for that school year by one one-hundred and eighth (1/180th): *Provided*, That kindergarten and grade one through twelve programs shall be considered separately for the purpose of computing compliance with minimum school day requirements and any loss of apportionment. [Order 7-75, § 392-129-020, filed 12/22/75. Formerly WAC 392-14-040.]

Chapter 392-131 WAC

FINANCE—APPORTIONMENT DURING STRIKE

WAC

392-131-005	Purpose.
392-131-010	Strike defined.
392-131-015	Presumption of approved program operation— Strikes—Exception—Approval/disapproval of program during strike period.
392-131-020	Work stoppages and maintenance of approved programs for less than 180 days not condoned.
392-131-025	Kindergarten and grade one through twelve programs considered collectively—Failure to operate an approved program—Denial of apportionment.

Reviser's note: With the filing of Superintendent of Public Instruction Order 7-75, on December 22, 1975, chapter 392-13 WAC, entitled Work stoppage—Strikes—Procedures for approval/disapproval—State equalization apportionment, has been superseded by chapter 392-131 WAC. See Title 392 WAC Digest page for disposition of chapters and reference notes relative thereto.

WAC 392-131-005 Purpose. The superintendent of public instruction is directed by law to distribute state equalization apportionment to school districts operating a program approved by the state board of education. This chapter is adopted in recognition of the state board's approval standards and procedures set forth in chapter 180-16 WAC and shall govern the superintendent's determination of whether or not a school district is operating an approved program for state equalization apportionment purposes. [Order 7-75, § 392-131-005, filed 12/22/75. Formerly WAC 392-13-010.]

WAC 392-131-010 Strike defined. As used in this chapter, the term "strike" shall mean: A concerted work stoppage by employees of a school district of which there has been a formal declaration by their recognized representative and notice thereof provided to the district by such representative at least two (2) calendar school days in advance of the actual stoppage. [Order 7-75, § 392-131-010, filed 12/22/75. Formerly WAC 392-13-030.]

WAC 392-131-015 Presumption of approved program operation—Strikes—Exception—Approval/disapproval of program during strike period. It shall be presumed that all school days conducted during a school year for which the state board of education has granted annual program approval are conducted in an approved manner, except for school days conducted during the period of a strike. The following shall govern the approval or disapproval of a program conducted during the period of a strike:

(1) Upon the submission of a complaint of substandard program operation by a credible observer, the superintendent of public instruction may investigate the complaint and program being operated during the strike.

(2) The district's program shall be deemed disapproved if the investigation of the superintendent establishes a violation of any one or more of the following standards or a violation of deviations from such standards approved by the state board:

(a) WAC 180-16-165(1)(c) (all administrators, except superintendents, deputy superintendents, and assistant superintendents, must have proper credentials);

(b) That portion of WAC 180-16-165(1)(d) which requires that all teachers have proper credentials;

(c) The school district shall provide adequate instruction for all pupils in attendance;

(d) WAC 180-16-165(1)(j) (adequate provisions must be made for health and safety of all pupils);

(e) The local district shall have a written plan for continuing the school program during this period; and

(f) The required ratio of enrolled pupils to certificated personnel for the first five (5) days shall not exceed 60 to 1, for the next five (5) days shall not exceed 45 to 1, and thereafter shall not exceed 30 to 1.

(3) Program disapproval shall be effective as of the day following transmittal of a notice of disapproval by the superintendent of public instruction and shall apply only to those particular school days encompassed in whole or in part by the remainder of the strike period.

(4) The decision of the superintendent shall be final except as it may be reviewed by and at the option of the state board of education.

(5) The program shall be deemed approved during those days of operation for which a trial court order is in effect ordering striking employees to work. [Order 7-75, § 392-131-015, filed 12/22/75. Formerly WAC 392-13-020.]

WAC 392-131-020 Work stoppages and maintenance of approved programs for less than 180 days not condoned. Nothing in this chapter shall be construed as condoning or authorizing any form of work stoppage which disrupts the planned educational program of a district, or any portion thereof, or the maintenance of an approved program for less than the minimum number of school days required by law except as excused for equalization apportionment purposes pursuant to chapter 392-129 WAC (Emergency School Closure). [Order 7-75, § 392-131-020, filed 12/22/75. Formerly WAC 392-13-040.]

WAC 392-131-025 Kindergarten and grade one through twelve programs considered collectively—Failure to operate an approved program—Denial of apportionment. For the purpose of this chapter, a school district's scheduled kindergarten and grade one through twelve programs shall be considered collectively. The total program of a district may not be subdivided for the purpose of applying program approval standards. Those school days which are conducted during the period of a strike following transmittal of a notice of disapproval shall be discounted for state equalization apportionment purposes at the rate of one-one hundred and eightieth (1/180th) of the district's equalization apportionment entitlement for the school year per school day: *Provided*, That kindergarten and grade one through twelve programs shall be considered separately for the purpose of computing compliance with minimum school day requirements and any loss of apportionment. [Order 7-75, § 392-131-025, filed 12/22/75. Formerly WAC 392-13-050.]

Chapter 392-133 WAC

SCHOOL DISTRICT PURCHASING PROCEDURES

WAC

392-133-005	Purposes.
392-133-010	Definitions.
392-133-015	Solicitation of bids—When required.
392-133-020	Solicitation of bids by public notice—Procedure.
392-133-025	Submission of bids—Requirements.
392-133-030	Solicitation of bids by telephone—Limitations.
392-133-035	Telephone solicitation—Prequalification of bidders.
392-133-040	Telephone solicitation—Procedure.
392-133-045	Bids—Acceptance or rejection.
392-133-050	Competitive bids—Exceptions.

WAC 392-133-005 Purposes. The purposes of this chapter are to implement RCW 28A.58.135 and to prescribe proper purchasing procedures for school districts. [Order 18-76, § 392-133-005, filed 1/20/77.]

WAC 392-133-010 Definitions. As used in this chapter:

(1) "Board" shall mean the board of directors of a school district;

(2) "Bid date" shall mean the date specified by the board or its designee(s) for the receipt of bids;

(3) "Bidding information" shall mean all necessary documents, forms, and other pertinent information required in order to submit a bid to a school district;

(4) "Cost" shall mean the designated amount payable for any (a) furniture, (b) supplies, (c) equipment, (d) building, (e) improvements, (f) repairs, or (g) other work or purchases, except books, required by the district. The cost of any public work, improvement or repair shall be the aggregate of all amounts to be paid for labor, material and equipment on one continuous or interrelated project where work is to be performed simultaneously or in close sequence. As used in this chapter, cost shall not include any local/state sales taxes.

(5) "Lowest responsible bidder" shall be as defined in RCW 43.19.1911 which provides that, in addition to price, the following items shall be given consideration:

(a) the ability, capacity and skill of the bidder to perform the contract or provide the service required;

(b) the character, integrity, reputation, judgment, experience and efficiency of the bidder;

(c) whether the bidder can perform the contract within the time specified;

(d) the quality of performance of previous contracts or services;

(e) the previous and existing compliance by the bidder with laws relating to the contract or services;

(f) such other information as may be secured having a bearing on the decision to award the contract.

(6) "Public work" shall mean all work, construction, alteration, repair or improvement, except ordinary maintenance, required by a school district. [Order 18-76, § 392-133-010, filed 1/20/77.]

WAC 392-133-015 Solicitation of bids—When required. Any school district board of directors which determines the cost of any (a) furniture, (b) supplies, (c) equipment, (d) building, (e) improvements, (f) repairs or (g) other works or purchases, except books, will equal or exceed thirty-five hundred dollars, shall solicit competitive bids therefor in the manner prescribed in this chapter: *Provided*, That the board without soliciting competitive bids as required by this chapter may make improvements or repairs to the property of the district through the shop and repair department of the district when the total of such improvements or repair does not exceed thirty-five hundred dollars.

On any work or purchase subject to competitive bid, the board or its designee(s) shall provide bidding information to any qualified bidder or his or her agent requesting such information in person. [Order 18-76, § 392-133-015, filed 1/20/77.]

WAC 392-133-020 Solicitation of bids by public notice—Procedure. When, in the opinion of the board, the cost of any work or purchase as provided in WAC 392-133-015 will equal or exceed thirty-five hundred

dollars, the board shall cause complete plans and specifications to be prepared.

Competitive bids shall be solicited by public notice placed in at least one newspaper of general circulation within the school district once each week for two consecutive weeks. The public notice shall specify (a) the location where specifications and other information may be examined and (b) the bid date, time and place scheduled for the opening of bids. [Order 18-76, § 392-133-020, filed 1/20/77.]

WAC 392-133-025 Submission of bids—Requirements. All bids submitted to the board or its designee(s) in response to the public notice provided in WAC 392-133-020 shall be written and received by the school district prior to the bid date and time specified in the public notice. Bids received after the bid date and time specified in the public notice shall not be considered.

At the time and place specified in the public notice, all bids shall be opened and read in public and thereafter shall be placed on file with the school district and made available for public inspection. [Order 18-76, § 392-133-025, filed 1/20/77.]

WAC 392-133-030 Solicitation of bids by telephone—Limitations. In lieu of the procedure described in WAC 392-133-020 and WAC 392-133-025, the board or its designee(s) may solicit bids for certain purchases by telephone: *Provided*, That bids may be solicited by telephone only for materials, furniture, supplies, equipment and other purchases which cost seventy-five hundred dollars or less.

No school district shall solicit bids by telephone for purchases which cost more than seventy-five hundred dollars or for building improvements or repairs. [Order 18-76, § 392-133-030, filed 1/20/77.]

WAC 392-133-035 Telephone solicitation—Prequalification of bidders. Each school district which elects to solicit bids by telephone as provided in WAC 392-133-030 shall establish a list of prequalified bidders. The board or its designee(s) shall solicit bids by telephone only from the list of bidders prequalified in the manner provided in this section.

Bidders shall be prequalified by submission and approval of a formal application to the school district. The application shall: (a) be written;

(b) contain sufficient evidence of competency and ability to perform as may be prescribed by the board or its designee(s); and

(c) designate the specific goods for which bids may be solicited by telephone.

Bidders approved by the school district in accordance with this section shall be placed on the prequalified bidders list for purposes of the solicitation of bids by telephone as provided in WAC 392-133-040. [Order 18-76, § 392-133-035, filed 1/20/77.]

WAC 392-133-040 Telephone solicitation—Procedure. Each board or its designee(s) which solicits bids

by telephone from the prequalified bidders list as provided in WAC 392-133-035 shall secure at least three (3) competitive bids. No award shall be made until at least three competitive bids have been received prior to the bid date and time specified by the board or its designee(s). The bid date, time and place shall be written and posted at the office of the board or such other officially designated location.

All bids solicited by telephone shall be confirmed in writing and received by the board or its designee(s) within seven (7) calendar days after the bid date: *Provided*, That should the seventh day fall on a Saturday, Sunday or legal holiday, the seventh day of the period shall be extended to the next business day.

The three or more bids confirmed in writing as provided in this section shall be posted or otherwise made available at the office of the board or any other officially designated location. From those bids which are confirmed in writing, the board may select the lowest responsible bidder and award a contract.

Telephone bids not confirmed in writing as provided in this section shall subject the bidder to removal from the prequalified bidders list at the discretion of the board. [Order 18-76, § 392-133-040, filed 1/20/77.]

WAC 392-133-045 Bids—Acceptance or rejection. Notwithstanding the procedure used by a school district to solicit competitive bids, the contract for the work or purchase shall be awarded to the lowest responsible bidder: *Provided*, That when bids have been solicited by telephone and there is reason to believe that the lowest acceptable bid is not the best obtainable, all bids may be rejected, and the board may call for new bids. The decision of the board to reject all bids solicited by telephone and call for new bids shall be written and posted at the office of the board or at such other officially designated location.

Any or all bids solicited pursuant to this chapter may be rejected for good cause. [Order 18-76, § 392-133-045, filed 1/20/77.]

WAC 392-133-050 Competitive bids—Exceptions. Notwithstanding the requirements of this chapter competitive bids shall not be required for the following:

(1) Emergency purchases as provided in RCW 28A.58.135(4) when the public interest or property of the district would suffer material injury or damage by delay. In such cases, the board may waive the competitive bid requirements with reference to any purchase or contract: *Provided*, That the board shall first declare the existence of such an emergency by resolution which shall recite the specific facts constituting the same;

(2) Purchases which are clearly and legitimately limited to a single source of supply. [Order 18-76, § 392-133-050, filed 1/20/77.]

Chapter 392-135 WAC

FINANCES—INTERDISTRICT COOPERATION PROGRAMS

WAC

392-135-005	Purposes.
392-135-010	Definitions.
392-135-015	Program types.
392-135-020	Application—Requirements for approval.
392-135-025	Additional weighting support.
392-135-030	Cooperative financing of construction.
392-135-035	Nonhigh school district obligation.

Reviser's note: With the filing of Superintendent of Public Instruction Order 7-75, on December 22, 1975, chapter 392-15 (part) WAC, entitled Interdistrict Cooperation, has been superseded by chapter 392-135 WAC. See Title 392 WAC Digest page for disposition of chapters and reference notes relative thereto.

WAC 392-135-005 Purposes. The purposes of this chapter are to implement RCW 28A.58.075(2) and RCW 28A.58.245 and establish the conditions pursuant to which school districts may cooperate in interdistrict tuition-free educational programs (including but not limited to vocational and handicapped programs) and additional weighted equalization apportionment will be granted for nonresident student attendance. [Order 7-75, § 392-135-005, filed 12/22/75. Formerly WAC 392-15-900.]

WAC 392-135-010 Definitions. As used in this chapter, the term: (1) "Residence" shall mean the physical location of a student's principal abode (e.g., the home, house, apartment, etc., within which the student lives the majority of the time),

(2) "Resident student" shall mean a student whose residence is either within the school district of his attendance or within the boundaries of any contiguous military, naval, lighthouse, other United States reservation, national park, national forest, or Indian reservation provided the student resides upon rented or leased undeeded lands within such Indian reservation.

(3) "Nonresident student" shall mean any student other than a resident student whose residence is within the state of Washington.

(4) "Resident district" shall mean the Washington state school district within whose boundaries a student's residence is located or a school district which is contiguous to the boundaries of the following properties within which a student's residence is located: any military, naval, lighthouse, other United States reservation, national park, national forest, or Indian reservation provided the student resides upon rented or leased undeeded lands therein.

(5) "Serving district" shall mean the Washington state school district which operates a tuition-free interdistrict cooperation program pursuant to an agreement with one or more Washington state school districts. [Order 7-75, § 392-135-010, filed 12/22/75. Formerly WAC 392-15-905.]

WAC 392-135-015 Program types. Subject to the prior approval of the superintendent of public instruction, any school district may cooperate with one or more

other school districts in the joint maintenance and operation of educational programs or services:

- (1) as a part of the operation of a joint facility, or otherwise; and
- (2) on a full- or part-time attendance basis, or a regular 180-day or extended school year basis. [Order 7-75, § 392-135-015, filed 12/22/75. Formerly WAC 392-15-910, 392-15-735.]

WAC 392-135-020 Application—Requirements for approval. (1) Application. The proposed serving district shall be the applicant school district. The applicant school district shall submit a written application for the operation of an interdistrict cooperation program and the proposed written agreement(s) to be entered into by each participating school district to the superintendent of public instruction, division of financial services.

An interdistrict cooperation contract shall include and set forth at least the following:

- (a) The starting date for the proposed program.
- (b) The location of the serving facilities.
- (c) An explanation of the need(s) and purpose(s) of the proposed program.
- (d) The number of students to be served by the program.
- (e) An explanation of the manner in which the program is to be administered.
- (f) The extra costs, if any, involved in the proposed program.
- (g) An explanation of the economic feasibility of the joint operation.
- (h) A description of joint financing arrangements, if any.
- (i) A list of time in hours if attendance is to be on a part-time basis.
- (j) A list of dates involved if the program is to be operated on an extended year basis.

(k) The duration of the contract and the procedure, if any, for early termination of the contract.

(l) The procedure for the disposition of assets and liabilities upon expiration or termination of the contract.

(2) Requirements for approval consideration. Interdistrict cooperation programs eligible for consideration and approval by the superintendent of public instruction shall be:

- (a) Voluntary.
- (b) Tuition free.
- (c) Necessary for the express purpose of:
 - (i) Providing educational programs not otherwise available; and/or
 - (ii) Avoiding unnecessary duplications of specialized or unusually expensive programs and facilities; and/or
 - (iii) Improving racial balance within and among school districts.

(d) Interdistrict cooperation contracts shall be approved in advance by resolution of the board of directors of each participating school district. [Order 7-75, § 392-135-020, filed 12/22/75. Formerly WAC 392-15-915, 392-15-740.]

WAC 392-135-025 Additional weighting support. (1) State apportionment for nonresident students enrolled in an approved interdistrict program shall be credited to the serving district and prorated for that portion of the school day each nonresident student is enrolled in the program.

(2) An additional weighting factor for each full-time equivalent nonresident student enrolled in an approved interdistrict cooperation program shall be allowed the serving district pursuant to the equalization apportionment weighting schedule, as now or hereafter established pursuant to RCW 28A.41.140. (See the definition of "full-time equivalent student" in WAC 392-121-010) [Order 7-75, § 392-135-025, filed 12/22/75. Formerly WAC 392-135-925, 392-15-720.]

WAC 392-135-030 Cooperative financing of construction. Cooperative financing involving the construction of any educational facility and arrangements therefor pursuant to RCW 28A.58.075(1) shall be in compliance with state board of education regulations, WAC 180-30-460 through 180-30-495, as now or hereafter amended. [Order 7-75, § 392-135-030, filed 12/22/75. Formerly WAC 392-15-945, 392-15-770.]

WAC 392-135-035 Nonhigh school district obligation. No arrangement pursuant to this chapter shall alter a nonhigh school district's obligation to a high school district pursuant to chapter 28A.44 RCW. [Order 7-75, § 392-135-035, filed 12/22/75.]

Chapter 392-137 WAC

FINANCE—NONRESIDENT ATTENDANCE

WAC

392-137-005	Purposes.
392-137-010	Definitions.
392-137-015	Persons entitled to attend—Tuition-free.
392-137-020	Nonresident students under the age of twenty-one—Mutual agreement between resident and nonresident districts required.
392-137-025	Nonresident students twenty-one years of age or older—Agreement between student and nonresident district required.
392-137-030	Resident students twenty-one years of age or older—Agreement between student and resident district required.
392-137-035	Contents of agreements.
392-137-040	District policies—Procedures and criteria for release of resident students and admission of nonresident students.
392-137-045	Tuition—Enrollment in compliance or noncompliance with this chapter.
392-137-050	Agreements and policies deemed approved—Retention and filing of.

Reviser's note: With the filing of Superintendent of Public Instruction Order 7-75, on December 22, 1975, chapter 392-15 (part) WAC, entitled Interdistrict Cooperation, has been superseded by chapter 392-137 WAC. See Title 392 WAC Digest page for disposition of chapters and reference notes relative thereto.

WAC 392-137-005 Purposes. The purposes of this chapter are to implement RCW 28A.58.240 and establish the arrangements for the attendance of nonresident students and resident students twenty-one years of age or older in preschool through twelfth grade programs

which the superintendent of public instruction deems approved and to establish a tuition charge for students attending pursuant to arrangements which are deemed disapproved. This chapter has application to three basic categories of students:

(1) Nonresident students who are under the age of twenty-one and are not participating in an interdistrict cooperation type program;

(2) Nonresident students who are twenty-one years of age or older and are not participating in an interdistrict cooperation type program; and

(3) Resident students who are twenty-one years of age or older.

Nonresident attendance in connection with the following cooperation type preschool handicapped/kindergarten through twelfth grade programs is exempted from this chapter:

(1) Interdistrict cooperation programs approved and conducted pursuant to chapter 392-135 WAC;

(2) Programs temporarily conducted in behalf of another school district as authorized by the educational service district superintendent pursuant to RCE [RCW] 28A.58.225; and

(3) Reciprocity programs with contiguous out-of-state school districts conducted pursuant to RCW 28A.58.250. Nonresidence attendance in connection with the foregoing cooperation type programs is governed by the above referenced rules or statutes and by the rules or policies of a school district which supplement the referenced rules or statutes. [Order 7-75, § 392-137-005, filed 12/22/75. Formerly WAC 392-15-800.]

WAC 392-137-010 Definitions. As used in this chapter, the term: (1) "Residence" shall mean the physical location of a student's principal abode (e.g., the home, house, apartment, etc., within which the student lives the majority of the time.)

(2) "Resident student" shall mean a student:

(a) whose residence is within the school district of attendance; or

(b) whose residence is within the boundaries of any military, naval, lighthouse, other United States reservation, national park, national forest, or Indian reservation (provided the student resides upon rented or leased undeeded lands within the Indian reservation) which is contiguous to the school district of attendance; or

(c) whose residence is within a school district which does not carry the grades for which the student is eligible to enroll (e.g., a non-high school district).

(3) "Nonresident student" shall mean any student other than a resident student whose residence is within the state of Washington.

(4) "Resident district" shall mean the Washington state school district or districts of which a student is considered to be a resident.

(5) "Nonresident district" shall mean any school district other than a resident school district. [Order 7-75, § 392-137-010, filed 12/22/75. Formerly WAC 392-15-805.]

WAC 392-137-015 Persons entitled to attend—Tuition-free. A resident student as defined in WAC

392-137-010(2) who is between the ages of four and twenty-one is entitled as a matter of right to attend grades kindergarten through twelve conducted by or in cooperation with the district or districts considered to be his or her resident district tuition-free: *Provided*, That the student is otherwise eligible to enroll. [Order 7-75, § 392-137-015, filed 12/22/75. Formerly WAC 392-15-810.]

WAC 392-137-020 Nonresident students under the age of twenty-one—Mutual agreement between resident and nonresident districts required. (1) A nonresident student who is under the age of twenty-one may be admitted by a nonresident district only pursuant to an agreement between the student's resident district and the nonresident district or pursuant to an order of the state board of education made pursuant to chapter 66, Laws of 1975, 1st ex. sess. In the event the student is considered to be a resident of more than one district pursuant to the definition of "resident student" set forth in WAC 392-137-010(2), the agreement shall be between the nonresident district and the district in which the student was last enrolled and is considered to be a resident.

(2) A student's attendance shall be credited in all cases to the school district of enrollment unless:

(a) the superintendent of public instruction is notified by order of the board of directors of a student's resident district provided for in subsection (1) that the student is attending a nonresident district without authorization pursuant to an agreement or order of the state board releasing the student, and

(b) it is established that neither such an agreement nor order of the state board exists.

(3) In the event it is so established that a student is enrolled in a nonresident district without authorization, equalization apportionment and other state payments in connection with the student's enrollment shall be discontinued until:

(a) the student enrolls in a resident district,

(b) an agreement required by subsection (1) is entered into, or

(c) the state board orders the release of the student. [Order 7-75, § 392-137-020, filed 12/22/75. Formerly WAC 392-15-815.]

WAC 392-137-025 Nonresident students twenty-one years of age or older—Agreement between student and nonresident district required. A nonresident student who is twenty-one years of age or older may be admitted by a nonresident district only pursuant to an agreement between the nonresident student and the nonresident district. [Order 7-75, § 392-137-025, filed 12/22/75. Formerly WAC 392-15-820.]

WAC 392-137-030 Resident students twenty-one years of age or older—Agreement between student and resident district required. A resident student who is twenty-one years of age or older may be admitted only pursuant to an agreement between the resident student and the resident district. [Order 7-75, § 392-137-030, filed 12/22/75. Formerly WAC 392-15-825.]

WAC 392-137-035 Contents of agreements. Agreements required by WAC 392-137-020, 392-137-025, and 392-137-030 shall set forth: (1) The name, age, and grade level of attendance of the student;

(2) The duration of the agreement;

(3) A finding that the student, if a nonresident, will be best accommodated in the nonresident district; and

(4) Such other terms and conditions as the parties deem advisable and as are consistent with this chapter. [Order 7-75, § 392-137-035, filed 12/22/75. Formerly WAC 392-15-830.]

WAC 392-137-040 District policies—Procedures and criteria for release of resident students and admission of nonresident students. Each school district board of directors shall adopt policies which specify the procedures and criteria pursuant to which resident students under the age of twenty-one may be released to nonresident districts and nonresident students and resident students twenty-one years of age or older may be admitted.

Districts shall grant requests for the release of resident students and requests for the admission of nonresident and resident students only on the basis of the order in which such requests are made and without preference: *Provided*, That preference may be granted in those cases in which the attendance requested would likely alleviate to a significant extent an existing or probable special hardship or detrimental condition of a financial, educational, safety, or health nature affecting the student or the student's immediate family or custodian. [Order 7-75, § 392-137-040, filed 12/22/75. Formerly WAC 392-15-835.]

WAC 392-137-045 Tuition—Enrollment in compliance or noncompliance with this chapter. The tuition for nonresident students and for resident students twenty-one years of age or older who are enrolled in compliance with this chapter or pursuant to an order of the state board of education releasing the student from his or her resident district shall be established by the school district of enrollment. In order to avoid infringements upon an individual's right to equal protection of the law, in the event tuition is charged any such student, tuition should be charged all nonresident students and resident students twenty-one years of age or older on the basis of a uniform rate or on the basis of a uniformly applied formula (e.g., tuition based upon the difference between the cost of educating a student in the district or at the grade level of attendance and state and federal funds accruing to the district as a result of the student's enrollment and/or attendance).

In the event it is established by the school district of enrollment or by the superintendent of public instruction pursuant to WAC 392-137-020(2) that a student has been enrolled in violation of the arrangements prescribed by this chapter, the district of enrollment shall have no discretion as to the tuition to be charged such student. In all such cases, the arrangements for the student's enrollment shall be considered disapproved by the superintendent of public instruction and tuition equal to the per pupil cost of the district of enrollment for the previous school year as computed on form F-196, part II, shall be

charged the student or if the district has established a higher charge for any nonresident student or resident student twenty-one years of age or older, then an amount equal to such higher charge shall be charged the student for a full school year. Any such tuition charge, however, may be ratably reduced in the event the student is enrolled part-time and/or for less than a full school year. [Order 7-75, § 392-137-045, filed 12/22/75. Formerly WAC 392-15-840, 392-15-850.]

WAC 392-137-050 Agreements and policies deemed approved—Retention and filing of. Any arrangement for the attendance of students which is consistent with this chapter shall be deemed approved by the superintendent of public instruction.

Attendance agreements and district policies required by this chapter shall be retained by each district as public records and submitted to the superintendent of public instruction upon request. [Order 7-75, § 392-137-050, filed 12/22/75. Formerly WAC 392-15-855.]

Chapter 392-138 WAC

FINANCE—ASSOCIATED STUDENT BODY MONEYS

WAC

392-138-005	Purposes.
392-138-010	Definitions.
392-138-015	Distinction between public and private moneys—Duties of advisors.
392-138-020	Private moneys not to be commingled—Exception in case of student aid donations.
392-138-025	Formation of associated student bodies required.
392-138-030	Powers—Authority and policy of board of directors.
392-138-035	Deposit and investment of associated student body moneys.
392-138-040	Associated student body program budget.
392-138-045	Accounting procedures and records.
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392-138-055	Imprest bank checking account.
392-138-060	Petty cash funds.
392-138-065	Compliance with bid law required.
392-138-070	District assumption of existing indebtedness permitted.
392-138-075	Title to property—Dissolution of associated student body or affiliated group.
392-138-080	Disposition of pre-existing associated student body cash and investment.
392-138-085	League and other joint activities.

WAC 392-138-005 Purposes. The purposes of this chapter are to: (1) Implement RCW 28A.58.115, (2) designate the powers and responsibilities of the board of directors of each school district regarding the efficient administration, management, and control of moneys, records, and reports of associated student body funds, and (3) encourage the supervised self-government of associated student bodies. [Order 4-76, § 392-138-005, filed 3/4/76, effective 7/1/76.]

WAC 392-138-010 Definitions. (1) "Associated student body" means a formal organization of students, including subcomponents or affiliated student groups such as student clubs, which is formed with the approval, and operated subject to the control, of the board of

directors of a school district in compliance with this chapter.

(2) "Associated student body program" means any activity which (a) is conducted in whole or part by or in behalf of an associated student body during or outside regular school hours and within or outside school grounds and facilities, and (b) is conducted with the approval, and at the direction or under the supervision, of the school district.

(3) "Central district office" means the board of directors and/or their official designee to whom authority has been delegated to act in their behalf.

(4) "Associated student body moneys" means (a) donations made for the support of an associated student body program, (b) fees collected from students and non-students as a condition to their attendance at any optional noncredit extracurricular event of the school district which is of a cultural, social, recreational or athletic nature, (c) revenues derived from "associated student body programs" as defined in subsection (2), above, and (d) any other moneys received by an associated student body for the support of an associated student body program. [Order 4-76, § 392-138-010, filed 3/4/76, effective 7/1/76.]

WAC 392-138-015 Distinction between public and private moneys—Duties of advisors. The provisions of this chapter apply to and govern "associated student body moneys" — money which, although raised by students in some cases, is considered to be public money of a school district. Students are not, however, precluded by reasons of their attendance at a public school from raising money individually or as a group for their own personal and private uses. In order to assure that a proper distinction is made as between student money raising activities conducted in behalf of a school district that result in associated student body moneys and money raising activities conducted by students in a private capacity, the advisors provided for in WAC 392-138-030(2)(c) shall (1) advise students of the public nature of revenues derived from activities conducted with the approval and at the direction or under the supervision of the school district and of other "associated student body moneys", (2) insure that activities which result in "associated student body moneys" are clearly identified as activities of the school district, (3) advise students that money which they may wish to raise and retain for their personal or private use may not be raised through the use of school materials, supplies, facilities or personnel within the scope of their employment unless the school district is reimbursed or paid the cost of materials, supplies, facilities and personnel used, and (4) insure that students are not provided materials, supplies, facilities or personnel at the expense of the school district for the purpose or with the result of raising money for the personal or private use, including charitable grants or donations, of students. [Order 4-76, § 392-138-015, filed 3/4/76, effective 7/1/76.]

WAC 392-138-020 Private moneys not to be commingled—Exception in case of student aid donations. Money raised for private purposes, including charitable

purposes, by students attending a public school shall not be commingled with associated student body moneys or other public money of a school district: *Provided*, That the board of directors of a school district may accept money donated for scholarship and student aid purposes and deposit, invest, and expend the same pursuant to the school district's rules and regulations adopted in compliance with RCW 28A.58.030: *Provided further*, That associated student body moneys may not be expended as gifts or grants for charitable or scholarship purposes. [Order 4-76, § 392-138-020, filed 3/4/76, effective 7/1/76.]

WAC 392-138-025 Formation of associated student bodies required. The formation of an associated student body shall be mandatory and a prerequisite whenever one or more students of a school district engage in money-raising activities with the approval and at the direction or under the supervision of the district: *Provided*, That the establishment of an associated student body in schools of the elementary grade levels (K-6) shall not be mandatory: *Provided further*, That money raised by elementary students with the approval and at the direction or under the supervision of the school district shall nevertheless be deposited, invested, budgeted, disbursed, and accounted for in a manner consistent with this chapter. The board of directors of a school district shall determine when the amount of money generated by extracurricular activities and/or the best interest of students warrant the formation of an associated student body for elementary grade levels. [Order 4-76, § 392-138-025, filed 3/4/76, effective 7/1/76.]

WAC 392-138-030 Powers—Authority and policy of board of directors. The board of directors of each school district shall: (1) Retain and exercise the general powers, authority, and duties expressed and implied in law with respect to the associated student bodies of the district including, but not limited to RCW 28A.02.020 (General public school system administration), RCW 28A.58.030 (Gifts, conveyances, etc., for scholarship and student aid purposes), RCW 28A.58.101 (Government of schools, pupils, and employees), RCW 28A.58.110 (By-laws of board and school government), RCW 28A.58.150(2), (3) and (8) (Superintendent's duties), RCW 28A.58.200 (Pupils to comply with rules and regulations), RCW 43.09.200 (Division of municipal corporations—uniform system of accounting), RCW 36.22.090 (Warrants of political sub-divisions), and chapter 28A.65 RCW (School district budgets);

(2) Approve the constitution and by-laws of each district associated student body and establish policies and guidelines relative to:

(a) The identification of those activities which shall constitute the associated student body program;

(b) The methods and means by which students shall be permitted to raise and otherwise acquire associated student body moneys; and

(c) The designation of the primary advisor to each associated student body and the authority of the primary advisor to designate advisors to the various student sub-

group organizations affiliated with an associated student body;

(3) Assign accounting functions, or portions thereof, to the school building level to be performed by a designated representative of an associated student body or centralize the accounting functions at the district central administrative office level; and

(4) Provide for the participation of the associated student body or bodies of the school district in the determination of the purposes for which associated student body moneys shall be budgeted and disbursed. [Order 4-76, § 392-138-030, filed 3/4/76, effective 7/1/76.]

WAC 392-138-035 Deposit and investment of associated student body moneys. All associated student body moneys, upon receipt, shall be transmitted intact to the district depository bank and then to the county treasurer or directly to the county treasurer for deposit to the credit of the "associated student body program fund" of the school district and shall be accounted for, expended, and invested subject to the practices and procedures governing other public moneys of the district except as such practices and procedures are modified by or pursuant to this chapter. [Order 4-76, § 392-138-035, filed 3/4/76, effective 7/1/76.]

WAC 392-138-040 Associated student body program budget. Each associated student body of a school district, with the guidance of the primary advisor, and at such time as is designated by the central district office, annually shall prepare and submit a financial plan (budget) for support of the associated student body program to the district superintendent or his/her designee for consolidation into a district associated student body program fund budget and then present such budget to the board of directors of the district for its review, revision, and approval: *Provided*, That revisions of the budget submitted by an associated student body and revisions of the budget approved by the board of directors shall first be reviewed by the associated student body and, in the case of an approved budget, shall be subject to the requirements of chapter 28A.65 RCW regarding emergency expenditures or budget extensions. The budget as approved shall constitute an appropriation and authorization for the disbursement of funds for the purposes established in the budget. [Order 4-76, § 392-138-040, filed 3/4/76, effective 7/1/76.]

WAC 392-138-045 Accounting procedures and records. Associated student body moneys shall be accounted for as follows:

(1) Accounting methods and procedures shall comply with such rules and regulations and/or guidelines as are developed by the state auditor and the superintendent of public instruction and published in the Accounting Manual for Public Schools in the State of Washington and/or other publications;

(2) Whenever two or more associated student bodies exist within a school district, the accounting records shall be maintained in such a manner as to provide a

separate accounting for the transactions of each associated student body in the associated student body program fund; and

(3) The fiscal and accounting records of associated student body program moneys shall constitute public records of the school district, shall be available for examination by the state auditor, and shall be preserved in accordance with statutory provisions governing the retention of public records. [Order 4-76, § 392-138-045, filed 3/4/76, effective 7/1/76.]

WAC 392-138-050 Disbursement approval—Total disbursements. Associated student body moneys shall be disbursed subject to the following conditions:

(1) No disbursements shall be made except as provided for in the budget approved pursuant to WAC 392-138-040;

(2) Disbursements shall occur only upon presentation of properly prepared vouchers in such format and design as the central district office shall prescribe;

(3) The supporting documentation of the voucher shall bear evidence of student approval in accordance with associated student body by-laws;

(4) Warrants shall not be issued in excess of the moneys on deposit with the county treasurer in the associated student body program fund; and

(5) All disbursements shall be made by warrant except for disbursements from imprest bank accounts and petty cash funds provided for in this chapter. [Order 4-76, § 392-138-050, filed 3/4/76, effective 7/1/76.]

WAC 392-138-055 Imprest bank checking account. The board of directors of a school district may authorize the establishment and maintenance of an associated student body imprest bank checking account for convenience and efficiency in expediting disbursements, subject to the following conditions:

(1) The maximum amount of such an account shall be no more than is necessary to provide for disbursements at the level of the month of highest estimated demand for disbursements;

(2) An imprest bank checking account shall be initiated by deposit of, and replenished by, a warrant drawn on the associated student body program fund;

(3) Disbursements from an imprest bank checking account shall be by check and shall be restricted to payments of invoices bearing evidence of student approval in accordance with associated student body by-laws;

(4) An imprest bank checking account shall be replenished at least once each month by a warrant drawn on the associated student body program fund in payment of an approved voucher in an amount equal to the sum total of the disbursements made by check from the imprest bank checking account during the preceding interval; and

(5) The replenishment voucher shall reflect such information as the central district office shall prescribe relative to identification of invoices, invoice approvals, codification of expenditures, cancelled checks, and other information deemed pertinent. [Order 4-76, § 392-138-055, filed 3/4/76, effective 7/1/76.]

WAC 392-138-060 Petty cash funds. The board of directors of a school district may authorize the establishment and maintenance of associated student body petty cash funds for convenience in providing for the making of change or in those instances when it is impractical to make disbursement by warrant or check, subject to the following conditions:

(1) A petty cash fund shall be initiated by warrant or check;

(2) Paid-out receipts shall constitute invoices for the purpose of vouchering; and

(3) An upper limit of the amount of the petty cash fund shall be established by the board of directors. [Order 4-76, § 392-138-060, filed 3/4/76, effective 7/1/76.]

WAC 392-138-065 Compliance with bid law required. The statutory provisions of RCW 28A.58.135, the so-called "bid law" governing school district purchasing procedures, shall govern purchases payable from the associated student body program fund. [Order 4-76, § 392-138-065, filed 3/4/76, effective 7/1/76.]

WAC 392-138-070 District assumption of existing indebtedness permitted. The board of directors of a school district may assume the outstanding indebtedness of an associated student body incurred prior to the effective date of these rules and regulations (July 1, 1976): *Provided*, That any such indebtedness was incurred for school district purposes. Payments may be made from the general fund or the associated student body program fund or jointly from both funds. [Order 4-76, § 392-138-070, filed 3/4/76, effective 7/1/76.]

WAC 392-138-075 Title to property—Dissolution of associated student body or affiliated group. Title to all property acquired through the expenditure of associated student body moneys shall be vested in the school district.

In the event a member organization affiliated with an associated student body elects to disband or ceases to exist for any reason, then (a) the school district and parent associated student body shall cease carrying any money or account on behalf of or to the credit of the organization, and (b) the records of the organization shall be retained and disposed of in accordance with applicable state law regarding the retention and destruction of public records. [Order 4-76, § 392-138-075, filed 3/4/76, effective 7/1/76.]

WAC 392-138-080 Disposition of pre-existing associated student body cash and investment. The cash balances and investments of all associated student bodies which exist as of the effective date of this chapter (July 1, 1976) shall be transmitted to the county treasurer for deposit to the credit of the associated student body program fund on or before such effective date. [Order 4-76, § 392-138-080, filed 3/4/76, effective 7/1/76.]

WAC 392-138-085 League and other joint activities. Metropolitan athletic league and other forms of joint inter and intra school district associated student

body programs are not precluded by this chapter. In the case of such joint programs, a single school district or associated student body or a board representing the participating associated student bodies shall manage associated student body moneys made available to it for the support of the joint program and received as a result of the conduct of such program, in compliance with this chapter and a written cooperative agreement authorized by the board(s) of directors of the district(s). [Order 4-76, § 392-138-085, filed 3/4/76, effective 7/1/76.]

Chapter 392-140 WAC FINANCE—SPECIAL ALLOCATIONS, INSTRUCTIONS, AND REQUIREMENTS

WAC

392-140-001	1976 levy relief funds—Purposes.
392-140-002	1976 levy relief funds—Entitlement of districts which submitted no excess levy propositions—Payments.
392-140-003	1976 levy relief funds—Entitlement of districts which submitted and passed an excess levy proposition—Payment.
392-140-004	1976 levy relief funds—Entitlement of districts which submitted and failed excess levy propositions—Payment.
392-140-005	1976 levy relief funds—Additional special funds—Eligibility—Purpose—Payment.
392-140-006	1976 levy relief funds—Reduction in excess levy required.
392-140-007	1976-77 levy relief funds—Special funds—Eligibility—Purpose—Payment.
392-140-008	1976-77 levy relief funds—Special funding for low assessed valuation districts.

Reviser's note: With the filing of Superintendent of Public Instruction Order 7-75, on December 22, 1975, chapter 392-65 WAC, entitled Employee Health and Insurance Benefits, chapter 392-67 WAC entitled Distribution of Funds for Classified Employees and Salary Increase for School District Employees, and chapter 392-80 WAC entitled Excess Levies, have been superseded by chapter 392-140 WAC. See Title 392 WAC Digest page for disposition of chapters and reference notes relative thereto.

WAC 392-140-001 1976 levy relief funds—Purposes. The purposes of WAC 392-140-001 through WAC 392-140-006 are to implement section 1, chapter 2, Laws of 1975, 2nd ex. sess. as amended by section 1, chapter 7, Laws of 1975, 2nd ex. sess. and establish and/or set forth the criteria and procedures for distribution of the special appropriation of sixty five million dollars (\$65,000,000) for excess maintenance and operation levy relief. [Order 7-75, § 392-140-001, filed 12/22/75.]

WAC 392-140-002 1976 levy relief funds—Entitlement of districts which submitted no excess levy propositions—Payments. (1) Any school district which did not submit any excess levy proposition for maintenance and operation purposes to the electorate to be collected in 1976 and which experienced a net per-student expenditure (excluding transportation costs) during the 1974-75 school year which was less than the state-wide average per student expenditure for the 1974-75 school year shall be entitled to fifty dollars (\$50.00) per full-time equivalent student. Eligibility will be based upon

actual 1974-75 net costs as computed pursuant to report form F-196.

(2) Payments to such districts shall be made pursuant to the following schedule: April 1976 - 25 percent of entitlement; May 1976 - 50 percent of entitlement; and June 1976 - 25 percent of entitlement. [Order 7-75, § 392-140-002, filed 12/22/75.]

WAC 392-140-003 1976 levy relief funds—Entitlement of districts which submitted and passed an excess levy proposition—Payment. (1) Any school district which submitted one or more excess levy propositions for maintenance and operation purposes to the electorate and which received authorization to collect one or more of such excess levies during the 1976 calendar year shall be entitled to eighty two dollars and fifty cents (\$82.50) per full-time equivalent student: *Provided*, That any such district shall first certify to the district's county legislative authority and to the superintendent of public instruction a reduction in the excess levy or levies to the extent provided for in WAC 392-140-006.

(2) Payments to such districts shall parallel the receipt of special levy tax receipts by such districts in 1976 to the extent practical. Payments shall be calculated using the 1974 spring collection percentage excluding delinquencies (Financial Services Bulletin No. 21-75) as follows:

Spring 1976 Payment
\$82.50 X ----- (line 8, 1975-76 Final Budget p. 17)
X Spring 1974 % ----- = \$-----

Fall 1976 Payment
\$82.50 X ----- (line 8, 1975-76 Final Budget p. 17)
= \$-----
Less Spring Payment
Fall Payment = -----

(3) The spring 1976 payment schedule shall be as follows:

- April 1976 - 25 percent of spring entitlement;
- May 1976 - 50 percent of spring entitlement; and
- June 1976 - 25 percent of spring entitlement.

[Order 7-75, § 392-140-003, filed 12/22/75.]

WAC 392-140-004 1976 levy relief funds—Entitlement of districts which submitted and failed excess levy propositions—Payment. (1) Any school district which submitted one or more excess levy propositions for maintenance and operation purposes to the electorate to be collected in calendar year 1976 but which did not receive authorization to collect any one or more of such excess levies shall be entitled to receive eighty two dollars and fifty cents (\$82.50) per full-time equivalent student and may be entitled to receive additional special funds pursuant to WAC 392-140-005.

(2) Payments of the \$82.50 per full-time equivalent student shall be made to eligible school districts pursuant to the following schedule: April 1976 - 25 percent of entitlement; May 1976 - 50 percent of entitlement; and June 1976 - 25 percent of entitlement. [Order 7-75, § 392-140-004, filed 12/22/75.]

WAC 392-140-005 1976 levy relief funds—Additional special funds—Eligibility—Purpose—

Payment. (1) School districts which received regular urban, rural, racial disadvantaged (URRD) funds during the 1974-75 school year and in which 3 percent or more of the total number of students enrolled during the 1974-75 school year were then eligible for regular URRD funds shall be eligible for additional special funds pursuant to this section. Any such district shall be deemed to have a relatively high percentage of URRD children.

(2) The entitlement of each district which is eligible for additional special funds shall be determined by multiplying the percentage which a district's grant of regular URRD funds for the 1974-75 school year bore to the total of all grants of regular URRD funds received during the 1974-75 school year by school districts which are eligible pursuant to this section times the three and one-half million dollars (\$3,500,000) available for additional special funds.

(3) Additional special funds made available pursuant to this section are for the purpose of continuing quality education programs for the 1975-76 school year at approximately the same student-teacher ratio that existed during the 1974-75 school year in an eligible school district or schools within such a district.

(4) Additional special funds shall be paid to eligible school districts together with and pursuant to the schedule for payments of the \$82.50 per full-time equivalent student. [Order 7-75, § 392-140-005, filed 12/22/75.]

WAC 392-140-006 1976 levy relief funds—Reduction in excess levy required. (1) School districts which have received voter approval of one or more excess levy propositions for collection in 1976 shall effect a reduction in such taxes to the full extent of the district's receipt of funds pursuant to WAC 392-140-003: *Provided*, That school districts which submitted multiple special levy propositions at any one election for maintenance and operations collectible in 1976 and which received voter approval to levy at least one of such propositions and at no other election received voter approval for levy propositions for maintenance and operations collectible in 1976 need certify to their respective county legislative authority a reduction in such excess levy only in an amount thereof equal to the percentage that the levy proposition receiving voter approval bears to the total of such multiple special levy propositions presented to the people at such election: *Provided further*, That newly consolidated school districts within which a previously authorized special excess maintenance and operations tax levy for collection in 1976 that is levied upon only the territory of one of the component districts need certify to their respective county authority a reduction in such excess levy only in an amount equal to the amount of funds received pursuant to WAC 392-140-003 attributable to the full-time equivalent student enrollment from such component district.

(2) Calculations of the required reduction in special levy taxes shall be made as follows: \$82.50 X ----- (line 8, 1975-76 Final Budget p. 17) = \$----- A newly consolidated district identified in subsection (1), *Supra*, may, however, use only the full-time equivalent student enrollment attributable to the

component district in which a special tax levy is made for purposes of the foregoing calculation. [Order 7-75, § 392-140-006, filed 12/22/75.]

WAC 392-140-007 1976-77 levy relief funds—Special funds—Eligibility—Purpose—Payment.

(1) Any school district (a) which submitted one or more excess levy propositions for maintenance and operation purposes to the electorate to be collected in calendar year 1976 but which did not receive authorization to collect any one or more of such excess levies, (b) which received regular urban, rural, racial disadvantaged (URRD) funds during the 1974-75 school year, and (c) in which 3 percent or more of the total number of students enrolled during the 1974-75 school year were eligible for regular URRD funds, shall be eligible for special funds for the 1976-77 school year pursuant to this section and section 28(6), chapter 133, Laws of 1975-76, 2nd ex. sess.

(2) The entitlement of each district which is eligible for special funds pursuant to this section shall be determined by multiplying the percentage which a district's grant of regular URRD funds for the 1974-75 school year bore to the total of all grants of regular URRD funds received during the 1974-75 school year by school districts which are eligible pursuant to this section times the three million dollars (\$3,000,000) available for distribution.

(3) The special funds made available pursuant to this section are for the purpose of continuing quality education programs for the 1976-77 school year at approximately the same student-teacher ratio that existed during the 1974-75 school year in an eligible school district or schools within such a district.

(4) Each school district's entitlement pursuant to this section shall be distributed in accordance with the following schedule:

- October 1976 - 25% of entitlement
- November 1976 - 50% of entitlement
- December 1976 - 25% of entitlement

[Order 9-76, § 392-140-007, filed 9/8/76.]

WAC 392-140-008 1976-77 levy relief funds—

Special funding for low assessed valuation districts. (1) All school districts with an assessed valuation per student of \$50,000 or less shall be eligible for special funding for the 1976-77 school year pursuant to this section and section 29, chapter 133, Laws of 1975-76, 2nd ex. sess.

(2) The assessed valuation per student of a district for purposes of this section shall be calculated by dividing the actual 1975 assessed valuation of a district for 1976 excess tax levy collections by the October 1, 1975, full-time equivalent student (kindergarten at one-half) count of the district.

(3) The per full-time equivalent student entitlement of each eligible district shall be based upon the following schedule:

Assessed Valuation Per FTE Student	Per FTE Student Allocation
\$30,000 & Below	\$25.00
30,001 - 35,000	20.00
35,001 - 40,000	15.00
40,001 - 45,000	10.00
45,001 - 50,000	5.00

(4) The total funds which may be distributed to a district pursuant to this section shall be computed by multiplying the district's full-time equivalent student entitlement times the district's actual 1975-76 average annual base enrollment (See WAC 392-121-040) plus the district's part-time public school student enrollment (See chapter 392-181 WAC).

(5) The distribution of funds pursuant to this section to a district which has been authorized to levy an excess tax levy for collection in 1977 shall be conditioned upon (a) The roll back of such taxes by the district in an amount equivalent to the funds which the district is eligible to receive pursuant to this section; and (b) Certification by the district of such action.

(6) The distribution of each district's entitlement pursuant to this section shall be made pursuant to the following schedule:

July 1976	- 8.3%
August 1976	- 8.3%
September 1976	- 8.4%
October 1976	- 8.3%
November 1976	- 8.3%
December 1976	- 8.4%
January 1977	- 8.3%
February 1977	- 8.3%
March 1977	- 8.4%
April 1977	- 8.3%
May 1977	- 8.3%
June 1977	- 8.4%

[Order 9-76, § 392-140-008, filed 9/8/76.]

Chapter 392-141 WAC

TRANSPORTATION—AUTHORITY AND STATE REIMBURSEMENT

WAC

392-141-005	Purposes and definition of school bus.
392-141-010	School districts—General authority to provide transportation.
392-141-015	Transportation routes.
392-141-020	Cost reimbursement.
392-141-025	District records required.
392-141-030	Approval of transportation routes—Limitation.
392-141-035	Application for approval and apportionment for transportation within the "two mile limit".
392-141-040	Route approval process.
392-141-045	Purchase of school buses—State allowance for depreciation.
392-141-050	Transportation equipment reserve.
392-141-055	Depreciation schedule—School buses.
392-141-060	Additional depreciation for rebuilt district-owned buses.

Reviser's note: With the filing of Superintendent of Public Instruction Order 7-75, on December 22, 1975, chapter 392-27 WAC, entitled Reimbursement to School Districts for Transportation Costs, has

been superseded by chapter 392-141 WAC. See Title 392 WAC Digest page for disposition of chapters and reference notes relative thereto.

WAC 392-141-005 Purposes and definition of school bus. The purposes of this chapter are to implement RCW 28A.41.160 and establish the procedures and conditions pursuant to which school districts shall be eligible for state transportation apportionment and equipment funds.

The definition of "school bus" as the term is used in this chapter shall be as now or hereafter set forth in WAC 392-143-010. [Order 7-75, § 392-141-005, filed 12/22/75.]

WAC 392-141-010 School districts—General authority to provide transportation. (1) A school district is not required to provide transportation for school children, but may do so.

(2) If transportation is provided to and from school to any student, transportation shall then be provided to all students residing in the district and enrolled in the public schools thereof who reside in excess of two miles from the school of attendance (and to all handicapped students who reside within two miles of the school of attendance who are not ambulatory and/or who are not capable of protecting their own welfare while traveling to and/or from the school or agency where special education and services are provided), or payments shall be made in lieu of transportation to the parent(s) or guardian(s). [Order 7-75, § 392-141-010, filed 12/22/75.]

WAC 392-141-015 Transportation routes. Transportation routes shall be established in a manner which safely and efficiently serves all passengers to be transported. A student (except handicapped students as identified in WAC 392-141-010(2)) may be required to travel not in excess of two miles to a bus route so established. The distance shall be determined by measurement of the distance of the most direct route by public road to the bus stop. [Order 7-75, § 392-141-015, filed 12/22/75.]

WAC 392-141-020 Cost reimbursement. (1) If transportation is provided by a school district in compliance with this chapter and chapters 392-143 and 392-145 WAC, the district shall be entitled to state transportation funds.

(2) The failure of a school district to comply with such rules shall constitute cause for the withholding of state transportation funds for such time and extent as is necessary to assure compliance.

(3) State transportation funds shall not be provided to a district for the transportation of post-high school students. [Order 7-75, § 392-141-020, filed 12/22/75.]

WAC 392-141-025 District records required. (1) Record of expenses: (a) Each school district shall maintain records of all expenses in connection with student transportation.

(b) School district records shall include expenses for supervision, operation of school buses, maintenance of

school buses, garage operation and maintenance, payments in-lieu-of transportation, insurance, and purchase and/or rebuilding of school buses.

(c) Clerical or administrative services shall be recorded only to the extent that one or more employees have been assigned by the board of directors or an administrative officer of a school district to duties directly involving the operation of student transportation. Full salaries or wages shall not be recorded against transportation unless full time is devoted to student transportation exclusively.

(2) Record of miles traveled:

(a) Each school district shall maintain mileage records for transporting students to and from school and for field trips, extracurricular trips, state approved, and all other miles traveled.

(b) Each school district shall maintain a current map for each bus route and appropriate data indicating number of miles and number of students transported.

(3) Transportation equipment: Each school district shall maintain records of all expenditures for transportation equipment and funds received for traded-in or sold school transportation equipment. [Order 14-76, § 392-141-025, filed 12/21/76; Order 7-75, § 392-141-025, filed 12/22/75. Formerly WAC 392-27-010.]

WAC 392-141-030 Approval of transportation routes—Limitation. (1) Purpose: School bus routes shall be recommended by the transportation commission and approved by the superintendent of public instruction as a condition to a school district's entitlement to state transportation apportionment. All school bus routes shall be established and operated solely for the transportation of students to and from public schools and/or to approved learning centers.

(2) Reimbursable miles:

(a) Miles for established bus routes transporting students to and from school and/or to and from approved learning centers shall be listed on the appropriate form supplied by the superintendent of public instruction.

(b) Miles other than to and from school and/or to and from approved learning centers shall not be eligible for state transportation apportionment. Such nonreimbursable miles shall be listed separately as a nonreimbursable expense on the appropriate report forms.

(c) No school district shall be required to transport any student living within two miles of the school which such student attends or within two miles of an established bus route except for handicapped students as provided for in WAC 392-141-010(2). As a general rule, approved transportation routes shall include only the transportation of students living two miles beyond the school they attend and handicapped students as defined in WAC 392-141-010(2) who reside within such "two mile limit": *Provided*, That the transportation commission may recommend, and the superintendent of public instruction may approve, the transportation of other students within the "two mile limit" for purposes of state transportation apportionment, pursuant to WAC 392-141-035. [Order 14-76, § 392-141-030, filed 12/21/76; Order 7-75, § 392-141-030, filed 12/22/75. Formerly

WAC 392-27-020 (part), 392-27-030 (part) and 392-27-031 (part).]

WAC 392-141-035 Application for approval and apportionment for transportation within the "two mile limit". (1) Approval of the transportation of students (other than the handicapped identified in WAC 392-141-010(2)[]) within the "two mile limit" shall be based upon a determination that such transportation is necessary for the improvement and equalization of educational opportunities and/or safety reasons. The following conditions may warrant such approval:

(a) Where the transportation is necessary by reason of the condemnation or closure of a building by lawful authority;

(b) Where the transportation is necessary by reason of the total or partial destruction by any cause of a school building;

(c) Where the transportation is necessary to reduce educational deterrents [detriments] caused by racial imbalance;

(d) Where the transportation to the closest appropriate educational facility is necessary by reason of a physical or mental condition of the student rendering such student unable to attend the regular public school classes or by reason of the educational advantages available to exceptional students;

(e) Where the transportation is necessary because of existing hazardous conditions.

(2) An application for the approval of transportation within the "two mile limit" for state transportation apportionment purposes shall be made pursuant to a resolution of the board of directors of the school district and shall be submitted to the transportation commission. The application shall specify the facts and the rationale for the requested special approval.

(3) An approval pursuant to this section shall be valid from the date granted until the end of the school year for which it is granted. [Order 7-75, § 392-141-035, filed 12/22/75. Formerly WAC 392-20-020 (part).]

WAC 392-141-040 Route approval process. (1) Any school district may submit an annual request for student transportation apportionment.

(2) The school district shall provide the following information to the transportation commission for recommended approval:

(a) Route map showing routes desired by the school district.

(b) Completed copy of the Estimated Operations Report Form.

(c) Completed copy of In Lieu Transportation Form when applicable.

(d) A copy of any student transportation contract(s) executed with private parties.

(3) A request for transportation apportionment shall be reviewed by the transportation commission. The commission shall be appointed by the superintendent of public instruction and shall consist of (a) a representative of the school board of directors, (b) a representative of the superintendent of public instruction, and (c) a representative of the education service district board.

(4) The transportation commission shall review and forward all district requests for transportation apportionment, together with appropriate recommendations, to the superintendent of public instruction. [Order 7-75, § 392-141-040, filed 12/22/75. Formerly WAC 392-27-020 (part), 392-27-030 (part) and 392-27-031 (part).]

WAC 392-141-045 Purchase of school buses—State allowance for depreciation. (1) All buses purchased by a school district shall meet the Specifications for School Buses established by the superintendent of public instruction and shall be inspected and approved by a state patrol school bus inspecting officer. Thereafter, a school bus operation permit shall be issued by the superintendent of public instruction. This permit is required before the appropriate license may be issued to a district to operate the bus.

(2) A school bus acquisition form shall be completed by a district and filed with the superintendent of public instruction as a condition to state reimbursement for depreciation.

(3) Depreciation reimbursement shall be allowed on district-owned buses. The purchase price of the bus less any amount received by a district for a trade-in or for the sale of a replaced bus shall become a part of a district's annual state approved transportation reimbursable expenditures. [Order 7-75, § 392-141-045, filed 12/22/75. Formerly WAC 392-27-040 (part), 392-27-045 (part) and 392-27-050 (part).]

WAC 392-141-050 Transportation equipment reserve. State reimbursement for the acquisition of approved transportation equipment received by a school district shall be held within the general fund of the district exclusively for the future purpose of approved transportation equipment and major transportation equipment repairs. These funds are referred to in this section as "transportation equipment reserve funds".

(1) Purchase. A school district may disburse transportation equipment reserve funds to pay for the purchase or the lease purchase of approved transportation equipment. Approved transportation equipment shall include all equipment which qualifies under the *Specifications for School Buses*, as now or hereafter amended.

(2) Major repairs. A school district may disburse transportation equipment reserve funds to pay for major repairs under the following conditions:

(a) Prior approval shall be obtained from the superintendent of public instruction for the disbursement of any major repair money.

(b) "Major repair" shall mean the replacement or repair of major parts of a bus such as the engine, a section of the body, transmission, and/or any repair necessitated by reason of external collision.

(c) Under provisions of major repair, expenditure shall not be allowed for the purchase or replacement of component items which have been consumed in use, such as batteries, tires, spark plugs, mufflers, brake linings: *Provided*, That any component items which have been ruined by external collision may be charged against reserve funds: *Provided further*, That the repair project is

approved as a charge against transportation equipment reserve funds.

(3) Rebuilt. Approved transportation equipment shall also include buses which are rebuilt to state specifications prior to July 1, 1976 and which conform to WAC 392-141-060. No rebuilt buses will be placed on the depreciation schedule after July 1, 1976.

(4) Major modification:

(a) Prior approval shall be obtained from the superintendent for the disbursement of transportation equipment reserve funds for major modifications.

(b) Buses to be modified must be on the depreciation schedule.

(c) Modifications shall be for specialized use only, such as conversion to a wheel chair bus. [Order 7-75, § 392-141-050, filed 12/22/75. Formerly WAC 392-27-040 (part), 392-27-045 (part) and 392-27-050 (part).]

WAC 392-141-055 Depreciation schedule—School buses. (1) All district-owned buses placed on the depreciation schedule after September 1, 1975 will be reimbursed 90 percent of the eligible purchase price multiplied by the base or derived percentage, whichever is greater.

(2) Calculation of appropriate percentage will be determined by classifying buses according to passenger capacity and miles driven in the following manner:

Vehicle Classification	Base Percentage
Class I 6-22 passengers	25% if annual miles are 18,750 or less
Class II 23-51 passengers	12.5% if annual miles are 15,625 or less
Class III 52-69 passengers	10% if annual miles are 15,000 or less
Class IV 70-up passengers	6.25% if annual miles are 12,500 or less

Vehicle Classification	Derived Percentage
Class I 6-22 passengers	$X = \frac{\text{derived \% if } X}{\text{total miles driven}}$ 75,000 =is greater than 18,750 mi
Class II 23-51 passengers	$X = \frac{\text{derived \% if } X}{\text{total miles driven}}$ 125,000 =is greater than 15,625 mi
Class III 52-69 passengers	$X = \frac{\text{derived \% if } X}{\text{total miles driven}}$ 150,000 =is greater than 15,000 mi

$$X = \frac{\text{Vehicle Classification}}{\text{Derived Percentage}} = \frac{\text{total miles driven}}{\text{derived \% if } X}$$

Class IV 70-up passengers

$$\frac{X}{200,000} \text{ derived \% if } X \text{ is greater than } 12,500 \text{ mi}$$

(3) Used buses purchased by school districts may be placed on the depreciation schedule under the following conditions:

(a) A bus owned by one school district is purchased by another school district. Such a bus shall be kept on at its original appreciated price schedule or at the purchase price paid for the used bus, whichever is less.

(b) A bus (meeting the *Specifications for School Buses*, as now or hereafter amended) is purchased from a private party when the cost established appropriately reflects its depreciable value as determined by the superintendent of public instruction. Such a bus shall be put on the depreciation schedule at the purchase price paid for the used bus or the depreciable value, whichever is less. [Order 7-75, § 392-141-055, filed 12/22/75. Formerly WAC 392-27-100.]

WAC 392-141-060 Additional depreciation for rebuilt district-owned buses. The following provisions shall apply only to school buses that were rebuilt prior to July 1, 1976:

(1) Rebuilding costs which exceed \$2,500 or more and are charged to budget item No. 540, "Replacement of Buses" may be depreciated by the superintendent of public instruction pursuant to the following schedule:

District's rebuilding cost charged to budget item No. 540	Years of depreciation
\$2,500 - \$3,000	3
3,001 - 4,000	4
4,001 - 5,000	5
5,001 - 6,000	6
Etc.	

(2) Rebuilding costing \$2,500 or more shall conform with school district bid laws. Any rebuilding costing less than \$2,500 shall be paid from and charged to a school district's current bus operation budget. After a rebuilding job costing \$2,500 or more has been completed and is charged to budget item No. 540, three (3) copies of a bus rebuilding form (T-10) shall be completed. Two (2) copies shall be sent to the educational service district superintendent. The superintendent shall retain one copy and forward one copy to the superintendent of public instruction.

(3) When the T-10 form is approved and processed by the superintendent of public instruction, credit for the rebuilding cost shall be allowed the school district and depreciated in accordance with the schedule set forth in this section.

(4) State reimbursement to a district shall follow the same procedure as other bus depreciation payments.

[Order 14-76, § 392-141-060, filed 12/21/76; Order 7-75, § 392-141-060, filed 12/22/75. Formerly WAC 392-27-110.]

Chapter 392-143 WAC

TRANSPORTATION—SPECIFICATIONS FOR SCHOOL BUSES

WAC

392-143-005	Purposes.
392-143-010	Definitions.
392-143-015	Specifications for school buses manual.
392-143-020	Compliance with federal motor vehicle safety standards.
392-143-025	Additional local specifications.
392-143-030	Inspection of new school bus—Permit and license.
392-143-035	Inspection by state patrol.
392-143-040	Inspection of school buses.
392-143-045	Appeal for exception school bus.
392-143-050	Regulations for resold school buses.
392-143-055	Responsibility for compliance with school bus specification rules.
392-143-060	Continued compliance with Washington state school bus specifications.
392-143-065	Tires—Front axle.
392-143-070	All vehicles other than school buses used to transport students.
392-143-075	Amendment and waiver process.

Reviser's note: With the filing of Superintendent of Public Instruction Order 7-75, on December 22, 1975, chapter 392-21 WAC, entitled Specifications for School Buses, has been superseded by chapter 392-143 WAC. See Title 392 WAC Digest page for disposition of chapters and reference notes relative thereto.

WAC 392-143-005 Purposes. The purposes of this chapter are to implement RCW 46.61.380 and establish the specifications governing the design and marking of all school buses owned and operated by any school district and all school buses which are privately owned and operated under contract or otherwise with any school district in the state for the transportation of common school children (students). The provision of this chapter, including the school bus specifications provided for in WAC 392-143-015 and 392-143-020, shall be incorporated by express reference into all school district contracts for the transportation of common school students in privately owned and operated school buses. [Order 7-75, § 392-143-005, filed 12/22/75. Formerly WAC 392-21-100.]

WAC 392-143-010 Definitions. As used in this chapter and subject to the Specifications for School Buses, as now or hereafter established by the superintendent of public instruction, the term: (1) "School bus" shall mean every vehicle with a seating capacity of eleven (11) or more passengers used regularly to transport children to and from school or in connection with school activities: *Provided*, That the term school bus shall not include buses operated by common carriers in urban transportation of students.

(2) "Type I School Bus" shall mean any school bus manufactured as 96 inches in width and which provides at least 72 inches of headroom.

(3) "Type II School Bus" shall mean any school bus having less width and/or height than required for a Type I school bus: *Provided*, That a Type II school bus

shall contain not more than six (6) rows of seats on the left side and five (5) rows of seats on the right side of the school bus each placed with standard seat spacing.

(4) "Conversion School Bus" shall mean any vehicle originally manufactured for service other than use as a school bus which has been converted to use as a school bus: *Provided*, That a conversion school bus shall contain not more than five (5) rows of two plus two seating with standard seat spacing.

(5) "School Bus to Transport Exceptional Children" shall mean any Type I, Type II, or conversion school bus as defined in this section which has been modified to transport handicapped students. [Order 8-77, § 392-143-010, filed 10/11/77, effective 11/11/77; Order 19-76, § 392-143-010, filed 12/31/76; Order 7-75, § 392-143-010, filed 12/22/75. Formerly WAC 392-21-110.]

WAC 392-143-015 Specifications for school buses manual. The superintendent of public instruction shall publish and distribute to each school district a school bus specification manual which shall be referred to as the *Specifications for School Buses*. Such manual shall govern the specifications for all school buses owned and operated by any school district and all school buses which are owned and operated under contract or otherwise with any school district in the state for the transportation of common school students. Such manual is hereby incorporated into this chapter by this reference. Prior to any revision hereof, the superintendent of public instruction shall serve notice to school districts and shall hold at least one public hearing. [Order 7-75, § 392-143-015, filed 12/22/75.]

WAC 392-143-020 Compliance with federal motor vehicle safety standards. In addition to the specifications provided for in WAC 392-143-015, all school buses shall meet all specifications required by the federal department of transportation motor vehicle safety standards; and all suppliers of school bus chassis and school bus bodies shall so certify compliance with state and federal specifications as a condition to the purchase or lease of a school bus by a school district. [Order 7-75, § 392-143-020, filed 12/22/75. Formerly WAC 392-21-130 and 392-21-135.]

WAC 392-143-025 Additional local specifications. Any school district board of directors may adopt and require such additional school bus specifications as it deems necessary: *Provided*, That such additional specifications are supplemental to and not in conflict with the state and federal school bus specifications established, or referenced to, by this chapter. [Order 7-75, § 392-143-025, filed 12/22/75. Formerly WAC 392-21-105.]

WAC 392-143-030 Inspection of new school bus—Permit and license. All school bus operators (i.e., the school district or private contractor or party) shall have been issued a school bus operation permit for a bus as a condition to its use for the transportation of students. This permit shall be issued after the bus has been presented to one of the Washington state patrol school bus inspection centers and found to be in compliance

with the school bus specifications provided for in this chapter. This inspection shall be recorded by a Washington state patrol inspection officer on a school bus inspection form issued by the superintendent of public instruction, and copies of such inspection results shall be forwarded to the superintendent. If the school bus is approved, the superintendent shall send three (3) copies of a school bus operation permit to the operator. The original copy and such other information as is requested by the superintendent shall be retained by the superintendent; one copy shall be placed in the permit holder in the school bus; and one copy shall be presented to the county auditor, along with the operator's application for an exempt state license for the bus if applicable. County auditors shall not issue an exempt license for the bus unless a school bus operation permit accompanies the application for a license. All inspections of new school buses shall be made at least one week ahead of the delivery date to the purchaser. [Order 7-75, § 392-143-030, filed 12/22/75. Formerly WAC 392-21-115.]

WAC 392-143-035 Inspection by state patrol. All school buses shall be inspected by the Washington state patrol twice each year. These inspection dates and centers shall be determined by the superintendent of public instruction and the chief of the state patrol. School districts shall be notified by the chief of the state patrol prior to each inspection of the time and place of inspection. School buses which are not presented for inspection at the time and place scheduled by the chief of the state patrol shall not be operated as a school bus unless the requirement is first waived in writing by the chief of the state patrol or until the school bus has passed the required inspection. [Order 7-75, § 392-143-035, filed 12/22/75. Formerly WAC 392-21-120.]

WAC 392-143-040 Inspection of school buses. All school buses which have been rebuilt, and/or received a major modification and/or received a major repair shall be inspected prior to transporting students in accordance with the following criteria: (1) A rebuilt school bus: For the purpose of this section a rebuilt school bus shall fully comply with all current Washington specifications and federal standards at the time the school bus is rebuilt, and shall be inspected in the same manner as a new school bus.

(2) A school bus receiving a major modification: For the purpose of this section, school bus modifications (e.g., hydraulic lift and/or ramp for wheelchairs) must meet all current state of Washington specifications and federal standards at the time the major modification is made.

(3) A school bus receiving a major repair (not routine maintenance): For the purpose of this section a school bus that has received repairs to or rebuilding of the frame, steering, suspension, braking systems or has been repowered, shall be identified as that needing inspection. Any repairs made shall meet or exceed Washington specifications and federal standards at the time of the original manufacturing date of the bus and shall be inspected in the same manner as a new school bus with emphasis on mechanical safety items. [Order 8-77, §

392-143-040, filed 10/11/77, effective 11/11/77; Order 7-75, § 392-143-040, filed 12/22/75. Formerly WAC 392-21-125.]

WAC 392-143-045 Appeal for exception school bus. Except for vehicles transporting handicapped children as specifically provided for in the Specifications for School Buses, any school district that wishes to purchase, lease, or contract for a school bus which deviates from the specifications provided for in this chapter for a Type I, or Type II, or conversion school bus shall present an "Appeal for Exception" to the superintendent of public instruction. The "Appeal for Exception" shall first be adopted by resolution of the board of directors and shall contain the following:

- (1) The reason or reasons for the requested deviation;
- (2) A list of all requested deviations;
- (3) The passenger capacity of the proposed vehicle;
- (4) The estimated cost of the proposed vehicle.

Said resolution shall be forwarded to the superintendent of public instruction who, with the advice and approval of the director of highways and the chief of the state patrol, may grant an "Appeal for Exception" if it is found that such exception(s) will not impair the safety of the school bus occupants and other persons. No such vehicle shall be presented for its original inspection unless it is accompanied by a properly executed grant of "Appeal for Exception". All permits issued on such vehicles shall be labeled as having been issued as a result of a grant of "Appeal for Exception". [Order 19-76, § 392-143-045, filed 12/31/76; Order 7-75, § 392-143-045, filed 12/22/75. Formerly WAC 392-21-145.]

WAC 392-143-050 Regulations for resold school buses. A school district which sells a school bus to anyone other than another school district shall be responsible for removing the school district's name and number and all lettering, markings, and characteristics identifying the vehicle as a school bus prior to its delivery to the purchaser. However, if the district sells the school bus to a private party who certifies in writing that the school bus shall be used as a private carrier bus, the district need not remove the emergency lights and stop signal paddle. [Order 7-75, § 392-143-050, filed 12/22/75. Formerly WAC 392-21-150.]

WAC 392-143-055 Responsibility for compliance with school bus specification rules. The responsibility for compliance with this chapter lies with the board of directors of each school district. Failure to comply with this chapter shall constitute cause for the withholding of state transportation funds for such time and to such extent as is necessary to ensure compliance. [Order 7-75, § 392-143-055, filed 12/22/75. Formerly WAC 392-21-155.]

WAC 392-143-060 Continued compliance with Washington state school bus specifications. School districts shall maintain all school buses in such condition that they shall continue to meet or exceed Washington state specifications and all federal standards that were in effect when the bus was manufactured, except as such

standards or specifications were subsequently repealed. [Order 8-77, § 392-143-060, filed 10/11/77, effective 11/11/77.]

WAC 392-143-065 Tires—Front axle. No school bus shall be operated with regrooved, recapped or retreaded tires on the front wheels. [Order 8-77, § 392-143-065, filed 10/11/77, effective 11/11/77.]

WAC 392-143-070 All vehicles other than school buses used to transport students. All other vehicles ten (10) passengers or less shall not be required to meet school bus specifications, but if used regularly to transport children to and from school or in connection with school activities, must carry the approved first aid kit, fire extinguisher and highway warning kit for school buses and must meet the semiannual safety inspection requirements, conducted by the Washington state patrol, for vehicle condition.

Students, while being transported in any vehicle used in to and from school transportation and school activities, shall share the same compartment and be provided the same general safety and comfort as the driver. [Order 8-77, § 392-143-070, filed 10/11/77, effective 11/11/77.]

WAC 392-143-075 Amendment and waiver process. Requests for amendments and temporary waivers of the School Bus Specifications and Modes of Operation published by the superintendent of public instruction must be submitted in writing to the assistant superintendent for financial services, who shall then advise the superintendent of public instruction who shall make the final determination. Such requests shall first be brought before an ad hoc technical advisory committee provided for in RCW 46.61.380 which shall advise the assistant superintendent for financial services. This ad hoc technical advisory committee shall consist of a designee of the superintendent of public instruction, a designee of the chief of the Washington state patrol and a representative from the state highway commission. It shall also be a function of this ad hoc technical advisory committee to provide assistance with the periodic changes in chapter 392-143 WAC and chapter 392-145 WAC when requested to do so by the assistant superintendent for financial services. [Order 8-77, § 392-143-075, filed 10/11/77, effective 11/11/77.]

Chapter 392-145 WAC

TRANSPORTATION—OPERATION RULES

WAC

392-145-005	Purposes and definition of "school bus".
392-145-010	Seating and seatbelt requirements.
392-145-015	General operating regulations.
392-145-020	Rules for school bus drivers.
392-145-025	Additional rules for school bus drivers.
392-145-030	Additional rules for school bus drivers.
392-145-035	Rules for students riding school buses.
392-145-040	Emergency exit procedures.
392-145-045	Emergency drills.

Reviser's note: With the filing of Superintendent of Public Instruction Order 7-75, on December 22, 1975, chapter 392-20 WAC, entitled Approved School Transportation Guide, chapter 392-22 WAC entitled Operation Rules for School Bus Drivers, and chapter 392-23 WAC entitled Rules for Students Riding Buses, have been superseded by chapter 392-145 WAC. See Title 392 WAC Digest page for disposition of chapters and reference notes relative thereto.

WAC 392-145-005 Purposes and definition of "school bus". The purposes of this chapter are to implement RCW 46.61.380 and establish the manner of operating all school buses owned and operated by any school district and all school buses which are privately owned and operated under contract or otherwise with any school district in the state for the transportation of school children (students). The provisions of this chapter shall be incorporated by express reference into all school district contracts for the transportation of school children in privately owned and operated school buses. Every school district, its officers and employees, and every person employed under contract or otherwise by a school district shall be subject to the applicable provisions of this chapter.

This chapter does not apply to the operation of buses by common carriers in the urban transportation of school children (e.g., the transportation of school children via a municipal transit system).

The definition of "school bus" as the term is used in this chapter shall be as now or hereafter set forth in WAC 392-143-010. [Order 7-75, § 392-145-005, filed 12/22/75.]

WAC 392-145-010 Seating and seatbelt requirements. (1) No school bus shall be operated subsequent to July 1, 1976 unless each passenger aboard has been provided with a safe seat of sufficient size to accommodate each such passenger: *Provided*, That this requirement may be waived by the superintendent of public instruction pursuant to a petition filed by a school district. Said petition shall (a) set forth the justification or necessity for allowance of standees, (b) a description of the nature and length of the routes in connection with which a waiver is requested, (c) the number of passengers which will be required to stand, and (d) a plan adopted by the board of directors of the school district for provision of sufficient seating and the elimination of standees which includes the time schedule and means of accomplishing the same.

(2) There shall be no auxiliary seating accommodations such as temporary or folding jump seats in any school bus.

(3) Drivers of school buses shall be required to wear seat and/or lap belts whenever the vehicle is in motion.

(4) Passengers in Type II (16 passenger or less) school buses equipped with lap belts shall be required to wear them whenever the bus is in motion. [Order 5-76, § 392-145-010, filed 4/16/76; Order 7-75, § 392-145-010, filed 12/22/75. Formerly WAC 392-22-005.]

WAC 392-145-015 General operating regulations. (1) Every school district board of directors shall adopt written policies or rules implementing the provisions and objectives of WAC 392-145-035. District policies or rules governing student conduct during the course of

transportation shall be established and implemented pursuant to the state board of education "Student Rights and Responsibilities Code", chapter 180-40 WAC, as now or hereafter amended.

(2) All school bus drivers shall meet the qualifications established in chapter 180-20 WAC, as now or hereafter amended.

(3) Each school bus driver shall hold a valid and current first aid card which certifies that he/she has completed a course in the basic principles of first aid within the past three years.

(4) When a teacher, coach, or other certificated staff member is assigned to accompany students on a bus, such person shall be primarily responsible for the behavior of the students in their charge. However, the bus driver shall have final authority and responsibility.

(5) Heavy, sharp, bulky, and/or other articles which may be hazardous in the event of an accident or an emergency stop shall not be transported in the passenger area of any school bus. Specific attention is directed to items such as skis, ski poles, vaulting poles, musical instruments, riser platforms, etc.

(6) Teachers and all other school district staff members shall refrain from requesting students to transport prohibited items between home and school on a school bus. Items which shall not be transported within the passenger area of a school bus also include all forms of animal life (except seeing eye dogs), firearms, weapons, breakable containers, flammables, and all other articles which could adversely affect the safety of the bus and passengers.

(7) A school bus driver shall not order or allow a student to depart the bus other than at his or her boarding or alighting place except as provided in WAC 392-145-020(7).

(8) Motor fuel shall not be put into the tank while the engine is running or while passengers are on the bus.

(9) All school buses shall operate with their headlights on when carrying passengers.

(10) Every school bus operated by or in behalf of a school district shall be presented to the Washington State Patrol for safety inspections at such times and places as are hereafter designated by the Washington State Patrol and/or the superintendent of public instruction. [Order 7-75, § 392-145-015, filed 12/22/75. Formerly WAC 392-22-010 (part) and 392-22-100 (part).]

WAC 392-145-020 Rules for school bus drivers. (1) Every school bus driver shall be thoroughly familiar with all state and local rules and regulations pertaining to the operation of the school bus in his/her charge.

(2) No school bus driver shall allow a passenger or other unauthorized person to operate the school bus at any time, nor shall any person except the driver be allowed to sit in the driver's seat.

(3) No school bus driver shall leave the driver's seat without first setting the brakes, shutting off the motor, placing the bus in gear, and removing the ignition key from the lock. The keys shall be kept in the driver's possession.

(4) School bus drivers shall have the primary responsibility for the safety of passengers while they are boarding the bus, while they are on the bus, and while they are disembarking the bus and crossing the roadway. If passengers must cross the road, the driver shall take reasonable action to assure that they cross safely. The driver shall take reasonable action to assure that passengers boarding or disembarking from the bus are within his/her view at all times and that they pass in front of the bus and never behind the bus.

(5) No school bus driver shall leave the immediate vicinity of his/her bus while there are passengers aboard. In the event of a bus breakdown, assistance shall be sought in accordance with local district policy.

(6) School bus drivers shall pick up only the students and persons designated by an authorized school district administrator.

(7) A student may be permitted to leave the bus at other than his or her regular stop, provided that permission is first obtained pursuant to district policy.

(8) School bus drivers, prior to commencement of any trip, shall assure that the windshield and rear window of the bus are clean.

(9) Tools and other miscellaneous articles shall be carried in appropriate compartments. They shall not be carried loose upon the floor of the bus.

(10) School bus drivers shall be certain that all brakes, lights, stop signs, warning signal lamps, and other safety devices are working properly before starting on any trip and shall assure that the bus is equipped with a first aid kit and a fire extinguisher. [Order 7-75, § 392-145-020, filed 12/22/75. Formerly WAC 392-22-010 (part) and 392-22-100 (part).]

WAC 392-145-025 Additional rules for school bus drivers.

(1) School bus drivers shall check the latch, safety lock and warning system for emergency doors daily; no bus may be operated with passengers aboard if the emergency exit is not functioning properly.

(2) No bus shall be in motion with any of the exit doors open or partly open.

(3) School bus drivers shall immediately report any suspected malfunction or needed repair of the school bus in their charge.

(4) School bus drivers shall observe all driving regulations set forth in the laws of the state of Washington relating to the operation of motor vehicles at all times.

(5) The speed of a school bus shall not be allowed to exceed the legal truck speed or any other applicable posted speed limit.

(6) When it is necessary to overtake and pass a slow moving vehicle, school bus drivers shall take reasonable action to assure that no third vehicle is drawing near. There shall be a clearance of at least 800 feet.

(7) All buses shall slow down to ten miles an hour or less and give the proper signal before making a ninety degree right or left turn.

(8) The speed of a school bus shall not exceed 10 miles per hour when passing another school bus which has stopped to load or unload students when loading or unloading may be done without the use of the stop sign and warning signal lamps.

(9) School bus drivers shall not change gears while proceeding downhill. Necessary gear changes shall be made before starting down a hill.

(10) No school bus driver shall disengage the clutch and allow the bus to coast.

(11) Backing a school bus is prohibited unless an adult flagman assists or an emergency exists. In the event of an emergency, backing of a bus shall be permitted only when there is no danger to pedestrians or passengers. Any deviation from this regulation shall first be approved by an authorized school district administrator.

(12) School bus drivers shall yield the right of way to emergency vehicles. [Order 7-75, § 392-145-025, filed 12/22/75. Formerly WAC 392-22-010 (part) and 392-22-100 (part).]

WAC 392-145-030 Additional rules for school bus drivers. (1) All school buses shall stop at all railroad crossings except:

(a) Where traffic is controlled by a police officer or duly authorized flagman;

(b) Where traffic is regulated by a traffic control signal;

(c) Where traffic is protected by crossing gates or an alternately flashing light signal intended to give warning of the approach of a railroad train;

(d) Where an official traffic control device gives notice that the stopping requirements do not apply.

(2) The driver shall open the door to listen for approaching trains and shall not proceed until the door is closed, visibility is clear, and the bus can proceed with safety. Drivers shall not change gears while the bus is crossing a railroad track.

(3) No bus shall stop on a curve or a hill where visibility is not at least 800 feet. If it is impossible to secure a distance of at least 800 feet for a bus stop, the school authorities and state patrol shall be advised and the stop shall be changed or proper signs installed. Exception: within areas of posted speed limits of 35 miles per hour or less, visibility of 300 feet is permissible.

(4) All changes in the direction of a school bus shall be indicated by the use of electrical directional signals on the bus. A right directional signal shall be used to indicate that the bus is going to pull off the roadway.

(5) No school bus shall pull over to the left-hand side of the road to load or unload.

(6) The stop sign on the left side of a school bus shall not be used to indicate that the bus is going to stop. The stop sign and red flashing lamps shall be displayed at all times a school bus is receiving or discharging passengers except:

(a) When passengers do not have to cross a highway and the bus is stopped completely off the traveled portion of the roadway, or

(b) When a school bus is stopped at an intersection or place where traffic is controlled by a traffic officer or official traffic signal, or

(c) When a school bus is stopped upon school grounds for the purpose of receiving or discharging passengers, and passengers are not required to cross the roadway.

(7) School bus drivers shall proceed with caution when passing or meeting a school bus but are not required to come to a stop unless the school bus stop sign and red flashing lights of the other bus are displayed. [Order 19-76, § 392-145-030, filed 12/31/76; Order 7-75, § 392-145-030, filed 12/22/75. Formerly WAC 392-22-010 (part) and 392-22-100 (part).]

WAC 392-145-035 Rules for students riding school buses. All school district boards of directors shall adopt written policies or rules and provide instructions for passengers riding school buses not inconsistent with applicable state law and rules. A copy of these policies or rules shall be posted in each school bus. The policies or rules shall include, but not necessarily be limited to, the following:

(1) Identification of the individual who has authority over the passengers.

(2) Student riding privileges.

(3) Procedures prior to loading, e.g., pupils must cross highway only in front and never behind school bus.

(4) Loading and unloading procedures and seat assignments.

(5) Pupil conduct.

(6) Acceptable practices with respect to talking, moving around the bus, use of windows, and other behavior.

(7) Unacceptable hazards that may cause injury to others, e.g., firearms, breakable containers, etc.

(8) Bus cleanliness.

(9) Emergency exit procedures. [Order 7-75, § 392-145-035, filed 12/22/75. Formerly WAC 392-23-010.]

WAC 392-145-040 Emergency exit procedures. (1) All school districts operating or contracting for school bus transportation services shall prepare written policies or rules which establish procedures for bus safety and emergency exit drills.

(2) One emergency evacuation drill shall be held within the first six weeks of school each semester. If it is not possible for a school district to do so within this period, a makeup drill shall be scheduled as soon as possible.

(3) The first exit drill shall be followed by at least one verbal review of the emergency exit drill prior to the second exit drill.

(4) Only those passengers whose participation in an exit drill poses substantial difficulty to themselves or to other passengers shall be excused and/or excluded from exit drill participation. Passengers who are excluded from such participation shall receive oral instruction in bus safety and exit drills at least three times during the school year.

(5) Drills shall be held upon school premises. Drills on the highway are only warranted under conditions necessary for "Life and Emergency Safety." [Order 19-76, § 392-145-040, filed 12/31/76; Order 7-75, § 392-145-040, filed 12/22/75.]

WAC 392-145-045 Emergency drills. (1) Emergency drills conducted pursuant to WAC 392-145-040 shall:

(a) Make allowance for individual differences in exiting the emergency door.

(b) Provide instruction to helpers that they should offer a helping hand palm up and avoid grasping a student's hand or arm.

(c) Be timed to assure that procedures provide for an orderly and expedient exiting from the vehicle. [Order 7-75, § 392-145-045, filed 12/22/75.]

Chapter 392-147 WAC
TRANSPORTATION—SAFE WALKWAYS TO AND FROM SCHOOL

WAC

- 392-147-010 Reimbursement by the state.
392-147-015 Prior approval by county transportation commission required.
392-147-020 Report of transportation commission.
392-147-025 Form T-20 required.
392-147-030 Form T-20.
392-147-035 Application for state reimbursement for safe walkway construction.

Reviser's note: With the filing of Superintendent of Public Instruction Order 7-75, on December 22, 1975, chapter 392-26 WAC, entitled Safe Walkways to and from School, has been superseded by chapter 392-147 WAC. See Title 392 WAC Digest page for disposition of chapters and reference notes relative thereto.

WAC 392-147-010 Reimbursement by the state. A school district shall be reimbursed in the same manner that transportation costs are reimbursed pursuant to RCW 28A.41.160 for the acquisition, construction, or participation in the construction of a safe walkway: Provided, That such safe walkway will: (1) result in a financial saving to the state and school district over a fifteen-year period, (2) eliminate the need for bus transportation, and (3) eliminate a bus run or bus route. [Order 7-75, § 392-147-010, filed 12/22/75. Formerly WAC 392-26-010.]

WAC 392-147-015 Prior approval by county transportation commission required. The acquisition of any interest in real property for a safe walkway for students and the construction or development of a safe walkway upon such property or other property shall be conditioned upon the prior approval of the county transportation commission. [Order 7-75, § 392-147-015, filed 12/22/75. Formerly WAC 392-26-020.]

WAC 392-147-020 Report of transportation commission.

A. This request is approved subject to rules and regulations that indicate a financial saving to the state and school district involved. /-----/

Total Approved for State Reimbursement \$-----
(Subject to verification by actual bids)

Transportation Commission:

----- Date -----, 19--
Representative of School District

----- Date -----, 19--
Educational Service District Supt.

Superintendent of Public Instruction

By ----- Date -----, 19--
[Order 7-75, § 392-147-020, filed 12/22/75. Formerly WAC 392-26-030.]

WAC 392-147-025 Form T-20 required. (1) No state reimbursement shall be allowed for acquisition, construction, or participation in the construction of safe walkways to and from school unless a T-20, together with a copy of the invoice, has been received by the superintendent of public instruction on or before May 31 of the current school year.

(2) The form provided for in WAC 392-147-030 shall be completed in triplicate, and two copies shall be filed with the educational service district superintendent who shall then transmit one copy to the superintendent of public instruction. [Order 7-75, § 392-147-025, filed 12/22/75. Formerly WAC 392-26-040 (part).]

WAC 392-147-030 Form T-20.

School District ----- No. -----

County ----- Walkway Completion Date -----

Cost of Walkway Including Sales Tax & Engineering Fees (Including Invoice(s)) \$-----

School Warrant No(s). -----

Account(s) \$----- \$ -----

Explain fully on reverse side of this form if warrant(s) differ from reimbursable cost. If several payments, give date and amount of each payment and carrying charges, if any.

For State Office Use Only

Table with 2 columns: Item, Amount. Rows: Reimbursable Cost, Carrying Charges, Reimbursable Years.

Attach:

- 1. A copy of the engineers' contract documents, including but not limited to, final drawings and specifications.
2. A certified copy of the bid tabulation.
3. Copies of all addenda and change orders.
4. A copy of the district's cost incurred in providing, or participating in providing, safe walkways.
5. In the case of joint projects involving governmental subdivisions, a copy of all agreements entered into must be attached.

Date -----

Signature of Official in charge of Payments

[Order 7-75, § 392-147-030, filed 12/22/75. Formerly WAC 392-26-040 (part).]

WAC 392-147-035 Application for state reimbursement for safe walkway construction. (1) A separate application shall be submitted for each bus run or bus route eliminated. Three copies shall be completed and forwarded to the superintendent of public instruction for processing. A special hearing of the county transportation commission shall be scheduled to act upon this request as soon as feasible.

(2) Application. To the Superintendent of Public Instruction: Pursuant to a resolution adopted and entered into its records by the board of directors of the School District No. of County, Washington, on the day of 19, application is hereby made for state reimbursement for the acquisition, construction, or participation in the construction of safe walkways to and from school, as set forth under the provisions of RCW 28A.24.150, as amended by chapter 20, Laws of 1970 ex. sess.

A. Give a brief description of the proposed project.

B. Estimated Cost of the Project:

Table with 2 columns: Item, Amount. Rows: 1. Cost of real property, 2. Cost of safe walkway, 3. Sales tax, 4. Engineering fees, 5. Legal fees, 6. Miscellaneous (attach itemized sheet), 7. TOTAL ESTIMATED COST OF SAFE WALKWAY.

C. Transportation cost, based upon state medians, of proposed bus run or bus route, or the need for bus transportation to be eliminated. (See current T-2)

Table with 2 columns: Item, Amount. Rows: 1. Total operating cost, 2. Driver's salary, 3. Insurance (prorated), 4. Bus depreciation (prorated[])*, 5. TOTAL ESTIMATED COST OF TRANSPORTATION.

*Attach complete explanation

[Order 7-75, § 392-147-035, filed 12/22/75. Formerly WAC 392-26-050.]

Chapter 392-151 WAC

TRAFFIC SAFETY—SCHOOL SAFETY PATROL

WAC

- 392-151-005 Purposes.
392-151-010 Function of a school patrol.
392-151-015 Administration and support.
392-151-020 Liability.
392-151-025 Route plans.
392-151-030 Controlled crossings.
392-151-035 School crossing warning and speed limit signs.
392-151-040 Organization, instruction, and supervision.
392-151-045 Duties of patrol supervisor.
392-151-050 Selection, appointment and suspension of patrol members.
392-151-055 Utilization of adult patrol members.
392-151-060 Good character references for patrol members.
392-151-065 Adult patrol members—Knowledge—Training of students—Introduction.
392-151-070 Size of patrol and officers needed.
392-151-075 Hours on duty.
392-151-080 The patrol captain.
392-151-085 General duties of patrol members.
392-151-090 Standard uniforms.
392-151-095 Equipment.
392-151-100 Care of equipment—Dismissal.
392-151-105 Instruction of patrol members.
392-151-110 Installing school patrol members.
392-151-115 Patrol operation—Assignment and inspection.
392-151-120 Basic crossing position and flag operation.
392-151-125 Single posts.
392-151-130 Traffic hazards—Surveys.
392-151-135 Multiple posts.
392-151-140 Operation with an adult patrol member or police officer or traffic signal.
392-151-145 Operation at an intersection with traffic signal.
392-151-150 Violation reports and accidents.

Reviser's note: With the filing of Superintendent of Public Instruction Order 7-75, on December 22, 1975, chapter 392-24 WAC, entitled School Safety Patrol, has been superseded by chapter 392-151 WAC. See Title 392 WAC Digest page for disposition of chapters and reference notes relative thereto.

WAC 392-151-005 Purposes. The purposes of this chapter are to implement RCW 46.61.385 and authorize the appointment and operation of school patrols by any public or private school subject to the conditions, procedures, and considerations required by this chapter and such supplemental conditions, procedures, and considerations as any such school may impose which are in the best interest of student safety. [Order 7-75, § 392-151-005, filed 12/22/75.]

WAC 392-151-010 Function of a school patrol. The purpose and function of a school patrol are to assist and aid members of the student body in the safe and proper crossing of streets, highways, and roads adjacent to the school and other crossing areas approved by the local law enforcement agency. Other designated crossing areas requested by school administrators and/or the school safety committee shall be approved by the local law enforcement agency.

Student school patrol members assigned to work at a location with an adult school patrol member shall be subordinate to the adult and shall assist and act in the direction of such adult member of the patrol. A school patrol cannot be charged with the responsibility nor be allowed to direct vehicular traffic. A school patrol is to look for and utilize natural gaps in traffic as much as possible when allowing students to cross a street, highway, or road. [Order 7-75, § 392-151-010, filed 12/22/75. Formerly WAC 392-24-205.]

WAC 392-151-015 Administration and support. The superintendent or chief administrative officer of the school district shall assume the leadership and be ultimately responsible for determining school patrol policy and operations. The principal of each school shall provide leadership in developing good relationships among teachers, student body, and members of the school patrol in matters of selecting, instructing, and giving immediate supervision to school patrol members and carrying out administrative details. Administrative responsibility for actual operation of the patrol may be delegated to an individual teacher or a safety committee. The approval, understanding, support, and encouragement of school administrators, local traffic control agencies, teachers, parents, and students is essential in providing an effective school safety patrol.

Selection of a safety advisory committee is important in the development and support of school patrol policy. In the development of a safe route to school plan, members may be selected from the following areas:

- (1) school administration
- (2) law enforcement
- (3) traffic engineering
- (4) school-parent organization
- (5) local service groups.

[Order 7-75, § 392-151-015, filed 12/22/75. Formerly WAC 392-24-210.]

WAC 392-151-020 Liability. The fear of potential liability for injuries sustained by pupils, employees, or patrols is present in the minds of school board members and school administrators. Both a school district and its individual employees or agents are potentially liable for damages sustained by students or others as the result of negligence. Examples of actions or inactions possibly giving rise to an award of damages by a court include: the failure to properly supervise students while they are in the custody of school employees or agents; the failure to properly instruct students in the procedures necessary to safeguard themselves while participating in school activities which may otherwise cause them injury; the failure to select and assign competent employees or agents to safeguard students where necessary; and, in general,

the failure to take reasonable precautions to safeguard student in the custody of the school against foreseeable dangers.

The following suggested procedures may assist schools and employees or agents reduce the potential liability in connection with the operation of a school patrol:

(1) Establish reasonable rules and regulations regarding the supervision and control of the school patrols.

(2) Establish a policy which limits the selection of student patrol members to students who are enrolled in grades five through eight and who possess optimum physical and mental abilities.

(3) Establish a policy which authorizes any parent to have his or her child excluded from service on the safety patrol.

(4) Establish a policy which requires school boards to provide insurance for members of the school patrol and for all supervisory officials involved in the program.

(5) Establish a policy which sets forth specific physical and other criteria for selecting school patrol members and providing adequate training.

In addition, schools should periodically conduct a complete review of the entire school patrol program, including the following:

- (a) The selection of supervisors
- (b) The selection of student and adult members of the patrol
- (c) The training of both supervisors and patrol members
- (d) The determination of the streets which are to be used and those which are not to be used
- (e) The equipment needed
- (f) The time schedule when the patrol will be on duty
- (g) The special precautions to be observed in inclement weather and during hours of semi-darkness. [Order 7-75, § 392-151-020, filed 12/22/75. Formerly WAC 392-24-215.]

WAC 392-151-025 Route plans. Suggested route plans shall be developed for each elementary school that has students who walk to and from school. It shall recommend school routes based on considerations of traffic patterns, existing traffic controls, and other crossing protection aids such as school patrols. These route plans shall limit the number of school crossings so that students move through the crossings in groups, allowing only one entrance-exit from each block to and from school. The safe route to school map shall be distributed to all students with instructions that it be taken home and discussed with the parents. [Order 7-75, § 392-151-025, filed 12/22/75. Formerly WAC 392-24-220.]

WAC 392-151-030 Controlled crossings. School patrol controlled crossings shall not be operated unless proper traffic control devices are in place as depicted in Washington State Department of Highways, *Sign Fabrication Manual* and *Manual on Uniform Traffic Control Devices*, as now or hereafter amended. As a minimum, these shall consist of:

- (1) School crossing warning signs S1-1 and S2-1
- (2) Marked crosswalks
- (3) School Speed Limit Sign

Contact shall be made by school authorities with the governmental agency having jurisdiction over the street or highway in question in order to secure the necessary signs. The State Department of Highways shall be contacted concerning all state highways outside of incorporated towns and cities and on those state highways within the incorporated limits of towns and cities with a population of 15,000 or less.

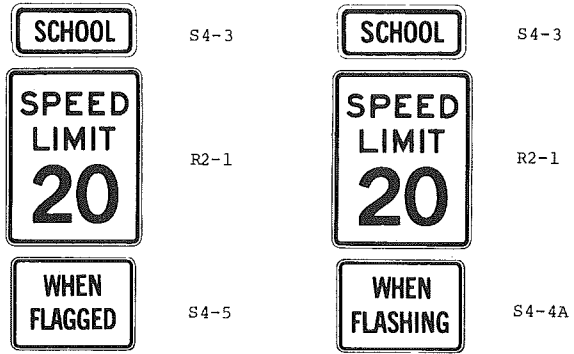
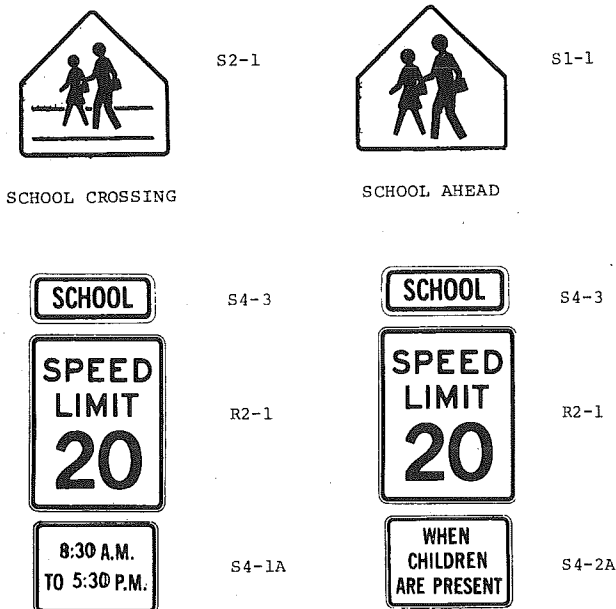
The county highway department shall be contacted regarding all county roads and for towns or cities under 15,000 population. The local highway department shall be contacted on streets other than state highways. In towns and cities over 15,000 population, the local highway department shall be contacted for assistance whether or not a state highway is involved.

When vehicular traffic volumes are such that adequate safe gaps in the traffic flow do not occur in reasonable frequent intervals to allow safe crossings by students, this condition, as well as any other related traffic problems, shall be reported to the traffic engineering authorities having jurisdiction in order that necessary studies can be conducted for the purpose of determining corrective measures.

Where conditions are such that a patrol member cannot be seen at least as far away as the safe stopping distance for the legal speed at the location, one of the following procedures shall be carried out:

- (1) Select a safer location for the crossing at which the patrol is to serve.
- (2) The condition shall be taken up with the traffic authorities having jurisdiction for the purpose of devising a solution. [Order 7-75, § 392-151-030, filed 12/22/75. Formerly WAC 392-24-240.]

WAC 392-151-035 School crossing warning and speed limit signs.



[Order 7-75, § 392-151-035, filed 12/22/75. Formerly WAC 392-24-245.]

WAC 392-151-040 Organization, instruction, and supervision. The building principal or a member of the faculty appointed by the principal shall supervise the school patrol. Criteria for the selection of a school patrol supervisor shall include:

- (a) Interest in safety
- (b) Ability to organize
- (c) Ability to lead
- (d) Ability to discipline
- (e) Attitude toward work
- (f) Efficiency on job
- (g) Ability to recognize individual differences
- (h) Ability to hold respect of pupils
- (i) Dependability

[Order 7-75, § 392-151-040, filed 12/22/75. Formerly WAC 392-24-250 (part).]

WAC 392-151-045 Duties of patrol supervisor. Duties of a school patrol supervisor shall include: (1) Selection of school patrol members according to school policy.

(2) Instruction of all school patrol members and officers in their respective duties.

(3) Supervision of the work of the school patrol in such manner as to develop the greatest initiative, leadership, and effectiveness on the part of each patrol officer and member.

(4) Hold regular meetings of the school patrol for the purpose of instruction in safety practices, discussions concerning infractions of rules, and stimulating and inspiring the members in the performance of their duties.

(5) Serve as advisor to safety committees.

The patrol supervisor shall be knowledgeable in all areas of the school patrol. The patrol supervisor shall instruct all members of the patrol in their respective duties and give continuous supervision over the performance of those duties. Regular meetings of the school patrol shall be held under the supervision and instruction of the patrol supervisor. General instructions shall be given and discussions held concerning general problems.

An officer of the state patrol, sheriff's office, or local police department shall be requested to assist in the instruction of school patrol members in the performance of their duties and thereafter make visits to street and highway crossings where school patrol members are stationed.

Additional assistance as deemed necessary shall be requested by school authorities from local law enforcement agencies. Instruction in traffic rules and regulations shall be given to all children attending the school. Rules and regulations shall be printed or mimeographed and distributed to parents and students. [Order 7-75, § 392-151-045, filed 12/22/75. Formerly WAC 392-24-250 (part).]

WAC 392-151-050 Selection, appointment and suspension of patrol members. Student school patrol members shall be selected from the upper grade levels and not below the fifth grade. Qualities such as leadership and reliability shall be considered in the selection of any patrol member. School patrol service shall be voluntary.

Written approval of a parent or guardian shall be secured in the case of student patrol members. Each prospective patrol member shall be given a vision and hearing examination. After selection, each school patrol member candidate shall be formally appointed by the principal. The parent(s) or guardian(s) of a student patrol member shall be notified in writing or via a personal interview of the student's suspension from duty as a school patrol member.

New patrol members shall be selected thirty (30) days before the school term terminates. New members shall work with trained school patrol members for a long enough period to learn their duties.

A captain of the school patrol shall be selected and instructions shall be given each new school patrol member so that he or she can begin effective duty at a specific post the morning the next school term commences. [Order 7-75, § 392-151-050, filed 12/22/75. Formerly WAC 392-24-255.]

WAC 392-151-055 Utilization of adult patrol members. Schools possess the authority to appoint adults as supervising members of a school patrol. The following criteria shall be used to determine at which locations adult patrol members shall be stationed:

- (1) When there is a lack of adequate gaps due to a high volume of traffic.
- (2) When 85 percent of the traffic speed exceeds the speed limit by 5 miles an hour.
- (3) When there is a restricted sight distance.
- (4) When the location or distance from the school building is such that poor supervision of students would otherwise result.
- (5) When there is a high volume of turning traffic over a crosswalk.
- (6) When the location has been determined by either school or law enforcement authorities to be beyond the capability of a student to make rational decisions concerning safety.
- (7) When there is an excessive volume of pedestrian traffic over a highway.
- (8) When any of the above criteria exists and there is a lack of an alternate school route plan. [Order 7-75, § 392-151-055, filed 12/22/75. Formerly WAC 392-24-225 and WAC 392-24-230.]

WAC 392-151-060 Good character references for patrol members. In addition to the other requirements for patrol members established by this chapter, good character references shall be obtained on every adult who is being considered as a school patrol member. [Order 7-75, § 392-151-060, filed 12/22/75. Formerly WAC 392-24-235.]

WAC 392-151-065 Adult patrol members—Knowledge—Training of students—Introduction. In addition to other qualifications imposed by this chapter adult school patrol members shall be knowledgeable with the school crossing protection program operated in their community. Particular attention shall be given to introducing adult school patrol members to school authorities, traffic authorities, and the local parent-teacher association so that they may work together on problems of safety in the school area. Adult patrol members also shall know the school employee acting as patrol supervisor and be knowledgeable with patrol activities. Provision may be made to allow adult patrol members to have some part in the actual training of students relative to traffic safety. At the beginning of the school term, arrangements shall be made to present adult patrol members to the student body and the school parent association. [Order 7-75, § 392-151-065, filed 12/22/75. Formerly WAC 392-24-345.]

WAC 392-151-070 Size of patrol and officers needed. The number of members on a school patrol shall be determined by factors such as: street and highway conditions, number of intersections, volume of vehicular traffic, school enrollment, and number of arrival and school dismissal times. If there are several dismissal times, the size of the patrol shall be increased and the groups rotated so that no one member shall be absent too long from his or her classes. The supervisor may request assistance from the traffic safety unit of the police department in planning school patrol posts. Engineering studies may be requested from the traffic engineer's office by the police unit, the principal, or the school safety committee.

Each school patrol may have a patrol captain and one or more lieutenants. The captain shall be a patrol member who possesses qualities of leadership and shall be selected by the supervisor of the patrol on a trial basis or elected by the members subject to the supervisor's approval.

Officers and members should normally serve for at least one full school year. However, a plan for periodic relief may be provided for and implemented at the discretion of school authorities. This may be done by organizing groups to rotate weekly or several weeks at a time or by rotating dismissal times.

Some of the duties of the school safety patrol officers are:

- (1) Assigning school patrol members to their posts
- (2) Supervising the operations of the school patrol
- (3) Keeping school patrol records, including attendance
- (4) Being responsible for the procedure at each crossing

(5) Making sure each school patrol member wears his or her equipment while on duty

(6) Arranging for a substitute in case of absence of a regular school patrol member

(7) Manning the post in case of an emergency. [Order 7-75, § 392-151-070, filed 12/22/75. Formerly WAC 392-24-260.]

WAC 392-151-075 Hours on duty. The hours that patrol members are on duty shall be determined by the needs of the school area from an accident prevention standpoint and the time schedule of the school being served. The schedule of each student patrol member shall be so planned as to make it unnecessary for the student to miss regular school work for lengthy periods. Parents shall be informed of the amount of time students are scheduled to serve on patrols and how much class time may be missed due to patrol duty.

When a patrol member has been assigned to a particular crossing, the member shall be on duty at all times students are normally crossing streets or highways in going to and from school. Members shall be at their posts 10 to 15 minutes before the first class in the morning and 10 to 15 minutes before school begins in the afternoon.

At dismissal times, arrangements shall be made for student patrol members to leave their classes 2 or 3 minutes before the dismissal bell. Patrol members shall remain on duty until the patrol captain or patrol supervisor gives the dismissal signal. [Order 7-75, § 392-151-075, filed 12/22/75. Formerly WAC 392-24-265.]

WAC 392-151-080 The patrol captain. The duties of the patrol captain may be:

(1) Assign patrol members to their posts. See that patrol members report on time and keep a record of their attendance. If a patrol member is absent and no substitute is available, the captain may assign the lieutenant to fill in or man the post himself or herself in emergencies.

(2) Make daily inspections. This is to make sure that each patrol member wears his or her equipment and that the equipment is kept in good, clean condition and properly stored when not in use.

(3) Enforce the rules of operation. Dereliction of duty may be dealt with by the captain.

(4) Make safety talks. The captain may be asked to make presentations to the student body and at regular patrol meetings.

(5) Report accidents and violations. The patrol captain may be responsible for the reporting of all accidents and violations to the patrol supervisor. [Order 7-75, § 392-151-080, filed 12/22/75. Formerly WAC 392-24-270 and 392-24-275.]

WAC 392-151-085 General duties of patrol members. Each school patrol member shall adhere to the following duties and rules:

(1) Report to the crossing on time and remain during the prescribed period or until properly relieved.

(2) Perform duties as outlined.

(3) Wear standard uniform at all times while on duty.

(4) Be polite at all times.

(5) Attend strictly to the task and do not permit attention to be diverted while on duty.

(6) Direct students, not vehicular traffic.

(7) Know the procedures to follow in case of an accident or emergency.

(8) Notify the designated person in advance of anticipated absence. [Order 7-75, § 392-151-085, filed 12/22/75. Formerly WAC 392-24-280.]

WAC 392-151-090 Standard uniforms. The standard uniform for school patrol members shall be a helmet, badge, vest, and/or raincoat and shall be worn only during a patrol function.

The helmet shall be fluorescent orange, white, red, or yellow. For additional visibility during hours of darkness, reflective tape may be added to the uniform.

The school patrol vest shall be fluorescent orange with reflective white bands.

The raincoat shall be fluorescent orange, red, or yellow. [Order 7-75, § 392-151-090, filed 12/22/75. Formerly WAC 392-24-285.]

WAC 392-151-095 Equipment. Each school patrol member, while on duty, shall have a fluorescent flame orange or a red flag of color-fast material approximately 14 inches by 16 inches bearing the word "STOP" in white lettering and attached to a staff approximately 40 inches long.

All flags shall be displayed by the school patrol at a 45-degree angle extending toward the center of the street or highway. The purpose of the flag is to increase visibility and give warning to approaching motorists, not to direct traffic. [Order 7-75, § 392-151-095, filed 12/22/75. Formerly WAC 392-24-290.]

WAC 392-151-100 Care of equipment—Dismissal. Each school patrol member shall be responsible for the care of his or her equipment. There shall be periodic inspections and inventories to make sure the equipment is not lost and that it is kept in reasonably good condition.

School patrol members shall be required to return their equipment to the school supply room at the end of the school term.

School patrol officers may be responsible for the regular inspection and to see that school patrol equipment is kept in good condition and in its proper place. A record of inspections may be kept for submission to the school patrol supervisor. Willful abuse of equipment by a patrol member shall be grounds for dismissal. [Order 7-75, § 392-151-100, filed 12/22/75. Formerly WAC 392-24-295.]

WAC 392-151-105 Instruction of patrol members. Each school patrol member shall be thoroughly trained in his or her duties before being permitted to take assigned posts. Instruction shall include the fundamentals of patrol operation—where and how to stand when on duty, how to handle the patrol flag, and what constitutes a sufficient gap in vehicular traffic to permit safe crossing by students. Emphasis shall be placed on special

hazards and the need for constant alertness. Types of training which shall be given members are:

(1) On-the-job training for at least one week under the direction of an experienced patrol member.

(2) Personal instruction by the patrol supervisor, a police officer, or a designated school district safety official.

(3) Reading and understanding written instructions which the school has compiled for the specific purpose of instructing new members.

(4) Attending a special "clinic" made up of new and old members of the patrol. [Order 7-75, § 392-151-105, filed 12/22/75. Formerly WAC 392-24-300.]

WAC 392-151-110 Installing school patrol members. New members of a school patrol shall be formally installed. The school principal or a law enforcement officer shall be present to administer the pledge and explain to the student audience the need for cooperation in making school patrol protection effective.

The pledge shall be given to the school patrol candidates during the installation. The school safety patrol card shall be issued to each member. The card shall be signed by the patrol member, parent, or guardian and the school principal or patrol supervisor. [Order 7-75, § 392-151-110, filed 12/22/75. Formerly WAC 392-24-305 and 392-24-310.]

WAC 392-151-115 Patrol operation—Assignment and inspection. Student school patrol members shall be instructed to leave their classes quietly when released for patrol duty and go directly to the patrol assembly point. The patrol supervisor or an officer shall see that each member is provided with the proper equipment and assigned to a specific crossing. If a post remains uncovered, another patrol member shall be assigned to cover that crossing.

After receiving equipment and being assigned, patrol members shall walk quietly to their crossings. In crossing streets, members shall protect each other in the same manner they protect other pedestrians. [Order 7-75, § 392-151-115, filed 12/22/75. Formerly WAC 392-24-315.]

WAC 392-151-120 Basic crossing position and flag operation. Each school patrol member shall stand back of the curb—not in the street—and remind students to wait behind the flag until there is an adequate gap in traffic. A safe distance from the edge of the street shall be the length of the flag staff. When the traffic gap occurs, a patrol member shall step aside and extend the flag over the roadway. The flag shall be displayed in a 45-degree position with the word "STOP" level to the ground. When it is safe to cross, patrol members shall signal audibly, "Ready, Walk", enabling students to cross in a group.

When a patrol member's view of traffic is obstructed, it may be necessary for the patrol member to step into the street. In this event, the patrol member shall go no farther than the outer edge of the obstruction. Students

shall remain in back of the curb until allowed to cross. After the students have crossed, the patrol member shall lower the flag and return to the curb. [Order 7-75, § 392-151-120, filed 12/22/75. Formerly WAC 392-24-320.]

WAC 392-151-125 Single posts. On a narrow street with light vehicular traffic and little or no turning problems, a single school patrol member may be able to handle the crossing adequately. The patrol post in this case shall be on the side of the street where students approach the crossing. While primarily responsible for traffic approaching from the left, the patrol member shall look to both left and right and for turning cars. [Order 7-75, § 392-151-125, filed 12/22/75. Formerly WAC 392-24-325.]

WAC 392-151-130 Traffic hazards—Surveys. School authorities shall confer with traffic authorities in arranging for appropriate parking restrictions on streets adjacent to or near schools and school crossings.

When vehicular traffic is such that adequate safe gaps do not occur at school crossings at reasonably frequent intervals to allow pupils to cross the street or highway safely, the traffic problem shall not be a safety patrol responsibility. It is the function of the traffic authorities to create the necessary interruption of vehicular traffic. A survey (preferably a cooperative survey by traffic engineers, school officials, and law enforcement) shall be made to determine the additional measures to be provided at times when students are going to and from school. [Order 7-75, § 392-151-130, filed 12/22/75. Formerly WAC 392-24-330.]

WAC 392-151-135 Multiple posts. Crossings which require two school patrol members shall have the patrol members stationed on opposite sides of the street. One patrol member shall act as a "sender" and the other as "receiver". The patrol member first approached by pedestrians shall decide when it is safe to cross and shall be the more experienced of the two. Each member shall watch primarily to the left for approaching traffic. The patrol members shall face directly across the street toward their partner while students are crossing to enable them to see cars coming from either left or right. Both patrol members shall be alert to possible curb-turning cars before stepping into the crosswalk. [Order 7-75, § 392-151-135, filed 12/22/75. Formerly WAC 392-24-335.]

WAC 392-151-140 Operation with an adult patrol member or police officer or traffic signal. When the vehicular traffic is such that control by a police officer, an adult school patrol member, or traffic signal is required, student school patrol members shall assist by directing students to cross in conformance with the direction given by the police officer or adult patrol member assigned to the crossing or in conformance with the time cycle of the signal. [Order 7-75, § 392-151-140, filed 12/22/75. Formerly WAC 392-24-340.]

WAC 392-151-145 Operation at an intersection with traffic signal. At an intersection with a traffic signal, the light shall govern school patrol operation and the movement of students.

When the light turns green in the direction the students are to cross, the patrol members shall be certain that all approaching cars are stopping for their red light. When the patrol members are sure that traffic does not constitute a hazard, the patrol members shall follow the basic crossing procedure.

Before the red signal comes back on, patrol members shall return to the curb and stop all stragglers. Patrol members shall know the length of time the green is on and be able to estimate the correct moment to stop the flow of pedestrians.

When the signal is a pedestrian-actuated light, it shall be controlled by the "sender" patrol member. The "WALK" phase of this type of light is shorter than the green phase of the regular traffic light so that small compact groups of pedestrians may be allowed to cross at one time. [Order 7-75, § 392-151-145, filed 12/22/75. Formerly WAC 392-24-350.]

WAC 392-151-150 Violation reports and accidents. Moving motor vehicle violations at school crossings shall be reported to the appropriate law enforcement agency. School patrol members shall report all incidents which occur on or near their crossings which appear to involve unsafe practices on the part of anyone. Such reports shall be made to the patrol supervisor.

If the incident involves a driver violation, the license number of the car shall be written down immediately. Reports shall be reviewed by the patrol supervisor and principal. When the principal feels that a particular violation has occurred which requires follow-up by the police department, a violation report shall be filled out.

In the event of an injury accident or emergency at their post, patrol members shall observe the following directions:

- (1) If the accident was caused by a vehicle, obtain license number.
- (2) Never leave the crossing. Dispatch messengers to the school office stating location, nature, and seriousness of accident.
- (3) Keep all students on the curb.
- (4) Obtain name and address of victim and witnesses.
- (5) Make a report to the patrol supervisor. [Order 7-75, § 392-151-150, filed 12/22/75. Formerly WAC 392-24-355, 392-24-360 and 392-24-365.]

Chapter 392-153 WAC

TRAFFIC SAFETY EDUCATION—DRIVER EDUCATION

WAC

392-153-005	Purposes.
392-153-010	Definitions.
392-153-015	Reimbursements or grants to school districts.
392-153-020	Teacher and instructor qualifications.
392-153-025	Traffic safety education vehicles.
392-153-032	Realistic level of effort.
392-153-035	Scheduling.
392-153-040	Administration.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

392-153-030 District curriculum guides. [Order 13-76, § 392-153-030, filed 12/21/76; Order 7-75, § 392-153-030, filed 12/22/75. Formerly WAC 392-50-050.] Repealed by Order 6-77, filed 7/27/77, effective 9/11/77.

Reviser's note: With the filing of Superintendent of Public Instruction Order 7-75, on December 22, 1975, chapter 392-50 WAC, entitled Traffic Safety Education, has been superseded by chapter 392-153 WAC. See Title 392 WAC Digest page for disposition of chapters and reference notes relative thereto.

WAC 392-153-005 Purposes. The purposes of this chapter are to implement chapter 46.81 RCW and establish the basic requirements governing the operations and scope of traffic safety education programs which may be conducted by any school district maintaining a secondary school which includes any of the grades 10 through 12 or a commercial driving school under the requirements of RCW 46.20.100. [Order 6-77, § 392-153-005, filed 7/27/77, effective 9/11/77; Order 13-76, § 392-153-005, filed 12/21/76; Order 7-75, § 392-153-005, filed 12/22/75.]

WAC 392-153-010 Definitions. (1) A "traffic safety education course" shall mean an accredited course of instruction in traffic safety education which shall consist of two phases: classroom instruction, laboratory experience and observation time.

(2) "Classroom instruction" shall mean that portion of a traffic safety education course, based in a classroom environment, which is characterized by student learning under the management of a qualified teacher or teachers.

(3) "Laboratory experience" shall mean that portion of a traffic safety education course, covering motor vehicle operation under real or simulated conditions, characterized by student learning experiences arising from use of simulation equipment, an off-street multiple car driving range, and/or on-street driving practice in a dual controlled car under the direction of a teacher.

(4) A "qualified teacher of traffic safety education" shall mean an instructor certificated under the provisions of chapter 28.70 RCW and certificated by the superintendent of public instruction to teach either the classroom phase or the laboratory phase of the traffic safety education course, or both, under regulations promulgated by the superintendent: *Provided*, That the laboratory phase of the traffic safety education course may be taught by instructors certificated under rules promulgated by the superintendent of public instruction, exclusive of any requirement that the instructor be certificated under the provisions of chapter 28A.70 RCW. Commercial instructors certificated under the provisions of chapter 46.82 RCW, and participating in this program, shall be subject to qualification requirements jointly adopted by the superintendent of public instruction and the director of the department of licensing.

(5) "Regularly enrolled high school students" shall mean any full or part time student enrolled in a course offered in a common school district. [Order 6-77, 392-153-010, filed 7/27/77, effective 9/11/77; Order 13-

76, § 392-153-010, filed 12/21/76; Order 7-75, § 392-153-010, filed 12/22/75. Formerly WAC 392-50-010.]

WAC 392-153-015 Reimbursements or grants to school districts. All payments to school districts pursuant to RCW 46.81.060 for programs in traffic safety education shall be limited to reimbursement for students twenty-one years of age and under completing an approved traffic safety education program. Traffic safety education programs shall be approved by the superintendent of public instruction on an annual basis. Each school district offering an approved traffic safety education course shall be reimbursed or granted an amount up to the level established by the superintendent of public instruction as may be provided from the traffic safety education account. [Order 6-77, 392-153-015, filed 7/27/77, effective 9/11/77; Order 13-76, § 392-153-015, filed 12/21/76; Order 7-75, § 392-153-015, filed 12/22/75. Formerly WAC 392-50-020.]

WAC 392-153-020 Teacher and instructor qualifications. (1) A teacher certificated under provisions of chapter 28A.70 RCW shall be eligible to teach the classroom or laboratory phases of the traffic safety education program if he/she possesses the following qualifications in addition to those required under chapter 28A.70 RCW:

- (a) Possesses a valid Washington state driver's license.
 - (b) Provides a record(s) from the Washington state department of licensing and/or other driver licensing jurisdiction for a five-year period showing:
 - (i) Not more than three moving traffic violations within the preceding 12 months or more than four moving traffic violations in the preceding 24 months;
 - (ii) No alcohol related traffic violation within the preceding three years;
 - (iii) No driver's license suspension, cancellation, revocation or denial within the preceding three years.
 - (c) Has completed at least one 3-quarter credit hour course in general safety education and at least three courses consisting of 3-quarter credit hours each in traffic safety education as approved by the office of the superintendent of public instruction.
 - (d) Possesses a valid traffic safety education endorsement issued by the superintendent of public instruction.
- (2) Any person endorsed by the superintendent of public instruction to teach traffic safety education in the state of Washington prior to May 27, 1969, and who possesses a consultant special certificate but does not hold a valid teaching certificate required by WAC 392-153-010(4), shall continue to be qualified to each both classroom and laboratory phase of traffic safety education in this state on the condition that he or she renew such consultant special certificate on an annual basis and maintain a satisfactory driving record as set forth above in WAC 392-153-020(1a) and (1b).

(3) The laboratory phase of the traffic safety education course may be taught by a commercial instructor licensed by the department of licensing pursuant to chapter 46.82 RCW or an instructor who, although not

certificated pursuant to chapter 28A.70 RCW or chapter 46.82 RCW, serves under the supervision of the district traffic safety education program coordinator or his/her designee and who meets the following qualifications:

- (a) Possesses a valid Washington state driver's license.
- (b) Is at least 25 years of age.
- (c) Has at least 5 years of driving experience.
- (d) Holds a high school diploma or its equivalent.
- (e) Provides a record(s) from the Washington state department of licensing and/or other driver licensing jurisdiction for a 5 year period showing a satisfactory driving record as set forth above in WAC 392-153-020(1b).
- (f) Provides evidence of the following:
 - (i) Completion of at least forty 60-minute clock hours of study in the field of driving instruction as required by RCW 46.82.130 and as approved by the office of the superintendent of public instruction and the department of licensing;
 - (ii) Completion of behind-the-wheel supervised practice in instructing;
 - (iii) A recommendation for a certificate from a school district superintendent or from a commercial school approved by the office of the superintendent of public instruction.
- (g) Passes practical and knowledge examinations developed and administered by the department of licensing and required under provisions of chapter 46.82 RCW for commercial instructors.
- (h) Provides evidence to an agent approved by the office of the superintendent of public instruction of the following instructional competencies:
 - (i) Uses teaching methods which allow for individual student driving abilities, reduces student anxieties, and involves backseat observers;
 - (ii) Communicates clearly, using appropriate technical vocabulary;
 - (iii) Select routes for on-street lessons and conducts student learning activities from simple to complex which correspond with the learner's mental, physical and emotional performance capabilities in coordination with classroom activities;
 - (iv) Maintains a position within the vehicle for awareness of the traffic scene and utilizes control instruments to maintain safety and facilitate instruction;
 - (v) Applies uniform evaluation criteria in assessing needs and progress of students during and after each lesson.
- (i) Persons desiring to teach in the simulator or on the multiple car driving range shall provide evidence of having completed an additional thirty clock hours of study which includes supervised practice in instructing in each area as approved by the office of the superintendent of public instruction and the department of licensing: *Provided*, That a person who holds a valid certificate under the provisions of chapter 28A.70 RCW and meets the requirements for traffic safety certification set forth under [WAC] 392-153-020(1) who is employed as a paraprofessional shall not be required to meet any of the requirements set forth above in WAC 392-153-020(3).

(4) The superintendent of public instruction shall issue the consultant special certificate to any person who files an application, pays the appropriate fee(s), and meets the requirements set forth in WAC 392-153-020(2) or (3) for certification as an instructor of the laboratory phase of traffic safety education.

(5) Certificates issued to teach the laboratory phase of traffic safety education under provisions of chapter 392-153 WAC shall be valid for one year. Reissuance of such certificates shall be subject to the following requirements:

- (a) Verification of employment or intent to employ;
- (b) Verification of a satisfactory driving record.

(6) The fee for the consultant special certificate shall be \$1.00 which shall be remitted to an educational service district. [Order 5-77, § 392-153-020, filed 7/27/77, effective 9/11/77; Order 13-76, § 392-153-020, filed 12/21/76; Order 7-75, § 392-153-020, filed 12/22/75. Formerly WAC 392-50-030.]

WAC 392-153-025 Traffic safety education vehicles. All free-loan vehicles shall comply with subsections (1), (2), and (3) of this section. District-owned vehicles shall comply with subsections (1) and (2) only.

(1) Equipment. Every vehicle used in on-street instruction shall be equipped with a dual control brake and rear view mirror for the instructor.

(2) Signing. Every vehicle used in on-street instruction shall have a sign readable from the rear with normal vision from a safe following distance. The sign shall designate the vehicle as a traffic safety education vehicle or a vehicle driven by a student driver, or display a recognizable symbol designating student driver.

(3) Use. A traffic safety education vehicle shall be used exclusively for traffic safety education purposes. [Order 13-76, § 392-153-025, filed 12/21/76; Order 7-75, § 392-153-025, filed 12/22/75. Formerly WAC 392-50-040.]

WAC 392-153-032 Realistic level of effort. Each school district shall have a locally written curriculum guide available to each teacher and such guide shall be used in the traffic safety education program.

The student shall be taught at least the following program concepts: introduction to highway transportation system; preparing and controlling the vehicle; maneuvering in limited space; signs, signals, and pavement markings; vehicle characteristics; human functions used in driving; roadway variations; intersections; traffic flow tasks; lane changes; passing; nonmotorized traffic; internal factors affecting driving performance; physical factors affecting driving performance; alcohol and drugs; vehicle maintenance; planning for travel; limited visibility; reduced traction; special driving conditions; vehicle malfunctioning; avoiding and minimizing impact; post-crash responsibilities; legal responsibilities; and highway transportation system improvement. The guide shall also include:

(1) The performance objectives appropriate for the area of instruction.

(2) The methods of instruction used by the teacher in presenting the material.

(3) The student activities that will enable a student to accomplish the objectives and to the extent possible allow for individual differences.

(4) The level of competency each student is to successfully complete in each objective.

(5) The evaluation criteria for the classroom and laboratory phase.

A student shall meet the objectives and competencies listed in the district curriculum guide as a condition of successful completion of the traffic safety education program.

A completing student to be eligible for state reimbursement or a grant means a person who has enrolled in an approved course and has met one of the following criteria:

(1) Has completed all the program objectives as required by the school district and approved by the state superintendent of public instruction and has received a passing grade, or

(2) Has received a failing grade after attending more than 50% of the program's scheduled classes but achieved less than 90% of the program objectives, or

(3) Has officially withdrawn, dropped, or transferred after attending more than 50% of the program's scheduled classes.

A student taking the course more than once because of a failing grade on the first and subsequent attempts may be counted as a completing student for each attempt.

Commencing 9/1/77, the traffic safety education course including the classroom and the laboratory phase shall be provided for students in a time period not to exceed 18 school weeks nor be less than 9 school weeks during the school year: *Provided*, That summer school course offerings and commercial driving schools offering an approved program shall not be less than 5 weeks in length. In addition, the traffic safety education course shall:

(1) Provide students with no more than 2 hours of classroom instruction and one hour of on-street instruction during any 24 hour period. Where simulation and/or off-street multiple car driving ranges are utilized, not more than one additional hour per student per day shall be allowed.

(2) Provide laboratory instruction only to students who are currently participating in classroom instruction. [Order 6-77, § 392-153-032, filed 7/27/77, effective 9/11/77.]

WAC 392-153-035 Scheduling. (1) Any portions of a traffic safety education course may be taught after regular school hours or on Saturdays, as well as on regular school days or as a summer school course, at the option of the school district.

(2) Classroom and laboratory instruction shall be offered concurrently. Classroom treatment of concepts, where applicable, shall be followed by laboratory treatment of those concepts before other concepts are introduced in the classroom portion of instruction in the traffic safety education course.

(3) All traffic safety education courses provided by a school district shall be conducted during daylight hours:

Provided, That such courses may be extended to the hours of 5:00 p.m. during winter months even though darkness may occur prior to 5:00 p.m.

(4) Night driving experiences may be offered by a school district as a part of the traffic safety education course: *Provided*, That (a) a student has previously completed sufficient daytime driving experience, and (b) such night driving experience shall in no case exceed fifty percent of the student's total driving experience.

On-street instruction shall be included in all programs. [Order 13-76, § 392-153-035, filed 12/21/76; Order 7-75, § 392-153-035, filed 12/22/75. Formerly WAC 392-50-060.]

WAC 392-153-040 Administration. (1) Each school district shall appoint a supervisor, coordinator, master teacher or other person to be in charge of the district's traffic safety education program. The person appointed pursuant to this section shall be responsible for ensuring that the requirements of this chapter governing the operation of an approved traffic safety education course are adequately maintained on a continuing basis.

(2) Each school district shall adopt written criteria governing the enrollment of students in traffic safety education programs provided by the district.

(3) Each school district shall maintain individual student records on forms provided by the superintendent of public instruction or an equivalent form approved by the superintendent which includes the student's progress, time involvement and evaluation results.

(4) Each school district shall maintain accurate cost records as required by F-196, Part II, as now or hereafter amended and such further information and records as may be required by *The Accounting Manual for Public School Districts of the State of Washington*. [Order 6-77, § 392-153-040, filed 7/27/77, effective 9/10/77; Order 13-76, § 392-153-040, filed 12/21/76; Order 7-75, § 392-153-040, filed 12/22/75. Formerly WAC 392-50-070.]

Chapter 392-161 WAC

GRANTS MANAGEMENT—URBAN, RURAL, RACIAL, DISADVANTAGED EDUCATION PROGRAMS

WAC

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Reviser's note: With the filing of Superintendent of Public Instruction Order 7-75, on December 22, 1975, chapter 392-90 WAC, entitled Washington State Urban, Rural, Racial, Disadvantaged Education Programs, has been superseded by chapter 392-161 WAC. See Title 392 WAC Digest page for disposition of chapters and reference notes relative thereto.

WAC 392-161-005 Purposes. The purposes of this chapter are to implement RCW 28A.41.250 through 28A.41.290 and govern the administration of urban, rural, racial, disadvantaged educational programs (URRD). URRD programs shall be for the purpose of achieving the following goal: To provide compensatory educational services to students who are not succeeding in school because of disadvantaged, minority, or poverty backgrounds—in order to raise their level of educational attainment to that level appropriate for children of their age. [Order 7-75, § 392-161-005, filed 12/22/75. Formerly WAC 392-90-800.]

WAC 392-161-010 Definitions. The following definitions shall apply to terms used in the goal statement:

(1) "Disadvantaged child" refers to a child who has a need for compensatory educational assistance in order to raise academic or cultural underachievement resulting from poverty, neglect, delinquency—or cultural, geographic, ethnic, or linguistic isolation.

(2) "Educational attainment" refers to areas of cognitive or academic achievement, increased attendance, reduction in dropout rates and disruptive behavior, as well as to student attitude toward self, others, and the community. [Order 7-75, § 392-161-010, filed 12/22/75. Formerly WAC 392-90-805.]

WAC 392-161-015 Administrative duties of the superintendent of public instruction. The superintendent of public instruction shall fulfill URRD program administrative duties according to the conditions set forth in this chapter. [Order 7-75, § 392-161-015, filed 12/22/75. Formerly WAC 392-90-810.]

WAC 392-161-020 URRD state advisory committee. The superintendent of public instruction shall appoint a statewide URRD advisory committee composed of twenty-one (21) interested citizens who will serve at the pleasure of the superintendent. The duties of the URRD advisory committee shall be to:

(1) Advise the superintendent on policies and procedures related to the administration of the urban, rural, racial, disadvantaged education programs.

(2) Advise the superintendent on criteria for approval of applications.

(3) Recommend to the superintendent those proposals which should be approved, modified, or rejected.

(4) Review evaluation material regarding project effectiveness and make recommendations to the superintendent for strengthening or terminating project activities.

(5) Visit project activity to obtain meaningful information and greater understanding of programs.

(6) Make recommendations to the superintendent regarding program appropriation requests to subsequent legislative sessions.

(7) Meet with legislators upon legislators' requests to advise toward greater understanding of the problems of the urban, rural, racial, disadvantaged program and to inform as to the progress of this program. [Order 7-75, § 392-161-020, filed 12/22/75. Formerly WAC 392-90-815.]

WAC 392-161-025 URRD program supervision.

The superintendent of public instruction's administrative responsibility for URRD programs shall be discharged by an education program specialist holding the working title of URRD supervisor, whose major administrative duties shall be to:

(1) Interpret URRD program policies, goals, and guidelines for school district superintendents, local project managers, advisory committee members, and other interested parties.

(2) Review, negotiate, and set funding levels for all project proposal applications.

(3) Respond to intra-agency and external URRD program information requests.

(4) Organize and prepare materials for URRD state advisory committee meetings, site visitations, and other related activities.

(5) Monitor project activities.

(6) Organize and implement technical assistance workshops and conferences held for local project personnel and for others.

(7) Organize and implement all activities related to proposal application competition for URRD grant award applications.

(8) Participate in regularly scheduled intra-section (grants management) meetings involving program progress reports, sectional planning, and policy interpretation.

(9) Prepare annual URRD progress reports for the state legislature.

(10) Review and respond to applicant requests for budget and/or program revisions.

(11) Supervise appropriate program activities undertaken by state office personnel assigned to the URRD program for the purpose of facilitating performance of the administrative responsibilities herein listed.

(12) Initiate URRD program budget requests.

(13) Initiate consultancy contracts for state level services required by the URRD program and set necessary performance guidelines.

(14) Arbitrate project level policy disputes and implement the appeal procedure described in WAC 392-161-155.

(15) Facilitate the coordination of URRD program activities with other compensatory education programs. [Order 7-75, § 392-161-025, filed 12/22/75. Formerly WAC 392-90-820.]

WAC 392-161-030 Eligibility requirements. For the purpose of the urban, rural, racial, disadvantaged program, the superintendent of public instruction is authorized to accept and fund program requests submitted by and operated by any public or private agency, provided such agency is not prohibited from receiving or using public money by the operation of other laws. [Order 7-75, § 392-161-030, filed 12/22/75. Formerly WAC 392-90-825.]

WAC 392-161-035 Evidence of school district proposal review. Submitting agencies other than public school districts and educational service districts shall append to their proposal applications a letter of evidence that their URRD proposal has been reviewed by the school district within which the proposed program will be implemented. Such evidence will include a summary of school district suggestions for program areas of possible interagency cooperation, as well as program areas where the school district feels the proposed new program will result in duplication of existing school district educational efforts. [Order 7-75, § 392-161-035, filed 12/22/75. Formerly WAC 392-90-830.]

WAC 392-161-040 Required documentation. All applicant agencies shall append to their proposal applications acceptable documentation of the following conditions:

(1) Proposal approval by their board of directors or governors.

(2) Proposal approval by members of the program's citizen advisory committee.

(3) Adequate funds at applicant agency disposal (and at applicant agency's subcontractor's disposal) to promptly discharge financial obligations incurred by their URRD program(s) before submitting quarterly or monthly claims for reimbursement from the superintendent of public instruction. [Order 17-76, § 392-161-040, filed 12/21/76; Order 7-75, § 392-161-040, filed 12/22/75. Formerly WAC 392-90-835.]

WAC 392-161-045 Private applicant agency requirement. All private agencies applying for URRD funds shall append to their application a copy of their articles of incorporation, their charter, or their bylaws which clearly indicates the purpose(s) for which their agency was created. [Order 7-75, § 392-161-045, filed 12/22/75. Formerly WAC 392-90-840.]

WAC 392-161-050 Authorized program activities. Public school districts shall develop projects under the

purposes of the grant which are related to existing or planned educational programs for meeting documented student needs in the district school system. School districts are encouraged to use other sources of financial support to complement the provisions of the URRD grant and to develop appropriate relationships to the total school programs. [Order 7-75, § 392-161-050, filed 12/22/75. Formerly WAC 392-90-845.]

WAC 392-161-055 Interdistrict or consortium projects. Public school districts and educational service districts are encouraged to develop interdistrict or consortium projects in order to effect maximum efficiency and economy in meeting common needs. [Order 7-75, § 392-161-055, filed 12/22/75. Formerly WAC 392-90-850.]

WAC 392-161-060 Complementary nature of private agency projects. Agencies other than public school districts shall develop preschool through grade twelve projects which complement rather than duplicate existing programs sponsored by the school district in which their programs will be located. [Order 7-75, § 392-161-060, filed 12/22/75. Formerly WAC 392-90-855.]

WAC 392-161-065 Fiscal constraints. (1) Funds appropriated for URRD educational programs shall not be used as a substitute for existing local support for school programs but must be utilized for the development of new programs, for extension of present programs, or as a supplement to financial resources secured by a school district from other than local sources.

(2) In projects where several categorical aid funding sources impact on children in a school district's URRD program, the funds from sources other than URRD shall be expended first whenever it is possible. Any underexpenditure shall be credited to the URRD program unless written arrangements to the contrary are made with the superintendent of public instruction. [Order 7-75, § 392-161-065, filed 12/22/75. Formerly WAC 392-90-860.]

WAC 392-161-070 Basic program thrust summarized. On a competitive basis, URRD grants will periodically be awarded to plan, implement, and support innovative, exemplary, or supplementing activities directed at critical documented needs of target populations. The following activities may be supported by URRD funds either as consecutive project applications or as integrated components of a single application: program planning to meet a recently documented need; pilot project implementation to meet a recently documented need; fully operational project to meet a recently documented need.

(1) Planning activities are authorized under URRD for the purpose of formulating a solution to a documented educational need and to assist in the design of pilot and operational activities addressing the identified need(s).

(2) Pilot activities are expected to test the feasibility of operational project designs on a small scale and can be a valuable part of program development.

(3) Operational activities are the demonstration on a larger scale of successful educational practices which have been previously tested and found to be effective in meeting specific documented needs.

All such activities authorized to be supported by financial allocations made available to grantees under this legislation shall be designed to carry out the purpose described in WAC 392-161-075 through WAC 392-161-125. [Order 7-75, § 392-161-070, filed 12/22/75. Formerly WAC 392-90-865.]

WAC 392-161-075 URRD program categories. The superintendent of public instruction has established five program categories eligible for URRD funding.

Annually, the superintendent shall specify and publicly announce the percentages and dollar amounts of the total URRD program allocation that will be available to fund the highest competitive projects in each program category.

Additionally, the superintendent shall provide guidelines for such intra-category competition, including minimum levels of expected program outcome and priority funding areas within each of the five program categories. [Order 7-75, § 392-161-075, filed 12/22/75. Formerly WAC 392-90-870.]

WAC 392-161-080 Reentry motivation programs summary. (1) Description: URRD reentry motivation programs shall be designed to serve students who have not graduated from high school and, for one reason or another, are no longer enrolled in a K-12 public school program. Primary emphasis in this category is on returning nonattending students to school programs and improving their academic achievements, resulting ultimately in their graduation or employment. Reentry motivation programs may also serve students with high dropout potential.

(2) Examples of such educational program areas include, but are not limited to, the following general description: Alternative education programs; work-study programs; specialized tutorial programs; specialized counseling programs; innovative combinations of these examples. [Order 7-75, § 392-161-080, filed 12/22/75. Formerly WAC 392-90-875 (part).]

WAC 392-161-085 Reentry motivation program—Evaluation of effectiveness. Minimum standards for evaluation of effectiveness for reentry motivation programs are:

(1) At least 75 percent of those students leaving reentry motivation programs will either graduate, transfer to another education program, or be prepared for job opportunities.

(2) As measured on whatever achievement instrument deemed appropriate by the project staff and the superintendent of public instruction, the group average of the raw scores of students (enrolled in reentry motivation programs for more than six months) will increase. [Order 7-75, § 392-161-085, filed 12/22/75. Formerly WAC 392-90-875 (part).]

WAC 392-161-090 Preschool education programs summary. (1) Description: URRD preschool programs shall be designed to serve economically disadvantaged students (2-1/2 to 5 years old) in order to better equip them for successful school participation. Primary emphasis in this category is on establishing the strongest educational foundation commensurate with each individual participant's capabilities.

(2) At least 50 percent of all children enrolled in URRD preschool programs shall come from families whose incomes are at or below \$9,000, with future family income levels being reestablished or maintained at a level discretionary to the superintendent of public instruction.

(3) Examples of such education program areas include, but are not limited to, the following general descriptions: Basic education and enrichment programs operated by a school district but isolated from the district's K-12 classrooms; basic educational and enrichment programs operated by a school district with appropriately structured interaction activities between the preschool children and the district's K-12 students; basic education enrichment programs operated by other qualified, URRD-eligible agencies whose program design includes close cooperation with the school district where the preschool "graduate" can reasonably be expected to enroll. [Order 7-75, § 392-161-090, filed 12/22/75. Formerly WAC 392-90-880.]

WAC 392-161-095 Preschool education programs—Evaluation of effectiveness. Minimum standards for evaluation of effectiveness for preschool education programs:

At least 75 percent of the children enrolled in URRD programs for more than six (6) months will attain the participant achievement objectives set forth in the program's related proposal application. [Order 7-75, § 392-161-095, filed 12/22/75.]

WAC 392-161-100 Academic achievement programs summary. (1) Description: URRD academic achievement programs shall be designed to serve those children who: are achieving below grade level on whatever standard achievement tests are currently used in the applicant school district; or are disadvantaged by virtue of low academic achievement; or give substantive evidence of becoming severely alienated from the standard educational approaches common to their district; or are economically disadvantaged according to HEW Poverty Guidelines. This URRD program category shall also include programs which involve parents or other community resource persons in the educational process in a manner that contributes to the academic success of the target group described immediately above. Such community resource projects must include specific product objectives which can be measured in terms of student outcomes.

(2) One constraint has been defined in offering service in this category: At least 50 percent of all students served shall be enrolled students who are achieving below grade level on whatever standardized tests are currently in use in the school district to be served. Where

target students are identified by means other than achievement tests, the mean average raw score of the target group must be significantly (i.e., .55 or more) lower than that of the peer group or at least 50 percent of the target group must indicate a grade equivalency of at least six (6) months below the norm.

(3) Examples of such educational program areas include, but are not limited to, the following general descriptions: specialized tutoring programs; specialized counseling programs; early childhood education programs; dropout prevention programs; summer education programs; innovative combinations of these examples. [Order 7-75, § 392-161-100, filed 12/22/75. Formerly WAC 392-90-885 (part).]

WAC 392-161-105 Academic achievement programs—Evaluation of effectiveness. Minimum standards for evaluation of effectiveness for academic achievement programs are:

(1) As measured on whatever achievement instrument deemed appropriate by the project staff and the superintendent of public instruction, the group average of the raw scores of students (enrolled in academic achievement programs for more than six (6) months) will increase.

(2) Programs in the academic achievement category which are based solely on nonacademic community involvement, home-school liaison and highly specialized, nonacademic student counseling will meet the participant and other program objectives set forth in the program's related proposal application, as approved by the superintendent of public instruction. [Order 7-75, § 392-161-105, filed 12/22/75. Formerly WAC 392-90-885 (part).]

WAC 392-161-110 Bilingual/bicultural education programs summary. (1) Description: URRD bilingual/bicultural programs shall be designed to serve those children who, because of their national or ethnic origin, are educationally or socially disadvantaged by virtue of their deficiencies in English language skills. Instruction in these programs shall take place in both English and the students' dominant language. Emphasis in these programs shall be on the acquisition of academic skills and on cultural awareness.

This URRD category also includes programs where the thrust is primarily bicultural rather than linguistic. Such programs include racial and/or cultural integration programs which use procedures other than mandatory cross-bussing of students to achieve their objectives.

All such programs having primarily a bilingual education thrust shall be prepared in accordance with bilingual education guidelines developed by the superintendent of public instruction. These bilingual guidelines shall be supplemental to the standard format and guidelines prepared and provided by the superintendent for the submission of all URRD proposal applications.

(2) One constraint has been defined in offering service where helping children overcome a dual language handicap is the major thrust: at least 50 percent of the children participating in such URRD bilingual/bicultural

programs shall be children for whom English is not their dominant language.

(3) Examples of such education program areas include, but are not limited to, the following general descriptions: true bilingual/bicultural education—which is to produce reasonable mastery of both languages, usually requiring a commitment clear through the curriculum; mixed or blended bilingual/bicultural education where instruction is also offered in both languages on an approximately equal basis, but any time-block may contain the two languages in an integrated or blended manner; transitional (ESL)—where instruction in the second language (English) is the ultimate objective and is introduced in increments until all instruction is in English; innovative combinations of these examples. [Order 7-75, § 392-161-110, filed 12/22/75. Formerly WAC 392-90-890 (part).]

WAC 392-161-115 Bilingual/bicultural education programs—Evaluation of effectiveness. Minimum standards for evaluation of effectiveness of bilingual/bicultural education programs are:

(1) Students shall be given pre and post tests of academic achievement using instruments approved by the project staff and the superintendent of public instruction.

(2) As measured on whatever achievement instrument deemed appropriate by project staff and the superintendent of public instruction, the groups average of the raw scores of students enrolled in bilingual/bicultural programs will increase. [Order 7-75, § 392-161-115, filed 12/22/75. Formerly WAC 392-90-890 (part).]

WAC 392-161-120 Indian education programs summary. (1) Description: URRD Indian education programs shall be designed to serve both urban and rural Indian children who are disadvantaged by virtue of economic, cultural, or academic deprivation. Primary emphasis in this category is on retaining Indian children in a school atmosphere conducive to improving their academic skills and their knowledge of and pride in their respective Indian cultures.

(2) One constraint has been defined in offering service in this category: at least 60 percent of the children participating in URRD Indian education programs shall be children who identify themselves primarily as Indian.

(3) Examples of such educational program areas include, but are not limited to, the following general descriptions: special counseling programs, special tutorial programs, Indian heritage programs, health awareness programs, summer education programs, innovative combinations of these examples. [Order 7-75, § 392-161-120, filed 12/22/75. Formerly WAC 392-90-895 (part).]

WAC 392-161-125 Indian education programs—Evaluation of effectiveness. Minimum standards for evaluation of effectiveness for Indian education programs are:

(1) Students shall be given pre and post tests of academic achievement using instruments approved by the

project staff and the superintendent of public instruction.

(2) As measured on whatever achievement instrument deemed appropriate by the project staff and the superintendent of public instruction, the group average of the raw scores of students enrolled in Indian education programs will increase. [Order 7-75, § 392-161-125, filed 12/22/75. Formerly WAC 392-90-895 (part).]

WAC 392-161-130 General application information.

If additional funds become available for intra-categorical competition, the superintendent of public instruction shall publicly announce which of the URRD categories will be opened for proposal applications, giving the dollar amount available. It is anticipated that this announcement will be made annually, during the month of March, with proposal applications due April 15.

The superintendent shall also announce intra-category URRD competition whenever conditions warrant doing so. Special guidelines to expedite such competition will be available at the same time the announcement is made in "Your Public Schools" and other media.

In addition to competitive URRD proposal applications, an individual school district or a consortium of school districts, or other URRD-eligible agencies may be invited to submit a proposal for creating a special URRD project to meet a specific compensatory education need in their district(s). Such invitational proposals shall be requested solely at the discretion of the superintendent of public instruction.

Continuation applications are due annually by May 31, unless the specific guidelines covering that year state otherwise. [Order 7-75, § 392-161-130, filed 12/22/75. Formerly WAC 392-90-900.]

WAC 392-161-135 Legislative concerns and general guidelines. All applicants for URRD funds shall satisfy the following legislative concerns and general guidelines:

(1) No school district or private agency request shall be approved unless the school district or agency has meaningfully involved citizens representing the target group affected in program development. Documentation of such community involvement shall include copies of the minutes of meetings held which reflect community input into the determination of needs, as well as into planning and acceptance of the URRD proposal application.

(2) No programs of a community-wide nature shall be approved without significant involvement in program development by that community.

(3) URRD programs shall be evaluated on a biennial basis, and no program shall be funded for more than two years unless the objectives of the program have been substantially achieved or are in the process of being achieved.

(4) URRD programs involving interdistrict cooperation and/or the coordination with federal funding shall receive priority state funding.

(5) Applicant shall address proposals to a specific URRD category and include a rationale for applicants' belief that their agency should be considered for competition within that category. Such rationale shall include

documented needs of the target population which the proposed program's objectives will meet.

(6) Applicant shall give evidence of approval by health and fire officials for the facilities to be occupied by the URRD program.

(7) Applicants shall give evidence of having developed and implemented an affirmative action plan for hiring of qualified women and minorities, particularly if the target group to be served by their URRD program contains minority children.

(8) Continuation proposals involving programs operating for two years or more shall include substantial evidence of having achieved their objectives or of having made significant progress toward their objectives. They shall also provide evidence of continued parent and community support and input. [Order 7-75, § 392-161-135, filed 12/22/75. Formerly WAC 392-90-905.]

WAC 392-161-140 Review process described. URRD proposal application review shall be conducted on an intra-category basis only. Competitive applications shall receive final approval from the superintendent of public instruction, after consideration of advice forthcoming in the following manner:

(1) In numbers determined by the magnitude of the review, 3-5 person proposal review committee will review all new and continuing proposals. At least one member of each committee shall have acknowledged expertise in the URRD program category (or sub-category) being reviewed.

(2) The review committees and staff of the superintendent of public instruction, after discussing action on the proposals, shall make both a written and oral report to the URRD state advisory committee. This report shall indicate whether the proposal should be accepted as written, accepted with noted modifications, or not accepted.

(3) The URRD state advisory committee shall vote to accept, modify, or reject the review committee's report and will forward their recommendations (through the URRD Supervisor) to the superintendent of public instruction. [Order 7-75, § 392-161-140, filed 12/22/75. Formerly WAC 392-90-910.]

WAC 392-161-145 Basic selection criteria information. The proposal review committees shall review and evaluate the proposals on the basis of the objectives, required information, and criteria set forth in this chapter and on the basis of the specific guidelines announced each year by the superintendent of public instruction. (1) Basic program questions common to the three types of URRD applications include: Is there credible evidence of significant community involvement in program development? Are the needs fully documented and clearly addressed through one of the five URRD program categories in WAC 392-161-075 through 392-161-125 of this document? Are the needs further addressed by substantive measurable objectives? Has the applicant presented all data required by specific guidelines in effect for this intra-category competition?

(2) Non-biennial continuation proposals (less than one year of operation): Is there credible evidence of significant community involvement in program development? Are needs updated to reflect current status of target populations? Has formative evaluation taken place in the objectives, budget, and evaluation sections? Does rationale exist for all changes from previous year's proposal? Has the applicant presented all data required by the specific guidelines in effect for this intra-category competition?

(3) Biennial continuation proposals (in second year of operation): How successful have programs been in meeting or exceeding program objectives? (For biennial continuation proposals which will be refunded, the same criteria specified for non-biennial continuation proposals will be applied).

(4) All URRD programs: To what extent will the program contribute to a racially and/or culturally integrated educational experience for the children which it will serve? [Order 7-75, § 392-161-145, filed 12/22/75. Formerly WAC 392-90-915 (part).]

WAC 392-161-150 Additional basic selection criteria information. In addition to the basic selection criteria information enumerated in WAC 392-161-145, the proposal review committee shall review and evaluate proposals based on the following additional information:

(1) Continuing proposal programs which after two years of operation have not met or made substantial progress toward achieving their objectives shall not be considered for further URRD funding.

(2) After the second year of funding, regular continuation proposals shall be funded at the previous year's level, less 10 percent.

(3) Excessive project underexpenditures shall result in subsequent grant award reduction, at the discretion of the superintendent of public instruction, especially if such underexpenditures are due to inadequate program planning.

(4) Regular continuation programs shall be distinguished from model continuation programs which shall be funded at the previous year's level, or at a higher level.

(5) Model URRD programs described: As determined by the superintendent of public instruction, such programs shall exhibit the following characteristics: The program must have met or exceeded all of its stated objectives or provided evidence that an objective was not met due to mitigating circumstances which are acceptable to the superintendent of public instruction; their product objectives shall have proven to be realistic in meeting documented needs; the measuring instruments used were valid for the target population served; the individual URRD program strategies/procedures selected were directly related to the state URRD category objectives; the comprehensive program is most effective in terms of the number of disadvantaged children served and the degree to which desirable learner outcomes were visible; the degree of parent or community support of the program was high with the minutes of the advisory committee meetings indicating:

(a) that the meetings are held regularly.

(b) that advisory committee members are continuously involved in program planning and evaluation.

(c) that the program continues to serve the substantive educational needs of children. [Order 7-75, § 392-161-150, filed 12/22/75. Formerly WAC 392-90-915 (part).]

WAC 392-161-155 URRD appeals procedure summary. In the event an applicant agency is dissatisfied with the funding recommendation made on a project application by the URRD state advisory committee, the agency may appeal to the advisory committee through the URRD supervisor. The notice of appeal shall be received by the superintendent of public instruction no later than ten (10) days after receiving the adverse funding decision.

(1) The advisory committee shall appoint a three-member appeal panel to review the proposal in question. No member of the panel shall have been involved in reading the original proposal application or be employed by the appealing agency.

(2) The appeal panel shall recommend action on the appeal to the full advisory committee through the URRD supervisor.

(3) If the resultant recommendation of the advisory committee is not acceptable to the superintendent of public instruction's the URRD staff, then the URRD supervisor shall take both the recommendation of the URRD staff and that of the URRD state advisory committee to the superintendent for a final decision on the disposition of the project proposal.

(4) The appellant applicant shall be notified of the final appeal decision within twenty (20) days after the superintendent of public instruction has received all recommendations and documents. Notification shall be accomplished in writing by the URRD supervisor.

(5) URRD applicants are herein notified that all project funding levels may be reduced by no more than 3 percent to satisfy successful funding appeals.

(6) The period for filing funding appeals shall not be extended more than ten (10) days beyond the scheduled funding notification date for all competitive applicants.

(7) The appeals procedure established in this section is provided for at the discretion of the superintendent of public instruction.

(8) Appeals by applicants shall be conducted informally, but in a manner designed to elicit and give a full and fair consideration to pertinent facts.

(9) Appeals by URRD applicant agencies are not subject to the provisions of the State Administrative Procedures Act—chapter 34.04 RCW. [Order 7-75, § 392-161-155, filed 12/22/75. Formerly WAC 392-90-920.]

WAC 392-161-160 Program evaluation and budgeting procedures. URRD program grantees shall prepare and submit to the superintendent of public instruction three evaluation reports per year: an implementation report—to be submitted ten (10) days after completion of thirty (30) calendar days of program operation; a mid-year report—to be submitted on February 15 of

each year; a final report—to be submitted on July 15 of each year.

External (or third-party) evaluators of the Washington state URRD program shall be selected in a manner designated by the superintendent of public instruction. Such evaluators shall have worked no less than two (2) years in program evaluation to be eligible for selection. The external evaluator shall review copies of all project evaluation reports and shall conduct at least ten (10) hours of site visitations per year, and shall fulfill all other contractual terms. On the basis of these activities, the external evaluator shall assess project progress in both an interim and final report with the superintendent of public instruction.

To facilitate on-site external evaluators and SPI monitoring activities, URRD programs shall maintain for two (2) full years all program records and other data (both new and previously tabulated) which pertain to:

- (1) achievement of objectives
- (2) documentation of needs
- (3) local advisory committee involvement
- (4) documentation of claims made in reports to SPI
- (5) consultancy contracts or facility leasing agreements involving more than two hundred dollars (\$200.00)
- (6) student attendance records
- (7) the personnel files of all persons employed with URRD funds
- (8) any other URRD-related records designated by the superintendent of public instruction. [Order 7-75, § 392-161-160, filed 12/22/75. Formerly WAC 392-90-925.]

WAC 392-161-165 Integration policy statement. Whenever the superintendent of public instruction receives URRD proposal applications from Washington state's large urban centers—which in all other respects are rated of equal quality with other proposal applications—preference shall be given to that proposal which is judged to make the most significant contribution toward racial and/or cultural integration without involving the mandatory cross-bussing of students. This policy shall apply to proposal applications for any of the five basic URRD categories set forth in WAC 392-161-075 through WAC 392-161-125. [Order 7-75, § 392-161-165, filed 12/22/75. Formerly WAC 392-90-930.]

Chapter 392-163 WAC

GRANTS MANAGEMENT—ELEMENTARY AND SECONDARY EDUCATION ACT—TITLE I PROGRAM, REGULAR

WAC

392-163-005	Authority and purpose.
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Reviser's note: With the filing of Superintendent of Public Instruction Order 7-75, on December 22, 1975, chapter 392-98 WAC, entitled Grants Management—Washington State ESEA Title I Program, has been superseded by chapter 392-163 WAC. See Title 392 WAC Digest page for disposition of chapters and reference notes relative thereto.

WAC 392-163-005 Authority and purpose. This chapter is adopted pursuant to, and as a supplement to, Title 45, Part 116 of the Code of Federal Regulations. This chapter and the applicable rules of the federal office of education, as now or hereafter amended, shall govern the allocation and expenditure of federal Title I regular funds. [Order 7-75, § 392-163-005, filed 12/22/75. Formerly WAC 392-98-005.]

WAC 392-163-010 Eligible participants. Eligible participants are those students who have been identified as below grade level in reading, language arts, or mathematics and who reside in eligible attendance areas. [Order 7-75, § 392-163-010, filed 12/22/75. Formerly WAC 392-98-010.]

WAC 392-163-015 Ancillary services. Ancillary services, such as guidance, counseling, nursing, and other health services, may be provided only to those students who are identified as eligible pursuant to WAC 392-163-010. [Order 7-75, § 392-163-015, filed 12/22/75. Formerly WAC 392-98-015.]

WAC 392-163-020 Size and scope of activity. (1) The maximum amount of time a student may receive services from a specially funded program is an average of two (2) hours daily.

(2) No application for funds under Title I will be approved unless it represents a total expenditure of at least \$2,500 from all sources.

(3) Two or more local education agencies (LEA's) otherwise ineligible for funding can combine to form a cooperative if the combined allocations exceed the \$2,500 minimum expenditure.

(4) An ineligible local education agency or agencies may join with an eligible agency which serves as the applicant agency. [Order 7-75, § 392-163-020, filed 12/22/75. Formerly WAC 392-98-020.]

WAC 392-163-025 Construction and remodeling. Title I regular funds may not be used for the construction or substantial remodeling of facilities. [Order 7-75, § 392-163-025, filed 12/22/75. Formerly WAC 392-98-025.]

WAC 392-163-030 Field trips. Field trips may be provided only to those students who are identified as eligible pursuant to WAC 392-163-010, and only if the applications indicate how the planned trips relate to the attainment of the project's objectives. [Order 7-75, §

392-163-030, filed 12/22/75. Formerly WAC 392-98-030.]

WAC 392-163-035 Notification of parents. Each local education agency shall notify parents of participating students of their involvement in the program and provide reports of student progress in the program. [Order 7-75, § 392-163-035, filed 12/22/75. Formerly WAC 392-98-035.]

WAC 392-163-040 Nonpublic student involvement.

(1) Each local education agency shall be responsible for contacting and seeking the involvement of nonpublic school personnel in discussions of Title I regulations and guidelines in order that they may cooperate in the planning, implementation, and evaluation of projects.

(2) Each local education agency shall be responsible for assessing and reporting on the educational needs of nonpublic students who reside in eligible public school attendance areas. In the event the nonpublic school chooses to cooperate with the project, those students who meet the eligibility requirements, as defined in WAC 392-163-010, are eligible for such services as are consistent with Title 45, Part 116, of the Code of Federal Regulations.

(3) Each local education agency shall be responsible for maintaining written documentation of its annual efforts to secure the participation of all eligible nonpublic school students within the LEA. [Order 7-75, § 392-163-040, filed 12/22/75. Formerly WAC 392-98-040.]

WAC 392-163-045 Local education agency parent advisory council. (1) Each local education agency shall establish a parent advisory council (PAC) for the entire school district consistent with PL 93-380.

(2) The purpose of a PAC is to assist the LEA in the planning development, operation, and evaluation of the local Title I project. Parental involvement at the local level is an important means of increasing the effectiveness of the Title I programs.

(3) Each local educational agency shall demonstrate in each annual application that the majority of the PAC voting members are parents of children (including parents of nonpublic school children) who participated in the program in the year preceding the year for which application is made or who will participate in the program in the year for which application is made.

(4) The parent members of each PAC shall be selected from among the membership of the school councils by the parents themselves.

(5) The balance of the voting membership of each PAC shall be selected by parents and may include representatives of nonserved schools, nonpublic schools, and groups such as social and health service agencies, business and industry, and community groups.

(6) At least one representative from the local education agency shall serve as an ex-officio member of each PAC. No employee of the local educational agency may serve as a voting member. Title I administrators, teachers, and aides should be represented as nonvoting members of the PAC.

(7) Each PAC shall elect its own chairperson and such other officers from the voting membership as the membership deems appropriate.

(8) Each PAC shall adopt bylaws.

(9) Each local education agency shall develop and maintain an information, training, and technical assistance program for parent advisory council members.

(10) No PAC member may participate in a decision to make a recommendation with respect to a program under Title I if such a decision appears likely to result in any benefit or remuneration such as a royalty, a commission, a consultation fee, or other benefit to the member or any member of his or her immediate family. [Order 7-75, § 392-163-045, filed 12/22/75. Formerly WAC 392-98-045.]

WAC 392-163-050 School parent advisory councils.

(1) Beginning with 1975-76 applications, in addition to the district-wide council, each local education agency shall provide evidence of having legally constituted PAC's at each school served by a program consistent with PL 93-380.

(2) The purpose of the school PAC is to assist the school in the planning, development, operation, and evaluation of the school Title I project.

(3) Each applicant shall provide information as required by the superintendent of public instruction which documents the involvement of school PAC's, such as assurances signed by the PAC chairperson and minutes of PAC meetings in which the council makes recommendations regarding the proposed project.

(4) The majority of voting membership shall consist of parents of participating students as defined in WAC 392-163-045(3).

(5) The members shall be selected by the parents in the school attendance area.

(6) Title I teachers and aides should be included as nonvoting members of the PAC.

(7) The school PAC shall meet the requirement of WAC 392-163-045(7), (8), (9), and (10). [Order 7-75, § 392-163-050, filed 12/22/75. Formerly WAC 392-98-050.]

WAC 392-163-055 PAC grievance procedures.

(1) If by vote at a duly constituted meeting the parent advisory council raises doubt as to the effectiveness of a Title I proposal or project, the LEA shall provide a hearing for the council within fifteen (15) days of receipt of written notice from the advisory council chairperson. The LEA or the parent advisory council chairperson shall have the right of appeal to the superintendent of public instruction if the outcome of the local hearing is unsatisfactory. The superintendent shall conduct a hearing within fifteen (15) days of receipt of written notice from the LEA or the parent advisory council chairperson, and the decision of the superintendent shall be final.

(2) If, at any time, the superintendent of public instruction shall have reasonable cause to believe that a PAC is not representative of parents of children receiving Title I services and/or that there was otherwise a substantial abuse of the election process for the current

PAC, then the superintendent shall conduct such investigation as is deemed necessary. In the event the superintendent shall thereafter determine that such violations are actual or most probable, the superintendent shall order and monitor the implementation of such remedial action on the part of the local education agency as the superintendent may determine necessary to bring the PAC into compliance with the intent of applicable state and federal guidelines and rules. Reasonable cause to believe that there may have been a violation contemplated by this section may be established pursuant to the superintendent's review of program application and related documents, site monitoring of LEA projects, and/or the written complaints of parents of children receiving or entitled to receive Title I services which explain the time, date, place, and nature of alleged violations. For the purpose of this section, remedial action may include, but is not limited to, a revision of the composition or an election of the PAC.

Compliance with the remedial action ordered by the superintendent shall be a condition to the further disbursement of Title I funds to the LEA for the then current and future fiscal years. [Order 7-75, § 392-163-055, filed 12/22/75. Formerly WAC 392-98-055.]

WAC 392-163-060 State advisory committee—

Purpose. (1) The purpose of the state advisory committee (SAC) will be to advise the superintendent of public instruction in planning, developing, operating, and evaluating the state Title I program. Furthermore, it will facilitate communication between local parent advisory councils.

(2) Membership.

(a) The superintendent of public instruction shall select parent members from nominations submitted by local PAC's.

(b) The majority of the SAC shall consist of such parents as selected under subsection (a), above.

(c) The balance of the SAC shall consist of Title I administrators, teachers and aides, and representatives of other groups such as the state advisory committee on migrant education, social and health services, business and industry, and community groups.

(d) Bylaws shall be developed jointly by the SAC and the superintendent.

(e) Election of officers shall be conducted by the membership.

(f) All meetings of the SAC will be called by the superintendent.

(g) Members shall be reimbursed for travel and expenses to the extent permitted and consistent with the travel and per diem laws applicable to state employees. [Order 7-75, § 392-163-060, filed 12/22/75. Formerly WAC 392-98-060.]

WAC 392-163-065 Administrative costs. Up to 10 percent of the allocation may be used for administration. For purposes of this section, administration shall refer to those activities which have as their purpose the general regulations, direction, and control of the Title I project. [Order 7-75, § 392-163-065, filed 12/22/75. Formerly WAC 392-98-065.]

WAC 392-163-070 In-service training. In-service training must be geared specifically to the needs of the Title I program. This would primarily involve Title I funded staff but may in some instances involve the training of other district personnel who are directly involved in the accomplishment of the program's objectives. [Order 7-75, § 392-163-070, filed 12/22/75. Formerly WAC 392-98-070.]

WAC 392-163-075 Approval of projects. (1) Each application by an LEA shall propose projects of sufficient size, scope, and quality as to give reasonable promise of substantial progress toward meeting the needs of educationally deprived children consistent with Title 45, Part 116 CFR.

(2) Each application shall show that the priority needs of educationally deprived children in the eligible attendance areas (target populations) were determined in consultation with teachers, parents, nonpublic school authorities, and representatives of other agencies which have a genuine and continuing interest in such children and that the evidence of need and the basis for the assignment of priorities have been documented.

(3) Final approval shall not be given to any applicant until the superintendent of public instruction is assured that all compliance items have been met.

(4) Projects shall not be implemented prior to receipt of notification of approval from the superintendent of public instruction.

(5) Claims for reimbursement of fiscal expenditures made prior to the approved effective date shall not be honored.

(6) Consistent with PL 93-380, any LEA shall have an opportunity to appeal a decision of the superintendent of public instruction, first to the superintendent and then to the U.S. Commissioner of Education. [Order 7-75, § 392-163-075, filed 12/22/75. Formerly WAC 392-98-075.]

WAC 392-163-080 Evaluation. Projects shall include plans for the collection of evaluation data relating to student performance, growth, and such other data as may now or hereafter be required by the superintendent of public instruction. [Order 7-75, § 392-163-080, filed 12/22/75. Formerly WAC 392-98-080.]

WAC 392-163-085 Disposition of property. Disposition of property shall be consistent with Procedures for the Purchase, Control and Disposal of Equipment ESEA Title I, forms F581, F582, F583. [Order 7-75, § 392-163-085, filed 12/22/75. Formerly WAC 392-98-085.]

Chapter 392-164 WAC

GRANTS MANAGEMENT—ELEMENTARY AND SECONDARY EDUCATION ACT—TITLE I PROGRAM, MIGRANT

WAC

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Reviser's note: With the filing of Superintendent of Public Instruction Order 7-75, on December 22, 1975, chapter 392-96 WAC, entitled Grants management—Elementary and Secondary Education Act—Title I program, migrant, has been superseded by chapter 392-164 WAC. See Title 392 WAC Digest page for disposition of chapters and reference notes relative thereto.

WAC 392-164-005 Introduction. Although funded under the auspices of the Elementary and Secondary Education Act Title I (PL 89-10), migrant education is a result of the amendment to PL 89-10, PL 89-750. Title I Migrant Education, as legislated by PL 89-750, is unique in comparison to Title I Regular.

One of the most important elements differentiating Title I Migrant from Title I Regular is that, unlike Title I Regular, migrant education funds are not flow through monies. Through submittal of a state plan, the state superintendent of public instruction (SPI), which is the educational agency, becomes responsible for executing the educational program objectives for migrant children in the state of Washington. The state looks toward the local educational agencies (LEA's) to implement the objectives of the state plan at the operational level.

In essence, the state plan binds SPI and the United States Office of Education (USOE), migrant division, to a contractual agreement making SPI ultimately responsible for all funds received to carry out the state plan objectives. LEA's (which are, in most cases, school districts) thus become responsible to SPI and not the USOE as in the case of Title I Regular. [Order 7-75, § 392-164-005, filed 12/22/75. Formerly WAC 392-96-005.]

WAC 392-164-010 Purposes. The purposes of this chapter are to govern programs and projects funded under the amended Elementary and Secondary Education Act Title I (PL 89-750) and meet the special educational needs of migratory children of migratory agricultural workers. These state migrant program regulations are supplemental to federal Title I Regular regulations and in no way are intended to supersede or replace federal regulations in the event of a conflict. [Order 7-75, § 392-164-010, filed 12/22/75. Formerly WAC 392-96-010.]

WAC 392-164-015 Definitions. The following definitions shall apply to terms used in the goal statement: (1) "Agricultural activity" refers to a sequence of activities ranging from soil preparation through and including

the storage, curing, canning, or freezing of cultivated crops. Activities on farms or ranches related to the production and processing of milk, poultry, livestock, and fish are also considered to be agricultural activities. Under the foregoing definition, cutting, transporting, and sawing of timber are not considered to be agricultural activities nor are the catching and processing of fish from streams and the ocean. Operations involved in forest nurseries and fish farms, however, are considered to be agricultural activities.

(2) "Migratory agricultural workers" refers to those persons who have moved from one school district in a state to another in the same state or to one in another state for the purpose of finding temporary or seasonal employment in one or more agricultural activities as defined above.

(3) "Former migratory child" refers to a child who, with the concurrence of his parents, is deemed to be a migratory child on the basis that he has been an interstate or intrastate migratory child as defined in this section but has ceased to migrate within the last five years and currently resides in an area where interstate and intrastate migratory children will be served.

(4) "Interstate migratory child" refers to a child who has moved with a parent or guardian within the past year across the state boundaries in order that a parent, guardian, or member of his/her immediate family might secure temporary or seasonal employment in an agricultural activity.

(5) "Intrastate migratory child" refers to a child who resides in a state full time and who has moved with a parent or guardian within the past year across school district boundaries within that state in order that a parent, guardian, or member of his/her immediate family might secure temporary or seasonal employment in an agricultural activity.

(6) "Project" refers to those services, activities, personnel, and materials provided to migratory children in a particular area by a state educational agency either directly or indirectly through a particular local educational agency or other agency as a legally approved contract.

(7) "Academic instruction" is defined as reading, oral language, language arts, mathematics, and other areas of basic skills instruction. [Order 7-75, § 392-164-015, filed 12/22/75. Formerly WAC 392-96-015.]

WAC 392-164-020 Eligibility requirements. For the purpose of implementing the state plan for the education of migrant children, the superintendent of public instruction or his designee is authorized to accept and fund program requests by local educational agencies or other eligible agencies to operate migrant education projects. Such requests shall be made in the following manner:

(1) Project applications shall be set forth in a designated application form or other document as prescribed and approved by the SEA. Such documents shall describe:

(a) The services to be provided by each agency.

(b) The number of children to be served in total and for each service.

(c) The types and number of staff to be employed, including job responsibilities.

(d) An appropriate budget.

(2) Each such operating agency shall provide narrative and financial reports as prescribed by the SEA.

(3) All migrant projects must be planned and implemented based on the number and specific needs of the true migrant students to be served by the LEA.

(4) Migrant project funding shall be related directly to the numbers of true migrant children served and specific services provided. It is not an allocation but a grant based on identified needs of migrant children. The amount of such a grant may be raised or reduced, based on the total numbers of eligible migrant children receiving services outlined in the project as recorded on the MSRTS. Such changes will be initiated between the LEA and the supervisor of migrant education or his designee.

(5) The funded project serves as a contact between the local school district or other authorized agency and the superintendent of public instruction to provide specifically identified services. Changes in the agreement may be instigated by either party through negotiations between the authorized agency representative and the program supervisor.

(6) No project shall be established solely for formerly migrant children.

(7) During the time migratory children to be served reside in the state they will have access to state and locally-funded services provided in such facilities on the same basis as non-migratory children.

(8) The accumulated amount of time that a migrant child is allowed to miss from his/her basic state-supported education program to receive supplementary education must not exceed two (2) hours per day. [Order 7-75, § 392-164-020, filed 12/22/75. Formerly WAC 392-96-020.]

WAC 392-164-025 Formerly migratory children. In all projects, priority shall be given to the provision of services to interstate and intrastate migratory children. Formerly migratory children may participate in such projects only if:

(a) their participation will not prevent adequate services from being provided under this part to interstate and intrastate children,

(b) they are more likely to receive services designed to meet their special educational needs through the project under these funds than they are through other programs under Title I of the Act or similar programs under other authorities, and

(c) their parents agree to such participation. [Order 7-75, § 392-164-025, filed 12/22/75. Formerly WAC 392-96-025.]

WAC 392-164-030 Bilingual education. Migrant children who, because of their cultural and linguistic background, speak and understand a language other than English shall receive instruction in their dominant language.

(1) Needs assessment of such children shall be done in the child's dominant language.

(2) Based on identified needs, the children shall be served in programs reflective of their dominant language and culture.

(3) The intent shall be to build the child's concept bank while at the same time providing instruction to build proficiency in the English language. [Order 7-75, § 392-164-030, filed 12/22/75. Formerly WAC 392-96-030.]

WAC 392-164-035 Student identification. The superintendent of public instruction recognizes the need to identify all migrant children in the state of Washington. The uniform migrant student record transfer system (MSRTS) is used for the purpose of identifying and recording migrant students.

(1) All migrant children will be identified, recruited, and enrolled on the MSRTS, regardless of whether or not the child resides within a school district offering a migrant program.

(2) All districts with identified migrant children will participate in the MSRTS with updating of academic, health, and other pertinent data. (Other agencies may provide this service if the LEA chooses not to participate.)

(3) The projected number of migrant students to be served by any LEA must be based on actual statistical information recorded on the MSRTS. This information should be broken into categories—supplementary educational programs, testing, and health information. The statistical information should be identified in groupings for first, second, third, and fourth year migrant students.

(4) Each student enrolled in a migrant education program must have on file a currently valid certificate of eligibility according to the requirements of the state of Washington migrant education program. [Order 7-75, § 392-164-035, filed 12/22/75. Formerly WAC 392-96-035.]

WAC 392-164-040 Student insurance. The state of Washington mandates that all migrant children be provided with twenty-four-hour insurance coverage paid from migrant program funds. It is the responsibility of the LEA to:

(1) Inform migrant parents of the twenty-four-hour insurance coverage provided for their children.

(2) Facilitate claims procedures when necessary. [Order 7-75, § 392-164-040, filed 12/22/75. Formerly WAC 392-96-040.]

WAC 392-164-045 Property, facilities, and equipment. The superintendent of public instruction administers directly the construction of facilities and the acquisition of property and equipment needed to implement programs for migrant children. The superintendent of public instruction, state of Washington, retains title to such facilities, property, and equipment and possesses the right to move or transfer them according to need. [Order 7-75, § 392-164-045, filed 12/22/75. Formerly WAC 392-96-045.]

WAC 392-164-050 Project descriptions. Any time for which funds are requested must be described in the

project application. Each project application shall contain:

(1) Evidence that the services to be provided show reasonable promise of meeting migratory children's needs, particularly with respect to improvements in educational performance of children in the basic skills of reading, oral and written communication, and mathematics.

(2) A summary of information available concerning the characteristics, special educational performance, and cultural and linguistic background of the children to be served.

(3) A description of each service to be provided with the estimated number of children to be served, by age (including children enrolled or to be enrolled in private schools).

(4) In the case of in-service training, the number of staff members for whom that service will be provided. All staff receiving inservice shall be those paid all or in part by Title I-Migrant funds.

(5) The estimated number of staff, including those of cultural and linguistic background, reflective of migrant-student ethnic population.

(6) Facilities and materials to be used.

(7) The needs and objectives which each service is intended to meet.

(8) A description of the LEA's plan for involving parents and appropriate representatives of migratory children in the planning, implementation, operation, and evaluation of the project.

(9) A statement of the objectives of the proposed program, the related performance criteria, and the procedures and instruments by which the effectiveness of the program will be evaluated.

(10) Health, welfare, and other services not directly related to educational improvement only to the extent necessary to enable such children to participate effectively in services that are designed to bring about such improvement, and after all other private agencies' resources have been used.

(11) Requests for funds in the audio visual supplies and materials line item may be requested in the component description and budget, if such items are not available through the migrant center under sponsorship of the superintendent of public instruction. [Order 7-75, § 392-164-050, filed 12/22/75. Formerly WAC 392-96-050.]

WAC 392-164-055 Day care. Daily care of infants and very young children shall not be provided under this part except as a service to preschool and other children and then only upon specific application to the state supervisor with sufficient information to enable him to determine that such care as described in the application is:

(a) not available from other public or private agencies;

(b) essential to enable such preschool and older migratory children to participate in the Title I Migrant program; and

(c) not extravagant in view of the cost, the number of children who would receive day care, the number of preschool and older migratory children involved, and the

effect and availability of such services would have on the attendance and participation of such preschool and older migratory children in instructional services provided under Title I Migrant of the Act.

The information provided in support of a request for funds for day care/preschool shall include the estimated cost, a description of the specific services, and the pertinent conditions indicating a need for such services including the estimated number of children requiring the service, the public and private agencies contacted to provide such services and the substance of their responses, and a detailed account of the effect that the absence of such service or services has had on attendance and participation of children in previous migrant projects and would be expected to have on the attendance and participation of children in the project covered by the application. The application shall also include the estimated number of preschool and older children whose attendance and participation would be improved by the availability of such services and the extent of that improvement. [Order 7-75, § 392-164-055, filed 12/22/75. Formerly WAC 392-96-055.]

WAC 392-164-060 Local parent advisory councils.

A meaningful parent advisory council (PAC) shall be established in the LEA. Each parent advisory council shall:

(1) Be composed of parents of children to be served, who shall constitute at least a simple majority of said council, and other persons knowledgeable in the needs of migratory children.

(2) Assist the LEA in the planning, implementation, operation, and evaluation of the present local project and in the planning of future projects.

(3) Have as a member at least one representative from the LEA in an ex-officio capacity. No employee of the LEA may serve as a voting member.

(4) Have parent members selected from among the parent group by the parents themselves. The balance of the parent advisory council membership may be appointed by the LEA and should consist of representatives of social, health service, local business and industry, and other such community agencies.

(5) Elect its own chairperson and such other officers as the membership deems appropriate.

(6) Adopt a constitution and bylaws, including a grievance procedure.

In respect to PAC's, the LEA shall:

(1) Develop and maintain an information, training, and technical assistance program for parent advisory council members.

(2) Notify parents of participating students of their involvement in the program and provide reports of the students' progress in the program.

No PAC member may participate in a decision or recommendation with respect to the migrant program if such a decision appears likely to result in any benefit or remuneration, royalty, commission, consultation fees, or any other benefit to him/her or any member of his/her family. [Order 7-75, § 392-164-060, filed 12/22/75. Formerly WAC 392-96-060.]

WAC 392-164-065 Local parent advisory council appeal process for projects. If by vote at a duly constituted meeting the parent advisory council raises doubt as to the effectiveness of a migrant education proposal or project;

(1) the LEA shall provide a hearing for the council within fifteen (15) days of receipt of written notice from the advisory council chairperson,

(2) the LEA or the parent advisory council chairperson shall have the right of appeal to the superintendent of public instruction if the outcome of the local hearing is unsatisfactory, and

(3) the superintendent of public instruction shall provide a hearing within fifteen (15) days of receipt of written notice from the LEA or the parent advisory council chairperson and the decision of the superintendent shall be final. [Order 7-75, § 392-164-065, filed 12/22/75. Formerly WAC 392-96-065.]

WAC 392-164-070 Local parent advisory council appeal process for PAC. PAC members have the right and obligation to determine the extent, if any, of their meaningful participation against the following criteria:

(1) Regularly held and well attended meetings.

(2) Meeting agenda reflective of migrant project activities, including planning of the ensuing year's project. Minutes should be reflective of this.

(3) Adequate parent in-service for participation in PAC's.

(4) Up-to-date information on project activities and progress of the children as provided by the LEA.

(5) Active involvement in all stages of planning and evaluation of the project. [Order 7-75, § 392-164-070, filed 12/22/75. Formerly WAC 392-96-070.]

WAC 392-164-075 Grievance procedure. Federal regulations at this time require the ready availability of a grievance procedure in relation to Title I Regular and Title I Migrant programs. Implementation of a specific grievance procedure is the cooperative responsibility of the local school district and the parent advisory committee. Therefore this procedure is available for adaptation and development to meet specific local needs.

(1) Local education agency—Program director.

(2) Verbal presentation to the PAC chairperson; then written presentation to the local PAC with a copy to the local superintendent.

(3) Monitor.

(4) Local education agency hearing.

(5) Superintendent of public instruction hearing. [Order 7-75, § 392-164-075, filed 12/22/75. Formerly WAC 392-96-075.]

WAC 392-164-080 State advisory committee. The purpose of the state advisory committee (SAC) will be to advise the superintendent of public instruction in the planning, developing, operating, and evaluating the state Title I program. Further, they will facilitate communication between local parent advisory councils. Membership:

(1) The superintendent of public instruction shall select parent members from nominations submitted by local PAC's.

(2) The majority of the SAC will consist of such parents as selected from nominees.

(3) The balance of the SAC will be selected by the SPI and will consist of representatives of social and health service agencies, local and intermediate school districts, business and industry, and such other agencies as are deemed appropriate.

(4) Bylaws will be developed jointly by the SAC and SPI.

(5) Election of officers will be conducted by the membership.

(6) The superintendent shall call all meetings.

(7) Members will be reimbursed for travel and expenses consistent with state law. [Order 7-75, § 392-164-080, filed 12/22/75. Formerly WAC 392-96-080.]

WAC 392-164-085 Accountability. LEA's shall insure that appropriate objective measures will be employed to measure the effectiveness of the project and of the various services provided, particularly with respect to improvements in the children's performance in reading, oral and written communication, and mathematics. To achieve this, LEA's shall:

(1) Provide a plan for some form of ongoing or continuous assessment which shall be in operation during the dates of project operation. A minimum growth expectation in the areas of academic instruction in a migrant project shall be 1.3 months per month of participation in the project.

(2) Utilize the test instrument adopted by the state migrant program as a pre-post test measurement for the purpose of uniform statewide evaluation. The cost of such tests for participating migrant children is a legitimate migrant project expense.

(3) Provide a summary evaluation of all activities and supportive services. [Order 7-75, § 392-164-085, filed 12/22/75. Formerly WAC 392-96-085.]

WAC 392-164-090 Administrative costs. Support shall be given for administrative costs related to educational services and must be clearly supplemental to those district administrative responsibilities.

(1) All support requested must be documented and submitted along with project application.

(2) A job description for each position requested shall be submitted.

(3) In compliance with federal circular A-87 local education agencies may choose to utilize a predetermined indirect cost rate upon approval of the state education agency. If an indirect cost rate is used, documentation of time and effort for personnel paid by this rate need not be maintained by the local education agency. [Order 7-75, § 392-164-090, filed 12/22/75. Formerly WAC 392-96-090.]

WAC 392-164-095 Fiscal constraints. The highly mobile situation of the migrant child requires that the migrant education program employ special fiscal procedures.

(1) The automatic 10 percent line item transfer is not allowable in the migrant program.

(2) LEA's wishing to make line item transfers must receive approval from the supervisor of migrant education or his designee.

(3) Some limited fiscal support will be provided school districts upon submittal of documentation of need.

Migrant projects shall be operated in a manner and spirit of compliance with federal and state migrant regulations. Those districts requiring assistance to achieve compliance will be provided any and all support necessary from the state migrant education office. [Order 7-75, § 392-164-095, filed 12/22/75. Formerly WAC 392-96-095.]

Chapter 392-167 WAC

GRANTS MANAGEMENT—ELEMENTARY AND SECONDARY EDUCATION ACT—TITLE III

WAC

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392-167-025	Evaluation criteria for approving projects.
392-167-030	Additional criteria for approving projects.
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392-167-040	Provisions for assuring fifteen percent for special needs of handicapped children.
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392-167-060	Provisions for continuing projects.
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392-167-070	Provisions for hearings.
392-167-075	Legal applicants.

Reviser's note: With the filing of Superintendent of Public Instruction Order 7-75, on December 22, 1975, chapter 392-97 WAC entitled Grants Management—ESEA II, has been superseded by chapter 392-167 WAC. See Title 392 WAC Digest page for disposition of chapters and reference notes relative thereto.

WAC 392-167-005 Authority. The authority for the promulgation of these rules and regulations is found in Title 45, chapter 1, part 118 of the Code of Federal Regulations as revised and amended. Since ESEA, Title III, is a state plan program, the approved operational state plan is the official document utilized in the administration of the program in Washington state. [Order 7-75, § 392-167-005, filed 12/22/75. Formerly WAC 392-97-005.]

WAC 392-167-010 Purpose. The Title III program as administered by the superintendent of public instruction, is authorized to make grants to local educational agencies for innovative and exemplary programs and projects which are designed to demonstrate ways of making substantial contribution to the solution of critical educational problems. The extreme flexibility of Title III allows its resources to be focused on virtually any major educational need. It can be used as an effective agent to develop strategies for demonstrating exemplary

programs to meet assessed needs and for designing innovative approaches that can be replicated by local educational agencies. Title III furnishes the seed money to produce innovative solutions to critical problems which are of concern to all. In effect, this program offers money to plan and develop new programs and test their feasibility for innovations as model programs which may be adapted throughout the nation to meet critical needs. In this manner, the Title III project bridges the research to practice gap by filling the diffusion role in the change continuum of research. [Order 7-75, § 392-167-010, filed 12/22/75. Formerly WAC 392-97-010.]

WAC 392-167-015 Definitions. Title III is concerned with projects that are either innovative, exemplary, or adoption of innovations. (1) "Innovative educational programs["] means the adoption of new or improved educational ideas, practices, or techniques.

(2) "Exemplary educational programs" means educational programs or activities designed to serve as models for regular school programs.

(3) "Adoptive educational programs" means the adoption of already proved educational ideas, practices, and/or techniques.

(4) "Local education agency" means a public board of education or other public authority legally constituted within the state for either administrative control or direction or to perform a service function for public elementary or secondary schools in the state. [Order 7-75, § 392-167-015, filed 12/22/75. Formerly WAC 392-97-015.]

WAC 392-167-020 Advisory councils. The state advisory council is appointed by the superintendent of public instruction and composed of not fewer than twelve (12) or more than fifteen (15) individuals. They shall represent public and private elementary and secondary education, higher education, professional organization, the mass media, social agencies, school directors, certificated employee engaged in guidance and counseling, business and labor, handicapped education, and members of the general public. Their functions are:

(1) To prepare a state Title III plan.

(2) To consider policy matters arising in the administration of the state plan.

(3) To develop criteria for approval of applications under the state plan.

(4) To provide an annual evaluation of all projects funded under the state plan.

(5) To compile an annual report of its activities, recommendations, and evaluations.

Local advisory councils, while not required for operational ESEA Title III projects, are encouraged. The provision for an advisory council readily demonstrates community involvement in the planning and management of the proposed program. [Order 7-75, § 392-167-020, filed 12/22/75. Formerly WAC 392-97-020.]

WAC 392-167-025 Evaluation criteria for approving projects. Evaluation criteria for approving projects are as follows:

(1) Evidence that it is designed to substantially increase the educational opportunities of children in the area of the state to be served by demonstrating solutions to the critical educational need in that area.

(2) Provision for the development of concepts, practices, and techniques which can be adapted or adopted elsewhere.

(3) Promising concepts, practices, or techniques recognized as unique, original, unusual, innovative, or exemplary.

(4) Concepts, practices, or techniques which are economically feasible and efficient.

(5) Evaluation strategies based on valid research methodology which will provide evidence that will determine the extent to which the behavior of the participants has been improved.

(6) Performance objectives which are measurable, and appropriate activities which facilitate achieving them.

(7) An awareness of information concerning similar programs, relevant research findings, and views of recognized experts.

(8) Provision for staff with professional qualifications adequate to achieve the project's stated objectives.

(9) Provision for adequate and appropriate facilities, equipment, and materials which will facilitate achieving state objectives and which show direct relationships to the proposed budget. [Order 7-75, § 392-167-025, filed 12/22/75. Formerly WAC 392-97-025.]

WAC 392-167-030 Additional criteria for approving projects. In addition to criteria enumerated in WAC 392-167-025, the following criteria and/or procedures will be considered or employed:

(1) Documentation that there has been, and will be,

(a) adequate planning for the proposed project,

(b) utilization of the best available talents and resources; and,

(c) participation in the project activities of students, parents, school personnel, nonprofit private school representatives, and other persons, including those with low income, broadly representative of the cultural and educational resources of the area to be served.

(2) Provisions for dissemination of information about the proposed project which are appropriate and adequate for the area to be served.

(3) Provision in the proposed project for the effective participation of children to the extent consistent with the number of children enrolled in nonprofit private schools in the area to be served whose educational needs are of the type provided by the program or project.

(4) Evidence that the maximum disbursement for equipment will be 15 percent of the total budget for the project.

(5) Each proposal will be reviewed by a panel of experts who are not officers or employees of the state educational agency.

(6) Each proposal will be reviewed and recommended by the state advisory council.

(7) The effective participation on an equitable basis by children enrolled in private schools in the project area whose needs are of the type which the project is designed to serve.

(8) The local educational agency is making a reasonable tax effort consistent with the criteria set forth in the state plan.

(9) The funds will be used to supplement and increase the fiscal effort which the local educational agency would have made in the absence of Title III funds.

(10) The funds will not be used to supplant programs that were in existence at the time of the application and funded from state or local funds and that would have been carried out in the absence of Title III funds.

(11) Demonstration that the program has community support and/or the target group affected by the proposed program. [Order 7-75, § 392-167-030, filed 12/22/75. Formerly WAC 392-97-030.]

WAC 392-167-035 Timeline for approving projects. No special provisions have been made for the acceptance of proposals other than on the following timeline:

(1) Second Friday of October—Submit "Letters of Intent".

(2) By November 20th—The advisory council, with the aid of the panel of experts, will review "Letters of Intent" and make recommendations to the superintendent of public instruction.

(3) Third week of December—A proposal writing workshop for successful "Letter of Intent" writers will be conducted by the Title III staff and selected consultants.

(4) Second Friday in January—Local education agencies shall submit completed proposals to the superintendent of public instruction. A proposal may be submitted even though the agency did not have an accepted "Letter of Intent".

(5) By February 25th—The advisory council, with the aid of the panel of experts, will review applications and make recommendations to the superintendent of public instruction.

(6) March 1—Preliminary notification of action on proposals will be given to applicants.

(7) March 15—In cases where a local education agency is dissatisfied with action taken on a proposal application by the superintendent of public instruction, the agency may appeal to the advisory council for a hearing on the proposal.

(8) April—Final notification of action on all proposals will be given. [Order 7-75, § 392-167-035, filed 12/22/75. Formerly WAC 392-97-035.]

WAC 392-167-040 Provisions for assuring fifteen percent for special needs of handicapped children. The administrator of the Title III state plan will earmark 15 percent of the Title III program funds for development of activities noted below:

(1) Planning innovative or exemplary programs including pilot projects to meet the special education needs of handicapped children.

(2) Establishing or expanding innovative and exemplary educational programs for the purpose of stimulating the adoption of new educational programs for handicapped children.

(3) Establishing services or activities which utilize new and improved approaches to meet the special educational needs of handicapped children. [Order 7-75, § 392-167-040, filed 12/22/75. Formerly WAC 392-97-040.]

WAC 392-167-045 Criteria for achieving equitable distribution of assistance. After it has been determined that two or more proposals are judged to be of substantially the same high quality, the state advisory council and the superintendent of public instruction will exercise their best judgment in determining which of the two projects to fund. Criteria used in making this determination should include the following:

(1) The size and population of the project area.

(2) The geographical distribution and density of the population within the State.

(3) The relative needs of persons in the different geographical areas and in the different population groups within the state for the types or proposals provided under Title III, ESEA.

(4) The financial ability of the local educational agency serving such persons to provide such service and activities. [Order 7-75, § 392-167-045, filed 12/22/75. Formerly WAC 392-97-045.]

WAC 392-167-050 Provision for private nonprofit school participation. Each proposal submitted to the superintendent of public instruction for possible funding under ESEA, Title III, must contain a statement from an appropriate representative of the nonpublic schools in the district stating the extent of their involvement in the development of the proposal. Personnel from the private schools will actively participate in the planning, development, and implementation of Title III projects if their students are housed in the project area, and if the project is appropriate to their students' needs, and if they are desirous of participating. In all cases, extra efforts will be extended to enhance the private schools' participation in Title III. [Order 7-75, § 392-167-050, filed 12/22/75. Formerly WAC 392-97-050.]

WAC 392-167-055 Length of project period. The maximum period for which a project will be funded, including both planning and operational grants, will not exceed three years (36 months). There are, however, two exceptions to this policy:

(1) For those projects which have been evaluated and validated by the superintendent of public instruction as successfully meeting their objectives and actually demonstrating a solution to one of the critical educational needs of the state, and upon recommendation of the state advisory council, a grant for an additional period of time for purposes of serving as a demonstration site for potential adopters will be approved as part of the superintendent's dissemination program.

(2) In cases where it is determined that a time extension is required to assure adequate completion of the project, and when an extension is requested in writing at least sixty (60) days prior to the end of the project period, the project may be extended for a period not to exceed ninety (90) days utilizing unexpended funds.

[Order 7-75, § 392-167-055, filed 12/22/75. Formerly WAC 392-97-055.]

WAC 392-167-060 Provisions for continuing projects. After the project application has been reviewed and approved, the administrator of the Title III Plan, in consultation with the advisory council, and after negotiation with the applicant local education agency will set aside funds for the project period. By May 1 of the following year the applicant will submit a proposal for a continuation grant. If the continuation proposal as well as evaluation results indicate that the project has maintained and will continue to maintain its promising character and meet criteria established in the state plan, then the superintendent of public instruction, in consultation with the advisory council, will grant the agency funds previously negotiated for expenditure during the second or third year of the project life. Fourth year funding will be considered for certain validated projects for the purpose of exportation. [Order 7-75, § 392-167-060, filed 12/22/75. Formerly WAC 392-97-060.]

WAC 392-167-065 Provisions for terminating Title III projects. In the likelihood that a project is not deemed successful during its budget period and there appears to be no means to redirect it successfully, the superintendent of public instruction, in consultation with the advisory council and consultants, will have full authority to terminate it. Termination will occur only after the local education agencies in question have been notified that such action is anticipated, and the agencies have had an opportunity to discuss fully their position with the superintendent and the advisory council. If after this discussion the superintendent, having consulted the advisory council, is still determined to terminate a project, the agencies have the right to appeal to the superintendent. The superintendent shall utilize what resources the superintendent deems necessary to investigate the appeal and make the final determination. [Order 7-75, § 392-167-065, filed 12/22/75. Formerly WAC 392-97-065.]

WAC 392-167-070 Provisions for hearings. In cases where a local education agency is dissatisfied with action taken on a project application by the superintendent of public instruction, the agency may appeal to the advisory council before March 15. The council will appoint a three-member appeal panel to review the proposal in question. No member of the panel shall have been involved in reading the original application (proposal). The panel will recommend action on the appeal to the advisory council through the administrator of Title III. The recommendation of the advisory council shall then be submitted to the superintendent for a final decision on the disposition of the project proposal. If an appeal is successful, funding for that project will come from the fiscal year during which the favorable appeal decision was made, if funds are available. The chief administrator of the appealing local education agency will be notified of the final appeal decision within ten (10) days

after the superintendent has received all recommendations and documents. [Order 7-75, § 392-167-070, filed 12/22/75. Formerly WAC 392-97-070.]

WAC 392-167-075 Legal applicants. Title III of the Elementary and Secondary Education Act (P.L. 91-230) as amended, provides that a grant under this Title pursuant to an approved state plan may be made only to a local educational agency or agencies. [Order 7-75, § 392-167-075, filed 12/22/75. Formerly WAC 392-97-075.]

Chapter 392-168 WAC

GRANTS MANAGEMENT—ELEMENTARY AND SECONDARY EDUCATION ACT—TITLE IV

WAC

392-168-005	Authority.
392-168-010	Purpose.
392-168-015	Definitions.
392-168-020	Advisory council.
392-168-025	Evaluation criteria for approving applications.
392-168-030	Additional criteria for approving applications.
392-168-035	Provisions for assuring fifteen percent for special needs of handicapped children.
392-168-040	Criteria for achieving equitable distribution of assistance.
392-168-045	Provision for private nonprofit school participation.
392-168-050	Length of project period.
392-168-055	Provisions for hearings. (Part C)
392-168-060	Legal applicants.

WAC 392-168-005 Authority. The authority for these rules and regulations is founded upon RCW 28A.02.100 and Title IV of Public Law 93-380. Since Title IV is a state plan program the approved operational plan is the official document utilized in the administration of the program in Washington State. [Order 12-76, § 392-168-005, filed 12/21/76.]

WAC 392-168-010 Purpose. The purpose of this chapter is to supplement the provisions of Title IV of Public Law 93-380 and the federal rules contained in Title 45, Code of Federal Regulations (CFR), Parts 100c, 134, 134a, 134b, implementing and governing Title IV programs. The Title IV program, as administered by the superintendent of public instruction, provides for the consolidation of certain education programs into two parts, B and C. Part B consists of the programs authorized by Title II of the ESEA (school library resources, textbooks, and other instructional materials), so much of Title III of ESEA as relates to testing, counseling, and guidance, and Title III (except for section 305 thereof) of the National Defense Education Act of 1958 (financial assistance for strengthening instruction in academic subjects). Part C consists of Title III (except for programs of testing, counseling guidance) of ESEA (supplementary educational centers and services) Title V of ESEA, (strengthening state and local educational agencies), section 807 of ESEA (dropout prevention), and section 808 of ESEA (demonstration projects to improve school nutrition, and health services for children of low income families). All grants of Title IV funds by the superintendent of public instruction shall be subject to this

chapter and applicable [to Title IV funds by the superintendent of public instruction shall be subject to this chapter and applicable]* federal law, rules, and other grant conditions imposed by the federal government. [Order 12-76, § 392-168-010, filed 12/21/76.]

*Reviser's note: The material enclosed in brackets appears to be extraneous.

WAC 392-168-015 Definitions. As used in this chapter, the term: (1) "Academic subjects" shall mean and include, but is not limited to, the following elementary and secondary school subjects: the arts, civics, economics, English, geography, health, history, the humanities, industrial arts, mathematics, modern foreign languages, reading, and science;

(2) "Act" shall mean the Elementary and Secondary Education Act of 1965, as amended;

(3) "Children who do not complete their secondary school education" shall mean children who were enrolled during a regular school term in an elementary or secondary school and withdrew before graduating from secondary school or before completing an equivalent program of studies. The term includes such an individual (a) whether he or she left school during or between regular school terms, (b) whether he or she left school before or after reaching the compulsory school attendance age, and (c) where applicable, whether or not he or she completed a minimum required amount of school work;

(4) "Children with specific learning disabilities" shall mean those children who have a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which disorder may manifest itself in imperfect ability to listen, think, speak, read, write, spell, or do mathematical calculations. Such disorders include such conditions as perceptual handicaps, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia. Such terms do not include children who have learning problems which are primarily the result of visual, hearing or motor handicaps, mental retardation, emotional disturbance, or environmental disadvantage;

(5) "Construction" shall mean (a) the erection of new or expansion of existing structures and the acquisition and installation of equipment therefor, (b) the acquisition of existing structures not owned by the local educational agency making application for assistance under section 431(a)(1) of the Act, (c) the remodeling or alteration (including the acquisition, installation, modernization, or replacement of equipment) of existing structures, or (d) a combination of any two of the foregoing;

(6) "Cultural and educational resources" shall mean state educational agencies, local educational agencies, private nonprofit elementary and secondary schools, institutions of higher education, public and nonprofit agencies such as libraries, museums, musical, and artistic organizations, educational radio and television, and other cultural and educational resources;

(7) "Handicapped children" shall mean mentally retarded, hard of hearing, deaf, speech impaired, visually handicapped, seriously emotionally disturbed, crippled,

or otherwise health impaired children, who by reason thereof require special education and related services. The term includes children with specific learning disabilities to the extent that such children are health impaired children who by reason thereof require special education and related services;

(8) "Local educational agency" shall mean a public board of education or other public authority legally constituted within a state for either administrative control or direction of, or to perform a service function for, public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a state, or such combination of school districts or counties as are recognized in a state as an administrative agency for its public elementary or secondary schools. Such term also includes any other public institution or agency having administrative control and direction of a public elementary or secondary school [. E] educational service districts are also included in such term;

(9) "Minor remodeling" shall mean minor alterations which are (a) made in a previously completed building used or to be used as a laboratory or classroom for instructional subjects, and (b) needed to make effective use of equipment in providing instruction in such subjects. The term does not include building construction, structural alterations to buildings, or building maintenance, repair, or renovation;

(10) "School library resources" shall mean books, periodicals, documents, pamphlets, photographs, reproductions, pictorial or graphic works, musical scores, maps, charts, globes, sound recordings, including, but not limited to, those on discs and tapes; processed slides, transparencies, films, filmstrips, kinescopes, and video tapes, or any other printed and audiovisual materials of a similar nature made by any method now developed or hereafter to be developed, and which are processed and organized for use by elementary or secondary school children and teachers. The term includes those printed and published materials which are suitable for use and are to be used by children and teachers in elementary or secondary schools, and which with reasonable care and use may be expected to last more than one year. The term does not include furniture or equipment;

(11) "State advisory council" shall mean the advisory council established under section 403(b) of the Act;

(12) "State educational agency" shall mean the superintendent of public instruction;

(13) "Teacher" shall mean any person who is engaged in carrying out the instructional program of an elementary or secondary school, including a principal, guidance counselor, school librarian/media specialist, or other member of the instructional staff;

(14) "Testing" shall mean the use of tests which measure abilities, educational achievement, interests, or aptitudes pertaining to an individual's educational or career development;

(15) "Textbook" shall mean a book, reusable workbook, or manual, whether bound or in looseleaf form, intended for use as a principal source of study materials for a given class or group of students, a copy of which is expected to be available for the individual use of each student in such class or group; and

(16) "Application" shall mean a single application with separate sections for Parts B and C. [Order 12-76, § 392-168-015, filed 12/21/76.]

WAC 392-168-020 Advisory council. A state advisory council shall be appointed by the superintendent of public instruction. The membership shall be broadly representative of the cultural and educational resources of the state and of the public, and shall include at least one person representative of each of the following:

- (1) public elementary and secondary schools;
- (2) private elementary and secondary schools;
- (3) institutions of higher education;
- (4) fields of professional competence in dealing with children needing special education because of physical or mental handicaps;
- (5) fields of professional competence in dealing with children needing special education because of specific learning disabilities;
- (6) fields of professional competence in dealing with children needing special education because of severe educational disadvantage;
- (7) fields of professional competence in dealing with children needing special education because of limited English speaking ability;
- (8) fields of professional competence in dealing with children needing special education because they are gifted or talented;
- (9) fields of professional competence in guidance and counseling, libraries, and learning resources.

The state advisory council shall advise the state educational agency on the preparation, and policy matters arising in the administration, of the annual program plan, including the development of criteria for the distribution of funds and the approval of applications for assistance under Title IV of the Act. Additionally, the council shall be responsible for the preparation and submission of an annual evaluation of the Title IV program in the state. [Order 12-76, § 392-168-020, filed 12/21/76.]

WAC 392-168-025 Evaluation criteria for approving applications. Evaluation criteria for approving applications are as follows:

- (1) Evidence that it is designed to substantially increase the educational opportunities of children in the area of the state to be served by demonstrating solutions to the critical educational need in that area.
- (2) Provision for the development of concepts, practices, and techniques which can be adapted or adopted elsewhere.
- (3) Promising concepts, practices, or techniques recognized as unique, original, unusual, innovative, or exemplary.
- (4) Concepts, practices, or techniques which are economically feasible and efficient.
- (5) Evaluation strategies based on valid research methodology which will provide evidence that will determine the extent to which the behavior of the participants has been improved.
- (6) Performance objectives which are measurable, and appropriate activities which facilitate achieving them.

(7) An awareness of information concerning similar programs, relevant research findings, and views of recognized experts.

(8) Provision for staff with professional qualifications adequate to achieve the project's state objectives.

(9) Provision for adequate and appropriate facilities, equipment, and materials which will facilitate achieving stated objectives and which show direct relationships to the proposed budget.

(10) Ensure that materials and equipment purchased meet approved minimum state standards, will be identified, recorded, and inventoried as public property, and will meet eligibility requirements of Title IV. [Order 12-76, § 392-168-025, filed 12/21/76.]

WAC 392-168-030 Additional criteria for approving applications. In addition to criteria enumerated in WAC 392-168-025, the following criteria and/or procedures shall be considered or employed:

- (1) Documentation that there has been and shall be
 - (a) adequate planning for the proposed budget;
 - (b) utilization of the best available talents and resources; and
 - (c) participation in the project planning of students, parents, school personnel, nonprofit private school representatives, and other persons, including those with low income, broadly representative of the cultural and educational resources of the area to be served.
- (2) Provisions for dissemination of information about the proposed project which are appropriate and adequate for the area to be served.
- (3) Provision in the proposed project for the effective participation of children to the extent consistent with the number of children enrolled in nonprofit private schools in the area to be served whose educational needs are of the type provided by the program or project.
- (4) The local educational agency is making a reasonable tax effort consistent with the criteria set forth in the state plan.

(5) The funds will be used to supplement and increase the fiscal effort which the local educational agency would have made in the absence of Title IV funds.

(6) The funds will not be used to supplant programs that were in existence at the time of the application and funded from state or local funds and that would have been carried out in the absence of Title IV funds.

(7) Demonstration that the program has community support and/or the target group affected by the proposed program.

(8) Each proposal will be reviewed by a panel of experts who are not officers or employees of the state educational agency.

(9) Each proposal will be reviewed and recommended by the state advisory council. [Order 12-76, § 392-168-030, filed 12/21/76.]

WAC 392-168-035 Provisions for assuring fifteen percent for special needs of handicapped children. The administrator of the Title IV state plan will earmark fifteen percent of the Title IV, Part C program funds for development of the following activities:

(1) Planning innovative or exemplary programs including pilot projects to meet the special education needs of handicapped children.

(2) Establishing or expanding innovative and exemplary educational programs for the purpose of stimulating the adoption of new educational programs for handicapped children.

(3) Establishing services or activities which utilize new and improved approaches to meet the special education needs of handicapped children. [Order 12-76, § 392-168-035, filed 12/21/76.]

WAC 392-168-040 Criteria for achieving equitable distribution of assistance. After it has been determined that two or more proposals are judged to be of substantially the same high quality, the state advisory council shall exercise its best judgment in determining which of the two projects to recommend. Criteria used in making this determination shall include at least the following:

(1) The size and population of the project area.

(2) The geographical distribution and density of the population within the state.

(3) The relative needs of persons in the different geographical areas and in the different population groups within the state for the types of proposals provided under Title IV, ESEA.

(4) The financial ability of the local educational agency serving such persons to provide such service and activities. [Order 12-76, § 392-168-040, filed 12/21/76.]

WAC 392-168-045 Provision for private nonprofit school participation. Each proposal submitted to the superintendent of public instruction for possible funding under ESEA, Title IV, shall contain a statement from an appropriate representative of the nonpublic schools in the district(s) stating the extent of the involvement in the development of the proposal. Personnel from the private schools will actively participate in the planning, development, and implementation of Title IV projects if their students are housed in the project area, and if the project is appropriate to their students' needs, and if they are desirous of participating. [Order 12-76, § 392-168-045, filed 12/21/76.]

WAC 392-168-050 Length of project period. Approved applications shall be funded for a one-year period subject to the receipt and appropriation of federal funds. Subsequent funding shall be based on the submission of approvable applications, and upon the receipt, by the superintendent of public instruction of available funds. [Order 12-76, § 392-168-050, filed 12/21/76.]

WAC 392-168-055 Provisions for hearings. (Part C) In cases where a local educational agency is dissatisfied with the recommendation of the advisory council, that agency may request an informal hearing from that group. In such cases the council shall appoint a three-member hearing panel to review the proposal in question. No member of the panel shall have been involved in reading the original application (proposal). The panel will recommend action on the proposal to the advisory

council through the administrator of Title IV. The recommendation of the advisory council shall then be submitted to the superintendent for a final decision on the disposition of the proposal. If an appealing party is successful, funding for that project shall come from the fiscal year during which the favorable appeal decision was made, if funds are available. The chief administrator of the appealing local educational agency shall be notified of the final appeal decision within ten (10) days after the superintendent has received all recommendations and documents. Appeals by Title IV, Part C, applicant agencies are informal and are not subject to the provisions of the State Administrative Procedures Act—chapter 34.04 RCW. [Order 12-76, § 392-168-055, filed 12/21/76.]

WAC 392-168-060 Legal applicants. Title IV of the Elementary and Secondary Education Act (P.L. 93-380) provides that a grant under this Title pursuant to an approved state plan may be made only to a local educational agency or agencies. [Order 12-76, § 392-168-060, filed 12/21/76.]

Chapter 392-171 WAC

SPECIAL EDUCATION PROGRAM FOR CHILDREN WITH HANDICAPPING CONDITIONS—GENERAL

WAC

392-171-005	Purposes.
392-171-010	Special education advisory council.
392-171-015	Special education advisory council authority.
392-171-020	Common school age—Child eligibility.
392-171-025	Procedures for functionally defining handicapping conditions.
392-171-030	Flow chart for procedures for functionally defining handicapping conditions.
392-171-035	Child as focus of concern.
392-171-040	Referral procedure.
392-171-045	Parent decision.
392-171-050	Decision to terminate.
392-171-055	Assessment procedures.
392-171-060	Collection of descriptions of child performance.
392-171-065	Assessment or needed consultation by professional resources not employed by school district.
392-171-070	Assessment.
392-171-075	Assessment personnel.
392-171-080	Analysis of assessment data.
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392-171-095	Placement options.
392-171-097	Materials and equipment.
392-171-100	Regular classroom placement options.
392-171-105	Self-contained placement options.
392-171-110	Other placement option.
392-171-113	Decision that child will not be placed.
392-171-115	Program criteria necessary for eligibility.
392-171-125	Definition of and eligibility criteria for mental retardation—Mildly retarded.
392-171-130	Definition of and eligibility criteria for mental retardation—Moderately retarded.
392-171-135	Definition of and eligibility criteria for mental retardation—Severely and profoundly retarded.
392-171-137	IQ eligibility range variation.
392-171-140	Definition of and eligibility criteria for sensory handicapped.
392-171-145	Definition of and eligibility criteria for gross motor and orthopedically handicapped.
392-171-150	Definition of and eligibility criteria for behavioral disability.

- 392-171-155 Definition of and eligibility criteria for neurological impairment.
- 392-171-160 Definition of learning/language disability.
- 392-171-165 Eligibility criteria for learning/language disability.
- 392-171-170 Definition of and eligibility criteria for health impaired.
- 392-171-175 Definition of and eligibility criteria for multiple handicapped.
- 392-171-180 Definition of and eligibility criteria for communication disorders.
- 392-171-185 School district decision.
- 392-171-190 Parent decision.
- 392-171-195 Objectives relating to instructional programs (short term).
- 392-171-200 Evaluation and program improvement.
- 392-171-203 Administration of medication.
- 392-171-205 Contractual services.
- 392-171-210 Approval of agencies and individuals for contractual arrangements.
- 392-171-220 Responsibilities of school districts.
- 392-171-225 Compliance with federal, state and local law.
- 392-171-235 Coordination of services.
- 392-171-240 Written contracts.
- 392-171-245 Special placement and parent appeal concerning contractual arrangements.
- 392-171-250 Interdistrict arrangements.
- 392-171-255 Appeals to school boards—Time periods—Court appointed representatives.
- 392-171-260 Appeals and sanction procedures—Procedure at the hearing.
- 392-171-265 Appeal from board's decision to superintendent of public instruction—Time periods.
- 392-171-270 Appeals and sanction procedure—Child's continued attendance.
- 392-171-275 Sanctions upon noncomplying school districts.
- 392-171-280 Transportation.
- 392-171-285 Facilities.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 392-171-085 Goals and objectives. [Order 7-75, § 392-171-085, filed 12/22/75. Formerly WAC 392-45-090.] Repealed by Emergency and Permanent Order 11-76, filed 11/1/76, and by Order 15-76, filed 12/21/76. Later promulgation, see WAC 392-171-090.
- 392-171-120 Definitions and criteria for child eligibility. [Order 7-75, § 392-171-120, filed 12/22/75. Formerly WAC 392-45-110 (part).] Repealed by Emergency and Permanent Order 11-76, filed 11/1/76, and by Order 15-76, filed 12/21/76. Later promulgation, see WAC 392-171-020(2).
- 392-171-215 Determining eligibility of nonpublic school agencies and individuals to provide special education services through contractual arrangements with school districts. [Order 7-75, § 392-171-215, filed 12/22/75. Formerly WAC 392-45-145.] Repealed by Emergency and Permanent Order 11-76, filed 11/1/76, and by Order 15-76, filed 12/21/76.
- 392-171-230 Written policies. [Order 7-75, § 392-171-230, filed 12/22/75. Formerly WAC 392-45-160.] Repealed by Order 15-76, filed 12/21/76. Later promulgation, see WAC 392-171-225(3).

WAC 392-171-005 Purposes. The purposes of this chapter are to implement chapter 28A.13 RCW and assure that all handicapped children provided for in chapter 28A.13 RCW have an opportunity for an appropriate education at public expense. [Order 11-76, § 392-171-005, filed 11/1/76; Order 7-75, § 392-171-005, filed 12/22/75. Formerly WAC 392-45-005.]

WAC 392-171-010 Special education advisory council. To facilitate the provision of an appropriate education to meet every handicapped child's unique need

and ability, there is hereby established a special education state advisory council. The council's purpose is to advise and make recommendations to the superintendent of public instruction and his or her staff on all matters relating to special education. The council shall consist of no less than twenty (20) members representing: local administrators of special education programs; administrator organizations; support services personnel; teachers of handicapped students; teacher organizations; parents of handicapped children; independent schools serving handicapped students; parent organizations; institutions of higher education; department of social and health services; the medical profession, and other appropriate groups and individuals, subject to the approval of the superintendent of public instruction. This advisory council shall meet at least quarterly. [Order 11-76, § 392-171-010, filed 11/1/76; Order 7-75, § 392-171-010, filed 12/22/75. Formerly WAC 392-45-015.]

WAC 392-171-015 Special education advisory council authority. To assure that maximum information and recommendations are provided to the superintendent of public instruction, the state advisory council shall have the authority to recommend the design of its organization and to appoint sub-committees from its membership for carrying out council responsibilities. Ad hoc sub-committees with membership other than council members may be appointed: *Provided*, That the superintendent or deputy superintendent of public instruction has given prior approval for such appointments. [Order 11-76, § 392-171-015, filed 11/1/76; Order 7-75, § 392-171-015, filed 12/22/75. Formerly WAC 392-45-020.]

WAC 392-171-020 Common school age—Child eligibility. (1) An appropriate educational opportunity shall be provided for every handicapped child and youth, considered of common school age, as defined by Washington state law. Common school age is normally age six to age twenty-one. School districts may, however, offer kindergarten or preschool programs for any handicapped child without being obligated to extend kindergarten or preschool programs to other nonhandicapped children. If a school district offers kindergarten or preschool as part of its regular program every handicapped child of the same age shall be provided such services by the district.

(2) Any child made a focus of concern or whose case is reviewed after November 1, 1976, shall meet the criteria by definition and eligibility set forth in this chapter in order to receive excess cost funding. Children shall remain eligible for special education services until goals established in the assessment proceedings have been reached, high school graduation has occurred, or they have reached age 21.

(3) Any child whose eligibility was established pursuant to the eligibility requirements as they existed prior to November 1, 1976, shall continue to be eligible until September 1, 1978, subject to reassessment pursuant to the eligibility requirements of this chapter as now or hereafter amended. As a condition to the continued receipt of excess cost funds for students "grandfathered"

by this subsection, each school district shall certify to the Superintendent of Public Instruction that it has reassessed no less than one-half of the total of such students as of November 1, 1977, and established that those students who have thus been reassessed and for which the district claims excess cost funds are eligible pursuant to the current provisions of this chapter. All remaining "grandfathered" students shall be reassessed on or before September 1, 1978, and a like certification made to the superintendent on or before that date as a condition to the continued receipt of excess cost funds for such remaining students.

(4) Preschool eligibility for state funding purposes. Children age three and above may be included in special education programs at the discretion of the school district as long as they meet the eligibility requirements specified in this chapter. Children who are below age three will be eligible for special education services at the discretion of the school district when the district has determined that the child has one or more of the following conditions: (a) multiple handicap; (b) gross motor impairment; (c) sensory impairment or (d) moderate or severe mental retardation. [Order 9-77, § 392-171-020, filed 10/11/77, effective 11/11/77; Order 11-76, § 392-171-020, filed 11/1/76; Order 7-75, § 392-171-020, filed 12/22/75. Formerly WAC 392-45-030.]

WAC 392-171-025 Procedures for functionally defining handicapping conditions. For the purpose of meeting the requirements of chapter 28A.13 RCW, a functional definition of a child's or individual's handicapping condition(s) shall be developed through a set of procedures that are carried out by a school district in order to identify a child as being eligible for excess cost funding in a program of special educational services. These procedures shall identify any child who is temporarily or permanently retarded in normal educational processes by reason of physical or mental handicap, or by reason of emotional maladjustment, or by reason of other handicap and any child who has specific learning and language disabilities resulting from perceptual motor handicaps, including problems in visual and auditory perception and integration.

The procedures outlining functional definitions of handicapping conditions shall ensure that no child is denied or entered into a special education service program without thorough investigation of cultural, language, and health factors influencing his or her performances and that agreement to assessment and program placement be acceptable to and given in writing by the child's parent or legal guardian.

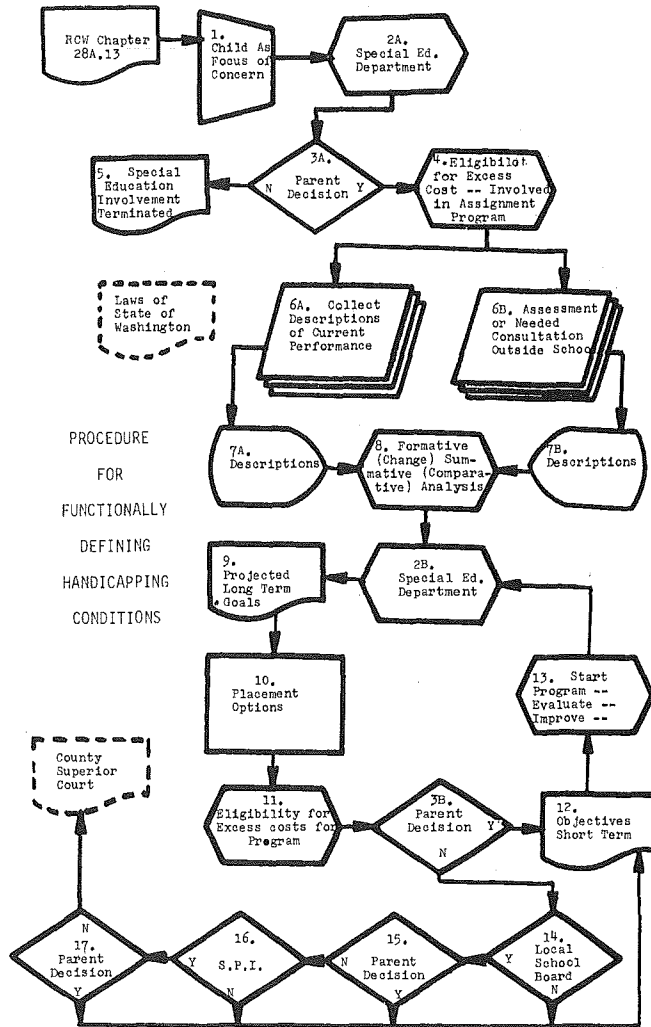
The procedures herein specified shall be permanently recorded in writing, dated, and signed by a designee of the school district and presented at three points within the procedural time period to the parent(s) or legal guardian(s).

The permanent record of the procedures employed during assessment to define functionally handicapping condition(s) of the child shall be available to the parent(s) or legal guardian(s), upon request, and at reasonable times, in accordance with school district policies and procedures.

The flow chart, as displayed in WAC 392-171-030, shows the entire procedure. Each step is then explained in detail showing the appropriate sequence.

The flow chart illustrates the sequence used in functionally defining a child with a handicapping condition. School districts are encouraged to use various methods, techniques, and materials in determining the extent to which a handicapping condition affects a particular child. As a visual aid, the flow chart is provided to promote understanding of the need for a thorough assessment and does not require any specific teaching or management procedure. [Order 11-76, § 392-171-025, filed 11/1/76; Order 7-75, § 392-171-025, filed 12/22/75. Formerly WAC 392-45-035 (part).]

WAC 392-171-030 Flow chart for procedures for functionally defining handicapping conditions.



[Order 11-76, § 392-171-030, filed 11/1/76; Order 7-75, § 392-171-030, filed 12/22/75. Formerly WAC 392-45-035 (part).]

WAC 392-171-035 Child as focus of concern. The concept of special education is predicated upon the identification of the need(s) of an individual child with a handicapping condition(s) that can be alleviated more effectively if extraordinary resources are brought to bear on the child's need(s) as expressed in the goals and objectives developed for that child.

A child shall become a focus of concern for special education when he or she is brought to the attention of school district superintendent or a member of his or her designated staff because of a suspected handicapping condition(s). Such concern for a child may be originated by or transmitted through any source, including: parents, medical personnel, school district personnel, community agencies, legal authorities, authorized screening procedures, or other identified interested persons. [Order 11-76, § 392-171-035, filed 11/1/76; Order 7-75, § 392-171-035, filed 12/22/75. Formerly WAC 392-45-040.]

WAC 392-171-040 Referral procedure. When a child's need has been brought to the attention of the school district superintendent or his/her designee, it shall be the responsibility of the district to act immediately and directly on the referral in the following ways:

(1) The superintendent of his/her designee shall immediately record the circumstance by date, origin, and reason for concern and notify parent(s) or guardian(s) in writing that the child has been referred.

(2) The superintendent or his/her designee within 30 school days shall review the referral, collect, and examine existing school, medical and other records in the possession of the school district and make a determination that the child is or is not in need of further assessment. This decision shall be in writing and shall set forth the date and the name of the person making the decision. If the decision is that further assessment is not needed, the superintendent or his/her designee shall, within ten school days of such decisions direct a written notice to the child's parent(s) or guardian(s) and, if a different person, to the referral source which sets forth the following decision and information:

(a) that the child specified in the notice is not in need of further assessment;

(b) the date and name of the person making the decision;

(c) An explanation of the reasons and/or facts in support of the decision; and

(d) Notice that the decision may be appealed to the board of directors by submitting a written notice of appeal to the school district within 30 days of receipt of the notice that the child is not in need of further assessment.

(3) In the event the decision is that further assessment is necessary, permission to initiate a formal assessment shall be obtained from the child's parent(s) or legal guardian(s) pursuant to WAC 392-171-045. Within 30 school days after the date of the receipt of such permission or such date as is agreeable to both parent(s) or guardian(s), or surrogate parents and school authorities, the school district superintendent or his/her designee

shall determine whether or not the child shall be enrolled in or continue in attendance in special education programs operated by or in behalf of the school district.

(4) Notices of adverse decisions provided pursuant to subsections (2) and (3) shall be served personally or by certified mail. [Order 11-76, § 392-171-040, filed 11/1/76; Order 7-75, § 392-171-040, filed 12/22/75. Formerly WAC 392-45-045.]

WAC 392-171-045 Parent decision. Prior to school district's initiation of any assessment of a child with a handicapping condition:

(1) The parent(s) or legal guardian(s) of the child shall be officially informed of the source and reason of referral in their primary (or native) language and interpretations made where necessary. If the primary language is not English, such notification shall be translated from English into the primary language.

(2) The steps in the procedure for assessment for appropriate programs shall be outlined including a tentative date of completion, such date to be agreeable if possible to both parent(s) and/or legal guardian(s) and the school district authorities. By this completion date, the district shall have identified an appropriate program placement. If the assessment is not completed within 30 days following the date upon which parental permission to assess was provided, the district shall provide the parent(s) or guardian(s) with an interim report which specifies the reason(s) for the delay in completing the assessment. If temporary special education programming is necessary or appropriate during the assessment period, the district shall first obtain permission for such placement from the parent(s) or guardian(s).

(3) The parent(s) or legal guardian(s) of the child shall be apprised in writing of their right to reject or accept the school district's decision to assess.

(4) The parent(s) or legal guardian(s) shall then decide if the child is to be assessed.

(5) The parent(s) or guardian(s) shall be asked to sign a consent form for the mutual exchange of pertinent information between the school, other agencies, and/or professionals. [Order 11-76, § 392-171-045, filed 11/1/76; Order 7-75, § 392-171-045, filed 12/22/75. Formerly WAC 392-45-050.]

WAC 392-171-050 Decision to terminate. If the parent(s) or legal guardian(s) declines permission for assessment, the information collected to date along with a statement of its perceived educational significance for the child shall be forwarded to the superintendent or his/her designee for review in terms of the attendance, child welfare, and child abuse laws of the state of Washington. [Order 11-76, § 392-171-050, filed 11/1/76; Order 7-75, § 392-171-050, filed 12/22/75. Formerly WAC 392-45-055.]

WAC 392-171-055 Assessment procedures. When permission in writing has been given by the parent(s) or guardian(s) for the district to make an assessment of a child, the child then becomes eligible for services of approved special education personnel and other contracted assessment needs through excess cost, excepting medical,

as provided by this chapter and chapter 28A.13 RCW. [Order 11-76, § 392-171-055, filed 11/1/76; Order 7-75, § 392-171-055, filed 12/22/75. Formerly WAC 392-45-060.]

WAC 392-171-060 Collection of descriptions of child performance. A school district shall collect available past and current information relevant to suspected handicapping condition(s) of child in accordance with procedures adopted by the district board of directors. [Order 11-76, § 392-171-060, filed 11/1/76; Order 7-75, § 392-171-060, filed 12/22/75. Formerly WAC 392-45-065.]

WAC 392-171-065 Assessment or needed consultation by professional resources not employed by school district. (1) Medical consultation by a physician licensed pursuant to chapter 18.71 RCW: (a) Medical consultation is recommended when a child is under consideration as a possible special education candidate, with annual evaluations subsequently, and whenever the child's performance or behavior changes significantly.

(b) When, as part of a school district's special education program, an activity is planned which might put an unusual stress upon a child or could complicate an existing condition, written medical clearance by a licensed physician shall be required to show that within knowledge of medical practice the child will not be harmed. If such medical consultation shall reveal any limiting disability of a medical nature, the teacher shall receive, in writing, specific instructions concerning such limitation(s).

(2) Other consultation: Attempts shall be made when appropriate to consult with other professional persons working with the child in relevant areas outside of the school setting. [Order 11-76, § 392-171-065, filed 11/1/76; Order 7-75, § 392-171-065, filed 12/22/75. Formerly WAC 392-45-070.]

WAC 392-171-070 Assessment. (1) "Assessment" means multiple activities, tests, evaluations, and/or processes completed with a child which results in a determination of the appropriate type and extent of handicapping condition(s) for placement or services in a program funded by excess cost allocations.

(2) No single test instrument or single procedure shall be the sole criterion for determining an appropriate educational program for a child.

(3) Assessment materials, procedures, and instruments utilized for the purposes of evaluation and placement of children who are handicapped shall be selected and administered so as not to be racially or culturally discriminatory. Such materials, procedures, or instruments shall be provided and administered in the child's primary language or mode of communication, unless it is clearly not feasible to do so.

(4) Areas of assessment shall include, but not be limited to, the following categories: (a) Scholastic: this area shall include assessment of the intellectual, language and communication, academic and self-help skill status of the child.

(b) Physical: this area shall include a review of the general health status of the child, with particular attention to the visual, hearing, musculo-skeletal, neurological, and developmental modalities.

(c) Adjustment: this area shall include assessment of the social skills and emotional status of the child.

(5) The assessment results shall be summarized in writing, dated, and signed by designated personnel. The utilization of source records/information to support the assessment not incorporated into the file shall be noted, e.g., review of health record, number of identified problems, etc.

(6) The summaries shall include procedures and instruments used, results obtained, and apparent significance of findings as related to the child's instructional program. [Order 11-76, § 392-171-070, filed 11/1/76; Order 7-75, § 392-171-070, filed 12/22/75. Formerly WAC 392-45-075.]

WAC 392-171-075 Assessment personnel. Assessment in these areas will be made by appropriate professional personnel who are licensed, registered, credentialed, or certificated according to their professional standards in accordance with state laws and/or regulations. [Order 11-76, § 392-171-075, filed 11/1/76; Order 7-75, § 392-171-075, filed 12/22/75. Formerly WAC 392-45-080.]

WAC 392-171-080 Analysis of assessment data. A school district may use any appropriate method of collecting or displaying comparison and progress data. The school district special education staff shall make a summative (comparison) and formative (change) analysis of the data collected during the investigation procedures for functionally defining a handicapping condition(s) of the referred child. A comparison of performance in relation to the child's chronological age which identifies excesses and deficits in the areas of scholastic, physical, and adjustment performance make up a summative analysis. A formative (change) analysis is an examination of the child's performances prior to and during the period of investigation used to assess a potential for desired change which is used in conjunction with the summative (comparison) analysis to identify objectives and instructional programs for that child.

When all assessments have been made for a child who is a focus of concern, a school district shall place a summary of the child's performance excesses and deficits in the child's permanent records. Where possible, the summary shall show the relationship of the child's chronological age to his or her functioning age.

The summary statement shall be signed and dated by the special education director, shall include the scholastic standing, physical condition and adjustment information found during assessment, and shall be available for review by authorized individuals, including the child's parent(s) or guardian(s): *Provided*, That in large school districts in which the acquisition of the special education director's signature would be infeasible, a designee of such director may sign summary statements with the

prior permission of the superintendent of public instruction. [Order 11-76, § 392-171-080, filed 11/1/76; Order 7-75, § 392-171-080, filed 12/22/75. Formerly WAC 392-45-085.]

WAC 392-171-090 Goals. Following completion of the assessment and summary, long-range educational and placement goals shall be written as appropriate by assessment personnel in the general areas of scholastic, physical and adjustment excesses or deficits which were established by the assessment. The goals shall specify change based upon the child's ability as determined by the assessment data and shall be reviewed and modified, as necessary, on an annual basis. It is critical that the concept of quality be the prevailing factor in developing special education programs and goals for any child who is handicapped and that teachers and parents or other persons involved in the child's training shall participate in the development of those goals.

Goals and objectives (as specified in WAC 392-171-195) shall consider the placement and learning expectations of the child and the parent/guardian as well as those of the assessment personnel. [Order 11-76, § 392-171-090, filed 11/1/76; Order 7-75, § 392-171-090, filed 12/22/75. Formerly WAC 392-45-095.]

WAC 392-171-095 Placement options. All children placed in special education must be placed according to the least restrictive alternative which is reasonably available. Placement options for a child with handicapping condition(s) are defined as the total program plan which has the highest probability for assisting the child in reaching long-range goals. Placement options for services are those that historically have proven functional for children, and services may be provided independent of his or her physical location. Placement options shall be selected in accordance with the goals determined after assessment and set for each child. These placement options shall reflect totally all possible combinations of programming which ensure that a child reaches the stated goals and placement options shall be determined with due regard for the child's need for physical assistance during any portion of involvement in a special education program, including transportation to and from a specific program location. Proper safeguards shall be provided and exercised when the child is unable to protect his or her own welfare, and/or when the welfare of other children may be threatened.

Placement options shall be utilized in accordance with local school district policies, as approved by the superintendent of public instruction, and within the funding formula established by the superintendent of public instruction. [Order 11-76, § 392-171-095, filed 11/1/76; Order 7-75, § 392-171-095, filed 12/22/75. Formerly WAC 392-45-100 (part).]

WAC 392-171-097 Materials and equipment. Special education classrooms and materials shall be of comparable quality with other district classrooms and materials, unless otherwise approved by the superintendent of public instruction. Specialized materials and

equipment must be available according to the needs of the child. [Order 11-76, § 392-171-097, filed 11/1/76.]

WAC 392-171-100 Regular classroom placement options. Regular classroom placement options shall include but not be limited to, the following:

(1) Regular classroom program. A child may remain in the regular classroom if the goals which have been established for him/her can be attained through the combined efforts of regular and special education.

Regular classroom program with support services and specialized materials for any eligible child may include, but not be limited to, the services of the following service specialists: school psychologists, communication disorder specialists, occupational therapists, physical therapists, nurses, social workers, and any specialized combination of program support personnel who can assist the child reach the established goals.

(2) The resource room is a classroom or other space maintained by the school district for eligible children with handicapping conditions wherein specialized instruction will be provided exclusively to children who are handicapped. All of the children served in the resource room shall be enrolled in the regular district programs and receive their education primarily from outside the special education programs. The pupil to teacher ratio for state funding purposes shall be 35 to 1. Eligible children will receive no more than approximately ten hours per week of classroom instruction within the resource room.

Program variations consistent with least restrictive alternatives may be approved by the state director of special education. State approval is necessary for districts to serve resource room eligible children on an itinerant teacher basis.

Combinations of regular classroom assignment, resource room program, and support services may be established in accordance with the school district policy and funding authority granted by the superintendent of public instruction.

(3) The eligibility of a child placed in a special education resource room for state excess cost funding shall cease upon the thirty-first school day following such placement unless the child has been fully assessed and determined to be eligible for special education services and resource room placement. [Order 11-76, § 392-171-100, filed 11/1/76; Order 7-75, § 392-171-100, filed 12/22/75. Formerly WAC 392-45-100 (part).]

WAC 392-171-105 Self-contained placement options. Self-contained placement options shall include, but not be limited to, the following:

(1) A classroom or other space maintained or approved by a school district may be established to provide specialized instruction or training exclusively to handicapped pupils who spend three hours or more per day in that classroom; or, if the school day is less than three hours, all of the instructional time in that classroom. Children in self-contained classes may receive any and all support services. Pupil-teacher ratios for funding purposes are as follows:

Category	Ratio
(a) Mental retardation	
(i) Mildly retarded	13 to 1
(ii) Moderately retarded	10 to 1
(iii) Severely and profoundly retard- ed	8 to 1
(b) Sensory handicapped	
(i) Hearing impaired (deaf and hard of hearing)	6 to 1
(ii) Partially sighted	12 to 1
(iii) Blind	6 to 1
(c) Gross motor and orthopedically im- paired	8 to 1
(d) Behavioral disability	10 to 1
(e) Neurological impairment	8 to 1
(f) Learning disability	15 to 1
(g) Health impaired (funding dependent upon special program approval)	
(h) Multiple handicapped	6 to 1
(i) Communication disorders (funding level dependent upon special program approval)	

(2) Self-contained program with support services may be established in accordance with school district policy and funding authority granted by the superintendent of public instruction.

(3) Self-contained program with other contractual services may be established in accordance with school district policy and the funding authority granted by the superintendent of public instruction. [Order 11-76, § 392-171-105, filed 11/1/76; Order 7-75, § 392-171-105, filed 12/22/75. Formerly WAC 392-45-100 (part).]

WAC 392-171-110 Other placement options. Other placement options shall include, but not limited to, the following:

(1) The home/hospital option is available for children who have immediate school needs and because of illness or physical condition may not attend school for a period of four weeks or more. Such children unable to attend school because of a physical disability or noncommunicable illness may receive home or hospital instruction if they are so certified by a physician and approved by the school authorities. Parent(s) or guardian(s) shall request these services in writing and agree to conditions of the service.

(2) Other contractual services (see contractual services section: WAC 392-171-185 through 392-171-245) may be established in accordance with school district policy and funding authority established by the superintendent of public instruction.

(3) Institution. Children with problems so profound that 24-hour residential care is needed may be referred to the state department of social and health services for possible admittance.

(4) Other as approved by the superintendent of public instruction. [Order 11-76, § 392-171-110, filed 11/1/76; Order 7-75, § 392-171-110, filed 12/22/75. Formerly WAC 392-45-100 (part).]

WAC 392-171-113 Decision that child will not be placed. If a district determines that it cannot place a child in a special education program operated by or in behalf of the school district, the superintendent or his/her designee, within ten school days of such decision, shall direct a written notice in person or by certified mail to the child's parent(s) or legal guardian(s) which sets forth the following decisions and/or information:

(1) That the child specified in the notice will not be provided a special education program operated by or in behalf of the school district.

(2) That neither the school district nor any agency or school district with which the district may contract pursuant to this chapter can accommodate the child.

(3) That the child will not benefit from an alternative program.

(4) The reasons and/or facts in support of (2) and (3) above.

(5) That the decision may be appealed to the board of directors of the district by submitting a written notice of appeal to the school district within thirty (30) school days after the date of the parent(s) or guardian(s) receipt of the notice of exclusion. [Order 11-76, § 392-171-113, filed 11/1/76.]

WAC 392-171-115 Program criteria necessary for eligibility. To be approved for excess cost funding, a program shall meet the following standards:

(1) Compliance with rules and regulations. Substantially comply with rules and regulations and policies and procedures as established in this chapter adopted pursuant to chapter 28A.13 RCW.

(2) Transportation. Transportation shall be provided for any child with handicapping condition(s) in accordance with the rules and regulations established by the state superintendent of public instruction, as now or hereafter amended.

(3) Vocational and prevocational components. Terminal secondary programs shall have a vocational and prevocational component with on-job training opportunities and shall have an operational plan for follow-up information for the purpose of evaluating educational and placement procedures.

(4) Staff qualifications. All employees supported in whole or in part by excess cost apportionment funds shall hold such credentials as are now or hereafter required by the state board of education for the particular position of employment and shall meet such supplemental standards as may be established by the district of employment. Supplemental standards of a district may exceed, but not be less than, those established by this section.

In addition to the foregoing employee qualifications, all teachers supported in part or in whole by excess cost apportionment funds shall possess "substantial professional training" and/or "successful prior experience". Support personnel shall meet standards established under the Educational Staff Associate rules of the state board of education, as now or hereafter amended. Classified staff shall present evidence of either formal and/or adequate in-service training or successful experience in working with the handicapped.

"Substantial professional training" shall mean and be evidenced by either an appropriate special education endorsement or recommended placement upon the teaching certificate of an employee issued by the state superintendent of public instruction or completion of a teacher education program designed to prepare teachers of children with handicapping conditions offered by an institution approved by the state board of education for teacher certification purposes.

"Successful prior professional experience" shall mean at least three full school years of employment as a professional staff member in an approved special education program within the five year period immediately preceding the school year of employment in a position supported in whole or part by excess cost apportionment funds.

In all situations, assignment of personnel must be consistent with training and experience appropriate to the age level (pre-school, elementary, secondary) and type of program in which teaching will be performed. District reorganization, reductions in force, and reassignments shall be made consistent with this section. Failure to maintain a qualified staff may result in sanctions being applied in accordance with RCW 28A.13-.080, as now or hereafter amended.

Notwithstanding any provisions of this subsection to the contrary, employees of a district which possess credentials as required by the state board of education and who were employed during and serving as of termination of the 1974-75 school year in the special education program of a district shall be deemed qualified for purposes of state program approval so long as they continue in such employment with that particular district.

The superintendent of public instruction or the superintendent's designee may grant an exception to compliance with any of the staff qualifications imposed by this subsection which are above and beyond certification requirements imposed by the state board of education only upon the request of a school district and the provision of satisfactory assurances by the district that noncompliance: (1) is unavoidable, (2) will be temporary and not extend beyond the school year for which the exception is requested, and (3) will not likely result in a significant reduction in the quality of the district's special education program.

(5) Program length. Programs shall not be considered eligible unless they are the same length as programs for nonhandicapped children, both in number of days during the school year, and in number of hours in his or her established program during the school day, as established by local rules in that particular district. If a handicapped child cannot attend school a full day, his or her educational or medical report will give this information. [Order 11-76, § 392-171-115, filed 11/1/76; Order 7-75, § 392-171-115, filed 12/22/75. Formerly WAC 392-45-105.]

WAC 392-171-125 Definition of and eligibility criteria for mental retardation—Mildly retarded. Mildly retarded children are those who demonstrate general

sub-average functioning and whose growth of performance indicates need for a special education program designed to meet their individual needs.

Eligibility criteria: Assessment and recommendation for placement in classes for the mildly retarded shall include the following criteria and screening for other handicapping condition(s):

(1) I.Q. range from approximately 51 through 75 as interpreted by a qualified psychologist; and

(2) Any two of the following conditions:

(a) Academic behavior equal to one-half or less of expected grade level.

(b) Demonstrated ability to learn basic academic skills and to become socially and economically independent at adult level.

(c) Social and adaptive behavior equal to 1/2-3/4 of chronological age.

(d) Expressive and receptive language development equal to 2/3 or less of chronological age. [Order 11-76, § 392-171-125, filed 11/1/76; Order 7-75, § 392-171-125, filed 12/22/75. Formerly WAC 392-45-110 (part).]

WAC 392-171-130 Definition of and eligibility criteria for mental retardation—Moderately retarded.

Moderately retarded children are those who demonstrate sub-average intellectual and social functioning to such an extent that they are ineligible for classes for mildly mentally retarded.

Eligibility criteria: Assessment and recommendation for placement in classes for the moderately mentally retarded shall include the following criteria and screening for other handicapping condition(s):

(1) I.Q. range from approximately 30-50 as interpreted by a qualified psychologist; and

(2) Any one of the following:

(a) Academic development at a rate of 1/3-1/2 of chronological age.

(b) Student will not be totally dependent, require nursing care throughout his or her life, or require close supervision.

(c) Growth of performance indicating ability to learn self-care skills. [Order 11-76, § 392-171-130, filed 11/1/76; Order 7-75, § 392-171-130, filed 12/22/75. Formerly WAC 392-45-110 (part).]

WAC 392-171-135 Definition of and eligibility criteria for mental retardation—Severely and profoundly retarded.

Severely and profoundly retarded children are those who because of profound sub-average intellectual and social development are ineligible for programs for the moderately mentally retarded.

Eligibility criteria: Assessment and recommendation for placement in classes for the severely mentally retarded shall consist of the following criteria and screening for other handicapping condition(s): (1) I.Q. range approximately 30 and below as interpreted by a qualified psychologist; and

(2) Any one of the following:

(a) Minimal ability to acquire basic academic and self-help skills.

(b) Student will require close supervision throughout his or her life. [Order 11-76, § 392-171-135, filed 11/1/76; Order 7-75, § 392-171-135, filed 12/22/75. Formerly WAC 392-45-110 (part).]

WAC 392-171-137 IQ eligibility range variation. The IQ eligibility ranges specified in WAC 392-171-125, 392-171-130, and 392-171-135 may vary by 1/2 standard deviation if a qualified psychologist documents in writing with the approval of the special education director as provided for in WAC 392-171-080 the reasons for placement in a particular special education program: *Provided*, That any student placed in a special education program for mildly retarded students whose IQ score is above 75 must meet at least three of the four conditions specified in WAC 392-171-125(2) and that special care shall be taken to account for the cultural biases, if any, of the measurement instruments. [Order 11-76, § 392-171-137, filed 11/1/76.]

WAC 392-171-140 Definition of and eligibility criteria for sensory handicapped. Sensory handicapped children are as follows:

(1) Hearing impaired (accepted term covering both deaf and hard of hearing children). Definition: A child shall be judged educationally hearing impaired if he or she is in need of supportive services because of a hearing loss.

Eligibility criteria: The child has a determined organic hearing loss in excess of 30 db. better ear average in the speech range (500, 1000, 3000 Hz), unaided, and is in need of the support services.

(2) Partially sighted. Definition: A partially seeing child is one with eye difficulties which are not sufficiently amenable to correction or treatment to enable the child to use advantageously supplies and equipment provided for the student with normal vision.

Eligibility criteria: A child is eligible when his or her visual acuity is between 20/70 and 20/200 in the better eye after correction or upon the recommendation of a qualified eye specialist.

(3) Blind. Definition: A child whose vision after correction is less than 20/200 in the better eye is considered educationally blind.

Eligibility criteria: A child whose vision is less than 20/200 or who has the recommendation of an eye physician is eligible for the classes for the blind. [Order 11-76, § 392-171-140, filed 11/1/76; Order 7-75, § 392-171-140, filed 12/22/75. Formerly WAC 392-45-110 (part).]

WAC 392-171-145 Definition of and eligibility criteria for gross motor and orthopedically handicapped. Gross motor and orthopedically handicapped children are those children who lack normal function due to abnormalities of the muscles, joints, or bones or due to abnormal functioning of these systems, secondary to or due to neurologic or other conditions as certified by a physician.

Eligibility criteria: Any child who because of the nature of handicap is unable to attend regular classes with safety and profit is eligible for enrollment in a program

upon the recommendation of a physician and the approval of the local director of special education. [Order 11-76, § 392-171-145, filed 11/1/76; Order 7-75, § 392-171-145, filed 12/22/75. Formerly WAC 392-45-110 (part).]

WAC 392-171-150 Definition of and eligibility criteria for behavioral disability. A behaviorally disabled child is one who demonstrates an observable, generalized behavioral pattern which markedly interferes with the normal educational processes to such a degree that standard alternatives within the regular program have shown to be ineffective.

Eligibility criteria: To be eligible for special education services, the assessment process shall include:

(1) A statement of behavioral disability by a licensed/certificated psychologist, psychiatrist, or physician. Such statement must include a description of the specific behavior(s) which interfere(s) with normal educational processes.

(2) An educational plan specifying social and academic goals based on the specific behaviors listed in the assessment.

Children with common disciplinary and/or developmental problems or children whose major problems are served in another disability category are not eligible. [Order 11-76, § 392-171-150, filed 11/1/76; Order 7-75, § 392-171-150, filed 12/22/75. Formerly WAC 392-45-110 (part).]

WAC 392-171-155 Definition of and eligibility criteria for neurological impairment. Neurological impaired children are those who have an observable impairment of the central nervous system as indicated by neurological and psychological assessment which results in an educationally significant deficit in various combinations of the following areas: (1) motor, (2) sensory-motor, (3) perceptual, (4) cognitive, or (5) behavior. These deficits are not secondary to general mental retardation, general motor handicaps, sensory impairment, or serious behavioral disability.

Eligibility criteria: Diagnosed as neurologically impaired. Educationally significant deficit to mean two or more years academically deficient. [Order 11-76, § 392-171-155, filed 11/1/76; Order 7-75, § 392-171-155, filed 12/22/75. Formerly WAC 392-45-110 (part).]

WAC 392-171-160 Definition of learning/language disability. Learning/language disability is a performance deficit in one or more of the processes involved in understanding and/or using spoken or written language wherein there exists a measurable discrepancy between academic potential and actual performance. This performance deficit may manifest itself in impaired ability to attend to task, conceptualize, speak or communicate clearly, read with comprehension, write legibly and with meaning, spell accurately, and to perform mathematical calculations, including those involving reading.

The presence of a learning/language disability in children with near average, average, or above average intelligence is indicated by significant performance deficits in language achievement and/or basic educational

skills as measured by norm referenced standardized testing and/or progressive within-individual assessment methods. [Order 11-76, § 392-171-160, filed 11/1/76; Order 7-75, § 392-171-160, filed 12/22/75. Formerly WAC 392-45-110 (part).]

WAC 392-171-165 Eligibility criteria for learning/language disability. In order to be eligible for inclusion in learning/language disability programs paid for by excess cost funding procedures, the four following conditions apply: (1) the child will have significant deficits in visual and/or auditory functioning (including discrimination, memory, and integrations in visual-auditory and/or motor functioning). Neither the visual nor the auditory deficit is required for secondary students. These perceptual/cognitive defects will be verified by assessment which shows a delay of one year or more at or below the 1st and 2nd grade level, two year delay at the 3rd and 4th grade level, and three years or more delay at the 5th grade level and beyond and/or a score of -2 standard deviations below the child's potential in one or more of the following areas:

(a) Visual processing. [1] Perception (discrimination and closure); [2] memory; [3] association; [4] integration;

(b) Auditory processing. [1] perception (discrimination and closure); [2] memory; [3] association; [4] integration;

(c) Haptic processing. [1] kinesthetic; [2] tactile;

(d) Language. [1] reception; [2] expression;

(e) Sensory integration/association. [1] visual-motor; [2] visual-auditory (vocal); [3] auditory-motor; [4] auditory-vocal. (See special education guidelines for recommended tests.)

(2) Significant reading and/or spelling and/or mathematical ability deficits as verified by administering one or more tests designed to measure those skills.

A significant deficit is indicated by test scores showing the child one year or more below his potential at or below the 1st and 2nd grade level, two years or more at the 3rd and 4th grade level, and three years or more at or beyond the 5th grade level. Any child functioning at an 8th grade level or above in reading and/or spelling and/or mathematics is ineligible for special education funding for L/LD.

(3) The child will have near normal or above normal intelligence as measured by individually administered psychological tests and interpreted by a qualified psychologist. (See special education guidelines for recommended tests.)

(4) The child does not qualify for placement in any other funding category as defined in this chapter. [Order 11-76, § 392-171-165, filed 11/1/76; Order 7-75, § 392-171-165, filed 12/22/75. Formerly WAC 392-45-110 (part).]

WAC 392-171-170 Definition of and eligibility criteria for health impaired. Health impaired children are those who have chronic defects or disease due to such factors as infection, injury, metabolic disorder, growth or

nutrition, neoplasm or congenital malformation. This includes children with acquired or congenital heart disease, other disorders of the cardiorespiratory system, and disorders of the central nervous system.

Eligibility criteria: Physician statement indicating the need for special education consideration. [Order 11-76, § 392-171-170, filed 11/1/76; Order 7-75, § 392-171-170, filed 12/22/75. Formerly WAC 392-45-110 (part).]

WAC 392-171-175 Definition of and eligibility criteria for multiple handicapped. A child shall be considered multiple handicapped when there are present two or more handicapping conditions, each of which is so severe as to warrant a special program were that handicapping condition to appear in isolation.

Eligibility criteria:

Children shall be eligible for placement only when the resultant overall deficit is profound and when the following conditions are identified and documented: Mental retardation and one or more of the following: Gross motor and orthopedically impaired, hearing impaired or blind. In addition to the above, appropriate professional diagnosis and documentation of the severity of each handicapping condition is required.

Children who meet the above criteria are not eligible for placement in a resource room. [Order 11-76, § 392-171-175, filed 11/1/76; Order 7-75, § 392-171-175, filed 12/22/75. Formerly WAC 392-45-110 (part).]

WAC 392-171-180 Definition of and eligibility criteria for communication disorders. A child with communication disorders shall be one of the following:

(1) A child with a voice handicap who has an excess or deficiency in pitch, intensity, or quality.

(2) A child who has a deficiency in fluency which may or may not be accompanied by facial grimaces and/or excessive extraneous movements.

(3) A child with an articulation handicap who has a deficiency in his ability to say sounds in conversational speech which is not consistent with his chronological and/or mental age.

(4) A child with a language handicap who has a deficiency which is not consistent with his or her chronological and/or mental age in some or all of the following areas:

(a) Has a deficiency in encoding (expression) skills to communicate information.

(b) Has a deficiency in decoding (reception) skills to gain information through visual or auditory channels.

(c) Has a deficiency in organizing information.

Eligibility criteria: Decision of the communication disorders specialist based on diagnostic findings. In voice disorders involving hoarseness, a physician's diagnosis is needed. [Order 11-76, § 392-171-180, filed 11/1/76; Order 7-75, § 392-171-180, filed 12/22/75. Formerly WAC 392-45-110 (part).]

WAC 392-171-185 School district decision. The school district superintendent or his/her designee shall, based on the preceding procedures (WAC 392-171-025 through 392-171-180), arrive at one of the following

decisions: (1) The child does not have a handicapping condition(s);

(2) The child's educational status has not been adequately resolved and an intervention in a current program is to be used to continue the process of defining the child's educational placement;

(3) The child does have a handicapping condition(s) and the appropriate educational goals have been established for the child with a program plan for special educational services to accomplish those goals;

(4) The child does have a handicapping condition(s) but after careful and extensive exploration no appropriate program is available and contractual or other services are arranged (See, WAC 392-171-025 through 392-171-245 contractual services).

The school district superintendent or his/her designee shall duly record in writing the decision as to the handicapping condition(s) of a child brought to the school's attention. Whatever decision is made, the information from the procedures for making that determination shall be permanently filed in school district records and the parents or legal guardian of the child immediately informed of the findings. [Order 11-76, § 392-171-185, filed 11/1/76; Order 7-75, § 392-171-185, filed 12/22/75. Formerly WAC 392-45-115.]

WAC 392-171-190 Parent decision. Within 10 school days after the date of the decision reached pursuant to WAC 392-171-185, the school district special education department shall advise in writing the parents or legal guardian of the school district's decision as to a child's handicapping condition(s), the goals for the child in an educational setting, and a program plan for reaching those goals. The parent or legal guardian's decision as to agreement with the findings, goals, and placement shall be requested in writing and duly recorded. If the parent or legal guardian's decision is not in agreement with the school district findings, legal recourse shall be explained. Upon parent or legal guardian agreement with the findings of the school district, the program shall be initiated.

If the parent or legal guardian refuses to allow his or her handicapped child to be placed in a special education program and it is the decision of the district superintendent that placement in a special education program is in the best interest of the child, and thereafter the child's parent(s) or legal guardian cause the child to be in violation of the compulsory attendance laws of this state, these facts shall be presented to an appropriate law enforcement agency for processing. [Order 11-76, § 392-171-190, filed 11/1/76; Order 7-75, § 392-171-190, filed 12/22/75. Formerly WAC 392-45-120.]

WAC 392-171-195 Objectives relating to instructional programs (short term). Following the placement or assignment of a child to specific personnel or program, the teacher and/or other persons involved in the child's training shall establish short term instructional objectives which are consistent with the long range placement goals and the learning expectations of the child. The objectives shall specify short-term change in measurable

terms. Specific instructional objectives, teaching methods, or methods of evaluation to be employed are the responsibility of the local school district, not the superintendent of public instruction. [Order 11-76, § 392-171-195, filed 11/1/76; Order 7-75, § 392-171-195, filed 12/22/75. Formerly WAC 392-45-125.]

WAC 392-171-200 Evaluation and program improvement. Each school district shall establish a simple and reliable system of evaluating programs established for an individual child. Placement goals and instructional objectives, when established, shall identify the end results or the standards of performance expected, and the instructional program for the child shall flow from the goals and objectives, and all program evaluation shall be based subsequently upon the child's progress toward the accomplishment of these goals and objectives and/or upon the teacher/manager efforts to facilitate change. Specific methods of evaluating and displaying program results shall be determined in accordance with local district policies and procedures.

The system shall ensure that the performance measurement is recorded and reported at both in-process and final-result stages, and the results of evaluation shall be reported to the parent(s) or legal guardian(s) consistent with policies and procedures of the school district.

Evaluation will serve two purposes: (1) To compare the child's measured performance with established objectives.

(2) To attempt to identify causal factors that account for significant differences between actual and predicted performance.

From the performance evaluation, each district shall be responsible to develop, in its own format, alternatives designed to improve methods and results. Evaluation of progress shall be continuing and completed at least annually in order to allow assessment personnel to adjust aims, programs, etc., if the objectives are not met. [Order 11-76, § 392-171-200, filed 11/1/76; Order 7-75, § 392-171-200, filed 12/22/75. Formerly WAC 392-45-130.]

WAC 392-171-203 Administration of medication. No school district personnel shall administer medication except with written orders and instructions from the child's physician and supplied by the child's parent(s) or legal guardian(s). The orders shall be current, obtained at least yearly, and reviewed and updated whenever there is significant change of the child's school activity program, in accordance with policies of the school district. [Order 11-76, § 392-171-203, filed 11/1/76.]

WAC 392-171-205 Contractual services. School districts, severally or jointly, with the approval of the superintendent of public instruction, shall be authorized to contract with nonpublic school agencies for appropriate educational opportunities for handicapped children, as defined in RCW 28A.13.045 and this chapter. [Order 11-76, § 392-171-205, filed 11/1/76; Order 7-75, § 392-171-205, filed 12/22/75. Formerly WAC 392-45-135.]

WAC 392-171-210 Approval of agencies and individuals for contractual arrangements. Approval for providing contractual special education services shall be granted by the state board of education and shall be made in accordance with the following procedures: (1) School districts, prior to contracting, shall evaluate each child and document that no appropriate district program exists, that an appropriate district program cannot be reasonably established, and that an appropriate program cannot be contracted for with another school district.

(2) A school district wishing to contract for services shall determine that all requirements for contracting have been met and shall forward to the superintendent of public instruction an application for contracting services together with supporting documents of the contractee's eligibility.

(3) The special services section of the superintendent of public instruction's office shall in turn recommend approval or disapproval of the agency to provide contracted services to the state board of education.

(4) A child shall not be placed nor shall a contract be awarded until approval of the agency by the state board of education has been completed. [Order 11-76, § 392-171-210, filed 11/1/76; Order 7-75, § 392-171-210, filed 12/22/75. Formerly WAC 392-45-140.]

WAC 392-171-220 Responsibilities of school districts. In contracting for services from another agency or from an individual, a school district shall retain the following responsibilities:

(1) A school district which assigns handicapped students to an agency under contract with the district shall continue to exercise such supervision and control over the performance of the contract as is necessary to fulfill the district's legal responsibility for the education and welfare of the students assigned.

(2) The school district of legal residence, prior to awarding the contract, shall evaluate, or cause to be evaluated, each student and provide documentation that no appropriate school district program exists, that no appropriate school district program can be reasonably established, and that an appropriate program cannot be contracted for with another school district.

(3) Each student for whom a contract is drawn shall be on the school district's attendance rolls and remain on said rolls for the duration of the contract.

(4) All contracts of this type shall be secured and approved by the school district board of directors and shall specify the type, duration, and costs of the services to be performed.

(5) Payments to the contracting agency shall be made by the school district. Funds shall be paid to the school district through established apportionment procedures. [Order 11-76, § 392-171-220, filed 11/1/76; Order 7-75, § 392-171-220, filed 12/22/75. Formerly WAC 392-45-150.]

WAC 392-171-225 Compliance with federal, state and local law. The contracted agency or individual shall comply with all applicable federal, state, and local laws, state and school district rules, chapter 392-171 WAC,

and similar requirements. The contracted agency or individual shall also comply with the following:

(1) A contracted agency, which is a nonprofit organization exempt from federal income taxation under section 501 of the internal revenue code of 1954 (or a subdivision of such organization) in a community where state or applicable local law provides for licensing of such agencies, shall be licensed pursuant to such law or approved by the state or local licensing agency as meeting the standards of licensure.

(2) Staff of the contracted agency shall be currently licensed or registered or certificated and/or certified in accordance with applicable laws. The agency shall maintain a recording and verification procedure that ensures valid and current licensure.

(3) Each agency or individual providing special education services in behalf of a school district shall have written policies which are available for review and which govern services contracted for. Such policies shall comply with and may exceed school district and state standards. Such policies shall include the following elements:

- (a) Scope of the service offered.
- (b) Admission and discharge policies.
- (c) Educational philosophy and methodology.
- (d) Care of children in emergencies.
- (e) Clinical and administrative records.
- (f) Personnel policies.
- (g) Staff duties.
- (h) Fee schedules.

(4) The contracted agency programs shall conform substantially to the standards and procedures established by this chapter governing school district programs for funding and other purposes. [Order 11-76, § 392-171-225, filed 11/1/76; Order 7-75, § 392-171-225, filed 12/22/75. Formerly WAC 392-45-155.]

WAC 392-171-235 Coordination of services. Contracted special education services provided to a school district shall be coordinated with the school district. Close liaison shall be maintained between the various professionals to ensure that the provision of care is in accord with established objectives and educational goals. Also, a working relationship shall be established and maintained which shall ensure that the control of the provision of all services contracted for in behalf of the child is retained by the school district, in accordance with contract conditions. [Order 11-76, § 392-171-235, filed 11/1/76; Order 7-75, § 392-171-235, filed 12/22/75. Formerly WAC 392-45-165.]

WAC 392-171-240 Written contracts. When a school district provides educational services for a handicapped child under an arrangement with an agency or with an individual such services shall be furnished in accordance with the terms of a written contract. The contract shall provide for retention by the school district of responsibility for and control of such services and shall include the following elements:

- (1) Description of the services to be provided.
- (2) Setting in which services are to be provided.
- (3) Geographical area served.

(4) Description of how contracted personnel are to be supervised.

(5) Description of how services are to be coordinated with the school district.

(6) Assurances that periodic student progress notes or reports are to be submitted at least monthly to the district.

(7) Methods of determining charges and reimbursement.

(8) Total dollar amount of contract.

(9) Duration of contract.

(10) Specifications of frequency of contract review.

(11) Assurances that personnel and services meet all licensing and/or certification requirements.

(12) Assurances that contracted services are to be provided only after appropriate review of case information and development of objectives based upon assessment of the child.

(13) Specification of the terms whereby the contract may be altered or terminated. [Order 11-76, § 392-171-240, filed 11/1/76; Order 7-75, § 392-171-240, filed 12/22/75. Formerly WAC 392-45-170.]

WAC 392-171-245 Special placement and parent appeal concerning contractual arrangements. In the event the school district of legal residence is unable to contract with another district or a nonpublic school agency or an appropriate state agency, the parent, through the said district, may petition the superintendent of public instruction for funds to provide an educational program with an agency in another state or Canada. Said funds shall be limited to the actual costs of providing an appropriate educational program and may include state basic support, local funds equivalent to the average per student costs, and excess cost funds as approved by the superintendent of public instruction.

Contractual arrangement with an out-of-state educational program must be approved by the superintendent of public instruction prior to the child's placement in that program. The school district shall be responsible for:

(1) Determining that no appropriate in-state placement option is available and for making the decision that the child should be placed in an out-of-state program.

(2) Determining that the out-of-state educational program is appropriately licensed or approved by that state's authorities and that the placement will result in an appropriate education for the child.

(3) Contracting with the out-of-state agency pursuant to the requirements of WAC 392-171-205 through WAC 392-171-240.

Parents wishing to appeal the placement recommended by their school district's director of special education shall be required to observe the policies and procedures established by the school district. Said rules and regulations shall generally conform to the district's policies and procedures for student rights and responsibilities as prescribed by chapter 180-40 WAC. [Order 11-76, § 392-171-245, filed 11/1/76; Order 7-75, § 392-171-245, filed 12/22/75. Formerly WAC 392-45-175.]

WAC 392-171-250 Interdistrict arrangements. School districts severally or jointly, with the approval of the superintendent of public instruction, are authorized to enter into interdistrict agreements with any other school district(s), as specified in RCW 28A.58.075 and/or RCW 28A.58.245 and RCW 28A.58.250. [Order 11-76, § 392-171-250, filed 11/1/76; Order 7-75, § 392-171-250, filed 12/22/75. Formerly WAC 392-45-180.]

WAC 392-171-255 Appeals to school boards—Time periods—Court appointed representatives. (1) The parent(s), legal guardian(s), surrogate parent, and the child shall possess the right to appeal the decision that a child is not in need of further assessment or that a child is to be excluded from a special education program within thirty (30) days after the date of receipt of a notice provided pursuant to WAC 392-171-040. A written notice of appeal shall be provided to the school district superintendent within said thirty (30) day period. The notice shall specify the name of the child and the point(s) of disagreement with the school district. The board of directors of the district shall schedule and conduct a hearing on the matter within twenty (20) days after the date of the superintendent's receipt of such notice. In the alternative, the hearing may be conducted by a hearing examiner and the board may base its decision upon the record prepared by the examiner, which shall include a written or oral transcription of the hearing. In the event a written request for an appeal is not received by the school district superintendent within said thirty (30) day period, the decision of the superintendent or his/her designee shall be final for the remainder of that school year, except as provided in subsection (3).

(2) The parent(s), legal guardian(s), surrogate parent, and the child possess the right to appeal the appropriateness of the special education program being provided the child by or in behalf of a school district, at any time, in the event the child has not made measurable progress within a reasonable period of time towards the objectives or goals established pursuant to WAC 392-71-085. The board of directors of the school district shall schedule and conduct a hearing on the matter within twenty (20) days after the date of the district superintendent's receipt of a written notice of appeal regarding the appropriateness of the special education program being provided a child. The notice shall specify the name of the child and the point(s) of disagreement with the school district.

(3) In the event the parent(s), guardian(s), surrogate parent, or the child do not appeal a matter pursuant to subsection (1), a representative of the child appointed by a court for the purpose of pursuing an appeal in behalf of the child shall possess a right to appeal within thirty (30) days after the date of such appointments, notwithstanding the elapse of the thirty day appeal period otherwise provided for in subsection (1). A court appointed representative shall also possess the right, at any time, to appeal in behalf of a child pursuant to subsection (2). Any appeal by a court appointed representative shall be initiated, scheduled, and conducted as otherwise provided in this chapter. [Order 11-76, § 392-171-255, filed

11/1/76; Order 7-75, § 392-171-255, filed 12/22/75. Formerly WAC 392-45-185 (part).]

WAC 392-171-260 Appeals and sanction procedures—Procedure at the hearing. A parent, guardian, surrogate parent, child, or court appointed representative represented by counsel shall have the right to present evidence, call such witnesses as he or she may desire and cross-examine all other witnesses. Advance inspection of all affidavits, exhibits, or evidence available to school authorities shall be permitted. Each party shall be afforded a list of all witnesses to be called by the other. A tape recording or reliable verbatim record shall be made of the hearing by the school district.

A school district board's decision shall be made in the form of written findings and conclusions not more than ten days after the date upon which the hearing concluded. A copy of the board's decision shall be served in person or by certified or registered mail upon the individual who filed the notice of appeal and, if a different person, upon the individual who represented the child at the hearing. A copy shall be sent to the superintendent of public instruction, and a copy shall be placed in the school district superintendent's office file. [Order 11-76, § 392-171-260, filed 11/1/76; Order 7-75, § 392-171-260, filed 12/22/75. Formerly WAC 392-45-185 (part).]

WAC 392-171-265 Appeal from board's decision to superintendent of public instruction—Time periods. Either party shall have the right to appeal the school board's decision pursuant to WAC 392-171-255 within thirty (30) days after the date of receipt of written notification of said decision directly to the superintendent of public instruction. The scheduling for such an appeal is to be made at the discretion of the superintendent of public instruction, and the appeal shall be conducted de novo pursuant to the administrative procedures act (chapter 34.04 RCW).

Notice of a request for appeal shall be in writing and provided to both the school district and superintendent of public instruction. The notice shall specify the name of the child and the point(s) of disagreement with the school board of director's decision. In the event a written request for an appeal is not received by the superintendent of public instruction within thirty (30) days after the date of receipt of notification of the school board's decision, the decision of the school board shall be final for the remainder of that school year: *Provided*, That in the event the parent(s), guardian(s), surrogate parent, or the child do not appeal a matter pursuant to this section, a representative of the child appointed by a court subsequent to the decision of a school board for the purpose of pursuing an appeal from the board's decision shall possess a right to appeal within thirty (30) days following the date of such appointment, notwithstanding the elapse of the thirty-day appeal period otherwise provided for in this section. [Order 11-76, § 392-171-265, filed 11/1/76; Order 7-75, § 392-171-265, filed 12/22/75. Formerly WAC 392-45-185 (part).]

WAC 392-171-270 Appeals and sanction procedure—Child's continued attendance. Any child subject to a determination pursuant to WAC 392-171-255 through WAC 392-171-265 shall be allowed to continue in attendance until the appeal has been decided and no further appeal has been filed within the time allowed for an appeal by the parent(s), guardian(s), surrogate parent, or the child. [Order 11-76, § 392-171-270, filed 11/1/76; Order 7-75, § 392-171-270, filed 12/22/75. Formerly WAC 392-45-185 (part).]

WAC 392-171-275 Sanctions upon noncomplying school districts. The superintendent of public instruction shall impose sanctions upon a noncomplying school district including, but not limited in form or substance to, the withholding of all or any portion of state funds due the district, as necessary to enforce a determination made pursuant to WAC 392-171-265 or any provision of this chapter. No sanction shall, however, be placed upon a district until such time as the district has been afforded an opportunity for an informal hearing by the superintendent and, subsequent thereto, the superintendent has determined that the district is not making a good faith and feasible effort to comply within a reasonable period of time. Any state funds withheld pursuant to this section shall be reinstated in whole once compliance is assured or may be reinstated gradually on the basis of the district's intent and degree of progress towards compliance. [Order 11-76, § 392-171-275, filed 11/1/76; Order 7-75, § 392-171-275, filed 12/22/75. Formerly WAC 392-45-185 (part).]

WAC 392-171-280 Transportation. Methods. Transportation options shall include the following categories, such exercised in the following sequence:

- (a) A scheduled school bus.
- (b) Contracted transportation, including public transportation.
- (c) Other arrangements, including that provided by parent or legal guardian.

Board and room cost may be provided whenever the above stated transportation options are not feasible because of the need(s) of any handicapped student or because of the unavailability of adequate means of transportation, in accordance with the rules established by the superintendent of public instruction.

(2) Welfare of the child. The transportation of a child with a handicapping condition(s) shall be in accordance with the rules of the superintendent of public instruction, as now or hereafter amended.

(3) Bus aides. Funds to support bus aides may be provided, subject to program approval by the superintendent of public instruction.

Training and supervision of bus aides and drivers shall be the responsibility of the school district superintendent or his/her designee.

(4) Special equipment. Special equipment may include lifts, wheel chair holders, restrainers, and two-way radios. All such special equipment shall comply with specifications as now or hereafter contained in the *Specifications for School Buses* as now or hereafter established by the superintendent of public instruction.

An inventory of all such special equipment shall be maintained by each educational service district to ensure full and continued use of special equipment within the educational service district or among other educational service districts.

(5) Transportation time on bus. Wherever possible no child should be required to ride more than 60 minutes one way.

(6) Discipline of handicapped children during transportation. Any disciplinary action required for any handicapped child during transportation time shall be the responsibility of the transporting district. [Order 11-76, § 392-171-280, filed 11/1/76; Order 7-75, § 392-171-280, filed 12/22/75. Formerly WAC 392-45-190.]

WAC 392-171-285 Facilities. Construction of special facilities or the remodeling of present facilities, in order to meet the special education need(s) of any child with a handicapping condition, shall be provided in accordance with the rules and regulations of the superintendent of public instruction and of the state board of education which govern the construction and/or financing of school district facilities. [Order 11-76, § 392-171-285, filed 11/1/76; Order 7-75, § 392-171-285, filed 12/22/75. Formerly WAC 392-45-195.]

Chapter 392-173 WAC

SPECIAL EDUCATION PROGRAMS— RESIDENTIAL SCHOOLS

WAC

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392-173-065	Program length.
392-173-070	Staff qualifications and ratios.
392-173-075	Transportation, facilities, and instruction materials.
392-173-080	Decisions and appeals regarding educational programming and exclusion from an educational program.

WAC 392-173-005 Purpose and authority. The purpose of this chapter is to accommodate the unique goals and student population of the state residential schools operated by the department of social and health services by establishing the standards governing the development and implementation of special education programs for handicapped residents of such schools who are under the age of twenty-one. This chapter applies to the maintenance and operation of such programs by the department and by private and public persons or entities,

including public school districts, in behalf of the department. The authority for the adoption of this chapter is based upon RCW 28A.13.030, RCW 72.05.140(2) and Article 3, section 22, of the State Constitution. [Order 16-76, § 392-173-005, filed 12/21/76.]

WAC 392-173-010 Definitions. As used in this chapter: (1) "Department" shall mean the department of social and health services.

(2) "Educational program" shall mean an individualized education directed to the unique needs, abilities, and limitations of a student.

(3) "Residential school" shall mean an institution, school or facility operated and maintained by the department for the education, guidance, care, treatment, and rehabilitation of children and adults who are exceptional in their need for care, treatment, and education by reason of mental and/or physical deficiency. The term shall include agents of the department, including public school districts, to the extent an agent performs any of the functions encompassed by this chapter in behalf of the department.

(4) "Student" shall mean an individual who has been admitted to a residential school and who has not had his or her twenty-first birthday on or before September one (1) of the school or program year.

(5) "Surrogate parent" shall mean an individual who is appointed to protect the due process and educational rights of a student. A surrogate parent may not be an employee of the department, or of a residential school or of the superintendent of public instruction, or of a school district or private agency which provides educational services to the student in behalf of the residential school. [Order 16-76, § 392-173-010, filed 12/21/76.]

WAC 392-173-015 General duties of the department of social and health services and the superintendent of public instruction. In recognition of the facts that the department has the immediate statutory duty, authority, and responsibility to establish, maintain, operate, and administer a comprehensive program for the care, custody, control, and education of students at the state residential schools; and that the superintendent of public instruction is charged with the responsibility of assisting the state schools so that the educational programs maintained therein shall be comparable to such programs provided for in chapter 392-171 WAC for children with similar aptitudes in local school districts; and that the superintendent of public instruction is appropriated funds for institutional programs from time to time and has the constitutional and statutory authority to supervise all matters pertaining to the public school system, the principal duties of the superintendent and department shall be as follows:

(1) The superintendent shall cooperate with the department in the exercise of powers granted by law with the objective of assuring each student an educational opportunity consistent with this chapter;

(2) the superintendent defers to the authority and duty of the department regarding the operation and maintenance of educational programs for residential school students, including programs operated in behalf

of a residential school by a school district or by other agencies whether public or private;

(3) The superintendent shall seek, allocate, and distribute state and federal funds made available for institutional programs on the condition that funds made available for the education of students be expended in substantial compliance with the requirements of this chapter and other state or federal funding conditions; and

(4) The superintendent shall provide the department with information and the advice and services of his or her staff necessary to achieve the purpose of this chapter to the extent the same are reasonably available. [Order 16-76, § 392-173-015, filed 12/21/76.]

WAC 392-173-020 Referral and admission to a residential school—Eligibility for immediate placement. Referrals and admissions to a residential school shall be governed by applicable state law and the procedures and criteria of the department implementing such law. Each student shall be placed in an educational program on or before the tenth school day following the date of admission pending a formal assessment, the development of habilitation goals and long-range educational goals, and placement pursuant to WAC 392-173-025 through WAC 392-173-055. [Order 16-76, § 392-173-020, filed 12/21/76.]

WAC 392-173-025 Assessment and individual program plans of residents. (1) All students who are not currently placed in an educational program in compliance with this chapter shall be assessed and otherwise processed in compliance with WAC 392-173-030 through 392-173-050 within 90 days after the effective date hereof.

(2) Within 90 days of the admission of a student to a residential school, the student shall be assessed, shall be provided a habilitation plan as determined by the department's policies, and shall be provided long-range educational goals pursuant to WAC 392-173-030 through 392-173-050.

(3) Each student's parent, legal guardian, surrogate parent, or committing court shall be consulted in connection with the assessment of the student, the establishment of the student's habilitation plan, and the establishment of the student's long-range educational goals, to the extent practicable. [Order 16-76, § 392-173-025, filed 12/21/76.]

WAC 392-173-030 Assessment—Areas of assessment—Parental permission. (1) Within 30 days after the date a student is admitted to a residential school, the student shall be assessed for the purpose of establishing a functional definition of his or her handicapping condition(s) including physical and mental handicaps, emotional maladjustment, perceptual motor handicaps, and any other conditions causing a temporary or permanent impairment in normal educational growth: *Provided*, That a student's parent, legal guardian, surrogate parent, or committing court, if any, shall have first, at the time of admission or otherwise, provided written

consent of sufficient scope to include assessment of the student.

(2) The areas of assessment shall include, but not be limited to:

(a) Scholastic—an assessment of the intellectual, language and communication, academic, and self-help skill levels of the student;

(b) Physical—an assessment of the health of the student with particular emphasis upon the visual, hearing, musculo skeletal, neurological, and developmental modalities of the student; and

(c) Adjustment—an assessment of the social skills and emotional status of the student.

(3) Medical consultation by the medical staff of the residential school and consultation with other institutional staff who work with the student shall always constitute a part of the assessment process for a student. Consultation with medical and other professional personnel outside the school may be utilized if deemed necessary.

(4) Assessment procedures shall assure a thorough and comprehensive assessment and that no student is denied or admitted to an educational program without a thorough investigation of the cultural, language, and health factors affecting his or her performance.

(5) Assessments of an educational nature and assessments of a medical nature shall be made by persons who are licensed, registered, credentialed, or certificated in accordance with state law to perform the activities and render the judgments required. [Order 16-76, § 392-173-030, filed 12/21/76.]

WAC 392-173-035 Analysis, summary and periodic review of individual assessments. (1) A summative (comparison) and formative (change) analysis of the data collected using the assessment of a student shall be prepared. The summative analysis shall consist of a comparison of the student's performance in relation to the student's chronological age which identifies excesses and deficits in the areas of scholastic, physical, and adjustment performance. The formative analysis shall consist of an examination of the student's performance prior to and during the period of assessment for the purpose of establishing the student's potential for desired change and shall be utilized in conjunction with the summative analysis to identify objectives and instructional programs for the student.

(2) Assessment results shall be summarized in writing, dated, and signed by the responsible residential school employee or agent. Such summaries shall set forth:

(a) A description of the procedures and instruments used,

(b) The results obtained,

(c) The student's performance excesses and deficits,

(d) The scholastic standing, physical condition, and adjustment data collected during the assessment, and

(e) The apparent significance of findings as related to the student's education.

(3) The assessment of each student shall be reviewed and updated on an annual basis, and each student shall be reassessed as necessary. [Order 16-76, § 392-173-035, filed 12/21/76.]

WAC 392-173-040 Habilitation plan. A habilitation plan for a student shall be established in writing within 30 days after the date upon which the student has been fully assessed, as now or hereafter required and governed by the department's policies. [Order 16-76, § 392-173-040, filed 12/21/76.]

WAC 392-173-045 Long-range educational goals.

(1) Long-range educational goals which are compatible with and supportive of a student's habilitation plan shall be established by certified educational personnel within 30 days after the date upon which the habilitation goals are established.

(2) Long-range educational goals shall:

(a) Be based upon complete and relevant diagnostic and programmatic data,

(b) Be set forth in specific behavioral terms against which a student's progress may be assessed, and

(c) Be detailed to the extent necessary to provide adequate guidance for the implementation, reassessment, and revision of a student's educational program. [Order 16-76, § 392-173-045, filed 12/21/76.]

WAC 392-173-050 Notice to parent or guardian.

On or before the 90th day after the date upon which a student is admitted to a residential school, the student's parent, guardian, surrogate parent, or committing court, if any, shall be:

(1) Provided the student's summary of assessment results required by WAC 392-173-035, such habilitation plan as is required by WAC 392-173-040 and the student's long-range educational goals; and

(2) Informed of the student's proposed program placement. [Order 16-76, § 392-173-050, filed 12/21/76.]

WAC 392-173-055 Program placement—Vocational components—Short-term objectives.

(1) Each student shall be placed in the particular educational program among those which are reasonably available which is appropriate to assisting the student to attain his or her long-range educational goals. Educational programs shall have a vocational and/or prevocational component based upon each student's level of functioning with on-job training opportunities where available and advisable.

(2) Program placement decisions shall be based upon a thorough evaluation of:

(a) The student's educational needs,

(b) Those educational services which have proven effective for handicapped individuals,

(c) All combinations of reasonably available educational services which may assist the student attain his or her long-range educational goals, and

(d) The student's safety and need for physical assistance.

(3) Program placement options include the placement of a student in an educational program operated and maintained by the department, an educational program or placement operated and maintained in behalf of a residential school by a school district and/or an educational program operated and maintained by a private

agency: *Provided*, That a private agency may be contracted with only pursuant to the procedures, criteria, and conditions imposed by WAC 392-171-205 through 392-171-240, as now or hereafter amended: *Provided further*, That an arrangement providing for the placement of students in an educational program operated and maintained by either a private agency or a school district shall be in writing and shall set forth and delineate the respective duties of the parties to comply with the various requirements of this chapter.

(4) Short-term educational objectives which are compatible with and supportive of a student's long-range educational goals shall be established following his or her placement in an educational program.

(5) The placement of a student shall be reviewed and revised, as necessary, on an annual basis. [Order 16-76, § 392-173-055, filed 12/21/76.]

WAC 392-173-060 Program evaluation and revision.

(1) Each residential school shall establish a reliable method for evaluating the educational progress of each student towards the long-range goals and short-term objectives established for the student and/or the teacher/manager efforts to effect desired change.

(2) An evaluation of each student's educational progress shall be conducted periodically for the purposes of:

(a) Comparing the student's performance with established educational goals and objectives, and

(b) Identifying the factors causing any significant difference between actual and predicted performance.

(3) Performance measurements at both the in-process and final-result stages and the results of each periodic evaluation shall be recorded in writing and serve as the basis for the modification of a student's educational program as necessary to improve its effectiveness. [Order 16-76, § 392-173-060, filed 12/21/76.]

WAC 392-173-065 Program length.

(1) Each residential school shall provide an educational program which consists of no less than 180 annual school days at an average of four hours per school day for students of preschool age to nine years of age and no less than 180 annual school days at an average of five hours per school day for students nine years of age through 20 years of age: *Provided*, That maintenance and operation funds shall be allocated by the superintendent of public instruction on the basis of 220 annual school days at an average of five hours per school day to the extent institutional appropriations reasonably permit.

(2) A student who is excluded in whole or part from an educational program shall be reviewed at least once each quarter of the calendar year for the purpose of determining whether or not the reason(s) for the exclusion persist. [Order 16-76, § 392-173-065, filed 12/21/76.]

WAC 392-173-070 Staff qualifications and ratios.

(1) All staff employed or retained to provide an educational program for students by or in behalf of a state residential school shall meet the staff qualifications established in WAC 392-171-115(4) as now or hereafter amended.

(2) The ratio(s) of certificated educational staff members to students shall be as established by the residential school with due regard for the physical, mental, and educational welfare of the students and the requirements that:

(a) Certificated personnel shall develop and supervise the educational program of each student,

(b) Certificated personnel shall evaluate educational program results, and

(c) Classified aids and auxiliary personnel shall perform instructional activities with students subject to supervision by a certificated individual and subject to either immediate observation by a certificated individual or frequent observation by a certificated individual for such minimum number of hours per week as shall be established by the residential school.

(d) Certificated personnel who perform instructional duties shall be employed and assigned to instruct students without bias based upon the severity, or difficulty, or multiplicity of the students' handicaps or behavior. [Order 16-76, § 392-173-070, filed 12/21/76.]

WAC 392-173-075 Transportation, facilities, and instruction materials. The department shall provide or make arrangements for the provision of transportation and facilities necessary or appropriate to the conduct of its educational program. Necessary instructional materials and supplies shall be provided through the expenditure of maintenance and operation funds distributed by the superintendent of public instruction pursuant to this chapter. All such service or physical elements in support of an educational program shall be provided in a manner and condition which reasonably assures the safety, health, and attainment of educational goals and objectives on the part of each student. [Order 16-76, § 392-173-075, filed 12/21/76.]

WAC 392-173-080 Decisions and appeals regarding educational programming and exclusion from an educational program. (1) Decisions made by a state residential school or in its behalf by a school district or other agent regarding the educational program of a student or the student's total or partial exclusion therefrom shall be the responsibility of the residential school.

(2) Appeals by a parent, guardian, or a surrogate parent shall be pursuant to procedures as now or hereafter established by the department: *Provided*, That such procedures shall at least guarantee parents, guardians, and surrogate parents such notice and hearing rights as may now or hereafter be provided for in and pursuant to 20 USC § 1415 as amended by Public Law 94-142 including, but not limited to, prior notice of and a right to an impartial due process hearing in connection with decisions to initiate or change, or to refuse to initiate or change, the identification, evaluation, or educational placement of a student or the provision of an educational opportunity to a student. [Order 16-76, § 392-173-080, filed 12/21/76.]

Chapter 392-181 WAC

PART-TIME PUBLIC SCHOOL STUDENTS

WAC

392-181-005	Purposes.
392-181-010	Definitions.
392-181-015	Attendance rights of part-time public school students.
392-181-020	Enrollment practices and conditions.
392-181-025	Provision of educational program to part-time public school students—Reports—Sites.
392-181-030	Apportionment procedures.
392-181-035	Compliance with rules as a condition to apportionment.

Reviser's note: With the filing of Superintendent of Public Instruction Order 7-75, on December 22, 1975, chapter 392-70 WAC, entitled Part-time Private School Attendance in Public Schools and Providing By Public Schools of Ancillary Services to Such Students has been superseded by chapter 392-181 WAC. See Title 392 WAC Digest page for disposition of chapters and reference notes relative thereto.

WAC 392-181-005 Purposes. The purposes of this chapter are to implement RCW 28A.41.145 in a constitutional manner and assure equal access to the public common school system by the residents of the state on a part-time attendance basis. [Order 7-75, § 392-181-005, filed 12/22/75. Formerly WAC 392-70-020.]

WAC 392-181-010 Definitions. As used in this chapter the term:

(1) "Ancillary service" shall mean any co-curricular service or activity, any health care service or activity, and any other services or activities, except "courses," for or in which pre-school through twelfth grade students are enrolled by a public school. The term shall include, but not be limited to, counseling, psychological services, testing, remedial instruction, speech and hearing therapy, health care services, tutorial services such as home or hospital instruction for the physically disabled, and sports activities such as intramural sports;

(2) "Course" shall mean any instructional curricular service or activity in which pre-school through twelfth grade students are enrolled by a public school;

(3) "Part-time public school student" shall mean a student who is enrolled in a public school for less time than a "full-time equivalent student" as defined in WAC 392-121-010, as now or hereafter amended, and shall include:

(a) Private school students to the extent they are also enrolled in a public school as a student thereof for the purpose of taking any course or receiving any ancillary service, or any combination of courses and ancillary services which is not available in the student's private school of attendance, and

(b) Any student who is enrolled exclusively in a public school for the purpose of taking courses or receiving ancillary services and/or participating in a work training program approved by the board of directors of the district;

(4) "Private school" shall mean any nonpublic vocational school and any nonpublic school which provides instruction in any of the grades kindergarten through twelve inclusive of nonpublic sectarian (religious) schools; and

(5) "Private school student" shall mean a student who is enrolled in a private school "full-time" as defined by the private school of attendance. [Order 7-75, § 392-181-010, filed 12/22/75. Formerly WAC 392-70-045.]

WAC 392-181-015 Attendance rights of part-time public school students. An eligible part-time public school student who qualifies as a resident of a public school district pursuant to the criteria set forth in WAC 392-137-010 shall be entitled to attend the schools of the district within his or her attendance area tuition free on a part-time basis. An eligible part-time public school student shall be entitled to take any course, receive any ancillary service, and take or receive any combination of courses and ancillary services which is made available by a public school to full-time students. Eligible nonresident part-time public school students may be enrolled at the discretion of a public school district pursuant to the terms and procedures established for nonresident student attendance in chapter 392-137 WAC. [Order 7-75, § 392-181-015, filed 12/22/75. Formerly WAC 392-70-040.]

WAC 392-181-020 Enrollment practices and conditions. (1) Requests for part-time attendance shall be processed by a public school only when made by the student, the student's parent(s), or the student's guardian(s); and,

(2) The enrollment of a part-time public school student who otherwise attends a private school shall be conditioned upon the certification by the student or by the student's parent(s) or guardian(s) as may be required by the public school, that:

(a) the student is a private school student and

(b) the course and/or ancillary service for which enrollment is requested is not available at the private school of attendance. [Order 7-75, § 392-181-020, filed 12/22/75. Formerly WAC 392-70-055 (part).]

WAC 392-181-025 Provision of educational program to part-time public school students—Reports—Sites. (1) Courses, ancillary services, and any combination of courses and ancillary services shall be provided to part-time public school students at the same level and quality as provided by the public school to full-time students;

(2) Courses, ancillary services, and any combination of courses and ancillary services shall be provided to part-time public school students upon public school grounds or on sites which are controlled by a public school district and at the home or hospital where the student may be confined by reason of a physical disability or sickness. Courses and ancillary services shall not be provided upon or within any private sectarian (religious) school site or facility: *Provided*, That field trips and special events incident to the public school program which include participation by both full-time and part-time public school students may be conducted by a public school upon or within private sectarian school facilities;

(3) No test result, grade, or other evaluation of a part-time public school student's abilities, needs, and/or

performance which is generated by a public school in connection with the student's attendance may be transmitted or communicated by a public school to a private school except upon the written request of a minor student's parent(s) or guardian(s) or upon the written request of the student if the student is eighteen years of age or older; and,

(4) No transportation between a part-time public school student's private and public schools of enrollment may be provided in whole or part to the student by a public school, except for transportation provided in connection with the student's participation in field trips and special events as allowed by subsection (2) above. [Order 7-75, § 392-181-025, filed 12/22/75. Formerly WAC 392-70-055 (part) and 392-70-065.]

WAC 392-181-030 Apportionment procedures. (1) Public school districts shall maintain a record of the number of hours each part-time public school student is enrolled;

(2) Each district shall report to the superintendent of public instruction as required the number of hours that courses and/or ancillary services, or any combination of courses and ancillary services, are provided to part-time students in the basic enrollment data for apportionment purposes;

(3) The information required by subsections (1) and (2) above shall be provided to the superintendent of public instruction on forms provided by, and at such times as are designated by, the superintendent. [Order 7-75, § 392-181-030, filed 12/22/75. Formerly WAC 392-70-075.]

WAC 392-181-035 Compliance with rules as a condition to apportionment. Each public school district shall certify compliance with this chapter as a condition to the reimbursement of costs pursuant to RCW 28A.41.130, RCW 28A.41.140, and RCW 28A.41.145, as now or hereafter amended. State apportionment funds shall be withheld in whole or part or recovered in whole or part through reduction in future apportionment entitlements, as necessary to enforce the provisions and intent of this chapter. [Order 7-75, § 392-181-035, filed 12/22/75. Formerly WAC 392-70-070.]

Chapter 392-183 WAC STUDENTS—TRANSFER APPEALS

WAC

392-183-005	Purpose.
392-183-010	Definitions.
392-183-015	Right of appeal.
392-183-020	Appeal notice.
392-183-025	Hearing.
392-183-030	Grounds for an order of release.

WAC 392-183-005 Purpose. The purpose of this chapter is to implement RCW 28A.58.242, and establish the procedures for filing and conducting appeals from the decision of a resident school district to deny the release of student to a nonresident district. [Order 4-77, § 392-183-005, filed 7/27/77, effective 9/11/77.]

WAC 392-183-010 Definitions. As used in this chapter, the term:

(1) "Residence" shall mean the physical location of a student's principal abode (e.g., the home, house, apartment, etc., within which the student lives the majority of the time).

(2) "Resident student" shall mean a student:

(a) Whose residence is within the school district of attendance; or

(b) Whose residence is within the boundaries of any military, naval, lighthouse, other United States reservation, national park, national forest, or Indian reservation (provided the student resides upon rented or leased undeeded lands within the Indian reservation) which is contiguous to the school district of attendance; or

(c) Whose residence is within a school district which does not carry the grades for which the student is eligible to enroll (e.g., a nonhigh school district).

(3) "Nonresident student" shall mean any student other than a resident student whose residence is within the state of Washington.

(4) "Resident district" shall mean the Washington State school district or districts of which a student is considered to be a resident.

(5) "Nonresident district" shall mean any school district other than a resident school district. [Order 4-77, § 392-183-010, filed 7/27/77, effective 9/11/77.]

WAC 392-183-015 Right of appeal. Any student under the age of twenty-one (21) and 18 years or older, or, in the case of a minor, the student's parent(s), guardian(s), or custodian(s) may appeal the decision of the school district within which the student resides, or the decision of the school district within which the student was last enrolled and is considered to be a resident for attendance purposes by operation of law, to deny the student's request for release to a nonresident school district made pursuant to chapter 392-137 WAC to the superintendent of public instruction. [Order 4-77, § 392-183-015, filed 7/27/77, effective 9/11/77.]

WAC 392-183-020 Appeal notice. (1) Requests for appeal shall be written, signed and directed to the superintendent of public instruction. Any such notice of appeal shall set forth or be accompanied by the following information:

(a) The name, age, grade level, and mailing address of the student;

(b) The school district of residence;

(c) The date of the school district's decision to deny a release;

(d) Either a copy of the minutes of the board of directors of the resident school district which establishes that the board has denied a request to release the student or a written statement of the superintendent of the resident district that the board has taken action denying such a request, if either can be obtained;

(e) Either a copy of the minutes of the board of directors of the nonresident school district to which a release has been requested which establishes that the nonresident district is willing to accept the student or a

written statement of the superintendent of the nonresident district that the board has taken action accepting the student.

(f) An explanation of the *special* hardship or detrimental condition of a financial, educational, safety or health nature affecting the student or the student's immediate family or custodian which exists or would exist as a result of the student's attendance in the resident district.

(g) An explanation of how attendance in the nonresident district would allegedly alleviate such special hardship or detrimental condition to a significant extent.

(2) Upon receipt of a notice of appeal which complies with subsection (1) the superintendent of public instruction or his or her designee shall schedule a hearing and provide a notice as required by RCW 34.04.090(1) to the appellant and the school district which denied the student's release. [Order 4-77, § 392-183-020, filed 7/27/77, effective 9/11/77.]

WAC 392-183-025 Hearing. The hearing provided for in WAC 392-183-020(2) shall be conducted in compliance with chapter 392-101 WAC and the state Administrative Procedure Act, chapter 34.04 RCW. The appeal shall be conducted before the superintendent of public instruction or his or her designee, as scheduled by the superintendent of public instruction or his or her designee. In the event the appeal is conducted before the superintendent's designee, the entire record as required by RCW 34.04.090(4) and (5), together with the proposed findings, conclusions and recommendation of the designee, shall be presented to and reviewed by the superintendent of public instruction. The superintendent of public instruction may reject, modify, or accept any portion or all of the proposed findings, conclusions, and recommendation following his or her review of the entire record. [Order 4-77, § 392-183-025, filed 7/27/77, effective 9/11/77.]

WAC 392-183-030 Grounds for an order of release. It shall be the policy of the superintendent of public instruction to order the release of a student to a nonresident district only in those cases in which the evidence establishes:

(1) That a *special* hardship or detrimental condition of the nature and effect identified in WAC 392-183-020(1)(f) exists; and

(2) That such special hardship or detrimental condition is likely to be alleviated to a significant extent in the event the student's release is ordered. [Order 4-77, § 392-183-030, filed 7/27/77, effective 9/11/77.]

Chapter 392-190 WAC

EQUAL EDUCATIONAL OPPORTUNITY—SEX DISCRIMINATION PROHIBITED

WAC

- 392-190-005 Purpose—Elimination of sex discrimination.
- 392-190-010 Counseling and guidance services—Career opportunities—Internal procedures.
- 392-190-015 Counseling and guidance—Duty of certificated and classroom personnel—Coordination of effort.

392-190-020	Inservice training—Sex bias awareness.
392-190-025	Recreational and athletic activities—Equal opportunity—Separate teams.
392-190-030	General—Recreational and athletic activities—Equal opportunity factors considered.
392-190-035	Recreational and athletic activities—Compliance timetable—Elementary and secondary level.
392-190-040	Recreational and athletic activities—Student interest—Required survey instrument.
392-190-045	Recreational and athletic activities—Facilities.
392-190-050	Course offerings—Generally—Separate sessions or groups permissible.
392-190-055	Textbooks and instructional materials—Scope—Elimination of sex bias—Compliance timetable.
392-190-060	Compliance—Local school district—Designation of responsible employee—Notification.
392-190-065	Compliance—Complaint procedure—District superintendent.
392-190-070	Compliance—Appeal procedure—Local school board.
392-190-075	Compliance—Contested case—Duty of the Superintendent of Public Instruction.
392-190-080	Compliance—Violations—Permissible sanctions.

WAC 392-190-005 Purpose—Elimination of sex discrimination. The purpose of this chapter is to establish rules and regulations which implement chapter 28A.85 RCW. The referenced enactment prohibits discrimination on the basis of sex in grades K-12 of the Washington public schools. Broad federal regulations implementing Title IX of the Education Amendments of 1972 similarly prohibit sex discrimination in federally-assisted education programs or activities. As a result, several substantive areas have been similarly identified and addressed by both state and federal enactments.

It is the intent of this chapter to encompass those similar substantive areas addressed by the Title IX regulations and in some aspects extend beyond the Title IX regulations. Accordingly, compliance with this chapter should constitute compliance with those similar substantive areas treated in the Title IX regulations, but school districts should be aware that compliance with the Title IX regulations alone may not constitute compliance with this chapter.

Although chapter 28A.85 RCW and the balance of this chapter prohibit sex discrimination in grades K-12 only, the Superintendent of Public Instruction hereby declares pursuant to the authority vested in the Superintendent by Article 3, section 22 of the State Constitution that it shall be unlawful for any public school district to discriminate on the basis of sex with regard to any activity conducted by or in behalf of a school district including, but not limited to, preschool, adult education, community education and vocational-technical program activities. [Order 6-76, § 392-190-005, filed 5/17/76.]

WAC 392-190-010 Counseling and guidance services—Career opportunities—Internal procedures. (1) No school district shall engage in discrimination against any person on the basis of sex in the counseling or guidance of students in grades K-12.

(2) Each school district shall devise and use materials, orientation programs, and counseling techniques that will encourage participation in all school programs and courses of study based on factors other than sex and that encourage students to explore subjects and activities not heretofore traditional for their sex.

(3) Each school district which uses testing and other materials for appraising or counseling students shall not use different materials for students on the basis of their sex or use materials which permit or require different treatment of students on such basis unless (a) such different materials cover the same occupations and interest areas and (b) the use of such different materials is demonstrated to be essential to eliminate sex bias.

(4) Each school district shall develop and use internal procedures for ensuring that all tests and appraisal instruments, career and vocational guidance materials, work/study programs and opportunities, and educational scheduling and/or placement do not discriminate on the basis of sex: *Provided*, That where the use of such instruments or materials or such programs or activities results in a substantially disproportionate number of members of one sex in any particular course of study or classification, the school district shall take such immediate action as is necessary to assure itself that such disproportion is not the result of discrimination in the program or activity or in the instrument or material or its application: *Provided further*, That where a school district finds that a particular class contains a substantially disproportionate number of individuals of one sex, the district shall take such immediate action as is necessary to assure itself that such disproportion is not the result of discrimination on the basis of sex in tests and appraisal instruments, career and vocational guidance materials, work/study programs and opportunities, and educational scheduling and/or placement or by counselors.

(5) Each school district shall comply fully with the requirements of this section no later than July 1, 1976. [Order 6-76, § 392-190-010, filed 5/17/76.]

WAC 392-190-015 Counseling and guidance—Duty of certificated and classroom personnel—Coordination of effort. (1) All certificated and classroom personnel shall encourage students to explore and develop their individual interests in career and vocational technical programs and employment opportunities without regard to sex, including reasonable efforts encouraging students to consider and explore "non-traditional" occupations for men and women: *Provided*, That all certificated and classroom personnel within each local school district shall have access to an Educational Staff Associate (ESA) certificated school counselor(s) or such other appropriate person(s), designated by the school district superintendent to coordinate compliance with the requirements of this section.

(2) All certificated and classroom personnel shall comply fully and immediately with the requirements of this section. The superintendent of each school district shall make the designation(s) required by this section immediately. [Order 6-76, § 392-190-015, filed 5/17/76.]

WAC 392-190-020 Inservice training—Sex bias awareness. Each school district should include sex bias awareness and sex bias elimination training sessions in such inservice training programs as are conducted or

provided for certificated and/or classroom personnel. [Order 6-76, § 392-190-020, filed 5/17/76.]

WAC 392-190-025 Recreational and athletic activities—Equal opportunity—Separate teams. (1) No person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, be treated differently from another person or otherwise be discriminated against in any interscholastic, club or intramural athletics or recreational activity offered by a school district, and no school district shall provide any such athletics or recreational activity separately on such basis. Sports teams and programs offered by a school district shall, regardless of their nature, be equally open to participation by qualified members of both sexes: *Provided*, That in the case of sports and recreational activities offered for students in grades 7 through 12, a school district may maintain separate teams for members of each sex if (a) it can clearly be shown, under the factual circumstances involved in the particular case, that the maintenance of separate teams for boys and girls truly constitutes the best method of providing both sexes, as a whole, with an equal opportunity to participate in the sports or games of their choice and (b) at the same time, a test of substantial equality between the two programs can be found to have been met.

(2) For the purpose of this section and WAC 392-190-050(2) "substantial equality" shall be determined by considering factors including but not limited to the following:

- (a) the relationship between the skill and compensation of coaching staffs;
- (b) the size of their budgets;
- (c) the quality of competition and game schedules;
- (d) uniforms;
- (e) equipment and facilities; and
- (f) sufficient numbers of participants to warrant separate teams. [Order 6-76, § 392-190-025, filed 5/17/76.]

WAC 392-190-030 General—Recreational and athletic activities—Equal opportunity factors considered. Each school district shall evaluate its recreational and athletic program at least once each year to ensure that equal opportunities are available to members of both sexes with respect to interscholastic, club or intramural athletics which are operated, sponsored, or otherwise provided by the school district.

In determining whether equal opportunities are available to members of both sexes with respect to interscholastic, club or intramural athletics, each school district conducting an evaluation required by this section, and the office of Superintendent of Public Instruction upon receipt of a complaint pursuant to WAC 392-190-075, shall consider several factors, including but not limited to the following where provided by a school district:

- (1) whether the selection of sports and levels of competition effectively accommodates the interests and abilities of members of both sexes;
- (2) the provision of equipment and supplies;
- (3) the scheduling of games and practice times including the use of playfields, courts, gyms, and pools;

- (4) transportation and per diem allowances, if any;
- (5) the opportunity to receive coaching and academic tutoring;

(6) the assignment and compensation of coaches, tutors, and game officials;

(7) the provision of medical and training facilities and services including the availability of insurance;

(8) the provision of housing, laundry, and dining facilities and services, if any; and

(9) publicity and awards.

Unequal aggregate expenditures within a school district for members of each sex or unequal expenditures for separate male and female teams will not alone constitute noncompliance with this chapter, but the failure to provide the necessary funds for recreational and athletic activities for members of one sex may be considered in assessing the equality of opportunity for members of each sex. [Order 6-76, § 392-190-030, filed 5/17/76.]

WAC 392-190-035 Recreational and athletic activities—Compliance timetable—Elementary and secondary level. (1) Each school district which operates, sponsors, or otherwise provides interscholastic, club or intramural athletics at the elementary school level (K-6) shall provide equal opportunity and encouragement for physical and skill development to all students in the elementary grades consistent with this chapter as expeditiously as possible but in no event later than July 21, 1976.

(2) Each school district which operates, sponsors, or otherwise provides interscholastic, club or intramural athletics at the secondary school level (7-12) shall provide equal opportunity and encouragement for physical and skill development to all students in the secondary grades consistent with this chapter as expeditiously as possible but in no event later than July 21, 1978. [Order 6-76, § 392-190-035, filed 5/17/76.]

WAC 392-190-040 Recreational and athletic activities—Student interest—Required survey instrument. (1) The Superintendent of Public Instruction shall develop a survey instrument to assist each school district in the determination of student interest for male/female participation in specific sports.

(2) A survey instrument shall be administered by each school district at all grade levels where interscholastic, intramural and other sports and recreational activities are conducted as expeditiously as possible, but in no event later than the 1975-76 school year. The results of the survey shall be considered in the program planning and development in the area of recreational and athletic activities offered within the school district.

(3) A survey instrument developed pursuant to this section shall be administered during the 1975-76 and 1976-77 school years and at least once every three years thereafter within each school district. *Provided*, That the content of the survey instrument may be modified or amended as deemed appropriate to clarify and assist in the evaluation of student interest. [Order 6-76, § 392-190-040, filed 5/17/76.]

WAC 392-190-045 Recreational and athletic activities—Facilities. A school district which provides athletic facilities for members of one sex including showers, toilets, and training room facilities for athletic purposes shall provide comparable facilities for members of the opposite sex no later than July 1, 1976: *Provided*, That such facilities may be provided as either separate facilities or shall be scheduled and used separately by members of each sex: *Provided further*, That this section shall not be interpreted to require the construction of additional facilities. [Order 6-76, § 392-190-045, filed 5/17/76.]

WAC 392-190-050 Course offerings—Generally—Separate sessions or groups permissible. No school district shall provide any course or otherwise carry out any of its education programs or activities separately on the basis of sex, or require or refuse participation therein by any of its students on such basis, including but not limited to health, physical education, industrial arts, business, vocational-technical, and home economics courses: *Provided*, That this section shall not be construed to prohibit:

(1) the grouping of students in physical education classes and activities by demonstrated ability as assessed by objective standards of individual performance developed and applied without regard to sex: *Provided*, That where use of a single standard of measuring skill or progress in a physical education class has an adverse effect on members of one sex, the school district shall immediately implement appropriate standards which do not have such effect;

(2) the separation of students by sex within physical education classes or activities offered for students in grades 7 through 12 if (a) it can clearly be shown under the factual circumstances involved in the particular case, that the maintenance of a separate physical education class or activity for boys and girls truly constitutes the best method of providing both sexes, as a whole, with an equal opportunity to participate in such class or activity and (b) at the same time, a test of substantial equality between the two classes or activities can be found to have been met;

(3) the conduct of separate sessions for boys and girls with respect to those portions of classes which deal exclusively with human sexuality; and

(4) the conduct of classes and/or activities within which a school district may establish or maintain requirements based on vocal range or quality which may result in a chorus or choruses of one or predominantly one sex.

Each school district that provides physical education classes and activities at the elementary school level (K-6) shall comply fully with this section as expeditiously as possible but in no event later than July 21, 1976. Each school district that provides physical education classes and activities at the secondary school level (7-12) shall comply fully with this section as expeditiously as possible but in no event later than July 21, 1978. [Order 6-76, § 392-190-050, filed 5/17/76.]

WAC 392-190-055 Textbooks and instructional materials—Scope—Elimination of sex bias—Compliance timetable. (1) It is the intent of this section to eliminate sex bias in connection with any form of instruction provided by a school district.

(2) The instructional materials policy of each school district required by RCW 28A.58.103 shall incorporate therein, as part of the selection criteria, a specific statement requiring the elimination of sex bias in all textbooks and instructional materials including reference materials and audio-visual materials.

(3) The instructional materials committee of each school district shall establish and maintain appropriate screening criteria designed to identify and eliminate sex bias in all textbooks and instructional materials including reference materials and audio-visual materials: *Provided*, That such selection criteria shall be consistent with the selection criteria endorsed by the state board of education dated December 6, 1974, WAC 180-48-010, as now or hereafter amended, and WAC 180-46-005 through WAC 180-46-060, as now or hereafter amended. One of the aids to identification of sex bias in instructional materials consists of the Washington Models for the Evaluation of Bias Content in Instructional Materials published by the Superintendent of Public Instruction.

(4) In recognition of the fact that current instructional materials which contain sex bias may not be replaced immediately, each school district should acquire supplemental instructional materials or aids to be used concurrent with existing materials for the purpose of countering the sex bias content thereof.

(5) Each school district shall comply fully with this section with respect to all textbooks and instructional materials including reference materials and audio-visual materials ordered after July 1, 1976. The screening criteria required by this section shall be adopted with the approval of the school district board of directors no later than July 1, 1976.

(6) Nothing in this section is intended to prohibit the use or assignment of supplemental instructional materials such as classic and contemporary literary works, periodicals and technical journals which, although they contain sex bias, are educationally necessary or advisable. [Order 6-76, § 392-190-055, filed 5/17/76.]

WAC 392-190-060 Compliance—Local school district—Designation of responsible employee—

Notification. (1) The superintendent of each school district shall immediately designate at least one employee who shall be responsible directly to the superintendent for monitoring and coordinating the district's compliance with this chapter. The employee designated pursuant to this section shall also be charged with the responsibility to investigate any complaint(s) communicated to the school district pursuant to WAC 392-190-065.

(2) Each school district shall, once each year or more often as deemed necessary, publish notice in a manner which is reasonably calculated to inform all students, students' parents, and employees of the name, office address and telephone number of the employee or employees appointed pursuant to this section and the appeal

procedure set forth in WAC 392-190-065, WAC 392-190-070 and WAC 392-190-075 as now or hereafter amended. [Order 6-76, § 392-190-060, filed 5/17/76.]

WAC 392-190-065 Compliance—Complaint procedure—District superintendent. (1) Upon receipt of a complaint by a school district in the manner herein described, the employee or employees designated pursuant to WAC 392-190-060 shall investigate the allegations set forth and shall institute such other reasonable procedures to effect a prompt resolution of the complaint: *Provided*, That each complaint communicated to the school district shall be (a) written, (b) signed by the complaining party, and (c) set forth specific acts, conditions, or circumstances alleged to be violative of this chapter or the specific acts, conditions, or circumstances that would be prohibited by this chapter.

(2) Upon completion of the investigation required by this section in connection with a complaint communicated to the school district, the designated employee or employees shall provide the district superintendent with a full written report of the complaint and the results of the investigation. The district superintendent shall respond in writing to the complaining party as expeditiously as possible but in no event later than thirty (30) calendar days following receipt of such complaint by the school district.

(3) The response of the school district superintendent required by this section shall clearly state either (a) that the school district denies the allegations contained in the complaint received pursuant to this section, or (b) the nature of such reasonable corrective measures deemed necessary to eliminate any such act, condition, or circumstance within the school district: *Provided*, That any such corrective measures deemed necessary shall be instituted as expeditiously as possible but in no event later than thirty (30) calendar days following the school district superintendent's mailing of a written response to the complaining party required by this section.

(4) The complaint procedure required by this section shall not prohibit the processing of grievances by an employee bargaining representative and/or a member of a bargaining unit pursuant to grievance procedures established at the school district level by local bargaining agreement. [Order 6-76, § 392-190-065, filed 5/17/76.]

WAC 392-190-070 Compliance—Appeal procedure—Local school board. (1) In the event a complainant remains aggrieved as a result of the action or inaction of the superintendent in resolving a complaint as provided in WAC 392-190-065, said complainant may appeal to the school district board of directors by filing a written notice of appeal with the secretary of the school board on or before the tenth day following (a) the date upon which the complainant received the superintendent's response or (b) the expiration of the thirty (30) day response period provided by WAC 392-190-065, whichever occurs first.

(2) An appeal to the board of directors pursuant to this section shall require the board of directors to schedule a hearing to commence on or before the twentieth day following the filing of the written notice of appeal. Both parties shall be allowed to present such witnesses and testimony as the board deems relevant and material. The board of directors shall render a written decision on or before the tenth day following the termination of the hearing, and shall provide a copy to all parties involved. [Order 6-76, § 392-190-070, filed 5/17/76.]

WAC 392-190-075 Compliance—Contested case—Duty of the Superintendent of Public Instruction. (1) In the event a complainant remains aggrieved with the decision of a school district board of directors rendered pursuant to WAC 392-190-070, the complainant may appeal the board's decision to the Superintendent of Public Instruction. Upon the receipt of a notice of appeal filed in compliance with this section, the Superintendent of Public Instruction shall schedule a hearing to commence on or before the fortieth day thereafter.

(2) A notice of appeal must be received by the Superintendent on or before the tenth day following the date upon which the complainant received written notice of the school board's decision. Furthermore, the notice must be in writing and must set forth (a) a concise statement of the portion or portions of the school board's decision which is appealed from, and (b) the relief requested by the complainant/appellant.

(3) Appeals to the Superintendent shall be conducted de novo pursuant to the state administrative procedure act (chapter 34.04 RCW). The complainant/appellant shall have the responsibility for prosecuting his or her case and the school district/respondent shall have the duty of defending the decision or portion thereof appealed from. [Order 6-76, § 392-190-075, filed 5/17/76.]

WAC 392-190-080 Compliance—Violations—Permissible sanctions. In the event a school district is found to be in violation of the requirements of this chapter, the Superintendent of Public Instruction may, by appropriate order pursuant to chapter 34.04 RCW, impose an appropriate sanction or institute appropriate corrective measures, including but not limited to (a) the termination of all or part of state apportionment or categorical moneys to the offending school district, (b) the termination of specified programs wherein such violation or violations are found to be flagrant in nature, (c) the institution of a mandatory affirmative action program within the offending school district, and (d) the placement of the offending school district on probation with appropriate sanctions until such time as compliance is achieved or is assured, whichever is deemed appropriate in the particular case by the Superintendent of Public Instruction. [Order 6-76, § 392-190-080, filed 5/17/76.]

Chapter 392-191 WAC
EVALUATION OF THE PROFESSIONAL
PERFORMANCE CAPABILITIES

WAC

392-191-005	Purpose.
392-191-010	Minimum criteria—Certificated classroom teachers.
392-191-020	Minimum criteria—Certificated support personnel.

WAC 392-191-005 Purpose. The purpose of this chapter is to implement RCW 28A.67.065 as now or hereafter amended, which directs the superintendent of public instruction to establish minimum criteria for the evaluation of the professional performance capabilities and development of certificated classroom teachers and certificated support personnel.

This chapter establishes the minimum criteria which each school district shall adopt for the evaluation of the professional performance capabilities and development of certificated classroom teachers and certificated support personnel. [Order 20-76, § 392-191-005, filed 1/11/77.]

WAC 392-191-010 Minimum criteria—Certificated classroom teachers. The following are the minimum criteria for certificated classroom teachers:

(1) **INSTRUCTIONAL SKILL.** The certificated classroom teacher demonstrates, in his or her performance, a competent level of knowledge and skill in designing and conducting an instructional experience.

(2) **CLASSROOM MANAGEMENT.** The certificated classroom teacher demonstrates, in his or her performance, a competent level of knowledge and skill in organizing the physical and human elements in the educational setting.

(3) **PROFESSIONAL PREPARATION AND SCHOLARSHIP.** The certificated classroom teacher exhibits, in his or her performance, evidence of having a theoretical background and knowledge of the principles and methods of teaching, and a commitment to education as a profession.

(4) **EFFORT TOWARD IMPROVEMENT WHEN NEEDED.** The certificated classroom teacher demonstrates an awareness of his or her limitations and strengths, and demonstrates continued professional growth.

(5) **THE HANDLING OF STUDENT DISCIPLINE AND ATTENDANT PROBLEMS.** The certificated classroom teacher demonstrates the ability to manage the noninstructional, human dynamics in the educational setting.

(6) **INTEREST IN TEACHING PUPILS.** The certificated classroom teacher demonstrates an understanding of and commitment to each pupil, taking into account each individual's unique background and characteristics. The certificated classroom teacher demonstrates enthusiasm for or enjoyment in working with pupils.

(7) **KNOWLEDGE OF SUBJECT MATTER.** The teacher demonstrates a depth and breadth of knowledge of theory and content in general education and subject matter specialization(s) appropriate to the elementary

and/or secondary level(s). [Order 20-76, § 392-191-010, filed 1/11/77.]

WAC 392-191-020 Minimum criteria—Certificated support personnel. The following are the minimum criteria for certificated support personnel:

(1) **KNOWLEDGE AND SCHOLARSHIP IN SPECIAL FIELD.** Each certificated support person demonstrates a depth and breadth of knowledge of theory and content in the special field. He/she demonstrates an understanding of and knowledge about common school education and the educational milieu grades K-12, and demonstrates the ability to integrate the area of specialty into the total school milieu.

(2) **SPECIALIZED SKILLS.** Each certificated support person demonstrates in his/her performance a competent level of skill and knowledge in designing and conducting specialized programs of prevention, instruction, remediation and evaluation.

(3) **MANAGEMENT OF SPECIAL AND TECHNICAL ENVIRONMENT.** Each certificated support person demonstrates an acceptable level of performance in managing and organizing the special materials, equipment and environment essential to the specialized programs.

(4) **THE SUPPORT PERSON AS A PROFESSIONAL.** Each certificated support person demonstrates awareness of his/her limitations and strengths and demonstrates continued professional growth.

(5) **INVOLVEMENT IN ASSISTING PUPILS, PARENTS, AND EDUCATIONAL PERSONNEL.** Each certificated support person demonstrates an acceptable level of performance in offering specialized assistance in identifying those needing specialized programs. [Order 20-76, § 392-191-020, filed 1/11/77.]

Chapter 392-200 WAC
PUBLIC SCHOOL EMPLOYMENT
DISCRIMINATION PROHIBITED

WAC

392-200-005	Purpose—Authority.
392-200-010	Public school employment and contract practices—Sex discrimination.
392-200-015	Public school employment—Affirmative action program.
392-200-020	Public school employment—Affirmative action program—General.

WAC 392-200-005 Purpose—Authority. It is the purpose of this chapter to require each public school district to establish and implement affirmative action employment policies and programs to eliminate discrimination on the basis of sex, race, creed, color, national origin, marital status, age, or the presence of any sensory, mental, or physical handicap. The authority for the rules contained herein is founded upon chapter 28A.85 RCW and Article 3, section 22 of the Washington State Constitution. [Order 6-76, § 392-200-005, filed 5/17/76.]

WAC 392-200-010 Public school employment and contract practices—Sex discrimination. (1) No school district shall, on the basis of sex, exclude any person from participation in, deny any person the benefits of, or subject any person to discrimination in employment, recruitment, promotion or advancement, consideration or selection therefor, whether full time or part time, in connection with employment by a school district.

(2) Each school district shall make all employment decisions in a nondiscriminatory manner and shall not limit, segregate, or classify any person in any way which could adversely affect a person's employment opportunities or status on the basis of sex.

(3) No school district shall enter into any contractual or other relationship that directly or indirectly has the effect of subjecting any person to discrimination in connection with employment on the basis of sex, including but not limited to relationships with employment and referral agencies, with labor unions, and with organizations providing or administering fringe benefits to employees.

(4) No school district shall grant preferences to applicants for employment on the basis of attendance at any educational institution or entity which admits as students only or predominantly members of one sex, if the giving of such preferences has the effect of discriminating on the basis of sex. [Order 6-76, § 392-200-010, filed 5/17/76.]

WAC 392-200-015 Public school employment—Affirmative action program. (1) Each school district shall develop and/or incorporate within any existing affirmative action employment program appropriate provisions which are consistent with the intent of chapter 28A.85 RCW and such guidelines as are hereafter developed and distributed to each school district by the office of Superintendent of Public Instruction to eliminate discrimination on the basis of sex, in connection with employment by the school district: *Provided*, That each school district's affirmative action employment program shall include at least the following provisions respecting discrimination on the basis of sex.

(a) maintain credential requirements for all personnel;

(b) make no differentiation in pay scale;

(c) make no differentiation in the assignment of school duties except where such assignment would involve duty in areas or situations, such as but not limited to a shower room, where persons might be disrobed;

(d) provide the same opportunities for advancement;

(e) make no difference in conditions of employment including, but not limited to, hiring practices, leaves of absence, hours of employment and assignment of, or pay for, instructional and noninstructional duties; and

(f) such other provisions as may be required by the Superintendent of Public Instruction designed to facilitate the effective achievement of all reasonable affirmative action goals and objectives in public school employment respecting the elimination of discrimination on the basis of sex.

(2) Each affirmative action employment program of a school district shall be filed with the office of the Superintendent of Public Instruction.

(3) The board of directors of each school district shall adopt and implement an approved affirmative action employment program required by this section as expeditiously as possible but in no event later than July 1, 1976. [Order 6-76, § 392-200-015, filed 5/17/76.]

WAC 392-200-020 Public school employment—Affirmative action program—General. (1) Notwithstanding the requirements of this chapter respecting discrimination on the basis of sex, each school district shall develop and/or incorporate within any existing affirmative action employment program appropriate provisions to eliminate discrimination on the basis of race, creed, color, national origin, marital status, age, or the presence of any sensory, mental, or physical handicap.

(2) Each affirmative action employment program of a school district shall be filed with the office of the Superintendent of Public Instruction.

(3) The board of directors of each school district shall adopt and implement an approved affirmative action employment program required by this section as expeditiously as possible but in no event later than July 1, 1976. [Order 6-76, § 392-200-020, filed 5/17/76.]