

28B.52.080, 41.56.040, 41.58.050, 41.59.110, and 47.64.040. 81-02-034 (Order 81-01), § 391-95-130, filed 1/6/81.]

WAC 391-95-310 Implementation. Where alternative payments in lieu of payments under a union security agreement have been agreed upon by the parties or ordered by the commission, the employer shall release any funds (together with accumulated interest) held in escrow under WAC 391-95-130 to the designated charitable organization and the employee shall thereafter make payments and shall furnish written proof to the exclusive bargaining representative that such payments have been made to the designated charitable organization. Where the employee is found ineligible to make alternative payments, the employer shall release any funds (together with accumulated interest) held in escrow to the exclusive bargaining representative and shall enforce the union security provision according to its terms. The employer and the exclusive bargaining representative shall allow the affected employee a grace period of not less than thirty days following the agreement or final order of the commission to correct any arrearages. [Statutory Authority: RCW 28B.52.080, 41.56.040, 41.58.050, 41.59.110, and 47.64.040. 81-02-034 (Order 81-01), § 391-95-310, filed 1/6/81.]

Title 392 WAC

PUBLIC INSTRUCTION, SUPERINTENDENT OF

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Chapter 392-105 WAC

SUPERINTENDENT OF PUBLIC INSTRUCTION-- ACCESS TO PUBLIC RECORDS

WAC

392-105-003 Description of organization.

WAC 392-105-003 Description of organization. (1) The superintendent of public instruction is a constitutional officer of the state charged with supervision over all matters pertaining to public schools. The superintendent of public instruction is also the statutory chief executive officer of the state board of education. Administrative offices of the superintendent of public instruction and the state board of education are located in Olympia, Washington.

(2) Organization of the superintendent of public instruction's office is divided into four operating divisions, the office of the deputy superintendent of public instruction, and the office of the secretary (executive director) to the state board of education.

(a) The office of the secretary (executive director) to the state board of education keeps the records for all board proceedings. The secretary to the state board of education is appointed by the state board of education.

(b) The office of the deputy superintendent of public instruction directs and coordinates the activities of the four operating divisions of the agency and several agency-wide support services sections. The deputy superintendent of public instruction is appointed by and reports directly to the superintendent of public instruction.

(c) The division of financial services is managed by an assistant superintendent. This person is appointed by the superintendent of public instruction and reports to the deputy superintendent. The division administers state apportionment and school building assistance to the school districts, maintains agency accounts, jointly with the state auditor develops accounting manuals for school districts and educational service districts, budget forms for school districts and educational services districts (ESDs) and administers the school systems statewide financial reporting and accounting systems, provides technical assistance to school districts for accounting and budgetary systems, and administers the school lunch, pupil transportation, and federal accounts programs.

(d) The instructional programs and services division is managed by an assistant superintendent. This person is appointed by the superintendent of public instruction and reports to the deputy superintendent. The division provides a wide range of technical assistance services to school districts in the development of basic education programs, learning resources and multicultural/equity.

In addition, the division has responsibility for supervising and managing supplementary federal education programs and for administering the state's traffic safety program.

(e) The special services and professional programs division is managed by an assistant superintendent. This person is appointed by the superintendent of public instruction and reports to the deputy superintendent. The division assists school districts in the development of gifted programs and health services programs and pupil personnel services, supervises the federal and state special education programs in the schools and state institutions, maintains liaison with private schools regarding all agency programs, manages the institutional education programs, the Title I/Chapter I programs, and supervises professional education and certification.

(f) The vocational-technical and adult education services division is managed by an assistant superintendent. This person is appointed by the superintendent of public instruction and reports to the deputy superintendent. The division administers the approval process for vocational-technical programs and procedures for distribution of federal and state funds. It also provides technical services for adult basic, industrial arts, career education, educational clinics, and community schools programs. [Statutory Authority: RCW 42.17.250 and 42.17.320. 82-19-047 (Order 82-12), § 392-105-003, filed 9/14/82. Statutory Authority: RCW 42.17.250 and 42.17.260. 80-05-034 (Order 80-5), § 392-105-003, filed 4/15/80.]

Chapter 392-109 WAC

STATE BOARD OF EDUCATION--ELECTION OF MEMBERS

WAC

392-109-040	Purpose.
392-109-055	Publicity.
392-109-060	Call of election.
392-109-065	Candidates--Eligibility--Filing.
392-109-072	Candidates for new congressional district positions-- First elections--Term of office.
392-109-077	Withdrawal of candidacy.
392-109-085	Ballots and envelopes--Mailing to voters.
392-109-115	Certification of election.
392-109-117	Publishing of names.

WAC 392-109-040 Purpose. The state board of education consists of sixteen voting members elected by the members of public school boards of directors and one nonvoting member elected by private school boards of directors. The purpose of this chapter is to provide for the annual election of members to the state board of education by establishing definitions and procedures which implement the statutory election process set forth in RCW 28A.04.020 and the statutes which follow. [Statutory Authority: RCW 28A.04.020. 82-16-037 (Order 82-7), § 392-109-040, filed 7/28/82; 80-07-038 (Order 80-20), § 392-109-040, filed 6/17/80.]

WAC 392-109-055 Publicity. The superintendent of public instruction shall annually publicize information

concerning the election of state board of education members beginning in May. [Statutory Authority: RCW 28A.04.020. 81-17-005 (Order 81-10), § 392-109-055, filed 8/7/81; 80-07-038 (Order 80-20), § 392-109-055, filed 6/17/80.]

WAC 392-109-060 Call of election. On or before August twenty-fifth of each year the superintendent of public instruction shall give written notice of an election to be held for each voting position on the state board of education subject to election and for the nonvoting position if it is subject to election. Notice shall be accomplished by:

(1) Mailing the call of election notice, calendar and rules to each member of a public school district board of directors; and

(2) Mailing copies of the call of election notice, calendar and rules to each private school addressed as follows: Chairperson of the Board of Directors, c/o Principal or Chief Administrator, (name and address of the particular private school). It shall be the responsibility of each such chairperson to duplicate the call of election notice, calendar and rules if necessary and provide a copy of each to each member of the private school's board of directors. [Statutory Authority: RCW 28A.04.020. 81-17-005 (Order 81-10), § 392-109-060, filed 8/7/81; 80-07-038 (Order 80-20), § 392-109-060, filed 6/17/80.]

WAC 392-109-065 Candidates--Eligibility--Filing.

(1) Eligibility: A person is eligible to be a candidate for only one vacancy on the state board of education at a time. A candidate for a vacancy among the sixteen voting positions on the state board must be a resident of the congressional district represented by the position and meet the other qualifications established by RCW 28A.04.040. A candidate for a vacancy in the nonvoting position on the state board must be a resident of the state of Washington and meet the other qualifications established by RCW 28A.04.040.

(2) Forms for filing: A person who desires to be a candidate shall complete:

(a) The declaration of candidacy and affidavit form provided for in WAC 392-109-070; and

(b) The biographical data form provided for in WAC 392-109-075: *Provided*, That a declarant may elect not to submit biographical data.

(3) Filing period: The filing period for candidates for any position on the state board of education is from September 1 through September 16. Any declaration of candidacy that is not received by the superintendent of public instruction on or before 5:00 p.m. September 16 shall not be accepted and such a declarant shall not be a candidate: *Provided*, That any declaration that is postmarked on or before midnight September 16 and received by mail prior to the printing of ballots shall be accepted: *Provided further*, That any declaration received pursuant to the United States mail on or before 5:00 p.m. September 21 that is not postmarked or legibly postmarked shall also be accepted. [Statutory Authority: RCW 28A.04.020. 82-16-037 (Order 82-7), §

392-109-065, filed 7/28/82; 80-07-038 (Order 80-20), § 392-109-065, filed 6/17/80.]

WAC 392-109-072 Candidates for new congressional district positions--First elections--Term of office. Pursuant to RCW 28A.04.030, at the first election to the two positions in a new congressional district, one position shall be elected to serve a six year term and the other shall serve a three year term. Candidates filing for election to a new congressional district position for the first such election shall indicate on the declaration and affidavit of candidacy form required by WAC 392-109-070 the initial term of office sought as either six years or three years. [Statutory Authority: RCW 28A.04.020. 82-16-037 (Order 82-7), § 392-109-072, filed 7/28/82.]

WAC 392-109-077 Withdrawal of candidacy. Any candidate may withdraw his or her declaration of candidacy by delivering a written, signed and notarized statement of withdrawal to the superintendent of public instruction on or before 5:00 p.m. September 21. A candidate's failure to withdraw as prescribed above shall result in the inclusion of the candidate's name on the appropriate election ballot. [Statutory Authority: RCW 28A.04.020. 81-17-005 (Order 81-10), § 392-109-077, filed 8/7/81.]

WAC 392-109-085 Ballots and envelopes--Mailing to voters. (1) On or before October 1 ballots shall be mailed to voters together with two envelopes to be used for voting. The outer and larger envelope shall:

- (a) Be labeled "official ballot;"
- (b) Be preaddressed with the "superintendent of public instruction" as addressee;
- (c) Have prepaid postage affixed; and
- (d) Have provision for the identification of the voter, his or her school district or school and his or her congressional district if pertinent.

The inner and smaller envelope shall be unlabeled and unmarked.

(2) One ballot and the two envelopes to be used for voting purposes, any candidates' biographical data and pertinent instructions for voting purposes shall be mailed to each member of a public school district board of directors.

(3) One official ballot, a number of copies of the ballot, two envelopes to be used for voting purposes, any candidates' biographical data and pertinent instructions for voting purposes shall be mailed to each private school addressed as follows: Chairperson of the Board of Directors, c/o Principal or Chief Administrator, (name and address of the particular private school). It shall be the responsibility of each such chairperson to duplicate the ballot, biographical data and pertinent instructions for voting purposes if necessary and provide a copy to each member of the private school's board of directors. [Statutory Authority: RCW 28A.04.020. 81-17-005 (Order 81-10), § 392-109-085, filed 8/7/81; 80-07-038 (Order 80-20), § 392-109-085, filed 6/17/80.]

WAC 392-109-115 Certification of election. Within ten days after the date upon which the votes were counted, the superintendent of public instruction shall officially certify the name or names of candidates elected by signing and forwarding written notice to the secretary of state. [Statutory Authority: RCW 28A.04.020. 81-17-005 (Order 81-10), § 392-109-115, filed 8/7/81; 80-07-038 (Order 80-20), § 392-109-115, filed 6/17/80.]

WAC 392-109-117 Publishing of names. As soon as reasonably possible after each annual election the superintendent of public instruction shall publish the names of the directors and private schools who voted in the election in "Your Public Schools." [Statutory Authority: RCW 28A.04.020. 81-17-005 (Order 81-10), § 392-109-117, filed 8/7/81.]

Chapter 392-121 WAC

FINANCE--GENERAL APPORTIONMENT

WAC

392-121-105	Definitions--Enrolled and full-time equivalent student.
392-121-115	Definitions--Certificated and classified employees-- Full-time equivalent.
392-121-120	Definition--LEAP Document 1.
392-121-121	Definition--Staff mix factor.
392-121-125	Definition--District staff mix factor.
392-121-126	Definition--System-wide staff mix factor.
392-121-127	Proration of school district staff mix factor.
392-121-145	Placement of nondegree certificated personnel on LEAP Document 1.
392-121-155	Placement on staff mix table--Documentation required.
392-121-170	Basic education allocation--Resident and nonresident students.
392-121-175	Basic education allocation--Deductible revenues.
392-121-176	Basic education allocation during strike.
392-121-177	Kindergarten and grade one through twelve programs considered collectively--Failure to operate an approved program--Denial of apportionment.
392-121-186	Procedure for crediting portion of basic education allocation for capital purposes in school districts.
392-121-195	Fire district allocation.

WAC 392-121-105 Definitions--Enrolled and full-time equivalent student. As used in this chapter, the terms:

(1) "Enrolled" shall mean that, after the close of the prior school year, a student has presented himself or herself, or has been presented, to the appropriate school official to be entered on the rolls for the purpose of attending school and has actually attended school on a school day during the current school year.

(2) "Full-time equivalent student" shall mean each student who is enrolled in the school district as of the fourth school day following the commencement of the school year (September 1 through August 31) and/or as of the first school day of any of the subsequent eight months for the number of hours set forth below, inclusive of class periods and normal class change passing time, but exclusive of noon intermissions: *Provided*, That the hours set forth below shall be construed as annual average hours for the purposes of compliance with this

chapter: *Provided further*, That for districts commencing basic education programs prior to September first, the first month enrollment count shall be made on the fourth school day in September:

(a) Kindergarten (full-day): 20 hours each week, or 4 hours (240 minutes) for 90 scheduled school days;

(b) Kindergarten (half-day): 10 hours each week, or 2 hours (120 minutes) each scheduled school day;

(c) Primary (grades 1 through 3): 20 hours each week, or 4 hours (240 minutes) each scheduled school day;

(d) Elementary (grades 4 through 6): 25 hours each week, or 5 hours (300 minutes) each scheduled school day;

(e) Secondary (grades 7 through 12): 25 hours each week, or 5 hours (300 minutes) each scheduled school day.

(3) "Average annual full-time equivalent students" shall mean the quotient obtained by dividing the annual total of full-time equivalent students enrolled and reported to the superintendent of public instruction pursuant to subsection (2) above by nine.

(4) "Enrollment decline" shall mean the number of average annual full-time equivalent students which is obtained by subtracting the district's average annual full-time equivalent students in the current school year from the district's average annual full-time equivalent students in the prior school year as calculated by the superintendent of public instruction not later than August 31 of each school year: *Provided*, That the enrollment for the current year is less than the enrollment for the prior year.

(5) "Kindergarten" shall mean an instructional program conducted pursuant to RCW 28A.35.010 for students who meet the entry age requirements pursuant to WAC 180-16-166.

(6) The definitions in this section shall apply for apportionment purposes only and shall not apply to program approval standards for basic education entitlement.

(7) No student shall be counted as more than one full-time equivalent for purposes of basic education allocation. [Statutory Authority: RCW 28A.41.170. 81-20-071 (Order 81-15), § 392-121-105, filed 10/6/81. Statutory Authority: RCW 28A.41.055 and 28A.41.170. 80-10-010 (Order 80-29), § 392-121-105, filed 7/28/80.]

WAC 392-121-115 Definitions--Certificated and classified employees--Full-time equivalent. As used in this chapter the terms:

(1) "Certificated employee" shall mean a person who holds a certificate issued by the superintendent of public instruction pursuant to chapters 180-75, 180-77, 180-79, 180-80 and 180-84 WAC and who is employed by a school district in a position for which such certificate is required by statute, rule of the state board of education, or written policy or practice of the employing school district: *Provided*, That in all cases, the school district superintendent shall be deemed to be a certificated employee.

(2) "Full-time-equivalent certificated employee" shall mean each certificated employee of the school district who, as of October 1 of each school year, is contracted to provide services for not less than 180 full work days, the length of such days to be determined by the district. In cases where an employee is contracted to provide services for 180 partial days, the employee shall be counted as a part of a full-time-equivalent employee, such part to be the quotient to the nearest tenth obtained by dividing that part of the day worked by the full day as determined by the district. In cases where an employee is contracted to provide services for less than 180 full work days, the employee shall be counted as a part of a full-time-equivalent employee, such part to be the quotient obtained by dividing the number of work days contracted for by 180 and rounding to the nearest tenth: *Provided*, That if the normal annual full-time contract for the position exceeds 180 working days, the greater number of work days normally contracted for shall be used as the divisor. No certificated employee shall be counted as more than one full-time-equivalent employee.

(3) "Classified employee" shall mean a person who is employed by a school district in a position which does not meet any of the requirements set forth in the definition of certificated employee in subsection (1) of this section.

(4) "Full-time-equivalent classified employee" shall mean an employee who is employed in a position which does not require certification for not less than 2,080 hours during a school year. A classified employee who is employed for less than 2,080 hours shall be counted as that part of a full-time employee as the number of hours employed bears to 2,080 hours as determined by the school district and rounded to the nearest tenth. No classified employee shall be counted as more than one full-time-equivalent employee. [Statutory Authority: RCW 28A.41.170. 81-20-071 (Order 81-15), § 392-121-115, filed 10/6/81. Statutory Authority: RCW 28A.41.055 and 28A.41.170. 80-10-010 (Order 80-29), § 392-121-115, filed 7/28/80.]

WAC 392-121-120 Definition--LEAP Document 1. "LEAP Document 1" shall mean the table of incremental values to three decimal places established to recognize differences in salary costs of basic education certificated staff attributable to the various levels of educational training and years of professional work experience which was developed by the legislative evaluation and accountability program (LEAP) committee on April 20, 1981, at 11:35 a.m. [Statutory Authority: RCW 28A.41.170. 81-20-071 (Order 81-15), § 392-121-120, filed 10/6/81. Statutory Authority: RCW 28A.41.055 and 28A.41.170. 80-10-010 (Order 80-29), § 392-121-120, filed 7/28/80.]

WAC 392-121-121 Definition--Staff mix factor. As used in this chapter, "staff mix factor" shall mean any one of the numbers to three decimal places which appears on LEAP Document 1 dated April 20, 1981, at

11:35 a.m. [Statutory Authority: RCW 28A.41.170. 81-20-071 (Order 81-15), § 392-121-121, filed 10/6/81.]

WAC 392-121-125 Definition--District staff mix factor. As used in this chapter the term "district staff mix factor" shall mean that number calculated to three decimal places as determined by:

(1) Assigning a staff mix factor from LEAP Document 1 dated April 20, 1981, at 11:35 a.m. to each certificated employee of the school district who is employed in the school district's basic education program as determined by the school district on October 1 of each school year depending upon the employee's placement on the appropriate years of service line and on the appropriate education column. Placement on LEAP Document 1 shall be according to the following criteria:

(a) Number of years of experience as defined in WAC 392-121-130: *Provided*, That the employee shall be placed on the line of fewer years of experience in cases where the employee's years of experience accumulate to less than half of a year or the employee shall be placed on the line of greater years of experience in cases where the employee's years of experience accumulate to one-half year or more; and

(b) The highest degree level as defined in WAC 392-121-135 and credits earned after that degree as defined in WAC 392-121-140 at the highest placement level for each employee: *Provided*, That in cases where the number of credits earned after a degree by an employee falls between the education columns, that employee shall be placed on the lower column except in cases where the credit equivalency is one-half a quarter hour or less below the next highest education column, that person shall be placed on the higher column;

(2) Multiplying the number of full-time employees as of October 1 with assigned staff mix factors by those factors;

(3) For part-time employees, multiplying the fraction of each employee's basic education full-time equivalency rounded to three decimal places by the respective mix factors;

(4) Adding the products obtained in (2) and (3) above; and

(5) Dividing the total obtained in (4) above by the district's total number of full-time-equivalent certificated employees in basic education as of October 1 with assigned staff mix factors. [Statutory Authority: RCW 28A.41.170. 81-20-071 (Order 81-15), § 392-121-125, filed 10/6/81. Statutory Authority: RCW 28A.41.055 and 28A.41.170. 80-10-010 (Order 80-29), § 392-121-125, filed 7/28/80.]

WAC 392-121-126 Definition--System-wide staff mix factor. As used in this chapter, the term "system-wide staff mix factor" shall mean the composite staff mix factor for all full-time-equivalent certificated staff in the state-wide basic education program as of October 1 of each school year. The factor shall be calculated as follows:

(1) The superintendent of public instruction shall first total the products obtained by (a) multiplying the number of full-time basic education certificated employees by their respective and appropriate staff mix factors and (b) for part-time basic education certificated employees, multiplying the fraction of each employee's basic education full-time equivalency rounded to three decimal places by the respective and appropriate mix factors. Rounding shall be accomplished by increasing the last required digit to the next highest number when the next digit to the right of the last required digit has a numeric value of five or more. The last required digit shall remain constant when the next digit to the right is less than five.

(2) The superintendent shall then divide the sum obtained in subsection (1) of this section by the total number of full-time-equivalent employees in the state-wide basic education program and round to four decimal places using the rounding process set forth in subsection (1) of this section.

(3) The quotient obtained in subsection (2) of this section shall be the system-wide staff mix factor. [Statutory Authority: RCW 28A.41.170. 81-20-071 (Order 81-15), § 392-121-126, filed 10/6/81.]

WAC 392-121-127 Proration of school district staff mix factor. If the system-wide staff mix factor exceeds 1.6182 in 1981-82 and 1982-83, each district's staff mix factor shall be prorated down by a uniform percentage to the extent necessary to bring the system-wide staff mix factor to 1.6182 in each of those years. The superintendent shall make the initial calculation of the system-wide staff mix factor no later than the last business day in January of each year. The superintendent shall incorporate the revised district staff mix factor into the calculations governing the February payment of basic education allocation funds. If school districts submit revised staff data which would change the district's staff mix factor, the superintendent will accept such revisions until the last business day in March of each year. The superintendent shall make a final determination of the system-wide staff mix factor and uniform percentage rate for reducing each district's staff mix factor pursuant to this section and incorporate that uniform percentage rate in the calculation of each district's basic education allocation. [Statutory Authority: RCW 28A.41.170. 81-20-071 (Order 81-15), § 392-121-127, filed 10/6/81.]

WAC 392-121-145 Placement of nondegree certificated personnel on LEAP Document 1. Certificated employees without college degrees shall be placed on LEAP Document 1 as follows:

(1) Persons holding a valid initial or provisional certificate as a school nurse, a life teaching certificate, or a valid certificate as a special elementary or secondary consultant, or special crafts teacher shall be placed on the BA column.

(2) Persons holding a valid continuing or standard school nurse certificate shall be placed on the BA + 30 credits column.

(3) Persons holding valid vocational certificates as provided for in chapter 180-77 WAC shall be placed on LEAP Document 1 as follows:

(a) Persons meeting the minimum certification requirements shall be placed on the BA column; and

(b) Additional quarter credit hours earned shall be recognized on the basis of one quarter hour for each ten clock hours of approved teacher training and/or one quarter hour for each 100 clock hours of occupational experience as defined in chapter 180-77 WAC each earned after meeting the minimal vocational certification requirements. Persons reaching the BA + 135 credits column with this process shall be placed on the MA column. [Statutory Authority: RCW 28A.41.170. 81-20-071 (Order 81-15), § 392-121-145, filed 10/6/81. Statutory Authority: RCW 28A.41.055 and 28A.41.170. 80-10-010 (Order 80-29), § 392-121-145, filed 7/28/80.]

WAC 392-121-155 Placement on staff mix table--Documentation required. School districts shall have documentation on file and available for review which substantiates each certificated employee's placement on LEAP Document 1.

Districts shall document the date of awarding or conferring of the degree. Documentation shall include the date upon which the degree was awarded or conferred as recorded on the diploma or official transcript: *Provided*, That if the degree was awarded by an institution which does not confer degrees after each term, and all degree requirements were completed at a time other than the date recorded on the diploma or transcript, an official notarized statement from the institution verifying a prior completion date shall be adequate documentation.

For certificated employees having no degree of bachelor's level or higher, no credits earned beyond degree may be reported: *Provided*, That if a person has no degree and has current vocational certification, districts may count and should report as quarter hour credits earned the following:

(1) Approved vocational teacher training at the rate of one quarter hour credit for each ten clock hours of training received after meeting minimum vocational certification requirements;

(2) Occupational experience at the rate of one quarter hour credit for each 100 clock hours of occupational experience gained after meeting minimal vocational certification requirements. [Statutory Authority: RCW 28A.41.170. 81-20-071 (Order 81-15), § 392-121-155, filed 10/6/81. Statutory Authority: RCW 28A.41.055 and 28A.41.170. 80-10-010 (Order 80-29), § 392-121-155, filed 7/28/80.]

WAC 392-121-170 Basic education allocation--Resident and nonresident students. (1) State basic education allocation funds shall be paid for students enrolled in grades kindergarten through twelve who are under twenty-one years of age at the beginning of the school year.

(2) State basic education allocation funds shall be paid to each school district for resident students and

nonresident students who are enrolled pursuant to chapter 392-135 WAC (interdistrict cooperation) or chapter 392-137 WAC (nonresident attendance). Such funds shall be paid to the school district in which the student attends school. [Statutory Authority: RCW 28A.41.170. 81-20-071 (Order 81-15), § 392-121-170, filed 10/6/81. Statutory Authority: RCW 28A.41.055 and 28A.41.170. 80-10-010 (Order 80-29), § 392-121-170, filed 7/28/80.]

WAC 392-121-175 Basic education allocation--Deductible revenues. In addition to those funds appropriated by the legislature for basic education allocation purposes, the deductible revenues expressly identified in RCW 28A.41.130 and the following deductible general fund revenues shall be included in the computation of the total annual basic education allocation of each school district pursuant to RCW 28A.41.130 and 28A.41.140:

(1) Proceeds from the sale of tax title real property managed by a county or of property rights appurtenant thereto;

(2) Proceeds from the sale, rental or lease of stone, minerals, timber, forest products, other crops and matter, and improvements from or on tax title real property managed by a county;

(3) State forest funds;

(4) Proceeds from the state timber excise tax reserve fund;

(5) Federal in-lieu-of tax payments; and

(6) County in-lieu-of tax payments: *Provided*, That otherwise deductible revenues from any of the foregoing sources received by a school district during the 1979-80 school year and any school year thereafter due solely to the district's levy of a building and capital projects fund or bond interest and redemption fund excess tax levy shall constitute nongeneral fund revenues and shall not be deducted in the computation of the district's annual basic education allocation for that school year. [Statutory Authority: RCW 28A.41.170. 81-20-071 (Order 81-15), § 392-121-175, filed 10/6/81. Statutory Authority: RCW 28A.41.130(4) and 28A.41.170. 80-15-025 (Order 80-36), § 392-121-175, filed 10/8/80. Statutory Authority: RCW 28A.41.055 and 28A.41.170. 80-10-010 (Order 80-29), § 392-121-175, filed 7/28/80.]

WAC 392-121-176 Basic education allocation during strike. Unless a school district's program is disapproved in accordance with WAC 180-16-160 through 180-16-164, basic education allocations shall continue for the period of a strike. [Statutory Authority: RCW 28A.41.170. 81-19-005 (Order 81-16), § 392-121-176, filed 9/4/81.]

WAC 392-121-177 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 basic education entitlement purposes at the rate of one one-hundred-eightieth of the district's basic education 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 basic education entitlement. [Statutory Authority: RCW 28A.41.170, 81-19-006 (Order 81-17), § 392-121-177, filed 9/4/81.]

WAC 392-121-186 Procedure for crediting portion of basic education allocation for capital purposes in school districts. If a local school district board of directors wishes to direct a portion of the district's annual basic education allocation to the school district's building and capital projects fund or bond interest and redemption fund pursuant to RCW 28A.41.143, the district board shall execute a resolution requesting the superintendent of public instruction to pay a portion of that allocation to the credit of the district's building and capital projects fund and/or bond interest and redemption fund. Such board resolutions should specify the justification in detail and the dollar amount to be credited to the building and capital projects fund and/or bond interest and redemption fund. Such resolution should be received by the superintendent of public instruction on or before the tenth of the month when payment to the building and capital projects fund and/or bond interest and redemption fund is to begin. Without a properly executed resolution, this office shall pay all state apportionment due and apportionable to the credit of the school district's general fund. Such moneys paid to any fund pursuant to this section cannot be subsequently transferred to the credit of another fund.

Resolutions requesting this office to direct a portion of the district's basic education allocation to the building and capital projects fund and/or the bond interest and redemption fund will not be approved by this office if the loss of general fund revenue to the district will result in an out-of-balance general fund budget. Any school district that would have an out-of-balance general fund budget after the potential loss of general fund revenue which would result from such a redirection of revenue will need to revise the general fund budget document to the point of being in balance following appropriate budget modification or extension procedures in order for this office to approve the resolution. A budget modification or extension may be necessary for the building and capital projects fund and/or bond interest and redemption fund.

Upon approval of the resolution by this office, payments will commence to the building and capital projects fund and/or bond interest and redemption fund in accordance with the apportionment schedule set forth in

RCW 28A.48.010. Such payments shall reduce general fund apportionment payments by the full amount of the approved resolution in the month payment begins. If the amount of the approved resolution exceeds the entire monthly apportionment payment in the month payment begins, the entire apportionment payment will be paid to the fund(s) designated in the resolution until the amount of the approved resolution is paid, subject to moneys available in the district's basic education allocation. [Statutory Authority: RCW 28A.41.170, 81-20-071 (Order 81-15), § 392-121-186, filed 10/6/81.]

WAC 392-121-195 Fire district allocation. In addition to those funds distributed for basic education purposes, school districts are entitled per RCW 52.36.020 to be reimbursed for funds expended for the purchase of fire protection services from fire protection districts. Only school plants located in unincorporated areas shall be eligible for such funds.

Payment to districts shall be made each July as a part of the monthly apportionment allocation. The amount of payment shall be \$1.00 per student for those students enrolled in each eligible school plant.

The enrollment count used to compute each district's reimbursement will be taken each October 1 of the calendar year preceding the month of allocation. The count shall be entered on forms provided to school districts by the superintendent of public instruction.

Any funds allocated to school districts for the purpose stated in this rule and not used for this purpose shall be recovered by the superintendent of public instruction from a district's monthly apportionment allocation.

If the funds appropriated by the legislature for fire protection service reimbursement are insufficient to support the allocation rate of \$1.00 per student, the rate shall be reduced equally for all eligible districts on a pro rata basis. [Statutory Authority: RCW 28A.41.170, 81-20-071 (Order 81-15), § 392-121-195, filed 10/6/81.]

Chapter 392-123 WAC

FINANCE--SCHOOL DISTRICT BUDGETING

WAC

392-123-005	Purposes.
392-123-010	The accounting manual.
392-123-047	Definitions—Revenue, accrual basis expenditures, cash basis expenditures, appropriation, and disbursements.
392-123-049	Basis of budgeting and accounting.
392-123-051	Repealed.
392-123-054	Time schedule for budget.
392-123-055	Identification of revenues to be included in the budget.
392-123-071	Budget extensions—First-class school districts.
392-123-072	Budget extensions—Second-class school districts.
392-123-079	Review of second-class district budgets and budget extensions.
392-123-115	Monthly budget status reports.
392-123-120	Statement of financial condition—Financial position of the school district.
392-123-125	Personnel budget status report.
392-123-130	Repealed.
392-123-140	Interfund loans allowable.
392-123-141	Effective date.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 392-123-051 Basis of budgeting and accounting. [Statutory Authority: RCW 28A.41.170, 28A.41.055 and 28A.65.465. 81-20-007 (Order 81-18), § 392-123-051, filed 9/24/81. Statutory Authority: RCW 28A.65.465. 80-06-043 (Order 80-16), § 392-123-051, filed 5/13/80; Order 8-76, § 392-123-051, filed 7/23/76.] Repealed by 82-19-048 (Order 82-13), filed 9/14/82. Statutory Authority: RCW 28A.65.465.
- 392-123-130 Monthly cash and investment status report for funds other than the general fund. [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.] Repealed by 81-20-007 (Order 81-18), filed 9/24/81. Statutory Authority: RCW 28A.41.170, 28A.41.055 and 28A.65.465.

WAC 392-123-005 Purposes. The purposes of this chapter are to implement chapter 28A.65 RCW and insure proper budgetary procedures and practices on the part of school districts. [Statutory Authority: RCW 28A.41.170, 28A.41.055 and 28A.65.465. 81-20-007 (Order 81-18), § 392-123-005, filed 9/24/81; 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 of public instruction shall publish notice of such proposed action and shall hold at least one public hearing. [Statutory Authority: RCW 28A.41.170, 28A.41.055 and 28A.65.465. 81-20-007 (Order 81-18), § 392-123-010, filed 9/24/81; 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 392-123-047 Definitions--Revenue, accrual basis expenditures, cash basis expenditures, appropriation, and disbursements. As used in this chapter, the term (1) "Revenue" shall mean additions of assets during a given fiscal period to a fund of a school district in the form of cash or donated commodities which does not accompany the incurrence of liabilities or represent refunds of previous disbursements.

(2) "Accrual basis expenditures" shall mean costs during a given fiscal period, whether paid or unpaid. With respect to the bond interest and redemption fund, the refunding bond fund, and the refunded bond fund, accrual basis expenditures are incurred when bond principal and interest become due.

(3) "Cash basis expenditures" shall mean actual disbursements during a given fiscal period regardless of when liabilities are incurred. "Cash basis expenditures" includes the consumption of donated commodities.

(4) "Appropriation" shall mean the maximum authorization during a given fiscal period to incur expenditures.

(5) "Disbursements" shall mean payments in cash, including but not limited to payments by warrants. [Statutory Authority: RCW 28A.65.465. 82-19-048 (Order 82-13), § 392-123-047, filed 9/14/82.]

WAC 392-123-049 Basis of budgeting and accounting. This section sets forth the basis for revenue and expenditure recognition for budgeting and accounting in all school districts.

(1) All school districts shall recognize revenue as defined in WAC 392-123-047(1).

(2) School districts with less than one thousand full-time equivalent students for the previous school year may utilize the cash basis for the recognition of expenditures from the general and all other funds recognized in subsection (3) below. *Provided*, That, in any school district which utilizes the cash basis, the school district superintendent shall prepare a list of accounts payable as of the end of the fiscal (school) year, subject to the penalties of perjury, a copy of which will accompany the district's annual report and a copy of which shall be filed with the district's board of directors.

(3) All school districts not utilizing the cash basis as provided in subsection (2) of this section shall utilize the accrual basis for the recognition of expenditures from the:

- (a) General fund;
- (b) transportation vehicle fund;
- (c) building and capital projects fund;
- (d) building reserve fund;
- (e) bond interest and redemption fund;
- (f) refunding bond fund;
- (g) refunded bond fund;
- (h) permanent insurance fund; and
- (i) associated study body program fund. [Statutory Authority: RCW 28A.65.465. 82-19-048 (Order 82-13), § 392-123-049, filed 9/14/82.]

WAC 392-123-051 Repealed. See Disposition Table at beginning of this chapter.

WAC 392-123-054 Time schedule for budget. The time schedule for preparation, adoption and filing of the annual budget is as follows:

Final Date For Action	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,	Same as first-class.

Final Date For Action	First-Class Districts	Second-Class Districts	Final Date For Action	First-Class Districts	Second-Class Districts
	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 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.		July 20	Final date to have sufficient 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 25		Final date for educational service district to notify districts of problems noted in review.
			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.
July 10	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.	August 3		Last date to forward five copies of said adopted budget to educational service district for review, alteration and approval.
			August 10	Final date for educational service district to notify districts of review problems noted in review.	
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.	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	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

Final Date For Action	First-Class Districts	Second-Class Districts
	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.	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.	
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.

[Statutory Authority: RCW 28A.41.170, 28A.41.055 and 28A.65.465. 81-20-007 (Order 81-18), § 392-123-054, filed 9/24/81. Statutory Authority: RCW 28A.65.465. 80-06-043 (Order 80-16), § 392-123-054, filed 5/13/80; 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.

All available current information including current instructions contained in bulletins now or hereafter published by the superintendent of public instruction shall be used to determine the amount of budget revenues that can reasonably be expected to be received in cash in the fiscal 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. [Statutory Authority: RCW 28A.41.170, 28A.41.055 and 28A.65.465. 81-20-007 (Order 81-18), § 392-123-055, filed 9/24/81. Statutory Authority: RCW 28A.65.465. 80-06-043 (Order 80-16), § 392-123-055, filed 5/13/80; 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 392-123-071 Budget extensions--First-class school districts. Upon the happening of any emergency in a first-class school district 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.

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 adopted pursuant to this section shall be filed with the superintendent of public instruction, the office of the state auditor, the educational service district and the appropriate county auditor. The final date for adopting appropriation resolutions extending budgets other than for any emergency as stated above shall be June 30. The final date for adopting appropriation resolutions extending budgets for any emergency as stated above shall be August 31. Each copy of all appropriation resolutions filed shall have attached a copy of the school district budget as revised by the appropriation resolution and a copy of the latest budget status report. The revised budget shall be on

forms provided by the superintendent of public instruction and shall be prepared in accordance with instructions provided by the superintendent of public instruction. Any appropriation resolution adopted after the dates specified in this section shall be null and void. Any appropriation resolution adopted after the current appropriation level has been exceeded shall be null and void to the extent that the current appropriation level has been exceeded. [Statutory Authority: RCW 28A.41.170, 28A.41.055 and 28A.65.465. 81-20-007 (Order 81-18), § 392-123-071, filed 9/24/81. Statutory Authority: RCW 28A.65.465. 80-06-043 (Order 80-16), § 392-123-071, filed 5/13/80; 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 the school district board of directors before incurring expenditures in excess of appropriations shall obtain approval from the superintendent of public instruction in the following manner: The school district board of directors shall adopt a resolution stating the specific reason(s) for extending the budget, the estimated amount of additional appropriation needed and the source(s) of funds.

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 in accordance with current instructions contained in bulletins now or hereafter published by the superintendent of public instruction 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.

If approved, the request for budget extension shall be forwarded by the educational service district to the superintendent of public instruction for final approval. Except for requests for budget extensions for emergencies as defined in WAC 392-123-071, the superintendent of public instruction shall not approve requests for budget extensions received after the close of business on June 30 or the last business day prior to June 30 if June 30 occurs on a nonbusiness day. The final date for receiving requests for budget extensions for emergencies defined in WAC 392-123-071 shall be the close of business on August 31 or the last business day prior to August 31 if August 31 occurs on a nonbusiness day.

Any request for budget extension shall not be approved by the superintendent of public instruction to the extent that the current appropriation has been exceeded prior to the request for budget extension.

All appropriation resolutions approved by the superintendent of public instruction shall be filed by the superintendent of public instruction with the educational service district, the state auditor, and the appropriate county auditor. [Statutory Authority: RCW 28A.41.170, 28A.41.055 and 28A.65.465. 81-20-007 (Order 81-18), § 392-123-072, filed 9/24/81. Statutory Authority: RCW 28A.65.465. 80-06-043 (Order 80-16), § 392-123-072, filed 5/13/80; Order 8-76, § 392-123-072, filed 7/23/76.]

WAC 392-123-079 Review of second-class district budgets and budget extensions. Budgets of second-class school districts shall be reviewed by the educational service district prior to adoption by the school district board of directors. Second-class school districts shall submit a copy of their budget to their educational service district for review at least fourteen days prior to adoption, but not later than July 15.

Educational service districts shall notify each of its second-class school districts of any problems noted during the review prior to adoption of the budget by the board of directors.

The review shall include data entry and edit of the school district in the manner prescribed by the superintendent of public instruction.

Review of second-class school district adopted budgets shall be performed by the educational service districts. Said review shall include, but is not limited to, completion of data entry and edit, review of revenues and net cash and investments for accuracy, appropriateness of expenditures and determination of whether or not the budget is in compliance with this chapter, state statutory law, and budget instructions issued by the superintendent of public instruction.

The educational service district will notify the district of all problems noted during the review. The educational service district shall attempt to have the problems corrected prior to submission of the budget to the superintendent of public instruction.

The superintendent of public instruction shall conduct meetings with representatives of the educational service district and/or school district as deemed necessary to correct problems and to fix and approve the amount of appropriation from each fund of the budget as prescribed in RCW 28A.65.430 and WAC 392-123-054.

Review of budget extensions shall consist of data entry and edit, review of revenues and net cash and investments for accuracy, appropriateness of expenditures, and determination of whether or not the budget extension is in compliance with this chapter, state statutory law, and budget instructions issued by the superintendent of public instruction. Approval of budget extensions shall be in accordance with WAC 392-123-072. [Statutory Authority: RCW 28A.41.170, 28A.41.055 and 28A.65.465. 81-20-007 (Order 81-18), § 392-123-079, filed

9/24/81. Statutory Authority: RCW 28A.65.465. 80-06-043 (Order 80-16), § 392-123-079, filed 5/13/80.]

WAC 392-123-115 Monthly budget status reports. A monthly budget status report for each fund shall be prepared by the administration of each school district; and a copy of the most current budget status reports 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, 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. If deemed necessary by the superintendent of public instruction, and upon written notice to the district by the superintendent of public instruction, a monthly budget status report for one or more funds along with other financial information shall be filed with either the educational service district superintendent or the superintendent of public instruction or both for the period of time set forth in such notice. [Statutory Authority: RCW 28A.41.170, 28A.41.055 and 28A.65.465. 81-20-007 (Order 81-18), § 392-123-115, filed 9/24/81. Statutory Authority: RCW 28A.65.465. 80-06-043 (Order 80-16), § 392-123-115, filed 5/13/80; 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 monthly. The "statement of financial condition" in state form F-196, is an example of the type of format and level of information necessary for this report. [Statutory Authority: RCW 28A.41.170, 28A.41.055 and 28A.65.465. 81-20-007 (Order 81-18), § 392-123-120, filed 9/24/81; 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 according to the schedule set forth for monthly budget status reports in WAC 392-123-115. 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 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. [Statutory Authority: RCW 28A.41.170, 28A.41.055 and 28A.65.465. 81-20-007 (Order 81-18), § 392-123-125, filed 9/24/81; 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 Repealed. See Disposition Table at beginning of this chapter.

WAC 392-123-140 Interfund loans allowable. Loans are allowable to the general fund, the transportation vehicle fund, the building and capital projects fund and the bond interest and redemption fund. Loans are allowable from the general fund and the building and capital projects fund. Loans shall not be made [from any fund] to the detriment of any function or project for which the fund was established. [Statutory Authority: RCW 28A.65.465. 82-19-048 (Order 82-13), § 392-123-140, filed 9/14/82. Statutory Authority: RCW 28A.41.170, 28A.41.055 and 28A.65.465. 81-20-007 (Order 81-18), § 392-123-140, filed 9/24/81; 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.]

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 392-123-141 Effective date. Amendatory sections WAC 392-123-005, 392-123-010, 392-123-051, 392-123-054, 392-123-055, 392-123-071, 392-123-072, 392-123-079, 392-123-115, 392-123-120, 392-123-125 and 392-123-140 shall become effective on September 1, 1981. [Statutory Authority: RCW 28A.41.170, 28A.41.055 and 28A.65.465. 81-20-007 (Order 81-18), § 392-123-141, filed 9/24/81.]

Reviser's note: The effective date referred to in this section applies to Emergency Order 81-6, filed July 22, 1981 as published in Washington State Register 81-15-086.

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

WAC

392-125-010	Principles of accounting.
392-125-011	Basis of budgeting and accounting.
392-125-015	Budgets required.
392-125-020	Budget preparation, hearing and adoption.
392-125-060	Monthly budget status report.
392-125-075	Repealed.
392-125-085	Financial reports submitted to superintendent of public instruction.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

392-125-075	Distribution of county funds when county contains parts of two or more educational service districts. [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. Repealed by 81-19-007 (Order 81-19), filed 9/4/81. Statutory Authority: RCW 28A.21.135.]
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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. Prior to any revision thereof, the superintendent of public instruction shall publish notice of such proposed action and shall hold at least one public hearing. 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. [Statutory Authority: RCW 28A.21.135. 81-19-007 (Order 81-19), 392-125-010, filed 9/4/81; 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 392-125-011 Basis of budgeting and accounting. Revenue shall be recognized on the cash basis and expenditures shall be recognized on the accrual basis. [Statutory Authority: RCW 28A.21.135. 81-19-007 (Order 81-19), § 392-125-011, filed 9/4/81.]

WAC 392-125-015 Budgets required. Each educational service district shall prepare in accordance with this chapter and instructions from the superintendent of public instruction 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 which will reflect the approved core funding formula pursuant to WAC 392-125-036, and 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. [Statutory Authority: RCW 28A.21.135. 81-19-007 (Order 81-19), § 392-125-015, filed 9/4/81. Statutory Authority: RCW 28A.21.135 et seq. 79-07-005 (Order 1-79), § 392-125-015, filed 6/7/79; 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 third Friday in 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 fourth Monday in May in order that the superintendent may revise and fix the budget according to statute. [Statutory Authority: RCW 28A.21.135. 81-19-007 (Order 81-19), § 392-125-020, filed 9/4/81; 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 392-125-060 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 and to the superintendent of public instruction along with other financial information if deemed necessary by the superintendent of public instruction. [Statutory Authority: RCW 28A.21.135. 81-19-007 (Order 81-19), § 392-125-060, filed 9/4/81; 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 392-125-075 Repealed. See Disposition Table at beginning of this chapter.

WAC 392-125-085 Financial reports submitted to superintendent of public instruction. Within thirty calendar days following the end of September, December, March, and June each educational service district shall submit a financial report to the superintendent of public instruction. Said report shall be in the format specified by the superintendent of public instruction. [Statutory Authority: RCW 28A.21.135. 81-19-007 (Order 81-19), § 392-125-085, filed 9/4/81.]

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 basic education allocation.

WAC 392-129-005 Purpose and construction. This chapter shall govern a school district's entitlement to basic education allocation funds pursuant to RCW 28A.41.170 for any school year during which it is unable to conduct the minimum number of school days and/or program hour offerings, teacher contact hours, and course mix and percentages 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 conditions. The provisions of this chapter shall be narrowly construed by the superintendent of public instruction. [Statutory Authority: RCW 28A.41.170. 81-21-002 (Order 81-26), § 392-129-005, filed 10/8/81; 80-04-046 (Order 80-3), § 392-129-005, filed 3/21/80, effective 5/2/80; 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 conditions" shall mean a natural event, including but not necessarily limited to, a fire, flood, explosion, storm, earthquake, epidemic, or volcanic eruption that has the direct or indirect effect of rendering one or more school district facilities unsafe, unhealthy, inaccessible, or inoperable; and

An unforeseen mechanical failure or an unforeseen action or inaction by one or more persons, including negligence and threats, that (a) is beyond the control of both a school district board of directors and its employees and (b) has the direct or indirect effect of rendering one or more school district facilities unsafe, unhealthy, inaccessible, or inoperable. Such actions, inactions or mechanical failures may include, but are not necessarily limited to, arson, vandalism, riots, insurrections, bomb threats, bombings, delays in the scheduled completion of

construction projects, and the discontinuance or disruption of utilities such as heating, lighting and water: *Provided*, That an unforeseen action or inaction shall not include any labor dispute between a school district board of directors and any employee of the school district.

A condition is foreseeable for the purposes of this subsection to the extent a reasonably prudent person would have anticipated prior to August first of the preceding school year that the condition probably would occur during the ensuing school year because of the occurrence of an event or a circumstance which existed during such preceding school year or a prior school year. A board of directors of a school district is deemed for the purposes of this subsection to have knowledge of events and circumstances which are a matter of common knowledge within the school district and of those events and circumstances which can be discovered upon prudent inquiry or inspection.

(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 "vacation day" shall mean a day other than (a) a school day, (b) a school holiday as defined in RCW 28A.02.061, and (c) an inservice day for employees of the district that was scheduled prior to the unforeseen school closure and is actually used for that purpose.

(4) A "reasonable effort" shall, in the case of total district closures, mean the rescheduling and/or extension of the school district's instructional calendar in an effort to attain the minimum number of school days and program hour offerings, teacher contact hours, and course mix and percentages accruing therefrom required by law by (a) extending the school year to and through at least June fourteenth and (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 and program hour offerings, teacher contact hours, and course mix and percentages accruing therefrom, which have been lost by all the schools in the entire district by reason of one or more unforeseen conditions shall have in fact been made up. [Statutory Authority: RCW 28A.41.170. 82-16-039 (Order 82-9), § 392-129-010, filed 7/28/82; 81-21-002 (Order 81-26), § 392-129-010, filed 10/8/81; 80-04-046 (Order 80-3), § 392-129-010, filed 3/21/80, effective 5/2/80; Order 7-75, § 392-129-010, filed 12/22/75. Formerly WAC 392-14-020.]

WAC 392-129-015 Superintendent's determination of eligibility. (1) Total district closures. If a reasonable effort has been made to make up all school days and program hour offerings, teacher contact hours, and course mix and percentages accruing therefrom lost by all the schools in an entire district by reason of one or

more unforeseen conditions, but fewer than the minimum number of school days and program hour offerings, teacher contact hours, and course mix and percentages accruing therefrom required by law have been conducted, the school district will nevertheless be credited with full annual basic education allocation.

(2) Individual school closures. In the event that a district comprising more than one school is unable to operate a school for the minimum number of school days required by law to be conducted, the district may apply to the superintendent of public instruction or his designee for credit for its full annual basic education allocation. Such application shall be granted only upon a conclusive demonstration by the district to the satisfaction of the superintendent that one or more unforeseen conditions prevented the district from operating the school. If such conclusive demonstration is provided, the superintendent shall have the discretion to excuse such district from the obligation to make up such school days for that school and the program hours, teacher contact hours, and course mix and percentages accruing therefrom; however such excuse for that school shall not exceed two scheduled school days per incident nor three scheduled school days per school year.

(3) Whenever a district satisfies the definition of a school day specified in WAC 392-129-010(2) it also shall be deemed to have accrued all hours, as originally scheduled for that day, toward meeting its program hour offerings, teacher contact hours, and course mix and percentages requirements. [Statutory Authority: RCW 28A.41.170, 81-21-002 (Order 81-26), § 392-129-015, filed 10/8/81; 80-04-046 (Order 80-3), § 392-129-015, filed 3/21/80, effective 5/2/80; Order 7-75, § 392-129-015, filed 12/22/75. Formerly WAC 392-14-030.]

WAC 392-129-020 Rate of reduction in annual basic education allocation. 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 conditions, and/or by reason of any other cause, and for which the school district is not entitled to its basic education allocation pursuant to this chapter, the superintendent of public instruction shall reduce the basic education allocation of the district for that school year by one one-hundred and eightieth in the case of total district closures. In the case of individual school closures such one-hundred and eightieth daily reduction in the district's basic education allocation shall be multiplied by that fraction resulting from dividing the full time equivalent student enrollment of such individual school by the fulltime equivalent student enrollment of the district. Kindergarten and grade one through twelve programs shall be considered separately for the purpose of computing compliance with minimum school day and/or program hour offerings requirements and any loss of basic education allocation. [Statutory Authority: RCW 28A.41.170, 81-21-002 (Order 81-26), § 392-129-020, filed 10/8/81; 80-04-046 (Order 80-3), § 392-129-020, filed 3/21/80, effective 5/2/80; 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 through 392-131-025 Repealed.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 392-131-005 Purpose. [Order 7-75, § 392-131-005, filed 12/22/75. Formerly WAC 392-13-010.] Repealed by 81-19-008 (Order 81-20), filed 9/4/81. Statutory Authority: RCW 28A.41.170.
- 392-131-010 Strike defined. [Order 7-75, § 392-131-010, filed 12/22/75. Formerly WAC 392-13-030.] Repealed by 81-19-008 (Order 81-20), filed 9/4/81. Statutory Authority: RCW 28A.41.170.
- 392-131-015 Presumption of approved program operation—Strikes—Exception—Approval/disapproval of program during strike period. [Statutory Authority: RCW 28A.41.170, 80-14-017 (Order 80-35), § 392-131-015, filed 9/24/80, effective 11/13/80; Order 7-75, § 392-131-015, filed 12/22/75. Formerly WAC 392-13-020.] Repealed by 81-19-008 (Order 81-20), filed 9/4/81. Statutory Authority: RCW 28A.41.170.
- 392-131-020 Work stoppages and maintenance of approved programs for less than 180 days not condoned. [Order 7-75, § 392-131-020, filed 12/22/75. Formerly WAC 392-13-040.] Repealed by 81-19-008 (Order 81-20), filed 9/4/81. Statutory Authority: RCW 28A.41.170.
- 392-131-025 Kindergarten and grade one through twelve programs considered collectively—Failure to operate an approved program—Denial of apportionment. [Order 7-75, § 392-131-025, filed 12/22/75. Formerly WAC 392-13-050.] Repealed by 81-19-008 (Order 81-20), filed 9/4/81. Statutory Authority: RCW 28A.41.170.

WAC 392-131-005 through 392-131-025 Repealed. See Disposition Table at beginning of this chapter.

Chapter 392-135 WAC

FINANCE--INTERDISTRICT COOPERATION PROGRAMS

WAC

- 392-135-010 Definitions.
- 392-135-020 Application—Requirements for approval.
- 392-135-021 Reporting requirements.

WAC 392-135-010 Definitions. As used in this chapter, the term: (1) "Residence," "resident student," and "resident district" shall mean the same as defined in WAC 392-137-010.

(2) "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.

(3) "Participating school district(s)" shall mean any Washington state school district that is a signatory to an interdistrict cooperative agreement pursuant to provisions of this chapter. [Statutory Authority: RCW

28A.58.075(2) and 28A.58.245. 81-19-091 (Order 81-21), § 392-135-010, filed 9/18/81; 80-05-036 (Order 80-7), § 392-135-010, filed 4/15/80; Order 7-75, § 392-135-010, filed 12/22/75. Formerly WAC 392-15-905.]

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) A description of the services and program.
 - (b) The number of students to be served from each district.
 - (c) The estimated amount of any operating costs of the program that are not funded from state or federal sources and the method of sharing such unfunded costs.
- (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 of the board of directors of each participating school district. [Statutory Authority: RCW 28A.58.075(2) and 28A.58.245. 81-19-091 (Order 81-21), § 392-135-020, filed 9/18/81; Order 7-75, § 392-135-020, filed 12/22/75. Formerly WAC 392-15-915, 392-15-740.]

WAC 392-135-021 Reporting requirements. (1) Each school district shall provide, upon request of the superintendent of public instruction, such data as the superintendent deems appropriate to identify the resident school district of all nonresident students enrolled in a school district cooperative program who are attending classes in a school district other than the school district in which the student is resident, excepting all high school students from nonhigh school districts.

(2) The superintendent of public instruction shall provide each serving district of each approved interdistrict cooperative with necessary report forms and shall advise each serving district of the due date established by the superintendent for the return of such completed report forms to the educational service districts or to the superintendent of public instruction as now or hereafter established by the superintendent and published in bulletins of the division of financial services.

(3) Data required by this section shall be used by the superintendent of public instruction for the purposes of WAC 392-121-170 and chapter 392-139 WAC as now or hereafter amended. [Statutory Authority: RCW 28A.58.075(2) and 28A.58.245. 81-19-091 (Order 81-21), § 392-135-021, filed 9/18/81.]

Chapter 392-136 WAC

FINANCE--CONVERSION OF ACCUMULATED SICK LEAVE

WAC

392-136-005	Purpose.
392-136-020	Conversion of sick leave upon retirement or death.

WAC 392-136-005 Purpose. The purpose of this chapter is to implement RCW 28A.58.097 and 28A.21.360 which provide for compensating school district and educational service district employees for accumulated sick leave. The rules set forth in this chapter are not intended to govern the leave policies of a district for other purposes or to interpret the provisions of RCW 28A.58.100(2). [Statutory Authority: RCW 28A.58.097, 82-16-036 (Order 82-6), § 392-136-005, filed 7/28/82. Statutory Authority: 1980 c 182 §§ 5 and 6. 80-12-029 (Order 80-23), § 392-136-005, filed 8/28/80.]

WAC 392-136-020 Conversion of sick leave upon retirement or death. (1) Eligible employees: Each person who is employed by a school district or educational service district as of June 12, 1980, or thereafter and who subsequently terminates employment due to either retirement or death may personally, or through his or her estate in the event of death, elect to convert all eligible, accumulated, unused sick leave days to monetary compensation as provided in this section: *Provided*, That "vested out-of-service" employees who terminate employment but leave funds on deposit with a state retirement system shall not be considered to have retired or to be an eligible employee for the purposes of this section.

(2) Eligible sick leave days: All unused sick leave days that have been accumulated by an eligible employee at a rate of accumulation no greater than one full day per month of employment as provided by the leave policies of the district(s) of employment (a maximum of twelve days per year), less sick leave days previously converted pursuant to WAC 392-136-015 and those credited as service rendered for retirement purposes, may be converted to monetary compensation upon the employee's termination of employment due to retirement or death.

(3) Rate of conversion: Sick leave days that are eligible for conversion shall be converted to monetary compensation at the rate of twenty-five percent of an employee's full-time daily rate of compensation at the time of termination of employment for each full day of eligible sick leave. Partial days of eligible sick leave shall be converted on a pro rata basis.

(4) All sick leave days converted pursuant to this section shall be deducted from an employee's accumulated sick leave balance.

(5) Compensation received pursuant to this section shall not be included for the purpose of computing a retirement allowance under any public retirement system in this state. [Statutory Authority: RCW 28A.58.100(2), 82-16-038 (Order 82-8), § 392-136-020, filed 7/28/82. Statutory Authority: 1980 c 182 §§ 5 and 6, 80-12-029 (Order 80-23), § 392-136-020, filed 8/28/80.]

Chapter 392-137 WAC

FINANCE--NONRESIDENT ATTENDANCE

WAC

392-137-055 Appeal notice.
392-137-060 Hearing.

WAC 392-137-055 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 on the date of the school district's decision to deny a release;

(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 by the superintendent of the resident district that the board has taken action denying such a request;

(e) Either a copy of the minutes of the board of directors of the nonresident school district to which a release has been requested that establishes 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 or that the board has established a policy accepting all students who are released by an order of the superintendent of public instruction or the court;

(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 that 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 that denied the student's release. [Statutory Authority: RCW 28A.58.240, 82-19-049 (Order 82-14), § 392-137-055, filed 9/14/82. Statutory Authority: RCW 28A.58.240 and

28A.58.242, 80-05-037 (Order 80-8), § 392-137-055, filed 4/15/80.]

WAC 392-137-060 Hearing. The hearing provided for in WAC 392-137-055(2) shall be conducted in compliance with chapter 392-101 WAC and the state Administrative Procedure Act, chapter 34.04 RCW. In the event the appeal (i.e., hearing) 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 provisions of RCW 34.04.110 shall be applicable to review by the superintendent of public instruction and shall be so noted within the designee's written opinion. 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. The decision of the superintendent, in such cases, shall be final and shall terminate the proceeding. [Statutory Authority: RCW 28A.58.240, 82-19-049 (Order 82-14), § 392-137-060, filed 9/14/82. Statutory Authority: RCW 28A.58.240 and 28A.58.242, 81-15-090 (Order 81-5), § 392-137-060, filed 7/22/81; 80-05-037 (Order 80-8), § 392-137-060, filed 4/15/80.]

Chapter 392-139 WAC

FINANCE--MAINTENANCE AND OPERATION LEVY LIMITS

WAC

392-139-005 Purpose.
392-139-010 Establishment of the maximum dollar amount of school district levies—General.
392-139-016 Definitions.
392-139-017 Additional definitions.
392-139-018 Additional definitions.
392-139-021 Determination of excess general fund levy capacity attributable to basic education allocation.
392-139-026 Determination of additional excess general fund levy capacity for 1982 tax collections.
392-139-027 Determination of additional excess general fund levy capacity for 1983 collections.
392-139-031 Determination of excess general fund levy capacity attributable to state-funded categorical programs.
392-139-036 Determination of excess general fund levy capacity to be transferred from the nonresident school district to the resident school district for interdistrict cooperation programs.
392-139-037 Determination of excess general fund levy capacity to be transferred from the high school district to the nonhigh school district.
392-139-038 Notification of maximum levy collection amounts.

WAC 392-139-005 Purpose. The purpose of WAC 392-139-010 through 392-139-038 is to establish the exclusive means for fixing the maximum dollar amount of taxes which may be levied on property and collected on behalf of any school district in a given tax year for general fund maintenance and operation purposes pursuant to RCW 84.52.053 and 84.52.0531. These rules shall be effective for calculation of taxes collected in calendar years 1982 and 1983. [Statutory Authority: RCW 84.52.0531, 82-07-085 (Order 82-5), § 392-139-

005, filed 3/24/82; 81-20-023 (Order 81-31), § 392-139-005, filed 9/29/81, effective 12/27/81; 80-18-020 (Order 80-38), § 392-139-005, filed 11/26/80; 79-01-006 (Order 13-78), § 392-139-005, filed 12/8/78.]

WAC 392-139-010 Establishment of the maximum dollar amount of school district levies—General. Notwithstanding such larger dollar amount as may be approved by the electorate of a school district pursuant to RCW 84.52.053, the maximum dollar amount which may be levied and collected by or for any school district for general fund maintenance and operation support in 1982 and 1983 shall be established annually in accordance with the following general procedures:

(1) Only figures and data gathered and approved by the superintendent of public instruction, or his or her designee, shall be used.

(2) Notice of the levy amount determined for each school district pursuant to this chapter shall be provided to each affected school district, county assessor and chairman of the board of county commissioners according to the schedule established in WAC 392-139-038.

(3) The superintendent of public instruction, or his or her designee, shall annually provide all districts with the appropriate calculation procedures for the purposes of this chapter. [Statutory Authority: RCW 84.52.0531, 81-20-023 (Order 81-31), § 392-139-010, filed 9/29/81, effective 12/27/81; 80-18-020 (Order 80-38), § 392-139-010, filed 11/26/80; 79-01-006 (Order 13-78), § 392-139-010, filed 12/8/78.]

WAC 392-139-016 Definitions. As used in this chapter, the terms:

(1) "Accounts 1000, 1030, 1040 and 3170" shall mean general fund revenue classifications as designated in Form F-195 (school district annual budget) published and distributed by the superintendent of public instruction as follows: Account 1000—total local property tax revenue; Account 1030—local property taxes collected from excess levies; Account 1040—joint district local property taxes collected from excess levies; and Account 3170—timber excise tax Fund A.

(2) "County assessor's report" shall mean the report completed by county assessors each year depicting the basic assessed valuation, regular levy senior citizen exemption, one hundred percent timber roll, excess general fund levy senior citizen exemption, and total assessed valuation data for individual school districts. County assessors provide these data annually to the superintendent of public instruction via Report 1038S.

(3) "County treasurer's monthly report" shall mean the financial statement issued to the school districts by the county treasurers each month from September through August. This report includes data concerning the school district general fund consisting of beginning and ending cash balances, investment income and expenditure, warrants outstanding, revenues in the form of cash increases credited to the various accounts and the current balance of the general fund. To determine the prior year's local property tax, joint district property tax

and timber tax collections for calculating a school district's additional levy authority, cash increase data are reported in items 20, 21, 22, 23, 24, 25 and 35 of this report for the 1980-81 school year and items 20, 23 and 35 for the 1981-82 school year.

(4) "F-195" (the budget for fiscal year 19__-__) shall mean the annual school district budget document officially adopted by each school district pursuant to chapter 28A.65 RCW for each year's operations. This document contains estimates of revenues to be received from state sources and excess general fund levy revenues to be collected during the school year.

(5) "F-203" shall mean the annual document prescribed by the superintendent of public instruction which school districts use to estimate state revenues and which is attached to each school district F-195 (annual budget) by the educational service district.

(6) "Report 1191" shall mean the monthly report prepared and distributed by the superintendent of public instruction which includes the number of basic education allocation formula derived certificated and classified staff units, the compensation entitlement amounts for such staff, the basic education allocation provided for each average annual full-time-equivalent student, the basic education allocation, the amount of state-funded support and any final adjustments made for the current school year for each school district. These data are used to calculate the basic levy limitation amount pursuant to WAC 392-139-021 and the additional levy capacity, if any, pursuant to WAC 392-139-026 for calendar year tax collections.

(7) "Report 1191E" shall mean the report prepared and distributed by the superintendent of public instruction which includes the number of basic certificated, formula certificated and formula classified staff units computed on the basis of the number of students enrolled in a school district as reported by the district converted to full-time-equivalent (FTE) students. The enrollment data are reported for each of the following grade levels: Kindergarten, grades 1-6, 7-8[,] and 9-12, excluding secondary vocational students. Vocational secondary FTE students are reported separately for private and public schools. The staff unit calculations provide for an additional number of certificated units due to a significant decrease in student enrollment as provided in the biennial appropriations acts.

(8) "Report 1197" shall mean the monthly report prepared and distributed by the superintendent of public instruction which includes the annual allotment of state funds to each school district for each of the state-funded programs which the district operates.

(9) "Spring tax collection percentage" shall mean that portion of property tax payments received by county treasurers for each school district from February 1 through August 31 expressed in terms of a percent. The superintendent of public instruction shall determine an average tax collection percentage based on a three-year period of tax collections. If a school district requests that the superintendent of public instruction review the tax collection percentage, the superintendent may choose

another tax collection period on which to base the tax collection percentage.

(10) "Fall tax collection percentage" shall mean that portion of property tax payments received by county treasurers for each school district from September 1 through January 31 of the next ensuing year expressed in terms of a percent. The superintendent of public instruction shall determine an average tax collection percentage based on a three-year period of tax collections. To determine the fall tax collection percentage, the superintendent of public instruction shall subtract the spring tax collection percentage from one hundred percent. If a school district requests that the superintendent of public instruction review the tax collection percentage, the superintendent may choose another tax collection period on which to base the tax collection percentage.

(11) "Total property tax collections" shall mean all property tax payments received by county treasurers for each school district from February 1 through January 31 of the next ensuing year. The sum of the spring tax collection percentage and the fall tax collection percentage shall always equal one hundred percent. [Statutory Authority: RCW 84.52.0531, 81-20-023 (Order 81-31), § 392-139-016, filed 9/29/81, effective 12/27/81; 80-18-020 (Order 80-38), § 392-139-016, filed 11/26/80.]

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 392-139-017 Additional definitions. As used in this chapter, the terms:

(1) "P-213" shall mean the form entitled Report of Students Residing in Nonhigh Districts Enrolled in High School Districts. The P-213 is printed and distributed annually by the superintendent of public instruction to school districts educating students residing in other school districts not maintaining an educational program for grades seven through twelve. Data from this report are used to determine, in part, the amount of excess general fund levy capacity which shall be transferred from the nonresident high school district to the resident nonhigh school district pursuant to WAC 392-139-037.

(2) "P-223NR" shall mean the form entitled Monthly Report of School District Enrollment of Nonresident Students Enrolled in an Approved Interdistrict Cooperative. The P-223NR is printed and distributed annually by the superintendent of public instruction to school districts educating students residing in other school districts. Data from this report are used to determine the authorized levy capacity to be shifted from the nonresident school district to the resident school district pursuant to WAC 392-139-036.

(3) "Basic education allocation" shall mean the amount of state funds calculated by the superintendent of public instruction which is the basis for the superintendent to distribute funds to school districts for the operation of a basic program of education pursuant to RCW 28A.58.750, et seq., 28A.41.130, 28A.41.140 and

chapter 392-121 WAC. In cases where a school district operates more than one small high school, the basic education allocation shall be increased by the amount calculated pursuant to the small high school formula set forth in the Biennial Appropriations Act for each of the high schools.

(4) "Average annual full-time equivalent (AAFTE)" shall have the same meaning as this term is given in WAC 392-121-105.

(5) "Enrollment decline" shall have the same meaning as this term is given in WAC 392-121-105.

(6) "Current school year" shall mean the school year which is in session at the time the levy limitation calculations are made pursuant to this chapter and county commissioners certify to the county assessors the amount of taxes to be levied on property pursuant to RCW 84.52.070.

(7) "Prior school year" shall mean the school year immediately preceding the current school year.

(8) "Next tax collection year" shall mean the calendar year immediately succeeding the current calendar year.

(9) "Current tax collection year" shall mean the current calendar year.

(10) "Mandated restricted cash" shall mean an amount of funds from excess general fund levy collections in the fall of calendar year 1979 equal to eight percent of the school district's 1979-80 basic education allocation multiplied by the district's fall tax collection percentage rate or the amount of the district's fall 1979 collections, whichever is less, which shall be held in an unencumbered status for expenditure for excess general fund levy relief in a subsequent school year pursuant to section 107, chapter 270, Laws of 1979 extraordinary session (the Biennial Appropriations Act). [Statutory Authority: RCW 84.52.0531, 81-20-023 (Order 81-31), § 392-139-017, filed 9/29/81, effective 12/27/81; 80-18-020 (Order 80-38), § 392-139-017, filed 11/26/80.]

WAC 392-139-018 Additional definitions. As used in this chapter, the terms:

(1) "Account 3020" shall mean the school district general fund budget classification in which are recorded state monies received by school districts for reimbursement for operation of a student transportation program approved by the superintendent of public instruction pursuant to RCW 28A.41.160 and chapter 392-141 WAC.

(2) "Account 3021" shall mean the school district general fund budget classification in which are recorded state monies received by school districts for reimbursement for cost of depreciation of transportation equipment pursuant to RCW 28A.41.160 and chapter 392-141 WAC.

(3) "Account 3030" shall mean the school district general fund budget classification in which are recorded state monies received by school districts for the operation of a program to educate handicapped students, such program approved by the superintendent of public instruction pursuant to chapter 28A.13 RCW, RCW 28A.41.053 and chapter 392-171 WAC.

(4) "Account 3220" shall mean the school district general fund budget classification in which are recorded state monies received by school districts for the operation of urban, rural, racial, disadvantaged (URRD) educational programs pursuant to RCW 28A.41.270 and chapter 392-161 WAC for the 1980-81 school year.

(5) "Account 3243" shall mean the school district general fund budget classification in which are recorded state monies which a school district receives for the operation of an education program for gifted students, such program approved by the superintendent of public instruction pursuant to RCW 28A.16.020 and WAC 180-68-100 for the 1980-81 school year.

(6) "Account 3244" shall mean the school district general fund budget classification in which are recorded state monies received by a school district for the operation of a remedial assistance program pursuant to RCW 28A.41.404 and WAC 392-161-170, et seq., for the 1980-81 school year.

(7) "Account 3245" shall mean the school district general fund budget classification in which are recorded state monies received by a school district for the operation of a transitional bilingual instruction program pursuant to RCW 28A.58.810 and chapter 392-160 WAC for the 1980-81 school year.

(8) "Account 3300" shall mean for the 1981-82 and 1982-83 school years the school district general fund budget classifications in which are recorded state monies received by a school district for the operation of special instructional programs (block grants pursuant to subsections (1), (2) and (3) of section 100, chapter 340, Laws of 1981, the Biennial Appropriations Act).

(9) "Account 3343" shall mean for the 1981-82 and 1982-83 school years the school district general fund budget classification in which are recorded state monies received by a school district for the operation of Indo-chinese refugee educational programs (block grants pursuant to subsection (5) of section 100, chapter 340, Laws of 1981, the Biennial Appropriations Act). [Statutory Authority: RCW 84.52.0531, 81-20-023 (Order 81-31), § 392-139-018, filed 9/29/81, effective 12/27/81; 80-18-020 (Order 80-38), § 392-139-018, filed 11/26/80.]

WAC 392-139-021 Determination of excess general fund levy capacity attributable to basic education allocation. The dollar amount of each school district's general fund excess levy authorized for the next tax collection year shall be determined by multiplying the prior school year's basic education allocation converted to one hundred percent of formula as of August 31 by ten percent. [Statutory Authority: RCW 84.52.0531, 82-05-025 (Order 82-3), § 293-139-021, filed 2/11/82, effective 4/6/82; 80-18-020 (Order 80-38), § 392-139-021, filed 11/26/80.]

WAC 392-139-026 Determination of additional excess general fund levy capacity for 1982 tax collections. (1) General. The dollar amount or capacity of each school district's general fund excess levy authorized for

the 1982 tax collection year may be increased over the amount determined in WAC 392-139-021 to the extent that the total of the estimated basic education allocation for the 1981-82 school year as of August 31, plus the estimated current school year general fund excess property tax capacity levy which would otherwise be placed in accounts 1000 and 3170 as limited pursuant to WAC 392-139-021, is less than the estimated potential 1981-82 school year dollar amount for basic education as established in subsection (2) of this section.

(2) Determination of whether or not a school district qualifies for additional excess general fund levy capacity. The establishment of the potential 1981-82 school year dollar amount for purposes of determining whether or not a school district is authorized additional general fund excess levy capacity shall be calculated as follows:

(a) To determine the district's 1980-81 school year dollar amount per student:

(i) Add the dollar amounts in the school district's 1980-81 school year general fund revenue accounts 1000 and 3170 as reported in the August 1981 county treasurer's monthly report, the school district's 1980-81 basic education allocation as reported on the August 31, 1981, Report 1191 and the mandated restricted cash, if any, for the 1980-81 school year;

(ii) Divide the total obtained in (i) above by the 1980-81 AAFTE students; and

(iii) Multiply the quotient obtained in (ii) above by one hundred six percent.

(b) Determine the district's estimated potential aggregate 1981-82 school year dollar amount as follows:

(i) Multiply the district's estimate of 1981-82 school year's AAFTE students by the dollar amount per student calculated in (a) of this subsection;

(ii) Multiply one half the estimated number of enrollment decline students by the dollar amount per student obtained in (a) (ii) above; and

(iii) Add the products obtained in (i) and (ii) above.

(c) Determine the district's 1981-82 school year dollar amount without funds from additional levy capacity calculated pursuant to this section by combining the district's estimated 1981-82 school year's basic education allocation as reported to the superintendent of public instruction on the F-203 for 1981-82 with the estimated fall tax collection amount from the 1981 excess general fund property tax levy and the estimated amount of spring tax collections for the 1982 tax levy limited pursuant to WAC 392-139-021 and 392-139-031.

(d) Determine the district's estimated additional potential dollar level for the 1981-82 school year by subtracting the total obtained in (c) of this subsection from the total obtained in (b) of this subsection.

(e) Determine the district's estimated additional excess general fund levy capacity for the 1982 tax collection year, if any, by dividing the amount obtained in (d) of this subsection, if greater than zero, by the spring tax collection percentage. [Statutory Authority: RCW 84.52.0531, 81-20-023 (Order 81-31), § 392-139-026, filed 9/29/81, effective 12/27/81; 80-18-020 (Order 80-38), § 392-139-026, filed 11/26/80.]

WAC 392-139-027 Determination of additional excess general fund levy capacity for 1983 collections. (1) Each school district which qualified to exceed the levy limitation imposed by WAC 392-139-021 for 1982 pursuant to WAC 392-139-026 may be authorized to exceed the levy limitations imposed by WAC 392-139-021 for taxes to be collected in 1983 as established in subsection (2) of this section.

(2) Establishing the maximum excess general fund tax levy for 1983. In order to determine the maximum general fund property tax levy capacity for 1983 tax collections, which shall be the same as the maximum capacity for the 1982 tax collection year would have been if more accurate data were available at the time the amounts were originally calculated, the following 1981-82 data shall replace the estimated data in the calculation process described in WAC 392-139-026(2)(b), (c), (d) and (e) as follows:

- (a) The AAFTE students for the 1981-82 school year;
- (b) The enrollment decline students for the 1981-82 school year;
- (c) The 1981-82 basic education allocation as reported on the district Report 1191 for August 31, 1982;
- (d) The dollar amounts in the school district's 1981-82 school year general fund revenue accounts 1000 and 3170 as reported in the August 1982 county treasurer's monthly report. [Statutory Authority: RCW 84.52.0531. 81-20-023 (Order 81-31), § 392-139-027, filed 9/29/81, effective 12/27/81.]

WAC 392-139-031 Determination of excess general fund levy capacity attributable to state-funded categorical programs. (1) For 1982 tax collections, the dollar amount of each school district's general fund excess levy authorized pursuant to this chapter shall be determined by summing allocations made from the state general fund to the school district by the superintendent of public instruction for 1980-81 in school district general fund revenue accounts 3020, 3021, 3030, 3220, 3243, 3244 and 3245 as reported on the August 31, 1981, Report 1197 and multiplying the total obtained by ten percent.

(2) For 1983 tax collections, the dollar amount of each school district's general fund excess levy authorized pursuant to this chapter shall be determined by summing allocations made from the state general fund to each school district by the superintendent of public instruction for 1981-82 in school district general fund revenue accounts 3020, 3021, 3030, 3300 and 3343 as reported on the August 31, 1982, Report 1197 and multiplying the total obtained by ten percent. [Statutory Authority: RCW 84.52.0531. 81-20-023 (Order 81-31), § 392-139-031, filed 9/29/81, effective 12/27/81; 80-18-020 (Order 80-38), § 392-139-031, filed 11/26/80.]

WAC 392-139-036 Determination of excess general fund levy capacity to be transferred from the nonresident school district to the resident school district for interdistrict cooperation programs. In cases where a student resides in one school district (resident school district) but attends school in another school district (nonresident

school district) pursuant to RCW 28A.58.075 or 28A.58.245 and chapter 392-135 WAC, the nonresident school district's excess general fund levy capacity for the next tax collection year shall be reduced and the resident school district's general fund excess levy capacity for the next tax collection year shall be increased by the same amount which shall be determined as follows:

(1) Determine the nonresident school district's prior school year basic education allocation per AAFTE as of August 31.

(2) Multiply the amount obtained in subsection (1) of this section by ten percent.

(3) For each AAFTE student enrolled in a nonresident school district, deduct the amount obtained in subsection (2) of this section from the nonresident school district's excess general fund levy capacity for the next tax collection year and add that same amount to the resident school district's excess general fund levy capacity for the next tax collection year. [Statutory Authority: RCW 84.52.0531. 81-20-023 (Order 81-31), § 392-139-036, filed 9/29/81, effective 12/27/81; 80-18-020 (Order 80-38), § 392-139-036, filed 11/26/80.]

WAC 392-139-037 Determination of excess general fund levy capacity to be transferred from the high school district to the nonhigh school district. In cases where a student resides in a nonhigh school district and attends school in a high school district pursuant to chapter 28A.44 RCW, the high school district's excess general fund levy capacity for the next tax collection year shall be reduced and the nonhigh school district's excess general fund levy shall be increased by the same amount which shall be determined as follows:

(1) For levies to be collected in calendar year 1982:

(a) Determine the high school district's 1980-81 school year's basic education allocation as of August 31, 1981, and multiply that amount by ten percent.

(b) Determine the high school district's 1980-81 school year's allocations pursuant to WAC 392-139-031 as of August 31, 1981, and multiply that amount by ten percent.

(c) Determine the high school district's additional levy capacity for 1982 collections, if any, pursuant to WAC 392-139-026.

(d) Sum the amounts determined in subsections (a), (b) and (c) above.

(e) Divide the sum obtained in (d) above by the high school district's total estimated AAFTE enrollment for 1981-82 as reported on the district's F-203 for 1981-82 to determine the high school district's amount of levy capacity per AAFTE student.

(f) Multiply the estimated number of students from each nonhigh school district reported for 1981-82 on the Form P-213 by the amount obtained in subsection (e) above.

(2) For levies to be collected in calendar year 1983:

(a) For school districts with no additional levy capacity for 1982 tax collections pursuant to WAC 392-139-026, the following procedure shall be used:

(i) Determine the high school district's 1981-82 school year's estimated basic education allocation as reported on the district's F-203 for 1981-82 and multiply that amount by ten percent.

(ii) Determine the high school district's 1981-82 school year's allocations pursuant to WAC 392-139-031 as of September 30, 1982, and multiply that amount by ten percent.

(iii) Sum the amounts determined in subsections (i) and (ii) above.

(iv) Divide the sum obtained in subsection (iii) above by the district's total estimated AAFTE enrollment as reported on the district's F-203 for 1982-83 to determine the high school district's amount of levy capacity per AAFTE student.

(v) Multiply the estimated number of students from each nonhigh school district reported for 1982-83 on the Form P-213 by the amount obtained in subsection (iv) above.

(b) For school districts with additional levy capacity for 1982 tax collections pursuant to WAC 392-139-026, the amount calculated in subsection (1)(e) of this section shall be multiplied by the number of students from each nonhigh district estimated on Form P-213 for the 1982-83 school year.

(c) A positive adjustment shall be made in the amount obtained in (2)(a)(v) above if the actual number of students from each nonhigh school district reported on the appropriate Form P-213 for the 1981-82 school year is greater than the estimated number of such students reported on the prior Form P-213 for that year; or a negative adjustment shall be made in the amount obtained in (2)(a)(v) above if the actual number of students from each nonhigh school district reported on the appropriate Form P-213 from the 1981-82 school year is less than the estimated number of such students reported on the prior Form P-213 for that year.

(d) The amount of levy capacity to be transferred from a high school district to a nonhigh district shall be reduced the same amount as any voluntary reduction in the billing by the high school district in accordance with sections 5, 7 and 10 of chapter 264, Laws of 1981. [Statutory Authority: RCW 84.52.0531, 81-20-023 (Order 81-31), § 392-139-037, filed 9/29/81, effective 12/27/81.]

WAC 392-139-038 Notification of maximum levy collection amounts. (1) Notification of maximum levy collection amounts for 1982 tax collections. Pursuant to this chapter, the division of financial services, superintendent of public instruction, shall prior to the first Wednesday following the first Monday in October in cases where county treasurers' reports are completed on a timely basis and within ten days after the superintendent of public instruction receives complete data from county treasurers' reports which are late, compute and notify school districts of the maximum excess general fund property tax levy capacity of each school district for taxes to be collected during the 1982 calendar year: *Provided*, That in cases in which school districts qualify for additional levy capacity pursuant to WAC 392-139-

026, such levy capacity shall be subject to reduction if the second extraordinary session of the forty-seventh legislature, if convened, appropriates additional monies for the 1981-83 basic education allocation, or of a superior court or the State Supreme Court has issued an order effectively prohibiting the reduction of the common school appropriation for 1981-83 in whole or in part: *Provided further*, That such legislative action or court decision occurs on or before December 15, 1981. The superintendent of public instruction shall calculate the reduced maximum additional levy capacity for 1982 tax collections pursuant to WAC 392-139-026 using the new dollar amounts. The superintendent shall notify each affected school district, county assessor and chairman of the board of county commissioners of such reduced capacity within fifteen days following either adjournment sine die or a court decision.

(2) Notification of maximum levy collection amounts for 1983 tax collections. Pursuant to this chapter, the division of financial services, superintendent of public instruction, shall prior to the first Wednesday following the first Monday in October in cases where county treasurers' reports are completed on a timely basis and within ten days after the superintendent of public instruction receives complete data from county treasurers' reports which are late, compute and notify school districts of the maximum excess general fund property tax levy capacity of each school district for taxes to be collected during the 1983 calendar year. [Statutory Authority: RCW 84.52.0531, 81-20-023 (Order 81-31), § 392-139-038, filed 9/29/81, effective 12/27/81.]

Chapter 392-140 WAC

FINANCE--SPECIAL ALLOCATIONS, INSTRUCTIONS, AND REQUIREMENTS

WAC	
392-140-010	1981-83 salary-compensation lid compliance—Authority and purposes.
392-140-011	1981-83 salary-compensation lid compliance—Definitions.
392-140-012	1981-83 salary-compensation lid compliance—Application to basic education staff.
392-140-013	1981-83 salary-compensation lid compliance—Initial reporting cycle—General.
392-140-014	1981-83 salary-compensation lid compliance—Initial reporting cycle—District edit of personnel data.
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392-140-017	1981-83 salary-compensation lid compliance—Initial reporting cycle—Determination of violation after review.
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392-140-019	1981-83 salary-compensation lid compliance—Compliance of average certificated salaries.
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392-140-023	1981-83 salary-compensation lid compliance—Withholding of basic education allocation.
392-140-025	1981-83 state categorical special education program—Definition—LEAP Document 3.
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392-140-027	1981-83 state categorical special education program—Definition—Classified average salary.
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392-140-034	1981-83 state categorical special education program—Maximum control factor—Proration.
392-140-035	1981-83 state categorical special education program—Reporting.
392-140-040	1981-83 state categorical residential educational program—Funding.
392-140-041	1981-83 state categorical residential educational program—Reporting.

WAC 392-140-010 1981-83 salary-compensation lid compliance—Authority and purposes. The provisions of WAC 392-140-010 through 392-140-023 are adopted pursuant to authority vested in the superintendent of public instruction by RCW 28A.41.170 and the provisions of the legislative appropriations acts for the common schools currently in effect. The purposes of WAC 392-140-010 through 392-140-023 are (1) to set forth the standards and procedures which the superintendent of public instruction shall use to determine whether or not each school district is in compliance with that portion of section 92, chapter 340, Laws of 1981, the 1981-83 biennial appropriations act, which establishes limits on the amount and/or percentage of salary and compensation increases which school districts may grant to employees in the 1981-82 and 1982-83 school years (hereinafter referred to as the salary-compensation lid), and (2) to determine whether or not a school district is in compliance with the salary-compensation lid.

(NOTE: Compliance with the provisions of the salary-compensation lid as defined herein does not necessarily insure that the same school district will be in compliance with the several provisions of chapter 16, Laws of 1981—i.e., Substitute House Bill No. 166).

[Statutory Authority: RCW 28A.41.170. 82-07-058 (Order 82-4), § 392-140-010, filed 3/19/82; 81-16-042 (Order 81-7), § 392-140-010, filed 7/30/81.]

WAC 392-140-011 1981-83 salary-compensation lid compliance—Definitions. As used in WAC 392-140-010 through 392-140-023, the term:

(1) "Basic education certificated staff" shall mean all full time equivalent certificated staff reported on the

Form S-275 in the following programs as specified in the Accounting Manual for Public School Districts in the state of Washington:

- (a) Basic education, program 00;
- (b) Secondary vocational education, program 30;
- (c) Skill centers, program 45;
- (d) General instructional support, program 94; and
- (e) General support, program 97.

(2) "Basic education classified staff" shall mean all full time equivalent classified staff reported on the Form S-277 in the following programs as specified in the Accounting Manual for Public School Districts in the state of Washington:

- (a) Basic education, program 00;
- (b) Secondary vocational education, program 30;
- (c) Skill centers, program 45;
- (d) General instructional support, program 94; and
- (e) General support, program 97.

(3) "Certificated staff salaries" shall mean those moneys which a school district has agreed to pay all basic education certificated staff who are employed as of October 1 of each school year under terms of basic or regular employment contracts between the district and certificated staff, exclusive of those moneys which are to be paid for a certificated employee's summer school or extracurricular duties, regardless of whether such duties are a part of the regular employment contract or a supplemental employment contract as reported to the superintendent of public instruction on Form S-275. Such amount shall include any increases made during the school year pursuant to WAC 392-140-018. Moneys paid to certificated staff hired on an hourly basis are not included in this definition.

(4) "Classified staff salaries" shall mean moneys which a district has agreed to pay, exclusive of overtime pay, to all basic education classified staff who are employed as of November 1 of each school year for employment services to the district for the school year as reported to the superintendent of public instruction on Form S-277. Such amount shall include any increases made during the school year pursuant to WAC 392-140-018.

(5) "Insurance benefits" shall mean the district cost for those items of protection designed to benefit individual employees of the school district and their dependents as set forth in RCW 28A.58.420 which may be selected at the option of the employee or may be negotiated as a part of the collective bargaining process as reported to the superintendent of public instruction for basic education certificated staff on Form S-275 and for basic education classified staff on Form S-277.

(6) "Compensation" shall mean the total dollar amount which a district has agreed to provide basic education staff, directly or indirectly, for employment services to the district for 1981-82 or 1982-83 in the form of salary and insurance benefits as those terms are defined in this section.

(7) "LEAP Document 1" shall mean the table of incremental values to three decimal places established to recognize differences in salary costs of basic education

certificated staff attributable to the various levels of educational training and years of professional work experience which was developed by the legislative evaluation and accountability program (LEAP) committee on April 20, 1981, at 11:35 a.m.

(8) "LEAP Document 2" shall mean the computer tabulation of 1980-81 derived base salaries for basic education certificated staff, 1980-81 average salaries for basic education classified staff and 1981-82 and 1982-83 salary increase percentages which was developed by the legislative evaluation and accountability program (LEAP) committee on April 20, 1981, at 2:02 p.m.

(9) "Staff mix factor" shall have the same meaning as that term is defined in WAC 392-121-121.

(10) "District staff mix factor" shall have the same meaning as that term is defined in WAC 392-121-125.

(11) "1981-82 district derived base salary" shall mean the salary amount calculated by:

(a) Dividing a district's certificated staff salaries for basic education for the 1981-82 school year by the district's number of full time equivalent certificated staff for 1981-82 as defined in WAC 392-121-115 to obtain an average salary amount for 1981-82;

(b) The 1981-82 average salary amount is then divided by the district staff mix factor for 1981-82; and

(c) The quotient obtained is the 1981-82 district derived base salary.

(12) "1982-83 district derived base salary" shall mean the salary amount calculated by:

(a) Dividing a district's certificated staff salaries for basic education for the 1982-83 school year by the district's number of full time equivalent certificated staff for 1982-83 as defined in WAC 392-121-115 to obtain an average salary amount for 1982-83;

(b) The 1982-83 average salary amount is then divided by the district staff mix factor for 1982-83; and

(c) The quotient obtained is the 1982-83 district derived base salary.

(13) "1981-82 district average classified salary" shall mean the salary amount calculated by dividing a district's classified staff salaries for basic education for the 1981-82 school year by the district's number of full time equivalent classified staff for 1981-82 as defined in WAC 392-121-115.

(14) "1982-83 district average classified salary" shall mean the salary amount calculated by dividing a district's classified staff salaries for basic education for the 1982-83 school year by the district's number of full time equivalent classified staff for 1982-83 as defined in WAC 392-121-115.

(15) "Form S-275" shall mean the certificated personnel report which is distributed annually by the superintendent of public instruction on or before September 1 and which includes such items as the individual certificated employee's name, certificate number, educational level, years of professional work experience, contract days, annual salary, fringe benefits and insurance benefits for the year, work assignment(s) and full-time equivalency. This report serves as the basis for placement of each certificated employee on LEAP Document

1 and provides salary and compensation data for each certificated employee.

(16) "Form S-277" shall mean the classified personnel report which is distributed annually by the superintendent of public instruction on or before September 1 and which includes such items as the individual classified employee's name, social security number, work assignment, hourly rate of pay, hours worked per day, days worked per year, amount of fringe benefits and insurance benefits for the year.

(17) "Report 1191" shall mean the monthly statement of a school district's estimated basic education allocation for the current school year calculated by the superintendent of public instruction and distributed to school districts each month.

(18) "Report 1191F" shall mean the end-of-the-year statement of a school district's actual basic education allocation for the school year just completed. This report is calculated by the superintendent of public instruction and distributed to school districts after the close of the school year when all actual data are known.

(19) "Day" shall mean a calendar day. The number of days shall be counted by excluding the first day and including the last day, unless the last day is a holiday or Sunday, and then it is also excluded.

(20) "RIF" shall mean any person employed by a school district during the prior school year and reported on the Form S-275 or the Form S-277 for that year whose employment in the district's basic education program has been terminated by the district prior to the reporting dates for the Form S-275 and the Form S-277 for the current school year pursuant to a reduction in force policy adopted by the district.

(21) "New position" shall mean a newly established job in a school district's basic education program in either the certificated employee category or the classified employee category which meets both of the following criteria:

(a) No comparable job or job which performs substantially the same duties or functions existed in the appropriate employee category the prior school year; and

(b) The district has employed an individual in the newly established job for the current school year effective on or before the first school day in October for certificated employees and on or before the first school day in November for classified employees. [Statutory Authority: RCW 28A.41.170, 82-07-058 (Order 82-4), § 392-140-011, filed 3/19/82; 81-16-042 (Order 81-7), § 392-140-011, filed 7/30/81.]

WAC 392-140-012 1981-83 salary-compensation lid compliance--Application to basic education staff. The superintendent of public instruction shall determine whether or not a district is in compliance with the salary-compensation lid separately for basic education certificated staff and basic education classified staff and separately for the 1981-82 school year and the 1982-83 school year. [Statutory Authority: RCW 28A.41.170, 81-16-042 (Order 81-7), § 392-140-012, filed 7/30/81.]

WAC 392-140-013 1981-83 salary-compensation lid compliance--Initial reporting cycle--General. Each school district shall provide upon request of the superintendent of public instruction such data as the superintendent of public instruction deems appropriate to serve as the basis for determining whether or not the district is in compliance with the salary-compensation lid. The superintendent of public instruction shall provide each district with the necessary report forms or reporting format and shall advise each district by published bulletin of the due dates established by the superintendent of public instruction for the return of such completed forms. [Statutory Authority: RCW 28A.41.170. 81-16-042 (Order 81-7), § 392-140-013, filed 7/30/81.]

WAC 392-140-014 1981-83 salary-compensation lid compliance--Initial reporting cycle--District edit of personnel data. The superintendent of public instruction shall return to each school district on or about the third Wednesday in December, appropriate personnel data in a standard format including individual staff mix factors for basic education certificated staff and individual salary or compensation amounts for both certificated and classified staff. Each district shall edit such data and return the edited reports to the superintendent of public instruction within forty-five calendar days of receipt of such data. [Statutory Authority: RCW 28A.41.170. 82-07-058 (Order 82-4), § 392-140-014, filed 3/19/82; 81-16-042 (Order 81-7), § 392-140-014, filed 7/30/81.]

WAC 392-140-015 1981-83 salary-compensation lid compliance--Initial reporting cycle--Data analysis and determination of need for additional information. Within fifteen calendar days after district edited data are printed by the superintendent of public instruction as compliance records, the superintendent of public instruction shall review the edited data and make a determination as to whether or not additional information is necessary in order to determine whether or not a district is in violation of the salary-compensation lid pursuant to WAC 392-140-019 and 392-140-020. The superintendent of public instruction shall notify in writing any district where additional information is necessary in order to determine whether or not the district is in violation of the salary-compensation lid. Within five calendar days of receiving such notification from the superintendent of public instruction, the school district shall inform all recognized bargaining units of the receipt of the notification. [Statutory Authority: RCW 28A.41.170. 82-07-058 (Order 82-4), § 392-140-015, filed 3/19/82; 81-16-042 (Order 81-7), § 392-140-015, filed 7/30/81.]

WAC 392-140-016 1981-83 salary-compensation lid compliance--Initial reporting cycle--Review of additional information. Any school district for which the superintendent of public instruction has determined additional information is necessary to determine whether

or not the district is in violation of the salary-compensation lid may submit additional data to the superintendent of public instruction: *Provided*, That the superintendent of public instruction receives such additional data within thirty calendar days from the date the district receives the written notice of the need for additional information from the superintendent of public instruction. The school district has the option of submitting such additional data to the superintendent of public instruction either on forms prepared by the superintendent of public instruction or in a format which is similar to the format of the state forms. If the superintendent of public instruction does not receive such additional information in a timely manner, the district shall be notified that five percent of its basic education allocation will be withheld pursuant to WAC 392-140-023 until such time as the district demonstrates compliance for that year. The superintendent of public instruction shall analyze additional data submitted by the district and determine whether or not the district is in compliance based upon all data received. The superintendent shall notify the district in writing of such determination. Within ten calendar days of receipt of such notice, the district may request an informal review of all data and calculations made by the superintendent of public instruction. Such informal review shall be arranged at a time which is mutually agreed to by the superintendent and the district. If the district does not make a timely request for an informal review, the superintendent shall withhold five percent of the district's basic education funds pursuant to WAC 392-140-023 until such time as the district demonstrates compliance for that year. [Statutory Authority: RCW 28A.41.170. 82-07-058 (Order 82-4), § 392-140-016, filed 3/19/82; 81-16-042 (Order 81-7), § 392-140-016, filed 7/30/81.]

WAC 392-140-017 1981-83 salary-compensation lid compliance--Initial reporting cycle--Determination of violation after review. Following the informal review, the superintendent of public instruction shall have ten calendar days to make a determination as to whether or not the district is in violation of the salary-compensation lid. The superintendent of public instruction shall notify any district that is in violation of the salary-compensation lid and shall withhold five percent of the district's annual basic education allocation until such time as the district demonstrates compliance pursuant to WAC 392-140-023. [Statutory Authority: RCW 28A.41.170. 81-16-042 (Order 81-7), § 392-140-017, filed 7/30/81.]

WAC 392-140-018 1981-83 salary-compensation lid compliance--Final reporting cycle. In the event a school district changes personnel data reported on the Form S-275 or Form S-277 for the current year or increases the rate of salary or compensation payment for a job classification—e.g., superintendent, assistant superintendent, principal, assistant principal, teacher, counselor, director, supervisor, secretary, custodian—pursuant to a collective bargaining settlement or individual negotiations during the school year, the district

shall notify the superintendent of public instruction in writing of such action within ten calendar days of such action. The superintendent of public instruction within five calendar days of such notification shall send the district a report of the most recent appropriate personnel data on file in the superintendent of public instruction's office. The district shall make corrections of appropriate salary or compensation items on the personnel data report on an annualized basis and return the corrected report to the superintendent of public instruction within thirty calendar days. Upon receipt of such corrected report the superintendent of public instruction shall take the steps outlined in WAC 392-140-015 through 392-140-017 to determine whether or not the district is in compliance with the salary-compensation lid and promptly notify the district of such determination. [Statutory Authority: RCW 28A.41.170. 82-07-058 (Order 82-4), § 392-140-018, filed 3/19/82; 81-16-042 (Order 81-7), § 392-140-018, filed 7/30/81.]

WAC 392-140-019 1981-83 salary-compensation lid compliance--Compliance of average certificated salaries. Unless compliance is demonstrated by the provisions of WAC 392-140-022, compliance with the salary-compensation lid shall be calculated as follows:

(1) For basic education certificated staff, if the 1981-82 district derived base salary exceeds the district's 1980-81 derived base salary shown on LEAP Document 2 improved by the district's percent entitlement shown on LEAP Document 2 for 1981-82, the district shall be considered in violation of the salary-compensation lid for the 1981-82 school year: *Provided*, That the compliance calculation made after the the district submits additional information to the superintendent of public instruction pursuant to WAC 392-140-015 may exclude persons not employed in a district because of RIF as defined in WAC 392-140-011(20): *Provided further*, That the compliance calculation made after the district submits additional information to the superintendent of public instruction pursuant to WAC 392-140-015 may exclude new positions as defined in WAC 392-140-011(21): *Provided further*, That a district shall not be in noncompliance as a result of corrections to the reported staff mix data for the 1980-81 school year if the 1981-82 average salary does not increase over the 1981-82 control average salary. The 1981-82 control average salary shall be calculated by the superintendent of public instruction as follows:

(a) Increasing the district's 1980-81 derived base salary shown on LEAP Document 2 by the percent increase specified for the 1981-82 school year on LEAP Document 2;

(b) Multiplying the district's 1981-82 mix factor by the ratio obtained by using the district's corrected 1980-81 derived base salary as the numerator and the 1980-81 derived base salary reported on LEAP Document 2 as the denominator; and

(c) Multiplying (a) by (b). This product is the 1981-82 control average salary.

(2) For basic education certificated staff, if the 1982-83 district derived base salary exceeds the district's

1980-81 derived base salary shown on LEAP Document 2, improved by the district's percent entitlement shown on LEAP Document 2 for 1981-82, and that amount further improved by the district's percent entitlement shown on LEAP Document 2 for 1982-83, the district shall be considered in violation of the salary-compensation lid for the 1982-83 school year: *Provided*, That the compliance calculation made after the district submits additional information to the superintendent of public instruction pursuant to WAC 392-140-015 may exclude persons not employed in a district because of RIF as defined in WAC 392-140-011(20): *Provided further*, That the compliance calculation made after the district submits additional information to the superintendent of public instruction pursuant to WAC 392-140-015 may exclude new positions as defined in WAC 392-140-011(21).

(3) The district compliance calculation made after the district submits additional information to the superintendent of public instruction pursuant to WAC 392-140-015 shall not include compensation of certificated employees covered by individual contracts of employment or collective bargaining agreements effective on or before March 20, 1981, which contract(s) fixes the amount of salary or insurance benefits or both for either the 1981-82 school year or the 1982-83 school year or both years: *Provided*, That the maximum salary increase of certificated staff not covered by such a contract for 1981-82 shall not exceed the 1980-81 derived base salary of those staff improved by the district's percent entitlement for certificated staff shown on LEAP Document 2 for 1981-82: *Provided further*, That the maximum salary increase of certificated staff not covered by such a contract for 1982-83 shall not exceed the 1980-81 derived base salary of those staff improved by the district's percent entitlement for certificated staff shown on LEAP Document 2 for 1981-82, and that amount further improved by the district's percent entitlement for certificated staff shown on LEAP Document 2 for 1982-83. [Statutory Authority: RCW 28A.41.170. 82-07-058 (Order 82-4), § 392-140-019, filed 3/19/82; 81-16-042 (Order 81-7), § 392-140-019, filed 7/30/81.]

WAC 392-140-020 1981-83 salary-compensation lid compliance--Compliance of average classified salaries. Unless compliance is demonstrated by the provisions of WAC 392-140-022, compliance with the salary-compensation lid shall be calculated as follows:

(1) For basic education classified staff, if the 1981-82 district average classified salary exceeds the district's 1980-81 average classified salary shown on LEAP Document 2 improved by the district's percent entitlement shown on LEAP Document 2 for 1981-82, the district shall be considered in violation of the salary-compensation lid for the 1981-82 school year: *Provided*, That the compliance calculation made after the district submits additional information to the superintendent of public instruction pursuant to WAC 392-140-015 may exclude persons not employed in a district because of RIF as defined in WAC 392-140-011(20): *Provided further*, That

the compliance calculation made after the district submits additional information to the superintendent of public instruction pursuant to WAC 392-140-015 may exclude new positions as defined in WAC 392-140-011(21).

(2) For basic education classified staff, if the 1982-83 district average classified salary exceeds the district's 1980-81 average classified salary shown on LEAP Document 2, improved by the district's percent entitlement shown on LEAP Document 2 for 1981-82, and that amount further improved by the district's percent entitlement for 1982-83, the district shall be considered in violation of the salary-compensation lid for the 1982-83 school year: *Provided*, That the compliance calculation made after the district submits additional information to the superintendent of public instruction pursuant to WAC 392-140-015 may exclude persons not employed in a district because of RIF as defined in WAC 392-140-011(20); *Provided further*, That the compliance calculation made after the district submits additional information to the superintendent of public instruction pursuant to WAC 392-140-015 may exclude new positions as defined in WAC 392-140-011(21).

(3) The district compliance calculation made after the district submits additional information to the superintendent of public instruction pursuant to WAC 392-140-015 shall not include compensation of classified employees covered by individual contracts of employment or collective bargaining agreements effective on or before March 20, 1981, which contract(s) fixes the amount of salary or insurance benefits or both for either the 1981-82 school year or the 1982-83 school year or both years: *Provided*, That the maximum salary increase of classified staff not covered by such a contract for 1981-82 shall not exceed the 1980-81 average salary of those staff improved by the district's percent entitlement for classified staff shown on LEAP Document 2 for 1981-82; *Provided further*, That the maximum salary increase of classified staff not covered by such a contract for 1982-83 shall not exceed the 1980-81 average salary of those staff improved by the district's percent entitlement for classified staff shown on LEAP Document 2 for 1981-82, and that amount further improved by the district's percent entitlement for classified staff shown on LEAP Document 2 for 1982-83. [Statutory Authority: RCW 28A.41.170. 82-07-058 (Order 82-4), § 392-140-020, filed 3/19/82; 81-16-042 (Order 81-7), § 392-140-020, filed 7/30/81.]

WAC 392-140-021 1981-83 salary-compensation lid compliance--Compliance of insurance benefits. Insurance benefit increases granted employees shall constitute a portion of the salary increase specified in LEAP Document 2 whenever a district's contribution to employee insurance benefits will exceed, by virtue of increases provided in 1981-82 or 1982-83, \$121 per month per full time equivalent staff unit in 1981-82 and \$137 per month per full time equivalent staff unit in 1982-83. [Statutory Authority: RCW 28A.41.170. 81-16-042 (Order 81-7), § 392-140-021, filed 7/30/81.]

WAC 392-140-022 1981-83 salary-compensation lid compliance--No increases constitute compliance. (1) Certificated employees. If the superintendent of public instruction has determined that a district's average derived base salary for either 1981-82 or 1982-83 exceeds the allowed derived base pursuant to WAC 392-140-019, or a district's payment for insurance benefits exceeds the amounts specified for 1981-82 or 1982-83 in the appropriations act, but the district certifies to the superintendent of public instruction that it gave no salary increase pursuant to WAC 392-140-019 or insurance benefit increase pursuant to WAC 392-140-021, the superintendent of public instruction shall not withhold basic education funds from that district for that year.

(2) Classified employees. If the superintendent of public instruction has determined that a district's average salary for either 1981-82 or 1982-83 exceeds the allowed average salary pursuant to WAC 392-140-020, or a district's payment for insurance benefits exceeds the amounts specified for 1981-82 or 1982-83 in the appropriations act, but the district certifies to the superintendent of public instruction that it gave no salary increase pursuant to WAC 392-140-020 or insurance benefit increase pursuant to WAC 392-140-021, the superintendent of public instruction shall not withhold basic education funds from that district for that year. [Statutory Authority: RCW 28A.41.170. 81-16-042 (Order 81-7), § 392-140-022, filed 7/30/81.]

WAC 392-140-023 1981-83 salary-compensation lid compliance--Withholding of basic education allocation. If the superintendent of public instruction finds that a school district has violated the salary-compensation lid pursuant to WAC 392-140-010 through 392-140-022, the superintendent of public instruction shall direct the assistant superintendent of financial services to withhold five percent of the district's annual basic education allocation as shown in item A.8 of Report 1191. The initial amount withheld shall be five percent of the most current estimate of the annual basic education allocation as shown in item A.8 of the district's Report 1191. The actual amount withheld will be based on the annual entitlement shown in item A.8 of the district's Report 1191F.

The amount to be withheld shall be entered as a negative adjustment in the monthly apportionment payment cycle on line C.4 of Report 1191 as soon as possible after the district receives written notification that funds are to be withheld.

The negative adjustment shall remain in place until such time as the district comes into compliance with the salary-compensation lid.

In the event a district increases its salaries or compensation at, near, or after the end of the school year, and the superintendent of public instruction determines that such an increase places the district in violation of the salary-compensation lid, but the determination occurs too late for the superintendent of public instruction

to make a negative adjustment in that year's basic education allocation, the superintendent of public instruction shall enter the negative adjustment based upon that school year's data, but withhold the appropriate amount from the district's annual basic education allocation for the following year. [Statutory Authority: RCW 28A.41.170. 81-16-042 (Order 81-7), § 392-140-023, filed 7/30/81.]

WAC 392-140-025 1981-83 state categorical special education program--Definition--LEAP Document 3. "LEAP Document 3" shall mean the formula unit worksheet establishing the ratios and percentage distribution of specified handicapping conditions that was developed by the legislative evaluation and accountability program (LEAP) committee on April 20, 1981, at 11:19 a.m. [Statutory Authority: RCW 28A.41.170. 81-20-001 (Order 81-27), § 392-140-025, filed 9/24/81.]

WAC 392-140-026 1981-83 state categorical special education program--Definition--Certificated derived base salary. "Derived base salary" shall mean the salary shown in Bulletin 21-81, Financial Services, dated May 22, 1981. [Statutory Authority: RCW 28A.41.170. 81-20-001 (Order 81-27), § 392-140-026, filed 9/24/81.]

WAC 392-140-027 1981-83 state categorical special education program--Definition--Classified average salary. "Classified average salary" shall mean the salary shown in Bulletin 21-81, Financial Services, dated May 22, 1981. [Statutory Authority: RCW 28A.41.170. 81-20-001 (Order 81-27), § 392-140-027, filed 9/24/81.]

WAC 392-140-028 1981-83 state categorical special education program--Certificated derived base salary. State categorical special education funds shall be allocated using each local district's particular 1980-81 derived base salary and 1981-82 staff mix factor for certificated, special education program employees. The certificated staff mix factor used for certificated employees in each local district shall be determined using the same procedure described in WAC 392-121-121 and 392-121-125. The staff mix factor and average salary computations shall be based upon certificated employees with work assignments in the special education program. [Statutory Authority: RCW 28A.41.170. 81-20-001 (Order 81-27), § 392-140-028, filed 9/24/81.]

WAC 392-140-029 1981-83 state categorical special education program--Classified average salary. State categorical special education funds shall be allocated using each local district's particular 1980-81 average salary for classified, special education program, employees. The definition of "full-time equivalent classified employee" contained in WAC 392-121-115 shall be used to determine each district's special education average classified salary. Only employees with work assignments in the special education program should be included in such calculations. [Statutory Authority: RCW 28A.41.170. 81-20-001 (Order 81-27), § 392-140-029, filed 9/24/81.]

WAC 392-140-030 1981-83 state categorical special education program--Supplies and material. State categorical special education funds for supplies and materials shall be allocated to school districts for eligible handicapped students served at the maximum distribution rate of \$57 per student per year for the 1981-82 school year and \$63 per student per year for the 1982-83 school year. [Statutory Authority: RCW 28A.41.170. 81-20-001 (Order 81-27), § 392-140-030, filed 9/24/81.]

WAC 392-140-031 1981-83 state categorical special education program--Eligible handicapped students. State categorical special education funds shall be allocated in accordance with LEAP Document 3, as defined in WAC 392-140-025, for each served, eligible handicapped student as defined in:

- (1) WAC 392-171-381 (developmentally handicapped preschool students),
- (2) WAC 392-171-396 (orthopedically impaired students),
- (3) WAC 392-171-401 (health impaired students),
- (4) WAC 392-171-421 (mentally retarded students),
- (5) WAC 392-171-431 (multihandicapped students),
- (6) WAC 392-171-436 (deaf students),
- (7) WAC 392-171-441 (hard of hearing students),
- (8) WAC 392-171-446 (visually handicapped students), and
- (9) WAC 392-171-451 (deaf-blind students). [Statutory Authority: RCW 28A.41.170. 81-20-001 (Order 81-27), § 392-140-031, filed 9/24/81.]

WAC 392-140-032 1981-83 state categorical special education program--Home and hospital. State categorical special education funds shall be allocated to school districts for students eligible under WAC 392-171-486 temporarily requiring home and/or hospital care in 1981-82 and 1982-83 school years at a maximum reimbursement rate of \$45 per student per week or the actual cost per student per week, whichever is lesser, and for travel by school district staff providing such services at the maximum rate per mile that is now or hereafter authorized by law for state employees for the use of private vehicles in connection with state business. [Statutory Authority: RCW 28A.41.170. 81-20-001 (Order 81-27), § 392-140-032, filed 9/24/81.]

WAC 392-140-033 1981-83 state categorical special education program--Foster care. State categorical special education funds shall be allocated to school districts for eligible handicapped students served and requiring foster care who do not meet the department of social and health services eligibility standards. These categorical funds shall be allocated according to the following criteria:

- (1) For each such eligible handicapped student who is under six years of age the district shall receive a maximum rate of reimbursement of \$219 a month or the actual cost per student per month, whichever is lesser;

(2) For each such eligible handicapped student who is six years of age and under thirteen years of age the district shall receive a maximum rate of reimbursement of \$251 a month or the actual cost per student per month, whichever is lesser;

(3) For each such eligible handicapped student who is thirteen years of age and under twenty-one years of age the district shall receive a maximum rate of reimbursement of \$279 per month or the actual cost per student per month, whichever is lesser; and,

(4) All ages referred to in this section shall be the age of each such eligible handicapped student on September 1 of the current school year. [Statutory Authority: RCW 28A.41.170. 81-20-001 (Order 81-27), § 392-140-033, filed 9/24/81.]

WAC 392-140-034 1981-83 state categorical special education program--Maximum control factor--Proration. The maximum rates of reimbursement or distribution specified in these sections, WAC 392-140-025 through 392-140-033 shall be allocated by the superintendent of public instruction to school districts unless state appropriations for these programs are insufficient and it is necessary for the superintendent of public instruction to prorate all or a portion of these funds appropriated for allocation to school districts for such programs. All such prorations, if necessary, shall be announced to school districts through official agency bulletins. [Statutory Authority: RCW 28A.41.170. 81-20-001 (Order 81-27), § 392-140-034, filed 9/24/81.]

WAC 392-140-035 1981-83 state categorical special education program--Reporting. (1) At such times as are designated by the superintendent of public instruction, each school district shall report the number of eligible handicapped students by each handicapping condition receiving special education according to instructions provided by the superintendent of public instruction.

(2) Each school district shall provide, upon request, such additional data as are necessary to enable the superintendent of public instruction to allocate and substantiate the district's allocation of special education funds. [Statutory Authority: RCW 28A.41.170. 81-20-001 (Order 81-27), § 392-140-035, filed 9/24/81.]

WAC 392-140-040 1981-83 state categorical residential educational program--Funding. Residential educational programs operated by a school district shall be supported by funds appropriated by the legislature and allocated by the superintendent of public instruction for the exclusive purpose of maintaining and operating residential school program of education pursuant to RCW 28A.58.772. [Statutory Authority: RCW 28A.41.170. 81-20-002 (Order 81-28), § 392-140-040, filed 9/24/81.]

WAC 392-140-041 1981-83 state categorical residential educational program--Reporting. (1) At such times as when designated by the superintendent of public instruction, each school district operating a residential

educational program shall report the number of eligible handicapped students by each handicapping condition receiving special education according to instructions provided by the superintendent of public instruction.

(2) Each school district operating a residential educational program shall provide, upon request, such additional data as are necessary to enable the superintendent of public instruction to allocate and substantiate the district's allocation of residential program funds. [Statutory Authority: RCW 28A.41.170. 81-20-002 (Order 81-28), § 392-140-041, filed 9/24/81.]

Chapter 392-141 WAC

TRANSPORTATION--AUTHORITY AND STATE REIMBURSEMENT

WAC

- 392-141-037 Application for approval for transportation within the "two-mile limit"--Measurement of "two-mile limit."
392-141-054 Transportation equipment reserve.

WAC 392-141-037 Application for approval for transportation within the "two-mile limit"--Measurement of "two-mile limit." (1) Allowable exceptions to the "two-mile limit." The transportation of students who reside within two miles of their school of attendance may be approved for state transportation reimbursement purposes only for the following reasons:

(a) The students to be transported are handicapped and are either not ambulatory or not capable of protecting their own welfare while traveling to and from school or the agency where special education services are provided;

(b) The transportation is necessary because of the existence of hazardous conditions which students would otherwise be exposed to; and

(c) Transportation is necessary to reduce racial imbalance within a school district.

(2) Annual applications. Any application for state transportation reimbursement for the transportation of students who reside within two miles of their school of attendance shall be submitted with a school district's annual application for approval of bus routes and runs. The conclusion of a school board that transportation within a "two-mile limit" is warranted because of one or more of the reasons set forth in subsection (1) of this section shall be conclusive.

(3) Measurement of the "two-mile limit." The distance which a student resides from school shall be measured for the purposes of this section by the most direct route available to the student on public and private roads, roadways, driveways and established walkways and pathways from (a) the front door of the student's building of residence to (b) the bus unloading zone for the student's school of attendance. [Statutory Authority: 28A.41.170. 81-19-009 (Order 81-22), § 392-141-037, filed 9/4/81. Statutory Authority: RCW 28A.24.080, 28A.24.100, 28A.41.160, and 28A.41.170. 80-05-039 (Order 80-10), § 392-141-037, filed 4/15/80.]

WAC 392-141-054 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 current and future purchase 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 392-141-061. 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. [Statutory Authority: RCW 28A.41.170, 81-19-010 (Order 81-23), § 392-141-054, filed 9/4/81. Statutory Authority: RCW 28A.24.080, 28A.24.100, 28A.41.160 and 28A.41.170, 80-12-030 (Order 80-33), § 392-141-054, filed 8/28/80.]

Chapter 392-143 WAC

TRANSPORTATION—SPECIFICATIONS FOR SCHOOL BUSES

WAC

392-143-035 Inspection by state patrol.

WAC 392-143-035 Inspection by state patrol. All school buses shall be inspected annually by the Washington state patrol. 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 annual inspection of the time and place of inspection. School buses 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 temporarily waived in writing by the chief of the state patrol or until the school bus has passed the required annual inspection. A second annual inspection of at least twenty-five percent of each school district's fleet shall be conducted by the Washington state patrol. This second annual inspection shall be unannounced and the inspection team shall select which buses in the fleet it will inspect. These unannounced second annual inspections shall be scheduled so that they do not disrupt the regular transportation program. [Statutory Authority: RWC 46.61.380, 81-19-011 (Order 81-24), § 392-143-035, filed 9/4/81; Order 7-75, § 392-143-035, filed 12/22/75. Formerly WAC 392-21-120.]

Chapter 392-160 WAC

TRANSITIONAL BILINGUAL INSTRUCTION PROGRAM

WAC

- 392-160-001 Purpose—Supplemental federal requirements.
- 392-160-010 School district board of directors duties.
- 392-160-015 Identification of eligible pupils.
- 392-160-025 Repealed.
- 392-160-030 Repealed.
- 392-160-035 Three year limitation—Testing—Program exit requirements.
- 392-160-040 Eligibility for an optional alternative instructional program.
- 392-160-045 Handicapped pupils—No transitional bilingual entitlement.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 392-160-025 Program application and approval procedure. [Statutory Authority: RCW 28A.58.808, 80-07-039 (Order 80-21), § 392-160-025, filed 6/17/80.] Repealed by 81-15-089 (Order 81-4), filed 7/22/81. Statutory Authority: RCW 28A.58.804.
- 392-160-030 Funding procedure—Monthly reports. [Statutory Authority: RCW 28A.58.808, 80-07-039 (Order 80-21), § 392-160-030, filed 6/17/80.] Repealed by 81-15-089 (Order 81-4), filed 7/22/81. Statutory Authority: RCW 28A.58.804.

WAC 392-160-001 Purpose—Supplemental federal requirements. The purpose of this chapter is to implement "the Transitional Bilingual Instruction of 1979" which is codified as RCW 28A.58.800 through 28A.58.810. The rules in this chapter set forth the eligibility criteria for pupil entitlement to transitional bilingual and alternative instruction programs conducted pursuant to the act.

Compliance with this chapter does not necessarily assure full compliance with federal bilingual education program requirements. Therefore, school districts must review pertinent federal requirements and take action to comply with federal program requirements that are above and beyond the requirements established pursuant to this chapter. [Statutory Authority: RCW 28A.58.804. 81-15-089 (Order 81-4), § 392-160-001, filed 7/22/81. Statutory Authority: RCW 28A.58.808. 80-07-039 (Order 80-21), § 392-160-001, filed 6/17/80.]

WAC 392-160-010 School district board of directors duties. Consistent with the provisions of this chapter, every school district board of directors shall make available to each eligible pupil a transitional bilingual instruction or an alternative instructional program. [Statutory Authority: RCW 28A.58.804. 81-15-089 (Order 81-4), § 392-160-010, filed 7/22/81. Statutory Authority: RCW 28A.58.808. 80-07-039 (Order 80-21), § 392-160-010, filed 6/17/80.]

WAC 392-160-015 Identification of eligible pupils. (1) District procedures—Identification of primary language required: Every school district board of directors shall adopt written procedures governing the identification of each pupil's primary language and the determination of which pupils with a primary language other than English are eligible pupils. Such procedures shall include:

(a) Provisions for the identification of a pupil's primary language pursuant to an interview with or a written questionnaire directed to the pupil and the pupil's parent(s) or guardian(s), or a combination of interviews and written questionnaires; and

(b) Provisions for testing pupils as provided for in this section, WAC 392-160-020 and 392-160-035.

(2) Deadline for determining eligibility of newly enrolled pupils: The primary language and eligibility of each newly enrolled pupil shall be established no later than the twentieth school day after the date upon which the pupil commences attendance at a particular school district.

(3) Newly enrolled pupils who speak little or no English—Determination of eligibility: The eligibility of a newly enrolled pupil whose eligibility is reasonably apparent by reason of:

(a) The pupil's ability to communicate reasonably well in his or her non-English primary language; and

(b) The pupil's inability to communicate in English to any practical extent shall be determined pursuant to an interview with the pupil. The interview shall be conducted by a person with sufficient skill in both English and the non-English language of the pupil, if a person with such qualifications is reasonably available. If a qualified interviewer is not reasonably available, school personnel shall exercise their best judgment based upon observations of a newly enrolled pupil to determine the pupil's eligibility. No other approved test need be administered if the professional judgment of the school personnel based upon the interview or observations is

that the pupil is eligible as defined in WAC 392-160-005(3).

(4) All other newly enrolled pupils—Determination of eligibility: The eligibility of all newly enrolled pupils:

(a) Who have a primary language other than English; and

(b) Whose eligibility is not reasonably apparent by reason of the standards established by subsection (3) shall be determined pursuant to WAC 392-160-020.

(5) Annual reassessment of all pupils required: Each school year each pupil who has previously been identified as eligible and admitted to a bilingual instruction or alternative instruction program shall be identified as eligible or ineligible each school year pursuant to the administration of a standardized test as set forth in WAC 392-160-035. [Statutory Authority: RCW 28A.58.804. 81-15-089 (Order 81-4), § 392-160-015, filed 7/22/81. Statutory Authority: RCW 28A.58.808. 80-07-039 (Order 80-21), § 392-160-015, filed 6/17/80.]

WAC 392-160-025 Repealed. See Disposition Table at beginning of this chapter.

WAC 392-160-030 Repealed. See Disposition Table at beginning of this chapter.

WAC 392-160-035 Three year limitation—Testing—Program exit requirements. (1) No pupil shall continue to be entitled to a transitional bilingual or alternative instructional program after the pupil has received instruction in a transitional bilingual or alternative instructional program conducted pursuant to this chapter within any one or more school districts for a period of three school years (i.e., 540 school days or portions thereof): *Provided*, That each such pupil who is unable to demonstrate an improvement in English language skills that is sufficient to overcome the pupil's learning impairment when taught only in English (i.e., unable to score above the 35th percentile on an approved test) shall continue to be entitled to an approved bilingual instruction or alternative instructional program.

(2) The approved test for measurement of improvement in English language skills for purposes of exit from transitional bilingual or alternative instructional programs shall be any nationally normed standardized achievement test normally administered by a school district to its pupils.

(3) No pupil shall be entitled to continued enrollment in a transitional bilingual or alternative program once the pupil has scored above the 35th percentile on the reading and language arts portions of a nationally normed standardized test appropriate for the pupil's age and grade level. [Statutory Authority: RCW 28A.58.804. 81-15-089 (Order 81-4), § 392-160-035, filed 7/22/81. Statutory Authority: RCW 28A.58.808. 80-07-039 (Order 80-21), § 392-160-035, filed 6/17/80.]

WAC 392-160-040 Eligibility for an optional alternative instructional program. (1) Districts with a limited number of pupils: Each school district with a limited

number of eligible pupils may elect to provide such pupils an alternative instructional program.

(2) Districts with more than a limited number of pupils: School districts with more than a limited number of eligible pupils and under the following conditions may elect to provide an alternative instructional program:

(a) Necessary instructional materials are unavailable and the district has made reasonable efforts to obtain necessary materials without success; or

(b) The capacity of the district's bilingual instruction program is temporarily exceeded by an unexpected increase in the enrollment of eligible pupils; or

(c) Bilingual instruction cannot be provided affected pupils without substantially impairing their basic education program because of their disbursement throughout many grade levels or schools, or both; or

(d) Teachers who are trained in bilingual education methods and sufficiently skilled in the non-English primary language(s) are unavailable, and the district has made reasonable attempts to obtain the services of such teachers. [Statutory Authority: RCW 28A.58.804. 81-15-089 (Order 81-4), § 392-160-040, filed 7/22/81. Statutory Authority: RCW 28A.58.808. 80-07-039 (Order 80-21), § 392-160-040, filed 6/17/80.]

WAC 392-160-045 Handicapped pupils--No transitional bilingual entitlement. Notwithstanding any other provision of this chapter to the contrary, any eligible pupil whose English language skill deficiency is caused primarily by one or more of the handicapping conditions defined in chapter 392-171 WAC, as now or hereafter amended, shall not be eligible for the entitlement established pursuant to this chapter. [Statutory Authority: RCW 28A.58.804. 81-15-089 (Order 81-4), § 392-160-045, filed 7/22/81. Statutory Authority: RCW 28A.58.808. 80-07-039 (Order 80-21), § 392-160-045, filed 6/17/80.]

Chapter 392-161 WAC

GRANTS MANAGEMENT--URBAN, RURAL, RACIAL, DISADVANTAGED EDUCATION PROGRAMS

WAC

392-161-005 through 392-161-185 Repealed.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 392-161-005 Purposes. [Statutory Authority: RCW 28A.41.280 and 28A.41.408. 80-09-016 (Order 80-25), § 392-161-005, filed 7/9/80; Order 7-75, § 392-161-005, filed 12/22/75. Formerly WAC 392-90-800.] Repealed by 81-15-088 (Order 81-3), filed 7/22/81. Statutory Authority: Chapter 28A.41.250 through 28A.41.414.
- 392-161-010 Definitions. [Statutory Authority: RCW 28A.41.280 and 28A.41.408. 80-09-016 (Order 80-25), § 392-161-010, filed 7/9/80; Order 7-75, § 392-161-010, filed 12/22/75. Formerly WAC 392-90-805.] Repealed by 81-15-088 (Order 81-3), filed 7/22/81. Statutory Authority: Chapter 28A.41.250 through 28A.41.414.
- 392-161-015 Administrative duties of the superintendent of public instruction. [Order 7-75, § 392-161-015, filed

- 12/22/75. Formerly WAC 392-90-810.] Repealed by 81-15-088 (Order 81-3), filed 7/22/81. Statutory Authority: Chapter 28A.41.250 through 28A.41.414.
- 392-161-020 URRD state advisory committee. [Order 7-75, § 392-161-020, filed 12/22/75. Formerly WAC 392-90-815.] Repealed by 81-15-088 (Order 81-3), filed 7/22/81. Statutory Authority: Chapter 28A.41.250 through 28A.41.414.
- 392-161-025 RAP/URRD program supervision. [Statutory Authority: RCW 28A.41.280 and 28A.41.408. 80-09-016 (Order 80-25), § 392-161-025, filed 7/9/80; Order 7-75, § 392-161-025, filed 12/22/75. Formerly WAC 392-90-820.] Repealed by 81-15-088 (Order 81-3), filed 7/22/81. Statutory Authority: Chapter 28A.41.250 through 28A.41.414.
- 392-161-030 Eligibility requirements. [Order 7-75, § 392-161-030, filed 12/22/75. Formerly WAC 392-90-825.] Repealed by 81-15-088 (Order 81-3), filed 7/22/81. Statutory Authority: Chapter 28A.41.250 through 28A.41.414.
- 392-161-035 Evidence of school district proposal review. [Order 7-75, § 392-161-035, filed 12/22/75. Formerly WAC 392-90-830.] Repealed by 81-15-088 (Order 81-3), filed 7/22/81. Statutory Authority: Chapter 28A.41.250 through 28A.41.414.
- 392-161-040 Required documentation. [Statutory Authority: RCW 28A.41.280 and 28A.41.408. 80-09-016 (Order 80-25), § 392-161-040, filed 7/9/80; 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.] Repealed by 81-15-088 (Order 81-3), filed 7/22/81. Statutory Authority: Chapter 28A.41.250 through 28A.41.414.
- 392-161-045 Private applicant agency requirement. [Order 7-75, § 392-161-045, filed 12/22/75. Formerly WAC 392-90-840.] Repealed by 81-15-088 (Order 81-3), filed 7/22/81. Statutory Authority: Chapter 28A.41.250 through 28A.41.414.
- 392-161-050 Authorized program activities. [Order 7-75, § 392-161-050, filed 12/22/75. Formerly WAC 392-90-845.] Repealed by 81-15-088 (Order 81-3), filed 7/22/81. Statutory Authority: Chapter 28A.41.250 through 28A.41.414.
- 392-161-055 Interdistrict or consortium projects. [Order 7-75, § 392-161-055, filed 12/22/75. Formerly WAC 392-90-850.] Repealed by 81-15-088 (Order 81-3), filed 7/22/81. Statutory Authority: Chapter 28A.41.250 through 28A.41.414.
- 392-161-060 Complementary nature of private agency projects. [Order 7-75, § 392-161-060, filed 12/22/75. Formerly WAC 392-90-855.] Repealed by 81-15-088 (Order 81-3), filed 7/22/81. Statutory Authority: Chapter 28A.41.250 through 28A.41.414.
- 392-161-065 Fiscal constraints. [Statutory Authority: RCW 28A.41.280 and 28A.41.408. 80-09-016 (Order 80-25), § 392-161-065, filed 7/9/80; Order 7-75, § 392-161-065, filed 12/22/75. Formerly WAC 392-90-860.] Repealed by 81-15-088 (Order 81-3), filed 7/22/81. Statutory Authority: Chapter 28A.41.250 through 28A.41.414.
- 392-161-070 Basic program thrust summarized. [Order 7-75, § 392-161-070, filed 12/22/75. Formerly WAC 392-90-865.] Repealed by 81-15-088 (Order 81-3), filed 7/22/81. Statutory Authority: Chapter 28A.41.250 through 28A.41.414.
- 392-161-075 URRD program categories. [Order 7-75, § 392-161-075, filed 12/22/75. Formerly WAC 392-90-870.] Repealed by 81-15-088 (Order 81-3), filed 7/22/81. Statutory Authority: Chapter 28A.41.250 through 28A.41.414.
- 392-161-080 Dropout prevention programs summary. [Statutory Authority: RCW 28A.41.280 and 28A.41.408. 80-09-016 (Order 80-25), § 392-161-080, filed 7/9/80; Order 7-75, § 392-161-080, filed 12/22/75. Formerly WAC 392-90-875 (part).] Repealed by 81-15-

- 088 (Order 81-3), filed 7/22/81. Statutory Authority: Chapter 28A.41.250 through 28A.41.414.
- 392-161-085 Dropout prevention program—Evaluation of effectiveness. [Statutory Authority: RCW 28A.41.280 and 28A.41.408. 80-09-016 (Order 80-25), § 392-161-085, filed 7/9/80; Order 7-75, § 392-161-085, filed 12/22/75. Formerly WAC 392-90-875 (part).] Repealed by 81-15-088 (Order 81-3), filed 7/22/81. Statutory Authority: Chapter 28A.41.250 through 28A.41.414.
- 392-161-090 Preschool education programs summary. [Statutory Authority: RCW 28A.41.280 and 28A.41.408. 80-09-016 (Order 80-25), § 392-161-090, filed 7/9/80; Order 7-75, § 392-161-090, filed 12/22/75. Formerly WAC 392-90-880.] Repealed by 81-15-088 (Order 81-3), filed 7/22/81. Statutory Authority: Chapter 28A.41.250 through 28A.41.414.
- 392-161-095 Preschool education programs—Evaluation of effectiveness. [Order 7-75, § 392-161-095, filed 12/22/75.] Repealed by 81-15-088 (Order 81-3), filed 7/22/81. Statutory Authority: Chapter 28A.41.250 through 28A.41.414.
- 392-161-101 Model educational program summary. [Statutory Authority: RCW 28A.41.280 and 28A.41.408. 80-09-016 (Order 80-25), § 392-161-101, filed 7/9/80.] Repealed by 81-15-088 (Order 81-3), filed 7/22/81. Statutory Authority: Chapter 28A.41.250 through 28A.41.414.
- 392-161-104 Model educational programs—Evaluation of effectiveness. [Statutory Authority: RCW 28A.41.280 and 28A.41.408. 80-09-016 (Order 80-25), § 392-161-104, filed 7/9/80.] Repealed by 81-15-088 (Order 81-3), filed 7/22/81. Statutory Authority: Chapter 28A.41.250 through 28A.41.414.
- 392-161-116 Community involvement education programs summary. [Statutory Authority: RCW 28A.41.280 and 28A.41.408. 80-09-016 (Order 80-25), § 392-161-116, filed 7/9/80.] Repealed by 81-15-088 (Order 81-3), filed 7/22/81. Statutory Authority: Chapter 28A.41.250 through 28A.41.414.
- 392-161-118 Community involvement programs—Evaluation of effectiveness. [Statutory Authority: RCW 28A.41.280 and 28A.41.408. 80-09-016 (Order 80-25), § 392-161-118, filed 7/9/80.] Repealed by 81-15-088 (Order 81-3), filed 7/22/81. Statutory Authority: Chapter 28A.41.250 through 28A.41.414.
- 392-161-120 Indian education programs summary. [Order 7-75, § 392-161-120, filed 12/22/75. Formerly WAC 392-90-895 (part).] Repealed by 81-15-088 (Order 81-3), filed 7/22/81. Statutory Authority: Chapter 28A.41.250 through 28A.41.414.
- 392-161-125 Indian education programs—Evaluation of effectiveness. [Order 7-75, § 392-161-125, filed 12/22/75. Formerly WAC 392-90-895 (part).] Repealed by 81-15-088 (Order 81-3), filed 7/22/81. Statutory Authority: Chapter 28A.41.250 through 28A.41.414.
- 392-161-130 General application information. [Order 7-75, § 392-161-130, filed 12/22/75. Formerly WAC 392-90-900.] Repealed by 81-15-088 (Order 81-3), filed 7/22/81. Statutory Authority: Chapter 28A.41.250 through 28A.41.414.
- 392-161-135 Legislative concerns and general guidelines. [Statutory Authority: RCW 28A.41.280 and 28A.41.408. 80-09-016 (Order 80-25), § 392-161-135, filed 7/9/80; Order 7-75, § 392-161-135, filed 12/22/75. Formerly WAC 392-90-905.] Repealed by 81-15-088 (Order 81-3), filed 7/22/81. Statutory Authority: Chapter 28A.41.250 through 28A.41.414.
- 392-161-140 Review process described. [Order 7-75, § 392-161-140, filed 12/22/75. Formerly WAC 392-90-910.] Repealed by 81-15-088 (Order 81-3), filed 7/22/81. Statutory Authority: Chapter 28A.41.250 through 28A.41.414.
- 392-161-145 Basic selection criteria information. [Statutory Authority: RCW 28A.41.280 and 28A.41.408. 80-09-016 (Order 80-25), § 392-161-145, filed 7/9/80; Order 7-75, § 392-161-145, filed 12/22/75. Formerly WAC 392-90-915 (part).] Repealed by 81-15-088 (Order 81-3), filed 7/22/81. Statutory Authority: Chapter 28A.41.250 through 28A.41.414.
- 392-161-150 Additional basic selection criteria information. [Statutory Authority: RCW 28A.41.280 and 28A.41.408. 80-09-016 (Order 80-25), § 392-161-150, filed 7/9/80; Order 7-75, § 392-161-150, filed 12/22/75. Formerly WAC 392-90-915 (part).] Repealed by 81-15-088 (Order 81-3), filed 7/22/81. Statutory Authority: Chapter 28A.41.250 through 28A.41.414.
- 392-161-155 URRD appeals procedure summary. [Statutory Authority: RCW 28A.41.280 and 28A.41.408. 80-09-016 (Order 80-25), § 392-161-155, filed 7/9/80; Order 7-75, § 392-161-155, filed 12/22/75. Formerly WAC 392-90-920.] Repealed by 81-15-088 (Order 81-3), filed 7/22/81. Statutory Authority: Chapter 28A.41.250 through 28A.41.414.
- 392-161-160 Program evaluation and budgeting procedures. [Statutory Authority: RCW 28A.41.280 and 28A.41.408. 80-09-016 (Order 80-25), § 392-161-160, filed 7/9/80; Order 7-75, § 392-161-160, filed 12/22/75. Formerly WAC 392-90-925.] Repealed by 81-15-088 (Order 81-3), filed 7/22/81. Statutory Authority: Chapter 28A.41.250 through 28A.41.414.
- 392-161-165 Integration policy statement. [Order 7-75, § 392-161-165, filed 12/22/75. Formerly WAC 392-90-930.] Repealed by 81-15-088 (Order 81-3), filed 7/22/81. Statutory Authority: Chapter 28A.41.250 through 28A.41.414.
- 392-161-170 Remedial assistance program (RAP)—Eligibility requirements. [Statutory Authority: RCW 28A.41.280 and 28A.41.408. 80-09-016 (Order 80-25), § 392-161-170, filed 7/9/80.] Repealed by 81-15-088 (Order 81-3), filed 7/22/81. Statutory Authority: Chapter 28A.41.250 through 28A.41.414.
- 392-161-175 Remedial assistance program (RAP)—Approved program application. [Statutory Authority: RCW 28A.41.280 and 28A.41.408. 80-09-016 (Order 80-25), § 392-161-175, filed 7/9/80.] Repealed by 81-15-088 (Order 81-3), filed 7/22/81. Statutory Authority: Chapter 28A.41.250 through 28A.41.414.
- 392-161-180 Remedial assistance program (RAP) approval requirements. [Statutory Authority: RCW 28A.41.280 and 28A.41.408. 80-09-016 (Order 80-25), § 392-161-180, filed 7/9/80.] Repealed by 81-15-088 (Order 81-3), filed 7/22/81. Statutory Authority: Chapter 28A.41.250 through 28A.41.414.
- 392-161-185 Remedial assistance program (RAP)—Funding adjustments to state allocations of RAP appropriations. [Statutory Authority: RCW 28A.41.280 and 28A.41.408. 80-09-016 (Order 80-25), § 392-161-185, filed 7/9/80.] Repealed by 81-15-088 (Order 81-3), filed 7/22/81. Statutory Authority: Chapter 28A.41.250 through 28A.41.414.

WAC 392-161-005 through 392-161-185 Repealed.
See Disposition Table at beginning of this chapter.

Chapter 392-163 WAC

GRANTS MANAGEMENT—ELEMENTARY AND SECONDARY EDUCATION ACT—TITLE I PROGRAM, REGULAR

- WAC
- 392-163-010 Repealed.
392-163-015 Repealed.
392-163-020 Repealed.
392-163-025 Repealed.
392-163-030 Repealed.
392-163-035 Repealed.
392-163-040 Repealed.
392-163-045 Repealed.

392-163-050 Repealed.
 392-163-055 Repealed.
 392-163-060 Repealed.
 392-163-065 Repealed.
 392-163-070 Repealed.
 392-163-075 Repealed.
 392-163-080 Repealed.
 392-163-085 Repealed.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

392-163-010 Eligible participants. [Order 7-75, § 392-163-010, filed 12/22/75. Formerly WAC 392-98-010.] Repealed by 82-20-035 (Order 82-15), filed 9/30/82. Statutory Authority: RCW 28A.02.100.

392-163-015 Ancillary services. [Order 7-75, § 392-163-015, filed 12/22/75. Formerly WAC 392-98-015.] Repealed by 82-20-035 (Order 82-15), filed 9/30/82. Statutory Authority: RCW 28A.02.100.

392-163-020 Size and scope of activity. [Order 7-75, § 392-163-020, filed 12/22/75. Formerly WAC 392-98-020.] Repealed by 82-20-035 (Order 82-15), filed 9/30/82. Statutory Authority: RCW 28A.02.100.

392-163-025 Construction and remodeling. [Order 7-75, § 392-163-025, filed 12/22/75. Formerly WAC 392-98-025.] Repealed by 82-20-035 (Order 82-15), filed 9/30/82. Statutory Authority: RCW 28A.02.100.

392-163-030 Field trips. [Order 7-75, § 392-163-030, filed 12/22/75. Formerly WAC 392-98-030.] Repealed by 82-20-035 (Order 82-15), filed 9/30/82. Statutory Authority: RCW 28A.02.100.

392-163-035 Notification of parents. [Order 7-75, § 392-163-035, filed 12/22/75. Formerly WAC 392-98-035.] Repealed by 82-20-035 (Order 82-15), filed 9/30/82. Statutory Authority: RCW 28A.02.100.

392-163-040 Nonpublic student involvement. [Order 7-75, § 392-163-040, filed 12/22/75. Formerly WAC 392-98-040.] Repealed by 82-20-035 (Order 82-15), filed 9/30/82. Statutory Authority: RCW 28A.02.100.

392-163-045 Local education agency parent advisory council. [Order 7-75, § 392-163-045, filed 12/22/75. Formerly WAC 392-98-045.] Repealed by 82-20-035 (Order 82-15), filed 9/30/82. Statutory Authority: RCW 28A.02.100.

392-163-050 School parent advisory councils. [Order 7-75, § 392-163-050, filed 12/22/75. Formerly WAC 392-98-050.] Repealed by 82-20-035 (Order 82-15), filed 9/30/82. Statutory Authority: RCW 28A.02.100.

392-163-055 PAC grievance procedures. [Order 7-75, § 392-163-055, filed 12/22/75. Formerly WAC 392-98-055.] Repealed by 82-20-035 (Order 82-15), filed 9/30/82. Statutory Authority: RCW 28A.02.100.

392-163-060 State advisory committee—Purpose. [Order 7-75, § 392-163-060, filed 12/22/75. Formerly WAC 392-98-060.] Repealed by 82-20-035 (Order 82-15), filed 9/30/82. Statutory Authority: RCW 28A.02.100.

392-163-065 Administrative costs. [Order 7-75, § 392-163-065, filed 12/22/75. Formerly WAC 392-98-065.] Repealed by 82-20-035 (Order 82-15), filed 9/30/82. Statutory Authority: RCW 28A.02.100.

392-163-070 In-service training. [Order 7-75, § 392-163-070, filed 12/22/75. Formerly WAC 392-98-070.] Repealed by 82-20-035 (Order 82-15), filed 9/30/82. Statutory Authority: RCW 28A.02.100.

392-163-075 Approval of projects. [Order 7-75, § 392-163-075, filed 12/22/75. Formerly WAC 392-98-075.] Repealed by 82-20-035 (Order 82-15), filed 9/30/82. Statutory Authority: RCW 28A.02.100.

392-163-080 Evaluation. [Order 7-75, § 392-163-080, filed 12/22/75. Formerly WAC 392-98-080.] Repealed by 82-20-035 (Order 82-15), filed 9/30/82. Statutory Authority: RCW 28A.02.100.

392-163-085 Disposition of property. [Order 7-75, § 392-163-085, filed 12/22/75. Formerly WAC 392-98-085.] Repealed by 82-20-035 (Order 82-15), filed 9/30/82. Statutory Authority: RCW 28A.02.100.

WAC 392-163-010 Repealed. See Disposition Table at beginning of this chapter.

WAC 392-163-015 Repealed. See Disposition Table at beginning of this chapter.

WAC 392-163-020 Repealed. See Disposition Table at beginning of this chapter.

WAC 392-163-025 Repealed. See Disposition Table at beginning of this chapter.

WAC 392-163-030 Repealed. See Disposition Table at beginning of this chapter.

WAC 392-163-035 Repealed. See Disposition Table at beginning of this chapter.

WAC 392-163-040 Repealed. See Disposition Table at beginning of this chapter.

WAC 392-163-045 Repealed. See Disposition Table at beginning of this chapter.

WAC 392-163-050 Repealed. See Disposition Table at beginning of this chapter.

WAC 392-163-055 Repealed. See Disposition Table at beginning of this chapter.

WAC 392-163-060 Repealed. See Disposition Table at beginning of this chapter.

WAC 392-163-065 Repealed. See Disposition Table at beginning of this chapter.

WAC 392-163-070 Repealed. See Disposition Table at beginning of this chapter.

WAC 392-163-075 Repealed. See Disposition Table at beginning of this chapter.

WAC 392-163-080 Repealed. See Disposition Table at beginning of this chapter.

WAC 392-163-085 Repealed. See Disposition Table at beginning of this chapter.

Chapter 392-168 WAC

GRANTS MANAGEMENT—ELEMENTARY AND SECONDARY EDUCATION ACT—TITLE IV

WAC

392-168-010 Repealed.
 392-168-015 Repealed.
 392-168-020 Repealed.
 392-168-025 Repealed.
 392-168-030 Repealed.

392-168-035 Repealed.
 392-168-040 Repealed.
 392-168-045 Repealed.
 392-168-050 Repealed.
 392-168-055 Repealed.
 392-168-060 Repealed.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

392-168-010 Purpose. [Order 12-76, § 392-168-010, filed 12/21/76.] Repealed by 82-20-035 (Order 82-15), filed 9/30/82. Statutory Authority: RCW 28A.02.100.

392-168-015 Definitions. [Order 12-76, § 392-168-015, filed 12/21/76.] Repealed by 82-20-035 (Order 82-15), filed 9/30/82. Statutory Authority: RCW 28A.02.100.

392-168-020 Advisory council. [Order 12-76, § 392-168-020, filed 12/21/76.] Repealed by 82-20-035 (Order 82-15), filed 9/30/82. Statutory Authority: RCW 28A.02.100.

392-168-025 Evaluation criteria for approving applications. [Order 12-76, § 392-168-025, filed 12/21/76.] Repealed by 82-20-035 (Order 82-15), filed 9/30/82. Statutory Authority: RCW 28A.02.100.

392-168-030 Additional criteria for approving applications. [Order 12-76, § 392-168-030, filed 12/21/76.] Repealed by 82-20-035 (Order 82-15), filed 9/30/82. Statutory Authority: RCW 28A.02.100.

392-168-035 Provisions for assuring fifteen percent for special needs of handicapped children. [Order 12-76, § 392-168-035, filed 12/21/76.] Repealed by 82-20-035 (Order 82-15), filed 9/30/82. Statutory Authority: RCW 28A.02.100.

392-168-040 Criteria for achieving equitable distribution of assistance. [Order 12-76, § 392-168-040, filed 12/21/76.] Repealed by 82-20-035 (Order 82-15), filed 9/30/82. Statutory Authority: RCW 28A.02.100.

392-168-045 Provision for private nonprofit school participation. [Order 12-76, § 392-168-045, filed 12/21/76.] Repealed by 82-20-035 (Order 82-15), filed 9/30/82. Statutory Authority: RCW 28A.02.100.

392-168-050 Length of project period. [Order 12-76, § 392-168-050, filed 12/21/76.] Repealed by 82-20-035 (Order 82-15), filed 9/30/82. Statutory Authority: RCW 28A.02.100.

392-168-055 Provisions for hearings. (Part C) [Order 12-76, § 392-168-055, filed 12/21/76.] Repealed by 82-20-035 (Order 82-15), filed 9/30/82. Statutory Authority: RCW 28A.02.100.

392-168-060 Legal applicants. [Order 12-76, § 392-168-060, filed 12/21/76.] Repealed by 82-20-035 (Order 82-15), filed 9/30/82. Statutory Authority: RCW 28A.02.100.

WAC 392-168-010 Repealed. See Disposition Table at beginning of this chapter.

WAC 392-168-015 Repealed. See Disposition Table at beginning of this chapter.

WAC 392-168-020 Repealed. See Disposition Table at beginning of this chapter.

WAC 392-168-025 Repealed. See Disposition Table at beginning of this chapter.

WAC 392-168-030 Repealed. See Disposition Table at beginning of this chapter.

WAC 392-168-035 Repealed. See Disposition Table at beginning of this chapter.

WAC 392-168-040 Repealed. See Disposition Table at beginning of this chapter.

WAC 392-168-045 Repealed. See Disposition Table at beginning of this chapter.

WAC 392-168-050 Repealed. See Disposition Table at beginning of this chapter.

WAC 392-168-055 Repealed. See Disposition Table at beginning of this chapter.

WAC 392-168-060 Repealed. See Disposition Table at beginning of this chapter.

Chapter 392-171 WAC

EDUCATION FOR ALL HANDICAPPED CHILDREN

WAC

392-171-581 Surrogate parents.
 392-171-786 Repealed.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

392-171-786 Special education program funding and reporting criteria for the 1980-81 school year. [Statutory Authority: RCW 28A.13.070(7), 80-11-054 (Order 80-31), § 392-171-786, filed 8/19/80.] Repealed by 81-20-003 (Order 81-29), filed 9/24/81. Statutory Authority: 28A.41.170.

WAC 392-171-581 Surrogate parents. (1) General. Each school district providing a special education program to a nonadult handicapped student shall assure that the rights of the nonadult student are protected when:

(a) No parent (as defined in WAC 392-171-310(4)) can be identified;

(b) The school district, after reasonable efforts, cannot discover the whereabouts of a parent; or

(c) The student is a ward of the state.

(2) Duty of school district. The duty of a school district under this section includes the assignment of a person to act as a surrogate for the parents. This duty includes the establishment of a method:

(a) For determining whether a nonadult student needs a surrogate parent; and

(b) For assigning a surrogate parent to the student.

(3) Criteria for selection of surrogates. Each school district shall assure that a person selected as a surrogate:

(a) Has no interest that conflicts with the interests of the student he or she represents; and

(b) Has knowledge and skills that assure adequate representation of the student.

(4) Nonemployee requirement—Compensation:

(a) A person assigned as a surrogate may not be an employee of a school district and/or other agency which is involved in the education or care of the student; and

(b) A person who otherwise qualifies as a surrogate parent pursuant to this section is not an "employee" of the school district and/or other agency solely because he

or she is paid by the school district and/or agency to serve as a surrogate parent.

(5) Responsibilities. A surrogate parent may represent the student in all matters relating to:

(a) The identification, assessment, and educational placement of the student; and

(b) The provision of free special education and related services to the student. [Statutory Authority: RCW 28A.13.070(7), 81-19-012 (Order 81-25), § 392-171-581, filed 9/4/81; 80-11-054 (Order 80-31), § 392-171-581, filed 8/19/80.]

WAC 392-171-786 Repealed. See Disposition Table at beginning of this chapter.

Title 402 WAC RADIATION CONTROL AGENCY

Chapters

402-12	General provisions.
402-22	Specific licenses.
402-52	Uranium and/or thorium mill operation and stabilization of mill tailing piles.

Chapter 402-12 WAC GENERAL PROVISIONS

WAC
402-12-050 Definitions.

WAC 402-12-050 Definitions. As used in these regulations, these terms have the definitions set forth below. Additional definitions used only in a certain part will be found in that part.

(1) "Accelerator produced material" means any material made radioactive by exposing it in a particle accelerator.

(2) "Act" means Nuclear Energy and Radiation Legislation chapter 70.98 RCW.

(3) "Agreement state" means any state with which the United States Nuclear Regulatory Commission has entered into an effective agreement under section 274 b. of the Atomic Energy Act of 1954, as amended (73 Stat. 689).

(4) "Airborne radioactive material" means any radioactive material dispersed in the air in the form of dusts, fumes, mists, vapors, or gases.

(5) "Airborne radioactivity area" means (a) any room, enclosure, or operating area in which airborne radioactive material exists in concentrations in excess of the amounts specified in Appendix A, Table I, Column 1 of chapter 402-24 WAC Part D; or (b) any room, enclosure, or operating area in which airborne radioactive material exists in concentrations which, averaged over the number of hours in any week during which individuals are in the area, exceed 25 percent of the amounts specified in WAC 402-24-220, Appendix A, Table I, Column 1.

(6) "Byproduct material" means: (a) Any radioactive material (except special nuclear material) yielded in or made radioactive by exposure to the radiation incident to the process of producing or utilizing special nuclear material, and (b) the tailings or wastes produced by the extraction or concentration of uranium or thorium from any ore processed primarily for its source material content.

(7) "Calendar quarter" means not less than 12 consecutive weeks nor more than 14 consecutive weeks. The first calendar quarter of each year shall begin in January and subsequent calendar quarters shall be so arranged such that no day is included in more than one calendar quarter and no day in any one year is omitted from inclusion within a calendar quarter. No licensee or registrant shall change the method observed by him of determining calendar quarters for purposes of these regulations except at the beginning of a calendar year.

(8) "CFR" means Code of Federal Regulations.

(9) "Controlled area." See "Restricted area."

(10) "Curie" means a unit of measurement of radioactivity. One curie (Ci) is that quantity of radioactive material which decays at the rate of 3.7×10^{10} transformations per second (tps). Commonly used submultiples of the curie are the millicurie and the microcurie. One millicurie (mCi) = 0.001 curie = 3.7×10^7 tps. One microcurie (uCi) = 0.000001 curie = 3.7×10^4 tps. One picocurie (pCi) = 10^{-12} Ci. One nanocurie (nCi) = 10^{-9} Ci.

(11) "Department" means the department of social and health services which has been designated as the state radiation control agency.

(12) "Depleted uranium" means the source material uranium in which the isotope uranium-235 is less than 0.711 weight percent of the total uranium present. Depleted uranium does not include special nuclear material.

(13) "Dose" as used in these regulations shall mean absorbed dose or dose equivalent as appropriate.

(a) "Absorbed dose" is the energy imparted to matter by ionizing radiation per unit mass of irradiated material at the place of interest. The special unit of absorbed dose is the rad. (See rad.)

(b) "Dose equivalent" is a quantity that expresses on a common scale for all radiation a measure of the postulated effect on a given organ. It is defined as the absorbed dose in rads times certain modifying factors. The unit of dose equivalent is the rem. (See rem.)

(14) "Dose commitment" means the total radiation dose to a part of the body that will result from retention in the body of radioactive material. For purposes of estimating the dose commitment, it is assumed that from the time of intake the period of exposure to retained material will not exceed fifty years.

(15) "Exposure" means the quotient of dQ by dm where "dQ" is the absolute value of the total charge of the ions of one sign produced in air when all the electrons (negatrons and positrons) liberated by photons in a volume element of air having "dm" are completely stopped in air. (The special unit of exposure is the roentgen (R).)*