

Title 392 WAC

PUBLIC INSTRUCTION, SUPERINTENDENT OF

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Chapter 392-08

PRACTICE AND PROCEDURE

392-08-010	Appearance and practice before the state superintendent of public instruction--Who may appear. [Regulation .08.010, filed 3/22/60.] Repealed by Order 7-75, filed 12/22/75.
392-08-020	Appearance in certain proceedings may be limited to attorneys. [Regulation .08.020, filed 3/22/60.] Repealed by Order 7-75, filed 12/22/75.
392-08-030	Solicitation of business unethical. [Regulation .08.030, filed 3/22/60.] Repealed by Order 7-75, filed 12/22/75.
392-08-040	Standards of ethical conduct. [Regulation .08.040, filed 3/22/60.] Repealed by Order 7-75, filed 12/22/75.
392-08-050	Appearance by former employee of state superintendent or former member of attorney general's staff. [Regulation .08.050, filed 3/22/60.] Repealed by Order 7-75, filed 12/22/75.
392-08-060	Former employee as an expert witness. [Regulation .08.060, filed 3/22/60.] Repealed by Order 1-75, filed 1/21/75.
392-08-070	Computation of time. [Regulation .08.070, filed 3/22/60.] Repealed by Order 1-75, filed 1/21/75.
392-08-080	Notice and opportunity for hearing in contested cases. [Regulation .08.080, filed 3/22/60.] Repealed by Order 1-75, filed 1/21/75.
392-08-090	Service of process--By whom served. [Regulation .08.090, filed 3/22/60.] Repealed by Order 1-75, filed 1/21/75.
392-08-100	Upon whom served. [Regulation .08.100, filed 3/22/60.] Repealed by Order 1-75, filed 1/21/75.
392-08-110	Service upon parties. [Regulation .08.110, filed 3/22/60.] Repealed by Order 1-75, filed 1/21/75.
392-08-120	Method of service. [Regulation .08.120, filed 3/22/60.] Repealed by Order 1-75, filed 1/21/75.
392-08-130	When service complete. [Regulation .08.130, filed 3/22/60.] Repealed by Order 1-75, filed 1/21/75.
392-08-140	Filing with agency. [Regulation .08.140, filed 3/22/60.] Repealed by Order 1-75, filed 1/21/75.
392-08-230	Depositions and interrogatories in contested cases--Right to take. [Regulation .08.230, filed 3/22/60.] Repealed by Order 1-75, filed 1/21/75.
392-08-240	Scope. [Regulation .08.240, filed 3/22/60.] Repealed by Order 1-75, filed 1/21/75.
392-08-250	Officer before whom taken. [Regulation .08.250, filed 3/22/60.] Repealed by Order 1-75, filed 1/21/75.
392-08-260	Authorization. [Regulation .08.260, filed 3/22/60.] Repealed by Order 1-75, filed 1/21/75.

- 392-08-270 Protection of parties and deponents. [Regulation .08.270, filed 3/22/60.] Repealed by Order 1-75, filed 1/21/75.
- 392-08-280 Oral examination and cross-examination. [Regulation .08.280, filed 3/22/60.] Repealed by Order 1-75, filed 1/21/75.
- 392-08-290 Recordation. [Regulation .08.290, filed 3/22/60.] Repealed by Order 1-75, filed 1/21/75.
- 392-08-300 Signing attestation and return. [Regulation .08.300, filed 3/22/60.] Repealed by Order 1-75, filed 1/21/75.
- 392-08-310 Use and effect. [Regulation .08.310, filed 3/22/60.] Repealed by Order 1-75, filed 1/21/75.
- 392-08-320 Fees of officers and deponents. [Regulation .08.320, filed 3/22/60.] Repealed by Order 1-75, filed 1/21/75.
- 392-08-330 Depositions upon interrogatories—Submission of interrogatories. [Regulation .08.330, filed 3/22/60.] Repealed by Order 1-75, filed 1/21/75.
- 392-08-340 Interrogation. [Regulation .08.340, filed 3/22/60.] Repealed by Order 1-75, filed 1/21/75.
- 392-08-350 Attestation and return. [Regulation .08.350, filed 3/22/60.] Repealed by Order 1-75, filed 1/21/75.
- 392-08-360 Provisions of deposition rule. [Regulation .08.360, filed 3/22/60.] Repealed by Order 1-75, filed 1/21/75.
- 392-08-370 Official notice—Matters of law. [Regulation .08.370, filed 3/22/60.] Repealed by Order 1-75, filed 1/21/75.
- 392-08-380 Material facts. [Regulation .08.380, filed 3/22/60.] Repealed by Order 1-75, filed 1/21/75.
- 392-08-390 Presumptions. [Regulation .08.390, filed 3/22/60.] Repealed by Order 1-75, filed 1/21/75.
- 392-08-400 Stipulations and admissions of record. [Regulation .08.400, filed 3/22/60.] Repealed by Order 1-75, filed 1/21/75.
- 392-08-410 Form and content of decisions in contested cases. [Regulation .08.410, filed 3/22/60.] Repealed by Order 1-75, filed 1/21/75.
- 392-08-420 Definition of issues before hearing. [Regulation .08.420, filed 3/22/60.] Repealed by Order 1-75, filed 1/21/75.
- 392-08-430 Prehearing conference rule—Authorized. [Regulation .08.430, filed 3/22/60.] Repealed by Order 1-75, filed 1/21/75.
- 392-08-440 Record of conference action. [Regulation .08.440, filed 3/22/60.] Repealed by Order 1-75, filed 1/21/75.
- 392-08-450 Submission of documentary evidence in advance. [Regulation .08.450, filed 3/22/60.] Repealed by Order 1-75, filed 1/21/75.
- 392-08-460 Excerpts from documentary evidence. [Regulation .08.460, filed 3/22/60.] Repealed by Order 1-75, filed 1/21/75.
- 392-08-470 Expert or opinion testimony and testimony based on economic and statistical data—Number and qualifications of witnesses. [Regulation .08.470, filed 3/22/60.] Repealed by Order 1-75, filed 1/21/75.
- 392-08-480 Written sworn statements. [Regulation .08.480, filed 3/22/60.] Repealed by Order 1-75, filed 1/21/75.
- 392-08-490 Supporting data. [Regulation .08.490, filed 3/22/60.] Repealed by Order 1-75, filed 1/21/75.
- 392-08-500 Effect of noncompliance with 392-08-470 or 392-08-480. [Regulation .08.500, filed 3/22/60.] Repealed by Order 1-75, filed 1/21/75.
- 392-08-510 Continuances. [Regulation .08.510, filed 3/22/60.] Repealed by Order 1-75, filed 1/21/75.
- 392-08-520 Rules of evidence—Admissibility criteria. [Regulation .08.520, filed 3/22/60.] Repealed by Order 1-75, filed 1/21/75.
- 392-08-530 Tentative admission—Exclusion—Discontinuance—Objections. [Regulation .08.530, filed 3/22/60.] Repealed by Order 1-75, filed 1/21/75.
- 392-08-540 Petitions for rule making, amendment or repeal—Who may petition. [Regulation .08.540, filed 3/22/60.] Repealed by Order 1-75, filed 1/21/75.
- 392-08-550 Requisites. [Regulation .08.550, filed 3/22/60.] Repealed by Order 1-75, filed 1/21/75.
- 392-08-560 Agency must consider. [Regulation .08.560, filed 3/22/60.] Repealed by Order 1-75, filed 1/21/75.
- 392-08-570 Notice of disposition. [Regulation .08.570, filed 3/22/60.] Repealed by Order 1-75, filed 1/21/75.
- 392-08-580 Declaratory rulings. [Regulation .08.580, filed 3/22/60.] Repealed by Order 1-75, filed 1/21/75.
- 392-08-590 Forms. [Regulation .08.590, filed 3/22/60.] Repealed by Order 1-75, filed 1/21/75.
- 392-08-600 Administrative practices regarding hearings and rule proceedings. [Order 1-75, § 392-08-600, filed 1/21/75.] Repealed by Order 7-75, filed 12/22/75.

Chapter 392-10**CONFLICT OF INTEREST**

- 392-10-010 Purpose and effect. [Order 73, § 392-10-010, filed 5/13/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-103-005.
- 392-10-020 Prohibited practices in general. [Order 73, § 392-10-020, filed 5/13/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-103-010, 392-103-015, and 392-103-020.
- 392-10-030 Disqualification. [Order 73, § 392-10-030, filed 5/13/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-103-025.
- 392-10-040 Permissible transactions. [Order 73, § 392-10-040, filed 5/13/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-103-040.
- 392-10-050 Permissible outside employment. [Order 73, § 392-10-050, filed 5/13/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-103-045.
- 392-10-060 Former employees—Prohibited practices. [Order 73, § 392-10-060, filed 5/13/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-103-035.
- 392-10-070 Appointed advisory committee members. [Order 82, § 392-10-070, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-103-030.

Chapter 392-12**ACCESS TO PUBLIC RECORDS**

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

Chapter 392-13**WORK STOPPAGE—STRIKES—PROCEDURES FOR APPROVAL/DISAPPROVAL—STATE EQUALIZATION APPORTIONMENT**

- 392-13-010 Purpose. [Order 75, § 392-13-010, filed 6/10/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-131-005.
- 392-13-020 Presumption of approved program operation—Strikes—Exception—Approval/disapproval of program during strike period. [Order 75, § 392-13-020, filed 6/10/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-131-015.
- 392-13-030 Strike defined. [Order 75, § 392-13-030, filed 6/10/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-131-010.
- 392-13-040 Work stoppages and maintenance of approved programs for less than 180 days not condoned. [Order 75, § 392-13-040, filed 6/10/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-131-020.
- 392-13-050 Kindergarten and grade one through twelve programs considered collectively—Failure to operate an

approved program—Denial of apportionment. [Order 75, § 392-13-050, filed 6/10/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-131-025.

Chapter 392-14

EMERGENCY SCHOOL CLOSURES—APPORTIONMENT

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

Chapter 392-15

INTERDISTRICT COOPERATION

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

- 392-15-805 Definitions. [Order 78, § 392-15-805, filed 8/28/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-137-010.
- 392-15-810 Persons entitled to attend—Tuition free. [Order 78, § 392-15-810, filed 8/28/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-137-015.
- 392-15-815 Nonresident minor students—Mutual agreement between resident and nonresident districts required. [Order 78, § 392-15-815, filed 8/28/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-137-020.
- 392-15-820 Nonresident adult students—Agreement between adult and nonresident district required. [Order 78, § 392-15-820, filed 8/28/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-137-025.
- 392-15-825 Resident adult students who are twenty-one years of age or older—Agreement required. [Order 78, § 392-15-825, filed 8/28/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-137-030.
- 392-15-830 Contents of agreements between adults and nonresident or resident districts and between resident and nonresident districts in behalf of minor nonresidents. [Order 78, § 392-15-830, filed 8/28/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-137-035.
- 392-15-835 District policies—Procedures and criteria for release of resident students and admission of nonresident students. [Order 78, § 392-15-835, filed 8/28/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-137-040.
- 392-15-840 Tuition—Amounts—Lack of agreement between resident and nonresident districts—Deposit. [Order 78, § 392-15-840, filed 8/28/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-137-045.
- 392-15-845 State apportionment credit—Grades one through eight—Grades nine through twelve. [Order 78, § 392-15-845, filed 8/28/74.] Repealed by Order 7-75, filed 12/22/75.
- 392-15-850 Procedure for obtaining nonresident attendance credit—Notices—Forfeiture of state apportionment. [Order 78, § 392-15-850, filed 8/28/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-137-045.
- 392-15-855 Agreements and policies deemed approved—Retention and filing of. [Order 78, § 392-15-855, filed 8/28/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-137-050.
- 392-15-900 Purpose. [Order 90, § 392-15-900, filed 3/6/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-135-005.
- 392-15-905 Definitions. [Order 90, § 392-15-905, filed 3/6/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-135-010.
- 392-15-910 Program types. [Order 90, § 392-15-910, filed 3/6/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-135-015.
- 392-15-915 Application—Requirements for approval. [Order 90, § 392-15-915, filed 3/6/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-135-020.
- 392-15-920 Approval by superintendent of public instruction prerequisite for state funds. [Order 90, § 392-15-920, filed 3/6/75.] Repealed by Order 7-75, filed 12/22/75.
- 392-15-925 Additional weighting support. [Order 90, § 392-15-925, filed 3/6/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-135-025.
- 392-15-930 Vocational-technical schools. [Order 90, § 392-15-930, filed 3/6/75.] Repealed by Order 7-75, filed 12/22/75.

Title 392 WAC

Title 392 WAC: Public Instruction, Supt. of

- 392-15-935 Duties of intermediate district superintendent. [Order 90, § 392-15-935, filed 3/6/75.] Repealed by Order 7-75, filed 12/22/75.
- 392-15-940 Attendance reports by resident districts. [Order 90, § 392-15-940, filed 3/6/75.] Repealed by Order 7-75, filed 12/22/75.
- 392-15-945 Cooperative financing of construction. [Order 90, § 392-15-945, filed 3/6/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-135-030.

Chapter 392-20

APPROVED SCHOOL TRANSPORTATION GUIDE

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

Chapter 392-21

SPECIFICATIONS FOR SCHOOL BUSES

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

- 392-21-105 Authority of district boards. [Order 53, § 392-21-105, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-143-025.
- 392-21-110 Definition of school bus. [Order 59, § 392-21-110, filed 4/19/73, effective 6/30/73; Order 53, § 392-21-110, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-143-010.
- 392-21-115 School bus operation permit, inspection and license. [Order 53, § 392-21-115, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-143-030.
- 392-21-120 Inspections. [Order 53, § 392-21-120, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-143-035.
- 392-21-125 Inspection of rebuilt school buses. [Order 53, § 392-21-125, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-143-040.
- 392-21-130 Compliance with federal motor vehicle safety standards. [Order 59, § 392-21-130, filed 4/19/73, effective 6/30/73; Order 53, § 392-21-130, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-143-020 (part).
- 392-21-135 Compliance with Washington specifications. [Order 59, § 392-21-135, filed 4/19/73, effective 6/30/73; Order 53, § 392-21-135, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-143-020 (part).
- 392-21-140 Types of vehicles. [Order 59, § 392-21-140, filed 4/19/73, effective 6/30/73; Order 53, § 392-21-140, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-145 Appeal for exception vehicles. [Order 53, § 392-21-145, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-143-045.
- 392-21-150 Regulations for resold school buses. [Order 53, § 392-21-150, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-143-050.
- 392-21-155 Responsibility of dealers and manufacturers. [Order 53, § 392-21-155, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-143-055.
- 392-21-160 Amendment of specifications. [Order 53, § 392-21-160, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-165 Effective date of specifications. [Order 59, § 392-21-165, filed 4/19/73, effective 6/30/73; Order 53, § 392-21-165, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-170 School bus chassis specifications. [Order 59, § 392-21-170, filed 4/19/73, effective 6/30/73; Order 53, § 392-21-170, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-175 Air cleaner. [Order 53, § 392-21-175, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-180 Axles. [Order 53, § 392-21-180, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-185 Battery. [Order 53, § 392-21-185, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-190 Brakes. [Order 53, § 392-21-190, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-195 Bumper, front. [Order 53, § 392-21-195, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-200 Certification. [Order 53, § 392-21-200, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-205 Clutch assemblies. [Order 53, § 392-21-205, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-210 Color. [Order 53, § 392-21-210, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-215 Drive shaft. [Order 53, § 392-21-215, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.

- 392-21-220 Electrical system. [Order 53, § 392-21-220, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-225 Exhaust system. [Order 53, § 392-21-225, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-230 Fenders, front. [Order 53, § 392-21-230, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-235 Frame. [Order 53, § 392-21-235, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-240 Frame lengths. [Order 53, § 392-21-240, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-245 Fuel tank. [Order 53, § 392-21-245, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-250 Generator or alternator. [Order 53, § 392-21-250, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-255 Governor. [Order 53, § 392-21-255, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-260 Heating system, provision for. [Order 53, § 392-21-260, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-265 Horn. [Order 53, § 392-21-265, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-270 Instruments and instrument panel. [Order 53, § 392-21-270, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-275 Oil filter. [Order 53, § 392-21-275, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-280 Openings. [Order 53, § 392-21-280, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-285 Passenger load. [Order 53, § 392-21-285, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-290 Power and gradeability—(See WAC 392-21-800 for formula). [Order 53, § 392-21-290, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-295 Shock absorbers. [Order 53, § 392-21-295, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-300 Springs. [Order 53, § 392-21-300, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-305 Steering gear. [Order 53, § 392-21-305, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-310 Tires and rims. [Order 53, § 392-21-310, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-315 Tow hooks. [Order 53, § 392-21-315, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-320 Transmission. [Order 53, § 392-21-320, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-325 Undercoating. [Order 53, § 392-21-325, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-330 Weight distribution. [Order 53, § 392-21-330, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-335 Wheels. [Order 53, § 392-21-335, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-390 Diagrams of chassis plan and chassis elevation. [Order 53, § 392-21-390, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-400 School bus body specifications. [Order 53, § 392-21-400, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-405 Aisle. [Order 53, § 392-21-405, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-410 Battery. [Order 53, § 392-21-410, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-415 Body sizes. [Order 53, § 392-21-415, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-420 Bumper, front. [Order 53, § 392-21-420, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-425 Bumper, rear. [Order 53, § 392-21-425, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-430 Ceiling. [Order 53, § 392-21-430, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-435 Chains. [Order 53, § 392-21-435, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-440 Color. [Order 53, § 392-21-440, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-445 Construction. [Order 53, § 392-21-445, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-450 Defrosters. [Order 53, § 392-21-450, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-455 Doors. [Order 53, § 392-21-455, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-460 Electrical system. [Order 53, § 392-21-460, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-465 Emergency window. [Order 53, § 392-21-465, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-470 Fire extinguisher. [Order 53, § 392-21-470, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-475 First-aid kit. [Order 53, § 392-21-475, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-480 Flags and flares. [Order 53, § 392-21-480, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-485 Floor. [Order 53, § 392-21-485, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-490 Heaters. [Order 53, § 392-21-490, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-495 Identification. [Order 53, § 392-21-495, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-500 Inside height. [Order 53, § 392-21-500, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-505 Insulation. [Order 53, § 392-21-505, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-510 Interior. [Order 53, § 392-21-510, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-515 Lamps and signals. [Order 53, § 392-21-515, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-520 Metal treatment. [Order 53, § 392-21-520, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-525 Mirrors. [Order 53, § 392-21-525, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-530 Mounting. [Order 53, § 392-21-530, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-535 Overall length. [Order 53, § 392-21-535, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-540 Overall width. [Order 53, § 392-21-540, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-545 Permit holder. [Order 53, § 392-21-545, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-550 Posts. [Order 53, § 392-21-550, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-560 Racks. [Order 53, § 392-21-560, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-565 Rub rails. [Order 53, § 392-21-565, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-570 Sanders. [Order 53, § 392-21-570, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-575 Seat belt for the operator. [Order 53, § 392-21-575, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-580 Seats. [Order 53, § 392-21-580, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-585 Stanchions and guard rails. [Order 53, § 392-21-585, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-590 Steering wheel. [Order 53, § 392-21-590, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-600 Steps. [Order 53, § 392-21-600, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-605 Step treads. [Order 53, § 392-21-605, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-610 Stirrup steps. [Order 53, § 392-21-610, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-615 Stop sign. [Order 53, § 392-21-615, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-620 Storage compartment. [Order 53, § 392-21-620, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-625 Sun visor. [Order 53, § 392-21-625, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-630 Tailpipe. [Order 53, § 392-21-630, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-635 Tow hook, rear. [Order 53, § 392-21-635, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-640 Undercoating. [Order 53, § 392-21-640, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.

- 392-21-645 Ventilation. [Order 53, § 392-21-645, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-650 Wheel housings. [Order 53, § 392-21-650, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-655 Windshields. [Order 53, § 392-21-655, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-660 Windshield washer. [Order 53, § 392-21-660, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-665 Windshield wipers. [Order 53, § 392-21-665, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-670 Wiring. [Order 53, § 392-21-670, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-700 Diagrams of body plan and body elevation. [Order 53, § 392-21-700, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-750 Specifications for conversion vehicles. [Order 59, § 392-21-750, filed 4/19/73, effective 6/30/73; Order 53, § 392-21-750, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-755 Conversion vehicles—Body. [Order 59, § 392-21-755, filed 4/19/73, effective 6/30/73.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-760 Conversion vehicles—Chassis. [Order 59, § 392-21-760, filed 4/19/73, effective 6/30/73.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-765 Vehicles for transporting handicapped children. [Order 59, § 392-21-765, filed 4/19/73, effective 6/30/73.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-800 Appendix. [Order 53, § 392-21-800, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- Chapter 392-22**
OPERATION RULES FOR SCHOOL BUS DRIVERS
- 392-22-005 Objectives of school bus transportation. [Order 24, § 392-22-005, filed 7/1/70.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-145-010.
- 392-22-010 General operation regulations. [Order 24, § 392-22-010, filed 7/1/70; General Operation Regulations, filed 8/31/65; General Operation Regulations, filed 3/22/60.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-145-015, 392-145-020, 392-145-025, and 392-145-030.
- 392-22-100 Rules for school bus drivers. [Order 24, § 392-22-100, filed 7/1/70; Rules for school bus drivers, filed 8/31/65; Rules for school bus drivers, filed 3/22/60.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-145-015, 392-145-020, 392-145-025, and 392-145-030.
- Chapter 392-23**
RULES FOR STUDENTS RIDING BUSES
- 392-23-005 Applicability of rules. [Rules (part), filed 8/31/65; Rules (part), filed 3/22/60.] Repealed by Order 7-75, filed 12/22/75.
- 392-23-010 Rules for students riding school buses. [Order 24, § 392-23-010, filed 7/1/70; Regulations (part), filed 8/31/65; Rules (part), filed 3/22/60.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-145-035.
- Chapter 392-24**
SCHOOL SAFETY PATROL
- 392-24-006 School patrol appointment, authority, finance, insurance. [Order 54, § 392-24-006, filed 11/24/72; Safety Patrol Manual (part), filed 3/22/60.] Repealed by Order 7-75, filed 12/22/75.
- 392-24-007 Washington's school safety patrol—General. [Order 54, § 392-24-007, filed 11/24/72; Safety Patrol Manual (part), filed 3/22/60.] Repealed by Order 7-75, filed 12/22/75.
- 392-24-010 Washington's school safety patrol—Purpose and function. [Order 54, § 392-24-010, filed 11/24/72; Safety Patrol Manual (part), filed 3/22/60.] Repealed by Order 7-75, filed 12/22/75.
- 392-24-011 Rules for operation of school safety patrol—General. [Order 54, § 392-24-011, filed 11/24/72; Safety Patrol Manual (part), filed 3/22/60.] Repealed by Order 7-75, filed 12/22/75.
- 392-24-015 Rules for operation of school safety patrol—Establishment and support—Administration—Community support. [Order 54, § 392-24-015, filed 11/24/72; Safety Patrol Manual (part), filed 3/22/60.] Repealed by Order 7-75, filed 12/22/75.
- 392-24-020 Rules for operation of school safety patrol—Instruction and supervision. [Order 54, § 392-24-020, filed 11/24/72; Safety Patrol Manual (part), filed 3/22/60.] Repealed by Order 7-75, filed 12/22/75.
- 392-24-025 Rules for operation of school safety patrol—Selection and appointment. [Order 54, § 392-24-025, filed 11/24/72; Safety Patrol Manual (part), filed 3/22/60.] Repealed by Order 7-75, filed 12/22/75.
- 392-24-026 Rules for operation of school safety patrol—Suggested application form. [Order 54, § 392-24-026, filed 11/24/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-24-027 Rules for operation of school safety patrol—Suggested parental endorsement letter. [Order 54, § 392-24-027, filed 11/24/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-24-030 Rules for operation of school safety patrol—Size of patrol and officers needed. [Order 54, § 392-24-030, filed 11/24/72; Safety Patrol Manual (part), filed 3/22/60.] Repealed by Order 7-75, filed 12/22/75.
- 392-24-035 Rules for operation of school safety patrol—Standard uniforms. [Order 54, § 392-24-035, filed 11/24/72; Safety Patrol Manual (part), filed 3/22/60.] Repealed by Order 7-75, filed 12/22/75.
- 392-24-040 Standard school patrol procedure. [Safety Patrol Manual (part), filed 3/22/60.] Repealed by Order 54, filed 11/24/72.
- 392-24-045 Placement of signs. [Safety Patrol Manual (part), filed 3/22/60.] Repealed by Order 54, filed 11/24/72.
- 392-24-050 Rules for operation of school safety patrol—Equipment. [Order 54, § 392-24-050, filed 11/24/72; Safety Patrol Manual (part), filed 3/22/60.] Repealed by Order 7-75, filed 12/22/75.
- 392-24-055 Rules for operation of school safety patrol—Care of equipment. [Order 54, § 392-24-055, filed 11/24/72; Safety Patrol Manual (part), filed 3/22/60.] Repealed by Order 7-75, filed 12/22/75.
- 392-24-060 Increasing visibility. [Safety Patrol Manual (part), filed 3/22/60.] Repealed by Order 54, filed 11/24/72.
- 392-24-065 Rules for operation of school safety patrol—Controlled crossings. [Order 54, § 392-24-065, filed 11/24/72; Safety Patrol Manual (part), filed 3/22/60.] Repealed by Order 7-75, filed 12/22/75.
- 392-24-067 Rules for operation of school safety patrol—Location of school patrol crossings. [Order 54, § 392-24-067, filed 11/24/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-24-070 Rules for operation of school safety patrol—Positions at crosswalks. [Order 54, § 392-24-070, filed 11/24/72; Safety Patrol Manual (part), filed 3/22/60.] Repealed by Order 7-75, filed 12/22/75.
- 392-24-075 Rules for operation of school safety patrol—Hours of duty. [Order 54, § 392-24-075, filed 11/24/72; Safety Patrol Manual (part), filed 3/22/60.] Repealed by Order 7-75, filed 12/22/75.
- 392-24-080 Rules for operation of school safety patrol—Bus duty. [Order 54, § 392-24-080, filed 11/24/72; Safety Patrol Manual (part), filed 3/22/60.] Repealed by Order 7-75, filed 12/22/75.
- 392-24-085 Rules for operation of school safety patrol—School bus stop sign violations. [Order 54, § 392-24-085,

- filed 11/24/72; Safety Patrol Manual (part), filed 3/22/60.] Repealed by Order 7-75, filed 12/22/75.
- 392-24-090 Rules for operation of school safety patrol—Installing the school safety patrol—Pledge—Motivation, recognition, morale. [Order 54, § 392-24-090, filed 11/24/72; Safety Patrol Manual (part), filed 3/22/60.] Repealed by Order 7-75, filed 12/22/75.
- 392-24-100 Rules for operation of school safety patrol—Suggested evaluation form. [Order 54, § 392-24-100, filed 11/24/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-24-205 Function of the school patrol. [Order 85, § 392-24-205, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-151-010.
- 392-24-210 Administration and support. [Order 85, § 392-24-210, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-151-015.
- 392-24-215 Liability. [Order 85, § 392-24-215, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-151-020.
- 392-24-220 Local school route plans. [Order 85, § 392-24-220, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-151-025.
- 392-24-225 Warrants for utilizing adult crossing guards. [Order 85, § 392-24-225, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-151-055.
- 392-24-230 Suggested factors to consider for placement of adult guards. [Order 85, § 392-24-230, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-151-055.
- 392-24-235 Criteria to consider when selecting an adult guard. [Order 85, § 392-24-235, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-151-060.
- 392-24-240 Controlled crossings. [Order 85, § 392-24-240, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-151-030.
- 392-24-245 School crossing warning and speed limit signs. [Order 85, § 392-24-245, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-151-035.
- 392-24-250 Organization, instruction, and supervision. [Order 85, § 392-24-250, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-151-040 and 392-151-045.
- 392-24-255 Selection, appointment. [Order 85, § 392-24-255, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-151-050.
- 392-24-260 Size of patrol and officers needed. [Order 85, § 392-24-260, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-151-070.
- 392-24-265 Hours on duty. [Order 85, § 392-24-265, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-151-075.
- 392-24-270 The patrol captain. [Order 85, § 392-24-270, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-151-080.
- 392-24-275 The patrol lieutenant. [Order 85, § 392-24-275, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-151-080.
- 392-24-280 The patrol member. [Order 85, § 392-24-280, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-151-085.
- 392-24-285 Standard uniforms. [Order 85, § 392-24-285, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-151-090.
- 392-24-290 Equipment. [Order 85, § 392-24-290, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-151-095.
- 392-24-295 Care of equipment. [Order 85, § 392-24-295, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-151-100.
- 392-24-300 Instruction of safety patrol members. [Order 85, § 392-24-300, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-151-105.
- 392-24-305 Installing the school safety patrol. [Order 85, § 392-24-305, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-151-110.
- 392-24-310 School safety patrol pledge. [Order 85, § 392-24-310, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-151-110.
- 392-24-315 Patrol operation—Assignment and inspection. [Order 85, § 392-24-315, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-151-115.
- 392-24-320 Basic crossing position and flag operation. [Order 85, § 392-24-320, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-151-120.
- 392-24-325 Single posts and one-way streets. [Order 85, § 392-24-325, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-151-125.
- 392-24-330 Traffic hazards. [Order 85, § 392-24-330, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-151-130.
- 392-24-335 Multiple posts. [Order 85, § 392-24-335, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-151-135.
- 392-24-340 Operation with an adult guard or police officer or traffic signal. [Order 85, § 392-24-340, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-151-140.
- 392-24-345 Police officer or adult crossing guard. [Order 85, § 392-24-345, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-151-065.
- 392-24-350 Operation at an intersection with traffic signal. [Order 85, § 392-24-350, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-151-145.
- 392-24-355 Violation reports and accidents. [Order 85, § 392-24-355, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-151-150.
- 392-24-360 Morale and discipline. [Order 85, § 392-24-360, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-151-150.
- 392-24-365 Recognition and awards. [Order 85, § 392-24-365, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-151-150.

Chapter 392-25

CERTIFICATION OF SCHOOL BUS DRIVERS

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

Chapter 392-26

SAFE WALK-WAYS TO AND FROM SCHOOL

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

Chapter 392-27

REIMBURSEMENT TO SCHOOL DISTRICTS FOR TRANSPORTATION COSTS

- 392-27-010 District records required. [Order 36, § 392-27-010, filed 1/12/71; Transportation rules (part), filed 3/22/60.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-141-025.
- 392-27-020 Approval of transportation routes—Limitation. [Order 36, § 392-27-020, filed 1/12/71; Reimbursement rules (part), filed 3/22/60.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-141-030 and 392-141-040.
- 392-27-030 Preparation of T-2 Form and approved transportation costs. [Order 36, § 392-27-030, filed 1/12/71; Rules (part), filed 3/22/60.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-141-030 and 392-141-040.
- 392-27-031 T-2 Form (front). [Order 9, § 392-27-031, filed 2/3/69; WAC 392-27-030(3), filed 6/22/60.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-141-030 and 392-141-040.
- 392-27-032 T-2 Form (back side, containing rules and regulations for school transportation commission). [Order 9, § 392-27-032, filed 6/22/60; WAC 392-27-020(4), filed 6/22/60.] Repealed by Order 7-75, filed 12/22/75.
- 392-27-040 Purchase of school buses and state allowance for depreciation. [Order 48, § 392-27-040, filed 6/28/72; Order 36, § 392-27-040, filed 1/12/71; Reimbursement rules (part), filed 3/22/60.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-141-045 and 392-141-050.
- 392-27-045 Lease purchase of school buses—Reimbursement. [Order 36, § 392-27-045, filed 1/12/71.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-141-045 and 392-141-050.
- 392-27-050 Presenting buses for safety inspection. [From rules dated March, 1958 (part), filed 3/22/60.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-141-045 and 392-141-050.
- 392-27-100 Depreciation schedule—New buses. [Order 37, § 392-27-100, filed 1/12/71, effective 7/1/71; Subsections 1, 2, and 3 from rules (part), filed 8/2/62; Rules (part), filed 3/22/60; Subsection 4 from rules, filed 8/2/62; Rules (part), filed 3/22/60; Example, filed 8/2/62; Rules (part), filed 3/22/60.]

392-27-110

Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-141-055.

Additional depreciation for rebuilt district-owned buses that have served the state's required years for original depreciation. [Subsection 5 from rules (part), filed 6/17/63; Subsections 1, 2, 3, and 4 from rules (part), filed 2/14/63; Form T-10, filed 2/14/63.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-141-060.

Chapter 392-29

DISTRIBUTION OF FUNDS APPROPRIATED FOR APPORTIONMENT TO THE COMMON SCHOOLS

- 392-29-010 Authority. [Order 52, § 392-29-010, filed 8/15/72.] Repealed by Order 89, filed 3/6/75.
- 392-29-020 Purpose. [Order 52, § 392-29-020, filed 8/15/72.] Repealed by Order 89, filed 3/6/75.
- 392-29-030 Policy. [Order 52, § 392-29-030, filed 8/15/72.] Repealed by Order 89, filed 3/6/75.
- 392-29-100 Procedures. [Order 52, § 392-29-100, filed 8/15/72.] Repealed by Order 89, filed 3/6/75.
- 392-29-110 Authority and purpose. [Order 89, § 392-29-110, filed 3/6/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-121-005.
- 392-29-120 Intent of equalization apportionment. [Order 89, § 392-29-120, filed 3/6/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-121-005.
- 392-29-130 Definitions—Terms. [Order 89, § 392-29-130, filed 3/6/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-121-010 and 392-121-015.
- 392-29-140 Definitions—School year—Day. [Order 89, § 392-29-140, filed 3/6/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-121-015.
- 392-29-150 Annual distribution of apportionment funds. [Order 89, § 392-29-150, filed 3/6/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-121-020.
- 392-29-160 Apportionment credit, resident and nonresident districts. [Order 89, § 392-29-160, filed 3/6/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-121-030.
- 392-29-170 Apportionment credit—Preschool handicapped and kindergarten. [Order 89, § 392-29-170, filed 3/6/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-121-030.
- 392-29-180 Apportionment funds resources. [Order 89, § 392-29-180, filed 3/6/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-121-035.
- 392-29-190 Pupil weighting—Weighting schedule—Weighted pupil enrollment. [Order 89, § 392-29-190, filed 3/6/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-121-040.
- 392-29-200 Per weighted pupil guarantee—Method of computation. [Order 89, § 392-29-200, filed 3/6/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-121-050.
- 392-29-210 Proportional district entitlement—Computation of. [Order 89, § 392-29-210, filed 3/6/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-121-055.
- 392-29-220 Full-time equivalent pupil. [Order 89, § 392-29-220, filed 3/6/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-121-055.
- 392-29-230 Enrollment time credit—Off-campus, educational institution. [Order 89, § 392-29-230, filed 3/6/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-121-045.
- 392-29-240 Part-time student. [Order 89, § 392-29-240, filed 3/6/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-121-045.

- 392-29-250 Reporting requirements. [Order 89, § 392-29-250, filed 3/6/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-121-065.
- 392-29-260 Payment schedule. [Order 89, § 392-29-260, filed 3/6/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-121-025.
- 392-29-270 Advance payments—Emergency. [Order 89, § 392-29-270, filed 3/6/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-121-060.
- Chapter 392-30**
SCHOOL DISTRICT BUDGETING
- 392-30-010 Authority. [Order 83, § 392-30-010, filed 10/3/74; Order 38, § 392-30-010, filed 2/5/71.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-123-005.
- 392-30-020 The accounting manual. [Order 83, § 392-30-020, filed 10/3/74; Order 38, § 392-30-020, filed 2/5/71.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-123-010.
- 392-30-030 Preliminary and final budgets required. [Order 83, § 392-30-030, filed 10/3/74; Order 38, § 392-30-030, filed 2/5/71.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-123-015.
- 392-30-035 Petition to stipulate that preliminary budget shall become final budget. [Order 83, § 392-30-035, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-123-020.
- 392-30-040 Preliminary and final budget forms provided by state superintendent. [Order 83, § 392-30-040, filed 10/3/74; Order 38, § 392-30-040, filed 2/5/71.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-123-025.
- 392-30-050 Preliminary and final budget preparation. [Order 83, § 392-30-050, filed 10/3/74; Order 38, § 392-30-050, filed 2/5/71.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-123-030.
- 392-30-060 Budget required to be developed on accrual basis. [Order 83, § 392-30-060, filed 10/3/74; Order 38, § 392-30-060, filed 2/5/71.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-123-035.
- 392-30-070 The time schedule for the preliminary budget process. [Order 83, § 392-30-070, filed 10/3/74; Order 38, § 392-30-070, filed 2/5/71.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-123-040 and 392-123-045.
- 392-30-080 The time schedule for the final budget process. [Order 83, § 392-30-080, filed 10/3/74; Order 38, § 392-30-080, filed 2/5/71.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-123-050.
- 392-30-090 Identification of revenues to be included in the budget. [Order 83, § 392-30-090, filed 10/3/74; Order 38, § 392-30-090, filed 2/5/71.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-123-055.
- 392-30-100 Petition to budget future receivables—Final budget. [Order 83, § 392-30-100, filed 10/3/74; Order 38, § 392-30-100, filed 2/5/71.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-123-060.
- 392-30-110 Noncompliance with binding restrictions placed on school district. [Order 83, § 392-30-110, filed 10/3/74; Order 38, § 392-30-110, filed 2/5/71.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-123-065.
- 392-30-120 Required analysis of budgetary changes—Prior year budget to preliminary and preliminary to final budget. [Order 83, § 392-30-120, filed 10/3/74; Order 38, § 392-30-120, filed 2/5/71.] Repealed by Order 7-75, filed 12/22/75.
- 392-30-130 Overexpending and exceeding the budget. [Order 83, § 392-30-130, filed 10/3/74; Order 38, § 392-30-130, filed 2/5/71.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-123-070.
- 392-30-140 Identification of a balanced budget. [Order 83, § 392-30-140, filed 10/3/74; Order 55, § 392-30-140, filed 12/28/72; Order 38, § 392-30-140, filed 2/5/71.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-123-075.
- 392-30-150 Budget determined to be unsound after state superintendent's review. [Order 83, § 392-30-150, filed 10/3/74; Order 38, § 392-30-150, filed 2/5/71.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-123-080.
- 392-30-160 Meeting to review budget after determined unsound—Findings issued. [Order 83, § 392-30-160, filed 10/3/74; Order 38, § 392-30-160, filed 2/5/71.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-123-085.
- 392-30-170 Preliminary budget noncompliant and unsound. [Order 83, § 392-30-170, filed 10/3/74; Order 38, § 392-30-170, filed 2/5/71.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-123-090.
- 392-30-180 Final budget noncompliant and unsound. [Order 83, § 392-30-180, filed 10/3/74; Order 38, § 392-30-180, filed 2/5/71.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-123-095.
- 392-30-190 Revised final budget not submitted or noncompliant. [Order 83, § 392-30-190, filed 10/3/74; Order 38, § 392-30-190, filed 2/5/71.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-123-100.
- 392-30-200 State board of education action regarding missing or noncompliant final budget. [Order 83, § 392-30-200, filed 10/3/74; Order 38, § 392-30-200, filed 2/5/71.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-123-105.
- 392-30-210 Monthly financial statements and reports prepared by school district administration. [Order 83, § 392-30-210, filed 10/3/74; Order 38, § 392-30-210, filed 2/5/71.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-123-110.
- 392-30-220 Budget status report for general fund operations. [Order 83, § 392-30-220, filed 10/3/74; Order 38, § 392-30-220, filed 2/5/71.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-123-115.
- 392-30-230 Consolidated balance sheet—Financial position of the school district. [Order 83, § 392-30-230, filed 10/3/74; Order 38, § 392-30-230, filed 2/5/71.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-123-120.
- 392-30-240 Personnel budget status report—First and second class districts. [Order 83, § 392-30-240, filed 10/3/74; Order 55, § 392-30-240, filed 12/28/72; Order 38, § 392-30-240, filed 2/5/71.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-123-125.
- 392-30-250 Cash and investment status report for funds other than the general fund. [Order 83, § 392-30-250, filed 10/3/74; Order 38, § 392-30-250, filed 2/5/71.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-123-130.
- 392-30-260 Interfund loans—Definition. [Order 83, § 392-30-260, filed 10/3/74; Order 38, § 392-30-260, filed 2/5/71.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-123-135.
- 392-30-270 Interfund loans allowable. [Order 83, § 392-30-270, filed 10/3/74; Order 38, § 392-30-270, filed 2/5/71.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-123-140.
- 392-30-280 Interfund loans—Identification of temporary loans. [Order 83, § 392-30-280, filed 10/3/74; Order 38, §

392-30-280, filed 2/5/71.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-123-145.

- 392-30-290 Interfund loans—Payment of interest. [Order 83, § 392-30-290, filed 10/3/74; Order 38, § 392-30-290, filed 2/5/71, effective 7/1/71.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-123-150.
- 392-30-300 Interfund loans—Full disclosure on financial statements. [Order 83, § 392-30-300, filed 10/3/74; Order 38, § 392-30-300, filed 2/5/71.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-123-155.
- 392-30-310 Interfund loans—Board resolution adopted—Contents. [Order 83, § 392-30-310, filed 10/3/74; Order 38, § 392-30-310, filed 2/5/71.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-123-160.

Chapter 392-31

INTERMEDIATE SCHOOL DISTRICT BUDGETING

- 392-31-010 Authority. [Order 41, § 392-31-010, filed 10/20/71.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-125-005.
- 392-31-020 Principles of accounting. [Order 41, § 392-31-020, filed 10/20/71.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-125-010.
- 392-31-030 Budgets required. [Order 41, § 392-31-030, filed 10/20/71.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-125-015.
- 392-31-040 Budget preparation, hearing and adoption. [Order 57, § 392-31-040, filed 4/13/73; Order 41, § 392-31-040, filed 10/20/71.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-125-020.
- 392-31-050 Budget approval. [Order 41, § 392-31-050, filed 10/20/71.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-125-025.
- 392-31-060 Time schedule for budget process. [Order 57, § 392-31-060, filed 4/13/73; Order 41, § 392-31-060, filed 10/20/71.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-125-030.
- 392-31-070 Budget content. [Order 41, § 392-31-070, filed 10/20/71.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-125-035.
- 392-31-080 Overexpending and exceeding the budget. [Order 41, § 392-31-080, filed 10/20/71.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-125-040.
- 392-31-090 A balanced budget. [Order 41, § 392-31-090, filed 10/20/71.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-125-045.
- 392-31-100 Termination of appropriations. [Order 41, § 392-31-100, filed 10/20/71.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-125-050.
- 392-31-110 Budget extensions. [Order 41, § 392-31-110, filed 10/20/71.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-125-055.
- 392-31-120 Monthly budget status report. [Order 41, § 392-31-120, filed 10/20/71.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-125-060.
- 392-31-130 Content of the monthly budget status report. [Order 41, § 392-31-130, filed 10/20/71.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-125-065.
- 392-31-140 Approval of the budget by the superintendent of public instruction. [Order 41, § 392-31-140, filed 10/20/71.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-125-070.
- 392-31-150 Distribution of county funds when county contains parts of two or more intermediate school districts. [Order 41, § 392-31-150, filed 10/20/71.] Repealed

by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-125-075.

Chapter 392-32

STATE PLANS ADOPTED PURSUANT TO FEDERAL LAWS

State plan for the basic adult education program, FY-1968. Under the provisions of Public Law 89-750, Title III, Adult Education Act of 1966; 6/5/69. Repealed by 79-07-006 (Order 3-79), filed 6/7/79. Statutory Authority: RCW 28A.03.030 (1) and (3).

Title III National Defense Education Act, PL 85-864 (state plans for strengthening instruction in science, mathematics, modern foreign languages, etc.) - 8/3/67, 5/18/66, 1/27/66, 4/28/65, 8/3/64, 3/31/64, 11/18/63, 10/2/62, 8/28/62, 10/25/60, and 3/22/60. Repealed by 79-07-006 (Order 3-79), filed 6/7/79. Statutory Authority: RCW 28A.03.030 (1) and (3).

State plan for operation of Title III, Elementary and Secondary Education Act of 1965 (Public Law 89-10, as amended by Public Law 89-247); 5/23/69; Order 43, 11/17/71. Repealed by 79-07-006 (Order 3-79), filed 6/7/79. Statutory Authority: RCW 28A.03.030 (1) and (3).

State plan for operation of Title III, Elementary and Secondary Education Act of 1965 (Public Law 89-10 as amended by Public Law 90-247); 8/22/68. Repealed by 79-07-006 (Order 3-79), filed 6/7/79. Statutory Authority: RCW 28A.03.030 (1) and (3).

Title V and VA National Defense Education Act, PL 85-864, guidance, counseling, and testing - 2/23/67, 1/25/67, 8/5/64, 10/2/62, 8/28/62, and 10/25/60. Repealed by 79-07-006 (Order 3-79), filed 6/7/79. Statutory Authority: RCW 28A.03.030 (1) and (3).

Washington state plan for migrant education, PL 89-10, Title I, as amended by PL 89-750 (fiscal year 1971). Filed 9/11/70. Repealed by 79-07-006 (Order 3-79), filed 6/7/79. Statutory Authority: RCW 28A.03.030 (1) and (3).

Amendment to Washington state plan for migrant education, PL 89-10, Title I, as amended by PL 89-750 (fiscal year 1971) to reflect budget changes because of federal appropriations being increased. Filed 12/1/70. For fiscal year 1972. Order 40, filed 10/15/71 and Order 44, filed 2/23/72. Repealed by 79-07-006 (Order 3-79), filed 6/7/79. Statutory Authority: RCW 28A.03.030 (1) and (3).

Title I Elementary and Secondary Education Act, PL 89-10 and/or as amended by PL 89-750, educational programs for migratory children - Order 19, filed 9/24/69, 1/10/69, 8/22/68, 3/19/68, 11/1/67, and 4/11/67. Repealed by 79-07-006 (Order 3-79), filed 6/7/79. Statutory Authority: RCW 28A.03.030 (1) and (3).

Title II Elementary and Secondary Education Act, PL 89-10 (school library resources, textbooks and other instructional materials for pupils and teachers); 2/5/69, 4/10/68, 3/12/68, 8/3/67, 4/4/67, and 11/12/65. Repealed by 79-07-006 (Order 3-79), filed 6/7/79. Statutory Authority: RCW 28A.03.030 (1) and (3).

State plan for Title III of the Elementary and Secondary Education Act of 1965 in which federal funding is being requested for the fiscal year ending June 30, 1971. Filed 9/10/70. Repealed by 79-07-006 (Order 3-79), filed 6/7/79. Statutory Authority: RCW 28A.03.030 (1) and (3).

State plan for attracting and qualifying teachers to meet critical teacher shortages under part B (2) of the Education Professions Development Act (Public Law 90-35) (Title V, Higher Education Act of 1965, Public Law 89-329 as amended by PL 90-35); 10/29/68. Repealed by 79-07-006 (Order 3-79), filed 6/7/79. Statutory Authority: RCW 28A.03.030 (1) and (3).

Title VI Elementary and Secondary Education Act, PL 89-10 as amended by PL 89-750 (state plan for education of handicapped children) - 11/17/67, 8/3/67, and 4/4/67. Repealed by 79-07-006 (Order 3-79), filed 6/7/79. Statutory Authority: RCW 28A.03.030 (1) and (3).

Title VI A amendments to state plan for the operation of Title VI A, Elementary and Secondary Education Act (Public Law 89-10, as amended); 6/27/67. Repealed by 79-07-006 (Order 3-79), filed 6/7/79. Statutory Authority: RCW 28A.03.030 (1) and (3).

Interim state plan, Title VI (part B) of the Education of the Handicapped Act (PL 91-230) for fiscal year 1971 — 7/1/70. Repealed by 79-07-006 (Order 3-79), filed 6/7/79. Statutory Authority: RCW 28A.03.030 (1) and (3).

State plan for the preparation of professional personnel in the education of handicapped children (Public Law 85-926, as amended). Emergency 12/20/68, 2/25/69. Repealed by 79-07-006 (Order 3-79), filed 6/7/79. Statutory Authority: RCW 28A.03.030 (1) and (3).

Civil Rights Act of 1964, PL 88-352 (Re: School board grant program on school desegregation problems under Title IV, Section 405 Civil Rights Act of 1964) — 1/16/68 — Adoption of state plan. Repealed by 79-07-006 (Order 3-79), filed 6/7/79. Statutory Authority: RCW 28A.03.030 (1) and (3).

Title II B Economic Opportunity Act of 1964, PL 88-452 — 7/28/65 — State plan. Repealed by 79-07-006 (Order 3-79), filed 6/7/79. Statutory Authority: RCW 28A.03.030 (1) and (3).

Vocational rehabilitation plans — 1/27/66. Repealed by 79-07-006 (Order 3-79), filed 6/7/79. Statutory Authority: RCW 28A.03.030 (1) and (3).

Federal school lunch, surplus commodity and special milk programs 2/10/67, 9/9/66, 7/14/65, 6/17/63, 2/20/63, 1/28/63, 1/31/61, 9/25/60, 9/14/60, and 3/22/60. Repealed by 79-07-006 (Order 3-79), filed 6/7/79. Statutory Authority: RCW 28A.03.030 (1) and (3).

Chapter 392-35

PRINCIPALS—EMPLOYEE ORGANIZATION—ELECTION PROCEDURE

- 392-35-010 Purpose. [Order 67, § 392-35-010, filed 9/21/73.] Repealed by Order 7-75, filed 12/22/75.
- 392-35-020 Definitions. [Order 67, § 392-35-020, filed 9/21/73.] Repealed by Order 7-75, filed 12/22/75.
- 392-35-030 Request for election. [Order 67, § 392-35-030, filed 9/21/73.] Repealed by Order 7-75, filed 12/22/75.
- 392-35-040 Notice of election. [Order 67, § 392-35-040, filed 9/21/73.] Repealed by Order 7-75, filed 12/22/75.
- 392-35-050 Contents of notice of election—Designation of chief election officer—Duties. [Order 67, § 392-35-050, filed 9/21/73.] Repealed by Order 7-75, filed 12/22/75.
- 392-35-060 List of principals—Posting of list. [Order 67, § 392-35-060, filed 9/21/73.] Repealed by Order 7-75, filed 12/22/75.
- 392-35-070 Election inspectors—Duties—Right to challenge voter—Improper conduct. [Order 67, § 392-35-070, filed 9/21/73.] Repealed by Order 7-75, filed 12/22/75.
- 392-35-080 Ballots. [Order 67, § 392-35-080, filed 9/21/73.] Repealed by Order 7-75, filed 12/22/75.
- 392-35-090 Record of vote—Signature—Challenge. [Order 67, § 392-35-090, filed 9/21/73.] Repealed by Order 7-75, filed 12/22/75.
- 392-35-100 Incorrectly marked ballot. [Order 67, § 392-35-100, filed 9/21/73.] Repealed by Order 7-75, filed 12/22/75.
- 392-35-110 Privacy for voter—Equipment. [Order 67, § 392-35-110, filed 9/21/73.] Repealed by Order 7-75, filed 12/22/75.
- 392-35-120 Folding ballot—Ballot box. [Order 67, § 392-35-120, filed 9/21/73.] Repealed by Order 7-75, filed 12/22/75.
- 392-35-130 Challenged ballot—Procedure. [Order 67, § 392-35-130, filed 9/21/73.] Repealed by Order 7-75, filed 12/22/75.
- 392-35-140 Employees present entitled to vote—Sealing ballot box—Unused ballots. [Order 67, § 392-35-140, filed 9/21/73.] Repealed by Order 7-75, filed 12/22/75.
- 392-35-150 Election inspectors' duties after voting has terminated. [Order 67, § 392-35-150, filed 9/21/73.] Repealed by Order 7-75, filed 12/22/75.
- 392-35-160 Disposition of challenged ballots—Tally sheets—Investigation by chief election officer. [Order 67, § 392-35-160, filed 9/21/73.] Repealed by Order 7-75, filed 12/22/75.

- 392-35-170 Counting of ballots—Procedure—Certification of results of election—Retention of ballots—Signed voting lists. [Order 67, § 392-35-170, filed 9/21/73.] Repealed by Order 7-75, filed 12/22/75.
- 392-35-180 Electioneering within the polls forbidden. [Order 67, § 392-35-180, filed 9/21/73.] Repealed by Order 7-75, filed 12/22/75.
- 392-35-190 Contest of election—Time for filing objections—Investigation of objections. [Order 67, § 392-35-190, filed 9/21/73.] Repealed by Order 7-75, filed 12/22/75.
- 392-35-200 Election determined by majority of valid votes cast—Runoff election. [Order 67, § 392-35-200, filed 9/21/73.] Repealed by Order 7-75, filed 12/22/75.
- 392-35-210 Time lapse for new election. [Order 67, § 392-35-210, filed 9/21/73.] Repealed by Order 7-75, filed 12/22/75.

Chapter 392-40

CERTIFICATES OF EDUCATIONAL COMPETENCE

- 392-40-005 Purpose of rules. [Rules (part), filed 1/20/66.] Repealed by 79-07-004 (Order 2-79), filed 6/7/79. Statutory Authority: RCW 28A.03.030 (1) and (3).
- 392-40-010 The rules. [Rules (part), filed 1/20/66.] Repealed by 79-07-004 (Order 2-79), filed 6/7/79. Statutory Authority: RCW 28A.03.030 (1) and (3).
- 392-40-990 Appendix—Instructions for the administration of the program for the certificate of educational competence. [Instructions for the administration of program (codified as WAC 392-40-990), filed 1/20/66.] Repealed by 79-07-004 (Order 2-79), filed 6/7/79. Statutory Authority: RCW 28A.03.030 (1) and (3).

Chapter 392-45

WASHINGTON STATE SPECIAL EDUCATION PROGRAM FOR CHILDREN WITH HANDICAPPING CONDITIONS

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

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

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

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

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

- Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-171-035.
- 392-45-045 Procedures for functionally defining handicapping conditions (RCW 28A.13.070)—Referral procedure. [Order 66, § 392-45-045, filed 8/27/73.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-171-040.
- 392-45-050 Procedures for functionally defining handicapping conditions (RCW 28A.13.070)—Parent decision. [Order 66, § 392-45-050, filed 8/27/73.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-171-045.
- 392-45-055 Procedures for functionally defining handicapping conditions (RCW 28A.13.070)—Decision to terminate. [Order 66, § 392-45-055, filed 8/27/73.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-171-050.
- 392-45-060 Procedures for functionally defining handicapping conditions (RCW 28A.13.070)—Assessment procedures. [Order 66, § 392-45-060, filed 8/27/73.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-171-055.
- 392-45-065 Procedures for functionally defining handicapping conditions (RCW 28A.13.070)—Collection of descriptions of child performance. [Order 66, § 392-45-065, filed 8/27/73.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-171-060.
- 392-45-070 Procedures for functionally defining handicapping conditions (RCW 28A.13.070)—Assessment or needed consultation by professional resources not employed by school district. [Order 66, § 392-45-070, filed 8/27/73.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-171-065.
- 392-45-075 Procedures for functionally defining handicapping conditions (RCW 28A.13.070)—Assessment areas. [Order 66, § 392-45-075, filed 8/27/73.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-171-070.
- 392-45-080 Procedures for functionally defining handicapping conditions (RCW 28A.13.070)—Assessment personnel. [Order 66, § 392-45-080, filed 8/27/73.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-171-075.
- 392-45-085 Procedures for functionally defining handicapping conditions (RCW 28A.13.070)—Analysis of assessment data. [Order 66, § 392-45-085, filed 8/27/73.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-171-080.
- 392-45-090 Procedures for functionally defining handicapping conditions (RCW 28A.13.070)—Goals and objectives. [Order 66, § 392-45-090, filed 8/27/73.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-171-085.
- 392-45-095 Procedures for functionally defining handicapping conditions (RCW 28A.13.070)—Goals relating to placement (long range). [Order 66, § 392-45-095, filed 8/27/73.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-171-090.
- 392-45-100 Procedures for functionally defining handicapping conditions (RCW 28A.13.070)—Placement options. [Order 66, § 392-45-100, filed 8/27/73.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-171-095, 392-171-100, 392-171-105, and 392-171-110.
- 392-45-105 Procedures for functionally defining handicapping conditions (RCW 28A.13.070)—Program criteria necessary for eligibility. [Order 5-75, § 392-45-105, filed 6/9/75; Order 66, § 392-45-105, filed 8/27/73.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-171-115.
- 392-45-110 Procedures for functionally defining handicapping conditions (RCW 28A.13.070)—Definitions and criteria for child eligibility. [Order 76, § 392-45-110, filed 7/11/74; Order 66, § 392-45-110, filed 8/27/73.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-171-120, 392-171-125, 392-171-130, 392-171-135, 392-171-140, 392-171-145, 392-171-150, 392-171-155, 392-171-160, 392-171-165, 392-171-170, 392-171-175, and 392-171-180.
- 392-45-115 Procedures for functionally defining handicapping conditions (RCW 28A.13.070)—School district decision. [Order 66, § 392-45-115, filed 8/27/73.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-171-185.
- 392-45-120 Procedures for functionally defining handicapping conditions (RCW 28A.13.070)—Parent decision. [Order 66, § 392-45-120, filed 8/27/73.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-171-190.
- 392-45-125 Procedures for functionally defining handicapping conditions (RCW 28A.13.070)—Objectives relating to instructional programs (short term). [Order 66, § 392-45-125, filed 8/27/73.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-171-195.
- 392-45-130 Procedures for functionally defining handicapping conditions (RCW 28A.13.070)—Evaluation and program improvement. [Order 66, § 392-45-130, filed 8/27/73.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-171-200.
- 392-45-135 Contractual services (RCW 28A.13.030). [Order 66, § 392-45-135, filed 8/27/73.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-171-205.
- 392-45-140 Contractual services (RCW 28A.13.030)—Approval of agencies and individuals for contractual arrangements. [Order 66, § 392-45-140, filed 8/27/73.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-171-210.
- 392-45-145 Contractual services (RCW 28A.13.030)—Determining eligibility of nonpublic school agencies and individuals to provide special education services through contractual arrangements with school districts. [Order 66, § 392-45-145, filed 8/27/73.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-171-215.
- 392-45-150 Contractual services (RCW 28A.13.030)—Responsibilities of school districts. [Order 66, § 392-45-150, filed 8/27/73.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-171-220.
- 392-45-155 Contractual services (RCW 28A.13.030)—Compliance with federal, state and local laws. [Order 66, § 392-45-155, filed 8/27/73.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-171-225.
- 392-45-160 Contractual services (RCW 28A.13.030)—Written policies. [Order 66, § 392-45-160, filed 8/27/73.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-171-230.
- 392-45-165 Contractual services (RCW 28A.13.030)—Coordination of services. [Order 66, § 392-45-165, filed 8/27/73.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-171-235.
- 392-45-170 Contractual services (RCW 28A.13.030)—Written contracts. [Order 66, § 392-45-170, filed 8/27/73.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-171-240.
- 392-45-175 Contractual services (RCW 28A.13.030)—Special placement and parent appeal concerning contractual arrangements. [Order 66, § 392-45-175, filed 8/27/73.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-171-245.
- 392-45-180 Interdistrict arrangements (RCW 28A.13.030). [Order 66, § 392-45-180, filed 8/27/73.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-171-250.

- 392-45-185 Appeals and sanctions procedures (RCW 28A.13.060 through 28A.13.080). [Order 66, § 392-45-185, filed 8/27/73.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-171-255, 392-171-260, 392-171-265, 392-171-270 and 392-171-275.
- 392-45-190 Transportation. [Order 66, § 392-45-190, filed 8/27/73.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-171-280.
- 392-45-195 Facilities. [Order 66, § 392-45-195, filed 8/27/73.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-171-285.
- Chapter 392-50**
TRAFFIC SAFETY EDUCATION
- 392-50-010 Definitions. [Order 65, § 392-50-010, filed 8/10/73; Rules (part), filed 11/1/63.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-153-010.
- 392-50-020 Reimbursement to school districts. [Order 65, § 392-50-020, filed 8/10/73; Rules (part), filed 11/1/63.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-153-015.
- 392-50-030 Teacher certification. [Order 65, § 392-50-030, filed 8/10/73.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-153-020.
- 392-50-040 Traffic safety education vehicles. [Order 65, § 392-50-040, filed 8/10/73.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-153-025.
- 392-50-050 Local curriculum guides. [Order 65, § 392-50-050, filed 8/10/73.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-153-030.
- 392-50-060 Scheduling. [Order 65, § 392-50-060, filed 8/10/73.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-153-035.
- 392-50-070 Administration. [Order 65, § 392-50-070, filed 8/10/73.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-153-040.
- Chapter 392-60**
ACCUMULATED SICK LEAVE
- 392-60-010 Contributions of school districts. [Rules (part), filed 8/16/66, effective 11/14/66.] Repealed by Order 7-75, filed 12/22/75.
- 392-60-020 Reimbursement to districts. [Rules (part), filed 8/16/66, effective 11/14/66.] Repealed by Order 7-75, filed 12/22/75.
- Chapter 392-65**
EMPLOYEE HEALTH AND INSURANCE BENEFITS
- 392-65-020 Authority. [Order 26, § 392-65-020, filed 7/9/70.] Repealed by Order 42, filed 10/29/71.
- 392-65-025 Authority. [Order 49, § 392-65-025, filed 6/28/72; Order 42, § 392-65-025, filed 10/29/71.] Repealed by Order 7-75, filed 12/22/75.
- 392-65-030 Salary improvement funds separate allotment (not equalized). [Order 26, § 392-65-030, filed 7/9/70.] Repealed by Order 42, filed 10/29/71.
- 392-65-035 Salary increase maintenance funds separate appropriations. [Order 49, § 392-65-035, filed 6/28/72; Order 42, § 392-65-035, filed 10/29/71.] Repealed by Order 7-75, filed 12/22/75.
- 392-65-040 Calculation of amount of distributable funds by employee categories—Certificated—Classified. [Order 26, § 392-65-040, filed 7/9/70.] Repealed by Order 42, filed 10/29/71.
- 392-65-045 Preliminary payments—Adjustments. [Order 49, § 392-65-045, filed 6/28/72; Order 42, § 392-65-045, filed 10/29/71.] Repealed by Order 7-75, filed 12/22/75.
- 392-65-050 Base year and average district salary stipulated. [Order 26, § 392-65-050, filed 7/9/70.] Repealed by Order 42, filed 10/29/71.
- 392-65-055 Calculation of funds distributable for salary increase and related benefits maintenance—General provisions—Exclusion. [Order 49, § 392-65-055, filed 6/28/72; Order 42, § 392-65-055, filed 10/29/71.] Repealed by Order 7-75, filed 12/22/75.
- 392-65-060 Exclusion—Extra stipends—Definition. [Order 26, § 392-65-060, filed 7/9/70.] Repealed by Order 42, filed 10/29/71.
- 392-65-065 Lunchroom personnel—Salary increase and related benefits maintenance. [Order 49, § 392-65-065, filed 6/28/72; Order 42, § 392-65-065, filed 10/29/71.] Repealed by Order 7-75, filed 12/22/75.
- 392-65-070 Identification of extra stipends. [Order 26, § 392-65-070, filed 7/9/70.] Repealed by Order 42, filed 10/29/71.
- 392-65-075 Employee health benefits—Appropriations—Regulations governing. [Order 49, § 392-65-075, filed 6/28/72; Order 42, § 392-65-075, filed 10/29/71.] Repealed by Order 7-75, filed 12/22/75.
- 392-65-080 Certain programs paid from specific budget categories. [Order 26, § 392-65-080, filed 7/9/70.] Repealed by Order 42, filed 10/29/71.
- 392-65-085 Employee insurance benefits—Appropriations to superintendent of public instruction. [Order 88, § 392-65-085, filed 3/6/75.] Repealed by Order 7-75, filed 12/22/75.
- 392-65-090 Salary improvements specified by year and percentage. [Order 26, § 392-65-090, filed 7/9/70.] Repealed by Order 42, filed 10/29/71.
- 392-65-095 Governor's special appropriation. [Order 88, § 392-65-095, filed 3/6/75.] Repealed by Order 7-75, filed 12/22/75.
- 392-65-100 Continuing employment requisite to average salary computation. [Order 26, § 392-65-100, filed 7/9/70.] Repealed by Order 42, filed 10/29/71.
- 392-65-105 Basic precepts of distribution. [Order 88, § 392-65-105, filed 3/6/75.] Repealed by Order 7-75, filed 12/22/75.
- 392-65-110 Maintenance of pupil-teacher ratio as of 1968-69 school year. [Order 35, § 392-65-110, filed 12/8/70; Order 26, § 392-65-110, filed 7/9/70.] Repealed by Order 42, filed 10/29/71.
- 392-65-115 Reimbursement rates. [Order 88, § 392-65-115, filed 3/6/75.] Repealed by Order 7-75, filed 12/22/75.
- 392-65-120 Staff replacements and staff additions. [Order 26, § 392-65-120, filed 7/9/70.] Repealed by Order 42, filed 10/29/71.
- 392-65-125 Computation of full-time equivalent employee. [Order 88, § 392-65-125, filed 3/6/75.] Repealed by Order 7-75, filed 12/22/75.
- 392-65-130 Funds to be expended for limited purpose—Otherwise reallocated. [Order 26, § 392-65-130, filed 7/9/70.] Repealed by Order 42, filed 10/29/71.
- 392-65-135 Benefits allowable. [Order 88, § 392-65-135, filed 3/6/75.] Repealed by Order 7-75, filed 12/22/75.
- 392-65-140 Annual increment—Negotiable item. [Order 26, § 392-65-140, filed 7/9/70.] Repealed by Order 42, filed 10/29/71.
- 392-65-145 Reports—Basis of computations. [Order 88, § 392-65-145, filed 3/6/75.] Repealed by Order 7-75, filed 12/22/75.
- 392-65-150 Schedule for employee benefits. [Order 26, § 392-65-150, filed 7/9/70.] Repealed by Order 42, filed 10/29/71.
- 392-65-160 Preliminary payments—Basis. [Order 26, § 392-65-160, filed 7/9/70.] Repealed by Order 42, filed 10/29/71.
- 392-65-170 Adjusted payments—Basis. [Order 26, § 392-65-170, filed 7/9/70.] Repealed by Order 42, filed 10/29/71.
- 392-65-180 District qualification—Health benefits. [Order 26, § 392-65-180, filed 7/9/70.] Repealed by Order 42, filed 10/29/71.

- 392-65-190 Monthly rate (1969-70). [Order 26, § 392-65-190, filed 7/9/70.] Repealed by Order 42, filed 10/29/71.
- 392-65-200 Monthly rate determined by residue (1970-71). [Order 26, § 392-65-200, filed 7/9/70.] Repealed by Order 42, filed 10/29/71.

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

- 392-67-010 Authority. [Order 50, § 392-67-010, filed 6/28/72.] Repealed by Order 72, filed 4/24/74.
- 392-67-01001 Purpose. [Order 72, § 392-67-01001, filed 4/24/74.] Repealed by Order 7-75, filed 12/22/75.
- 392-67-020 Policy. [Order 50, § 392-67-020, filed 6/28/72.] Repealed by Order 72, filed 4/24/74.
- 392-67-02001 Salary increase funds separate appropriation. [Order 72, § 392-67-02001, filed 4/24/74.] Repealed by Order 7-75, filed 12/22/75.
- 392-67-030 Appropriation—Distribution outside equalization formula. [Order 50, § 392-67-030, filed 6/28/72.] Repealed by Order 72, filed 4/24/74.
- 392-67-03001 Payments—Adjustments. [Order 72, § 392-67-03001, filed 4/24/74.] Repealed by Order 7-75, filed 12/22/75.
- 392-67-040 Salary increase calculation. [Order 50, § 392-67-040, filed 6/28/72.] Repealed by Order 72, filed 4/24/74.
- 392-67-04001 Local determination. [Order 72, § 392-67-04001, filed 4/24/74.] Repealed by Order 7-75, filed 12/22/75.
- 392-67-050 Preliminary payments. [Order 50, § 392-67-050, filed 6/28/72.] Repealed by Order 72, filed 4/24/74.
- 392-67-05001 Certification. [Order 72, § 392-67-05001, filed 4/24/74.] Repealed by Order 7-75, filed 12/22/75.
- 392-67-060 Salary increases—Other uses—Districts which grant less. [Order 50, § 392-67-060, filed 6/28/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-67-070 Authority. [Order 87, § 392-67-070, filed 3/6/75; Order 58, § 392-67-070, filed 4/19/73.] Repealed by Order 7-75, filed 12/22/75.
- 392-67-080 Policy. [Order 87, § 392-67-080, filed 3/6/75; Order 58, § 392-67-080, filed 4/19/73.] Repealed by Order 7-75, filed 12/22/75.
- 392-67-090 Appropriation—Distribution outside equalization formula. [Order 87, § 392-67-090, filed 3/6/75; Order 58, § 392-67-090, filed 4/19/73.] Repealed by Order 7-75, filed 12/22/75.
- 392-67-100 Salary increase calculation. [Order 87, § 392-67-100, filed 3/6/75; Order 58, § 392-67-100, filed 4/19/73.] Repealed by Order 7-75, filed 12/22/75.
- 392-67-110 Preliminary payments. [Order 87, § 392-67-110, filed 3/6/75; Order 58, § 392-67-110, filed 4/19/73.] Repealed by Order 7-75, filed 12/22/75.
- 392-67-120 Salary increases—Other uses—Districts which grant less. [Order 87, § 392-67-120, filed 3/6/75; Order 58, § 392-67-120, filed 4/19/73.] Repealed by Order 7-75, filed 12/22/75.
- 392-67-130 Purpose. [Order 87, § 392-67-130, filed 3/6/75; Order 58, § 392-67-130, filed 4/19/73.] Repealed by Order 7-75, filed 12/22/75.
- 392-67-140 Distribution criteria and procedures. [Order 87, § 392-67-140, filed 3/6/75; Order 58, § 392-67-140, filed 4/19/73.] Repealed by Order 7-75, filed 12/22/75.
- 392-67-150 Additional procedures. [Order 87, § 392-67-150, filed 3/6/75; Order 58, § 392-67-150, filed 4/19/73.] Repealed by Order 7-75, filed 12/22/75.
- 392-67-160 District revenue account—New. [Order 87, § 392-67-160, filed 3/6/75; Order 58, § 392-67-160, filed 4/19/73.] Repealed by Order 7-75, filed 12/22/75.
- 392-67-170 "Classified employee" defined. [Order 87, § 392-67-170, filed 3/6/75.] Repealed by Order 7-75, filed 12/22/75.

- 392-67-180 "Full-time" classified employee defined. [Order 87, § 392-67-180, filed 3/6/75.] Repealed by Order 7-75, filed 12/22/75.
- 392-67-190 Increase applicable to full-time classified employees. [Order 87, § 392-67-190, filed 3/6/75.] Repealed by Order 7-75, filed 12/22/75.
- 392-67-200 Prorated increase applicable to part-time classified employees. [Order 87, § 392-67-200, filed 3/6/75.] Repealed by Order 7-75, filed 12/22/75.
- 392-67-210 Salary increase for February 1973 prohibited—When. [Order 87, § 392-67-210, filed 3/6/75.] Repealed by Order 7-75, filed 12/22/75.
- 392-67-220 Intent—To increase base pay rates. [Order 87, § 392-67-220, filed 3/6/75.] Repealed by Order 7-75, filed 12/22/75.

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

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

**Chapter 392-80
EXCESS LEVIES**

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

Chapter 392-90

WASHINGTON STATE URBAN, RURAL, RACIAL,
DISADVANTAGED EDUCATION PROGRAMS

- 392-90-800 Purpose. [Order 84, § 392-90-800, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-161-005.
- 392-90-805 Definitions. [Order 84, § 392-90-805, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-161-010.
- 392-90-810 Administrative duties of the superintendent of public instruction. [Order 84, § 392-90-810, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-161-015.
- 392-90-815 URRD state advisory committee. [Order 84, § 392-90-815, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-161-020.
- 392-90-820 URRD program supervision. [Order 84, § 392-90-820, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-161-025.
- 392-90-825 Eligibility requirements. [Order 84, § 392-90-825, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-161-030.
- 392-90-830 Evidence of school district proposal review. [Order 84, § 392-90-830, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-161-035.
- 392-90-835 Required documentation. [Order 84, § 392-90-835, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-161-040.
- 392-90-840 Private applicant agency requirement. [Order 84, § 392-90-840, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-161-045.
- 392-90-845 Authorized program activities. [Order 84, § 392-90-845, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-161-050.
- 392-90-850 Interdistrict or consortium projects. [Order 84, § 392-90-850, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-161-055.
- 392-90-855 Complementary nature of private agency projects. [Order 84, § 392-90-855, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-161-060.
- 392-90-860 Fiscal constraints. [Order 84, § 392-90-860, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-161-065.
- 392-90-865 Basic program thrust summarized. [Order 84, § 392-90-865, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-161-070.
- 392-90-870 URRD program categories. [Order 84, § 392-90-870, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-161-075.
- 392-90-875 Reentry motivation programs summarized. [Order 84, § 392-90-875, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-161-080 and 392-161-085.
- 392-90-880 Preschool education programs summarized. [Order 84, § 392-90-880, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-161-090.
- 392-90-885 Academic achievement program summary. [Order 84, § 392-90-885, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-161-100 and 392-161-105.
- 392-90-890 Bilingual/bicultural education program summary. [Order 84, § 392-90-890, filed 10/3/74.] Repealed

- by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-161-110 and 392-161-115.
- 392-90-895 Indian education program summary. [Order 84, § 392-90-895, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-161-120 and 392-161-125.
- 392-90-900 General application information. [Order 84, § 392-90-900, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-161-130.
- 392-90-905 Legislative concerns and general guidelines. [Order 84, § 392-90-905, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-161-135.
- 392-90-910 Review process described. [Order 84, § 392-90-910, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-161-140.
- 392-90-915 Basic selection criteria information. [Order 84, § 392-90-915, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-161-145 and 392-161-150.
- 392-90-920 URRD appeals procedure summarized. [Order 84, § 392-90-920, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-161-155.
- 392-90-925 Program evaluation and reporting procedures. [Order 84, § 392-90-925, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-161-160.
- 392-90-930 Integration policy statement. [Order 84, § 392-90-930, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-161-165.

Chapter 392-96

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

- 392-96-005 Introduction. [Order 2-75, § 392-96-005, filed 1/21/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-164-005.
- 392-96-010 Purpose. [Order 2-75, § 392-96-010, filed 1/21/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-164-010.
- 392-96-015 Definitions. [Order 2-75, § 392-96-015, filed 1/21/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-164-015.
- 392-96-020 Eligibility requirements. [Order 2-75, § 392-96-020, filed 1/21/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-164-020.
- 392-96-025 Formerly migratory children. [Order 2-75, § 392-96-025, filed 1/21/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-164-025.
- 392-96-030 Bilingual education. [Order 2-75, § 392-96-030, filed 1/21/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-164-030.
- 392-96-035 Student identification. [Order 2-75, § 392-96-035, filed 1/21/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-164-035.
- 392-96-040 Student insurance. [Order 2-75, § 392-96-040, filed 1/21/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-164-040.
- 392-96-045 Property, facilities, and equipment. [Order 2-75, § 392-96-045, filed 1/21/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-164-045.
- 392-96-050 Project descriptions. [Order 2-75, § 392-96-050, filed 1/21/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-164-050.
- 392-96-055 Day care. [Order 2-75, § 392-96-055, filed 1/21/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-164-055.

Title 392 WAC

Title 392 WAC: Public Instruction, Supt. of

- 392-96-060 Local parent advisory councils. [Order 2-75, § 392-96-060, filed 1/21/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-164-060.
- 392-96-065 Local parent advisory council appeal process for projects. [Order 2-75, § 392-96-065, filed 1/21/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-164-065.
- 392-96-070 Local parent advisory council appeal process for PAC. [Order 2-75, § 392-96-070, filed 1/21/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-164-070.
- 392-96-075 Grievance procedure. [Order 2-75, § 392-96-075, filed 1/21/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-164-075.
- 392-96-080 State advisory committee. [Order 2-75, § 392-96-080, filed 1/21/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-164-080.
- 392-96-085 Accountability. [Order 2-75, § 392-96-085, filed 1/21/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-164-085.
- 392-96-090 Administrative costs. [Order 2-75, § 392-96-090, filed 1/21/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-164-090.
- 392-96-095 Fiscal constraints. [Order 2-75, § 392-96-095, filed 1/21/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-164-095.

Chapter 392-97

GRANTS MANAGEMENT--ESEA III

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

- 75, filed 12/22/75. Later promulgation, see WAC 392-167-060.
- 392-97-065 Provisions for terminating Title III projects. [Order 4-75, § 392-97-065, filed 1/21/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-167-065.
- 392-97-070 Provisions for hearings. [Order 4-75, § 392-97-070, filed 1/21/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-167-070.
- 392-97-075 Legal applicants. [Order 4-75, § 392-97-075, filed 1/21/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-167-075.

Chapter 392-98

GRANTS MANAGEMENT--WASHINGTON STATE ESEA TITLE I PROGRAM

- 392-98-005 Authority and purpose. [Order 3-75, § 392-98-005, filed 1/21/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-163-005.
- 392-98-010 Eligible participants. [Order 3-75, § 392-98-010, filed 1/21/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-163-010.
- 392-98-015 Ancillary services. [Order 3-75, § 392-98-015, filed 1/21/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-163-015.
- 392-98-020 Size and scope of activity. [Order 3-75, § 392-98-020, filed 1/21/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-163-020.
- 392-98-025 Construction and remodelling. [Order 3-75, § 392-98-025, filed 1/21/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-163-025.
- 392-98-030 Field trips. [Order 3-75, § 392-98-030, filed 1/21/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-163-030.
- 392-98-035 Notification of parents. [Order 3-75, § 392-98-035, filed 1/21/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-163-035.
- 392-98-040 Nonpublic student involvement. [Order 3-75, § 392-98-040, filed 1/21/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-163-040.
- 392-98-045 Local education agency parent advisory council. [Order 3-75, § 392-98-045, filed 1/21/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-163-045.
- 392-98-050 School parent advisory councils. [Order 3-75, § 392-98-050, filed 1/21/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-163-050.
- 392-98-055 PAC grievance procedures. [Order 3-75, § 392-98-055, filed 1/21/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-163-055.
- 392-98-060 State Advisory Committee. [Order 3-75, § 392-98-060, filed 1/21/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-163-060.
- 392-98-065 Administrative costs. [Order 3-75, § 392-98-065, filed 1/21/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-163-065.
- 392-98-070 In-service training. [Order 3-75, § 392-98-070, filed 1/21/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-163-070.
- 392-98-075 Approval of projects. [Order 3-75, § 392-98-075, filed 1/21/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-163-075.

- 392-98-080 Evaluation. [Order 3-75, § 392-98-080, filed 1/21/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-163-080.
- 392-98-085 Disposition of property. [Order 3-75, § 392-98-085, filed 1/21/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-163-085.

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

- 392-99-010 Purpose. [Order 86, § 392-99-010, filed 1/6/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-109-005.
- 392-99-020 Limitation—biographical data. [Order 86, § 392-99-020, filed 1/6/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-109-010.
- 392-99-030 Composition of election board. [Order 86, § 392-99-030, filed 1/6/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-109-015.
- 392-99-040 Postage. [Order 86, § 392-99-040, filed 1/6/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-109-020.
- 392-99-050 Publicity. [Order 86, § 392-99-050, filed 1/6/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-109-025.
- 392-99-060 Recount of votes cast—automatic—by request certification. [Order 86, § 392-99-060, filed 1/6/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-109-030.
- 392-99-070 Rotation of names on ballot. [Order 86, § 392-99-070, filed 1/6/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-109-035.

Chapter 392-131**FINANCE—APPORTIONMENT DURING STRIKE**

- 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.

Chapter 392-133**FINANCE—SCHOOL DISTRICT PURCHASING PROCEDURES**

- 392-133-005 Purposes. [Order 18-76, § 392-133-005, filed 1/20/77.] Repealed by 80-06-041 (Order 80-14), filed 5/13/80. Statutory Authority: 1980 c 61.

- 392-133-010 Definitions. [Order 18-76, § 392-133-010, filed 1/20/77.] Repealed by 80-06-041 (Order 80-14), filed 5/13/80. Statutory Authority: 1980 c 61.
- 392-133-015 Solicitation of bids—When required. [Order 18-76, § 392-133-015, filed 1/20/77.] Repealed by 80-06-041 (Order 80-14), filed 5/13/80. Statutory Authority: 1980 c 61.
- 392-133-020 Solicitation of bids by public notice—Procedure. [Order 18-76, § 392-133-020, filed 1/20/77.] Repealed by 80-06-041 (Order 80-14), filed 5/13/80. Statutory Authority: 1980 c 61.
- 392-133-025 Submission of bids—Requirements. [Order 18-76, § 392-133-025, filed 1/20/77.] Repealed by 80-06-041 (Order 80-14), filed 5/13/80. Statutory Authority: 1980 c 61.
- 392-133-030 Solicitation of bids by telephone—Limitations. [Order 18-76, § 392-133-030, filed 1/20/77.] Repealed by 80-06-041 (Order 80-14), filed 5/13/80. Statutory Authority: 1980 c 61.
- 392-133-035 Telephone solicitation—Prequalification of bidders. [Order 18-76, § 392-133-035, filed 1/20/77.] Repealed by 80-06-041 (Order 80-14), filed 5/13/80. Statutory Authority: 1980 c 61.
- 392-133-040 Telephone solicitation—Procedure. [Order 18-76, § 392-133-040, filed 1/20/77.] Repealed by 80-06-041 (Order 80-14), filed 5/13/80. Statutory Authority: 1980 c 61.
- 392-133-045 Bids—Acceptance or rejection. [Order 18-76, § 392-133-045, filed 1/20/77.] Repealed by 80-06-041 (Order 80-14), filed 5/13/80. Statutory Authority: 1980 c 61.
- 392-133-050 Competitive bids—Exceptions. [Order 18-76, § 392-133-050, filed 1/20/77.] Repealed by 80-06-041 (Order 80-14), filed 5/13/80. Statutory Authority: 1980 c 61.

Chapter 392-147**TRANSPORTATION—SAFE WALKWAYS TO AND FROM SCHOOL**

- 392-147-010 Reimbursement by the state. [Order 7-75, § 392-147-010, filed 12/22/75. Formerly WAC 392-26-010.] Repealed by 79-12-003 (Order 7-79), filed 11/9/79. Statutory Authority: RCW 28A.24.080.
- 392-147-015 Prior approval by county transportation commission required. [Order 7-75, § 392-147-015, filed 12/22/75. Formerly WAC 392-26-020.] Repealed by 79-12-003 (Order 7-79), filed 11/9/79. Statutory Authority: RCW 28A.24.080.
- 392-147-020 Report of transportation commission. [Order 7-75, § 392-147-020, filed 12/22/75. Formerly WAC 392-26-030.] Repealed by 79-12-003 (Order 7-79), filed 11/9/79. Statutory Authority: RCW 28A.24.080.
- 392-147-025 Form T-20 required. [Order 7-75, § 392-147-025, filed 12/22/75. Formerly WAC 392-26-040 (part).] Repealed by 79-12-003 (Order 7-79), filed 11/9/79. Statutory Authority: RCW 28A.24.080.
- 392-147-030 Form T-20. [Order 7-75, § 392-147-030, filed 12/22/75. Formerly WAC 392-26-040 (part).] Repealed by 79-12-003 (Order 7-79), filed 11/9/79. Statutory Authority: RCW 28A.24.080.
- 392-147-035 Application for state reimbursement for safe walkway construction. [Order 7-75, § 392-147-035, filed 12/22/75. Formerly WAC 392-26-050.] Repealed by 79-12-003 (Order 7-79), filed 11/9/79. Statutory Authority: RCW 28A.24.080.

Chapter 392-161**GRANTS MANAGEMENT—URBAN, RURAL, RACIAL, DISADVANTAGED EDUCATION PROGRAMS**

- 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: RCW 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: RCW 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: RCW 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: RCW 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: RCW 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: RCW 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: RCW 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: RCW 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: RCW 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: RCW 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: RCW 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: RCW 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: RCW 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: RCW 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: RCW 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: RCW 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: RCW 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: RCW 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: RCW 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: RCW 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: RCW 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: RCW 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: RCW 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: RCW 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: RCW 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: RCW 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: RCW 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: RCW 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: RCW 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: RCW 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: RCW 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: RCW 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: RCW 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: RCW 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: RCW 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: RCW 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: RCW 28A.41.250 through 28A.41.414.
- 392-167-010 Purpose. [Order 7-75, § 392-167-010, filed 12/22/75. Formerly WAC 392-97-010.] Repealed by 80-05-040 (Order 80-11), filed 4/15/80. Statutory Authority: RCW 28A.03.030(3).
- 392-167-015 Definitions. [Order 7-75, § 392-167-015, filed 12/22/75. Formerly WAC 392-97-015.] Repealed by 80-05-040 (Order 80-11), filed 4/15/80. Statutory Authority: RCW 28A.03.030(3).
- 392-167-020 Advisory councils. [Order 7-75, § 392-167-020, filed 12/22/75. Formerly WAC 392-97-020.] Repealed by 80-05-040 (Order 80-11), filed 4/15/80. Statutory Authority: RCW 28A.03.030(3).
- 392-167-025 Evaluation criteria for approving projects. [Order 7-75, § 392-167-025, filed 12/22/75. Formerly WAC 392-97-025.] Repealed by 80-05-040 (Order 80-11), filed 4/15/80. Statutory Authority: RCW 28A.03.030(3).
- 392-167-030 Additional criteria for approving projects. [Order 7-75, § 392-167-030, filed 12/22/75. Formerly WAC 392-97-030.] Repealed by 80-05-040 (Order 80-11), filed 4/15/80. Statutory Authority: RCW 28A.03.030(3).
- 392-167-035 Timeline for approving projects. [Order 7-75, § 392-167-035, filed 12/22/75. Formerly WAC 392-97-035.] Repealed by 80-05-040 (Order 80-11), filed 4/15/80. Statutory Authority: RCW 28A.03.030(3).
- 392-167-040 Provisions for assuring fifteen percent for special needs of handicapped children. [Order 7-75, § 392-167-040, filed 12/22/75. Formerly WAC 392-97-040.] Repealed by 80-05-040 (Order 80-11), filed 4/15/80. Statutory Authority: RCW 28A.03.030(3).
- 392-167-045 Criteria for achieving equitable distribution of assistance. [Order 7-75, § 392-167-045, filed 12/22/75. Formerly WAC 392-97-045.] Repealed by 80-05-040 (Order 80-11), filed 4/15/80. Statutory Authority: RCW 28A.03.030(3).
- 392-167-050 Provision for private nonprofit school participation. [Order 7-75, § 392-167-050, filed 12/22/75. Formerly WAC 392-97-050.] Repealed by 80-05-040 (Order 80-11), filed 4/15/80. Statutory Authority: RCW 28A.03.030(3).
- 392-167-055 Length of project period. [Order 7-75, § 392-167-055, filed 12/22/75. Formerly WAC 392-97-055.] Repealed by 80-05-040 (Order 80-11), filed 4/15/80. Statutory Authority: RCW 28A.03.030(3).
- 392-167-060 Provisions for continuing projects. [Order 7-75, § 392-167-060, filed 12/22/75. Formerly WAC 392-97-060.] Repealed by 80-05-040 (Order 80-11), filed 4/15/80. Statutory Authority: RCW 28A.03.030(3).
- 392-167-065 Provisions for terminating Title III projects. [Order 7-75, § 392-167-065, filed 12/22/75. Formerly WAC 392-97-065.] Repealed by 80-05-040 (Order 80-11), filed 4/15/80. Statutory Authority: RCW 28A.03.030(3).
- 392-167-070 Provisions for hearings. [Order 7-75, § 392-167-070, filed 12/22/75. Formerly WAC 392-97-070.] Repealed by 80-05-040 (Order 80-11), filed 4/15/80. Statutory Authority: RCW 28A.03.030(3).
- 392-167-075 Legal applicants. [Order 7-75, § 392-167-075, filed 12/22/75. Formerly WAC 392-97-075.] Repealed by 80-05-040 (Order 80-11), filed 4/15/80. Statutory Authority: RCW 28A.03.030(3).

Chapter 392-181

PART-TIME PUBLIC SCHOOL STUDENTS

- 392-181-005 Purposes. [Order 7-75, § 392-181-005, filed 12/22/75. Formerly WAC 392-70-020.] Repealed by 80-05-041 (Order 80-12), filed 4/15/80. Statutory Authority: RCW 28A.41.145(5).
- 392-181-010 Definitions. [Order 7-75, § 392-181-010, filed 12/22/75. Formerly WAC 392-70-045.] Repealed by 80-05-041 (Order 80-12), filed 4/15/80. Statutory Authority: RCW 28A.41.145(5).
- 392-181-015 Attendance rights of part-time public school students. [Order 7-75, § 392-181-015, filed 12/22/75.

- Formerly WAC 392-70-040.] Repealed by 80-05-041 (Order 80-12), filed 4/15/80. Statutory Authority: RCW 28A.41.145(5).
- 392-181-020 Enrollment practices and conditions. [Order 7-75, § 392-181-020, filed 12/22/75. Formerly WAC 392-70-055 (part).] Repealed by 80-05-041 (Order 80-12), filed 4/15/80. Statutory Authority: RCW 28A.41.145(5).
- 392-181-025 Provision of educational program to part-time public school students—Reports—Sites. [Order 7-75, § 392-181-025, filed 12/22/75. Formerly WAC 392-70-055 (part) and 392-70-065.] Repealed by 80-05-041 (Order 80-12), filed 4/15/80. Statutory Authority: RCW 28A.41.145(5).
- 392-181-030 Apportionment procedures. [Order 7-75, § 392-181-030, filed 12/22/75. Formerly WAC 392-70-075.] Repealed by 80-05-041 (Order 80-12), filed 4/15/80. Statutory Authority: RCW 28A.41.145(5).
- 392-181-035 Compliance with rules as a condition to apportionment. [Order 7-75, § 392-181-035, filed 12/22/75. Formerly WAC 392-70-070.] Repealed by 80-05-041 (Order 80-12), filed 4/15/80. Statutory Authority: RCW 28A.41.145(5).

Chapter 392-183

STUDENTS—TRANSFER APPEALS

- 392-183-005 Purpose. [Order 4-77, § 392-183-005, filed 7/27/77, effective 9/11/77.] Repealed by 80-05-042 (Order 80-13), filed 4/15/80. Statutory Authority: RCW 28A.03.030(3).
- 392-183-010 Definitions. [Order 4-77, § 392-183-010, filed 7/27/77, effective 9/11/77.] Repealed by 80-05-042 (Order 80-13), filed 4/15/80. Statutory Authority: RCW 28A.03.030(3).
- 392-183-015 Right of appeal. [Order 4-77, § 392-183-015, filed 7/27/77, effective 9/11/77.] Repealed by 80-05-042 (Order 80-13), filed 4/15/80. Statutory Authority: RCW 28A.03.030(3).
- 392-183-020 Appeal notice. [Order 4-77, § 392-183-020, filed 7/27/77, effective 9/11/77.] Repealed by 80-05-042 (Order 80-13), filed 4/15/80. Statutory Authority: RCW 28A.03.030(3).
- 392-183-025 Hearing. [Order 4-77, § 392-183-025, filed 7/27/77, effective 9/11/77.] Repealed by 80-05-042 (Order 80-13), filed 4/15/80. Statutory Authority: RCW 28A.03.030(3).
- 392-183-030 Grounds for an order of release. [Order 4-77, § 392-183-030, filed 7/27/77, effective 9/11/77.] Repealed by 80-05-042 (Order 80-13), filed 4/15/80. Statutory Authority: RCW 28A.03.030(3).

Chapter 392-100 WAC

GENERAL DEFINITIONS AND RULES OF CONSTRUCTION

WAC

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

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

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

[Title 392 WAC—p 20]

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

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

Chapter 392-101 WAC

SUPERINTENDENT OF PUBLIC INSTRUCTION— ADMINISTRATIVE PRACTICES AND PROCEDURES

WAC

- 392-101-001 Authority.
392-101-005 Administrative practices regarding hearings and rule proceedings.

Reviser's note: With the filing of superintendent of public instruction Order 7-75, on December 22, 1975, chapter 392-08 WAC, entitled Practice and procedure, has been superseded by chapter 392-101 WAC. See Title 392 WAC digest page for disposition of chapters and reference notes.

WAC 392-101-001 Authority. The authority for this chapter is RCW 34.04.020 which authorizes the superintendent of public instruction to adopt rules governing the formal and informal procedures prescribed or authorized by chapter 34.04 RCW. [Statutory Authority: RCW 34.04.020. 83-17-057 (Order 83-5), § 392-101-001, filed 8/17/83.]

WAC 392-101-005 Administrative practices regarding hearings and rule proceedings. The superintendent of public instruction is governed by the state Administrative Procedure Act, chapter 34.04 RCW, the Washington State Register Act, chapter 34.08 RCW, and the state office of Administrative Hearings Act, chapter 34.12 RCW. These acts govern the conduct of "rule" making proceedings and the conduct of "contested case" hearings as these terms are defined in RCW 34.04.010 (2) and (3). Appearances in representative capacities before the superintendent of public instruction; the procedures and conditions governing petitions for declaratory rulings or the adoption, amendment, or repeal of a rule; and, the standards, procedures and conditions governing the conduct of contested case hearings and proceedings by or before the superintendent of public instruction shall be as set forth in rules of the state code reviser and the office of administrative hearings as now or hereafter amended. The rules of the code reviser are currently set forth in chapters 1-08 and 1-12 WAC. The rules of the office of administrative hearings are currently set forth in chapter 10-08 WAC.

All other regulatory actions and hearings conducted by the superintendent of public instruction may be conducted informally at the discretion of the superintendent. [Statutory Authority: RCW 34.04.020, 83-17-057 (Order 83-5), § 392-101-005, filed 8/17/83; Order 7-75, § 392-100-005, filed 12/22/75.]

Chapter 392-103 WAC

SUPERINTENDENT OF PUBLIC INSTRUCTION— CONFLICT OF INTEREST

WAC

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

Reviser's note: With the filing of superintendent of public instruction Order 7-75, on December 22, 1975, chapter 392-10 WAC, entitled, "Conflict of interest," has been superseded by chapter 392-103 WAC. See Title 392 digest page for disposition of chapters and reference notes.

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

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

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

One readily apparent conclusion following a reading of this chapter is that an employee should be most wary of accepting anything of value (other than his/her state compensation) in connection with any matter falling within the scope of his/her state employment duties. [Order 7-75, § 392-103-005, filed 12/22/75. Formerly WAC 392-10-010.]

WAC 392-103-010 Prohibited practices—Direct and indirect receipt of benefits prohibited. An employee

of the superintendent of public instruction is prohibited from:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

WAC 392-103-030 Appointed advisory committee members. Notwithstanding any other provision of this

chapter, no person shall be eligible for appointment to an advisory committee or to continue serving as a member of such a committee if that person:

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

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

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

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

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

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

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

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

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

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

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

WAC 392-103-045 Permissible outside employment.

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

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

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

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

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

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

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

Chapter 392-105 WAC

SUPERINTENDENT OF PUBLIC INSTRUCTION-- ACCESS TO PUBLIC RECORDS

WAC

392-105-001	Purpose.
392-105-003	Description of organization.
392-105-005	Operations and procedures.
392-105-010	Access to public records.
392-105-013	Request to inspect and copy.
392-105-015	Copying and mailing.
392-105-020	Protection of records.
392-105-025	Review of denial.
392-105-030	Index.

392-105-035 List of employees and elected officers.

Reviser's note: With the filing of superintendent of public instruction Order 7-75, on December 22, 1975, chapter 392-12 WAC, entitled, "Access to public records," has been superseded by chapter 392-105 WAC. See Title 392 WAC digest page for disposition of chapters and reference notes.

WAC 392-105-001 Purpose. Rules and regulations hereinafter set forth are established pursuant to RCW 42.17.250 through 42.17.320 for the purposes of protecting public records and making them readily accessible to the public. [Statutory Authority: RCW 42.17.250 and 42.17.260. 80-05-034 (Order 80-5), § 392-105-001, filed 4/15/80.]

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.]

WAC 392-105-005 Operations and procedures. The superintendent of public instruction is directly responsible for decisions and policies of the office but has delegated to the deputy superintendent the responsibility of developing and maintaining approved intra-agency operating policies and procedures. Each supervisory position in the agency is provided a policies and procedures manual which is frequently updated. The manual specifies job responsibilities for division and section level managers and describes procedures to be followed in operations that cut across organizational lines. [Statutory Authority: RCW 42.17.250 and 42.17.260. 80-05-034 (Order 80-5), § 392-105-005, filed 4/15/80.]

WAC 392-105-010 Access to public records. (1) All public records as defined by RCW 42.17.020 (26) and (28) prepared, owned, used, or retained by the superintendent of public instruction shall be available for public inspection and copying during normal office hours in the office where they are located, except for the following:

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

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

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

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

(2) The exemptions of this section shall be inapplicable to the extent that information, the disclosure of which would violate personal privacy or vital government interests, can be deleted from the specific records sought. No exception shall be construed to permit the nondisclosure of statistical information when such information is not descriptive of any readily identifiable person or persons. [Statutory Authority: RCW 42.17.250 and 42.17.260. 80-05-034 (Order 80-5), § 392-105-010, filed 4/15/80; Order 7-75, § 392-105-010, filed 12/22/75. Formerly WAC 392-12-010 (part).]

WAC 392-105-013 Request to inspect and copy. Requests to inspect, copy and/or mail public records may be made in person, by mailed request or direct telephone communication to the office of the superintendent of public instruction. Requests will be logged and reply offered promptly by the agency. Requests shall reasonably identify the particular public record which is sought. [Statutory Authority: RCW 42.17.250 and 42.17.260. 80-05-034 (Order 80-5), § 392-105-013, filed 4/15/80.]

WAC 392-105-015 Copying and mailing. (1) Persons may obtain a copy or copies of any record which may be inspected. The superintendent of public instruction may charge a fee of ten cents per page for each copy made by agency copy machines.

(2) Actual mailing costs, if any, may be charged.

(3) Secretarial time, at any hourly rate equivalent to the salary of the employee, may be charged.

(4) When the provision of copies of public records requires computer operations, the superintendent of public instruction may make appropriate charges for programming and computer costs.

(5) The above charges shall not exceed the amount necessary to reimburse the agency for actual costs incident to fulfilling the request. Charges may be collected prior to the release of the copies of public records. [Statutory Authority: RCW 42.17.250 and 42.17.260. 80-05-034 (Order 80-5), § 392-105-015, filed 4/15/80; Order 7-75, § 392-105-015, filed 12/22/75. Formerly WAC 392-12-010 (part).]

WAC 392-105-020 Protection of records. No records shall be removed from any office of the superintendent of public instruction by anyone other than a staff member or other officially authorized person, unless a receipt for the records signed by the person taking them and giving the address where they will be kept has been approved and signed by the person in charge of the record. Staff members in charge of public records in the

custody of the superintendent of public instruction comply with the provisions in chapter 40.14 RCW relating to the preservation and destruction of public records. [Statutory Authority: RCW 42.17.250 and 42.17.260. 80-05-034 (Order 80-5), § 392-105-020, filed 4/15/80; Order 7-75, § 392-105-020, filed 12/22/75. Formerly WAC 392-12-010 (part).]

WAC 392-105-025 Review of denial. When an agency staff member believes that a request to inspect a record must be denied, the staff member shall immediately contact his or her supervisor and obtain concurrence from the supervisor before denying inspection. The supervisor shall then promptly issue, or cause to be promptly issued, a written statement as required by RCW 42.17.310(4) and 42.17.320 which shall identify the specific exemption authorizing the withholding of the record (or part) and provide a brief explanation of how the exemption applies to the record withheld. A copy of the statement shall be immediately transmitted to the superintendent of public instruction or his/her designee. [Statutory Authority: RCW 42.17.250 and 42.17.260. 80-05-034 (Order 80-5), § 392-105-025, filed 4/15/80; Order 7-75, § 392-105-025, filed 12/22/75. Formerly WAC 392-12-010 (part).]

WAC 392-105-030 Index. The superintendent of public instruction does maintain a current index of public records as required by RCW 42.17.260(2). The index identifies agency personnel authorized to release/copy public records as indexed and is available for inspection/copying in the offices of the superintendent of public instruction in Olympia, Washington. [Statutory Authority: RCW 42.17.250 and 42.17.260. 80-05-034 (Order 80-5), § 392-105-030, filed 4/15/80; Order 7-75, § 392-105-030, filed 12/22/75. Formerly WAC 392-12-010 (part).]

WAC 392-105-035 List of employees and elected officers. Pursuant to RCW 42.17.260(5), the superintendent of public instruction or employees of the superintendent of public instruction will not give, sell or provide access to lists of names of agency employees, school district employees, or elected officers for commercial purposes except as otherwise now or hereafter provided by law. [Statutory Authority: RCW 42.17.250 and 42.17.260. 80-05-034 (Order 80-5), § 392-105-035, filed 4/15/80.]

Chapter 392-109 WAC

STATE BOARD OF EDUCATION—ELECTION OF MEMBERS

WAC

392-109-040	Purpose.
392-109-045	Definitions.
392-109-050	Information necessary for the conduct of elections— Responsibility of school officials.
392-109-055	Publicity.
392-109-060	Call of election.
392-109-065	Candidates—Eligibility—Filing.
392-109-070	Declaration and affidavit of candidacy form.

392-109-072	Candidates for new congressional district positions— First elections—Term of office.
392-109-075	Biographical data form.
392-109-077	Withdrawal of candidacy.
392-109-080	Ballots—Contents.
392-109-085	Ballots and envelopes—Mailing to voters.
392-109-090	Voting—Marking and return of ballots.
392-109-095	Election board—Appointment and composition.
392-109-100	Receipt of ballots and count of votes.
392-109-105	Ineligible votes.
392-109-110	Recount of votes cast—Automatic—By request.
392-109-115	Certification of election.
392-109-117	Publishing of names.
392-109-120	Special elections.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

392-109-005	Purpose. [Order 7-75, § 392-109-005, filed 12/22/75. Formerly WAC 392-99-010.] Repealed by 80-07-038 (Order 80-20), filed 6/17/80. Statutory Authority: RCW 28A.04.020.
392-109-006	Eligibility—Declaration of candidacy. [Statutory Authority: RCW 28A.04.020. 78-08-033 (Order 2-78), § 392-109-006, filed 7/18/78.] Repealed by 80-07-038 (Order 80-20), filed 6/17/80. Statutory Authority: RCW 28A.04.020.
392-109-010	Biographical data—Limitation. [Statutory Authority: RCW 28A.04.020. 78-08-033 (Order 2-78), § 392-109-010, filed 7/18/78; Order 7-75, § 392-109-010, filed 12/22/75. Formerly WAC 392-99-020.] Repealed by 80-07-038 (Order 80-20), filed 6/17/80. Statutory Authority: RCW 28A.04.020.
392-109-015	Composition of election board. [Order 7-75, § 392-109-015, filed 12/22/75. Formerly WAC 392-99-030.] Repealed by 80-07-038 (Order 80-20), filed 6/17/80. Statutory Authority: RCW 28A.04.020.
392-109-020	Postage. [Order 7-75, § 392-109-020, filed 12/22/75. Formerly WAC 392-99-040.] Repealed by 80-07-038 (Order 80-20), filed 6/17/80. Statutory Authority: RCW 28A.04.020.
392-109-025	Publicity. [Order 7-75, § 392-109-025, filed 12/22/75. Formerly WAC 392-99-050.] Repealed by 80-07-038 (Order 80-20), filed 6/17/80. Statutory Authority: RCW 28A.04.020.
392-109-026	Voting. [Statutory Authority: RCW 28A.04.020. 78-08-033 (Order 2-78), § 392-109-026, filed 7/18/78, 7/21/78.] Repealed by 80-07-038 (Order 80-20), filed 6/17/80. Statutory Authority: RCW 28A.04.020.
392-109-030	Recount of votes cast—Automatic—By request—Certification. [Order 7-75, § 392-109-030, filed 12/22/75. Formerly WAC 392-99-060.] Repealed by 80-07-038 (Order 80-20), filed 6/17/80. Statutory Authority: RCW 28A.04.020.
392-109-035	Rotation of names on ballot. [Order 7-75, § 392-109-035, filed 12/22/75. Formerly WAC 392-99-070.] Repealed by 80-07-038 (Order 80-20), filed 6/17/80. Statutory Authority: RCW 28A.04.020.

Reviser's note: With the filing of superintendent of public instruction Order 7-75, on December 22, 1975, chapter 392-99 WAC, entitled, "State board of education—Election of members," has been superseded by chapter 392-109 WAC. See Title 392 WAC digest page for disposition of chapters and reference notes.

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 392-109-045 Definitions. As used in this chapter the term:

- (1) "Board of directors" shall mean:
 - (a) The statutory, multimember board of directors of a public school district; and
 - (b) The person or multimember body recognized by a private school as having the final authority for policy decisions which govern the operation of the private school.
- (2) "Chairperson" shall mean a member of a private school board of directors who has been selected by the board either to act as the chief officer of the board or to tabulate and cast the private school's vote pursuant to this chapter.
- (3) "Private school" shall mean a school which:
 - (a) Operates any of the grades one through twelve; and
 - (b) Is certified by the state board of education pursuant to chapter 180-90 WAC, as now or hereafter amended, as being in compliance with statutory standards. [Statutory Authority: RCW 28A.04.020. 80-07-038 (Order 80-20), § 392-109-045, filed 6/17/80.]

WAC 392-109-050 Information necessary for the conduct of elections--Responsibility of school officials. It shall be the responsibility of each member of a board of directors to assure that the superintendent of public instruction is provided current and correct information necessary to the conduct of the elections provided for in this chapter. Forms published by the superintendent of public instruction for the purpose of providing the following essential information shall be obtained, completed and submitted on a current basis:

- (1) Private schools: The mailing address and previous September enrollment for each private school; and
- (2) Public school districts: The name, mailing address and congressional district number of residence for each qualified member of a board of directors, and the current September enrollment for the district. [Statutory Authority: RCW 28A.04.020. 80-07-038 (Order 80-20), § 392-109-050, 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 392-109-070 Declaration and affidavit of candidacy form. The declaration and affidavit of candidacy which each candidate is required to substantially complete and to file as a condition to having his or her name placed on an official ballot shall be as follows:

I, _____, solemnly swear (or affirm): That (if filing for a voting position) I reside in

the _____ Congressional District of the state of Washington or (if filing for the nonvoting position) I reside within the state of Washington; That I am not employed in any school, college, university, or other educational institution, or any educational service district superintendent's office, or in the office of the superintendent of public instruction; and, That I hereby declare myself a candidate for membership on the state board of education for a term of _____ years beginning on the second Monday in January, 19____, subject to the election to be held during the month of October, 19____, and I request that my name be listed on the ballot therefor.

Further, I solemnly swear (or affirm) that I will support the Constitution and laws of the United States and the Constitution and laws of the state of Washington.

(Signed) _____
Address: _____

SUBSCRIBED and sworn to before me this _____ day of _____, 19 ____.

Notary Public in and for the
state of Washington, residing
at _____

[Statutory Authority: RCW 28A.04.020. 80-07-038 (Order 80-20), § 392-109-070, 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 392-109-075 Biographical data form. The superintendent of public instruction shall provide a biographical data form not exceeding two letter size typewritten pages in length which each candidate may complete. Completed forms submitted by a candidate must be camera ready. Biographical data forms will be reproduced as submitted and distributed with the ballots to each voter. [Statutory Authority: RCW 28A.04.020. 80-07-038 (Order 80-20), § 392-109-075, filed 6/17/80.]

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 392-109-080 Ballots--Contents. The ballot for each position subject to election pursuant to this chapter shall contain the names of each candidate eligible for the particular position. Ballots for voting positions shall be prepared for each congressional district and the names of candidates thereon shall be rotated. In addition to the names of candidates, each ballot shall set forth the number of electoral points to which each voter is entitled, as follows:

(1) Public school board members: Each member of a public school district board of directors shall be entitled to a number of electoral points equal to:

(a) The actual number of students enrolled in the school district during September of the current calendar year and reported to the superintendent of public instruction for basic education apportionment purposes; or

(b) If such figure is unavailable, the actual number of students enrolled and last reported to the superintendent of public instruction for basic education apportionment purposes: *Provided*, That each member of the board of directors of a public school district that permanently or temporarily has more than five statutory directors shall have his or her electoral points recomputed by multiplying the foregoing enrollment number by a fraction, the denominator of which shall be the number of directors, and the numerator of which shall be five.

(2) Private schools: Each private school board of directors shall be entitled to a number of electoral points equal to the actual number of students enrolled in each private school under the governance of the board during September of the preceding calendar year and reported to the superintendent of public instruction. [Statutory Authority: RCW 28A.04.020. 80-07-038 (Order 80-20), § 392-109-080, filed 6/17/80.]

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 392-109-090 Voting--Marking and return of ballots. (1) Public school board members: Each member of a public school district board of directors may vote for one of the candidates named on his or her ballot by placing an "x" or other mark in the space provided next to the name of a candidate.

(2) Private school board members: Each member of a private school board of directors shall return his or her marked ballot to the chairperson of the board. The chairperson shall tabulate the votes and be entitled to cast one vote for the candidate who receives a majority of the board members' votes. The chairperson shall then mark the official ballot accordingly.

(3) Return of ballots: Each member of a public school district board of directors and each chairperson of a private school board of directors shall complete voting by:

(a) Placing his or her marked official ballot in the smaller, unmarked envelope and sealing the same;

(b) Placing the smaller envelope containing the ballot in the larger preaddressed envelope marked "official ballot" and sealing the same;

(c) Completing in full the information requested on the face of the official ballot envelope, including name, identification of school district or private school and, in the case of public school district board members, identification of the congressional district of residence; and

(d) Placing the official ballot envelope in the United States mail or otherwise delivering the ballot to the superintendent of public instruction. [Statutory Authority: RCW 28A.04.020, 80-07-038 (Order 80-20), § 392-109-090, filed 6/17/80.]

WAC 392-109-095 Election board--Appointment and composition. The state board of education shall annually appoint a three member election board and at least one alternate who shall serve thereon in the absence of a regular member of the election board. Votes cast at elections conducted pursuant to this chapter shall be counted by the superintendent of public instruction and the election board. [Statutory Authority: RCW 28A.04.020, 80-07-038 (Order 80-20), § 392-109-095, filed 6/17/80.]

WAC 392-109-100 Receipt of ballots and count of votes. (1) As official ballot envelopes are received by the

superintendent of public instruction, a preliminary determination shall be made as to the eligibility of the voter, and a record shall be made on a list of eligible voters and private schools that the voter or school has voted. Official ballot envelopes not submitted in compliance with this chapter and other envelopes containing ballots shall be set aside for a final review and acceptance or rejection by the election board.

(2) The election board shall convene for the purpose of counting votes on or before October 25 at a date, time and place designated by the superintendent of public instruction. Official ballot envelopes that are accepted by the election board shall be opened, and the inner envelopes containing ballots shall be removed and placed aside, still sealed. The inner envelopes shall then be opened and the votes counted by the election board.

(3) No record shall be made or maintained of the candidate for which any voter cast his or her vote. [Statutory Authority: RCW 28A.04.020, 80-07-038 (Order 80-20), § 392-109-100, filed 6/17/80.]

WAC 392-109-105 Ineligible votes. The following ballots and votes shall be declared void and shall not be accepted:

(1) Votes for write-in candidates;

(2) Votes cast on other than an official ballot provided pursuant to this chapter;

(3) Ballots which contain a vote for two or more of the named candidates;

(4) Ballots contained in other than an official ballot envelope provided pursuant to this chapter;

(5) Ballots contained in an official ballot envelope upon which the voter has either failed to place his or her name or the name of the private school in the case of ballots submitted by the chairperson of a private school board of directors;

(6) Ballots received after 5:00 p.m. October 16: *Provided*, That any ballot that is postmarked on or before midnight October 16 and received prior to the initial counting of votes by the election board shall be accepted: *Provided further*, That any ballot received pursuant to the United States mail on or before 5:00 p.m. on October 21 that is not postmarked or legibly postmarked shall also be accepted; and

(7) Such other ballots or votes as the election board shall determine to be unidentifiable or unlawful. [Statutory Authority: RCW 28A.04.020, 80-07-038 (Order 80-20), § 392-109-105, filed 6/17/80.]

WAC 392-109-110 Recount of votes cast--Automatic--By request. (1) Automatic: A recount of votes cast shall be automatic if the electoral point difference between any two candidates for the same position is less than the largest number of electoral points on a single ballot cast for the position.

(2) Upon request: A recount of votes cast shall be afforded any candidate as a matter of right: *Provided*, That the request shall be made in writing and received by the superintendent of public instruction within seven calendar days after the date upon which the votes were

counted by the election committee. [Statutory Authority: RCW 28A.04.020. 80-07-038 (Order 80-20), § 392-109-110, 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.]

WAC 392-109-120 Special elections. Special elections provided for in RCW 28A.04.030 (new congressional districts), 28A.04.060 (run-off elections) and 28A.04.080 (vacancies) shall be conducted in accordance with the pertinent procedural and substantive provisions of this chapter, including the time schedules governing the conduct of elections, as modified by the superintendent of public instruction to accommodate the special nature of the election and special statutory dates and requirements. [Statutory Authority: RCW 28A.04.020. 80-07-038 (Order 80-20), § 392-109-120, filed 6/17/80.]

Chapter 392-121 WAC

FINANCE--GENERAL APPORTIONMENT

WAC

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

392-121-005	Authority and purpose. [Order 7-75, § 392-121-005, filed 12/22/75. Formerly WAC 392-29-110 and 392-29-120.] Repealed by 80-10-010 (Order 80-29), filed 7/28/80. Statutory Authority: RCW 28A.41.055 and 28A.41.170.
392-121-010	Definitions. [Statutory Authority: RCW 84.52.0531. 79-01-007 (Order 12-78), § 392-121-010, filed 12/8/78; Order 7-75, § 392-121-010, filed 12/22/75. Formerly WAC 392-29-130 (part).] Repealed by 80-10-010 (Order 80-29), filed 7/28/80. Statutory Authority: RCW 28A.41.055 and 28A.41.170.
392-121-015	Additional definitions. [Order 7-75, § 392-121-015, filed 12/22/75. Formerly WAC 392-29-130 (part) and WAC 392-29-140 (part).] Repealed by 80-10-010 (Order 80-29), filed 7/28/80. Statutory Authority: RCW 28A.41.055 and 28A.41.170.
392-121-020	Annual distribution of apportionment funds. [Order 7-75, § 392-121-020, filed 12/22/75. Formerly WAC 392-29-150.] Repealed by 80-10-010 (Order 80-29), filed 7/28/80. Statutory Authority: RCW 28A.41.055 and 28A.41.170.
392-121-025	Payment schedule. [Order 7-75, § 392-121-025, filed 12/22/75. Formerly WAC 392-29-260.] Repealed by 80-10-010 (Order 80-29), filed 7/28/80. Statutory Authority: RCW 28A.41.055 and 28A.41.170.
392-121-030	Apportionment credit--Resident and nonresident students. [Order 7-75, § 392-121-030, filed 12/22/75. Formerly WAC 392-29-160 and WAC 392-29-170.] Repealed by 80-10-010 (Order 80-29), filed 7/28/80. Statutory Authority: RCW 28A.41.055 and 28A.41.170.
392-121-035	Apportionment funds resources and computation data. [Order 7-75, § 392-121-035, filed 12/22/75. Formerly WAC 392-29-180.] Repealed by 80-10-010 (Order 80-29), filed 7/28/80. Statutory Authority: RCW 28A.41.055 and 28A.41.170.
392-121-040	Average annual base enrollment--Conversion to weighted student enrollment. [Order 7-75, § 392-121-040, filed 12/22/75. Formerly WAC 392-29-190.] Repealed by 80-10-010 (Order 80-29), filed 7/28/80. Statutory Authority: RCW 28A.41.055 and 28A.41.170.
392-121-045	Enrollment time credit-off-campus--Alternative learning experiences--Study time--National Guard--Absences. [Order 7-75, § 392-121-045, filed 12/22/75. Formerly WAC 392-29-230 and 392-29-240.] Repealed by 80-10-010 (Order 80-29), filed 7/28/80. Statutory Authority: RCW 28A.41.055 and 28A.41.170.
392-121-050	Per weighted student guarantee--Method of computation. [Order 7-75, § 392-121-050, filed 12/22/75. Formerly WAC 392-29-200.] Repealed by 80-10-010 (Order 80-29), filed 7/28/80. Statutory Authority: RCW 28A.41.055 and 28A.41.170.
392-121-055	District entitlement--Computation of. [Order 7-75, § 392-121-055, filed 12/22/75. Formerly WAC 392-29-210 and 392-29-220.] Repealed by 80-10-010 (Order 80-29), filed 7/28/80. Statutory Authority: RCW 28A.41.055 and 28A.41.170.
392-121-060	Advance payments--Emergency. [Order 7-75, § 392-121-060, filed 12/22/75. Formerly WAC 392-29-

270.] Repealed by 80-10-010 (Order 80-29), filed 7/28/80. Statutory Authority: RCW 28A.41.055 and 28A.41.170.

392-121-065 Reporting requirements. [Order 7-75, § 392-121-065, filed 12/22/75. Formerly WAC 392-29-250.] Repealed by 80-10-010 (Order 80-29), filed 7/28/80. Statutory Authority: RCW 28A.41.055 and 28A.41.170.

Reviser's note: With the filing of superintendent of public instruction Order 7-75, on December 22, 1975, chapter 392-29 WAC, entitled Distribution of funds appropriated for apportionment to the common schools, has been superseded by chapter 392-121 WAC. See Title 392 WAC digest page for disposition of chapters and reference notes.

WAC 392-121-100 Authority and purpose. This chapter is adopted pursuant to authority vested in the superintendent of public instruction by RCW 28A.41.170, 28A.41.055, and the provisions of legislative appropriations acts currently in effect. It is the intent and purpose of this chapter to implement the above referenced laws and, together with such laws, govern the distribution of basic education allocation funds to the common schools. [Statutory Authority: RCW 28A.41.055 and 28A.41.170. 80-10-010 (Order 80-29), § 392-121-100, filed 7/28/80.]

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) Except as provided in subsection (8) below, no student shall be counted as more than one full-time equivalent for purposes of basic education allocation.

(8) School districts operating approved vocational skills center programs during the summer vacation months may claim additional full-time-equivalent students based upon actual enrollment in such vocational skills centers on the first school day of July of each year. Each district operating an approved vocational skills center program shall be entitled to claim one full-time-equivalent student for each 900 hours of planned student enrollment for the summer term based upon the July enrollment data. [Statutory Authority: RCW 28A.41.170. 83-21-024 (Order 83-14), § 392-121-105, filed 10/10/83; 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 392-121-110 Additional definitions. As used in this chapter, the terms:

(1) "Residence," "resident student" and "nonresident student" shall be defined as those terms are defined in WAC 392-137-010.

(2) "Part-time student" shall mean a student who is enrolled pursuant to chapter 392-134 WAC (part-time attendance and ancillary services) for less time than the minimum time required for a full-time-equivalent student.

(3) "School day" shall mean a calendar day except school holidays on which all students enrolled in the school district are afforded the opportunity to be engaged 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 participate in such educational activity.

(4) "School year" shall mean the annual period commencing on the first day of September of one calendar

year and ending the last day of August of the next ensuing calendar year: *Provided*, That for those school districts commencing basic education programs prior to September 1, school days scheduled prior to September 1 shall be considered to be within the school year that commences September 1. [Statutory Authority: RCW 28A.41.055 and 28A.41.170. 80-10-010 (Order 80-29), § 392-121-110, 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 392-121-130 Additional definition. Regardless of the experience factors used by a school district for the purposes of its salary schedule(s), as used in this chapter the term "years of experience" shall mean the number of years of accumulated full-time and part-time professional education employment prior to the current reporting year in Washington and out-of-state, and shall be reported by the school district to the nearest tenth. School districts shall report all years of experience including those beyond the experience limit of the school district's salary schedule. The traditional nine-month academic year shall be considered as one school year. Not more than one school year of experience may be counted for any twelve-month period. Professional education experience shall be limited to the following:

(1) Employment in public or private preschools or elementary and secondary schools in positions which require certification;

(2) Employment in public or private vocational-technical schools, community/junior colleges, colleges, and universities in positions comparable to those which require certification in the common schools;

(3) Employment in educational institutions in any professional position, including but not limited to C.P.A., architect, business manager, physician, if employment is in an education agency or institution such as an educational service district, office of superintendent of public instruction, or United States Department of Education; and

(4) Experience in the following areas if recognized by the district for placement on the district salary schedule:

(a) Military, Peace Corps, or Vista service which interrupted professional employment;

(b) Sabbatical leave; and

(c) For vocational instructors who hold no degree, up to a maximum of six years of management experience acquired after the instructor meets the minimum vocational certification requirements. [Statutory Authority: RCW 28A.41.055 and 28A.41.170. 80-10-010 (Order 80-29), § 392-121-130, filed 7/28/80.]

WAC 392-121-135 Additional definition. As used in this chapter, the term "highest degree level" shall mean the highest degree earned by the employee from an accredited college or university. [Statutory Authority: RCW 28A.41.055 and 28A.41.170. 80-10-010 (Order 80-29), § 392-121-135, filed 7/28/80.]

WAC 392-121-140 Additional definition. As used in this chapter, the term "credits earned since highest degree" shall mean for certificated employees who hold degrees, the number of quarter hours or units or semester hours, each converted to quarter hours, earned from accredited community colleges, colleges, or universities

after the awarding or conferring of the highest degree. Districts may not include:

(1) Credits in excess of degree requirements which were earned prior to awarding or conferring of the degree.

(2) Inservice credits awarded by agencies other than accredited colleges or universities.

(3) Community college or college or university credits which are not transferrable or applicable to a bachelor's level degree program. [Statutory Authority: RCW 28A.41.055 and 28A.41.170. 80-10-010 (Order 80-29), § 392-121-140, filed 7/28/80.]

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 392-121-150 Placement of certificated staff with degrees on staff mix table. Districts shall report each certificated employee's actual degree level pursuant to this chapter. If an employee holds two or more degrees of the same level, the first degree conferred or awarded shall be the degree after which additional credits are counted. A certificated employee who holds a valid vocational certificate acquired as the result of industrial experience rather than college training, and who also holds an earned college degree which is incidental to or not related to the vocational certificate shall be reported by the school district as holding no degree. [Statutory Authority: RCW 28A.41.055 and 28A.41.170. 80-10-010 (Order 80-29), § 392-121-150, 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 392-121-160 Reporting requirements--General. Each school district shall provide upon request of the superintendent of public instruction such data as the superintendent deems appropriate to serve as a basis of calculating and making payments of basic education allocation funds to school districts.

The superintendent of public instruction shall provide each district with necessary report forms and shall advise each district of the due dates established by the superintendent for the return of such completed forms to the educational service districts or to the superintendent of public instruction as now or hereafter established by the superintendent of public instruction and published in bulletins of the division of financial services. [Statutory Authority: RCW 28A.41.055 and 28A.41.170. 80-10-010 (Order 80-29), § 392-121-160, filed 7/28/80.]

WAC 392-121-165 Payment of basic education allocation funds. From the basic education allocation funds appropriated to the superintendent of public instruction, the superintendent shall make twelve monthly payments during each school year pursuant to RCW 28A.48.010 to each school district operating a program approved by the state board of education: *Provided*, That each school district submits data in a timely manner as requested by the superintendent of public instruction.

Initial monthly payments shall be based on estimates of such data as the superintendent of public instruction deems necessary to commence payment for the school year, such estimates to be submitted by school districts to the educational service districts or superintendent of public instruction on forms provided by the superintendent of public instruction. The latest date on which a school district may make changes in these data shall be the date on which the school district files its budget with the educational service district.

As the school year progresses, monthly payments to school districts shall be adjusted to reflect actual full-time-equivalent enrollment levels, full-time-equivalent staffing levels, certificated and classified salaries and benefits, other school district characteristics, deductible revenues and such other data as are deemed necessary by the superintendent and reported by school districts and other governmental agencies on forms provided or approved by the superintendent of public instruction. The superintendent of public instruction annually shall advise each school district and educational service district of the dates on which data are required to be submitted to educational service districts or the superintendent of public instruction and dates on which payments will be made to school districts. [Statutory Authority: RCW 28A.41.055 and 28A.41.170. 80-10-010 (Order 80-29), § 392-121-165, 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 392-121-180 Enrollment time credit--off-campus--Alternative learning experiences--Study time--National Guard--Absences. (1) Off-campus instruction. Enrollment time for teaching/learning experiences primarily conducted off-campus may be credited towards full-time-equivalent student enrollment counts: *Provided*, That the program operates in compliance with an

approved written program plan on file in the appropriate school building. Off-campus program plans shall include but not be limited to:

- (a) The objective(s) of the program;
- (b) The teaching component(s) of the program, including where and when teaching activities will be conducted by school district certificated staff;
- (c) A schedule of the duration of the program, including beginning and ending dates within the school year;
- (d) A description of how student performance will be supervised, evaluated, and recorded by the certificated staff or by qualified school district employees under the direct supervision of the certificated staff; and
- (e) A description of intervention techniques and criteria for their use.

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

(a) A written plan is on file as described in subsection (1);

(b) The student is working toward course credit in courses of study formally established by the school district; and

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

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

(a) The student is working towards course credits which satisfy high school graduation requirements; and

(b) The school district has a contractual agreement with the educational institution to provide instruction at no cost to the student for tuition or fees.

(4) National guard. Enrollment time in a national guard high school career training program for which credit is being given toward either required high school or elective high school credits pursuant to RCW 28A.04.133 and WAC 180-56-056 may be credited towards the full-time-equivalent student enrollment counts of the school district if an individual so enrolled last attended prior to enrollment in such national guard program.

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

(6) Absences. A student whose consecutive days of absence from school encompasses two consecutive monthly enrollment report days as specified in WAC 392-121-105(2) shall be dropped from the rolls and shall not be counted as an enrolled student unless one of the following requirements is met:

(a) Attendance is resumed; or

(b) There is an agreement between the appropriate school official and the student's parent or guardian pursuant to RCW 28A.27.010 that the student's temporary absence is not deemed to cause a serious adverse effect upon the student's educational progress: *Provided, That* such temporary absence shall not exceed twenty consecutive school days. [Statutory Authority: RCW 28A.41.055 and 28A.41.170. 80-10-010 (Order 80-29), § 392-121-180, filed 7/28/80.]

WAC 392-121-185 Advance payments—Emergency. (1) Petition for emergency advance. A school district may petition the superintendent of public instruction for an emergency advance not to exceed ten percent of the total amount to become due and apportionable to the district from September 1 through June 30 of the school year. Emergency advances may be granted on the basis of the following conditions:

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

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

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

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

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

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

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

(iv) The percentage requested to be advanced.

(2) Forfeiture of earnings on emergency advance. Any earnings by a school district on the investment of a temporary cash surplus materializing as a consequence of a previously obtained advance shall be deducted from the basic education allocation apportionment entitlement of the district. [Statutory Authority: RCW 28A.41.055 and 28A.41.170. 80-10-010 (Order 80-29), § 392-121-185, filed 7/28/80.]

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 392-121-190 Reporting requirements. (1) Each school district shall provide, upon request of the superintendent of public instruction, such data as the superintendent deems appropriate to substantiate the district's entitlement to state basic education apportionment.

(2) The superintendent of public instruction shall provide each district with necessary report forms and shall advise each district of the due dates established by the superintendent for the 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 of public instruction and published in bulletins of the division of financial services. There shall be no adverse action taken by the superintendent as the result of any late submission of data unless educational service districts and school districts are notified in advance by bulletin of the division of financial services that adverse action in the form of a

delay in the apportionment of state funds or otherwise may be taken.

(3) In the event any district fails to submit data in the form required by the superintendent of public instruction or submits data so that it is received by the educational service district superintendent or the superintendent of public instruction after the close of business on the date now or hereafter established by the superintendent of public instruction, but not later than the close of business on the fifth business day after the date the report is due, the district's then current monthly payment of basic education apportionment funds shall be delayed a minimum of ten calendar days from the first day of the next ensuing month.

In the event any district submits data so that it is received by the educational service district or the superintendent of public instruction later than the close of business of the fifth business day following the due date established by the superintendent of public instruction pursuant to bulletins of the division of financial services, the district's then current monthly payment of basic education apportionment funds shall be delayed until the next monthly payment date: *Provided*, That the superintendent of public instruction has a reasonable period of time to edit and process the data submitted according to the monthly apportionment schedule established annually by the superintendent and now or hereafter published in bulletins of the division of financial services.

(4) In the event a district has extenuating circumstances, the district may deliver required reports directly to the superintendent of public instruction: *Provided*, That not later than the due date(s) established pursuant to this section, the school district notifies the educational service district superintendent or designee of the extenuating circumstances and the decision to deliver such report to the superintendent of public instruction; such reports are received by the superintendent of public instruction not later than the close of business on the date established by the superintendent of public instruction; and the school district provides the educational service district superintendent with a copy of such report(s) within a reasonable amount of time following the due date. [Statutory Authority: RCW 28A.41.055 and 28A.41.170, 80-10-010 (Order 80-29), § 392-121-190, filed 7/28/80.]

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

- 392-123-003 Authority.
- 392-123-005 Purposes.
- 392-123-010 The accounting manual.
- 392-123-011 School district fiscal year.
- 392-123-046 Definitions—General fund, capital projects fund, debt service fund, associated student body fund, advanced refunding and advance refunded bond funds, transportation vehicle fund and insurance reserves.
- 392-123-047 Definitions—Revenue, accrual basis expenditures, cash basis expenditures, appropriation, and disbursements.
- 392-123-049 Basis of budgeting and accounting.
- 392-123-053 Budget contents.
- 392-123-054 Time schedule for budget.
- 392-123-055 Identification of revenues to be included in the budget.
- 392-123-060 Petition to budget receivables collectible in future fiscal periods.
- 392-123-065 Noncompliance with binding restrictions.
- 392-123-070 Overexpending and exceeding the budget.
- 392-123-071 Budget extensions—First-class school districts.
- 392-123-072 Budget extensions—Second-class school districts.
- 392-123-074 Effective date of appropriation resolutions.
- 392-123-076 Identification of balanced budget.
- 392-123-077 Termination of appropriations.
- 392-123-078 Review of first-class school district budgets and budget extensions.
- 392-123-079 Review of second-class district budgets and budget extensions.
- 392-123-080 Budget determined to be unsound after superintendent's review.
- 392-123-095 Budget as noncompliant and unsound.
- 392-123-100 Revised budget as not submitted or noncompliant.
- 392-123-105 State board of education action regarding missing or noncompliant budget.
- 392-123-110 Monthly financial statements and reports prepared by school district administration.
- 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.
- 392-123-132 Reconciliation of monthly county treasurers' statements to district records.
- 392-123-135 Interfund loans—Definition.
- 392-123-140 Interfund loans allowable.
- 392-123-141 Effective date.
- 392-123-145 Interfund loans—Identification of temporary loans.
- 392-123-150 Interfund loans—Payment of interest.
- 392-123-155 Interfund loans—Full disclosure on financial statements.
- 392-123-160 Interfund loans—Board resolution adopted—Contents.
- 392-123-165 Contractual liability extending beyond end of fiscal period.

- 392-123-170 Proceeds from the sale of school district real property.
- 392-123-175 Proceeds from the lease, rental or occasional use of surplus property.
- 392-123-180 Bond proceeds.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 392-123-015 Fiscal year 1976-77 preliminary and final budgets required. [Order 8-76, § 392-123-015, filed 7/23/76; Order 7-75, § 392-123-015, filed 12/22/75. Formerly WAC 392-30-030.] Repealed by 80-06-043 (Order 80-16), filed 5/13/80. Statutory Authority: RCW 28A.65.465.
- 392-123-020 Petition to stipulate that fiscal year 1976-77 preliminary budget shall become final budget. [Order 8-76, § 392-123-020, filed 7/23/76; Order 7-75, § 392-123-020, filed 12/22/75. Formerly WAC 392-30-035.] Repealed by 80-06-043 (Order 80-16), filed 5/13/80. Statutory Authority: RCW 28A.65.465.
- 392-123-025 Fiscal year 1976-77 preliminary and final budget forms provided by the superintendent. [Order 8-76, § 392-123-025, filed 7/23/76; Order 7-75, § 392-123-025, filed 12/22/75. Formerly WAC 392-30-040.] Repealed by 80-06-043 (Order 80-16), filed 5/13/80. Statutory Authority: RCW 28A.65.465.
- 392-123-030 Fiscal year 1976-77 preliminary and final budget preparation. [Order 8-76, § 392-123-030, filed 7/23/76; Order 7-75, § 392-123-030, filed 12/22/75. Formerly WAC 392-30-050.] Repealed by 80-06-043 (Order 80-16), filed 5/13/80. Statutory Authority: RCW 28A.65.465.
- 392-123-035 Fiscal year 1976-77 budget required to be developed on accrual basis. [Order 8-76, § 392-123-035, filed 7/23/76; Order 7-75, § 392-123-035, filed 12/22/75. Formerly WAC 392-30-060.] Repealed by 80-06-043 (Order 80-16), filed 5/13/80. Statutory Authority: RCW 28A.65.465.
- 392-123-040 The time schedule for the fiscal year 1976-77 preliminary budget process—Adoption. [Order 8-76, § 392-123-040, filed 7/23/76; Order 7-75, § 392-123-040, filed 12/22/75. Formerly WAC 392-30-070 (part).] Repealed by 80-06-043 (Order 80-16), filed 5/13/80. Statutory Authority: RCW 28A.65.465.
- 392-123-045 Time schedule for the fiscal year 1976-77 preliminary budget process—Post adoption. [Order 8-76, § 392-123-045, filed 7/23/76; Order 7-75, § 392-123-045, filed 12/22/75. Formerly WAC 392-30-070 (part).] Repealed by 80-06-043 (Order 80-16), filed 5/13/80. Statutory Authority: RCW 28A.65.465.
- 392-123-050 Time schedule for the fiscal year 1976-77 final budget process. [Order 8-76, § 392-123-050, filed 7/23/76; Order 7-75, § 392-123-050, filed 12/22/75. Formerly WAC 392-30-080.] Repealed by 80-06-043 (Order 80-16), filed 5/13/80. Statutory Authority: RCW 28A.65.465.
- 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.
- 392-123-0511 July and August 1977 budget. [Order 8-76, § 392-123-0511, filed 7/23/76.] Repealed by 80-06-043 (Order 80-16), filed 5/13/80. Statutory Authority: RCW 28A.65.465.
- 392-123-052 Time schedule for July and August 1977 budget process. [Order 8-76, § 392-123-052, filed 7/23/76.] Repealed by 80-06-043 (Order 80-16), filed 5/13/80. Statutory Authority: RCW 28A.65.465.
- 392-123-075 Identification of a balanced budget for fiscal year 1976-77. [Order 8-76, § 392-123-075, filed 7/23/76; Order 7-75, § 392-123-075, filed

- 12/22/75. Formerly WAC 392-30-140.] Repealed by 80-06-043 (Order 80-16), filed 5/13/80. Statutory Authority: RCW 28A.65.465.
- 392-123-085 Meeting to review budget after determined unsound—Findings issued. [Order 8-76, § 392-123-085, filed 7/23/76; Order 7-75, § 392-123-085, filed 12/22/75. Formerly WAC 392-30-160.] Repealed by 83-21-027 (Order 83-12), filed 10/10/83. Statutory Authority: 28A.65.465.
- 392-123-090 Preliminary budget for fiscal year 1976-77 as non-compliant and unsound. [Order 8-76, § 392-123-090, filed 7/23/76; Order 7-75, § 392-123-090, filed 12/22/75. Formerly WAC 392-30-170.] Repealed by 80-06-043 (Order 80-16), filed 5/13/80. 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.

Reviser's note: With the filing of superintendent of public instruction Order 7-75, on December 22, 1975, chapter 392-30 WAC, entitled School district budgeting, has been superseded by chapter 392-123 WAC. See Title 392 WAC digest page for disposition of chapters and reference notes.

WAC 392-123-003 Authority. The authority for this chapter is RCW 28A.65.465 which authorizes the superintendent of public instruction to promulgate rules and regulations regarding budgetary procedures and practices by school districts. [Statutory Authority: RCW 28A.65.465. 83-21-027 (Order 83-12), § 392-123-003, filed 10/10/83.]

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 392-123-011 School district fiscal year. The school district fiscal year shall begin on September 1 and

end on August 31. [Statutory Authority: RCW 28A.65.465. 80-06-043 (Order 80-16), § 392-123-011, filed 5/13/80; Order 8-76, § 392-123-011, filed 7/23/76.]

WAC 392-123-046 Definitions—General fund, capital projects fund, debt service fund, associated student body fund, advanced refunding and advance refunded bond funds, transportation vehicle fund and insurance reserves. (1) A general fund shall be established for maintenance and operation of the school district to account for all financial operations of the school district, except those required to be accounted for in another fund, as authorized by RCW 28A.58.441, 28A.58.120, and 28A.58.428.

(2) A capital projects fund shall be established as authorized by RCW 28A.58.441 for major capital purposes. Any statutory references to a "building fund" shall mean the capital projects fund. Money to be deposited into the capital projects fund shall include, but not be limited to, bond proceeds, proceeds from excess levies, state apportionment proceeds, earnings from capital projects fund investments, rental and lease proceeds, and proceeds from the sale of real property.

Money deposited into the capital projects fund from other sources may be used for the purposes provided in WAC 392-123-180 and for the purposes of:

(a) Major renovation, including the replacement of facilities and systems where periodical repairs are no longer economical. Major renovation and replacement shall include, but shall not be limited to, roofing, heating and ventilating systems, floor covering, and electrical systems.

(b) Renovation and rehabilitation of playfields, athletic fields, and other district real property.

(c) The conduct of preliminary energy audits and energy audits of school district buildings. For the purpose of this section:

(i) "Preliminary energy audits" means a determination of the energy consumption characteristics of a building, including the size, type, rate of energy consumption, and major energy using systems of the building.

(ii) "Energy audit" means a survey of a building or complex which identifies the type, size, energy use level, and major energy using systems; which determines appropriate energy conservation maintenance or operating procedures and assesses any need for the acquisition and installation of energy conservation measures, including solar energy and renewable resource measures.

(iii) "Energy capital improvement" means the installation, or modification of the installation, of energy conservation measures in a building which measures are primarily intended to reduce energy consumption or allow the use of an alternative energy source.

(d) Those energy capital improvements which are identified as being cost-effective in the audits authorized by this section.

(e) Purchase or installation of additional major items of equipment and furniture: *Provided*, That vehicles shall not be purchased with capital projects fund money.

(3) A debt service fund shall be established to provide for tax proceeds, other revenues, and disbursements as authorized in chapter 39.44 RCW.

(4) An associated student body fund shall be established as authorized by RCW 28A.58.120.

(5) Advance refunding bond funds and refunded bond funds shall be established to provide for proceeds and disbursements as authorized in chapter 39.53 RCW.

(6) A transportation vehicle fund shall be established as authorized by RCW 28A.58.428.

(7) The board of directors of first-class school districts shall have power to create and maintain an insurance reserve pursuant to RCW 28A.59.185 to be used to meet losses specified by the board of directors.

Funds required for maintenance of an insurance reserve shall be budgeted and allowed as are other moneys required for the support of the school district.

The school district board of directors may, as an alternative or in addition to the establishment of a self-insurance reserve or the purchasing of insurance, contract for or hire personnel to provide risk management services. [Statutory Authority: RCW 28A.65.465, 83-21-027 (Order 83-12), § 392-123-046, filed 10/10/83.]

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 an addition to assets of a fund of a school district during a fiscal period that is available to finance the funds' expenditures during the fiscal period. Revenue does not accompany the increase of liabilities or represent refunds of previous disbursements. Revenue may be in the form of cash, or in the form of noncash assets such as donated commodities. Revenue for accrual basis expenditure funds is limited to amounts received in cash or noncash donations, plus or minus adjustments for revenue accruals.

(2) "Cash basis revenue" shall mean the actual receipt of revenue not adjusted for revenue accruals.

(3) "Revenue accruals" shall mean those revenues which are (a) anticipated to be received in cash after the close of the fiscal period and (b) represent reimbursement for expenditures incurred by the end of the fiscal period. In order for revenue to be included in revenue accruals, it must meet the above tests.

Revenue accruals, if they meet both tests include: Reimbursements on categorical grants for which expenditures have been made but payment has not been received; payments from other school districts that are due, but are not collected by the end of the fiscal period; deferrals of apportionment payments by the state when a deferral occurs because of district request or state mandate, and the revenue is due to the district; and rental or lease payments that are currently due, and there is reasonable assurance of payment.

Revenue that cannot be accrued because it does not meet the above tests includes: Collection of excess levies not expected to be received until after the end of the fiscal period and PL 874 funds that are to be received in cash in the following fiscal period, i.e. the twenty-five

percent payment that is received after the end of the fiscal period.

(4) "Accrual basis expenditures" shall mean expenditures incurred during a given fiscal period, whether paid or unpaid.

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

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

(7) "Disbursements" shall mean payments in cash, including but not limited to issuance of warrants. [Statutory Authority: RCW 28A.65.465, 83-21-027 (Order 83-12), § 392-123-047, filed 10/10/83; 82-19-048 (Order 82-13), § 392-123-047, filed 9/14/82.]

WAC 392-123-049 Basis of budgeting and accounting. All school districts must utilize the following methods of revenue and expenditure recognition in budgeting, accounting, and financial reporting:

(1) Recognize revenue as defined in WAC 392-123-047: *Provided*, That school districts that elect the cash basis of expenditure recognition as defined below shall recognize revenue on the cash basis.

(2) Recognition of expenditures for all funds shall be on the accrual basis: *Provided*, That school districts with under one thousand full time equivalent students for the preceding fiscal year may make a uniform election for all funds, except debt service funds, to be on the cash basis of expenditure recognition. Notification of such election shall be given to the state superintendent of public instruction in the budget of the school district and shall remain in effect for one full fiscal year. [Statutory Authority: RCW 28A.65.465, 83-21-027 (Order 83-12), § 392-123-049, filed 10/10/83; 82-19-048 (Order 82-13), § 392-123-049, filed 9/14/82.]

WAC 392-123-053 Budget contents. Each school district that anticipates being an operating district in the common school system of the state during the following fiscal year shall prepare a budget. For districts anticipating consolidation or annexation, separate budgets shall be prepared pending official consolidation or annexation proceedings.

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

All items on the budget form shall be completed correctly in accordance with instructions provided by the superintendent of public instruction before the budget is presented for hearing review and approval. Information

pertaining to budget development which is not available at the time of budget preparation shall be estimated using the most current and reliable information available.

The budget shall set forth the estimated revenues for the budgeted fiscal year, the estimated revenues for the fiscal year current at the time of budget preparation, the actual revenues for the last completed fiscal year, and the reserved and unreserved fund balances for each year. The estimated revenues from all sources for the ensuing fiscal year shall not include any revenue not anticipated to be available during that fiscal year: *Provided*, That school districts, pursuant to WAC 392-123-060 can be granted permission by the superintendent of public instruction to include as revenues in their budgets, receivables collectible in future fiscal years.

Any budget or appropriation adopted by the board of directors that contains estimated expenditures in excess of the total of estimated revenue for the budgeted fiscal year plus estimated fund balance at the beginning of the budgeted fiscal year less ending reserve fund balance for the budgeted year without written permission from the superintendent of public instruction shall be null and void and shall not be considered an appropriation.

The budget shall set forth by detailed items or classes the estimated expenditures for the budgeted fiscal year, the estimated expenditures for the fiscal year current at the time of budget preparation, and the actual expenditures for the last completed fiscal year. Total salary amounts, full-time equivalents and the high, low and average annual salaries shall be displayed by each job classification within each activity within each program. If individual salaries within each position title are not displayed, districts shall provide individual salaries together with the position title of the recipient and the total salary amounts budgeted for each program upon request. Salary schedules shall be displayed. In districts where negotiations have not been completed, the district may budget the salaries at the current year's rate and restrict fund balance for the amount of anticipated increase in salaries, so long as an explanation shall be attached to the budget on such restriction of fund balance. [Statutory Authority: RCW 28A.65.465, 83-21-027 (Order 83-12), § 392-123-053, filed 10/10/83; 80-06-043 (Order 80-16), § 392-123-053, filed 5/13/80; Order 8-76, § 392-123-053, filed 7/23/76.]

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	Same as first-class.

Final Date For Action	First-Class Districts	Second-Class Districts
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on file in the school district administration office, that a copy thereof will be furnished any person who will call upon the district for it, and that the board of directors will meet for the purpose of fixing and adopting the budget of the district for the ensuing fiscal year. Such notice shall designate the date, time, and place of said meeting. The notice shall also state that any person may appear thereat and be heard for or against any part of such budget. Said notice shall be published at least once each week for two consecutive weeks in a newspaper of general circulation in the district, or, if there be none, in a newspaper of general circulation in the 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 15

Final date to have sufficient number of copies of budget to meet reasonable demands of public. Also, final date to submit one copy of budget to educational service district for review and comment.

July 20

Final date to have sufficient copies of budget to meet reasonable demands of public. 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.

Final Date For Action	First-Class Districts	Second-Class Districts	Final Date For Action	First-Class Districts	Second-Class Districts
August 1		<p>Final date for board directors to meet in public hearing and fix and adopt said budget.</p> <p>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.</p> <p>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.</p>			<p>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.</p>
			September 3	Final date for district to file three 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 and the appropriate county auditor. One copy will be retained by educational service district.	Same as first-class except one copy of adopted and approved budget must be returned to local school district by this date.
August 3		Last date to forward four 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.				
August 31	Final date for board of directors to meet in public hearing and fix and adopt said budget. Such hearing may be continued not to exceed a total of two days: <i>Provided</i> , That the budget must be adopted no later than August 31st. Upon conclusion of the hearing, the board of directors shall fix and determine the appropriation from each fund contained in the budget separately, and shall by resolution adopt the budget and the appropriations as so finally determined, and enter the same in the official minutes of the board.	Last date for the budget review committee to fix and approve the amount of the appropriation from each fund of the budget. No budget review committee shall knowingly approve any budget or appropriation that is in violation of state law or rules and regulations adopted by the superintendent of public instruction. A copy of said budget shall be returned to the local school districts no later than September 10th.			

[Statutory Authority: RCW 28A.65.465. 83-21-027 (Order 83-12), § 392-123-054, filed 10/10/83. 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 available, as defined in WAC 392-123-047 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 available 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.65.465. 83-21-027 (Order

83-12), § 392-123-055, filed 10/10/83. 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 392-123-060 Petition to budget receivables collectible in future fiscal periods. When a school district is unable to prepare a budget or a budget extension in which the estimated revenues for the budgeted fiscal period plus the estimated fund balance or actual fund balance in case of a budget extension, at the beginning of the budgeted fiscal period less the ending reserved fund balance for the budgeted fiscal year do not at least equal the estimated expenditures for the budgeted fiscal period, the school district board of directors may deliver a petition in writing at least twenty days before the budget or budget extension is scheduled for adoption to the superintendent of public instruction requesting permission to include receivables collectible in future periods beyond the fiscal period being budgeted in order to balance the budget or budget extension for the fiscal period being budgeted. Said petition shall include a resolution of the school board requesting permission to budget receivables collectible in future fiscal periods and other such information as the superintendent of public instruction shall deem as necessary.

If such permission is granted, it shall be in writing, and it shall contain conditions, binding on the district, designed to improve the district's financial condition. [Statutory Authority: RCW 28A.65.465. 83-21-027 (Order 83-12), § 392-123-060, filed 10/10/83; 80-06-043 (Order 80-16), § 392-123-060, filed 5/13/80; Order 8-76, § 392-123-060, filed 7/23/76; Order 7-75, § 392-123-060, filed 12/22/75. Formerly WAC 392-30-100.]

WAC 392-123-065 Noncompliance with binding restrictions. If a school district fails to comply with any binding restrictions issued by the superintendent of public instruction pursuant to WAC 392-123-060, the allocation of state funds for support of the school district may be withheld, pending an investigation of the reason for such noncompliance by the superintendent of public instruction. Written notice of the intent to withhold state funds, with reasons stated for this action, shall be made to the school district by the superintendent of public instruction before any portion of the state allocation is withheld. [Statutory Authority: RCW 28A.65.465. 80-06-043 (Order 80-16), § 392-123-065, filed 5/13/80; Order 8-76, § 392-123-065, filed 7/23/76; Order 7-75, § 392-123-065, filed 12/22/75. Formerly WAC 392-30-110.]

WAC 392-123-070 Overexpending and exceeding the budget. Total budgeted expenditures for each fund as adopted in the budget of a school district shall constitute the appropriations of the district for the budgeted fiscal

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

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

Nothing in this section shall be construed to limit the duty of the attorney general to carry out the provisions of RCW 43.09.260, as now or hereafter amended. [Statutory Authority: RCW 28A.65.465. 83-21-027 (Order 83-12), § 392-123-070, filed 10/10/83; Order 8-76, § 392-123-070, filed 7/23/76; Order 7-75, § 392-123-070, filed 12/22/75. Formerly WAC 392-30-130.]

WAC 392-123-071 Budget extensions--First-class school districts. Upon the happening of any emergency in 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.

Three copies of all adopted appropriation resolutions shall be filed with the educational service district, who shall forward one copy each to the superintendent of public instruction and the appropriate county auditor. One copy shall be retained by the educational service district. 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 in the format prescribed 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.65.465. 83-21-027 (Order 83-12), § 392-123-071, filed 10/10/83. 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 in the format prescribed by the superintendent of public instruction. Four 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 educational service district or the superintendent of public instruction to the extent that the current appropriation has been exceeded prior to the request for budget extension.

Copies of all appropriation resolutions approved by the superintendent of public instruction shall be filed by the superintendent of public instruction with the educational service district, and the appropriate county auditor. [Statutory Authority: RCW 28A.65.465. 83-21-027 (Order 83-12), § 392-123-072, filed 10/10/83. 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 392-123-074 Effective date of appropriation resolutions. The effective date of appropriation resolutions are as follows:

	First-Class Districts	Second-Class Districts
Resolutions adopted pursuant to WAC 392-123-054.	12:01 a.m. September 1.	12:01 a.m. September 1 or when approved by the budget review committee, whichever is later.
Resolutions adopted pursuant to WAC 392-123-071 and 392-123-072.	When filed.	When approved by the superintendent of public instruction.

[Statutory Authority: RCW 28A.65.465. 80-06-043 (Order 80-16), § 392-123-074, filed 5/13/80.]

WAC 392-123-076 Identification of balanced budget. For each fund contained in the school district

budget the estimated expenditures for the budgeted fiscal period must not be greater than the total of the estimated revenues for the budgeted fiscal period, plus the estimated fund balance at the beginning of the budgeted fiscal period, less the estimated reserved fund balance at the end of the budgeted fiscal period and the projected revenue from receivables collectible in future periods as approved by the superintendent of public instruction for inclusion in the budget.

The proceeds of any interfund loan must not be used to balance the budget of the borrowing fund. [Statutory Authority: RCW 28A.65.465. 83-21-027 (Order 83-12), § 392-123-076, filed 10/10/83; 80-06-043 (Order 80-16), § 392-123-076, filed 5/13/80; Order 8-76, § 392-123-076, filed 7/23/76.]

WAC 392-123-077 Termination of appropriations. All appropriations shall lapse at the end of the school district fiscal year. At the expiration of said period all appropriations of said period shall become null and void and any claim presented thereafter against any such appropriation for the fiscal period just closed shall be provided for in the appropriations for the ensuing fiscal period. [Statutory Authority: RCW 28A.65.465. 80-06-043 (Order 80-16), § 392-123-077, filed 5/13/80; Order 8-76, § 392-123-077, filed 7/23/76.]

WAC 392-123-078 Review of first-class school district budgets and budget extensions. Budgets of first-class school districts shall be reviewed by the educational service district prior to adoption by the school district board of directors. First-class school districts shall submit a copy of their budgets to their educational service district for review at least fourteen days prior to budget adoption but not later than July 20.

The educational service district shall notify each of its first-class school districts of any problems noted during the review prior to adoption of the budget by the school district.

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

Budgets and budget extensions adopted by first-class school districts shall be reviewed by the educational service district prior to filing these documents with the superintendent of public instruction.

Said review shall include but is not limited to completion of data entry and edit, review of revenues and reserved and unreserved fund balances for accuracy, appropriateness of expenditures and determination of whether or not the budget of budget extension is in compliance with this chapter, state statutory law and budget instructions issued by the superintendent of public instruction.

The educational service district shall notify the district of all problems noted in the review and the due date for correction of the problems. Should the school district fail to meet the due date for correction, the educational service district shall notify the superintendent of public instruction. The superintendent of public instruction shall proceed in the manner prescribed in WAC 392-

123-080 through 392-123-105. [Statutory Authority: RCW 28A.65.465. 83-21-027 (Order 83-12), § 392-123-078, filed 10/10/83; 80-06-043 (Order 80-16), § 392-123-078, filed 5/13/80.]

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 reserved and unreserved fund balances 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 reserved and unreserved fund balances 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.65.465. 83-21-027 (Order 83-12), § 392-123-079, filed 10/10/83. 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 392-123-080 Budget determined to be unsound after superintendent's review. If the superintendent of public instruction determines that the budget of any school district does not comply with this chapter and/or the provisions of state statutory law applicable to school

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

WAC 392-123-095 Budget as noncompliant and un-sound. A school district shall submit a revised budget within thirty days following the date the superintendent of public instruction issues a written notice requiring the district to do so. The revised budget shall comply with state statutory law and this chapter. [Statutory Authority: RCW 28A.65.465. 83-21-027 (Order 83-12), § 392-123-095, filed 10/10/83; 80-06-043 (Order 80-16), § 392-123-095, filed 5/13/80; Order 8-76, § 392-123-095, filed 7/23/76; Order 7-75, § 392-123-095, filed 12/22/75. Formerly WAC 392-30-180.]

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

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

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

Order 7-75, § 392-123-110, filed 12/22/75. Formerly WAC 392-30-210.]

WAC 392-123-115 Monthly budget status 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 fund 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.65.465. 83-21-027 (Order 83-12), § 392-123-115, filed 10/10/83. 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 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.65.465. 83-21-027 (Order 83-12), § 392-123-120, filed 10/10/83. 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 392-123-132 Reconciliation of monthly county treasurers' statements to district records. Every school district shall reconcile ending net cash and investments, revenues and expenditures reported by the county treasurer with the district records for all funds. Any differences shall be noted and adjustments to school district records shall be made if necessary. [Order 8-76, § 392-123-132, filed 7/23/76.]

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

WAC 392-123-140 Interfund loans allowable. Loans are allowable to the general fund, the transportation vehicle fund, the capital projects fund and the debt service fund. Loans are allowable from the general fund and the capital projects fund. Loans shall not be made to the detriment of any function or project for which the fund was established. [Statutory Authority: RCW 28A.65.465. 83-21-027 (Order 83-12), § 392-123-140, filed 10/10/83; 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.]

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.

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

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

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

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

WAC 392-123-165 Contractual liability extending beyond end of fiscal period. The board of directors of any school district may enter into contracts for their respective districts for periods not exceeding five years in duration with public and private persons, organizations, and entities for the following purposes:

- (1) To rent or lease building space, portable buildings, security systems, computers, and other equipment; and
- (2) To have maintained and repaired security systems, computers and other equipment.

The budget for each fund of each school district shall contain a schedule which identifies that portion of each contractual liability incurred pursuant to RCW 28A.58.131 which extends beyond the fiscal period being budgeted. Said schedule shall list for each such contractual liability a brief description, the accounting code, the beginning and ending dates, the total dollar amount, and the estimated dollar amount extending beyond the end of the fiscal period being budgeted. [Statutory Authority: RCW 28A.65.465 and 28A.58.131. 78-08-035 (Order 4-78), § 392-123-165, filed 7/18/78.]

WAC 392-123-170 Proceeds from the sale of school district real property. Pursuant to RCW 28A.58.0461 the proceeds from any sale of school district real property by a board of directors shall be deposited to the debt service fund and/or the capital projects fund, except for amounts required to be expended for the costs associated with the sale of such property, which moneys may be deposited into the fund from which the expenditure was incurred. [Statutory Authority: RCW 28A.65.465. 83-21-027 (Order 83-12), § 392-123-170, filed 10/10/83.]

WAC 392-123-175 Proceeds from the lease, rental or occasional use of surplus property. Pursuant to RCW 28A.58.035 each school district's board of directors shall deposit moneys derived from the lease, rental or occasional use of surplus school property as follows:

(1) Moneys derived from real property shall be deposited into the district's capital projects fund except for moneys required to be expended for general maintenance, utility, insurance costs, and any other costs associated with the lease or rental of such property, which money shall be deposited in the district's general fund;

(2) Moneys derived from pupil transportation vehicles shall be deposited in the district's transportation vehicle fund;

(3) Moneys derived from other personal property shall be deposited in the district's general fund. [Statutory Authority: RCW 28A.65.465. 83-21-027 (Order 83-12), § 392-123-175, filed 10/10/83.]

WAC 392-123-180 Bond proceeds. Money derived from the sale of bonds, including interest earnings thereof, shall be deposited in the capital projects fund and may only be used for the following purposes as enumerated in RCW 28A.51.010.

(1) Funding outstanding indebtedness or bonds theretofore issued; or

(2) Purchase of sites for all buildings, playgrounds, physical education and athletic facilities and structures authorized by law or necessary or proper to carry out the functions of a school district; or

(3) Erecting all buildings authorized by law, including but not limited to those listed immediately above or necessary or proper to carry out the functions of a school district, and providing necessary furniture, apparatus, or equipment; or

(4) Improving the energy efficiency of school district buildings and/or installing systems and components to

utilize renewable and/or inexhaustible energy resources; or

(5) Major and minor structural changes and structural additions to buildings, structures, facilities and sites necessary or proper to carrying out the functions of the school district.

Accrued interest paid for bonds sold shall be deposited in the debt service fund. [Statutory Authority: RCW 28A.65.465. 83-21-027 (Order 83-12), § 392-123-180, filed 10/10/83.]

Chapter 392-125 WAC

FINANCE—EDUCATIONAL SERVICE DISTRICT BUDGETING

WAC

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Reviser's note: With the filing of superintendent of public instruction Order 7-75, on December 22, 1975, chapter 392-31 WAC, entitled, "Intermediate school district budgeting," has been superseded by chapter 392-125 WAC. See Title 392 WAC digest page for disposition of chapters and reference notes.

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 392-125-005 Purposes. The purposes of this chapter are to implement RCW 28A.21.135 through 28A.21.310 and establish budgeting procedures governing educational service districts. [Statutory Authority: RCW 28A.21.135 et seq. 79-07-005 (Order 1-79), § 392-125-005, filed 6/7/79; Order 8-76, § 392-125-005, filed 7/23/76; Order 7-75, § 392-125-005, filed 12/22/75. Formerly WAC 392-31-010.]

WAC 392-125-010 Principles of accounting. In all cases, the budgeting and accounting systems of educational service districts shall be governed by generally accepted accounting principles modified where necessary

by statute and/or this chapter. *The Accounting Manual for Educational Service Districts* shall govern the accounting system of educational service districts and is hereby incorporated into this chapter by this reference. 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 392-125-025 Budget approval. The superintendent of public instruction shall revise and fix the annual budget of each educational service district, establish the appropriation and return two approved copies of the budget to the district prior to the 30th day of June. One of the copies returned to the district shall be forwarded to the county auditor of the headquarters county of the district. The other copy returned to the district shall be for district use. The superintendent shall submit a copy of the district's approved budget to the state auditor. [Order 8-76, § 392-125-025, filed 7/23/76; Order 7-75, § 392-125-025, filed 12/22/75. Formerly WAC 392-31-050.]

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

On or Before	Requirement
May 1	Final date for board to prepare budget. Immediately thereafter publish notice of the completion of the budget as provided in WAC 392-125-020.
2 weeks preceding public hearing	Copies of budget made available to interested citizens.
May 18	Final date for board in public hearing to fix and adopt the budget. (The maximum time for this hearing is two days.)

On or Before	Requirement
Conclusion of hearing	Board resolution to adopt budget (obtain signature of chairman of superintendents' advisory committee).
May 20	Forward four properly signed copies of budget to superintendent of public instruction.
June 30	Superintendent revises, fixes and approves budget and returns two copies to the district (one for county auditor of headquarters county).

[Order 8-76, § 392-125-030, filed 7/23/76; Order 7-75, § 392-125-030, filed 12/22/75. Formerly WAC 392-31-060.]

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

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

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

(4) All pertinent items on the budget form shall be completed correctly before the budget is presented for hearing, review, and approval. Information pertaining to budget development which is not available at the time of budget preparation shall be estimated using the most current and reliable information available. All budgets shall be prepared on the modified accrual basis. Accruals of expenditures for the beginning of the fiscal year and estimates of ending accrued expenditures shall be displayed in the budget document with the difference between these amounts being an adjustment to expenditures to calculate disbursements. [Statutory Authority:

RCW 28A.21.135. 80-06-042 (Order 80-15), § 392-125-035, filed 5/13/80. Statutory Authority: RCW 28A.21.135 et seq. 79-07-005 (Order 1-79), § 392-125-035, filed 6/7/79; Order 8-76, § 392-125-035, filed 7/23/76; Order 7-75, § 392-125-035, filed 12/22/75. Formerly WAC 392-31-070.]

WAC 392-125-036 Core services funding formula.

(1) The superintendent of public instruction shall biennially review and adopt the core services funding formula for educational service districts based upon RCW 28A.21.136, 28A.21.137 and the considerations set forth in this section.

(2) The core services funding formula shall be established to identify basic, uniform services to be provided to school districts and to the superintendent of public instruction by educational service districts.

(3) The core funding formula provides for the equalization of services by educational service districts based on geographical features, number and size of districts served, and facility requirements.

(4) All educational service districts shall be allocated the following positions without regard to size:

- (a) Superintendent;
- (b) Executive secretary;
- (c) Receptionist;
- (d) Internal accountant;
- (e) Grants manager;
- (f) Secretary; and
- (g) Certification clerk.

(5) All other positions in addition to those specified in subsection (4) of this section, both professional and clerical, shall be allocated on the basis of workload, e.g., total number of school districts, number of second-class school districts, number of on-line computer reports required. These positions shall be allocated to the educational service districts in the following manner:

(a) To provide fiscal office support to school districts most in need, allocations shall be based on the number of second-class school districts served.

(b) In the case of terminal operators, allocation shall be on a workload basis associated with the amount of hours required to process state reports.

(c) The allocation of assistant superintendent positions shall be based on the number of second-class school districts served.

(d) The level of curriculum and instruction services provided by educational service districts shall be based on the number of school districts served, regardless of district enrollment.

(6) Travel expenses shall be based on a mileage factor calculated for each educational service district. The factor shall be calculated by measuring the distance between each school district headquarters and the respective educational service district headquarters and obtaining the total mileage for the educational service district. The total mileage shall be multiplied by the number of professional staff allocated to the respective educational service district. The product shall then be multiplied by a standard dollar amount to be determined

by the superintendent of public instruction after consultation with the Educational Service District Superintendents' Association.

(7) The expenses of board members shall be provided for in the formula by allocating a dollar amount to be determined by the superintendent of public instruction after consultation with the Educational Service District Superintendents' Association for each educational service district board member.

(8) Maintenance and operation expenditures shall be provided in the formula by allocating a dollar amount to be determined by the superintendent of public instruction after consultation with the Educational Service District Superintendents' Association for each core staff position.

(9) The annual housing costs for each educational service district shall be agreed upon by the educational service district superintendents and approved by the superintendent of public instruction or his or her designee.

(10) Total compensation of core positions shall be allocated in accordance with the state biennial appropriations act.

(11) Unique situations may dictate exceptions to the formula which shall be recommended by the Educational Service District Superintendents' Association and approved by the superintendent of public instruction or his or her designee.

(12) The elements set forth in subsections (1) through (11) of this section shall:

(a) Serve as bases for preparing biennial budget requests to the regular sessions of the Washington state legislature; and

(b) Be considered in the approval or disapproval of the annual budgets of the educational service districts by the superintendent of public instruction. [Statutory Authority: RCW 28A.21.135 et seq. 79-07-005 (Order 1-79), § 392-125-036, filed 6/7/79.]

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

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

filed 7/23/76; Order 7-75, § 392-125-045, filed 12/22/75. Formerly WAC 392-31-090.]

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

WAC 392-125-054 Budget transfers. Transfers between budget classes may be made by the educational service district superintendent or finance officer, subject to such restrictions as may be imposed by the educational service district board of directors. [Statutory Authority: RCW 28A.21.135. 80-06-042 (Order 80-15), § 392-125-054, filed 5/13/80.]

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

If an educational service district needs an increase in the amount of the appropriation for any reason, the educational service district board of directors shall adopt a resolution stating the 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 392-125-020. Its introduction and passage shall require the vote of a majority of all members of the educational service district board of directors.

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

An educational service district board shall secure the signature of the chairman of the superintendent's advisory committee as an indication that the budget extension resolution and the revised budget document or budget extension forms have been reviewed by the committee.

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

The appropriation resolution approved by the superintendent of public instruction shall be filed by the superintendent of public instruction with the educational service district, the office of the state auditor, and the appropriate county auditor. [Statutory Authority: RCW 28A.21.135. 80-06-042 (Order 80-15), § 392-125-055, filed 5/13/80; Order 8-76, § 392-125-055, filed

7/23/76; Order 7-75, § 392-125-055, filed 12/22/75. Formerly WAC 392-31-110.]

WAC 392-125-060 Monthly budget status report. A budget status report shall be prepared by the administration of each educational service district on a monthly basis. A monthly budget status report shall contain the most current information available at the time of preparation and shall be made available to each member of the district board at its regular monthly meeting 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 392-125-065 Content of the monthly budget status. The monthly budget status report shall contain the most current approved budget amounts by summary level accounts and the cash and investment balance at the beginning and end of the period being analyzed. Encumbrances also shall be reflected in the report. The report shall display activity on a fiscal year-to-date basis on both revenues and expenditures and the "as of" date shall be indicated at the top of the report. The report shall be signed by the educational service district superintendent. [Order 8-76, § 392-125-065, filed 7/23/76; Order 7-75, § 392-125-065, filed 12/22/75. Formerly WAC 392-31-130.]

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

WAC 392-125-080 Contractual liability extending beyond end of fiscal period. The board of any educational district may enter into contracts for their respective districts for periods not exceeding five years in duration with public and private persons, organizations, and entities for the following purposes:

- (1) To rent or lease building space, portable buildings, security systems, computers, and other equipment; and
- (2) To have maintained and repaired security systems, computers and other equipment.

The budget of each educational service district shall contain a schedule which identifies that portion of each

contractual liability incurred pursuant to RCW 28A.21-.310 which extends beyond the fiscal period. Said schedule shall list for each such contractual liability a brief description, the accounting code, the beginning and ending dates, the total dollar amount, and the estimated amount extending beyond the end of the fiscal period being budgeted. [Statutory Authority: RCW 28A.21-.135, 28A.21.310 and 28A.65.465. 78-08-036 (Order 5-78), § 392-125-080, filed 7/18/78.]

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.

Reviser's note: With the filing of superintendent of public instruction Order 7-75, on December 22, 1975, chapter 392-14 WAC, entitled, "Emergency school closure—Appointment," has been superseded by chapter 392-129 WAC. See Title 392 WAC digest page for disposition of chapters and reference notes.

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 392-134 WAC

FINANCE--APPORTIONMENT FOR PART-TIME PUBLIC SCHOOL ATTENDANCE

WAC

392-134-001	Purposes.
392-134-005	Definitions.
392-134-010	Attendance rights of part-time public school students.
392-134-015	Enrollment practices and conditions.
392-134-020	Provision of educational program to part-time public school students--Reports--Sites.
392-134-025	State funding procedures.
392-134-030	Compliance with rules as a condition of state funding.

WAC 392-134-001 Purposes. The purposes of this chapter are to implement RCW 28A.41.145 in a constitutional manner and assure equal access to the public common school system by the residents of the state on a part-time attendance basis. [Statutory Authority: RCW 28A.41.145. 80-05-035 (Order 80-6), § 392-134-001, filed 4/15/80.]

WAC 392-134-005 Definitions. As used in this chapter the term: (1) "Ancillary service" shall mean any cocurricular service or activity, any health care service or activity, and any other services or activities, except "courses," for or in which preschool through twelfth grade students are enrolled by a public school. The term shall include, but not be limited to, counseling, psychological services, testing, remedial instruction, speech and hearing therapy, health care services, tutorial services such as home or hospital instruction for the physically disabled, and sports activities;

(2) "Course" shall mean any instructional curricular service or activity in which preschool through twelfth grade students are enrolled by a public school;

(3) "Part-time public school student" shall mean a student who is enrolled in a public school for less time than a "full-time equivalent student" as defined in chapter 392-121 WAC, as now or hereafter amended, and shall include:

(a) Private school students to the extent they are also enrolled in a public school as a student thereof for the purpose of taking any course or receiving any ancillary service, or any combination of courses and ancillary services which is not available in the student's private school of attendance; and

(b) Any student who is enrolled exclusively in a public school for the purpose of taking courses or receiving ancillary services and/or participating in a work training program approved by the board of directors of the district;

(4) "Private school" shall mean any nonpublic vocational school and any nonpublic school which provides instruction in any of the grades kindergarten through twelve inclusive of nonpublic sectarian (religious) schools; and

(5) "Private school student" shall mean a student who is enrolled in a private school "full-time" as defined by the private school of attendance. [Statutory Authority: RCW 28A.41.145. 80-05-035 (Order 80-6), § 392-134-005, filed 4/15/80.]

WAC 392-134-010 Attendance rights of part-time public school students. An eligible part-time public school student who qualifies as a resident of a public school district pursuant to the definition of a "resident student" set forth in chapter 392-137 WAC, as now or hereafter amended, shall be entitled to attend the schools of the district within his or her attendance area tuition free on a part-time basis. An eligible part-time public school student shall be entitled to take any course, receive any ancillary service, and take or receive any combination of courses and ancillary services which is made available by a public school to full-time students. Eligible nonresident part-time public school students may be enrolled at the discretion of a public school district pursuant to the terms and procedures established for nonresident student attendance in chapter 392-137 WAC, as now or hereafter amended. [Statutory Authority: RCW 28A.41.145. 80-05-035 (Order 80-6), § 392-134-010, filed 4/15/80.]

WAC 392-134-015 Enrollment practices and conditions. (1) Requests for part-time attendance shall be processed by a public school only when made by the student, the student's parent(s), or the student's guardian(s); and,

(2) The enrollment of a part-time public school student who otherwise attends a private school shall be conditioned upon the certification by the student or by the student's parent(s) or guardian(s) as may be required by the public school, that:

(a) The student is a private school student; and

(b) The course and/or ancillary service for which enrollment is requested is not available at the private school of attendance. [Statutory Authority: RCW 28A.41.145. 80-05-035 (Order 80-6), § 392-134-015, filed 4/15/80.]

WAC 392-134-020 Provision of educational program to part-time public school students--Reports--Sites. (1) Courses, ancillary services, and any combination of courses and ancillary services shall be provided to part-time public school students at the same level and quality as provided by the public school to full-time students;

(2) Courses, ancillary services, and any combination of courses and ancillary services shall be provided to part-time public school students upon public school grounds or on sites which are controlled by a public school district and at the home or hospital where the student may be confined by reason of a physician disability or sickness. Courses and ancillary services shall not be provided upon or within any private sectarian (religious) school site or facility: *Provided*, That field trips and special events incident to the public school program which include participation by both full-time and part-time public school students may be conducted by a public school upon or within private sectarian school facilities;

(3) No test result, grade, or other evaluation of a part-time public school student's abilities, needs, and/or performance which is generated by a public school in connection with the student's attendance may be transmitted or communicated by a public school to a private school except upon the written request of a minor student's parent(s) or guardian(s) or upon the written request of the student if the student is eighteen years of age or older; and,

(4) Transportation between a part-time public school student's private school and a public school in which he/she is enrolled may not be provided to the student at the expense of a public school district in whole or part: *Provided*, That the following interschool transportation may be provided at the expense of a public school district:

(a) Transportation which is provided in connection with a part-time student's participation in field trips and special events permitted by subsection (2) above; and

(b) The transportation of part-time public school students which:

(i) Is necessary to comply with a condition to the receipt of federal funds; and

(ii) Is paid or reimbursed for with the federal funds to which the condition is attached, not state or local tax funds or revenues. [Statutory Authority: RCW 28A.41.145. 80-05-035 (Order 80-6), § 392-134-020, filed 4/15/80.]

WAC 392-134-025 State funding procedures. (1) Public school districts shall maintain a record of the number of hours each part-time public school student is enrolled.

(2) Each district shall report to the superintendent of public instruction as required the number of hours that courses and/or ancillary services, or any combination of courses and ancillary services, are provided to part-time students in the basic enrollment data for state funding purposes.

(3) The information required by subsections (1) and (2) above shall be provided to the superintendent of public instruction on forms provided by and at such times as are designated by the superintendent. [Statutory Authority: RCW 28A.41.145. 80-05-035 (Order 80-6), § 392-134-025, filed 4/15/80.]

WAC 392-134-030 Compliance with rules as a condition of state funding. Each public school district shall certify compliance with this chapter as a condition to the reimbursement of costs pursuant to RCW 28A.41.130, 28A.41.140 and 28A.41.145, as now or hereafter amended. State and federal funds shall be withheld in whole or part or recovered in whole or part through reduction in future entitlements of a district as necessary to enforce the provisions and intent of this chapter. [Statutory Authority: RCW 28A.41.145. 80-05-035 (Order 80-6), § 392-134-030, filed 4/15/80.]

Chapter 392-135 WAC

FINANCE--INTERDISTRICT COOPERATION PROGRAMS

WAC

392-135-005	Purposes.
392-135-010	Definitions.
392-135-015	Program types.
392-135-020	Application--Requirements for approval.
392-135-021	Reporting requirements.
392-135-030	Cooperative financing of construction.
392-135-035	Nonhigh school district obligation.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

392-135-025	Additional weighting support. [Order 7-75, § 392-135-025, filed 12/22/75. Formerly WAC 392-135-925, 392-15-720.] Repealed by 80-05-036 (Order 80-7), filed 4/15/80. Statutory Authority: RCW 28A.58.075(2) and 28A.58.245.
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Reviser's note: With the filing of superintendent of public instruction Order 7-75, on December 22, 1975, chapter 392-15 (part) WAC, entitled, "Interdistrict cooperation," has been superseded by chapter 392-135 WAC. See Title 392 WAC digest page for disposition of chapters and reference notes.

WAC 392-135-005 Purposes. The purposes of this chapter are to implement RCW 28A.58.075(2) and 28A.58.245 and establish the conditions pursuant to which school districts may cooperate in interdistrict tuition-free educational programs, including but not limited to vocational and handicapped programs. [Statutory Authority: RCW 28A.58.075(2) and 28A.58.245. 80-05-036 (Order 80-7), § 392-135-005, filed 4/15/80; Order 7-75, § 392-135-005, filed 12/22/75. Formerly WAC 392-15-900.]

WAC 392-135-010 Definitions. As used in this chapter, the term: (1) "Residence," "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 392-135-015 Program types. Subject to the prior approval of the superintendent of public instruction, any school district may cooperate with one or more other school districts in the joint maintenance and operation of educational programs or services:

(1) As a part of the operation of a joint facility, or otherwise; and

(2) On a full- or part-time attendance basis, or a regular 180-day or extended school year basis. [Order 7-75, § 392-135-015, filed 12/22/75. Formerly WAC 392-15-910, 392-15-735.]

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

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

(a) 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.]

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

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

Chapter 392-136 WAC

FINANCE—CONVERSION OF ACCUMULATED SICK LEAVE

WAC

392-136-005	Purpose.
392-136-010	Definitions.
392-136-015	Annual conversion of accumulated sick leave.
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 392-136-010 Definitions. As used in this chapter:

(1) The term "month of employment" shall mean each calendar month during which an individual is considered by a school district to be an employee of the district by virtue of the existence of an oral or written contractual relationship which either obligates the individual to perform services during the month or thereafter or obligates the district to provide compensation to the individual during the month or thereafter for services provided, or both.

(2) The terms "full day" and "full day of sick leave" shall each mean and be equivalent to one day of full-time employment for each employee or classification of employees as established by policies now or hereafter adopted by each individual school and educational service district board or by the pertinent terms of applicable collective bargaining contracts, or both.

(3) The term "full-time daily rate of compensation" shall mean the salary of an employee or classification of employees for each full day of employment exclusive of supplemental pay such as extracurricular pay, overtime pay, standby pay and premium pay, and exclusive of fringe benefits such as health insurance premiums and other forms of insurance premiums.

(4) The term "sick leave" shall mean leave granted to an employee for the purpose of absence from work with pay in the event of illness or injury, or both. [Statutory Authority: 1980 c 182 §§ 5 and 6. 80-12-029 (Order 80-23), § 392-136-010, filed 8/28/80.]

WAC 392-136-015 Annual conversion of accumulated sick leave. (1) Commencing in January 1981, and each January thereafter, each eligible, current employee of a school district and educational service district may elect to convert excess sick leave to monetary compensation as provided in this section.

(2) Eligible employees, excess sick leave and the conversion of excess sick leave to monetary compensation shall be determined as follows:

(a) Eligible employees: In order to be eligible to convert excess sick leave days to monetary compensation, an employee:

(i) Shall have accumulated in excess of sixty full days of unused sick leave at a rate of accumulation no greater than one full day per month (a maximum of twelve days per year) as of the end of the previous calendar year; and

(ii) Shall provide written notice to his or her employer during the month of January of his or her intent to convert excess sick leave days to monetary compensation.

(b) Excess sick leave: The number of sick leave days which an eligible employee may convert shall be determined by:

(i) Taking the number of sick leave days in excess of sixty full days that were accumulated by the employee during the previous calendar year 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); and

(ii) Subtracting therefrom the number of sick leave days used by the employee during the previous calendar year.

The remainder, if positive, shall constitute the number of sick leave days which may be converted to monetary compensation.

(c) 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 current, full-time daily rate of compensation for each full day of eligible sick leave. Partial days of eligible sick leave shall be converted on a pro rata basis.

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

(4) 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: 1980 c 182 §§ 5 and 6. 80-12-029 (Order 80-23), § 392-136-015, 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	
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Reviser's note: With the filing of superintendent of public instruction Order 7-75, on December 22, 1975, chapter 392-15 (part) WAC, entitled, "Interdistrict cooperation," has been superseded by chapter 392-137 WAC. See Title 392 WAC digest page for disposition of chapters and reference notes.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

392-137-005	Purposes. [Order 7-75, § 392-137-005, filed 12/22/75. Formerly WAC 392-15-800.] Repealed by 80-05-037 (Order 80-8), filed 4/15/80. Statutory Authority: RCW 28A.58.240 and 28A.58.242.
392-137-050	Agreements and policies deemed approved--Retention and filing of. [Order 7-75, § 392-137-050, filed 12/22/75. Formerly WAC 392-15-855.] Repealed by 80-05-037 (Order 80-8), filed 4/15/80. Statutory Authority: RCW 28A.58.240 and 28A.58.242.

WAC 392-137-001 Purposes. The purposes of this chapter are: (1) To implement RCW 28A.58.240 by setting forth arrangements deemed approved by the superintendent of public instruction under which nonresident and resident students may attend the preschool through twelfth grade programs of any school district without tuition charge;

(2) To implement RCW 28A.58.240 by establishing a reasonable tuition charge for nonresident and resident students whose attendance arrangements in preschool through twelfth grade programs have not been deemed approved by the superintendent of public instruction; and

(3) To implement RCW 28A.58.242 by establishing procedures for filing and conducting appeals from the

decision of a resident school district to deny the release of a student to a nonresident district. [Statutory Authority: RCW 28A.58.240 and 28A.58.242. 80-05-037 (Order 80-8), § 392-137-001, filed 4/15/80.]

WAC 392-137-002 Arrangements deemed approved--Retention and filing of. Any arrangement for the attendance of students which is documented in writing and consistent with this chapter shall be deemed approved by the superintendent of public instruction.

Attendance agreements and district policies required by this chapter shall be retained by each district as public records and submitted to the superintendent of public instruction upon request. [Statutory Authority: RCW 28A.58.240 and 28A.58.242. 80-05-037 (Order 80-8), § 392-137-002, filed 4/15/80.]

WAC 392-137-003 Nonresident attendance exempt from chapter provisions. The following nonresident attendance arrangements are exempt from the provisions of this chapter:

(1) Interdistrict cooperation programs conducted in accordance with RCW 28A.58.075(7) and chapter 392-135 WAC;

(2) Programs temporarily conducted in behalf of another school district in accordance with RCW 28A.58.225; and

(3) Reciprocity programs with contiguous out-of-state school districts conducted pursuant to RCW 28A.58.250.

Nonresident attendance arrangements exempted from the provisions of this chapter by this section, as now or hereafter amended, are governed by the statutes and rules referenced above and by the rules or policies of a school district that supplement the referenced rules or statutes. [Statutory Authority: RCW 28A.58.240 and 28A.58.242. 80-05-037 (Order 80-8), § 392-137-003, filed 4/15/80.]

WAC 392-137-010 Definitions. As used in this chapter, the term: (1) "Residence" shall mean the physical location of a student's principal abode--i.e., the home, house, apartment, etc., within which the student lives the majority of the time. The mailing address of the student--e.g., parent's address or post office box--may be different than the student's principal abode.

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

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

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

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

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

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

(5) "Nonresident district" shall mean any school district other than a resident school district. [Statutory Authority: RCW 28A.58.242, 83-17-067 (Order 83-11), § 392-137-010, filed 8/18/83; Order 7-75, § 392-137-010, filed 12/22/75. Formerly WAC 392-15-805.]

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

WAC 392-137-020 Nonresident students under the age of twenty-one--Mutual agreement between resident and nonresident district required. (1) A nonresident student who is under the age of twenty-one may be admitted tuition free (but see permissive tuition in WAC 392-137-045(1)) by a nonresident district only pursuant to an agreement between the student's resident district and the nonresident district or pursuant to an order of the superintendent of public instruction pursuant to RCW 28A.58.242 and WAC 392-137-065 or pursuant to an order of a court of law. In the event the student is considered to be a resident of more than one district pursuant to the definition of "resident student" set forth in WAC 392-137-010(2), the agreement shall be between the nonresident district and the district in which the student was last enrolled and is considered to be a resident.

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

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

(b) it is established that the student is a resident of the district and that neither such an agreement nor order of the superintendent or a court of law exists.

(3) In the event a district claims that a student attending another district is a resident of its district, the board of directors of such district, in its order, shall set forth the correct residence of the student and the facts upon which such determination was made. A copy of such order shall be provided to the student and the district of enrollment. If the student or the district of enrollment protests the correctness of the student's residence, the board of directors of the district of enrollment shall cause the matter to be investigated and determine whether the student is a resident of the district of enrollment. The superintendent of public instruction shall consider the decision of the board of directors of

the district of enrollment final unless set aside by a court of law.

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

(a) The student enrolls in a resident district,

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

(c) The superintendent or a court of law orders the release of the student.

(5) In the event an agreement is entered into or the superintendent of public instruction or a court of law orders the release of the student, the basic education entitlement shall be allocated to the nonresident district for the period of the agreement or the order which may be retroactive to the month in which such entitlement was discontinued. [Statutory Authority: RCW 28A.58.242, 83-17-067 (Order 83-11), § 392-137-020, filed 8/18/83. Statutory Authority: RCW 28A.58.240 and 28A.58.242, 80-05-037 (Order 80-8), § 392-137-020, filed 4/15/80. Statutory Authority: RCW 28A.03.030(1) and (3), 28A.58.240 and 28A.58.242, 78-08-034 (Order 3-78), § 392-137-020, filed 7/18/78; Order 7-75, § 392-137-020, filed 12/22/75. Formerly WAC 392-15-815.]

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

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

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

(2) The duration of the agreement;

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

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

WAC 392-137-040 District policies--Procedures and criteria for release of resident students and admission of nonresident students. Each school district board of directors shall adopt policies which specify the procedures

and criteria pursuant to which resident students under the age of twenty-one may be released to nonresident districts and nonresident students and resident students twenty-one years of age or older may be admitted.

Districts shall grant requests for the release of resident students and requests for the admission of nonresident and resident students only on the basis of the order in which such requests are made and without preference: *Provided*, That preference may be granted in those cases in which the attendance requested would likely alleviate to a significant extent an existing or probable special hardship or detrimental condition of a financial, educational, safety, or health nature affecting the student or the student's immediate family or custodian: *Provided further*, That if a student, or in the case of a minor, the student's parent(s), guardian, or custodian requests a hearing before the board of directors of the resident district and the resident district fails to provide such a hearing within sixty calendar days of receipt of such request for a hearing, the resident district, for the purposes of this chapter, shall be deemed to have released such student to attend the nonresident district. [Statutory Authority: RCW 28A.58.242. 83-17-067 (Order 83-11), § 392-137-040, filed 8/18/83; Order 7-75, § 392-137-040, filed 12/22/75. Formerly WAC 392-15-835.]

WAC 392-137-045 Tuition--Enrollment in compliance or noncompliance with an arrangement. (1) The tuition for nonresident students and for resident students twenty-one years of age or older who are enrolled pursuant to the provisions within this chapter or pursuant to an order of the superintendent of public instruction or a court of law releasing the student from his or her resident district, if any tuition is charged, shall be established by the school district of enrollment. In order to avoid infringements upon an individual's right to equal protection of the law, in the event tuition is charged any such student, tuition should be charged all nonresident students and resident students twenty-one years of age or older on the basis of a uniform rate or on the basis of a uniformly applied formula (e.g., tuition based upon the difference between the cost of educating a student in the district or at the grade level of attendance and state and federal funds accruing to the district as a result of the student's enrollment and/or attendance).

(2) In the event it is established by the school district of enrollment or by the superintendent of public instruction pursuant to WAC 392-137-020(2) that a student under twenty-one years of age has been enrolled in a nonresident district without an arrangement prescribed by this chapter, the district of enrollment shall have no discretion as to the tuition to be charged such student. In all such cases, the arrangements for the student's enrollment shall be considered disapproved by the superintendent of public instruction and tuition equal to the per pupil cost of the district of enrollment for the previous school year as computed on Form F-196, part II, shall be charged the student or if the district has established a higher charge for any nonresident student or resident student twenty-one years of age or older, then an amount equal to such higher charge shall be charged the

student for a full school year. Any such tuition charge, however, may be ratably reduced in the event the student is enrolled part-time and/or for less than a full school year. [Statutory Authority: RCW 28A.58.242. 83-17-067 (Order 83-11), § 392-137-045, filed 8/18/83. Statutory Authority: RCW 28A.58.240 and 28A.58.242. 80-05-037 (Order 80-8), § 392-137-045, filed 4/15/80; Order 7-75, § 392-137-045, filed 12/22/75. Formerly WAC 392-15-840, 392-15-850.]

WAC 392-137-051 Right of appeal. Any student eighteen years of age or more but less than twenty-one years of age, or, in the case of a minor, the student's parent(s), guardian(s), or custodian(s) may appeal the decision of the school district within which the student resides, or the decision of the school district within which the student was last enrolled and is considered to be a resident for attendance purposes by operation of law, to deny the student's request for release to a nonresident school district made pursuant to this chapter to the superintendent of public instruction. [Statutory Authority: RCW 28A.58.240 and 28A.58.242. 80-05-037 (Order 80-8), § 392-137-051, filed 4/15/80.]

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 residence address of the student and the name, mailing address, and the legal relationship of the person, if any, filing the notice of appeal on behalf 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.58.242. 83-17-067 (Order 83-11), § 392-137-055, filed 8/18/83. 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 of fact, proposed conclusions of law, and proposed order 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 of fact, proposed conclusions of law, and proposed order 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.58.242. 83-17-067 (Order 83-11), § 392-137-060, filed 8/18/83. 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.]

WAC 392-137-065 Grounds for order of release.

(1) It shall be the policy of the superintendent of public instruction to order the release of a student to a nonresident district only in those cases in which the evidence establishes:

(a) That a special hardship or detrimental condition of the nature and effect identified in WAC 392-137-055 (1)(f) exists; and

(b) That such special hardship or detrimental condition is likely to be alleviated to a significant extent in the event the student's release is ordered.

(2) It shall not be the policy of the superintendent of public instruction to order the release of a student to a nonresident district for the purpose of providing enrichment of educational opportunity unless the evidence also establishes:

(a) That a particular student has a unique need for the enrichment of educational opportunity;

(b) That the lack of enrichment of educational opportunity is a special hardship or detrimental condition of

the nature and effect identified in WAC 392-137-055 (1)(f) for a particular student; and

(c) That such special hardship or detrimental condition is likely to be alleviated to a significant extent for that particular student in the event the student's release is ordered. [Statutory Authority: RCW 28A.58.242. 83-17-067 (Order 83-11), § 392-137-065, filed 8/18/83. Statutory Authority: RCW 28A.58.240 and 28A.58.242. 80-05-037 (Order 80-8), § 392-137-065, filed 4/15/80.]

WAC 392-137-070 Per se special hardship or detrimental hardships. The following conditions are judged by the superintendent of public instruction to constitute a special hardship or detrimental condition, the proof of which is a per se condition for the order of a release:

(1) A student who was enrolled the previous school year in a nonresident district who will complete in the same nonresident district during the current school year the highest grade offered in the resident district; and

(2) A student who has completed two or more school years in a nonresident district without a release but with the knowledge of such nonresident attendance by the superintendent or any member of the board of directors of the resident district. [Statutory Authority: RCW 28A.58.242. 83-17-067 (Order 83-11), § 392-137-070, filed 8/18/83.]

Chapter 392-138 WAC

FINANCE--ASSOCIATED STUDENT BODY MONEYS

WAC	
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392-138-085	League and other joint activities.

WAC 392-138-005 Purposes. The purposes of this chapter are to: (1) Implement RCW 28A.58.115, (2) designate the powers and responsibilities of the board of directors of each school district regarding the efficient administration, management, and control of moneys, records, and reports of associated student body funds, and

(3) encourage the supervised self-government of associated student bodies. [Order 4-76, § 392-138-005, filed 3/4/76, effective 7/1/76.]

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

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

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

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

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

students are not provided materials, supplies, facilities or personnel at the expense of the school district for the purpose or with the result of raising money for the personal or private use, including charitable grants or donations, of students. [Order 4-76, § 392-138-015, filed 3/4/76, effective 7/1/76.]

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

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

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

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

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

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

(c) The designation of the primary advisor to each associated student body and the authority of the primary advisor to designate advisors to the various student subgroup organizations affiliated with an associated student body;

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

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

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

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

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

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

(2) Whenever two or more associated student bodies exist within a school district, the accounting records shall be maintained in such a manner as to provide a separate accounting for the transactions of each associated student body in the associated student body program fund; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

In the event a member organization affiliated with an associated student body elects to disband or ceases to exist for any reason, then (a) the school district and parent associated student body shall cease carrying any money or account on behalf of or to the credit of the organization, and (b) the records of the organization shall be retained and disposed of in accordance with applicable state law regarding the retention and destruction of

public records. [Order 4-76, § 392-138-075, filed 3/4/76, effective 7/1/76.]

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

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

Chapter 392-139 WAC

FINANCE--MAINTENANCE AND OPERATION LEVY LIMITS

WAC

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392-139-038	Notification of maximum levy collection amounts.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

392-139-015	Definitions. [Statutory Authority: RCW 84.52.0531, 79-01-006 (Order 13-78), § 392-139-015, filed 12/8/78.] Repealed by 80-18-020 (Order 80-38), filed 11/26/80. Statutory Authority: RCW 84.52.0531.
392-139-019	Determination of total general funding capacity for 1983 tax collections. [Statutory Authority: RCW 84.52.0531(7), 83-17-058 (Order 83-6), § 392-139-019, filed 8/17/83.] Repealed by 83-23-039 (Order

- 83-18), filed 11/9/83. Statutory Authority: RCW 84.52.053(7) [84.52.0531(7)].
- 392-139-020 Schedule I—Calculation of basic levy limitation for calendar year 19--. [Statutory Authority: RCW 84.52.0531. 79-01-006 (Order 13-78), § 392-139-020, filed 12/8/78.] Repealed by 80-18-020 (Order 80-38), filed 11/26/80. Statutory Authority: RCW 84.52.0531.
- 392-139-025 Schedule II—Calculation of additional levy authority (exceeding basic levy limitation for 19-- calendar year). [Statutory Authority: RCW 84.52.0531. 79-01-006 (Order 13-78), § 392-139-025, filed 12/8/78.] Repealed by 80-18-020 (Order 80-38), filed 11/26/80. Statutory Authority: RCW 84.52.0531.
- 392-139-027 Determination of additional excess general fund levy capacity for 1983 collections. [Statutory Authority: RCW 84.52.0531. 81-20-023 (Order 81-31), § 392-139-027, filed 9/29/81, effective 12/27/81.] Repealed by 83-23-039 (Order 83-18), filed 11/9/83. Statutory Authority: RCW 84.52.053(7) [84.52.0531(7)].
- 392-139-030 Schedule III—Prior year 100% formula funding. [Statutory Authority: RCW 84.52.0531. 79-01-006 (Order 13-78), § 392-139-030, filed 12/8/78.] Repealed by 80-18-020 (Order 80-38), filed 11/26/80. Statutory Authority: RCW 84.52.0531.
- 392-139-035 Schedule IV—Estimated current year basic education funding. [Statutory Authority: RCW 84.52.0531. 79-01-006 (Order 13-78), § 392-139-035, filed 12/8/78.] Repealed by 80-18-020 (Order 80-38), filed 11/26/80. Statutory Authority: RCW 84.52.0531.
- 392-139-040 Schedule V—Small school factors. [Statutory Authority: RCW 84.52.0531. 79-01-006 (Order 13-78), § 392-139-040, filed 12/8/78.] Repealed by 80-18-020 (Order 80-38), filed 11/26/80. Statutory Authority: RCW 84.52.0531.
- 392-139-045 Schedule VI—Small high school factors. [Statutory Authority: RCW 84.52.0531. 79-01-006 (Order 13-78), § 392-139-045, filed 12/8/78.] Repealed by 80-18-020 (Order 80-38), filed 11/26/80. Statutory Authority: RCW 84.52.0531.

WAC 392-139-001 Authority. The authority for this chapter is RCW 84.52.053(7) [84.52.0531(7)] which authorizes the superintendent of public instruction to promulgate rules and regulations regarding the limitation of local school district special levies otherwise known as the "special levy lid law." [Statutory Authority: RCW 84.52.053(7) [84.52.0531(7)]. 83-23-039 (Order 83-18), § 392-139-001, filed 11/9/83. Statutory Authority: RCW 84.52.0531(7). 83-17-058 (Order 83-6), § 392-139-001, filed 8/17/83.]

WAC 392-139-005 Purpose. The purpose of this chapter 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 1984 through 1989. [Statutory Authority: RCW 84.52.053(7) [84.52.0531(7)]. 83-23-039 (Order 83-18), § 392-139-005, filed 11/9/83. Statutory Authority: RCW 84.52.0531(7). 83-17-058 (Order 83-6), § 392-139-005, filed 8/17/83. 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 1984 through 1989 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 84.52.053(7) [84.52.0531(7)]. 83-23-039 (Order 83-18), § 392-139-010, filed 11/9/83. 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) "F-195: (The budget for the school fiscal year)" 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.

(2) "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.

(3) "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.

(4) "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.

(5) "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. [Statutory Authority: RCW 84.52.053(7) [84.52.0531(7)]. 83-23-039 (Order 83-18), § 392-139-016, filed 11/9/83. Statutory Authority: RCW 84.52.0531(7). 83-17-058 (Order 83-6), § 392-139-016, filed 8/17/83. 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.]

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) "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.

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

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

(8) "Current tax collection year" shall mean the current calendar year. [Statutory Authority: RCW 84.52.053(7) [84.52.0531(7)]. 83-23-039 (Order 83-18), § 392-139-017, filed 11/9/83. 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 revenue account 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 transportation vehicle fund revenue account 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 revenue account 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 revenue account 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 revenue account 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 revenue account 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 revenue account 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 revenue account 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 revenue account in which are recorded state monies received by a school district for the operation of Indochinese refugee educational programs (block grants pursuant to subsection (5) of section 100, chapter 340, Laws of 1981, the Biennial Appropriations Act).

(10) "Special levy override percentage" shall mean that percentage calculated by the following:

(a) Divide the district's 1982 maximum special levy capacity by the sum of the district's 1980-81 basic education allocation, and the sum of the allocations made from the state general fund in the school district general fund revenue accounts 3020, 3030, 3243, 3244, 3245 and the school district transportation vehicle fund revenue account 3021; and

(b) Multiply this percentage minus ten percent by the following factor for the appropriate tax collection year:

Tax Collection Year	Factor
1983	7/7
1984	6/7
1985	5/7
1986	4/7
1987	3/7
1988	2/7
1989	1/7

[Statutory Authority: RCW 84.52.053(7) [84.52.0531(7)]. 83-23-039 (Order 83-18), § 392-139-018, filed 11/9/83. 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: *Provided*, That for the purposes of this calculation, one hundred percent of formula shall mean each district's basic education allocation calculated with one hundred

percent of the district's prevailing staff mix factor. [Statutory Authority: RCW 84.52.0531(7). 83-17-058 (Order 83-6), § 392-139-021, filed 8/17/83. 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 392-139-022 Determination of excess general fund levy capacity attributable to less than one hundred percent funding of the basic education allocation formula.

The dollar amount or capacity of each school district's general fund excess levy authorized for the 1984 tax collection year may be increased over the amount determined in WAC 392-139-021 by the difference between the basic education allocation at one hundred percent of formula and the actual basic education allocation minus any reductions pursuant to section 65, chapter 11, Laws of 1982 2nd ex. sess. [Statutory Authority: RCW 84.52.053(7) [84.52.0531(7)]. 83-23-039 (Order 83-18), § 392-139-022, filed 11/9/83. Statutory Authority: RCW 84.52.0531(7). 83-17-058 (Order 83-6), § 392-139-022, filed 8/17/83.]

WAC 392-139-026 Determination of additional excess general fund levy capacity. General. The dollar amount or capacity of each school district's general fund excess levy authorized for collection in calendar years 1984 through 1989 may be increased over the amount determined in WAC 392-139-021 and 392-139-031 to the extent calculated as follows:

(1) Determine the sum of the amounts of the prior school year's basic education allocation converted to one hundred percent of formula and allocations made from the state general fund in the prior school year in school district general fund revenue accounts 3020, 3030, 3300, and 3343 and the school district transportation vehicle fund revenue account 3021; and

(2) Multiply the dollar amount obtained in subsection (1) of this section by the pertinent special levy override percentage. [Statutory Authority: RCW 84.52.053(7) [84.52.0531(7)]. 83-23-039 (Order 83-18), § 392-139-026, filed 11/9/83. 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 392-139-031 Determination of excess general fund levy capacity attributable to state-funded categorical programs. For tax collection years 1984 through 1989 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 the prior school year in school district general fund revenue accounts 3020, 3030, 3300 and 3343 and the transportation vehicle fund revenue account 3021 as reported on the August 31, 1982, Report 1197 and multiplying the total obtained by ten percent. [Statutory Authority: RCW 84.52.053(7) [84.52.0531(7)]. 83-23-039 (Order 83-18), § 392-139-031, filed 11/9/83. 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 general fund excess levy capacity for the next tax collection year prior to adjustment for nonresident enrollment.

(2) Divide the amount obtained in subsection (1) of this section by the nonresident school district's total actual AAFTE enrollment in the prior school year.

(3) For each actual AAFTE student enrolled in the prior school year 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 84.52.053(7) [84.52.0531(7)]. 83-23-039 (Order 83-18), § 392-139-036, filed 11/9/83. Statutory Authority: RCW 84.52.0531(7). 83-17-058 (Order 83-6), § 392-139-036, filed 8/17/83. 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) Determine the actual billing for nonhigh attendance in the prior school year by:

(a) Dividing the high school district's excess general fund levy as certified to be collected in the current tax collection year by:

(b) The total actual resident AAFTE enrollment for the prior school year; and

(c) Multiply by the nonhigh actual AAFTE enrollment as reported on Form P-213 for the prior school year.

(2) Determine the estimated billing for nonhigh attendance in the prior school year by:

(a) Dividing the excess general fund levy for the high school district as certified to be collected in the current tax collection year by:

(b) The total estimated resident AAFTE enrollment for the prior school year; and

(c) Multiply by the estimated nonhigh AAFTE enrollment shown on Form P-213 for the prior school year.

(3) Determine the transfer of total capacity attributable to nonhigh enrollment in the current school year by:

(a) Dividing the excess general fund levy for the high school district prior to any adjustment for nonhigh enrollment authorized by the superintendent of public instruction for collection in the next tax collection year by:

(b) The total estimated AAFTE enrollment as shown on Form F-203 for the current school year; and

(c) Multiply by the estimated nonhigh AAFTE enrollment shown on Form-213 for the current school year.

(4) Determine the total adjustment for nonhigh enrollment by adding the amounts calculated in subsections (1) and (3) of this section and subtract the amount calculated in subsection (2) of this section.

(5) 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 chapter 28A.44 RCW and RCW 84.52.0531. [Statutory Authority: RCW 84.52.053(7) [84.52.0531(7)]. 83-23-039 (Order 83-18), § 392-139-037, filed 11/9/83. 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. Notification of maximum levy collection amounts for calendar years 1984 through 1989 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 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 calendar years 1984 through 1989. [Statutory Authority: RCW 84.52.053(7) [84.52.0531(7)]. 83-23-039 (Order 83-18), § 392-139-038, filed 11/9/83. 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

392-140-001	Purpose.
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.		Repealed by 80-05-038 (Order 80-9), filed 4/15/80. Statutory Authority: RCW 28A.03.030(3).
392-140-014	1981-83 Salary-compensation lid compliance—Initial reporting cycle—District edit of personnel data.	392-140-005	1976 levy relief funds—Additional special funds—Eligibility—Purpose—Payment. [Order 7-75, § 392-140-005, filed 12/22/75.] Repealed by 80-05-038 (Order 80-9), filed 4/15/80. Statutory Authority: RCW 28A.03.030(3).
392-140-015	1981-83 Salary-compensation lid compliance—Initial reporting cycle—Data analysis and determination of need for additional information.		
392-140-016	1981-83 Salary-compensation lid compliance—Initial reporting cycle—Review of additional information.	392-140-006	1976 levy relief funds—Reduction in excess levy required. [Order 7-75, § 392-140-006, filed 12/22/75.] Repealed by 80-05-038 (Order 80-9), filed 4/15/80. Statutory Authority: RCW 28A.03.030(3).
392-140-017	1981-83 Salary-compensation lid compliance—Initial reporting cycle—Determination of violation after review.		
392-140-018	1981-83 Salary-compensation lid compliance—Final reporting cycle.	392-140-007	1976-77 levy relief funds—Special funds—Eligibility—Purpose—Payment. [Order 9-76, § 392-140-007, filed 9/8/76.] Repealed by 80-05-038 (Order 80-9), filed 4/15/80. Statutory Authority: RCW 28A.03.030(3).
392-140-019	1981-83 Salary-compensation lid compliance—Compliance of average certificated salaries.		
392-140-020	1981-83 Salary-compensation lid compliance—Compliance of average classified salaries.	392-140-008	1976-77 levy relief funds—Special funding for low assessed valuation districts. [Order 9-76, § 392-140-008, filed 9/8/76.] Repealed by 80-05-038 (Order 80-9), filed 4/15/80. Statutory Authority: RCW 28A.03.030(3).
392-140-021	1981-83 Salary-compensation lid compliance—Compliance of insurance benefits.		
392-140-022	1981-83 Salary-compensation lid compliance—No increases constitute compliance.		
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.		
392-140-026	1981-83 State categorical special education program—Definition—Certificated derived base salary.		
392-140-027	1981-83 State categorical special education program—Definition—Classified average salary.		
392-140-028	1981-83 State categorical special education program—Certificated derived base salary.		
392-140-029	1981-83 State categorical special education program—Classified average salary.		
392-140-030	1981-83 State categorical special education program—Supplies and material.		
392-140-031	1981-83 State categorical special education program—Eligible handicapped students.		
392-140-032	1981-83 State categorical special education program—Home and hospital.		
392-140-033	1981-83 State categorical special education program—Foster care.		
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.		

Reviser's note: With the filing of superintendent of public instruction Order 7-75, on December 22, 1975, chapter 392-65 WAC, entitled, "Employee health and insurance benefits," chapter 392-67 WAC entitled, "Distribution of funds for classified employees and salary increase for school district employees," and chapter 392-80 WAC entitled, "Excess levies," have been superseded by chapter 392-140 WAC. See Title 392 WAC digest page for disposition of chapters and reference notes.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

392-140-002	1976 levy relief funds—Entitlement of districts which submitted no excess levy propositions—Payments. [Order 7-75, § 392-140-002, filed 12/22/75.] Repealed by 80-05-038 (Order 80-9), filed 4/15/80. Statutory Authority: RCW 28A.03.030(3).
392-140-003	1976 levy relief funds—Entitlement of districts which submitted and passed an excess levy proposition—Payment. [Order 7-75, § 392-140-003, filed 12/22/75.] Repealed by 80-05-038 (Order 80-9), filed 4/15/80. Statutory Authority: RCW 28A.03.030(3).
392-140-004	1976 levy relief funds—Entitlement of districts which submitted and failed excess levy propositions—Payment. [Order 7-75, § 392-140-004, filed 12/22/75.]

WAC 392-140-001 Purpose. Provisions of this chapter serve to implement and govern the finance-related administration of laws of limited duration, laws with phase-in/phase-out procedures, and/or laws requiring special one-time processes or procedures for which the superintendent of public instruction has broad rule-making authority pursuant to RCW 28A.03.030(3), as now or hereafter amended, or specific rule-making authority authorized by the legislature, as the case may be. [Statutory Authority: RCW 28A.03.030(3). 80-05-038 (Order 80-9), § 392-140-001, filed 4/15/80; Order 7-75, § 392-140-001, filed 12/22/75.]

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, as amended, 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 for the 1981-82 and 1982-83 school years, respectively.

(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 RCW 28A.58.095.)

[Statutory Authority: 1981 c 340 § 92 as amended, 83-17-059 (Order 83-7), § 392-140-010, filed 8/17/83. 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) General instructional support, program 94; and
- (d) 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) General instructional support, program 94; and
- (d) 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 4" 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 March 25, 1982, at 4:30 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 attributable to services to be performed during the affected school year. This report shall include only certificated individuals employed by the district as of October 1 of the school year.

(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 each classified employee attributable to services to be performed during the affected school year. This report shall include only classified individuals employed by the district as of November 1 of the school year.

(17) "Report S-727" shall mean the alphabetic listing of certificated personnel employed by the district on October 1 as prepared by the superintendent of public instruction and submitted by the district on the Form S-275 for the school year. This report is updated by the district and submitted to the superintendent as changes occur during the school year.

(18) "Report S-730" shall mean the alphabetic listing of classified personnel employed by the district on November 1 as prepared by the superintendent of public instruction as submitted by the district on the Form S-277 for the school year. This report is updated by the district and submitted to the superintendent as changes occur during the school year.

(19) "Form 901A" shall mean the form distributed by the superintendent of public instruction and prepared by the school district listing basic education certificated staff meeting the definition of "RIF" as provided in subsection (31) of this section and submitted to the superintendent of public instruction pursuant to WAC 392-140-015.

(20) "Form 902A" shall mean the form distributed by the superintendent of public instruction and prepared by the school district listing basic education classified staff meeting the definition of "RIF" as provided in subsection (31) of this section and submitted to the superintendent of public instruction pursuant to WAC 392-140-015.

(21) "Form 901B" shall mean the form distributed by the superintendent of public instruction and prepared by the school district listing basic education certificated staff meeting the definition of "new position" as provided in subsection (32) of this section and submitted to the superintendent of public instruction pursuant to WAC 392-140-015.

(22) "Form 902B" shall mean the form distributed by the superintendent of public instruction and prepared by the school district listing basic education classified staff meeting the definition of "new position" as provided in

subsection (32) of this section and submitted to the superintendent of public instruction pursuant to WAC 392-140-015.

(23) "Form 901C" shall mean the form distributed by the superintendent of public instruction and prepared by the school district listing basic education certificated staff covered by individual contracts of employment or collective bargaining agreements effective on or before March 20, 1981, as provided in WAC 392-140-019(3) and submitted to the superintendent of public instruction pursuant to WAC 392-140-015.

(24) "Form 902C" shall mean the form distributed by the superintendent of public instruction and prepared by the school district listing basic education classified staff covered by individual contracts of employment or collective bargaining agreements effective on or before March 20, 1981, as provided in WAC 392-140-020(3) and submitted to the superintendent of public instruction pursuant to WAC 392-140-015.

(25) "Form 901D" shall mean the form distributed by the superintendent of public instruction and prepared by the school district stating no basic education certificated staff in the school district received an increase in salary or insurance benefits in 1982-83 pursuant to WAC 392-140-022(1).

(26) "Form 902D" shall mean the form distributed by the superintendent of public instruction and prepared by the school district stating no basic education classified staff in the school district received an increase in salary or insurance benefits in 1982-83 and submitted to the superintendent of public instruction pursuant to WAC 392-140-022(2).

(27) "Form 901E" shall mean the form distributed by the superintendent of public instruction and prepared by the school district listing corrections to reported staff mix data in the 1980-81, 1981-82, 1982-83 school years and submitted to the superintendent of public instruction pursuant to WAC 392-140-015.

(28) "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.

(29) "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.

(30) "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.

(31) "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 and shall be reported

by the district to the superintendent of public instruction on Form 901A for certificated persons and on Form 902A for classified persons.

(32) "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.

New positions shall be reported by the district to the superintendent of public instruction on Form 901B for certificated persons and on Form 902B for classified persons.

(33) "Penalty" shall mean the withholding by the superintendent for the school year in which the violation occurred, the lesser of five percent of the district's basic education allocation or an amount equal to the level of the violation until such time as the school district comes into compliance.

(34) "1982-83 Adjusted maximum allowed basic education certificated derived base salary" shall mean the 1980-81 derived base salary improved by the 1981-82 salary increase percentage as shown on LEAP Document 4 and that amount further improved by the 1982-83 LEAP Document 4 basic education certificated adjusted maximum allowed salary increase percentage which shall be calculated by the superintendent of public instruction in the following manner:

(a) If a district entered into a contract with employees or employee bargaining groups for salaries for 1982-83 on or before April 20, 1982, the district is eligible to grant a salary increase to these employees on or after September 1, 1982.

Multiply the FTE reported for these employees by 12.

(b) If a district entered into a contract with employees or employee bargaining groups for salaries for 1982-83 on or after April 21, 1982, the district is eligible to grant a salary increase to these employees on or after June 30, 1983.

Multiply the FTE reported for these employees by 2.

(c) Sum the results of the calculations performed in (a) and (b) and divide by the total FTE reported for the basis education programs times 12.

(d) Multiply (c) by the 1982-83 salary increase percentage shown on LEAP Document 4.

(e) If the result of the calculation in this subsection is less than the districts reported 1981-82 actual derived base salary, the district may request that the superintendent of public instruction use the reported 1981-82 actual derived base salary instead of that calculated in this subsection for the purposes of determining compliance with this chapter.

(35) "1982-83 Adjusted maximum allowed basic education classified average salary" shall mean the 1980-

81 average salary improved by the 1981-82 salary increase percentage as shown on LEAP Document 4 and that amount further improved by the 1982-83 LEAP Document 4 basic education classified adjusted maximum allowed salary increase percentage which shall be calculated by the superintendent of public instruction in the following manner:

(a) If a district entered into a contract with employees or employee bargaining groups for salaries for 1982-83 on or before April 20, 1982, the district is eligible to grant a salary increase to these employees on or after September 1, 1982.

Multiply the FTE reported for these employees by 2080.

(b) If a district entered into a contract with employees or employee bargaining groups for salaries for 1982-83 on or after April 21, 1982, the district is eligible to grant a salary increase to these employees on or after June 30, 1983.

Multiply the FTE reported for these employees by 347.

(c) Sum the results of the calculations performed in (a) and (b) and divide by the total FTE reported for the basic education programs times 2080.

(d) Multiply (c) by the 1982-83 salary increase percentage shown on LEAP Document 4.

(e) If the result of the calculation in this subsection is less than the districts reported 1981-82 actual average salary, the district may request that the superintendent of public instruction use the reported 1981-82 actual average salary instead of that calculated in this subsection for the purpose of determining compliance with this chapter.

(36) "1982-83 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 4 by the percent increase specified for 1981-82 on LEAP Document 4 and that amount further improved by the district's percent entitlement shown on LEAP Document 4 for 1982-83;

(b) Multiplying the district's 1982-83 mix factor by the ratio obtained by using the district's corrected 1981-82 derived salary as the numerator and the 1981-82 derived base salary reported on LEAP Document 4 as the denominator; and

(c) Multiplying (a) by (b). This product is the 1982-83 control average salary. [Statutory Authority: 1981 c 340 § 92 as amended, 83-17-059 (Order 83-7), § 392-140-011, filed 8/17/83. 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 forms as specified in WAC 392-140-011 (19), (21), (23), (25), and (27) for certificated persons and WAC 392-140-011 (20), (22), (24), and (26) for classified persons 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: 1981 c 340 § 92 as amended. 83-17-059 (Order 83-7), § 392-140-013, filed 8/17/83. 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 reports S-727 and S-730 as specified in WAC 392-140-011 (17) and (18). Each district shall edit such data and return the edited reports to the superintendent of public instruction within forty-five calendar days from the date appearing on the reports. [Statutory Authority: 1981 c 340 § 92 as amended. 83-17-059 (Order 83-7), § 392-140-014, filed 8/17/83. 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. 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: 1981 c 340 § 92 as amended. 83-17-059 (Order 83-7), § 392-140-015, filed 8/17/83. 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 forty-five calendar days from the date appearing on the salary compliance notice of the need for additional information from the superintendent of public instruction. The school district shall submit such additional data to the superintendent of public instruction on forms specified in WAC 392-140-011 (19) through (27) that are prepared and distributed by the superintendent of public instruction. If the superintendent of public instruction does not receive such additional information in a timely manner, the district shall be notified that the amount of the penalty 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 of public instruction shall notify the district in writing of such determination. Within fifteen calendar days from the date appearing on 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 of public instruction and the district. If the district does not make a timely request for an informal review, the superintendent of public instruction shall withhold the amount of the penalty pursuant to WAC 392-140-023 until such time as the district demonstrates compliance for that year. [Statutory Authority: 1981 c 340 § 92 as amended. 83-17-059 (Order 83-7), § 392-140-016, filed 8/17/83. 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 the amount of the penalty until such time as the district demonstrates compliance pursuant to WAC 392-140-023. [Statutory Authority: 1981 c 340 § 92 as amended. 83-17-059 (Order 83-7), § 392-140-017, filed 8/17/83. 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 of the district, 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 forty-five calendar days from the date appearing on the report. 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: 1981 c 340 § 92 as amended. 83-17-059 (Order 83-7), § 392-140-018, filed 8/17/83. 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 4 improved by the district's percent entitlement shown on LEAP Document 4 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(31): *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(32): *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 4 by the percent increase specified for the 1981-82 school year on LEAP Document 4;

(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 4 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 1982-83 adjusted maximum allowed basic education certificated derived base salary, 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 on Form 901A pursuant to WAC 392-140-015 may exclude persons not employed in a district because of RIF as defined in WAC 392-140-011(31): *Provided further*, That the compliance calculation made after the district submits additional information to the superintendent of public instruction on Form 901B pursuant to WAC 392-140-015 may exclude new positions as defined in WAC 392-140-011(32): *Provided further*, That a district shall not be in noncompliance as a result of corrections to the reported staff mix data for the 1981-82 school year as reported to the superintendent of public instruction on Form 901E if the 1982-83 average salary does not increase over the 1982-83 control average salary and meets the conditions established by WAC 392-140-011(36): *Provided further*, That if a districts 1982-83 reported average certificated derived base salary is in excess of its 1982-83 adjusted maximum allowed basic education certificated derived base salary as a result of granting salary increase effective on or after June 30, 1983 and before or on August 31, 1983 that does not exceed the authorized salary increase as provided by LEAP Document 4 for that one day and two month period, that district shall be in compliance with this section.

(3) The district compliance calculation made after the district submits additional information to the superintendent of public instruction on Forms 901C-1 and 901C-2 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 4 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 1982-83 adjusted maximum allowed basic education certificated derived base salary. [Statutory Authority: 1981 c 340 § 92 as amended. 83-17-059 (Order 83-7), § 392-140-019, filed 8/17/83. 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 4 improved by the district's percent entitlement shown on LEAP Document 4 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(31): *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(32).

(2) For basic education classified staff, if the 1982-83 district average classified salary exceeds the 1982-83 adjusted maximum allowed basic education classified average salary, 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 on Form 902A pursuant to WAC 392-140-015 may exclude persons not employed in a district because of RIF as defined in WAC 392-140-011(31): *Provided further*, That the compliance calculation made after the district submits additional information to the superintendent of public instruction on Form 902B pursuant to WAC 392-140-015 may exclude new positions as defined in WAC 392-140-011(32): *Provided further*, That if a district's 1982-83 reported average classified salary is in excess of its 1982-83 adjusted maximum allowed basic education classified average salary as a result of granting a salary increase effective on or after June 30, 1983 and before or on August 31, 1983 that does not exceed the authorized salary increase as provided by LEAP Document 4 for that one day and two month period, that district shall be in compliance with this section.

(3) The district compliance calculation made after the district submits additional information to the superintendent of public instruction on Forms 902C-1 and 902C-2 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 4 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 adjusted maximum allowed basic education classified average salary. [Statutory Authority: 1981 c 340 § 92 as amended. 83-17-059 (Order 83-7), § 392-140-020, filed 8/17/83. 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 4 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. If insurance benefits granted employees in 1980-81 were in excess of one hundred twenty-one dollars per month per full-time equivalent staff unit, then only that part granted to employees for 1981-82 in excess of the 1980-81 level shall constitute a portion of the salary increase specified on LEAP Document 4. If insurance benefits granted employees in 1981-82 were in excess of one hundred thirty-seven dollars per month per full time equivalent staff unit, then only that part granted to employees for 1982-83 in excess of the 1981-82 level shall constitute a portion of the salary increase specified on LEAP Document 4. [Statutory Authority: 1981 c 340 § 92 as amended. 83-17-059 (Order 83-7), § 392-140-021, filed 8/17/83. 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, the district may certify to the superintendent of public instruction on Form 901D 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, the district may certify to the superintendent of public instruction on Form 902D 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: 1981 c 340 § 92 as amended. 83-17-059 (Order 83-7), § 392-140-022, filed 8/17/83. 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.

(1) 1981-82 school year. 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 for the 1981-82 school year, the lesser of the amount of the violation or 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 the lesser of the estimated amount of the violation or 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 actual amount of the violation or 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.

(2) 1982-83 school year. 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 for the 1982-83 school year, the lesser of the amount of the violation or five percent of the district's annual basic education allocation as shown in item A.7 of Report 1191. The initial amount withheld shall be the lesser of the estimated amount of the violation or five percent of the most current estimate of the annual basic education allocation as shown in item A.7 of the district's Report 1191. The actual amount withheld will be based on the actual amount of the violation or the annual entitlement shown in item A.7 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.3 of Report 1191 as soon as possible after the district receives written notification that funds are to be withheld.

(3) 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: 1981 c 340 § 92 as amended. 83-17-059 (Order 83-7), § 392-140-023, filed 8/17/83. 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

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Reviser's note: With the filing of superintendent of public instruction Order 7-75, on December 22, 1975, chapter 392-27 WAC, entitled, "Reimbursement to school districts for transportation costs," has been superseded by chapter 392-141 WAC. See Title 392 WAC digest page for disposition of chapters and reference notes.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

392-141-010	School districts--General authority to provide transportation. [Order 7-75, § 392-141-010, filed 12/22/75.] Repealed by 80-09-055 (Order 80-27), filed 7/15/80. Statutory Authority: RCW 28A.24.080, 28A.24.100, 28A.41.160 and 28A.41.170.
392-141-015	Transportation routes. [Order 7-75, § 392-141-015, filed 12/22/75.] Repealed by 80-09-055 (Order 80-27), filed 7/15/80. Statutory Authority: RCW 28A.24.080, 28A.24.100, 28A.41.160 and 28A.41.170.
392-141-020	Cost reimbursement. [Order 7-75, § 392-141-020, filed 12/22/75.] Repealed by 80-09-055 (Order 80-27), filed 7/15/80. Statutory Authority: RCW 28A.24.080, 28A.24.100, 28A.41.160 and 28A.41.170.

392-141-025	District records required. [Order 14-76, § 392-141-025, filed 12/21/76; Order 7-75, § 392-141-025, filed 12/22/75. Formerly WAC 392-27-010.] Repealed by 80-09-055 (Order 80-27), filed 7/15/80. Statutory Authority: RCW 28A.24.080, 28A.24.100, 28A.41.160 and 28A.41.170.
392-141-030	Approval of transportation routes--Limitation. [Order 14-76, § 392-141-030, filed 12/21/76; Order 7-75, § 392-141-030, filed 12/22/75. Formerly WAC 392-27-020 (part), 392-27-030 (part) and 392-27-031 (part).] Repealed by 80-09-055 (Order 80-27), filed 7/15/80. Statutory Authority: RCW 28A.24.080, 28A.24.100, 28A.41.160 and 28A.41.170.
392-141-035	Application for approval and apportionment for transportation within the "two mile limit." [Order 7-75, § 392-141-035, filed 12/22/75. Formerly WAC 392-20-020 (part).] Repealed by 80-09-055 (Order 80-27), filed 7/15/80. Statutory Authority: RCW 28A.24.080, 28A.24.100, 28A.41.160 and 28A.41.170.
392-141-040	Route approval process. [Order 7-75, § 392-141-040, filed 12/22/75. Formerly WAC 392-27-020 (part), 392-27-030 (part) and 392-27-031 (part).] Repealed by 80-09-055 (Order 80-27), filed 7/15/80. Statutory Authority: RCW 28A.24.080, 28A.24.100, 28A.41.160 and 28A.41.170.
392-141-045	Purchase of school buses--State allowance for depreciation. [Statutory Authority: RCW 28A.24.080, 28A.24.100, 28A.41.160, and 28A.41.170. 80-05-039 (Order 80-10), § 392-141-045, filed 4/15/80; Order 7-75, § 392-141-045, filed 12/22/75. Formerly WAC 392-27-040 (part), 392-27-045 (part) and 392-27-050 (part).] Repealed by 83-23-038 (Order 83-17), filed 11/9/83. Statutory Authority: RCW 28A.41.170.
392-141-050	Transportation equipment reserve. [Order 7-75, § 392-141-050, filed 12/22/75. Formerly WAC 392-27-040 (part), 392-27-045 (part) and 392-27-050 (part).] Repealed by 80-09-055 (Order 80-27), filed 7/15/80. Statutory Authority: RCW 28A.24.080, 28A.24.100, 28A.41.160 and 28A.41.170.
392-141-054	Transportation equipment reserve. [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.] Repealed by 83-23-038 (Order 83-17), filed 11/9/83. Statutory Authority: RCW 28A.41.170.
392-141-055	Depreciation schedule--School buses. [Statutory Authority: RCW 28A.24.080, 28A.24.100, 28A.41.160, and 28A.41.170. 80-05-039 (Order 80-10), § 392-141-055, filed 4/15/80; Order 7-75, § 392-141-055, filed 12/22/75. Formerly WAC 392-27-100.] Repealed by 83-23-038 (Order 83-17), filed 11/9/83. Statutory Authority: RCW 28A.41.170.
392-141-060	Additional depreciation for rebuilt district-owned buses. [Order 14-76, § 392-141-060, filed 12/21/76; Order 7-75, § 392-141-060, filed 12/22/75. Formerly WAC 392-27-110.] Repealed by 80-09-055 (Order 80-27), filed 7/15/80. Statutory Authority: RCW 28A.24.080, 28A.24.100, 28A.41.160 and 28A.41.170.
392-141-061	Additional depreciation for rebuilt district-owned buses. [Statutory Authority: RCW 28A.24.080, 28A.24.100, 28A.41.160 and 28A.41.170. 80-12-030 (Order 80-33), § 392-141-061, filed 8/28/80.] Repealed by 83-23-038 (Order 83-17), filed 11/9/83. Statutory Authority: RCW 28A.41.170.

WAC 392-141-005 Purposes. The purposes of this chapter are:

(1) To implement RCW 28A.24.080, 28A.24.100, 28A.41.160 and 28A.41.175 by establishing the procedures and conditions pursuant to which school districts

shall be eligible for state transportation reimbursement and equipment depreciation funds; and

(2) To implement RCW 28A.24.100 by establishing the rates at which school districts are authorized to reimburse parents and others for individual transportation or board and room, or both, in-lieu-of transportation by a school district. [Statutory Authority: RCW 28A.24.080, 28A.24.100, 28A.41.160, and 28A.41.170. 80-05-039 (Order 80-10), § 392-141-005, filed 4/15/80; Order 7-75, § 392-141-005, filed 12/22/75.]

WAC 392-141-007 Definitions. As used in this chapter, the term:

(1) "Extended day route" shall mean the approved course or distance a school bus travels when transporting students between schools and the appropriate bus stops for activities other than those scheduled pursuant to WAC 180-16-200 (basic education total program hour offering) as now or hereafter amended, subject to the following conditions:

(a) The school district board of directors shall have adopted a resolution directing that such route is available to all students who participate in any after school activity sponsored by the school district;

(b) The route shall not be established solely for the purpose of transporting students who participate in extracurricular activities;

(c) The school buses shall be scheduled to depart at a time which is reasonable for all students participating in such school activities; and

(d) The route shall be limited to a single departure per day from any school building or complex of school buildings which shall be no later than 6:00 p.m.

(2) "School bus" shall mean all motor vehicles which are defined as "school buses" in WAC 392-143-010, as now or hereafter amended;

(3) "School bus route" shall mean:

(a) In cases where a school bus serves only one school on a trip, the approved course or distance the bus travels when picking up students to transport them to and from school beginning at the location where the first student boards the bus and terminating at the location where the last student leaves the bus; and

(b) In cases where a school bus serves more than one school on a trip, the approved course or distance the bus travels when picking up students to transport them to and from each school to which they are regularly assigned beginning at the location where the first student boards the bus and terminating at the location where the last student leaves the bus at the last school on the multiple school route.

(4) "School bus run" shall mean the approved course or distance the bus travels from the time the bus leaves its storage place until the bus returns to its storage place on one round trip, including the distance traveled on the school bus route(s) as defined in subsection (3) above. [Statutory Authority: RCW 28A.24.080, 28A.24.100, 28A.41.160, and 28A.41.170. 80-05-039 (Order 80-10), § 392-141-007, filed 4/15/80.]

WAC 392-141-008 Additional definitions. As used in this chapter the term: "To and from school" shall mean:

(1) The course or distance between the appropriate bus stops and schools to which students are assigned for the regularly scheduled school day for basic education program purposes;

(2) The course or distance between schools within a school district, and between schools within different school districts pursuant to an interdistrict agreement executed pursuant to RCW 28A.58.075 and chapter 392-135 WAC (interdistrict cooperation), each as now or hereafter amended;

(3) The course or distance between schools and approved learning centers within a student's district of residence which have been recommended by the school district board of directors, subject to the following conditions:

(a) The educational programs conducted at such learning centers shall be approved in advance by the school district board of directors and shall be an integral part of one or more of the basic education requirements of WAC 180-16-200, as now or hereafter amended;

(b) Each student who participates in an educational program at such a center shall be scheduled to attend no less than five sessions of the program on five or more separate school days during the time the student is enrolled in the particular basic education course or activity with which the learning center program is integrated: *Provided*, That this condition shall not apply to transportation to and from learning centers that have been approved by the superintendent of public instruction on the basis that they provide unique educational opportunities;

(c) The primary purpose of activities at such location(s) shall be instructional rather than recreational in the judgment of the school board of directors; and

(d) Such instructional activities cannot be conducted feasibly or economically in the regularly assigned school in the judgment of the school district board of directors;

(4) The course or distance between schools and approved learning centers located outside a student's district of residence, subject to the following conditions;

(a) The learning center shall have been approved in advance by the superintendent of public instruction on the basis that the center provides a unique educational opportunity;

(b) The primary purpose of activities at such location(s) shall be instructional rather than recreational in the judgment of the school district board of directors; and,

(c) Such instructional activities cannot be conducted feasibly or economically in the regularly assigned school in the judgment of the school district board of directors; and

(5) The course or distance required for inspection, repair and road testing of school buses, for the training of school bus drivers, and for such other necessary purposes as the superintendent of public instruction may approve. [Statutory Authority: RCW 28A.24.080, 28A.24.100,

28A.41.160, and 28A.41.170. 80-05-039 (Order 80-10), § 392-141-008, filed 4/15/80.]

WAC 392-141-017 Reimbursable and nonreimbursable transportation. (1) Each school district that elects to provide transportation for students to and from school and that provides such transportation in compliance with this chapter and chapters 392-143, 392-145 and 180-20 WAC, each as now or hereafter amended, shall be entitled to state transportation reimbursement at rates provided for by or pursuant to this chapter.

(2) A school district shall not be eligible for state transportation reimbursement for:

- (a) The transportation of nonstudents;
- (b) The transportation of students who are 21 years of age or older;
- (c) The transportation of students who are high school graduates except for those who, by reason of a handicapping condition, 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;
- (d) The transportation of students on bus routes that are not approved pursuant to this chapter;
- (e) The transportation of students pursuant to an individual in-lieu-of transportation arrangement and any other contractual arrangement that is not approved pursuant to this chapter;
- (f) The transportation of students who reside within two miles of their school of attendance and for whom an exception has not been granted by reason of a handicapping condition, hazardous conditions or racial imbalance; or
- (g) The transportation of part-time public school students between their private and public schools of enrollment, except for transportation in connection with field trips and special events which is both permitted by chapter 392-134 WAC and otherwise eligible for state transportation reimbursement pursuant to this chapter.

(3) Nothing within this section shall be construed as prohibiting a school district from providing or making arrangements for the transportation of students that are ineligible for state transportation reimbursement, at the expense of either the school district or students or some combination of shared expense. [Statutory Authority: RCW 28A.24.080, 28A.24.100, 28A.41.160, and 28A.41.170. 80-05-039 (Order 80-10), § 392-141-017, filed 4/15/80.]

WAC 392-141-018 Transportation arrangements that are eligible for state reimbursement--Rates of reimbursement. (1) The following forms of transportation arrangements shall be recognized for state transportation reimbursement purposes:

- (a) A school district may operate one or more school buses for the purpose of transporting students to and from school;
- (b) A school district may enter into contracts with government entities and private persons and corporations for the purpose of transporting students to and from school; and

(c) A school district may contract with the custodial parent, parents, guardians or persons in loco parentis to a student, or with an adult student, to pay the lesser of the following in-lieu-of transportation by the school district:

- (i) Mileage and tolls for transportation to and from school for not more than two necessary round trips per school day; or
- (ii) Mileage and tolls for transportation to and from school for not more than five round trips per school year, plus room and board.

(2) The in-lieu-of transportation mileage, tolls and board and room rates of reimbursement which a school district is hereby authorized to pay and which shall be recognized for state transportation reimbursement purposes shall be computed as follows:

(a) Mileage reimbursement shall be computed by multiplying the distance to and from school with any type of transportation vehicle that is operated for the purpose of carrying one or more students by the maximum rate of reimbursement per mile that is now or hereafter authorized by law for state employees for the use of private motor vehicles in connection with state business;

(b) Toll reimbursement shall be computed by adding the actual fees which must be paid as a condition to the passage of a transportation vehicle and its student passengers or its operator, or both, across a bridge or upon a ferry, and similar fees imposed as a condition to the passage, ingress or egress of such vehicle and its student passengers or its operator, or both, while traveling to and from school; and

(c) Board and room reimbursement shall be computed at the rates now or hereafter established by the department of social and health services and set forth in chapter 388-70 WAC, as now or hereafter amended (inclusive of the basic rates and, in the case of handicapped students, the additional amounts for students with special needs, but exclusive of any rates or amounts for clothing and supplies).

(3) Rates of state transportation reimbursement for other than individual in-lieu-of transportation arrangements shall be as now or hereafter established by the superintendent of public instruction and published in bulletins issued by the division of financial services. [Statutory Authority: RCW 28A.24.080, 28A.24.100, 28A.41.160, and 28A.41.170. 80-05-039 (Order 80-10), § 392-141-018, filed 4/15/80.]

WAC 392-141-027 School bus routes limitations. School bus routes shall be established in a manner which safely and efficiently serves all passengers to be transported. State transportation reimbursement shall not be provided for the operation of a school bus on public or private roads, roadways or driveways which in the judgment of a school district board of directors:

- (1) Do not provide sufficient and necessary turn around space for the bus;
- (2) Pose an unreasonable risk of injury to the driver or passengers; or

(3) Pose an unreasonable risk of damage to the bus, roadway, driveway or adjacent property, or the likelihood of a significant reduction in the operating life of the bus. [Statutory Authority: RCW 28A.24.080, 28A.24.100, 28A.41.160, and 28A.41.170. 80-05-039 (Order 80-10), § 392-141-027, filed 4/15/80.]

WAC 392-141-028 Annual application for approval for transportation reimbursement—Approval process. (1) Submission of annual applications to ESDs. Each school district shall submit an annual application as a condition to state reimbursement for student transportation costs. The application shall first be submitted to the superintendent of the educational service district within which the school district is located or to his or her designee, no later than the date now or hereafter established for submission by the superintendent of public instruction and published in bulletin(s) of the division of financial services. The superintendent of the educational service district or his or her designee shall promptly review each application for compliance with the provisions of this chapter and, on that basis alone, approve or disapprove the application in whole or in part as submitted.

(2) Submission of applications to SPI. The educational service district superintendent or his or her designee shall forward each application for transportation reimbursement to the superintendent of public instruction, together with an identification of the portions that have been approved and disapproved and an explanation of the reason and facts for any disapproval. The educational service district superintendent or his or her designee shall concurrently advise the school district of any disapproval, the reasons and facts in support of the disapproval, and suggestions for modification of the application that may make the disapproved application or portion thereof approvable.

(3) Effective period of approvals and disapprovals. Each approval of an application or portion thereof by an educational service district superintendent or his or her designee shall be effective from the commencement of the current school year to the end of the current school year or, in the case of the approval of applications for exceptions involving the transportation of students who reside within two miles of their school of attendance, until the condition that justifies the exceptions ceases. Each disapproval of an application or portion thereof by an educational service district superintendent or his or her designee shall be effective for the entire school year: *Provided*, That all or any portion of an application which has been disapproved for the first time or for the first time following a prior approval shall be deemed to have been approved for state transportation purposes from the commencement of the school year until the date the application was reviewed and acted upon or, in the case of the late submission of an application, until the date the application would have been reviewed and acted upon had it been timely submitted.

(4) Revocation of approval/disapprovals by SPI. Notwithstanding subsection (3) of this section, the superintendent of public instruction may revoke or modify an approval or disapproval by an educational service district

either following receipt of a petition from an affected school district or unilaterally based upon the review of an application.

(5) Protests of disapprovals. If the application of a school district is disapproved in whole or part by an educational service district superintendent, his or her designee or the superintendent of public instruction, the superintendent of the affected school district may petition the superintendent of public instruction for a revocation or modification of the disapproval. The petition shall be written and shall set forth:

(a) The reason and facts asserted by the district in support of approval; and

(b) An explanation of the changes in the district's application that have been made at the suggestion of the educational service district superintendent, his or her designee or the superintendent of public instruction or for other reasons and, if no changes have been made, an explanation of why no changes have been made. [Statutory Authority: RCW 28A.24.080, 28A.24.100, 28A.41.160, and 28A.41.170. 80-05-039 (Order 80-10), § 392-141-028, filed 4/15/80.]

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 392-141-038 Contents of applications for state transportation reimbursement--Mileage records. Each annual application of a school district for state transportation reimbursement shall consist of the following documents and information:

(1) One or more maps which display the school bus routes desired by the district and which are drawn in conformance with instructions now or hereafter established by the superintendent of public instruction and published in bulletin(s) of the division of financial services;

(2) A completed, composite route data form now or hereafter developed and distributed by the superintendent of public instruction which includes, but is not limited to, such information as the names of schools served, the grade levels of students served, bus capacities, number of students served, number of bus stops and route times;

(3) Completed school bus data forms now or hereafter developed and distributed by the superintendent of public instruction which include, but are not limited to, information regarding individual school buses such as bus number, bus capacity, number of students served, routes, run miles, run time, and waiting time;

(4) Mileage estimates and other information regarding transportation to and from approved learning centers, if any, on forms now or hereafter developed and distributed by the superintendent of public instruction which may include, but not be limited to, such information as estimated miles, routes, route time, driver time, program description and availability, number of students served, and the grade levels of students served;

(5) Individuals in-lieu-of transportation arrangement mileage, tolls and room and board reimbursement information on forms now or hereafter developed and distributed by the superintendent of public instruction; and,

(6) A copy of each contract for the transportation of students entered into by the school district with any government entity and any private person or corporation. [Statutory Authority: RCW 28A.24.080, 28A.24.100, 28A.41.160, and 28A.41.170. 80-05-039 (Order 80-10), § 392-141-038, filed 4/15/80.]

WAC 392-141-042 Deviations from approved transportation arrangements. A school district may temporarily and for good cause increase the mileage for transportation arrangements which have been approved pursuant to this chapter by five percent or less without prior approval from either the superintendent of public instruction or an educational service district: *Provided*, That within thirty days of such increase the district shall submit an application for modification of its annual application to the superintendent of the educational service district within which the school district is located or to his or her designee. The application shall be processed and subject to approval or disapproval in whole or part pursuant to WAC 392-141-028. All other modifications of a district's approved annual application must be approved in advance pursuant to WAC 392-141-028 as a

condition to state transportation reimbursement. [Statutory Authority: RCW 28A.24.080, 28A.24.100, 28A.41.160, and 28A.41.170. 80-05-039 (Order 80-10), § 392-141-042, filed 4/15/80.]

WAC 392-141-043 Record requirements. Each school district shall maintain the following records and annually provide the original or a copy thereof to the superintendent of public instruction at such time and in such form as now or hereafter established by the superintendent and published in bulletin(s) of the division of financial services:

(1) Record of expenses. Each school district shall maintain records of all expenses in connection with student transportation. Such records shall include expenses for supervision, the operation of school buses, the maintenance of school buses, garage operation and maintenance, individual in-lieu-of transportation arrangements, insurance, and the purchase and/or rebuilding of school buses. Clerical and administrative service expenses shall be recorded only to the extent that one or more employees have been assigned by a school district to duties directly involving the operation of student transportation. Full salaries or wages shall not be recorded as a transportation expense unless full time is devoted to student transportation exclusively.

(2) Record of miles traveled. Each school district shall maintain mileage records for transporting students to and from school, for field trips, extracurricular trips, and all other miles traveled in categories specified by the superintendent of public instruction in bulletin(s) now or hereafter issued by the division of financial services.

(3) Route maps. Each school district shall maintain a current map for each school bus route and a record of the route distances in miles and the number of students transported on the routes.

(4) Transportation equipment records. Each school district shall maintain an inventory of all motor vehicles and related equipment owned or held for the purpose of providing transportation for students, records of all expenditures for motor vehicles and related transportation equipment and records of funds received for motor vehicles and related transportation equipment which is sold. [Statutory Authority: RCW 28A.24.080, 28A.24.100, 28A.41.160, and 28A.41.170. 80-05-039 (Order 80-10), § 392-141-043, filed 4/15/80.]

**Chapter 392-142 WAC
TRANSPORTATION--REPLACEMENT AND
DEPRECIATION ALLOCATION**

WAC	
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WAC 392-142-005 Authority. The authority for this chapter is RCW 28A.41.170 which authorizes the superintendent of public instruction to adopt rules and regulations for the proper administration of chapter 28A.41 RCW, which includes student transportation programs. [Statutory Authority: RCW 28A.41.170. 83-22-031 (Order 83-16), § 392-142-005, filed 10/26/83.]

WAC 392-142-010 Purpose. The purpose of this chapter is to implement RCW 28A.41.540 by establishing:

- (1) Procedures to develop student transportation vehicle categories;
- (2) Procedures to develop state-determined purchase prices for student transportation vehicle categories;
- (3) Standards for operation and maintenance of school buses;
- (4) A replacement schedule (referred to in the statute as reimbursement schedule) and allocation process for district-owned school buses;
- (5) A depreciation schedule and allocation process for school buses contracted from private carriers; and
- (6) Provisions for the continuation of depreciation allocations to school districts for school buses purchased prior to September 1, 1982. [Statutory Authority: RCW 28A.41.170. 83-22-031 (Order 83-16), § 392-142-010, filed 10/26/83.]

WAC 392-142-015 Definitions. As used in this chapter, the terms:

- (1) "State-determined purchase price" shall mean a price annually determined by the superintendent of public instruction in accordance with the method prescribed in WAC 392-142-030;
- (2) "Inflation rate" shall mean the actual change stated in percentage terms in the implicit price deflator for motor vehicles and parts as provided by the office of financial management from the previous state fiscal year to the current state fiscal year;
- (3) "Replacement factor" shall mean a multiplier derived by dividing the years that school bus has a valid operating permit by the expected lifetime of that school bus as defined in WAC 392-142-025 (e.g. a ten-year lifetime school bus operated for four years would have a replacement factor of .4);
- (4) "State payment" for a school bus shall mean the sum of all state payments made to a school districts' vehicle transportation fund for each school bus issued an operation permit on or after September 1, 1982;
- (5) "Imputed interest earnings" shall mean the sum of interest which is assumed to be earned on funds assumed to be available in the vehicle transportation fund from state payments and imputed interest earnings. The rate used shall be the average of the treasury bill rate for ninety-day notes during the previous state fiscal year calculated on the basis of simple interest;

(6) "State-supported specifications" shall mean the minimum specifications pursuant to chapter 392-143 WAC plus added equipment, components, or requirements judged by the advisory committee formed pursuant to RCW 28A.41.540 to produce minimum long-range operating costs and to accommodate transportation of students with handicapping conditions;

(7) "District-owned school bus" shall mean a bus which has been purchased by the district or a school bus which is being operated by a district under a contractual obligation by the same district to purchase the bus;

(8) "Useful vehicle life" shall mean the number of years determined by the superintendent that a school bus is expected to be in use;

(9) "Salvage value" shall mean ten percent of the state-determined purchase price established at the time the operation permit is issued. This reduction in state payment or allocation shall be made during the last year of the useful vehicle life;

(10) "Vendor bid proposal" shall mean a set of forms published annually by the superintendent which school districts use to obtain bids for school buses. These forms shall include various bid elements such as type, capacity, engine and transmission; and

(11) "Superintendent" shall mean the superintendent of public instruction. [Statutory Authority: RCW 28A.41.170. 83-22-031 (Order 83-16), § 392-142-015, filed 10/26/83.]

WAC 392-142-020 Vehicle categories. (1) By May 1st of each school year, the superintendent of public instruction shall develop preliminary categories of student transportation vehicles. The categories shall include, but not be limited to, variables such as vehicle capacity, type of fuel, engine, transmission, body, chassis, special equipment, and useful vehicle life. The categories shall be determined pursuant to the definitions set forth in WAC 392-142-020 and 392-143-010 and shall be applicable to the following school year.

(2) As used in this section, the terms:

(a) "School bus student capacity" shall mean the maximum allowable number of students that can be seated on a school bus using 21-inch seat spacing from the seating reference point;

(b) "Seating reference point" shall mean the point of intersection of horizontal and vertical axis measured as follows:

(i) The horizontal distance is 5.0 to 5.4 inches from the front surface of the seat back; and

(ii) The vertical distance is 2.5 inches above the top of the seat cushion.

(c) "Gasoline engine" shall mean a spark ignited engine using gasoline, propane, compressed natural gas, gasahol, alcohol, or a combination thereof;

(d) "Diesel engine" shall mean a compression ignited engine using diesel fuel;

(e) "Transmission" shall mean either a clutch actuated, hand shifted manual or a torque converter actuated automatic gear box;

(f) "Engine location" shall mean that the engine is located in the front, midship, or rear section of transit (Type D) school buses; and

(g) "Special handicapped equipment" shall mean wheelchair lifts, passenger tiedowns, or passenger restraints designed for the purpose of transporting students with handicapping conditions.

(3) Replacement vehicle categories are as follows:

TYPE A:

- 1. Student capacity 10-24
 - a. Gas manual
 - b. Gas automatic
 - c. Diesel manual
 - d. Diesel automatic

TYPE B:

- 1. Student capacity 18-22
 - a. Gas manual
 - b. Gas automatic
 - c. Diesel manual
 - d. Diesel automatic
- 2. Student capacity 23-27
 - a. Gas manual
 - b. Gas automatic
 - c. Diesel manual
 - d. Diesel automatic
- 3. Student capacity 28-32
 - a. Gas manual
 - b. Gas automatic
 - c. Diesel manual
 - d. Diesel automatic

TYPE C:

- 1. Student capacity 29
 - a. Gas manual
 - b. Gas automatic
 - c. Diesel manual
 - d. Diesel automatic
- 2. Student capacity 35
 - a. Gas manual
 - b. Gas automatic
 - c. Diesel manual
 - d. Diesel automatic
- 3. Student capacity 41
 - a. Gas manual
 - b. Gas automatic
 - c. Diesel manual
 - d. Diesel automatic
- 4. Student capacity 47
 - a. Gas manual
 - b. Gas automatic
 - c. Diesel manual
 - d. Diesel automatic
- 5. Student capacity 53
 - a. Gas manual
 - b. Gas automatic
 - c. Diesel manual
 - d. Diesel automatic
- 6. Student capacity 59
 - a. Gas manual
 - b. Gas automatic
 - c. Diesel manual
 - d. Diesel automatic
- 7. Student capacity 65
 - a. Gas manual
 - b. Gas automatic
 - c. Diesel manual
 - d. Diesel automatic

TYPE D:

- 1. Student capacity 78
 - Front engine
 - a. Diesel manual
 - b. Diesel automatic
- 2. Student capacity 78
 - Midship engine
 - a. Diesel manual
 - b. Diesel automatic
- 3. Student capacity 78
 - Rear engine
 - a. Diesel manual
 - b. Diesel automatic
- 4. Student capacity 90
 - Midship engine
 - a. Diesel manual
 - b. Diesel automatic

Any approved school bus used to transport students with handicapping conditions must have special handicapped equipment affixed to the vehicle. Replacement costs of special handicapped equipment shall be determined annually and added to the state-determined purchase price. The useful life of the special handicapped equipment shall be the same as the useful vehicle life to which the special equipment is affixed.

(4) By June 15th of each school year, the superintendent shall notify school districts of the preliminary vehicle categories for the ensuing school year. By October 15th of each school year, the superintendent shall finalize the student transportation vehicle categories and notify the school districts of any changes which affects that school year. [Statutory Authority: RCW 28A.41-.170. 83-22-031 (Order 83-16), § 392-142-020, filed 10/26/83.]

WAC 392-142-025 Vehicle category useful life. For each student transportation vehicle category prescribed in WAC 392-142-020 the following useful vehicle life shall apply:

- (1) Type A category school bus shall have a useful vehicle life of six years;
- (2) Type B category school bus shall have a useful vehicle life of eight years;
- (3) Type C category school bus equipped with a gasoline engine shall have a useful vehicle life of ten years;
- (4) Type C category school bus equipped with a diesel engine shall have a useful vehicle life of fifteen years;
- (5) Type D category school bus equipped with a front or rear engine shall have a useful vehicle life of twenty years; and
- (6) Type D category school bus equipped with a midship engine shall have a useful vehicle life of twenty-five years. [Statutory Authority: RCW 28A.41.170. 83-22-031 (Order 83-16), § 392-142-025, filed 10/26/83.]

WAC 392-142-030 State-determined purchase price. The superintendent of public instruction shall annually develop preliminary state-determined purchase prices for each student transportation vehicle category. The state-determined purchase price shall be based on the actual bid prices documented in the vendor bid proposals for the comparable category in the state during the preceding twelve months. This cost shall include all

applicable sales taxes, freight to the school districts, and all associated costs connected with an assumed full payment within thirty days of delivery. This cost shall not include any cost associated with district specified requirements. The state-determined purchase price is an arithmetic average of the actual bid prices including the additional costs allowed above.

For vehicles used to transport students with handicapping conditions, the cost of approved special handicapped equipment affixed to the vehicle shall be determined annually and added to the state-determined purchase price.

Each school district shall be paid an allocation or state payment based on the amount of the state-determined purchase price and inflation as recognized by the replacement schedule established in this chapter set by the superintendent of public instruction for the category of vehicle purchased.

By June 15th of each school year, the superintendent shall notify school districts of the preliminary state-determined purchase prices for the ensuing school year. By October 15th of each school year, the superintendent shall finalize the state-determined purchase prices and notify the school districts of any changes which affect that school year. [Statutory Authority: RCW 28A.41.170. 83-22-031 (Order 83-16), § 392-142-030, filed 10/26/83.]

WAC 392-142-035 Maintenance and operation. (1) To the extent possible, school districts shall operate vehicles not less than the number of years of useful lifetime now, or hereafter, assigned to the category of vehicles by the superintendent of public instruction.

(2) A school bus that continues to possess a valid operation permit and operates its useful vehicle life shall be considered to be properly maintained in accordance with generally accepted maintenance and operation standards. A school bus which does not operate its useful vehicle life shall be considered as not being properly maintained in accordance with generally accepted maintenance and operation standard unless proven otherwise by the school district. Prima facie evidence of such proof shall include required changes in the category of bus, or unforeseen natural events which shorten the useful vehicle life, including but not limited to, fire, flood, explosion, storm, earthquake, or volcanic eruption. Generally accepted maintenance and operation standards are outlined in the School Bus Maintenance Guide published by the superintendent of public instruction.

(3) If a district fails to follow generally accepted standards of maintenance and operation, the superintendent of public instruction shall penalize the school district by deducting from any future allocations or state payments authorized under this chapter an amount equal to the original cost of the vehicle multiplied by the fraction of the useful lifetime the vehicle failed to operate. [Statutory Authority: RCW 28A.41.170. 83-22-031 (Order 83-16), § 392-142-035, filed 10/26/83.]

WAC 392-142-040 State payment for school buses. School districts that operate a transportation program

utilizing school buses which meet the requirements of chapter 392-143 WAC are entitled to state payments for school bus replacement and depreciation. Replacement and depreciation state payments shall be provided for the following transportation groups:

(1) For new school buses having a valid operation permit before September 1, 1982, depreciation allocation payments shall be determined in accordance with the depreciation schedule (WAC 392-142-045) in effect at the time the school bus operation permit was issued, less adjustments for trade-ins and sales;

(2) For new school buses having a valid operation permit on or after September 1, 1982, replacement allocation payments shall be determined in accordance with WAC 392-142-050 less adjustments for salvage;

(3) For school buses contracted from private carriers on or after September 1, 1982, straight line depreciation allocation payments shall be determined in accordance with WAC 392-142-055;

(4) For used school buses issued operation permits before September 1, 1982, depreciation payments shall be determined in accordance with the schedules in effect at the time the school bus was first placed on a depreciation schedule and shall remain on that schedule throughout the useful vehicle life; and

(5) For used school buses issued operation permits and/or licensed on or after September 1, 1982, replacement payments shall be equivalent to buses of similar type, size, and age (e.g., for buses issued an operation permit or licensed in 1978, the replacement payment for 1983 would begin during the fifth year of the replacement schedule). [Statutory Authority: RCW 28A.41.170. 83-22-031 (Order 83-16), § 392-142-040, filed 10/26/83.]

WAC 392-142-045 School buses prior to September 1, 1982. (1) School districts shall receive state depreciation payments for all district-owned school buses placed on the depreciation schedule between September 1, 1975, and September 1, 1980, at ninety percent of the eligible purchase price multiplied by the base or derived percentage specified in this section, whichever is greater.

(2) School districts shall receive state depreciation payments for all district-owned school buses placed on the depreciation schedule after August 31, 1980, and through August 31, 1982, at one hundred percent of the eligible purchase price multiplied by the base or the derived percentage specified in this section, whichever is greater.

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

Vehicle Classification	Base Percentage
Class I 6-22 passengers	25% if annual miles are 18,750 or less
Class II 23-51 passengers	12.5% if annual miles are 15,625 or less

Vehicle Classification	Base Percentage
Class III 52-69 passengers	10% if annual miles are 15,000 or less
Class IV 70-up passengers	6.25% if annual miles are 12,500 or less

DISTRICT'S REBUILDING COST CHARGED TO BUDGET ITEM NO. 540	YEARS OF DEPRECIATION
\$2,500 - \$3,000	3
3,001 - 4,000	4
4,001 - 5,000	5
5,001 - 6,000	6
etc.	

Vehicle Classification	X =	Derived Percentage = Total Miles Driven
Class I 6-22 passengers	X	derived % if X is greater than 18,750 mi
	75,000	
Class II 23-51 passengers	X	derived % if X is greater than 15,625 mi
	125,000	
Class III 52-69 passengers	X	derived % if X is greater than 15,000 mi
	150,000	
Class IV 70-up passengers	X	derived % if X is greater than 12,500 mi
	200,000	

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

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

(d) State payment to a district shall follow the same procedure as other bus depreciation payments. [Statutory Authority: RCW 28A.41.170. 83-22-031 (Order 83-16), § 392-142-045, filed 10/26/83.]

(4) Used school buses purchased by a school district may be placed on a district's depreciation schedule under the following circumstances:

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

(b) A school bus (meeting the school bus specifications as now or hereafter amended) is purchased from a private party when the cost established appropriately reflects its depreciable value as determined by the superintendent of public instruction. Such a bus shall be put on the (depreciable) (depreciation) schedule at the purchase price paid for the used bus or the depreciable value, whichever is less.

(5) The following provisions shall apply only to school buses that were rebuilt prior to July 1, 1976:

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

WAC 392-142-050 District-owned school bus. State replacement payments shall be allowed on district-owned school buses on or after September 1, 1982 as determined through the following procedure:

(1) FIRST YEAR REPLACEMENT PAYMENT:

State-determined purchase price x (100 percentage points + inflation rate) x replacement factor = state payment x monthly proration if applicable = first year state payment

(2) SECOND AND SUCCEEDING YEAR REPLACEMENT PAYMENT:

State-determined purchase price x (100 percentage points + inflation rate) x replacement factor - previous state payment - imputed interest earnings = state payment

The monthly proration during the first year is based on the issuance of the school bus operation permit. If the school bus operation permit is issued prior to midnight of the fifteenth of the month, the entire month is included for replacement calculation. If the permit is issued after midnight of the fifteenth of the month, replacement calculation does not begin until the following month. The following monthly prorations shall apply:

September 1 through and including September 15	1.0000
September 16 through and including October 15	.9167
October 16 through and including November 15	.8333
November 16 through and including December 15	.7500
December 16 through and including January 15	.6667
January 16 through and including February 15	.5833
February 16 through and including March 15	.5000

March 16 through and including April 15	.4167
April 16 through and including May 15	.3333
May 16 through and including June 15	.2500
June 16 through and including July 15	.1667
July 16 through and including August 31	.0833

Each school district shall notify the superintendent of public instruction whenever disposition of a school bus occurs regardless of the nature of the disposition. The district shall submit a school bus acquisition and disposition (SPI Form 1020) within thirty days of the disposition. [Statutory Authority: RCW 28A.41.170. 83-22-031 (Order 83-16), § 392-142-050, filed 10/26/83.]

WAC 392-142-055 Contractor-owned school bus. State depreciation payments shall be allowed on privately owned, school district contracted buses on or after September 1, 1982.

School districts shall receive state payments for contractor-owned school buses based on the state-determined purchase price for the appropriate category of vehicle for the month the vehicle was issued a school bus operation permit. State payments shall be based on straight line depreciation (e.g., a state-determined purchase price of \$30,000, vehicle lifetime of ten years, each year of depreciation would equal \$3,000). [Statutory Authority: RCW 28A.41.170. 83-22-031 (Order 83-16), § 392-142-055, filed 10/26/83.]

WAC 392-142-060 School bus inspection. All vehicles used for transporting school students shall be inspected and approved by a Washington state patrol inspecting officer at the time of purchase. This inspection shall be recorded by the inspecting officer on a school bus inspection report and such results shall be forwarded to the superintendent of the operating or contracting school district. By definition, a vehicle shall not be identified as a school bus unless a valid school bus operation permit has been issued. This permit shall be required before a school district or contractor may operate the school bus. Depreciation and replacement payments allocated by the superintendent of public instruction shall be made only for school buses. [Statutory Authority: RCW 28A.41.170. 83-22-031 (Order 83-16), § 392-142-060, filed 10/26/83.]

WAC 392-142-065 School bus operation permit. The superintendent of public instruction shall issue a school bus operation permit for every school bus and place it on the replacement or depreciation schedule only if the following required documents are submitted:

- (1) The original of the school bus acquisition and disposition (Form SPI 1020 (6/83)) signed by an authorized school district representative;
- (2) One copy of the sellers invoice signed by an authorized dealer representative;
- (3) One copy of the successful bid document signed by an authorized dealer representative;
- (4) One copy of the warrant(s) issued to purchase the bus;
- (5) One copy of the conditional sales contract (if applicable ignore (4) above) signed by both an authorized school district and dealer representative;

- (6) The weight slip for the vehicle; and
- (7) The original school bus inspection report indicating the bus has passed, signed by the inspecting officer.

Recommendation for approval of a school bus operation permit shall be the responsibility of the regional transportation coordinator or his or her designee after the school district has submitted to the educational service district all documentation as required above.

No operating permit shall be issued for the school bus until all above documents have been properly completed and processed by the regional transportation coordinator. [Statutory Authority: RCW 28A.41.170. 83-22-031 (Order 83-16), § 392-142-065, filed 10/26/83.]

WAC 392-142-070 Vehicle transportation fund. State allocations for the acquisition of approved transportation vehicles by a school district shall be placed in the vehicle transportation fund for the past, current and future purchase of such vehicles. Approved transportation vehicles shall include all vehicles which qualify under the school bus specifications, as now or hereafter amended. State allocations for contracted transportation vehicles shall not be placed in the vehicle transportation fund.

(1) Purchase. A school district may disburse vehicle transportation funds for the purchase of approved transportation vehicles.

(2) Major repairs. A school district may disburse vehicle transportation funds to pay for major repairs.

(a) "Major repair" shall mean an expenditure of twenty-five percent or more of the current state-determined purchase price for that type and category of vehicle. The expenditure shall occur within one school year.

(b) Approval shall be obtained from the superintendent of public instruction for the disbursement of money for any major repair. [Statutory Authority: RCW 28A.41.170. 83-22-031 (Order 83-16), § 392-142-070, filed 10/26/83.]

Chapter 392-143 WAC

TRANSPORTATION—SPECIFICATIONS FOR SCHOOL BUSES

WAC

392-143-001	Authority.
392-143-005	Purpose.
392-143-010	Definitions.
392-143-015	School bus specifications manual.
392-143-025	Additional local specifications.
392-143-030	Initial inspection of school buses—Permit and license.
392-143-035	Routine inspection of school buses.
392-143-040	Other required inspections of school buses.
392-143-050	Resold school buses.
392-143-055	Responsibility for compliance with school bus specification rules.
392-143-060	School bus specifications continued compliance.
392-143-065	School bus tires.
392-143-070	Other vehicles used to transport students.

Reviser's note: With the filing of superintendent of public instruction Order 7-75, on December 22, 1975, chapter 392-21 WAC, entitled Specifications for school buses, has been superseded by chapter 392-143 WAC. See Title 392 WAC digest page for disposition of chapters and reference notes.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 392-143-020 Compliance with federal motor vehicle safety standards. [Order 7-75, § 392-143-020, filed 12/22/75. Formerly WAC 392-21-130 and 392-21-135.] Repealed by 83-21-025 (Order 83-13), filed 10/10/83. Statutory Authority: RCW 46.61.380.
- 392-143-045 Appeal for exception school bus. [Order 19-76, § 392-143-045, filed 12/31/76; Order 7-75, § 392-143-045, filed 12/22/75. Formerly WAC 392-21-145.] Repealed by 79-12-005 (Order 9-79), filed 11/9/79. Statutory Authority: RCW 46.61.380.
- 392-143-075 Amendment and waiver process. [Statutory Authority: RCW 46.61.380. 79-12-005 (Order 9-79), § 392-143-075, filed 11/9/79; Order 8-77, § 392-143-075, filed 10/11/77, effective 11/11/77.] Repealed by 83-21-025 (Order 83-13), filed 10/10/83. Statutory Authority: RCW 46.61.380.

WAC 392-143-001 Authority. The authority for this chapter is RCW 46.61.380 which authorizes the superintendent of public instruction to adopt and enforce regulations to govern the design, marking and mode of operation of all school buses transporting common school students. [Statutory Authority: RCW 46.61.380. 83-21-025 (Order 83-13), § 392-143-001, filed 10/10/83.]

WAC 392-143-005 Purpose. The purpose of this chapter is to implement RCW 46.61.380 by establishing the specifications governing the design and marking of all school buses owned and operated by any school district and all school buses which are privately owned and operated under contract or otherwise with any school district in the state for the transportation of common school students. The provisions of this chapter shall be incorporated by express reference into all school district contracts for the transportation of common school students in privately owned and operated school buses. [Statutory Authority: RCW 46.61.380. 83-21-025 (Order 83-13), § 392-143-005, filed 10/10/83; 79-12-005 (Order 9-79), § 392-143-005, filed 11/9/79; Order 7-75, § 392-143-005, filed 12/22/75. Formerly WAC 392-21-100.]

WAC 392-143-010 Definitions. As used in this chapter and subject to the "School bus specifications," as now or hereafter established by the superintendent of public instruction, the term:

(1) "School bus" shall mean every vehicle with a seating capacity of more than ten persons regularly used to transport students to and from school or in connection with school activities.

(2) A Type "A" school bus shall mean a conversion or body constructed upon a van-type compact truck or a front-section vehicle, with a gross vehicle weight rating of 10,000 pounds or less, designed for carrying more than ten persons.

(3) A Type "B" school bus shall mean a conversion or body constructed and installed upon a van or front-section vehicle chassis, or stripped chassis, with a gross vehicle weight rating of more than 10,000 pounds, designed for carrying more than ten persons. Most of the

engine is beneath and/or behind the windshield and beside the driver's seat. The entrance door is behind the front wheels.

(4) A Type "C" school bus shall mean a body installed upon a flat back cowl chassis with a gross vehicle weight rating of more than 10,000 pounds, designed for carrying more than ten persons. All of the engine is in front of the windshield and the entrance door is behind the front wheels. A Type "C" school bus may also mean a body installed on a stripped chassis with a vehicle weight rating of more than 10,000 pounds, designed for carrying 35/36 passengers or more. Part of the engine is beneath and/or behind the windshield and beside the driver's seat. The entrance door is behind the front wheels.

(5) A Type "D" school bus shall mean a body installed upon a chassis, with the engine mounted in the front, midship, or rear, with a gross vehicle weight rating of more than 10,000 pounds, designed for carrying more than ten persons. The engine may be behind the windshield and beside the driver's seat; it may be at the rear of the bus, behind the rear wheels, or midship between the front and rear axles. The entrance door is ahead of the front wheels.

(6) A school bus to transport special education students shall mean any Type A, B, C or D school bus as defined in this section which has been modified to transport special education students. [Statutory Authority: RCW 46.61.380. 83-21-025 (Order 83-13), § 392-143-010, filed 10/10/83; 79-12-005 (Order 9-79), § 392-143-010, filed 11/9/79; Order 8-77, § 392-143-010, filed 10/11/77, effective 11/11/77; Order 19-76, § 392-143-010, filed 12/31/76; Order 7-75, § 392-143-010, filed 12/22/75. Formerly WAC 392-21-110.]

WAC 392-143-015 School bus specifications manual. The superintendent of public instruction shall publish and distribute to each school district a school bus specification manual which shall be referred to as "School bus specifications." Such manual shall incorporate all specifications required by the federal department of transportation motor vehicle safety standards and govern the specifications for all school buses. Such manual is hereby incorporated into this chapter by reference. Prior to any revision of the school bus specification manual, the superintendent of public instruction shall serve notice to interested parties and shall hold at least one public hearing. [Statutory Authority: RCW 46.61.380. 83-21-025 (Order 83-13), § 392-143-015, filed 10/10/83; Order 7-75, § 392-143-015, filed 12/22/75.]

WAC 392-143-025 Additional local specifications. Any school district board of directors may adopt and require such additional school bus specifications as it deems necessary. [Statutory Authority: RCW 46.61.380. 83-21-025 (Order 83-13), § 392-143-025, filed 10/10/83; Order 7-75, § 392-143-025, filed 12/22/75. Formerly WAC 392-21-105.]

WAC 392-143-030 Initial inspection of school buses--Permit and license. All school buses, as a condition for its use to transport students shall have a school bus operation permit issued in accordance with WAC 392-142-060 [392-142-065]. If the school bus is approved in compliance with WAC 392-145-060 [392-142-060], the superintendent shall send three copies of the school bus operation permit to the appropriate school district. The original and such other information as is requested by the superintendent shall be retained by the school district; one copy shall be placed in the permit holder in the school bus; and one copy shall be presented to the county auditor, along with the operator's application for an exempt state license for the bus if applicable. County auditors shall not issue an exempt license for the bus unless a school bus operation permit accompanies the application for a license. All inspections of new school buses shall be made prior to the delivery to the purchaser. [Statutory Authority: RCW 46.61.380. 83-21-025 (Order 83-13), § 392-143-030, filed 10/10/83; Order 7-75, § 392-143-030, filed 12/22/75. Formerly WAC 392-21-115.]

WAC 392-143-035 Routine inspection of school buses. 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 a required inspection. A second inspection of at least twenty-five percent of each school district's fleet shall be conducted annually by the Washington state patrol. This second inspection shall be unannounced and the inspection team shall select which buses in the fleet it will inspect. These unannounced inspections shall be scheduled so that they do not disrupt the regular transportation program. [Statutory Authority: RCW 46.61.380. 83-21-025 (Order 83-13), § 392-143-035, filed 10/10/83; 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.]

WAC 392-143-040 Other required inspections of school buses. All school buses which have been rebuilt, and/or received a major modification and/or received a major repair shall be inspected prior to transporting students in accordance with the following criteria:

(1) A rebuilt school bus: For the purpose of this section a rebuilt school bus shall fully comply with all current Washington specifications at the time the school bus is rebuilt, and shall be inspected in accordance with WAC 392-143-030.

(2) A school bus receiving a major modification: For the purpose of this section, school bus modifications

(e.g., hydraulic lift and/or ramp for wheelchairs) must meet all current state of Washington specifications at the time the major modification is made and shall be inspected in accordance with WAC 392-143-030.

(3) A school bus receiving a major repair (not routine maintenance): For the purpose of this section a school bus that has received repairs to or rebuilding of the frame, steering, suspension, braking systems or has been repowered, shall be identified as that needing inspection. Any repairs made shall meet or exceed Washington specifications in effect at the time of the original manufacturing date of the bus and shall be inspected in the same manner as a new school bus with emphasis on mechanical safety items. [Statutory Authority: RCW 46.61.380. 83-21-025 (Order 83-13), § 392-143-040, filed 10/10/83; Order 8-77, § 392-143-040, filed 10/11/77, effective 11/11/77; Order 7-75, § 392-143-040, filed 12/22/75. Formerly WAC 392-21-125.]

WAC 392-143-050 Resold school buses. A school district which sells a school bus to anyone other than another school district shall be responsible for removing the school district's name, number and all lettering, and markings, identifying the vehicle as a school bus prior to its delivery to the purchaser. However, if the district sells the school bus to a private party who certifies in writing that the school bus shall be used as a private carrier bus, the district need not remove the emergency lights and stop signal paddle. [Statutory Authority: RCW 46.61.380. 83-21-025 (Order 83-13), § 392-143-050, filed 10/10/83; Order 7-75, § 392-143-050, filed 12/22/75. Formerly WAC 392-21-150.]

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

WAC 392-143-060 School bus specifications continued compliance. School districts shall maintain all school buses in such condition that they shall continue to meet or exceed Washington state specifications in effect when the bus was manufactured, except as such standards or specifications were subsequently repealed or reduced. [Statutory Authority: RCW 46.61.380. 83-21-025 (Order 83-13), § 392-143-060, filed 10/10/83; Order 8-77, § 392-143-060, filed 10/11/77, effective 11/11/77.]

WAC 392-143-065 School bus tires. No school bus shall be operated with regrooved, recapped or retreaded tires on the front wheels. [Statutory Authority: RCW 46.61.380. 83-21-025 (Order 83-13), § 392-143-065, filed 10/10/83; Order 8-77, § 392-143-065, filed 10/11/77, effective 11/11/77.]

WAC 392-143-070 Other vehicles used to transport students. All vehicles with a seating capacity including the driver of ten persons or less, shall not be required to meet school bus specifications. Such vehicles regularly used to transport students to and from school or in connection with school activities, must carry the approved school bus first aid kit, fire extinguisher and highway warning kit. These vehicles also must pass a safety inspection routinely conducted at the intervals outlined in WAC 392-142-035 [392-143-035].

Students, while being transported in any vehicle used in to and from school transportation and school activities, shall share the same compartment and be provided the same general safety and comfort as the driver. [Statutory Authority: RCW 46.61.380. 83-21-025 (Order 83-13), § 392-143-070, filed 10/10/83; 79-12-005 (Order 9-79), § 392-143-070, filed 11/9/79; Order 8-77, § 392-143-070, filed 10/11/77, effective 11/11/77.]

Chapter 392-145 WAC TRANSPORTATION--OPERATION RULES

WAC

392-145-001	Authority.
392-145-005	Purposes and definition of "school bus."
392-145-010	Seating and seatbelt requirements.
392-145-015	General operating regulations.
392-145-020	Rules for school bus drivers.
392-145-025	Additional rules for school bus drivers.
392-145-030	Additional rules for school bus drivers.
392-145-035	Rules for students riding school buses.
392-145-040	Emergency exit procedures.
392-145-045	Emergency drills.

Reviser's note: With the filing of superintendent of public instruction Order 7-75, on December 22, 1975, chapter 392-20 WAC, entitled "Approved school transportation guide," chapter 392-22 WAC entitled "Operation rules for school bus drivers," and chapter 392-23 WAC entitled "Rules for students riding buses," have been superseded by chapter 392-145 WAC. See Title 392 WAC digest page for disposition of chapters and reference notes.

WAC 392-145-001 Authority. The authority for this chapter is RCW 46.61.380 which authorizes the superintendent of public instruction to adopt and enforce regulations to cover the operation of all school buses transporting common school students. [Statutory Authority: RCW 46.61.380. 83-21-026 (Order 83-10), § 392-145-001, filed 10/10/83.]

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

district shall be subject to the applicable provisions of this chapter.

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

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

WAC 392-145-010 Seating and seatbelt requirements. (1) No school bus shall be operated unless each passenger aboard has been provided with a safe seat of sufficient size to accommodate each such passenger.

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

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

(4) Passengers in school buses equipped with lap belts shall be required to wear them whenever the bus is in motion. [Statutory Authority: RCW 46.61.380. 83-21-026 (Order 83-10), § 392-145-010, filed 10/10/83; 79-12-006 (Order 10-79), § 392-145-010, filed 11/9/79; Order 5-76, § 392-145-010, filed 4/16/76; Order 7-75, § 392-145-010, filed 12/22/75. Formerly WAC 392-22-005.]

WAC 392-145-015 General operating regulations. (1) Every school district board of directors shall adopt written policies or rules implementing the provisions and objectives of WAC 392-145-035. District policies or rules governing student conduct during the course of transportation shall be established and implemented pursuant to the state board of education "Student rights and responsibilities code," chapter 180-40 WAC, as now or hereafter amended.

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

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

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

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

(6) Teachers and all other school district staff members shall refrain from requesting students to transport prohibited items between home and school on a school bus. Items which shall not be transported within the passenger area of a school bus also include all forms of

animal life (except seeing eye dogs), firearms, weapons, breakable containers, flammables, and all other articles which could adversely affect the safety of the bus and passengers.

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

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

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

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

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

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

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

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

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

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

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

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

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

(10) School bus drivers shall be certain that all brakes, lights, stop signs, warning signal lamps, and

other safety devices are working properly before starting on any trip and shall assure that the bus is equipped with a first aid kit and a fire extinguisher. [Order 7-75, § 392-145-020, filed 12/22/75. Formerly WAC 392-22-010 (part) and 392-22-100 (part).]

WAC 392-145-025 Additional rules for school bus drivers. (1) School bus drivers shall check the latch, safety lock and warning system for emergency doors daily; no bus may be operated with passengers aboard if the emergency exit is not functioning properly.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(5) Prior to stopping the school bus for the purpose of receiving or discharging passengers, school bus drivers shall activate the alternating amber flashing warning lamps by means of a master sequencing switch. The driver shall activate the amber warning lamps:

(a) No less than 100 feet nor more than 300 feet from the bus stop where the posted speed limit is 35 miles per hour or less; and

(b) No less than 300 feet nor more than 500 feet from the bus stop where the posted speed limit is more than 35 miles per hour.

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

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

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

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

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

(8) School bus drivers shall proceed with caution when passing or meeting a school bus but are not required to come to a stop unless the school bus stop sign and red flashing lights of the other bus are displayed.

(9) In order to lessen the potential for collisions, school bus drivers may use 4-way hazard warning lights within 500 feet prior to stopping for a railroad crossing or where a special hazard exists such as dense traffic conditions, adverse weather conditions, or where the necessary school bus speed is substantially below the posted speed limit. This procedure may be used only on buses equipped with amber 4-way hazard warning lights on the front and rear of the school bus. [Statutory Authority: RCW 46.61.380, 80-09-081 (Order 80-28), § 392-145-030, filed 7/21/80; 79-12-006 (Order 10-79),

§ 392-145-030, filed 11/9/79; Order 19-76, § 392-145-030, filed 12/31/76; Order 7-75, § 392-145-030, filed 12/22/75. Formerly WAC 392-22-010 (part) and 392-22-100 (part).]

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

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

(2) Student riding privileges.

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

(4) Loading and unloading procedures and seat assignments.

(5) Pupil conduct.

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

(7) Unacceptable hazards that may cause injury to others, e.g., firearms, breakable containers, etc.

(8) Bus cleanliness.

(9) Emergency exit procedures. [Order 7-75, § 392-145-035, filed 12/22/75. Formerly WAC 392-23-010.]

WAC 392-145-040 Emergency exit procedures. (1) All school districts operating or contracting for school bus transportation services shall prepare written policies or rules which establish procedures for bus safety and emergency exit drills.

(2) One emergency evacuation drill shall be held within the first six weeks of school each semester. If it is not possible for a school district to do so within this period, a makeup drill shall be scheduled as soon as possible.

(3) The first exit drill shall be followed by at least one verbal review of the emergency exit drill prior to the second exit drill.

(4) Only those passengers whose participation in an exit drill poses substantial difficulty to themselves or to other passengers shall be excused and/or excluded from exit drill participation. Passengers who are excluded from such participation shall receive oral instruction in bus safety and exit drills at least three times during the school year.

(5) Drills shall be held upon school premises. Drills on the highway are only warranted under conditions necessary for "life and emergency safety." [Order 19-76, § 392-145-040, filed 12/31/76; Order 7-75, § 392-145-040, filed 12/22/75.]

WAC 392-145-045 Emergency drills. (1) Emergency drills conducted pursuant to WAC 392-145-040 shall:

(a) Make allowance for individual differences in exiting the emergency door.

(b) Provide instruction to helpers that they should offer a helping hand palm up and avoid grasping a student's hand or arm.

(c) Be timed to assure that procedures provide for an orderly and expedient exiting from the vehicle. [Order 7-75, § 392-145-045, filed 12/22/75.]

Chapter 392-151 WAC

TRAFFIC SAFETY--SCHOOL SAFETY PATROL

WAC

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Reviser's note: With the filing of superintendent of public instruction Order 7-75, on December 22, 1975, chapter 392-24 WAC, entitled, "School safety," has been superseded by chapter 392-151 WAC. See Title 392 WAC digest page for disposition of chapters and reference notes.

WAC 392-151-005 Purposes. The purposes of this chapter are to implement RCW 46.61.385 and authorize the appointment and operation of school patrols by any public or private school subject to the conditions, procedures, and considerations required by this chapter and such supplemental conditions, procedures, and considerations as any such school may impose which are in the best interest of student safety. [Order 7-75, § 392-151-005, filed 12/22/75.]

WAC 392-151-010 Function of a school patrol. The purpose and function of a school patrol are to assist and aid members of the student body in the safe and proper crossing of streets, highways, and roads adjacent to the school and other crossing areas approved by the local law enforcement agency. Other designated crossing areas requested by school administrators and/or the school

safety committee shall be approved by the local law enforcement agency.

Student school patrol members assigned to work at a location with an adult school patrol member shall be subordinate to the adult and shall assist and act in the direction of such adult member of the patrol. A school patrol cannot be charged with the responsibility nor be allowed to direct vehicular traffic. A school patrol is to look for and utilize natural gaps in traffic as much as possible when allowing students to cross a street, highway, or road. [Order 7-75, § 392-151-010, filed 12/22/75. Formerly WAC 392-24-205.]

WAC 392-151-015 Administration and support.

The superintendent or chief administrative officer of the school district shall assume the leadership and be ultimately responsible for determining school patrol policy and operations. The principal of each school shall provide leadership in developing good relationships among teachers, student body, and members of the school patrol in matters of selecting, instructing, and giving immediate supervision to school patrol members and carrying out administrative details. Administration of the actual operation of a school patrol may be delegated to a school employee or a safety committee. The approval, understanding, support, and encouragement of school administrators, local traffic control agencies, teachers, parents, and students is essential in providing an effective school safety patrol.

Selection of a safety advisory committee is important in the development and support of school patrol policy. In the development of a safe route to school plan, members may be selected from the following areas:

- (1) School administration;
- (2) Law enforcement;
- (3) Traffic engineering;
- (4) School-parent organization; and
- (5) Local service groups. [Statutory Authority: RCW 46.61.385. 80-09-015 (Order 80-22), § 392-151-015, filed 7/9/80; Order 7-75, § 392-151-015, filed 12/22/75. Formerly WAC 392-24-210.]

WAC 392-151-020 Liability. The fear of potential liability for injuries sustained by pupils, employees, or patrols is present in the minds of school board members and school administrators. Both a school district and its individual employees or agents are potentially liable for damages sustained by students or others as the result of negligence. Examples of actions or inactions possibly giving rise to an award of damages by a court include: The failure to properly supervise students while they are in the custody of school employees or agents; the failure to properly instruct students in the procedures necessary to safeguard themselves while participating in school activities which may otherwise cause them injury; the failure to select and assign competent employees or agents to safeguard students where necessary; and, in general, the failure to take reasonable precautions to safeguard student in the custody of the school against foreseeable dangers.

The following suggested procedures may assist schools and employees or agents reduce the potential liability in connection with the operation of a school patrol:

- (1) Establish reasonable rules and regulations regarding the supervision and control of the school patrols.
- (2) Establish a policy which limits the selection of student patrol members to students who are enrolled in grades five through eight and who possess optimum physical and mental abilities.
- (3) Establish a policy which authorizes any parent to have his or her child excluded from service on the safety patrol.
- (4) Establish a policy which requires school boards to provide insurance for members of the school patrol and for all supervisory officials involved in the program.
- (5) Establish a policy which sets forth specific physical and other criteria for selecting school patrol members and providing adequate training.

In addition, schools should periodically conduct a complete review of the entire school patrol program, including the following:

- (a) The selection of supervisors
- (b) The selection of student and adult members of the patrol
- (c) The training of both supervisors and patrol members
- (d) The determination of the streets which are to be used and those which are not to be used
- (e) The equipment needed
- (f) The time schedule when the patrol will be on duty
- (g) The special precautions to be observed in inclement weather and during hours of semidarkness. [Order 7-75, § 392-151-020, filed 12/22/75. Formerly WAC 392-24-215.]

WAC 392-151-025 Route plans. Suggested route plans shall be developed for each elementary school that has students who walk to and from school. It shall recommend school routes based on considerations of traffic patterns, existing traffic controls, and other crossing protection aids such as school patrols. These route plans shall limit the number of school crossings so that students move through the crossings in groups, allowing only one entrance-exit from each block to and from school. The safe route to school map shall be distributed to all students with instructions that it be taken home and discussed with the parents. [Order 7-75, § 392-151-025, filed 12/22/75. Formerly WAC 392-24-220.]

WAC 392-151-030 Controlled crossings. School patrol controlled crossings shall not be operated unless proper traffic control devices are in place as depicted in Washington state department of highways, *Sign Fabrication Manual* and *Manual on Uniform Traffic Control Devices*, as now or hereafter amended. As a minimum, these shall consist of:

- (1) School crossing warning signs S1-1 and S2-1
- (2) Marked crosswalks
- (3) School speed limit sign

Contact shall be made by school authorities with the governmental agency having jurisdiction over the street

or highway in question in order to secure the necessary signs. The state department of highways shall be contacted concerning all state highways outside of incorporated towns and cities and on those state highways within the incorporated limits of towns and cities with a population of 15,000 or less.

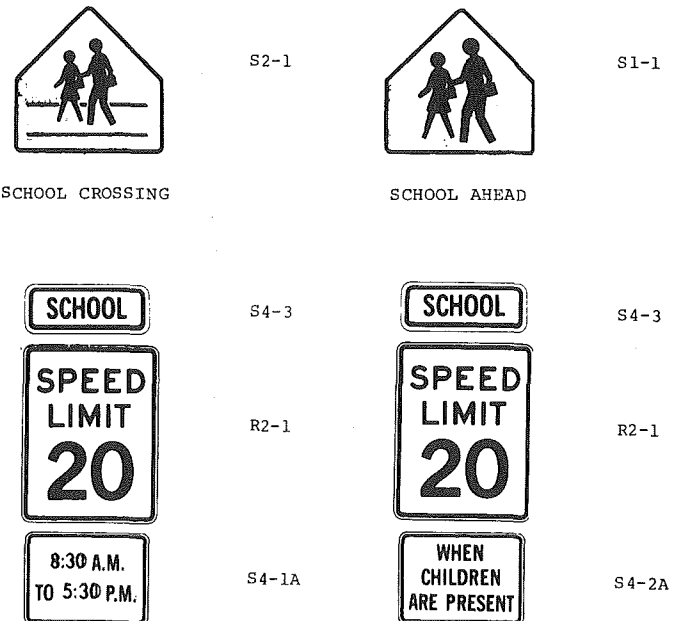
The county highway department shall be contacted regarding all county roads and for towns or cities under 15,000 population. The local highway department shall be contacted on streets other than state highways. In towns and cities over 15,000 population, the local highway department shall be contacted for assistance whether or not a state highway is involved.







When vehicular traffic volumes are such that adequate safe gaps in the traffic flow do not occur in reasonable frequent intervals to allow safe crossings by students, this condition, as well as any other related traffic problems, shall be reported to the traffic engineering authorities having jurisdiction in order that necessary studies can be conducted for the purpose of determining corrective measures.

Where conditions are such that a patrol member cannot be seen at least as far away as the safe stopping distance for the legal speed at the location, one of the following procedures shall be carried out:

- (1) Select a safer location for the crossing at which the patrol is to serve.
- (2) The condition shall be taken up with the traffic authorities having jurisdiction for the purpose of devising a solution. [Order 7-75, § 392-151-030, filed 12/22/75. Formerly WAC 392-24-240.]

WAC 392-151-035 School crossing warning and speed limit signs.



	S4-3		S4-3
	R2-1		R2-1
	S4-5		S4-4A

[Order 7-75, § 392-151-035, filed 12/22/75. Formerly WAC 392-24-245.]

WAC 392-151-040 Organization, instruction, and supervision. The building principal or a member of the faculty appointed by the principal shall supervise the school patrol. Criteria for the selection of a school patrol supervisor shall include:

- (a) Interest in safety
- (b) Ability to organize
- (c) Ability to lead
- (d) Ability to discipline
- (e) Attitude toward work
- (f) Efficiency on job
- (g) Ability to recognize individual differences
- (h) Ability to hold respect of pupils
- (i) Dependability

[Order 7-75, § 392-151-040, filed 12/22/75. Formerly WAC 392-24-250 (part).]

WAC 392-151-045 Duties of patrol supervisor. Duties of a school patrol supervisor shall include: (1) Selection of school patrol members according to school policy.

(2) Instruction of all school patrol members and officers in their respective duties.

(3) Supervision of the work of the school patrol in such manner as to develop the greatest initiative, leadership, and effectiveness on the part of each patrol officer and member.

(4) Hold regular meetings of the school patrol for the purpose of instruction in safety practices, discussions concerning infractions of rules, and stimulating and inspiring the members in the performance of their duties.

(5) Serve as advisor to safety committees.

The patrol supervisor shall be knowledgeable in all areas of the school patrol. The patrol supervisor shall instruct all members of the patrol in their respective duties and give continuous supervision over the performance of those duties. Regular meetings of the school patrol shall be held under the supervision and instruction of the patrol supervisor. General instructions shall be given and discussions held concerning general problems.

An officer of the state patrol, sheriff's office, or local police department shall be requested to assist in the instruction of school patrol members in the performance of

their duties and thereafter make visits to street and highway crossings where school patrol members are stationed.

Additional assistance as deemed necessary shall be requested by school authorities from local law enforcement agencies. Instruction in traffic rules and regulations shall be given to all children attending the school. Rules and regulations shall be printed or mimeographed and distributed to parents and students. [Order 7-75, § 392-151-045, filed 12/22/75. Formerly WAC 392-24-250 (part).]

WAC 392-151-050 Selection, appointment and suspension of patrol members. Student school patrol members shall be selected from the upper grade levels and not below age ten. Qualities such as leadership and reliability shall be considered in the selection of any patrol member. School patrol service shall be voluntary.

Written approval of a parent or guardian shall be secured in the case of student patrol members. Each prospective patrol member shall be given a vision and hearing examination. After selection, each school patrol member candidate shall be formally appointed by the principal. The parent(s) or guardian(s) of a student patrol member shall be notified in writing or via a personal interview of the student's suspension from duty as a school patrol member.

New patrol members shall be selected thirty days before the school term terminates. Additional patrol members may be recruited in the fall of each year and, thereafter, as necessary to fill open positions. New members shall work with trained school patrol members for a long enough period to learn their duties.

A captain of the school patrol shall be selected and instructions shall be given each new school patrol member so that he or she can begin effective duty at a specific post the morning the next school term commences. [Statutory Authority: RCW 46.61.385. 80-09-015 (Order 80-22), § 392-151-050, filed 7/9/80; Order 7-75, § 392-151-050, filed 12/22/75. Formerly WAC 392-24-255.]

WAC 392-151-055 Utilization of adult patrol members. Schools possess the authority to appoint adults as supervising members of a school patrol. The following criteria shall be used to determine at which locations adult patrol members shall be stationed:

(1) When there is a lack of adequate gaps due to a high volume of traffic.

(2) When 85 percent of the traffic speed exceeds the speed limit by 5 miles an hour.

(3) When there is a restricted sight distance.

(4) When the location or distance from the school building is such that poor supervision of students would otherwise result.

(5) When there is a high volume of turning traffic over a crosswalk.

(6) When the location has been determined by either school or law enforcement authorities to be beyond the capability of a student to make rational decisions concerning safety.

(7) When there is an excessive volume of pedestrian traffic over a highway.

(8) When any of the above criteria exists and there is a lack of an alternate school route plan. [Order 7-75, § 392-151-055, filed 12/22/75. Formerly WAC 392-24-225 and WAC 392-24-230.]

WAC 392-151-060 Good character references for patrol members. In addition to the other requirements for patrol members established by this chapter, good character references shall be obtained on every adult who is being considered as a school patrol member. [Order 7-75, § 392-151-060, filed 12/22/75. Formerly WAC 392-24-235.]

WAC 392-151-065 Adult patrol members--Knowledge--Training of students--Introduction. In addition to other qualifications imposed by this chapter adult school patrol members shall be knowledgeable with the school crossing protection program operated in their community. Particular attention shall be given to introducing adult school patrol members to school authorities, traffic authorities, and the local parent-teacher association so that they may work together on problems of safety in the school area. Adult patrol members also shall know the school employee acting as patrol supervisor and be knowledgeable with patrol activities. Provision may be made to allow adult patrol members to have some part in the actual training of students relative to traffic safety. At the beginning of the school term, arrangements shall be made to present adult patrol members to the student body and the school parent association. [Order 7-75, § 392-151-065, filed 12/22/75. Formerly WAC 392-24-345.]

WAC 392-151-070 Size of patrol and officers needed. The number of members on a school patrol shall be determined by factors such as: street and highway conditions, number of intersections, volume of vehicular traffic, school enrollment, and number of arrival and school dismissal times. If there are several dismissal times, the size of the patrol shall be increased and the groups rotated so that no one member shall be absent too long from his or her classes. The supervisor may request assistance from the traffic safety unit of the police department in planning school patrol posts. Engineering studies may be requested from the traffic engineer's office by the police unit, the principal, or the school safety committee.

Each school patrol may have a patrol captain and one or more lieutenants. The captain shall be a patrol member who possesses qualities of leadership and shall be selected by the supervisor of the patrol on a trial basis or elected by the members subject to the supervisor's approval.

Officers and members should normally serve for at least one full school year. However, a plan for periodic relief may be provided for and implemented at the discretion of school authorities. This may be done by organizing groups to rotate weekly or several weeks at a time or by rotating dismissal times.

Some of the duties of the school safety patrol officers are:

- (1) Assigning school patrol members to their posts
- (2) Supervising the operations of the school patrol
- (3) Keeping school patrol records, including attendance
- (4) Being responsible for the procedure at each crossing
- (5) Making sure each school patrol member wears his or her equipment while on duty
- (6) Arranging for a substitute in case of absence of a regular school patrol member
- (7) Manning the post in case of an emergency. [Order 7-75, § 392-151-070, filed 12/22/75. Formerly WAC 392-24-260.]

WAC 392-151-075 Hours on duty. The hours that patrol members are on duty shall be determined by the needs of the school area from an accident prevention standpoint and the time schedule of the school being served. The schedule of each student patrol member shall be so planned as to make it unnecessary for the student to miss regular school work for lengthy periods. Parents shall be informed of the amount of time students are scheduled to serve on patrols and how much class time may be missed due to patrol duty.

When a patrol member has been assigned to a particular crossing, the member shall be on duty at all times students are normally crossing streets or highways in going to and from school. Members shall be at their posts 10 to 15 minutes before the first class in the morning and 10 to 15 minutes before school begins in the afternoon.

At dismissal times, arrangements shall be made for student patrol members to leave their classes 2 or 3 minutes before the dismissal bell. Patrol members shall remain on duty until the patrol captain or patrol supervisor gives the dismissal signal. [Order 7-75, § 392-151-075, filed 12/22/75. Formerly WAC 392-24-265.]

WAC 392-151-080 The patrol captain. The duties of the patrol captain may be:

- (1) Assign patrol members to their posts. See that patrol members report on time and keep a record of their attendance. If a patrol member is absent and no substitute is available, the captain may assign the lieutenant to fill in or man the post himself or herself in emergencies.
- (2) Make daily inspections. This is to make sure that each patrol member wears his or her equipment and that the equipment is kept in good, clean condition and properly stored when not in use.
- (3) Enforce the rules of operation. Dereliction of duty may be dealt with by the captain.
- (4) Make safety talks. The captain may be asked to make presentations to the student body and at regular patrol meetings.
- (5) Report accidents and violations. The patrol captain may be responsible for the reporting of all accidents and violations to the patrol supervisor. [Order 7-75, § 392-151-080, filed 12/22/75. Formerly WAC 392-24-270 and 392-24-275.]

WAC 392-151-085 General duties of patrol members. Each school patrol member shall adhere to the following duties and rules:

- (1) Report to the crossing on time and remain during the prescribed period or until properly relieved.
- (2) Perform duties as outlined.
- (3) Wear standard uniform at all times while on duty.
- (4) Be polite at all times.
- (5) Attend strictly to the task and do not permit attention to be diverted while on duty.
- (6) Direct students, not vehicular traffic.
- (7) Know the procedures to follow in case of an accident or emergency.
- (8) Notify the designated person in advance of anticipated absence. [Order 7-75, § 392-151-085, filed 12/22/75. Formerly WAC 392-24-280.]

WAC 392-151-090 Standard uniforms. The standard uniform for school patrol members shall be a badge, vest, and/or raincoat and shall be worn only during a patrol function. A helmet may be used as part of the standard uniform.

The helmet when used shall be fluorescent orange, white, red, or yellow. For additional visibility during hours of darkness, reflective tape may be added to the uniform.

The school patrol vest shall be fluorescent orange with reflective white bands.

The raincoat shall be fluorescent orange, red, or yellow. [Statutory Authority: RCW 46.61.385. 80-09-015 (Order 80-22), § 392-151-090, filed 7/9/80; Order 7-75, § 392-151-090, filed 12/22/75. Formerly WAC 392-24-285.]

WAC 392-151-095 Equipment. Each school patrol member, while on duty, shall have a fluorescent flame orange or a red flag of color-fast material approximately 14 inches by 16 inches bearing the word "STOP" in white lettering and attached to a staff approximately 40 inches long.

All flags shall be displayed by the school patrol at a 45-degree angle extending toward the center of the street or highway. The purpose of the flag is to increase visibility and give warning to approaching motorists, not to direct traffic. [Order 7-75, § 392-151-095, filed 12/22/75. Formerly WAC 392-24-290.]

WAC 392-151-100 Care of equipment--Dismissal. Each school patrol member shall be responsible for the care of his or her equipment. There shall be periodic inspections and inventories to make sure the equipment is not lost and that it is kept in reasonably good condition.

School patrol members shall be required to return their equipment to the school supply room at the end of the school term.

School patrol officers may be responsible for the regular inspection and to see that school patrol equipment is kept in good condition and in its proper place. A record of inspections may be kept for submission to the school patrol supervisor. Willful abuse of equipment by a patrol member shall be grounds for dismissal. [Order 7-75, §

392-151-100, filed 12/22/75. Formerly WAC 392-24-295.]

WAC 392-151-105 Instruction of patrol members. Each school patrol member shall be thoroughly trained in his or her duties before being permitted to take assigned posts. Instruction shall include the fundamentals of patrol operation — where and how to stand when on duty, how to handle the patrol flag, and what constitutes a sufficient gap in vehicular traffic to permit safe crossing by students. Emphasis shall be placed on special hazards and the need for constant alertness. Types of training which shall be given members are:

- (1) On-the-job training for at least one week under the direction of an experienced patrol member.
- (2) Personal instruction by the patrol supervisor, a police officer, or a designated school district safety official.

(3) Reading and understanding written instructions which the school has compiled for the specific purpose of instructing new members.

(4) Attending a special "clinic" made up of new and old members of the patrol. [Order 7-75, § 392-151-105, filed 12/22/75. Formerly WAC 392-24-300.]

WAC 392-151-110 Installing school patrol members. New members of a school patrol shall be formally installed. The school principal or a law enforcement officer shall be present to administer the pledge and explain to the student audience the need for cooperation in making school patrol protection effective.

The pledge shall be given to the school patrol candidates during the installation. The school safety patrol card shall be issued to each member. The card shall be signed by the patrol member, parent, or guardian and the school principal or patrol supervisor. [Order 7-75, § 392-151-110, filed 12/22/75. Formerly WAC 392-24-305 and 392-24-310.]

WAC 392-151-115 Patrol operation--Assignment and inspection. Student school patrol members shall be instructed to leave their classes quietly when released for patrol duty and go directly to the patrol assembly point. The patrol supervisor or an officer shall see that each member is provided with the proper equipment and assigned to a specific crossing. If a post remains uncovered, another patrol member shall be assigned to cover that crossing.

After receiving equipment and being assigned, patrol members shall walk quietly to their crossings. In crossing streets, members shall protect each other in the same manner they protect other pedestrians. [Order 7-75, § 392-151-115, filed 12/22/75. Formerly WAC 392-24-315.]

WAC 392-151-120 Basic crossing position and flag operation. Each school patrol member shall stand back of the curb—not in the street—and remind students to wait behind the flag until there is an adequate gap in traffic. A safe distance from the edge of the street shall

be the length of the flag staff. When the traffic gap occurs, a patrol member shall step aside and extend the flag over the roadway. The flag shall be displayed in a 45-degree position with the word "STOP" level to the ground. When it is safe to cross, patrol members shall signal audibly, "Ready, Walk," enabling students to cross in a group.

When a patrol member's view of traffic is obstructed, it may be necessary for the patrol member to step into the street. In this event, the patrol member shall go no farther than the outer edge of the obstruction. Students shall remain in back of the curb until allowed to cross. After the students have crossed, the patrol member shall lower the flag and return to the curb. [Order 7-75, § 392-151-120, filed 12/22/75. Formerly WAC 392-24-320.]

WAC 392-151-125 Single posts. On a narrow street with light vehicular traffic and little or no turning problems, a single school patrol member may be able to handle the crossing adequately. The patrol post in this case shall be on the side of the street where students approach the crossing. While primarily responsible for traffic approaching from the left, the patrol member shall look to both left and right and for turning cars. [Order 7-75, § 392-151-125, filed 12/22/75. Formerly WAC 392-24-325.]

WAC 392-151-130 Traffic hazards--Surveys. School authorities shall confer with traffic authorities in arranging for appropriate parking restrictions on streets adjacent to or near schools and school crossings.

When vehicular traffic is such that adequate safe gaps do not occur at school crossings at reasonably frequent intervals to allow pupils to cross the street or highway safely, the traffic problem shall not be a safety patrol responsibility. It is the function of the traffic authorities to create the necessary interruption of vehicular traffic. A survey (preferably a cooperative survey by traffic engineers, school officials, and law enforcement) shall be made to determine the additional measures to be provided at times when students are going to and from school. [Order 7-75, § 392-151-130, filed 12/22/75. Formerly WAC 392-24-330.]

WAC 392-151-135 Multiple posts. Crossings which require two school patrol members shall have the patrol members stationed on opposite sides of the street. One patrol member shall act as a "sender" and the other as "receiver." The patrol member first approached by pedestrians shall decide when it is safe to cross and shall be the more experienced of the two. Each member shall watch primarily to the left for approaching traffic. The patrol members shall face directly across the street toward their partner while students are crossing to enable them to see cars coming from either left or right. Both patrol members shall be alert to possible curb-turning cars before stepping into the crosswalk. [Order 7-75, § 392-151-135, filed 12/22/75. Formerly WAC 392-24-335.]

WAC 392-151-140 Operation with an adult patrol member or police officer or traffic signal. When the vehicular traffic is such that control by a police officer, an adult school patrol member, or traffic signal is required, student school patrol members shall assist by directing students to cross in conformance with the direction given by the police officer or adult patrol member assigned to the crossing or in conformance with the time cycle of the signal. [Order 7-75, § 392-151-140, filed 12/22/75. Formerly WAC 392-24-340.]

WAC 392-151-145 Operation at an intersection with traffic signal. At an intersection with a traffic signal, the light shall govern school patrol operation and the movement of students.

When the light turns green in the direction the students are to cross, the patrol members shall be certain that all approaching cars are stopping for their red light. When the patrol members are sure that traffic does not constitute a hazard, the patrol members shall follow the basic crossing procedure.

Before the red signal comes back on, patrol members shall return to the curb and stop all stragglers. Patrol members shall know the length of time the green is on and be able to estimate the correct moment to stop the flow of pedestrians.

When the signal is a pedestrian - actuated light, it shall be controlled by the "sender" patrol member. The "WALK" phase of this type of light is shorter than the green phase of the regular traffic light so that small compact groups of pedestrians may be allowed to cross at one time. [Order 7-75, § 392-151-145, filed 12/22/75. Formerly WAC 392-24-350.]

WAC 392-151-150 Violation reports and accidents. Moving motor vehicle violations at school crossings shall be reported to the appropriate law enforcement agency. School patrol members shall report all incidents which occur on or near their crossings which appear to involve unsafe practices on the part of anyone. Such reports shall be made to the patrol supervisor.

If the incident involves a driver violation, the license number of the car shall be written down immediately. Reports shall be reviewed by the patrol supervisor and principal. When the principal feels that a particular violation has occurred which requires follow-up by the police department, a violation report shall be filled out.

In the event of an injury accident or emergency at their post, patrol members shall observe the following directions:

- (1) If the accident was caused by a vehicle, obtain license number.
- (2) Never leave the crossing. Dispatch messengers to the school office stating location, nature, and seriousness of accident.
- (3) Keep all students on the curb.
- (4) Obtain name and address of victim and witnesses.
- (5) Make a report to the patrol supervisor. [Order 7-75, § 392-151-150, filed 12/22/75. Formerly WAC 392-24-355.]

Chapter 392-153 WAC
TRAFFIC SAFETY--DRIVER EDUCATION

WAC

392-153-005	Purposes.
392-153-010	Definitions.
392-153-015	Reimbursements or grants to school districts.
392-153-020	Teacher and instructor qualifications.
392-153-025	Traffic safety education vehicles.
392-153-032	Realistic level of effort.
392-153-035	Scheduling.
392-153-040	Administration.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

392-153-030	District curriculum guides. [Order 13-76, § 392-153-030, filed 12/21/76; Order 7-75, § 392-153-030, filed 12/22/75. Formerly WAC 392-50-050.] Repealed by Order 6-77, filed 7/27/77, effective 9/11/77.
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Reviser's note: With the filing of superintendent of public instruction Order 7-75, on December 22, 1975, chapter 392-50 WAC, entitled, "Traffic safety education," has been superseded by chapter 392-153 WAC. See Title 392 WAC digest page for disposition of chapters and reference notes.

WAC 392-153-005 Purposes. The purposes of this chapter are to implement chapter 46.81 RCW and establish the basic requirements governing the operations and scope of traffic safety education programs which may be conducted by any school district maintaining a secondary school which includes any of the grades 10 through 12 or a commercial driving school under the requirements of RCW 46.20.100. [Order 6-77, § 392-153-005, filed 7/27/77, effective 9/11/77; Order 13-76, § 392-153-005, filed 12/21/76; Order 7-75, § 392-153-005, filed 12/22/75.]

WAC 392-153-010 Definitions. (1) A "traffic safety education course" shall mean an accredited course of instruction in traffic safety education approved by the superintendent of public instruction which shall consist of two phases: Classroom instruction and laboratory experience.

(2) "Classroom instruction" shall mean that portion of a traffic safety education course, based in a classroom environment, which is characterized by student learning under the management of a qualified teacher or teachers.

(3) "Laboratory experience" shall mean that portion of a traffic safety education course, covering motor vehicle operation under real or simulated conditions, characterized by student learning experiences arising from use of simulation equipment, an off-street multiple car driving range, and/or on-street driving practice in a dual controlled car under the direction of a teacher.

(4) A "qualified teacher of traffic safety education" shall mean an instructor certificated under the provisions of chapter 28A.70 RCW and certificated by the superintendent of public instruction to teach either the classroom phase or the laboratory phase of the traffic safety education course, or both, under regulations promulgated by the superintendent: *Provided*, That the laboratory phase of the traffic safety education course may be

taught by instructors certificated under rules promulgated by the superintendent of public instruction, exclusive of any requirement that the instructor be certificated under the provisions of chapter 28A.70 RCW. Commercial instructors certificated under the provisions of chapter 46.82 RCW, and participating in this program, shall be subject to qualification requirements jointly adopted by the superintendent of public instruction and the director of the department of licensing. [Statutory Authority: RCW 46.81.020. 80-09-027 (Order 80-24), § 392-153-010, filed 7/9/80; Order 6-77, § 392-153-010, filed 7/27/77, effective 9/11/77; Order 13-76, § 392-153-010, filed 12/21/76; Order 7-75, § 392-153-010, filed 12/22/75. Formerly WAC 392-50-010.]

WAC 392-153-015 Reimbursements or grants to school districts. All payments to school districts pursuant to RCW 46.81.060 for programs in traffic safety education shall be limited to reimbursement for students twenty years of age and under completing an approved traffic safety education program. Traffic safety education programs shall be approved by the superintendent of public instruction on an annual basis. Each school district offering an approved traffic safety education course shall be reimbursed or granted an amount up to the level established by the superintendent of public instruction as may be provided from the traffic safety education account. [Statutory Authority: RCW 46.81.020. 80-09-027 (Order 80-24), § 392-153-015, filed 7/9/80; Order 6-77, § 392-153-015, filed 7/27/77, effective 9/11/77; Order 13-76, § 392-153-015, filed 12/21/76; Order 7-75, § 392-153-015, filed 12/22/75. Formerly WAC 392-50-020.]

WAC 392-153-020 Teacher and instructor qualifications. (1) A teacher certificated under provisions of chapter 28A.70 RCW shall be eligible to teach the classroom or laboratory phases of the traffic safety education program if he/she possesses the following qualifications in addition to those required under chapter 28A.70 RCW:

(a) Possesses a valid Washington state driver's license.

(b) Provides a record(s) from the Washington state department of licensing and/or other driver licensing jurisdiction for a five-year period showing:

(i) Not more than three moving traffic violations within the preceding 12 months or more than four moving traffic violations in the preceding 24 months;

(ii) No alcohol related traffic violation within the preceding three years;

(iii) No driver's license suspension, cancellation, revocation or denial within the preceding three years.

(c) Has completed at least one 3-quarter credit hour course in general safety education and at least three courses consisting of 3-quarter credit hours each in traffic safety education as approved by the office of the superintendent of public instruction.

(d) Possesses a valid traffic safety education endorsement issued by the superintendent of public instruction.

(2) Any person endorsed by the superintendent of public instruction to teach traffic safety education in the state of Washington prior to May 27, 1969, and who possesses a consultant special certificate but does not hold a valid teaching certificate required by WAC 392-153-010 (4) and (5), shall continue to be qualified to teach both classroom and laboratory phase of traffic safety education in this state on the condition that he or she renew such consultant special certificate on an annual basis and maintain a satisfactory driving record as set forth above in WAC 392-153-020(1)(a) and (1)(b).

(3) The laboratory phase of the traffic safety education course may be taught by a commercial instructor licensed by the department of licensing pursuant to chapter 46.82 RCW or an instructor who, although not certificated pursuant to chapter 28A.70 RCW or chapter 46.82 RCW, serves under the supervision of the district traffic safety education program coordinator or his/her designee and who meets the following qualifications:

- (a) Possesses a valid Washington state driver's license.
- (b) Is at least 21 years of age.
- (c) Has at least 5 years of driving experience.
- (d) Holds a high school diploma or its equivalent.
- (e) Provides a record(s) from the Washington state department of licensing and/or other driver licensing jurisdiction for a 5 year period showing a satisfactory driving record as set forth above in WAC 392-153-020 (1)(b).

(f) Provides evidence of the following:

(i) Completion of at least sixty 60-minute clock hours of study in the field of driving instruction as required by [RCW 46.82.130] [RCW 46.82.330] and as approved by the office of the superintendent of public instruction and the department of licensing;

(ii) Completion of behind-the-wheel supervised practice in instructing;

(iii) A recommendation for a certificate from a school district superintendent or from a commercial school approved by the office of the superintendent of public instruction.

(g) Passes practical and knowledge examinations developed and administered by the department of licensing and required under provisions of chapter 46.82 RCW for commercial instructors.

(h) Provides evidence to an agent approved by the office of the superintendent of public instruction of the following instructional competencies:

(i) Uses teaching methods which allow for individual student driving abilities, reduces student anxieties, and involves backseat observers;

(ii) Communicates clearly, using appropriate technical vocabulary;

(iii) Select routes for on-street and on-site lessons and conducts student learning activities from simple to complex which correspond with the learner's mental, physical and emotional performance capabilities in coordination with classroom activities;

(iv) Maintains a position within the vehicle for awareness of the traffic scene and utilizes control instruments to maintain safety and facilitate instruction;

(v) Applies uniform evaluation criteria in assessing needs and progress of students during and after each lesson.

(i) Persons desiring to teach in the simulator or on the multiple car driving range shall provide evidence of having completed an additional thirty clock hours of study which includes supervised practice in instructing in each area as approved by the office of the superintendent of public instruction and the department of licensing: *Provided*, That a person who holds a valid certificate under the provisions of chapter 28A.70 RCW and meets the requirements for traffic safety certification set forth under WAC 392-153-020(1) who is employed as a paraprofessional shall not be required to meet any of the requirements set forth above in WAC 392-153-020(3).

(4) The superintendent of public instruction shall issue the consultant special certificate to any person who files an application, pays the appropriate fee(s), and meets the requirements set forth in WAC 392-153-020(2) or (3) for certification as an instructor of the laboratory phase of traffic safety education.

(5) Certificates issued to teach the laboratory phase of traffic safety education under provisions of chapter 392-153 WAC shall be valid for one year. Reissuance of such certificates shall be subject to the following requirements:

- (a) Verification of employment or intent to employ;
- (b) Verification of a satisfactory driving record.

(6) The fee for the consultant special certificate shall be \$1.00 which shall be remitted to an educational service district. [Statutory Authority: RCW 46.81.020, 80-09-027 (Order 80-24), § 392-153-020, filed 7/9/80; Order 5-77, § 392-153-020, filed 7/27/77, effective 9/11/77; Order 13-76, § 392-153-020, filed 12/21/76; Order 7-75, § 392-153-020, filed 12/22/75. Formerly WAC 392-50-030.]

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 392-153-025 Traffic safety education vehicles. All free-loan vehicles shall comply with subsections (1), (2), and (3) of this section. District-owned vehicles shall comply with subsections (1) and (2) only.

(1) **Equipment.** Every vehicle used in on-street instruction shall be equipped with a dual control brake and rear view mirror for the instructor.

(2) **Signing.** Every vehicle used in on-street instruction shall have a sign readable from the rear with normal vision from a safe following distance. The sign shall designate the vehicle as a traffic safety education vehicle or a vehicle driven by a student driver, or display a recognizable symbol designating student driver.

(3) **Use.** A traffic safety education vehicle shall be used exclusively for traffic safety education purposes. [Order 13-76, § 392-153-025, filed 12/21/76; Order 7-75, § 392-153-025, filed 12/22/75. Formerly WAC 392-50-040.]

WAC 392-153-032 Realistic level of effort. Each school district shall have a locally written curriculum guide available to each teacher and such guide shall be used by each teacher in the traffic safety education program.

The student shall be taught at least the following program concepts: introduction to highway transportation system; preparing and controlling the vehicle; maneuvering in limited space; signs, signals, and pavement markings; vehicle characteristics; human functions used in driving; roadway variations; intersections; traffic flow tasks; lane changes; passing; nonmotorized traffic; internal factors affecting driving performance; physical factors affecting driving performance; alcohol and drugs; vehicle maintenance; planning for travel; limited visibility; reduced traction; special driving conditions; vehicle malfunctioning; avoiding and minimizing impact; post-crash responsibilities; legal responsibilities; highway transportation system improvement; fuel conservation; and motorcycle awareness. The guide shall also include:

(1) The performance objectives appropriate for the area of instruction.

(2) The methods of instruction used by the teacher in presenting the material.

(3) The student activities that will enable a student to accomplish the objectives and to the extent possible allow for individual differences.

(4) The level of competency each student is to successfully complete in each objective.

(5) The evaluation criteria for the classroom and laboratory phase.

A student shall meet the objectives and competencies listed in the district curriculum guide as a condition of successful completion of the traffic safety education program.

A completing student to be eligible for state reimbursement or a grant means a person who has enrolled in an approved course and has met one of the following criteria:

(1) Has completed all the program objectives as required by the school district and approved by the state superintendent of public instruction and has received a passing grade, or

(2) Has received a failing grade after attending more than 50% of the program's scheduled classes but achieved less than 90% of the program objectives, or

(3) Has officially withdrawn, dropped, or transferred after attending more than 50% of the program's scheduled classes.

A student taking the course more than once because of a failing grade on the first and subsequent attempts may be counted as a completing student for each attempt.

The traffic safety education course including the classroom and the laboratory phase shall be provided for students in a time period not to exceed 18 school weeks nor be less than 9 school weeks during the school year: *Provided*, That summer school course offerings and commercial driving schools offering an approved program shall not be less than 5 weeks in length. In addition, the traffic safety education course shall:

(1) Provide students with no more than 2 hours of classroom instruction and one hour of on-street instruction during any 24 hour period. Where simulation and/or off-street multiple car driving ranges are utilized, not more than one additional hour per student per day shall be allowed.

(2) Provide laboratory instruction only to students who are currently participating in classroom instruction. [Statutory Authority: RCW 46.81.020. 80-09-027 (Order 80-24), § 392-153-032, filed 7/9/80; Order 6-77, § 392-153-032, filed 7/27/77, effective 9/11/77.]

WAC 392-153-035 Scheduling. (1) Any portions of a traffic safety education course may be taught after regular school hours or on Saturdays, as well as on regular school days or as a summer school course, at the option of the school district.

(2) Classroom and laboratory instruction shall be offered concurrently. Classroom treatment of concepts, where applicable, shall be followed by laboratory treatment of those concepts before other concepts are introduced in the classroom portion of instruction in the traffic safety education course.

(3) Classroom and laboratory instruction shall be conducted during daylight hours: *Provided*, That such instruction may be extended to the hours of 5:00 p.m. during winter months even though darkness may occur prior to 5:00 p.m.: *Provided further*, That classroom instruction may be conducted at night for those students who are currently not enrolled in a high school but are otherwise eligible to attend or where the school district conducts one or more educational offerings at night for high school students.

(4) Night driving experiences may be offered as a part of the traffic safety education course: *Provided*, That (a) a student has previously completed sufficient daytime driving experience, and (b) such night driving experience shall in no case exceed fifty percent of the student's total driving experience.

On-street instruction shall be included in all programs. [Statutory Authority: RCW 46.81.020. 80-09-027 (Order 80-24), § 392-153-035, filed 7/9/80; Order 13-76, § 392-153-035, filed 12/21/76; Order 7-75, § 392-153-035, filed 12/22/75. Formerly WAC 392-50-060.]

WAC 392-153-040 Administration. (1) Each school district shall appoint a supervisor, coordinator, master teacher or other person to be in charge of the district's traffic safety education program. The person appointed pursuant to this section shall be responsible for ensuring that the requirements of this chapter governing the operation of an approved traffic safety education course are adequately maintained on a continuing basis.

(2) Each school district shall adopt a written policy including, but not limited to, enrollment criteria, student fees, student fee refunds, failures, repeats, and access for part-time students.

(3) Each school district shall maintain individual student records on forms provided by the superintendent of public instruction or an equivalent form approved by the

superintendent of public instruction which includes the student's progress, time involvement and evaluation results.

(4) Each school district shall maintain accurate cost records as required by F-196, Part II, as now or hereafter amended and such further information and records as may be required by *The Accounting Manual for Public School Districts of the State of Washington*. [Statutory Authority: RCW 46.81.020, 80-09-027 (Order 80-24), § 392-153-040, filed 7/9/80; Order 6-77, § 392-153-040, filed 7/27/77, effective 9/10/77; Order 13-76, § 392-153-040, filed 12/21/76; Order 7-75, § 392-153-040, filed 12/22/75. Formerly WAC 392-50-070.]

**Chapter 392-160 WAC
TRANSITIONAL BILINGUAL INSTRUCTION
PROGRAM**

WAC

- 392-160-001 Purpose—Supplemental federal requirements.
- 392-160-005 Definitions.
- 392-160-010 School district board of directors duties.
- 392-160-015 Identification of eligible pupils.
- 392-160-020 Approved tests for determining initial eligibility—English proficiency scores.
- 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 392-160-005 Definitions. As used in this chapter:

- (1) "Transitional bilingual instruction" and "bilingual instruction" each mean a system of instruction which:
 - (a) Uses two languages, one of which is English, as a means of instruction to build upon and expand language skills to enable a pupil to achieve competency in English;
 - (b) Introduces concepts and information in the primary language of a pupil and reinforces them in the English language; and
 - (c) Tests pupils in the subject matter in English.
- (2) "Primary language" means the language most often used by a pupil for communication in the pupil's place of residence.
- (3) "Eligible pupil" means any pupil who meets the following three conditions:
 - (a) The primary language of the pupil must be other than English;
 - (b) The pupil's English skills must be sufficiently deficient or absent to the extent that learning on the part of the pupil would be impaired if he or she is taught only in English; and
 - (c) The pupil must not be equally or almost equally competent in English and his or her non-English primary language or more competent in English.
- (4) "Limited number of eligible pupils" means nineteen or fewer eligible pupils in a single school district whose non-English primary language is the same.
- (5) "Alternative instructional program" means a program of instruction which includes English as a second language [Statutory Authority: RCW 28A.58.808, 80-07-039 (Order 80-21), § 392-160-005, 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 392-160-020 Approved tests for determining initial eligibility--English proficiency scores. (1) Approved English proficiency tests: The following tests are approved for the purpose of annually determining the English proficiency of newly enrolled pupils (other than those who speak little or no English) whose primary language is other than English:

- (a) Language assessment scales (LAS);
- (b) Basic inventory of natural language (BINL); and
- (c) Bilingual syntax measure (BSM).

(2) Scores which establish an English skills deficiency: In the event a pupil scores within one of the following ranges the pupil's English skills shall be deemed sufficiently deficient or absent to impair learning when taught only in English:

- (a) Language assessment scales. Three or below;
- (b) Basic inventory of natural language;
 - (i) Grades K-2, 0-50;
 - (ii) Grades 3-8, 0-75;
 - (iii) Grades 9-12, 0-100;

(c) Bilingual syntax measure:

- (i) Level II, four or below; and
- (ii) Level I, three or below.

(3) The superintendent of public instruction may approve a school district request for use of a test other than those approved for use in this section when such request is supported by evidence that:

(a) The approved tests for use identified in this section are either unsuitable, inappropriate, or impractical for use by the school district;

(b) The scores that establish English skills deficiency for the requested test correspond with the scores that establish English skills deficiency for approved tests identified in this section; and

(c) The skills being measured by the requested test correspond to the skills measured by the approved tests identified in this section.

(4) Determination of "dominant" language:

(a) Pupils whose test results establish an English skill deficiency pursuant to subsection (2) or (3)(b) shall also be administered the same test in their non-English primary language, if available, to determine whether the pupil is equally or almost equally competent in English and the pupil's primary language or more competent in English;

(b) If no test is available in a pupil's non-English primary language, the pupil shall be interviewed by a person with sufficient skill in both English and the non-English primary language of the pupil; if a person with such qualifications is reasonably available; and

(c) A pupil shall be deemed an eligible pupil if the test results or the professional judgment of school personnel based upon a interview when no test is available establish that the pupil is not equally or almost equally competent in English and the pupil's non-English primary language or more competent in English. [Statutory Authority: RCW 28A.58.808, 80-07-039 (Order 80-21), § 392-160-020, filed 6/17/80.]

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 392-163 WAC

SPECIAL SERVICE PROGRAMS--CHAPTER 1 REGULAR OF THE EDUCATION CONSOLIDATION AND IMPROVEMENT ACT OF 1981, FINANCIAL ASSISTANCE TO LOCAL SCHOOL DISTRICTS

WAC

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(1983 Ed.)

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392-163-005	Authority and purpose. [Order 7-75, § 392-163-005, filed 12/22/75. Formerly WAC 392-98-005.] Repealed by 83-17-060 (Order 83-8), filed 8/17/83. Statutory Authority: RCW 28A.02.100.
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- 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.

Reviser's note: With the filing of superintendent of public instruction Order 7-75, on December 22, 1975, chapter 392-98 WAC, entitled, "Grants management—Washington State ESEA Title I Program," has been superseded by chapter 392-163 WAC. See Title 392 WAC digest page for disposition of chapters and reference notes.

WAC 392-163-100 Authority. The authority for this chapter is RCW 28A.02.100 which authorizes the superintendent of public instruction to receive federal

funds on behalf of school districts of the state of Washington and to disburse such funds in accordance with federal law and accompanying federal rules and regulations. [Statutory Authority: RCW 28A.02.100. 83-08-030 (Order 83-2), § 392-163-100, filed 3/30/83.]

WAC 392-163-105 Purpose. The provisions of this chapter are designed to ensure compliance by the state of Washington with the financial assistance to local school districts' provisions, including those which apply to private schools and local institutions for neglected and delinquent children, of Chapter 1 Regular of the Education Consolidation and Improvement Act of 1981 and accompanying federal rules and regulations, particularly 34 CFR Part 200. [Statutory Authority: RCW 28A.02.100. 83-08-030 (Order 83-2), § 392-163-105, filed 3/30/83.]

WAC 392-163-110 Accountability. Nothing in this chapter shall be construed to relieve a school district of its responsibility to comply also with all applicable federal statutes, rules and regulations. [Statutory Authority: RCW 28A.02.100. 83-08-030 (Order 83-2), § 392-163-110, filed 3/30/83.]

WAC 392-163-115 Definition—Chapter 1 Regular. As used in this chapter, the term "Chapter 1 Regular" shall mean that portion of Chapter 1 of the Education Consolidation and Improvement Act of 1981 (Public Law 97-35) which provides financial assistance to school districts to meet special educational needs of disadvantaged children. [Statutory Authority: RCW 28A.02.100. 83-08-030 (Order 83-2), § 392-163-115, filed 3/30/83.]

WAC 392-163-120 Definition—Accounting manual. As used in this chapter, the term "accounting manual" shall mean the accounting manual for public school districts in the state of Washington issued September 1982, by the superintendent of public instruction and the state auditor. [Statutory Authority: RCW 28A.02.100. 83-08-030 (Order 83-2), § 392-163-120, filed 3/30/83.]

WAC 392-163-125 Definition—Object of expenditure. As used in this chapter, the term "object of expenditure" shall be as defined in the accounting manual glossary of terms (i.e., "the article purchased or the service obtained. . ."). For financial accounting purposes "object of expenditure" shall be defined further as the third field of uniform expenditure classification established in the accounting manual. [Statutory Authority: RCW 28A.02.100. 83-08-030 (Order 83-2), § 392-163-125, filed 3/30/83.]

WAC 392-163-130 Definition—Activity. As used in this chapter, the term "activity(ies)" shall be as defined in the accounting manual glossary of terms (i.e., a "specific line of work carried on by a school district in order to perform its mission"). For financial accounting purposes "activity" shall be defined further as the second field of uniform expenditure classification established in

the accounting manual and for Chapter 1 Regular shall include all activities listed on Budget Form 1000B CH-1. [Statutory Authority: RCW 28A.02.100. 83-08-030 (Order 83-2), § 392-163-130, filed 3/30/83.]

WAC 392-163-135 Definition--Program. As used in this chapter, the term "program" shall be as defined in the accounting manual glossary of terms (i.e., "a plan of activities designed to accomplish a set of objectives"). For financial accounting purposes "program" shall be defined further as the first field of uniform expenditure classification established in the accounting manual and for Chapter 1 Regular shall include all approved activities supported by Chapter 1 Regular (Program 51) moneys. [Statutory Authority: RCW 28A.02.100. 83-08-030 (Order 83-2), § 392-163-135, filed 3/30/83.]

WAC 392-163-140 Definition--Direct expense. As used in this chapter, the term "direct expense" shall be as defined in the accounting manual glossary of terms (i.e., "those elements of cost which can be easily, obviously and conveniently identified with specific programs, . . ."). [Statutory Authority: RCW 28A.02.100. 83-17-060 (Order 83-8), § 392-163-140, filed 8/17/83; 83-08-030 (Order 83-2), § 392-163-140, filed 3/30/83.]

WAC 392-163-142 Definition--Indirect expense. As used in this chapter, the term "indirect expense" shall be as defined in the accounting manual glossary of terms (i.e., "those elements of cost that cannot be easily, obviously, and conveniently identified with specific programs . . ."). For Chapter 1 Regular, each district shall be entitled to the restricted indirect expense rate established and disseminated annually to school districts by the superintendent of public instruction. [Statutory Authority: RCW 28A.02.100. 83-17-060 (Order 83-8), § 392-163-142, filed 8/17/83; 83-08-030 (Order 83-2), § 392-163-142, filed 3/30/83.]

WAC 392-163-145 Definition--Revenue account. As used in this chapter, the term "revenue account" shall be as defined in the accounting manual glossary of terms (i.e., "account" being "a descriptive heading under which are recorded financial transactions. . ." and "revenue" being "additions to assets during a given fiscal period to a fund of a school district in the form of cash which does not accompany the incurrence of liabilities or represent refund of previous disbursements.>"). [Statutory Authority: RCW 28A.02.100. 83-08-030 (Order 83-2), § 392-163-145, filed 3/30/83.]

WAC 392-163-170 Definition--Project. As used in this chapter, the term "project" either shall mean all activities supported with Chapter 1 Regular moneys in a particular attendance area or shall mean all of the Chapter 1 Regular activities in a particular program focus in school district attendance areas served by Chapter 1 Regular. In a school district that serves only one attendance area "program" and "project" may be synonymous. [Statutory Authority: RCW 28A.02.100. 83-08-030 (Order 83-2), § 392-163-170, filed 3/30/83.]

WAC 392-163-175 Definition--Objective measurement. As used in this chapter, the term "objective measurement" shall mean using a written or oral testing instrument that can be applied uniformly and consistently to determine in a comparable manner the educational achievement level of children. [Statutory Authority: RCW 28A.02.100. 83-08-030 (Order 83-2), § 392-163-175, filed 3/30/83.]

WAC 392-163-180 Definition--Children. As used in this chapter, the term "children" shall mean persons up to age twenty-one as defined in WAC 392-121-170 who are entitled to a free public education not above grade twelve and persons who are of preschool age. [Statutory Authority: RCW 28A.02.100. 83-17-060 (Order 83-8), § 392-163-180, filed 8/17/83; 83-08-030 (Order 83-2), § 392-163-180, filed 3/30/83.]

WAC 392-163-185 Definition--Educationally deprived children. As used in this chapter, the term "educationally deprived children" shall mean children whose educational attainment, documented by school district established selection criteria, is below the level that is appropriate for children of their age. [Statutory Authority: RCW 28A.02.100. 83-08-030 (Order 83-2), § 392-163-185, filed 3/30/83.]

WAC 392-163-190 Definition--Low income children. As used in this chapter, the term "low income children" shall mean those children eligible to receive benefits under the National School Lunch Act (P.L. 79-396), for either the free and reduced lunch program or free milk program. If a school district does not offer school lunches pursuant to the National School Lunch Act, it shall use the income standards currently effective for determining eligibility for benefits under the act as the standard for identifying low income children. [Statutory Authority: RCW 28A.02.100. 83-08-030 (Order 83-2), § 392-163-190, filed 3/30/83.]

WAC 392-163-195 Definition--Grade span grouping. As used in this chapter, the term "grade span grouping" shall mean grouping school attendance areas by corresponding grade levels (e.g., schools serving grades K-6 in one group, schools serving 7-9 in another group, or schools serving other grade configurations). If a school attendance area serves grades in more than one group, the school district shall include that school either in the group with which the school has the most grade levels in common or in the group that includes the lower grade levels, if the school has the same number of grade levels in common with two or more groups. [Statutory Authority: RCW 28A.02.100. 83-08-030 (Order 83-2), § 392-163-195, filed 3/30/83.]

WAC 392-163-200 Definition--Full time equivalent (FTE) student. As used in this chapter, the term "full time equivalent student" shall be as defined in WAC 392-121-105(2). [Statutory Authority: RCW 28A.02.100. 83-08-030 (Order 83-2), § 392-163-200, filed 3/30/83.]

WAC 392-163-205 Definition--Full time equivalent (FTE) staff. As used in this chapter, the term "full time equivalent staff" shall be as defined in WAC 392-121-115 (2) and (4). [Statutory Authority: RCW 28A.02.100. 83-08-030 (Order 83-2), § 392-163-205, filed 3/30/83.]

WAC 392-163-210 Definition--Instructional staff. As used in this chapter, the term "instructional staff" shall mean certificated and classified persons whose services deal directly with or aid in the teaching of students or in improving teaching learning activities, and who are identified in the accounting manual under Activity 22, Learning Resources; Activity 23, Principals; Activity 24, Guidance and Counseling; Activity 25, Psychological Services; and Activity 27, Teaching. [Statutory Authority: RCW 28A.02.100. 83-08-030 (Order 83-2), § 392-163-210, filed 3/30/83.]

WAC 392-163-215 Definition--Equivalence. As used in this chapter, the term "equivalence," for purposes of determining comparability of services among Chapter 1 Regular served schools or between each Chapter 1 Regular served school and nonserved schools, shall mean:

(1) In each Chapter 1 Regular served school, the average FTE number of children enrolled per FTE instructional staff member shall be not more than one hundred ten percent of the average FTE number of children enrolled per FTE instructional staff member in the group of nonserved schools used for comparison: *Provided*, That if all schools within the district are served with Chapter 1 Regular moneys, the average FTE number of children enrolled per FTE instructional staff member shall be not more than one hundred ten percent of the average FTE number of children enrolled per FTE instructional staff member in the group of schools having the lowest percentage or numbers of children from low income families; and

(2) In each Chapter 1 Regular served school, the average per pupil expenditure for curriculum materials and instructional supplies shall not be less than ninety percent of the per pupil expenditure for curriculum materials and instructional supplies in nonserved schools: *Provided*, That if all schools within the district are served with Chapter 1 Regular moneys, the average per pupil expenditure for curriculum materials and instructional supplies shall not be less than ninety percent of the per pupil expenditures for curriculum materials and instructional supplies in the group of schools having the lowest percentage or number of children from low income families: *Provided further*, That in the case of new schools or unforeseen circumstances the district may in that unique instance exceed the ten percent variance allowed in determining equivalence in order to provide curriculum materials and instructional supplies to a level that will result in equivalence in succeeding years. [Statutory Authority: RCW 28A.02.100. 83-08-030 (Order 83-2), § 392-163-215, filed 3/30/83.]

WAC 392-163-220 Definition--Comparability. As used in this chapter, the term "comparability" shall mean that the school district, using state and local moneys, shall provide services in Chapter 1 Regular schools that, taken as a whole, are at least equivalent to services being provided in schools not receiving Chapter 1 Regular moneys: *Provided*, That if all schools receive Chapter 1 Regular moneys, the school district, using state and local moneys, shall provide services that, taken as a whole, are equivalent among all schools. [Statutory Authority: RCW 28A.02.100. 83-08-030 (Order 83-2), § 392-163-220, filed 3/30/83.]

WAC 392-163-225 Definition--Unforeseen conditions. As used in this chapter, the term "unforeseen conditions" shall be as defined in WAC 392-129-010(1) and also shall include other unforeseeable changes in student enrollment or personnel assignments that occur after December 1 of the school year. [Statutory Authority: RCW 28A.02.100. 83-08-030 (Order 83-2), § 392-163-225, filed 3/30/83.]

WAC 392-163-230 Definition--Attendance area. As used in this chapter, the term "attendance area" shall mean, in relation to a particular school, the geographic area determined by the school district board of directors in which the children who are normally served by that school reside. However, if a child's school attendance area is not determined on a geographic basis, the child is considered to be in the school attendance area of the school to which the child is assigned or would be assigned if the child were not attending a private school or another school on a voluntary basis. [Statutory Authority: RCW 28A.02.100. 83-08-030 (Order 83-2), § 392-163-230, filed 3/30/83.]

WAC 392-163-235 Definition--Greatest need of special assistance. As used in this chapter, the term "greatest need of special assistance" shall refer to those educationally deprived children, as defined in WAC 392-163-185, who have been identified on the basis of school district established selection criteria, including objective measurement of educational achievement, as in the greatest need of special assistance. [Statutory Authority: RCW 28A.02.100. 83-08-030 (Order 83-2), § 392-163-235, filed 3/30/83.]

WAC 392-163-240 Definition--Basic skills. As used in this chapter, the term "basic skills" shall mean skills in reading, communication, and math as well as readiness activities associated with such skills. [Statutory Authority: RCW 28A.02.100. 83-08-030 (Order 83-2), § 392-163-240, filed 3/30/83.]

WAC 392-163-245 Definition--Supplement. As used in this chapter, the term "supplement" shall be defined as instructional or support services for educationally disadvantaged children funded with Chapter 1 regular moneys, and offered by a school district in addition to required basic educational services funded with nonfederal moneys. Such supplemental services shall be

designed and implemented in accordance with service models described in Chapter 1 Regular annual application instructions and shall meet the supplement/supplant tests appropriate to each model. [Statutory Authority: RCW 28A.02.100. 83-08-030 (Order 83-2), § 392-163-245, filed 3/30/83.]

WAC 392-163-250 Definition--Service model. As used in this chapter, the term "service model" shall mean the location, time and conditions characteristic of the method(s) chosen by a school district for delivery of Chapter 1 Regular instructional and/or support services. Permissible models are those described in the annual application instructions. [Statutory Authority: RCW 28A.02.100. 83-08-030 (Order 83-2), § 392-163-250, filed 3/30/83.]

WAC 392-163-255 Definition--Program that is of sufficient size, scope, and quality to give reasonable promise of substantial progress toward meeting the special educational needs of children being served. As used in this chapter, the term "program that is of sufficient size, scope and quality to give reasonable promise of substantial progress toward meeting the special educational needs of children being served" shall mean a program that the board of directors of a school district, on the basis of procedures outlined in WAC 392-163-305, 392-163-310, and 392-163-330, determines has substantial likelihood of meeting the special educational needs of children to be served. [Statutory Authority: RCW 28A.02.100. 83-17-060 (Order 83-8), § 392-163-255, filed 8/17/83; 83-08-030 (Order 83-2), § 392-163-255, filed 3/30/83.]

WAC 392-163-260 Definition--Consultation with parents and teachers and other interested parties. As used in this chapter, the term "consultation with parents and teachers and other interested parties" shall mean planned, systematic contact with parents and teachers of children being served by Chapter 1 Regular, including parents and teachers of served private school children, and other interested parties in the design and implementation of the Chapter 1 Regular program, including discussion of program revenue and expenditures. [Statutory Authority: RCW 28A.02.100. 83-08-030 (Order 83-2), § 392-163-260, filed 3/30/83.]

WAC 392-163-300 Selection of attendance areas--Project requirement. Each school district receiving Chapter 1 Regular moneys shall select attendance areas to receive Chapter 1 Regular services on one or a combination of the following bases:

(1) Highest concentration of low income children. The district may select those attendance areas district-wide or by grade span grouping having the highest number or percentage of low income children.

(2) Uniformly high concentration of low income children. The district may select all attendance areas district-wide or within a designated grade span grouping if the variation between the attendance areas with the highest and lowest percentage of low income children is

not more than ten percent, or one-third of the district-wide low income average.

(3) Twenty-five percent rule. The district may select attendance areas in which the percent of low income students equals or exceeds twenty-five percent of the attendance area enrollment.

(4) Transition. The district may select an attendance area which was eligible in the preceding school year in order to provide service for one additional year to phase out the program. If, however, the school attendance area is substantially different than it was in the preceding fiscal year because of attendance area boundary adjustments, the attendance area may not be served on this basis.

(5) Service to all educationally deprived, low income children. A part of Chapter 1 Regular moneys may be used to provide significant help for all low income educationally deprived children served by the district. The district shall use all other Chapter 1 Regular moneys in attendance area(s) selected on one or more of the bases listed above. [Statutory Authority: RCW 28A.02.100. 83-08-030 (Order 83-2), § 392-163-300, filed 3/30/83.]

WAC 392-163-305 Annual needs assessment--Program requirement. Each school district receiving Chapter 1 Regular moneys shall base its Chapter 1 Regular program on an annual assessment of educational needs which shall include, at a minimum, a review of fourth grade test data in basic skills and assessment of Chapter 1 Regular funded support services. The needs assessment further shall:

(1) Identify educationally deprived children in all eligible attendance areas, including educationally deprived children in participating private schools;

(2) Permit the selection of those educationally deprived children in greatest need of special assistance; and

(3) Assess and determine the educational needs of each child selected to participate so that there exists reasonable promise of substantial progress toward meeting the identified educational needs of children being served. [Statutory Authority: RCW 28A.02.100. 83-08-030 (Order 83-2), § 392-163-305, filed 3/30/83.]

WAC 392-163-310 Parent/teacher and community involvement in program planning--Program requirement. Each school district that seeks an allocation of funds under Chapter 1 Regular shall consult with parents and teachers of Chapter 1 Regular served children and other interested parties in preparing the proposed program design and planned expenditures submitted by the designated local administrator to the school district board of directors for adoption. Such parent/teacher consultation shall be documented to demonstrate compliance with this section. [Statutory Authority: RCW 28A.02.100. 83-08-030 (Order 83-2), § 392-163-310, filed 3/30/83.]

WAC 392-163-315 School district application required. Each school district that seeks an allocation of federal funds under Chapter 1 regular from the state

shall submit an annual application on forms provided by the superintendent of public instruction. [Statutory Authority: RCW 28A.02.100. 83-08-030 (Order 83-2), § 392-163-315, filed 3/30/83.]

WAC 392-163-320 Substance of annual school district application. The school district's annual application required by WAC 392-163-315 shall contain the following:

(1) Planned expenditures by program object and activity as required by WAC 392-163-325.

(2) Identification of eligible attendance areas selected to receive Chapter 1 Regular services.

(3) Program and project descriptions on forms provided by the superintendent of public instruction. [Statutory Authority: RCW 28A.02.100. 83-08-030 (Order 83-2), § 392-163-320, filed 3/30/83.]

WAC 392-163-322 Three year assurances. Each school district that receives an allocation of federal funds under Chapter 1 Regular shall submit to the superintendent of public instruction once every three years:

(1) Assurances as required by P.L. 97-35, (Sec. 556(b), 20 USC 3805), 34 CFR 200.13 (b)(3), and 200.63(e) and assurance of school district compliance with chapter 392-163 WAC.

(2) An assurance that the school district shall keep records and provide information to the superintendent of public instruction regarding Chapter 1 Regular programs in such a manner as required by the superintendent of public instruction. [Statutory Authority: RCW 28A.02.100. 83-08-030 (Order 83-2), § 392-163-322, filed 3/30/83.]

WAC 392-163-325 Planned expenditures by program object and activity. Each school district's planned expenditures shall be by program object and activity, as displayed on forms provided by the superintendent of public instruction, for the program designed to assist educationally deprived children as defined in WAC 392-163-180 and shall include the district's proposed expenditures for public and private school children and children in local institutions for neglected and delinquent children. [Statutory Authority: RCW 28A.02.100. 83-08-030 (Order 83-2), § 392-163-325, filed 3/30/83.]

WAC 392-163-330 Board approval. Each annual application submitted by a school district to the superintendent of public instruction shall be approved by the board of directors only after the board has reviewed the program design and expenditures, taking into consideration:

(1) Previous year's planned expenditures and total Chapter 1 Regular moneys available for the ensuing year (July 1 through June 30);

(2) Evaluation results in terms of student achievement data from the previous year's program, and, when available, whether gains have been sustained over a period of one year;

(3) Results of the annual needs assessment; and

(4) The adequacy of parent/teacher consultation in the planning and implementation of the program. [Statutory Authority: RCW 28A.02.100. 83-08-030 (Order 83-2), § 392-163-330, filed 3/30/83.]

WAC 392-163-335 Board certification. The board of directors shall, as a part of application approval, certify to the superintendent of public instruction that in their opinion:

(1) The approved program is of sufficient size, scope, and quality to give reasonable promise of substantial progress toward meeting the special educational needs of children being served;

(2) The school district has complied with the provisions of this chapter, and shall further certify that;

(3) In order to meet federal comparability requirements, the board of directors has:

(a) Established a district-wide salary schedule;

(b) Adopted a policy to ensure equivalence among all schools in teachers, administrators, and auxiliary personnel; and

(c) Adopted a policy to ensure equivalence among schools in the provision of curriculum materials and instructional supplies. [Statutory Authority: RCW 28A.02.100. 83-08-030 (Order 83-2), § 392-163-335, filed 3/30/83.]

WAC 392-163-340 Budget revision--Twenty percent allowed. Using the subtotal from Form 1000B Ch-1 as a base, school districts may make annual expenditure adjustments of up to twenty percent of that total in any of the previously budgeted activity or object totals within the approved annual application without filing a request for a budget revision with the superintendent of public instruction. [Statutory Authority: RCW 28A.02.100. 83-08-030 (Order 83-2), § 392-163-340, filed 3/30/83.]

WAC 392-163-345 Budget revisions--Updating planned expenditures. Except as provided in WAC 392-163-340, each school district shall expend Chapter 1 Regular moneys in accordance with planned expenditures and program description included in the application submitted to and approved by the superintendent of public instruction. A school district shall be required to file a request for a budget revision whenever necessary with the superintendent of public instruction in order to:

(1) Increase the total expenditure of Chapter 1 Regular moneys; or

(2) Change by more than twenty percent of the subtotal the expenditures among activity or object totals; or

(3) Expend money in any object or activity where no moneys were budgeted in the original application. [Statutory Authority: RCW 28A.02.100. 83-08-030 (Order 83-2), § 392-163-345, filed 3/30/83.]

WAC 392-163-350 Budget revision--Approval. Approval of budget revisions by the superintendent of public instruction shall be in accordance with the provisions of WAC 392-163-460 for approval by the superintendent of public instruction of the annual application.

[Statutory Authority: RCW 28A.02.100. 83-08-030 (Order 83-2), § 392-163-350, filed 3/30/83.]

WAC 392-163-355 Program update. No later than thirty calendar days following a substantial program change, a school district shall submit to the superintendent of public instruction a description of such changes. "Substantial changes" shall mean:

(1) Removal of Chapter 1 Regular services from an attendance area listed as "served" on the application;

(2) Addition of Chapter 1 Regular services to an attendance area not listed as "served" in the application;

(3) Modification of the Chapter 1 Regular program in any served attendance area by adding a new program focus, by changing grade levels, or by changing program service delivery models; and/or

(4) Increasing the number of students served in the Chapter 1 Regular program to such an extent that the district must exceed the twenty percent budget variance to accommodate serving the additional eligible students.

Notwithstanding the thirty-day provision for notification to the superintendent of public instruction of substantial program changes, if such changes necessitate a budget revision said revision shall be submitted to the superintendent of public instruction for approval prior to implementation of proposed changes. [Statutory Authority: RCW 28A.02.100. 83-08-030 (Order 83-2), § 392-163-355, filed 3/30/83.]

WAC 392-163-360 Supervisory costs. A school district that charges any portion of supervisory costs to the Chapter 1 Regular program shall document such costs, including the proportion of supervisory FTE so designated. [Statutory Authority: RCW 28A.02.100. 83-08-030 (Order 83-2), § 392-163-360, filed 3/30/83.]

WAC 392-163-365 End-of-year report--Annual requirement. Each school district that receives an allocation of funds under Chapter 1 Regular shall submit to the superintendent of public instruction each year an end-of-year report on forms provided by the superintendent of public instruction. The end-of-year report shall be received by the superintendent of public instruction no later than July 20 and shall contain all information requested. [Statutory Authority: RCW 28A.02.100. 83-08-030 (Order 83-2), § 392-163-365, filed 3/30/83.]

WAC 392-163-370 End-of-year report--Summer school addendum. Any school district which conducts a summer school supported with Chapter 1 Regular moneys, in addition to the annual end-of-year report, shall submit a separate summer school report by September 15 on forms provided by the superintendent of public instruction. [Statutory Authority: RCW 28A.02.100. 83-08-030 (Order 83-2), § 392-163-370, filed 3/30/83.]

WAC 392-163-375 Program evaluation. Each school district that receives an allocation of moneys under Chapter 1 Regular shall use the Title I Evaluation

and Reporting System (TIERS) for reporting student impact data to the superintendent of public instruction on forms provided by that office when requested by the superintendent of public instruction. [Statutory Authority: RCW 28A.02.100. 83-08-030 (Order 83-2), § 392-163-375, filed 3/30/83.]

WAC 392-163-385 Comparability of services--Computation basis. (1) In order to demonstrate comparability, a school district shall compare the FTE student/instructional staff ratio in each Chapter 1 Regular served school with an average of FTE student/instructional staff ratios in all nonserved schools: *Provided*, That if all schools within the district are served with Chapter 1 Regular moneys, a school district shall compare the FTE student/instructional staff ratio in each Chapter 1 Regular served school with an average of the FTE student/instructional staff ratio in Chapter 1 Regular served schools having the lowest percent or number of low income students, this base being not more than half the total number of schools being served, using for the computation FTE student enrollment divided by nonfederally funded FTE certificated and classified staff in Activity 27: *Provided further*, That at its discretion, a district also may include in its calculation other instructional staff in Activities 22, 23, 24, and 25.

(2) A district shall be deemed to have demonstrated comparability if it meets the definition of equivalence established in WAC 392-163-215.

(3) In assembling the data for the computation the school district may:

(a) Disregard schools with a total student enrollment of fewer than one hundred FTE students;

(b) Divide schools into no more than four grade span groupings;

(c) Divide schools into two groups, larger and smaller, for each grade span grouping if policies or agreements established by the school district board of directors require different teacher/pupil ratios based on individual school population characteristics. If a district chooses to use this option, it shall use only instructional staff in Activity code 27 in the comparability calculation;

(d) Exclude from its calculation FTE instructional staff who are supported with state and/or local moneys for special programs designed to meet the needs of educationally deprived children, if such programs are consistent with the purposes of Chapter 1 Regular; and/or

(e) Exclude from its calculation the portion of nonfederally supported FTE instructional staff time used to provide services exclusively to handicapped and/or bilingual programs.

(4) Student enrollment and instructional staff data used in the comparability report shall have been collected within the same calendar month. The computation based on that data shall be completed prior to December 1 of each school year. [Statutory Authority: RCW 28A.02.100. 83-17-060 (Order 83-8), § 392-163-385, filed 8/17/83; 83-08-030 (Order 83-2), § 392-163-385, filed 3/30/83.]

WAC 392-163-390 Comparability of services maintained. Once a school district has demonstrated comparability, comparable services shall be maintained for the remainder of the school year except that unforeseen conditions which arise during the school year shall not be a factor in determining continuing compliance with the comparability of services requirement. [Statutory Authority: RCW 28A.02.100. 83-08-030 (Order 83-2), § 392-163-390, filed 3/30/83.]

WAC 392-163-400 Comparability of services—Completed forms on file. Each fall, school districts shall receive forms from the superintendent of public instruction with accompanying directions for demonstrating comparability. These completed forms shall be kept on file in the school district and shall be made available for review. [Statutory Authority: RCW 28A.02.100. 83-08-030 (Order 83-2), § 392-163-400, filed 3/30/83.]

WAC 392-163-405 Maintenance of effort. A school district receiving Chapter 1 Regular moneys shall maintain state and local fiscal effort at a minimum of ninety percent level as calculated in WAC 392-163-410. This calculation may be made on an aggregate or per pupil expenditure basis. These calculations shall be made by the superintendent of public instruction from data submitted to the superintendent of public instruction by school districts. School districts failing to meet the maintenance of effort requirements shall be notified in writing no later than June 1 of each school year. [Statutory Authority: RCW 28A.02.100. 83-08-030 (Order 83-2), § 392-163-405, filed 3/30/83.]

WAC 392-163-410 Maintenance of effort—Computations. The following calculations shall be used by the superintendent of public instruction to ensure the maintenance of effort for school districts receiving Chapter 1 Regular moneys. The data source for these calculations is the F-196. The same calculations shall be made for both the preceding and second preceding fiscal years:

(1) The total general fund expenditures shall be adjusted by the subtraction of the following program expenditures: The direct expenditures of Program 46—State Institutions, Program 47—Vocational-Technical Institutes, Program 48—Adult Education, Program 85—Community Services, Activities 82 and 83 in Program 97—Warrant and other Interest, Object 9—Capital Outlay, and payments made to other school districts for nonhigh and handicapped pupils.

(2) From the resulting total in subsection (1) of this section, the total revenue in revenue account series 4000 and 7000 (except Accounts 4040, Federal Forest Funds and 4060, P.L. 874—Impact Aid) shall be deducted.

(3) To the resulting total in subsection (2) of this section, the Object 9 expenditures for the following programs shall be added:

- (a) 46 State institutions;
- (b) 47 Vocational-technical institutes;
- (c) 48 Adult education;
- (d) 85 Community services; and

(e) 51-79 Federal programs.

(4) The calculations in subsections (1), (2), and (3) of this section shall be applied to both school years. The results of subsections (1) through (3) shall then be compared and a district shall be considered to be in compliance if the total for the preceding year is at least ninety percent of the total for the second preceding year. [Statutory Authority: RCW 28A.02.100. 83-08-030 (Order 83-2), § 392-163-410, filed 3/30/83.]

WAC 392-163-415 Maintenance of effort—Failure to maintain effort. If the superintendent of public instruction determines that a school district has not maintained effort pursuant to the computation defined in WAC 392-163-410 the superintendent of public instruction shall take one of the following actions:

(1) Waive, for one fiscal year only, the maintenance of effort requirement if the superintendent of public instruction determines that a waiver would be equitable due to exceptional or uncontrollable circumstances. These circumstances include:

- (a) A natural disaster;
- (b) A precipitous and unforeseen decline in the financial resources of the school district; or
- (c) Other exceptional or uncontrollable circumstances: *Provided*, That tax initiatives or referenda may not be considered to be exceptional or uncontrollable circumstances.

If the superintendent of public instruction grants a waiver, the superintendent of public instruction shall not reduce the amount of Chapter 1 Regular moneys the school district is otherwise entitled to receive.

In determining maintenance of effort for the fiscal year immediately following the fiscal year for which the waiver was granted, the superintendent of public instruction may consider the school district's fiscal effort for the second preceding fiscal year to be no less than ninety percent of the combined fiscal effort per student or aggregate expenditures (using the measure most favorable to the school district) for the third preceding fiscal year.

(2) If a waiver cannot be granted, the superintendent of public instruction shall reduce the school district's allocation of moneys under Chapter 1 Regular in the exact proportion to which the school district fails to meet ninety percent of both the combined fiscal effort per student and aggregate expenditures (using the measure most favorable to the school district) for the second preceding fiscal year.

In determining maintenance of effort for the fiscal year immediately following the fiscal year in which the school district failed to maintain effort, the superintendent of public instruction may consider the school district's fiscal effort for the second preceding fiscal year to be no less than ninety percent of the combined fiscal effort per student or aggregate expenditures (using the measure most favorable to the school district) for the third preceding fiscal year. [Statutory Authority: RCW 28A.02.100. 83-08-030 (Order 83-2), § 392-163-415, filed 3/30/83.]

WAC 392-163-420 Notification of parents. Each school district shall notify parents of participating children of their child's involvement in the Chapter 1 Regular program and shall issue periodic reports of the child's progress in the program. Such notification and reports shall be provided in the primary language of the parent if necessary for communication unless it is clearly not feasible to do so. [Statutory Authority: RCW 28A.02.100. 83-08-030 (Order 83-2), § 392-163-420, filed 3/30/83.]

WAC 392-163-425 Construction and portable lease/purchase. Chapter 1 Regular moneys may be used for the modification of existing facilities and/or for lease/purchase of portable facilities for the purpose of serving Chapter 1 Regular eligible children if:

(1) The district has exhausted every other available option for providing space in which to serve eligible children; and

(2) Modification of facilities or lease/purchase of portable facilities will provide essential improvement in the delivery of Chapter 1 Regular services to eligible children.

Such use of moneys shall have prior approval from the superintendent of public instruction which shall be granted only after an on-site visit to the school district to examine existing facilities in order to determine that the above conditions do exist. [Statutory Authority: RCW 28A.02.100. 83-17-060 (Order 83-8), § 392-163-425, filed 8/17/83; 83-08-030 (Order 83-2), § 392-163-425, filed 3/30/83.]

WAC 392-163-430 Acquisition, control and disposition of property. Acquisition, control and disposition of property purchased with Title I/Chapter 1 Regular moneys shall be consistent with 34 CFR 74.130-145, Subpart O—Property. [Statutory Authority: RCW 28A.02.100. 83-08-030 (Order 83-2), § 392-163-430, filed 3/30/83.]

WAC 392-163-440 Chapter 1 Regular audit. Audit of local school district Chapter 1 Regular programs shall be conducted in compliance with 34 CFR 74.62. [Statutory Authority: RCW 28A.02.100. 83-08-030 (Order 83-2), § 392-163-440, filed 3/30/83.]

WAC 392-163-445 Sanctions. Any school district found not in compliance with applicable federal and state statute and regulations shall be subject to the actions prescribed in WAC 392-163-455, 34 CFR 200.57 and 200.58, and/or due process procedures outlined in 34 CFR 200.90 - .103. [Statutory Authority: RCW 28A.02.100. 83-08-030 (Order 83-2), § 392-163-445, filed 3/30/83.]

WAC 392-163-450 Compliance agreement. Notwithstanding any of the actions prescribed by WAC 392-163-445, any school district found out of compliance with this chapter may as a substitute for withholding or repayment actions referenced in WAC 392-163-445 and/or 392-163-455 be required to enter into a

compliance agreement with the superintendent of public instruction to ensure that noncompliant Chapter 1 Regular program practices are corrected within a period of time specified in that agreement, as a condition to continuous receipt of Chapter 1 Regular moneys. If a district fails to achieve compliance within the specified period of time, the withholding and/or repayment procedures prescribed by WAC 392-163-445 and 34 CFR 200.57(b) shall be instituted by the superintendent of public instruction. [Statutory Authority: RCW 28A.02.100. 83-08-030 (Order 83-2), § 392-163-450, filed 3/30/83.]

WAC 392-163-455 Withholding of Chapter 1 Regular payments. (1) If the superintendent of public instruction determines that a school district is not in substantial compliance with federal statute and regulation or with this chapter, the superintendent of public instruction shall have the authority to withhold payment in whole or in part of Chapter 1 Regular moneys to the offending district. In deciding whether to withhold payments, the superintendent of public instruction shall provide:

(a) Reasonable notice to the school district of the reasons for the proposed withholding; and

(b) An opportunity for the school district within thirty calendar days of such notice to give reason why the withholding should not be instituted.

(2) Pursuant to the school district response, the superintendent of public instruction shall consider the following factors:

(a) The seriousness of the noncompliance;

(b) The amount of Chapter 1 Regular moneys involved;

(c) The effect of withholding on participating children; and

(d) The need to withhold payments to prevent further misuse of Chapter 1 Regular moneys.

(3) If, after consideration of these factors and within thirty calendar days, the superintendent of public instruction decides to initiate a withholding procedure, a date shall be specified by which the school district shall have achieved compliance, or the moneys withheld shall become subject to repayment procedures specified in 34 CFR 200.57. [Statutory Authority: RCW 28A.02.100. 83-08-030 (Order 83-2), § 392-163-455, filed 3/30/83.]

WAC 392-163-460 Approval of Chapter 1 Regular program application by the office of the superintendent of public instruction. (1) Final approval of a Chapter 1 Regular program shall be given to a school district when the superintendent of public instruction has received a completed application in accordance with WAC 392-163-320 and 392-163-335 and 34 CFR 200.13 (a)(b) and is assured that the school district has satisfied all yearly reporting requirements and compliance agreements from the previous year, unless the agreement extends into the current year.

(2) Programs shall not be implemented without prior approval from the superintendent of public instruction

such effective approval date to be July 1 of each year for applications received and approved prior to July 1, or the subsequent date on which the application is received and approved by the superintendent of public instruction.

(3) Fiscal expenditures made prior to the effective approval date indicated on an application or a request for budget revision shall not be allowed.

(4) Consistent with PL 93-380 any school district shall have an opportunity to appeal a decision of the superintendent of public instruction, first to the superintendent of public instruction and then to the United States secretary of education. [Statutory Authority: RCW 28A.02.100. 83-08-030 (Order 83-2), § 392-163-460, filed 3/30/83.]

WAC 392-163-465 State advisory council. (1) Purpose. The purpose of the state advisory council (SAC) shall be to advise the superintendent of public instruction in state administration of the Chapter 1 Program.

(2) Membership:

(a) The superintendent of public instruction shall select parent members from nominations submitted by a school district superintendent or his/her designee. Nominees shall be parents of students served in the Chapter 1 Regular program and shall be chosen by the school district in consultation with parents and teachers of Chapter 1 Regular served children;

(b) The majority of the SAC shall consist of such parents as selected under subsection (a) above; and

(c) The balance of the SAC shall consist of Chapter 1 Regular administrators, teachers and aides, and representatives of other educational groups.

(3) Procedures:

(a) Bylaws shall be developed by the SAC and be subject to approval by the superintendent of public instruction;

(b) Election of officers shall be conducted by the membership;

(c) All meetings of the SAC shall be called by the superintendent of public instruction; and

(d) Members shall be reimbursed for travel and expenses to the extent permitted and consistent with the travel and per diem laws applicable to state employees. [Statutory Authority: RCW 28A.02.100. 83-08-030 (Order 83-2), § 392-163-465, filed 3/30/83.]

WAC 392-163-500 Distribution of Chapter 1 Regular moneys to local school districts. (1) For purposes of this section, the term:

(a) "Poverty level students" shall mean children aged five through seventeen counted in accordance with Section 111 (c)(1)(2)(A)(B) of Public Law 95-561 and 34 CFR 200.22 (a)(1)(i).

(b) "Best available data" shall mean poverty level data compiled using the 1980 decennial census definition of poverty status (Current Population Reports, Series P-60, No. 130, "Characteristics of the Population Below the Poverty Level: 1979").

(2) The method used by the superintendent of public instruction to distribute Chapter 1 Regular county allocations shall conform to Section 193(a) of Public Law 95-561 and 34 CFR 200.22.

(a) Using the best available data, poverty level students in each county shall be traced to individual school districts and the district shall receive a proportionate share of Chapter 1 Regular moneys from each county its boundaries overlap.

(b) No district shall be allocated less than eighty-five percent of the Chapter 1 Regular moneys it was allocated in the previous fiscal year. [Statutory Authority: RCW 28A.02.100. 83-17-060 (Order 83-8), § 392-163-500, filed 8/17/83.]

Chapter 392-164 WAC

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

WAC

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Reviser's note: With the filing of superintendent of public instruction Order 7-75, on December 22, 1975, chapter 392-96 WAC, entitled, "Grants management--Elementary and Secondary Education Act--Title I program, migrant," has been superseded by chapter 392-164 WAC. See Title 392 WAC digest page for disposition of chapters and reference notes.

WAC 392-164-005 Introduction. Although funded under the auspices of the Elementary and Secondary Education Act Title I (PL 89-10), migrant education is a result of the amendment to PL 89-10, PL 89-750. Title I Migrant Education, as legislated by PL 89-750, is unique in comparison to Title I Regular.

One of the most important elements differentiating Title I Migrant from Title I Regular is that, unlike Title I Regular, migrant education funds are not flow through monies. Through submittal of a state plan, the state superintendent of public instruction (SPI), which is the educational agency, becomes responsible for executing the educational program objectives for migrant children in the state of Washington. The state looks toward the local educational agencies (LEA's) to implement the objectives of the state plan at the operational level.

In essence, the state plan binds SPI and the United States Office of Education (USOE), migrant division, to a contractual agreement making SPI ultimately responsible for all funds received to carry out the state plan objectives. LEA's (which are, in most cases, school districts) thus become responsible to SPI and not the USOE as in the case of Title I Regular. [Order 7-75, § 392-164-005, filed 12/22/75. Formerly WAC 392-96-005.]

WAC 392-164-010 Purposes. The purposes of this chapter are to govern programs and projects funded under the amended Elementary and Secondary Education Act Title I (PL 89-750) and meet the special educational needs of migratory children of migratory agricultural workers. These state migrant program regulations are supplemental to federal Title I Regular regulations and in no way are intended to supersede or replace federal regulations in the event of a conflict. [Order 7-75, § 392-164-010, filed 12/22/75. Formerly WAC 392-96-010.]

WAC 392-164-015 Definitions. The following definitions shall apply to terms used in the goal statement: (1) "Agricultural activity" means:

(a) Any activity related to crop production (including preparing soil, storing, curing, canning or freezing of crops);

(b) Any activity related to the production and processing of milk, poultry, and livestock (for human consumption); and

(c) Any operation involved in forest nurseries and fish farms. The term does not include cutting, transporting, and sawing of timber.

(2) "Fishing activity" means any activity directly related to the catching and processing of fish and shellfish either for initial distribution through commercial market channels or as a primary means of personal subsistence.

(3) "Migratory agricultural workers" refers to those persons who have moved from one school district in a state to another in the same state or to one in another state for the purpose of finding temporary or seasonal employment in one or more agricultural activities as defined above.

(4) "Former migratory child" refers to a child who, with the concurrence of his parents, is deemed to be a migratory child on the basis that he has been an interstate or intrastate migratory child as defined in this section but has ceased to migrate within the last five years and currently resides in an area where interstate and intrastate migratory children will be served.

(5) "Interstate migratory child" refers to a child who has moved with a parent or guardian within the past year across the state boundaries in order that a parent, guardian, or member of his/her immediate family might secure temporary or seasonal employment in an agricultural activity.

(6) "Intrastate migratory child" refers to a child who resides in a state full time and who has moved with a parent or guardian within the past year across school

district boundaries within that state in order that a parent, guardian, or member of his/her immediate family might secure temporary or seasonal employment in an agricultural activity.

(7) "Project" refers to those services, activities, personnel, and materials provided to migratory children in a particular area by a state educational agency either directly or indirectly through a particular local educational agency or other agency as a legally approved contract.

(8) "Academic instruction" is defined as reading, oral language, language arts, mathematics, and other areas of basic skills instruction. [Statutory Authority: RCW 28A.03.030(1) and (3), 28A.02.100 and PL 89-750. 78-08-037 (Order 6-78), § 392-164-015, filed 7/18/78; Order 7-75, § 392-164-015, filed 12/22/75. Formerly WAC 392-96-015.]

WAC 392-164-020 Eligibility requirements. For the purpose of implementing the state plan for the education of migrant children, the superintendent of public instruction or his designee is authorized to accept and fund program requests by local educational agencies or other eligible agencies to operate migrant education projects. Such requests shall be made in the following manner:

(1) Project applications shall be set forth in a designated application form or other document as prescribed and approved by the SEA. Such documents shall describe:

(a) The services to be provided by each agency.

(b) The number of children to be served in total and for each service.

(c) The types and number of staff to be employed, including job responsibilities.

(d) An appropriate budget.

(2) Each such operating agency shall provide narrative and financial reports as prescribed by the SEA.

(3) All migrant projects must be planned and implemented based on the number and specific needs of the true migrant students to be served by the LEA.

(4) Migrant project funding shall be related directly to the numbers of true migrant children served and specific services provided. It is not an allocation but a grant based on identified needs of migrant children. The amount of such a grant may be raised or reduced, based on the total numbers of eligible migrant children receiving services outlined in the project as recorded on the MSRTS. Such changes will be initiated between the LEA and the supervisor of migrant education or his designee.

(5) The funded project serves as a contact between the local school district or other authorized agency and the superintendent of public instruction to provide specifically identified services. Changes in the agreement may be instigated by either party through negotiations between the authorized agency representative and the program supervisor.

(6) No project shall be established solely for formerly migrant children.

(7) During the time migratory children to be served reside in the state they will have access to state and locally-funded services provided in such facilities on the same basis as non-migratory children.

(8) The accumulated amount of time that a migrant child is allowed to miss from his/her basic state-supported education program to receive supplementary education must not exceed two (2) hours per day. [Order 7-75, § 392-164-020, filed 12/22/75. Formerly WAC 392-96-020.]

WAC 392-164-025 Formerly migratory children. In all projects, priority shall be given to the provision of services to interstate and intrastate migratory children. Formerly migratory children may participate in such projects only if:

(a) Their participation will not prevent adequate services from being provided under this part to interstate and intrastate children,

(b) They are more likely to receive services designed to meet their special educational needs through the project under these funds than they are through other programs under Title I of the act or similar programs under other authorities, and

(c) Their parents agree to such participation. [Order 7-75, § 392-164-025, filed 12/22/75. Formerly WAC 392-96-025.]

WAC 392-164-030 Bilingual education. Migrant children who, because of their cultural and linguistic background, speak and understand a language other than English shall receive instruction in their dominant language.

(1) Needs assessment of such children shall be done in the child's dominant language.

(2) Based on identified needs, the children shall be served in programs reflective of their dominant language and culture.

(3) The intent shall be to build the child's concept bank while at the same time providing instruction to build proficiency in the English language. [Order 7-75, § 392-164-030, filed 12/22/75. Formerly WAC 392-96-030.]

WAC 392-164-035 Student identification. The superintendent of public instruction recognizes the need to identify all migrant children in the state of Washington. The uniform migrant student record transfer system (MSRTS) is used for the purpose of identifying and recording migrant students.

(1) All migrant children will be identified, recruited, and enrolled on the MSRTS, regardless of whether or not the child resides within a school district offering a migrant program.

(2) All districts with identified migrant children will participate in the MSRTS with updating of academic, health, and other pertinent data. (Other agencies may provide this service if the LEA chooses not to participate.)

(3) The projected number of migrant students to be served by any LEA must be based on actual statistical

information recorded on the MSRTS. This information should be broken into categories—supplementary educational programs, testing, and health information. The statistical information should be identified in groupings for first, second, third, and fourth year migrant students.

(4) Each student enrolled in a migrant education program must have on file a currently valid certificate of eligibility according to the requirements of the state of Washington migrant education program. [Order 7-75, § 392-164-035, filed 12/22/75. Formerly WAC 392-96-035.]

WAC 392-164-040 Student insurance. The state of Washington mandates that all migrant children be provided with twenty-four-hour insurance coverage paid from migrant program funds. It is the responsibility of the LEA to:

(1) Inform migrant parents of the twenty-four-hour insurance coverage provided for their children.

(2) Facilitate claims procedures when necessary. [Order 7-75, § 392-164-040, filed 12/22/75. Formerly WAC 392-96-040.]

WAC 392-164-045 Property, facilities, and equipment. The superintendent of public instruction administers directly the construction of facilities and the acquisition of property and equipment needed to implement programs for migrant children. The superintendent of public instruction, state of Washington, retains title to such facilities, property, and equipment and possesses the right to move or transfer them according to need. [Order 7-75, § 392-164-045, filed 12/22/75. Formerly WAC 392-96-045.]

WAC 392-164-050 Project descriptions. Any time for which funds are requested must be described in the project application. Each project application shall contain:

(1) Evidence that the services to be provided show reasonable promise of meeting migratory children's needs, particularly with respect to improvements in educational performance of children in the basic skills of reading, oral and written communication, and mathematics.

(2) A summary of information available concerning the characteristics, special educational performance, and cultural and linguistic background of the children to be served.

(3) A description of each service to be provided with the estimated number of children to be served, by age (including children enrolled or to be enrolled in private schools).

(4) In the case of in-service training, the number of staff members for whom that service will be provided. All staff receiving inservice shall be those paid all or in part by Title I-Migrant funds.

(5) The estimated number of staff, including those of cultural and linguistic background, reflective of migrant-student ethnic population.

(6) Facilities and materials to be used.

(7) The needs and objectives which each service is intended to meet.

(8) A description of the LEA's plan for involving parents and appropriate representatives of migratory children in the planning, implementation, operation, and evaluation of the project.

(9) A statement of the objectives of the proposed program, the related performance criteria, and the procedures and instruments by which the effectiveness of the program will be evaluated.

(10) Health, welfare, and other services not directly related to educational improvement only to the extent necessary to enable such children to participate effectively in services that are designed to bring about such improvement, and after all other private agencies' resources have been used.

(11) Requests for funds in the audio visual supplies and materials line item may be requested in the component description and budget, if such items are not available through the migrant center under sponsorship of the superintendent of public instruction. [Order 7-75, § 392-164-050, filed 12/22/75. Formerly WAC 392-96-050.]

WAC 392-164-055 Day care. Daily care of infants and very young children shall not be provided under this part except as a service to preschool and other children and then only upon specific application to the state supervisor with sufficient information to enable him to determine that such care as described in the application is:

(a) Not available from other public or private agencies;

(b) Essential to enable such preschool and older migratory children to participate in the Title I Migrant program; and

(c) Not extravagant in view of the cost, the number of children who would receive day care, the number of preschool and older migratory children involved, and the effect and availability of such services would have on the attendance and participation of such preschool and older migratory children in instructional services provided under Title I Migrant of the act.

The information provided in support of a request for funds for day care/preschool shall include the estimated cost, a description of the specific services, and the pertinent conditions indicating a need for such services including the estimated number of children requiring the service, the public and private agencies contacted to provide such services and the substance of their responses, and a detailed account of the effect that the absence of such service or services has had on attendance and participation of children in previous migrant projects and would be expected to have on the attendance and participation of children in the project covered by the application. The application shall also include the estimated number of preschool and older children whose attendance and participation would be improved by the availability of such services and the extent of that improvement. [Order 7-75, § 392-164-055, filed 12/22/75. Formerly WAC 392-96-055.]

WAC 392-164-060 Local parent advisory councils. A meaningful parent advisory council (PAC) shall be established in the LEA. Each parent advisory council shall:

(1) Be composed of parents of children to be served, who shall constitute at least a simple majority of said council, and other persons knowledgeable in the needs of migratory children.

(2) Assist the LEA in the planning, implementation, operation, and evaluation of the present local project and in the planning of future projects.

(3) Have as a member at least one representative from the LEA in an ex officio capacity. No employee of the LEA may serve as a voting member.

(4) Have parent members selected from among the parent group by the parents themselves. The balance of the parent advisory council membership may be appointed by the LEA and should consist of representatives of social, health service, local business and industry, and other such community agencies.

(5) Elect its own chairperson and such other officers as the membership deems appropriate.

(6) Adopt a constitution and bylaws, including a grievance procedure.

In respect to PAC's, the LEA shall:

(1) Develop and maintain an information, training, and technical assistance program for parent advisory council members.

(2) Notify parents of participating students of their involvement in the program and provide reports of the students' progress in the program.

No PAC member may participate in a decision or recommendation with respect to the migrant program if such a decision appears likely to result in any benefit or remuneration, royalty, commission, consultation fees, or any other benefit to him/her or any member of his/her family. [Order 7-75, § 392-164-060, filed 12/22/75. Formerly WAC 392-96-060.]

WAC 392-164-065 Local parent advisory council appeal process for projects. If by vote at a duly constituted meeting the parent advisory council raises doubt as to the effectiveness of a migrant education proposal or project;

(1) The LEA shall provide a hearing for the council within fifteen days of receipt of written notice from the advisory council chairperson,

(2) The LEA or the parent advisory council chairperson shall have the right of appeal to the superintendent of public instruction if the outcome of the local hearing is unsatisfactory, and

(3) The superintendent of public instruction shall provide a hearing within fifteen days of receipt of written notice from the LEA or the parent advisory council chairperson and the decision of the superintendent shall be final. [Order 7-75, § 392-164-065, filed 12/22/75. Formerly WAC 392-96-065.]

WAC 392-164-070 Local parent advisory council appeal process for PAC. PAC members have the right

and obligation to determine the extent, if any, of their meaningful participation against the following criteria:

- (1) Regularly held and well attended meetings.
- (2) Meeting agenda reflective of migrant project activities, including planning of the ensuing year's project. Minutes should be reflective of this.
- (3) Adequate parent in-service for participation in PAC's.
- (4) Up-to-date information on project activities and progress of the children as provided by the LEA.
- (5) Active involvement in all stages of planning and evaluation of the project. [Order 7-75, § 392-164-070, filed 12/22/75. Formerly WAC 392-96-070.]

WAC 392-164-075 Grievance procedure. Federal regulations at this time require the ready availability of a grievance procedure in relation to Title I Regular and Title I Migrant programs. Implementation of a specific grievance procedure is the cooperative responsibility of the local school district and the parent advisory committee. Therefore this procedure is available for adaptation and development to meet specific local needs.

- (1) Local education agency—Program director.
- (2) Verbal presentation to the PAC chairperson; then written presentation to the local PAC with a copy to the local superintendent.
- (3) Monitor.
- (4) Local education agency hearing.
- (5) Superintendent of public instruction hearing. [Order 7-75, § 392-164-075, filed 12/22/75. Formerly WAC 392-96-075.]

WAC 392-164-080 State advisory committee. The purpose of the state advisory committee (SAC) will be to advise the superintendent of public instruction in the planning, developing, operating, and evaluating the state Title I program. Further, they will facilitate communication between local parent advisory councils. Membership:

- (1) The superintendent of public instruction shall select parent members from nominations submitted by local PAC's.
- (2) The majority of the SAC will consist of such parents as selected from nominees.
- (3) The balance of the SAC will be selected by the SPI and will consist of representatives of social and health service agencies, local and intermediate school districts, business and industry, and such other agencies as are deemed appropriate.
- (4) Bylaws will be developed jointly by the SAC and SPI.
- (5) Election of officers will be conducted by the membership.
- (6) The superintendent shall call all meetings.
- (7) Members will be reimbursed for travel and expenses consistent with state law. [Order 7-75, § 392-164-080, filed 12/22/75. Formerly WAC 392-96-080.]

WAC 392-164-085 Accountability. LEA's shall insure that appropriate objective measures will be employed to measure the effectiveness of the project and of the various services provided, particularly with respect to improvements in the children's performance in reading, oral and written communication, and mathematics. To achieve this, LEA's shall:

- (1) Provide a plan for some form of ongoing or continuous assessment which shall be in operation during the dates of project operation. A minimum growth expectation in the areas of academic instruction in a migrant project shall be 1.3 months per month of participation in the project.
- (2) Utilize the test instrument adopted by the state migrant program as a pretest measurement for the purpose of uniform statewide evaluation. The cost of such tests for participating migrant children is a legitimate migrant project expense.
- (3) Provide a summary evaluation of all activities and supportive services. [Order 7-75, § 392-164-085, filed 12/22/75. Formerly WAC 392-96-085.]

WAC 392-164-090 Administrative costs. Support shall be given for administrative costs related to educational services and must be clearly supplemental to those district administrative responsibilities.

- (1) All support requested must be documented and submitted along with project application.
- (2) A job description for each position requested shall be submitted.
- (3) In compliance with federal circular A-87 local education agencies may choose to utilize a predetermined indirect cost rate upon approval of the state education agency. If an indirect cost rate is used, documentation of time and effort for personnel paid by this rate need not be maintained by the local education agency. [Order 7-75, § 392-164-090, filed 12/22/75. Formerly WAC 392-96-090.]

WAC 392-164-095 Fiscal constraints. The highly mobile situation of the migrant child requires that the migrant education program employ special fiscal procedures.

- (1) The automatic 10 percent line item transfer is not allowable in the migrant program.
 - (2) LEA's wishing to make line item transfers must receive approval from the supervisor of migrant education or his designee.
 - (3) Some limited fiscal support will be provided school districts upon submittal of documentation of need.
- Migrant projects shall be operated in a manner and spirit of compliance with federal and state migrant regulations. Those districts requiring assistance to achieve compliance will be provided any and all support necessary from the state migrant education office. [Order 7-75, § 392-164-095, filed 12/22/75. Formerly WAC 392-96-095.]

Chapter 392-168 WAC

GRANTS MANAGEMENT--ELEMENTARY AND
SECONDARY EDUCATION ACT--TITLE IV

WAC

392-168-005 Authority.

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 392-168-005 Authority. The authority for these rules and regulations is founded upon RCW 28A.02.100 and Title IV of Public Law 93-380. Since Title IV is a state plan program the approved operational plan is the official document utilized in the administration of the program in Washington state. [Order 12-76, § 392-168-005, filed 12/21/76.]

Chapter 392-171 WAC

SPECIAL EDUCATION PROGRAMS--EDUCATION
FOR ALL HANDICAPPED CHILDREN

WAC

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- DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER**
- 392-171-005 Purposes. [Order 11-76, § 392-171-005, filed 11/1/76; Order 7-75, § 392-171-005, filed 12/22/75. Formerly WAC 392-45-005.] Repealed by 78-11-074 (Order 11-78), filed 10/31/78. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7).
- 392-171-010 Special education advisory council. [Order 11-76, § 392-171-010, filed 11/1/76; Order 7-75, § 392-171-010, filed 12/22/75. Formerly WAC 392-45-015.] Repealed by 78-11-074 (Order 11-78), filed 10/31/78. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7).
- 392-171-015 Special education advisory council authority. [Order 11-76, § 392-171-015, filed 11/1/76; Order 7-75, § 392-171-015, filed 12/22/75. Formerly WAC 392-45-020.] Repealed by 78-11-074 (Order 11-78), filed 10/31/78. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7).
- 392-171-020 Common school age—Child eligibility. [Order 9-77, § 392-171-020, filed 10/11/77, effective 11/11/77; Order 11-76, § 392-171-020, filed 11/1/76; Order 7-75, § 392-171-020, filed 12/22/75. Formerly WAC 392-45-030.] Repealed by 78-11-074 (Order 11-78), filed 10/31/78. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7).
- 392-171-025 Procedures for functionally defining handicapping conditions. [Order 11-76, § 392-171-025, filed 11/1/76; Order 7-75, § 392-171-025, filed 12/22/75. Formerly WAC 392-45-035 (part).] Repealed by 78-11-074 (Order 11-78), filed 10/31/78. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7).
- 392-171-030 Flow chart for procedures for functionally defining handicapping conditions. [Order 11-76, § 392-171-030, filed 11/1/76; Order 7-75, § 392-171-030, filed 12/22/75. Formerly WAC 392-45-035 (part).] Repealed by 78-11-074 (Order 11-78), filed 10/31/78. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7).
- 392-171-035 Child as focus of concern. [Order 11-76, § 392-171-035, filed 11/1/76; Order 7-75, § 392-171-035, filed 12/22/75. Formerly WAC 392-45-040.] Repealed by 78-11-074 (Order 11-78), filed 10/31/78. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7).
- 392-171-040 Referral procedure. [Order 11-76, § 392-171-040, filed 11/1/76; Order 7-75, § 392-171-040, filed 12/22/75. Formerly WAC 392-45-045.] Repealed by 78-11-074 (Order 11-78), filed 10/31/78. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7).

- 392-171-045 Parent decision. [Order 11-76, § 392-171-045, filed 11/1/76; Order 7-75, § 392-171-045, filed 12/22/75. Formerly WAC 392-45-050.] Repealed by 78-11-074 (Order 11-78), filed 10/31/78. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7).
- 392-171-050 Decision to terminate. [Order 11-76, § 392-171-050, filed 11/1/76; Order 7-75, § 392-171-050, filed 12/22/75. Formerly WAC 392-45-055.] Repealed by 78-11-074 (Order 11-78), filed 10/31/78. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7).
- 392-171-055 Assessment procedures. [Order 11-76, § 392-171-055, filed 11/1/76; Order 7-75, § 392-171-055, filed 12/22/75. Formerly WAC 392-45-060.] Repealed by 78-11-074 (Order 11-78), filed 10/31/78. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7).
- 392-171-060 Collection of descriptions of child performance. [Order 11-76, § 392-171-060, filed 11/1/76; Order 7-75, § 392-171-060, filed 12/22/75. Formerly WAC 392-45-065.] Repealed by 78-11-074 (Order 11-78), filed 10/31/78. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7).
- 392-171-065 Assessment or needed consultation by professional resources not employed by school district. [Order 11-76, § 392-171-065, filed 11/1/76; Order 7-75, § 392-171-065, filed 12/22/75. Formerly WAC 392-45-070.] Repealed by 78-11-074 (Order 11-78), filed 10/31/78. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7).
- 392-171-070 Assessment. [Order 11-76, § 392-171-070, filed 11/1/76; Order 7-75, § 392-171-070, filed 12/22/75. Formerly WAC 392-45-075.] Repealed by 78-11-074 (Order 11-78), filed 10/31/78. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7).
- 392-171-075 Assessment personnel. [Order 11-76, § 392-171-075, filed 11/1/76; Order 7-75, § 392-171-075, filed 12/22/75. Formerly WAC 392-45-080.] Repealed by 78-11-074 (Order 11-78), filed 10/31/78. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7).
- 392-171-080 Analysis of assessment data. [Order 11-76, § 392-171-080, filed 11/1/76; Order 7-75, § 392-171-080, filed 12/22/75. Formerly WAC 392-45-085.] Repealed by 78-11-074 (Order 11-78), filed 10/31/78. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7).
- 392-171-085 Goals and objectives. [Order 7-75, § 392-171-085, filed 12/22/75. Formerly WAC 392-45-090.] Repealed by Emergency and Permanent Order 11-76, filed 11/1/76, and by Order 15-76, filed 12/21/76. Later promulgation, see WAC 392-171-090.
- 392-171-090 Goals. [Order 11-76, § 392-171-090, filed 11/1/76; Order 7-75, § 392-171-090, filed 12/22/75. Formerly WAC 392-45-095.] Repealed by 78-11-074 (Order 11-78), filed 10/31/78. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7).
- 392-171-095 Placement options. [Order 11-76, § 392-171-095, filed 11/1/76; Order 7-75, § 392-171-095, filed 12/22/75. Formerly WAC 392-45-100 (part).] Repealed by 78-11-074 (Order 11-78), filed 10/31/78. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7).
- 392-171-097 Materials and equipment. [Order 11-76, § 392-171-097, filed 11/1/76.] Repealed by 78-11-074 (Order 11-78), filed 10/31/78. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7).
- 392-171-100 Regular classroom placement options. [Order 11-76, § 392-171-100, filed 11/1/76; Order 7-75, § 392-171-100, filed 12/22/75. Formerly WAC 392-45-100 (part).] Repealed by 78-11-074 (Order 11-78), filed 10/31/78. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7).
- 392-171-105 Self-contained placement options. [Order 11-76, § 392-171-105, filed 11/1/76; Order 7-75, § 392-171-105, filed 12/22/75. Formerly WAC 392-45-100 (part).] Repealed by 78-11-074 (Order 11-78), filed 10/31/78. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7).
- 392-171-110 Other placement options. [Order 11-76, § 392-171-110, filed 11/1/76; Order 7-75, § 392-171-110, filed 12/22/75. Formerly WAC 392-45-100 (part).] Repealed by 78-11-074 (Order 11-78), filed 10/31/78. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7).
- 392-171-113 Decision that child will not be placed. [Order 11-76, § 392-171-113, filed 11/1/76.] Repealed by 78-11-074 (Order 11-78), filed 10/31/78. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7).
- 392-171-115 Program criteria necessary for eligibility. [Order 11-76, § 392-171-115, filed 11/1/76; Order 7-75, § 392-171-115, filed 12/22/75. Formerly WAC 392-45-105.] Repealed by 78-11-074 (Order 11-78), filed 10/31/78. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7).
- 392-171-120 Definitions and criteria for child eligibility. [Order 7-75, § 392-171-120, filed 12/22/75. Formerly WAC 392-45-110 (part).] Repealed by Emergency and Permanent Order 11-76, filed 11/1/76, and by Order 15-76, filed 12/21/76. Later promulgation, see WAC 392-171-020(2).
- 392-171-125 Definition of and eligibility criteria for mental retardation—Mildly retarded. [Order 11-76, § 392-171-125, filed 11/1/76; Order 7-75, § 392-171-125, filed 12/22/75. Formerly WAC 392-45-110 (part).] Repealed by 78-11-074 (Order 11-78), filed 10/31/78. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7).
- 392-171-130 Definition of and eligibility criteria for mental retardation—Moderately retarded. [Order 11-76, § 392-171-130, filed 11/1/76; Order 7-75, § 392-171-130, filed 12/22/75. Formerly WAC 392-45-110 (part).] Repealed by 78-11-074 (Order 11-78), filed 10/31/78. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7).
- 392-171-135 Definition of and eligibility criteria for mental retardation—Severely and profoundly retarded. [Order 11-76, § 392-171-135, filed 11/1/76; Order 7-75, § 392-171-135, filed 12/22/75. Formerly WAC 392-45-110 (part).] Repealed by 78-11-074 (Order 11-78), filed 10/31/78. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7).
- 392-171-137 IQ eligibility range variation. [Order 11-76, § 392-171-137, filed 11/1/76.] Repealed by 78-11-074 (Order 11-78), filed 10/31/78. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7).
- 392-171-140 Definition of and eligibility criteria for sensory handicapped. [Order 11-76, § 392-171-140, filed 11/1/76; Order 7-75, § 392-171-140, filed 12/22/75. Formerly WAC 392-45-110 (part).] Repealed by 78-11-074 (Order 11-78), filed 10/31/78. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7).
- 392-171-145 Definition of and eligibility criteria for gross motor and orthopedically handicapped. [Order 11-76, § 392-171-145, filed 11/1/76; Order 7-75, § 392-171-145, filed 12/22/75. Formerly WAC 392-45-110 (part).] Repealed by 78-11-074 (Order 11-78), filed 10/31/78. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7).
- 392-171-150 Definition of and eligibility criteria for behavioral disability. [Order 11-76, § 392-171-150, filed 11/1/76; Order 7-75, § 392-171-150, filed 12/22/75. Formerly WAC 392-45-110 (part).] Repealed by 78-11-074 (Order 11-78), filed 10/31/78. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7).
- 392-171-155 Definition of and eligibility criteria for neurological impairment. [Order 11-76, § 392-171-155, filed 11/1/76; Order 7-75, § 392-171-155, filed 12/22/75. Formerly WAC 392-45-110 (part).] Repealed by 78-11-074 (Order 11-78), filed 10/31/78. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7).

- 12/22/75. Formerly WAC 392-45-110 (part).] Repealed by 78-11-074 (Order 11-78), filed 10/31/78. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7).
- 392-171-160 Definition of learning/language disability. [Order 11-76, § 392-171-160, filed 11/1/76; Order 7-75, § 392-171-160, filed 12/22/75. Formerly WAC 392-45-110 (part).] Repealed by 78-11-074 (Order 11-78), filed 10/31/78. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7).
- 392-171-165 Eligibility criteria for learning/language disability. [Order 11-76, § 392-171-165, filed 11/1/76; Order 7-75, § 392-171-165, filed 12/22/75. Formerly WAC 392-45-110 (part).] Repealed by 78-11-074 (Order 11-78), filed 10/31/78. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7).
- 392-171-170 Definition of and eligibility criteria for health impaired. [Order 11-76, § 392-171-170, filed 11/1/76; Order 7-75, § 392-171-170, filed 12/22/75. Formerly WAC 392-45-110 (part).] Repealed by 78-11-074 (Order 11-78), filed 10/31/78. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7).
- 392-171-175 Definition of and eligibility criteria for multiple handicapped. [Order 11-76, § 392-171-175, filed 11/1/76; Order 7-75, § 392-171-175, filed 12/22/75. Formerly WAC 392-45-110 (part).] Repealed by 78-11-074 (Order 11-78), filed 10/31/78. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7).
- 392-171-180 Definition of and eligibility criteria for communication disorders. [Order 11-76, § 392-171-180, filed 11/1/76; Order 7-75, § 392-171-180, filed 12/22/75. Formerly WAC 392-45-110 (part).] Repealed by 78-11-074 (Order 11-78), filed 10/31/78. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7).
- 392-171-185 School district decision. [Order 11-76, § 392-171-185, filed 11/1/76; Order 7-75, § 392-171-185, filed 12/22/75. Formerly WAC 392-45-115.] Repealed by 78-11-074 (Order 11-78), filed 10/31/78. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7).
- 392-171-190 Parent decision. [Order 11-76, § 392-171-190, filed 11/1/76; Order 7-75, § 392-171-190, filed 12/22/75. Formerly WAC 392-45-120.] Repealed by 78-11-074 (Order 11-78), filed 10/31/78. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7).
- 392-171-195 Objectives relating to instructional programs (short term). [Order 11-76, § 392-171-195, filed 11/1/76; Order 7-75, § 392-171-195, filed 12/22/75. Formerly WAC 392-45-125.] Repealed by 78-11-074 (Order 11-78), filed 10/31/78. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7).
- 392-171-200 Evaluation and program improvement. [Order 11-76, § 392-171-200, filed 11/1/76; Order 7-75, § 392-171-200, filed 12/22/75. Formerly WAC 392-45-130.] Repealed by 78-11-074 (Order 11-78), filed 10/31/78. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7).
- 392-171-203 Administration of medication. [Order 11-76, § 392-171-203, filed 11/1/76.] Repealed by 78-11-074 (Order 11-78), filed 10/31/78. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7).
- 392-171-205 Contractual services. [Order 11-76, § 392-171-205, filed 11/1/76; Order 7-75, § 392-171-205, filed 12/22/75. Formerly WAC 392-45-135.] Repealed by 78-11-074 (Order 11-78), filed 10/31/78. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7).
- 392-171-210 Approval of agencies and individuals for contractual arrangements. [Order 11-76, § 392-171-210, filed 11/1/76; Order 7-75, § 392-171-210, filed 12/22/75. Formerly WAC 392-45-140.] Repealed by 78-11-074 (Order 11-78), filed 10/31/78. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7).
- 392-171-215 Determining eligibility of nonpublic school agencies and individuals to provide special education services through contractual arrangements with school districts. [Order 7-75, § 392-171-215, filed 12/22/75. Formerly WAC 392-45-145.] Repealed by Emergency and Permanent Order 11-76, filed 11/1/76, and by Order 15-76, filed 12/21/76.
- 392-171-220 Responsibilities of school districts. [Order 11-76, § 392-171-220, filed 11/1/76; Order 7-75, § 392-171-220, filed 12/22/75. Formerly WAC 392-45-150.] Repealed by 78-11-074 (Order 11-78), filed 10/31/78. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7).
- 392-171-225 Compliance with federal, state and local law. [Order 11-76, § 392-171-225, filed 11/1/76; Order 7-75, § 392-171-225, filed 12/22/75. Formerly WAC 392-45-155.] Repealed by 78-11-074 (Order 11-78), filed 10/31/78. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7).
- 392-171-230 Written policies. [Order 7-75, § 392-171-230, filed 12/22/75. Formerly WAC 392-45-160.] Repealed by Order 15-76, filed 12/21/76. Later promulgation, see WAC 392-171-225(3).
- 392-171-235 Coordination of services. [Order 11-76, § 392-171-235, filed 11/1/76; Order 7-75, § 392-171-235, filed 12/22/75. Formerly WAC 392-45-165.] Repealed by 78-11-074 (Order 11-78), filed 10/31/78. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7).
- 392-171-240 Written contracts. [Order 11-76, § 392-171-240, filed 11/1/76; Order 7-75, § 392-171-240, filed 12/22/75. Formerly WAC 392-45-170.] Repealed by 78-11-074 (Order 11-78), filed 10/31/78. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7).
- 392-171-245 Special placement and parent appeal concerning contractual arrangements. [Order 11-76, § 392-171-245, filed 11/1/76; Order 7-75, § 392-171-245, filed 12/22/75. Formerly WAC 392-45-175.] Repealed by 78-11-074 (Order 11-78), filed 10/31/78. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7).
- 392-171-250 Interdistrict arrangements. [Order 11-76, § 392-171-250, filed 11/1/76; Order 7-75, § 392-171-250, filed 12/22/75. Formerly WAC 392-45-180.] Repealed by 78-11-074 (Order 11-78), filed 10/31/78. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7).
- 392-171-255 Appeals to school boards—Time periods—Court appointed representatives. [Order 11-76, § 392-171-255, filed 11/1/76; Order 7-75, § 392-171-255, filed 12/22/75. Formerly WAC 392-45-185 (part).] Repealed by 78-11-074 (Order 11-78), filed 10/31/78. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7).
- 392-171-260 Appeals and sanction procedures—Procedure at the hearing. [Order 11-76, § 392-171-260, filed 11/1/76; Order 7-75, § 392-171-260, filed 12/22/75. Formerly WAC 392-45-185 (part).] Repealed by 78-11-074 (Order 11-78), filed 10/31/78. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7).
- 392-171-265 Appeal from board's decision to superintendent of public instruction—Time periods. [Order 11-76, § 392-171-265, filed 11/1/76; Order 7-75, § 392-171-265, filed 12/22/75. Formerly WAC 392-45-185 (part).] Repealed by 78-11-074 (Order 11-78), filed 10/31/78. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7).
- 392-171-270 Appeals and sanction procedure—Child's continued attendance. [Order 11-76, § 392-171-270, filed 11/1/76; Order 7-75, § 392-171-270, filed

- 12/22/75. Formerly WAC 392-45-185 (part.) Repealed by 78-11-074 (Order 11-78), filed 10/31/78. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7).
- 392-171-275 Sanctions upon noncomplying school districts. [Order 11-76, § 392-171-275, filed 11/1/76; Order 7-75, § 392-171-275, filed 12/22/75. Formerly WAC 392-45-185 (part.)] Repealed by 78-11-074 (Order 11-78), filed 10/31/78. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7).
- 392-171-280 Transportation. [Order 11-76, § 392-171-280, filed 11/1/76; Order 7-75, § 392-171-280, filed 12/22/75. Formerly WAC 392-45-190.] Repealed by 78-11-074 (Order 11-78), filed 10/31/78. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7).
- 392-171-285 Facilities. [Order 11-76, § 392-171-285, filed 11/1/76; Order 7-75, § 392-171-285, filed 12/22/75. Formerly WAC 392-45-195.] Repealed by 78-11-074 (Order 11-78), filed 10/31/78. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7).
- 392-171-330 Behavioral disability—Definition—Eligibility criteria. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-330, filed 10/31/78.] Repealed by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7).
- 392-171-335 Communication disorders—Definition—Eligibility criteria. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-335, filed 10/31/78.] Repealed by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7).
- 392-171-340 Gross motor and orthopedically handicapped—Definition—Eligibility criteria. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-340, filed 10/31/78.] Repealed by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7).
- 392-171-345 Health impaired—Definition—Eligibility criteria. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-345, filed 10/31/78.] Repealed by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7).
- 392-171-350 Specific learning disability—Definition. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 79-12-008 (Order 12-79), § 392-171-350, filed 11/9/79, effective 1/1/80; 78-11-074 (Order 11-78), § 392-171-350, filed 10/31/78.] Decodified by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7). Later promulgation, see WAC 392-171-406.
- 392-171-355 Specific learning disability—Eligibility criteria. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 79-12-008 (Order 12-79), § 392-171-355, filed 11/9/79, effective 1/1/80; 78-11-074 (Order 11-78), § 392-171-355, filed 10/31/78.] Decodified by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7). Later promulgation, see WAC 392-171-411.
- 392-171-356 Specific learning disability—Exceptions to general eligibility criteria. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 79-12-008 (Order 12-79), § 392-171-356, filed 11/9/79, effective 1/1/80.] Decodified by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7). Later promulgation, see WAC 392-171-416.
- 392-171-360 Mental retardation—Mildly retarded—Definition—Eligibility criteria. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-360, filed 10/31/78.] Repealed by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7).
- 392-171-365 Mental retardation—Moderately retarded—Definition—Eligibility criteria. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-365, filed 10/31/78.] Repealed by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7).
- 392-171-370 Mental retardation—Severely and profoundly retarded—Definition—Eligibility criteria. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-370, filed 10/31/78.] Repealed by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7).
- 392-171-375 Mental retardation—I.Q. eligibility range variation. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-375, filed 10/31/78.] Decodified by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7). Later promulgation, see WAC 392-171-426.
- 392-171-380 Multiple handicapped—Definition—Eligibility criteria. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-380, filed 10/31/78.] Decodified by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7). Later promulgation, see WAC 392-171-431.
- 392-171-385 Neurological impairment—Definition—Eligibility criteria. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-385, filed 10/31/78.] Repealed by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7).
- 392-171-390 Sensory handicapped—Definition—Eligibility criteria. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-390, filed 10/31/78.] Repealed by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7).
- 392-171-395 Student as focus of concern—Preassessment procedures—Timeline. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-395, filed 10/31/78.] Decodified by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7). Later promulgation, see WAC 392-171-341.
- 392-171-400 General areas of assessment. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-400, filed 10/31/78.] Decodified by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7). Later promulgation, see WAC 392-171-346.
- 392-171-405 General assessment personnel, materials and report requirements. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-405, filed 10/31/78.] Decodified by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7). Later promulgation, see WAC 392-171-351.
- 392-171-410 Learning/language disabled students—Additional assessment team members—Classroom observation. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-410, filed 10/31/78.] Repealed by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7).
- 392-171-415 Learning/language disabled students—Written report of assessment team. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-415, filed 10/31/78.] Repealed by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7).
- 392-171-420 Speech impaired students—Assessment. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-420, filed 10/31/78.] Decodified by 80-11-054 (Order 80-31),

- filed 8/19/80. Statutory Authority: RCW 28A.13.070(7). Later promulgation, see WAC 392-171-358.
- 392-171-425 Medical evaluation. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-425, filed 10/31/78.] Decodified by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7). Later promulgation, see WAC 392-171-361.
- 392-171-430 Analysis of assessment data. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-430, filed 10/31/78.] Decodified by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7). Later promulgation, see WAC 392-171-366.
- 392-171-435 Independent educational assessment. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-435, filed 10/31/78.] Decodified by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7). Later promulgation, see WAC 392-171-371.
- 392-171-440 Meetings. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-440, filed 10/31/78.] Decodified by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7). Later promulgation, see WAC 392-171-456.
- 392-171-445 Individualized education program. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-445, filed 10/31/78.] Decodified by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7). Later promulgation, see WAC 392-171-461.
- 392-171-450 Initial educational placement—Notice—Consent. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-450, filed 10/31/78.] Decodified by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7). Later promulgation, see WAC 392-171-466.
- 392-171-455 Least restrictive environment. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-455, filed 10/31/78.] Repealed by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7).
- 392-171-460 Placement options—Selection—Required considerations. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-460, filed 10/31/78.] Decodified by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7). Later promulgation, see WAC 392-171-481.
- 392-171-465 Regular education program option. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-465, filed 10/31/78.] Repealed by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7).
- 392-171-470 Resource program option. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-470, filed 10/31/78.] Repealed by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7).
- 392-171-475 Self-contained program options. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-475, filed 10/31/78.] Repealed by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7).
- 392-171-480 Other program placement options. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-480, filed 10/31/78.] Decodified by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7). Later promulgation, see WAC 392-171-486.
- 392-171-485 Annual placement evaluation—Periodic reassessments—Program improvement. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-485, filed 10/31/78.] Decodified by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7). Later promulgation, see WAC 392-171-511.
- 392-171-490 When notice must be given. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-490, filed 10/31/78.] Decodified by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7). Later promulgation, see WAC 392-171-521.
- 392-171-495 Contents of notice. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-495, filed 10/31/78.] Decodified by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7). Later promulgation, see WAC 392-171-526.
- 392-171-500 Right to initiate—Purposes. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-500, filed 10/31/78.] Decodified by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7). Later promulgation, see WAC 392-171-531.
- 392-171-505 Hearing officers—Selection and expenses of—Parent assistance. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-505, filed 10/31/78.] Decodified by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7). Later promulgation, see WAC 392-171-536.
- 392-171-510 Hearing rights. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-510, filed 10/31/78.] Decodified by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7). Later promulgation, see WAC 392-171-551.
- 392-171-515 Timeline for hearing officer's decision—Time and place of hearing. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-515, filed 10/31/78.] Decodified by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7). Later promulgation, see WAC 392-171-556.
- 392-171-520 Final decision—Appeal. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-520, filed 10/31/78.] Decodified by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7). Later promulgation, see WAC 392-171-561.
- 392-171-525 Appeals to the superintendent of public instruction. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-525, filed 10/31/78.] Decodified by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7). Later promulgation, see WAC 392-171-566.
- 392-171-530 Timeline for reviewing officer's decision—Time and place of hearings—Final decision. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-530, filed 10/31/78.] Repealed by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7).
- 392-171-535 Student's status during hearing and state or judicial review processes. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-535, filed 10/31/78.] Decodified by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7). Later promulgation, see WAC 392-171-576.
- 392-171-540 Surrogate parents. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-540, filed 10/31/78.] Repealed by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7).

- 392-171-545 Definition of "education records" as used in records rules. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-545, filed 10/31/78.] Decodified by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7). Later promulgation, see WAC 392-171-586.
- 392-171-550 Definitions used in records rules—"Destruction"—"Native language"—And "participating agency." [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-550, filed 10/31/78.] Decodified by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7). Later promulgation, see WAC 392-171-591.
- 392-171-555 Access rights. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-555, filed 10/31/78.] Repealed by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7).
- 392-171-560 Record or access. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-560, filed 10/31/78.] Repealed by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7).
- 392-171-565 Records on more than one student. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-565, filed 10/31/78.] Repealed by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7).
- 392-171-570 List of types and locations of information. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-570, filed 10/31/78.] Repealed by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7).
- 392-171-575 Fees. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-575, filed 10/31/78.] Repealed by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7).
- 392-171-580 Amendment of records at the request of a parent or adult student. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-580, filed 10/31/78.] Repealed by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7).
- 392-171-585 Hearing procedures regarding records. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-585, filed 10/31/78.] Repealed by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7).
- 392-171-590 Consent. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-590, filed 10/31/78.] Repealed by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7).
- 392-171-595 Safeguards. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-595, filed 10/31/78.] Repealed by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7).
- 392-171-600 Destruction of information. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-600, filed 10/31/78.] Repealed by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7).
- 392-171-605 Contractual services. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-605, filed 10/31/78.] Decodified by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7). Later promulgation, see WAC 392-171-491.
- 392-171-610 Approval of nonpublic school agencies. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-610, filed 10/31/78.] Decodified by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7). Later promulgation, see WAC 392-171-496.
- 392-171-615 School district responsibility when contracting for placement in a nonpublic school agency. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-615, filed 10/31/78.] Decodified by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7). Later promulgation, see WAC 392-171-501.
- 392-171-620 Out-of-state agencies. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-620, filed 10/31/78.] Decodified by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7). Later promulgation, see WAC 392-171-506.
- 392-171-625 Definition—"Private school handicapped student(s)." [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-625, filed 10/31/78.] Decodified by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7). Later promulgation, see WAC 392-171-646.
- 392-171-630 School district responsibility for private school handicapped students. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-630, filed 10/31/78.] Decodified by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7). Later promulgation, see WAC 392-171-651.
- 392-171-635 Determination of needs, numbers of students and types of services. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-635, filed 10/31/78.] Repealed by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7).
- 392-171-640 Service arrangements. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-640, filed 10/31/78.] Repealed by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7).
- 392-171-645 Personnel in private schools and agencies. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-645, filed 10/31/78.] Repealed by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7).
- 392-171-650 Equipment—Construction. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-650, filed 10/31/78.] Repealed by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7).
- 392-171-655 Prohibition of segregation. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-655, filed 10/31/78.] Repealed by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7).
- 392-171-660 Funds and property not to benefit private schools. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-660, filed 10/31/78.] Decodified by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7). Later promulgation, see WAC 392-171-681.
- 392-171-665 Existing level of instruction. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-665, filed 10/31/78.] Repealed by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7).
- 392-171-670 Annual applications—Contents. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074

- (Order 11-78), § 392-171-670, filed 10/31/78.] Decodified by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7). Later promulgation, see WAC 392-171-691.
- 392-171-675 Denial of applications—Opportunity for hearing. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-675, filed 10/31/78.] Decodified by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7). Later promulgation, see WAC 392-171-696.
- 392-171-680 Monitoring. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-680, filed 10/31/78.] Repealed by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7).
- 392-171-685 Staff qualifications. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-685, filed 10/31/78.] Repealed by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7).
- 392-171-690 Transportation. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-690, filed 10/31/78.] Decodified by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7). Later promulgation, see WAC 392-171-706.
- 392-171-695 Facilities. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-695, filed 10/31/78.] Decodified by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7). Later promulgation, see WAC 392-171-711.
- 392-171-700 Comparable facilities. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-700, filed 10/31/78.] Repealed by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7).
- 392-171-705 Program length. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-705, filed 10/31/78.] Decodified by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7). Later promulgation, see WAC 392-171-721.
- 392-171-710 Administration of medication. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-710, filed 10/31/78.] Repealed by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7).
- 392-171-715 Definition of "unlawfully received or expended funds." [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-715, filed 10/31/78.] Decodified by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7). Later promulgation, see WAC 392-171-736.
- 392-171-720 Audits. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-720, filed 10/31/78.] Decodified by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7). Later promulgation, see WAC 392-171-741.
- 392-171-725 Fund withholding. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-725, filed 10/31/78.] Decodified by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7). Later promulgation, see WAC 392-171-746.
- 392-171-730 Recovery of funds. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-730, filed 10/31/78.] Decodified by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7). Later promulgation, see WAC 392-171-751.
- 392-171-735 Fund withholdings to enforce parent appeal decisions. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-735, filed 10/31/78.] Decodified by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7). Later promulgation, see WAC 392-171-756.
- 392-171-740 Right to register and process complaints. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-740, filed 10/31/78.] Decodified by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7). Later promulgation, see WAC 392-171-761.
- 392-171-745 Designation of responsible school district employee. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-745, filed 10/31/78.] Decodified by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7). Later promulgation, see WAC 392-171-766.
- 392-171-750 School district investigation of and response to complaints. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-750, filed 10/31/78.] Decodified by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7). Later promulgation, see WAC 392-171-771.
- 392-171-755 Appeal to the superintendent of public instruction. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-755, filed 10/31/78.] Decodified by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7). Later promulgation, see WAC 392-171-776.
- 392-171-760 Actions in response to notices of appeal. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-760, filed 10/31/78.] Decodified by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7). Later promulgation, see WAC 392-171-781.
- 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.

PURPOSES

WAC 392-171-300 Purposes. The purposes of this chapter are:

(1) To implement chapter 28A.13 RCW in a manner that is compatible also with the federal Education for All Handicapped Children Act, 20 United States Code (USC) section 1401 et seq. (PL 94-142);

(2) To assure that all handicapped students as defined in this chapter have an opportunity for a free and appropriate education at public expense (i.e., free special education and related services) to meet their unique needs;

(3) To assure that the rights of handicapped students and their parents are protected;

(4) To assist school districts and others to provide for the education of all handicapped students;

(5) To assess and assure the effectiveness of efforts to educate handicapped students; and

(6) To be applicable to all handicapped education programs established pursuant to law and operated by the common school districts or on behalf of the common school districts, including the state residential school

programs established and operated pursuant to RCW 28A.58.770 et seq. [Statutory Authority: RCW 28A.13.070(7). 80-11-054 (Order 80-31), § 392-171-300, filed 8/19/80. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-300, filed 10/31/78.]

STATE ADVISORY COUNCIL

WAC 392-171-305 Advisory council. (1) Council established—The special education state advisory council is hereby established in order to help facilitate the provision of special education and related services to meet every handicapped student's unique needs, abilities, and limitations.

(2) Membership—The membership of the council shall include at least one representative of each of the following groups or entities:

- (a) Handicapped individuals;
- (b) Teachers of handicapped students;
- (c) Parents of handicapped students;
- (d) Local administrators of special education programs;
- (e) Support services personnel;
- (f) Superintendents;
- (g) Principals;
- (h) Nonpublic schools serving handicapped students;
- (i) School directors;
- (j) Institutions of higher education;
- (k) Department of social and health services;
- (l) The medical profession; and
- (m) Other individuals or groups as may hereafter be designated and approved by the superintendent of public instruction.

(3) Functions—The council's purposes are:

- (a) To advise the superintendent of public instruction and make recommendations on all matters related to special education and specifically advise the superintendent of unmet needs within the state in the education of handicapped students;
- (b) Comment publicly on the state's annual program plan, state rules regarding the education of handicapped students, and the procedures for distribution of funds; and
- (c) Assist the state in developing and reporting such information and evaluations as may assist the federal government.

(4) Organization—The council shall conduct its affairs in accordance with bylaws approved by the superintendent of public instruction. To assure that maximum information and recommendations are provided to the superintendent of public instruction, the state advisory council shall have the authority to recommend the design of its organization and to appoint subcommittees from its membership for carrying out council responsibilities. Ad hoc subcommittees with membership other than council members may be appointed: *Provided*, That the superintendent of public instruction or his or her designee has given prior approval for such appointments. [Statutory Authority: RCW 28A.13.010 and

28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-305, filed 10/31/78.]

DEFINITIONS OF GENERAL APPLICATION

WAC 392-171-310 Definitions of "free appropriate, public education," "adult student," "handicapped student," "parent," and "school district." As used in this chapter:

(1) "Free appropriate, public education" means special education and related services which:

- (a) Are provided at public expense, under local school district supervision and direction, and without charge;
- (b) Meet the standards of the state educational agency, including the requirements of this chapter; and
- (c) Are provided in conformity with an individualized education program which meet the requirements of WAC 392-171-461.

(2) "Adult student" means a handicapped student or a student who is eighteen, nineteen, or twenty years of age, except as provided for in WAC 392-171-331, and who has not been judged incompetent by a court of law or otherwise judged by a court of law as being incapable of assuming and exercising the rights, duties and responsibilities otherwise granted to and imposed upon parents by this chapter (a student shall assume and be entitled to exercise all rights, duties and responsibilities otherwise granted to or imposed upon parents by this chapter upon attaining the age of eighteen and shall retain and be entitled to exercise the same until he or she has been judged incompetent or otherwise incapable of exercising the same by a court of law).

(3) "Handicapped student" and "student" (depending upon the context in which the terms are used) mean:

- (a) A person under the age of twenty-one, except as provided for in WAC 392-171-331, who has been determined pursuant to this chapter to have one or more of the disabilities set forth in WAC 392-171-381 through 392-171-451 and to be in need of special education and related services; or
- (b) A person under the age of twenty-one who has become a focus of concern and who may have one or more of the disabilities set forth in WAC 392-171-381 through 392-171-451 in the judgment of the school district superintendent or his or her designee, or the parent(s), or the adult student; or
- (c) A person under the age of twenty-one, except as provided for in WAC 392-171-331, who resides in a residential school for the handicapped in accordance with RCW 28A.58.770 et seq.

(d) The foregoing categories of persons—withstanding the fact the person(s) may not be enrolled in or attending school in the normal sense of the term "student."

(4) "Parent" means a natural parent, a legal guardian, an adult person acting as a parent, or a surrogate parent who has been appointed in accordance with WAC 392-171-581, who represents a nonadult student. The term does not include the state if the child is a ward of the state.

(5) "School district" means:

- (a) Each public school district in the state;
- (b) Each educational service district that provides special education or related services to one or more handicapped students; and
- (c) Each public or private organization or entity or person who provides special education and/or related services to one or more handicapped students in behalf of a public school district—even though such public school district, educational service district, or public or private organization or entity or person does not receive federal funds made available for the purposes of the Education for All Handicapped Children Act. [Statutory Authority: RCW 28A.13.070(7), 80-11-054 (Order 80-31), § 392-171-310, filed 8/19/80. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7), 78-11-074 (Order 11-78), § 392-171-310, filed 10/31/78.]

WAC 392-171-311 Definitions of "assessment," "current assessment," "reassessment," and "consent." As used in this chapter:

(1) "Assessment" means procedures used in accordance with WAC 392-171-346 through 392-171-366 and 392-171-516 to determine whether a student is handicapped and/or the nature and extent of the special education and related services that the student needs. The term means procedures used selectively with an individual student and does not include basic tests administered to or procedures used with all students in a school, grade, or class.

The purposes of assessment are to:

- (a) Measure the student's present level of educational performance to identify the student's unique needs, abilities and limitations;
- (b) Draw conclusions regarding the significance of the findings as related to the student's instructional program;
- (c) Provide appropriate personnel with information for determining appropriate placement and developing the individualized education program in accordance with WAC 392-171-461;
- (d) Assure appropriate identification of the handicapping condition; and
- (e) Determine the student's eligibility for funding for special education and related services.

(2) "Current assessment" means:

- (a) Intellectual assessment data shall be considered current if obtained during a one calendar year period prior to the formal assessment or if obtained during the formal assessment period.
- (b) Academic assessment data, including perceptual assessment data, shall be considered "current" if obtained during a ninety calendar day period prior to formal assessment or if obtained during the formal assessment period.
- (c) Psychological and social assessment data shall be considered "current" if obtained during a thirty calendar day period prior to formal assessment or if obtained during the formal assessment period.
- (d) Adaptive behavior assessment data, including vocational and career assessment data, shall be considered

"current" if obtained during a ninety calendar day period prior to formal assessment or if obtained during the formal assessment period.

(e) Speech/language (communication skills) assessment data shall be considered "current" if obtained during a ninety calendar day period prior to formal assessment or if obtained during the formal assessment period.

(f) Vision/hearing screening data shall be considered "current" if obtained during a one calendar year period prior to formal assessment or if obtained during the formal assessment period.

(g) Medical assessment data shall be considered "current" if obtained during a one hundred eighty calendar day period prior to formal assessment or if obtained during the formal assessment period.

(3) "Reassessment" means procedures used in accordance with WAC 392-171-346 through 392-171-366 to determine the student's eligibility for and need for continuing special education and related services pursuant to WAC 392-171-516.

(4) "Consent" means that:

(a) The parent (or the adult student) has been fully informed of all information relevant to the activity for which consent is sought in his or her native language or other mode of communication, including being informed of existing assessment data to be used within the definitions of current assessment;

(b) The parent (or the adult student) understands and agrees in writing to the carrying out of the activity for which his or her consent is sought, and the consent describes that activity and lists the records (if any) which will be released and to whom; and

(c) The parent (or the adult student) understands that the granting of consent is voluntary on the part of the parent (or the adult student) and may be revoked at any time. [Statutory Authority: RCW 28A.13.070(7), 80-11-054 (Order 80-31), § 392-171-311, filed 8/19/80.]

WAC 392-171-315 Definition of "special education." As used in this chapter "special education" means specially designed instruction, at no cost to the parent or the student, to meet the unique needs, abilities, and limitations of a handicapped student, including classroom and itinerant instruction, instruction in physical education, home instruction, and instruction in hospitals and institutions. The term includes communication disorders services, physical and occupational therapy, orientation and mobility instruction, and audiology. The term also includes career development and vocational education if either consists of specially designed instruction, at no cost to the parents or the student, to meet the unique needs of a handicapped student.

The terms in the definition of "special education" are defined as follows:

(1) "Specially designed instruction" means organized and planned teaching and/or training activities provided by certificated and/or licensed special education personnel, including therapists, designed to facilitate progress toward specific written objectives and which occurs repeatedly over a given period of time during regularly

scheduled sessions. The term does not include diagnostic or assessment activities, related services per se, consultative services, or materials preparation.

(2) "At no cost" means that all specially designed instruction is provided without charge, but does not preclude incidental fees which are normally charged to nonhandicapped students or their parents as a part of the regular education program.

(3) "Physical education" means the development of:

- (a) Physical and motor fitness;
- (b) Fundamental motor skills and patterns; and
- (c) Skills in aquatics, dance, and individual and group games and sports (including intramural and lifetime sports).

The term includes special physical education, adapted physical education, movement education, and motor development.

(4) "Career development" means instructional activities infused into a student's education program which make provision for career awareness, career exploration and career preparation for all occupations.

(5) "Vocational education" means a planned series of learning experiences, the specific objective of which is to prepare persons to enter, continue in, or upgrade themselves in gainful employment in recognized occupations not designated as professional or requiring a baccalaureate or higher degree.

(6) "Audiology" means the provision of habilitative activities related to a hearing impairment, such as language habilitation, auditory training, speech reading (lip reading), training for hearing evaluation, and speech conservation.

(7) "Occupational therapy" means improving, developing, or restoring functions impaired or lost through illness, injury, or deprivation; improving ability to perform tasks for independent functioning when functions are impaired or lost; and preventing through early intervention, initial or further impairment or loss of function.

(8) "Orientation and mobility instruction" means the provision of training/instruction in orientation and mobility for visually handicapped students.

(9) "Physical therapy" means seeking to relieve disability or pain, developing or restoring motor function and maintaining maximum performance within the student's capability.

(10) "Communication disorders services" mean the provision of speech and language services for the habilitation or prevention of communication disorders. [Statutory Authority: RCW 28A.13.070(7). 80-11-054 (Order 80-31), § 392-171-315, filed 8/19/80. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-315, filed 10/31/78.]

WAC 392-171-320 Definition of "related services."

As used in this chapter "related services" means transportation and such developmental, corrective, and other supportive services as are required to assist a handicapped student to benefit from special education, and includes communication disorders services and audiology, psychological services, physical and occupational therapy, recreation, early identification and assessment

of disabilities in students, counseling services, medical services for diagnostic or assessment purposes, and orientation and mobility services. The term also includes school health services, social work services in schools, parent counseling and training, and classified staff services.

The terms used in the definition of "related services" are defined as follows:

(1) "Audiology" includes:

- (a) Identification of students with hearing loss;
- (b) Determination of the range, nature, and degree of hearing loss, including referral for medical or other professional attention for the habilitation of hearing;
- (c) Creation and administration of programs for prevention of hearing loss;

(d) Counseling and guidance of students, parents, and teachers regarding hearing loss; and

(e) Determination of the student's need for group and individual amplification, selecting and fitting an appropriate aid, and evaluating the effectiveness of amplification.

(2) "Counseling services" means services provided by qualified social workers, psychologists, guidance counselors, or other qualified personnel.

(3) "Early identification" means the implementation of a formal plan for identifying a disability as early as possible in a student's life.

(4) "Medical services" means services provided by a licensed physician to determine a student's medically related handicapping condition which results in the student's need for special education and related services.

(5) "Occupational therapy" includes:

(a) The identification and assessment of the student's physical and self-care status;

(b) Determination of the student's need for occupational therapy; and

(c) Related counseling and guidance of parents, students, and staff regarding the provision of occupational therapy.

(6) "Orientation and mobility services" includes:

(a) Identification and assessment of the student's mobility status;

(b) Determination of the student's need for orientation and mobility services; and

(c) Related counseling and guidance of parents, students and staff regarding orientation and mobility services.

(7) "Parent counseling and training" means assisting parents in understanding the special needs, abilities, and limitations of their child or ward and providing parents with information about child/student development.

(8) "Physical therapy" includes:

(a) Identification and assessment of the student's physical status;

(b) Determination of the student's need for physical therapy; and

(c) Related counseling and guidance of parents, students and staff regarding physical therapy services.

(9) "Psychological services" includes:

(a) Administering psychological and educational tests, and other assessment procedures;

- (b) Interpreting assessment results;
 - (c) Obtaining, integrating, and interpreting information about child/student behavior and conditions relating to learning;
 - (d) Consulting with other staff members in planning school programs to meet the special needs of students as indicated by psychological tests, interviews, and behavioral evaluations; and
 - (e) Planning and managing a program of psychological services, including psychological counseling for students and parents.
- (10) "Recreation" includes:
- (a) Assessment of leisure function;
 - (b) Therapeutic recreation services;
 - (c) Recreation programs in school and community agencies; and
 - (d) Leisure education.
- (11) "School health services" means services provided by a qualified school nurse or other qualified person.
- (12) "Social work services in schools" include:
- (a) Preparing a social or developmental history on a handicapped student;
 - (b) Group and individual counseling with the student and family;
 - (c) Working with those problems in a student's living situation (home, school, and community) that affect the student's adjustment in school; and
 - (d) Mobilizing school and community resources to enable the student to receive maximum benefit from his or her educational program.
- (13) "Communication disorders services" includes:
- (a) Identification of students with communication disorders;
 - (b) Diagnosis and appraisal of specific communication disorders;
 - (c) Referral for medical or other professional attention necessary for the habilitation of communication disorders; and
 - (d) Counseling and guidance of parents, students, and staff regarding communication disorders.
- (14) "Transportation" includes:
- (a) Travel to and from school and between schools;
 - (b) Travel in and around school buildings; and
 - (c) Specialized equipment (such as special or adapted buses, lifts, and ramps), if required to provide special transportation for a handicapped student.
- (15) "Classified staff services" includes:
- (a) Services provided by classified staff which provide for the handicapped student's safety and/or personal care and instructional assistance (e.g. interpreter services and braille services); and
 - (b) Services provided by classified staff which provide assistance for handicapped students and certificated staff to achieve placement in the least restrictive environment. [Statutory Authority: RCW 28A.13.070(7), 80-11-054 (Order 80-31), § 392-171-320, filed 8/19/80. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7), 78-11-074 (Order 11-78), § 392-171-320, filed 10/31/78.]

STUDENTS' RIGHTS TO SPECIAL EDUCATION

WAC 392-171-325 Students' rights to special education programs. (1) Each school district shall provide every handicapped student of common school age a free and appropriate educational program consisting of special education and related services. Common school age is age five to age twenty-one.

(2) School districts may provide special education and related services to handicapped students in the zero to one, one, two, three and/or four year old age groups without being obligated to extend preschool programs to nonhandicapped children. However, if a school district provides an education to any nonhandicapped child in the zero to one, one, two, three, or four year old age group, the district shall make special education and related services available pursuant to this chapter to all its handicapped students of the same age.

(3) Any student made a focus of concern shall qualify pursuant to the disability definitions and criteria set forth in this chapter in order to receive state or federal special education funding. A handicapped student shall remain eligible for special education and related services until: (a) The student has met high school graduation requirements established by the school district pursuant to rules of the state board of education; or (b) the student has reached age twenty-one; or (c) the student is no longer in need of special education and related services as judged by the student's multidisciplinary team based upon a reassessment of the student, whichever occurs first. The student may continue to receive special education and related services: *Provided*, That a reassessment of the student concludes that, notwithstanding the fact that the student no longer meets the initial eligibility criteria, the student's performance is or will be adversely affected if he or she is terminated from special education. [Statutory Authority: RCW 28A.13.070(7), 80-11-054 (Order 80-31), § 392-171-325, filed 8/19/80. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7), 78-11-074 (Order 11-78), § 392-171-325, filed 10/31/78.]

WAC 392-171-331 Continuing eligibility. (1) Any student whose eligibility was established pursuant to rules in effect at a time of prior assessment but before September 1, 1980, shall continue to remain eligible for special education and related services under the authority and provisions of such prior rules unless:

(a) The student has met high school graduation requirements established by the school district pursuant to the rules of the state board of education; or

(b) The student reaches age twenty-one; or

(c) The student is no longer in need of special education and related services: *Provided*, That the determination that the student needs to receive special education and related services is based on a reassessment of the student which concludes that, notwithstanding the fact that the student no longer meets the initial eligibility criteria, the student's performance is or will be adversely affected if he or she is terminated from special education. Any such student shall be reassessed pursuant to

WAC 392-171-346 through 392-171-366 and the applicable section(s) of WAC 392-171-381 through 392-171-451.

(2) Any student made a focus of concern for the first time and/or assessed for the first time after September 1, 1980, shall be assessed and determined eligible pursuant to WAC 392-171-346 through 392-171-366 and the applicable section(s) of WAC 392-171-381 through 392-171-451.

(3) Effective September 1, 1980, and thereafter, every handicapped student shall remain eligible for special education and related services only so long as the student has not yet met high school graduation requirements established by the school district pursuant to rules of the state board of education or the student has not reached age twenty-one, or the student no longer requires special education and related services as judged by the student's multidisciplinary team based on a reassessment of the student.

(4) The student whose twenty-first birthday occurs during the school year may continue to be eligible for special education and related services for the remainder of the school year. [Statutory Authority: RCW 28A.13.070(7), 80-11-054 (Order 80-31), § 392-171-331, filed 8/19/80.]

IDENTIFICATION AND ASSESSMENT PROCEDURES

WAC 392-171-336 Childfind. The local district shall conduct childfind activities to locate and identify students with a suspected handicapping condition who are residing within the boundaries of the district and not currently receiving special education services. Childfind activities shall apply to students age 0 to 21 and may include, but are not necessarily limited to: Preschool developmental screening, local media informational campaigns, liaison with public health and other medical and social agencies, public or private, questionnaire for first-time enrolling students, screening of district-wide group standardized test results, inservice education to teaching staff, and cooperation as requested with state childfind programs. [Statutory Authority: RCW 28A.13.070(7), 80-11-054 (Order 80-31), § 392-171-336, filed 8/19/80.]

WAC 392-171-341 Student as focus of concern--Preassessment procedures--Timeline. (1) A student shall become a focus of concern when the student is brought to the attention of a school district superintendent or his or her designee because of a suspected handicapping condition(s). Such concern for a student may be originated by or transmitted through any source, including: Parents, medical personnel, school district personnel, community agencies, civil authorities, district screening procedures, and other identified, interested persons.

(2) When the possibility of a student's need for special education and related services has been brought to the attention of the school district superintendent or his or her designee, the superintendent or his or her designee shall act on the referral by promptly:

(a) Recording the circumstance by date, origin, and reason for concern; and

(b) Providing the student's parent(s) (or the adult student) written notice that the student has been referred because of a suspected handicapping condition and that within fifteen school days the district will determine whether or not there is good reason to believe that the student is a candidate for assessment.

(3) The superintendent or his or her designee shall, within fifteen school days after the date of referral, review the referral, collect and examine existing school, medical and other records in the possession of the school district and make a determination that there is or is not good reason to believe that the student is a candidate for assessment. This decision shall be in writing and shall set forth the date and the name of the person making the decision. The superintendent or his or her designee shall, within ten school days after the date of such decision, direct a written notice to the student's parent(s) (or the adult student) that complies with the notice requirements of WAC 392-171-526.

(4) In the event the decision is that there is good reason to believe that the student is a candidate for assessment, the school district shall fully assess the student and arrive at a decision pursuant to WAC 392-171-376 within:

(a) Thirty-five school days (also referred to as the formal assessment period) after the date written consent for an assessment has been provided by the parent(s) (or the adult student); or

(b) Thirty-five school days (also referred to as the formal assessment period) after the date the refusal of the parent(s) (or the adult student) to grant consent has been overridden pursuant to a hearing (or appeal) in accordance with WAC 392-171-521 et seq.; or

(c) Such other time period as may be agreed to by the parent(s) (or the adult student) and school authorities.

(5) The school district shall request the parent to sign consent form(s) for the mutual exchange of pertinent information where such information is available between the school, other agencies, and/or professionals.

(6) If temporary (not to exceed thirty school days) special education programming is necessary for diagnostic reasons during the assessment period, the district shall obtain written permission for such diagnostic placement from the parent(s) prior to making the placement.

(7) In the case of students admitted to state residential schools, an assessment and individualized education program must be completed as provided in this chapter within fifty school days of enrollment. [Statutory Authority: RCW 28A.13.070(7), 80-11-054 (Order 80-31), § 392-171-341, filed 8/19/80. Formerly WAC 392-171-395. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7), 78-11-074 (Order 11-78), § 392-171-395, filed 10/31/78.]

WAC 392-171-346 General areas of assessment. The assessment of a student shall be in all areas related to the suspected disability. The assessment procedures outlined in WAC 392-171-381 through 392-171-451

are to be considered minimal, required procedures. Where concerns are indicated, as judged by the multidisciplinary team, additional or more in depth assessment in each of the following areas shall be conducted.

(1) Scholastic assessment. This area may include assessment of the intellectual, language and communication, academic and cognitive development of the student and any other scholastic area as deemed appropriate by the multidisciplinary team.

(2) Physical assessment. This area may include a review of the general health status of the student, vision and hearing screening, oral-peripheral examination, evaluation of musculo-skeletal, neurological, and developmental modalities, and any other physical area as deemed necessary by the multidisciplinary team.

(3) Adjustment assessment. This area may include assessment of the social skills and emotional status of the student, career and vocational assessment, and assessment of adaptive behaviors (e.g., self-help, interpersonal communication, survival skills, and practical application of academic skills). [Statutory Authority: RCW 28A.13.070(7). 80-11-054 (Order 80-31), § 392-171-346, filed 8/19/80. Formerly WAC 392-171-400. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-400, filed 10/31/78.]

WAC 392-171-351 General assessment safeguards—Personnel, materials and procedures. Every student who is assessed or reassessed shall be assessed according to the procedures established in this chapter.

(1) The assessment of a student (except one with a suspected communication disorder) shall be made by a multidisciplinary team or group of professionals including at least one teacher or other specialist with knowledge in the area of the suspected disability. Each member of the team shall be licensed, registered, credentialed, or certificated according to his or her professional standards in accordance with state statutes and rules: *Provided*, That in assessing a student suspected of having a specific learning disability, each school district shall include on the multidisciplinary team:

(a) The student's regular teacher; or

(b) If the student does not have a regular teacher, a regular classroom teacher qualified to teach a student of his or her age; or

(c) For a student of less than school age, an individual trained in early childhood education designated by the school district; and

(d) At least one person qualified to conduct individual diagnostic examinations of students, such as a school psychologist, communication disorder specialist, special education teacher or remedial reading teacher.

(2) No single test instrument or single procedure shall be the sole criterion for determining the appropriate educational program for a student.

(3) Assessment materials, procedures, and instruments used for the purpose of assessment and placement shall be selected and administered so as not to be racially or culturally discriminatory. All tests and other evaluation

materials shall have been validated for the specific purpose for which they are used, shall be administered by trained personnel in conformance with the instructions of their producer, and shall accurately reflect whatever factors the tests purport to measure.

(4) Assessment materials, procedures or instruments shall be provided and administered in a student's primary language or mode of communication, unless it is clearly not feasible to do so. Tests shall be selected and administered so as best to ensure that when a test is administered to a student with impaired sensory, manual, or speaking skills, the test results accurately reflect the student's aptitude or achievement level or whatever other factors the test purports to measure, rather than reflecting the student's impaired sensory, manual, or speaking skills (except where those skills are the factors the test purports to measure).

(5) In conducting assessment activities, appropriate assessment team members shall:

(a) Collect and review all available existing school, medical, and other records pertinent to the suspected handicapping condition(s) of the student, including previous assessments, health, and cumulative records; and

(b) Conduct such current assessment activities as are required by this chapter and in accordance with the procedures specified herein; and

(c) Collect such other data as needed to corroborate the validity of standardized measures, including but not limited to parent and/or teacher interviews and current classroom performance data.

(6) Assessment data shall be summarized in writing, dated, and signed by each person conducting an assessment. Information used to support the assessment, but which is not incorporated into the file, (e.g., review of health record), shall be referenced as to date of record, location and source person. The summaries shall specify the procedures and instruments used, the results obtained, and the apparent significance of findings as related to the student's instructional program, including a description of the specific factors which are interfering with the student's educational performance and the special education and related services needed to assist the student in benefiting from his or her educational placement. [Statutory Authority: RCW 28A.13.070(7). 80-11-054 (Order 80-31), § 392-171-351, filed 8/19/80. Formerly WAC 392-171-405. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-405, filed 10/31/78.]

WAC 392-171-358 Communication disordered students—Assessment. Students who are suspected of having a communication disorder as their only handicap shall be assessed by a qualified communication disorder specialist who shall use procedures appropriate for the diagnosis and appraisal of communication disorders. The student shall be referred for additional assessment needs for appropriate placement. The assessment results required in this section shall be summarized as provided in WAC 392-171-351(6). [Statutory Authority: RCW 28A.13.070(7). 80-11-054 (Order 80-31), § 392-171-

358, filed 8/19/80. Formerly WAC 392-171-420. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-420, filed 10/31/78.]

WAC 392-171-361 Medical evaluation. (1) A medical evaluation is required when:

(a) It is necessary to meet the eligibility criteria for funding; or

(b) Voice training is being considered in the presence of hoarseness; or

(c) Whenever a qualified health professional suspects a student under consideration as a possible handicapped student of having a health problem which may affect his or her educational program.

(2) Medical evaluations at the expense or otherwise in behalf of a school district shall be obtained only:

(a) At the direction of or with the prior approval of the school district superintendent or his or her designee (except in the case of an independent assessment pursuant to WAC 392-171-371);

(b) In accordance with criteria established by the school district including, but not limited to, the location of the evaluation and the report required; and

(c) When the student's parent(s) (or the adult student) agrees in advance to the type of examination and the choice of medical examiner;

(d) When, except in the case of an adult student, the student's parent(s) is present at the time of the examination or has agreed that his or her presence is not required; and

(e) When the evaluation is conducted by the student's personal physician or if conducted by another physician, when the student's personal physician has been involved in the planning with the permission of the student's parent(s) (or the adult student).

(4) Medical evaluation services necessary to a determination of the educational needs of residential school students, shall be the responsibility of the department of social and health services pursuant to RCW 28A.58.774. [Statutory Authority: RCW 28A.13.070(7). 80-11-054 (Order 80-31), § 392-171-361, filed 8/19/80. Formerly WAC 392-171-425. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-425, filed 10/31/78.]

WAC 392-171-366 Summary analysis of assessment data. (1) The leader of a student's assessment team shall review and analyze the summaries of assessment data provided for in WAC 392-171-351(6) and any other available data in each of the areas assessed. The conclusions, recommendations, and the facts and/or reasons resulting in the eligibility decision pursuant to WAC 392-171-376 shall:

(a) Describe the discrepancy which exists between the student's actual performance and his or her expected performance;

(b) Identify the disability condition(s), if any, that qualifies the student as a handicapped student;

(c) Set forth the nature and extent of the special education and related services that the student needs, if any;

(d) Reconcile any inconsistent or contradictory information and/or opinions evidenced in the assessment data, if any, supporting conclusion(s) with appropriate data;

(e) Relate the apparent significance, if any, of cultural, environmental, economic, and behavioral factors to the assessment results;

(f) Make recommendations to the individualized education program committee regarding placement, special education and related services needed, needs for specialized materials or equipment, instructional modalities (e.g., auditory), and student management strategies (e.g., reinforcement schedules, etc.), as determined by the multidisciplinary team to be significant to the student's program; and

(g) Provide any necessary professional judgment(s) and the facts or reasons in support of the judgment(s).

(2) The summary analysis shall be signed and dated by both the team leader and the school district's special education director or his or her designee.

(3) Provided that, in the case of a student suspected of having a specific learning disability, the summary analysis shall also include a statement of:

(a) The relevant behavior noted during the observation of the student;

(b) The relationship of that behavior to the student's academic functioning; and

(c) The educationally relevant medical findings, if any.

(4) Each multidisciplinary team member shall certify in writing whether the summary analysis reflects his or her conclusion. If it does not reflect his or her conclusion, the team member must submit a separate statement presenting his or her conclusion(s). [Statutory Authority: RCW 28A.13.070(7). 80-11-054 (Order 80-31), § 392-171-366, filed 8/19/80. Formerly WAC 392-171-430. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-430, filed 10/31/78.]

WAC 392-171-371 Independent educational assessment. (1) General.

(a) The parent(s) of a student (or the adult student) made a focus of concern and assessed pursuant to WAC 392-171-341 through 392-171-366 or any student reassessed pursuant to WAC 392-171-516 has the right to obtain an independent educational assessment, subject to subsections (3) and (4) of this section.

(b) Each school district shall provide to parents, (or adult students) on request, information about where an independent educational assessment may be obtained.

(c) For the purposes of this section:

(i) "Independent educational assessment" means an assessment conducted by a qualified examiner who is not employed by the school district responsible for the education of the student in question; and

(ii) "Public expense" means that the school district either pays for the full cost of the assessment or assures that the assessment is otherwise provided at no cost to the parent (or to the adult student).

(2) Parent/adult student right to assessment at public expense. A parent (or the adult student) has the right to an independent educational assessment at public expense if the parent (or the adult student) disagrees with the assessment results obtained by the school district, as follows:

(a) The parent(s) (or the adult student) shall provide a written notice to the school district superintendent or special education director which:

(i) Specifies the portion(s) of the assessment results with which the parent(s) (or the adult student) disagrees; and

(ii) Requests an independent educational assessment at public expense;

(b) The school district shall have the prior opportunity to initiate and conduct a hearing (and appeal) pursuant to WAC 392-171-521 et seq. to show that its assessment is appropriate: *Provided*, That the school district shall provide the parent(s) (or the adult student) written notice of the election to initiate a hearing no later than the tenth day after the date of receipt of the parent's (or adult student's) notice of disagreement;

(c) If the final decision pursuant to WAC 392-171-521 et seq. is that the school district's assessment is appropriate, the parent (or adult student) still has the right to an independent educational assessment, but not at public expense; and

(d) If the district elects not to hold a hearing or is not upheld by the final decision, the parent's (or adult student's) request for an independent assessment shall be provided at public expense in accordance with the same criteria which the district uses when it initiates an assessment including, but not limited to, the location of the assessment and the qualifications of the examiner.

(3) Parent/adult student initiated assessment. If the parent (or adult student) obtains an independent educational assessment at private expense, the results of the assessment:

(a) Shall be considered by the school district in any decision made with respect to the provision of special education and related services to the student; and

(b) May be presented as evidence at such hearings regarding that student as may be conducted pursuant to WAC 392-171-521 et seq.

(4) Requests for assessment by hearing officers. If a hearing officer requests an independent educational assessment as part of a hearing, the cost of the assessment shall be at public expense. [Statutory Authority: RCW 28A.13.070(7), 80-11-054 (Order 80-31), § 392-171-371, filed 8/19/80. Formerly WAC 392-171-435. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7), 78-11-074 (Order 11-78), § 392-171-435, filed 10/31/78.]

WAC 392-171-376 School district decision. The school district superintendent or his/her designee shall, based on the preceding procedures (WAC 392-171-341 through 392-171-366), arrive at one of the following decisions.

(1) The student does not have a handicapping condition(s); or

(2) The student does have a handicapping condition(s) and is in need of special education and related services.

The school district superintendent or his or her designee shall duly record in writing the decision as to the handicapping condition(s) of a student brought to the school's attention. Whatever decision is made, the information from the procedures for making the determination shall be filed in school district records. Within ten calendar days of the decision that the student does not have a handicapping condition, the parents or legal guardian of the student shall be informed in writing of the assessment findings in compliance with notice requirements of WAC 392-171-521. If the decision is that the student has a handicapping condition(s), the school district shall request the parent(s) to participate in the IEP conference (individualized education program) pursuant to WAC 392-171-456. Upon the request of the parent (or the adult student) the school district shall provide the parent (or the adult student) a copy of the summary analysis prior to the IEP meeting: *Provided*, That the parent (or the adult student) may request a meeting with the school district to explain the summary analysis. [Statutory Authority: RCW 28A.13.070(7), 80-11-054 (Order 80-31), § 392-171-376, filed 8/19/80.]

ELIGIBILITY CRITERIA FOR HANDICAPPED STUDENTS

WAC 392-171-381 Definition and eligibility criteria for developmentally handicapped preschool students. Definition and eligibility criteria for developmentally handicapped preschool students are as follows:

A preschool student from birth until of chronological age to be eligible for first grade shall be considered to have a significant delay and to be developmentally handicapped if the student is functioning at seventy-five percent or less of his/her chronological age in two or more of the following developmental areas: Fine motor, gross motor, expressive language, receptive language, social, self-help, cognitive or sensory development.

All students considered for initial placement in special education as preschool developmentally handicapped shall be assessed and determined eligible for special education and related services according to the following:

(1) An annual multidisciplinary assessment of developmental level obtained from a functional profile which addresses performance in the following areas:

(a) Fine motor; (b) gross motor; (c) expressive language; (d) receptive language; (e) social; (f) self-help; (g) cognitive; (h) sensory.

(2) The assessment team shall include an individual trained in early childhood education or an individual with knowledge in the area of the student's suspected disability and two or more of the following as appropriate: (a) Psychologist; or (b) physician or other qualified medical practitioner; or (c) audiologist; or (d) occupational or physical therapist; or (e) school or public health nurse; or (f) communications disorders specialist; or (g) social worker; or (h) teacher.

(3) The functional profile shall be derived from individually administered, standardized or professionally recognized developmental scales which result in chronological age equivalents. Observations and interviews shall be administered by the assessment team. Information obtained from the tests, observations and interviews shall be compiled by the multidisciplinary team leader and shall be summarized according to the procedures in WAC 392-171-366. A student shall be considered as having a significant developmental delay if he or she exhibits a deficit of twenty-five percent or more in any two of the areas listed above.

Provided, That in cases where the multidisciplinary team assessment of the student's developmental level has been concluded and where the results do not document a twenty-five percent deficit in two of the eight developmental areas provided for in the eligibility criteria, and a qualified medical practitioner has documented a medically diagnosed congenital syndrome or the assessment team has documented that the student has a high predictability of future developmental delays and is in need of special education and related services, the assessment team may recommend placement in a special education program. The student who becomes eligible for first grade, based on chronological age, during the school year may remain eligible as a preschool student for the remainder of the school year. The student shall be reassessed to determine eligibility in one of the handicap categories pursuant to WAC 392-171-386 through 392-171-451 prior to the beginning of the next school year. [Statutory Authority: RCW 28A.13.070(7). 80-11-054 (Order 80-31), § 392-171-381, filed 8/19/80.]

WAC 392-171-386 Definition and eligibility for seriously behaviorally disabled. (1) Seriously behaviorally disabled students are those who exhibit one or more of the following characteristics over a long period of time and to a marked degree, which adversely affects their own educational performance:

- (a) An inability to learn which cannot be explained by intellectual, sensory or health factors;
- (b) An inability to build or maintain satisfactory interpersonal relationships with peers and teachers;
- (c) Inappropriate types of behavior or feelings under normal circumstances;
- (d) A general pervasive mood of unhappiness or depression; or
- (e) A tendency to develop physical symptoms or fears associated with personal or school problems.

(2) The term includes students who are schizophrenic. The term does not include students who are socially maladjusted, unless it is determined that they are also seriously behaviorally disabled.

Students whose primary disability is identified in another handicapping category do not qualify as seriously behaviorally disabled.

(3) All students considered for initial placement in special education as seriously behaviorally disabled shall be assessed by a multidisciplinary team including at least one school psychologist or school social worker and

determined as eligible for special education and related services according to the following:

(a) A current school district evaluation which concludes that the student has a serious behavioral disability and which considers and describes the student's social and emotional behaviors and provides any implications for educational planning.

(i) For the purposes of establishing that the student has a behavioral disability, the evaluation shall describe behaviors which distinguish between common disciplinary problem behaviors and serious behavioral disabilities. Common disciplinary problem behaviors (e.g. truancy, smoking, breaking school conduct rules) may exist in conjunction with serious behavioral disabilities, but cannot be used as the sole criteria for recommending special education and related services.

(ii) The evaluation must include:

(A) Dated and signed documented anecdotal records of behavioral observations made by two or more persons at separate times and places, each of which cite and corroborate specific behaviors which, in the aggregate, provide foundation for probable concern for serious behavioral disability. Multiple settings are required (e.g., in addition to the classroom setting consider playground, cafeteria, school bus, hallway, etc.); and

(B) Dated and signed documented evidence of at least two intervention techniques that have been tried and the effect of each. These interventions may include, but are not limited to, changes in student's regular class schedule, and/or curriculum, and/or teacher; school counseling or community agency therapy or counseling; and

(C) A social or developmental history compiled directly from the parent(s) and/or records, when parents are not available.

(b) Current assessment of level of academic or cognitive achievement as measured by standardized tests appropriate to age level and administered individually.

(c) A current vision and hearing screening report.

EXCEPTION: Provided that the required academic assessment and vision and hearing screening are concluded, and provided that there are documented and dated anecdotal records of behavioral observations showing that the student's disability is evidenced in the school environment, the following evaluation reports may be substituted for the school district's evaluation:

(i) A current psychiatric evaluation which considers and describes the student's social and emotional behaviors, which concludes and describes a serious behavioral disability and where implications for educational planning are provided, the multidisciplinary team must consider these implications in planning and implementing the student's educational program; or

(ii) A current psychological evaluation by a nonpublic school mental health professional who holds a graduate degree in a recognized mental health specialty that considers and describes the student's social and emotional behaviors, which concludes that the student has a serious behavioral disability, the consequences of which entail the necessity for active, on-going therapy and/or counseling, and where implications for educational planning are provided, the multidisciplinary team must consider

these implications in planning and implementing the student's educational program. [Statutory Authority: RCW 28A.13.070(7), 83-08-029 (Order 83-1), § 392-171-386, filed 3/30/83; 80-11-054 (Order 80-31), § 392-171-386, filed 8/19/80.]

WAC 392-171-391 Definition and eligibility criteria for communication disorder. A student shall be considered to have a communication disorder if there is present a documented communication disorder such as stuttering, voice disorder, language impairment, and/or impaired articulation, which adversely affects a student's educational performance. The assessment procedures and eligibility standards outlined in this section apply to those students whose only handicapping condition is a communication disorder.

All students considered for initial placement in special education as communication disorder shall be assessed and determined eligible for special education and related services according to the following:

- (1) A current hearing screening report; and
- (2) A current description of the level of educational or cognitive development as provided by the classroom teacher, or where available, by standardized tests in those areas affected by the speech and/or communication problem(s) including discussion of the impact of the problem(s) on educational performance; and
- (3) A current assessment of the level of speech and/or language development as measured by standardized tests or professionally recognized procedures, scales or checklists appropriate to the student's age level and mode of communication, individually administered, and which considers the student's sex, dialect norms, social-cultural environment, and behaviors. Such measures shall result in one or more of the following findings that the student:
 - (a) Achieves a rating of moderate or severe on a standardized articulation test that yields a severity rating and/or misarticulates three or more unrelated phonemes for students up to age eight, or one or more for students over age eight, with consideration given to the student's speech intelligibility, physical ability, and/or therapy history.
 - (b) Has a delay in receptive and/or expressive language such that functioning is one year or more below chronological age for students up through age eight or functioning is two-thirds of chronological age or below for students over age eight.
 - (c) Has interruptions or dysfluencies in more than one speaking situation such as repetitions, prolongations, blockage in flow of speech, struggle or avoidance behaviors which interfere with communication or are inconsistent with age or development.
 - (d) Has a deviation in voice quality, pitch, or loudness characterized by abusive vocal habits, or interference with communication, or is inconsistent with age or development, or demonstrates chronic hoarseness of duration of three weeks or more.

Whenever appropriate, referral for medical and/or psychological and/or other evaluations shall be made

and the results considered in the assessment of the student's suspected handicapping condition. [Statutory Authority: RCW 28A.13.070(7), 80-11-054 (Order 80-31), § 392-171-391, filed 8/19/80.]

WAC 392-171-396 Definition and eligibility criteria for orthopedically impaired. Orthopedically impaired students are those who lack normal function of muscles, joints or bones due to congenital anomaly, disease or permanent injury, and such condition adversely affects their educational performance.

All students considered for initial placement in special education as orthopedically impaired shall be assessed and determined eligible for special education and related services according to the following:

- (1) A current medical evaluation by a qualified medical practitioner which describes and confirms the student's health circumstances and which provides any medical implications for educational planning;
- (2) Current assessment of level of academic achievement as measured by standardized tests appropriate to age level and administered individually;
- (3) A current evaluation which considers and describes the student's social and emotional behaviors and which provides any implications for educational planning, including an evaluation of adaptive behavior as measured by standardized instrument(s) or professionally recognized scales where there are no known standardized measures, which addresses the student's self-help and interpersonal communication skills in relation to chronological age/grade peers;
- (4) A current physical therapy and/or occupational therapy evaluation which considers and describes implications for therapy as a part of educational planning; and
- (5) A current vision and hearing screening report. [Statutory Authority: RCW 28A.13.070(7), 80-11-054 (Order 80-31), § 392-171-396, filed 8/19/80.]

WAC 392-171-401 Definition and eligibility criteria for health impaired. Health impaired students are those who have chronic or acute health problems such as students with serious congenital heart defect, other disorders of the cardiorespiratory systems, disorders of the central nervous system including epilepsy or neurological impairment or other profound health circumstances which adversely affect their educational performance or having an autistic condition which is manifested by severe communicational problems.

All students considered for initial placement in special education as health impaired shall be assessed and determined eligible for special education and related services according to the following:

- (1) A current medical evaluation by a qualified medical practitioner which describes and confirms the student's health circumstances and which provides any medical implications for educational planning; and
- (2) Current assessment of level of academic achievement as measured by standardized tests appropriate to age level and administered individually; and

(3) A current evaluation which considers and describes the student's social and emotional behaviors and which provides any implications for educational planning which may include an evaluation of adaptive behaviors as measured by standardized instrument(s), or professionally recognized scales addressing the student's self-help and interpersonal communication skills in relation to chronological age/grade peers; and

(4) A current vision and hearing screening report. [Statutory Authority: RCW 28A.13.070(7). 83-08-029 (Order 83-1), § 392-171-401, filed 3/30/83; 80-11-054 (Order 80-31), § 392-171-401, filed 8/19/80.]

WAC 392-171-406 Specific learning disability—Definition. Specific learning disability is a disorder in one or more of the basic psychological processes involved in understanding or using spoken or written language resulting from perceptual-motor handicaps. Such disorder may include problems in visual and auditory perception and integration which may manifest itself in an impaired ability to think, speak or communicate clearly, read with comprehension, write legibly and with meaning, spell accurately, and to perform mathematical calculations, including those involving reading. The presence of a specific learning disability is indicated by near average, average, or above average intellectual ability, but nonetheless the student demonstrates significant performance deficits in one or more of the following academic achievement areas:

- (1) Oral expression;
- (2) Listening comprehension;
- (3) Written expression;
- (4) Basic reading skill;
- (5) Reading comprehension;
- (6) Mathematics calculations;
- (7) Mathematics reasoning;

Provided, That such a performance deficit cannot be explained by visual or hearing problems, motor handicaps, mental retardation, a behavioral disability, or an environmental, cultural, or economic disadvantage.

A specific learning disability includes conditions described as perceptual handicap, minimal brain dysfunction, dyslexia, and developmental aphasia: *Provided,* That the student meets the eligibility criteria set forth in WAC 392-171-411 and 392-171-416. [Statutory Authority: RCW 28A.13.070(7). 80-11-054 (Order 80-31), § 392-171-406, filed 8/19/80. Formerly WAC 392-171-350. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 79-12-008 (Order 12-79), § 392-171-350, filed 11/9/79, effective 1/1/80; 78-11-074 (Order 11-78), § 392-171-350, filed 10/31/78.]

WAC 392-171-411 Specific learning disability—Eligibility criteria. Assessment procedures and eligibility standards: All students considered for initial placement in special education as specific learning disabled shall be assessed and determined eligible for special education and related services according to the following:

(1) A current assessment of intellectual functioning shall be obtained from a standardized individual test designed to measure intellectual functioning, individually

administered by a qualified psychologist and interpreted by a qualified psychologist and attested to as to validity. The measured level of intellectual functioning must be near normal or above; and

(2) A current assessment of level of academic achievement shall be measured by standardized test(s) appropriate to age level and administered individually. The student's chronological age/grade (CAG) performance in one or more of the academic achievement areas provided for in the definition shall be adjusted for expectations due to variance in intellectual functioning. The expected performance adjusted for intellectual functioning shall then be compared to the results of the actual achievement measures, the results of which must yield:

(a) A functioning level of two-thirds or below of expected performance; and

(b) A functioning level below chronological age/grade. Those students unable to score within test norms on standardized academic achievement measures shall be assessed using individually administered standardized school readiness tests, professionally recognized developmental scales, and

(3) A current assessment of perceptual, perceptual-motor or language functioning shall be obtained, the results of which show a deficit of greater than or equal to 1 1/2 standard deviations below the mean or a functioning level of 2/3 or below chronological age/grade performance in one or more of the following:

- (a) Visual processing:
 - (i) Discrimination; or
 - (ii) Closure; or
 - (iii) Memory; or
 - (iv) Sequencing; or
 - (v) Association; or
 - (vi) Integration.
- (b) Auditory processing:
 - (i) Discrimination; or
 - (ii) Closure; or
 - (iii) Memory; or
 - (iv) Sequencing; or
 - (v) Association; or
 - (vi) Integration.
- (c) Haptic processing:
 - (i) Kinesthetic; or
 - (ii) Tactile.
- (d) Sensory integration/association:
 - (i) Visual-motor; or
 - (ii) Visual-auditory (vocal); or
 - (iii) Auditory-motor; or
 - (iv) Receptive language; or
 - (v) Expressive language.

For students whose chronological age placement is seventh grade or above, neither the visual nor auditory deficit is required as a condition to the eligibility; and

(4) A current assessment which considers and describes the student's social and emotional behaviors and which provides any implications for educational planning shall be obtained. This assessment shall be of sufficient

scope to rule out severe behavioral disability, environmental, cultural background, or economic disadvantage as an explanation for educational delay; and

(5) A current vision and hearing screening report shall be obtained; and

(6) A written record of observation and measurement of the student's academic performance and classroom behavior in the regular classroom shall be made by a member of the assessment team other than the regular classroom teacher. In the case of a student not enrolled in school, a team member shall observe the student in an environment appropriate for a student of that age.

(7) The results of the intellectual, achievement and perceptual/language measures along with the assessment of social and emotional behaviors and the vision and hearing screening and classroom observation shall be reviewed by the multidisciplinary team. The multidisciplinary team shall prepare a written report of the results of the assessment pursuant to WAC 392-171-366. [Statutory Authority: RCW 28A.13.070(7). 80-11-054 (Order 80-31), § 392-171-411, filed 8/19/80. Formerly WAC 392-171-355. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 79-12-008 (Order 12-79), § 392-171-355, filed 11/9/79, effective 1/1/80; 78-11-074 (Order 11-78), § 392-171-355, filed 10/31/78.]

WAC 392-171-416 Specific learning disability-- Exceptions to general eligibility criteria. Where the results of the intellectual, academic, or perceptual/language measures provided for in WAC 392-171-411 do not document a specific learning disability, the multidisciplinary team, when it is deemed advisable by the team, may deviate from the criteria set forth in WAC 392-171-411 within the standard error of measurement of the selected assessment instrument(s) and determine the appropriateness of placement in a special education program: *Provided*, That once the required assessment procedures are concluded, the assessment team shall prepare a written report which identifies the degree to which the assessment findings deviate from the criteria, describes the student's specific learning disability as evidenced by the assessment findings and any implications for educational planning. The written report shall also address all requirements stated in WAC 392-171-366, and be signed by the school district superintendent or his/her designee. Students placed under these conditions shall be reassessed annually to determine their need for special education and related services. [Statutory Authority: RCW 28A.13.070(7). 80-11-054 (Order 80-31), § 392-171-416, filed 8/19/80. Formerly WAC 392-171-356. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 79-12-008 (Order 12-79), § 392-171-356, filed 11/9/79, effective 1/1/80.]

WAC 392-171-421 Definition and eligibility criteria for mental retardation. Mentally retarded students are those who demonstrate significantly subaverage general

intellectual functioning existing concurrently with deficits in adaptive behavior and manifested during the developmental period, which adversely affects their educational performance.

(1) Assessment procedures. All students considered for initial placement in special education as mentally retarded shall be assessed and determined eligible for special education and related services according to the following:

(a) A current assessment of intellectual functioning obtained from a standardized individual test designed to measure intellectual functioning, individually administered by a qualified psychologist and interpreted and attested to as to validity by a qualified psychologist; and

(b) A current evaluation which considers and describes adaptive behavior as measured by standardized instrument(s), or professionally recognized scales where there are no known standardized measures, which discusses any implications for educational planning; and

(c) Current assessment of level of academic achievement as measured by standardized tests appropriate to age level and administered individually; and

(d) A developmental history compiled directly from the parent(s), or records, when parents are not available; and

(e) A current vision and hearing screening report.

(2) Eligibility standards. The measured level of functioning is to be classified as follows:

(a) Mild mental retardation. Intellectual functioning (IQ) range from approximately 51 through 75 and the following conditions:

(i) Academic functioning equal to three-fourths or less of chronological age/grade; and

(ii) Adaptive behavior equal to three-fourths or less chronological age/grade.

(b) Moderate mental retardation. Intellectual functioning (IQ) range from 30 to 50 and the following conditions:

(i) Academic functioning equal to one-half or less of chronological age/grade; and

(ii) Adaptive behavior equal to one-half or less of chronological age/grade.

(c) Severe/profound mental retardation. Intellectual functioning (IQ) range under 30 and the following:

(i) Academic functioning equal to one-third or less of chronological age/grade; and

(ii) Adaptive behavior equal to one-third or less of chronological age/grade. [Statutory Authority: RCW 28A.13.070(7). 80-11-054 (Order 80-31), § 392-171-421, filed 8/19/80.]

WAC 392-171-426 Mental retardation--I.Q. eligibility range variation. The I.Q. eligibility ranges specified in WAC 392-171-421 may vary by one-half standard deviation if a qualified psychologist documents in writing the reasons for placement in a particular special education program: *Provided*, That, special care shall be taken to account for the cultural biases, if any, of the measurement instruments. [Statutory Authority: RCW 28A.13.070(7). 80-11-054 (Order 80-31), § 392-171-426, filed 8/19/80. Formerly WAC 392-171-375.]

Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-375, filed 10/31/78.]

WAC 392-171-431 Definition and eligibility criteria for multihandicapped. A student shall be considered multihandicapped when there are present and documented two or more handicapping conditions, each of which is so severe as to warrant a special program were that handicapping condition to appear in isolation, and the combination of which causes such severe educational problems that the student cannot be accommodated in special education programs solely for one of the impairments. Students who are deaf-blind are not included as multihandicapped. (See WAC 392-171-451.)

Assessment procedures and eligibility standards: All students considered for initial placement in special education as multihandicapped shall be assessed and determined eligible for special education and related services according to the following:

(1) Assessment procedures for each handicapping condition have been followed, the results of which document eligibility for inclusion in special education were each handicap to appear in isolation; and

(2) Summary statements in the assessment analysis report document that the effect of the multiplicity of handicaps is so severe that the student cannot be accommodated in special education programs solely for one of the impairments. [Statutory Authority: RCW 28A.13.070(7). 80-11-054 (Order 80-31), § 392-171-431, filed 8/19/80. Formerly WAC 392-171-380. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-380, filed 10/31/78.]

WAC 392-171-436 Definition and eligibility criteria for deaf. Deaf student are those students who have a documented hearing impairment which is so severe that the student is impaired in processing linguistic information through hearing, with or without amplification, which adversely affects educational performance.

All students considered for initial placement in special education as deaf shall be assessed and determined eligible for special education and related services according to the following:

(1) A current evaluation by a qualified audiologist which describes and confirms that the hearing impairment is so severe that student is impaired in processing linguistic information through hearing, with or without amplification and which prevents the auditory channel from being the primary mode of learning speech and language and adversely affects educational performance;

(2) Current assessment of level of academic achievement as measured by standardized tests appropriate to age level and administered individually;

(3) A current evaluation which considers and describes the student's social and emotional behaviors and which provides any implications for educational planning;

(4) A current assessment of language development as measured by standardized tests or professionally recognized scales appropriate to age level and administered individually; and

(5) A current vision screening report. [Statutory Authority: RCW 28A.13.070(7). 80-11-054 (Order 80-31), § 392-171-436, filed 8/19/80.]

WAC 392-171-441 Definition and eligibility criteria for hard of hearing. Hard of hearing students are those students who have a hearing impairment, whether permanent or fluctuating, which adversely affects the student's educational performance.

All students considered for initial placement in special education as hard of hearing shall be assessed and determined eligible for special education and related services according to the following:

(1) A current evaluation by a qualified audiologist which describes and confirms that the student:

(a) Has an organic hearing loss in excess of 20 dB better ear average in the speech range (500, 1,000, 2,000 Hz), unaided; or

(b) Has a history of fluctuating hearing loss which has interrupted the normal acquisition of speech and language and continues to be a part of educational planning.

(2) A current assessment of level of academic achievement as measured by standardized tests appropriate to age level and administered individually.

(3) A current evaluation which describes and confirms the student's social and emotional behaviors and which provides any implications for educational planning.

(4) A current assessment of language development as measured by standardized tests or professionally recognized scales appropriate to age level and administered individually.

(5) A current vision screening report.

Each school district shall ensure that the hearing aids worn by deaf and hearing impaired students in school are functioning properly. [Statutory Authority: RCW 28A.13.070(7). 80-11-054 (Order 80-31), § 392-171-441, filed 8/19/80.]

WAC 392-171-446 Definition and eligibility criteria for visually handicapped. Visually handicapped students are those students who have a visual impairment which, even with correction, adversely affects the student's educational performance. The term includes both partially sighted and blind students.

All students considered for initial placement in special education as visually handicapped shall be assessed and determined eligible for special education and related services according to the following:

(1) A current evaluation by a qualified vision specialist or physician which describes and confirms that the student:

(a) Has visual acuity of 20/70 or less in the better eye with correction; or

(b) Has a field of vision which at its widest diameter subtends an angle of no greater than twenty degrees in the better eye with correction.

(2) Current assessment of level of academic achievement as measured by standardized tests appropriate to age level and administered individually.

(3) A current evaluation which considers and describes the student's social and emotional behaviors and which provides any implications for educational planning. [Statutory Authority: RCW 28A.13.070(7). 80-11-054 (Order 80-31), § 392-171-446, filed 8/19/80.]

WAC 392-171-451 Definition and eligibility criteria for deaf-blind. Deaf-blind students are those whose hearing and vision impairments, in combination, cause such severe communication and other developmental and educational problems that they cannot be accommodated in special education programs solely for deaf or blind students.

All students considered for initial placement in special education as deaf-blind shall be assessed and determined eligible for special education and related services according to the following:

(1) A current evaluation by a qualified audiologist and vision specialist or physician which describes and confirms that the vision and hearing impairments, in combination, cause such severe communication and other developmental and educational problems that the students cannot be accommodated in special education programs solely for deaf or blind students.

(2) Current assessment of level of academic achievement as measured by standardized tests appropriate to age level and administered individually.

(3) A current evaluation which considers and describes the student's social and emotional behaviors and which provides any implications for educational planning; and

(4) A current assessment of language development as measured by standardized tests or professionally recognized scales appropriate to age level and administered individually. [Statutory Authority: RCW 28A.13.070(7). 80-11-054 (Order 80-31), § 392-171-451, filed 8/19/80.]

INDIVIDUALIZED EDUCATION PROGRAMS

WAC 392-171-456 Meetings. (1) A meeting shall be held within thirty calendar days after the date upon which a student's assessment is completed for the purpose of developing the student's individualized education program. The school district shall initiate and conduct the meeting and shall include the following participants:

(a) A representative of the school district other than the student's teacher who is qualified to provide or supervise the provision of special education and related services;

(b) The student's regular classroom teacher or special education teacher or therapist: *Provided*, That either the representative of the school district or the teacher or therapist is qualified in the area of the student's suspected disability;

(c) One or both of the parents (in the case of a non-adult student), subject to subsections (2) through (5) of this section;

(d) The student if he or she is an adult student (and in the case of nonadult students, the student, if appropriate);

(e) A member of the student's assessment team; and

(f) Other individuals at the discretion of the district or the parent or the adult student.

(2) Each school district shall take steps to assure (in the case of nonadult students) that one or both parents of the handicapped student are present at each meeting or are afforded the opportunity to participate, including:

(a) Notifying the parent(s) of the meeting early enough to assure his or her participation; and

(b) Scheduling the meeting at a mutually agreed upon place and time.

(3) The notice to the parent(s) shall include the purpose, time, location of the meeting and who will be in attendance.

(4) If a parent cannot attend, the district shall use other methods to assure participation, including individual or conference telephone calls.

(5) A meeting may be conducted (in the case of a nonadult student) without a parent in attendance if the school district is unable to convince the parents they should attend. In such a case the school district shall make a record of its attempts to arrange a mutually agreed upon time and place. The record shall contain such information as:

(a) Detailed records of telephone calls made or attempted and the results of those calls;

(b) Copies of correspondence sent to the parents and any responses received; and

(c) Detailed records of visits made to the parent's home or place of employment and the results of those visits.

(6) The school district shall take whatever action is necessary to assure that the parent (or adult student) understands the proceedings at a meeting, including arranging for an interpreter for parents (or adult students) who are deaf or whose native language is other than English.

(7) The district shall document the parent(s)' and other IEP participants' presence at the IEP meeting.

(8) Meetings consistent with this section shall be conducted by the school district at least once a year for the purpose of reviewing and revising as necessary each student's individualized education program. Meetings may be held more frequently.

(9) In the case of students admitted to state residential schools, an assessment and individualized education program must be completed as provided in this chapter within fifty school days of enrollment. [Statutory Authority: RCW 28A.13.070(7). 80-11-054 (Order 80-31), § 392-171-456, filed 8/19/80. Formerly WAC 392-171-440. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-440, filed 10/31/78.]

WAC 392-171-461 Individualized education program. (1) Each handicapped student's individualized education program shall be developed on the basis of

assessment analysis and parent input, where it is provided, and shall include:

(a) A statement of the student's present levels of educational performance;

(b) A statement of specific annual goals including short-term instructional objectives which are stated in terms that provide for measurement of progress, expected levels of performance, and the schedules for their accomplishments;

(c) A statement of the specific special education and related services needed by the student, and the extent to which the student will be able to participate in the regular educational program, including physical education. If the student is unable to participate in the regular physical education program, a description of the specially designed physical education to be provided to the student shall be included.

The IEP developed for a handicapped student whose chronological age is fourteen or above shall also include career development and/or vocational education goals and short-term instructional objectives, where appropriate: *Provided*, That if the career development and/or vocational education is specially designed instruction, goals and short-term instructional objectives shall be included;

(d) The projected dates for the initiation of services and the anticipated duration of the services; and

(e) Appropriate objective criteria and evaluation procedures and schedules for determining, on at least an annual basis, whether the short-term instructional objectives are being met.

(2) The school district shall provide the parent (or the adult student) a copy of the individualized education program.

(3) Nothing in this chapter may be construed as promising or guaranteeing that a handicapped student will in fact achieve the growth projected in his or her annual goals and short-term objectives. [Statutory Authority: RCW 28A.13.070(7). 80-11-054 (Order 80-31), § 392-171-461, filed 8/19/80. Formerly WAC 392-171-445. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-445, filed 10/31/78.]

PLACEMENTS

WAC 392-171-466 Initial educational placement—Notice—Consent. (1) Each school district shall provide written notice of a student's proposed, initial special education placement, or of the district's inability or refusal to make a special education placement, at the initial meeting or within ten calendar days after the initial meeting provided for in WAC 392-171-456. The notice shall comply with the notice requirements of WAC 392-171-526. Provided that pupils admitted to state residential schools shall be enrolled in an educational program within ten school days of admission.

(2) The written consent of the parent(s) (or adult student) shall be requested if special education placement is proposed.

(3) The student's proposed special education placement shall commence when either:

(a) Written consent has been given by the parent(s) (or the adult student); or

(b) The refusal of a student's parent(s) (or adult student) to grant consent has been overridden by the school district pursuant to a hearing (or appeal) conducted in accordance with WAC 392-171-521 et seq. [Statutory Authority: RCW 28A.13.070(7). 80-11-054 (Order 80-31), § 392-171-466, filed 8/19/80. Formerly WAC 392-171-450. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-450, filed 10/31/78.]

WAC 392-171-471 Least restrictive environment. The placement and provision of services to each handicapped student shall be in his or her least restrictive environment as follows:

(1) Educational setting—Each handicapped student shall be placed:

(a) In the regular educational environment with non-handicapped students to the maximum extent appropriate to his or her needs, unless it can be demonstrated by the school district that the nature or severity of the student's disability is such that his or her education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily; and

(b) In the school which he or she would attend if not handicapped, unless his or her individualized education program requires some other arrangement. If some other arrangement is required, the student shall be placed in the appropriate educational program that is as close to the student's home as is reasonably possible.

(2) Nonacademic settings—Each handicapped student shall be provided nonacademic and extracurricular services and activities conducted by the school district (e.g., meals, recess, recreation, athletics, counseling, transportation, student club activities, etc.) with nonhandicapped students to the maximum extent appropriate to the needs of the student. [Statutory Authority: RCW 28A.13.070(7). 80-11-054 (Order 80-31), § 392-171-471, filed 8/19/80.]

WAC 392-171-476 Continuum of alternative placements. A continuum of alternative placement options shall be made available as is necessary to meet the needs of the district's handicapped students for special education and related services.

The option shall include instruction in regular classes, special classes, special schools, home instruction, and instruction in hospitals and institutions, and shall provide for supplementary services such as resource room or itinerant instruction in conjunction with regular class placement. [Statutory Authority: RCW 28A.13.070(7). 80-11-054 (Order 80-31), § 392-171-476, filed 8/19/80.]

WAC 392-171-481 Placement options—Selection—Required considerations. (1) The placement of each handicapped student shall be determined annually at a meeting conducted pursuant to WAC 392-171-456.

(2) The selection of the appropriate placement option or options for each handicapped student shall be based upon:

- (a) The student's individualized education program;
- (b) The least restrictive environment requirements of WAC 392-171-471;
- (c) The option or combination of options that provides a reasonably high probability of assisting the student to attain his or her annual goals; and
- (d) A consideration of any potential harmful effect on the student or on the quality of services which he or she needs. [Statutory Authority: RCW 28A.13.070(7), 80-11-054 (Order 80-31), § 392-171-481, filed 8/19/80. Formerly WAC 392-171-460. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7), 78-11-074 (Order 11-78), § 392-171-460, filed 10/31/78.]

WAC 392-171-486 Home/hospital instruction. Home or hospital instruction shall be provided to both handicapped students and other students who are unable to attend school for an estimated period of four weeks or more because of physical disability or illness. As conditions to such services, the parent(s) of a student (or the adult student) shall request the services and provide a written statement to the school district from a qualified medical practitioner that states the student will not be able to attend school for an estimated period of at least four weeks. A student who is not otherwise handicapped pursuant to WAC 392-171-310 who qualifies pursuant to this subsection shall be deemed "handicapped" only for the purpose of home/hospital instructional services and funding and may not otherwise qualify as a handicapped student for the purposes of generating state or federal special education funds. A school district shall not pay the cost of the statement from a qualified medical practitioner for the purposes of qualifying a student for home/hospital instructional services pursuant to this section.

Home-hospital instructional services funded in accordance with the provisions of this section shall not be used for initial or on-going placement of otherwise handicapped students. It shall be limited to placement as is deemed necessary to provide temporary intervention as a result of a physical disability or illness. [Statutory Authority: RCW 28A.13.070(7), 80-11-054 (Order 80-31), § 392-171-486, filed 8/19/80. Formerly WAC 392-171-480. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7), 78-11-074 (Order 11-78), § 392-171-480, filed 10/31/78.]

WAC 392-171-491 Contractual services. (1) School districts, severally or jointly, shall be authorized to:

- (a) Enter into interdistrict agreements with another school district(s) pursuant to RCW 28A.58.075, 28A.58.245, 28A.58.250, and chapter 392-135 WAC; and
- (b) Contract with nonpublic and public school agencies for special education and related services for handicapped students: *Provided*, That the school district establishes that it cannot provide an appropriate education for the handicapped student within the district or another school district: *Provided further*, That in the

case of a cooperative placement by a school district of a handicapped student at a center for the furtherance of research and training in handicapping conditions as established pursuant to RCW 28B.20.410 through 28B.20.414, as now or hereafter amended, or other such centers as may be established at other public institutions of higher education, as defined in RCW 28B.10.016, the school districts shall establish that the parent (or adult student) has given written approval for placement of the handicapped student at such center despite the existence of an appropriate education for the handicapped student within the district or another school district and has agreed that such placement would equal or substantially equal the placement available in the school district.

(2) If a handicapped student has special education and related services available in his or her public school district of residence and the child is placed in another public school district or in a public or private school or facility other than pursuant to a contractual arrangement between the student's district of (initial) residence and the entity of placement, the district of (initial) residence shall not be required to pay for the student's education or otherwise be responsible for the education of the student, except to the extent the student may qualify for services as a private school student pursuant to WAC 392-171-646 et seq. [Statutory Authority: RCW 28A.13.070(7), 80-11-054 (Order 80-31), § 392-171-491, filed 8/19/80. Formerly WAC 392-171-605. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7), 78-11-074 (Order 11-78), § 392-171-605, filed 10/31/78.]

WAC 392-171-496 Approval of nonpublic and public school agencies. A school district shall not either place a student in a nonpublic or public school agency or award a contract to a nonpublic or public school agency until the nonpublic or public school agency has been approved by the state board of education. Approval of such agencies shall be made in accordance with the following procedures:

(1) The school district shall establish that all requirements imposed by this chapter for contracting with a nonpublic or public school agency can be met and shall forward the nonpublic or public school agency's application to the superintendent of public instruction or his or her designee;

(2) The superintendent of public instruction or his or her designee shall recommend approval or disapproval of the agency to the state board of education; and

(3) The superintendent of public instruction or his or her designee shall notify the requesting school district and nonpublic or public school agency of approval or disapproval. [Statutory Authority: RCW 28A.13.070(7), 80-11-054 (Order 80-31), § 392-171-496, filed 8/19/80. Formerly WAC 392-171-610. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7), 78-11-074 (Order 11-78), § 392-171-610, filed 10/31/78.]

WAC 392-171-501 School district responsibility when contracting for placement in a nonpublic or public school agency. Any school district contracting with an

approved nonpublic or public school agency for special education and/or related services in behalf of a handicapped student shall:

(1) Initiate and conduct a meeting with appropriate personnel and the student's parent(s) for the purpose of developing the student's individualized education program. The district shall assure that a representative of the nonpublic or public school agency attends the meeting or in some other way assure participation by the nonpublic school agency. Meetings to review or revise the student's individualized education program after the student has been placed shall be initiated and conducted by the nonpublic or public school agency at the discretion of the school district. The district shall assure that both the parent(s) (or the adult student) and the nonpublic school agency are represented in any decision concerning the student's individualized education program and agree to proposed changes in the program before those changes are implemented. The responsibility for compliance with this section lies with the school district.

(2) Develop a written contract which shall include, but not necessarily be limited to, the following elements:

- (a) Names of the parties involved;
- (b) The name of the handicapped student(s) for whom the contract is drawn;
- (c) Location and setting;
- (d) Description of program administration and supervision;
- (e) Designation of coordinator of the services to be provided by the school district and the contractor;
- (f) Assurance of compliance with staff licensing/certification requirements;
- (g) Periodic student report requirements;
- (h) Annual program monitoring procedures and requirements;
- (i) Starting date and duration of contract;
- (j) Program day and description of student's program;
- (k) Charges and reimbursement—Billing and payment procedures;
- (l) Total contract cost;
- (m) Contract review;
- (n) Disposition of materials and equipment upon termination;
- (o) School district's responsibility for compliance with due process, individualized education program, and yearly review and determination of placement requirements;
- (p) Contractor's policies and procedures covering:
 - (i) Care of student(s) in emergencies;
 - (ii) Fire drills;
 - (iii) Personnel policies;
 - (iv) Staff duties; and
 - (v) Board of directors' duties and functions;
- (q) Other contractual elements that may be necessary to assure compliance with state and federal rules and clearly define each party's role and functions; and

(r) Signatures of authorized school and contractor officials. [Statutory Authority: RCW 28A.13.070(7), 80-11-054 (Order 80-31), § 392-171-501, filed 8/19/80. Formerly WAC 392-171-615. Statutory Authority:

RCW 28A.13.010 and 28A.13.070(7), 78-11-074 (Order 11-78), § 392-171-615, filed 10/31/78.]

WAC 392-171-506 Out-of-state agencies. In the event the school district within which a handicapped student resides is unable to contract with another district, or a nonpublic or public school agency, or an appropriate state agency, the parent (or adult student) and district may jointly petition the superintendent of public instruction or his or her designee for state and federal special education funds to provide an educational program with an agency in another state or Canada.

Contractual arrangements for an out-of-state educational program shall be approved by the superintendent of public instruction or his or her designee prior to the student's placement in that program. The school district shall be responsible for:

(1) Determining that no appropriate in-state placement option is available and for making the decision that the student should be placed in an out-of-state program;

(2) Determining that the out-of-state educational program is appropriately licensed or approved by that state's authorities and that placement will result in an appropriate education for the student; and

(3) Contracting with the out-of-state agency pursuant to the requirements of WAC 392-171-491 through 392-171-501. [Statutory Authority: RCW 28A.13.070(7), 80-11-054 (Order 80-31), § 392-171-506, filed 8/19/80. Formerly WAC 392-171-620. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7), 78-11-074 (Order 11-78), § 392-171-620, filed 10/31/78.]

ANNUAL REVIEW OF PLACEMENTS AND STUDENT PROGRESS—REASSESSMENTS

WAC 392-171-511 Annual review of placement and student progress—Program improvement. (1) Annual placement review—The educational placement of each handicapped student shall be evaluated and redetermined annually at a meeting conducted pursuant to WAC 392-171-456.

(2) Program evaluation—Each school district shall establish a simple and reliable system of evaluating the program established for each handicapped student. Program evaluations shall be based upon a handicapped student's progress toward the accomplishment of the goals and objectives set forth in the student's individualized education program and/or upon the teacher/manager efforts to facilitate change. Specific methods of evaluating and displaying program results shall be determined in accordance with the district's policies and procedures and the student's individualized education program.

(3) The program evaluation system shall assure that the performance measurement is recorded and reported at both in-process and final-result stages, and the results of the evaluation shall be reported to the parent(s) (or the adult student) consistent with policies and procedures of the school district.

(4) Program evaluations shall serve two purposes:

(a) To compare a student's measured performance with established goals and objectives; and

(b) To attempt to identify causal factors that account for significant differences between actual and predicted performance.

(5) Each school district shall develop, in its own format, alternatives designed to improve methods and results that are based upon the performance evaluation of the student. Evaluation of progress shall be continuing and completed at least annually in order to allow assessment personnel to adjust aims, programs, etc., if the goals and objectives are not met. [Statutory Authority: RCW 28A.13.070(7). 80-11-054 (Order 80-31), § 392-171-511, filed 8/19/80. Formerly WAC 392-171-485. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-485, filed 10/31/78.]

WAC 392-171-516 Reassessment. Each handicapped student shall be assessed in compliance with assessment procedures as specified in WAC 392-171-341(3) and (4) through 392-171-366 of this chapter at least once every three years, or more frequently if conditions warrant or if the student's parent(s), teacher, or IEP committee requests a reassessment. The district shall provide written notice to the parent(s) of a student (or to the adult student) prior to conducting the reassessment. The notice shall comply with the notice requirement of WAC 392-171-521 and 392-171-526.

Following the completion of the reassessment and based on the reassessment results, the district superintendent or his or her designee shall record in writing one of the following decisions:

(1) The student continues to meet initial eligibility criteria documenting the presence of a handicapping condition(s) and is in need of continuing special education and related services; or

(2) The student no longer meets initial eligibility criteria but needs to continue to receive special education and related services; or

(3) The student no longer meets initial eligibility criteria and no longer needs to receive special education and related services.

In accordance with WAC 392-171-521, the parent shall be notified of the school district's decision within ten calendar days following the completion of the reassessment. When continued placement is indicated, an IEP meeting shall be convened in accordance with WAC 392-171-456 through 392-171-466. When special education services are to be discontinued, notice shall be given the parent(s) pursuant to WAC 392-171-521. [Statutory Authority: RCW 28A.13.070(7). 80-11-054 (Order 80-31), § 392-171-516, filed 8/19/80.]

NOTICE REQUIREMENTS--GENERAL

WAC 392-171-521 When notice must be given. Written notice in accordance with WAC 392-171-526 shall be given by a school district to the parent(s) of a student (or to the adult student) a reasonable time before the school district:

(1) Proposes to initiate or change the identification, assessment, or educational placement of the student or the provision of special education and related services to the student pursuant to this chapter; or

(2) Refuses to initiate or change the identification, assessment, or educational placement of the student or the provision of special education and related services to the student pursuant to this chapter. [Statutory Authority: RCW 28A.13.070(7). 80-11-054 (Order 80-31), § 392-171-521, filed 8/19/80. Formerly WAC 392-171-490. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-490, filed 10/31/78.]

WAC 392-171-526 Contents of notice. (1) The notice required by WAC 392-171-521 shall include:

(a) A full explanation of all of the procedural safeguards available to the parent (or the adult student) that are set forth in this chapter;

(b) A description of the action proposed or refused by the school district, an explanation of why the district proposes or refuses to take the action, and a description of any options the district considered and the reasons why those options were rejected;

(c) A description of each assessment procedure, test, record, or report the district used as a basis for the proposal or refusal; and

(d) A description of any other factors which are relevant to the district's proposal or refusal.

(2) The notice shall be:

(a) Written in language understandable to the general public; and

(b) Provided in the native language of the parent (or adult student) or other mode of communication used by the parent (or adult student), unless it is clearly not feasible to do so.

(3) If the native language or other mode of communication of the parent (or adult student) is not a written language, the district shall take steps to assure that:

(a) The notice is translated orally or by other means to the parent (or adult student) in his or her native language or other mode of communication;

(b) The parent (or adult student) understands the content of the notice; and

(c) There is written evidence that the requirements in subparagraphs (a) and (b) of this subsection have been met. [Statutory Authority: RCW 28A.13.070(7). 80-11-054 (Order 80-31), § 392-171-526, filed 8/19/80. Formerly WAC 392-171-495. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-495, filed 10/31/78.]

HEARINGS--GENERAL

WAC 392-171-531 Right to initiate--Purposes. (1) Hearings conducted in accordance with WAC 392-171-521 through 392-171-556 may be initiated in the following cases for the purposes stated:

(a) The parent(s) of a student (or an adult student) or a school district may initiate a hearing to challenge or to

show (as the case may be) the appropriateness of a proposal by the school district to initiate or change:

- (i) The identification of the student;
- (ii) The assessment of the student;
- (iii) The educational placement of the student; or
- (iv) The provision of special education and related services to the student pursuant to this chapter;

(b) The parent(s) of a student (or an adult student) or a school district may initiate a hearing to challenge or to show (as the case may be) the appropriateness of the school district's refusal of the parent(s) (or adult student's) request to initiate or change:

- (i) The identification of the student;
- (ii) The assessment of the student;
- (iii) The educational placement of the student; or
- (iv) The provision of special education and related services to the student pursuant to this chapter;

(c) A school district may initiate a hearing to show that its assessment of a student is appropriate if the student's parent(s) (or adult student) disagrees with the assessment results.

(2) A request by a student's parent(s) (or adult student) for a hearing pursuant to this section shall:

- (a) Be in writing (or it may be oral if expressly permitted by a rule of the school district);
- (b) Be mailed or provided directly to the superintendent of the school district; and
- (c) Explain the complaint of the parent(s) (or adult student) in general or specific terms.

(3) A notice of a hearing requested by a child's parent(s) (or adult student) or initiated by a school district pursuant to this section shall be provided by the hearing officer and shall include, but not necessarily be limited to:

- (a) The date, time, and place of the hearing;
- (b) The issues to be addressed at the hearing to the extent the issues have been identified at the time of the notice;

(c) The rights, procedures, and other matters set forth in WAC 392-171-536 through 392-171-576; and

(d) The right of the parent(s) (or adult student) to seek an independent assessment at public expense pursuant to WAC 392-171-371. [Statutory Authority: RCW 28A.13.070(7). 80-11-054 (Order 80-31), § 392-171-531, filed 8/19/80. Formerly WAC 392-171-500. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-500, filed 10/31/78.]

WAC 392-171-536 Hearing officers--Selection and expenses of--Parent assistance. (1) If a hearing is initiated pursuant to WAC 392-171-531:

(a) The hearing shall be conducted by and at the expense of the student's resident school district.

(b) The school district shall provide for a court reporter's stenographic record of all testimony and other oral hearing proceedings at the expense of the school district: *Provided*, That a court reporter's stenographic record need not be transcribed at the expense of the school district for any purpose except for the copy the

district shall provide the superintendent of public instruction in the event of an appeal pursuant to WAC 392-171-566.

(c) The school district shall inform the parent(s) (or adult student) of any free or low-cost legal and other relevant services available in the area if:

(i) The parent (or adult student) requests the information; or

(ii) The school district or the parent (or adult student) initiates a hearing;

(d) The hearing shall be conducted by a qualified person selected and appointed by the school district who:

(i) Is not an employee of a school district which is involved in the education or care of the student; and

(ii) Does not have a personal or professional interest which would conflict with his or her objectivity in the hearing;

(2) A person who otherwise qualifies to conduct a hearing pursuant to this section is not an "employee" of the school district solely because he or she is paid by the district to serve as a hearing officer.

(3) The parent(s) (or adult student) shall have the right to file a written objection to the hearing officer(s) selected by the district if the parent(s) (or adult student) believe that the hearing officer may be biased. All such objections shall state the belief and the reasons or facts that give rise to the belief. The hearing officer objected to shall rule on the objection after hearing such arguments as the parties wish to make, unless such hearing officer has already chosen to disqualify himself or herself upon receipt of the objection. All such objections, arguments and their disposition shall be made a permanent part of the hearing record.

(4) Each school district and the superintendent of public instruction or his or her designee shall keep a list of potential hearing officers or groups or organizations from which hearing officers may be obtained. The list shall include a statement of the qualifications of each person specified. [Statutory Authority: RCW 28A.13.070(7). 80-11-054 (Order 80-31), § 392-171-536, filed 8/19/80. Formerly WAC 392-171-505. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-505, filed 10/31/78.]

WAC 392-171-541 Hearing officers--Scheduling and conduct of hearings. Hearing officers appointed pursuant to WAC 392-171-536 shall: (1) Promptly notify in writing all parties of their appointment, the date and location of the first prehearing conference, if any, and the matters to be addressed at such conference; and

(2) Be vested with the authority to

(a) Schedule and regulate the course of hearings and related proceedings,

(b) Schedule and hold prehearing and other conferences for the settlement or simplification of the issues, the identification of the evidence to be introduced and the resolution of other appropriate matters,

(c) Direct that each party specify in writing the issues of fact and law which they perceive prior to the prehearing conference or, if none, prior to the hearing, and

(d) Rule on procedural requests and similar matters. [Statutory Authority: RCW 28A.13.070(7). 80-11-054 (Order 80-31), § 392-171-541, filed 8/19/80.]

WAC 392-171-546 Evidence. (1) Hearing officers appointed pursuant to WAC 392-171-536 may:

- (a) Admit and consider any evidence that is relevant;
- (b) Give effect to the rules of privilege recognized by law; and
- (c) Exclude incompetent, irrelevant, immaterial, and unduly repetitious evidence.

(2) All evidence, including but not limited to records and exhibits that have been admitted, shall be made a part of the record of the case, and no other factual information or evidence shall be considered in the determination of the case. Documentary evidence may be received in the form of copies or excerpts.

(3) Notice may be taken of:

(a) A legislative enactment of a state or federal rule or statute as reported by the official reporter or codifier of such rule or statute;

(b) An adjudicative fact which is not subject to reasonable dispute in that the fact is either:

(i) A matter generally known within the school district; or

(ii) Capable of accurate and ready determination by reference to sources whose accuracy cannot be reasonably questioned; and

(c) General, technical, or scientific facts within the specialized knowledge of the hearing officer: *Provided*, That each party shall first be notified before or during the hearing, or by reference in a proposed decision, of the material so noticed, and shall be afforded an opportunity to contest the facts so noticed. [Statutory Authority: RCW 28A.13.070(7). 80-11-054 (Order 80-31), § 392-171-546, filed 8/19/80.]

WAC 392-171-551 Hearing rights. (1) Any party to a hearing initiated pursuant to WAC 392-171-531 has the right to:

(a) Be accompanied and advised by persons with special knowledge or training with respect to the problems of handicapped students;

(b) Be advised and/or represented by an attorney;

(c) Present evidence, including the opinion(s) of qualified experts, confront, cross-examine, and compel the attendance of witnesses;

(d) Prohibit the introduction of any evidence at the hearing that has not been disclosed to that party at least five days before the hearing;

(e) Obtain a written verbatim record of the hearing at a cost no greater than the fee charged by the court reporter for transcribing his or her record of the hearing: *Provided*, That in the event of an appeal by either party, the school district shall bear the cost of transcribing the record for appeal purposes and shall make a copy available to the other party at a cost, if any, which is no greater than the school district's cost of copying the original; and

(f) Obtain written findings of fact, conclusions of law and judgments.

(2) Parents who are a party to a hearing have the right to have the child who is the subject of the hearing present.

(3) Parents (or adult students) who are a party to a hearing have the right to open the hearing to the public.

(4) All parties to a hearing shall, upon request, exercise such authority and influence as they have to compel the attendance of witnesses requested by another party. [Statutory Authority: RCW 28A.13.070(7). 80-11-054 (Order 80-31), § 392-171-551, filed 8/19/80. Formerly WAC 392-171-510. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-510, filed 10/31/78.]

WAC 392-171-556 Timeline for hearing officer's decision--Time and place of hearing. (1) Not later than forty-five days after the date of receipt of a request for a hearing pursuant to WAC 392-171-531:

(a) A final decision shall be reached based upon a preponderance of the evidence; and

(b) A copy of the decision consisting of the hearing officer's findings of fact, conclusions of law, and judgment shall be mailed or provided directly to each of the parties and to the superintendent of public instruction by the hearing officer, together with a certification of the date of mailing and the parties to whom it was mailed.

(2) The date of mailing or providing a decision to the parties shall be certified to on the first page of the decision by the person(s) who mails or provides the decision to the parties. The decision of the hearing officer shall be drafted in a manner which:

(a) Sets forth the findings of fact, conclusions of law and judgment separately, and numbers each findings of fact and conclusion; and

(b) Avoids the revelation of personally identifiable information that is unnecessary to reaching and understanding the decision reached. The surnames of students and their parents shall be indicated by use of their last initial and shall not be spelled out.

(3) A hearing officer may grant specific extensions of time beyond the period set forth in this section at the request of either party.

(4) Each hearing involving oral arguments shall be conducted at a time and place which is reasonably convenient to the parent(s) and student involved. [Statutory Authority: RCW 28A.13.070(7). 80-11-054 (Order 80-31), § 392-171-556, filed 8/19/80. Formerly WAC 392-171-515. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-515, filed 10/31/78.]

WAC 392-171-561 Final decision--Appeal. A decision made in a hearing initiated pursuant to WAC 392-171-531 is final, unless a party to the hearing appeals the decision in accordance with WAC 392-171-566. [Statutory Authority: RCW 28A.13.070(7). 80-11-054 (Order 80-31), § 392-171-561, filed 8/19/80. Formerly WAC 392-171-520. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-520, filed 10/31/78.]

APPEALS

WAC 392-171-566 Appeals to the superintendent of public instruction. (1) Any party aggrieved by the findings and decision in a hearing initiated pursuant to WAC 392-171-531 may appeal to the superintendent of public instruction: *Provided*, That written notice of such appeal is received by the superintendent of public instruction no later than the thirtieth day after the date upon which the decision was mailed or provided directly to the appealing party. If the thirtieth day falls on a Saturday, Sunday, or state holiday, the time for receipt of notice shall be extended through the next state working day.

(2) All notices of appeal pursuant to this section shall:

(a) Be written;

(b) Specify the party seeking the review;

(c) Specify the alleged error(s) in the findings of fact, conclusions of law, and judgment; and

(d) Specify the reason a finding of fact, or conclusion of law or the judgment is alleged to be in error; e.g., specified facts were not considered or given appropriate weight or a specified statute or rule allegedly requires a different conclusion, etc.;

(e) Specify any alleged violations of the party's procedural due process rights during the hearing;

(f) Specify the relief requested; and

(g) Be provided to the other party (as well as to the superintendent of public instruction).

(3) A party shall be deemed to have waived any objection to any finding of fact, conclusion of law, or judgment or portion of a judgment which the party does not specifically allege to be in error pursuant to subsection (2) of this section.

(4) The school district shall certify and provide the superintendent of public instruction with the entire original hearing record, including a verbatim written transcript of the oral hearing proceedings within fifteen days after the date of receipt of notification that an appeal has been made to the superintendent of public instruction.

(5) If an appeal is made in accordance with this section, the superintendent of public instruction and/or his or her designee shall conduct an impartial review of the hearing.

(6) The superintendent of public instruction and/or his or her designee shall:

(a) Examine the entire hearing record;

(b) Determine whether or not the procedures at the hearing were consistent with the requirements of due process;

(c) Seek additional evidence if necessary by remanding the matter to the school district or by other means (Note: If a hearing is held to receive additional evidence, the rights set forth in WAC 392-171-551 shall apply.);

(d) Afford the parties an opportunity for written and/or oral argument if deemed advisable and subject to request(s) for an extension of time as set forth in WAC 392-171-571(2) (Note: Briefs should conform to the requirements for appellate briefs set forth in RAP 10.3, to the extent it is reasonably within the ability of the party,

and shall avoid the use of the surnames of students and their parents.);

(e) Make an independent decision based upon the preponderance of the evidence; and

(f) Notify the parties of the findings and the decision in writing.

(7) The decision made by the superintendent of public instruction and/or his or her designee is final, unless a party brings a civil action pursuant to 20 United States Code (USC) section 1415. [Statutory Authority: RCW 28A.13.070(7), 80-11-054 (Order 80-31), § 392-171-566, filed 8/19/80. Formerly WAC 392-171-525. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7), 78-11-074 (Order 11-78), § 392-171-525, filed 10/31/78.]

WAC 392-171-571 Timeline for reviewing officer's decision--Time and place of hearings--Final decision.

(1) Not later than thirty days after the date of receipt of a notice of appeal pursuant to WAC 392-171-566:

(a) A final decision shall be reached on the matters designated in the notice of appeal; and

(b) A copy of the decision shall be mailed to each of the parties.

(2) The superintendent of public instruction or his or her designee may grant specific extensions of the time period set forth in this section at the request of either party. No requests by a party for an opportunity to submit briefs or present oral argument shall be considered unless accompanied by a request for an extension of time. No such requests shall be granted unless the request for an extension of time extends at least to the thirtieth day after the date the last brief of the parties is to be submitted or the date of oral argument, whichever is later.

(3) Each hearing conducted upon remand to the school district, or otherwise conducted during the review process, shall be conducted at a time and place which is reasonably convenient to the parent(s) of the student (or adult student) involved.

(4) The decision of the superintendent of public instruction or his or her designee shall be final unless modified or overturned by a court of law. [Statutory Authority: RCW 28A.13.070(7), 80-11-054 (Order 80-31), § 392-171-571, filed 8/19/80.]

PLACEMENT OF STUDENT DURING ADMINISTRATIVE/JUDICIAL PROCEEDINGS

WAC 392-171-576 Student's status during hearing and state or judicial review processes. (1) During the pendency of any administrative or judicial proceeding regarding a complaint initiated pursuant to WAC 392-171-531, unless the school district and the parent(s) of the student (or the adult student) agree otherwise, the student involved in the complaint shall remain in the educational placement he or she was in at the time the complaint was made.

(2) The student, with the consent of the parent(s) (or the adult student), shall be placed in the regular school program until the completion of all such proceedings if

the complaint involves an application for initial admission to the school. [Statutory Authority: RCW 28A.13.070(7). 80-11-054 (Order 80-31), § 392-171-576, filed 8/19/80. Formerly WAC 392-171-535. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-535, filed 10/31/78.]

SURROGATE PARENTS

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.]

RECORDS

WAC 392-171-586 Definition of "education records" as used in records rules. (1) For the purpose of WAC 392-171-596 through 392-171-641 governing handicapped student records, the term "education records" shall mean those records that:

(a) Are directly related to a student; and

(b) Are maintained by a school district or by a party acting for the school district.

(2) The term "education records" does not include:

(a) Records of instructional, supervisory, and administrative personnel and educational personnel ancillary thereto which:

(i) Are in the sole possession of the maker thereof; and

(ii) Are not accessible or revealed to any other individual except a substitute. For the purpose of this definition, a "substitute" means an individual who performs on a temporary basis the duties of the individual who made the record and does not refer to an individual who permanently succeeds the maker of the record in his or her position;

(b) Records of a law enforcement unit of a school district which are:

(i) Maintained apart from the records described in subsection (1) of this section;

(ii) Maintained solely for law enforcement purposes; and

(iii) Not disclosed to individuals other than law enforcement officials of the same jurisdiction: *Provided*, That education records maintained by the school district are not disclosed to the personnel of the law enforcement unit;

(c) Records relating to an individual who is employed by a school district which:

(i) Are made and maintained in the normal course of business;

(ii) Relate exclusively to the individual in that individual's capacity as an employee; and

(iii) Are not available for use for any other purpose: *Provided*, That this exception from the definition of "education records" does not apply to records relating to an individual in attendance at the school district who is employed as a result of his or her status as a student;

(d) Records relating to an adult student which are:

(i) Created or maintained by a physician, psychiatrist, psychologist, or other recognized professional acting in his or her professional or paraprofessional capacity;

(ii) Created, maintained, or used only in connection with the provision of treatment to the student; and

(iii) Not disclosed to anyone other than individuals providing the treatment: *Provided*, That the records can be personally reviewed by a physician or other appropriate professional of the student's choice. For the purpose of this definition, "treatment" does not include remedial educational activities or activities which are part of the program of instruction at the school district;

(e) Records of a school district which contain only information relating to a person after that person was no longer a student at the school district. An example would be information collected by a school district pertaining to the accomplishments of its alumni. [Statutory Authority: RCW 28A.13.070(7). 80-11-054 (Order 80-31), § 392-171-586, filed 8/19/80. Formerly WAC 392-171-545. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-545, filed 10/31/78.]

WAC 392-171-591 Definitions used in records rules—"Destruction"—"Native language"—And "Participating agency." For the purpose of WAC 392-171-596 through 392-171-641 governing handicapped student records:

(1) "Destruction" shall mean physical destruction or removal of personal identifiers from information so that the information is no longer personally identifiable.

(2) "Native language" has the meaning given that term by section 703 (a)(2) of the Bilingual Education Act, which provides essentially as follows:

The term "native language," when used with reference to a person of limited English-speaking ability, means the language normally used by that person, or in the case of a nonadult student, the language normally used by the parents of the student.

(3) "Participating agency" means any agency or institution which collects, maintains, or uses personally identifiable information or from which information is obtained pursuant to this chapter. [Statutory Authority: RCW 28A.13.070(7). 80-11-054 (Order 80-31), § 392-171-591, filed 8/19/80. Formerly WAC 392-171-550. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-550, filed 10/31/78.]

WAC 392-171-596 Access rights. (1) Each school district shall permit parents of handicapped students (or adult students) to inspect and review during school business hours any education records relating to their children or ward (or the adult student) which are collected, maintained, or used by the district under this chapter. The district shall comply with a request promptly and before any meeting regarding an individualized education program or hearing relating to the identification, evaluation, or placement of the student.

(2) The right to inspect and review education records under this section includes:

(a) The right to a response from the participating agency to reasonable requests for explanations and interpretations of the records;

(b) The right to request that the school district provide copies of the records containing the information if failure to provide those exercising the right to inspect and review the records; and

(c) The right to have a representative of the parent (or adult student) inspect and review records.

(3) A school district may presume that a parent has authority to inspect and review records relating to his or her child or ward unless the district has been advised that the parent does not have the authority under applicable state law governing such matters as guardianship, separation, and divorce. [Statutory Authority: RCW 28A.13.070(7). 80-11-054 (Order 80-31), § 392-171-596, filed 8/19/80.]

WAC 392-171-601 Record or access. Each participating agency shall keep a record of parties obtaining access to education records collected, maintained, or used under this chapter (except access by parents, adult

students, and authorized employees of the participating agency), including the name of the party, the date access was given, and the purpose for which the party is authorized to use the records. [Statutory Authority: RCW 28A.13.070(7). 80-11-054 (Order 80-31), § 392-171-601, filed 8/19/80.]

WAC 392-171-606 Records on more than one student. If any education record includes information on more than one student, the parent(s) of those students (and/or adult students) shall have the right to inspect and review only the information relating to their child or ward (or themselves) or to be informed of that specific information. [Statutory Authority: RCW 28A.13.070(7). 80-11-054 (Order 80-31), § 392-171-606, filed 8/19/80.]

WAC 392-171-611 List of types and locations of information. Each participating agency shall provide parents (and adult students) on request a list of the types and locations of education records collected, maintained, or used by the agency. [Statutory Authority: RCW 28A.13.070(7). 80-11-054 (Order 80-31), § 392-171-611, filed 8/19/80.]

WAC 392-171-616 Fees. (1) A participating education agency may charge a fee for copies of records which are made for parents (or adult students) under this chapter if the fee does not effectively prevent the parents (or adult students) from exercising their right to inspect and review those records.

(2) A participating agency may not charge a fee to search for or to retrieve information under this chapter. [Statutory Authority: RCW 28A.13.070(7). 80-11-054 (Order 80-31), § 392-171-616, filed 8/19/80.]

WAC 392-171-621 Amendment of records at the request of a parent or adult student. (1) A parent of a handicapped student (or an adult student) who believes that information in education records collected, maintained, or used under this chapter is inaccurate or misleading or violates the privacy or other rights of the student may request the participating agency which maintains the information to amend the information.

(2) The agency shall decide whether to amend the information in accordance with the request within a reasonable period of time after receipt of the request.

(3) If the agency decides to refuse to amend the information in accordance with the request it shall inform the parent (or adult student) of the refusal and advise the parent (or adult student) of the right to a hearing pursuant to WAC 392-171-626.

(4) The participating agency, on request, shall provide the parent (or adult student) an opportunity for a hearing to challenge information in education records to insure that it is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student.

(5) If, as a result of the hearing, the participating agency decides that the information is inaccurate, misleading, or otherwise in violation of the privacy or other

rights of the student, it shall amend the information accordingly and so inform the parent (or adult student) in writing.

(6) If, as a result of the hearing, the participating agency decides that the information is not inaccurate, misleading or otherwise in violation of the privacy or other rights of the student, it shall inform the parent(s) (or adult student) of the right to place in the records it maintains on the student a statement commenting on the information or setting forth any reasons for disagreeing with the decision of the agency.

(7) Any explanation placed in the records of the student pursuant to this section shall:

(a) Be maintained by the participating agency as part of the records of the student as long as the record or contested portion is maintained by the participating agency; and

(b) Also be disclosed to any party to whom the records of the student (or the contested portion thereof) are disclosed. [Statutory Authority: RCW 28A.13.070(7). 80-11-054 (Order 80-31), § 392-171-621, filed 8/19/80.]

WAC 392-171-626 Hearing procedures regarding records. A hearing initiated pursuant to WAC 392-171-621 to challenge information in education records shall be conducted according to procedures which include at least the following elements:

(1) The hearing shall be held within a reasonable period of time after the participating agency has received the request;

(2) The parent (or adult student) shall be given notice of the date, place, and time reasonably in advance of the hearing;

(3) The hearing may be conducted by any party, including an official of the participating agency, who does not have a direct interest in the outcome of the hearing;

(4) The parent (or adult student) shall be afforded a full and fair opportunity to present evidence relevant to the issues raised pursuant to WAC 392-171-621 and may be assisted or represented by individuals of his or her choice at his or her own expense, including an attorney;

(5) The participating agency shall provide a written decision to the parent (or adult student) within a reasonable period of time after the conclusion of the hearing; and

(6) The decision of the participating agency shall:

(a) Be based solely upon the evidence presented at the hearing; and

(b) Include a summary of the evidence and the reasons for the decision. [Statutory Authority: RCW 28A.13.070(7). 80-11-054 (Order 80-31), § 392-171-626, filed 8/19/80.]

WAC 392-171-631 Consent. (1) Consent of a parent (or adult student) shall be obtained before personally identifiable information is:

(a) Disclosed to anyone other than officials of participating agencies collecting or using the information under this chapter subject to subsection (2) of this section; or

(b) Used for any purpose other than meeting a requirement imposed by this chapter.

(2) No school district shall release information from education records to participating agencies without the consent of a parent (or adult student) except in those cases in which a release of information without consent is permitted by the rules that implement the federal Privacy Rights of Parents and Students Part 99 of 34 Code of Federal Regulations (CFR) 34 sections 99.1 et seq. See 34 CFR 99.31 (when prior consent not required), 34 CFR 99.35 (disclosure to state and federal officials) and 34 CFR 99.37 (directory information). [Statutory Authority: RCW 28A.13.070(7). 83-08-029 (Order 83-1), § 392-171-631, filed 3/30/83; 80-11-054 (Order 80-31), § 392-171-631, filed 8/19/80.]

WAC 392-171-636 Safeguards. (1) Each participating agency shall protect the confidentiality of personally identifiable information at the collection, storage, disclosure, and destruction stages.

(2) One official at each participating agency shall be designated as the individual responsible for assuring the confidentiality of any personally identifiable information.

(3) All persons collecting or using personally identifiable information shall receive training or instruction regarding:

(a) The policies and procedures on protection of the confidentiality of personally identifiable information set forth in the state's annual program plan; and

(b) 45 CFR 99.1 et seq. (the "Buckley Amendment" rules).

(4) Each participating agency shall maintain, for public inspection, a current listing of the names and positions of those employees within the agency who may have access to personally identifiable information. [Statutory Authority: RCW 28A.13.070(7). 80-11-054 (Order 80-31), § 392-171-636, filed 8/19/80.]

WAC 392-171-641 Destruction of information. Each school district shall inform parents (and adult students) when personally identifiable information collected, maintained, or used pursuant to this chapter is no longer needed to provide educational services to the student. The information shall thereafter be destroyed at the request of the parent(s) (or adult student). However, a permanent record of a student's name, address, and phone number, his or her grades, attendance record, classes attended, grade level completed and year completed may be maintained without time limitation. [Statutory Authority: RCW 28A.13.070(7). 80-11-054 (Order 80-31), § 392-171-641, filed 8/19/80.]

PRIVATE SCHOOL STUDENTS

WAC 392-171-646 Definition--"Private school handicapped student(s)." For the purpose of WAC 392-171-651 through 392-171-686 "private school handicapped student(s)" means handicapped students enrolled in private schools or agencies but not as the result of a contractual arrangement between a public school district

and the private school or agency. [Statutory Authority: RCW 28A.13.070(7). 80-11-054 (Order 80-31), § 392-171-646, filed 8/19/80. Formerly WAC 392-171-625. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-625, filed 10/31/78.]

WAC 392-171-651 School district responsibility for private school handicapped students. Subject to the provisions of WAC 392-171-656 through 392-171-686:

(1) Each school district shall provide special education and related services designed to meet the needs of private school handicapped students who reside in the school district.

(2) Each school district shall provide private school handicapped students with genuine opportunities to participate in special education and related services consistent with the number of those students and their needs. [Statutory Authority: RCW 28A.13.070(7). 80-11-054 (Order 80-31), § 392-171-651, filed 8/19/80. Formerly WAC 392-171-630. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-630, filed 10/31/78.]

WAC 392-171-656 Determination of needs, numbers of students and types of services. The needs of private school handicapped students, the number who will participate, and the types of special education and related services which the school district will provide them shall be determined after consultation with persons knowledgeable of the needs of these students on a basis comparable to that used in providing for the participation under this chapter of handicapped students enrolled in public schools. [Statutory Authority: RCW 28A.13.070(7). 80-11-054 (Order 80-31), § 392-171-656, filed 8/19/80.]

WAC 392-171-661 Service arrangements. (1) Special education and related services to private school handicapped students may be provided through such arrangements as dual enrollment pursuant to chapter 392-134 WAC, educational radio and television, and the provision of mobile educational services and equipment.

(2) No services, material, or equipment of any nature shall be provided to or on the site of any private school or agency subject to sectarian (i.e., religious) control or influence.

(3) Handicapped students enrolled in any private school or agency subject to sectarian control or influence shall be provided services in a manner that:

(a) Maintains a physical and administrative separation between the private and the public school programs; and

(b) Does not benefit the private school at public expense, e.g., pursuant to dual enrollment or shared time arrangements in accordance with chapter 392-134 WAC. [Statutory Authority: RCW 28A.13.070(7). 83-08-029 (Order 83-1), § 392-171-661, filed 3/30/83; 80-11-054 (Order 80-31), § 392-171-661, filed 8/19/80.]

WAC 392-171-666 Personnel in private schools and agencies. (1) School district personnel may be made available to nonsectarian private schools and agencies only to the extent necessary to provide services required by the handicapped student for whose needs those services were designed and only when those services are not normally provided by the nonsectarian private school or agency.

(2) Each school district providing services to students enrolled in nonsectarian private schools or agencies shall maintain continuing administrative control and direction over those services.

(3) Services to private school handicapped students shall not include the payment of salaries of teachers or other employees of private schools or agencies, except for services performed outside regular hours of the school day and under public supervision and control. [Statutory Authority: RCW 28A.13.070(7). 80-11-054 (Order 80-31), § 392-171-666, filed 8/19/80.]

WAC 392-171-671 Equipment--Construction. (1) Equipment used in the care of students with handicapping conditions in a private school or agency may be placed on nonsectarian private school or agency premises for a limited time, but title to and administrative control over all equipment must be retained and exercised by the school district.

(2) Records shall be kept of equipment and an accounting made of the equipment which shall assure that the equipment is used solely for the purposes of the program.

(3) The equipment shall be removed from the private school or agency if necessary to avoid its being used for other purposes or if it is no longer needed for the purposes of the program or project.

(4) Funds shall not be used to construct facilities for private schools or agencies. [Statutory Authority: RCW 28A.13.070(7). 80-11-054 (Order 80-31), § 392-171-671, filed 8/19/80.]

WAC 392-171-676 Prohibition of segregation. Programs or projects carried out in public facilities, and involving joint participation by handicapped students otherwise enrolled in private schools or agencies and handicapped students enrolled in public schools, shall not include classes that are separated on the basis of school enrollment or the religious affiliations of the students. [Statutory Authority: RCW 28A.13.070(7). 80-11-054 (Order 80-31), § 392-171-676, filed 8/19/80.]

WAC 392-171-681 Funds and property not to benefit private schools. Public funds provided and property derived from those funds shall not inure to the benefit of any private school or agency. [Statutory Authority: RCW 28A.13.070(7). 80-11-054 (Order 80-31), § 392-171-681, filed 8/19/80. Formerly WAC 392-171-660. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-660, filed 10/31/78.]

WAC 392-171-686 Existing level of instruction. Provisions for serving private school handicapped students shall not include the financing of the existing level of instruction in a private school or agency. [Statutory Authority: RCW 28A.13.070(7). 80-11-054 (Order 80-31), § 392-171-686, filed 8/19/80.]

ANNUAL SCHOOL DISTRICT APPLICATION-- REQUIREMENTS

WAC 392-171-691 Annual applications--Contents. As a condition to the receipt and expenditure of federal special education funds, a school district shall annually submit an application to the superintendent of public instruction or his or her designee on or before such date is announced and conduct its special education and related services program in compliance therewith. The applications shall be made pursuant to forms developed and distributed by the superintendent or his or her designee. Application forms shall include, but not necessarily be limited to, the following assurance(s) and types of information:

- (1) An assurance that:
 - (a) The school district is in compliance with the provisions of this chapter and the rules implementing PL 94-142 (34 CFR 300.1 et seq.) that may supplement this chapter;
 - (b) That the district shall remain in compliance with this chapter and any such supplemental rules for the entire school year; and
 - (c) That the funds applied for shall be expended in compliance with the application, this chapter, and any such supplemental federal rules;
- (2) The information and assurances required by 34 CFR 300.220 through 34 CFR 300.240 and any other pertinent federal rules;
- (3) Identification of the local district designee responsible for child identification activities and confidentiality of information;
- (4) A description of the procedures and/or activities to be implemented or continued to provide for:
 - (a) Identification, location and evaluation of handicapped children not currently receiving special education and related services;
 - (b) Assurance of confidentiality of personally identifiable information;
 - (c) Implementation of a system for personnel development;
 - (d) Involvement of parents of handicapped children;
 - (e) Participation of handicapped students with non-handicapped students;
 - (f) Placement of handicapped students in the least restrictive environment;
 - (g) Development of individualized education programs for each eligible handicapped student;
 - (h) Availability of career development and vocational education programs for handicapped students;
 - (i) A description of the numbers and types of handicapped students receiving special education and related services by placement option within the district's continuum of alternative placements;

(j) A description of the kind of and number of facilities, personnel, and services necessary to meet the district's full educational opportunity goal, including a detailed timetable for reaching that goal; and

(k) A description of the use of funds received under PL 94-142 (34 CFR 300.1 et seq.).

(5) Any other pertinent information requested by the superintendent of public instruction which is necessary for the management of the special education program. [Statutory Authority: RCW 28A.13.070(7). 83-08-029 (Order 83-1), § 392-171-691, filed 3/30/83; 80-11-054 (Order 80-31), § 392-171-691, filed 8/19/80. Formerly WAC 392-171-670. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-670, filed 10/31/78.]

WAC 392-171-696 Denial of applications--Opportunity for hearing. (1) In the event the superintendent of public instruction or his or her designee proposes to deny, in whole or part, the annual application of a district for federal special education funds, the district shall be provided notice pursuant to RCW 34.04.090 of:

- (a) Intent to deny the application of the district; and
 - (b) The district's opportunity for a hearing before the superintendent of public instruction or his or her designee prior to a denial of the application.
- (2) The district's application may be denied, in whole or part, in the event the district fails to request a hearing or the hearing decision upholds the proposed basis for denial. [Statutory Authority: RCW 28A.13.070(7). 80-11-054 (Order 80-31), § 392-171-696, filed 8/19/80. Formerly WAC 392-171-675. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-675, filed 10/31/78.]

MISCELLANEOUS PROGRAM REQUIREMENTS

WAC 392-171-701 Staff qualifications. All employees of a school district funded in whole or part with state or federal excess cost funds shall be qualified, as follows:

(1) All employees shall hold such credentials, certificates or permits as are now or hereafter required by the state board of education for the particular position of employment and shall meet such supplemental standards as may be established by the school district of employment. Supplemental standards established by a district may exceed, but not be less than, those established by this section.

(2) In addition to the requirement of subsection (1) of this section, all teachers shall possess "substantial professional training" and/or "successful prior experience" and support personnel shall meet standards established under the educational staff associate rules of the state board of education, as now or hereafter amended.

(a) "Successful prior professional experience" as used in this section shall mean at least three full school years of employment as a professional staff member in an approved special education program within the five year

period immediately preceding the school year of employment in a position supported in whole or part by excess cost apportionment funds.

(b) "Substantial professional training" as used in this section shall mean and be evidenced by either an appropriate special education endorsement or recommended placement upon the teaching certificate of an employee issued by the superintendent of public instruction or completion of teacher education program designed to prepare teachers of students with handicapping conditions offered by an institution approved by the state board of education for teacher certification purposes.

(3) Classified staff shall present evidence of either formal and/or adequate in-service training or successful experience in working with handicapped students.

(4) The assignment of personnel shall be consistent with training and experience appropriate to the age level (preschool, elementary, secondary) and type of program in which teaching will be performed. District reorganization, reductions in force, and reassignments shall be made in a manner consistent with the requirements of this section.

(5) The superintendent of public instruction or his or her designee may grant an exception to compliance with any of the staff qualifications imposed by this section which are above and beyond certification requirements imposed by the state board of education, only upon the request of a school district and the provision of satisfactory assurances by the district that noncompliance:

(a) Is unavoidable;

(b) Will be temporary and not extend beyond the school year for which the exception is requested; and

(c) Will not likely result in a significant reduction in the quality of the district's special education program.

(6) Notwithstanding any staff qualification requirement of this section to the contrary, employees of a school district which possess credentials as required by the state board of education and who were employed during and serving as of termination of the 1974-75 school year in the special education program of the district shall be deemed qualified for purposes of state program approval so long as they continue in such employment with that particular district. [Statutory Authority: RCW 28A.13.070(7). 80-11-054 (Order 80-31), § 392-171-701, filed 8/19/80.]

WAC 392-171-706 Transportation. (1) Methods. Transportation options for handicapped students shall include the following categories and shall be exercised in the following sequence:

(a) A scheduled school bus;

(b) Contracted transportation, including public transportation; and

(c) Other arrangements, including that provided by parents.

Board and room cost may be provided whenever the above stated transportation options are not feasible because of the need(s) of a handicapped student or because of the unavailability of adequate means of transportation, in accordance with rules of the superintendent of public instruction.

(2) Welfare of the student. The transportation of a handicapped student shall be in accordance with rules of the superintendent of public instruction governing transportation by public school districts.

(3) Bus aides and drivers.

Training and supervision of bus aides and drivers shall be the responsibility of the school district superintendent or his or her designee.

(4) Special equipment. Special equipment may include lifts, wheel chair holders, restrainers, and two-way radios. All such special equipment shall comply with specifications as now or hereafter contained in the specifications for school buses as now or hereafter established by the superintendent of public instruction.

(5) Transportation time on bus. Wherever reasonably possible, no student should be required to ride more than sixty minutes one way.

(6) Discipline of handicapped students during transportation. The discipline of a handicapped student during his or her transportation shall be the responsibility of the transporting district.

(7) Transportation for state residential school students to and from the sites of the educational program shall be the responsibility of the department of social and health services and each state residential school pursuant to law. [Statutory Authority: RCW 28A.13.070(7). 80-11-054 (Order 80-31), § 392-171-706, filed 8/19/80. Formerly WAC 392-171-690. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-690, filed 10/31/78.]

WAC 392-171-711 Facilities. Construction of special facilities or the remodeling of present facilities in order to meet the special education and related services needs of any handicapped student shall be provided in accordance with rules of the superintendent of public instruction and the state board of education which govern the construction and/or financing of school district facilities: *Provided*, That all educational facilities required for handicapped students in residential school programs shall be the responsibility of department of social and health services as provided by RCW 28A.58.774. [Statutory Authority: RCW 28A.13.070(7). 80-11-054 (Order 80-31), § 392-171-711, filed 8/19/80. Formerly WAC 392-171-695. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-695, filed 10/31/78.]

WAC 392-171-716 Comparable facilities. If a school district, in compliance with this chapter, operates a facility that is identifiable as being for handicapped students, the district shall assure that the facility and the services and activities provided therein are comparable in quality to the district's facilities, services, and activities for nonhandicapped students. [Statutory Authority: RCW 28A.13.070(7). 80-11-054 (Order 80-31), § 392-171-716, filed 8/19/80.]

WAC 392-171-721 Program length. The length of the education program for handicapped students shall be

at least as long as the education program for nonhandicapped students in terms of both the number of school days in the regular school year and the average number of hours per school day. If a handicapped student cannot attend school a full school day, the reason shall be documented in his or her education or medical records. [Statutory Authority: RCW 28A.13.070(7). 80-11-054 (Order 80-31), § 392-171-721, filed 8/19/80. Formerly WAC 392-171-705. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-705, filed 10/31/78.]

WAC 392-171-726 Administration of medication.

(1) Medication may be administered to a handicapped student by school district personnel subject to the state professional licensing laws and the following conditions:

(a) The medication shall be administered pursuant to a written order and written instruction from the student's physician; and

(b) The medication shall be supplied by the student's parent(s) (or the adult student).

(2) The orders and instructions shall be current, obtained at least yearly, and reviewed and updated whenever there is a significant change in the student's school activity program, in accordance with policies adopted by the school district. [Statutory Authority: RCW 28A.13.070(7). 80-11-054 (Order 80-31), § 392-171-726, filed 8/19/80.]

MONITORING/AUDITS--WITHHOLDING AND RECOVERY OF FUNDS

WAC 392-171-731 Monitoring. (1) The superintendent of public instruction or his or her designee shall annually monitor selected local school district special education programs. The purposes of monitoring shall be:

(a) To determine the school district's compliance with this chapter and the federal regulations implementing 20 USC Section 1401 et seq. (PL 94-142) and federal and state handicapped laws including validation of information included in school district applications for federal funds;

(b) To provide the school district with technical assistance for improving the quality of its special education program.

(2) The superintendent of public instruction or his or her designee shall develop procedures (including specific timelines) for monitoring school districts. These procedures must include:

(a) Collection of data and reports;

(b) Conduct of on-site visits;

(c) A review of state and federal special education fund utilization; and

(d) Comparison of a sampling of individualized education programs with the programs actually provided.

(3) Following a monitoring visit, a written monitoring report shall be submitted to the school district. The monitoring report shall include, but not be limited to:

(a) Findings of noncompliance, if any; and

(b) Required corrective actions for remediation of any such instance(s) of noncompliance.

(4) The school district shall have thirty calendar days after the date of its receipt of the monitoring report to provide the office of superintendent of public instruction with:

(a) Supplemental arguments and/or facts which may serve as a basis for alteration of the monitoring report;

(b) A written action plan which sets forth the measures the district shall take and time period(s) within which the district shall act in order to remediate the instance(s) of noncompliance;

(c) In the event that the district submits supplemental arguments and/or facts which may serve as a basis for alteration of the monitoring report, the office of superintendent of public instruction shall within thirty calendar days provide the district with a determination as to the alteration of the monitoring report. The school district shall, within thirty calendar days of receipt of the determination, provide the office of superintendent of public instruction a written action plan, if any, pursuant to that determination.

(5) The superintendent of public instruction or his or her designee shall either approve the plan as submitted or request the school district to make such modifications as are considered necessary. Once an approvable plan has been submitted, the district shall be provided written notice of:

(a) Approval;

(b) The performance expected of the district; and

(c) The schedule for periodic review or verification of the district's progress toward remediation of the instance(s) of noncompliance.

(6) If the school district fails to submit an approvable corrective action plan pursuant to WAC 392-171-731(4) or fails to comply with a corrective action plan approved pursuant to WAC 392-171-731(5), the superintendent of public instruction or his or her designee shall institute procedures to insure corrective action or prompt response to a monitoring report. Such procedures may include one or more of the following:

(a) Verification visits by OSPI staff to:

(i) Determine whether the school district is taking the required corrective action;

(ii) Expedite the school district's response to a monitoring report;

(iii) Provide any necessary technical assistance to the school district in its efforts to comply.

(b) Withhold, in whole or part, a specified amount of state and/or federal special education funds, pursuant to WAC 392-171-696 and 392-171-746.

(c) Initiate request for OSPI audit pursuant to WAC 392-171-736 through 392-171-756 which may result in the recovery of unlawfully received or expended of state and/or federal special education funds. [Statutory Authority: RCW 28A.13.070(7). 80-11-054 (Order 80-31), § 392-171-731, filed 8/19/80.]

WAC 392-171-736 Definition of "unlawfully received or expended funds." For the purpose of WAC

392-171-741 through 392-171-756, "unlawfully received or expended funds" shall mean any state or federal special education funds received and held or expended by a school district in a manner or for a purpose that is in violation of any provision of:

- (1) State statute or rule, including this chapter; or
- (2) Any federal rule or condition to funding that may now or hereafter supplement this chapter. [Statutory Authority: RCW 28A.13.070(7). 80-11-054 (Order 80-31), § 392-171-736, filed 8/19/80. Formerly WAC 392-171-715. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-715, filed 10/31/78.]

WAC 392-171-741 Audits. (1) The superintendent of public instruction or his or her designee shall conduct fiscal/program audits of school district special education programs. The purposes of such audits shall be:

- (a) To determine compliance or noncompliance with:
 - (i) A school district's application(s) for state and federal excess cost funds;
 - (ii) the provisions of this chapter; and
 - (iii) any supplemental federal conditions to funding as may now or hereafter exist.

- (b) To establish a factual basis for:
 - (i) The recovery of unlawfully received or expended state or federal special education funds; or
 - (ii) the initiation of fund withholding proceedings;
- (2) Preliminary audit report—Following an audit, a preliminary written audit report shall be submitted to the school district for review and comment. The preliminary audit report shall include, but not be limited to:

- (a) Findings of noncompliance which could include comparisons to findings of noncompliance as a result of monitoring, if any; and
- (b) Recommendations for remediation of any such instance(s) of noncompliance.

(3) The school district shall have fifteen days after the date of its receipt of the preliminary audit report to provide the superintendent of public instruction or his or her designee a written reply setting forth any supplemental arguments and/or facts that may serve as a basis for alteration of the preliminary finding(s) of noncompliance.

(4) Final audit report—A final written audit report shall be provided to the school district after review of the supplemental arguments and/or facts submitted by the district. The final audit report shall include, but not necessarily be limited to:

- (a) Findings of noncompliance, if any; and
- (b) Recommendations for remediation of any such instance(s) of noncompliance.

(5) The school district shall have fifteen days after the date of its receipt of the final audit report to provide the superintendent of public instruction or his or her designee a written plan which sets forth the measures the district shall take and time period(s) within which the district shall act in order to remedy the instance(s) of noncompliance.

(6) The superintendent of public instruction or his or her designee shall either approve the plan as submitted

or request the school district to make such modifications as are considered necessary. Once an approvable plan has been submitted the district shall be provided written notice of:

- (a) Approval;
- (b) The performance expected of the district; and
- (c) The schedule for periodic review or audit of the district's progress toward remediation of the instance(s) of noncompliance. [Statutory Authority: RCW 28A.13.070(7). 80-11-054 (Order 80-31), § 392-171-741, filed 8/19/80. Formerly WAC 392-171-720. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-720, filed 10/31/78.]

WAC 392-171-746 Fund withholding. (1) In the event a school district fails to submit an approvable remediation plan pursuant to WAC 392-171-741 or fails to submit an approvable corrective action plan pursuant to WAC 392-171-731 or fails to comply with a remediation plan approved pursuant to WAC 392-171-741 or fails to comply with a corrective action plan pursuant to WAC 392-171-731, the superintendent or his or her designee shall provide the school district notice pursuant to RCW 34.04.090 of:

- (a) Intent to withhold a specified amount of state and/or federal special education funds; and
- (b) The district's opportunity for a hearing before the superintendent of public instruction or his or her designee prior to commencement of the withholding.

(2) Funds may be withheld in whole or part in the event the district fails to request a hearing or the hearing decision upholds the final audit or monitoring in whole or part. [Statutory Authority: RCW 28A.13.070(7). 80-11-054 (Order 80-31), § 392-171-746, filed 8/19/80. Formerly WAC 392-171-725. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-725, filed 10/31/78.]

WAC 392-171-751 Recovery of funds. (1) If a preliminary audit conducted pursuant to WAC 392-171-741 indicates that a district has unlawfully received and/or expended either state or federal special education funds, the superintendent of public instruction or his or her designee shall provide the school district with an opportunity for an informal conference prior to the final audit report.

(2) If the final audit report sets forth one or more instances of unlawful receipt or expenditure of either state or federal special education funds, the superintendent of public instruction or his or her designee shall take such action as he or she deems necessary to recover the funds including, but not limited to, a reduction in future allocations of any amount of any state funds and/or any amount of federal special education funds to the district.

(3) No right to a hearing in connection with the recovery of funds unlawfully received and/or expended is granted by this chapter. [Statutory Authority: RCW 28A.13.070(7). 80-11-054 (Order 80-31), § 392-171-

751, filed 8/19/80. Formerly WAC 392-171-730. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-730, filed 10/31/78.]

WAC 392-171-756 Fund withholdings to enforce parent appeal decisions. The superintendent of public instruction or his or her designee may withhold any amount of state funds and/or any amount of federal special education funds as he or she deems necessary to enforce a decision made on appeal pursuant to WAC 392-171-566 and 392-171-571 without any necessity of a further hearing on the matter. [Statutory Authority: RCW 28A.13.070(7). 80-11-054 (Order 80-31), § 392-171-756, filed 8/19/80. Formerly WAC 392-171-735. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-735, filed 10/31/78.]

CITIZEN COMPLAINT PROCESS

WAC 392-171-761 Right to register and process complaints. (1) Any person, entity, or organization may register and process complaints alleging one or more violations of this chapter as provided for in WAC 392-171-761(2) through 392-171-781 complaint issues involve alleged violations of established laws and regulations.

(2) If a parent (or adult student) has a complaint which constitutes a basis in whole or in part for initiation of a due process hearing pursuant to WAC 392-171-531, a citizen complaint by that same parent (or adult student) will be held in abeyance until the hearing has been concluded.

(3) Complaints shall:

- (a) Be written;
- (b) Be signed by the complaining party;
- (c) Set forth the specific acts, conditions, or circumstance alleged to be in violation of this chapter.

(4) The complaint may be directed to the school district alleged to be in violation or to the superintendent of public instruction.

If to the superintendent of public instruction, the complaint will be referred to the school district alleged to be in violation for action pursuant to WAC 392-171-766 through 392-171-781. [Statutory Authority: RCW 28A.13.070(7). 83-08-029 (Order 83-1), § 392-171-761, filed 3/30/83; 80-11-054 (Order 80-31), § 392-171-761, filed 8/19/80. Formerly WAC 392-171-740. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-740, filed 10/31/78.]

WAC 392-171-766 Complaint directed to school district and designation of responsible school district employee. The superintendent of each school district shall designate at least one employee for monitoring and coordinating the district's compliance with this chapter. The employee designated pursuant to this section shall also be charged with the responsibility for investigating any complaint(s) communicated to the school district

pursuant to WAC 392-171-761. [Statutory Authority: RCW 28A.13.070(7). 83-08-029 (Order 83-1), § 392-171-766, filed 3/30/83; 80-11-054 (Order 80-31), § 392-171-766, filed 8/19/80. Formerly WAC 392-171-745. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-745, filed 10/31/78.]

WAC 392-171-771 School district investigation of and response to complaints directed to the school district.

(1) Upon receipt of a complaint pursuant to WAC 392-171-761, the employee(s) designated pursuant to WAC 392-171-766 or his or her designee shall investigate the allegation(s) set forth.

(2) Upon completion of the investigation, the designated employee(s) shall provide the district superintendent with a written report of the complaint and the results of the investigation. The district superintendent or his or her designee shall respond in writing to the complaining party as expeditiously as possible but in no event later than twenty calendar days after the date of receipt of such complaint by the school district.

(3) The response of the school district superintendent or his or her designee shall clearly state either:

(a) That the school district denies the allegations contained in the complaint; or

(b) The nature of such reasonable corrective measures deemed necessary to eliminate any such act, condition, or circumstance within the school district: *Provided*, That any such corrective measures deemed necessary shall be instituted as expeditiously as possible but in no event later than thirty calendar days following the date of the response to the complaining party. [Statutory Authority: RCW 28A.13.070(7). 83-08-029 (Order 83-1), § 392-171-771, filed 3/30/83; 80-11-054 (Order 80-31), § 392-171-771, filed 8/19/80. Formerly WAC 392-171-750. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-750, filed 10/31/78.]

WAC 392-171-776 Appeal to the superintendent of public instruction. (1) In the event a complainant remains aggrieved with the decision of a school district superintendent or his or her designee provided pursuant to WAC 392-171-771 or upon failure or refusal of the school district to respond, the complainant may appeal the decision to the superintendent of public instruction or in the case of a failure or refusal to respond may register the complaint with the superintendent of public instruction: *Provided*, That upon the refusal of a school district to grant a request of the parent (or adult student) for such a hearing made in conformance with WAC 392-171-531, the parent (or adult student) may register the complaint with the superintendent of public instruction.

(2) A written notice of appeal must be received by the superintendent of public instruction on or before the fifteenth day after the date the complainant received the written response of the school district superintendent pursuant to WAC 392-171-771 or in the case of a failure or refusal to respond pursuant to WAC 392-171-

771, a written notice registering the complaint must be received by the state superintendent of public instruction on or before the thirty-fifth day after the date the citizen registered the complaint with the school district. The notice shall set forth:

(a) A statement of the portion(s) of the school district superintendent's decision which is appealed or in the case of a failure or refusal to respond, a statement so indicating; and

(b) The relief or remedy requested by the complainant/appellant.

(3) "In the case of a school district's refusal to grant a request of a parent (or adult student) for a hearing made in conformance with WAC 392-171-531, a written notice registering the complaint must be received by the superintendent of public instruction on or before either the fifteenth day after the day the parent or adult student received notice of the district's refusal to grant a hearing or on or before the fifteenth day after the expiration of the time period for rendering a final decision pursuant to a request for a hearing (i.e., forty-five days after the date of receipt of a request for a hearing), whichever occurs first." [Statutory Authority: RCW 28A.13.070(7), 83-08-029 (Order 83-1), § 392-171-776, filed 3/30/83; 80-11-054 (Order 80-31), § 392-171-776, filed 8/19/80. Formerly WAC 392-171-755. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7), 78-11-074 (Order 11-78), § 392-171-755, filed 10/31/78.]

WAC 392-171-781 Actions in response to notices of appeal and notices registering complaints. (1) The superintendent of public instruction or his or her designee shall act expeditiously to investigate the allegation(s) in a written notice of appeal or a written notice registering the complaint that is deemed to be of substance and make a decision no later than fifteen calendar days after the receipt of either notice registered by a citizen.

(2) If the investigation reveals that there is merit to the allegation(s), the superintendent or his or her designee will provide for negotiations, or technical advice and assistance, or other remedial action in an attempt to achieve compliance with this chapter: *Provided*, That any corrective measures deemed necessary shall be instituted no later than ten calendar days following the decision of the superintendent of public instruction.

(3) If compliance is not achieved pursuant to subsection (2) of this section, the superintendent of public instruction or his or her designee will initiate fund withholding in compliance with the notice requirements of WAC 392-171-746, or initiate fund recovery, or initiate any other sanction deemed appropriate.

(4) In the event a complainant or school district remains aggrieved with the decision of the superintendent of public instruction or his or her designee, either party may appeal the decision to the secretary, department of education. [Statutory Authority: RCW 28A.13.070(7), 83-08-029 (Order 83-1), § 392-171-781, filed 3/30/83; 80-11-054 (Order 80-31), § 392-171-781, filed 8/19/80. Formerly WAC 392-171-760. Statutory

Authority: RCW 28A.13.010 and 28A.13.070(7), 78-11-074 (Order 11-78), § 392-171-760, filed 10/31/78.]

Chapter 392-173 WAC

SPECIAL EDUCATION PROGRAMS—STATE SCHOOLS FOR THE DEAF AND THE BLIND, AND EARLY CHILDHOOD DEVELOPMENTAL CENTERS

WAC

392-173-005	Purpose and authority.
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392-173-065	Program length.
392-173-075	Transportation and facilities.
392-173-080	Decisions, appeals and citizen complaints regarding educational programming and exclusion from an educational program.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

392-173-060	Program evaluation and revision. [Order 16-76, § 392-173-060, filed 12/21/76.] Repealed by 80-11-038 (Order 80-30), filed 8/15/80. Statutory Authority: RCW 72.05.140(2) and Art. III, § 22 of the state Constitution.
392-173-070	Staff qualifications and ratios. [Order 16-76, § 392-173-070, filed 12/21/76.] Repealed by 80-11-038 (Order 80-30), filed 8/15/80. Statutory Authority: RCW 72.05.140(2) and Art. III, § 22 of the state Constitution.

WAC 392-173-005 Purpose and authority. The purpose of this chapter is to accommodate the unique goals and student population of the state schools for the deaf and blind and the early childhood developmental centers operated by the department of social and health services by establishing the standards governing the development and implementation of special education and related services for handicapped residents of such schools who are under the age of twenty-one. This chapter applies to the maintenance and operation of such programs by the department of social and health services. The authority for the adoption of this chapter is based upon RCW 72.05.140(2) and Article 3, section 22, of the state Constitution. [Statutory Authority: RCW 72.05.140(2) and Art. III, § 22 of the state Constitution. 80-11-038 (Order 80-30), § 392-173-005, filed 8/15/80; Order 16-76, § 392-173-005, filed 12/21/76.]

WAC 392-173-010 Definitions. As used in this chapter: (1) "Department" shall mean the department of social and health services.

(2) The meaning of terms as used in this chapter shall be as provided in WAC 392-171-310, 392-171-311, 392-171-315, and 392-171-320.

(3) The term "schools" as used in this chapter shall mean the state schools for the deaf, blind, and the early childhood developmental centers.

(4) Early childhood developmental centers shall mean state/department supported community based programs for preschool students aged zero to two. [Statutory Authority: RCW 72.05.140(2) and Art. III, § 22 of the state Constitution. 80-11-038 (Order 80-30), § 392-173-010, filed 8/15/80; Order 16-76, § 392-173-010, filed 12/21/76.]

WAC 392-173-015 General duties of the department of social and health services and the superintendent of public instruction. In recognition of the facts that the department has the immediate statutory duty, authority, and responsibility to establish, maintain, operate, and administer a comprehensive program for the care, custody, control, and education of students at the state school for the deaf, blind and early childhood developmental centers; and that the superintendent of public instruction is charged with the responsibility of assisting the state schools so that the educational programs maintained therein shall be comparable to such programs provided for in chapter 392-171 WAC for children with similar aptitudes in local school districts; and that the superintendent of public instruction is appropriated federal funds for these programs from time to time and has the constitutional and statutory authority to supervise all matters pertaining to the public school system, the principal duties of the superintendent and department shall be as follows:

(1) The superintendent shall cooperate with the department in the exercise of powers granted by law with the objective of assuring each student an educational opportunity consistent with this chapter;

(2) The superintendent defers to the authority and duty of the department regarding the operation and maintenance of educational programs for students in such schools;

(3) The superintendent shall seek, allocate, and distribute federal funds made available for these programs on the condition that funds made available for the education of students be expended in compliance with the requirements of this chapter and other state or federal funding conditions; and

(4) The superintendent shall provide the department with information and the advice and services of his or her staff necessary to achieve the purpose of this chapter to the extent the same are reasonably available. [Statutory Authority: RCW 72.05.140(2) and Art. III, § 22 of the state Constitution. 80-11-038 (Order 80-30), § 392-173-015, filed 8/15/80; Order 16-76, § 392-173-015, filed 12/21/76.]

WAC 392-173-020 Referral and admission to a residential school—Eligibility for immediate placement. Students admitted to the state school for the blind and deaf shall be enrolled in an educational program within

ten days of admittance. Students placed in an early childhood developmental center are immediately eligible for an educational program. [Statutory Authority: RCW 72.05.140(2) and Art. III, § 22 of the state Constitution. 80-11-038 (Order 80-30), § 392-173-020, filed 8/15/80; Order 16-76, § 392-173-020, filed 12/21/76.]

WAC 392-173-025 Assessment, individual education plan, least restrictive environment, placement options, annual review of placement, and notice. The following provisions from chapter 392-171 WAC, education for all handicapped children, shall be applicable to students in such schools: WAC 392-171-346, 392-171-351, 392-171-356, 392-171-366, 392-171-371, 392-171-456, 392-171-461, 392-171-471, 392-171-481, 392-171-511, 392-171-516, 392-171-521, and 392-171-526: *Provided*, That in the case of students admitted to the state schools for the deaf, blind, and early childhood developmental centers, an assessment and an individual education plan must be completed within fifty days of enrollment. [Statutory Authority: RCW 72.05.140(2) and Art. III, § 22 of the state Constitution. 80-11-038 (Order 80-30), § 392-173-025, filed 8/15/80; Order 16-76, § 392-173-025, filed 12/21/76.]

WAC 392-173-030 Medical evaluation. Medical evaluation shall be the responsibility of the department whenever a handicapped student is suspected of having a health problem which may affect his or her educational program: *Provided*, That medical evaluations at the expense of the department as otherwise in behalf of the department shall be obtained only:

(1) At the direction of or with prior approval of the department's designee, (except in the case of an independent assessment pursuant to WAC 392-171-371).

(2) In accordance with criteria established by the department, but not limited to, the location of the evaluation and report required.

(3) When the student's personal physician, if the student has a physician, has been involved in the planning. [Statutory Authority: RCW 72.05.140(2) and Art. III, § 22 of the state Constitution. 80-11-038 (Order 80-30), § 392-173-030, filed 8/15/80; Order 16-76, § 392-173-030, filed 12/21/76.]

WAC 392-173-035 Education records. In addition to applicable laws on records and privacy for persons admitted to the state schools for the blind, deaf, and early childhood developmental centers, and the procedures, rules, and criteria of the department implementing such laws, the following provisions of chapter 392-171 WAC, education for all handicapped children, on education records shall be applicable to students admitted to these schools: WAC 392-171-591, 392-171-596, 392-171-601, 392-171-606, 392-171-611, 392-171-616, 392-171-621, 392-171-636, and 392-171-641. Hearings initiated to challenge information contained in the education record shall be conducted according to applicable state and federal laws and department procedures, rules and criteria implementing such laws. [Statutory Authority: RCW 72.05.140(2) and Art. III, § 22

of the state Constitution. 80-11-038 (Order 80-30), § 392-173-035, filed 8/15/80; Order 16-76, § 392-173-035, filed 12/21/76.]

WAC 392-173-040 Annual application. The following provision from chapter 392-171 WAC, education for all handicapped children, shall be applicable as they relate to ESEA Title I, P. L. 89-313 funds: WAC 392-171-691, and 392-171-696. [Statutory Authority: RCW 72.05.140(2) and Art. III, § 22 of the state Constitution. 80-11-038 (Order 80-30), § 392-173-040, filed 8/15/80; Order 16-76, § 392-173-040, filed 12/21/76.]

WAC 392-173-045 Staff qualifications. WAC 392-171-701 shall be applicable to all employees of the state schools for the blind, deaf and early childhood developmental disabilities centers. [Statutory Authority: RCW 72.05.140(2) and Art. III, § 22 of the state Constitution. 80-11-038 (Order 80-30), § 392-173-045, filed 8/15/80; Order 16-76, § 392-173-045, filed 12/21/76.]

WAC 392-173-050 Monitoring. WAC 392-171-731 shall be applicable for programs in the state schools for the blind, deaf, and early childhood developmental centers. [Statutory Authority: RCW 72.05.140(2) and Art. III, § 22 of the state Constitution. 80-11-038 (Order 80-30), § 392-173-050, filed 8/15/80; Order 16-76, § 392-173-050, filed 12/21/76.]

WAC 392-173-055 Audits. WAC 392-171-741, 392-171-746, 392-171-751, 392-171-756, and 392-171-736 shall be applicable for programs in the state schools for the blind, deaf and early childhood developmental centers: *Provided*, That audits and recovery of funds distributed to such schools will be limited to federal ESEA Title I, P. L. 89-313 funds. [Statutory Authority: RCW 72.05.140(2) and Art. III, § 22 of the state Constitution. 80-11-038 (Order 80-30), § 392-173-055, filed 8/15/80; Order 16-76, § 392-173-055, filed 12/21/76.]

WAC 392-173-065 Program length. WAC 392-171-721 shall be applicable for all students provided for by this chapter. [Statutory Authority: RCW 72.05.140(2) and Art. III, § 22 of the state Constitution. 80-11-038 (Order 80-30), § 392-173-065, filed 8/15/80; Order 16-76, § 392-173-065, filed 12/21/76.]

WAC 392-173-075 Transportation and facilities. The department shall provide or make arrangements for the provision of transportation and facilities necessary or appropriate to the conduct of its educational program. All such service or physical elements in support of an educational program shall be provided in a manner and condition which reasonably assures the safety, health, and attainment of educational goals and objectives on the part of each student. [Statutory Authority: RCW 72.05.140(2) and Art. III, § 22 of the state Constitution. 80-11-038 (Order 80-30), § 392-173-075, filed 8/15/80; Order 16-76, § 392-173-075, filed 12/21/76.]

WAC 392-173-080 Decisions, appeals and citizen complaints regarding educational programming and exclusion from an educational program. (1) Decisions made by the state school for the deaf, blind and early childhood developmental centers regarding the educational program of a student or the student's total or partial exclusion therefrom shall be the responsibility of the department, as shall be complaints registered by any person, entity, or organization alleging one or more violations of this chapter.

(2) Appeals and complaints by a parent, guardian, or a surrogate parent shall be pursuant to procedures as now or hereafter established by the department: *Provided*, That such procedures shall at least guarantee parents, guardians, surrogate parents, and others such notice and hearing rights as may now or hereafter be provided for in and pursuant to 20 USC § 1415 as amended by Public Law 94-142 including, but not limited to, prior notice of and a right to an impartial due process hearing in connection with decisions to initiate or change, or to refuse to initiate or change, the identification, evaluation, or educational placement of a student or the provision of an educational opportunity to a student. [Statutory Authority: RCW 72.05.140(2) and Art. III, § 22 of the state Constitution. 80-11-038 (Order 80-30), § 392-173-080, filed 8/15/80; Order 16-76, § 392-173-080, filed 12/21/76.]

**Chapter 392-185 WAC
CERTIFIED EDUCATIONAL CLINICS—
DISTRIBUTION OF STATE FUNDS**

WAC	
392-185-005	Purpose.
392-185-010	Definitions.
392-185-020	Application for funding.
392-185-030	Reimbursement eligibility—Contracts.
392-185-040	Initial diagnostic procedure—Fees and records.
392-185-050	Instruction—Fees.
392-185-060	Fees—Payment and procedures.
392-185-070	Fee revisions.
392-185-080	Fee revision—Appeal procedure.
392-185-090	Enrollment and absences.
392-185-100	Tuition—Limitations.
392-185-110	On-site monitoring.
392-185-120	State audit review.
392-185-130	Fund reallocation.
392-185-140	Return to regular school program.
392-185-150	Eligibility to take the general educational development (GED) tests.

WAC 392-185-005 Purpose. The purpose of this chapter is to establish the regulations and procedures necessary to distribute funds to certified educational clinics as provided in chapter 28A.97 RCW as enacted or hereafter amended and section 95(2), chapter 339, Laws of 1977 ex. sess. [Statutory Authority: RCW 28A.97.050 and 1977 ex.s. c 339 § 95 (uncodified). 78-03-008 (Order 1-78), § 392-185-005, filed 2/6/78, effective 3/9/78.]

WAC 392-185-010 Definitions. The following definitions shall apply to terms used in this chapter:

(1) The terms, "educational clinic," "basic academic skills," "a clinical-client centered basis," "individual diagnostic procedures," "general educational development tests," "educational gains," and "employment orientation," as defined in WAC 180-95-010 as adopted or hereafter amended shall apply to the provisions of this chapter.

(2) An "eligible common school dropout" shall mean a person who (a) has not completed high school; (b) has reached his or her thirteenth birthday and not attained his or her twentieth birthday; (c) does not show proficiency beyond the high school level in a test approved by the superintendent of public instruction which has been given as a part of the initial diagnostic procedure; and (d) has dropped out of a common school for at least one month and written verification is received from a school official of the common school last attended stating that such person is no longer in attendance at such school unless (i) the board of directors or its designee submits a written request that such person be admitted, or (ii) the person has been expelled or suspended pursuant to chapter 180-40 WAC. The fact that any person may be subject to the compulsory attendance law, chapter 28A-.27 RCW, shall not affect his or her qualifications as an eligible common school dropout under this chapter.

In addition, to qualify as an "eligible common school dropout" a child must have on file with the appropriate certified educational clinic a written waiver allowing the superintendent of public instruction to examine his or her records at the certified educational clinic at any time and for purposes consistent with the intent of this chapter and chapter 180-95 WAC.

(3) "Class size" is defined to be that number of students assigned to a single certificated teacher during the period of time for which reimbursement is requested regardless of whether or not the students are working on similar courses, subjects, or activities. [Statutory Authority: RCW 28A.97.050, 79-12-004 (Order 8-79), § 392-185-010, filed 11/9/79. Statutory Authority: RCW 28A.97.050 and 1977 ex.s. c 339 § 95 (uncodified). 78-03-008 (Order 1-78), § 392-185-010, filed 2/6/78, effective 3/9/78.]

WAC 392-185-020 Application for funding. Any certified educational clinic shall be eligible to apply for state reimbursement for costs pursuant to WAC 392-185-040 and 392-185-050 incurred in diagnostic screening of and/or instructional activities provided to eligible common school dropouts. Such applications shall be prepared in accordance with guidelines provided by the superintendent of public instruction. Neither certification of an educational clinic nor completion of required application materials shall guarantee receipt of funds. [Statutory Authority: RCW 28A.97.050 and 1977 ex.s. c 339 § 95 (uncodified). 78-03-008 (Order 1-78), § 392-185-020, filed 2/6/78, effective 3/9/78.]

WAC 392-185-030 Reimbursement eligibility—Contracts. The superintendent of public instruction shall provide reimbursement pursuant to contractual agreements with certified clinics. Contracts may be awarded

by the superintendent of public instruction to private educational institutions which (1) are certified as educational clinics by the state board of education pursuant to chapter 180-95 WAC, (2) are nonsectarian, (3) are financially sound pursuant to WAC 180-95-020(8), (4) are capable of fulfilling their educational commitment and (5) demonstrate past superior performance. Superior performance shall be based upon consideration of individual educational gains achieved by students, the backgrounds of those students, and the cost effectiveness of the clinic's program, as follows:

(a) Educational gains shall be evaluated by considering:

(1) Measured increases in academic achievement as determined by instruments approved by the superintendent of public instruction, and

(2) The student's subsequent participation in constructive activities, such as enrollment in a common or private school, employment, attendance at an institution of higher or vocational education, or military service.

(b) In evaluating educational gains, consideration shall be given to those factors in each student's background which might tend to reduce the cost effectiveness of those educational gains.

(c) In determining cost effectiveness of any educational clinic, the cost of services provided to students shall be computed by taking into consideration the reasonable value of all sources of support which are used in whole or in part, directly or indirectly, to provide services to students, including payments made under this chapter, and for nonprofit clinics, tax exemptions and any other costs to taxpayers at any level of government which result from such nonprofit status. [Statutory Authority: RCW 28A.97.050 and 1977 ex.s. c 339 § 95 (uncodified). 78-03-008 (Order 1-78), § 392-185-030, filed 2/6/78, effective 3/9/78.]

WAC 392-185-040 Initial diagnostic procedure—Fees and records. (1) For each initial diagnosis completed for an eligible student applicant, a certified educational clinic, consistent with the terms of its contract with the superintendent of public instruction, shall be entitled to a fee of not more than fifty dollars per eligible student: *Provided*, That the administration of any general education development test shall not be a part of such initial diagnostic procedures.

(2) A written record of the initial diagnostic process for each student served shall be available. This record shall include, but not be limited to: (a) A transcript of the student's previous academic history when available; (b) a description of the assessment processes used to determine ability, achievement, interest and aptitudes; (c) a summary of all diagnostic findings; and (d) a listing of the specific instructional objectives and program placement recommendations.

(3) The records of each student shall be signed and dated by the qualified person(s) conducting the diagnosis and making program recommendations.

(4) The records shall be completed prior to student admission to educational clinic classes for which state reimbursement for costs is sought under this chapter.

[Statutory Authority: RCW 28A.97.050. 79-12-004 (Order 8-79), § 392-185-040, filed 11/9/79. Statutory Authority: RCW 28A.97.050 and 1977 ex.s. c 339 § 95 (uncodified). 78-03-008 (Order 1-78), § 392-185-040, filed 2/6/78, effective 3/9/78.]

WAC 392-185-050 Instruction--Fees. The fees paid for each 60 minute hour of instruction shall be as follows:

(1) Sixteen dollars per hour per enrollee if the class size is no greater than one; or

(2) Ten dollars per hour per enrollee if the class size is at least two and no greater than five; or

(3) Five dollars per hour per enrollee if the class size is at least six. Revisions in such fees proposed by an educational clinic shall be allowed pursuant to WAC 392-185-070. [Statutory Authority: RCW 28A.97.050 and 1977 ex.s. c 339 § 95 (uncodified). 78-03-008 (Order 1-78), § 392-185-050, filed 2/6/78, effective 3/9/78.]

WAC 392-185-060 Fees--Payment and procedures. Consistent with the provisions of chapter 28A.97 RCW as enacted or hereafter amended, fee reimbursements made to certified educational clinics shall be made in accordance with the following:

(1) There shall be no reimbursement prior to the actual delivery of services.

(2) Payments related to diagnostic procedures and course activities shall be made from available funds first to those clinics which demonstrate superior performance in the judgment of the superintendent of public instruction in accordance with WAC 392-185-030.

(3) No certified educational clinic shall be entitled to receive payment for any student's course work undertaken prior to the completion of the initial diagnostic procedure.

(4) Upon submission of vouchers, the superintendent of public instruction shall reimburse certified educational clinics under contract for services provided to identified, eligible common school dropouts on the basis of records of diagnostic and instructional services rendered.

(5) Vouchers shall include the following:

(a) A roster of names of students;

(b) Diagnostic fees; and

(c) Fees for instruction based upon class sizes, subject areas and other pertinent data to allow for computation of reimbursement: *Provided*, That in the event of changes in class size, vouchers shall reflect appropriate changes and documentation shall appear in the records of the educational clinic: *Provided further*, That this information is submitted on voucher claim forms as provided by the superintendent of public instruction in accordance with written instructions.

(6) After a student has been in attendance in an educational clinic on 75 instructional days, for all or a portion of each such day, no further reimbursement fees shall be paid by the superintendent of public instruction for that student until the educational clinic submits a report explaining the student's educational difficulties, establishing a specific learning program for the student

and estimating the additional time required to achieve the educational objectives established at the time the student entered the program. An educational clinic may petition for such additional time prior to the seventy-fifth instructional day, but not sooner than the sixtieth instructional day. The superintendent of public instruction or his or her designee shall promptly review the report and continue reimbursement fees for not more than 60 days of additional instruction if the instructional plan appears reasonably likely to succeed. [Statutory Authority: RCW 28A.97.050 and 1977 ex.s. c 339 § 95 (uncodified). 78-03-008 (Order 1-78), § 392-185-060, filed 2/6/78, effective 3/9/78.]

WAC 392-185-070 Fee revisions. A certified educational clinic may submit a written request for fee revision to the superintendent of public instruction. A proposed fee revision must be accompanied by documentation supporting the need for the fee revision, including documentation of increased employee costs, increased non-employee related costs, and must include or be supplemented by such other information as the superintendent of public instruction may request.

The superintendent of public instruction may allow fee revisions if he or she finds that the proposed fee revision is reasonable. The superintendent of public instruction shall notify the clinic of approval or disapproval of such request within 30 days of receipt of the request: *Provided*, That no revision of fees shall be allowed during a contract period which shall not exceed one year from date of execution. [Statutory Authority: RCW 28A.97.050 and 1977 ex.s. c 339 § 95 (uncodified). 78-03-008 (Order 1-78), § 392-185-070, filed 2/6/78, effective 3/9/78.]

WAC 392-185-080 Fee revision--Appeal procedure. A decision of the superintendent of public instruction to deny a request for fee revision may be appealed by a certified educational clinic to the state board of education. The notification of appeal must be filed with the secretary of the state board of education within 15 days following the date of the superintendent's decision. The appeal will be conducted pursuant to WAC 180-95-060. [Statutory Authority: RCW 28A.97.050 and 1977 ex.s. c 339 § 95 (uncodified). 78-03-008 (Order 1-78), § 392-185-080, filed 2/6/78, effective 3/9/78.]

WAC 392-185-090 Enrollment and absences. Student records shall include entry and withdrawal dates. No reimbursement shall be made for students who are absent: *Provided*, That students may be reenrolled at any time. [Statutory Authority: RCW 28A.97.050. 79-12-004 (Order 8-79), § 392-185-090, filed 11/9/79. Statutory Authority: RCW 28A.97.050 and 1977 ex.s. c 339 § 95 (uncodified). 78-03-008 (Order 1-78), § 392-185-090, filed 2/6/78, effective 3/9/78.]

WAC 392-185-100 Tuition--Limitations. No certified educational clinic shall make any charge to any student or his or her parent, guardian, or custodian for whom a fee is being received under the provisions of

chapter 28A.97 RCW and this chapter. [Statutory Authority: RCW 28A.97.050 and 1977 ex.s. c 339 § 95 (uncodified). 78-03-008 (Order 1-78), § 392-185-100, filed 2/6/78, effective 3/9/78.]

WAC 392-185-110 On-site monitoring. The instructional program activities and procedures and records of students for whom fees are paid shall be monitored on-site on a schedule established by the superintendent of public instruction. [Statutory Authority: RCW 28A.97.050 and 1977 ex.s. c 339 § 95 (uncodified). 78-03-008 (Order 1-78), § 392-185-110, filed 2/6/78, effective 3/9/78.]

WAC 392-185-120 State audit review. Any certified educational clinic under contract with the superintendent of public instruction pursuant to chapter 28A.97 RCW and this chapter shall permit, without prior notice, a review of its records by the state auditor and/or the superintendent of public instruction during normal business hours. [Statutory Authority: RCW 28A.97.050 and 1977 ex.s. c 339 § 95 (uncodified). 78-03-008 (Order 1-78), § 392-185-120, filed 2/6/78, effective 3/9/78.]

WAC 392-185-130 Fund reallocation. Any fund balances remaining in a contract which is not fully performed shall revert to the original fund for reallocation by the superintendent of public instruction. [Statutory Authority: RCW 28A.97.050 and 1977 ex.s. c 339 § 95 (uncodified). 78-03-008 (Order 1-78), § 392-185-130, filed 2/6/78, effective 3/9/78.]

WAC 392-185-140 Return to regular school program. Upon recommendation of a certified educational clinic, a common school dropout shall be permitted to reenter the common school program at the grade level agreed upon following consultation between the certified educational clinic and appropriate common school authorities: *Provided*, That such individual shall be placed with the class he or she would have been in had he or she not dropped out and will be permitted to graduate with that class, if his or her ability allows, notwithstanding any loss of credits prior to reentry, and if such student earns credits at the normal rate subsequent to reentry. Documentation of educational achievement while the student is enrolled in a certified educational clinic is the responsibility of that clinic. The final student placement decision shall be the responsibility of the receiving school authority. No student who has attended a certified educational clinic shall be eligible to receive a diploma issued by an accredited high school unless that student has attended such high school during the last full term prior to graduation. [Statutory Authority: RCW 28A.97.050 and 1977 ex.s. c 339 § 95 (uncodified). 78-03-008 (Order 1-78), § 392-185-140, filed 2/6/78, effective 3/9/78.]

WAC 392-185-150 Eligibility to take the general educational development (GED) tests. Any student of a

certified educational clinic, upon completion of an individual student program, shall be eligible to take the general educational development (GED) tests at an authorized testing center as defined in WAC 180-95-010(5). [Statutory Authority: RCW 28A.97.050 and 1977 ex.s. c 339 § 95 (uncodified). 78-03-008 (Order 1-78), § 392-185-150, filed 2/6/78, effective 3/9/78.]

Chapter 392-190 WAC

EQUAL EDUCATIONAL OPPORTUNITY--SEX DISCRIMINATION PROHIBITED

WAC	
392-190-005	Purpose—Elimination of sex discrimination.
392-190-010	Counseling and guidance services—Career opportunities—Internal procedures.
392-190-015	Counseling and guidance—Duty of certificated and classroom personnel—Coordination of effort.
392-190-020	Inservice training—Sex bias awareness.
392-190-025	Recreational and athletic activities—Equal opportunity—Separate teams.
392-190-030	General—Recreational and athletic activities—Equal opportunity factors considered.
392-190-035	Recreational and athletic activities—Compliance timetable—Elementary and secondary level.
392-190-040	Recreational and athletic activities—Student interest—Required survey instrument.
392-190-045	Recreational and athletic activities—Facilities.
392-190-050	Course offerings—Generally—Separate sessions or groups permissible.
392-190-055	Textbooks and instructional materials—Scope—Elimination of sex bias—Compliance timetable.
392-190-060	Compliance—Local school district—Designation of responsible employee—Notification.
392-190-065	Compliance—Complaint procedure—District superintendent.
392-190-070	Compliance—Appeal procedure—Local school board.
392-190-075	Compliance—Contested case—Duty of the superintendent of public instruction.
392-190-080	Compliance—Violations—Permissible sanctions.

WAC 392-190-005 Purpose—Elimination of sex discrimination. The purpose of this chapter is to establish rules and regulations which implement chapter 28A.85 RCW. The referenced enactment prohibits discrimination on the basis of sex in grades K-12 of the Washington public schools. Broad federal regulations implementing Title IX of the Education Amendments of 1972 similarly prohibit sex discrimination in federally-assisted education programs or activities. As a result, several substantive areas have been similarly identified and addressed by both state and federal enactments.

It is the intent of this chapter to encompass those similar substantive areas addressed by the Title IX regulations and in some aspects extend beyond the Title IX regulations. Accordingly, compliance with this chapter should constitute compliance with those similar substantive areas treated in the Title IX regulations, but school districts should be aware that compliance with the Title IX regulations alone may not constitute compliance with this chapter.

Although chapter 28A.85 RCW and the balance of this chapter prohibit sex discrimination in grades K-12

only, the superintendent of public instruction hereby declares pursuant to the authority vested in the superintendent by Article 3, section 22 of the state Constitution that it shall be unlawful for any public school district to discriminate on the basis of sex with regard to any activity conducted by or in behalf of a school district including, but not limited to, preschool, adult education, community education and vocational-technical program activities. [Order 6-76, § 392-190-005, filed 5/17/76.]

WAC 392-190-010 Counseling and guidance services--Career opportunities--Internal procedures. (1) No school district shall engage in discrimination against any person on the basis of sex in the counseling or guidance of students in grades K-12.

(2) Each school district shall devise and use materials, orientation programs, and counseling techniques that will encourage participation in all school programs and courses of study based on factors other than sex and that encourage students to explore subjects and activities not heretofore traditional for their sex.

(3) Each school district which uses testing and other materials for appraising or counseling students shall not use different materials for students on the basis of their sex or use materials which permit or require different treatment of students on such basis unless (a) such different materials cover the same occupations and interest areas and (b) the use of such different materials is demonstrated to be essential to eliminate sex bias.

(4) Each school district shall develop and use internal procedures for ensuring that all tests and appraisal instruments, career and vocational guidance materials, work/study programs and opportunities, and educational scheduling and/or placement do not discriminate on the basis of sex: *Provided*, That where the use of such instruments or materials or such programs or activities results in a substantially disproportionate number of members of one sex in any particular course of study or classification, the school district shall take such immediate action as is necessary to assure itself that such disproportion is not the result of discrimination in the program or activity or in the instrument or material or its application: *Provided further*, That where a school district finds that a particular class contains a substantially disproportionate number of individuals of one sex, the district shall take such immediate action as is necessary to assure itself that such disproportion is not the result of discrimination on the basis of sex in tests and appraisal instruments, career and vocational guidance materials, work/study programs and opportunities, and educational scheduling and/or placement or by counselors. [Statutory Authority: RCW 28A.85.020, 28A.85.030, and 28A.85.050. 80-09-017 (Order 80-26), § 392-190-010, filed 7/9/80; Order 6-76, § 392-190-010, filed 5/17/76.]

WAC 392-190-015 Counseling and guidance--Duty of certificated and classroom personnel--Coordination of effort. (1) All certificated and classroom personnel shall encourage students to explore and develop their individual interests in career and vocational technical programs

and employment opportunities without regard to sex, including reasonable efforts encouraging students to consider and explore "nontraditional" occupations for men and women: *Provided*, That all certificated and classroom personnel within each local school district shall have access to an educational staff associate (ESA) certificated school counselor(s) or such other appropriate person(s), designated by the school district superintendent to coordinate compliance with the requirements of this section.

(2) All certificated and classroom personnel shall comply fully and immediately with the requirements of this section. The superintendent of each school district shall make the designation(s) required by this section immediately. [Order 6-76, § 392-190-015, filed 5/17/76.]

WAC 392-190-020 Inservice training--Sex bias awareness. Each school district should include sex bias awareness and sex bias elimination training sessions in such inservice training programs as are conducted or provided for certificated and/or classroom personnel. [Order 6-76, § 392-190-020, filed 5/17/76.]

WAC 392-190-025 Recreational and athletic activities--Equal opportunity--Separate teams. (1) No person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, be treated differently from another person or otherwise be discriminated against in any interscholastic, club or intramural athletics or recreational activity offered by a school district, and no school district shall provide any such athletics or recreational activity separately on such basis. Sports teams and programs offered by a school district shall, regardless of their nature, be equally open to participation by qualified members of both sexes: *Provided*, That in the case of sports and recreational activities offered for students in grades 7 through 12, a school district may maintain separate teams for members of each sex if (a) it can clearly be shown, under the factual circumstances involved in the particular case, that the maintenance of separate teams for boys and girls truly constitutes the best method of providing both sexes, as a whole, with an equal opportunity to participate in the sports or games of their choice and (b) at the same time, a test of substantial equality between the two programs can be found to have been met.

(2) For the purpose of this section and WAC 392-190-050(2) "substantial equality" shall be determined by considering factors including but not limited to the following:

- (a) The relationship between the skill and compensation of coaching staffs;
- (b) The size of their budgets;
- (c) The quality of competition and game schedules;
- (d) Uniforms;
- (e) Equipment and facilities; and
- (f) Sufficient numbers of participants to warrant separate teams. [Order 6-76, § 392-190-025, filed 5/17/76.]

WAC 392-190-030 General--Recreational and athletic activities--Equal opportunity factors considered. Each school district shall evaluate its recreational and athletic program at least once each year to ensure that equal opportunities are available to members of both sexes with respect to interscholastic, club or intramural athletics which are operated, sponsored, or otherwise provided by the school district.

In determining whether equal opportunities are available to members of both sexes with respect to interscholastic, club or intramural athletics, each school district conducting an evaluation required by this section, and the office of superintendent of public instruction upon receipt of a complaint pursuant to WAC 392-190-075, shall consider several factors, including but not limited to the following where provided by a school district:

(1) Whether the selection of sports and levels of competition effectively accommodates the interests and abilities of members of both sexes;

(2) The provision of equipment and supplies;

(3) The scheduling of games and practice times including the use of playfields, courts, gyms, and pools;

(4) Transportation and per diem allowances, if any;

(5) The opportunity to receive coaching and academic tutoring;

(6) The assignment and compensation of coaches, tutors, and game officials;

(7) The provision of medical and training facilities and services including the availability of insurance;

(8) The provision of housing, laundry, and dining facilities and services, if any; and

(9) Publicity and awards.

Unequal aggregate expenditures within a school district for members of each sex or unequal expenditures for separate male and female teams will not alone constitute noncompliance with this chapter, but the failure to provide the necessary funds for recreational and athletic activities for members of one sex may be considered in assessing the equality of opportunity for members of each sex. [Order 6-76, § 392-190-030, filed 5/17/76.]

WAC 392-190-035 Recreational and athletic activities--Compliance timetable--Elementary and secondary level. (1) Each school district which operates, sponsors, or otherwise provides interscholastic, club or intramural athletics at the elementary school level (K-6) shall provide equal opportunity and encouragement for physical and skill development to all students in the elementary grades consistent with this chapter.

(2) Each school district which operates, sponsors, or otherwise provides interscholastic, club or intramural athletics at the secondary school level (7-12) shall provide equal opportunity and encouragement for physical and skill development to all students in the secondary grades consistent with this chapter. [Statutory Authority: RCW 28A.85.020, 28A.85.030, and 28A.85.050. 80-09-017 (Order 80-26), § 392-190-035, filed 7/9/80; Order 6-76, § 392-190-035, filed 5/17/76.]

WAC 392-190-040 Recreational and athletic activities--Student interest--Required survey instrument. (1)

The superintendent of public instruction shall develop a survey instrument to assist each school district in the determination of student interest for male/female participation in specific sports.

(2) A survey instrument shall be administered by each school district at all grade levels where interscholastic, intramural and other sports and recreational activities are conducted. The results of the survey shall be considered in the program planning and development in the area of recreational and athletic activities offered within the school district.

(3) A survey instrument developed pursuant to this section shall be administered at least once every three years within each school district: *Provided*, That the content of the survey instrument may be modified or amended as deemed appropriate to clarify and assist in the evaluation of student interest. [Statutory Authority: RCW 28A.85.020, 28A.85.030, and 28A.85.050. 80-09-017 (Order 80-26), § 392-190-040, filed 7/9/80; Order 6-76, § 392-190-040, filed 5/17/76.]

WAC 392-190-045 Recreational and athletic activities--Facilities. A school district which provides athletic facilities for members of one sex including showers, toilets, and training room facilities for athletic purposes shall provide comparable facilities for members of the opposite sex: *Provided*, That such facilities may be provided as either separate facilities or shall be scheduled and used separately by members of each sex: *Provided further*, That this section shall not be interpreted to require the construction of additional facilities. [Statutory Authority: RCW 28A.85.020, 28A.85.030, and 28A.85.050. 80-09-017 (Order 80-26), § 392-190-045, filed 7/9/80; Order 6-76, § 392-190-045, filed 5/17/76.]

WAC 392-190-050 Course offerings--Generally--Separate sessions or groups permissible. No school district shall provide any course or otherwise carry out any of its education programs or activities separately on the basis of sex, or require or refuse participation therein by any of its students on such basis, including but not limited to health, physical education, industrial arts, business, vocational-technical, and home economics courses: *Provided*, That this section shall not be construed to prohibit:

(1) The grouping of students in physical education classes and activities by demonstrated ability as assessed by objective standards of individual performance developed and applied without regard to sex: *Provided*, That where use of a single standard of measuring skill or progress in a physical education class has an adverse effect on members of one sex, the school district shall immediately implement appropriate standards which do not have such effect;

(2) The separation of students by sex within physical education classes or activities offered for students in grades 7 through 12 if (a) it can clearly be shown under the factual circumstances involved in the particular case, that the maintenance of a separate physical education class or activity for boys and girls truly constitutes the best method of providing both sexes, as a whole, with an

equal opportunity to participate in such class or activity and (b) at the same time, a test of substantial equality between the two classes or activities can be found to have been met;

(3) The conduct of separate sessions for boys and girls with respect to those portions of classes which deal exclusively with human sexuality; and

(4) The conduct of classes and/or activities within which a school district may establish or maintain requirements based on vocal range or quality which may result in a chorus or choruses of one or predominantly one sex. [Statutory Authority: RCW 28A.85.020, 28A.85.030, and 28A.85.050. 80-09-017 (Order 80-26), § 392-190-050, filed 7/9/80; Order 6-76, § 392-190-050, filed 5/17/76.]

WAC 392-190-055 Textbooks and instructional materials--Scope--Elimination of sex bias--Compliance timetable. (1) It is the intent of this section to eliminate sex bias in connection with any form of instruction provided by a school district.

(2) The instructional materials policy of each school district required by RCW 28A.58.103 shall incorporate therein, as part of the selection criteria, a specific statement requiring the elimination of sex bias in all textbooks and instructional materials including reference materials and audio-visual materials.

(3) The instructional materials committee of each school district shall establish and maintain appropriate screening criteria designed to identify and eliminate sex bias in all textbooks and instructional materials including reference materials and audio-visual materials: *Provided*, That such selection criteria shall be consistent with the selection criteria endorsed by the state board of education dated December 6, 1974, WAC 180-48-010, as now or hereafter amended, and WAC 180-46-005 through 180-46-060, as now or hereafter amended. One of the aids to identification of sex bias in instructional materials consists of the Washington Models for the Evaluation of Bias Content in Instructional Materials published by the superintendent of public instruction.

(4) In recognition of the fact that current instructional materials which contain sex bias may not be replaced immediately, each school district should acquire supplemental instructional materials or aids to be used concurrent with existing materials for the purpose of countering the sex bias content thereof.

(5) Nothing in this section is intended to prohibit the use or assignment of supplemental instructional materials such as classic and contemporary literary works, periodicals and technical journals which, although they contain sex bias, are educationally necessary or advisable. [Statutory Authority: RCW 28A.85.020, 28A.85.030, and 28A.85.050. 80-09-017 (Order 80-26), § 392-190-055, filed 7/9/80; Order 6-76, § 392-190-055, filed 5/17/76.]

WAC 392-190-060 Compliance--Local school district--Designation of responsible employee--Notification. (1) The superintendent of each school district shall

immediately designate at least one employee who shall be responsible directly to the superintendent for monitoring and coordinating the district's compliance with this chapter. The employee designated pursuant to this section shall also be charged with the responsibility to investigate any complaint(s) communicated to the school district pursuant to WAC 392-190-065.

(2) Each school district shall, once each year or more often as deemed necessary, publish notice in a manner which is reasonably calculated to inform all students, students' parents, and employees of the name, office address and telephone number of the employee or employees appointed pursuant to this section and the appeal procedure set forth in WAC 392-190-065, WAC 392-190-070 and WAC 392-190-075 as now or hereafter amended. [Order 6-76, § 392-190-060, filed 5/17/76.]

WAC 392-190-065 Compliance--Complaint procedure--District superintendent. (1) Upon receipt of a complaint by a school district in the manner herein described, the employee or employees designated pursuant to WAC 392-190-060 shall investigate the allegations set forth and shall institute such other reasonable procedures to effect a prompt resolution of the complaint: *Provided*, That each complaint communicated to the school district shall be (a) written, (b) signed by the complaining party, and (c) set forth specific acts, conditions, or circumstances alleged to be violative of this chapter or the specific acts, conditions, or circumstances that would be prohibited by this chapter.

(2) Upon completion of the investigation required by this section in connection with a complaint communicated to the school district, the designated employee or employees shall provide the district superintendent with a full written report of the complaint and the results of the investigation. The district superintendent shall respond in writing to the complaining party as expeditiously as possible but in no event later than thirty calendar days following receipt of such complaint by the school district.

(3) The response of the school district superintendent required by this section shall clearly state either (a) that the school district denies the allegations contained in the complaint received pursuant to this section, or (b) the nature of such reasonable corrective measures deemed necessary to eliminate any such act, condition, or circumstance within the school district: *Provided*, That any such corrective measures deemed necessary shall be instituted as expeditiously as possible but in no event later than thirty calendar days following the school district superintendent's mailing of a written response to the complaining party required by this section.

(4) The complaint procedure required by this section shall not prohibit the processing of grievances by an employee bargaining representative and/or a member of a bargaining unit pursuant to grievance procedures established at the school district level by local bargaining agreement. [Order 6-76, § 392-190-065, filed 5/17/76.]

WAC 392-190-070 Compliance--Appeal procedure--Local school board. (1) In the event a complainant remains aggrieved as a result of the action or inaction of the superintendent in resolving a complaint as provided in WAC 392-190-065, said complainant may appeal to the school district board of directors by filing a written notice of appeal with the secretary of the school board on or before the tenth day following (a) the date upon which the complainant received the superintendent's response or (b) the expiration of the thirty day response period provided by WAC 392-190-065, whichever occurs first.

(2) An appeal to the board of directors pursuant to this section shall require the board of directors to schedule a hearing to commence on or before the twentieth day following the filing of the written notice of appeal. Both parties shall be allowed to present such witnesses and testimony as the board deems relevant and material. The board of directors shall render a written decision on or before the tenth day following the termination of the hearing, and shall provide a copy to all parties involved. [Order 6-76, § 392-190-070, filed 5/17/76.]

WAC 392-190-075 Compliance--Contested case--Duty of the superintendent of public instruction. (1) In the event a complainant remains aggrieved with the decision of a school district board of directors rendered pursuant to WAC 392-190-070, the complainant may appeal the board's decision to the superintendent of public instruction. Upon the receipt of a notice of appeal filed in compliance with this section, the superintendent of public instruction shall schedule a hearing to commence on or before the fortieth day thereafter.

(2) A notice of appeal must be received by the superintendent on or before the tenth day following the date upon which the complainant received written notice of the school board's decision. Furthermore, the notice must be in writing and must set forth (a) a concise statement of the portion or portions of the school board's decision which is appealed from, and (b) the relief requested by the complainant/appellant.

(3) Appeals to the superintendent shall be conducted de novo pursuant to the state Administrative Procedure Act (chapter 34.04 RCW). The complainant/appellant shall have the responsibility for prosecuting his or her case and the school district/respondent shall have the duty of defending the decision or portion thereof appealed. [Statutory Authority: RCW 28A.85.020, 28A.85.030, and 28A.85.050. 80-09-017 (Order 80-26), § 392-190-075, filed 7/9/80; Order 6-76, § 392-190-075, filed 5/17/76.]

WAC 392-190-080 Compliance--Violations--Permissible sanctions. In the event a school district is found to be in violation of the requirements of this chapter, the superintendent of public instruction may, by appropriate order pursuant to chapter 34.04 RCW, impose an appropriate sanction or institute appropriate corrective measures, including but not limited to (a) the termination of all or part of state apportionment or categorical moneys to the offending school district, (b) the

termination of specified programs wherein such violation or violations are found to be flagrant in nature, (c) the institution of a mandatory affirmative action program within the offending school district, and (d) the placement of the offending school district on probation with appropriate sanctions until such time as compliance is achieved or is assured, whichever is deemed appropriate in the particular case by the superintendent of public instruction. [Order 6-76, § 392-190-080, filed 5/17/76.]

Chapter 392-191 WAC

SCHOOL PERSONNEL--EVALUATION OF THE PROFESSIONAL PERFORMANCE CAPABILITIES

WAC

392-191-005	Purpose.
392-191-010	Minimum criteria--Certificated classroom teachers.
392-191-020	Minimum criteria--Certificated support personnel.

WAC 392-191-005 Purpose. The purpose of this chapter is to implement RCW 28A.67.065 as now or hereafter amended, which directs the superintendent of public instruction to establish minimum criteria for the evaluation of the professional performance capabilities and development of certificated classroom teachers and certificated support personnel.

This chapter establishes the minimum criteria which each school district shall adopt for the evaluation of the professional performance capabilities and development of certificated classroom teachers and certificated support personnel. [Order 20-76, § 392-191-005, filed 1/11/77.]

WAC 392-191-010 Minimum criteria--Certificated classroom teachers. The following are the minimum criteria for certificated classroom teachers:

(1) Instructional skill. The certificated classroom teacher demonstrates, in his or her performance, a competent level of knowledge and skill in designing and conducting an instructional experience.

(2) Classroom management. The certificated classroom teacher demonstrates, in his or her performance, a competent level of knowledge and skill in organizing the physical and human elements in the educational setting.

(3) Professional preparation and scholarship. The certificated classroom teacher exhibits, in his or her performance, evidence of having a theoretical background and knowledge of the principles and methods of teaching, and a commitment to education as a profession.

(4) Effort toward improvement when needed. The certificated classroom teacher demonstrates an awareness of his or her limitations and strengths, and demonstrates continued professional growth.

(5) The handling of student discipline and attendant problems. The certificated classroom teacher demonstrates the ability to manage the noninstructional, human dynamics in the educational setting.

(6) Interest in teaching pupils. The certificated classroom teacher demonstrates an understanding of and commitment to each pupil, taking into account each individual's unique background and characteristics. The

certificated classroom teacher demonstrates enthusiasm for or enjoyment in working with pupils.

(7) Knowledge of subject matter. The teacher demonstrates a depth and breadth of knowledge of theory and content in general education and subject matter specialization(s) appropriate to the elementary and/or secondary level(s). [Order 20-76, § 392-191-010, filed 1/11/77.]

WAC 392-191-020 Minimum criteria--Certificated support personnel. The following are the minimum criteria for certificated support personnel:

(1) Knowledge and scholarship in special field. Each certificated support person demonstrates a depth and breadth of knowledge of theory and content in the special field. He/she demonstrates an understanding of and knowledge about common school education and the educational milieu grades K-12, and demonstrates the ability to integrate the area of specialty into the total school milieu.

(2) Specialized skills. Each certificated support person demonstrates in his/her performance a competent level of skill and knowledge in designing and conducting specialized programs of prevention, instruction, remediation and evaluation.

(3) Management of special and technical environment. Each certificated support person demonstrates an acceptable level of performance in managing and organizing the special materials, equipment and environment essential to the specialized programs.

(4) The support person as a professional. Each certificated support person demonstrates awareness of his/her limitations and strengths and demonstrates continued professional growth.

(5) Involvement in assisting pupils, parents, and educational personnel. Each certificated support person demonstrates an acceptable level of performance in offering specialized assistance in identifying those needing specialized programs. [Order 20-76, § 392-191-020, filed 1/11/77.]

Chapter 392-195 WAC

SCHOOL PERSONNEL--IN-SERVICE TRAINING PROGRAM

WAC

392-195-005	Purpose.
392-195-010	Definitions.
392-195-015	Application for funding.
392-195-020	Allocation of funds.
392-195-025	Program reports.

WAC 392-195-005 Purpose. The purpose of this chapter is to provide for the allocation of funds for in-service training programs pursuant to the In-Service Training Act of 1977, chapter 28A.71 RCW. [Statutory Authority: RCW 28A.71.210. 78-09-115 (Order 78-7), § 392-195-005, filed 9/6/78.]

WAC 392-195-010 Definitions. As used in this chapter:

(1) "Applicants" shall mean common school districts and educational service districts.

(2) "In-service training" shall mean a cooperatively planned program of training for job-related activities designed to increase the competencies of common school certificated and classified employees in the performance of their assigned responsibilities.

(3) "Needs assessment" shall mean a systematic study of the educational needs of the community, staff and students to be served.

(4) "Funds" shall mean those funds appropriated by the legislature and available for the conduct and evaluation of in-service training programs. [Statutory Authority: RCW 28A.71.210. 78-09-115 (Order 78-7), § 392-195-010, filed 9/6/78.]

WAC 392-195-015 Application for funding. Applicants shall request funds from the superintendent of public instruction in accordance with the provisions set forth below:

(1) Applicants shall conduct a needs assessment.

(2) The board of an applicant shall appoint an advisory in-service training task force of members comprised of representatives from administrators, building principals, teachers, classified and support personnel employed by the applicant, an institution of higher education and the general public in such numbers as shall be established by the applicant board of directors.

(3) The applicant shall establish written goals and objectives, identify training activities relevant thereto and design evaluation procedures and criteria which assess the degree and level of attainment of the goals and objectives.

(4) The task force shall review applications submitted pursuant to this chapter and suggest changes, if any, in direction, focus, or evaluation methods. No application will be accepted which is not approved by a majority vote of the task force.

(5) Nonpublic school personnel may be invited to participate in continuing professional development activities by the applicant.

(6) Funds shall supplement, not supplant, the existing staff development and in-service activities of an applicant. [Statutory Authority: RCW 28A.71.210. 79-12-007 (Order 11-79), § 392-195-015, filed 11/9/79; 78-09-115 (Order 78-7), § 392-195-015, filed 9/6/78.]

WAC 392-195-020 Allocation of funds. The superintendent of public instruction or his or her designee shall evaluate each application approved by the applicant's task force and award funds to those programs which he or she deems to be in the best interest of the public school system. Consideration shall be given to:

(1) The potential of the proposed training activities for accomplishing the stated objectives;

(2) The extent to which the objectives are clearly defined and stated; and

(3) The appropriateness of the evaluation design. [Statutory Authority: RCW 28A.71.210. 78-09-115 (Order 78-7), § 392-195-020, filed 9/6/78.]

WAC 392-195-025 Program reports. Grantees shall report the results of their programs to the superintendent of public instruction. A financial report that sets forth the objects of expenditure, such as released time, contractual services, materials and supplies and travel shall also be submitted to the superintendent of public instruction. [Statutory Authority: RCW 28A.71.210, 78-09-115 (Order 78-7), § 392-195-025, filed 9/6/78.]

Chapter 392-200 WAC

SCHOOL PERSONNEL--PUBLIC SCHOOL EMPLOYMENT DISCRIMINATION PROHIBITED

WAC

392-200-005	Purpose--Authority.
392-200-010	Public school employment and contract practices--Sex discrimination.
392-200-015	Public school employment--Affirmative action program.
392-200-020	Public school employment--Affirmative action program--General.

WAC 392-200-005 Purpose--Authority. It is the purpose of this chapter to require each public school district to establish and implement affirmative action employment policies and programs to eliminate discrimination on the basis of sex, race, creed, color, national origin, marital status, age, or the presence of any sensory, mental, or physical handicap. The authority for the rules contained herein is founded upon chapter 28A.85 RCW and Article 3, section 22 of the Washington State Constitution. [Order 6-76, § 392-200-005, filed 5/17/76.]

WAC 392-200-010 Public school employment and contract practices--Sex discrimination. (1) No school district shall, on the basis of sex, exclude any person from participation in, deny any person the benefits of, or subject any person to discrimination in employment, recruitment, promotion or advancement, consideration or selection therefor, whether full time or part time, in connection with employment by a school district.

(2) Each school district shall make all employment decisions in a nondiscriminatory manner and shall not limit, segregate, or classify any person in any way which could adversely affect a person's employment opportunities or status on the basis of sex.

(3) No school district shall enter into any contractual or other relationship that directly or indirectly has the effect of subjecting any person to discrimination in connection with employment on the basis of sex, including but not limited to relationships with employment and referral agencies, with labor unions, and with organizations providing or administering fringe benefits to employees.

(4) No school district shall grant preferences to applicants for employment on the basis of attendance at any educational institution or entity which admits as students only or predominantly members of one sex, if the giving of such preferences has the effect of discriminating on the basis of sex. [Order 6-76, § 392-200-010, filed 5/17/76.]

WAC 392-200-015 Public school employment--Affirmative action program. (1) Each school district shall develop and/or incorporate within any existing affirmative action employment program appropriate provisions which are consistent with the intent of chapter 28A.85 RCW and such guidelines as are hereafter developed and distributed to each school district by the office of superintendent of public instruction to eliminate discrimination on the basis of sex, in connection with employment by the school district: *Provided*, That each school district's affirmative action employment program shall include at least the following provisions respecting discrimination on the basis of sex.

(a) Maintain credential requirements for all personnel;

(b) Make no differentiation in pay scale;

(c) Make no differentiation in the assignment of school duties except where such assignment would involve duty in areas or situations, such as but not limited to a shower room, where persons might be disrobed;

(d) Provide the same opportunities for advancement;

(e) Make no difference in conditions of employment including, but not limited to, hiring practices, leaves of absence, hours of employment and assignment of, or pay for, instructional and noninstructional duties; and

(f) Such other provisions as may be required by the superintendent of public instruction designed to facilitate the effective achievement of all reasonable affirmative action goals and objectives in public school employment respecting the elimination of discrimination on the basis of sex.

(2) Each affirmative action employment program of a school district shall be filed with the office of the superintendent of public instruction.

(3) The board of directors of each school district shall adopt and implement an approved affirmative action employment program required by this section as expeditiously as possible but in no event later than July 1, 1976. [Order 6-76, § 392-200-015, filed 5/17/76.]

WAC 392-200-020 Public school employment--Affirmative action program--General. (1) Notwithstanding the requirements of this chapter respecting discrimination on the basis of sex, each school district shall develop and/or incorporate within any existing affirmative action employment program appropriate provisions to eliminate discrimination on the basis of race, creed, color, national origin, marital status, age, or the presence of any sensory, mental, or physical handicap.

(2) Each affirmative action employment program of a school district shall be filed with the office of the superintendent of public instruction.

(3) The board of directors of each school district shall adopt and implement an approved affirmative action employment program required by this section as expeditiously as possible but in no event later than July 1, 1976. [Order 6-76, § 392-200-020, filed 5/17/76.]