

or include them by facsimile copy in the text or in an appendix to the brief. [Statutory Authority: RCW 34.04.022, 41.58.050, 41.56.090, 41.59.110 and 28B.52.080. 85-19-059 (Resolution No. 85-01), § 391-95-270, filed 9/16/85. Statutory Authority: RCW 28B.52.080, 41.56.040, 41.58.050, 41.59.110 and 47.64.040. 80-14-051 (Order 80-10), § 391-95-270, filed 9/30/80, effective 11/1/80.]

**Title 392 WAC**

**PUBLIC INSTRUCTION,  
SUPERINTENDENT OF**

**Chapters**

- 392-105 Superintendent of public instruction--Access to public records.
- 392-109 State board of education--Election of members.
- 392-121 Finance--General apportionment.
- 392-122 Finance--Categorical apportionment.
- 392-123 Finance--School district budgeting.
- 392-125 Finance--Educational service district budgeting.
- 392-126 Finance--Salary-compensation lid compliance.
- 392-127 Finance--Group total salary and insurance benefits compliance.
- 392-129 Finance--Emergency school closure.
- 392-132 Finance--Nonhigh participatory finance--Including transfer of M and O levy authority from high to nonhigh districts.
- 392-134 Finance--Apportionment for part-time public school attendance.
- 392-136 Finance--Conversion of accumulated sick leave.
- 392-137 Finance--Nonresident attendance.
- 392-138 Finance--Associated student body moneys.
- 392-139 Finance--Maintenance and operation levy limits.
- 392-140 Finance--Special allocations, instructions, and requirements.
- 392-141 Transportation--State allocation for operations.
- 392-142 Transportation--Replacement and depreciation allocation.
- 392-143 Transportation--Specifications for school buses.
- 392-145 Transportation--Operation rules.
- 392-160 Special service program--Transitional bilingual.
- 392-162 Special service program--Remediation assistance.
- 392-163 Special service program--Chapter 1 Regular of the Education Consolidation and Improvement Act of 1981, financial assistance to local school districts.
- 392-165 Special service program--Chapter 2 of the Education Consolidation and Improvement

- 392-170 Act of 1981, financial assistance to local school districts.
- 392-171 Special service program--Highly capable students.
- 392-173 Special education programs--Education for all handicapped children.
- 392-182 Special education programs--DSHS students.
- 392-182 Student--Health records.
- 392-184 Reentry to common schools--Educational clinic and other students.
- 392-185 Certified educational clinics--Distribution of state funds.
- 392-191 School personnel--Evaluation of the professional performance capabilities.
- 392-193 School personnel--Permits for aliens.
- 392-195 School personnel--In-service training program.
- 392-196 School personnel--Beginning teachers assistance program.
- 392-200 School personnel--Employment discrimination.
- 302-210 Student testing and evaluation--Washington state honors award program.

**Chapter 392-105 WAC**

**SUPERINTENDENT OF PUBLIC INSTRUCTION--  
ACCESS TO PUBLIC RECORDS**

**WAC**

392-105-003 Description of organization.

**WAC 392-105-003 Description of organization. (1)**

The superintendent of public instruction is a constitutional officer of the state charged with supervision over all matters pertaining to public schools. The superintendent of public instruction is also the statutory chief executive officer of the state board of education. Administrative offices of the superintendent of public instruction and the state board of education are located in Olympia, Washington.

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

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

(b) The office of the deputy superintendent of public instruction directs and coordinates the activities of the four operating divisions of the agency, the offices of professional education and certification, 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, including Chapter 1—Migrant and Chapter 2 and for administering the state's traffic safety program.

(e) The special 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 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, and remediation programs, including the programs, including the Chapter I—Regular programs.

(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, 42.17.260 and 42.17.320. 85-19-007 (Order 85-9), § 392-105-003, filed 9/6/85. Statutory Authority: RCW 42.17.250 and 42.17.320. 82-19-047 (Order 82-12), § 392-105-003, filed 9/14/82. Statutory Authority: RCW 42.17.250 and 42.17.260. 80-05-034 (Order 80-5), § 392-105-003, filed 4/15/80.]

### Chapter 392-109 WAC

#### STATE BOARD OF EDUCATION—ELECTION OF MEMBERS

##### WAC

392-109-037	Authority.
392-109-040	Purpose.
392-109-043	Election officer.
392-109-047	Annual elections.

392-109-050	Information necessary for the conduct of elections— Responsibility of school officials.
392-109-058	Tentative certification of electors.
392-109-060	Call of election.
392-109-070	Declaration and affidavit of candidacy form.
392-109-075	Biographical data form.
392-109-078	Certificate of electors.
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.

**WAC 392-109-037 Authority.** The authority for this chapter is RCW 28A.04.020 which authorizes the superintendent of public instruction to adopt rules and regulations for the conduct of election for members of the state board of education. [Statutory Authority: RCW 28A.04.020. 84-11-038 (Order 84-8), § 392-109-037, filed 5/15/84.]

**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 policies and procedures which implement the statutory election process for such positions. [Statutory Authority: RCW 28A.04.020. 84-11-038 (Order 84-8), § 392-109-040, filed 5/15/84; 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 392-109-043 Election officer.** In accordance with RCW 28A.04.020 the superintendent of public instruction shall serve as the election officer for the coordination and conduct of the election of members of the state board of education. [Statutory Authority: RCW 28A.04.020. 84-11-038 (Order 84-8), § 392-109-043, filed 5/15/84.]

**WAC 392-109-047 Annual elections.** Elections for members of the state board of education shall be conducted annually. [Statutory Authority: RCW 28A.04.020. 84-11-038 (Order 84-8), § 392-109-047, filed 5/15/84.]

**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, legal residence, mailing address and congressional district number of residence for each member of a board of directors. [Statutory Authority: RCW 28A.04.020. 84-11-038 (Order 84-8), § 392-109-050, filed 5/15/84; 80-07-038 (Order 80-20), § 392-109-050, filed 6/17/80.]

**WAC 392-109-058 Tentative certification of electors.** On August twenty-first of each year or if such date is a Saturday, Sunday, or holiday the state working day immediately preceding such date, the superintendent of public instruction shall certify a tentative list of electors consisting of all persons eligible to vote if the election were held on that date. Such list shall include the weighted vote for each elector based on the previous year's September enrollment. [Statutory Authority: RCW 28A.04.020. 84-11-038 (Order 84-8), § 392-109-058, filed 5/15/84.]

**WAC 392-109-060 Call of election.** On August twenty-fifth of each year or if such date is a Saturday, Sunday, or holiday the state working day immediately preceding such date 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, declaration of candidacy, biographical data form, tentative certification of electors, calendar and rules to each member of a public school district board of directors; and

(2) Mailing copies of the call of election notice, declaration of candidacy, biographical data form, tentative certification of electors, 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. 84-11-038 (Order 84-8), § 392-109-060, filed 5/15/84; 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 392-109-070 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 aware that if elected, I cannot concurrently serve as a member of the state board of education and as an employee of

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, or as a member of the board of directors of either a common school district or a private school; 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. 84-15-026 (Order 84-27), § 392-109-070, filed 7/11/84; 80-07-038 (Order 80-20), § 392-109-070, filed 6/17/80.]

**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 to the superintendent of public instruction by a candidate must be camera ready. Biographical data forms shall be reproduced as submitted and distributed by the superintendent of public instruction with the ballots to each voter. [Statutory Authority: RCW 28A.04.020. 84-11-038 (Order 84-8), § 392-109-075, filed 5/15/84; 80-07-038 (Order 80-20), § 392-109-075, filed 6/17/80.]

**WAC 392-109-078 Certificate of electors.** The list of eligible voters shall remain open for changes and deletions until 5:00 p.m. September 26 or in the event such date is a Saturday, Sunday, or holiday, until 5:00 p.m. the working day immediately following such date. The superintendent of public instruction as soon thereafter as is practical shall certify the list of electors and the weighted vote for each elector to be used for election purposes. [Statutory Authority: RCW 28A.04.020. 84-11-038 (Order 84-8), § 392-109-078, filed 5/15/84.]

**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 by 5:00 p.m. September 26 or in the event such date is a Saturday, Sunday, or holiday, the working day immediately following such date, 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. 84-11-038 (Order 84-8), § 392-109-080, filed 5/15/84; 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 (i.e., official ballot envelope) shall:

(a) Be labeled "official ballot";

(b) Be preaddressed with the "superintendent of public instruction" as addressee;

(c) Have provision for prepaid postage; 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. 84-11-038 (Order 84-8), § 392-109-085, filed 5/15/84; 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) If not already designated, completing the following information on the face of the official ballot envelope: 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. 84-11-038 (Order 84-8), § 392-109-090, filed 5/15/84; 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 or his or her designee and the election board. [Statutory Authority: RCW 28A.04.020. 84-11-038 (Order 84-8), § 392-109-095, filed 5/15/84; 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 October 25 or if such date is a Saturday, Sunday, or holiday, the state working day immediately preceding such date 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. 84-11-038 (Order 84-8), § 392-109-100, filed 5/15/84; 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 is not designated by name;
- (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. 84-11-038 (Order 84-8), § 392-109-105, filed 5/15/84; 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 viable candidates for the same position is less than the largest number of electoral points on a single ballot cast for the position. For the purpose of this section, the term viable candidate shall mean any candidate whose election outcome either for election or primary purposes could be changed if the electoral point difference noted above were added to his or her total votes.

(2) Upon request: If no automatic recount is conducted, a recount of votes cast shall be afforded any candidate as a matter of right: 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

board. [Statutory Authority: RCW 28A.04.020. 84-11-038 (Order 84-8), § 392-109-110, filed 5/15/84; 80-07-038 (Order 80-20), § 392-109-110, filed 6/17/80.]

**WAC 392-109-115 Certification of election.** Within ten calendar days after the date upon which the votes were counted, but no sooner than eight calendar days after the votes were counted by the election board, 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. 84-11-038 (Order 84-8), § 392-109-115, filed 5/15/84; 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.]

### Chapter 392-121 WAC

#### FINANCE--GENERAL APPORTIONMENT

##### WAC

392-121-100	Repealed.
392-121-101	Authority.
392-121-103	Purpose.
392-121-105	Definitions--Enrolled and full-time equivalent student.
392-121-110	Additional definitions.
392-121-121	Definition--Certificated staff mix factor.
392-121-125	Definition--District certificated staff mix factor.
392-121-126	Definition--System-wide certificated staff mix factor.
392-121-127	Proration of school district certificated staff mix factor.
392-121-128	Definition--Classified increment mix factor.
392-121-129	Definition--District classified increment mix factor.
392-121-130	Definition--Certificated years of experience.
392-121-131	Definition--Classified years of experience.
392-121-135	Definition--Highest degree level.
392-121-140	Definition--Credits earned since highest degree.
392-121-145	Placement of nondegree certificated personnel on LEAP Document 1.
392-121-150	Placement of certificated staff with degrees on certificated staff mix table.
392-121-155	Placement on certificated staff mix table--Documentation required.
392-121-170	Basic education allocation--Resident and nonresident students.
392-121-195	Fire district allocation.

#### DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

392-121-100	Authority and purpose. [Statutory Authority: RCW 28A.41.055 and 28A.41.170. 80-10-010 (Order 80-29), § 392-121-100, filed 7/28/80.] Repealed by 84-20-077 (Order 84-35), filed 10/2/84. Statutory Authority: RCW 28A.41.170.
-------------	--

**WAC 392-121-100 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 392-121-101 Authority.** The authority for this chapter is RCW 28A.41.170 which authorizes the superintendent of public instruction to adopt rules and regulations as are necessary for the proper administration of chapter 28A.41 RCW. This general authority is supplemental by RCW 28A.41.055 which authorizes the superintendent of public instruction to develop apportionment factors based on data and statistics derived in

an annual period established by the superintendent of public instruction. [Statutory Authority: RCW 28A.41-170. 84-20-077 (Order 84-35), § 392-121-101, filed 10/2/84.]

**WAC 392-121-103 Purpose.** The purpose of this chapter is to set forth policies and procedures related to the general apportionment of state moneys for the operation of common schools within the state of Washington. [Statutory Authority: RCW 28A.41.170. 84-20-077 (Order 84-35), § 392-121-103, filed 10/2/84.]

**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.58.754 for students who meet the entry age requirements pursuant to chapter 180-39 WAC.

(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. 84-20-077 (Order 84-35), § 392-121-105, filed 10/2/84; 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: *Provided*, Part-time students may be reported by a school district for apportionment purposes for the number of hours these students attend normal class periods or receive ancillary services as long as these hours would be reported for a public school student pursuant to WAC 392-121-105.

(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. 86-01-022 (Order 85-17),

§ 392-121-110, filed 12/9/85; 80-10-010 (Order 80-29), § 392-121-110, filed 7/28/80.]

**WAC 392-121-121 Definition--Certificated staff mix factor.** As used in this chapter, "certificated 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. 84-20-077 (Order 84-35), § 392-121-121, filed 10/2/84; 81-20-071 (Order 81-15), § 392-121-121, filed 10/6/81.]

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

(1) Assigning a certificated 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 certificated 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 certificated staff mix factors. [Statutory Authority: RCW 28A.41.170. 84-20-077 (Order 84-35), § 392-121-125, filed 10/2/84; 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 certificated staff mix factor.** As used in this chapter, the term "system-wide certificated 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 certificated 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 certificated staff mix factor. [Statutory Authority: RCW 28A.41.170. 84-20-077 (Order 84-35), § 392-121-126, filed 10/2/84; 81-20-071 (Order 81-15), § 392-121-126, filed 10/6/81.]

**WAC 392-121-127 Proration of school district certificated staff mix factor.** If the system-wide certificated staff mix factor exceeds 1.6182 in 1981-82 and 1982-83, each district's certificated staff mix factor shall be prorated down by a uniform percentage to the extent necessary to bring the system-wide certificated staff mix factor to 1.6182 in each of those years. The superintendent shall make the initial calculation of the system-wide certificated staff mix factor no later than the last business day in January of each year. The superintendent shall incorporate the revised district certificated 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 certificated 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 certificated staff mix factor and uniform percentage rate for reducing each district's certificated 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. 84-20-077 (Order 84-35), § 392-121-127, filed 10/2/84; 81-20-071 (Order 81-15), § 392-121-127, filed 10/6/81.]

**WAC 392-121-128 Definition--Classified increment mix factor.** As used in this chapter, "classified increment mix factor" shall mean any one of the numbers to three decimal places which appear on the following schedule relating years of experience to a weighting factor as shown below:

<u>YEARS OF EXPERIENCE</u>	<u>WEIGHTING FACTOR</u>
0.4 or less	1.000
0.5 to 1.4	1.050
1.5 to 2.4	1.103
2.5 to 3.4	1.158
3.5 to 4.4	1.216
4.5 or more	1.276

[Statutory Authority: RCW 28A.41.170 and 28A.41.055. 84-17-051 (Order 84-30), § 392-121-128, filed 8/13/84.]

**WAC 392-121-129 Definition--District classified increment mix factor.** As used in this chapter, the term "district classified increment mix factor" shall mean that number calculated to three decimal places as determined by:

(1) Assigning a classified increment mix factor from the schedule provided in WAC 392-121-128 to each classified employee of the school district who is employed in the school district's basic education program as determined by the school district on November 1 of each school year depending on the employee's placement on the appropriate years of experience line. Placement on the schedule provided in WAC 392-121-128 shall be according to the following criteria:

Number of years of experience in the current district job assignment(s) as defined in WAC 392-121-131: *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.

(2) Multiplying the number of full-time equivalent employees as of November 1 with assigned classified increment mix factors by those factors; and

(3) Dividing the total obtained in subsection (2) of this section by the district's total number of full-time equivalent classified employees in basic education as of November 1 with assigned increment mix factors. [Statutory Authority: RCW 28A.41.170 and 28A.41.055. 84-17-051 (Order 84-30), § 392-121-129, filed 8/13/84.]

**WAC 392-121-130 Definition--Certificated years of experience.** 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.41.170. 84-20-077 (Order 84-35), § 392-121-130, filed 10/2/84. Statutory Authority: RCW 28A.41.055 and 28A.41.170. 80-10-010 (Order 80-29), § 392-121-130, filed 7/28/80.]

**WAC 392-121-131 Definition--Classified years of experience.** As used in this chapter, "classified years of experience" shall mean the number of years of regularly scheduled employment, within the district in the current district job assignment(s) for each individual classified employee prior to the current reporting year, and shall be reported by the school district to the nearest tenth. Regularly scheduled part-time employment for one hundred eighty days or more shall be reported as one year of experience. Unscheduled substitute experience shall not be reported. [Statutory Authority: RCW 28A.41.170 and 28A.41.055. 84-17-051 (Order 84-30), § 392-121-131, filed 8/13/84.]

**WAC 392-121-135 Definition--Highest degree level.** 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.41.170. 84-20-077 (Order 84-35), § 392-121-135, filed 10/2/84. 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 Definition--Credits earned since highest degree.** 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.41.170. 84-20-077 (Order 84-35), § 392-121-140, filed 10/2/84. 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.

(4) Persons designated as the school district superintendent shall be placed in the BA column. [Statutory Authority: RCW 28A.41.170. 84-20-077 (Order 84-35), § 392-121-145, filed 10/2/84; 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 certificated 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 regardless of whether the first degree was in education. 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.41.170. 84-20-077 (Order 84-35), § 392-121-150, filed 10/2/84. 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 certificated 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. Districts shall document the credits which were earned after the awarding or conferring of the highest degree. Documentation for credits after the degree shall be on an official transcript or letter from the institution granting the credits.

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. 84-20-077 (Order 84-35), § 392-121-155, filed 10/2/84; 81-20-071 (Order 81-15), § 392-121-155, filed 10/6/81. Statutory Authority: RCW 28A.41.055 and 28A.41.170. 80-10-010 (Order 80-29), § 392-121-155, filed 7/28/80.]

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

(2) State basic education allocation funds shall be paid to each school district for resident students and nonresident students who are enrolled pursuant to chapter 392-135 WAC (interdistrict cooperation) or chapter 392-137 WAC (nonresident attendance). Such funds

shall be paid to the school district in which the student attends school.

(3) Any school district that terminates an interdistrict cooperative agreement established pursuant to chapter 392-135 WAC for which the superintendent of public instruction executes a transfer of basic education funds for apportionment purposes shall inform the superintendent of public instruction and the serving district of the termination in writing. The superintendent of public instruction shall adjust the involved districts' apportionment after the written notification of termination has been received. [Statutory Authority: RCW 28A.41.170. 84-20-077 (Order 84-35), § 392-121-170, filed 10/2/84; 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 392-121-195 Fire district allocation.** In addition to those moneys distributed for basic education purposes, school districts are entitled per RCW 52.36-.020 to be reimbursed for moneys expended for the purchase of fire protection services from fire protection districts. Only school plants located in a fire protection district established pursuant to chapter 52.04 RCW shall be eligible for such moneys.

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

The headcount enrollment used to compute each district's reimbursement will be as of October 1 of the school year for which the allocation is being made. The count shall be entered on forms provided to school districts by the superintendent of public instruction.

Any moneys 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 moneys appropriated by the legislature for fire protection service reimbursement are insufficient to support the allocation rate per student, the rate shall be reduced equally for all eligible districts on a pro rata basis. [Statutory Authority: RCW 28A.41.170 and 28A.41.055. 84-13-019 (Order 84-9), § 392-121-195, filed 6/13/84. Statutory Authority: RCW 28A.41.170. 81-20-071 (Order 81-15), § 392-121-195, filed 10/6/81.]

### Chapter 392-122 WAC

#### FINANCE--CATEGORICAL APPORTIONMENT

##### WAC

392-122-005	Authority.
392-122-010	Purpose.
392-122-100	State handicapped program—Applicable code provisions.
392-122-105	Definition—LEAP document for state handicapped program allocation.
392-122-106	Definition—Form P-223H.
392-122-107	Definition—Report 1220.

392-122-110	Definition—State handicapped program—Handicapped program certificated derived base salary.
392-122-115	Definition—State handicapped program—Handicapped program classified derived base salary.
392-122-120	State handicapped program—Handicapped program certificated derived base salary.
392-122-125	State handicapped program—Handicapped program classified derived base salary.
392-122-130	State handicapped program—Nonemployee related cost.
392-122-131	State handicapped program—Basic education backout.
392-122-132	State handicapped program—Substitute teacher pay allocations.
392-122-135	State handicapped program—Eligible handicapped students.
392-122-140	State handicapped program—Home and/or hospital care.
392-122-145	State handicapped program—Home and/or hospital care—Extended absences.
392-122-150	State handicapped program—Hospital educational program.
392-122-155	State handicapped program—Board and room cost.
392-122-160	State handicapped program—Reporting.
392-122-200	State institutional education program—Applicable code provisions.
392-122-205	State institutional education program—Eligible programs.
392-122-210	Definition—State institutional education program—Institutional program certificated derived base salary.
392-122-215	Definition—State institutional education program—Institutional program classified average salary.
392-122-230	State institutional education program—Eligible institutional education students.
392-122-235	State institutional education program—Institutional program certificated average salary.
392-122-240	State institutional education program—Institutional program classified average salary.
392-122-245	State institutional education program—Institutional program insurance benefits.
392-122-250	State institutional education program—Institutional program nonemployee related cost.
392-122-255	State institutional education program—Institutional program indirect cost.
392-122-260	State institutional education program—Basic education back-out for state learning centers.
392-122-265	State institutional education program—Institutional program traffic safety allocation.
392-122-270	State institutional education program—Initial allocation.
392-122-275	State institutional education program—Reporting.
392-122-600	State remediation assistance program—Applicable code provisions.
392-122-605	Formula for distribution of state moneys for the state remediation assistance program.
392-122-610	Distribution of state moneys for the state remediation assistance program.
392-122-700	State transitional bilingual program—Applicable code provisions.
392-122-705	Formula for the distribution of state moneys for the state transitional bilingual program.
392-122-710	Distribution of state moneys for the transitional bilingual program.
392-122-800	State highly capable students education program—Applicable code provisions.
392-122-805	Formula for distribution of state moneys for the state highly capable students education program.
392-122-810	Distribution of state moneys for the state highly capable students education program.
392-122-900	General provision—Carryover prohibition.
392-122-905	General provision—Maximum control factor—Proration.

**WAC 392-122-005 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 implementation of chapter 28A.41 RCW. [Statutory Authority: RCW 28A.41.170. 84-13-020 (Order 84-10), § 392-122-005, filed 6/13/84.]

**WAC 392-122-010 Purpose.** The purpose of this chapter is to establish policies and procedures for the distribution of state moneys to school districts for programs authorized by RCW 28A.41.162 other than basic education apportionment and transportation allocations. [Statutory Authority: RCW 28A.41.170. 84-13-020 (Order 84-10), § 392-122-010, filed 6/13/84.]

**WAC 392-122-100 State handicapped program--Applicable code provisions.** The following sections of this chapter are applicable to the distribution of state moneys for the state education program for handicapped students:

- (1) WAC 392-122-100 through 392-122-160; and
- (2) WAC 392-122-900 through 392-122-905. [Statutory Authority: RCW 28A.41.170. 84-20-078 (Order 84-36), § 392-122-100, filed 10/2/84.]

**WAC 392-122-105 Definition--LEAP document for state handicapped program allocation.** "LEAP document for state handicapped program allocation" means the formula unit worksheet establishing the ratios and percentage distribution of specified handicapping conditions cited in the State Operating Appropriations Act currently in effect for the purpose of distributing handicapped program allocations. [Statutory Authority: RCW 28A.41.170. 84-20-078 (Order 84-36), § 392-122-105, filed 10/2/84.]

**WAC 392-122-106 Definition--Form P-223H.** "Form P-223H" shall mean the report of school district handicapped headcount enrollment for eligible handicapped students as defined in WAC 392-122-135 submitted monthly by the school districts to the superintendent of public instruction for the school year for the purpose of calculating the handicapped program allocations. The count dates for handicapped student enrollments shall be the same as specified in WAC 392-121-105(2). This report shall indicate the handicapped enrollment by resident school district and serving school district. [Statutory Authority: RCW 28A.41.170. 86-01-021 (Order 85-16), § 392-122-106, filed 12/9/85.]

**WAC 392-122-107 Definition--Report 1220.** "Report 1220" shall mean the school district's handicapped allocation report calculated and prepared by the superintendent of public instruction using the district's eight-month average annual headcount enrollment as submitted on Form P-223H for the school year and the ratios and percentages established in the LEAP document for state handicapped programs as defined in WAC 392-122-105. For the purpose of handicapped allocations, the district's eight-month average annual headcount enrollment shall be the average of the enrollments for first

school day of the second reporting month and the subsequent seven months. [Statutory Authority: RCW 28A.41.170. 86-01-021 (Order 85-16), § 392-122-107, filed 12/9/85.]

**WAC 392-122-110 Definition--State handicapped program--Handicapped program certificated derived base salary.** "Handicapped program certificated derived base salary" means the handicapped program certificated derived base salary for the current school year calculated and provided annually by the superintendent of public instruction for the purpose of distributing handicapped program allocations. [Statutory Authority: RCW 28A.41.170. 84-20-078 (Order 84-36), § 392-122-110, filed 10/2/84.]

**WAC 392-122-115 Definition--State handicapped program--Handicapped program classified derived base salary.** "Handicapped program classified derived base salary" means the handicapped program classified average salary for the current school year calculated and provided annually by the superintendent of public instruction for the purpose of distributing handicapped program allocations. [Statutory Authority: RCW 28A.41.170. 86-01-021 (Order 85-16), § 392-122-115, filed 12/9/85; 84-20-078 (Order 84-36), § 392-122-115, filed 10/2/84.]

**WAC 392-122-120 State handicapped program--Handicapped program certificated derived base salary.** State handicapped program moneys shall be allocated using each school district's handicapped program certificated derived base salary and its staff mix factor for certificated handicapped program staff as provided in the state operating appropriation act currently in effect and provided by the superintendent of public instruction for the purpose of distributing handicapped program allocations. The certificated staff mix factor used for certificated staff in each school district shall be determined using the procedure described in WAC 392-121-121 and 392-121-125. The staff mix factor and average salary computations shall be based on certificated staff as reported on Form S-275 with work assignments in the state handicapped program. [Statutory Authority: RCW 28A.41.170. 84-20-078 (Order 84-36), § 392-122-120, filed 10/2/84.]

**WAC 392-122-125 State handicapped program--Handicapped program classified derived base salary.** State handicapped program moneys shall be allocated using each school district's handicapped program classified derived base salary and its classified increment mix factor for classified state handicapped program staff as provided in the state operating appropriation act currently in effect and provided by the superintendent of public instruction for the purpose of distributing handicapped program allocations. The classified increment mix factor used for classified staff in each school district shall be determined using the procedure described in WAC 392-121-128 and 392-121-129. The classified increment mix factor and average salary computations

shall be based on classified staff as reported on Form S-277 with work assignments in the state handicapped program. [Statutory Authority: RCW 28A.41.170. 86-01-021 (Order 85-16), § 392-122-125, filed 12/9/85; 84-20-078 (Order 84-36), § 392-122-125, filed 10/2/84.]

**WAC 392-122-130 State handicapped program--Nonemployee related cost.** State handicapped program moneys for nonemployee related costs (NERC) shall be allocated to school districts for eligible handicapped students served at the maximum rate established in the LEAP document for state handicapped programs. [Statutory Authority: RCW 28A.41.170. 84-20-078 (Order 84-36), § 392-122-130, filed 10/2/84.]

**WAC 392-122-131 State handicapped program--Basic education backout.** The district's basic education backout shall be calculated based on the percentages established in the LEAP document for state handicapped programs as defined in WAC 392-122-105. [Statutory Authority: RCW 28A.41.170. 86-01-021 (Order 85-16), § 392-122-131, filed 12/9/85.]

**WAC 392-122-132 State handicapped program--Substitute teacher pay allocations.** State handicapped program moneys for substitute teacher pay allocations shall be allocated to school districts for certificated staff units at the maximum rate established in the LEAP document for state handicapped programs as defined in WAC 392-122-105. [Statutory Authority: RCW 28A.41.170. 86-01-021 (Order 85-16), § 392-122-132, filed 12/9/85.]

**WAC 392-122-135 State handicapped program--Eligible handicapped students.** State handicapped program moneys shall be allocated in accordance with the LEAP document for state handicapped program allocation for each served, eligible handicapped student as defined in:

- (1) WAC 392-171-381 (developmentally handicapped preschool students);
  - (2) WAC 392-171-386 (seriously behaviorally disabled students);
  - (3) WAC 392-171-391 (communication disordered students);
  - (4) WAC 392-171-396 (orthopedically impaired students);
  - (5) WAC 392-171-401 (health impaired students);
  - (6) WAC 392-171-406 (specific learning disabled students);
  - (7) WAC 392-171-421 (mentally retarded students);
  - (8) WAC 392-171-431 (multihandicapped students);
  - (9) WAC 392-171-436 (deaf students);
  - (10) WAC 392-171-441 (hard of hearing students);
  - (11) WAC 392-171-446 (visually handicapped students); and
  - (12) WAC 392-171-451 (deaf-blind students).
- [Statutory Authority: RCW 28A.41.170. 84-20-078 (Order 84-36), § 392-122-135, filed 10/2/84.]

**WAC 392-122-140 State handicapped program--Home and/or hospital care.** State handicapped program moneys shall be allocated to school districts for students eligible under WAC 392-171-486 temporarily requiring home and/or hospital care at the maximum rate provided annually by the superintendent of public instruction for the purpose of distributing home and/or hospital care allocations. [Statutory Authority: RCW 28A.41.170. 84-20-078 (Order 84-36), § 392-122-140, filed 10/2/84.]

**WAC 392-122-145 State handicapped program--Home and/or hospital care--Extended absences.** Students eligible under WAC 392-171-486 temporarily requiring home and/or hospital care, otherwise not deemed "handicapped" pursuant to WAC 392-171-310, whose absence from the regular attendance continues through two consecutive monthly enrollment report days shall be dropped from the rolls and shall not be counted as an enrolled student until attendance is resumed as provided under WAC 392-121-180(6). These students whose absences extends beyond the two consecutive monthly enrollment report days shall only be eligible for home and/or hospital care allocations until attendance in the regular program is resumed. [Statutory Authority: RCW 28A.41.170. 84-20-078 (Order 84-36), § 392-122-145, filed 10/2/84.]

**WAC 392-122-150 State handicapped program--Hospital educational program.** State handicapped program moneys shall be allocated by the superintendent of public instruction to school districts operating a hospital educational program for the exclusive purpose of maintaining and operating the hospital educational program. School districts shall be allocated funds for hospital educational programs at the maximum rate provided annually by the superintendent of public instruction for the purpose of distributing hospital educational program allocations. [Statutory Authority: RCW 28A.41.170. 84-20-078 (Order 84-36), § 392-122-150, filed 10/2/84.]

**WAC 392-122-155 State handicapped program--Board and room cost.** State handicapped program moneys shall be allocated to school districts for the cost of approved board and room for eligible handicapped students served and requiring board and room, who are not eligible under programs of the department of social and health services, but deemed in need of the board and room by the superintendent of public instruction. School districts shall be allocated funds for board and room of eligible handicapped students at the maximum rate provided annually by the superintendent of public instruction for the purpose of distributing board and room allocations. [Statutory Authority: RCW 28A.41.170. 84-20-078 (Order 84-36), § 392-122-155, filed 10/2/84.]

**WAC 392-122-160 State handicapped 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 and age receiving special education according to instructions provided by the superintendent of public instruction. The handicapping condition shall be one of such conditions in WAC 392-122-135. The age for the purpose of determining the handicapped program allocation calculated in WAC 392-122-105 shall be the age of the student as of midnight August 31 of the school year. The age reported by the school district shall be for apportionment purposes only and not for determination of a child's eligibility for access to a special education program as provided in chapter 392-171 WAC.

(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 school district's allocation of state handicapped moneys. [Statutory Authority: RCW 28A.41.170. 84-20-078 (Order 84-36), § 392-122-160, filed 10/2/84.]

**WAC 392-122-200 State institutional education program--Applicable code provisions.** The following sections of this chapter are applicable to the distribution of state moneys for the state institutional education program:

- (1) WAC 392-122-200 through 392-122-280; and
- (2) WAC 392-122-900 through 392-122-905. [Statutory Authority: RCW 28A.41.170. 84-20-078 (Order 84-36), § 392-122-200, filed 10/2/84.]

**WAC 392-122-205 State institutional education program--Eligible programs.** Programs supported as state institutional education programs include:

- (1) State operated group homes—i.e., facilities financed by the juvenile rehabilitation division of the department of social and health services to house adjudicated youth twenty-four hours a day;
- (2) Juvenile parole learning centers—i.e., facilities funded by the division of juvenile rehabilitation of the department of social and health services for adjudicated youth residing in the community. Education is provided under the guidance of local school districts.
- (3) Juvenile detention centers—i.e., facilities maintained for treatment and education of juveniles who have been placed under protective custody or have committed a criminal offense.
- (4) Institutions for juvenile delinquents—i.e., facilities established by the department of social and health services for the diagnosis, confinement and rehabilitation of juveniles committed by the courts.
- (5) Institutions for the handicapped—i.e., facilities established by the department of social and health services for care and treatment of persons with exceptional needs by reason of mental and/or physical deficiency. [Statutory Authority: RCW 28A.41.170. 84-20-078 (Order 84-36), § 392-122-205, filed 10/2/84.]

**WAC 392-122-210 Definition--State institutional education program--Institutional program certificated derived base salary.** "Institutional program certificated derived base salary" means the district's institutional

education program certificated derived base salary calculated and provided annually by the superintendent of public instruction for the purpose of distributing institutional education program allocations. [Statutory Authority: RCW 28A.41.170. 84-20-078 (Order 84-36), § 392-122-210, filed 10/2/84.]

**WAC 392-122-215 Definition--State institutional education program--Institutional program classified average salary.** "Institutional program classified average salary" means the district's institutional education program classified average salary calculated and provided annually by the superintendent of public instruction for the purpose of distributing institutional education program allocations. [Statutory Authority: RCW 28A.41.170. 84-20-078 (Order 84-36), § 392-122-215, filed 10/2/84.]

**WAC 392-122-230 State institutional education program--Eligible institutional education students.** State institutional education program moneys shall be allocated to school districts based on the institutional enrollment levels provided by the department of social and health services to the special and institutional education division in the office of the superintendent of public instruction. [Statutory Authority: RCW 28A.41.170. 84-20-078 (Order 84-36), § 392-122-230, filed 10/2/84.]

**WAC 392-122-235 State institutional education program--Institutional program certificated average salary.** State institutional education program moneys for the purpose of recognition of institutional program certificated staff salaries shall be allocated using each school district's state institutional certificated derived base salary and the district's staff mix factor for certificated institutional education program staff as provided in the State Appropriations Act currently in effect and provided by the superintendent of public instruction for the purpose of distributing institutional education program allocations. The certificated staff mix factor used for certificated staff in each school district shall be determined using the procedure described in WAC 392-121-121 and 392-121-125. The staff mix factor and average salary computations for the institutional education program shall be based on certificated staff with work assignments in the state institutional education program as reported by the district on the Form S-275 for the current school year. [Statutory Authority: RCW 28A.41.170. 84-20-078 (Order 84-36), § 392-122-235, filed 10/2/84.]

**WAC 392-122-240 State institutional education program--Institutional program classified average salary.** State institutional education program moneys for the purpose of recognition of institutional program classified staff salaries shall be allocated using each school district's state institutional education classified average salary and the district's classified increment mix factor for classified institutional education program staff as provided in the Appropriations Act currently in effect and provided by the superintendent of public instruction

for the purpose of distributing institutional education program allocations. The classified increment mix factor shall be determined using the procedure described in WAC 392-121-128 and 392-121-129. The district's classified increment mix factor and average salary shall be based on classified staff with work assignments in the state institutional education program as reported by the district on Form S-277 for the current school year. [Statutory Authority: RCW 28A.41.170. 84-20-078 (Order 84-36), § 392-122-240, filed 10/2/84.]

**WAC 392-122-245 State institutional education program--Institutional program insurance benefits.** State institutional education program moneys for the purpose of recognition of institutional program employee insurance shall be allocated to school districts based on the amount per month authorized in the State Appropriations Act currently in effect per full-time equivalent employee. [Statutory Authority: RCW 28A.41.170. 84-20-078 (Order 84-36), § 392-122-245, filed 10/2/84.]

**WAC 392-122-250 State institutional education program--Institutional program nonemployee related cost.** State institutional education program moneys for the purpose of recognition of nonemployee related costs (NERC) shall be allocated to school districts at the maximum rate of one hundred sixty-seven dollars per eligible institutional education student for the 1984-85 school year. [Statutory Authority: RCW 28A.41.170. 84-20-078 (Order 84-36), § 392-122-250, filed 10/2/84.]

**WAC 392-122-255 State institutional education program--Institutional program indirect cost.** State institutional education program moneys for the purpose of recognition of institutional program indirect costs shall be allocated to school districts based on the district's prior year indirect cost percent for the institutional program multiplied by the district's current school year state institutional education program allocation for certificated and classified salaries, statutory and health benefits, and nonemployee related costs. [Statutory Authority: RCW 28A.41.170. 84-20-078 (Order 84-36), § 392-122-255, filed 10/2/84.]

**WAC 392-122-260 State institutional education program--Basic education back-out for state learning centers.** The back-out of basic education funds from the district's state institutional education program allocation for a school year shall be calculated by multiplying the state guarantee per full-time equivalent pupil rate by the number of eligible institutional education students as defined in WAC 392-122-230. [Statutory Authority: RCW 28A.41.170. 84-20-078 (Order 84-36), § 392-122-260, filed 10/2/84.]

**WAC 392-122-265 State institutional education program--Institutional program traffic safety allocation.** Traffic safety moneys shall be allocated to eligible state institutional education programs pursuant to chapter

392-153 WAC by January of each school year. [Statutory Authority: RCW 28A.41.170. 84-20-078 (Order 84-36), § 392-122-265, filed 10/2/84.]

**WAC 392-122-270 State institutional education program--Initial allocation.** The initial allocation for state institutional education programs shall be based upon the sum of moneys allocated in accordance with WAC 392-122-235, 392-122-240, 392-122-245, 392-122-250, and 392-122-255. Additional funds shall be allocated to state institutional education programs during the school year as approved by the superintendent of public instruction. [Statutory Authority: RCW 28A.41.170. 84-20-078 (Order 84-36), § 392-122-270, filed 10/2/84.]

**WAC 392-122-275 State institutional education program--Reporting.** (1) At such times as designated by the superintendent of public instruction, each school district operating an institutional education program shall report the number of eligible institutional education students receiving institutional education according to instructions provided by the superintendent of public instruction.

(2) Each school district operating an institutional education 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 state institutional education program funds. [Statutory Authority: RCW 28A.41.170. 84-20-078 (Order 84-36), § 392-122-275, filed 10/2/84.]

**WAC 392-122-600 State remediation assistance program--Applicable code provisions.** The following sections of this chapter are applicable to the distribution of state moneys for the state remediation assistance program:

(1) WAC 392-122-600 through 392-122-610; and

(2) WAC 392-122-900 through 392-122-905. [Statutory Authority: RCW 28A.41.170. 84-20-078 (Order 84-36), § 392-122-600, filed 10/2/84; 84-13-020 (Order 84-10), § 392-122-600, filed 6/13/84.]

**WAC 392-122-605 Formula for distribution of state moneys for the state remediation assistance program.** (1) As used in this section, the term "fourth grade basic skills test" shall mean the approved fourth grade test administered by districts pursuant to RCW 28A.03.060.

(2) A district's entitlement for state moneys for the state remediation assistance program shall be calculated as follows:

(a) Multiply the percentage of students taking the fourth grade basic skills test for last year that scored in the lowest quartile as determined by the nationally normed scores by the number of estimated average annual full-time equivalent students enrolled in the district in grades two through six: *Provided*, That if the district did not have any student score in the lowest quartile as defined above in the fourth grade basic skills test, the district shall use the average percentage of district students so scoring for the previous five years; and

(b) Reduce the amount obtained in (a) of this subsection to the extent that the number of students ages seven through eleven resident to the district who are identified as specific learning disabled and served through programs established pursuant to chapter 28A.13 RCW exceeds four percent of the district full time equivalent enrollment in grades two through six; and

(c) Multiply the number of students obtained in (b) of this subsection by the per pupil allocation established in the state appropriation act for the state remediation assistance program; and

(d) The product is the district's entitlement subject to WAC 392-122-610, 392-122-900 and its provision for enrollment adjustment. [Statutory Authority: RCW 28A.41.170. 86-01-021 (Order 85-16), § 392-122-605, filed 12/9/85; 84-20-078 (Order 84-36), § 392-122-605, filed 10/2/84; 84-13-020 (Order 84-10), § 392-122-605, filed 6/13/84.]

**WAC 392-122-610 Distribution of state moneys for the state remediation assistance program.** The superintendent of public instruction shall apportion to districts for the state remediation assistance program the amount calculated per district in WAC 392-122-605 in monthly payments according to the schedule depicted in RCW 28A.48.010. Monthly payments to districts shall be adjusted during the year to reflect the changes in each district's annual average full time enrollment in grades two through six and eight-month annual average specific learning disabled headcount enrollment ages seven through eleven. [Statutory Authority: RCW 28A.41.170. 86-01-021 (Order 85-16), § 392-122-610, filed 12/9/85; 84-20-078 (Order 84-36), § 392-122-610, filed 10/2/84; 84-13-020 (Order 84-10), § 392-122-610, filed 6/13/84.]

**WAC 392-122-700 State transitional bilingual program--Applicable code provisions.** The following sections of this chapter are applicable to the distribution of state funds for the state transitional bilingual program:

(1) WAC 392-122-700 through 392-122-710; and

(2) WAC 392-122-900 through 392-122-905. [Statutory Authority: RCW 28A.41.170. 84-20-078 (Order 84-36), § 392-122-700, filed 10/2/84; 84-13-020 (Order 84-10), § 392-122-700, filed 6/13/84.]

**WAC 392-122-705 Formula for the distribution of state moneys for the state transitional bilingual program.**

(1) As used in this section the term "eligible student" shall mean those students defined under WAC 392-160-005(c).

(2) A district's entitlement for state moneys for the state transitional bilingual program shall be calculated as follows:

(a) Multiplying the number of eligible students by the per pupil allocation established in the State Appropriation Act for the state transitional bilingual program.

(b) The result of the calculation provided in (a) of this subsection is the district's entitlement subject to WAC 392-122-710 and its provision for enrollment adjustment. [Statutory Authority: RCW 28A.41.170.

84-20-078 (Order 84-36), § 392-122-705, filed 10/2/84; 84-13-020 (Order 84-10), § 392-122-705, filed 6/13/84.]

**WAC 392-122-710 Distribution of state moneys for the transitional bilingual program.** The superintendent of public instruction shall apportion to districts for the state transitional bilingual program the amount calculated per district in WAC 392-122-705 according to the apportionment schedule provided in RCW 28A.48.010. Monthly payments to districts shall be adjusted during the year to reflect changes in the district's reported eligible students as reported on the P223, Monthly report of school district enrollment form. [Statutory Authority: RCW 28A.41.170. 86-01-021 (Order 85-16), § 392-122-710, filed 12/9/85; 84-20-078 (Order 84-36), § 392-122-710, filed 10/2/84; 84-13-020 (Order 84-10), § 392-122-710, filed 6/13/84.]

**WAC 392-122-800 State highly capable students education program--Applicable code provisions.** The following sections of this chapter are applicable to the distribution of state funds for the state highly capable students education program:

(1) WAC 392-122-800 through 392-122-810; and

(2) WAC 392-122-900 through 392-122-905. [Statutory Authority: RCW 28A.41.170. 84-13-020 (Order 84-10), § 392-122-800, filed 6/13/84.]

**WAC 392-122-805 Formula for distribution of state moneys for the state highly capable students education program.** (1) As used in this section, the term "average annual full-time equivalent students" or AAFTE shall be defined as that term defined in WAC 392-121-105(3).

(2) A district's entitlement for state moneys for the state highly capable students education program shall be calculated as follows:

(a) Multiplying the AAFTE of the reporting district by one percent;

(b) Multiplying the number of students obtained in the above calculation by the per pupil allocation established in the State Operating Appropriations Act in effect at the time the apportionment is due; and

(c) The product is the district's entitlement subject to WAC 392-122-810 and its provision for enrollment adjustment. [Statutory Authority: RCW 28A.41.170. 84-20-078 (Order 84-36), § 392-122-805, filed 10/2/84; 84-13-020 (Order 84-10), § 392-122-805, filed 6/13/84.]

**WAC 392-122-810 Distribution of state moneys for the state highly capable students education program.** The superintendent of public instruction shall apportion to districts for the state highly capable student education program the amount calculated per district in WAC 392-122-805 according to the apportionment schedule provided in RCW 28A.48.010. The amount apportioned may be adjusted intermittently to reflect changes in the district's AAFTE students as reported on the P223, Monthly report of school district enrollment form.

[Statutory Authority: RCW 28A.41.170. 84-20-078 (Order 84-36), § 392-122-810, filed 10/2/84; 84-13-020 (Order 84-10), § 392-122-810, filed 6/13/84.]

**WAC 392-122-900 General provision--Carryover prohibition.** Categorical apportionment moneys shall not be carried over by a school district from one school district fiscal year to another. Moneys distributed by the superintendent of public instruction for a categorical program which remain unspent during the applicable school district fiscal year in expenditure classifications deemed allowable by the superintendent of public instruction including indirect expenditures and abatements listed on Year-End Financial Statement F-196 Part III, shall:

(1) At the end of the school year beginning during the first year of each biennium revert to the superintendent of public instruction for reallocation; and

(2) At the end of the school year beginning during the second year of each biennium revert to the state treasurer: *Provided*, That if prior to recovery, insufficient moneys are available to fully fund those programs operating in the second year of the biennium, any moneys recovered shall first be allocated to fully fund these programs. [Statutory Authority: RCW 28A.41.170. 86-01-021 (Order 85-16), § 392-122-900, filed 12/9/85; 84-20-078 (Order 84-36), § 392-122-900, filed 10/2/84; 84-13-020 (Order 84-10), § 392-122-900, filed 6/13/84.]

**WAC 392-122-905 General provision--Maximum control factor--Proration.** The maximum rate of allocation specified in this chapter shall be allocated by the superintendent of public instruction to school districts unless the 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 shall be announced to school districts through official agency bulletins or reports. [Statutory Authority: RCW 28A.41.170. 86-01-021 (Order 85-16), § 392-122-905, filed 12/9/85; 84-13-020 (Order 84-10), § 392-122-905, filed 6/13/84.]

### Chapter 392-123 WAC

#### FINANCE--SCHOOL DISTRICT BUDGETING

##### WAC

392-123-047	Definitions--Revenue, accrual basis expenditures, cash basis expenditures, appropriation, and disbursements.
392-123-054	Time schedule for budget.
392-123-071	Budget extensions--First-class school districts.
392-123-072	Budget extensions--Second-class school districts.
392-123-076	Identification of balanced budget.
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.
392-123-115	Monthly budget status reports.
392-123-125	Personnel budget status report.

**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) "Expenditures" shall mean the decrease in assets with no corresponding decrease in liabilities, or the increase in liabilities with no corresponding increase in assets.

(5) "Expenditure refunds" shall mean the increase in assets with a corresponding decrease in expenditures.

(6) "Revenue refunds" shall mean the increase in liabilities with a corresponding decrease in revenues.

(7) "Liabilities" shall mean debt or other legal obligations arising out of transactions in the past which are payable but not necessarily due.

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

(9) "Cash basis expenditures" shall mean the disbursement of cash for expenditures during a given fiscal period regardless of when liabilities are incurred, and the disbursement of inventory.

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



(11) "Disbursements" shall mean payments in cash, including the issuance of warrants, and the disbursement of inventory. [Statutory Authority: RCW 28A.41.170, 28A.65.465 and 28A.41.055. 85-15-110 (Order 85-3), § 392-123-047, filed 7/24/85. 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 392-123-054 Time schedule for budget.** The time schedule for preparation, adoption and filing of the annual budget is as follows:

Final Date For Action	First-Class Districts	Second-Class Districts
July 10	Final date for district to prepare budget. Upon completion of their budgets, every school district shall publish a notice stating that the district has completed the budget and placed the same on file in the school district administration office, 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.	Same as first-class.

Final Date For Action	First-Class Districts	Second-Class Districts
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.
August 1		Final date for board directors to meet in public hearing and fix and adopt said budget.  Such hearing may be continued not to exceed a total two days: <i>Provided</i> , That the budget must be adopted no later than August 1st.  Upon conclusion of the hearing the board of directors shall fix and determine the appropriation from each fund contained in the budget separately, and shall by resolution adopt the budget and the appropriations as so finally determined, and enter the same in the official minutes of the board.
August 3		Last date to forward three 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.

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

123-054, filed 5/13/80; Order 8-76, § 392-123-054, filed 7/23/76.]

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 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.
-----------	---	---

Members of the budget review committee as referred to in this section shall consist of the educational service district superintendent or a representative thereof, a member of the local board of directors or a representative thereof and a representative of the superintendent of public instruction.

September 3	Final date for district to file two copies of said adopted budget with their educational service district.	
-------------	--	--

September 10	Last date for educational service district to file a copy of said adopted budgets with the superintendent of public instruction. 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.

**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.

Two copies of all adopted appropriation resolutions shall be filed with the educational service district, who shall forward one copy to the superintendent of public instruction. 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. 84-13-021 (Order 84-11), § 392-123-071, filed 6/13/84; 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.]

[Statutory Authority: RCW 28A.41.170, 28A.65.465 and 28A.41.055. 85-15-110 (Order 85-3), § 392-123-054, filed 7/24/85. Statutory Authority: RCW 28A.65.465. 84-13-021 (Order 84-11), § 392-123-054, filed 6/13/84; 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-

**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. Three 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, all three copies of 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.

Two copies of all appropriation resolutions approved by the superintendent of public instruction shall be returned by the superintendent of public instruction to the educational service district. The educational service district shall return one copy to the school district. The other copy shall be retained by the educational service district. [Statutory Authority: RCW 28A.41.170, 28A.65.465 and 28A.41.055. 85-15-110 (Order 85-3), § 392-123-072, filed 7/24/85. Statutory Authority: RCW

28A.65.465. 84-13-021 (Order 84-11), § 392-123-072, filed 6/13/84; 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 392-123-076 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 loan must not be used to balance the budget of the borrowing fund. [Statutory Authority: RCW 28A.41.170, 28A.65.465 and 28A.41.055. 85-15-110 (Order 85-3), § 392-123-076, filed 7/24/85. 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 392-123-078 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.

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 reviews shall include but not be 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.41.170, 28A.65.465 and 28A.41.055. 85-15-110 (Order 85-3), § 392-123-078, filed 7/24/85. 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.

Review of second-class school district adopted budgets shall be performed by the educational service districts. Said reviews shall include, but not be 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.41.170, 28A.65.465 and 28A.41.055. 85-15-110 (Order 85-3), § 392-123-079, filed 7/24/85. 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 392-123-115 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. If deemed necessary by the superintendent of public instruction, and upon written notice to the district by the superintendent of public instruction, a monthly budget status report for one or more funds along with other financial information shall be filed with either the educational service district superintendent or the superintendent of public instruction or both for the period of time set forth in such notice. [Statutory Authority: RCW 28A.41.170, 28A.65.465 and 28A.41.055. 85-15-110 (Order 85-3), § 392-123-115, filed 7/24/85. 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 392-123-125 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 and 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 explained. 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.65.465 and 28A.41.055. 85-15-110 (Order 85-3), § 392-123-125, filed 7/24/85; 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.]

### Chapter 392-125 WAC

## FINANCE--EDUCATIONAL SERVICE DISTRICT BUDGETING

### WAC

392-125-003	Authority.
392-125-011	Basis of budgeting and accounting.
392-125-012	Definitions--Revenue, accrual basis expenditures, cash basis expenditures, appropriation, and disbursements.
392-125-015	Budgets required.
392-125-020	Budget preparation, hearing and adoption.
392-125-025	Budget approval.
392-125-030	Time schedule for budget process.
392-125-035	Budget content.
392-125-036	Core services funding formula.
392-125-040	Overexpending and exceeding the budget.
392-125-045	A balanced budget.
392-125-065	Content of the monthly budget status.

**WAC 392-125-003 Authority.** The authority for this chapter is RCW 28A.21.135 which authorizes the superintendent of public instruction to promulgate rules and regulations for the adoption of budgeting procedures for educational service districts modeled after the statutory procedure for school districts. [Statutory Authority: RCW 28A.21.135. 84-13-022 (Order 84-12), § 392-125-003, filed 6/13/84.]

**WAC 392-125-011 Basis of budgeting and accounting.** Revenue and expenditures shall be recognized on the accrual basis. [Statutory Authority: RCW 28A.21.135. 84-13-022 (Order 84-12), § 392-125-011, filed 6/13/84; 81-19-007 (Order 81-19), § 392-125-011, filed 9/4/81.]

**WAC 392-125-012 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 an educational service 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 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 school districts that are due, but are not collected by the end of the fiscal period; and rental or lease payments that are currently due, and there is reasonable assurance of payment.

(4) "Expenditures" shall mean the decrease in assets with no corresponding decrease in liabilities, or the increase in liabilities with no corresponding increase in assets.

(5) "Expenditure refunds" shall mean the increase in assets with a corresponding decrease in expenditures.

(6) "Revenue refunds" shall mean the increase in liabilities with a corresponding decrease in revenues.

(7) "Liabilities" shall mean debt or other legal obligations arising out of transactions in the past which are payable but not necessarily due.

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

(9) "Cash basis expenditures" shall mean the disbursement of cash for expenditures during a given fiscal period regardless of when liabilities are incurred, and the disbursement of inventory.

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

(11) "Disbursements" shall mean payments in cash, including the issuance of warrants, and the issuance of inventory. [Statutory Authority: RCW 28A.21.135. 85-15-111 (Order 85-4), § 392-125-012, filed 7/24/85; 84-13-022 (Order 84-12), § 392-125-012, filed 6/13/84.]

**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 in the format prescribed 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. 85-15-111 (Order 85-4), § 392-125-015, filed 7/24/85; 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 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 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, two 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. 85-15-111 (Order 85-4), § 392-125-020, filed 7/24/85; 84-13-022 (Order 84-12), § 392-125-020, filed 6/13/84; 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 one approved copy of the budget to the district prior to the 30th day of June. [Statutory Authority: RCW 28A.21.135. 84-13-022 (Order 84-12), § 392-125-025, filed 6/13/84; 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.
3rd Friday in May	Final date for board in public hearing to fix and adopt the budget. (The maximum time for this hearing is two days.)
Conclusion of hearing	Board resolution to adopt budget (obtain signature of chairman of superintendents' advisory committee).
4th Monday in May	Forward two properly signed copies of budget to superintendent of public instruction.
June	Superintendent revises, fixes and approves budget and returns one copy to the district. [Statutory Authority: RCW 28A.21.135. 85-15-111 (Order 85-4), § 392-125-030, filed 7/24/85; 84-13-022 (Order 84-12), § 392-125-030, filed 6/13/84; 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 revenue from all sources for the ensuing fiscal year, the estimated revenue for the fiscal year current at the time of the budget preparation, the actual revenue for the last completed fiscal year, and the reserved and unreserved fund balances. 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.

(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 actual expenditures for the last completed fiscal year. Expenditures shall be displayed by program, activity, and object of expenditure. 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.

The salary exhibits shall be divided into two major groupings with subtotals which agree with the object of expenditure detail in the budget. The two groupings are certificated and classified.

(4) All pertinent items on the budget form shall be completed correctly before the budget is presented for hearing, review, and approval. Information pertaining to budget development which is not available at the time of budget preparation shall be estimated using the most current and reliable information available. [Statutory Authority: RCW 28A.21.135, 85-15-111 (Order 85-4), § 392-125-035, filed 7/24/85; 84-13-022 (Order 84-12), § 392-125-035, filed 6/13/84; 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) Secretary; and
- (f) 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 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 basis 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, 85-15-111 (Order 85-4), § 392-125-036, filed 7/24/85. 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. [Statutory Authority: RCW 28A.21.135. 84-13-022 (Order 84-12), § 392-125-040, filed 6/13/84; 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 expenditures for the ensuing fiscal year shall not be greater than the total of the estimated revenues for the ensuing fiscal year plus the probable (for the initial budget) or actual (for budgets developed after fund balance is known) fund balance 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. The proceeds of any loan must not be used to balance the budget. [Statutory Authority: RCW 28A.21.135. 85-15-111 (Order 85-4), § 392-125-045, filed 7/24/85; 84-13-022 (Order 84-12), § 392-125-045, filed 6/13/84; 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 392-125-065 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 fund 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. [Statutory Authority: RCW 28A.21.135. 85-15-111 (Order 85-4), § 392-125-065, filed 7/24/85; 84-13-022 (Order 84-12), § 392-125-065, filed 6/13/84; 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.]

**Chapter 392-126 WAC  
FINANCE--SALARY-COMPENSATION LID COMPLIANCE**

**WAC**

**AUTHORITY AND PURPOSE**

392-126-005 Authority.  
392-126-010 Purpose.

**DEFINITIONS--GENERAL**

392-126-100 Definition--Day.  
392-126-105 Definition--Current school year.  
392-126-110 Definition--Prior school year.  
392-126-115 Definition--Compensation.  
392-126-120 Definition--LEAP document for basic education staff salary allocations.  
392-126-125 Definition--Reduction in force (RIF).  
392-126-130 Definition--New position.  
392-126-135 Definition--Report 1191.

**DEFINITIONS--CERTIFICATED STAFF**

392-126-200 Definition--Certificated employee.  
392-126-205 Definition--Full-time equivalent certificated employee.  
392-126-210 Definition--Form S-275.  
392-126-215 Definition--Report S-727.  
392-126-220 Definition--Basic education certificated staff.  
392-126-225 Definition--Certificated staff salaries.  
392-126-230 Definition--Certificated staff highest annual salaries.  
392-126-235 Definition--Certificated insurance benefits.  
392-126-240 Definition--LEAP Document 1.  
392-126-245 Definition--Certificated staff mix factor.  
392-126-250 Definition--District certificated staff mix factor.  
392-126-255 Definition--District certificated derived base salary.  
392-126-260 Definition--Maximum allowed basic education certificated derived base salary.  
392-126-265 Definition--Maximum allowed certificated insurance benefits.  
392-126-270 Definition--Form 1040.  
392-126-275 Definition--Form 1041.  
392-126-280 Definition--Form 1042.  
392-126-285 Definition--Form 1043.

**DEFINITIONS--CLASSIFIED STAFF**

392-126-300 Definition--Classified employee.  
392-126-305 Definition--Full-time equivalent classified employee.  
392-126-310 Definition--Form S-277.  
392-126-315 Definition--Report S-730.  
392-126-320 Definition--Basic education classified staff.  
392-126-325 Definition--Classified staff salaries.  
392-126-330 Definition--Classified staff highest annual salaries.  
392-126-335 Definition--Classified insurance benefits.  
392-126-336 Definition--District 1440 classified insurance benefit factor.  
392-126-340 Definition--Classified increment mix factor.  
392-126-345 Definition--District classified increment mix factor.  
392-126-350 Repealed.  
392-126-355 Definition--District classified derived base salary.  
392-126-360 Definition--Maximum allowed basic education classified derived base salary.  
392-126-365 Definition--Maximum allowed classified insurance benefits.  
392-126-370 Definition--Form 1045.  
392-126-375 Definition--Form 1046.  
392-126-380 Definition--Form 1047.  
392-126-385 Definition--Form 1048.

**SALARY-COMPENSATION LID COMPLIANCE--  
CALCULATIONS FOR CERTIFICATED STAFF**

392-126-500 Salary-compensation lid compliance--Compliance of average certificated salaries.  
392-126-505 Salary-compensation lid compliance--Compliance of certificated insurance benefits.  
392-126-510 Salary-compensation lid compliance--No increases constitute compliance--Certificated staff.

**SALARY-COMPENSATION LID COMPLIANCE PROCESS--  
CERTIFICATED STAFF**

392-126-600 Salary-compensation lid compliance--Reporting cycle--Certificated staff.  
392-126-605 Salary-compensation lid compliance--Reporting cycle--District initial edit of certificated personnel data.  
392-126-610 Salary-compensation lid compliance--Reporting cycle--Data analysis and determination of need for additional information--Certificated staff.  
392-126-615 Salary-compensation lid compliance--Reporting cycle--Review of additional information--Certificated staff.  
392-126-620 Salary-compensation lid compliance--Reporting cycle--Determination of violation after review--Certificated staff.  
392-126-625 Salary-compensation lid compliance--Reporting cycle--District subsequent changes of certificated personnel data.  
392-126-630 Salary-compensation lid compliance--Withholding of basic education allocation--Certificated staff.



SALARY-COMPENSATION LID COMPLIANCE—  
CALCULATIONS FOR CLASSIFIED STAFF

- 392-126-700 Salary-compensation lid compliance—Compliance of average classified salaries.  
392-126-705 Salary-compensation lid compliance—Compliance of classified insurance benefits.  
392-126-710 Salary-compensation lid compliance—No increases constitute compliance—Classified staff.

SALARY-COMPENSATION LID COMPLIANCE PROCESS—  
CLASSIFIED STAFF

- 392-126-800 Salary-compensation lid compliance—Reporting cycle—Classified staff.  
392-126-805 Salary-compensation lid compliance—Reporting cycle—District initial edit of classified personnel data.  
392-126-810 Salary-compensation lid compliance—Reporting cycle—Data analysis and determination of need for additional information—Classified staff.  
392-126-815 Salary-compensation lid compliance—Reporting cycle—Review of additional information—Classified staff.  
392-126-820 Salary-compensation lid compliance—Reporting cycle—Determination of violation after review—Classified staff.  
392-126-825 Salary-compensation lid compliance—Reporting cycle—District subsequent changes of classified personnel data.  
392-126-830 Salary-compensation lid compliance—Withholding of basic education allocation—Classified staff.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS  
CHAPTER

- 392-126-350 Definition—State-supported classified increment mix factor adjustment. [Statutory Authority: RCW 28A.58.095. 84-17-053 (Order 84-32), § 392-126-350, filed 8/13/84.] Repealed by 86-01-023 (Order 85-18), filed 12/9/85. Statutory Authority: RCW 28A.58.095.

AUTHORITY AND PURPOSE

**WAC 392-126-005 Authority.** The authority for this chapter is RCW 28A.58.095 which authorizes the superintendent of public instruction to adopt rules and regulations to ensure school district compliance with the salary-compensation lid of the state Operating Appropriations Act. [Statutory Authority: RCW 28A.58.095. 84-17-053 (Order 84-32), § 392-126-005, filed 8/13/84.]

**WAC 392-126-010 Purpose.** The purpose of this chapter is to set forth policies and procedures to ensure that no school district board of directors shall provide salary and compensation increases from any fund source whatsoever in excess of the amount and/or percentage as may be provided for employees in the state Operating Appropriations Act in effect at the time the compensation is payable. [Statutory Authority: RCW 28A.58.095. 84-17-053 (Order 84-32), § 392-126-010, filed 8/13/84.]

DEFINITIONS—GENERAL

**WAC 392-126-100 Definition—Day.** As used in this chapter, "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. [Statutory Authority: RCW 28A.58.095. 84-17-053 (Order 84-32), § 392-126-100, filed 8/13/84.]

**WAC 392-126-105 Definition—Current school year.** As used in this chapter, "current school year" shall mean the school year for which the district is being monitored for compliance. [Statutory Authority: RCW 28A.58.095. 84-17-053 (Order 84-32), § 392-126-105, filed 8/13/84.]

**WAC 392-126-110 Definition—Prior school year.** As used in this chapter, "prior school year" shall mean the school year immediately preceding the current school year. [Statutory Authority: RCW 28A.58.095. 84-17-053 (Order 84-32), § 392-126-110, filed 8/13/84.]

**WAC 392-126-115 Definition—Compensation.** As used in this chapter, "compensation" shall mean the total dollar amount which a district has agreed to provide staff for employment services to the district for the school year in the form of certificated and classified staff salaries and insurance benefits as those terms are defined in this chapter. [Statutory Authority: RCW 28A.58.095. 84-17-053 (Order 84-32), § 392-126-115, filed 8/13/84.]

**WAC 392-126-120 Definition—LEAP document for basic education staff salary allocations.** As used in this chapter, "LEAP document for basic education staff salary allocations" shall mean the computer tabulation of the derived base salaries for basic education certificated staff, and the average salaries for basic education classified staff as established in the 1983-85 State Operating Appropriations Act in effect at the time. [Statutory Authority: RCW 28A.58.095. 86-01-023 (Order 85-18), § 392-126-120, filed 12/9/85; 84-17-053 (Order 84-32), § 392-126-120, filed 8/13/84.]

**WAC 392-126-125 Definition—Reduction in force (RIF).** As used in this chapter, "reduction in force" (RIF) shall mean any person employed by a school district during the prior school year and reported on Form S-275 or 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 RIF policy adopted by the district and shall be reported by the district to the superintendent of public instruction on Form 1040 for certificated persons and on Form 1045 for classified persons. [Statutory Authority: RCW 28A.58.095. 84-17-053 (Order 84-32), § 392-126-125, filed 8/13/84.]

**WAC 392-126-130 Definition—New position.** As used in this chapter, "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:

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

(2) 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 1041 for certificated persons or on Form 1046 for classified persons. [Statutory Authority: RCW 28A.58.095. 84-17-053 (Order 84-32), § 392-126-130, filed 8/13/84.]

**WAC 392-126-135 Definition--Report 1191.** As used in this chapter, "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. [Statutory Authority: RCW 28A.58.095. 84-17-053 (Order 84-32), § 392-126-135, filed 8/13/84.]

#### DEFINITIONS--CERTIFICATED STAFF

**WAC 392-126-200 Definition--Certificated employee.** As used in this chapter, "certificated employee" shall mean the same as the term defined in WAC 392-121-115(1). [Statutory Authority: RCW 28A.58.095. 84-17-053 (Order 84-32), § 392-126-200, filed 8/13/84.]

**WAC 392-126-205 Definition--Full-time equivalent certificated employee.** As used in this chapter, "full-time equivalent certificated employee" shall mean the same as the term defined in WAC 392-121-115(2). [Statutory Authority: RCW 28A.58.095. 84-17-053 (Order 84-32), § 392-126-205, filed 8/13/84.]

**WAC 392-126-210 Definition--Form S-275.** As used in this chapter, "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. [Statutory Authority: RCW 28A.58.095. 84-17-053 (Order 84-32), § 392-126-210, filed 8/13/84.]

**WAC 392-126-215 Definition--Report S-727.** As used in this chapter, "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 from data 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 of public instruction as changes occur during the school year. [Statutory Authority: RCW 28A.58.095. 84-17-053 (Order 84-32), § 392-126-215, filed 8/13/84.]

**WAC 392-126-220 Definition--Basic education certificated staff.** As used in this chapter, "basic education certificated staff" shall mean all full-time equivalent certificated staff reported on Form S-275 in the following programs as specified in the *Accounting Manual for Public School Districts in the State of Washington*:

- (1) Basic Education, Program 01;
- (2) Secondary Vocational Education, Program 31;
- (3) General Instructional Support, Program 94; and
- (4) General Support, Program 97. [Statutory Authority: RCW 28A.58.095. 84-17-053 (Order 84-32), § 392-126-220, filed 8/13/84.]

**WAC 392-126-225 Definition--Certificated staff salaries.** As used in this chapter, "certificated staff salaries" shall mean those moneys which a school district has agreed to pay all 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. Moneys paid to certificated staff hired on an hourly basis are not included in this definition. [Statutory Authority: RCW 28A.58.095. 84-17-053 (Order 84-32), § 392-126-225, filed 8/13/84.]

**WAC 392-126-230 Definition--Certificated staff highest annual salaries.** As used in this chapter, "certificated staff highest annual salaries" shall mean after completion of all adjustments, the district's aggregate basic education certificated staff salaries reported on the current school year Form S-275 and calculated as follows:

- (1) Determine the highest annualized salary, which shall mean the highest monthly salary multiplied by twelve, that was paid or would have been paid during the current school year for the individual reported on Form S-275;
- (2) Multiply the highest annualized salary by the full-time equivalency for the individual;
- (3) Add all such calculations for individuals assigned to the basic education program; and
- (4) The result obtained in subsection (3) of this section shall be the certificated staff highest annual salaries for the current school year. [Statutory Authority: RCW 28A.58.095. 84-17-053 (Order 84-32), § 392-126-230, filed 8/13/84.]

**WAC 392-126-235 Definition--Certificated insurance benefits.** As used in this chapter, "certificated insurance benefits" shall mean the district cost for those items of protection designed to benefit individual certificated 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 processes as reported to the superintendent of public instruction for certificated staff on Form S-275. [Statutory Authority: RCW 28A.58.095. 84-17-053 (Order 84-32), § 392-126-235, filed 8/13/84.]

**WAC 392-126-240 Definition--LEAP Document 1.** As used in this chapter, "LEAP Document 1" shall mean the same as the term defined in WAC 392-121-120. [Statutory Authority: RCW 28A.58.095. 84-17-053 (Order 84-32), § 392-126-240, filed 8/13/84.]

**WAC 392-126-245 Definition--Certificated staff mix factor.** As used in this chapter, "certificated staff mix factor" shall mean the same as the term defined in WAC 392-121-121. [Statutory Authority: RCW 28A.58.095. 86-01-023 (Order 85-18), § 392-126-245, filed 12/9/85; 84-17-053 (Order 84-32), § 392-126-245, filed 8/13/84.]

**WAC 392-126-250 Definition--District certificated staff mix factor.** As used in this chapter, "district certificated staff mix factor" shall mean the same as the term defined in WAC 392-121-125. [Statutory Authority: RCW 28A.58.095. 86-01-023 (Order 85-18), § 392-126-250, filed 12/9/85; 84-17-053 (Order 84-32), § 392-126-250, filed 8/13/84.]

**WAC 392-126-255 Definition--District certificated derived base salary.** As used in this chapter, "certificated district derived base salary" shall mean the salary amount calculated as follows:

(1) Divide a district's certificated staff highest annual salaries for the current school year by the district's number of full-time equivalent basic education certificated staff for the current school year to obtain an average salary amount for the current school year;

(2) The average salary amount is then divided by the district certificated staff mix factor for the current school year; and

(3) The quotient obtained is the district certificated derived base salary for the current school year for purpose of salary compliance. [Statutory Authority: RCW 28A.58.095. 86-01-023 (Order 85-18), § 392-126-255, filed 12/9/85; 84-17-053 (Order 84-32), § 392-126-255, filed 8/13/84.]

**WAC 392-126-260 Definition--Maximum allowed basic education certificated derived base salary.** As used in this chapter, "maximum allowed basic education certificated derived base salary" shall mean the appropriate district certificated derived base salary shown on LEAP document for basic education staff salary allocations for

the current school year. In the event that maximum allowed basic education certificated derived base salary is less than the district's reported prior school year certificated derived base salary, the district may request on Form 1043 that the superintendent of public instruction use the reported prior school year certificated derived base salary instead of that calculated in this section for the purpose of determining compliance with this chapter. The dollar amount shown in this section is for purpose of calculating compliance only and is not necessarily the amount authorized for salary increases in the current school year. [Statutory Authority: RCW 28A.58.095. 86-01-023 (Order 85-18), § 392-126-260, filed 12/9/85; 84-17-053 (Order 84-32), § 392-126-260, filed 8/13/84.]

**WAC 392-126-265 Definition--Maximum allowed certificated insurance benefits.** As used in this chapter, "maximum allowed certificated insurance benefits" shall mean the insurance benefit amount specified in the state Operating Appropriations Act multiplied by twelve months per full-time equivalent staff unit for the current school year. In the event that the district's reported prior school year actual average annual insurance benefit per full-time equivalent staff unit exceeds the insurance benefit amount authorized in the Operating Appropriations Act multiplied by twelve months, the district's maximum allowed certificated insurance benefits shall be the district's reported prior school year actual average annual insurance benefits. [Statutory Authority: RCW 28A.58.095. 86-01-023 (Order 85-18), § 392-126-265, filed 12/9/85; 84-17-053 (Order 84-32), § 392-126-265, filed 8/13/84.]

**WAC 392-126-270 Definition--Form 1040.** As used in this chapter, "Form 1040" shall mean the form distributed by the superintendent of public instruction on which the school district may list basic education certificated staff meeting the definition of "RIF" as provided in WAC 392-126-125 and submit to the superintendent of public instruction pursuant to WAC 392-126-610. [Statutory Authority: RCW 28A.58.095. 84-17-053 (Order 84-32), § 392-126-270, filed 8/13/84.]

**WAC 392-126-275 Definition--Form 1041.** As used in this chapter, "Form 1041" shall mean the form distributed by the superintendent of public instruction on which the school district may list basic education certificated staff with their job classifications meeting the definition of "new position" as provided in WAC 392-126-130 and submit to the superintendent of public instruction pursuant to WAC 392-126-610. [Statutory Authority: RCW 28A.58.095. 84-17-053 (Order 84-32), § 392-126-275, filed 8/13/84.]

**WAC 392-126-280 Definition--Form 1042.** As used in this chapter, "Form 1042" shall mean the form distributed by the superintendent of public instruction on which the school district may state no basic education certificated staff in the school district received an increase in salary or insurance benefits in the current

school year and submit to the superintendent of public instruction pursuant to WAC 392-126-510. [Statutory Authority: RCW 28A.58.095. 84-17-053 (Order 84-32), § 392-126-280, filed 8/13/84.]

**WAC 392-126-285 Definition--Form 1043.** As used in this chapter, "Form 1043" shall mean the form distributed by the superintendent of public instruction on which the school district may request the district's reported prior school year certificated derived base salary or prior school year insurance benefits be used for the purpose of determining compliance and submit to the superintendent of public instruction pursuant to WAC 392-126-260 and 392-126-265. [Statutory Authority: RCW 28A.58.095. 86-01-023 (Order 85-18), § 392-126-285, filed 12/9/85; 84-17-053 (Order 84-32), § 392-126-285, filed 8/13/84.]

#### DEFINITIONS--CLASSIFIED STAFF

**WAC 392-126-300 Definition--Classified employee.** As used in this chapter, "classified employee" shall mean the same as the term defined in WAC 392-121-115(3). [Statutory Authority: RCW 28A.58.095. 84-17-053 (Order 84-32), § 392-126-300, filed 8/13/84.]

**WAC 392-126-305 Definition--Full-time equivalent classified employee.** As used in this chapter, "full-time equivalent classified employee" shall mean the same as the term defined in WAC 392-121-115(4). [Statutory Authority: RCW 28A.58.095. 84-17-053 (Order 84-32), § 392-126-305, filed 8/13/84.]

**WAC 392-126-310 Definition--Form S-277.** As used in this chapter, "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, years of experience, 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. [Statutory Authority: RCW 28A.58.095. 84-17-053 (Order 84-32), § 392-126-310, filed 8/13/84.]

**WAC 392-126-315 Definition--Report S-730.** As used in this chapter, "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 from data submitted by the district on Form S-277 for the school year. This report is updated by the district and submitted to the superintendent of public instruction as changes occur during the school year. [Statutory Authority: RCW 28A.58.095. 84-17-053 (Order 84-32), § 392-126-315, filed 8/13/84.]

**WAC 392-126-320 Definition--Basic education classified staff.** As used in this chapter, "basic education classified staff" shall mean all full-time equivalent classified staff reported on Form S-277 in the following programs as specified in the *Accounting Manual for Public School Districts in the State of Washington*:

- (1) Basic Education, Program 01;
- (2) Secondary Vocational Education, Program 31;
- (3) General Instructional Support, Program 94; and
- (4) General Support, Program 97. [Statutory Authority: RCW 28A.58.095. 84-17-053 (Order 84-32), § 392-126-320, filed 8/13/84.]

**WAC 392-126-325 Definition--Classified staff salaries.** As used in this chapter, "classified staff salaries" shall mean moneys which a district has agreed to pay, exclusive of extracurricular duties and overtime pay, to all classified staff who are employed as of November 1 of each school year as reported to the superintendent of public instruction on Form S-277. [Statutory Authority: RCW 28A.58.095. 84-17-053 (Order 84-32), § 392-126-325, filed 8/13/84.]

**WAC 392-126-330 Definition--Classified staff highest annual salaries.** As used in this chapter, "classified staff highest annual salaries" shall mean after completion of all adjustments, the district's aggregate basic education classified staff salaries reported on the current school year Form S-277 and calculated as follows:

(1) Determine the highest hourly rate(s) that was paid or would have been paid during the current school year for one or more district-assigned job classification(s) in which the individual was reported on Form S-277;

(2) Multiply the highest hourly rate(s) by two thousand eighty hours and further multiply the result by the full-time equivalency for one or more district-assigned job classification(s) occupied by the individual;

(3) Add all such calculations for individuals assigned to the basic education program; and

(4) The result obtained in subsection (3) of this section shall be the classified staff highest annual salaries for the current school year. [Statutory Authority: RCW 28A.58.095. 84-17-053 (Order 84-32), § 392-126-330, filed 8/13/84.]

**WAC 392-126-335 Definition--Classified insurance benefits.** As used in this chapter, "classified 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 processes as reported to the superintendent of public instruction for classified staff on Form S-277. [Statutory Authority: RCW 28A.58.095. 84-17-053 (Order 84-32), § 392-126-335, filed 8/13/84.]

**WAC 392-126-336 Definition--District 1440 classified insurance benefit factor.** As used in this chapter,

"District 1440 classified insurance benefit factor" shall mean the insurance benefit factor for each district calculated as follows:

(1) Determine the district's number of full-time equivalent basic education classified staff for the current school year based on 2080 hours per year equals one full-time equivalent staff pursuant to WAC 392-121-115(4);

(2) Determine the district's number of full-time equivalent basic education classified staff for the current school year based on 1440 hours per year equals one full-time equivalent staff, with no individual employee counted for more than one full-time equivalent staff;

(3) Divide the result in subsection (2) of this section by the result in subsection (1) of this section; and

(4) The result is the District 1440 classified insurance benefit factor for the current school year for purpose of salary compliance. [Statutory Authority: RCW 28A.58.095. 86-01-023 (Order 85-18), § 392-126-336, filed 12/9/85.]

**WAC 392-126-340 Definition--Classified increment mix factor.** As used in this chapter, "classified increment mix factor" shall mean the same as the term defined in WAC 392-121-128. [Statutory Authority: RCW 28A.58.095. 84-17-053 (Order 84-32), § 392-126-340, filed 8/13/84.]

**WAC 392-126-345 Definition--District classified increment mix factor.** As used in this chapter, "district classified increment mix factor" shall mean the same as the term defined in WAC 392-121-129. [Statutory Authority: RCW 28A.58.095. 84-17-053 (Order 84-32), § 392-126-345, filed 8/13/84.]

**WAC 392-126-350 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 392-126-355 Definition--District classified derived base salary.** As used in this chapter, "district classified derived base salary" shall mean the salary amount calculated as follows:

(1) Divide the district's classified staff highest average annual salaries for the current school year by the district's number of full-time equivalent basic education classified staff for the current school year to obtain the average classified salary for the current school year;

(2) Divide the result obtained in subsection (1) of this section by the district classified increment mix factor for the current school year; and

(3) The result obtained is the district classified derived base salary for the current school year for purpose of salary compliance. [Statutory Authority: RCW 28A.58.095. 86-01-023 (Order 85-18), § 392-126-355, filed 12/9/85; 84-17-053 (Order 84-32), § 392-126-355, filed 8/13/84.]

**WAC 392-126-360 Definition--Maximum allowed basic education classified derived base salary.** As used in

this chapter, "maximum allowed basic education classified derived base salary" shall mean the appropriate district average salary shown on LEAP document for basic education staff salary allocations for the current school year divided by the district classified increment mix factor for the prior school year. In the event that the maximum allowed basic education classified derived base salary is less than the district's reported prior school year classified derived base salary, the district may request on Form 1048 that the superintendent of public instruction use the reported prior school year classified derived base salary instead of that calculated in this section for the purpose of determining compliance with this chapter. The dollar amount shown in this section is for purpose of calculating compliance only and is not necessarily the amount authorized for salary increases in the current school year. [Statutory Authority: RCW 28A.58.095. 86-01-023 (Order 85-18), § 392-126-360, filed 12/9/85; 84-17-053 (Order 84-32), § 392-126-360, filed 8/13/84.]

**WAC 392-126-365 Definition--Maximum allowed classified insurance benefits.** As used in this chapter, "maximum allowed classified insurance benefits" shall mean the insurance benefit amount authorized in the state Operating Appropriations Act multiplied by twelve months multiplied by the District 1440 classified insurance benefit factor per full-time equivalent staff unit for the current school year. In the event that the district's reported prior school year actual average annual insurance benefit per full-time equivalent staff unit exceeds the insurance benefit amount authorized in the Operating Appropriations Act multiplied by twelve months multiplied by the District 1440 classified insurance benefit factor, the district's maximum allowed classified insurance benefits shall be the district's reported prior school year actual average annual insurance benefits. For the purpose of establishing the maximum allowed classified insurance benefits for classified employees, a full-time equivalent employee is an employee contracted to work 1,440 hours per year or more for the current school year. [Statutory Authority: RCW 28A.58.095. 86-01-023 (Order 85-18), § 392-126-365, filed 12/9/85; 84-17-053 (Order 84-32), § 392-126-365, filed 8/13/84.]

**WAC 392-126-370 Definition--Form 1045.** As used in this chapter, "Form 1045" shall mean the form distributed by the superintendent of public instruction on which the school district may list basic education classified staff meeting the definition of "RIF" as provided in WAC 392-126-125 and submit to the superintendent of public instruction pursuant to WAC 392-126-810. [Statutory Authority: RCW 28A.58.095. 84-17-053 (Order 84-32), § 392-126-370, filed 8/13/84.]

**WAC 392-126-375 Definition--Form 1046.** As used in this chapter, "Form 1046" shall mean the form distributed by the superintendent of public instruction on

which the school district may list basic education classified staff with their job classification meeting the definition of "new position" as provided in WAC 392-126-130 and submit to the superintendent of public instruction pursuant to WAC 392-126-810. [Statutory Authority: RCW 28A.58.095. 84-17-053 (Order 84-32), § 392-126-375, filed 8/13/84.]

**WAC 392-126-380 Definition--Form 1047.** As used in this chapter, "Form 1047" shall mean the form distributed by the superintendent of public instruction on which the school district may state no basic education classified staff in the school district received an increase in salary or insurance benefits in the current school year and submit to the superintendent of public instruction pursuant to WAC 392-126-710. [Statutory Authority: RCW 28A.58.095. 84-17-053 (Order 84-32), § 392-126-380, filed 8/13/84.]

**WAC 392-126-385 Definition--Form 1048.** As used in this chapter, "Form 1048" shall mean the form distributed by the superintendent of public instruction on which the school district may request the district's reported prior school year classified derived base salary or prior school year insurance benefits be used for the purpose of determining compliance and submit to the superintendent of public instruction pursuant to WAC 392-126-360 and 392-126-365. [Statutory Authority: RCW 28A.58.095. 86-01-023 (Order 85-18), § 392-126-385, filed 12/9/85; 84-17-053 (Order 84-32), § 392-126-385, filed 8/13/84.]

#### **SALARY-COMPENSATION LID COMPLIANCE-- CALCULATIONS FOR CERTIFICATED STAFF**

**WAC 392-126-500 Salary-compensation lid compliance--Compliance of average certificated salaries.** Unless compliance is demonstrated by the provisions of WAC 392-126-510, compliance with the salary-compensation lid shall be calculated as follows:

For basic education certificated staff, if the district's reported certificated derived base salary exceeds the district's maximum allowed certificated derived base salary, the district shall be considered in violation of the salary-compensation lid for the current school year: *Provided*, That the compliance calculation made after the district submits additional information to the superintendent of public instruction on Form 1040 pursuant to WAC 392-126-610 may exclude persons not employed in a district because of RIF as defined in WAC 392-126-125: *Provided further*, That the compliance calculation made after the district submits additional information to the superintendent of public instruction on Form 1041 pursuant to WAC 392-126-610 may exclude new positions as defined in WAC 392-126-130. [Statutory Authority: RCW 28A.58.095. 84-17-053 (Order 84-32), § 392-126-500, filed 8/13/84.]

**WAC 392-126-505 Salary-compensation lid compliance--Compliance of certificated insurance benefits.**

Insurance benefit increases granted certificated employees shall constitute a portion of the district's salary increase whenever a district's contribution to employee insurance benefits will exceed, by virtue of the increase, the amount per month per full-time equivalent certificated staff unit authorized in the Appropriations Act for the current school year. If insurance benefits granted certificated employees in the prior school year were in excess of the maximum allowed certificated insurance benefit level for the current school year, then only that part granted to employees for the current school year in excess of the prior school year maximum allowed certificated insurance benefit level shall constitute a portion of the district's salary increase for the current school year.

In the event that the district's insurance benefits granted certificated employees exceeds the maximum allowed certificated insurance benefit, the district may certify to the superintendent of public instruction on Form 1042 that:

(1) For those certificated employees whose prior school year insurance benefits exceeded the maximum allowed certificated insurance benefits for the current school year, the average of those employees' current school year insurance benefits does not exceed the average of these employees' prior school year insurance benefits; and

(2) For those certificated employees whose prior school year insurance benefits were equal to or less than the maximum allowed certificated insurance benefits, the average of these employees' current school year insurance benefits does not exceed the amount specified for the current school year in the Operating Appropriations Act multiplied by twelve. [Statutory Authority: RCW 28A.58.095. 86-01-023 (Order 85-18), § 392-126-505, filed 12/9/85; 84-17-053 (Order 84-32), § 392-126-505, filed 8/13/84.]

**WAC 392-126-510 Salary-compensation lid compliance--No increases constitute compliance--Certificated staff.** If the superintendent of public instruction has determined that a district's certificated derived base salary for the current school year exceeds the maximum allowed certificated derived base pursuant to WAC 392-126-500, or a district's payment for insurance benefits for certificated staff exceeds the amount specified for the current school year in the Appropriations Act, the district may certify to the superintendent of public instruction on Form 1042 that it gave no salary increase pursuant to WAC 392-126-500 or insurance benefit increase pursuant to WAC 392-126-505, and the superintendent of public instruction shall not withhold basic education funds from that district for that year.

The school district shall have on file appropriate documentation supporting that no job classification as certified above received an increase in salary or insurance benefits. Such documentation may include but not be limited to district salary schedules, bargaining agreements, employee contracts or copies of school district board minutes. [Statutory Authority: RCW 28A.58.095.]

84-17-053 (Order 84-32), § 392-126-510, filed 8/13/84.]

#### **SALARY-COMPENSATION LID COMPLIANCE PROCESS--CERTIFICATED STAFF**

**WAC 392-126-600 Salary-compensation lid compliance--Reporting cycle--Certificated staff.** 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 for certificated staff. The superintendent of public instruction shall provide each district with forms as specified in WAC 392-126-270, 392-126-275, 392-126-280, and 392-126-285 for certificated employees and shall advise each district by published bulletin of the due dates established by the superintendent of public instruction for the return of such completed forms. [Statutory Authority: RCW 28A.58.095. 84-17-053 (Order 84-32), § 392-126-600, filed 8/13/84.]

**WAC 392-126-605 Salary-compensation lid compliance--Reporting cycle--District initial edit of certificated personnel data.** The superintendent of public instruction shall return to each school district Reports S-727 as specified in WAC 392-126-215. 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: RCW 28A.58.095. 84-17-053 (Order 84-32), § 392-126-605, filed 8/13/84.]

**WAC 392-126-610 Salary-compensation lid compliance--Reporting cycle--Data analysis and determination of need for additional information--Certificated staff.** 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 for certificated staff pursuant to WAC 392-126-500. The superintendent of public instruction shall notify in writing any district where additional information is necessary in order to determine whether or not the district is in violation of the salary-compensation lid. Within five calendar days of receiving such notification from the superintendent of public instruction, the school district shall inform all recognized bargaining units of the receipt of the notification. [Statutory Authority: RCW 28A.58.095. 84-17-053 (Order 84-32), § 392-126-610, filed 8/13/84.]

**WAC 392-126-615 Salary-compensation lid compliance--Reporting cycle--Review of additional information--Certificated staff.** 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 for certificated staff 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 392-126-270 through 392-126-285. 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 shall be withheld pursuant to WAC 392-126-630 until such time as the district demonstrates compliance for that year. The superintendent of public instruction shall analyse additional information 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. Such informal review shall occur within thirty calendar days from the date appearing on such notice. If the district does not request an informal review within fifteen calendar days from the date appearing on such notice or if the informal review does not occur within thirty calendar days from the date appearing on such notice, the superintendent of public instruction shall withhold the amount of the penalty pursuant to WAC 392-126-630 unless or until such time as the district demonstrates compliance for that year. [Statutory Authority: RCW 28A.58.095. 84-17-053 (Order 84-32), § 392-126-615, filed 8/13/84.]

**WAC 392-126-620 Salary-compensation lid compliance--Reporting cycle--Determination of violation after review--Certificated staff.** Following the informal review, the superintendent of public instruction shall have twenty calendar days to make a determination as to whether or not the district is in violation of the salary-compensation lid for certificated staff. The superintendent of public instruction shall notify, in writing, any district that is in violation of the salary-compensation lid and shall withhold the amount of the penalty unless or until such time as the district demonstrates compliance pursuant to WAC 392-126-630. [Statutory Authority: RCW 28A.58.095. 86-01-023 (Order 85-18), § 392-126-620, filed 12/9/85; 84-17-053 (Order 84-32), § 392-126-620, filed 8/13/84.]

**WAC 392-126-625 Salary-compensation lid compliance--Reporting cycle--District subsequent changes of certificated personnel data.** In the event a school district changes certificated personnel data reported on Form S-275 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, 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 to appropriate salary or compensation items on the personnel data report on an annualized basis and return the corrected report to the superintendent of public instruction within thirty calendar days 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 392-126-610 through 392-126-620 to determine whether or not the district is in compliance with the salary-compensation lid and promptly notify the district of such determination. [Statutory Authority: RCW 28A.58.095. 84-17-053 (Order 84-32), § 392-126-625, filed 8/13/84.]

**WAC 392-126-630 Salary-compensation lid compliance—Withholding of basic education allocation—Certificated staff.** If the superintendent of public instruction finds that a school district has violated the salary-compensation lid for certificated staff pursuant to this chapter, the superintendent of public instruction shall direct the assistant superintendent for financial services to withhold for the current school year, the actual amount of the violation as shown on the notice when applied to the district's respective basic education allocation.

The amount to be withheld shall be entered as a negative adjustment in the basic education monthly apportionment payment as soon as possible after the district receives written notification that funds are to be withheld.

The negative adjustment shall remain in place unless or 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 the current school year's data, but withhold the appropriate amount from the district's basic education allocation in the following year. [Statutory Authority: RCW 28A.58.095. 84-17-053 (Order 84-32), § 392-126-630, filed 8/13/84.]

#### **SALARY-COMPENSATION LID COMPLIANCE— CALCULATIONS FOR CLASSIFIED STAFF**

**WAC 392-126-700 Salary-compensation lid compliance—Compliance of average classified salaries.** Unless compliance is demonstrated by the provisions of WAC 392-126-710, compliance with the salary-compensation lid shall be calculated as follows:

For basic education classified staff, if the district's reported classified derived base salary exceeds the district's maximum allowed classified derived base salary the district shall be considered in violation of the salary-compensation lid for the current school year: *Provided*, That the compliance calculation made after the district submits additional information to the superintendent of public instruction on Form 1045 pursuant to WAC 392-126-810 may exclude persons not employed in a district because of RIF as defined in WAC 392-126-125: *Provided further*, That the compliance calculation made after the district submits additional information to the superintendent of public instruction on Form 1046 pursuant to WAC 392-126-810 may exclude new positions as defined in WAC 392-126-130. [Statutory Authority: RCW 28A.58.095. 86-01-023 (Order 85-18), § 392-126-700, filed 12/9/85; 84-17-053 (Order 84-32), § 392-126-700, filed 8/13/84.]

**WAC 392-126-705 Salary-compensation lid compliance—Compliance of classified insurance benefits.** Insurance benefit increases granted classified employees shall constitute a portion of the district's salary increase whenever a district's contribution to employee insurance benefits will exceed, by virtue of the increase, the amount per month per full-time equivalent classified staff unit authorized in the Operating Appropriations Act for the current school year multiplied by the District 1440 classified insurance benefit factor. If insurance benefits granted classified employees in the prior school year were in excess of the maximum allowed classified insurance benefit level for the current school year, then only that part granted to employees for the current school year in excess of the prior school year maximum allowed classified insurance benefit level shall constitute a portion of the district's salary increase for the current school year.

In the event that the district's insurance benefits granted classified employees exceeds the maximum allowed classified insurance benefit, the district may certify to the superintendent of public instruction on Form 1047 that:

(1) For those classified employees whose prior school year insurance benefits exceeded the maximum allowed classified insurance benefits for the current school year, the average of these employees' current school year insurance benefits does not exceed the average of these employees' prior school year insurance benefits; and

(2) For those classified employees whose prior school year insurance benefits were equal to or less than the maximum allowed classified insurance benefits, the average of these employees' current school year insurance benefits does not exceed the amount specified for the



current school year in the Operating Appropriations Act multiplied by twelve multiplied by the District 1440 classified insurance benefit factor. [Statutory Authority: RCW 28A.58.095. 86-01-023 (Order 85-18), § 392-126-705, filed 12/9/85; 84-17-053 (Order 84-32), § 392-126-705, filed 8/13/84.]

**WAC 392-126-710 Salary-compensation lid compliance--No increases constitute compliance--Classified staff.** If the superintendent of public instruction has determined that a district's classified derived base salary for the current school year exceeds the maximum allowed classified derived base salary pursuant to WAC 392-126-700, or a district's payment for insurance benefits for classified staff exceeds the amounts specified for the current school year in the Operating Appropriations Act multiplied by the District 1440 classified insurance benefit factor, the district may certify to the superintendent of public instruction on Form 1047 that it gave no salary increase pursuant to WAC 392-126-700 or insurance benefit increase pursuant to WAC 392-126-705, and the superintendent of public instruction shall not withhold basic education funds from that district for that year.

The school district shall have on file appropriate documentation supporting that no job classification as certified above received an increase in salary or insurance benefits. Such documentation may include but not be limited to district salary schedules, bargaining agreements, employee contracts or copies of school district board minutes. [Statutory Authority: RCW 28A.58.095. 86-01-023 (Order 85-18), § 392-126-710, filed 12/9/85; 84-17-053 (Order 84-32), § 392-126-710, filed 8/13/84.]

#### **SALARY-COMPENSATION LID COMPLIANCE PROCESS--CLASSIFIED STAFF**

**WAC 392-126-800 Salary-compensation lid compliance--Reporting cycle--Classified staff.** 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 for classified staff. The superintendent of public instruction shall provide each district with forms as specified in WAC 392-126-370, 392-126-375, 392-126-380, and 392-126-385 for classified employees and shall advise each district by published bulletin of the due dates established by the superintendent of public instruction for the return of such completed forms. [Statutory Authority: RCW 28A.58.095. 84-17-053 (Order 84-32), § 392-126-800, filed 8/13/84.]

**WAC 392-126-805 Salary-compensation lid compliance--Reporting cycle--District initial edit of classified personnel data.** The superintendent of public instruction shall return to each school district Reports S-730 as specified in WAC 392-126-315. 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: RCW 28A.58.095. 84-17-053 (Order 84-32), § 392-126-805, filed 8/13/84.]

**WAC 392-126-810 Salary-compensation lid compliance--Reporting cycle--Data analysis and determination of need for additional information--Classified staff.** 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 for classified staff pursuant to WAC 392-126-700. The superintendent of public instruction shall notify in writing any district where additional information is necessary in order to determine whether or not the district is in violation of the salary-compensation lid. Within five calendar days of receiving such notification from the superintendent of public instruction, the school district shall inform all recognized bargaining units of the receipt of the notification. [Statutory Authority: RCW 28A.58.095. 84-17-053 (Order 84-32), § 392-126-810, filed 8/13/84.]

**WAC 392-126-815 Salary-compensation lid compliance--Reporting cycle--Review of additional information--Classified staff.** 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 for classified staff 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 392-126-370 through 392-126-385. 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 shall be withheld pursuant to WAC 392-126-830 until such time as the district demonstrates compliance for that year. The superintendent of public instruction shall analyze additional information 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. Such informal review shall occur within thirty calendar days from the date appearing on such notice. If the district does not request an informal review within fifteen calendar days from the date appearing on such notice or if the informal review does not occur within thirty calendar days

from the date appearing on such notice, the superintendent of public instruction shall withhold the amount of the penalty pursuant to WAC 392-126-830 unless or until such time as the district demonstrates compliance for that year. [Statutory Authority: RCW 28A.58.095. 84-17-053 (Order 84-32), § 392-126-815, filed 8/13/84.]

**WAC 392-126-820 Salary-compensation lid compliance—Reporting cycle—Determination of violation after review—Classified staff.** Following the informal review, the superintendent of public instruction shall have twenty calendar days to make a determination as to whether or not the district is in violation of the salary-compensation lid for classified staff. The superintendent of public instruction shall notify, in writing, any district that is in violation of the salary-compensation lid and shall withhold the amount of the penalty unless or until such time as the district demonstrates compliance pursuant to WAC 392-126-830. [Statutory Authority: RCW 28A.58.095. 86-01-023 (Order 85-18), § 392-126-820, filed 12/9/85; 84-17-053 (Order 84-32), § 392-126-820, filed 8/13/84.]

**WAC 392-126-825 Salary-compensation lid compliance—Reporting cycle—District subsequent changes of classified personnel data.** In the event a school district changes classified personnel data reported on Form S-277 for the current year or increases the rate of salary or compensation payment for a job classification—e.g., 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 to appropriate salary or compensation items on the personnel data report on an annualized basis and return the corrected report to the superintendent of public instruction within thirty calendar days 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 392-126-810 through 392-126-820 to determine whether or not the district is in compliance with the salary-compensation lid and promptly notify the district of such determination. [Statutory Authority: RCW 28A.58.095. 84-17-053 (Order 84-32), § 392-126-825, filed 8/13/84.]

**WAC 392-126-830 Salary-compensation lid compliance—Withholding of basic education allocation—Classified staff.** If the superintendent of public instruction finds that a school district has violated the salary-compensation lid for classified staff pursuant to this chapter, the superintendent of public instruction shall direct the assistant superintendent of financial services to withhold for the current school year, the actual

amount of the violation as shown on the notice when applied to the district's respective basic education allocation.

The amount to be withheld shall be entered as a negative adjustment in the basic education monthly apportionment payment as soon as possible after the district receives written notification that funds are to be withheld.

The negative adjustment shall remain in place unless or 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 the current school year's data, but withhold the appropriate amount from the district's basic education allocation in the following year. [Statutory Authority: RCW 28A.58.095. 84-17-053 (Order 84-32), § 392-126-830, filed 8/13/84.]

#### Chapter 392-127 WAC

#### FINANCE—GROUP TOTAL SALARY AND INSURANCE BENEFITS COMPLIANCE

##### WAC

##### AUTHORITY AND PURPOSE

- 392-127-005 Authority.  
392-127-010 Purpose.

##### DEFINITIONS—GENERAL

- 392-127-100 Definition—Day.  
392-127-105 Definition—Current school year.  
392-127-110 Definition—Prior school year.

##### DEFINITIONS—CERTIFICATED STAFF

- 392-127-200 Definition—Certificated employee.  
392-127-205 Definition—Full-time equivalent certificated employee.  
392-127-210 Definition—Form S-275.  
392-127-215 Definition—Report S-727.  
392-127-225 Definition—Certificated staff salaries.  
392-127-235 Definition—Certificated insurance benefits.  
392-127-240 Definition—Certificated exempt employee.  
392-127-245 Definition—Certificated supervisory employee.  
392-127-250 Definition—Certificated nonsupervisory employee.  
392-127-255 Definition—Certificated Group I.  
392-127-260 Definition—Certificated Group II.  
392-127-265 Definition—Prior school year certificated professional experience and educational preparation.  
392-127-270 Definition—Prior school year certificated highest monthly salary.  
392-127-275 Definition—Prior school year certificated average annualized salary—For certificated Groups I and II.  
392-127-280 Definition—Current school year certificated average annualized salary—For certificated Groups I and II.  
392-127-285 Definition—Prior school year certificated group salary factor.  
392-127-290 Definition—Current school year certificated group salary factor.  
392-127-295 Definition—Prior school year certificated average annual insurance benefits—For certificated Group I.

392-127-296 Definition—Current school year certificated average annual insurance benefits—For certificated Group I.

#### DEFINITIONS—CLASSIFIED STAFF

392-127-300 Definition—Classified employee.  
 392-127-305 Definition—Full-time equivalent classified employee.  
 392-127-310 Definition—Form S-277.  
 392-127-315 Definition—Report S-730.  
 392-127-325 Definition—Classified staff salaries.  
 392-127-335 Definition—Classified insurance benefits.  
 392-127-340 Definition—Classified exempt employee.  
 392-127-345 Definition—Classified supervisory employee.  
 392-127-350 Definition—Classified nonsupervisory employee.  
 392-127-355 Definition—Classified Group I.  
 392-127-360 Definition—Classified Group II.  
 392-127-365 Definition—Prior school year classified years of experience.  
 392-127-370 Definition—Prior school year classified highest hourly rate.  
 392-127-375 Definition—Prior school year classified average annualized salary—For classified Groups I and II.  
 392-127-380 Definition—Current school year classified average annualized salary—For classified Groups I and II.  
 392-127-385 Definition—Prior school year classified salary factor.  
 392-127-390 Definition—Current school year classified group salary factor.  
 392-127-395 Definition—Prior school year classified average annual insurance benefits—For classified Group I.  
 392-127-396 Definition—Current school year classified average annual insurance benefits—For classified Group I.

#### CERTIFICATED GROUP COMPLIANCE PROCESS

392-127-500 Certificated group compliance process—School district requirements for filing of information regarding certificated staff.  
 392-127-505 Certificated group compliance process—School district requirements for filing of information regarding certificated salaries.  
 392-127-510 Certificated group compliance process—School district requirements for filing of information regarding certificated insurance benefits.  
 392-127-515 Certificated group compliance process—Provision of information to ensure compliance.  
 392-127-520 Certificated group compliance process—Precomplaint conference.  
 392-127-525 Certificated group compliance process—Criteria for filing of a complaint.  
 392-127-530 Certificated group compliance process—Filing of a complaint.  
 392-127-535 Certificated group compliance process—Informal review by the superintendent of public instruction.  
 392-127-540 Certificated group compliance process—Criteria for evaluation by the superintendent of public instruction of a complaint.  
 392-127-545 Certificated group compliance process—Compliance of average salary.  
 392-127-550 Certificated group compliance process—Compliance of insurance benefits—Direct comparison.  
 392-127-555 Certificated group compliance process—Compliance of insurance benefits—Salary trade.  
 392-127-560 Certificated group compliance process—Final determination of complaint.  
 392-127-565 Certificated group compliance process—Calculation of penalty for noncompliance on salaries.  
 392-127-570 Certificated group compliance process—Calculation of penalty for noncompliance on insurance benefits.  
 392-127-575 Certificated group compliance process—Return to compliance.

#### CLASSIFIED GROUP COMPLIANCE PROCESS

392-127-600 Classified group compliance process—School district requirements for filing of information regarding classified staff.  
 392-127-605 Classified group compliance process—School district requirements for filing of information regarding classified salaries.

392-127-610 Classified group compliance process—School district requirements for filing of information regarding insurance benefits.  
 392-127-615 Classified group compliance process—Provision of information to ensure compliance.  
 392-127-620 Classified group compliance process—Precomplaint conference.  
 392-127-625 Classified group compliance process—Criteria for filing of a complaint.  
 392-127-630 Classified group compliance process—Filing of a complaint.  
 392-127-635 Classified group compliance process—Informal review by the superintendent of public instruction.  
 392-127-640 Classified group compliance process—Criteria for evaluation by the superintendent of public instruction of a complaint.  
 392-127-645 Classified group compliance process—Compliance of average salary.  
 392-127-650 Classified group compliance process—Compliance of insurance benefits—Direct comparison.  
 392-127-655 Classified group compliance process—Compliance of insurance benefits—Salary trade.  
 392-127-660 Classified group compliance process—Final determination of complaint.  
 392-127-665 Classified group compliance process—Calculation of penalty for noncompliance on salaries.  
 392-127-670 Classified group compliance process—Calculation of penalty for noncompliance on insurance benefits.  
 392-127-675 Classified group compliance process—Return to compliance.

#### AUTHORITY AND PURPOSE

**WAC 392-127-005 Authority.** The authority for this chapter is RCW 28A.58.095 which authorizes the superintendent of public instruction to adopt rules and regulations to ensure school district compliance with group total salary and insurance benefit increases permitted by the state Operating Appropriations Act. [Statutory Authority: RCW 28A.58.095. 84-17-052 (Order 84-31), § 392-127-005, filed 8/13/84.]

**WAC 392-127-010 Purpose.** The purpose of this chapter is to set forth policies and procedures to ensure that no school district board of directors shall provide group total salary and insurance benefit increases that violate the provisions of RCW 28A.58.095(1) which implement the requirements of the state Operating Appropriations Act. [Statutory Authority: RCW 28A.58.095. 85-19-006 (Order 85-8), § 392-127-010, filed 9/6/85; 84-17-052 (Order 84-31), § 392-127-010, filed 8/13/84.]

#### DEFINITIONS—GENERAL

**WAC 392-127-100 Definition—Day.** As used in this chapter, "day" means the same as the term defined in WAC 392-126-100. [Statutory Authority: RCW 28A.58.095. 84-17-052 (Order 84-31), § 392-127-100, filed 8/13/84.]

**WAC 392-127-105 Definition—Current school year.** As used in this chapter, "current school year" means the same as the term defined in WAC 392-126-105. [Statutory Authority: RCW 28A.58.095. 84-17-052 (Order 84-31), § 392-127-105, filed 8/13/84.]

**WAC 392-127-110 Definition--Prior school year.** As used in this chapter, "prior school year" means the same as the term defined in WAC 392-126-110. [Statutory Authority: RCW 28A.58.095. 84-17-052 (Order 84-31), § 392-127-110, filed 8/13/84.]

#### DEFINITIONS--CERTIFICATED STAFF

**WAC 392-127-200 Definition--Certificated employee.** As used in this chapter, "certificated employee" means the same as the term defined in WAC 392-121-115(1). [Statutory Authority: RCW 28A.58.095. 84-17-052 (Order 84-31), § 392-127-200, filed 8/13/84.]

**WAC 392-127-205 Definition--Full-time equivalent certificated employee.** As used in this chapter, "full-time equivalent certificated employee" means the same as the term defined in WAC 392-121-115(2). [Statutory Authority: RCW 28A.58.095. 84-17-052 (Order 84-31), § 392-127-205, filed 8/13/84.]

**WAC 392-127-210 Definition--Form S-275.** As used in this chapter, "Form S-275" means the same as the term defined in WAC 392-126-210. [Statutory Authority: RCW 28A.58.095. 84-17-052 (Order 84-31), § 392-127-210, filed 8/13/84.]

**WAC 392-127-215 Definition--Report S-727.** As used in this chapter, "Report S-727" means the same as the term defined in WAC 392-126-215. [Statutory Authority: RCW 28A.58.095. 84-17-052 (Order 84-31), § 392-127-215, filed 8/13/84.]

**WAC 392-127-225 Definition--Certificated staff salaries.** As used in this chapter, "certificated staff salaries" means the same as the term defined in WAC 392-126-225. [Statutory Authority: RCW 28A.58.095. 84-17-052 (Order 84-31), § 392-127-225, filed 8/13/84.]

**WAC 392-127-235 Definition--Certificated insurance benefits.** As used in this chapter, "certificated insurance benefits" means the same as the term defined in WAC 392-126-235. [Statutory Authority: RCW 28A.58.095. 84-17-052 (Order 84-31), § 392-127-235, filed 8/13/84.]

**WAC 392-127-240 Definition--Certificated exempt employee.** As used in this chapter, "certificated exempt employee" means each certificated employee reported on Form S-275 in the current school year who holds a position with the title of or comparable to the following:

- (1) The chief executive officer of the school district;
- (2) The chief administrative officers of the school district, which means any employee occupying a position with the title of or comparable to the superintendent of the district, deputy superintendent, administrative assistant to the superintendent, and assistant superintendent;
- (3) Confidential employee, which means:

(a) Any employee who participates directly on behalf of an employer in the formulation of labor relations policy, the preparation for or the conduct of collective bargaining, or the administration of collective bargaining agreements, except that the role of such person is not merely routine or clerical in nature but calls for the consistent exercise of independent judgment;

(b) Any employee who assists and acts in a confidential capacity to such person; and

(4) Any certificated person designated as being a certificated exempt employee by the public employment relations commission pursuant to RCW 41.59.020 (4)(b). [Statutory Authority: RCW 28A.58.095. 84-17-052 (Order 84-31), § 392-127-240, filed 8/13/84.]

**WAC 392-127-245 Definition--Certificated supervisory employee.** As used in this chapter, "certificated supervisory employee" means each certificated employee reported on Form S-275 in the current school year having authority to hire, assign, promote, transfer, layoff, recall, suspend, discipline, or discharge other employees, or to adjust their grievances, or to recommend effectively such action, if in connection with the foregoing the exercise of such authority is not merely routine or clerical in nature but calls for the consistent exercise of independent judgment. The term "certificated supervisory employee" shall include principals, assistant (vice) principals, any person so designated by the public employee relations commission, and any employee who performs a preponderance of the above-specified acts of authority—i.e., a person who has authority to perform in whole or part a majority of the above-specified acts of authority or devotes more than fifty percent of the employee's time performing one or more of the specified acts of authority. [Statutory Authority: RCW 28A.58.095. 84-17-052 (Order 84-31), § 392-127-245, filed 8/13/84.]

**WAC 392-127-250 Definition--Certificated nonsupervisory employee.** As used in this chapter, "certificated nonsupervisory employee" means each certificated employee reported on Form S-275 in the current school year other than a certificated employee who meets the definition of certificated exempt employee or certificated supervisory employee. [Statutory Authority: RCW 28A.58.095. 84-17-052 (Order 84-31), § 392-127-250, filed 8/13/84.]

**WAC 392-127-255 Definition--Certificated Group I.** As used in this chapter, "certificated Group I" means the group composed of all certificated exempt employees and those certificated supervisory employees who are not represented by a collective bargaining agent or agents who also represent certificated nonsupervisory employees. [Statutory Authority: RCW 28A.58.095. 84-17-052 (Order 84-31), § 392-127-255, filed 8/13/84.]

**WAC 392-127-260 Definition--Certificated Group II.** As used in this chapter, "certificated Group II" means the group composed of:

- (1) All certificated nonsupervisory employees; and

(2) Those certificated supervisory employees who are represented by a collective bargaining agent or agents who also represent certificated nonsupervisory employees. [Statutory Authority: RCW 28A.58.095. 85-19-006 (Order 85-8), § 392-127-260, filed 9/6/85; 84-17-052 (Order 84-31), § 392-127-260, filed 8/13/84.]

**WAC 392-127-265 Definition--Prior school year certificated professional experience and educational preparation.** As used in this chapter, "prior school year certificated professional experience and educational preparation" means those levels of professional experience and educational preparation determined according to the following criteria:

(1) For a certificated employee reported on Form S-275 for both the current and prior school years, prior school year certificated professional experience and educational preparation means the professional experience and educational preparation recognized by the school district for the purpose of placement of the employee on the school district's prior school year salary schedule in the position occupied by the certificated employee in the current school year;

(2) For a certificated employee reported on Form S-275 for the current school year but not reported on Form S-275 for the prior school year, prior school year certificated professional experience and educational preparation means the professional experience and educational preparation that would have been recognized by the school district for the purpose of placement of the individual on the school district's prior school year salary schedule as if the employee had been employed by the district during the prior school year in the position occupied by the certificated employee in the current school year; and

(3) For a certificated employee reported on Form S-275 for the current school year but not reported on Form S-275 for the prior school year, in which a certificated employee occupies a position not used by the district in the prior school year, prior school year certificated professional experience and educational preparation means the professional experience and educational preparation that would have been recognized by the school district for the purpose of placement of the individual on the school district's prior school year salary schedule as if the employee had been employed by the district during the prior school year in the position occupied by the certificated employee in the current school year. [Statutory Authority: RCW 28A.58.095. 84-17-052 (Order 84-31), § 392-127-265, filed 8/13/84.]

**WAC 392-127-270 Definition--Prior school year certificated highest monthly salary.** As used in this chapter, "prior school year certificated highest monthly salary" means that highest monthly salary that was paid or would have been paid the employee during the prior school year commensurate with the employee's prior school year certificated professional experience and educational preparation in the same position or positions held by the employee in the current school year as reported on Form S-275. [Statutory Authority: RCW

28A.58.095. 84-17-052 (Order 84-31), § 392-127-270, filed 8/13/84.]

**WAC 392-127-275 Definition--Prior school year certificated average annualized salary--For certificated Groups I and II.** As used in this chapter, "prior school year certificated average annualized salary" means the salary calculated in the following manner:

(1) Assign each individual certificated employee to the appropriate certificated group;

(2) Determine the highest annualized salary for each individual certificated employee, which shall mean the highest monthly salary multiplied by twelve;

(3) Multiply the highest annualized salary obtained in subsection (2) of this section by the full-time equivalency for the individual certificated employee;

(4) Determine the total of the highest annualized salaries obtained in subsection (3) of this section for each respective certificated group;

(5) Divide the result obtained in subsection (4) of this section for each respective certificated group by the district's number of full-time equivalent certificated employees assigned to each respective group; and

(6) The result obtained in subsection (5) of this section is the prior school year certificated average annualized salary for each respective certificated group. [Statutory Authority: RCW 28A.58.095. 84-17-052 (Order 84-31), § 392-127-275, filed 8/13/84.]

**WAC 392-127-280 Definition--Current school year certificated average annualized salary--For certificated Groups I and II.** As used in this chapter, "current school year certificated average annualized salary" means the salary calculated in the following manner:

(1) Assign each individual certificated employee to the appropriate certificated group;

(2) Determine the highest annualized salary for each individual certificated employee, which means the highest monthly salary multiplied by twelve, for the current school year for the individual employee reported on Form S-275;

(3) Multiply the highest annualized salary obtained in subsection (2) of this section by the full-time equivalency for the individual certificated employee;

(4) Determine the total of the highest annualized salaries obtained in subsection (3) of this section for each respective certificated group;

(5) Divide the result obtained in subsection (4) of this section for each respective certificated group by the district's number of full-time equivalent certificated employees assigned to each respective certificated group; and

(6) The result obtained in subsection (5) of this section is the current school year certificated average annualized salary for each respective certificated group. [Statutory Authority: RCW 28A.58.095. 84-17-052 (Order 84-31), § 392-127-280, filed 8/13/84.]

**WAC 392-127-285 Definition--Prior school year certificated group salary factor.** As used in this chapter, "prior school year certificated group salary factor"

means that factor, rounded to three decimal places, calculated for the prior school year by dividing the applicable certificated group average annualized salary for certificated Group I by the applicable certificated average annualized salary for certificated Group II. [Statutory Authority: RCW 28A.58.095. 84-17-052 (Order 84-31), § 392-127-285, filed 8/13/84.]

**WAC 392-127-290 Definition--Current school year certificated group salary factor.** As used in this chapter, "current school year certificated group salary factor" means that factor, rounded to three decimal places, calculated for the current school year by dividing the applicable certificated group average annualized salary for certificated Group I by the applicable certificated average annualized salary for certificated Group II. [Statutory Authority: RCW 28A.58.095. 84-17-052 (Order 84-31), § 392-127-290, filed 8/13/84.]

**WAC 392-127-295 Definition--Prior school year certificated average annual insurance benefits--For certificated Group I.** As used in this chapter, "prior school year certificated average annual insurance benefits" means the greater of:

(1) The insurance benefit amount authorized in the state Operating Appropriations Act for compensation purposes multiplied by twelve months per full-time equivalent staff unit; or

(2) The insurance benefits calculated in the following manner:

(a) Determine the annual insurance benefits for each individual certificated employee assigned to certificated Group I in the same position(s) held by the employee in the current school year;

(b) Determine the total of the annual insurance benefits obtained in (a) of this subsection;

(c) Divide the result obtained in (b) of this subsection by the district's number of full-time equivalent certificated employees assigned to certificated Group I. [Statutory Authority: RCW 28A.58.095. 85-19-006 (Order 85-8), § 392-127-295, filed 9/6/85; 84-17-052 (Order 84-31), § 392-127-295, filed 8/13/84.]

**WAC 392-127-296 Definition--Current school year certificated average annual insurance benefits--For certificated Group I.** As used in this chapter, "current school year certificated average annual insurance benefits" means the insurance benefits calculated in the following manner:

(1) Determine the annual insurance benefits for each individual certificated employee assigned to certificated Group I in the same position(s) held by the employee in the current school year;

(2) Determine the total of the annual insurance benefits obtained in subsection (1) of this section;

(3) Divide the result obtained in subsection (2) of this section by the district's number of full-time equivalent certificated employees assigned to certificated Group I; and

(4) The result obtained in subsection (3) of this section is the current school year certificated average annual insurance benefits for certificated Group I. [Statutory Authority: RCW 28A.58.095. 84-17-052 (Order 84-31), § 392-127-296, filed 8/13/84.]

#### DEFINITIONS--CLASSIFIED STAFF

**WAC 392-127-300 Definition--Classified employee.** As used in this chapter, "classified employee" means the same as the term defined in WAC 392-121-115(3). [Statutory Authority: RCW 28A.58.095. 84-17-052 (Order 84-31), § 392-127-300, filed 8/13/84.]

**WAC 392-127-305 Definition--Full-time equivalent classified employee.** As used in this chapter, "full-time equivalent classified employee" means the same as the term defined in WAC 392-121-115(4). [Statutory Authority: RCW 28A.58.095. 84-17-052 (Order 84-31), § 392-127-305, filed 8/13/84.]

**WAC 392-127-310 Definition--Form S-277.** As used in this chapter, "Form S-277" means the same as the term defined in WAC 392-126-310. [Statutory Authority: RCW 28A.58.095. 84-17-052 (Order 84-31), § 392-127-310, filed 8/13/84.]

**WAC 392-127-315 Definition--Report S-730.** As used in this chapter, "Report S-730" means the same as the term defined in WAC 392-126-315. [Statutory Authority: RCW 28A.58.095. 84-17-052 (Order 84-31), § 392-127-315, filed 8/13/84.]

**WAC 392-127-325 Definition--Classified staff salaries.** As used in this chapter, "classified staff salaries" means the same as the term defined in WAC 392-126-325. [Statutory Authority: RCW 28A.58.095. 84-17-052 (Order 84-31), § 392-127-325, filed 8/13/84.]

**WAC 392-127-335 Definition--Classified insurance benefits.** As used in this chapter, "classified insurance benefits" means the same as the term defined in WAC 392-126-335. [Statutory Authority: RCW 28A.58.095. 84-17-052 (Order 84-31), § 392-127-335, filed 8/13/84.]

**WAC 392-127-340 Definition--Classified exempt employee.** As used in this chapter, "classified exempt employee" means each classified employee reported on Form S-277 in the current school year who holds a position with the title of or comparable to the following:

(1) The chief administrative officers of the school district, which means any employee occupying a position with the title of or comparable to the administrative assistant to the superintendent and business manager;

(2) Confidential employee, which means:

(a) Any employee who participates directly on behalf of an employer in the formulation of labor relations policy, the preparation for or the conduct of collective bargaining agreements, except that the role of such person

is not merely routine or clerical in nature but calls for the consistent exercise of independent judgment;

(b) Any employee who assists and acts in a confidential capacity to such person; and

(3) Any classified person designated as being a classified exempt employee by the public employment relations commission pursuant to chapter 391-35 WAC. [Statutory Authority: RCW 28A.58.095. 84-17-052 (Order 84-31), § 392-127-340, filed 8/13/84.]

**WAC 392-127-345 Definition--Classified supervisory employee.** As used in this chapter, "classified supervisory employee" means each classified employee reported on Form S-277 in the current school year having authority to hire, assign, promote, transfer, layoff, recall, suspend, discipline, or discharge other employees, or to adjust their grievances, or to recommend effectively such action, if in connection with the foregoing the exercise of such authority is not merely routine or clerical in nature but calls for the consistent exercise of independent judgment. The term "classified supervisory employee" shall include any person so designated by the public employment relations commission, and any employee who performs a preponderance of the above-specified acts of authority—i.e., a person who has authority to perform in whole or part a majority of the above-specified acts of authority or devotes more than fifty percent of the employee's time performing one or more of the specified acts of authority. [Statutory Authority: RCW 28A.58.095. 84-17-052 (Order 84-31), § 392-127-345, filed 8/13/84.]

**WAC 392-127-350 Definition--Classified nonsupervisory employee.** As used in this chapter, "classified nonsupervisory employee" means each classified employee reported on Form S-277 in the current school year other than a classified employee who meets the definitions of classified exempt employee or classified supervisory employee. [Statutory Authority: RCW 28A.58.095. 84-17-052 (Order 84-31), § 392-127-350, filed 8/13/84.]

**WAC 392-127-355 Definition--Classified Group I.** As used in this chapter, "classified Group I" means the group composed of all classified exempt employees and those classified supervisory employees who are not represented by a collective bargaining agent or agents who also represent classified nonsupervisory employees. [Statutory Authority: RCW 28A.58.095. 84-17-052 (Order 84-31), § 392-127-355, filed 8/13/84.]

**WAC 392-127-360 Definition--Classified Group II.** As used in this chapter, "classified Group II" means the group composed of:

- (1) All classified nonsupervisory employees; and
- (2) Those classified supervisory employees who are represented by a collective bargaining agent or agents who also represent classified nonsupervisory employees. [Statutory Authority: RCW 28A.58.095. 85-19-006 (Order 85-8), § 392-127-360, filed 9/6/85; 84-17-052 (Order 84-31), § 392-127-360, filed 8/13/84.]

**WAC 392-127-365 Definition--Prior school year classified years of experience.** As used in this chapter, "prior school year classified years of experience" means the level of experience determined according to the following criteria:

(1) For a classified employee reported on Form S-277 for both the current and prior school years, the prior school year classified years of experience means the years of experience recognized by the school district for the purpose of placement of the employee on the school district's prior school year salary schedule in the various district-assigned job classification occupied by the classified employee in the current school year;

(2) For a classified employee reported on Form S-277 for the current school year but not reported on Form S-277 for the prior school year, prior school year classified years of experience means the years of experience that would have been recognized by the school district for the purpose of placement of the individual on the school district's prior school year salary schedule as if the employee had been employed by the district during the prior school year in like district-assigned job classifications occupied by the classified employee in the current school year; and

(3) For a classified employee reported on Form S-277 for the current school year but not reported on Form S-277 for the prior school year, in which a classified employee occupies a position not used by the district in the prior school year, prior school year classified years of experience means the years of experience that would have been recognized by the school district for the purpose of placement of the individual on the school district's prior school year salary schedule as if the employee had been employed by the district during the prior school year in like district-assigned job classifications occupied by the classified employee in the current school year. [Statutory Authority: RCW 28A.58.095. 84-17-052 (Order 84-31), § 392-127-365, filed 8/13/84.]

**WAC 392-127-370 Definition--Prior school year classified highest hourly rate.** As used in this chapter, "prior school year classified highest hourly rate" means that highest hourly rate that was paid or would have been paid the employee during the prior school year commensurate with the employee's prior school year classified years of experience in the various district-assigned job classifications occupied by the employee in the current year as reported on Form S-277. [Statutory Authority: RCW 28A.58.095. 84-17-052 (Order 84-31), § 392-127-370, filed 8/13/84.]

**WAC 392-127-375 Definition--Prior school year classified average annualized salary--For classified Groups I and II.** As used in this chapter, "prior school year classified average annualized salary" means the salary calculated in the following manner:

- (1) Assign each individual classified employee to the appropriate classified group;

(2) Determine the highest annualized salary for each individual classified employee, which means the highest hourly rate multiplied by 2,080;

(3) Multiply the highest annualized salary obtained in subsection (2) of this section by the full-time equivalency for the individual employee's various district-assigned job classifications occupied by the individual classified employee;

(4) Determine the total of the highest annualized salaries obtained in subsection (3) of this section for each respective classified group;

(5) Divide the result obtained in subsection (4) of this section for each respective classified group by the district's number of full-time equivalent classified employees assigned to each respective group; and

(6) The result obtained in subsection (5) of this section is the prior school year classified average annualized salary for each respective classified group. [Statutory Authority: RCW 28A.58.095. 84-17-052 (Order 84-31), § 392-127-375, filed 8/13/84.]

**WAC 392-127-380 Definition--Current school year classified average annualized salary--For classified Groups I and II.** As used in this chapter, "current school year classified average annualized salary" means the salary calculated in the following manner:

(1) Assign each individual classified employee to the appropriate classified group;

(2) Determine the highest annualized salary for each individual classified employee, which means the highest hourly rate multiplied by 2,080, for the current school year for the various district-assigned job classifications in which the individual was employed as reported on Form S-277;

(3) Multiply the highest annualized salary obtained in subsection (2) of this section by the full-time equivalency for the individual employee's various district-assigned job classifications occupied by the individual classified employee;

(4) Determine the total of the annualized salaries obtained in subsection (3) of this section for each respective classified group;

(5) Divide the result obtained in subsection (4) of this section for each respective classified group by the district's number of full-time equivalent classified employees assigned to each respective classified group; and

(6) The result obtained in subsection (5) of this section is the current school year classified average annualized salary for each respective classified group. [Statutory Authority: RCW 28A.58.095. 84-17-052 (Order 84-31), § 392-127-380, filed 8/13/84.]

**WAC 392-127-385 Definition--Prior school year classified salary factor.** As used in this chapter, "prior school year classified group salary factor" means that factor, rounded to three decimal places, calculated for the prior school year by dividing the applicable classified average annualized salary for classified Group I by the

applicable classified average annualized salary for classified Group II. [Statutory Authority: RCW 28A.58.095. 84-17-052 (Order 84-31), § 392-127-385, filed 8/13/84.]

**WAC 392-127-390 Definition--Current school year classified group salary factor.** As used in this chapter, "current school year classified group salary factor" means that factor, rounded to three decimal places, calculated for the current school year by dividing the applicable classified average annualized salary for classified Group I by the applicable classified average salary for classified Group II. [Statutory Authority: RCW 28A.58.095. 84-17-052 (Order 84-31), § 392-127-390, filed 8/13/84.]

**WAC 392-127-395 Definition--Prior school year classified average annual insurance benefits--For classified Group I.** As used in this chapter, "prior school year classified average annual insurance benefits" means the greater of:

(1) The insurance benefit amount authorized in the state Operating Appropriations Act for compensation purposes multiplied by twelve months per full-time equivalent staff unit; or

(2) The insurance benefits calculated in the following manner:

(a) Determine the annual insurance benefits for each individual classified employee assigned to classified Group I in the various district-assigned job classifications occupied by the employee in the current school year;

(b) Determine the total of the annual insurance benefits obtained in (a) of this subsection;

(c) Divide the result obtained in (b) of this subsection by the district's number of full-time equivalent classified employees assigned to classified Group I. [Statutory Authority: RCW 28A.58.095. 85-19-006 (Order 85-8), § 392-127-395, filed 9/6/85; 84-17-052 (Order 84-31), § 392-127-395, filed 8/13/84.]

**WAC 392-127-396 Definition--Current school year classified average annual insurance benefits--For classified Group I.** As used in this chapter, "current school year classified average annual insurance benefits" means the insurance benefits calculated in the following manner:

(1) Determine the annual insurance benefits for each individual classified employee assigned to classified Group I in the various district-assigned job classifications occupied by the employee in the current school year;

(2) Determine the total of the annual insurance benefits obtained in subsection (1) of this section;

(3) Divide the result obtained in subsection (2) of this section by the district's number of full-time equivalent classified employees assigned to classified Group I; and

(4) The result obtained in subsection (3) of this section is the current school year classified average annual



insurance benefits for classified Group I. [Statutory Authority: RCW 28A.58.095. 84-17-052 (Order 84-31), § 392-127-396, filed 8/13/84.]

#### **CERTIFICATED GROUP COMPLIANCE PROCESS**

**WAC 392-127-500 Certified group compliance process—School district requirements for filing of information regarding certificated staff.** The school district, thirty days after submittal of the current school year Form S-275, shall have on file the following certificated staff information with the necessary supporting documentation:

(1) The prior school year certificated average annualized salary for certificated Group I;

(2) The prior school year certificated average annualized salary for certificated Group II;

(3) The prior school year certificated group salary factor;

(4) The prior school year certificated average annual insurance benefits for certificated Group I;

(5) A listing of certificated employees assigned to certificated Group I, including their full-time equivalency and assigned positions; and

(6) A listing of certificated employees assigned to certificated Group II, including their full-time equivalency and assigned positions. [Statutory Authority: RCW 28A.58.095. 84-17-052 (Order 84-31), § 392-127-500, filed 8/13/84.]

**WAC 392-127-505 Certified group compliance process—School district requirements for filing of information regarding certificated salaries.** The school district, ten days after completion of all salary increments and salary adjustments for either certificated Group I or certificated Group II employees, shall have on file with the necessary supporting documentation, the appropriate current school year certificated average annualized salary for the certificated group for whom all salary increments and salary adjustments are completed.

The school district, ten days after completion of all salary increments and salary adjustments for both certificated Group I and certificated Group II, shall have on file with the necessary supporting documentation, the current school year certificated group salary factor. [Statutory Authority: RCW 28A.58.095. 84-17-052 (Order 84-31), § 392-127-505, filed 8/13/84.]

**WAC 392-127-510 Certified group compliance process—School district requirements for filing of information regarding certificated insurance benefits.** The school district, ten days after completion of all insurance benefit adjustments for certificated Group I employees, shall have on file with the necessary supporting documentation, the current school year certificated average annual insurance benefits for certificated Group I. [Statutory Authority: RCW 28A.58.095. 84-17-052 (Order 84-31), § 392-127-510, filed 8/13/84.]

**WAC 392-127-515 Certified group compliance process—Provision of information to ensure compliance.**

Upon the request of an agent representing a bargaining unit of certificated Group II employee(s), the school district superintendent or the designee, shall provide said agent with the information set forth in WAC 392-127-500, 392-127-505, and 392-127-510. [Statutory Authority: RCW 28A.58.095. 84-17-052 (Order 84-31), § 392-127-515, filed 8/13/84.]

**WAC 392-127-520 Certified group compliance process—Precomplaint conference.** Prior to the submission of a complaint to the superintendent of public instruction, an agent representing a bargaining unit of certificated Group II employee(s) shall request in writing, sent by certified mail, a meeting with the school district superintendent to discuss the particulars of the complaint in an attempt to resolve any possible factual misinterpretations by either the district or said agent. [Statutory Authority: RCW 28A.58.095. 84-17-052 (Order 84-31), § 392-127-520, filed 8/13/84.]

**WAC 392-127-525 Certified group compliance process—Criteria for filing of a complaint.** An agent representing a bargaining unit of certificated Group II employee(s), may file a complaint with the superintendent of public instruction alleging a violation of WAC 392-127-545, 392-127-550, and 392-127-555. No complaint shall be accepted by the superintendent of public instruction until fifteen days after the written request to meet with the school district superintendent. [Statutory Authority: RCW 28A.58.095. 84-17-052 (Order 84-31), § 392-127-525, filed 8/13/84.]

**WAC 392-127-530 Certified group compliance process—Filing of a complaint.** All complaints shall be submitted to the superintendent of public instruction in writing by certified mail with a copy to the school district superintendent. The complainant, an agent representing a bargaining unit of certificated Group II employee(s), shall set forth the particulars of why the complainant believes the school district to be out of compliance with the group total salary and insurance benefits requirements. The complainant shall provide to the superintendent of public instruction documentation that a precomplaint conference has been requested pursuant to WAC 392-127-520. [Statutory Authority: RCW 28A.58.095. 84-17-052 (Order 84-31), § 392-127-530, filed 8/13/84.]

**WAC 392-127-535 Certified group compliance process—Informal review by the superintendent of public instruction.** Upon receipt of the complaint, the superintendent of public instruction or the designee shall determine whether the complaint states a factual pattern, which if true, may result in a violation meriting an informal review. If so, an informal review shall be scheduled with the involved parties to review the evidence bearing on the particulars of the complaint. It shall be the responsibility of the complainant to submit at that time clear and convincing evidence supporting the particulars of the complaint. [Statutory Authority: RCW

28A.58.095. 84-17-052 (Order 84-31), § 392-127-535, filed 8/13/84.]

**WAC 392-127-540 Certificated group compliance process—Criteria for evaluation by the superintendent of public instruction of a complaint.** The superintendent of public instruction shall use the criteria outlined in WAC 392-127-545, 392-127-550, and 392-127-555 to evaluate the results of an informal review of the complaint. [Statutory Authority: RCW 28A.58.095. 84-17-052 (Order 84-31), § 392-127-540, filed 8/13/84.]

**WAC 392-127-545 Certificated group compliance process—Compliance of average salary.** Compliance shall be calculated by subtracting the current school year certificated group salary factor from the prior school year certificated group salary factor. If the result obtained in this calculation is negative, the district shall be found to have violated the group total salary and insurance benefits salary compliance. [Statutory Authority: RCW 28A.58.095. 84-17-052 (Order 84-31), § 392-127-545, filed 8/13/84.]

**WAC 392-127-550 Certificated group compliance process—Compliance of insurance benefits—Direct comparison.** Compliance for insurance benefits shall be calculated by comparing the current school year certificated average annual insurance benefits for the certificated Group I employees to the insurance benefits authorized in the Operating Appropriations Act for compensation purposes multiplied by twelve. The district shall be in compliance with the certificated insurance benefits provided if the current school year certificated average annual insurance benefits for certificated Group I employees is equal to or less than the insurance benefits authorized in the Operating Appropriations Act for compensation purposes multiplied by twelve.

In the event the school district's current school year certificated average annual insurance benefits exceed the insurance benefits authorized in the Operating Appropriations Act for compensation purposes multiplied by twelve, the district shall be in compliance with this section if:

(1) For those certificated Group I employees whose prior school year insurance benefits exceeds the insurance benefits authorized in the Operating Appropriations Act for compensation purposes multiplied by twelve, the average of those employees' current school year insurance benefits does not exceed the average of these employees' prior school year insurance benefits; and

(2) For those certificated Group I employees whose prior school year insurance benefits were equal to or less than the insurance benefits authorized in the Operating Appropriations Act for compensation purposes multiplied by twelve, the average of these employees' current school year insurance benefits does not exceed the insurance benefits authorized in the Operating Appropriations Act for compensation purposes multiplied by twelve. [Statutory Authority: RCW 28A.58.095. 85-19-

006 (Order 85-8), § 392-127-550, filed 9/6/85; 84-17-052 (Order 84-31), § 392-127-550, filed 8/13/84.]

**WAC 392-127-555 Certificated group compliance process—Compliance of insurance benefits—Salary trade.** If the school district is not found to be in compliance with WAC 392-127-550, compliance for insurance benefits shall be calculated as follows:

(1) Subtract the prior school year certificated average annual insurance benefits from the current school year certificated average annual insurance benefits for certificated Group I;

(2) Subtract the current school year certificated group salary factor from the prior school year certificated group salary factor, or if the result is negative or zero, enter zero;

(3) Multiply the result obtained in subsection (2) of this section by the average salary calculated for the certificated Group II employees for the prior school year;

(4) Subtract the result obtained in subsection (1) of this section from the result obtained in subsection (3) of this section; and

(5) If the result obtained in subsection (4) of this section is negative, the district shall be found to have violated the group total salary and insurance benefits compliance. [Statutory Authority: RCW 28A.58.095. 84-17-052 (Order 84-31), § 392-127-555, filed 8/13/84.]

**WAC 392-127-560 Certificated group compliance process—Final determination of complaint.** Following the informal review the superintendent of public instruction shall have ten days to make a determination based on a clear and convincing standard of proof as to whether or not the district is in violation of group total salary and insurance benefits compliance. The superintendent of public instruction shall notify the district and complainant of the final status regarding the compliance of the district. If the district is found out of compliance with this chapter, the superintendent of public instruction shall withhold the amount of the penalty calculated in WAC 392-127-565 and 392-127-570 unless or until such time as it is demonstrated that the district is in compliance with this chapter. [Statutory Authority: RCW 28A.58.095. 84-17-052 (Order 84-31), § 392-127-560, filed 8/13/84.]

**WAC 392-127-565 Certificated group compliance process—Calculation of penalty for noncompliance on salaries.** If the superintendent of public instruction has determined that a school district has violated the group total salary and insurance benefits compliance relative to certificated salaries, the superintendent of public instruction shall direct the assistant superintendent for financial services to withhold for the current school year the amount calculated by multiplying the result obtained in WAC 392-127-545 by the current school year certificated average annualized salary for certificated Group II. The result obtained is then multiplied by the district's number of full-time equivalent staff calculated for certificated Group I. The result is further multiplied by the

number of months the salary increase is provided in the Operating Appropriations Act currently in effect divided by twelve. The result obtained shall be the amount to be withheld. The amount to be withheld shall be entered as a negative adjustment to the next monthly apportionment payment after the district receives written notification that the funds are to be withheld. [Statutory Authority: RCW 28A.58.095. 85-19-006 (Order 85-8), § 392-127-565, filed 9/6/85; 84-17-052 (Order 84-31), § 392-127-565, filed 8/13/84.]

**WAC 392-127-570 Certificated group compliance process—Calculation of penalty for noncompliance on insurance benefits.** If the superintendent of public instruction has determined that a school district has violated the group total salary and insurance benefits compliance relative to certificated insurance benefits, the superintendent of public instruction shall direct the assistant superintendent for financial services to withhold for the current school year the amount calculated by multiplying the result obtained in WAC 392-127-555(5) by the full-time equivalent staff in certificated Group I. [Statutory Authority: RCW 28A.58.095. 84-17-052 (Order 84-31), § 392-127-570, filed 8/13/84.]

**WAC 392-127-575 Certificated group compliance process—Return to compliance.** The district, after being found out of compliance, may request a second informal review. The superintendent of public instruction shall schedule a meeting in order to allow the district to demonstrate that it is in compliance. The complainant shall be invited to be present and be a party to this second informal review. If the superintendent of public instruction agrees the district has come back into compliance, the penalty withheld shall be returned to the district. [Statutory Authority: RCW 28A.58.095. 84-17-052 (Order 84-31), § 392-127-575, filed 8/13/84.]

#### CLASSIFIED GROUP COMPLIANCE PROCESS

**WAC 392-127-600 Classified group compliance process—School district requirements for filing of information regarding classified staff.** The school district, thirty days after submittal of the current school year Form S-277, shall have on file the following classified staff information with the necessary supporting documentation:

- (1) The prior school year classified average annualized salary for classified Group I;
- (2) The prior school year classified average annualized salary for classified Group II;
- (3) The prior school year classified group salary factor;
- (4) The prior school year classified average annual insurance benefits for classified Group I;
- (5) A listing of classified employees assigned to classified Group I, including their full-time equivalency and assigned positions; and
- (6) A listing of classified employees assigned to classified Group II, including their full-time equivalency and assigned positions. [Statutory Authority: RCW

28A.58.095. 84-17-052 (Order 84-31), § 392-127-600, filed 8/13/84.]

**WAC 392-127-605 Classified group compliance process—School district requirements for filing of information regarding classified salaries.** The school district, ten days after completion of all salary increments and salary adjustments for either classified Group I or classified Group II employees, shall have on file with the necessary supporting documentation, the appropriate current school year classified average annualized salary for the classified group for whom all salary increments and salary adjustments are completed.

The school district, ten days after completion of all salary increments and salary adjustments for both classified Group I and classified Group II, shall have on file with the necessary supporting documentation, the current school year classified group salary factor. [Statutory Authority: RCW 28A.58.095. 84-17-052 (Order 84-31), § 392-127-605, filed 8/13/84.]

**WAC 392-127-610 Classified group compliance process—School district requirements for filing of information regarding insurance benefits.** The school district, ten days after completion of all insurance benefit adjustments for classified Group I employees, shall have on file with the necessary supporting documentation, the current school year classified average annual insurance benefit for classified Group I. [Statutory Authority: RCW 28A.58.095. 84-17-052 (Order 84-31), § 392-127-610, filed 8/13/84.]

**WAC 392-127-615 Classified group compliance process—Provision of information to ensure compliance.** Upon the request of an agent representing a bargaining unit of classified Group II employee(s), the school district superintendent or the designee, shall provide said agent with the information set forth in WAC 392-127-600, 392-127-605, and 392-127-610. [Statutory Authority: RCW 28A.58.095. 84-17-052 (Order 84-31), § 392-127-615, filed 8/13/84.]

**WAC 392-127-620 Classified group compliance process—Precomplaint conference.** Prior to the submission of a complaint to the superintendent of public instruction, an agent representing a bargaining unit of classified Group II employee(s), shall request in writing, sent by certified mail, a meeting with the school district superintendent to discuss the particulars of the complaint in an attempt to resolve any possible factual misinterpretations by either the district or said agent. [Statutory Authority: RCW 28A.58.095. 84-17-052 (Order 84-31), § 392-127-620, filed 8/13/84.]

**WAC 392-127-625 Classified group compliance process—Criteria for filing of a complaint.** An agent representing a bargaining unit of classified Group II employee(s), may file a complaint with the superintendent of public instruction alleging a violation of WAC 392-127-645, 392-127-650, and 392-127-655. No complaint shall be accepted by the superintendent of

public instruction until fifteen days after the written request to meet with the school district superintendent. [Statutory Authority: RCW 28A.58.095. 84-17-052 (Order 84-31), § 392-127-625, filed 8/13/84.]

**WAC 392-127-630 Classified group compliance process—Filing of a complaint.** All complaints shall be submitted to the superintendent of public instruction in writing by certified mail with a copy to the school district superintendent. The complainant, an agent representing a bargaining unit of classified Group II employee(s), shall set forth the particulars of why the complainant believes the school district to be out of compliance with the group total salary and insurance benefits requirements. The complainant shall provide to the superintendent of public instruction documentation that a precomplaint conference has been requested pursuant to WAC 392-127-620. [Statutory Authority: RCW 28A.58.095. 84-17-052 (Order 84-31), § 392-127-630, filed 8/13/84.]

**WAC 392-127-635 Classified group compliance process—Informal review by the superintendent of public instruction.** Upon receipt of the complaint, the superintendent of public instruction or the designee shall determine whether the complaint states a factual pattern which, if true, may result in a violation meriting an informal review. If so, an informal review shall be scheduled with the involved parties to review the evidence bearing on the particulars of the complaint. It shall be the responsibility of the complainant to submit at that time clear and convincing evidence supporting the particulars of the complaint. [Statutory Authority: RCW 28A.58.095. 84-17-052 (Order 84-31), § 392-127-635, filed 8/13/84.]

**WAC 392-127-640 Classified group compliance process—Criteria for evaluation by the superintendent of public instruction of a complaint.** The superintendent of public instruction shall use the criteria outlined in WAC 392-127-645, 392-127-650, and 392-127-655 to evaluate the results of an informal review of the complaint. [Statutory Authority: RCW 28A.58.095. 84-17-052 (Order 84-31), § 392-127-640, filed 8/13/84.]

**WAC 392-127-645 Classified group compliance process—Compliance of average salary.** Compliance shall be calculated by subtracting the current school year classified group salary factor from the prior school year classified group salary factor. If the result obtained of this calculation is negative, the district shall be found to have violated the group total salary and insurance benefits compliance. [Statutory Authority: RCW 28A.58.095. 84-17-052 (Order 84-31), § 392-127-645, filed 8/13/84.]

**WAC 392-127-650 Classified group compliance process—Compliance of insurance benefits—Direct comparison.** Compliance for insurance benefits shall be calculated by comparing the current school year classified average annual insurance benefits for the classified

Group I employees to the insurance benefits authorized in the Operating Appropriations Act for compensation purposes multiplied by twelve. The district shall be in compliance with the classified insurance benefits provided if the average current school year classified annual insurance benefits for classified Group I employees is equal to or less than the insurance benefits authorized in the Operating Appropriations Act for compensation purposes multiplied by twelve.

In the event the school district's current school year classified insurance benefits exceed the insurance benefits authorized in the Operating Appropriations Act for compensation purposes multiplied by twelve, the district shall be in compliance with this section if:

(1) For those classified Group I employees whose prior school year insurance benefits exceeds the insurance benefits authorized in the Operating Appropriations Act for compensation purposes multiplied by twelve, the average of those employees' current school year insurance benefits does not exceed the average of these employees' prior school year insurance benefits; and

(2) For those classified Group I employees whose prior school year insurance benefits were equal to or less than the insurance benefits authorized in the Operating Appropriations Act for compensation purposes multiplied by twelve, the average of these employees' current school year insurance benefits does not exceed the insurance benefits authorized in the Operating Appropriations Act for compensation purposes multiplied by twelve. [Statutory Authority: RCW 28A.58.095. 85-19-006 (Order 85-8), § 392-127-650, filed 9/6/85; 84-17-052 (Order 84-31), § 392-127-650, filed 8/13/84.]

**WAC 392-127-655 Classified group compliance process—Compliance of insurance benefits—Salary trade.** If the school district is not found to be in compliance with WAC 392-127-650, compliance for insurance benefits shall be calculated as follows:

(1) Subtract the classified prior school year average annual insurance benefits from the classified current school year average annual insurance benefits for classified Group I;

(2) Subtract the current school year classified factor from the prior school year classified factor, or if the result is negative or zero, enter zero;

(3) Multiply the result obtained in subsection (2) of this section by the average salary calculated for the classified Group II employees for the prior school year;

(4) Subtract the result obtained in subsection (1) of this section from the result obtained in subsection (3) of this section; and

(5) If the result obtained in subsection (4) of this section is negative the district shall be found to have violated the group total salary and insurance benefits compliance. [Statutory Authority: RCW 28A.58.095. 84-17-052 (Order 84-31), § 392-127-655, filed 8/13/84.]

**WAC 392-127-660 Classified group compliance process—Final determination of complaint.** Following the

informal review the superintendent of public instruction shall have ten days to make a determination based on a clear and convincing standard of proof as to whether or not the district is in violation of group total salary and insurance benefits compliance. The superintendent of public instruction shall notify the district and complainant of the final status regarding the compliance of the district. If the district is found out of compliance with this chapter, the superintendent of public instruction shall withhold the amount of the penalty calculated in WAC 392-127-665 and 392-127-670 unless or until such time as it is demonstrated that the district is in compliance with this chapter. [Statutory Authority: RCW 28A.58.095. 84-17-052 (Order 84-31), § 392-127-660, filed 8/13/84.]

**WAC 392-127-665 Classified group compliance process--Calculation of penalty for noncompliance on salaries.** If the superintendent of public instruction has determined that a school district has violated the group total salary and insurance benefits compliance relative to classified salaries, the superintendent of public instruction shall direct the assistant superintendent for financial services to withhold for the current school year the amount calculated by multiplying the result obtained in WAC 392-127-645 by the current school year classified average annualized salary for classified Group II. The result obtained is then multiplied by the district's number of full-time equivalent staff calculated for classified Group I. The result is further multiplied by the number of months the salary increase is provided in the Operating Appropriations Act currently in effect divided by twelve. The result obtained shall be the amount to be withheld. The amount to be withheld shall be entered as a negative adjustment to the next monthly apportionment payment after the district receives written notification that the funds are to be withheld. [Statutory Authority: RCW 28A.58.095. 85-19-006 (Order 85-8), § 392-127-665, filed 9/6/85; 84-17-052 (Order 84-31), § 392-127-665, filed 8/13/84.]

**WAC 392-127-670 Classified group compliance process--Calculation of penalty for noncompliance on insurance benefits.** If the superintendent of public instruction has determined that a school district has violated the group total salary and insurance benefits compliance relative to classified insurance benefits, the superintendent of public instruction shall direct the assistant superintendent for financial services to withhold for the current school year the amount calculated by multiplying the result obtained in WAC 392-127-655(5) by the full-time equivalent staff in classified Group I. [Statutory Authority: RCW 28A.58.095. 84-17-052 (Order 84-31), § 392-127-670, filed 8/13/84.]

**WAC 392-127-675 Classified group compliance process--Return to compliance.** The district, after being found out of compliance, may request a second informal review. The superintendent of public instruction shall

schedule a meeting in order to allow the district to demonstrate that it is in compliance. The complainant shall be invited to be present and be party to this second informal review. If the superintendent of public instruction agrees the district has come back into compliance, the penalty withheld shall be returned to the district. [Statutory Authority: RCW 28A.58.095. 84-17-052 (Order 84-31), § 392-127-675, filed 8/13/84.]

## Chapter 392-129 WAC

### FINANCE--EMERGENCY SCHOOL CLOSURE

#### WAC

392-129-013 Application to superintendent of public instruction.  
392-129-030 Application of chapter to half day kindergarten programs.

**WAC 392-129-013 Application to superintendent of public instruction.** The following information shall be contained in each application to the superintendent of public instruction for a determination of eligibility:

- (1) Name of the district;
- (2) Name of the superintendent of the district;
- (3) Statement by the superintendent of the district that the board of directors has reviewed the application and supports its submittal;
- (4) The unforeseen condition(s) which cause a district and/or individual building closure (see WAC 392-129-010);
- (5) The specific dates on which the district and/or building was closed;
- (6) The specific dates the district shall schedule for making up the days of school closure. [Statutory Authority: RCW 28A.41.170. 84-13-023 (Order 84-13), § 392-129-013, filed 6/13/84.]

**WAC 392-129-030 Application of chapter to half day kindergarten programs.** The following shall apply to the cancellation of either the morning or afternoon kindergarten program in a school district due to an unforeseen emergency:

- (1) In the event a district has both a morning and afternoon kindergarten program scheduled on a school day and the district cancels the morning program and commences the afternoon kindergarten program, the district need not make up such school day, program hour offering, teacher contact hours, and course mix percentages required by law for the morning kindergarten program.
- (2) In the event a district has both a morning and afternoon kindergarten program scheduled on a school day and the district commences the school day with the morning kindergarten program, the district may cancel the afternoon kindergarten program without making up such school day, program hour offering, teacher contact hours, and course mix and percentages required by law for the afternoon program. [Statutory Authority: RCW 28A.41.170. 85-09-019 (Order 85-2), § 392-129-030, filed 4/10/85.]

## Chapter 392-132 WAC

**FINANCE--NONHIGH PARTICIPATORY  
FINANCE--INCLUDING TRANSFER OF M AND O  
LEVY AUTHORITY FROM HIGH TO NONHIGH  
DISTRICTS**

## WAC

392-132-010	Authority.
392-132-020	Purposes.
392-132-030	Definitions.
392-132-040	Determining levy capacity transfer and amount due.
392-132-050	Annual determination of the billing amounts due in May and November installments of each year to a serving high school district from a served nonhigh school district.
392-132-060	Notice of assessment by high school district of a lesser amount or waiver of the entire amount.
392-132-070	Amount due includes expenditures for education and transportation.

**WAC 392-132-010 Authority.** This chapter is adopted pursuant to authority vested in the superintendent of public instruction by RCW 28A.44.230 and 84.52.0531(7). RCW 28A.44.230 provides that the superintendent of public instruction may adopt rules and regulations for the payments to high school districts for educating nonhigh district students. RCW 84.52.0531(7) provides that the superintendent of public instruction shall develop rules and regulations for the calculation of the excess maintenance and operation levy transfer from high school districts to nonhigh school districts. [Statutory Authority: RCW 28A.44.230 and 84.52.053(7). 84-13-024 (Order 84-14), § 392-132-010, filed 6/13/84.]

**WAC 392-132-020 Purposes.** The purposes of this chapter are to provide the annual procedure that the superintendent of public instruction shall use for:

(1) Determining the amount due from nonhigh school districts for educating and transporting nonhigh district students; and

(2) Transferring maintenance and operating excess levy authority from the high to nonhigh district. [Statutory Authority: RCW 28A.44.230 and 84.52.053(7). 84-13-024 (Order 84-14), § 392-132-020, filed 6/13/84.]

**WAC 392-132-030 Definitions.** (1) "Estimated amount due" for a school year shall mean the result of the following calculation:

The high school district's maintenance and operations excess levy that was certified as collectible for the calendar year in which the school year ends is divided by the estimated number of average annual full time equivalent (AAFTE) students who reside within the boundaries of the high school district. That quotient is multiplied by the estimated number of AAFTE nonhigh district students enrolled in the serving high school district during the school year as reported on Form P-213.

(2) "Actual amount due" for a school year shall mean the result of the following calculation:

The high school district's maintenance and operations excess levy that was certified as collectible for the calendar year in which the school year ended is divided by

the actual number of AAFTE students who resided within the boundaries of the high school district. That quotient is multiplied by the actual number of AAFTE nonhigh district students enrolled in the serving high school district during the school year as reported on Form P-213.

(3) "Estimated number of AAFTE students who reside within the boundaries of the high school district" during a school year shall mean the result of the following calculation:

Average the number of students reported on the Forms P-223 available at the time of the calculation of the nonhigh billing. Subtract from this average the average number of students attending the high school district's cooperative programs as reported on Forms P-223NR available at the time of the calculation of the nonhigh bill. Also subtract all the estimated nonhigh enrollment as reported on Forms P-213. Add the average number of students who reside within the high school district who attended cooperative programs in other districts as reported on the partial year P-223NR Forms available at the time of the calculation of the nonhigh billing.

(4) "Actual number of AAFTE students who resided within the boundaries" during a school year shall mean the result of the following calculation:

Subtract from the AAFTE for a school year as reported on Forms P-223 the AAFTE students for a school year as reported on Forms P-223NR. Added to the resident enrollment count of the high school district is the number of AAFTE students who reside within the high school district who attended cooperative programs in other districts as reported on Forms P-223NR.

(5) "Nonhigh billing" shall mean the amount due to a high school district from a nonhigh school district for educating and transporting nonhigh district students.

(6) "P-213" shall have the same meaning as this is given in WAC 392-139-017.

(7) "P-223NR" shall have the same meaning as this is given in WAC 392-139-017.

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

(9) "Annual determination of the excess maintenance and operation levy transfer from the high school district to the nonhigh school district for educating nonhigh school district students" shall have the same meaning as this is given in WAC 392-139-037. [Statutory Authority: RCW 28A.44.230 and 84.52.053(7). 84-13-024 (Order 84-14), § 392-132-030, filed 6/13/84.]

**WAC 392-132-040 Determining levy capacity transfer and amount due.** Pursuant to WAC 392-139-037, annually, the superintendent of public instruction shall make the necessary determinations and calculate (1) the excess maintenance and operation levy transfer from the high school district to the nonhigh school district, and (2) the amount due to the high school district by the nonhigh school district. The respective high and nonhigh school district shall be notified of the results of

such determinations and calculations. [Statutory Authority: RCW 28A.44.230 and 84.52.053(7). 84-13-024 (Order 84-14), § 392-132-040, filed 6/13/84.]

**WAC 392-132-050 Annual determination of the billing amounts due in May and November installments of each year to a serving high school district from a served nonhigh school district.** During the month of May of the school year for which the amount is due, each served nonhigh district shall pay by warrant to each serving high school district fifty percent of the total estimated amount due for the school year. During the following November, each served nonhigh district shall pay by warrant to each serving high school district the actual amount due for the school year less the fifty percent of the total estimated amount due which was paid in the preceding May installment. [Statutory Authority: RCW 28A.44.230 and 84.52.053(7). 84-13-024 (Order 84-14), § 392-132-050, filed 6/13/84.]

**WAC 392-132-060 Notice of assessment by high school district of a lesser amount or waiver of the entire amount.** A high school district board of directors may elect to assess a nonhigh school district an amount which is less than the amount calculated in WAC 392-132-050 or waive the entire amount. In the event a high school district elects to do so, it shall notify both the superintendent of public instruction and the nonhigh school district of its election and the lesser amount or waiver no later than September first following the school year for which the amount is due. [Statutory Authority: RCW 28A.44.230 and 84.52.053(7). 84-13-024 (Order 84-14), § 392-132-060, filed 6/13/84.]

**WAC 392-132-070 Amount due includes expenditures for education and transportation.** Unless otherwise agreed to by the board of directors of a nonhigh school district, the amounts established as due by WAC 392-132-050 shall be the entire amount due from a nonhigh school district for the school year for the education and transportation of any and all handicapped and nonhandicapped students residing in the nonhigh school district who attend a high school district. [Statutory Authority: RCW 28A.44.230 and 84.52.053(7). 84-13-024 (Order 84-14), § 392-132-070, filed 6/13/84.]

### Chapter 392-134 WAC

#### FINANCE--APPORTIONMENT FOR PART-TIME PUBLIC SCHOOL ATTENDANCE

WAC	
392-134-001	Repealed.
392-134-002	Authority.
392-134-003	Purpose.
392-134-005	Definitions.
392-134-015	Enrollment practices and conditions.
392-134-020	Provision of educational program to part-time public school students—Reports—Sites.

#### DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

392-134-001 Purposes. [Statutory Authority: RCW 28A.41.145, 80-05-035 (Order 80-6), § 392-134-001, filed 4/15/80.] Repealed by 86-01-020 (Order 85-15), filed 12/9/85. Statutory Authority: RCW 28A.41.140 [28A.41.140] and 28A.41.145.

**WAC 392-134-001 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 392-134-002 Authority.** The authority for this chapter is RCW 28A.41.145 which authorizes the superintendent of public instruction to adopt rules and regulations regarding part-time public school attendance. [Statutory Authority: RCW 28A.41.140 [28A.41.140] and 28A.41.145, 86-01-020 (Order 85-15), § 392-134-002, filed 12/9/85.]

**WAC 392-134-003 Purpose.** The purpose of this chapter is to implement the part-time public school attendance law. [Statutory Authority: RCW 28A.41.140 [28A.41.140] and 28A.41.145, 86-01-020 (Order 85-15), § 392-134-003, filed 12/9/85.]

**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;

(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; and

(c) Any student who is participating in home-based instruction to the extent that the student is also enrolled in a public school for the purpose of taking any course or receiving any ancillary service, or any combination of courses and ancillary services.

(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;

(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; and

(6) "Home-based instruction" shall mean an instructional program established pursuant to RCW 28A.27.010(4). [Statutory Authority: RCW 28A.41.140 [28A.41.140] and 28A.41.145. 86-01-020 (Order 85-15), § 392-134-005, filed 12/9/85. Statutory Authority: RCW 28A.41.145. 80-05-035 (Order 80-6), § 392-134-005, filed 4/15/80.]

**WAC 392-134-015 Enrollment practices and conditions.** 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).

In addition, 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:

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

(2) The course and/or ancillary service for which enrollment is requested is not available at the private school of attendance. [Statutory Authority: RCW 28A.41.140 [28A.41.140] and 28A.41.145. 86-01-020 (Order 85-15), § 392-134-015, filed 12/9/85. 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) of this section; 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.41.140 [28A.41.140] and 28A.41.145. 86-01-020 (Order 85-15), § 392-134-020, filed 12/9/85. Statutory Authority: RCW 28A.41.145. 80-05-035 (Order 80-6), § 392-134-020, filed 4/15/80.]

## Chapter 392-136 WAC

### FINANCE--CONVERSION OF ACCUMULATED SICK LEAVE

#### WAC

392-136-003	Authority.
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.
392-136-060	Application to school districts.
392-136-065	School districts--Board authority--Subject to collective bargaining if applicable.
392-136-070	School districts--Basis of accounting for accumulated sick leave balance for buy out purpose.
392-136-075	School districts--Annual one hundred eighty-day limitation on accumulated sick leave balance for buy out purpose.
392-136-085	School districts--Previous payments in connection with excess accumulations of sick leave disregarded.

**WAC 392-136-003 Authority.** The authority for this chapter as applied to educational service districts is RCW 28A.21.360 which authorizes the superintendent of public instruction to adopt rules and regulations related to a mandatory attendance incentive program for all employees of educational service districts. The authority for this chapter as applied to school districts is RCW 28A.58.096 which authorizes the superintendent of public instruction to adopt rules and regulations related to a permissive attendance incentive program for employees of school districts. [Statutory Authority: RCW 28A.21.360 and 28A.58.096. 84-04-034 (Order 84-2), § 392-136-003, filed 1/26/84.]



**WAC 392-136-005 Purpose.** The purpose of this chapter is to implement RCW 28A.58.096 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. [Statutory Authority: RCW 28A.21.360 and 28A.58.096. 84-04-034 (Order 84-2), § 392-136-005, filed 1/26/84. 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 or educational service 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: RCW 28A.21.360 and 28A.58.096. 84-04-034 (Order 84-2), § 392-136-010, filed 1/26/84. 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 be an employee of an educational service district or an employee of a school district that has

adopted an attendance incentive program covering such employee pursuant to WAC 392-136-065;

(ii) 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

(iii) 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: RCW 28A.21.360 and 28A.58.096. 84-04-034 (Order 84-2), § 392-136-015, filed 1/26/84. 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 eligible employee 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. In order to receive reimbursement for unused sick leave, pursuant to this chapter, at the time of separation from a school or educational service district employment due to retirement, an employee must have separated from such employment and have been granted a retirement allowance under the laws governing the teachers' retirement system or the public employees' retirement system, whichever

applies; however, it is not necessary that the employee actually file for retirement prior to the date of his or her separation so long as the application is thereafter filed within a reasonable period of time and without the occurrence of any intervening covered employment: *Provided*, That the maximum number of days that may be converted pursuant to this section for a school district employee shall be one hundred eighty days.

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

(5) Exclusion from retirement allowance: 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.21.360 and 28A.58.096. 84-04-034 (Order 84-2), § 392-136-020, filed 1/26/84. 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.]

**WAC 392-136-060 Application to school districts.** The provisions of this chapter as applied to school districts are applicable only to school district employees included within an incentive attendance program established pursuant to WAC 392-136-065. The provisions of WAC 392-136-060 through 392-136-085 are applicable only to school districts. [Statutory Authority: RCW 28A.21.360 and 28A.58.096. 84-04-034 (Order 84-2), § 392-136-060, filed 1/26/84.]

**WAC 392-136-065 School districts--Board authority--Subject to collective bargaining if applicable.** Every school district board of directors may establish an attendance incentive program as provided for in this chapter for any or all certificated and noncertificated employees: *Provided*, That the terms and conditions of an attendance incentive program for employees represented by a bargaining representative pursuant to either chapter 41.56 or 41.59 RCW, shall be established and implemented in accordance with chapter 41.56 or 41.59 RCW, whichever chapter is applicable. [Statutory Authority:

RCW 28A.21.360 and 28A.58.096. 84-04-034 (Order 84-2), § 392-136-065, filed 1/26/84.]

**WAC 392-136-070 School districts--Basis of accounting for accumulated sick leave balance for buy out purpose.** Sick leave for buy out purpose shall be earned, used, and converted to monetary compensation on a last-in first-out (LIFO) basis in accordance with the provisions of this chapter. The reduction to one hundred eighty days on December 31, 1983 and each year thereafter, as provided in WAC 392-136-075, shall be on a LIFO basis, after the December 31 balance has first been reduced for any front end loaded unearned days which may be posted for sick leave purpose but not earned for sick leave buy out purpose. [Statutory Authority: RCW 28A.21.360 and 28A.58.096. 84-04-034 (Order 84-2), § 392-136-070, filed 1/26/84.]

**WAC 392-136-075 School districts--Annual one hundred eighty-day limitation on accumulated sick leave balance for buy out purpose.** The maximum accumulated sick leave balance for buy out purpose shall be controlled as follows:

(1) Commencing at midnight December 31, 1983 and on each midnight December 31 thereafter, and prior to the addition of sick leave earned for January, but after the transactions for sick leave earned and used for December and after reductions of sick leave balance due to conversion of sick leave during January, each employee of a school district shall be limited for sick leave buy out purpose to a maximum earned sick leave balance of one hundred eighty days on such date and time. This balance does not include any front end loaded or other days which may be posted for sick leave purpose but not earned for sick leave buy out purpose.

(2) Commencing on January 31, 1984 and on the end of each month thereafter there shall be added to the accumulated sick leave balance of each employee for sick leave buy out purpose sick leave earned during that month.

(3) Each employee whose sick leave balance for buy out purpose exceeds one hundred eighty days on midnight December 31, computed in accordance with the first paragraph of this section, shall lose days accumulated that are in excess of this maximum in January of each year if such employee fails to exercise the annual buy out option provided for in this chapter or if such employee's sick leave buy out balance exceeds this maximum for any other reason. [Statutory Authority: RCW 28A.21.360 and 28A.58.096. 84-04-034 (Order 84-2), § 392-136-075, filed 1/26/84.]

**WAC 392-136-085 School districts--Previous payments in connection with excess accumulations of sick leave disregarded.** Nothing in this chapter shall be construed as requiring or allowing, on account of a previous accumulation of sick leave in excess of one hundred eighty days, the recovery of payments for either used or converted sick leave made during the period of June 13, 1980, through July 23, 1983, to any school district employee who had been allowed by his or her school district

of employment to accumulate an unused sick leave balance in excess of one hundred eighty days. And nothing in this chapter shall be construed as requiring or allowing the accumulated unused and unconverted sick leave balance of any employee of a school district to be reduced on account of any such payment. [Statutory Authority: RCW 28A.21.360 and 28A.58.096. 84-04-034 (Order 84-2), § 392-136-085, filed 1/26/84.]

### Chapter 392-137 WAC

#### FINANCE--NONRESIDENT ATTENDANCE

##### WAC

392-137-020 Nonresident students under the age of twenty-one—Mutual agreement between resident and nonresident district required.

**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 within forty-five calendar days whether the student is a resident of the district of enrollment and the district thereby is entitled to claim the student for apportionment purposes. 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.58.240 and 28A.58.242. 84-20-079 (Order 84-37), § 392-137-020, filed 10/2/84. 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.]

### Chapter 392-138 WAC

#### FINANCE--ASSOCIATED STUDENT BODY MONEYS

##### WAC

392-138-003	Authority.
392-138-010	Definitions.
392-138-012	Fees optional noncredit extracurricular events.
392-138-015	Repealed.
392-138-016	Scholarships, student exchange and charitable purposes—ASB private moneys.
392-138-020	Repealed.
392-138-025	Formation of associated student bodies required.
392-138-030	Powers—Authority and policy of board of directors.
392-138-035	Deposit and investment of associated student body moneys.
392-138-047	Segregation of accounts—Public and private moneys.
392-138-050	Disbursement approval—Total disbursements.
392-138-071	Public moneys—Previous law.
392-138-075	Title to property—Dissolution of associated student body or affiliated group.
392-138-100	Student aid donations and other nonassociated student body moneys.

#### DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

392-138-015	Distinction between public and private moneys—Duties of advisors. [Order 4-76, § 392-138-015, filed 3/4/76, effective 7/1/76.] Repealed by 84-13-025 (Order 84-15), filed 6/13/84. Statutory Authority: RCW 28A.58.115.
392-138-020	Private moneys not to be commingled—Exception in case of student aid donations. [Order 4-76, § 392-138-020, filed 3/4/76, effective 7/1/76.] Repealed by 84-13-025 (Order 84-15), filed 6/13/84. Statutory Authority: RCW 28A.58.115.

**WAC 392-138-003 Authority.** The authority for this chapter is RCW 28A.58.115 which authorizes the superintendent of public instruction to promulgate rules and regulations regarding the administration and control of associated student body moneys. [Statutory Authority: RCW 28A.58.115. 84-13-025 (Order 84-15), § 392-138-003, filed 6/13/84.]

**WAC 392-138-010 Definitions.** (1) "Associated student body organization" 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 public moneys" means fees collected from students and nonstudents 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, revenues derived from "associated student body programs" as defined in subsection (2) of this section, and any other moneys received by an associated student body, not specified in subsection (5) of this section and WAC 392-138-100, for the support of an associated student body program.

(5) "Associated student body private moneys" means bona fide voluntary donations that are identified as donations at the time of collection.

(6) "Associated student body governing body" means the student council, student activities board, or other officially recognized group of students appointed or elected to represent the entire associated student body within a school in accordance with procedures established by the board of directors of the school district.

(7) "Bona fide voluntary donations" means collections of money freely given without commensurate goods or services being received directly or indirectly by the donor. Bona fide voluntary donations must be intentional, real, actual, genuine, and not feigned. [Statutory Authority: RCW 28A.58.115. 84-13-025 (Order 84-15), § 392-138-010, filed 6/13/84; Order 4-76, § 392-138-010, filed 3/4/76, effective 7/1/76.]

**WAC 392-138-012 Fees optional noncredit extracurricular events.** The board of directors of any common school district may establish and collect a fee from students and nonstudents as a condition to their attendance at any optional noncredit extracurricular event of the district which is of a cultural, social, recreational, or athletic nature: *Provided*, That in so establishing such

fee or fees, the district shall adopt regulations for waiving and reducing such fees in the cases of those students whose families, by reason of their low income, would have difficulty in paying the entire amount of such fees and may likewise waive or reduce such fees for nonstudents of the age of sixty-five or over who, by reason of their low income, would have difficulty in paying the entire amount of such fees. An optional comprehensive fee may be established and collected for any combination or all of such events or, in the alternative, a fee may be established and collected as a condition to attendance at any single event. The board of directors shall adopt regulations which state that: (1) Attendance and the fee are optional, and (2) the district will waive and reduce fees for students whose families, by reason of their low income, would have difficulty in paying the entire amount of such fees.

Fees collected pursuant to this section shall be designated as associated student body public moneys and shall be deposited in the associated student body program fund of the school district. Such funds may be expended to defray the costs of optional noncredit extracurricular events of such a cultural, social, recreational, or athletic nature, or to otherwise support the public activities and programs of associated student bodies. [Statutory Authority: RCW 28A.58.115. 84-13-025 (Order 84-15), § 392-138-012, filed 6/13/84.]

**WAC 392-138-015 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 392-138-016 Scholarships, student exchange and charitable purposes—ASB private moneys.** Associated student body moneys which constitute bona fide voluntary donations at the time of collection are private moneys and may be used for scholarship, student exchange, and charitable purposes as the appropriate governing body representing the associated student body shall determine: For such purposes, said moneys shall not be deemed public moneys under section 7, Article VIII of the state Constitution but shall be deemed "associated student body private moneys." [Statutory Authority: RCW 28A.58.115. 84-13-025 (Order 84-15), § 392-138-016, filed 6/13/84.]

**WAC 392-138-020 Repealed.** See Disposition Table at beginning of this chapter.

**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 board of directors of a school district may act, or delegate the authority to an employee(s) of the district to act, as the associated student body governing body for any school plant facility within the district containing no grade higher than the sixth grade. [Statutory Authority: RCW 28A.58.115. 84-13-025 (Order

84-15), § 392-138-025, filed 6/13/84; 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 administration of a school district and regulation of actions and activities of the associated student bodies of the district including, but not limited to RCW 28A.58.010 (Corporate powers), 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 establishment of an official governing body representing the associated student body;

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

(d) 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. [Statutory Authority: RCW 28A.58.115. 84-13-025 (Order 84-15), § 392-138-030, filed 6/13/84; 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 moneys of the district except as such practices and procedures are modified by or pursuant to this chapter. [Statutory Authority: RCW 28A.58.115.

84-13-025 (Order 84-15), § 392-138-035, filed 6/13/84; Order 4-76, § 392-138-035, filed 3/4/76, effective 7/1/76.]

**WAC 392-138-047 Segregation of accounts—Public and private moneys.** When a school district has associated student body organizations that receive both public and private moneys as defined in WAC 392-138-010 (4) and (5), two separate sets of accounts shall be maintained for each associated student body organization for budgets, revenues, expenditures and fund balances in such a manner that there is a complete segregation by accounting records for each associated student body organization including clubs, classes, athletic events and general associated student body. [Statutory Authority: RCW 28A.58.115. 84-13-025 (Order 84-15), § 392-138-047, filed 6/13/84.]

**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 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, and as provided for in subsection (4) of this section for scholarships, student exchange, or charitable purposes;

(3) All disbursements from the associated student body program fund or any imprest bank account established thereunder shall have the prior approval of the appropriate governing body representing the associated student body. Supporting documentation of the vouchers shall bear evidence of approval by the associated student body governing body in accordance with associated student body bylaws;

(4) Vouchers authorizing disbursements for scholarship, student exchange, or charitable purposes shall be accompanied by:

(a) A petition to the associated student body governing body requesting disbursement if the request was originated by an associated student body organization other than the governing body (—i.e., a subcomponent or an affiliated student group); and

(b) A written communication adopted by the associated student body governing body authorizing the disbursement;

(5) When a fund balance account of an associated student body organization does not contain a sufficient balance to meet a proposed disbursement, such disbursement shall be limited to the account balance: *Provided*, That a transfer of fund balance between associated student body organizations may be made pursuant to the associated student body bylaws and as approved by the associated student body governing body;

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

(7) All disbursements shall be made by warrant except for disbursements from imprest bank accounts and

petty cash funds provided for in this chapter. [Statutory Authority: RCW 28A.58.115, 84-13-025 (Order 84-15), § 392-138-050, filed 6/13/84; Order 4-76, § 392-138-050, filed 3/4/76, effective 7/1/76.]

**WAC 392-138-071 Public moneys--Previous law.**

All moneys expended from associated student body program funds prior to June 10, 1982, shall be considered public moneys. [Statutory Authority: RCW 28A.58.115, 84-13-025 (Order 84-15), § 392-138-071, filed 6/13/84.]

**WAC 392-138-075 Title to property--Dissolution of associated student body or affiliated group.** The purchase of vehicles, furniture, fixtures, equipment, and real property with associated student body private moneys is an act of conversion of private money to public property. Title to all such property acquired through the expenditure of associated student body private moneys shall be vested in the school district. Title to all property acquired through the expenditure of associated student body public 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. [Statutory Authority: RCW 28A.58.115, 84-13-025 (Order 84-15), § 392-138-075, filed 6/13/84; Order 4-76, § 392-138-075, filed 3/4/76, effective 7/1/76.]

**WAC 392-138-100 Student aid donations and other nonassociated student body moneys.** 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 within the associated student body program fund pursuant to the school district's rules and regulations adopted in compliance with RCW 28A.58.030.

Nonassociated student body program fund moneys generated and received by students for private purposes, including but not limited to use for scholarship and/or charitable purposes, may, in the discretion of the board of directors of any school district, be held in trust in one or more separate accounts within an associated student body program fund and be disbursed for such purposes: *Provided*, That the school district shall either withhold an amount from such moneys as will pay the district for its cost in providing the service or otherwise be compensated for its cost for such service.

WAC 392-138-035 shall apply to moneys received, deposited, invested, expended, and accounted for under this section. [Statutory Authority: RCW 28A.58.115, 84-13-025 (Order 84-15), § 392-138-100, filed 6/13/84.]

**Chapter 392-139 WAC**

**FINANCE--MAINTENANCE AND OPERATION  
LEVY LIMITS**

WAC

392-139-001 Authority.

**WAC 392-139-001 Authority.** The authority for this chapter is RCW 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 84.52.0531(7), 84-05-017 (Order 84-4), § 392-139-001, filed 2/9/84; 83-23-039 (Order 83-18), § 392-139-001, filed 11/9/83; 83-17-058 (Order 83-6), § 392-139-001, filed 8/17/83.]

**Chapter 392-140 WAC**

**FINANCE--SPECIAL ALLOCATIONS,  
INSTRUCTIONS, AND REQUIREMENTS**

WAC

392-140-010 Repealed.  
392-140-011 Repealed.  
392-140-012 Repealed.  
392-140-013 Repealed.  
392-140-014 Repealed.  
392-140-015 Repealed.  
392-140-016 Repealed.  
392-140-017 Repealed.  
392-140-018 Repealed.  
392-140-019 Repealed.  
392-140-020 Repealed.  
392-140-021 Repealed.  
392-140-022 Repealed.  
392-140-023 Repealed.  
392-140-025 Repealed.  
392-140-026 Repealed.  
392-140-027 Repealed.  
392-140-028 Repealed.  
392-140-029 Repealed.  
392-140-030 Repealed.  
392-140-031 Repealed.  
392-140-032 Repealed.  
392-140-033 Repealed.  
392-140-034 Repealed.  
392-140-035 Repealed.  
392-140-040 Repealed.  
392-140-041 Repealed.  
392-140-042 RAP, grades seven through nine--Applicable provisions.  
392-140-043 RAP, grades seven through nine--Definition--Educationally deprived.  
392-140-044 RAP, grades seven through nine--Definition--Placement test.  
392-140-045 Repealed.  
392-140-046 RAP, grades seven through nine--Definition--Supplemental instructional assistance.  
392-140-047 RAP, grades seven through nine--Definition--Like services.  
392-140-048 RAP, grades seven through nine--Definition--Remediation program.  
392-140-049 RAP, grades seven through nine--Definition--Eligible students.  
392-140-050 RAP, grades seven through nine--District application.  
392-140-051 RAP, grades seven through nine--Board approval.

- 392-140-052 RAP, grades seven through nine—Content of district application.
- 392-140-053 RAP, grades seven through nine—Program requirement—Notification of parents.
- 392-140-054 RAP, grades seven through nine—Program requirement—Allowable expenditures.
- 392-140-055 RAP, grades seven through nine—Program requirement—End of year report.
- 392-140-056 RAP, grades seven through nine—Program requirement—Annual program evaluation.
- 392-140-057 RAP, grades seven through nine—Definition—District 7-9 FTE enrollment.
- 392-140-058 RAP, grades seven through nine—Definition—District eighth grade RAP percentage.
- 392-140-059 RAP, grades seven through nine—Definition—District specific learning disabled enrollment for ages twelve through fourteen.
- 392-140-060 Repealed.
- 392-140-061 RAP, grades seven through nine—Definition—District grades seven through nine service population.
- 392-140-062 RAP, grades seven through nine—Definition—Grades seven through nine per student support level.
- 392-140-063 RAP, grades seven through nine—District allocation.
- 392-140-064 RAP, grades seven through nine—Distribution of state moneys for the state remediation assistance program grades seven through nine.
- 392-140-065 General provision—Carryover prohibition.
- 392-140-066 General provision—Maximum control factor—Proration.

**DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER**

- 392-140-010 1981-83 Salary-compensation lid compliance—Authority and purposes. [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.] Repealed by 84-17-050 (Order 84-29), filed 8/13/84. Statutory Authority: RCW 28A.41.170.
- 392-140-011 1981-83 Salary-compensation lid compliance—Definitions. [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.] Repealed by 84-17-050 (Order 84-29), filed 8/13/84. Statutory Authority: RCW 28A.41.170.
- 392-140-012 1981-83 Salary-compensation lid compliance—Application to basic education staff. [Statutory Authority: RCW 28A.41.170. 81-16-042 (Order 81-7), § 392-140-012, filed 7/30/81.] Repealed by 84-17-050 (Order 84-29), filed 8/13/84. Statutory Authority: RCW 28A.41.170.
- 392-140-013 1981-83 Salary-compensation lid compliance—Initial reporting cycle—General. [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.] Repealed by 84-17-050 (Order 84-29), filed 8/13/84. Statutory Authority: RCW 28A.41.170.
- 392-140-014 1981-83 Salary-compensation lid compliance—Initial reporting cycle—District edit of personnel data. [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.] Repealed by 84-17-050 (Order 84-29), filed 8/13/84. Statutory Authority: RCW 28A.41.170.
- 392-140-015 1981-83 Salary-compensation lid compliance—Initial reporting cycle—Data analysis and determination of need for additional information. [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.] Repealed by 84-17-050 (Order 84-29), filed 8/13/84. Statutory Authority: RCW 28A.41.170.
- 392-140-016 1981-83 Salary-compensation lid compliance—Initial reporting cycle—Review of additional information. [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.] Repealed by 84-17-050 (Order 84-29), filed 8/13/84. Statutory Authority: RCW 28A.41.170.
- 392-140-017 1981-83 Salary-compensation lid compliance—Initial reporting cycle—Determination of violation after review. [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.] Repealed by 84-17-050 (Order 84-29), filed 8/13/84. Statutory Authority: RCW 28A.41.170.
- 392-140-018 1981-83 Salary-compensation lid compliance—Final reporting cycle. [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.] Repealed by 84-17-050 (Order 84-29), filed 8/13/84. Statutory Authority: RCW 28A.41.170.
- 392-140-019 1981-83 Salary-compensation lid compliance—Compliance of average certificated salaries. [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.] Repealed by 84-17-050 (Order 84-29), filed 8/13/84. Statutory Authority: RCW 28A.41.170.
- 392-140-020 1981-83 Salary-compensation lid compliance—Compliance of average classified salaries. [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.] Repealed by 84-17-050 (Order 84-29), filed 8/13/84. Statutory Authority: RCW 28A.41.170.
- 392-140-021 1981-83 Salary-compensation lid compliance—Compliance of insurance benefits. [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.] Repealed by 84-17-050 (Order 84-29), filed 8/13/84. Statutory Authority: RCW 28A.41.170.
- 392-140-022 1981-83 Salary-compensation lid compliance—No increases constitute compliance. [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.] Repealed by 84-17-050 (Order 84-29), filed 8/13/84. Statutory Authority: RCW 28A.41.170.
- 392-140-023 1981-83 Salary-compensation lid compliance—Withholding of basic education allocation. [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.] Repealed by

- 84-17-050 (Order 84-29), filed 8/13/84. Statutory Authority: RCW 28A.41.170.
- 392-140-025 1981-83 State categorical special education program—Definition—LEAP Document 3. [Statutory Authority: RCW 28A.41.170. 81-20-001 (Order 81-27), § 392-140-025, filed 9/24/81.] Repealed by 84-20-087 (Order 84-42), filed 10/2/84. Statutory Authority: RCW 28A.41.170.
- 392-140-026 1981-83 State categorical special education program—Definition—Certificated derived base salary. [Statutory Authority: RCW 28A.41.170. 81-20-001 (Order 81-27), § 392-140-026, filed 9/24/81.] Repealed by 84-20-087 (Order 84-42), filed 10/2/84. Statutory Authority: RCW 28A.41.170.
- 392-140-027 1981-83 State categorical special education program—Definition—Classified average salary. [Statutory Authority: RCW 28A.41.170. 81-20-001 (Order 81-27), § 392-140-027, filed 9/24/81.] Repealed by 84-20-087 (Order 84-42), filed 10/2/84. Statutory Authority: RCW 28A.41.170.
- 392-140-028 1981-83 State categorical special education program—Certificated derived base salary. [Statutory Authority: RCW 28A.41.170. 81-20-001 (Order 81-27), § 392-140-028, filed 9/24/81.] Repealed by 84-20-087 (Order 84-42), filed 10/2/84. Statutory Authority: RCW 28A.41.170.
- 392-140-029 1981-83 State categorical special education program—Classified average salary. [Statutory Authority: RCW 28A.41.170. 81-20-001 (Order 81-27), § 392-140-029, filed 9/24/81.] Repealed by 84-20-087 (Order 84-42), filed 10/2/84. Statutory Authority: RCW 28A.41.170.
- 392-140-030 1981-83 State categorical special education program—Supplies and material. [Statutory Authority: RCW 28A.41.170. 81-20-001 (Order 81-27), § 392-140-030, filed 9/24/81.] Repealed by 84-20-087 (Order 84-42), filed 10/2/84. Statutory Authority: RCW 28A.41.170.
- 392-140-031 1981-83 State categorical special education program—Eligible handicapped students. [Statutory Authority: RCW 28A.41.170. 81-20-001 (Order 81-27), § 392-140-031, filed 9/24/81.] Repealed by 84-20-087 (Order 84-42), filed 10/2/84. Statutory Authority: RCW 28A.41.170.
- 392-140-032 1981-83 State categorical special education program—Home and hospital. [Statutory Authority: RCW 28A.41.170. 81-20-001 (Order 81-27), § 392-140-032, filed 9/24/81.] Repealed by 84-20-087 (Order 84-42), filed 10/2/84. Statutory Authority: RCW 28A.41.170.
- 392-140-033 1981-83 State categorical special education program—Foster care. [Statutory Authority: RCW 28A.41.170. 81-20-001 (Order 81-27), § 392-140-033, filed 9/24/81.] Repealed by 84-20-087 (Order 84-42), filed 10/2/84. Statutory Authority: RCW 28A.41.170.
- 392-140-034 1981-83 State categorical special education program—Maximum control factor—Proration. [Statutory Authority: RCW 28A.41.170. 81-20-001 (Order 81-27), § 392-140-034, filed 9/24/81.] Repealed by 84-20-087 (Order 84-42), filed 10/2/84. Statutory Authority: RCW 28A.41.170.
- 392-140-035 1981-83 State categorical special education program—Reporting. [Statutory Authority: RCW 28A.41.170. 81-20-001 (Order 81-27), § 392-140-035, filed 9/24/81.] Repealed by 84-20-087 (Order 84-42), filed 10/2/84. Statutory Authority: RCW 28A.41.170.
- 392-140-040 1981-83 State categorical residential educational program—Funding. [Statutory Authority: RCW 28A.41.170. 81-20-002 (Order 81-28), § 392-140-040, filed 9/24/81.] Repealed by 84-20-087 (Order 84-42), filed 10/2/84. Statutory Authority: RCW 28A.41.170.
- 392-140-041 1981-83 State categorical residential educational program—Reporting. [Statutory Authority: RCW 28A.41.170. 81-20-002 (Order 81-28), § 392-140-041, filed 9/24/81.] Repealed by 84-20-087 (Order 84-42), filed 10/2/84. Statutory Authority: RCW 28A.41.170.
- 392-140-045 1984-85 RAP, grades seven through nine—Applicable provisions. [Statutory Authority: RCW 28A.41.170. 84-20-080 (Order 84-38), § 392-140-045, filed 10/2/84.] Repealed by 86-01-019 (Order 85-14), filed 12/9/85. Statutory Authority: RCW 28A.41.170.
- 392-140-060 1984-85 RAP, grades seven through nine—Definition—Like services factor. [Statutory Authority: RCW 28A.41.170. 84-20-080 (Order 84-38), § 392-140-060, filed 10/2/84.] Repealed by 86-01-019 (Order 85-14), filed 12/9/85. Statutory Authority: RCW 28A.41.170.
- WAC 392-140-010 Repealed.** See Disposition Table at beginning of this chapter.
- WAC 392-140-011 Repealed.** See Disposition Table at beginning of this chapter.
- WAC 392-140-012 Repealed.** See Disposition Table at beginning of this chapter.
- WAC 392-140-013 Repealed.** See Disposition Table at beginning of this chapter.
- WAC 392-140-014 Repealed.** See Disposition Table at beginning of this chapter.
- WAC 392-140-015 Repealed.** See Disposition Table at beginning of this chapter.
- WAC 392-140-016 Repealed.** See Disposition Table at beginning of this chapter.
- WAC 392-140-017 Repealed.** See Disposition Table at beginning of this chapter.
- WAC 392-140-018 Repealed.** See Disposition Table at beginning of this chapter.
- WAC 392-140-019 Repealed.** See Disposition Table at beginning of this chapter.
- WAC 392-140-020 Repealed.** See Disposition Table at beginning of this chapter.
- WAC 392-140-021 Repealed.** See Disposition Table at beginning of this chapter.
- WAC 392-140-022 Repealed.** See Disposition Table at beginning of this chapter.
- WAC 392-140-023 Repealed.** See Disposition Table at beginning of this chapter.
- WAC 392-140-025 Repealed.** See Disposition Table at beginning of this chapter.
- WAC 392-140-026 Repealed.** See Disposition Table at beginning of this chapter.



**WAC 392-140-027 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 392-140-028 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 392-140-029 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 392-140-030 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 392-140-031 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 392-140-032 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 392-140-033 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 392-140-034 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 392-140-035 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 392-140-040 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 392-140-041 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 392-140-042 RAP, grades seven through nine--Applicable provisions.** The provisions of WAC 392-140-042 through 392-140-066 shall be applicable to the distribution of state categorical apportionment funds to districts for the grades seven through nine remediation program established in section 509, chapter 6, Laws of 1985 1st ex. sess. [Statutory Authority: RCW 28A.41.170. 86-01-019 (Order 85-14), § 392-140-042, filed 12/9/85.]

**WAC 392-140-043 RAP, grades seven through nine--Definition--Educationally deprived.** As used in WAC 392-140-042 through 392-140-066, the term "educationally deprived" shall mean students whose educational attainment in basic skills achievement, as documented by placement testing, is below the level that is appropriate for the student's chronological grade level. [Statutory Authority: RCW 28A.41.170. 86-01-019 (Order 85-14), § 392-140-043, filed 12/9/85.]

**WAC 392-140-044 RAP, grades seven through nine--Definition--Placement test.** As used in WAC 392-140-042 through 392-140-066, the term "placement test" shall mean an objective test(s) administered by a district for the purpose of diagnosing the basic skills achievement levels and remediation needs of individual students. [Statutory Authority: RCW 28A.41.170. 86-01-019 (Order 85-14), § 392-140-044, filed 12/9/85.]

**WAC 392-140-045 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 392-140-046 RAP, grades seven through nine--Definition--Supplemental instructional assistance.** As used in WAC 392-140-042 through 392-140-066, the term "supplemental instructional assistance" shall mean instruction in reading, math, or communication skills designed and implemented consistent with supplemental service models approved for ECIA Chapter 1 Regular, i.e., classroom, limited pullout, replacement, add-on, and/or locally designed models. [Statutory Authority: RCW 28A.41.170. 86-01-019 (Order 85-14), § 392-140-046, filed 12/9/85; 84-20-080 (Order 84-38), § 392-140-046, filed 10/2/84.]

**WAC 392-140-047 RAP, grades seven through nine--Definition--Like services.** As used in WAC 392-140-042 through 392-140-066, the term "like services" shall mean programs conducted pursuant to chapter 28A.13 RCW which provides services designed to meet the special educational needs of participating students. However, the term "like services" does not include communication disorder or physical or occupational therapy services if the student is receiving no other special education instruction. [Statutory Authority: RCW 28A.41.170. 86-01-019 (Order 85-14), § 392-140-047, filed 12/9/85; 84-20-080 (Order 84-38), § 392-140-047, filed 10/2/84.]

**WAC 392-140-048 RAP, grades seven through nine--Definition--Remediation program.** As used in WAC 392-140-042 through 392-140-066, the term "remediation program" shall mean providing supplemental instructional assistance in reading, math, or communication skills to any students in grades seven through nine who are educationally deprived and who are not receiving like services in programs established in chapter 28A.13 RCW. [Statutory Authority: RCW 28A.41.170. 86-01-019 (Order 85-14), § 392-140-048, filed 12/9/85; 84-20-080 (Order 84-38), § 392-140-048, filed 10/2/84.]

**WAC 392-140-049 RAP, grades seven through nine--Definition--Eligible students.** As used in WAC 392-140-042 through 392-140-066, the term "eligible students" means students in grades seven through nine who are educationally deprived and are not receiving like services under the provisions of chapter 28A.13 RCW. [Statutory Authority: RCW 28A.41.170. 86-01-019 (Order 85-14), § 392-140-049, filed 12/9/85; 84-20-080 (Order 84-38), § 392-140-049, filed 10/2/84.]

**WAC 392-140-050 RAP, grades seven through nine--District application.** Each district that seeks an allocation from the state for the remediation program shall submit for approval an annual application on forms provided by the superintendent of public instruction. [Statutory Authority: RCW 28A.41.170. 86-01-019 (Order 85-14), § 392-140-050, filed 12/9/85; 84-20-080 (Order 84-38), § 392-140-050, filed 10/2/84.]

**WAC 392-140-051 RAP, grades seven through nine--Board approval.** The district's annual application shall be approved by formal action of the district's board of directors. [Statutory Authority: RCW 28A.41.170. 86-01-019 (Order 85-14), § 392-140-051, filed 12/9/85; 84-20-080 (Order 84-38), § 392-140-051, filed 10/2/84.]

**WAC 392-140-052 RAP, grades seven through nine--Content of district application.** The district's annual application shall contain the following:

(1) Planned expenditures by program activity and object;

(2) Instructional program description which describes the supplementary services to be offered to eligible students;

(3) Estimated number of students to be served;

(4) Assurances that the total expenditure of program moneys will be for purposes specified in the statute and these administrative codes. [Statutory Authority: RCW 28A.41.170. 86-01-019 (Order 85-14), § 392-140-052, filed 12/9/85; 84-20-080 (Order 84-38), § 392-140-052, filed 10/2/84.]

**WAC 392-140-053 RAP, grades seven through nine--Program requirement--Notification of parents.** The district shall notify parents of participating students of the involvement of their child in the remediation assistance program. [Statutory Authority: RCW 28A.41.170. 86-01-019 (Order 85-14), § 392-140-053, filed 12/9/85; 84-20-080 (Order 84-38), § 392-140-053, filed 10/2/84.]

**WAC 392-140-054 RAP, grades seven through nine--Program requirement--Allowable expenditures.** School districts shall expend remediation assistance program revenue only in the allowable objects of expenditure as specified for the remediation program on SPI Form 1000B, RAP 7-9. [Statutory Authority: RCW 28A.41.170. 86-01-019 (Order 85-14), § 392-140-054, filed 12/9/85; 84-20-080 (Order 84-38), § 392-140-054, filed 10/2/84.]

**WAC 392-140-055 RAP, grades seven through nine--Program requirement--End of year report.** Districts shall submit to the superintendent of public instruction at the close of the program year an end-of-year report on forms provided by the superintendent of public instruction which includes number of students served by grade level, basic skills area, ethnicity, and gender. [Statutory Authority: RCW 28A.41.170. 86-01-019 (Order 85-14), § 392-140-055, filed 12/9/85; 84-20-080 (Order 84-38), § 392-140-055, filed 10/2/84.]

**WAC 392-140-056 RAP, grades seven through nine--Program requirement--Annual program evaluation.** The Title I Evaluation and Reporting System (TIERS) shall be used by districts to evaluate educational achievement of students participating in the remediation assistance program. Resulting data shall be

reported annually to the superintendent of public instruction on provided forms. [Statutory Authority: RCW 28A.41.170. 86-01-019 (Order 85-14), § 392-140-056, filed 12/9/85; 84-20-080 (Order 84-38), § 392-140-056, filed 10/2/84.]

**WAC 392-140-057 RAP, grades seven through nine--Definition--District 7-9 FTE enrollment.** As used in WAC 392-140-042 through 392-140-066, the term "district 7-9 FTE enrollment" shall mean that current year enrollment reported pursuant to WAC 392-121-105(3) by the district for grades seven through nine. [Statutory Authority: RCW 28A.41.170. 86-01-019 (Order 85-14), § 392-140-057, filed 12/9/85; 84-20-080 (Order 84-38), § 392-140-057, filed 10/2/84.]

**WAC 392-140-058 RAP, grades seven through nine--Definition--District eighth grade RAP percentage.** As used in WAC 392-140-042 through 392-140-066, the term "district eighth grade RAP percentage" shall mean the percentage of students who scored in the lowest quartile of the eighth grade basic skills test conducted in the previous school year pursuant to RCW 28A.03.360. [Statutory Authority: RCW 28A.41.170. 86-01-019 (Order 85-14), § 392-140-058, filed 12/9/85; 84-20-080 (Order 84-38), § 392-140-058, filed 10/2/84.]

**WAC 392-140-059 RAP, grades seven through nine--Definition--District specific learning disabled enrollment for ages twelve through fourteen.** As used in WAC 392-140-042 through 392-140-066, "district specific learning disabled enrollment for age twelve through fourteen" shall mean that current year resident district enrollment reported pursuant to WAC 392-171-406 for students whose chronological age is twelve through fourteen years inclusive. [Statutory Authority: RCW 28A.41.170. 86-01-019 (Order 85-14), § 392-140-059, filed 12/9/85; 84-20-080 (Order 84-38), § 392-140-059, filed 10/2/84.]

**WAC 392-140-060 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 392-140-061 RAP, grades seven through nine--Definition--District grades seven through nine service population.** As used in WAC 392-140-042 through 392-140-066, "district grades seven through nine remediation service population" shall mean the result obtained from the following calculation:

(1) Multiply the district 7-9 FTE enrollment by the district eighth grade RAP percentage;

(2) Determine the district specific learning disabled enrollment for ages twelve through fourteen which exceeds four percent of the district 7-9 FTE enrollment;

(3) Subtract the result obtained in subsection (2) of this section from the result obtained in subsection (1) of this section; and

(4) In the event the result obtained in subsection (3) of this section is a negative number, the district shall not receive moneys for the purposes of WAC 392-140-042

through 392-140-066. [Statutory Authority: RCW 28A.41.170. 86-01-019 (Order 85-14), § 392-140-061, filed 12/9/85; 84-20-080 (Order 84-38), § 392-140-061, filed 10/2/84.]

**WAC 392-140-062 RAP, grades seven through nine--Definition--Grades seven through nine per student support level.** As used in WAC 392-140-042 through 392-140-066, the term "grades 7-9 per student support level" shall mean the per pupil allocation established in the state appropriation act for the grades seven through nine state remediation assistance program. [Statutory Authority: RCW 28A.41.170. 86-01-019 (Order 85-14), § 392-140-062, filed 12/9/85; 84-20-080 (Order 84-38), § 392-140-062, filed 10/2/84.]

**WAC 392-140-063 RAP, grades seven through nine--District allocation.** The district allocation shall be determined by the superintendent of public instruction by multiplying the result obtained in WAC 392-140-061 by the result obtained in WAC 392-140-062. [Statutory Authority: RCW 28A.41.170. 86-01-019 (Order 85-14), § 392-140-063, filed 12/9/85; 84-20-080 (Order 84-38), § 392-140-063, filed 10/2/84.]

**WAC 392-140-064 RAP, grades seven through nine--Distribution of state moneys for the state remediation assistance program grades seven through nine.** The superintendent of public instruction shall apportion to districts the amount calculated per district in WAC 392-140-063 in monthly payments according to the schedule depicted in RCW 28A.48.010 that shall be adjusted in intervals to reflect the changes in each district's grades seven through nine annual average full time equivalent enrollment, and the district specific learning disabled enrollment for ages twelve through fourteen which exceeds four percent of the district 7-9 FTE enrollment. [Statutory Authority: RCW 28A.41.170. 86-01-019 (Order 85-14), § 392-140-064, filed 12/9/85; 84-20-080 (Order 84-38), § 392-140-064, filed 10/2/84.]

**WAC 392-140-065 General provision--Carryover prohibition.** State remediation moneys shall be governed by the carryover prohibition contained in WAC 392-122-900. [Statutory Authority: RCW 28A.41.170. 86-01-019 (Order 85-14), § 392-140-065, filed 12/9/85.]

**WAC 392-140-066 General provision--Maximum control factor--Proration.** The maximum rate of allocation specified in WAC 392-140-062 will be subject to the proration provision contained in WAC 392-122-905. [Statutory Authority: RCW 28A.41.170. 86-01-019 (Order 85-14), § 392-140-066, filed 12/9/85.]

**Chapter 392-141 WAC**

**TRANSPORTATION--STATE ALLOCATION FOR OPERATIONS**

WAC  
392-141-005 Repealed.

- 392-141-007 Repealed.
- 392-141-008 Repealed.
- 392-141-017 Repealed.
- 392-141-018 Repealed.
- 392-141-027 Repealed.
- 392-141-028 Repealed.
- 392-141-037 Repealed.
- 392-141-038 Repealed.
- 392-141-042 Repealed.
- 392-141-043 Repealed.
- 392-141-105 Authority.
- 392-141-110 Purpose.
- 392-141-115 Definition--Eligible student.
- 392-141-120 Definition--To and from school.
- 392-141-125 Definition--Hazardous walking condition.
- 392-141-130 Definition--Standard student mile allocation rate.
- 392-141-140 Definition--Radius mile.
- 392-141-145 Definition--Small fleet maintenance factor.
- 392-141-150 Definition--Midday transportation.
- 392-141-155 Definition--Weighted student unit.
- 392-141-160 District reporting requirements.
- 392-141-165 Adjustment of state allocation during year.
- 392-141-170 Factors used to determine allocation.
- 392-141-175 Hazardous conditions.
- 392-141-180 Limitations on the allocation for transportation between schools and learning centers.
- 392-141-185 Operation allocation computation.
- 392-141-190 Authorization and limitation on district payments for individual and in-lieu transportation arrangements.
- 392-141-195 Allocation schedule for state payments.

**DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER**

- 392-141-005 Purposes. [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.] Repealed by 84-19-002 (Order 84-34), filed 9/6/84. Statutory Authority: RCW 28A.41.170.
- 392-141-007 Definitions. [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.] Repealed by 84-19-002 (Order 84-34), filed 9/6/84. Statutory Authority: RCW 28A.41.170.
- 392-141-008 Additional definitions. [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.] Repealed by 84-19-002 (Order 84-34), filed 9/6/84. Statutory Authority: RCW 28A.41.170.
- 392-141-017 Reimbursable and nonreimbursable transportation. [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.] Repealed by 84-19-002 (Order 84-34), filed 9/6/84. Statutory Authority: RCW 28A.41.170.
- 392-141-018 Transportation arrangements that are eligible for state reimbursement--Rates of reimbursement. [Statutory Authority: RCW 28A.24.080, 28A.24.100, 28A.41.160 and 28A.41.170. 80-05-039 (Order 80-10), § 392-141-018, filed 4/15/80.] Repealed by 84-19-002 (Order 84-34), filed 9/6/84. Statutory Authority: RCW 28A.41.170.
- 392-141-027 School bus routes limitations. [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.] Repealed by 84-19-002 (Order 84-34), filed 9/6/84. Statutory Authority: RCW 28A.41.170.
- 392-141-028 Annual application for approval for transportation reimbursement--Approval process. [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.] Repealed by 84-19-002 (Order 84-34), filed 9/6/84. Statutory Authority: RCW 28A.41.170.

- 392-141-037 Application for approval for transportation within the "two-mile limit"—Measurement of "two-mile limit." [Statutory Authority: RCW 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.] Repealed by 84-19-002 (Order 84-34), filed 9/6/84. Statutory Authority: RCW 28A.41.170.
- 392-141-038 Contents of applications for state transportation reimbursement—Mileage records. [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.] Repealed by 84-19-002 (Order 84-34), filed 9/6/84. Statutory Authority: RCW 28A.41.170.
- 392-141-042 Deviations from approved transportation arrangements. [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.] Repealed by 84-19-002 (Order 84-34), filed 9/6/84. Statutory Authority: RCW 28A.41.170.
- 392-141-043 Record requirements. [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.] Repealed by 84-19-002 (Order 84-34), filed 9/6/84. Statutory Authority: RCW 28A.41.170.

**WAC 392-141-005 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 392-141-007 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 392-141-008 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 392-141-017 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 392-141-018 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 392-141-027 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 392-141-028 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 392-141-037 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 392-141-038 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 392-141-042 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 392-141-043 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 392-141-105 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 administration of chapter 28A.41 RCW, which includes student transportation programs,

and RCW 28A.24.100, which authorizes the superintendent of public instruction to adopt rules and regulations for individual and in-lieu transportation arrangements. [Statutory Authority: RCW 28A.41.170. 84-15-025 (Order 84-26), § 392-141-105, filed 7/11/84.]

**WAC 392-141-110 Purpose.** The purpose of this chapter is to implement and establish policies and procedures for the allocation of pupil transportation operation funds. [Statutory Authority: RCW 28A.41.170. 84-15-025 (Order 84-26), § 392-141-110, filed 7/11/84.]

**WAC 392-141-115 Definition—Eligible student.** As used in this chapter "eligible student" shall mean any student who is served by transportation or for whom compensation is provided pursuant to RCW 28A.24.100 who meets at least one of the following:

(1) In the case of students transported by bus:

(a) A student whose route stop is more than one radius mile from the student's school of attendance or learning center or transfer route stop;

(b) A student whose school of attendance is more than one radius mile from his learning center or transfer route stop;

(c) A student whose route stop is established because of one or more hazardous walking conditions in accordance with WAC 392-141-175 and is one radius mile or less from the school of attendance or learning center;

(d) A student who is handicapped as defined by RCW 28A.13.010 and is either not ambulatory or capable of protecting his or her own welfare while traveling to or from school or agency where special education services are provided and is one radius mile or less from the school of attendance or learning center.

(2) In the case of students for whom transportation arrangements are made pursuant to RCW 28A.24.100:

(a) A student whose residence is more than one radius mile from the route stop or school of attendance or transfer route stop;

(b) A student who is handicapped as defined in RCW 28A.13.010 and is either not ambulatory or capable of protecting his or her welfare while traveling either to the school or agency where special education services are provided or to the appropriate route stop. [Statutory Authority: RCW 28A.41.170. 84-15-025 (Order 84-26), § 392-141-115, filed 7/11/84.]

**WAC 392-141-120 Definition—To and from school.** As used in this chapter the term "to and from school" shall mean all transportation between route stops and schools both before and after school and between schools and learning centers or agencies that meet the criteria established by WAC 392-141-180.

Transportation not authorized for state allocations shall include, but not be limited to, such transportation activities as transportation designed exclusively for extended day, field trips, and extracurricular activities. [Statutory Authority: RCW 28A.41.170. 84-15-025 (Order 84-26), § 392-141-120, filed 7/11/84.]

**WAC 392-141-125 Definition--Hazardous walking condition.** As used in this chapter the term "hazardous walking conditions" shall mean the existence of walkways which meet one or more of the conditions established pursuant to WAC 392-141-175. [Statutory Authority: RCW 28A.41.170. 84-15-025 (Order 84-26), § 392-141-125, filed 7/11/84.]

**WAC 392-141-130 Definition--Standard student mile allocation rate.** As used in this chapter the term "standard student mile allocation rate" shall mean the per weighted student unit allocation amount established by the legislature either directly or through the adopted budget. [Statutory Authority: RCW 28A.41.170. 84-15-025 (Order 84-26), § 392-141-130, filed 7/11/84.]

**WAC 392-141-140 Definition--Radius mile.** As used in this chapter the term "radius mile" shall mean the straight line distance representing one mile measured between two points on a map, e.g., route stop and school of attendance, submitted to the superintendent of public instruction. [Statutory Authority: RCW 28A.41.170. 84-15-025 (Order 84-26), § 392-141-140, filed 7/11/84.]

**WAC 392-141-145 Definition--Small fleet maintenance factor.** As used in this chapter the term "small fleet maintenance factor" shall mean a monetary amount established through the legislative budget process which shall be added to the standard student mile allocation rate for districts that operate ten school buses or less on routes as reported on forms pursuant to WAC 392-141-160. [Statutory Authority: RCW 28A.41.170. 84-15-025 (Order 84-26), § 392-141-145, filed 7/11/84.]

**WAC 392-141-150 Definition--Midday transportation.** As used in this chapter the term "midday transportation" shall mean a separate route exclusively for kindergarten and younger students that is operated between the beginning and end of the regular school day. [Statutory Authority: RCW 28A.41.170. 84-15-025 (Order 84-26), § 392-141-150, filed 7/11/84.]

**WAC 392-141-155 Definition--Weighted student unit.** As used in this chapter the term "weighted student unit" shall mean the value assigned to each student for allocation purposes based upon the radius mile interval in which each student's route stop is located as delineated in WAC 392-141-170 (3) and (4), if appropriate. [Statutory Authority: RCW 28A.41.170. 84-15-025 (Order 84-26), § 392-141-155, filed 7/11/84.]

**WAC 392-141-160 District reporting requirements.** Annual and supplementary reports shall be submitted by districts to the superintendent of public instruction as follows:

(1) Each district shall submit an annual report to the superintendent of public instruction which shall include:

(a) All required data, on forms supplied by the superintendent of public instruction, which includes the following:

(i) School bus route logs which bus drivers must complete for five consecutive days as specified by the superintendent of public instruction. These logs include state school bus numbers, each bus stop and the destination schools, learning centers, or agencies;

(ii) An annual school bus mileage report which includes each school bus by state school bus number and the beginning year and ending year odometer reading and the total miles for each bus for the school year; and

(iii) An annual to and from school mileage report which includes last year's actual mileage for to and from school and an estimate of the to and from school mileage for the current school year. This report shall exclude miles for extended day routes, field trips, extracurricular, and other contractual uses of school buses.

(b) Maps showing student route stop locations and school, learning center, or agency locations shall be in a format in accordance with instructions published in bulletins by the superintendent of public instruction.

(c) Other operational data and descriptions, as required by the superintendent of public instruction to determine operation allocation requirements for each district, shall be included.

(2) Each of the annual reports shall be submitted to the superintendent of public instruction prior to the second Monday in October. The school bus route log data shall be collected on five consecutive school days selected by each district to allow compliance with reporting requirements.

(3) Each district shall submit the data required on a timely basis as a condition to the continuing receipt of student transportation allocations. [Statutory Authority: RCW 28A.41.170. 84-15-025 (Order 84-26), § 392-141-160, filed 7/11/84.]

**WAC 392-141-165 Adjustment of state allocation during year.** Districts experiencing a ten percent increase in eligible students transported which is maintained for at least twenty consecutive school days may be eligible for an additional allocation under the following conditions:

(1) Any district may submit revised annual reports subject to the following conditions:

(a) If the number of eligible students transported increases ten percent or more from the October report; and

(b) The ten percent increase is maintained for a period of twenty consecutive school days.

(2) Revised reports shall use methods, forms, procedures, and techniques required in WAC 392-141-160 and shall be based on data collected for twenty consecutive school days.

(3) The district submitting the revised report shall document the first date that the ten percent increase occurred.

(4) The adjusted allocation is subject to available revenue and such adjustment shall not be made until the July allocation for the school year. [Statutory Authority: RCW 28A.41.170. 84-15-025 (Order 84-26), § 392-141-165, filed 7/11/84.]

**WAC 392-141-170 Factors used to determine allocation.** The method of determining the transportation operation allocation for each district shall be based on the following factors:

(1) The number of eligible students transported as defined in WAC 392-141-115;

(2) The distances from route stops to the destination schools, transfer route stops, learning centers, or agencies measured in radius miles; and

(3) The following distance weighting factors per radius mile interval. Each eligible route stop shall be placed in the appropriate radius mile interval and assigned a distance weighting factor as listed below. The appropriate distance interval shall be measured on a straight line basis between route stops and schools, transfer route stops, learning centers, or agencies.

Distance Intervals in Radius Miles

<u>More Than</u>	<u>Up to and Including</u>	<u>Distance Weighting Factors</u>
0	1	2.85
1	2	3.20
2	3	3.55
3	4	3.90
4	5	4.25
5	6	4.60
6	7	4.97
7	8	5.30
8	9	5.65
9	10	6.00
10	11	6.36
11	12	6.71
12	13	7.07
13	14	7.43
14	15	7.79
15	16	8.13
16	17 AND OVER	8.50

(4) Additional differential factors when appropriate shall include the following:

(a) A minimum load factor for districts that have an average of less than fifty students transported per bus for all morning (i.e., before noon) home to school routes except for routes designed exclusively for transportation of handicapped and kindergarten and younger students. This factor is calculated as follows:

(i) Determine the most frequent number of students picked up at each route stop during the five day reporting period. If the pickup count at a route stop is the same for two days and different but the same for at least two other days during the five day reporting period, the larger count shall be used in the calculation.

(ii) Add the numbers determined for all route stops in (i) of this subsection.

(iii) Divide the total obtained in (ii) of this subsection by the number of buses used on such routes during the five day reporting period.

(iv) If the quotient obtained in (iii) of this subsection is less than fifty, divide fifty by the quotient.

(b) A special education load factor derived from the modal number of students picked up at each school bus stop in the district as reported pursuant to WAC 392-141-160 and which shall be in accordance with the average bus load set forth below:

<u>Special Education Average Load</u>	<u>Special Education Load Factor</u>
1 - 3.49	12
3.5 - 6.49	10
6.5 - 11.99	8
12.0 - 16.99	6
17.0 - 19.99	4
20 - or more	2

To determine each school district's special education average load districts shall report only special education students meeting the requirements set forth in WAC 392-141-115 who are transported to or from schools, learning centers or agencies on special bus routes used exclusively for transporting students to special education programs or related services.

(c) A small fleet maintenance factor as defined in WAC 392-141-145. [Statutory Authority: RCW 28A.41.170. 84-15-025 (Order 84-26), § 392-141-170, filed 7/11/84.]

**WAC 392-141-175 Hazardous conditions.** For the 1983-84 and 1984-85 school years, route stops located within one radius mile of schools or learning centers or agencies may be reported to the superintendent of public instruction if the local board of directors has judged that walking conditions are hazardous for students. The board's decision shall be based upon criteria established by the board defining a hazardous condition and may include any of the following:

(1) There is inadequate area for walking along roadways;

(2) There is inadequate traffic control for crossing roadways;

(3) The traffic controls are too complex for the age of the children; and

(4) The traffic conditions are too dangerous for the age of the children. Examples are as follows:

(a) There is a high volume of traffic with minimal or nonexistent protection for pedestrians; and

(b) Vehicle traffic moves at a high rate of speed. [Statutory Authority: RCW 28A.41.170. 84-15-025 (Order 84-26), § 392-141-175, filed 7/11/84.]

**WAC 392-141-180 Limitations on the allocation for transportation between schools and learning centers.** Funding for transportation between schools and learning centers shall be subject to the following conditions:

(1) The instruction at the learning center site shall meet the requirements established in any of the following statutes:

(a) Chapter 28A.05 RCW;

(b) Chapter 28A.13 RCW;

(c) RCW 28A.41.400 through 28A.41.414;

(d) RCW 28A.58.750; and

(e) RCW 28A.58.800 through 28A.58.810;

(2) The instruction at the learning site shall be scheduled for at least eighty percent of the days within an annual school term (i.e., 144 school days);

(3) The transportation between schools and learning centers or other schools shall be scheduled at least eighty percent of the days within an annual school term, (i.e., 144 school days);

(4) The limitations imposed by this section shall not apply to midday transportation to or from school or transportation of special education students between schools and between schools and agencies less frequently than four days a week. [Statutory Authority: RCW 28A.41.170. 84-15-025 (Order 84-26), § 392-141-180, filed 7/11/84.]

**WAC 392-141-185 Operation allocation computation.** The computation of the transportation operation allocation shall be as follows:

(1) All eligible students as defined in WAC 392-141-115 who are transported to school except for midday transportation students and special education students accounted for in subsection (7) of this section shall be measured by radius mile intervals between the bus route stop and the destination school in accordance with WAC 392-141-170(3);

(2) All kindergarten and younger students transported to or from school midday shall be measured by radius mile intervals between the bus route stop and the school of attendance in accordance with WAC 392-141-170(3);

(3) The total number of the students transported to school in subsection (1) of this section in each of the distance intervals shall be multiplied by two to yield the round trip totals in each of the distance intervals;

(4) The total from subsection (3) of this section plus the midday transportation students in subsection (2) of this section shall equal the total students transported in each of the distance intervals with the exception of special education students accounted for in subsection (7) of this section;

(5) The total students calculated in subsection (4) of this section in each of the distance intervals, multiplied by the applicable distance weighting factor contained in WAC 392-141-170(3) shall equal the cumulative weighted student units in each of the distance intervals with the exception of midday transportation students whose midday transportation schedule is three days per week or less. In such cases the weighted student units calculated for such transportation are multiplied by the appropriate percent shown in the table below:

No. of days per week	Percent factor
1	20%
2	40%
3	60%

(6) The sum of the cumulative weighted student units in each of the distance intervals calculated in subsection (5) of this section multiplied by the standard student mile allocation rate, and that product for the 1983-84 school year only multiplied by the formula support level

expressed as a percent, shall equal the total transportation operation allocation, unless subsection(s) (7) and (8) or (9) of this section applies;

(7) All special education students as defined in RCW 28A.13.010 transported on special education bus routes to school or agencies for special education services shall be measured by distance intervals between their bus route stops and destinations in accordance with WAC 392-141-170(3) and multiplied by the appropriate distance weighting factors. These products are multiplied by two. These products shall be totaled and that total shall be multiplied by the appropriate special education load factor determined in accordance with WAC 392-141-170 (4)(b): *Provided*, That for special education students transported between schools and between schools and agencies less frequently than four days a week, the weighted student units calculated for such students shall be multiplied by the appropriate percent shown in the table below:

No. of days per week	Percent factor
1	20%
2	40%
3	60%

This product shall equal the weighted student units for special education transportation;

(8) The weighted student units calculated pursuant to subsection (7) of this section are multiplied by the standard student mile allocation rate, and for the 1983-84 school year only that product is multiplied by the formula support level expressed as a percent;

(9) The district's minimum load factor, if any, is calculated pursuant to WAC 392-141-170 (4)(a) and reduced by the whole number one. The factor is multiplied by the weighted student units in each distance interval calculated pursuant to subsection (5) of this section. These products then are totaled. This total is the additional weighted student units attributable to the district's small average bus load. These additional weighted student units, if any, are multiplied by the standard student mile allocation rate and for the 1983-84 school year only this product is multiplied again by the formula support level expressed as a percent;

(10) The small fleet maintenance factor, if any, shall be added to the standard student mile allocation rate before the calculations in subsections (6), (8), and (9) of this section are made. For the 1983-84 school year, the small fleet maintenance factor shall be multiplied by the formula support level expressed as a percent;

(11) The district's annual allocation for transportation operation is the total of the calculations made in subsections (6), (8), and (9) of this section;

(12) When a district submits a revised report pursuant to WAC 392-141-165, to the extent funds are available, the district's operation allocation shall be recalculated. Any increase in operations allocations shall be subject to the following:

(a) Any increase in annual allocations shall be prorated for the remainder of the annual school term. The date that the district documents first meeting the ten

percent increase in eligible students transported shall be used to prorate any increase in annual transportation operation allocations; and

(b) All revised reports shall be held until the end of the annual school term in all school districts state-wide. After the end of the annual school terms all requests for increases shall be computed in accordance with subsections (1) through (11) of this section. The pool of state moneys available to meet all revised reports shall be prorated among eligible districts if necessary. [Statutory Authority: RCW 28A.41.170. 84-15-025 (Order 84-26), § 392-141-185, filed 7/11/84.]

**WAC 392-141-190 Authorization and limitation on district payments for individual and in-lieu transportation arrangements.** Districts may commit to individual transportation or in-lieu arrangements consistent with this section, subject to the approval by the educational service district superintendent or his or her designee. The following arrangements and limitations shall apply:

(1) A district shall contract with the custodial parent, parents, guardian(s), person(s) in loco parentis, or adult student(s) to pay the lesser of the following in-lieu-of transportation by the school district:

(a) Mileage and tolls for transportation to and from school for not more than two necessary round trips per school day; or

(b) 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 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 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 (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). [Statutory Authority: RCW 28A.41.170. 84-15-025 (Order 84-26), § 392-141-190, filed 7/11/84.]

**WAC 392-141-195 Allocation schedule for state payments.** The superintendent of public instruction shall apportion the transportation operation allocation pursuant to the payment schedule in RCW 28A.48.010. Such allocation shall be based on estimated amounts for payments to be made in September, October, November, and December. The superintendent shall notify each school district of the student transportation operation allocation before December 15 of the current school year. [Statutory Authority: RCW 28A.41.170. 84-15-025 (Order 84-26), § 392-141-195, filed 7/11/84.]

## Chapter 392-142 WAC

### TRANSPORTATION--REPLACEMENT AND DEPRECIATION ALLOCATION

WAC

392-142-020 Vehicle categories.

**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
- 8. Student capacity 71
  - a. Gas manual
  - b. Gas automatic
  - c. Diesel manual
  - d. Diesel automatic
- 9. Student capacity 77
  - 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 84-89
  - Front engine
    - a. Diesel manual
    - b. Diesel automatic
- 5. Student Capacity 84
  - Rear engine
    - a. Diesel manual
    - b. Diesel automatic
- 6. 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, 84-13-026 (Order 84-16), § 392-142-020, filed 6/13/84; 83-22-031 (Order 83-16), § 392-142-020, filed 10/26/83.]

Chapter 392-143 WAC

TRANSPORTATION--SPECIFICATIONS FOR SCHOOL BUSES

WAC

- 392-143-001 Authority.
- 392-143-010 Definitions.
- 392-143-015 School bus specifications manual.
- 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.
- 392-143-060 School bus specifications continued compliance.
- 392-143-065 School bus tires.
- 392-143-070 Other vehicles used to transport students.

**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. 84-20-081 (Order 84-39), § 392-143-001, filed 10/2/84; 83-21-025 (Order 83-13), § 392-143-001, filed 10/10/83.]

**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 including the driver 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 and designed for carrying more than ten persons, including the driver.

(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, and where most of the engine is beneath and/or behind the windshield and beside the driver's seat and 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, and where all of the engine is in front of the windshield and the entrance door is behind the front wheels. A Type "C" school bus shall 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, and where part of the engine is beneath and/or behind the windshield and beside the driver's seat and 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, and where the engine is behind the windshield and beside the driver's seat or at the rear of the bus, behind the rear wheels, or midship between the front and rear axles and the entrance door is ahead of the front wheels.

(6) A school bus designed 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. 84-20-081 (Order 84-39), § 392-143-010, filed 10/2/84; 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. 84-20-081 (Order 84-39), § 392-143-015, filed 10/2/84; 83-21-025 (Order 83-13), § 392-143-015, filed 10/10/83; Order 7-75, § 392-143-015, filed 12/22/75.]

**WAC 392-143-030 Initial inspection of school buses—Permit and license.** All school buses, as a condition for use to transport students, shall have a school bus operation permit issued in accordance with WAC 392-142-065. If the school bus is approved in compliance with WAC 392-142-060, the superintendent shall send three copies of the school bus operation permit to the appropriate school district. The original 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. 84-20-081 (Order 84-39), § 392-143-030, filed 10/2/84; 84-03-001 (Order 84-1), § 392-143-030, filed 1/5/84; 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. 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. 84-20-081 (Order 84-39), § 392-143-035, filed 10/2/84; 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, have received a major modification, have received a major repair, or have received an interior renovation or refurbishment 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) shall 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, or braking systems or has been repowered shall be identified as 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.

(4) A school bus receiving an interior renovation or refurbishment (not routine seat repair): For the purpose of this section, a school bus that has received an interior renovation or refurbishment shall be identified as needing inspection. Renovation or refurbishment of interiors shall meet the Federal Motor Vehicle Safety Standard (FMVSS) 222 and shall be inspected in the same manner as a new school bus with respect to FMVSS 222. [Statutory Authority: RCW 46.61.380. 84-20-081 (Order 84-39), § 392-143-040, filed 10/2/84; 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 and 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. 84-20-081 (Order 84-39), § 392-143-050, filed 10/2/84; 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 392-143-060 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 are subsequently repealed or reduced. [Statutory Authority: RCW 46.61.380. 84-20-081 (Order 84-39), § 392-143-060, filed 10/2/84; 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. 84-20-081 (Order 84-39), § 392-143-065, filed 10/2/84; 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 shall carry the approved school bus first-aid kit, fire extinguisher, and highway warning kit. These vehicles also shall pass a safety inspection routinely conducted at the intervals outlined in WAC 392-143-035.

Students, while being transported in any vehicle not required to meet school bus specifications but used for to and from school transportation and to and from school activities transportation, shall share the same compartment and shall be provided the same general safety and comfort as the driver. [Statutory Authority: RCW 46.61.380. 84-20-081 (Order 84-39), § 392-143-070, filed 10/2/84; 84-03-001 (Order 84-1), § 392-143-070, filed 1/5/84; 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

392-145-005	Purpose and definition of "school bus."
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.

**WAC 392-145-005 Purpose and definition of "school bus."** The purpose of this chapter is to 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 students. The provisions of this chapter

shall be incorporated by express reference into all school district contracts for the transportation of students 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 students (e.g., the transportation of students 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. [Statutory Authority: RCW 46.61-.380. 84-20-082 (Order 84-40), § 392-145-005, filed 10/2/84; Order 7-75, § 392-145-005, filed 12/22/75.]

**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, 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 responsible for the behavior of the students in his or her 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 be notified that students shall not be requested 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 shall 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. [Statutory Authority: RCW 46.61.380. 84-20-082 (Order 84-40), § 392-145-

015, filed 10/2/84; 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 provided a copy of and 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 no person except the driver shall 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 or other authorized school official'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 except in accordance with emergency procedures adopted by the district 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 if 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. [Statutory Authority: RCW 46.61.380. 84-20-082 (Order 84-40), § 392-145-020, filed 10/2/84; 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 and no bus shall be operated with passengers aboard if the emergency exit is not functioning properly.

(2) No bus containing passengers 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 visual road clearance of at least 800 feet on the road surface.

(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) No school bus shall pass a stopped school bus which is loading or unloading students when the stopped school bus is displaying a stop sign and red flashing lights. In any case in which a school bus passes a stopped school bus which is loading and unloading students, but is not displaying a stop sign and red flashing lights, the passing school bus shall not exceed a speed of ten miles per hour.

(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 require prior approval by an authorized school district administrator.

(12) School bus drivers shall yield the right of way to emergency vehicles. [Statutory Authority: RCW 46.61-.380, 84-20-082 (Order 84-40), § 392-145-025, filed 10/2/84; 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 500 feet. If it is impossible to secure a distance of at least 500 feet for a bus stop, the school authorities, the state patrol and the traffic engineering department of the jurisdiction responsible for the roadway shall be advised and the stop shall be changed or proper signs installed.

(4) All changes in the direction of a school bus shall be indicated by the use of electrical directional signals on the bus.

(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 and no 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 and no 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 or adverse weather conditions, or where the necessary school bus speed is substantially below the posted speed limit. This procedure shall 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, 84-20-082 (Order 84-40), § 392-145-030, filed 10/2/84; 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 provided each student who is scheduled to ride the 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., students must cross highway only in front and never behind school bus.
- (4) Loading and unloading procedures and seat assignments.
- (5) Student 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. [Statutory Authority: RCW 46.61.380, 84-20-082 (Order 84-40), § 392-145-035, filed 10/2/84; 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.

(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." [Statutory Authority: RCW 46.61.380, 84-20-082 (Order 84-40), § 392-145-040, filed 10/2/84; Order 19-76, § 392-145-040, filed 12/31/76; Order 7-75, § 392-145-040, filed 12/22/75.]

### Chapter 392-160 WAC

#### SPECIAL SERVICE PROGRAM--TRANSITIONAL BILINGUAL

##### WAC

392-160-001	Repealed.
392-160-003	Authority.
392-160-004	Purpose.
392-160-005	Definitions.

392-160-010	School district board of directors duties.
392-160-015	Identification of eligible students.
392-160-020	Approved tests for determining initial eligibility—English proficiency scores.
392-160-026	District application.
392-160-027	Board approval.
392-160-028	Content of district application.
392-160-029	Program approval.
392-160-035	Three year limitation—Testing—Program exit requirements.
392-160-040	Alternative instructional program.
392-160-045	Handicapped students—No transitional bilingual entitlement.

#### DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

392-160-001	Purpose—Supplemental federal requirements. [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.] Repealed by 84-13-027 (Order 84-17), filed 6/13/84. Statutory Authority: RCW 28A.58.800 through 28A.58.810.
-------------	---

**WAC 392-160-001 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 392-160-003 Authority.** The authority for this chapter is RCW 28A.58.808 which authorizes the superintendent of public instruction to promulgate rules for the implementation of a transitional bilingual instructional program. [Statutory Authority: RCW 28A.58.800 through 28A.58.810, 84-13-027 (Order 84-17), § 392-160-003, filed 6/13/84.]

**WAC 392-160-004 Purpose.** The purpose of this chapter is to set forth policies and procedures for the implementation of a transitional bilingual instructional program. [Statutory Authority: RCW 28A.58.800 through 28A.58.810, 84-13-027 (Order 84-17), § 392-160-004, filed 6/13/84.]

**WAC 392-160-005 Definitions.** As used in this chapter:

(1) "Transitional bilingual instruction" means 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 student to achieve competency in English;

(b) Introduces concepts and information in the primary language of a student and reinforces them in the English language; and

(c) Tests students in the subject matter in English.

(2) "Primary language" means the language most often used by a student (not necessarily by parents, guardians, or others) for communication in the student's place of residence.

(3) "Eligible student" means any student who meets the following two conditions:

(a) The primary language of the student must be other than English; and

(b) The student's English skills must be sufficiently deficient or absent to impair learning.

(4) "Alternative instructional program" means a program of instruction which may include English as a second language and is designed to enable the student to achieve competency in English. [Statutory Authority: RCW 28A.58.808. 84-20-083 (Order 84-41), § 392-160-005, filed 10/2/84. Statutory Authority: RCW 28A.58.800 through 28A.58.810. 84-13-027 (Order 84-17), § 392-160-005, filed 6/13/84. 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:

(1) Shall make available to each eligible student a transitional bilingual instruction or, if the use of two languages is not practicable as provided in WAC 392-160-040, an alternative instructional program;

(2) Shall communicate, whenever feasible, with parents of students in the bilingual program in a language they can understand; and

(3) Shall provide in-service training for teachers, counselors, and other staff who are involved in the district's transitional bilingual program, including alternative instructional programs, on appropriate instructional strategies for students of culturally different backgrounds and use of curriculum materials and program models. [Statutory Authority: RCW 28A.58.808. 84-20-083 (Order 84-41), § 392-160-010, filed 10/2/84. Statutory Authority: RCW 28A.58.800 through 28A.58.810. 84-13-027 (Order 84-17), § 392-160-010, filed 6/13/84. 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 students.** (1) District procedures—Identification of primary language required: Every school district board of directors shall adopt written procedures governing the identification of each student's primary language and the determination of which students with a primary language other than English are eligible students. Such procedures shall include:

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

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

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

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

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

(b) The student's inability to communicate in English to any practical extent as determined by an interview with the student by appropriate school district staff. No other approved test need be administered if the professional judgment of the school personnel is that the student is eligible as defined in WAC 392-160-005(3).

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

(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 students required: Each school year each student 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.58.808. 84-20-083 (Order 84-41), § 392-160-015, filed 10/2/84. Statutory Authority: RCW 28A.58.800 through 28A.58.810. 84-13-027 (Order 84-17), § 392-160-015, filed 6/13/84. 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 students (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 student scores within the appropriate range provided by the test maker to establish such English skill deficiency, the student's English skills shall be deemed sufficiently deficient or absent to impair learning

(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. [Statutory Authority: RCW 28A.58.808. 84-20-083 (Order 84-41), § 392-160-020, filed 10/2/84. Statutory Authority: RCW 28A.58.800 through 28A.58.810. 84-13-027 (Order 84-17), § 392-160-020, filed 6/13/84. Statutory Authority: RCW 28A.58.808. 80-07-039 (Order 80-21), § 392-160-020, filed 6/17/80.]

**WAC 392-160-026 District application.** Each school district that seeks an allocation of state funds for a transitional bilingual instruction program shall submit a program approval application to the superintendent of public instruction no later than August 1 of each year: *Provided*, That in the case of extenuating circumstances or in the case of a change in circumstances such as the unexpected enrollment of eligible students the superintendent of public instruction may allow the belated submission of an application or the submission of a modification to a previously approved application. The application shall apply to programs to be conducted during the ensuing school year and shall provide data and information in accordance with instructions and forms now or hereafter established and published by the superintendent of public instruction in bulletins distributed to school districts. [Statutory Authority: RCW 28A.58.808. 84-20-083 (Order 84-41), § 392-160-026, filed 10/2/84. Statutory Authority: RCW 28A.58.800 through 28A.58.810. 84-13-027 (Order 84-17), § 392-160-026, filed 6/13/84.]

**WAC 392-160-027 Board approval.** The district's annual application shall be approved by formal action of the district's board of directors. [Statutory Authority: RCW 28A.58.800 through 28A.58.810. 84-13-027 (Order 84-17), § 392-160-027, filed 6/13/84.]

**WAC 392-160-028 Content of district application.** The districts annual application shall contain the following:

(1) The number of eligible students served during the current school year and the estimated number to be served in the next school year for each non-English primary language spoken;

(2) A description of the approved tests to be used in the next school year to determine student eligibility;

(3) The estimated number of students who will be enrolled during the next school year in a program funded pursuant to this chapter in excess of three school years (i.e., 540 school days or portions thereof). The numbers of such students shall be identified by the non-English primary language spoken and the type of program to be provided (i.e., bilingual or alternative instructional program);

(4) The number of students who have been enrolled in a program funded pursuant to this chapter in excess of three school years who are currently served identified by the non-English primary language spoken by each student and the type of program provided each student;

(5) A description of the bilingual instruction and alternative instructional programs planned for the next school year; and

(6) A description of the in-service training program that is planned for the next school year. [Statutory Authority: RCW 28A.58.808. 84-20-083 (Order 84-41), § 392-160-028, filed 10/2/84. Statutory Authority: RCW 28A.58.800 through 28A.58.810. 84-13-027 (Order 84-17), § 392-160-028, filed 6/13/84.]

**WAC 392-160-029 Program approval.** Program approval by the superintendent of public instruction shall be as follows:

(1) Each application that is submitted as required by and pursuant to this chapter shall be approved: *Provided*, That approval of an application may be withheld in whole or part in the event the superintendent of public instruction deems it necessary to ascertain the completeness and accuracy of the application.

(2) Each school district shall be notified of program approval or disapproval, in whole or part, within thirty days after the date of receipt of the application by the superintendent of public instruction.

(3) Each application that is returned to a school district with approval withheld in whole or part shall be accompanied by an explanation of the reasons therefor and a statement of the corrective action necessary for approval. [Statutory Authority: RCW 28A.58.800 through 28A.58.810. 84-13-027 (Order 84-17), § 392-160-029, filed 6/13/84.]

**WAC 392-160-035 Three year limitation--Testing--Program exit requirements.** (1) No student shall continue to be entitled to a transitional bilingual or alternative instructional program after the student 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 student who is unable to demonstrate an improvement in English language skills that is sufficient to overcome the student's learning impairment (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 students.

(3) No student shall be entitled to continued enrollment in a transitional bilingual or alternative program once the student has scored above the 35th percentile on the reading and language arts portions of a nationally normed standardized test appropriate for the student's age and grade level. [Statutory Authority: RCW 28A.58.808. 84-20-083 (Order 84-41), § 392-160-035, filed 10/2/84. Statutory Authority: RCW 28A.58.800 through 28A.58.810. 84-13-027 (Order 84-17), § 392-160-035, filed 6/13/84. 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 Alternative instructional program.** School districts under one or more of the following conditions may elect to provide an alternative instructional program:

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

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

(3) Bilingual instruction cannot be provided affected students without substantially impairing their basic education program because of their disbursement through-out many grade levels or schools, or both; or

(4) 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.58.808. 84-20-083 (Order 84-41), § 392-160-040, filed 10/2/84. Statutory Authority: RCW 28A.58.800 through 28A.58.810. 84-13-027 (Order 84-17), § 392-160-040, filed 6/13/84. 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 students--No transitional bilingual entitlement.** Notwithstanding any other provision of this chapter to the contrary, any eligible student 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.58.808. 84-20-083 (Order 84-41), § 392-160-045, filed 10/2/84. 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 392-162 WAC

### SPECIAL SERVICE PROGRAM--REMEDIAL ASSISTANCE

#### WAC

392-162-005	Authority.
392-162-010	Purpose.
392-162-015	Definition--Basic skills.
392-162-020	Definition--Remediation assistance program.
392-162-025	Definition--Direct supervision and control.
392-162-030	Definition--Educationally deprived students.
392-162-035	Definition--Supplementary services designed to meet the special educational needs of participating students.
392-162-040	Definition--Placement test.
392-162-045	Definition--Like services.
392-162-050	Definition--Accounting manual.
392-162-055	Definition--Direct expenditure.

392-162-060	District application.
392-162-065	Board approval.
392-162-070	Content of district application.
392-162-075	Program approval.
392-162-080	Program requirement--Selection of students.
392-162-085	Program requirement--Maximum number of students.
392-162-090	Program requirement--Notification of parents.
392-162-095	Program requirement--Allowable expenditures.
392-162-100	Program requirement--Fifty percent in Chapter 1 Regular buildings--Recovery of moneys.
392-162-105	Program requirement--Program evaluation.
392-162-110	Program requirement--End of year report.
392-162-115	Monitoring of districts.

**WAC 392-162-005 Authority.** The authority for this chapter is RCW 28A.41.408 which authorizes the superintendent of public instruction to promulgate rules for the implementation of a program designed to provide remediation assistance to public school students in grades two through six who are deficient in basic skills achievement. [Statutory Authority: RCW 28A.41.408. 84-14-038 (Order 84-21), § 392-162-005, filed 6/28/84.]

**WAC 392-162-010 Purpose.** The purpose of this chapter is to set forth policies and procedures for the administration of and to ensure district compliance with state requirements for a program designed to provide remediation assistance to public school students in grades two through six who are deficient in basic skills achievement. [Statutory Authority: RCW 28A.41.408. 84-14-038 (Order 84-21), § 392-162-010, filed 6/28/84.]

**WAC 392-162-015 Definition--Basic skills.** As used in this chapter, the term "basic skills" means reading, mathematics, and language arts. [Statutory Authority: RCW 28A.41.408. 84-14-038 (Order 84-21), § 392-162-015, filed 6/28/84.]

**WAC 392-162-020 Definition--Remediation assistance program.** As used in this chapter, the term "remediation assistance program" shall mean the same as "program of remediation" in RCW 28A.41.402 -- namely, "assistance in the remediation of basic skills deficiencies provided to five students or less per session by a person appropriately trained for that purpose acting under the direct supervision and control of a person certified pursuant to chapter 28A.67 RCW." (See RCW 28A.67.010 which requires qualified teachers to hold a valid teacher's certificate or permit.) [Statutory Authority: RCW 28A.41.408. 84-14-038 (Order 84-21), § 392-162-020, filed 6/28/84.]

**WAC 392-162-025 Definition--Direct supervision and control.** As used in this chapter, the term "direct supervision and control" shall mean supervision of the content and method of instruction, evaluation of the effectiveness of the instruction, and such additional control as is necessary to direct the instructional program in order to provide an opportunity for student achievement. [Statutory Authority: RCW 28A.41.408. 84-14-038 (Order 84-21), § 392-162-025, filed 6/28/84.]

**WAC 392-162-030 Definition--Educationally deprived students.** As used in this chapter, the term "educationally deprived students" shall mean students whose educational attainment in basic skills achievement, as documented by placement testing, is below the level that is appropriate for the student's chronological/grade level. [Statutory Authority: RCW 28A.41.408. 84-14-038 (Order 84-21), § 392-162-030, filed 6/28/84.]

**WAC 392-162-035 Definition--Supplementary services designed to meet the special educational needs of participating students.** As used in this chapter, the term "supplementary services designed to meet the special educational needs of participating students" shall mean:

- (1) A program of remediation; and
- (2) Support services consisting of supervision, materials and supplies, and the training of administrators, teachers, aids, and tutors. [Statutory Authority: RCW 28A.41.408. 84-14-038 (Order 84-21), § 392-162-035, filed 6/28/84.]

**WAC 392-162-040 Definition--Placement test.** As used in this chapter, the term "placement test" shall mean an objective test(s) administered by a district for the purpose of diagnosing the basic skills achievement levels and remediation needs of individual students. [Statutory Authority: RCW 28A.41.408. 84-14-038 (Order 84-21), § 392-162-040, filed 6/28/84.]

**WAC 392-162-045 Definition--Like services.** As used in this chapter, the term "like services" shall mean the same as "like needs" specified in RCW 28A.41.406 — namely, programs conducted pursuant to chapter 28A.13 RCW which provide services designed to meet the special educational needs of participating students. However, the term "like services" does not include communication disorder or physical or occupational therapy services if the student is receiving no other special education instruction. [Statutory Authority: RCW 28A.41.408. 84-20-088 (Order 84-47), § 392-162-045, filed 10/2/84; 84-14-038 (Order 84-21), § 392-162-045, filed 6/28/84.]

**WAC 392-162-050 Definition--Accounting manual.** As used in this chapter, the term "accounting manual" shall mean the latest edition of the accounting manual for public school districts in the state of Washington issued by the superintendent of public instruction and the state auditor. [Statutory Authority: RCW 28A.41.408. 84-14-038 (Order 84-21), § 392-162-050, filed 6/28/84.]

**WAC 392-162-055 Definition--Direct expenditure.** As used in this chapter, the term "direct expenditure" shall be as defined in the accounting manual glossary of terms — i.e., "those elements of expenditures which can be easily, obviously and conveniently identified with specific programs, . . ." [Statutory Authority: RCW 28A.41.408. 84-14-038 (Order 84-21), § 392-162-055, filed 6/28/84.]

**WAC 392-162-060 District application.** Each district that seeks an allocation from the state for a remediation assistance program shall submit an annual application on forms provided by the superintendent of public instruction for approval. [Statutory Authority: RCW 28A.41.408. 84-14-038 (Order 84-21), § 392-162-060, filed 6/28/84.]

**WAC 392-162-065 Board approval.** The district's annual application shall be approved by formal action of the district's board of directors. [Statutory Authority: RCW 28A.41.408. 84-14-038 (Order 84-21), § 392-162-065, filed 6/28/84.]

**WAC 392-162-070 Content of district application.** The district's annual application shall contain the following:

- (1) Planned expenditures by program activity and object;
- (2) Instructional program description which describes the supplementary services designed to meet the special educational needs of the participating students;
- (3) Amount of total expenditures planned for Chapter 1 Regular attendance areas (i.e., eligible buildings) as defined in WAC 392-163-230;
- (4) Amount of total expenditures planned to support nationally validated program models, if any; and
- (5) An assurance that no less than fifty percent of the state moneys for a remediation assistance program shall be expended in buildings determined eligible to receive Chapter 1 Regular moneys pursuant to WAC 392-163-300. [Statutory Authority: RCW 28A.41.408. 84-14-038 (Order 84-21), § 392-162-070, filed 6/28/84.]

**WAC 392-162-075 Program approval.** The superintendent of public instruction shall approve each district's application which contains the information in this section. [Statutory Authority: RCW 28A.41.408. 84-14-038 (Order 84-21), § 392-162-075, filed 6/28/84.]

**WAC 392-162-080 Program requirement--Selection of students.** A student selected to participate in the remediation assistance program shall meet the following requirements:

- (1) The student is enrolled in any grade two through six;
- (2) The student is educationally deprived;
- (3) The student has been selected through a placement test; and
- (4) The student is not receiving like services. [Statutory Authority: RCW 28A.41.408. 84-14-038 (Order 84-21), § 392-162-080, filed 6/28/84.]

**WAC 392-162-085 Program requirement--Maximum number of students.** The total number of students (i.e., headcount) served in the remediation assistance program in one or more of the basic skill areas with state funds shall not exceed the total number of eligible students calculated per WAC 392-122-605 (2)(a). For each student served in excess of this number, the amount per pupil allocated by the state shall be recovered.

[Statutory Authority: RCW 28A.41.408. 84-14-038 (Order 84-21), § 392-162-085, filed 6/28/84.]

**WAC 392-162-090 Program requirement—Notification of parents.** Each district shall notify parents of participating students of the involvement of their child in the remediation assistance program. [Statutory Authority: RCW 28A.41.408. 84-14-038 (Order 84-21), § 392-162-090, filed 6/28/84.]

**WAC 392-162-095 Program requirement—Allowable expenditures.** State remediation assistance program revenue shall be expended only in the allowable objects of expenditure, except capital outlay, in activities 21, 22, and 27 in Program 55, Remediation, State, Accounting Manual. If a district incurs an expenditure with state moneys for a remediation assistance program in a nonallowable object(s) or activity(ies), the amount of such nonallowable expenditure shall be recovered by the superintendent of public instruction after the end of the school fiscal year. [Statutory Authority: RCW 28A.41.408. 84-14-038 (Order 84-21), § 392-162-095, filed 6/28/84.]

**WAC 392-162-100 Program requirement—Fifty percent in Chapter 1 Regular buildings—Recovery of moneys.** Not less than fifty percent of state moneys provided for a remediation assistance program shall be expended by a district in attendance areas (i.e., eligible buildings) determined eligible to receive Chapter 1 Regular moneys pursuant to WAC 392-163-230. If a district incurs expenditures for more than fifty percent of such moneys in noneligible attendance areas (i.e., buildings), the amount above fifty percent shall be recovered by the superintendent of public instruction after the end of the school fiscal year. [Statutory Authority: RCW 28A.41.408. 84-14-038 (Order 84-21), § 392-162-100, filed 6/28/84.]

**WAC 392-162-105 Program requirement—Program evaluation.** The Title I Evaluation and Reporting System (TIERS) shall be used by districts to evaluate educational achievement in the remediation assistance program. The data shall be reported annually to the superintendent of public instruction on provided forms. [Statutory Authority: RCW 28A.41.408. 84-14-038 (Order 84-21), § 392-162-105, filed 6/28/84.]

**WAC 392-162-110 Program requirement—End of year report.** Districts shall submit to the superintendent of public instruction at the close of the fiscal year an end of the year report on forms provided by the superintendent of public instruction which includes number of students served by grade level, basic skills area, ethnicity, and gender. [Statutory Authority: RCW 28A.41.408. 84-14-038 (Order 84-21), § 392-162-110, filed 6/28/84.]

**WAC 392-162-115 Monitoring of districts.** In order to insure that school districts are meeting the requirements of this chapter, the superintendent of public instruction shall monitor district programs no less than

once every three years by sampling procedures. [Statutory Authority: RCW 28A.41.408. 84-14-038 (Order 84-21), § 392-162-115, filed 6/28/84.]

### Chapter 392-163 WAC

#### SPECIAL SERVICE PROGRAM—CHAPTER 1 REGULAR OF THE EDUCATION CONSOLIDATION AND IMPROVEMENT ACT OF 1981, FINANCIAL ASSISTANCE TO LOCAL SCHOOL DISTRICTS

##### WAC

392-163-105	Purpose.
392-163-110	Accountability.
392-163-115	Definition—Chapter 1 Regular.
392-163-120	Definition—Accounting manual.
392-163-125	Definition—Object of expenditure.
392-163-130	Definition—Activity.
392-163-140	Definition—Direct expenditure.
392-163-142	Definition—Indirect expenditure.
392-163-145	Definition—Revenue account.
392-163-180	Definition—Children.
392-163-186	Definition—Eligible student.
392-163-236	Definition—Participating children.
392-163-237	Definition—Continuing need of special assistance.
392-163-260	Definition—Consultation with parents and teachers and other interested parties.
392-163-265	Definition—Prudent and justifiable reserve.
392-163-270	Definition—Population shifts.
392-163-275	Definition—Changing economic circumstances.
392-163-280	Definition—Services of the same nature and scope.
392-163-299	Selection of attendance areas for districts with under one thousand students—Program exemption.
392-163-300	Selection of attendance areas—Project requirement.
392-163-305	Annual needs assessment—Program requirement.
392-163-306	Serving students in greatest need—Program requirement.
392-163-310	Parent/teacher and community involvement in program planning—Program requirement.
392-163-320	Substance of annual school district application.
392-163-335	Board certification.
392-163-360	Supervisory expenditures.
392-163-362	Reallocation of Chapter 1 Regular moneys in excess of a prudent and justifiable reserve.
392-163-363	Reallocation of Chapter 1 Regular moneys—Waiver of limit.
392-163-364	Reallocation of Chapter 1 Regular moneys—Application for available excess carryover.
392-163-365	End-of-year report—Annual requirement.
392-163-375	Program evaluation.
392-163-385	Comparability of services—Computation basis.
392-163-435	Program compliance review.
392-163-460	Approval of Chapter 1 Regular program application by the office of the superintendent of public instruction.

**WAC 392-163-105 Purpose.** The purpose of this chapter is 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. 84-20-089 (Order 84-49), § 392-163-105, filed 10/2/84; 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. 84-20-089 (Order 84-49), § 392-163-110, filed 10/2/84; 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 part of Public Law 97-35 which is commonly referred to as Chapter 1 of the Education Consolidation and Improvement Act of 1981 which provides financial assistance to school districts to meet special educational needs of disadvantaged children. [Statutory Authority: RCW 28A.02.100. 84-20-089 (Order 84-49), § 392-163-115, filed 10/2/84; 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 most recently published accounting manual for public school districts in the state of Washington issued by the superintendent of public instruction and the state auditor. [Statutory Authority: RCW 28A.02.100. 84-20-089 (Order 84-49), § 392-163-120, filed 10/2/84; 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. 84-20-089 (Order 84-49), § 392-163-125, filed 10/2/84; 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 Form SPI F-1000B CH-1. [Statutory Authority: RCW 28A.02.100. 84-20-089 (Order 84-49), § 392-163-130, filed 10/2/84; 83-08-030 (Order 83-2), § 392-163-130, filed 3/30/83.]

**WAC 392-163-140 Definition--Direct expenditure.** As used in this chapter, the term "direct expenditure" 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. 84-20-089 (Order 84-49), § 392-163-140, filed 10/2/84;

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 expenditure.** As used in this chapter, the term "indirect expenditure" shall be as defined in the accounting manual glossary of terms (i.e., "those expenditure elements that cannot be easily, obviously, and conveniently identified with specific programs"). For Chapter 1 Regular, each district shall be entitled to the restricted indirect expenditure rate established and disseminated annually to school districts by the superintendent of public instruction. [Statutory Authority: RCW 28A.02.100. 84-20-089 (Order 84-49), § 392-163-142, filed 10/2/84; 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 of a fund of a school district during a fiscal period that is available to finance the fund's expenditures during the fiscal period"). [Statutory Authority: RCW 28A.02.100. 84-20-089 (Order 84-49), § 392-163-145, filed 10/2/84; 83-08-030 (Order 83-2), § 392-163-145, 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 and persons who are of preschool age. [Statutory Authority: RCW 28A.02.100. 84-20-089 (Order 84-49), § 392-163-180, filed 10/2/84; 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 392-163-186 Definition--Eligible student.** As used in this chapter, the term "eligible student" shall mean an educationally deprived child who resides in an attendance area or a school determined to be eligible under the provisions of P.L. 97-35 as amended by P.L. 98-211, Sections 556 (b)(1)(A), (B), and (d)(i), (2), (3), (4), (5), and (9) and WAC 392-163-300: *Provided*, That an educationally deprived child who begins participation in a program or project in an eligible attendance area and in the same year is transferred by the school district to an unserved attendance area or school building shall remain eligible to receive Chapter 1 Regular services for the remainder of such year. [Statutory Authority: RCW 28A.02.100. 84-20-089 (Order 84-49), § 392-163-186, filed 10/2/84.]

**WAC 392-163-236 Definition--Participating children.** As used in this chapter, the term "participating children" shall mean those educationally deprived children in greatest need of special assistance, as determined

on the basis of school district established selection criteria, residing in eligible served attendance areas or attending served schools, who are selected to receive services in the Chapter 1 Regular program: *Provided*, That the exception in WAC 392-163-186 for children transferred during the same school year shall apply to this section. [Statutory Authority: RCW 28A.02.100. 84-20-089 (Order 84-49), § 392-163-236, filed 10/2/84.]

**WAC 392-163-237 Definition—Continuing need of special assistance.** As used in this chapter, the term "continuing need of special assistance" refers to those educationally deprived children who in any previous year were identified as being in greatest need of assistance and who continue to achieve below the level that is appropriate for children of their age although they do not qualify as in greatest need. [Statutory Authority: RCW 28A.02.100. 84-20-089 (Order 84-49), § 392-163-237, filed 10/2/84.]

**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, teachers, and administrators of children being served by Chapter 1 Regular—including parents, teachers, and administrators of served private school children—and other interested parents, teachers, administrators, groups, and 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. 84-20-089 (Order 84-49), § 392-163-260, filed 10/2/84; 83-08-030 (Order 83-2), § 392-163-260, filed 3/30/83.]

**WAC 392-163-265 Definition—Prudent and justifiable reserve.** As used in this chapter, the term "prudent and justifiable reserve" shall mean no more than fifteen percent of a school district's available Chapter 1 Regular money for a given fiscal year, i.e., carryover from the previous year plus the current year's allocation. [Statutory Authority: RCW 28A.02.100. 84-20-089 (Order 84-49), § 392-163-265, filed 10/2/84.]

**WAC 392-163-270 Definition—Population shifts.** As used in this chapter, the term "population shifts" shall mean an increase of fifteen percent or more in the FTE enrollment of a school district reported to the superintendent of public instruction over a period of not more than the five immediately preceding years. [Statutory Authority: RCW 28A.02.100. 84-20-089 (Order 84-49), § 392-163-270, filed 10/2/84.]

**WAC 392-163-275 Definition—Changing economic circumstances.** As used in this chapter, the term "changing economic circumstances" shall mean an increase of fifteen percent or more in the number of children from low income families as defined in WAC 392-

163-190, reported to the superintendent of public instruction over a period of not more than the five immediately preceding years. [Statutory Authority: RCW 28A.02.100. 84-20-089 (Order 84-49), § 392-163-275, filed 10/2/84.]

**WAC 392-163-280 Definition—Services of the same nature and scope.** As used in this chapter, the term "services of the same nature and scope" shall mean the provision with nonfederal moneys of supplemental education services which are consistent with the requirements of section 131(c) of ESEA Title I, Public Law 95-561. [Statutory Authority: RCW 28A.02.100. 84-20-089 (Order 84-49), § 392-163-280, filed 10/2/84.]

**WAC 392-163-299 Selection of attendance areas for districts with under one thousand students—Program exemption.** Any school district with fewer than one thousand full time equivalent students enrolled shall be exempt from the requirements of WAC 392-163-300. Such districts shall not be required to select attendance areas and all schools within the district shall be eligible to receive Chapter 1 Regular services. For purposes of documenting enrollment, the school district may select any enrollment from among the attendance reports submitted to the superintendent of public instruction for the current year. Such enrollment figure, and the date which it represents, shall be recorded on the target selection page of the Chapter 1 Regular application for the succeeding year. [Statutory Authority: RCW 28A.02.100. 84-20-089 (Order 84-49), § 392-163-299, filed 10/2/84.]

**WAC 392-163-300 Selection of attendance areas—Project requirement.** Each school district receiving Chapter 1 Regular moneys, except as otherwise exempted under WAC 392-163-299, 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) Substantially higher educational deprivation. A district may designate as eligible and serve school attendance areas with substantially higher numbers or percentages of educationally deprived children before school attendance areas with higher concentrations of children from low income families: *Provided*, That Chapter 1 Regular services shall be extended to no more attendance areas than could otherwise be served: *Provided further*, That the school district shall include in its application to the superintendent of public instruction information requested to demonstrate (a) the substantially higher number or percentage of educationally deprived children in school attendance areas so selected; and (b) that Chapter 1 services to educationally deprived children from low income families in project areas will not be substantially impaired.

(6) Proportions of average daily attendance. A district may designate as eligible and serve a school which is not located in an eligible attendance area but has among its average daily attendance a proportion of children from low income families which is substantially equal to the proportion of such children in an eligible school attendance area of the district. The application submitted by the school district to the superintendent of public instruction shall demonstrate comparable proportions of children from low income families.

(7) Nonfederally funded services. A district may elect to skip an eligible school attendance area if such area is receiving from nonfederal moneys, services of the same nature and scope as would be provided with Chapter 1 Regular moneys: *Provided*, That children attending participating private schools who reside in such attendance areas shall be considered to be eligible students under WAC 392-163-186 and shall be identified and served, when appropriate, in accordance with WAC 392-163-180, 392-163-185, 392-163-235, 392-163-305 and 392-163-306.

(8) School-wide project. A school district may designate a school serving an attendance area with at least seventy-five percent of the children from low income families as a school-wide project, in which instance the district may upgrade the entire educational program in that school in the same manner and only to the same extent as permitted under subsection 133(b) of the Elementary and Secondary Education Act of 1965: *Provided*, That paragraph (4) of such section shall not apply. [Statutory Authority: RCW 28A.02.100. 84-20-089 (Order 84-49), § 392-163-300, filed 10/2/84; 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, assessment of Chapter 1 Regular funded support services, and consideration of evaluation data related to whether improved

student achievement is sustained over a period of more than one year. 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. 84-20-089 (Order 84-49), § 392-163-305, filed 10/2/84; 83-08-030 (Order 83-2), § 392-163-305, filed 3/30/83.]

**WAC 392-163-306 Serving students in greatest need—Program requirement.** The school district shall include among the educationally deprived children selected to be served those children who have the greatest need for special assistance: *Provided*, That children who were in greatest need the previous year and are still in need may continue to be served: *Provided further*, That the school district shall not be required to serve children in greatest need with Chapter 1 Regular moneys if such children are receiving from nonfederal sources services of the same nature and scope as would otherwise be provided by Chapter 1 Regular moneys. [Statutory Authority: RCW 28A.02.100. 84-20-089 (Order 84-49), § 392-163-306, filed 10/2/84.]

**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 consultation shall include an annual public meeting to which parents of all eligible students shall be invited to explain to parents the programs and activities provided with Chapter 1 Regular moneys, and shall be documented to demonstrate compliance with this section. [Statutory Authority: RCW 28A.02.100. 84-20-089 (Order 84-49), § 392-163-310, filed 10/2/84; 83-08-030 (Order 83-2), § 392-163-310, 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: *Provided*, That the exemption prescribed in WAC 392-163-299 shall apply.

(3) Program and project descriptions on forms provided by the superintendent of public instruction. [Statutory Authority: RCW 28A.02.100. 84-20-089 (Order

84-49), § 392-163-320, filed 10/2/84; 83-08-030 (Order 83-2), § 392-163-320, 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 school district has included among the educationally deprived children to be served, those children in greatest need of special assistance;

(2) 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;

(3) The school district has complied with the provisions of this chapter, and shall further certify that;

(4) 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. 84-20-089 (Order 84-49), § 392-163-335, filed 10/2/84; 83-08-030 (Order 83-2), § 392-163-335, filed 3/30/83.]

**WAC 392-163-360 Supervisory expenditures.** A school district that charges any portion of supervisory expenditures to the Chapter 1 Regular program shall document such costs, including the proportion of supervisory FTE so designated. [Statutory Authority: RCW 28A.02.100. 84-20-089 (Order 84-49), § 392-163-360, filed 10/2/84; 83-08-030 (Order 83-2), § 392-163-360, filed 3/30/83.]

**WAC 392-163-362 Reallocation of Chapter 1 Regular moneys in excess of a prudent and justifiable reserve.** In accordance with federal regulation 34 CFR 200.45, a school district is hereby limited to carry over no more than a prudent and justifiable reserve of available Chapter 1 money to the succeeding year. Available moneys for any year equals the sum of the current year's allocation plus carryover money from the immediately preceding fiscal year. Carryover in excess of a prudent and justifiable reserve will be reallocated by the superintendent of public instruction to school districts which can demonstrate need based on "inequities inherent in or hardships caused by the application of the allocation provisions in Section 111(a) of Title I as a result of factors like population shifts and changing economic circumstances" (34 CFR 200.45 (b)(1)).

To implement reallocation of Chapter 1 Regular moneys the following requirements and procedures for school districts and the superintendent of public instruction are hereby established:

(1) No school district's annual application shall be approved by the superintendent of public instruction unless such application includes budgeted expenditures

equal to at least eighty-five percent of the district's announced or estimated Chapter 1 Regular allocation.

(2) Upon receipt of the school district's Chapter 1 Regular final expenditure report for any fiscal year the superintendent of public instruction shall determine if the expenditures budgeted in its current application are at least eighty-five percent of the total amount of Chapter 1 Regular moneys available for the current year, i.e. current year Chapter 1 allocation plus carryover from the immediately preceding fiscal year.

(3) If the total amount budgeted is less than eighty-five percent of the total money available, the superintendent of public instruction shall notify the district of the additional amount it must budget to achieve the eighty-five percent requirement.

(4) Upon receipt of such notification, a school district shall submit a revised Chapter 1 budget to the superintendent of public instruction within twenty calendar days or shall submit on forms provided by the superintendent of public instruction for that purpose, a rationale explaining why the district is planning to retain more than a prudent and justifiable reserve of Chapter 1 Regular moneys.

(5) The superintendent of public instruction shall by April 1 of each year notify any district which is substantially underspending its Chapter 1 Regular budget that moneys in excess of fifteen percent of the total amount available for the current year which are not budgeted and/or appear, on the basis of expenditure reports, unlikely to be spent, will be made available for reallocation. The district shall have fifteen days following such notification to submit a request for revision or a request for a waiver of the carryover limit for sufficient cause. [Statutory Authority: RCW 28A.02.100. 84-20-089 (Order 84-49), § 392-163-362, filed 10/2/84.]

**WAC 392-163-363 Reallocation of Chapter 1 Regular moneys—Waiver of limit.** Notwithstanding the requirements of WAC 392-163-362 a school district may request a waiver to allow the carryover of more than a prudent and justifiable reserve for a succeeding year:

(1) The request shall be made in writing to the superintendent of public instruction no later than April 30 of the current year.

(2) The request shall specify the total amount the district proposes to carry over, the purpose/activities for which the money will be expended in the succeeding year, and the rationale for the planned expenditure pattern.

(3) The request shall be approved by the school district board of directors.

(4) The district shall not submit waiver requests for more than two consecutive years.

The superintendent of public instruction shall notify the school district within thirty days of the receipt of the request of the acceptance or rejection of the request for waiver of the carryover limit for the succeeding year.

Notwithstanding the granting of a waiver request, if the school district does not expend its excess carryover in the succeeding year for the activities and purposes outlined in its waiver request, such excess shall be withheld

and made available for reallocation the succeeding May. [Statutory Authority: RCW 28A.02.100. 84-20-089 (Order 84-49), § 392-163-363, filed 10/2/84.]

**WAC 392-163-364 Reallocation of Chapter 1 Regular moneys—Application for available excess carryover.** The superintendent of public instruction shall invite school districts meeting the conditions of 34 CFR 200.45 (b)(1) to submit applications for reallocation money no later than June 1 of each year. Applications shall include the following:

(1) Statement of need supported by evidence of hardship and/or inequity caused by changing economic circumstances or population shifts.

(2) Proposed budget of expenditures on Form 1000B CH. 1 and instructional component design.

(3) Assurance that the school district does not have sufficient funds in its regular Chapter 1 Regular allocation to cover the additional costs.

(4) Approval by the school district board of directors.

No later than December 30 of the succeeding year, the superintendent of public instruction shall notify districts of the approval of their application for reallocation moneys, and shall indicate the amount of reallocation money which shall be made available to the district for the school year.

The annual Chapter 1 Regular application for the school year in which the money is reallocated shall be considered to be amended in accordance with the application for reallocation money received and approved by the superintendent of public instruction. [Statutory Authority: RCW 28A.02.100. 84-20-089 (Order 84-49), § 392-163-364, filed 10/2/84.]

**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, including data on the race, age, and gender of children served by the Chapter 1 Regular program and on the number of children served by grade level. [Statutory Authority: RCW 28A.02.100. 84-20-089 (Order 84-49), § 392-163-365, filed 10/2/84; 83-08-030 (Order 83-2), § 392-163-365, 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. In addition, each district shall determine whether improved student achievement is sustained over a period of more than one program year, and shall consider that data in the improvement of programs and projects assisted with Chapter 1 Regular moneys. [Statutory Authority: RCW

28A.02.100. 84-20-089 (Order 84-49), § 392-163-375, filed 10/2/84; 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 requirements of section 131(c) of the Elementary and Secondary Education Act of 1965; 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. 84-20-089 (Order 84-49), § 392-163-385, filed 10/2/84; 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 392-163-435 Program compliance review.** The superintendent of public instruction shall conduct program compliance reviews of all school districts receiving Chapter 1 Regular moneys. Reviews of each school district shall occur at least once every three years. Upon receipt of the compliance review report from the superintendent of public instruction the school district shall have three weeks to respond to the superintendent of public instruction if there are exceptions noted in the report. Substantial noncompliance or failure by the school district to respond and/or initiate corrective action in a timely manner shall be subject to actions prescribed in WAC 392-163-450 and 392-163-455. [Statutory Authority: RCW 28A.02.100. 84-20-089 (Order 84-49), § 392-163-435, filed 10/2/84.]

**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. The effective approval date shall 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. 84-20-089 (Order 84-49), § 392-163-460, filed 10/2/84; 83-08-030 (Order 83-2), § 392-163-460, filed 3/30/83.]

### Chapter 392-165 WAC

#### SPECIAL SERVICE PROGRAM--CHAPTER 2 OF THE EDUCATION CONSOLIDATION AND IMPROVEMENT ACT OF 1981, FINANCIAL ASSISTANCE TO LOCAL SCHOOL DISTRICTS

##### WAC

392-165-100	Authority.
392-165-105	Purpose.
392-165-110	Accountability.
392-165-115	Definition--Chapter 2.
392-165-120	Definition--Accounting Manual.
392-165-125	Definition--Object of expenditure.
392-165-130	Definition--Activity.
392-165-135	Definition--Program.
392-165-140	Definition--Direct expenditure.

392-165-142	Definition--Indirect expenditure.
392-165-145	Definition--Revenue account.
392-165-170	Definition--Project.
392-165-180	Definition--Children.
392-165-210	Definition--Instructional staff.
392-165-240	Definition--Basic skills.
392-165-245	Definition--Supplement.
392-165-260	Definition--Consultation with parents and educators and other interested parties.
392-165-265	Definition--Private schools.
392-165-302	Private school participation in Chapter 2--Program requirement.
392-165-304	Private school Chapter 2 equipment--Program requirement.
392-165-310	Parent, educator, and community involvement in program planning--Program requirement.
392-165-315	School district application required.
392-165-320	Substance of annual school district application.
392-165-322	One year assurances.
392-165-325	Planned expenditures by program object and activity.
392-165-327	Planned expenditures by subchapter program.
392-165-330	Board approval--Subchapter A, B and C activities.
392-165-332	Board approval--Subchapter A activities.
392-165-340	Budget revision--Twenty percent allowed.
392-165-345	Budget revisions--Updating planned expenditures.
392-165-350	Budget revision--Approval.
392-165-360	Supervisory expenditures.
392-165-365	End of year report--Annual requirement.
392-165-425	Construction and portable lease/purchase.
392-165-430	Acquisition, control and disposition of property.
392-165-440	Chapter 2 audit.
392-165-445	Sanctions.
392-165-450	Compliance agreement.
392-165-455	Withholding of Chapter 2 payments.
392-165-460	Approval of Chapter 2 program application by the office of the superintendent of public instruction.
392-165-500	Distribution of Chapter 2 moneys to local school districts.

**WAC 392-165-100 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. 84-06-019 (Order 84-6), § 392-165-100, filed 2/29/84.]

**WAC 392-165-105 Purpose.** The purpose of this chapter is to ensure compliance by the state of Washington, including the superintendent of public instruction and local school districts, with the provisions of Public Law 97-35, Title V, Subtitle D, Chapter 2--commonly referred to as Chapter 2 of the Education Consolidation and Improvement Act of 1981, -- and its implementing regulations, particularly 34 CFR Part 298. [Statutory Authority: RCW 28A.02.100. 84-06-019 (Order 84-6), § 392-165-105, filed 2/29/84.]

**WAC 392-165-110 Accountability.** Nothing in this chapter shall be construed to relieve a school district of its responsibility to comply also with all applicable statutes, rules and regulations. [Statutory Authority: RCW 28A.02.100. 84-06-019 (Order 84-6), § 392-165-110, filed 2/29/84.]

**WAC 392-165-115 Definition--Chapter 2.** As used in this chapter, the term "Chapter 2" shall mean that

part of Public Law 97-35 which is commonly referred to as Chapter 2 of the Education Consolidation and Improvement Act of 1981. [Statutory Authority: RCW 28A.02.100. 84-06-019 (Order 84-6), § 392-165-115, filed 2/29/84.]

**WAC 392-165-120 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 1983, by the superintendent of public instruction and the state auditor. [Statutory Authority: RCW 28A.02.100. 84-06-019 (Order 84-6), § 392-165-120, filed 2/29/84.]

**WAC 392-165-125 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. 84-06-019 (Order 84-6), § 392-165-125, filed 2/29/84.]

**WAC 392-165-130 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* for Chapter 2 shall include all activities listed on Form SPI F-1000B CH.-2 (Chapter 2 Federal Project Budget). [Statutory Authority: RCW 28A.02.100. 84-06-019 (Order 84-6), § 392-165-130, filed 2/29/84.]

**WAC 392-165-135 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 2 shall include all approved activities supported by Chapter 2 moneys. [Statutory Authority: RCW 28A.02.100. 84-06-019 (Order 84-6), § 392-165-135, filed 2/29/84.]

**WAC 392-165-140 Definition--Direct expenditure.** As used in this chapter, the term "direct expenditure" shall be as defined for "direct expenditure" 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. 84-06-019 (Order 84-6), § 392-165-140, filed 2/29/84.]

**WAC 392-165-142 Definition--Indirect expenditure.** As used in this chapter, the term "indirect expenditure" shall be as defined in the *Accounting Manual* glossary of terms (i.e., "those expenditure elements that cannot be easily, obviously and conveniently identified with specific programs . . ."). For Chapter 2 each district shall be entitled to the restricted indirect expenditure rate established and disseminated annually to school districts by the superintendent of public instruction. [Statutory Authority: RCW 28A.02.100. 84-06-019 (Order 84-6), § 392-165-142, filed 2/29/84.]

**WAC 392-165-145 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 the assets of a fund of a school district during a fiscal period that is available to finance the fund's expenditures during the fiscal period." In addition "revenue does not accompany the increase of liabilities or represent refunds of previous disbursements"). [Statutory Authority: RCW 28A.02.100. 84-06-019 (Order 84-6), § 392-165-145, filed 2/29/84.]

**WAC 392-165-170 Definition--Project.** As used in this chapter, the term "project" either shall mean all activities supported with Chapter 2 moneys in either a particular school building or combination of school buildings. [Statutory Authority: RCW 28A.02.100. 84-06-019 (Order 84-6), § 392-165-170, filed 2/29/84.]

**WAC 392-165-180 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 and persons who are of preschool age. [Statutory Authority: RCW 28A.02.100. 84-06-019 (Order 84-6), § 392-165-180, filed 2/29/84.]

**WAC 392-165-210 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, Speech and Hearing Services; and Activity 27, Teaching. [Statutory Authority: RCW 28A.02.100. 84-06-019 (Order 84-6), § 392-165-210, filed 2/29/84.]

**WAC 392-165-240 Definition--Basic skills.** As used in this chapter, the term "basic skills" shall mean skills in reading, communication and mathematics as well as readiness activities associated with such skills. [Statutory Authority: RCW 28A.02.100. 84-06-019 (Order 84-6), § 392-165-240, filed 2/29/84.]

**WAC 392-165-245 Definition--Supplement.** As used in this chapter, the term "supplement" shall mean an increase in the level of expenditures for a project as a

result of the expenditure of Chapter 2 moneys. [Statutory Authority: RCW 28A.02.100. 84-06-019 (Order 84-6), § 392-165-245, filed 2/29/84.]

**WAC 392-165-260 Definition—Consultation with parents and educators and other interested parties.** As used in this chapter, the term "consultation with parents and educators and other interested parties" shall mean planned, systematic contact with parents, teachers, and administrators of children being served by Chapter 2, — including parents, teachers, and administrators of served private school children, — other interested parents, teachers, administrators, groups, and parties in the design and implementation of the Chapter 2 program, including discussion of program revenue and expenditures. [Statutory Authority: RCW 28A.02.100. 84-06-019 (Order 84-6), § 392-165-260, filed 2/29/84.]

**WAC 392-165-265 Definition—Private schools.** As used in this chapter, the term "private schools" shall mean schools approved by the state board of education pursuant to chapter 180-90 WAC. [Statutory Authority: RCW 28A.02.100. 84-06-019 (Order 84-6), § 392-165-265, filed 2/29/84.]

**WAC 392-165-302 Private school participation in Chapter 2—Program requirement.** Each school district that receives Chapter 2 moneys shall make available for expenditure in the private schools within the district, an amount equal to the private school enrollment within the district times the average allotment per student (combined public and private enrollment) from Chapter 2 moneys. [Statutory Authority: RCW 28A.02.100. 84-06-019 (Order 84-6), § 392-165-302, filed 2/29/84.]

**WAC 392-165-304 Private school Chapter 2 equipment—Program requirement.** Each school district that supplies equipment which is purchased with Chapter 2 moneys to a private school shall retain title to all such equipment and keep on file an inventory supplied by the private school which indicates the location and use of such equipment. [Statutory Authority: RCW 28A.02.100. 84-06-019 (Order 84-6), § 392-165-304, filed 2/29/84.]

**WAC 392-165-310 Parent, educator, and community involvement in program planning—Program requirement.** Each school district that seeks an allocation of funds under Chapter 2 shall consult with parents and educators and other interested parties in preparing the proposed program design and planning expenditures submitted by the designated local administrator to the school district board of directors for adoption. Such consultation shall be documented to demonstrate compliance with this section. [Statutory Authority: RCW 28A.02.100. 84-06-019 (Order 84-6), § 392-165-310, filed 2/29/84.]

**WAC 392-165-315 School district application required.** Each school district that seeks an allocation of

federal funds under Chapter 2 from the state shall submit an annual application on forms provided by the superintendent of public instruction. [Statutory Authority: RCW 28A.02.100. 84-06-019 (Order 84-6), § 392-165-315, filed 2/29/84.]

**WAC 392-165-320 Substance of annual school district application.** The school district's annual application, required by WAC 392-165-315, shall contain the following:

(1) Assurances as required by WAC 392-165-322.

(2) Planned Chapter 2 expenditures by program object and activity as required by WAC 392-165-325.

(3) Planned expenditures for public and private schools by subchapter program including Subchapter A (basic skills), Subchapter B (improvement and support services) and Subchapter C (special projects) as required by WAC 392-165-327. [Statutory Authority: RCW 28A.02.100. 84-06-019 (Order 84-6), § 392-165-320, filed 2/29/84.]

**WAC 392-165-322 One year assurances.** Each school district that receives an allocation of federal funds under Chapter 2 shall submit to the superintendent of public instruction once a year the following:

(1) An assurance of school district compliance with chapter 392-165 WAC.

(2) An assurance that funds received under Chapter 2 shall supplement and not supplant funds available from nonfederal sources.

(3) An assurance that children enrolled in eligible private schools which have submitted a statement of intention to participate in Chapter 2 programs within the district shall be provided equitable participation in benefits of funds received from Chapter 2.

(4) An assurance that the school district shall keep records and provide information to the superintendent of public instruction regarding Chapter 2 programs in such manner as required by the superintendent of public instruction. [Statutory Authority: RCW 28A.02.100. 84-06-019 (Order 84-6), § 392-165-322, filed 2/29/84.]

**WAC 392-165-325 Planned expenditures by program object and activity.** Each school district's planned expenditures shall be summarized for all Chapter 2 subchapters by program object and activity on forms provided by the superintendent of public instruction. [Statutory Authority: RCW 28A.02.100. 84-06-019 (Order 84-6), § 392-165-325, filed 2/29/84.]

**WAC 392-165-327 Planned expenditures by subchapter program.** Each school district that seeks an allocation of federal funds shall submit to the superintendent of public instruction planned expenditures by subchapter activities, as displayed on forms provided by the superintendent of public instruction, which indicate proposed expenditures for public and private schools separately. [Statutory Authority: RCW 28A.02.100. 84-06-019 (Order 84-6), § 392-165-327, filed 2/29/84.]

**WAC 392-165-330 Board approval--Subchapter A, B and C activities.** For each subchapter activity included in the annual application, the local board of directors shall approve a description of the planned expenditure which indicates the purpose of the program activity, the resources to be allocated to the program activity and the expected outcome of the program activity. Such program expenditure descriptions shall remain on file with the school district and shall be open to inspection. [Statutory Authority: RCW 28A.02.100. 84-06-019 (Order 84-6), § 392-165-330, filed 2/29/84.]

**WAC 392-165-332 Board approval--Subchapter A activities.** For each subchapter A activity included in the annual application the local board of directors, shall review the program design and proposed expenditures for the activity, taking into account:

(1) Previous year's planned expenditures and total Chapter 2 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/educator and other interested party consultation in the planning and implementation process. [Statutory Authority: RCW 28A.02.100. 84-06-019 (Order 84-6), § 392-165-332, filed 2/29/84.]

**WAC 392-165-340 Budget revision--Twenty percent allowed.** Using the subtotal from Form SPI F-1000B-CH. 2 as a base, school districts may make annual expenditure adjustments of up to twenty percent of that total in any of the previously budgeted subchapter activities 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. 84-06-019 (Order 84-6), § 392-165-340, filed 2/29/84.]

**WAC 392-165-345 Budget revisions--Updating planned expenditures.** Except as provided in WAC 392-165-340, each school district shall expend Chapter 2 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 2 moneys; or

(2) Change by more than twenty percent of the subtotal identified in WAC 392-165-340 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. 84-06-019 (Order 84-6), § 392-165-345, filed 2/29/84.]

**WAC 392-165-350 Budget revision--Approval.** Approval of budget revisions by the superintendent of public instruction shall be in accordance with the provisions of WAC 392-165-460 for approval by the superintendent of public instruction of the annual application. [Statutory Authority: RCW 28A.02.100. 84-06-019 (Order 84-6), § 392-165-350, filed 2/29/84.]

**WAC 392-165-360 Supervisory expenditures.** A school district that charges any portion of supervisory expenditures as a direct expenditure to the Chapter 2 program shall document such expenditures, including the proportion of supervisory FTE so designated. [Statutory Authority: RCW 28A.02.100. 84-06-019 (Order 84-6), § 392-165-360, filed 2/29/84.]

**WAC 392-165-365 End of year report--Annual requirement.** Each school district that receives an allocation of funds under Chapter 2 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, or in the event such date is a Saturday, Sunday, or holiday, the working day immediately following such date, and shall contain all information requested.

The evaluation information shall include but not be limited to:

(1) The number of students served in related Chapter 2 program areas;

(2) The number of staff served through staff development activities;

(3) The number of full time equivalent staff funded by Chapter 2;

(4) Fiscal information as related to planned expenditures; and

(5) Other information as required consistent with the responsibilities of the superintendent of public instruction under Chapter 2. In addition, selected districts may be requested to participate in the preparation of descriptive case studies. [Statutory Authority: RCW 28A.02.100. 84-06-019 (Order 84-6), § 392-165-365, filed 2/29/84.]

**WAC 392-165-425 Construction and portable lease/purchase.** Chapter 2 moneys may be used for the modification of existing facilities and/or for lease/purchase of portable facilities for the purpose of serving Chapter 2 eligible private school children if:

(1) The district has exhausted every other available option for providing space in which to serve eligible private school children; and

(2) Modification of facilities or lease/purchase of portable facilities will provide essential improvement in the delivery of Chapter 2 regular services to eligible private school 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. 84-06-019 (Order 84-6), § 392-165-425, filed 2/29/84.]

**WAC 392-165-430 Acquisition, control and disposition of property.** Acquisition, control and disposition of property purchased with Chapter 2 moneys shall be consistent with 34 CFR 298.27(a). [Statutory Authority: RCW 28A.02.100. 84-06-019 (Order 84-6), § 392-165-430, filed 2/29/84.]

**WAC 392-165-440 Chapter 2 audit.** Audit of Chapter 2 programs shall be conducted in compliance with 34 CFR 298.17. [Statutory Authority: RCW 28A.02.100. 84-06-019 (Order 84-6), § 392-165-440, filed 2/29/84.]

**WAC 392-165-445 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 392-165-455 and 34 CFR 298.17 Part 298. [Statutory Authority: RCW 28A.02.100. 84-06-019 (Order 84-6), § 392-165-445, filed 2/29/84.]

**WAC 392-165-450 Compliance agreement.** Notwithstanding any of the actions prescribed by WAC 392-165-445, any school district found out of compliance with this chapter may, as a substitute for withholding or repayment actions referenced in WAC 392-165-455, be required to enter into a compliance agreement with the superintendent of public instruction to ensure that noncompliant Chapter 2 program practices are corrected within a period of time specified in that agreement, as a condition to continuous receipt of Chapter 2 moneys. If a district fails to achieve compliance within the specified time, the withholding and/or repayment procedures prescribed by WAC 392-165-455 and 34 CFR 298.17(d) shall be instituted by the superintendent of public instruction. [Statutory Authority: RCW 28A.02.100. 84-06-019 (Order 84-6), § 392-165-450, filed 2/29/84.]

**WAC 392-165-455 Withholding of Chapter 2 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 2 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 2 moneys involved;

(c) The effect of withholding on participating children; and

(d) The need to withhold payments to prevent further misuse of Chapter 2 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 298.16. [Statutory Authority: RCW 28A.02.100. 84-06-019 (Order 84-6), § 392-165-455, filed 2/29/84.]

**WAC 392-165-460 Approval of Chapter 2 program application by the office of the superintendent of public instruction.** (1) Final approval of a Chapter 2 program shall be given to a school district when the superintendent of public instruction has received a completed application in accordance with WAC 392-165-320 through 392-165-327 and 34 CFR 298.7 (a) and (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.

(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 P.L. 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. 84-06-019 (Order 84-6), § 392-165-460, filed 2/29/84.]

**WAC 392-165-500 Distribution of Chapter 2 moneys to local school districts.** (1) For the purpose of this section, the term:

(a) "Student enrollment" shall mean the head count for public and private schools and neglected and delinquent institutions submitted by the school districts to the office of the superintendent of public instruction on October 1 of each prior year.

(b) "Low income student enrollment" shall mean those students who reside in a school district whose family income meets the definition of low income reported in the statistical policy handbook/office of the federal policy and standards, 4/27/83.

(c) "Minority population enrollment" shall mean those minority students determined by sight identification or self-identification to be noncaucasian as reported in the P105 report.

(d) "Gifted enrollment" shall mean three percent of the district student enrollment submitted under (a) of this subsection.

(e) "Desegregation enrollment" shall mean all students enrolled in school plant facilities affected by plans

to alleviate or prevent the racial imbalance of school plant facilities (see WAC 180-26-025 for the definition of racial imbalance). In order for the students enrolled in school plant facility to be counted for the purpose of this section, the school plant facility must meet each of the following conditions:

(i) The school plant facility must be included within a plan, adopted by the board of directors of the district, to alleviate or prevent racial imbalance within the district;

(ii) At least ten percent of the students enrolled in each school plant included within the plan meet one or combination thereof of the following:

(A) Have been reassigned from another school plan for the purpose of alleviating or preventing racial imbalance; and

(B) Must reside closer in distance to other school plants offering the same grade or program opportunity.

(iii) At least ten percent of the students enrolled in each school plant included must be minority students.

The board adopted plan, together with the number of students enrolled in each school plant facility affected, (i.e., desegregation enrollment), shall be transmitted to the superintendent of public instruction in accordance with timelines announced annually by the superintendent of public instruction.

(f) "Limited English speaking enrollment" shall mean those students who qualify under chapter 392-160 WAC.

(2) Each year the superintendent of public instruction shall make available for allocations to the school districts eighty percent of Chapter 2 moneys received for allocation during the school year plus such amount as may be carried over from the previous school year's allocation based on a formula which recognizes enrollment and high cost factors as follows:

(a) Student enrollment. Fifty percent of the amount available each year will be made available on the basis of public and private school student enrollment.

(b) Low income student enrollment. Fifteen percent of the funds will be made available on the basis of low income student enrollment.

(c) Minority population enrollment. Ten percent of the funds will be made available based on minority population enrollment.

(d) Gifted enrollment. Ten percent of the funds will be made available on the basis of gifted enrollment.

(e) Desegregation enrollment. Ten percent of the funds will be made available on the basis of desegregation enrollment.

(f) Limited English speaking enrollment. Five percent of the funds will be made available on the basis of limited English speaking enrollment.

(3) From enrollment information for each of the populations described in subsection (1) of this section submitted by school districts to the superintendent of public instruction, the superintendent of public instruction shall determine the amount to be allocated to each school district. [Statutory Authority: RCW 28A.02.100. 84-06-019 (Order 84-6), § 392-165-500, filed 2/29/84.]

## Chapter 392-170 WAC SPECIAL SERVICE PROGRAM--HIGHLY CAPABLE STUDENTS

### WAC

392-170-005	Authority.
392-170-010	Purpose.
392-170-015	Local option.
392-170-020	District application.
392-170-025	Board approval.
392-170-030	Substance of annual school district application.
392-170-035	Definition—Highly capable students.
392-170-040	Multiple criteria for determination of superior intellectual ability—Definitions.
392-170-045	Nomination process for highly capable students.
392-170-050	Screening of nominees.
392-170-055	Assessment process for selection as highly capable student.
392-170-060	Nondiscrimination in the use of tests.
392-170-065	Nondiscrimination in the review of testing results.
392-170-070	Multidisciplinary selection committee.
392-170-075	Selection of most highly capable.
392-170-080	Educational program for highly capable students.
392-170-085	Notification of parents.
392-170-090	End of year report.
392-170-095	District records.

**WAC 392-170-005 Authority.** The authority for this chapter is chapter 28A.16 RCW—which authorizes the superintendent of public instruction to adopt rules and regulations for the administration of a program for highly capable students, including the nomination, assessment, and selection of such students. [Statutory Authority: Chapter 28A.16 RCW. 84-14-037 (Order 84-20), § 392-170-005, filed 6/28/84.]

**WAC 392-170-010 Purpose.** The purpose of this chapter is to establish policies and procedures for administration of a program for the education of students who are highly capable. [Statutory Authority: Chapter 28A.16 RCW. 84-14-037 (Order 84-20), § 392-170-010, filed 6/28/84.]

**WAC 392-170-015 Local option.** The offering of a program by a school district to serve highly capable students with categorical state funds is optional. However, if the school district accepts categorical state moneys for this purpose, compliance with this chapter is mandatory. [Statutory Authority: Chapter 28A.16 RCW. 84-14-037 (Order 84-20), § 392-170-015, filed 6/28/84.]

**WAC 392-170-020 District application.** Each district that seeks an allocation of state funds for a program for highly capable students shall submit an annual application on forms provided by the superintendent of public instruction for approval. [Statutory Authority: Chapter 28A.16 RCW. 84-14-037 (Order 84-20), § 392-170-020, filed 6/28/84.]

**WAC 392-170-025 Board approval.** The district's annual application shall be approved by formal action of the district's board of directors. [Statutory Authority: Chapter 28A.16 RCW. 84-14-037 (Order 84-20), § 392-170-025, filed 6/28/84.]

**WAC 392-170-030 Substance of annual school district application.** The school district's annual application shall contain the following:

- (1) Number of students to be served by grade level;
- (2) Brief description of plan to identify students;
- (3) Program goals;
- (4) Instructional program description; and
- (5) Assurances signed by the school district's authorized representative that the district shall comply with all applicable statutes and regulations. [Statutory Authority: Chapter 28A.16 RCW. 84-14-037 (Order 84-20), § 392-170-030, filed 6/28/84.]

**WAC 392-170-035 Definition--Highly capable students.** As used in this chapter, the term highly capable student shall mean a student who has been assessed to have superior intellectual ability as demonstrated by one or more of the multiple criteria specified in WAC 392-170-040. [Statutory Authority: Chapter 28A.16 RCW. 84-14-037 (Order 84-20), § 392-170-035, filed 6/28/84.]

**WAC 392-170-040 Multiple criteria for determination of superior intellectual ability--Definitions.** The multiple criteria for the determination of students with superior intellectual ability shall include the following:

(1) "Cognitive ability" which for the purpose of this chapter shall be defined as the complete range of intellectual functions referred to as intellect, intelligence, or mental abilities and includes such psychological concepts as thinking, abstract reasoning, problem solving, verbal comprehension, and numerical facility.

(2) "Specific academic achievement in one or more major content areas" which for the purpose of this chapter shall be defined as obtained results on an achievement test appropriate to discriminate academic performance at high levels of achievement in one or more of the following content areas:

- (a) Reading;
- (b) Mathematics;
- (c) Social studies;
- (d) Language arts; and
- (e) Science.

(3) "Exceptional creativity" which for the purpose of this chapter shall mean the demonstration of unique or outstanding creative products and/or the demonstration of unusual problem solving ability or other learning characteristics which indicate to teachers, parents, or classmates that the student has the intellectual potential to perform academically at a level significantly higher than the norm for the chronological grade level. [Statutory Authority: Chapter 28A.16 RCW. 84-14-037 (Order 84-20), § 392-170-040, filed 6/28/84.]

**WAC 392-170-045 Nomination process for highly capable students.** Each school district shall adopt procedures for the nomination of students to participate in programs for highly capable students. Such procedures shall permit nominations from any source, including teachers, other staff, parents, students, and members of the community. [Statutory Authority: Chapter 28A.16

RCW. 84-14-037 (Order 84-20), § 392-170-045, filed 6/28/84.]

**WAC 392-170-050 Screening of nominees.** Students nominated for consideration as highly capable students may be screened for eligibility according to district procedures. Such procedures shall be applied equitably and systematically to all nominated students. Screening procedures may eliminate students for whom there exists clear, current evidence that the student will not qualify for eligibility under WAC 392-170-055. [Statutory Authority: Chapter 28A.16 RCW. 84-14-037 (Order 84-20), § 392-170-050, filed 6/28/84.]

**WAC 392-170-055 Assessment process for selection as highly capable student.** Students nominated for selection as a highly capable student, unless eliminated through screening as provided in WAC 392-170-050, shall be assessed by qualified district personnel using a minimum of one measure for each of the multiple criteria in WAC 392-170-040. In order to be considered for final selection as among the most highly capable by the multidisciplinary selection committee following assessment, there shall exist evidence of one or more of the following characteristics:

(1) Evidence that the student scores in the top ten percent in cognitive ability as demonstrated by a standardized ability test;

(2) Evidence that the student scores in the top five percent in one or more specific academic achievement area; and/or

(3) Evidence that the student demonstrates behavioral characteristics for exceptional creativity. [Statutory Authority: Chapter 28A.16 RCW. 84-14-037 (Order 84-20), § 392-170-055, filed 6/28/84.]

**WAC 392-170-060 Nondiscrimination in the use of tests.** All tests and other evaluation materials used in the assessment shall have been validated for the specific purpose for which they are used and shall accurately reflect whatever factors the test purport to measure. If properly validated tests are not available, the professional judgment of the qualified district personnel shall determine eligibility of the student based upon other evidence of cognitive ability or academic achievement. This professional judgment shall be documented in writing. [Statutory Authority: Chapter 28A.16 RCW. 84-14-037 (Order 84-20), § 392-170-060, filed 6/28/84.]

**WAC 392-170-065 Nondiscrimination in the review of testing results.** Test results used in the assessment of any nominated student shall be reviewed by a psychologist or other qualified practitioner with training to interpret cognitive and achievement tests. Where specific test results obtained in any assessment do not appear to the qualified district personnel to accurately reflect a student's cognitive ability or specific academic achievement, due to such reasons as test measurement error or environmental, cultural, or economic factor, the qualified district personnel shall apply professional judgment to a determination of cognitive ability or specific academic

achievement. In such event, the qualified district personnel shall document in a written narrative the basis for such determination, the instruments used, if any, and the data collected for a determination of cognitive ability or specific academic achievement. [Statutory Authority: Chapter 28A.16 RCW. 84-14-037 (Order 84-20), § 392-170-065, filed 6/28/84.]

**WAC 392-170-070 Multidisciplinary selection committee.** The multidisciplinary selection committee for the final selection of the most highly capable students for participation in the district's program for highly capable students shall consist of the following professionals:

(1) A classroom teacher with training and experience in teaching highly capable students: *Provided*, That if such a classroom teacher is not available, a classroom teacher shall be appointed;

(2) A psychologist or other qualified practitioner with the training to interpret cognitive and achievement test results;

(3) A district administrator with responsibility for the supervision of the district's program for highly capable students; and

(4) Such additional professionals, if any, the district deems desirable. [Statutory Authority: Chapter 28A.16 RCW. 84-14-037 (Order 84-20), § 392-170-070, filed 6/28/84.]

**WAC 392-170-075 Selection of most highly capable.** Each school district's board of directors shall adopt policies and procedures for the selection of the most highly capable students by the multidisciplinary selection committee. Such policies and selection procedures:

(1) Shall be consistent with the state board of education's prohibition against unlawful discrimination as defined in WAC 180-40-215(1);

(2) Shall be based on professional judgment as to which students will benefit the most from inclusion in the district's program, including such additional factors as the student's desire to be included in the program options provided by the district; and

(3) Shall be based on a selection system that determines which students are the most highly capable and which considers the multiple criteria in WAC 392-170-040, the assessment criteria in WAC 392-170-055, and other data collected in the assessment process: *Provided*, That for students whose cognitive ability score or achievement test results are not available for inclusion in the assessment because of the provision of WAC 392-170-060, the final selection ranking system shall provide an equal opportunity for such students to be included as most highly capable in spite of the fact that one or more of these scores were not available for inclusion in the assessment of such students. [Statutory Authority: Chapter 28A.16 RCW. 84-14-037 (Order 84-20), § 392-170-075, filed 6/28/84.]

**WAC 392-170-080 Educational program for highly capable students.** Each student selected as a highly capable student shall be provided an educational opportunity which takes into account such students unique needs

and capabilities. Such program shall recognize the limits of the resources provided by the state and the program options available to the district, including programs in adjoining districts and public institutions of higher education. Districts shall keep on file a description of the educational program provided for each student selected. [Statutory Authority: Chapter 28A.16 RCW. 84-14-037 (Order 84-20), § 392-170-080, filed 6/28/84.]

**WAC 392-170-085 Notification of parents.** Each district shall notify parents of participating children of the involvement of their child in the district's program for highly gifted students. [Statutory Authority: Chapter 28A.16 RCW. 84-14-037 (Order 84-20), § 392-170-085, filed 6/28/84.]

**WAC 392-170-090 End of year report.** Districts shall submit to the superintendent of public instruction at the close of fiscal year an end of the year report on forms provided by the superintendent of public instruction which includes number of students served by grade level and the ethnicity and gender of such students. [Statutory Authority: Chapter 28A.16 RCW. 84-14-037 (Order 84-20), § 392-170-090, filed 6/28/84.]

**WAC 392-170-095 District records.** Districts shall keep such records as are necessary to demonstrate compliance with this chapter and shall make such records available to authorized state personnel. [Statutory Authority: Chapter 28A.16 RCW. 84-14-037 (Order 84-20), § 392-170-095, filed 6/28/84.]

## Chapter 392-171 WAC

### SPECIAL EDUCATION PROGRAMS—EDUCATION FOR ALL HANDICAPPED CHILDREN

#### WAC

392-171-295 Authority.

#### STUDENTS' RIGHTS TO SPECIAL EDUCATION

392-171-325 Students' rights to special education programs.

392-171-331 Continuing eligibility.

#### IDENTIFICATION AND ASSESSMENT PROCEDURES

392-171-351 General assessment safeguards—Personnel, materials and procedures.

392-171-366 Summary analysis of assessment data.

#### ELIGIBILITY CRITERIA FOR HANDICAPPED STUDENTS

392-171-381 Definition and eligibility criteria for developmentally handicapped.

392-171-382 Definition and eligibility criteria for developmentally delayed.

392-171-383 Areas of developmental delay—Definitions.

392-171-384 Distinction between developmentally handicapped and communication disorder—Reassessment of developmentally delayed upon entry to first grade.

392-171-386 Definition and eligibility criteria for seriously behaviorally disabled.

392-171-391 Definition and eligibility criteria for communication disordered.

392-171-401 Definition and eligibility criteria for health impaired.

392-171-406 Specific learning disability—Definition.

392-171-411 Specific learning disability—Assessment procedures and eligibility criteria.

392-171-412 Discrepancy tables for determining severe discrepancy under WAC 392-171-413.



- 392-171-413 Method for documenting severe discrepancy—Grades one and above.  
 392-171-416 Repealed.  
 392-171-418 Additional method for documenting severe discrepancy—Grades seven and above.  
 392-171-426 Repealed.  
 392-171-431 Definition and eligibility criteria for multihandicapped.

## INDIVIDUALIZED EDUCATION PROGRAMS

- 392-171-461 Individualized education program.

## ANNUAL REVIEW OF PLACEMENTS AND STUDENT PROGRESS—REASSESSMENTS

- 392-171-516 Reassessment.

## HEARINGS—GENERAL

- 392-171-533 Transmittal of complaint by school district to superintendent of public instruction.  
 392-171-536 Hearing officers—Selection and expenses of—Parent assistance.  
 392-171-541 Repealed.  
 392-171-546 Repealed.  
 392-171-551 Hearing rights.  
 392-171-559 Prospective application to amendments in Washington Administrative Code affecting hearings.  
 392-171-561 Final decision—Appeal to court of law.

## APPEALS

- 392-171-566 Repealed.  
 392-171-571 Repealed.

## PLACEMENT OF STUDENT DURING ADMINISTRATIVE/JUDICIAL PROCEEDINGS

- 392-171-576 Student's status during hearing and judicial review processes.

## RECORDS

- 392-171-596 Access rights.  
 392-171-601 Record of access.

## MONITORING/AUDITS—WITHHOLDING AND RECOVERY OF FUNDS

- 392-171-731 Monitoring.

## DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 392-171-416 Specific learning disability—Exceptions to general eligibility criteria. [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.] Repealed by 84-14-036 (Order 84-19), filed 6/28/84. Statutory Authority: RCW 28A.13.070(7).  
 392-171-426 Mental retardation—I.Q. eligibility range variation. [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.] Repealed by 84-14-036 (Order 84-19), filed 6/28/84. Statutory Authority: RCW 28A.13.070(7).  
 392-171-541 Hearing officers—Scheduling and conduct of hearings. [Statutory Authority: RCW 28A.13.070(7). 80-11-054 (Order 80-31), § 392-171-541, filed 8/19/80.] Repealed by 84-19-001 (Order 84-33), filed 9/6/84. Statutory Authority: RCW 28A.13.070(7).  
 392-171-546 Evidence. [Statutory Authority: RCW 28A.13.070(7). 80-11-054 (Order 80-31), § 392-171-546, filed 8/19/80.] Repealed by 84-19-001 (Order 84-33), filed 9/6/84. Statutory Authority: RCW 28A.13.070(7).  
 392-171-566 Appeals to the superintendent of public instruction. [Statutory Authority: RCW 28A.13.070(7). 84-11-037 (Order 84-7), § 392-171-566, filed 5/15/84; 80-11-054 (Order 80-31), § 392-171-566, filed 8/19/80. Formerly WAC 392-171-525.] Repealed by 84-19-001 (Order 84-33), filed 9/6/84. Statutory Authority: RCW 28A.13.070(7).

- 392-171-571 Timeline for reviewing officer's decision—Time and place of hearings—Final decision. [Statutory Authority: RCW 28A.13.070(7). 80-11-054 (Order 80-31), § 392-171-571, filed 8/19/80.] Repealed by 84-19-001 (Order 84-33), filed 9/6/84. Statutory Authority: RCW 28A.13.070(7).

**WAC 392-171-295 Authority.** The authority for this chapter is RCW 28A.13.070(7) which authorizes the superintendent of public instruction to promulgate rules and regulations to implement chapter 28A.13 RCW. Such authority is supplemented by RCW 28A.02.100 which authorizes the superintendent of public instruction to receive federal funds in accordance with the provisions of federal law. [Statutory Authority: RCW 28A.13.070(7). 84-14-036 (Order 84-19), § 392-171-295, filed 6/28/84.]

## STUDENTS' RIGHTS TO SPECIAL EDUCATION

**WAC 392-171-325 Students' rights to special education programs.** (1) Each school district shall provide every handicapped student between the age of three and twenty-one a free and appropriate educational program consisting of special education and related services. The date of eligibility to begin receiving such services shall be the child's birthdate: *Provided*, That handicapped children between the age of three and four need not be served until the 1985-86 school year.

(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 three 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: *Provided*, That school districts that do not offer services to all eligible three year old handicapped children in the 1984-85 school year shall be subject to this nondiscriminatory service requirement.

(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). 84-14-036 (Order 84-19), § 392-171-325, filed

6/28/84; 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, 1984, 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, 1984, 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, 1984, 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 shall continue to be eligible for special education and related services for the remainder of the school year. [Statutory Authority: RCW 28A.13.070(7). 84-14-036 (Order 84-19), § 392-171-331, filed 6/28/84; 80-11-054 (Order 80-31), § 392-171-331, filed 8/19/80.]

## IDENTIFICATION AND ASSESSMENT PROCEDURES

**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 (i.e., a group of professionals) including at least one special education teacher and at least one person qualified to conduct individual diagnostic assessment in the area of 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 at least three members:

(a) The student's regular education teacher or, if the student does not have a regular education teacher, a regular education teacher qualified to teach a student of his or her age;

(b) A special education teacher having experience with learning disabled students; and

(c) A school psychologist.

(2) No single test instrument or single procedure shall be the sole criterion for determining a student's eligibility or handicapping condition and/or 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.

(4) All tests and other evaluation materials shall have been validated for the specific purpose for which they are used and shall accurately reflect whatever factors the tests purport to measure. If properly validated tests are unavailable, the professional judgment of each member of the multidisciplinary team shall determine eligibility for special education based on other evidence of the existence of a specific handicap and need. This professional judgment shall be documented in a written narrative.

(5) All tests and other evaluation materials shall be administered by qualified personnel in conformance with the instructions of their producer. Tests designed to measure intellectual functioning shall be administered and interpreted by a qualified psychologist: *Provided*, That cognitive tests for developmentally delayed students other than an intelligence quotient test shall be administered by a qualified psychologist or by professionals with other titles who have considerable training and experience in individual psychological or psychoeducational assessment.

(6) 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).

(7) 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 screening and assessment results, health reports, relevant cumulative records and recommendations of related service providers; and

(b) Conduct current assessment activities required by this chapter and in accordance with the procedures specified herein; and

(c) Collect such other data as needed to verify the results of standardized testing, including but not limited to parent and/or teacher interviews and current classroom performance data.

(8) 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, including the need, if appropriate, of scheduling such services over a period of time that exceeds the regular one hundred eighty day school calendar: *Provided*, That in the event the assessment is an initial assessment by the district, the recommendation regarding the appropriateness of an extended school year for a particular student need not be made until May of the school year in which the initial assessment was made. [Statutory Authority: RCW 28A.13.070(7). 84-14-036 (Order 84-19), § 392-171-351, filed 6/28/84; 80-11-054 (Order 80-31), § 392-171-351, filed 8/19/80. Formerly WAC 392-171-405.]

**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 handicapping 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, as appropriate, of such factors as test measurement error or cultural, environmental, economic, and behavioral factors to the assessment results.

Where specific test results obtained in any assessment do not appear to the multidisciplinary team to accurately reflect a child's expected performance the multidisciplinary team shall apply professional judgment to determine eligibility for special education and related services. In such event, the multidisciplinary team shall document in a written narrative the basis for such determination, the instruments used, and the data used for a determination of eligibility.

(f) Make recommendations to the individualized education program committee regarding placement, special education and related services needed (including the need, if appropriate, of scheduling such services over a period of time that exceeds the regular one hundred eighty school days), needs for specialized materials or equipment, learning 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. If the multidisciplinary team at the time of the student's initial assessment by the district for professionally sound reasons is unable to make a recommendation regarding the need for an extended school year for a particular student, the multidisciplinary team shall make its recommendation regarding an extended school year prior to the May following initial assessment; 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 observation(s) of the student, including the relationship of that behavior to the student's academic problem(s) in the regular education program;

(b) A summary, if applicable, of previous intervention attempts and results; and

(c) The educationally relevant medical findings, if any, including the results of a current vision and hearing screening.

(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) and the reasons therefor. [Statutory Authority: RCW 28A.13.070(7). 84-14-036 (Order 84-19), § 392-171-366, filed 6/28/84; 80-11-054 (Order 80-31), § 392-171-366, filed 8/19/80. Formerly WAC 392-171-430.]

### ELIGIBILITY CRITERIA FOR HANDICAPPED STUDENTS

**WAC 392-171-381 Definition and eligibility criteria for developmentally handicapped.** Definition and eligibility criteria for developmentally handicapped are as follows:

(1) As used in this chapter, the term "developmentally handicapped" shall mean children under the age of eligibility to the first grade who meet the definition and eligibility criteria for one of the following:

- (a) WAC 392-171-382, Developmentally delayed;
- (b) WAC 392-171-396, Orthopedically impaired;
- (c) WAC 392-171-401, Health impaired;
- (d) WAC 392-171-436, Deaf;
- (e) WAC 392-171-441, Hard of hearing;
- (f) WAC 392-171-446, Visually handicapped; and
- (g) WAC 392-171-451, Deaf-blind;

(2) The term "developmentally handicapped" does not include children under the age of eligibility for entry to the first grade who qualify solely for communications disorder services under WAC 392-171-391. [Statutory Authority: RCW 28A.13.070(7). 84-14-036 (Order 84-19), § 392-171-381, filed 6/28/84; 80-11-054 (Order 80-31), § 392-171-381, filed 8/19/80.]

**WAC 392-171-382 Definition and eligibility criteria for developmentally delayed.** Definition and eligibility criteria for developmentally delayed are as follows:

(1) Developmentally delayed, birth to three years. As used in this chapter, the term "developmentally delayed, birth to three years" shall mean those children under three years of age who demonstrate a 1.5 standard deviation or twenty-five percent delay in the developmental delay area of cognitive (WAC 392-171-383(1)), communication (WAC 392-171-383(2)), fine motor (WAC 392-171-383(3)), gross motor (WAC 392-171-383(4)), or motor which for the purpose of this section shall be a combined delay area of fine motor (WAC 392-171-383(3)) and gross motor (WAC 392-171-383(4)). Such children in order to continue to be eligible for special education and related services after reaching three years of age shall meet the entry eligibility criteria for developmentally delayed, three to six years or one of the other eligibility criteria specified in WAC 392-171-381;

(2) Developmentally delayed, three to six years. As used in this chapter, the term "developmentally delayed, three to six years" shall mean those children between three years and the age of eligibility for entry to the first grade who receive a score on a standardized norm referenced test, with a test-retest or split-half reliability of .80 that is at least:

(a) Two standard deviations below the mean in one or more of the five developmental delay areas defined in WAC 392-171-383; or

(b) One and one-half standard deviations below the mean in two or more of the five developmental delay areas defined in WAC 392-171-383. [Statutory Authority: RCW 28A.13.070(7). 84-14-036 (Order 84-19), § 392-171-382, filed 6/28/84.]

**WAC 392-171-383 Areas of developmental delay--Definitions.** The five developmental delay areas for the purpose of applying eligibility criteria to developmentally delayed children are:

(1) Cognitive: Comprehending, remembering, and making sense out of one's experience. Cognitive ability is the ability to think and is often thought of in terms of intelligence;

(2) Communication: The ability to effectively use or understand, age-appropriate language, including vocabulary, grammar, and speech sounds;

(3) Fine motor: Motor skills requiring precise, coordinated use of the small muscles;

(4) Gross motor: Motor skills used for body control such as standing, walking, balance and climbing; and

(5) Social/emotional: The ability to develop and maintain functional interpersonal relationships and to exhibit age appropriate social and emotional behaviors. [Statutory Authority: RCW 28A.13.070(7). 84-14-036 (Order 84-19), § 392-171-383, filed 6/28/84.]

**WAC 392-171-384 Distinction between developmentally handicapped and communication disorder--Reassessment of developmentally delayed upon entry to first grade.** (1) Except for children who qualify solely for communications disorder services under WAC 392-171-391, children under the age of eligibility for entry to first grade, in order to be eligible for special education and related services, shall meet the eligibility criteria for one of the handicapping conditions specified in WAC 392-171-381.

(2) Children under the age of eligibility to first grade, who qualify for special education as developmentally delayed under WAC 392-171-382 shall not qualify for special education and related services upon entry to first grade until a reassessment is conducted and a determination is made that the student qualifies under the provisions of one of the other handicapping conditions in this chapter. [Statutory Authority: RCW 28A.13.070(7). 84-14-036 (Order 84-19), § 392-171-384, filed 6/28/84.]

**WAC 392-171-386 Definition and eligibility criteria 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.

(b) 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.

The evaluation shall include:

(i) 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

(ii) 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, curriculum, and/or teacher, school counseling, community agency therapy, or counseling; and

(iii) A social or developmental history compiled directly from the parent(s) and/or records, when parents are not available.

(c) Current assessment of level of academic or cognitive achievement as measured by standardized tests appropriate to age level and administered individually.

(d) A current vision and hearing screening report.

(e) In the event that the required academic assessment and vision and hearing screening are completed and there are documented and dated anecdotal records of behavioral observations showing that the student's disability is evident 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 shall 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 shall consider these implications in planning and implementing the student's educational program. [Statutory Authority: RCW 28A.13.070(7). 84-14-036 (Order 84-19), § 392-171-386, filed 6/28/84; 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 disordered.** 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 disordered shall be assessed and determined eligible for special education and related services according to the following:

(1) A current hearing screening report;

(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 existing or potential 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: *Provided*, That for children under the age of eligibility for entry to the first grade the assessment shall include development acquisition of speech and language. 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 in comparison to developmental norms five or more unrelated phonemes each in two or more positions (initial, medial, or final) for children under the age of eligibility for entry to the first grade, three or more unrelated phonemes for students age six through age seven, or one or more for students over age seven, 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). 84-14-036 (Order 84-19), § 392-171-391, filed 6/28/84; 80-11-054 (Order 80-31), § 392-171-391, 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 congenital syndrome(s), other disorders of the cardiorespiratory systems, disorders of the central nervous system including epilepsy or neurological impairment, autism or other profound health circumstances or degenerative condition(s)—which adversely affect or with a high degree of professional certainty will affect their educational performance.

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;

(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 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). 84-14-036 (Order 84-19), § 392-171-401, filed 6/28/84; 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.

Such disorder may include problems in visual and auditory perception and integration and may manifest itself in an impaired ability to think, speak or communicate clearly, read with comprehension, write legibly and with meaning, and to accurately perform mathematical calculations, including those involving reading. Spelling shall not stand alone as a qualifying academic achievement area. The presence of a specific learning disability is indicated by intellectual functioning above that specified in this chapter for eligibility as mentally retarded and by a severe discrepancy between the student's intellectual ability and academic achievement in one or more of the following areas:

- (1) Oral expression;
- (2) Listening comprehension;
- (3) Written expression;
- (4) Basic reading skill;
- (5) Reading comprehension;
- (6) Mathematics calculations; and
- (7) Mathematics reasoning;

*Provided*, That such a performance deficit cannot be explained by visual or hearing problems, motor handicaps, mental retardation, behavioral disability, or environmental, cultural, or economic factors.

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, including documentation of severe discrepancy as required by WAC 392-171-413 and 392-171-418. [Statutory Authority: RCW 28A.13.070(7). 84-14-036 (Order 84-19), § 392-171-406, filed 6/28/84; 80-11-054 (Order 80-31), § 392-171-406, filed 8/19/80. Formerly WAC 392-171-350.]

**WAC 392-171-411 Specific learning disability—Assessment procedures and 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 sufficient scope to rule out eligibility for any other handicapping condition and to rule out environmental, cultural, or economic factors as an explanation for the specific academic problem;

(2) A current vision and hearing screening report shall be obtained and shall be of sufficient scope to rule out vision or hearing acuity as an explanation for the specific academic problem;

(3) A written record of observation of the student's learning behaviors in the regular education program and the relationships of these behaviors to the specific academic problem shall be completed by a member of the assessment team other than the student's regular education teacher; and

(4) Written documentation that the student has an academic achievement problem in the regular education program shall be available. Such documentation shall include, if applicable, previous intervention attempts and

the results obtained. Examples of data used for documentation may include:

- (a) Student performance on daily classroom work and/or criterion-referenced tests;
- (b) Summary of past student performance;
- (c) Group test results;
- (d) Teacher observation and judgments; and
- (e) Performance on student learning objectives.

(5) Documentation of the existence of a severe discrepancy between the student's intellectual ability and academic achievement in one or more of the seven areas specified in WAC 392-171-406 shall be recorded. Such documentation shall conform to the requirements of WAC 392-171-413 or 392-171-418, whichever is applicable.

(6) Tests used to assess the student's intellectual ability and academic achievement shall be:

- (a) Current;
- (b) Reliable as demonstrated by a reliability coefficient of .85 or above;
- (c) Normed on representative national samples;
- (d) Selected and administered in accordance with the general requirements of WAC 392-171-351; and
- (e) Individually administered and interpreted by a qualified person (defined in WAC 392-171-351) in accordance with the standardized procedures described in the test manuals. [Statutory Authority: RCW 28A.13.070(7), 84-14-036 (Order 84-19), § 392-171-411, filed 6/28/84; 80-11-054 (Order 80-31), § 392-171-411, filed 8/19/80. Formerly WAC 392-171-355.]

**WAC 392-171-412 Discrepancy tables for determining severe discrepancy under WAC 392-171-413.** The superintendent of public instruction shall develop and publish discrepancy tables for the purpose of determining a severe discrepancy between intellectual ability and academic achievement pursuant to WAC 392-171-413. Such tables shall be developed on the basis of a regressed standard score discrepancy method which shall consider the following variables:

- (1) The reliability coefficient of the intellectual ability test;
- (2) The reliability coefficient of the academic achievement test; and
- (3) An appropriate correlation between the intellectual ability and the academic achievement tests.

The regressed standard score discrepancy method shall be applied at a criterion level of 1.55. [Statutory Authority: RCW 28A.13.070(7), 84-14-036 (Order 84-19), § 392-171-412, filed 6/28/84.]

**WAC 392-171-413 Method for documenting severe discrepancy--Grades one and above.** (1) For students in grades one and above, a severe discrepancy shall be determined and documented from tables developed pursuant to WAC 392-171-412.

(2) For the purposes of applying the severe discrepancy tables, the following scores shall be used:

- (a) A total or full scale intellectual ability score; and

(b) An academic achievement test score which can be converted into a standard score with a mean of one hundred and a standard deviation of fifteen.

(c) A severe discrepancy between the student's intellectual ability and academic achievement in one or more of the seven areas provided for in WAC 392-171-406 shall be determined by applying the regressed standard score discrepancy method to the obtained intellectual ability and achievement test scores using the tables referenced above: *Provided*, That where the assessment results do not appear to accurately represent the student's intellectual ability and where the discrepancy between the student's intellectual ability and academic achievement does not initially appear to be severe upon application of the discrepancy tables, WAC 392-171-412, the multidisciplinary team shall apply professional judgment in order to determine the presence of a severe discrepancy. In this event, the multidisciplinary team shall document in writing a narrative explanation as to why the student has a severe discrepancy. The multidisciplinary team must provide supportive evidence, including the procedures used to determine that a severe discrepancy exists between the student's intellectual ability and academic achievement: *Provided further*, That if the prohibition against the use of specific tests or test results as provided in WAC 392-171-351(4) shall preclude the use of any of the tests referenced above, the multidisciplinary team shall document in a written narrative the basis upon which the members decided that there exists a severe discrepancy between intellectual ability and achievement. [Statutory Authority: RCW 28A.13.070(7), 84-14-036 (Order 84-19), § 392-171-413, filed 6/28/84.]

**WAC 392-171-416 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 392-171-418 Additional method for documenting severe discrepancy--Grades seven and above.** For a student in grades seven and above not found eligible under WAC 392-171-413 as a specific learning disabled student, the existence of a severe discrepancy between that student's intellectual ability and academic achievement shall be determined and documented as follows:

- (1) An intellectual ability test shall be administered.
- (2) An academic achievement test in one or more of the seven areas described in WAC 392-171-406 shall be administered.

(3) 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.

(4) If the results of the above comparison for a particular student indicate a functioning level of two-thirds or below of expected performance and a functioning level below chronological age/grade level in one or more of the seven areas described in WAC 392-171-406, a severe discrepancy has been documented. [Statutory Authority: RCW 28A.13.070(7). 84-14-036 (Order 84-19), § 392-171-418, filed 6/28/84.]

**WAC 392-171-426 Repealed.** See Disposition Table at beginning of this chapter.

**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 requires intensive programming 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.) Students who are classified as specific learning disability in combination with another handicapping condition shall not be eligible to be counted for state funding purposes as multihandicapped.

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). 84-14-036 (Order 84-19), § 392-171-431, filed 6/28/84; 80-11-054 (Order 80-31), § 392-171-431, filed 8/19/80. Formerly WAC 392-171-380.]

## INDIVIDUALIZED EDUCATION PROGRAMS

**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) For each orthopedically impaired and health impaired student under the age of eligibility to first grade, current medical evaluation by a qualified medical practitioner which describes and confirms the student's health circumstance and which provides any medical implications for educational planning;

(b) A statement of the student's present levels of educational performance;

(c) 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;

(d) 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;

(e) 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;

(f) The projected dates for the initiation of services and the anticipated duration of the services, including the number of school days, the number of hours per day, and the length of the school year over which such services shall be provided: *Provided*, That in the event the individualized educational program is the first in the district for such student and the multidisciplinary team has not made a determination as to the need for an extended school year for such child, the individualized educational program team shall make its recommendation on the length of the school year over which such services shall be provided prior to the conclusion of the regular one hundred eighty school days; and

(g) 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). 84-14-036 (Order 84-19), § 392-171-461, filed 6/28/84; 80-11-054 (Order 80-31), § 392-171-461, filed 8/19/80. Formerly WAC 392-171-445.]

## ANNUAL REVIEW OF PLACEMENTS AND STUDENT PROGRESS--REASSESSMENTS

**WAC 392-171-516 Reassessment.** Each handicapped student shall be reassessed 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, if otherwise required by this chapter, 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). 84-14-036 (Order 84-19), § 392-171-516, filed 6/28/84; 80-11-054 (Order 80-31), § 392-171-516, filed 8/19/80.]

## HEARINGS--GENERAL

**WAC 392-171-533 Transmittal of complaint by school district to superintendent of public instruction.** Unless the complaint filed with the school district superintendent pursuant to WAC 392-171-531(2) is withdrawn by the complainant in writing within five calendar days from the date of receipt, the school district superintendent shall transmit the complaint to the office of Superintendent of Public Instruction, Office of Legal Services, Old Capitol Building, Olympia, Washington 98504 prior to midnight of such fifth calendar day by depositing such complaint in the United States mail. [Statutory Authority: RCW 28A.13.070(7). 84-19-001 (Order 84-33), § 392-171-533, filed 9/6/84.]

**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 superintendent of public instruction.

(b) The superintendent of public instruction shall provide for a court reporter's stenographic record of all testimony and other oral hearing proceedings at the expense of the superintendent of public instruction: *Provided*, That a court reporter's stenographic record need not be transcribed for any purpose except as provided or required in WAC 392-171-551(e).

(c) The superintendent of public instruction 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 chief administrative law judge in the office of administrative hearings pursuant to chapter 10-08 WAC and shall be a person 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) The hearing shall be conducted in accordance with the provisions of WAC 392-101-005 unless modified by this chapter. [Statutory Authority: RCW 28A.13.070(7). 84-19-001 (Order 84-33), § 392-171-536, filed 9/6/84; 80-11-054 (Order 80-31), § 392-171-536, filed 8/19/80. Formerly WAC 392-171-505.]

**WAC 392-171-541 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 392-171-546 Repealed.** See Disposition Table at beginning of this chapter.

**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 to a court of law by the school district, such 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. [Statutory Authority: RCW 28A.13.070(7). 84-19-001 (Order 84-33), § 392-171-551, filed 9/6/84; 80-11-

054 (Order 80-31), § 392-171-551, filed 8/19/80. Formerly WAC 392-171-510.]

**WAC 392-171-559 Prospective application to amendments in Washington Administrative Code affecting hearings.** Amendments to the Washington Administrative Code affecting special education hearings and appeals pursuant to chapter 392-171 WAC shall apply prospectively. Complaints filed pursuant to WAC 392-171-531 shall be governed by the chapter 392-171 WAC regulations in effect at the time the complaint is filed. [Statutory Authority: RCW 28A.13.070(7). 84-19-001 (Order 84-33), § 392-171-559, filed 9/6/84.]

**WAC 392-171-561 Final decision--Appeal to court of law.** A decision made in a hearing initiated pursuant to WAC 392-171-531 is final, unless modified or overturned by a court of law. [Statutory Authority: RCW 28A.13.070(7). 84-19-001 (Order 84-33), § 392-171-561, filed 9/6/84; 80-11-054 (Order 80-31), § 392-171-561, filed 8/19/80. Formerly WAC 392-171-520.]

## APPEALS

**WAC 392-171-566 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 392-171-571 Repealed.** See Disposition Table at beginning of this chapter.

## PLACEMENT OF STUDENT DURING ADMINISTRATIVE/JUDICIAL PROCEEDINGS

**WAC 392-171-576 Student's status during hearing and 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). 84-19-001 (Order 84-33), § 392-171-576, filed 9/6/84; 80-11-054 (Order 80-31), § 392-171-576, filed 8/19/80. Formerly WAC 392-171-535.]

## RECORDS

**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 copies would effectively prevent the parent from 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) and 28A.02.100. 84-20-093 (Order 84-48), § 392-171-596, filed 10/2/84. 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 of 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) and 28A.02.100. 84-20-093 (Order 84-48), § 392-171-601, filed 10/2/84. Statutory Authority: RCW 28A.13.070(7). 80-11-054 (Order 80-31), § 392-171-601, 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 shall 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 either shall approve the plan as submitted or shall 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). 84-14-036 (Order 84-19), § 392-171-731, filed 6/28/84; 80-11-054 (Order 80-31), § 392-171-731, filed 8/19/80.]

**Chapter 392-173 WAC  
SPECIAL EDUCATION PROGRAMS--DSHS  
STUDENTS**

WAC	
392-173-003	Authority.
392-173-005	Purpose.
392-173-010	Definitions.
392-173-015	General duties of the department of social and health services and the superintendent of public instruction.
392-173-020	Referral and admission to a residential school—Eligibility for immediate placement.
392-173-025	Assessment, individual education plan, least restrictive environment, placement options, annual review of placement, and notice.
392-173-030	Medical evaluation.
392-173-035	Education records.
392-173-040	Annual application.
392-173-045	Staff qualifications.
392-173-050	Monitoring.
392-173-055	Audits.
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.

**WAC 392-173-003 Authority.** The authority for this chapter is RCW 72.05.140 which requires educational programs operated by the department of social and health services to conform to standards defined by the state board of education or the office of superintendent of public instruction. Such authority is buttressed by RCW 28A.02.100 which authorizes the superintendent of public instruction to accept federal conditions upon the receipt of federal funds for educational programs operated by the department of social and health services and by Article III, section 22 of the state Constitution which requires the superintendent of public instruction to have supervision over all matters pertaining to the public schools. [Statutory Authority: RCW 28A.02.100. 84-20-086 (Order 84-46), § 392-173-003, filed 10/2/84.]

**WAC 392-173-005 Purpose.** The purpose of this chapter is to accommodate the unique goals and student population of the state schools for the deaf and the 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. [Statutory Authority: RCW 28A.02.100. 84-20-086 (Order 84-46), § 392-

173-005, filed 10/2/84. 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" shall mean the state schools for the deaf and the 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 three. [Statutory Authority: RCW 28A.02.100. 84-20-086 (Order 84-46), § 392-173-010, filed 10/2/84. 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 fact 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 schools for the deaf and the 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 of public instruction and department shall be as follows:

(1) The superintendent of public instruction 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 of public instruction 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 of public instruction 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 of public instruction 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 28A.02.100. 84-20-086 (Order 84-46), § 392-173-015, filed 10/2/84. 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 the deaf shall be enrolled in an educational program within ten days of admittance. Students placed in an early childhood developmental center shall be immediately eligible for an educational program. [Statutory Authority: RCW 28A.02.100. 84-20-086 (Order 84-46), § 392-173-020, filed 10/2/84. 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 shall be applicable to students in such schools: WAC 392-171-346, 392-171-351, 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 and the blind and early childhood developmental centers, an assessment and an individual education plan shall be completed within fifty days of enrollment. [Statutory Authority: RCW 28A.02.100. 84-20-086 (Order 84-46), § 392-173-025, filed 10/2/84. 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 ordered 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 28A.02.100. 84-20-086

(Order 84-46), § 392-173-030, filed 10/2/84. 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 and the 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 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 28A.02.100. 84-20-086 (Order 84-46), § 392-173-035, filed 10/2/84. 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 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 28A.02.100. 84-20-086 (Order 84-46), § 392-173-040, filed 10/2/84. 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 and the deaf and early childhood developmental disabilities centers. [Statutory Authority: RCW 28A.02.100. 84-20-086 (Order 84-46), § 392-173-045, filed 10/2/84. 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 and the deaf and early childhood developmental centers. [Statutory Authority: RCW 28A.02.100. 84-20-086 (Order 84-46), § 392-173-050, filed 10/2/84. 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 392-171-736, 392-171-741, 392-171-746, 392-171-751, and 392-171-756 shall be applicable for programs in the state

schools for the blind and the deaf and early childhood developmental centers: *Provided*, That audits and recovery of funds distributed to such schools shall be limited to federal ESEA Title I, P.L. 89-313 funds. [Statutory Authority: RCW 28A.02.100. 84-20-086 (Order 84-46), § 392-173-055, filed 10/2/84. 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 to all students provided for by this chapter. [Statutory Authority: RCW 28A.02.100. 84-20-086 (Order 84-46), § 392-173-065, filed 10/2/84. 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 for each student. [Statutory Authority: RCW 28A.02.100. 84-20-086 (Order 84-46), § 392-173-075, filed 10/2/84. 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 and the 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 28A.02.100. 84-20-086 (Order 84-46), § 392-173-080, filed 10/2/84. 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 392-182 WAC**  
**STUDENT--HEALTH RECORDS**

**WAC**

392-182-005 Authority.  
392-182-010 Purpose.  
392-182-015 Supplement to chapter 180-38 WAC.  
392-182-020 Quick verification of immunization records.

**WAC 392-182-005 Authority.** The authority for this chapter is RCW 28A..... which requires the superintendent of public instruction to "provide procedures for schools to quickly verify the immunization of records of students transferring from one school to another before the immunization records are received." [Statutory Authority: 1985 c 50 § 5. 85-21-077 (Order 85-10), § 392-182-005, filed 10/21/85.]

**WAC 392-182-010 Purpose.** The purpose of this chapter is to implement RCW 28A..... and provide for quick verification of immunization records of students transferring from one school to another before the immunization records are received. [Statutory Authority: 1985 c 50 § 5. 85-21-077 (Order 85-10), § 392-182-010, filed 10/21/85.]

**WAC 392-182-015 Supplement to chapter 180-38 WAC.** This chapter is intended to supplement rules of the state board of education in chapter 180-38 WAC. Definitions within chapter 180-38 WAC are incorporated herein by reference. [Statutory Authority: 1985 c 50 § 5. 85-21-077 (Order 85-10), § 392-182-015, filed 10/21/85.]

**WAC 392-182-020 Quick verification of immunization records.** In the event the records of a student transferring from one school to another have not been received before or on the student's first day of attendance at the new school, the chief administrator of the new school shall attempt to verify the immunization status of the student prior to excluding such student pursuant to the provision of chapter 180-38 WAC. Such verification of full immunization, commencement of a schedule of immunization, or a statement of exemption may rely upon telephonic or electronic communication with the chief administrator or other appropriate official at the previous school that indicates which of the specifically required vaccines the student has received and the month and year in which they were administered. [Statutory Authority: 1985 c 50 § 5. 85-21-077 (Order 85-10), § 392-182-020, filed 10/21/85.]

**Chapter 392-184 WAC**  
**REENTRY TO COMMON SCHOOLS--**  
**EDUCATIONAL CLINIC AND OTHER STUDENTS**

**WAC**

392-184-003 Authority.  
392-184-005 Purpose.  
392-184-010 Definition--Common school dropout.  
392-184-015 Reentry to common schools--General provision--Grade level.  
392-184-020 Reentry to common schools--Educational clinic student.  
392-184-025 Determination of grade level upon reentry--Education clinic student.

**WAC 392-184-003 Authority.** The authority for this chapter is RCW 28A.97.030 which authorizes the superintendent of public instruction to adopt rules relating to the grade level standing of a prior common school dropout who reenters the common school system. [Statutory Authority: RCW 28A.97.030. 84-05-026 (Order 84-5), § 392-184-003, filed 2/14/84.]

**WAC 392-184-005 Purpose.** The purpose of this chapter is to establish policies and procedures governing the reentry to the common school system of a prior common school dropout. [Statutory Authority: RCW 28A.97.030. 84-05-026 (Order 84-5), § 392-184-005, filed 2/14/84.]

**WAC 392-184-010 Definition--Common school dropout.** As used in this chapter, the term common school dropout includes all students who leave school for reasons other than a lawfully imposed expulsion, including the period of time a student is subject to a lawfully imposed suspension. [Statutory Authority: RCW 28A.97.030. 84-05-026 (Order 84-5), § 392-184-010, filed 2/14/84.]

**WAC 392-184-015 Reentry to common schools--General provision--Grade level.** A common school dropout of common school age shall be entitled to reenter the common school system at the grade level appropriate to such individual's ability and, in the case of a high school student, with the credits previously earned toward graduation. [Statutory Authority: RCW 28A.97.030. 84-05-026 (Order 84-5), § 392-184-015, filed 2/14/84.]

**WAC 392-184-020 Reentry to common schools--Educational clinic student.** A common school dropout of common school age who has attended a certified educational clinic shall be entitled to reenroll in the common school system. In addition, any such student shall be entitled to be placed at the class level in which he or she would have been but for having dropped out and to graduate with the class, notwithstanding any loss of credits prior to reentry, if each of the following conditions is met:

- (1) The student has attended a certificated educational clinic for no less than ninety, sixty minute instructional hours;
- (2) The student has reenrolled in the common school system no later than the commencement of the next

regular school year semester or trimester, as the case may be, following his or her last day of attendance at a certified educational clinic;

(3) The student possesses the ability to perform academically at a passing level at the grade level of placement as determined pursuant to WAC 392-184-025;

(4) The student has earned credits following his or her reentry at the normal rate;

(5) The student has been enrolled at least two of the three grades nine through eleven at a common school or approved private school, or a combination of both; and

(6) The student has commenced and satisfactorily completed his or her last full school year immediately preceding high school graduation at a public high school, or a combination of public high schools. [Statutory Authority: RCW 28A.97.030. 84-05-026 (Order 84-5), § 392-184-020, filed 2/14/84.]

**WAC 392-184-025 Determination of grade level upon reentry--Education clinic student.** The determination pursuant to WAC 392-184-020 of a student's level of academic ability and grade level of placement at the time of a former educational clinic student's reentry shall be made by the principal of the common school of enrollment or such other school district authority as may be designated pursuant to school district policy. Such determination shall be made by the principal or other designated official only after consultation with one or more representatives of the educational clinic which the student last attended and shall be based exclusively upon the principal's or other designated official's professional judgment of the following:

(1) The recommendations of the clinic representative(s);

(2) The student's performance while enrolled in the clinic; and

(3) The student's academic ability as documented by the results of standardized tests recently administered by the clinic or school district, or both. [Statutory Authority: RCW 28A.97.030. 84-05-026 (Order 84-5), § 392-184-025, filed 2/14/84.]

**Chapter 392-185 WAC  
CERTIFIED EDUCATIONAL CLINICS--  
DISTRIBUTION OF STATE FUNDS**

WAC  
392-185-003 Authority.  
392-185-005 Purpose.  
392-185-140 Repealed.

**DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER**

392-185-140 Return to regular school program. [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.] Repealed by 84-05-016 (Order 84-3), filed 2/9/84. Statutory Authority: RCW 28A.97.050.

**WAC 392-185-003 Authority.** The authority for this chapter is RCW 28A.97.050 which authorizes the

superintendent of public instruction to adopt rules and regulations to carry out the purpose of chapter 28A.97 RCW, the operation and funding of educational clinics. (The certification or approval of educational clinics is the responsibility of the state board of education. See chapter 180-95 WAC.) [Statutory Authority: RCW 28A.97.050. 84-05-016 (Order 84-3), § 392-185-003, filed 2/9/84.]

**WAC 392-185-005 Purpose.** The purpose of this chapter is to establish the policies and procedures necessary to distribute funds to certified educational clinics as provided in chapter 28A.97 RCW. [Statutory Authority: RCW 28A.97.050. 84-05-016 (Order 84-3), § 392-185-005, filed 2/9/84. 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 392-185-140 Repealed.** See Disposition Table at beginning of this chapter.

**Chapter 392-191 WAC**

**SCHOOL PERSONNEL--EVALUATION OF THE PROFESSIONAL PERFORMANCE CAPABILITIES**

WAC  
392-191-001 Authority.  
392-191-005 Purpose.

**WAC 392-191-001 Authority.** The authority for this chapter is RCW 28A.67.065 which authorizes the superintendent of public instruction to adopt minimum criteria for the evaluation by districts of the professional performance capabilities and development of certificated classroom teachers and certificated support personnel. [Statutory Authority: RCW 28A.67.065. 84-20-085 (Order 84-45), § 392-191-001, filed 10/2/84.]

**WAC 392-191-005 Purpose.** The purpose of this chapter is to establish the minimum criteria to be adopted by districts for the evaluation of the professional performance capabilities and development of certificated classroom teachers and certificated support personnel. [Statutory Authority: RCW 28A.67.065. 84-20-085 (Order 84-45), § 392-191-005, filed 10/2/84; Order 20-76, § 392-191-005, filed 1/11/77.]

**Chapter 392-193 WAC**

**SCHOOL PERSONNEL--PERMITS FOR ALIENS**

WAC  
392-193-005 Authority.  
392-193-010 Purpose.  
392-193-020 Applicability to teachers only.  
392-193-025 Teacher--Defined.  
392-193-030 Alien--Defined.  
392-193-035 Alien permits required.  
392-193-045 Immigrant alien permits--Requirements.  
392-193-050 Conversion of immigrant alien permit to regular certificate.  
392-193-055 Nonimmigrant alien permits--Requirements.

392-193-060 Alien permits—Revocation—Hearing rights.

**WAC 392-193-005 Authority.** The authority for this chapter is RCW 28A.67.020 which permits the superintendent of public instruction to grant alien permits authorizing an alien to teach in the common schools of this state and to convert certain alien permits to a regular teaching certificate. [Statutory Authority: RCW 28A.67.020. 85-21-043 (Order 85-11), § 392-193-005, filed 10/11/85.]

**WAC 392-193-010 Purpose.** The purpose of this chapter is to establish policies and procedures for the issuance of an alien permit and the conversion of certain alien permits to a regular teaching certificate. [Statutory Authority: RCW 28A.67.020. 85-21-043 (Order 85-11), § 392-193-010, filed 10/11/85.]

**WAC 392-193-020 Applicability to teachers only.** The alien permit requirement of RCW 28A.67.020 applies only to teachers. [Statutory Authority: RCW 28A.67.020. 85-21-043 (Order 85-11), § 392-193-020, filed 10/11/85.]

**WAC 392-193-025 Teacher—Defined.** For the purposes of this chapter, "teacher" shall be defined as a person with classroom instructional responsibilities and who is not under the supervision of another certificated employee assigned primary instructional responsibilities in the same classroom(s). [Statutory Authority: RCW 28A.67.020. 85-21-043 (Order 85-11), § 392-193-025, filed 10/11/85.]

**WAC 392-193-030 Alien—Defined.** For the purposes of this chapter, "alien" shall be defined as a person who is not a citizen of the United States of America. [Statutory Authority: RCW 28A.67.020. 85-21-043 (Order 85-11), § 392-193-030, filed 10/11/85.]

**WAC 392-193-035 Alien permits required.** Except as provided in WAC 392-193-050, no alien shall be permitted to serve as a teacher in the common schools of this state without an alien permit. [Statutory Authority: RCW 28A.67.020. 85-21-043 (Order 85-11), § 392-193-035, filed 10/11/85.]

**WAC 392-193-045 Immigrant alien permits—Requirements.** The superintendent of public instruction shall grant an immigrant alien permit to each applicant who is otherwise qualified to teach in the common schools of the state under regulations established by the state board of education and who offers sufficient proof that such applicant has declared officially an intention to become a citizen of the United States by filing such declaration with the United States immigration and naturalization service. [Statutory Authority: RCW 28A.67.020. 85-21-043 (Order 85-11), § 392-193-045, filed 10/11/85.]

**WAC 392-193-050 Conversion of immigrant alien permit to regular certificate.** Any alien who possesses an

immigrant alien permit who has completed a probationary period of one school year of teaching in the common schools, upon recommendation of the superintendent of the district in which such teaching took place, shall be eligible for regular certification singularly under the provisions established by the state board of education; and, if such certification is issued, the alien teacher will be permitted to teach in the common schools of the state without an alien permit. [Statutory Authority: RCW 28A.67.020. 85-21-043 (Order 85-11), § 392-193-050, filed 10/11/85.]

**WAC 392-193-055 Nonimmigrant alien permits—Requirements.** The superintendent of public instruction shall grant a nonimmigrant alien permit to each nonimmigrant alien applicant who is qualified to teach in the common schools of the state under regulations established by the state board of education, who subscribes to the oath or affirmation required by RCW 28A.67.020, and who offers sufficient proof that such applicant has been:

(1) Admitted to the United States for purpose of serving as an exchange teacher. Such nonimmigrant permit for exchange teachers shall be valid for one school year and may be renewed once; or

(2) Employed for the sole purpose of serving as a foreign language teacher. Such nonimmigrant permit for a foreign language teacher shall be valid for the same period of time as would be the case if the applicant sought certification solely under the applicable regulations established by the state board of education. [Statutory Authority: RCW 28A.67.020. 85-21-043 (Order 85-11), § 392-193-055, filed 10/11/85.]

**WAC 392-193-060 Alien permits—Revocation—Hearing rights.** Alien permits may be revoked by the superintendent of public instruction in accordance with the procedures for revocation of certificates in chapter 180-75 WAC. Prior to revocation of an alien permit, the superintendent of public instruction shall notify the holder of the reasons for revocation and shall afford such holder an opportunity to contest the revocation action in administrative hearing conducted in accordance with contested cases under the state Administrative Procedure Act, chapter 34.04 RCW. [Statutory Authority: RCW 28A.67.020. 85-21-043 (Order 85-11), § 392-193-060, filed 10/11/85.]

## Chapter 392-195 WAC

### SCHOOL PERSONNEL—IN-SERVICE TRAINING PROGRAM

WAC	
392-195-003	Authority.
392-195-005	Purpose.
392-195-010	Definitions.
392-195-015	Application to SPI for funding.
392-195-020	Allocation of funds by SPI.
392-195-025	Program reports to SPI.



**WAC 392-195-003 Authority.** The authority for this chapter is RCW 28A.71.210 which authorizes the superintendent of public instruction to adopt rules and regulations for the allocation of funds to common school districts and educational service districts for in-service training programs for certificated and classified personnel. [Statutory Authority: RCW 28A.71.210. 84-20-084 (Order 84-44), § 392-195-003, filed 10/2/84.]

**WAC 392-195-005 Purpose.** The purpose of this chapter is to set forth policies and procedures for the allocation of state funds to school districts and educational service districts for in-service training programs. [Statutory Authority: RCW 28A.71.210. 84-20-084 (Order 84-44), § 392-195-005, filed 10/2/84; 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. 84-20-084 (Order 84-44), § 392-195-010, filed 10/2/84; 78-09-115 (Order 78-7), § 392-195-010, filed 9/6/78.]

**WAC 392-195-015 Application to SPI 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. 84-20-084 (Order 84-44), § 392-195-015, filed 10/2/84; 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 by SPI.** The superintendent of public instruction 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. 84-20-084 (Order 84-44), § 392-195-020, filed 10/2/84; 78-09-115 (Order 78-7), § 392-195-020, filed 9/6/78.]

**WAC 392-195-025 Program reports to SPI.** 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. 84-20-084 (Order 84-44), § 392-195-025, filed 10/2/84; 78-09-115 (Order 78-7), § 392-195-025, filed 9/6/78.]

## Chapter 392-196 WAC

### SCHOOL PERSONNEL--BEGINNING TEACHERS ASSISTANCE PROGRAM

#### WAC

392-196-005	Authority.
392-196-010	Purpose.
392-196-015	Mentor teacher--Definition.
392-196-020	Mentor teacher stipend--Definition.
392-196-025	Mentor teacher stipend--Minimum amount.
392-196-030	Mentor teacher--Qualifications for nomination.
392-196-035	Mentor teacher--Selection process.
392-196-040	Beginning teacher--Definition.
392-196-045	Beginning teacher stipend--Definition.
392-196-050	Beginning teacher stipend--Minimum amount.
392-196-055	SPI sponsored mentor teacher workshop--Definition.
392-196-060	School district application to SPI for participation in beginning teacher assistance program.
392-196-065	1985-86 pilot project--Building selection process.
392-196-070	1986-87 school year--Building selection process.
392-196-075	Annual amount for distribution to participating school districts.
392-196-080	Distribution of state moneys for the beginning teacher assistance program--1985-87 biennium.
392-196-085	Carryover prohibition.
392-196-090	Maximum control factor--Proration.

**WAC 392-196-005 Authority.** The authority for this chapter is RCW 28A.----- which authorizes the

superintendent of public instruction to adopt rules to establish and operate a beginning teachers assistance program. [Statutory Authority: 1985 c 399. 85-21-052 (Order 85-12), § 392-196-005, filed 10/15/85.]

**WAC 392-196-010 Purpose.** The purpose of this chapter is to set forth policies and procedures for the operation of a beginning teachers assistance program, including the conditions for the receipt of state moneys for such purpose by school districts of the state. [Statutory Authority: 1985 c 399. 85-21-052 (Order 85-12), § 392-196-010, filed 10/15/85.]

**WAC 392-196-015 Mentor teacher--Definition.** As used in this chapter, the term "mentor teacher" shall mean a classroom teacher who has been selected by a school district to provide continuing and sustained support to a beginning teacher, both in and outside the classroom. [Statutory Authority: 1985 c 399. 85-21-052 (Order 85-12), § 392-196-015, filed 10/15/85.]

**WAC 392-196-020 Mentor teacher stipend--Definition.** As used in this chapter, the term "mentor teacher stipend" shall mean an amount paid by a school district to a teacher for services as a mentor teacher including attendance at the superintendent of public instruction sponsored mentor teacher workshop. Such stipend, including the amount and conditions applicable, shall be set forth in a supplemental contract in accordance with and subject to the provisions of RCW 28A.67.074. [Statutory Authority: 1985 c 399. 85-21-052 (Order 85-12), § 392-196-020, filed 10/15/85.]

**WAC 392-196-025 Mentor teacher stipend--Minimum amount.** The minimum amount per school year of the mentor teacher stipend shall be nine hundred fifty dollars. [Statutory Authority: 1985 c 399. 85-21-052 (Order 85-12), § 392-196-025, filed 10/15/85.]

**WAC 392-196-030 Mentor teacher--Qualifications for nomination.** In order to be nominated to serve as a mentor teacher pursuant to WAC 392-196-035, the teacher shall meet the following minimum qualifications:

(1) Be employed full time primarily as a classroom teacher.

(2) Have been employed primarily as a classroom teacher for one school year within the district and two additional school years within any public or private school in any grade, kindergarten through twelve.

(3) Hold a valid continuing teaching certificate issued pursuant to chapter 180-79 WAC or be eligible for conversion to such certificate pursuant to WAC 180-79-045. [Statutory Authority: 1985 c 399. 85-21-052 (Order 85-12), § 392-196-030, filed 10/15/85.]

**WAC 392-196-035 Mentor teacher--Selection process.** Mentor teachers shall be selected by the district. If a bargaining unit, certified pursuant to RCW 41.59.090 exists within the district, classroom teachers representing the bargaining unit shall participate in the mentor teacher selection process. [Statutory Authority: 1985 c

399. 85-21-052 (Order 85-12), § 392-196-035, filed 10/15/85.]

**WAC 392-196-040 Beginning teacher--Definition.** As used in this chapter, the term "beginning teacher" shall mean a certificated teacher with fewer than ninety consecutive school days of classroom teaching experience in either a public or private school in any grade, kindergarten through twelve, and who is employed by the district for ninety consecutive school days or more to serve primarily as a classroom teacher. [Statutory Authority: 1985 c 399. 85-21-052 (Order 85-12), § 392-196-040, filed 10/15/85.]

**WAC 392-196-045 Beginning teacher stipend--Definition.** As used in this chapter, the term "beginning teacher stipend" shall mean an amount paid by a school district to a beginning teacher for one day of attendance at the superintendent of public instruction sponsored mentor teacher workshop. Such stipend, including the amount and conditions applicable, shall be set forth in a supplemental contract in accordance with and subject to the provisions of RCW 28A.67.074. [Statutory Authority: 1985 c 399. 85-21-052 (Order 85-12), § 392-196-045, filed 10/15/85.]

**WAC 392-196-050 Beginning teacher stipend--Minimum amount.** The minimum amount of the beginning teacher stipend shall be eighty dollars. [Statutory Authority: 1985 c 399. 85-21-052 (Order 85-12), § 392-196-050, filed 10/15/85.]

**WAC 392-196-055 SPI sponsored mentor teacher workshop--Definition.** As used in this chapter, the term "superintendent of public instruction sponsored mentor teacher workshop" shall mean an in-service training program sponsored by the superintendent of public instruction for the purpose of providing professional training for mentor teachers in the methods and procedures for performing such role with particular emphasis upon providing continuing and sustained support by the mentor teacher to a beginning teacher. Such workshop shall be no more than three days in length, but need not be consecutive days, and shall not be held during school hours. [Statutory Authority: 1985 c 399. 85-21-052 (Order 85-12), § 392-196-055, filed 10/15/85.]

**WAC 392-196-060 School district application to SPI for participation in beginning teacher assistance program.** Any district may apply to the superintendent of public instruction for participation in the beginning teacher assistance program. The application shall require the superintendent of the district to provide the following assurances:

(1) The board of directors of the district has reviewed the requirements of this chapter and has agreed to the conditions therein.

(2) The mentor teacher shall be paid a mentor teacher stipend.

(3) The beginning teacher shall be paid a beginning teacher stipend.

(4) The mentor teacher shall be required to attend and shall be reimbursed by the district for travel expenses for attendance at the superintendent of public instruction sponsored mentor teacher workshop.

(5) The beginning teacher shall be required to attend and shall be reimbursed by the district for travel expenses for one day of attendance at the superintendent of public instruction's sponsored mentor teacher workshop.

(6) The mentor teacher shall be released from classroom teaching responsibilities in order to observe and assist the beginning teacher in the classroom.

(7) The mentor teacher and the beginning teacher shall be released from classroom teaching responsibilities in order to jointly observe and evaluate teaching situations.

(8) The total release time from classroom teaching as required by subsections (6) and (7) of this section shall be at least thirty-six scheduled instructional hours per school year.

(9) The mentor teacher and the beginning teacher shall be required to complete and forward to the superintendent of public instruction such evaluation reports of the beginning teacher assistance program as requested by the superintendent of public instruction.

(10) The superintendent of the district shall supply the superintendent of public instruction, at times specified by the superintendent of public instruction, such information as requested regarding the beginning teacher assistance program. [Statutory Authority: 1985 c 399, 85-21-052 (Order 85-12), § 392-196-060, filed 10/15/85.]

**WAC 392-196-065 1985-86 pilot project—Building selection process.** During the 1985-86 school year one hundred mentor teachers shall be selected to participate in a pilot project. The selection process shall be as follows:

(1) The superintendent of public instruction shall pro rate one hundred mentor teachers among the nine educational service districts based upon a percentage of beginning teachers hired within the districts within each educational service district for the 1984-85 school year. A quota shall be established for each educational service district.

(2) Each school district applying for participation in the program shall select one or more school buildings in which one or more beginning teachers will be assigned for the 1985-86 school year. The name of each school building and the number of beginning teachers shall be recorded on a slip of paper and placed in a container for the respective educational service district.

(3) The superintendent of public instruction shall select the school buildings, including number of beginning teachers, by lot from each educational service district until the quota for each educational service district has been met. [Statutory Authority: 1985 c 399, 85-21-052 (Order 85-12), § 392-196-065, filed 10/15/85.]

**WAC 392-196-070 1986-87 school year—Building selection process.** The superintendent of public instruction will seek action by the 1986 legislature to permit a mentor teacher for each beginning teacher. However, if moneys are insufficient to achieve this goal, the number of mentor teachers for the 1986-87 school year shall be pro rated upon the number of positions requested per district and the number of positions available. [Statutory Authority: 1985 c 399, 85-21-052 (Order 85-12), § 392-196-070, filed 10/15/85.]

**WAC 392-196-075 Annual amount for distribution to participating school districts.** The superintendent of public instruction annually shall establish a dollar amount per mentor teacher for distribution to districts for support of the beginning teachers assistance program. Such distribution shall be used by the district exclusively for the following:

(1) Mentor teacher stipends.

(2) Travel expenses of the mentor and beginning teachers for attendance at the superintendent of public instruction mentor teacher workshop.

(3) Substitute teacher salaries for release time for mentor and beginning teachers.

(4) Beginning teacher stipends. [Statutory Authority: 1985 c 399, 85-21-052 (Order 85-12), § 392-196-075, filed 10/15/85.]

**WAC 392-196-080 Distribution of state moneys for the beginning teacher assistance program—1985-87 biennium.** For the 1985-86 and 1986-87 school years, the superintendent of public instruction shall distribute to districts in February of each school year, a maximum of one thousand six hundred dollars per mentor teacher. [Statutory Authority: 1985 c 399, 85-21-052 (Order 85-12), § 392-196-080, filed 10/15/85.]

**WAC 392-196-085 Carryover prohibition.** State moneys distributed to districts for the beginning teacher assistance program shall be subject to the carryover prohibition of WAC 392-122-900. [Statutory Authority: 1985 c 399, 85-21-052 (Order 85-12), § 392-196-085, filed 10/15/85.]

**WAC 392-196-090 Maximum control factor—Proration.** State moneys distributed to districts for the beginning teacher assistance program shall be subject to the proration provision of WAC 392-122-905 if the current appropriation to the superintendent of public instruction for the beginning teacher assistance program is adversely affected by action of the legislature after the commencement of the 1986-87 school year. [Statutory Authority: 1985 c 399, 85-21-052 (Order 85-12), § 392-196-090, filed 10/15/85.]

**Chapter 392-200 WAC  
SCHOOL PERSONNEL—EMPLOYMENT  
DISCRIMINATION**

WAC  
392-200-003 Authority.

392-200-005 Purpose.

**WAC 392-200-003 Authority.** Partial authority for this chapter is RCW 28A.85.020 which authorizes the superintendent of public instruction to adopt rules and regulations for the elimination of sex discrimination in the common schools. Such authority is supplemented by RCW 28A.02.100 which authorizes the superintendent of public instruction to receive federal funds and distribute such funds in accordance with federal law and accompanying federal rules and regulations and by Article III, section 22 of the Washington state Constitution which authorizes the superintendent of public instruction to have supervision over the common schools. [Statutory Authority: RCW 28A.85.020, 84-20-090 (Order 84-43), § 392-200-003, filed 10/2/84.]

**WAC 392-200-005 Purpose.** The purpose of this chapter is 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. [Statutory Authority: RCW 28A.85.020, 84-20-090 (Order 84-43), § 392-200-005, filed 10/2/84; Order 6-76, § 392-200-005, filed 5/17/76.]

#### Chapter 392-210 WAC

### STUDENT TESTING AND EVALUATION-- WASHINGTON STATE HONORS AWARD PROGRAM

#### WAC

392-210-005	Authority.
392-210-010	Purpose.
392-210-015	Criteria for the selection of Washington state honors award students.
392-210-020	Determination of the Washington state honors award academic achievement index.
392-210-025	Credits earned in academic core subjects.
392-210-030	Enrollment in academic core subjects during grade twelve required.
392-210-035	Notification of students eligible for honors award.
392-210-040	Notification of Washington honors award recipients.
392-210-045	Washington honors award certificate.
392-210-050	Notification to local business and community representatives.
392-210-055	Special consideration for 1985-86 school year.

**WAC 392-210-005 Authority.** The authority for this chapter is chapter 28A.03 RCW which authorizes the superintendent of public instruction to develop rules and regulations for the establishment and administration of the Washington state honors award program. [Statutory Authority: Chapter 28A.03 RCW. 86-01-018 (Order 85-13), § 392-210-005, filed 12/9/85.]

**WAC 392-210-010 Purpose.** The purpose of this chapter is to set forth the policies and procedures for the administration of the Washington state honors award program. [Statutory Authority: Chapter 28A.03 RCW. 86-01-018 (Order 85-13), § 392-210-010, filed 12/9/85.]

**WAC 392-210-015 Criteria for the selection of Washington state honors award students.** The Washington state honors award program shall recognize the top ten percent of the students in the state in each year's high school graduating class who have demonstrated outstanding academic achievement. Outstanding academic achievement shall be determined by the following criteria:

(1) An academic achievement index based upon a combination of the combined high school grade point average (calculated as provided in WAC 180-57-055) in the academic core subjects of English, mathematics, science, social studies, and foreign language and the combined verbal and quantitative composite scores on the Washington precollege test;

(2) Credits (as defined in WAC 180-51-050) earned in grades nine through eleven in the academic core subjects of English, mathematics, science, social studies, and foreign language;

(3) Completion of at least seventy-five percent of the graduation requirements for the high school in which the candidate is enrolled; and

(4) Enrollment in at least three academic core subjects in grade twelve.

In order to be considered for a Washington honors award, students must have taken the Washington precollege test prior to enrollment in grade twelve and be enrolled in a participating high school as indicated by the principal on forms provided by the superintendent of public instruction. [Statutory Authority: Chapter 28A.03 RCW. 86-01-018 (Order 85-13), § 392-210-015, filed 12/9/85.]

**WAC 392-210-020 Determination of the Washington state honors award academic achievement index.** The superintendent of public instruction shall calculate the academic achievement index based upon an equivalent numeric weighting of the combined high school grade point average in academic core subjects and the combined verbal and quantitative composite scores on the Washington precollege test. The superintendent of public instruction shall determine the top ten percent of each year's graduating class based upon a ranking of all participating students on the academic achievement index. [Statutory Authority: Chapter 28A.03 RCW. 86-01-018 (Order 85-13), § 392-210-020, filed 12/9/85.]

**WAC 392-210-025 Credits earned in academic core subjects.** To be considered for a Washington state honors award, a student must have earned, during grades nine through eleven, at least seventy-five percent of the credits required for graduation from his or her high school including a minimum of ten credits in the academic core subjects as follows:

English	3 credits
Mathematics	2 credits
Science	2 credits
Social Studies	2 credits
Foreign Language	1 credit

Each participating high school principal shall verify, on forms provided by the superintendent of public instruction, that each candidate has completed at least seventy-five percent of the school's total graduation credit requirements. The superintendent of public instruction shall require each student's high school transcript to be verified to assure that each student has earned the minimum credits in each of the academic core subjects. All participating high schools shall make available the grades nine through eleven transcripts for all participating students on or before August 15 of each year. [Statutory Authority: Chapter 28A.03 RCW. 86-01-018 (Order 85-13), § 392-210-025, filed 12/9/85.]

**WAC 392-210-030 Enrollment in academic core subjects during grade twelve required.** To be considered for a Washington state honors award, a student must be enrolled in at least three of the academic core subjects of English, mathematics, science, social studies, and foreign language during the first term of the senior year, excluding summer term. The minimum enrollment requirement shall be verified in writing by the participating high school principal before November 1 of each school year, on forms provided by the superintendent of public instruction. [Statutory Authority: Chapter 28A.03 RCW. 86-01-018 (Order 85-13), § 392-210-030, filed 12/9/85.]

**WAC 392-210-035 Notification of students eligible for honors award.** Commencing with the ninth grade, and each year thereafter, each participating high school shall provide, no later than October 1, each enrolled student with a copy of the eligibility criteria for the Washington state honors award. The superintendent of public instruction shall provide schools with a suggested format that may be used to notify students. [Statutory Authority: Chapter 28A.03 RCW. 86-01-018 (Order 85-13), § 392-210-035, filed 12/9/85.]

**WAC 392-210-040 Notification of Washington honors award recipients.** On or before December 15 of each school year the superintendent of public instruction shall provide to each participating school principal the names of those enrolled students who have been selected for a Washington honors award. [Statutory Authority: Chapter 28A.03 RCW. 86-01-018 (Order 85-13), § 392-210-040, filed 12/9/85.]

**WAC 392-210-045 Washington honors award certificate.** The superintendent of public instruction shall prepare annually for each honors award recipient a suitable printed certificate which shall describe the purposes of the award, indicate the year in which the award was given, identify the student and his or her high school, and be signed by the superintendent of public instruction. The certificate for each honors award recipient shall be delivered to the participating high school principal on or before April 1 of each school year. Each participating principal shall provide for issuing the certificate to each recipient at the regular high school commencement or other appropriate time prior to high

school commencement. [Statutory Authority: Chapter 28A.03 RCW. 86-01-018 (Order 85-13), § 392-210-045, filed 12/9/85.]

**WAC 392-210-050 Notification to local business and community representatives.** The principal of each participating school shall encourage local businesses and community organizations to recognize the accomplishments of the Washington honors award recipients. [Statutory Authority: Chapter 28A.03 RCW. 86-01-018 (Order 85-13), § 392-210-050, filed 12/9/85.]

**WAC 392-210-055 Special consideration for 1985-86 school year.** The provisions of WAC 392-210-020 and 392-210-030 through 392-210-045 notwithstanding, for the 1985-86 school year the timelines for notification of students and schools and other program requirements may be adjusted by the superintendent of public instruction as required to initiate the Washington honors award program. [Statutory Authority: Chapter 28A.03 RCW. 86-01-018 (Order 85-13), § 392-210-055, filed 12/9/85.]

## Title 399 WAC PUBLIC WORKS BOARD

### Chapters

399-10	General provisions.
399-20	Public records.
399-30	Public works loans and pledges.
399-40	Compliance with State Environmental Policy Act.

### Chapter 399-10 WAC GENERAL PROVISIONS

#### WAC

399-10-010	Organization and operation of the public works board.
399-10-020	Board meeting.
399-10-030	Communications with the board.

**WAC 399-10-010 Organization and operation of the public works board.** (1) The public works board, hereinafter referred to as the board, is a thirteen-member board appointed by the governor and created pursuant to RCW 43.155.030.

(2) The governor shall appoint one of the general public members of the board as chair. The board may elect such other officers for such terms as it may from time to time deem necessary in accordance with the board's bylaws.

(3) The board's staff support and office space is provided by the department of community development, whose main office is located in the Ninth & Columbia Building, Olympia, Washington, 98504; phone (AC 206) 753-2200.

(4) The purpose of the board is to encourage self-reliance by local governments in meeting their public