

[Statutory Authority: RCW 28B.52.080, 41.58.050, 41.56.090 and 41.59.110. 88-12-058 (Order 88-10), § 391-95-230, filed 5/31/88. 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), § 391-95-230, filed 9/30/80, effective 11/1/80.]

Title 392 WAC

PUBLIC INSTRUCTION, SUPERINTENDENT OF

Chapters

- 392-100** General definitions and rules of construction.
- 392-101** Superintendent of public instruction--Administrative practices and procedures.
- 392-103** Superintendent of public instruction--Conflict of interest.
- 392-120** Finance--University of Washington transition school and early entrance program allocations.
- 392-121** Finance--General apportionment.
- 392-122** Finance--Categorical apportionment.
- 392-123** Finance--School district budgeting.
- 392-126** Finance--Salary-compensation lid compliance.
- 392-127** Finance--Administrative salary and insurance benefits compliance.
- 392-129** Finance--Emergency school closure.
- 392-130** Finance--Self-funded plans for employee benefits.
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- 392-162** Special service program--Learning assistance.
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- 392-166** Special services program--Student retention and retrieval program.
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- 392-171** Special education programs--Education for all handicapped children.
- 392-185** Certified educational clinics--Distribution of state funds.
- 392-195** School personnel--In-service training program.
- 392-196** School personnel--Teacher assistance program.

- 392-202** School personnel--Excellence in education awards.
- 392-310** Grant program--Schools for the twenty-first century.
- 392-315** Grant program--Project even start.

Chapter 392-100 WAC

GENERAL DEFINITIONS AND RULES OF CONSTRUCTION

WAC

- 392-100-050 Agency abbreviations.
392-100-060 Other abbreviations.

WAC 392-100-050 Agency abbreviations. As used in Title 392 WAC, the abbreviation:

- (1) "SPI" means the superintendent of public instruction;
- (2) "SBE" means the state board of education;
- (3) "ESD" means an educational service district;
- (4) "DSHS" means the department of social and health services.

[Statutory Authority: RCW 28A.03.030. 87-10-012 (Order 87-4), § 392-100-050, filed 4/28/87.]

WAC 392-100-060 Other abbreviations. As used in Title 392 WAC, the abbreviation:

- (1) "FTE" means full-time equivalent;
- (2) "RAP" means remediation assistance program.

[Statutory Authority: RCW 28A.03.030. 87-10-012 (Order 87-4), § 392-100-060, filed 4/28/87.]

Chapter 392-101 WAC

SUPERINTENDENT OF PUBLIC INSTRUCTION-- ADMINISTRATIVE PRACTICES AND PROCEDURES

WAC

- 392-101-010 Conduct of administrative hearings.

WAC 392-101-010 Conduct of administrative hearings. The superintendent of public instruction hereby assigns the following administrative hearings to the office of administrative hearings and hereby delegates to the administrative law judge conducting any such hearing the authority to render the final decision by the superintendent of public instruction:

- (1) Nonresident transfer appeals pursuant to WAC 392-137-055(2).
- (2) Special education hearings pursuant to WAC 392-171-531.
- (3) Equal educational opportunity complaints pursuant to WAC 392-190-075.
- (4) Professional certification appeals pursuant to WAC 180-75-030.

[Statutory Authority: RCW 28A.03.500. 87-10-013 (Order 87-5), § 392-101-010, filed 4/28/87.]

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

392-103-035 Former employees--Prohibited practices.

WAC 392-103-035 Former employees--Prohibited practices. Except as otherwise provided in RCW 42.18-.221, no former employee of the superintendent of public instruction shall ever assist another person (including partnerships, corporations, etc.), for or without compensation, in any transaction involving the superintendent in which the employee participated during his/her state employment; nor shall a former employee engage in any activity prohibited by RCW 42.18.221.

Violation of this section may result in the imposition of a bar or conditions upon the former state employee or other persons' appearances before the superintendent or their conduct of, or negotiation or competition for, business with the superintendent, in addition to such other penalties as may be imposed pursuant to law. Any such administrative sanction shall be made only upon notice and an opportunity for a hearing in compliance with the Administrative Procedure Act, chapter 34.04 RCW.

[Statutory Authority: RCW 42.18.250. 88-23-011 (Order 88-25), § 392-103-035, filed 11/4/88; Order 7-75, § 392-103-035, filed 12/22/75. Formerly WAC 392-10-060.]

Chapter 392-120 WAC**FINANCE--UNIVERSITY OF WASHINGTON
TRANSITION SCHOOL AND EARLY ENTRANCE
PROGRAM ALLOCATIONS****WAC**

392-120-001	Authority.
392-120-005	Purpose.
392-120-010	Definition--University of Washington transition school and early entrance program.
392-120-015	Definition--Approved University of Washington transition school and early entrance program agreement.
392-120-020	School district authorization of reallocation of moneys to University of Washington transition school and early entrance program.
392-120-025	Transmission of moneys to the University of Washington.

WAC 392-120-001 Authority. The authority for this chapter is RCW 28A.58.217 which authorizes the superintendent of public instruction to adopt rules relating to the allocation of any state and federal moneys for students attending a University of Washington transition school and early entrance program.

[Statutory Authority: RCW 28A.58.217. 88-19-026 (Order 88-21), § 392-120-001, filed 9/12/88.]

WAC 392-120-005 Purpose. The purpose of this chapter is to set forth policies and procedures relating to the allocation of state and federal moneys to the University of Washington for eligible academically highly capable students attending a University of Washington transition school and early entrance program.

[Statutory Authority: RCW 28A.58.217. 88-19-026 (Order 88-21), § 392-120-005, filed 9/12/88.]

WAC 392-120-010 Definition--University of Washington transition school and early entrance program. As used in this chapter, "University of Washington transition school and early entrance program" means a program operated by the University of Washington for the education of academically highly capable students who are performing at least at high school level.

[Statutory Authority: RCW 28A.58.217. 88-19-026 (Order 88-21), § 392-120-010, filed 9/12/88.]

WAC 392-120-015 Definition--Approved University of Washington transition school and early entrance program agreement. As used in this chapter, "approved University of Washington transition school and early entrance program agreement" means an agreement between a school district and the University of Washington for a school year which meets the requirements for joint or cooperative action pursuant to the Interlocal Cooperation Act, chapter 39.34 RCW.

[Statutory Authority: RCW 28A.58.217. 88-19-026 (Order 88-21), § 392-120-015, filed 9/12/88.]

WAC 392-120-020 School district authorization of reallocation of moneys to University of Washington transition school and early entrance program. A school district meeting the following conditions may authorize the superintendent of public instruction to allocate directly to the University of Washington all or a portion of the state basic education, state categorical, and federal moneys generated by each resident student attending the University of Washington transition school and early entrance program:

(1) The school district shall enter into an agreement with the University of Washington pursuant to WAC 392-120-015. The agreement shall contain the following provisions:

(a) Timely enrollment reports to the school district by the University of Washington transition school and early entrance program;

(b) Assurance by the parties of compliance with the provisions of RCW 28A.58.217; and

(c) Any other information the school district and the University of Washington deem appropriate.

(2) The school district shall report any of the district's student(s) enrolled in the University of Washington transition school and early entrance program on the regular monthly enrollment report P-223 to the superintendent of public instruction in the same manner as other enrolled students are reported.

(3) The school district shall submit to the superintendent of public instruction a written authorization for reallocation of moneys which shall:

(a) Indicate the dollar amount(s) and source(s) of the amount(s) to be allocated to the University of Washington by the superintendent of public instruction; and

(b) Include a statement assuring the superintendent of public instruction that the school district has entered

into an agreement with the University of Washington transition school and early entrance program pursuant to WAC 392-120-015 and subsection (1) of this section.

[Statutory Authority: RCW 28A.58.217. 88-19-026 (Order 88-21), § 392-120-020, filed 9/12/88.]

WAC 392-120-025 Transmission of moneys to the University of Washington. When so authorized pursuant to WAC 392-120-020(3) by any school district, the superintendent of public instruction shall transmit moneys on a quarterly basis to the University of Washington.

[Statutory Authority: RCW 28A.58.217. 88-19-026 (Order 88-21), § 392-120-025, filed 9/12/88.]

Chapter 392-121 WAC FINANCE--GENERAL APPORTIONMENT

WAC

GENERAL PROVISIONS

- 392-121-001 Authority.
- 392-121-003 Purpose.
- 392-121-007 Organization of this chapter.
- 392-121-021 Reporting requirements.
- 392-121-031 Definition--School year.
- 392-121-033 Definition--School day.

ENROLLMENT

- 392-121-101 Repealed.
- 392-121-103 Repealed.
- 392-121-105 Repealed.
- 392-121-106 Definition--Enrolled student.
- 392-121-107 Definition--Courses of study.
- 392-121-108 Enrollment exclusions.
- 392-121-110 Repealed.
- 392-121-111 Definitions--Residence, resident student and nonresident student.
- 392-121-115 Repealed.
- 392-121-120 Repealed.
- 392-121-121 Repealed.
- 392-121-122 Definition--Full-time equivalent student.
- 392-121-123 Nonstandard school year programs.
- 392-121-125 Repealed.
- 392-121-126 Repealed.
- 392-121-127 Repealed.
- 392-121-128 Repealed.
- 392-121-129 Repealed.
- 392-121-130 Repealed.
- 392-121-131 Repealed.
- 392-121-133 Definition--Annual average full-time equivalent students.
- 392-121-135 Repealed.
- 392-121-136 Limitation on enrollment counts.
- 392-121-140 Repealed.
- 392-121-145 Repealed.
- 392-121-150 Repealed.
- 392-121-155 Repealed.
- 392-121-160 Repealed.
- 392-121-161 Definition--Kindergarten.
- 392-121-165 Repealed.
- 392-121-170 Repealed.
- 392-121-175 Repealed.
- 392-121-176 Repealed.
- 392-121-177 Repealed.
- 392-121-180 Repealed.
- 392-121-181 Off-campus instruction requirements.
- 392-121-182 Alternative learning experience requirements.
- 392-121-183 Contracting with an educational institution other than a school district.
- 392-121-185 Repealed.
- 392-121-186 Repealed.
- 392-121-190 Repealed.

- 392-121-195 Repealed.

CERTIFICATED INSTRUCTIONAL STAFF

- 392-121-200 Definition--Certificated employee.
- 392-121-205 Definition--Certificated instructional employee.
- 392-121-210 Definition--Basic education certificated instructional employee.
- 392-121-215 Definition--Full-time equivalent (FTE) basic education certificated instructional staff.
- 392-121-220 Definition--Form S-275.
- 392-121-225 Definition--Report S-727.
- 392-121-245 Definition--Certificated years of experience.
- 392-121-250 Definition--Highest degree level.
- 392-121-255 Definition--Academic credits.
- 392-121-257 Definition--In-service credits.
- 392-121-260 Definition--Total eligible credits.
- 392-121-265 Definition--State-wide salary allocation schedule.
- 392-121-267 Definition--LEAP Document 1.
- 392-121-268 Definition--LEAP Document 11.
- 392-121-270 Placement of certificated instructional staff with degrees on the state-wide salary allocation schedule and on LEAP Document 1.
- 392-121-272 Placement of nondegree certificated instructional personnel on the state-wide salary allocation schedule and on LEAP Document 1.
- 392-121-280 Placement on state-wide salary allocation schedule and on LEAP Document 1--Documentation required.
- 392-121-285 Definition--District average basic education certificated instructional staff salary per placement on the state-wide salary allocation schedule.
- 392-121-290 Definition--District actual average annual basic education certificated instructional staff salary.
- 392-121-295 Definition--District average staff mix factor for basic education certificated instructional staff.
- 392-121-297 Definition--District actual derived base salary for basic education certificated instructional staff.
- 392-121-299 Determination of district average basic education certificated instructional staff salary for the purpose of apportionment.

APPORTIONMENT

- 392-121-400 Payment of basic education allocation funds.
- 392-121-405 Termination of an interdistrict cooperative agreement.
- 392-121-415 Basic education allocation--Deductible revenues.
- 392-121-420 Basic education allocation--Federal forest funds.
- 392-121-425 Basic education allocation during strike.
- 392-121-430 Kindergarten and grade one through twelve programs considered collectively--Failure to operate an approved program--Denial of apportionment.
- 392-121-440 Emergency advance payments.
- 392-121-442 Forfeiture of earnings on emergency advance.
- 392-121-445 Procedure for crediting portion of basic education allocation for capital purposes in school districts.
- 392-121-460 Fire district allocation.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 392-121-101 Authority. [Statutory Authority: RCW 28A.41.170. 84-20-077 (Order 84-35), § 392-121-101, filed 10/2/84.] Repealed by 88-03-013 (Order 88-8), filed 1/11/88. Statutory Authority: RCW 28A.41-.055 and 28A.41.170.
- 392-121-103 Purpose. [Statutory Authority: RCW 28A.41.170. 84-20-077 (Order 84-35), § 392-121-103, filed 10/2/84.] Repealed by 88-03-013 (Order 88-8), filed 1/11/88. Statutory Authority: RCW 28A.41-.055 and 28A.41.170.
- 392-121-105 Definitions--Enrolled and full-time equivalent student. [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.] Repealed by 88-

- 03-013 (Order 88-8), filed 1/11/88. Statutory Authority: RCW 28A.41.055 and 28A.41.170.
- 392-121-110 Additional definitions. [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.] Repealed by 88-03-013 (Order 88-8), filed 1/11/88. Statutory Authority: RCW 28A.41.055 and 28A.41.170.
- 392-121-115 Definitions—Certificated and classified employees—Full-time equivalent. [Statutory Authority: RCW 28A.41.170. 81-20-071 (Order 81-15), § 392-121-115, filed 10/6/81. Statutory Authority: RCW 28A.41.055 and 28A.41.170. 80-10-010 (Order 80-29), § 392-121-115, filed 7/28/80.] Repealed by 88-03-013 (Order 88-8), filed 1/11/88. Statutory Authority: RCW 28A.41.055 and 28A.41.170.
- 392-121-120 Definition—LEAP Document 1. [Statutory Authority: RCW 28A.41.170. 81-20-071 (Order 81-15), § 392-121-120, filed 10/6/81. Statutory Authority: RCW 28A.41.055 and 28A.41.170. 80-10-010 (Order 80-29), § 392-121-120, filed 7/28/80.] Repealed by 88-03-013 (Order 88-8), filed 1/11/88. Statutory Authority: RCW 28A.41.055 and 28A.41.170.
- 392-121-121 Definition—Certificated staff mix factor. [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.] Repealed by 88-03-013 (Order 88-8), filed 1/11/88. Statutory Authority: RCW 28A.41.055 and 28A.41.170.
- 392-121-125 Definition—District certificated staff mix factor. [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.] Repealed by 88-03-013 (Order 88-8), filed 1/11/88. Statutory Authority: RCW 28A.41.055 and 28A.41.170.
- 392-121-126 Definition—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.] Repealed by 88-03-013 (Order 88-8), filed 1/11/88. Statutory Authority: RCW 28A.41.055 and 28A.41.170.
- 392-121-127 Proration of school district certificated staff mix factor. [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.] Repealed by 88-03-013 (Order 88-8), filed 1/11/88. Statutory Authority: RCW 28A.41.055 and 28A.41.170.
- 392-121-128 Definition—Classified increment mix factor. [Statutory Authority: RCW 28A.41.170 and 28A.41.055. 84-17-051 (Order 84-30), § 392-121-128, filed 8/13/84.] Repealed by 88-03-013 (Order 88-8), filed 1/11/88. Statutory Authority: RCW 28A.41.055 and 28A.41.170.
- 392-121-129 Definition—District classified increment mix factor. [Statutory Authority: RCW 28A.41.170 and 28A.41.055. 84-17-051 (Order 84-30), § 392-121-129, filed 8/13/84.] Repealed by 88-03-013 (Order 88-8), filed 1/11/88. Statutory Authority: RCW 28A.41.055 and 28A.41.170.
- 392-121-130 Definition—Certificated years of experience. [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.] Repealed by 88-03-013 (Order 88-8), filed 1/11/88. Statutory Authority: RCW 28A.41.055 and 28A.41.170.
- 392-121-131 Definition—Classified years of experience. [Statutory Authority: RCW 28A.41.170 and 28A.41.055. 84-17-051 (Order 84-30), § 392-121-131, filed 8/13/84.] Repealed by 88-03-013 (Order 88-8), filed 1/11/88. Statutory Authority: RCW 28A.41.055 and 28A.41.170.
- 392-121-135 Definition—Highest degree level. [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.] Repealed by 88-03-013 (Order 88-8), filed 1/11/88. Statutory Authority: RCW 28A.41.055 and 28A.41.170.
- 392-121-140 Definition—Credits earned since highest degree. [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.] Repealed by 88-03-013 (Order 88-8), filed 1/11/88. Statutory Authority: RCW 28A.41.055 and 28A.41.170.
- 392-121-145 Placement of nondegree certificated personnel on LEAP Document 1. [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.] Repealed by 88-03-013 (Order 88-8), filed 1/11/88. Statutory Authority: RCW 28A.41.055 and 28A.41.170.
- 392-121-150 Placement of certificated staff with degrees on certificated staff mix table. [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.] Repealed by 88-03-013 (Order 88-8), filed 1/11/88. Statutory Authority: RCW 28A.41.055 and 28A.41.170.
- 392-121-155 Placement on certificated staff mix table—Documentation required. [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.] Repealed by 88-03-013 (Order 88-8), filed 1/11/88. Statutory Authority: RCW 28A.41.055 and 28A.41.170.
- 392-121-160 Reporting requirements—General. [Statutory Authority: RCW 28A.41.055 and 28A.41.170. 80-10-010 (Order 80-29), § 392-121-160, filed 7/28/80.] Repealed by 88-03-013 (Order 88-8), filed 1/11/88. Statutory Authority: RCW 28A.41.055 and 28A.41.170.
- 392-121-165 Payment of basic education allocation funds. [Statutory Authority: RCW 28A.41.055 and 28A.41.170. 80-10-010 (Order 80-29), § 392-121-165, filed 7/28/80.] Repealed by 88-03-013 (Order 88-8), filed 1/11/88. Statutory Authority: RCW 28A.41.055 and 28A.41.170.
- 392-121-170 Basic education allocation—Resident and nonresident students. [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.] Repealed by 88-03-013 (Order 88-8), filed 1/11/88. Statutory Authority: RCW 28A.41.055 and 28A.41.170.
- 392-121-175 Basic education allocation—Deductible revenues. [Statutory Authority: RCW 28A.41.170. 81-20-071 (Order 81-15), § 392-121-175, filed 10/6/81. Statutory Authority: RCW 28A.41.130(4) and 28A.41.170. 80-15-025 (Order 80-36), § 392-121-175, filed 10/8/80. Statutory Authority: RCW 28A.41.055 and 28A.41.170. 80-10-010 (Order 80-29), § 392-121-175, filed 7/28/80.] Repealed by 88-03-013 (Order 88-8), filed 1/11/88. Statutory Authority: RCW 28A.41.055 and 28A.41.170.
- 392-121-176 Basic education allocation during strike. [Statutory Authority: RCW 28A.41.170. 81-19-005 (Order 81-

- 16), § 392-121-176, filed 9/4/81.] Repealed by 88-03-013 (Order 88-8), filed 1/11/88. Statutory Authority: RCW 28A.41.055 and 28A.41.170.
- 392-121-177 Kindergarten and grade one through twelve programs considered collectively—Failure to operate an approved program—Denial of apportionment. [Statutory Authority: RCW 28A.41.170. 81-19-006 (Order 81-17), § 392-121-177, filed 9/4/81.] Repealed by 88-03-013 (Order 88-8), filed 1/11/88. Statutory Authority: RCW 28A.41.055 and 28A.41.170.
- 392-121-180 Enrollment time credit-off-campus—Alternative learning experiences—Study time—National Guard—Absences. [Statutory Authority: RCW 28A.41.055 and 28A.41.170. 80-10-010 (Order 80-29), § 392-121-180, filed 7/28/80.] Repealed by 88-03-013 (Order 88-8), filed 1/11/88. Statutory Authority: RCW 28A.41.055 and 28A.41.170.
- 392-121-185 Advance payments—Emergency. [Statutory Authority: RCW 28A.41.055 and 28A.41.170. 80-10-010 (Order 80-29), § 392-121-185, filed 7/28/80.] Repealed by 88-03-013 (Order 88-8), filed 1/11/88. Statutory Authority: RCW 28A.41.055 and 28A.41.170.
- 392-121-186 Procedure for crediting portion of basic education allocation for capital purposes in school districts. [Statutory Authority: RCW 28A.41.170. 81-20-071 (Order 81-15), § 392-121-186, filed 10/6/81.] Repealed by 88-03-013 (Order 88-8), filed 1/11/88. Statutory Authority: RCW 28A.41.055 and 28A.41.170.
- 392-121-190 Reporting requirements. [Statutory Authority: RCW 28A.41.055 and 28A.41.170. 80-10-010 (Order 80-29), § 392-121-190, filed 7/28/80.] Repealed by 88-03-013 (Order 88-8), filed 1/11/88. Statutory Authority: RCW 28A.41.055 and 28A.41.170.
- 392-121-195 Fire district allocation. [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.] Repealed by 88-03-013 (Order 88-8), filed 1/11/88. Statutory Authority: RCW 28A.41.055 and 28A.41.170.

GENERAL PROVISIONS

WAC 392-121-001 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 supplemented 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.41.055 and 28A.41.170. 88-03-013 (Order 88-8), § 392-121-001, filed 1/11/88.]

WAC 392-121-003 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. This section shall apply for apportionment purposes only and shall not apply to program approval standards for basic education entitlement.

[Statutory Authority: RCW 28A.41.055 and 28A.41.170. 88-03-013 (Order 88-8), § 392-121-003, filed 1/11/88.]

WAC 392-121-007 Organization of this chapter.

This chapter is in the following general subject areas:

- Sections 001-099 General provisions.
- Sections 100-199 Enrollment.
- Sections 200-299 Certificated instructional staff.
- Sections 400-499 Apportionment.

[Statutory Authority: RCW 28A.41.055 and 28A.41.170. 88-03-013 (Order 88-8), § 392-121-007, filed 1/11/88.]

WAC 392-121-021 Reporting requirements. The reporting requirements of school districts are as follows:

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

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

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

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

(5) In the event a district has extenuating circumstances, the district may deliver required reports directly to the superintendent of public instruction: *Provided*, That not later than the due date(s) established pursuant

to this section, the school district notifies the educational service district superintendent or designee of the extenuating circumstances and the decision to deliver such report to the superintendent of public instruction; such reports are received by the superintendent of public instruction not later than the close of business on the date established by the superintendent of public instruction; and the school district provides the educational service district superintendent with a copy of such report(s) within a reasonable amount of time following the due date.

[Statutory Authority: RCW 28A.41.055 and 28A.41.170. 88-03-013 (Order 88-8), § 392-121-021, filed 1/11/88.]

WAC 392-121-031 Definition--School year. As used in this chapter, "school year" means 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 the 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. 88-03-013 (Order 88-8), § 392-121-031, filed 1/11/88.]

WAC 392-121-033 Definition--School day. As used in this chapter, "school day" means a calendar day except school holidays on which 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.

[Statutory Authority: RCW 28A.41.055 and 28A.41.170. 88-03-013 (Order 88-8), § 392-121-033, filed 1/11/88.]

ENROLLMENT

WAC 392-121-101 Repealed. See Disposition Table at beginning of this chapter.

WAC 392-121-103 Repealed. See Disposition Table at beginning of this chapter.

WAC 392-121-105 Repealed. See Disposition Table at beginning of this chapter.

WAC 392-121-106 Definition--Enrolled student. As used in this chapter, "enrolled student" means a person who:

(1) After the close of the prior school year 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 in grades kindergarten through twelve;

(2) Is under twenty-one years of age at the beginning of the school year;

(3) Actually participated on a school day during the current school year in a course of study as defined in WAC 392-121-107; and

(4) Does not qualify for any of the enrollment exclusions set forth in WAC 392-121-108.

[Statutory Authority: RCW 28A.41.055 and 28A.41.170. 88-03-013 (Order 88-8), § 392-121-106, filed 1/11/88.]

WAC 392-121-107 Definition--Courses of study. As used in this chapter, "courses of study" means those activities for which students enrolled pursuant to chapters 180-50, 180-51, and 392-134 WAC may be counted as enrolled students for the purpose of full-time equivalent student enrollment counts.

(1) Courses of study include:

(a) On-campus instruction – teaching/learning experiences conducted on campus, including qualifying non-class study time. In order to qualify as on-campus instruction, nonclass study time must be scheduled in conjunction with other educational activity which occurs on campus during the school day, and participation in such study time must be monitored.

(b) Off-campus instruction – teaching/learning experiences primarily conducted off-campus in conformance with WAC 392-121-181.

(c) Alternative learning experience – alternative learning experience conducted on or off campus in conformance with WAC 392-121-182.

(d) Contracting – enrollment in an educational institution other than a school district in conformance with WAC 392-121-183.

(e) National guard – participation in a national guard high school career training program for which credit is being given toward either required or elective high school credits pursuant to RCW 28A.04.133 and WAC 180-50-320. Such participation may be counted as a course of study only by the school district which the individual last attended.

(f) Ancillary service – service provided to private school and home-based students in conformance with chapter 392-134 WAC. Ancillary service is reported annually to the superintendent of public instruction by school districts for the number of hours that private school and home-based students attend class or receive ancillary service. Ancillary service is not counted on the monthly report pursuant to WAC 392-121-122.

(g) Work experience training – training provided pursuant to WAC 180-50-315.

(2) Courses of study do not include:

(a) Home-based instruction pursuant to RCW 28A.27.010(4).

(b) Enrollment in state institutions, i.e., handicapped institutions, neglected and delinquent institutions, group homes, and juvenile detention centers.

[Statutory Authority: RCW 28A.41.055 and 28A.41.170. 88-03-013 (Order 88-8), § 392-121-107, filed 1/11/88.]

WAC 392-121-108 Enrollment exclusions. A person who qualifies for any of the exclusions set forth in this section shall not be counted as an enrolled student pursuant to WAC 392-121-106.

(1) Absences – a student whose consecutive days of absence from school encompasses two consecutive monthly enrollment count days as specified in WAC 392-121-122 shall not be counted on the next enrollment count day as an enrolled student unless one of the following requirements is met:

(a) Attendance is resumed; or

(b) There is an agreement between the appropriate school official and the student's parent or guardian pursuant to RCW 28A.27.010 that the student's temporary absence is not deemed to cause a serious adverse effect upon the student's educational progress: *Provided*, That such temporary absence shall not exceed twenty consecutive school days.

(2) Dropouts – a student for whom the school district has received notification of dropping out of school by the student or the student's parent or guardian shall not be counted as an enrolled student unless attendance is resumed.

(3) Transfers – a student for whom the school district has received notification of transfer to another public or private school from the school to which the student is transferring, the student, or the student's parent or guardian shall not be counted as an enrolled student unless attendance is resumed in that school district.

(4) Suspensions – a student who has been suspended from school pursuant to WAC 180-40-260, when the conditions of the suspension will cause the student to lose academic grades or credit, shall not be counted as an enrolled student until attendance is resumed.

(5) Expulsions – a student who has been expelled from school by the school district pursuant to WAC 180-40-275 shall not be counted as an enrolled student.

[Statutory Authority: RCW 28A.41.055 and 28A.41.170. 88-03-013 (Order 88-8), § 392-121-108, filed 1/11/88.]

WAC 392-121-110 Repealed. See Disposition Table at beginning of this chapter.

WAC 392-121-111 Definitions--Residence, resident student and nonresident student. As used in this chapter, "residence," "resident student" and "nonresident student" mean the same as defined in WAC 392-137-010 when determining an enrolled student.

[Statutory Authority: RCW 28A.41.055 and 28A.41.170. 88-03-013 (Order 88-8), § 392-121-111, filed 1/11/88.]

WAC 392-121-115 Repealed. See Disposition Table at beginning of this chapter.

WAC 392-121-120 Repealed. See Disposition Table at beginning of this chapter.

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

WAC 392-121-122 Definition--Full-time equivalent student. As used in this chapter, "full-time equivalent student" means each enrolled student 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 at least the minimum number of hours set forth in subsection (1) of this section, 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.

(1) The minimum hours for each grade are as follows:

(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.

[Statutory Authority: RCW 28A.41.055 and 28A.41.170. 88-03-013 (Order 88-8), § 392-121-122, filed 1/11/88.]

WAC 392-121-123 Nonstandard school year programs. Notwithstanding the count dates in WAC 392-121-122, a student who is participating in a course of study on a tuition-free basis and who has not been counted as a full-time equivalent student for all of the first nine months of the school year may be counted in any of the last three months of the school year as long as enrollment counts for such student do not exceed the limitation on enrollment counts set forth in WAC 392-121-136.

[Statutory Authority: RCW 28A.41.055 and 28A.41.170. 88-03-013 (Order 88-8), § 392-121-123, filed 1/11/88.]

WAC 392-121-125 Repealed. See Disposition Table at beginning of this chapter.

WAC 392-121-126 Repealed. See Disposition Table at beginning of this chapter.

WAC 392-121-127 Repealed. See Disposition Table at beginning of this chapter.

WAC 392-121-128 Repealed. See Disposition Table at beginning of this chapter.

WAC 392-121-129 Repealed. See Disposition Table at beginning of this chapter.

WAC 392-121-130 Repealed. See Disposition Table at beginning of this chapter.

WAC 392-121-131 Repealed. See Disposition Table at beginning of this chapter.

WAC 392-121-133 Definition--Annual average full-time equivalent students. As used in this chapter, "annual average full-time equivalent students" means the sum of the following:

(1) The quotient obtained by dividing the annual total of full-time equivalent students enrolled and reported to the superintendent of public instruction pursuant to WAC 392-121-122 by nine;

(2) The hours of ancillary service to private school and home-based students reported pursuant to WAC 392-121-107(6) divided by 900.

[Statutory Authority: RCW 28A.41.055 and 28A.41.170. 88-03-013 (Order 88-8), § 392-121-133, filed 1/11/88.]

WAC 392-121-135 Repealed. See Disposition Table at beginning of this chapter.

WAC 392-121-136 Limitation on enrollment counts. Enrollment counts pursuant to WAC 392-121-106 through 392-121-133 are subject to the following limitations:

(1) Except as provided in subsection (2) of this section, no student, including a student enrolled in more than one district, shall be counted as more than one full-time equivalent student on any count date or more than one annual average full-time equivalent student in any school year.

(2) 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 annual average full-time equivalent student for each 900 hours of planned student enrollment for the summer term based upon the July enrollment data.

(3) A student who is five years of age at the beginning of the school year and who is enrolled in a preschool handicapped program shall not be counted as a kindergarten student pursuant to WAC 392-121-122 unless the student is enrolled full time in the preschool handicapped program or attends a regular kindergarten program in addition to the preschool handicapped program.

[Statutory Authority: RCW 28A.41.055 and 28A.41.170. 88-03-013 (Order 88-8), § 392-121-136, filed 1/11/88.]

WAC 392-121-140 Repealed. See Disposition Table at beginning of this chapter.

WAC 392-121-145 Repealed. See Disposition Table at beginning of this chapter.

WAC 392-121-150 Repealed. See Disposition Table at beginning of this chapter.

WAC 392-121-155 Repealed. See Disposition Table at beginning of this chapter.

WAC 392-121-160 Repealed. See Disposition Table at beginning of this chapter.

WAC 392-121-161 Definition--Kindergarten. As used in this chapter, "kindergarten" means an instructional program conducted pursuant to RCW 28A.58.754 for students who meet the entry age requirements pursuant to chapter 180-39 WAC.

[Statutory Authority: RCW 28A.41.055 and 28A.41.170. 88-03-013 (Order 88-8), § 392-121-161, filed 1/11/88.]

WAC 392-121-165 Repealed. See Disposition Table at beginning of this chapter.

WAC 392-121-170 Repealed. See Disposition Table at beginning of this chapter.

WAC 392-121-175 Repealed. See Disposition Table at beginning of this chapter.

WAC 392-121-176 Repealed. See Disposition Table at beginning of this chapter.

WAC 392-121-177 Repealed. See Disposition Table at beginning of this chapter.

WAC 392-121-180 Repealed. See Disposition Table at beginning of this chapter.

WAC 392-121-181 Off-campus instruction requirements. Off-campus instruction may be counted as a course of study pursuant to WAC 392-121-107 if the program operates in compliance with an approved written program plan on file in the appropriate school building. Off-campus program plans shall include but not be limited to:

(1) The objective(s) of the program;

(2) The teaching component(s) of the program, including where and when teaching activities will be conducted by school district certificated staff;

(3) A schedule of the duration of the program, including beginning and ending dates within the school year;

(4) A description of how student performance will be supervised, evaluated, and recorded by the certificated staff or by qualified school district employees under the direct supervision of the certificated staff; and

(5) A description of intervention techniques and criteria for their use.

[Statutory Authority: RCW 28A.41.055 and 28A.41.170. 88-03-013 (Order 88-8), § 392-121-181, filed 1/11/88.]

WAC 392-121-182 Alternative learning experience requirements. An alternative learning program may be counted as a course of study pursuant to WAC 392-121-107 if the following requirements are met:

(1) The program operates in compliance with an approved written program plan on file in the appropriate school building. Alternative learning experience plans shall include but not be limited to:

(a) The objective(s) of the program;

(b) The teaching component(s) of the program, including where and when teaching activities will be conducted by school district certificated staff;

(c) A schedule of the duration of the program, including beginning and ending dates within the school year;

(d) A description of how student performance will be supervised, evaluated, and recorded by the certificated staff or by qualified school district employees under the direct supervision of the certificated staff; and

(e) A description of intervention techniques and criteria for their use.

(2) The student's performance is subject to the direction of and evaluation by the district's certificated staff.

(3) Each course credit which is actively being pursued in an alternative learning experience and which is the equivalent of one course credit may supplement or replace one hour of minimum time toward a scheduled school day.

[Statutory Authority: RCW 28A.41.055 and 28A.41.170. 88-03-013 (Order 88-8), § 392-121-182, filed 1/11/88.]

WAC 392-121-183 Contracting with an educational institution other than a school district. Enrollment in an educational institution other than a school district may be counted as a course of study pursuant to WAC 392-121-107 if the following requirements are met:

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

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

[Statutory Authority: RCW 28A.41.055 and 28A.41.170. 88-03-013 (Order 88-8), § 392-121-183, filed 1/11/88.]

WAC 392-121-185 Repealed. See Disposition Table at beginning of this chapter.

WAC 392-121-186 Repealed. See Disposition Table at beginning of this chapter.

WAC 392-121-190 Repealed. See Disposition Table at beginning of this chapter.

WAC 392-121-195 Repealed. See Disposition Table at beginning of this chapter.

CERTIFICATED INSTRUCTIONAL STAFF

WAC 392-121-200 Definition—Certificated employee. As used in this chapter, "certificated employee" means a person who holds a professional education certificate issued by the superintendent of public instruction and who is employed by a school district in a position for which such certificate is required by statute, rule of the state board of education, or written policy or practice of the employing school district.

[Statutory Authority: RCW 28A.41.055 and 28A.41.170. 88-03-013 (Order 88-8), § 392-121-200, filed 1/11/88.]

WAC 392-121-205 Definition—Certificated instructional employee. As used in this chapter, "certificated instructional employee" means any certificated

employee except one who is employed solely as one or more of the following:

(1) Chief executive officer, chief administrative officer, or confidential employee within the meaning of RCW 41.59.020(4);

(2) Principal, assistant principal, and any person hired in any manner to fill a position designated as, or which is in fact, that of principal or assistant principal;

(3) Other district administrator, which means an employee, including an administrative assistant, director, or coordinator of a district-wide program, who directs staff members and/or manages a function, a program, or a supporting service in a school district; and

(4) Other school administrator, which means an employee including an administrative assistant, administrative intern, or supervisor of a school program, who directs staff members or manages a function, a program, or a support service in a school.

[Statutory Authority: RCW 28A.41.055 and 28A.41.170. 88-03-013 (Order 88-8), § 392-121-205, filed 1/11/88.]

WAC 392-121-210 Definition—Basic education certificated instructional employee. As used in this chapter, "basic education certificated instructional employee" means a certificated instructional employee assigned in whole or in part to the following programs as defined 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) Skills center, program 45;

(4) General instruction support, program 94; and

(5) General support services, program 97.

[Statutory Authority: RCW 28A.41.055 and 28A.41.170. 88-03-013 (Order 88-8), § 392-121-210, filed 1/11/88.]

WAC 392-121-215 Definition—Full-time equivalent (FTE) basic education certificated instructional staff. As used in this chapter, "full-time equivalent (FTE) basic education certificated instructional staff" means the number of staff units determined as follows:

(1) Each employee of the school district who, as of October 1 of the school year, is contracted to provide services as a basic education certificated instructional employee for not less than 180 full work days shall be counted as one FTE.

(2) Each employee of the school district who, as of October 1 of the school year, is contracted to provide services for 180 partial days as a basic education certificated instructional employee shall be counted as a partial FTE, such part to be the quotient to the nearest thousandth obtained by dividing that part of the day worked by the full day as determined by the district.

(3) Each employee of the school district who, as of October 1 of the school year, is contracted to provide services for less than 180 full work days as a basic education certificated instructional employee shall be counted as a partial FTE, such part to be the quotient rounded to the nearest thousandth obtained by dividing the number of work days contracted for by 180: *Provided*, That if the normal annual full-time contract for

the position exceeds 180 work days, the greater number of work days normally contracted shall be used as the divisor.

(4) Each employee of the school district who, as of October 1 of the school year, is contracted to provide services for less than 180 partial days as a basic education certificated instructional employee shall be counted as a partial FTE, such part to be the quotient to the nearest thousandth obtained by dividing the part of the day worked by the full day as determined by the district and then multiplying the result by the ratio of work days contracted for to 180: *Provided*, That if the normal annual full-time contract for the position exceeds 180 work days, the greater number of work days normally contracted shall be used in place of 180 in the ratio.

(5) No employee shall be counted as more than one full-time equivalent basic education certificated staff unit.

(6) The length of a full work day as used in this section shall be determined by the district.

[Statutory Authority: RCW 28A.41.055 and 28A.41.170. 88-03-013 (Order 88-8), § 392-121-215, filed 1/11/88.]

WAC 392-121-220 Definition--Form S-275. As used in this chapter, "Form S-275" means 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 shall include only certificated individuals employed by the district as of October 1 of the school year.

[Statutory Authority: RCW 28A.41.055 and 28A.41.170. 88-03-013 (Order 88-8), § 392-121-220, filed 1/11/88.]

WAC 392-121-225 Definition--Report S-727. As used in this chapter, "Report S-727" means the alphabetic listing of certificated personnel employed by a school 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.

[Statutory Authority: RCW 28A.41.055 and 28A.41.170. 88-03-013 (Order 88-8), § 392-121-225, filed 1/11/88.]

WAC 392-121-245 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" means the number of years of accumulated full-time and part-time professional education employment prior to the current reporting school year in the state of Washington, out-of-state, and a foreign country 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. Substitute days, if documented, shall be reported as part-time professional education employment calculated by dividing the accumulated number of full-time substitute days by one hundred eighty and rounding to the nearest tenth. Partial substitute days shall be reported as part-time professional education employment calculated by dividing the part of the day worked by the full day as determined by the district and rounded to the nearest tenth of a day. 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 an educational agency or institution including but not limited to an educational service district, office of the superintendent of public instruction, or United States department of education in any professional position including but not limited to C.P.A., architect, business manager, or physician;

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

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

(b) Sabbatical leave; and

(c) For vocational instructors who hold no degree, up to a maximum of six years of management experience acquired after the instructor meets the minimum vocational certification requirements.

[Statutory Authority: RCW 28A.41.055 and 28A.41.170. 88-03-013 (Order 88-8), § 392-121-245, filed 1/11/88.]

WAC 392-121-250 Definition--Highest degree level. As used in this chapter, the term "highest degree level" means the highest degree earned by the employee from an accredited college or university.

[Statutory Authority: RCW 28A.41.055 and 28A.41.170. 88-03-013 (Order 88-8), § 392-121-250, filed 1/11/88.]

WAC 392-121-255 Definition--Academic credits. As used in this chapter, "academic credits" means credits determined as follows:

(1) Credits are earned after the awarding or conferring of the employee's first bachelor's degree.

(2) Credits are earned on or before October 1 of the year for which allocations are being calculated pursuant to this chapter.

(3) Credits are earned from an accredited community college, college, or university.

(4) Credits are transferrable or applicable to a bachelor's or more advanced degree program.

(5) Credits are not counted as in-service credits pursuant to WAC 392-121-257.

(6) The number of credits equals the number of quarter hours, units or semester hours each converted to quarter hours earned from the community college, college, or university.

[Statutory Authority: RCW 28A.41.055 and 28A.41.170. 88-03-013 (Order 88-8), § 392-121-255, filed 1/11/88.]

WAC 392-121-257 Definition--In-service credits. As used in this chapter, "in-service credits" means credits determined as follows:

- (1) Credits are earned after August 31, 1987.
- (2) Credits are earned on or before October 1 of the year for which allocations are being calculated pursuant to this chapter.
- (3) Credits are earned in either:
 - (a) A locally approved in-service training program which means a program approved by a school district board of directors, and meeting standards adopted by the state board of education pursuant to the standards in WAC 180-85-200 and the development of which has been participated in by an in-service training task force whose membership is the same as provided under RCW 28A.71.210; or
 - (b) A state approved continuing education program offered by an education agency approved to provide in-service for the purposes of continuing education as provided for under rules adopted by the state board of education pursuant to chapter 180-85 WAC.
- (4) Credits are not counted as academic credits pursuant to WAC 392-121-255.
- (5) Credits are not earned for the purpose of satisfying the requirements of the employee's next highest degree.
- (6) Ten locally approved in-service or state approved continuing education credit hours defined in WAC 180-85-030 equal one in-service credit.

[Statutory Authority: RCW 28A.41.055 and 28A.41.170. 88-03-013 (Order 88-8), § 392-121-257, filed 1/11/88.]

WAC 392-121-260 Definition--Total eligible credits. As used in this chapter, "total eligible credits" means the number of credits determined as follows:

- (1) For an employee whose highest degree is a bachelor's degree, sum academic and in-service credits as defined in WAC 392-121-255 and 392-121-257.
- (2) For an employee whose highest degree is a master's degree which was awarded or conferred on or before August 31, 1987, sum academic and in-service credits as defined in WAC 392-121-255 and 392-121-257 earned after the awarding or conferring of the master's degree.
- (3) For an employee whose highest degree is a master's degree earned after August 31, 1987, sum the following:
 - (a) Academic credits as defined in WAC 392-121-255 earned after the awarding or conferring of the master's degree;
 - (b) In-service credits as defined in WAC 392-121-257 earned after the awarding or conferring of the master's degree; and
 - (c) In-service credits as defined in WAC 392-121-257 earned after August 31, 1987, and before August 31, 1988, or the awarding or conferring of the master's degree whichever is earlier.

[Statutory Authority: RCW 28A.41.170 and 28A.41.055. 88-22-064 (Order 88-24), § 392-121-260, filed 11/2/88; 88-03-013 (Order 88-8), § 392-121-260, filed 1/11/88.]

WAC 392-121-265 Definition--State-wide salary allocation schedule. As used in this chapter, "state-wide salary allocation schedule" means the schedule established by the legislature for each school year pursuant to section 204, chapter 2, Laws of 1987 1st ex. sess. and the biennial Operating Appropriations Act for the purpose of determining funding for basic education certificated instructional staff salaries.

[Statutory Authority: RCW 28A.41.055 and 28A.41.170. 88-03-013 (Order 88-8), § 392-121-265, filed 1/11/88.]

WAC 392-121-267 Definition--LEAP Document 1. As used in this chapter, "LEAP Document 1" means the computerized tabulation establishing staff mix factors for basic education certificated instructional staff according to education and years of experience, as developed by the legislative evaluation and accountability program committee on August 18, 1987, at 13:26 hours.

[Statutory Authority: RCW 28A.41.055 and 28A.41.170. 88-03-013 (Order 88-8), § 392-121-267, filed 1/11/88.]

WAC 392-121-268 Definition--LEAP Document 11. As used in this chapter, "LEAP Document 11" means the computerized tabulation of 1986-87 derived base salaries for basic education certificated instructional staff, as developed by the legislative evaluation and accountability program committee on August 19, 1987, at 10:29 hours.

[Statutory Authority: RCW 28A.41.055 and 28A.41.170. 88-03-013 (Order 88-8), § 392-121-268, filed 1/11/88.]

WAC 392-121-270 Placement of certificated instructional staff with degrees on the state-wide salary allocation schedule and on LEAP Document 1. Each certificated instructional employee with a degree shall be placed on the state-wide salary allocation schedule and on LEAP Document 1 based on the employee's years of experience, highest degree level, and total eligible credits as defined in this chapter.

- (1) If an employee holds more than one degree of the same level, additional credits shall be counted after the first degree.
- (2) A certificated instructional employee who holds a valid vocational certificate acquired as the result of industrial experience rather than college training, and who also has earned a college degree which is incidental to or not related to the vocational certificate shall be reported by the school district as holding no degree.
- (3) For placement on the state-wide salary allocation schedule and on LEAP Document 1, years of experience and total eligible credits shall be rounded to the nearest whole number. One-half year or credit shall be rounded to the next highest year or credit.

[Statutory Authority: RCW 28A.41.055 and 28A.41.170. 88-03-013 (Order 88-8), § 392-121-270, filed 1/11/88.]

WAC 392-121-272 Placement of nondegree certificated instructional personnel on the state-wide salary allocation schedule and on LEAP Document 1. Certificated employees without college degrees shall be placed on the state-wide salary allocation schedule and 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) For certificated instructional employees having no degree of bachelor's level or higher, no credits earned beyond degree may be reported except as provided in subsections (3) and (4) of this section.

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

(4) Persons holding valid vocational certificates as provided for in chapter 180-77 WAC shall be placed on the state-wide salary allocation schedule and 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.

(5) Years of experience and quarter credit hours shall be rounded to the nearest whole number. One-half year or credit shall be rounded to the next highest year or credit.

[Statutory Authority: RCW 28A.41.055 and 28A.41.170. 88-03-013 (Order 88-8), § 392-121-272, filed 1/11/88.]

WAC 392-121-280 Placement on state-wide salary allocation schedule and on LEAP Document 1--Documentation required. School districts shall have documentation on file and available for review which substantiates each certificated employee's placement on the state-wide salary allocation schedule and on LEAP Document 1.

(1) Districts shall document the date of awarding or conferring of the highest 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.

(2) Districts shall document total eligible credits on an official transcript or letter from the institution granting the credits or performing the in-service training.

(3) Districts shall document years of experience that are eligible for application on the state-wide salary allocation schedule and on LEAP Document 1. Documentation for years of experience shall be on letters or any other documents that provides evidence of employment including dates of employment.

[Statutory Authority: RCW 28A.41.055 and 28A.41.170. 88-03-013 (Order 88-8), § 392-121-280, filed 1/11/88.]

WAC 392-121-285 Definition--District average basic education certificated instructional staff salary per placement on the state-wide salary allocation schedule. As used in this chapter, "district basic education certificated instructional staff salary per placement on the state-wide salary allocation schedule" means the amount rounded to the nearest whole dollar determined as follows:

(1) Assign a salary to each basic education certificated instructional employee by placing the employee on the state-wide salary allocation schedule pursuant to WAC 392-121-270 or 392-121-272;

(2) Multiply the result by the full-time equivalency for the time each employee meets the definition of full-time equivalent basic education certificated instructional staff pursuant to WAC 392-121-215;

(3) Sum the results obtained in subsection (2) of this section for all basic education certificated instructional employees; and

(4) Divide the result by the district's total full-time equivalent basic education certificated instructional staff.

(5) For the purposes of this section basic education certificated instructional employees are those employed by the school district as of October 1 of the school year as reported to the superintendent of public instruction on Form S-275.

[Statutory Authority: RCW 28A.41.055 and 28A.41.170. 88-03-013 (Order 88-8), § 392-121-285, filed 1/11/88.]

WAC 392-121-290 Definition--District actual average annual basic education certificated instructional staff salary. As used in this chapter, "district actual average annual basic education certificated instructional staff salary" means the amount rounded to the nearest whole dollar determined as follows:

(1) Determine for each basic education certificated instructional employee the actual annual certificated instructional employee salary for the school year as reported to the superintendent of public instruction prior to June 1 of the school year;

(2) Multiply the result obtained in subsection (1) of this section by the full-time equivalency for the time each employee qualifies as full-time equivalent basic education certificated instructional staff pursuant to WAC 392-121-215.

(3) Sum the results obtained in subsection (2) of this section for all basic education certificated instructional employees; and

(4) Divide the result obtained in subsection (3) of this section by the district's total full-time equivalent basic education certificated instructional staff for the 1986-87

school year as reported to the superintendent of public instruction prior to June 1 of the school year.

(5) For the purposes of this section certificated instructional employees are those employed by the school district as of October 1 of the school year and as reported to the superintendent of public instruction on Form S-275.

[Statutory Authority: RCW 28A.41.055 and 28A.41.170. 88-03-013 (Order 88-8), § 392-121-290, filed 1/11/88.]

WAC 392-121-295 Definition--District average staff mix factor for basic education certificated instructional staff. As used in this chapter, "district average staff mix factor for basic education certificated instructional staff" means the number rounded to three decimal places determined as follows:

(1) Assign a staff mix factor to each basic education certificated instructional employee by placing the employee on LEAP Document 1 pursuant to WAC 392-121-270 or 392-121-272;

(2) Multiply the result by the full-time equivalency for the time each employee meets the definition of full-time equivalent basic education certificated instructional employee pursuant to WAC 392-121-215;

(3) Sum the results obtained in subsection (2) of this section for all basic education certificated instructional employees of the school district; and

(4) Divide the result by the district's total full-time equivalent basic education certificated instructional staff.

(5) For the purpose of this section basic education certificated instructional staff are those employed by the school district as of October 1 of the school year as reported to the superintendent of public instruction on Form S-275.

[Statutory Authority: RCW 28A.41.055 and 28A.41.170. 88-03-013 (Order 88-8), § 392-121-295, filed 1/11/88.]

WAC 392-121-297 Definition--District actual derived base salary for basic education certificated instructional staff. As used in this chapter, "district actual derived base salary for basic education certificated instructional staff" means the amount rounded to the nearest whole dollar determined as follows:

(1) Determine the school district's actual average annual basic education certificated instructional staff salary for the school year pursuant to WAC 392-121-290; and

(2) Divide the result by the district's average staff mix factor for basic education certificated instructional staff for the school year determined pursuant to WAC 392-121-295.

[Statutory Authority: RCW 28A.41.055 and 28A.41.170. 88-03-013 (Order 88-8), § 392-121-297, filed 1/11/88.]

WAC 392-121-299 Determination of district average basic education certificated instructional staff salary for the purpose of apportionment. Each school district's average basic education certificated instructional staff salary for the purpose of apportioning state general fund moneys to school districts pursuant to RCW 28A.41.130

and 28A.41.140, chapter 2, Laws of 1987 1st ex. sess., and the biennial Operating Appropriations Act, shall be determined by the superintendent of public instruction as provided in this section.

(1) For the 1987-88 school year each district's average basic education certificated instructional staff salary shall be the greater of:

(a) The district average basic education certificated instructional staff salary per placement on the state-wide salary allocation schedule; or

(b) The district actual average annual basic education certificated instructional staff salary for the 1986-87 school year improved by 2.1 percent; or

(c) The district's 1986-87 derived base salary for basic education certificated instructional staff as shown on LEAP Document 11, multiplied by the district's average staff mix factor for 1987-88 basic education certificated instructional staff, and further increased by 2.1 percent.

(2) For the 1988-89 school year each district's average basic education certificated instructional staff salary shall be the greater of:

(a) The district average basic education certificated instructional staff salary per placement on the 1988-89 state-wide salary allocation schedule; or

(b) For districts which received salary allocations for the 1987-88 school year under subsection (1)(b) or (c) of this section, the district's actual 1987-88 derived base salary for basic education certificated instructional staff, multiplied by the district's average staff mix factor for 1988-89 basic education certificated instructional staff, and further increased by 2.1 percent.

[Statutory Authority: RCW 28A.41.055 and 28A.41.170. 88-03-013 (Order 88-8), § 392-121-299, filed 1/11/88.]

APPORTIONMENT

WAC 392-121-400 Payment of basic education allocation funds. From the basic education allocation funds appropriated to the superintendent of public instruction, the superintendent shall make twelve monthly payments during each school year pursuant to RCW 28A.48.010 to each school district operating a program approved by the state board of education: *Provided*, That each school district submits data in a timely manner as requested by the superintendent of public instruction.

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

As the school year progresses, monthly payments to school districts shall be adjusted to reflect actual full-time equivalent students enrolled, district average basic education certificated instructional staff salary per placement on the state-wide salary allocation schedule,

other school district characteristics, deductible revenues and such other data as are deemed necessary by the superintendent and reported by school districts and other governmental agencies on forms provided or approved by the superintendent of public instruction. The superintendent of public instruction annually shall advise each school district and educational service district of the dates on which data are required to be submitted to educational service districts or the superintendent of public instruction and dates on which payments will be made to school districts.

[Statutory Authority: RCW 28A.41.055 and 28A.41.170. 88-03-013 (Order 88-8), § 392-121-400, filed 1/11/88.]

WAC 392-121-405 Termination of an interdistrict cooperative agreement. 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.41.055 and 28A.41.170. 88-03-013 (Order 88-8), § 392-121-405, filed 1/11/88.]

WAC 392-121-415 Basic education allocation--Deductible revenues. In addition to those funds appropriated by the legislature for basic education allocation purposes, the deductible revenues expressly identified in RCW 28A.41.130 and the following deductible general fund revenues shall be included in the computation of the total annual basic education allocation of each school district pursuant to RCW 28A.41.130 and 28A.41.140:

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

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

(3) Proceeds from state forests;

(4) Federal in lieu of tax payments; and

(5) County in lieu of tax payments.

Otherwise deductible revenues from any of the foregoing sources received by a school district due solely to the district's levy of a capital projects fund or debt service fund excess tax levy shall constitute nongeneral fund revenues and shall not be deducted in the computation of the district's annual basic education allocation for that school year.

[Statutory Authority: RCW 28A.41.055 and 28A.41.170. 88-03-013 (Order 88-8), § 392-121-415, filed 1/11/88.]

WAC 392-121-420 Basic education allocation--Federal forest funds. The superintendent of public instruction shall distribute federal forest funds pursuant to RCW 28A.02.310 and 28A.41.130.

[1988 WAC Supp.—page 2576]

[Statutory Authority: RCW 28A.41.055 and 28A.41.170. 88-03-013 (Order 88-8), § 392-121-420, filed 1/11/88.]

WAC 392-121-425 Basic education allocation during strike. Unless a school district's program is disapproved in accordance with WAC 180-16-162 through 180-16-164, basic education allocations shall continue for the period of a strike.

[Statutory Authority: RCW 28A.41.055 and 28A.41.170. 88-03-013 (Order 88-8), § 392-121-425, filed 1/11/88.]

WAC 392-121-430 Kindergarten and grade one through twelve programs considered collectively--Failure to operate an approved program--Denial of apportionment. For the purpose of this chapter, a school district's scheduled kindergarten and grade one through twelve programs shall be considered collectively. The total program of a district may not be subdivided for the purpose of applying program approval standards. Those school days which are conducted during the period of a strike following transmittal of a notice of disapproval shall be discounted for state basic education entitlement purposes at the rate of one hundred-eightieth of the district's basic education entitlement for the school year per school day: *Provided*, That kindergarten and grade one through twelve programs shall be considered separately for the purpose of computing compliance with minimum school day requirements and any loss of basic education entitlement.

[Statutory Authority: RCW 28A.41.055 and 28A.41.170. 88-03-013 (Order 88-8), § 392-121-430, filed 1/11/88.]

WAC 392-121-440 Emergency advance payments. A school district may petition the superintendent of public instruction for an emergency advance on the district's basic education allocation not to exceed ten percent of the total amount to become due and apportionable to the district from September 1 through June 30 of the school year. Emergency advances may be granted under the following conditions:

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

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

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

(4) The board of directors of the school district has adopted a petition for the emergency advance which sets forth the following:

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

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

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

(d) The percentage requested to be advanced.

[Statutory Authority: RCW 28A.41.055 and 28A.41.170. 88-03-013 (Order 88-8), § 392-121-440, filed 1/11/88.]

WAC 392-121-442 Forfeiture of earnings on emergency advance. The superintendent of public instruction shall deduct from a school district's basic education allocation apportionment entitlement the amount of any earnings by the school district on the investment of a temporary cash surplus due to a previously obtained emergency advance.

[Statutory Authority: RCW 28A.41.055 and 28A.41.170. 88-03-013 (Order 88-8), § 392-121-442, filed 1/11/88.]

WAC 392-121-445 Procedure for crediting portion of basic education allocation for capital purposes in school districts. If a local school district board of directors wishes to direct a portion of the district's annual basic education allocation to the school district's capital projects fund or debt service fund pursuant to RCW 28A.41.143, the district board shall execute a resolution requesting the superintendent of public instruction to pay a portion of that allocation to the credit of the district's capital projects fund and/or debt service fund. Such board resolutions should specify the justification in detail and the dollar amount to be credited to the capital projects fund and/or debt service fund. Such resolution should be received by the superintendent of public instruction on or before the tenth of the month when payment to the building and capital projects fund and/or bond interest and redemption fund is to begin. Without a properly executed resolution, the superintendent of public instruction shall pay all state apportionment due and apportionable to the credit of the school district's general fund. Such moneys paid to any fund pursuant to this section cannot be subsequently transferred to the credit of another fund.

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

Upon approval of the resolution by the superintendent of public instruction, payments will commence to the capital projects fund and/or debt service fund in accordance with the apportionment schedule set forth in RCW 28A.48.010. Such payments shall reduce general fund apportionment payments by the full amount of the approved resolution in the month payment begins. If the amount of the approved resolution exceeds the entire monthly apportionment payment in the month payment begins, the entire apportionment payment will be paid to the fund(s) designated in the resolution until the amount

of the approved resolution is paid, subject to moneys available in the district's basic education allocation.

[Statutory Authority: RCW 28A.41.055 and 28A.41.170. 88-03-013 (Order 88-8), § 392-121-445, filed 1/11/88.]

WAC 392-121-460 Fire district allocation. In addition to those moneys distributed for basic education purposes, school districts are entitled per RCW 52.30-.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 Title 52 RCW shall be eligible for such moneys.

Payment to districts shall be made each July as a part of the monthly apportionment allocation.

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.

[Statutory Authority: RCW 28A.41.055 and 28A.41.170. 88-03-013 (Order 88-8), § 392-121-460, filed 1/11/88.]

Chapter 392-122 WAC

FINANCE--CATEGORICAL APPORTIONMENT

WAC

392-122-605 Formula for distribution of state moneys for the state remediation assistance program.

WAC 392-122-605 Formula for distribution of state moneys for the state remediation assistance program. (1) As used in this section, the term "district fourth grade RAP percentage" shall mean the percentage of students who scored in the lowest quartile of the approved fourth grade test administered by districts pursuant to RCW 28A.03.060, using the most recent prior five-year average scores on the fourth grade test.

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

(a) Multiply the district fourth grade RAP percentage by the number of estimated average annual full-time equivalent students enrolled in the district in grades two through six; 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 result in (c) of this subsection 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. 87-09-018 (Order 87-2), § 392-122-605, filed 4/6/87; 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.]

Chapter 392-123 WAC

FINANCE--SCHOOL DISTRICT BUDGETING

WAC

- 392-123-054 Time schedule for budget.
- 392-123-078 Review of first-class school district budgets and budget extensions.
- 392-123-145 Interfund loans—Identification of temporary loans.

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
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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.
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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.	
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	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

Final Date For Action	First-Class Districts	Second-Class Districts
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be adopted no later than August 31st. Upon conclusion of the hearing, the board of directors shall fix and determine the appropriation from each fund contained in the budget separately, and shall by resolution adopt the budget and the appropriations as so finally determined, and enter the same in the official minutes of the board.

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.

[Statutory Authority: RCW 28A.65.465. 87-15-067 (Order 87-7), § 392-123-054, filed 7/16/87. 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), § 392-123-054, filed 5/13/80; Order 8-76, § 392-123-054, 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 or budget extension is in compliance with this chapter, state statutory law and budget instructions issued by the superintendent of public instruction.

The educational service district shall notify the district of all problems noted in the review and the due date for correction of the problems. Should the school district fail to meet the due date for correction, the educational service district shall notify the superintendent of public instruction. The superintendent of public instruction shall proceed in the manner prescribed in WAC 392-123-080 through 392-123-105.

[Statutory Authority: RCW 28A.65.465. 87-15-067 (Order 87-7), § 392-123-078, filed 7/16/87. 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 392-123-145 Interfund loans--Identification of temporary loans. A temporary loan is considered to be a loan which is completely liquidated in less than one year.

[Statutory Authority: RCW 28A.65.465. 87-09-019 (Order 87-3), § 392-123-145, filed 4/6/87; Order 8-76, § 392-123-145, filed 7/23/76; Order 7-75, § 392-123-145, filed 12/22/75. Formerly WAC 392-30-280.]

Chapter 392-126 WAC

FINANCE--SALARY-COMPENSATION LID COMPLIANCE

WAC 392-126-003 Termination date.

WAC 392-126-003 Termination date. This chapter is effective for salaries and benefits for the 1986-87 school year. Due to the repeal of RCW 28A.58.095, salaries and benefits for the 1987-88 school year and thereafter are not subject to the provisions of this chapter.

[Statutory Authority: RCW 28A.58.095. 88-03-003 (Order 88-1), § 392-126-003, filed 1/8/88.]

Chapter 392-127 WAC

FINANCE--ADMINISTRATIVE SALARY AND INSURANCE BENEFITS COMPLIANCE

WAC 392-127-003 Termination date.

WAC 392-127-003 Termination date. This chapter is effective for salaries and benefits for the 1986-87 school year. Due to the repeal of RCW 28A.58.095, salaries and benefits for the 1987-88 school year and thereafter are not subject to the provisions of this chapter.

[Statutory Authority: RCW 28A.58.095. 88-03-004 (Order 88-2), § 392-127-003, filed 1/8/88.]

Chapter 392-129 WAC

FINANCE--EMERGENCY SCHOOL CLOSURE

WAC

392-129-003 Authority.

WAC 392-129-003 Authority. The authority for this chapter is RCW 28A.41.170 which authorizes the superintendent of public instruction to establish the terms and conditions for allowing school districts to receive basic education moneys when said districts are unable, due to an unforeseen emergency, to fulfill the requirement of one hundred eighty days of operation or to meet the total program hour offerings, teacher contact hours, or course mix and percentage requirements imposed by law.

[Statutory Authority: RCW 28A.41.170. 87-19-060 (Order 87-11), § 392-129-003, filed 9/15/87.]

Chapter 392-130 WAC

FINANCE--SELF-FUNDED PLANS FOR EMPLOYEE BENEFITS

WAC

- 392-130-005 Authority.
- 392-130-010 Purposes.
- 392-130-015 Definition--Joint self-funded plan for employee benefits.
- 392-130-020 Definition--Individual self-funded plan for employee benefits.
- 392-130-025 Definition--Self-funded employee loss of time and health benefit plans.
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- 392-130-105 Definition--Accident insurance.
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- 392-130-115 Definition--Salary protection insurance.
- 392-130-120 Definition--Loss of time insurance.
- 392-130-125 Definition--Fiscal year.
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- 392-130-145 Joint self-funded plans for employee benefits to be in accordance with the Interlocal Cooperation Act.
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- 392-130-190 Management and operational standards for self-funded plans for employee benefits--Liabilities of a self-funded plan for employee benefits.
- 392-130-195 Management and operational standards for self-funded plans for employee benefits--Plan deposits and investments.
- 392-130-200 Management and operational standards of a self-funded plan for employee benefits--Bonding of administrators.
- 392-130-205 Management and operational standards of a self-funded plan for employee benefits--Prohibited pecuniary interests.

WAC 392-130-005 Authority. The authority for this chapter is RCW 48.62.030 which authorizes the superintendent of public instruction to adopt rules governing the budgeting and accounting for school district and educational service district self-funded plans for employee benefits. This authority is supplemented by RCW 48.62.035 which authorizes the superintendent of public instruction to establish standards for the operation and management of school district and educational service district self-funded plans for employee benefits.

[Statutory Authority: RCW 48.62.030 and 48.62.035. 88-04-001 (Order 88-3), § 392-130-005, filed 1/21/88.]

WAC 392-130-010 Purposes. The purposes of this chapter are to:

- (1) Provide policies and procedures regarding the budgeting and accounting for school district and educational service district self-funded plans for employee benefits.
- (2) Provide management and operational standards for self-funded plans for employee benefits.

[Statutory Authority: RCW 48.62.030 and 48.62.035. 88-04-001 (Order 88-3), § 392-130-010, filed 1/21/88.]

WAC 392-130-015 Definition--Joint self-funded plan for employee benefits. As used in this chapter, the term "joint self-funded plan for employee benefits" means the combining of one or more school districts and/or educational service districts with a sponsoring school district or educational service district in order to provide an insurance plan in accordance with these rules and regulations. A "joint self-funded plan for employee

benefits" shall be consistent with the term "self-funded plan" as used in chapter 48.62 RCW.

[Statutory Authority: RCW 48.62.030 and 48.62.035. 88-04-001 (Order 88-3), § 392-130-015, filed 1/21/88.]

WAC 392-130-020 Definition--Individual self-funded plan for employee benefits. As used in this chapter, the term "individual self-funded plan for employee benefits" means a plan established by a sponsoring school district or educational service district in order to provide an insurance plan for its own employees only. An "individual self-funded plan for employee benefits" shall be consistent with the term "self-funded plan" as used in chapter 48.62 RCW.

[Statutory Authority: RCW 48.62.030 and 48.62.035. 88-04-001 (Order 88-3), § 392-130-020, filed 1/21/88.]

WAC 392-130-025 Definition--Self-funded employee loss of time and health benefit plans. As used in this chapter, the term "self-funded employee loss of time and health benefit plans" means those self-funded plans for employee benefits defined in WAC 392-130-015 and 392-130-020.

[Statutory Authority: RCW 48.62.030 and 48.62.035. 88-04-001 (Order 88-3), § 392-130-025, filed 1/21/88.]

WAC 392-130-030 Definition--Self-funded plan or a plan. As used in this chapter, the term "self-funded plan" or a "plan" means individual and joint self-funded plans for employee benefits.

[Statutory Authority: RCW 48.62.030 and 48.62.035. 88-04-001 (Order 88-3), § 392-130-030, filed 1/21/88.]

WAC 392-130-035 Definition--Self-funded plan for employee benefits. As used in this chapter, the term "self-funded plan for employee benefits" means individual and joint self-funded plans for employee benefits.

[Statutory Authority: RCW 48.62.030 and 48.62.035. 88-04-001 (Order 88-3), § 392-130-035, filed 1/21/88.]

WAC 392-130-040 Definition--Joint self-funded plan. As used in this chapter, the term "joint self-funded plan" means joint self-funded plans for employee benefits.

[Statutory Authority: RCW 48.62.030 and 48.62.035. 88-04-001 (Order 88-3), § 392-130-040, filed 1/21/88.]

WAC 392-130-045 Definition--Fund. As used in this chapter, the term "fund" means an independent fiscal and accounting entity with a self-balancing set of accounts recording cash and/or other assets together with all related liabilities and equity.

[Statutory Authority: RCW 48.62.030 and 48.62.035. 88-04-001 (Order 88-3), § 392-130-045, filed 1/21/88.]

WAC 392-130-050 Definition--Enterprise fund. As used in this chapter, the term "enterprise fund" means a fund established to account for the revenues, benefit costs, and net income or loss of a self-funded plan for employee benefits. The accounting information from this

fund is used to establish contribution rates and benefit amounts of a plan.

[Statutory Authority: RCW 48.62.030 and 48.62.035. 88-04-001 (Order 88-3), § 392-130-050, filed 1/21/88.]

WAC 392-130-055 Definition--Beneficiary. As used in this chapter, the term "beneficiary" means any individual entitled, under a self-funded plan for employee benefits, to payment of part or all of the cost of an insured loss.

[Statutory Authority: RCW 48.62.030 and 48.62.035. 88-04-001 (Order 88-3), § 392-130-055, filed 1/21/88.]

WAC 392-130-060 Definition--Member. As used in this chapter, the term "member" means a school district or educational service district that is a contributor to a joint self-funded plan.

[Statutory Authority: RCW 48.62.030 and 48.62.035. 88-04-001 (Order 88-3), § 392-130-060, filed 1/21/88.]

WAC 392-130-065 Definition--Contribution. As used in this chapter, the term "contribution" means the amount paid or payable by the employer or employee into a self-funded plan for employee benefits.

[Statutory Authority: RCW 48.62.030 and 48.62.035. 88-04-001 (Order 88-3), § 392-130-065, filed 1/21/88.]

WAC 392-130-070 Definition--Employer. As used in this chapter, the term "employer" means a school district or an educational service district.

[Statutory Authority: RCW 48.62.030 and 48.62.035. 88-04-001 (Order 88-3), § 392-130-070, filed 1/21/88.]

WAC 392-130-075 Definition--Third party administrator. As used in this chapter, the term "third party administrator" means a person or firm employed by a board of directors of a self-funded plan for employee benefits in order to administer aspects of a plan.

[Statutory Authority: RCW 48.62.030 and 48.62.035. 88-04-001 (Order 88-3), § 392-130-075, filed 1/21/88.]

WAC 392-130-080 Definition--Claim. As used in this chapter, the term "claim" means a demand for payment for a loss which comes under the terms of a self-funded plan for employee benefits.

[Statutory Authority: RCW 48.62.030 and 48.62.035. 88-04-001 (Order 88-3), § 392-130-080, filed 1/21/88.]

WAC 392-130-085 Definition--Life insurance. As used in this chapter, the term "life insurance" means insurance designed to protect against economic losses resulting from death.

[Statutory Authority: RCW 48.62.030 and 48.62.035. 88-04-001 (Order 88-3), § 392-130-085, filed 1/21/88.]

WAC 392-130-090 Definition--Health insurance. As used in this chapter, the term "health insurance" means insurance against economic losses due to sickness or bodily injury.

[Statutory Authority: RCW 48.62.030 and 48.62.035. 88-04-001 (Order 88-3), § 392-130-090, filed 1/21/88.]

WAC 392-130-095 Definition--Health benefit insurance. As used in this chapter, the term "health benefit insurance" means the same as health insurance as defined in WAC 392-130-090.

[Statutory Authority: RCW 48.62.030 and 48.62.035. 88-04-001 (Order 88-3), § 392-130-095, filed 1/21/88.]

WAC 392-130-100 Definition--Health care insurance. As used in this chapter, the term "health care insurance" means a form of health insurance against medical expenses.

[Statutory Authority: RCW 48.62.030 and 48.62.035. 88-04-001 (Order 88-3), § 392-130-100, filed 1/21/88.]

WAC 392-130-105 Definition--Accident insurance. As used in this chapter, the term "accident insurance" means a form of health insurance against economic loss by accidental bodily injury.

[Statutory Authority: RCW 48.62.030 and 48.62.035. 88-04-001 (Order 88-3), § 392-130-105, filed 1/21/88.]

WAC 392-130-110 Definition--Disability insurance. As used in this chapter, the term "disability insurance" means a form of health insurance that provides periodic payments when the insured is unable to work as a result of illness, injury or disease.

[Statutory Authority: RCW 48.62.030 and 48.62.035. 88-04-001 (Order 88-3), § 392-130-110, filed 1/21/88.]

WAC 392-130-115 Definition--Salary protection insurance. As used in this chapter, the term "salary protection insurance" means a form of health insurance that provides for the continuation of an employee's income after his death or disability.

[Statutory Authority: RCW 48.62.030 and 48.62.035. 88-04-001 (Order 88-3), § 392-130-115, filed 1/21/88.]

WAC 392-130-120 Definition--Loss of time insurance. As used in this chapter, the term "loss of time insurance" means the same as disability insurance and salary protection insurance as defined in WAC 392-130-110 and 392-130-115.

[Statutory Authority: RCW 48.62.030 and 48.62.035. 88-04-001 (Order 88-3), § 392-130-120, filed 1/21/88.]

WAC 392-130-125 Definition--Fiscal year. As used in this chapter, the term "fiscal year" of a self-funded plan for employee benefits means the same period of time as the fiscal year of the school district or educational service district sponsoring a plan.

[Statutory Authority: RCW 48.62.030 and 48.62.035. 88-04-001 (Order 88-3), § 392-130-125, filed 1/21/88.]

WAC 392-130-130 Definition--Board of directors of a self-funded plan for employee benefits. As used in this chapter, the term "board of directors of a self-funded plan for employee benefits" means the board of directors of the school district or educational service district that is sponsoring a plan.

[Statutory Authority: RCW 48.62.030 and 48.62.035. 88-04-001 (Order 88-3), § 392-130-130, filed 1/21/88.]

WAC 392-130-135 Definition--Excess loss insurance. As used in this chapter, the term "excess loss insurance" means an insurance contract whereby an entire or part of a risk or contingent liability already covered under an existing contract is transferred to another insurer.

[Statutory Authority: RCW 48.62.030 and 48.62.035. 88-04-001 (Order 88-3), § 392-130-135, filed 1/21/88.]

WAC 392-130-140 Definition--Certificate authorizing an insurer to provide insurance. As used in this chapter, the term "certificate authorizing an insurer to provide insurance" means the authorization to transact insurance in Washington state as required under RCW 48.05.030.

[Statutory Authority: RCW 48.62.030 and 48.62.035. 88-04-001 (Order 88-3), § 392-130-140, filed 1/21/88.]

WAC 392-130-145 Joint self-funded plans for employee benefits to be in accordance with the Interlocal Cooperation Act. An agreement among school districts and educational service districts to provide a joint self-funded plan for employee benefits shall be made in accordance with the Interlocal Cooperation Act, chapter 39.34 RCW, as well as these rules and regulations. The agreement for a joint self-funded plan shall meet the specific requirements of the provisions of RCW 39.34-.030, as well as the specific requirements of WAC 392-130-165. The agreement shall contain all the provisions of the plan including any contingencies regarding effectiveness such as date, number of school districts participating, and adoption by the sponsoring school district or educational service district. The agreement shall provide that a joint self-funded plan is to be established by a board policy of each participating board of directors. The agreement and the board policy establishing the joint self-funded plan shall be adopted by resolution of each participating board of directors. A copy of the resolution adopting the agreement and a copy of the agreement signed by an authorized official of a participating school district or educational service district shall be forwarded to the sponsoring school district or educational service district.

[Statutory Authority: RCW 48.62.030 and 48.62.035. 88-04-001 (Order 88-3), § 392-130-145, filed 1/21/88.]

WAC 392-130-150 Adoption of an individual self-funded plan for employee benefits by a sponsoring board of directors. An individual self-funded plan for employee benefits shall provide that a school district or an educational service district board of directors sponsoring an individual self-funded plan shall establish the individual self-funded plan by board policy. The board policy shall contain all the provisions of the individual self-funded plan. The board policy establishing the individual self-funded plan shall be adopted by board resolution.

[Statutory Authority: RCW 48.62.030 and 48.62.035. 88-04-001 (Order 88-3), § 392-130-150, filed 1/21/88.]

WAC 392-130-155 Budgeting and accounting policies for self-funded plans for employee benefits. A self-

funded plan for employee benefits may provide for the preparation of budgets for the fund used to account for a plan. Provisions shall be made in a plan to require that:

(1) Financial statements, including any budgets, be prepared and the plan be accounted for using the enterprise fund concept in governmental accounting as promulgated by the governmental accounting standards board (GASB). Such financial statements shall be prepared consistent with the standards for an insurance enterprise in the statements of financial accounting standards promulgated by the financial accounting standards board (FASB). In accordance with the requirements of the governmental accounting standards board and the financial accounting standards board, revenues and expenses shall be recognized on the full accrual basis of accounting. Financial information that is developed using the full accrual basis of accounting is appropriate for measuring the adequacy of contributions to an insurance enterprise.

(2) Revenue and expense classifications for the plan parallel those of a private insurance firm providing similar services.

[Statutory Authority: RCW 48.62.030 and 48.62.035. 88-04-001 (Order 88-3), § 392-130-155, filed 1/21/88.]

WAC 392-130-160 Records and accounts of a self-funded plan for employee benefits. The following provisions shall be included in a self-funded plan for employee benefits:

(1) The board of directors of a plan shall cause full and accurate records and accounts to be entered and maintained covering all financial transactions and affairs.

(2) Within forty-five days after the close of a fiscal year of a plan, the administrator shall prepare annual financial statements in writing summarizing the financial transactions for such fiscal year and the financial condition at the end of such year in accordance with these rules and regulations and generally accepted accounting principles. Generally accepted accounting principles for the purpose of these rules are the authoritative sources given in WAC 392-130-155.

(3) The board of directors shall arrange for an annual audit of the plan's annual financial statements within ninety days after the close of each fiscal year. If in the opinion of the board of directors, the state auditor is unable to complete an audit of the financial statements within ninety days after the close of a fiscal year of a plan, the board of directors shall arrange with a certified public accountant to perform the audit of the annual financial statements.

(4) The administrator of a plan shall deliver a copy of the audited financial statements to each member of the sponsoring board of directors of a plan, to each employer participant in a joint self-funded plan, and to each organization that represents employee beneficiaries of a plan in collective bargaining. The audited financial statements shall be delivered within fourteen days after receipt.

[Statutory Authority: RCW 48.62.030 and 48.62.035. 88-04-001 (Order 88-3), § 392-130-160, filed 1/21/88.]

WAC 392-130-165 Management and operational standards for self-funded plans for employee benefits--General provisions. The provisions of an agreement for a joint self-funded plan for employee benefits and the policy establishing an individual self-funded plan for employee benefits shall provide for the following specifications:

(1) The duration of the plan.

(2) The board of directors and administrators responsible for managing the plan.

(3) Any provision for the contingent start-up of the plan.

(4) The membership of any advisory board.

(5) The method of acquiring, holding, and disposal of assets consistent with these rules.

(6) The nature and scope of insurance coverages to be provided including the extent of choice among combinations of coverage.

(7) The manner of financing the plan.

(8) The method by which plan contributions or benefits will be adjusted when reserves have been determined to be actuarially excessive or insufficient, when plan liabilities exceed plan assets, and when the plan is unable to meet debts as such debts mature. If plan contributions need to be increased, the increases shall be large enough to make the joint self-funded plan actuarially sound, solvent, and able to settle any claims and charges against the plan.

(9) The method to be employed in accomplishing the partial or complete termination of the plan and for liquidation of the plan's assets upon such partial or complete termination. The method shall provide for the settling of all unliquidated claims against the plan. In addition, the method shall be fair and equitable to all persons having a claim upon the plan.

(a) For a joint self-funded plan the method specified shall provide for a pro rata distribution of any assets to the members remaining after all claims and charges against the joint self-funded plan have been settled. The method specified shall state that the existence of surplus assets for such disposition shall not be determined prior to expiration of two years after the joint self-funded plan has been terminated. Also, for a joint self-funded plan the method specified shall provide for a declaration and pro rata collection by the board of directors of additional premiums from the members if additional money is needed to settle remaining claims and charges unless the remaining claims and charges have been assumed by other financially responsible person or persons. In addition, for a joint self-funded plan the method specified shall provide for the pro rata collection of additional premiums when the joint self-funded plan is terminated because liabilities exceed assets or because the joint self-funded plan is unable to meet debts as such debts mature.

(b) For an individual self-funded plan the method specified shall provide for the remaining assets to be transferred to the sponsoring school district's general fund or the sponsoring educational service district's general expense fund. The method specified shall state that the existence of surplus assets for such disposition shall

not be determined prior to expiration of two years after the individual self-funded plan has been terminated. Also, for an individual self-funded plan the method specified shall provide for a collection of additional premiums from the sponsoring school district's general fund or the sponsoring educational service district's general expense fund if additional money is needed to settle remaining claims and charges unless the remaining claims and charges have been assumed by other financially responsible person or persons. In addition, for an individual self-funded plan the method specified shall provide for the collection of additional premiums from the sponsoring school district's general fund or educational service district's general expense fund when the individual self-funded plan is terminated because liabilities exceed assets or because the individual self-funded plan is unable to meet debts as such debts mature.

(10) The process for the termination of membership of any member of a joint self-funded plan. The termination process may be initiated against a joint self-funded plan member who fails to abide by the requirements of the agreement concerning payment of dues and premiums and any other contributions, installation of safety requirements, accounting and reporting, claims administration, and cooperation with the claims agents or attorneys representing the joint self-funded plan or any of the members. The process of termination may be initiated against a member of a joint self-funded plan who, in the judgment of the board of directors, acts in a manner detrimental to the fiscal soundness or effectiveness of the joint self-funded plan.

(11) The process for the addition of new members in a joint self-funded plan.

(12) The methods by which coverages are to be offered, premiums or assessments levied and paid, claims administered and defended against.

(13) The process for settling disputes among members of a joint self-funded plan. The process shall provide for binding arbitration of all disputes among member districts under the terms and conditions of a joint self-funded plan. In addition, the process shall specify when a dispute among member districts in a joint self-funded plan will be referred to binding arbitration. The method of selection and compensation for the arbitrator shall also be specified.

(14) The responsibilities for claims defense and expenses of such defense on the plan and/or among the members of a joint self-funded plan.

(15) The deductible amount by type of coverage.

(16) That employee beneficiaries shall not be able to create an equity interest in the plan.

(17) Contribution reductions, rebates, or other financial incentives for achieving loss, claim, and risk reduction.

(18) That interfund loans from the enterprise fund for a self-funded plan to any other school district or educational service district fund are prohibited. A joint self-funded plan shall also make provisions that loans from the enterprise fund of a joint self-funded plan to any member district shall be prohibited.

(19) That the plan shall be in compliance with these rules and regulations and applicable federal and state law at the time of adoption of the plan. The plan shall contain a provision that the plan be modified in order to be in compliance with amendments to these rules and regulations and changes in applicable federal and state law.

[Statutory Authority: RCW 48.62.030 and 48.62.035. 88-04-001 (Order 88-3), § 392-130-165, filed 1/21/88.]

WAC 392-130-170 Management and operational standards for self-funded plans for employee benefits--Administrative standards. A self-funded plan for employee benefits shall meet the following administrative standards:

(1) The plan must require all contributions to be paid in advance of the month in which the insurance is to be provided.

(2) The name of the plan shall include the name of the sponsoring school district or educational service district.

(3) The plan must have, or provide for, a procedure for hiring trustworthy and responsible administrators. The plan must contract for or hire competent personnel to provide risk management and administrative services. Claims shall be administered by competent, disinterested third parties acting independently of all school districts and educational service districts and their personnel. The third party claims administrator shall have no other administrative responsibilities with the plan, a member of the plan, or the district sponsoring the plan.

(4) Third party administrators, including those who administer claims under the plan, must meet any standards that may be established by the Washington state insurance commissioner.

(5) The method or methods by which employees make contributions shall be specified.

(6) Plans must provide that the plan administrators shall furnish to each employee-beneficiary of the plan a written statement or schedule adequately and clearly stating all benefits currently allowable under the plan, together with all applicable restrictions, limitations, and exclusions, and the procedure for filing a claim for benefits.

(7) The method or methods of paying claims under the plan, including claims under excess loss coverage, must be disclosed. The plan may allow payments of benefits to be made directly to health care service providers.

(8) The plan must comply with the mandatory coverage provisions of chapter 48.44 RCW.

(9) A self-funded plan for disability insurance must comply with the group and blanket disability insurance provisions of chapter 48.21 RCW.

(10) The plan must not engage in pricing practices that set contribution rates lower for new members or employees than those established for existing members or employees. This provision shall not be construed to prohibit individual choice of coverage by beneficiaries from several offered by a plan.

(11) The plan must be fully covered by an excess loss insurance policy issued by an insurer which has a certificate authorizing it to provide insurance in this state.

[Statutory Authority: RCW 48.62.030 and 48.62.035. 88-04-001 (Order 88-3), § 392-130-170, filed 1/21/88.]

WAC 392-130-175 Management and operational standards for self-funded plans for employee benefits--Actuarial standards. Each self-funded plan for employee benefits shall meet the following actuarial standards.

(1) The plan must provide for the manner in which actuarial studies are used to establish contribution rates.

(2) The plan must be actuarially sound, that is, assets and income of the plan must be adequate under reasonable estimates for payment of all benefits promised to beneficiaries by the plan. In order to determine actuarial soundness a study shall be conducted annually by an actuary who is a member of the American Academy of Actuaries. The actuarial study shall provide any necessary information for the annual financial statements. A copy of the study shall be provided to each member district's board of directors, the sponsoring district's board of directors, each organization that represents employee beneficiaries of a plan in collective bargaining, and the plan's auditor. The study shall be completed within forty-five days after the close of each fiscal year.

The actuary shall consider the following factors in the study:

- (a) Applicable excess loss insurance;
- (b) Contracts with health care service contractors as defined in RCW 48.44.010(3);
- (c) Other applicable insurance or guarantees;
- (d) Plan factors or provisions for prevention or reduction of adverse selection against the plan by those otherwise eligible to become beneficiaries; and
- (e) Any other factor that the actuary deems appropriate.

[Statutory Authority: RCW 48.62.030 and 48.62.035. 88-04-001 (Order 88-3), § 392-130-175, filed 1/21/88.]

WAC 392-130-180 Management and operational standards for self-funded plans for employee benefits--Required powers and duties of the sponsoring board of directors. A self-funded plan for employee benefits shall provide for policies outlining the powers and duties of the sponsoring board of directors regarding the management and operation of a self-funded plan. The policies shall meet the following standards:

(1) Provide for the adjudication of disputes arising from the administration of the terms and conditions of the plan in regard to beneficiaries.

(2) Provide for the determination of the eligibility of claims for benefits within a maximum of thirty days from the date a claim is submitted by a beneficiary or notify the beneficiary that the benefit has been refused.

(3) Provide for the approval of all material contracts, leases, and agreements or other legal documents.

(4) Provide for the development and preparation of contracts to be signed by each member of a joint self-funded plan as it joins the joint self-funded plan and thereafter.

(5) Require the securing of a fidelity bond upon each and all of the employees of the plan and upon other persons charged with the duty of handling or disbursing any of the moneys of the plan.

(6) Provide for the determination of the amount of contributions required from members of a joint self-funded plan for the purpose of participation in any part or all of the joint self-funded plan.

(7) Establish standards for eligibility of members in a joint self-funded plan, establish procedures for joining and termination, and establish effective dates of coverage.

(8) Provide procedures for the proper accounting and reporting of claims for each of the members of a joint self-funded plan so that it shall be apprised at all times of the nature of the claims arising within its jurisdiction, the manner in which these claims are being handled, and their impact upon the joint self-funded plan.

(9) Provide for an annual audit of the plan's annual financial statements in accordance with the provisions of WAC 392-130-160.

(10) Provide that the amount of insurance be determined, consistent with the provisions of WAC 392-130-175(2), that shall be purchased by the plan insofar as catastrophe coverage, excess loss coverage or stop loss, or other types of insurance is concerned.

(11) Provide for the determination of rates, risks, benefits, and terms of the plan, that the rates and benefits are adjusted based on claim experience, and that changes to these items shall be made after at least forty-five days notice to members of a joint self-funded plan.

(12) Provide for payment of all expenses in connection with the plan. Establish procedures for safe keeping, handling, and investing any moneys received or paid.

(13) Define the duties of any plan administrator and establish record requirements to enable the correct billing of contributions and fees, enrollment of members of a joint self-funded plan and their employees, and payment of claims.

(14) Provide for the ability of the plan to incur expenses and enter into necessary agreements; exercise the full power and authority of any member of a joint self-funded plan with respect to insured risks when requested to do so by the member; or provide for necessary activities to accomplish the purposes of the plan.

(15) Provide for the ability to contract or otherwise provide risk management and loss control services; contract or otherwise provide legal counsel for the defense of claims and/or other legal services; and contract or otherwise provide such professional services as it may deem necessary.

[Statutory Authority: RCW 48.62.030 and 48.62.035. 88-04-001 (Order 88-3), § 392-130-180, filed 1/21/88.]

WAC 392-130-185 Management and operational standards for self-funded plans for employee benefits--Optional powers and duties of the sponsoring board of directors. A self-funded plan for employee benefits may provide for the following powers and duties in the policies of the sponsoring board of directors:

(1) Create an advisory board representing the members of the plan.

(2) Borrow money and give security therefor.

(3) Prepare specifications, request bids, and enter into contract for the purpose of underwriting, administering, or providing any part or all of the plan.

(4) Provide for individual or collective underwriting for members in the plan; serve as the policy-holder of any group policies or plans; determine the methods of claim administration and payment consistent with law; and provide for claims experience for members collectively or separately.

(5) Study the operation of policies, gross and net costs, administrative costs, benefits, utilization of benefits, and claims administration.

(6) Establish policies and procedures that may allow an outside organization to perform any of the functions necessary for the carrying out of a plan including excess loss insurance, safety engineering services, administrative services, and any or all other services that the board shall deem expedient for the proper servicing of those members who use the services of the plan.

[Statutory Authority: RCW 48.62.030 and 48.62.035. 88-04-001 (Order 88-3), § 392-130-185, filed 1/21/88.]

WAC 392-130-190 Management and operational standards for self-funded plans for employee benefits—Liabilities of a self-funded plan for employee benefits. A self-funded plan for employee benefits shall provide for the following liabilities:

(1) The plan shall be legally liable for payment of all applicable benefits stated in the statement or schedule of benefits in effect at the time there is an occurrence or incident which results in a claim.

(2) If a plan is liquidated, the plan's legal liability for all applicable benefits stated in the statement or schedule of benefits shall continue until all the employee participants have had a reasonable opportunity to enroll with another employer sponsored insurance provider.

(3) The plan shall not be liable for any liabilities other than its own.

[Statutory Authority: RCW 48.62.030 and 48.62.035. 88-04-001 (Order 88-3), § 392-130-190, filed 1/21/88.]

WAC 392-130-195 Management and operational standards for self-funded plans for employee benefits—Plan deposits and investments. A self-funded plan for employee benefits shall provide that:

(1) All moneys be on deposit with the designated county treasurer.

(2) Investments of plan moneys be made by the designated county treasurer as directed by the appropriate plan administrator in instruments listed in RCW 48.62.070.

[Statutory Authority: RCW 48.62.030 and 48.62.035. 88-04-001 (Order 88-3), § 392-130-195, filed 1/21/88.]

WAC 392-130-200 Management and operational standards of a self-funded plan for employee benefits—Bonding of administrators. A self-funded plan for employee benefits shall provide for the sponsoring board of

directors to cause all individuals handling or disbursing money for the self-funded plan including third party administrators to be bonded at all times under a fidelity bond issued by a surety insurer authorized to transact such insurance in this state. The plan shall provide that the bond shall be in favor of the sponsoring school district or educational service district and be for such aggregate penalty amount as may be deemed by the board of directors as reasonably advisable in relation to the amount of moneys to be so handled. The bond agreement shall provide that the bond be noncancelable except upon not less than sixty days advance notice in writing to the board of directors.

[Statutory Authority: RCW 48.62.030 and 48.62.035. 88-04-001 (Order 88-3), § 392-130-200, filed 1/21/88.]

WAC 392-130-205 Management and operational standards of a self-funded plan for employee benefits—Prohibited pecuniary interests. A self-funded plan for employee benefits shall meet the following standards regarding restrictions on the financial interests of the plan's managers.

(1) No member of the board of directors; administrator, including a third-party administrator; or other person having responsibility for the management of a plan or the investment or other handling of the plan's money shall:

(a) Receive directly or indirectly or be pecuniarily interested in any fee, commission, compensation, or emolument arising out of any transaction to which the plan is or is to be a party except for salary or other similar compensation regularly fixed and allowed for because of services regularly rendered to the plan.

(b) Receive compensation as a consultant to the plan while also acting as a member of the board of directors, administrator, or as an employee.

(c) Have any direct or indirect pecuniary interest in any loan or investment of the plan.

(2) No consultant to the plan shall directly or indirectly receive or be pecuniarily interested in any commission or other compensation arising out of any contract or transaction between the plan and any insurer, health care service contractor, or health care supplier vendor.

[Statutory Authority: RCW 48.62.030 and 48.62.035. 88-04-001 (Order 88-3), § 392-130-205, filed 1/21/88.]

Chapter 392-137 WAC

FINANCE—NONRESIDENT ATTENDANCE

WAC
392-137-060 Hearing.

WAC 392-137-060 Hearing. The hearing provided for in WAC 392-137-055(2) shall be conducted in compliance with chapter 392-101 WAC.

[Statutory Authority: RCW 28A.03.500. 87-10-014 (Order 87-6), § 392-137-060, filed 4/28/87. Statutory Authority: RCW 28A.58.242. 83-17-067 (Order 83-11), § 392-137-060, filed 8/18/83. Statutory Authority: RCW 28A.58.240. 82-19-049 (Order 82-14), § 392-137-

060, filed 9/14/82. Statutory Authority: RCW 28A.58.240 and 28A.58.242. 81-15-090 (Order 81-5), § 392-137-060, filed 7/22/81; 80-05-037 (Order 80-8), § 392-137-060, filed 4/15/80.]

Chapter 392-139 WAC

FINANCE--MAINTENANCE AND OPERATION LEVIES

WAC

GENERAL PROVISIONS AND DEFINITIONS

- 392-139-001 Authority.
- 392-139-005 Purpose.
- 392-139-007 Organization of this chapter.
- 392-139-010 Repealed.
- 392-139-016 Repealed.
- 392-139-017 Repealed.
- 392-139-018 Repealed.
- 392-139-021 Repealed.
- 392-139-022 Repealed.
- 392-139-026 Repealed.
- 392-139-031 Repealed.
- 392-139-036 Repealed.
- 392-139-037 Repealed.
- 392-139-038 Repealed.
- 392-139-050 Definition—School year.
- 392-139-051 Definition—Prior school year.
- 392-139-052 Definition—Current school year.
- 392-139-055 Definition—Calendar year.
- 392-139-056 Definition—Current calendar year.
- 392-139-057 Definition—Next calendar year.

DEFINITIONS FOR EXCESS LEVY AUTHORITY

- 392-139-100 Definition—Certified excess levy.
- 392-139-105 Definition—Excess levy authority.
- 392-139-110 Definition—Report 1191.
- 392-139-115 Definition—Basic education allocation.
- 392-139-120 Definition—4121 Education of handicapped children.
- 392-139-122 Definition—4155 Remediation.
- 392-139-126 Definition—4165 Transitional bilingual.
- 392-139-128 Definition—4174 Gifted and talented.
- 392-139-130 Definition—4198 School food services.
- 392-139-132 Definition—4199 Transportation—Operations.
- 392-139-134 Definition—4499 Transportation reimbursement—Depreciation.
- 392-139-150 Definition—5200 General purpose direct grants, unassigned.
- 392-139-152 Definition—6100 Special purpose, SPI, unassigned.
- 392-139-154 Definition—6124 Handicapped EHA, supplemental Part B.
- 392-139-156 Definition—6127 Handicapped, deinstitutionalized.
- 392-139-158 Definition—6138 Secondary vocational education, P.L. 98-524.
- 392-139-160 Definition—6146 Skills center.
- 392-139-162 Definition—6151 Remediation, ECIA, chapter 1.
- 392-139-164 Definition—6153 Migrant, ECIA, chapter 1.
- 392-139-166 Definition—6162 Refugee, P.L. 96-212.
- 392-139-168 Definition—6164 Bilingual, Title VII, P.L. 95-561.
- 392-139-170 Definition—6167 Indian education, JOM.
- 392-139-172 Definition—6176 Instructional aid, ECIA, chapter 2.
- 392-139-174 Definition—6177 Mathematics and science.
- 392-139-176 Definition—6198 School food services.
- 392-139-178 Definition—6200 Direct special purpose grants.
- 392-139-180 Definition—6246 Skills center, direct federal grant.
- 392-139-182 Definition—6264 Bilingual, Title VII, P.L. 95-561.
- 392-139-184 Definition—6268 Indian education, P.L. 92-318.
- 392-139-186 Definition—6998 USDA commodities.
- 392-139-200 Definition—Report 1197.
- 392-139-205 Definition—F-195.
- 392-139-210 Definition—Annual average full-time equivalent (AAFTE) students.
- 392-139-215 Definition—P-223H.
- 392-139-220 Definition—P-223NR.
- 392-139-225 Definition—Form 1067.

- 392-139-230 Definition—P-213.
- 392-139-235 Definition—Annual average full-time equivalent (AAFTE) resident enrollment.
- 392-139-240 Definition—Base year levy percentage.
- 392-139-245 Definition—Levy reduction funds.

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- 392-139-300 Establishment of excess levy authority for school districts—General.
- 392-139-310 Determination of excess levy base.
- 392-139-320 Determination of maximum excess levy percentage.
- 392-139-330 Determination of excess levy authority transfers for interdistrict cooperation programs.
- 392-139-340 Determination of excess levy authority transfers from high school districts to nonhigh school districts.

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- 392-139-600 Definition—Adjusted assessed valuation.
- 392-139-605 Definition—District ten percent levy amount.
- 392-139-610 Definition—District ten percent levy rate.
- 392-139-615 Definition—State-wide average ten percent levy rate.
- 392-139-620 Definition—Eligible district.
- 392-139-625 Definition—State matching ratio.

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- 392-139-650 Determination of local effort assistance—General.
- 392-139-660 Determination of maximum local effort assistance.
- 392-139-665 Reporting of certified excess levy amounts.
- 392-139-670 Local effort assistance allocations.

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- 392-139-900 Notification of amounts calculated.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 392-139-010 Establishment of the maximum dollar amount of school district levies—General. [Statutory Authority: RCW 84.52.053(7) [84.52.0531(7)]. 83-23-039 (Order 83-18), § 392-139-010, filed 11/9/83. Statutory Authority: RCW 84.52.0531. 81-20-023 (Order 81-31), § 392-139-010, filed 9/29/81, effective 12/27/81; 80-18-020 (Order 80-38), § 392-139-010, filed 11/26/80; 79-01-006 (Order 13-78), § 392-139-010, filed 12/8/78.] Repealed by 88-03-007 (Order 88-6), filed 1/8/88. Statutory Authority: RCW 84.52.0531(10) and 28A.41.170.
- 392-139-016 Definitions. [Statutory Authority: RCW 84.52.053(7) [84.52.0531(7)]. 83-23-039 (Order 83-18), § 392-139-016, filed 11/9/83. Statutory Authority: RCW 84.52.0531(7). 83-17-058 (Order 83-6), § 392-139-016, filed 8/17/83. Statutory Authority: RCW 84.52.0531. 81-20-023 (Order 81-31), § 392-139-016, filed 9/29/81, effective 12/27/81; 80-18-020 (Order 80-38), § 392-139-016, filed 11/26/80.] Repealed by 88-03-007 (Order 88-6), filed 1/8/88. Statutory Authority: RCW 84.52.0531(10) and 28A.41.170.
- 392-139-017 Additional definitions. [Statutory Authority: RCW 84.52.053(7) [84.52.0531(7)]. 83-23-039 (Order 83-18), § 392-139-017, filed 11/9/83. Statutory Authority: RCW 84.52.0531. 81-20-023 (Order 81-31), § 392-139-017, filed 9/29/81, effective 12/27/81; 80-18-020 (Order 80-38), § 392-139-017, filed 11/26/80.] Repealed by 88-03-007 (Order 88-6), filed 1/8/88. Statutory Authority: RCW 84.52.0531(10) and 28A.41.170.
- 392-139-018 Additional definitions. [Statutory Authority: RCW 84.52.053(7) [84.52.0531(7)]. 83-23-039 (Order 83-18), § 392-139-018, filed 11/9/83. Statutory Authority: RCW 84.52.0531. 81-20-023 (Order 81-31), § 392-139-018, filed 9/29/81, effective 12/27/81; 80-18-020 (Order 80-38), § 392-139-018, filed 11/26/80.] Repealed by 88-03-007 (Order 88-6), filed 1/8/88. Statutory Authority: RCW 84.52.0531(10) and 28A.41.170.
- 392-139-021 Determination of excess general fund levy capacity attributable to basic education allocation. [Statutory Authority: RCW 84.52.0531(7). 83-17-058 (Order

- 83-6), § 392-139-021, filed 8/17/83. Statutory Authority: RCW 84.52.0531. 82-05-025 (Order 82-3), § 293-139-021, filed 2/11/82, effective 4/6/82; 80-18-020 (Order 80-38), § 392-139-021, filed 11/26/80.] Repealed by 88-03-007 (Order 88-6), filed 1/8/88. Statutory Authority: RCW 84.52.0531(10) and 28A.41.170.
- 392-139-022 Determination of excess general fund levy capacity attributable to less than one hundred percent funding of the basic education allocation formula. [Statutory Authority: RCW 84.52.053(7) [84.52.0531(7)]. 83-23-039 (Order 83-18), § 392-139-022, filed 11/9/83. Statutory Authority: RCW 84.52.0531(7). 83-17-058 (Order 83-6), § 392-139-022, filed 8/17/83.] Repealed by 88-03-007 (Order 88-6), filed 1/8/88. Statutory Authority: RCW 84.52.0531(10) and 28A.41.170.
- 392-139-026 Determination of additional excess general fund levy capacity. [Statutory Authority: RCW 84.52.053(7) [84.52.0531(7)]. 83-23-039 (Order 83-18), § 392-139-026, filed 11/9/83. Statutory Authority: RCW 84.52.0531. 81-20-023 (Order 81-31), § 392-139-026, filed 9/29/81, effective 12/27/81; 80-18-020 (Order 80-38), § 392-139-026, filed 11/26/80.] Repealed by 88-03-007 (Order 88-6), filed 1/8/88. Statutory Authority: RCW 84.52.0531(10) and 28A.41.170.
- 392-139-031 Determination of excess general fund levy capacity attributable to state-funded categorical programs. [Statutory Authority: RCW 84.52.053(7) [84.52.0531(7)]. 83-23-039 (Order 83-18), § 392-139-031, filed 11/9/83. Statutory Authority: RCW 84.52.0531. 81-20-023 (Order 81-31), § 392-139-031, filed 9/29/81, effective 12/27/81; 80-18-020 (Order 80-38), § 392-139-031, filed 11/26/80.] Repealed by 88-03-007 (Order 88-6), filed 1/8/88. Statutory Authority: RCW 84.52.0531(10) and 28A.41.170.
- 392-139-036 Determination of excess general fund levy capacity to be transferred from the nonresident school district to the resident school district for interdistrict cooperation programs. [Statutory Authority: RCW 84.52.053(7) [84.52.0531(7)]. 83-23-039 (Order 83-18), § 392-139-036, filed 11/9/83. Statutory Authority: RCW 84.52.0531(7). 83-17-058 (Order 83-6), § 392-139-036, filed 8/17/83. Statutory Authority: RCW 84.52.0531. 81-20-023 (Order 81-31), § 392-139-036, filed 9/29/81, effective 12/27/81; 80-18-020 (Order 80-38), § 392-139-036, filed 11/26/80.] Repealed by 88-03-007 (Order 88-6), filed 1/8/88. Statutory Authority: RCW 84.52.0531(10) and 28A.41.170.
- 392-139-037 Determination of excess general fund levy capacity to be transferred from the high school district to the nonhigh school district. [Statutory Authority: RCW 84.52.053(7) [84.52.0531(7)]. 83-23-039 (Order 83-18), § 392-139-037, filed 11/9/83. Statutory Authority: RCW 84.52.0531. 81-20-023 (Order 81-31), § 392-139-037, filed 9/29/81, effective 12/27/81.] Repealed by 88-03-007 (Order 88-6), filed 1/8/88. Statutory Authority: RCW 84.52.0531(10) and 28A.41.170.
- 392-139-038 Notification of maximum levy collection amounts. [Statutory Authority: RCW 84.52.053(7) [84.52.0531(7)]. 83-23-039 (Order 83-18), § 392-139-038, filed 11/9/83. Statutory Authority: RCW 84.52.0531. 81-20-023 (Order 81-31), § 392-139-038, filed 9/29/81, effective 12/27/81.] Repealed by 88-03-007 (Order 88-6), filed 1/8/88. Statutory Authority: RCW 84.52.0531(10) and 28A.41.170.

GENERAL PROVISIONS AND DEFINITIONS

WAC 392-139-001 Authority. The authorities for this chapter are RCW 84.52.0531(10) and 28A.41.170.

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(1) RCW 84.52.0531(10) authorizes the superintendent of public instruction to promulgate rules and regulations regarding the limitation of local school district excess levies otherwise known as the "Special levy lid law."

(2) RCW 28A.41.170 authorizes the superintendent of public instruction to promulgate such rules and regulations as are necessary for administration of state general fund support for the common schools pursuant to chapter 28A.41 RCW. Rules regarding allocation of state general fund moneys for the purpose of partially equalizing excess levy tax rates, otherwise known as "local effort assistance" are adopted pursuant to this general authority.

[Statutory Authority: RCW 84.52.0531(10) and 28A.41.170. 88-03-007 (Order 88-6), § 392-139-001, filed 1/8/88. 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.]

WAC 392-139-005 Purpose. The purposes of this chapter are to define the annual procedures that the superintendent of public instruction shall use:

(1) To establish the exclusive means for fixing the maximum dollar amount which may be levied on behalf of any school district in calendar year 1988 for general fund maintenance and operation purposes pursuant to RCW 84.52.053 and 84.52.0531.

(2) To establish the exclusive means for fixing:

(a) The maximum dollar amount which may be levied on behalf of any school district in a given calendar year, beginning in calendar year 1989 and thereafter, for general fund maintenance and operation support pursuant to RCW 84.52.053 and 84.52.0531; and

(b) The maximum possible amount of state general fund moneys an eligible school district may receive in a given calendar year, beginning in 1989 and thereafter, as state matching moneys for excess levies pursuant to sections 102 and 212, chapter 2, Laws of 1987 1st ex. sess.; and

(3) To establish the exclusive means for fixing the dollar amount of state general fund moneys that each eligible school district shall receive in a given calendar year, beginning in calendar year 1989 and thereafter, as state matching moneys for excess levies pursuant to sections 102 and 212, chapter 2, Laws of 1987 1st ex. sess.

[Statutory Authority: RCW 84.52.0531(10) and 28A.41.170. 88-03-007 (Order 88-6), § 392-139-005, filed 1/8/88. Statutory Authority: RCW 84.52.053(7) [84.52.0531(7)]. 83-23-039 (Order 83-18), § 392-139-005, filed 11/9/83. Statutory Authority: RCW 84.52.0531(7). 83-17-058 (Order 83-6), § 392-139-005, filed 8/17/83. Statutory Authority: RCW 84.52.0531. 82-07-085 (Order 82-5), § 392-139-005, filed 3/24/82; 81-20-023 (Order 81-31), § 392-139-005, filed 9/29/81, effective 12/27/81; 80-18-020 (Order 80-38), § 392-139-005, filed 11/26/80; 79-01-006 (Order 13-78), § 392-139-005, filed 12/8/78.]

WAC 392-139-007 Organization of this chapter. This chapter contains rules for excess levy authority and state matching money for excess levies also known as local effort assistance. The general organization of the chapter is as follows:

Sections 001-099 General provisions and definitions.

Sections 100-299 Definitions for excess levy authority.

Sections 300-399 Determination of excess levy authority.

Sections 600-649 Definitions for local effort assistance.

Sections 650-699 Determination of local effort assistance.

Section 900 Notification provisions.

[Statutory Authority: RCW 84.52.0531(10) and 28A.41.170. 88-03-007 (Order 88-6), § 392-139-007, filed 1/8/88.]

WAC 392-139-010 Repealed. See Disposition Table at beginning of this chapter.

WAC 392-139-016 Repealed. See Disposition Table at beginning of this chapter.

WAC 392-139-017 Repealed. See Disposition Table at beginning of this chapter.

WAC 392-139-018 Repealed. See Disposition Table at beginning of this chapter.

WAC 392-139-021 Repealed. See Disposition Table at beginning of this chapter.

WAC 392-139-022 Repealed. See Disposition Table at beginning of this chapter.

WAC 392-139-026 Repealed. See Disposition Table at beginning of this chapter.

WAC 392-139-031 Repealed. See Disposition Table at beginning of this chapter.

WAC 392-139-036 Repealed. See Disposition Table at beginning of this chapter.

WAC 392-139-037 Repealed. See Disposition Table at beginning of this chapter.

WAC 392-139-038 Repealed. See Disposition Table at beginning of this chapter.

WAC 392-139-050 Definition--School year. As used in this chapter, "school year" means the same as defined in WAC 392-121-031.

[Statutory Authority: RCW 84.52.0531(10) and 28A.41.170. 88-03-007 (Order 88-6), § 392-139-050, filed 1/8/88.]

WAC 392-139-051 Definition--Prior school year. As used in this chapter, "prior school year" means the most recent school year completed prior to the calendar year for which excess levy authority is being calculated pursuant to this chapter.

[Statutory Authority: RCW 84.52.0531(10) and 28A.41.170. 88-03-007 (Order 88-6), § 392-139-051, filed 1/8/88.]

WAC 392-139-052 Definition--Current school year. As used in this chapter, "current school year" means the school year completed during the calendar

year for which excess levy authority is being calculated pursuant to this chapter.

[Statutory Authority: RCW 84.52.0531(10) and 28A.41.170. 88-03-007 (Order 88-6), § 392-139-052, filed 1/8/88.]

WAC 392-139-055 Definition--Calendar year. As used in this chapter:

(1) "Calendar year" means January 1 through December 31.

(2) The term "calendar year" is synonymous with the statutory terms "tax collection year" and "levy collection year" as used in RCW 84.52.0531 and chapter 2, Laws of 1987 1st ex. sess.

[Statutory Authority: RCW 84.52.0531(10) and 28A.41.170. 88-03-007 (Order 88-6), § 392-139-055, filed 1/8/88.]

WAC 392-139-056 Definition--Current calendar year. As used in this chapter, "current calendar year" means the calendar year prior to the calendar year for which excess levy authority is being calculated pursuant to this chapter.

[Statutory Authority: RCW 84.52.0531(10) and 28A.41.170. 88-03-007 (Order 88-6), § 392-139-056, filed 1/8/88.]

WAC 392-139-057 Definition--Next calendar year. As used in this chapter, "next calendar year" means the calendar year for which levy authority is being calculated pursuant to this chapter.

[Statutory Authority: RCW 84.52.0531(10) and 28A.41.170. 88-03-007 (Order 88-6), § 392-139-057, filed 1/8/88.]

DEFINITIONS FOR EXCESS LEVY AUTHORITY

WAC 392-139-100 Definition--Certified excess levy. As used in this chapter, "certified excess levy" means the amount certified pursuant to RCW 84.52.020 by or on behalf of a school district to the board or boards of county commissioners of the county or counties of the school district for collection in a given calendar year for general fund maintenance and operation support of the school district pursuant to RCW 84.52-.053.

[Statutory Authority: RCW 84.52.0531(10) and 28A.41.170. 88-03-007 (Order 88-6), § 392-139-100, filed 1/8/88.]

WAC 392-139-105 Definition--Excess levy authority. As used in this chapter, the term "excess levy authority" means the maximum allowed dollar amount of a district's certified excess levy for a given calendar year as determined pursuant to this chapter.

[Statutory Authority: RCW 84.52.0531(10) and 28A.41.170. 88-03-007 (Order 88-6), § 392-139-105, filed 1/8/88.]

WAC 392-139-110 Definition--Report 1191. As used in this chapter, "Report 1191" means the monthly report prepared and distributed by the superintendent of public instruction which includes the number of basic education allocation formula derived certificated and classified staff units, the compensation entitlement amounts for such staff, the basic education allocation provided for each average annual full-time equivalent

student, the basic education allocation, and the amount of state-funded support for the school year for each school district. The amount of a district's basic education allocation included in the excess levy base pursuant to WAC 392-139-310 (2)(a) is taken from this report.

[Statutory Authority: RCW 84.52.0531(10) and 28A.41.170. 88-03-007 (Order 88-6), § 392-139-110, filed 1/8/88.]

WAC 392-139-115 Definition--Basic education allocation. As used in this chapter, "basic education allocation" means the amount of state moneys calculated by the superintendent of public instruction which is the basis for the superintendent's distribution of moneys to school districts for the operation of a basic program of education pursuant to RCW 28A.58.750, et seq., 28A.41.130, and 28A.41.140, chapter 392-121 WAC, and the Biennial Appropriations Act. The amount of a district's total guaranteed entitlement plus substitute teacher and skills center summer program funding as reported on the August Report 1191 is considered a district's basic education allocation in determining the district's excess levy base pursuant to WAC 392-139-310.

[Statutory Authority: RCW 84.52.0531(10) and 28A.41.170. 88-03-007 (Order 88-6), § 392-139-115, filed 1/8/88.]

WAC 392-139-120 Definition--4121 Education of handicapped children. As used in this chapter, "4121 Education of handicapped children" means the school district general fund revenue account in which is recorded revenue for a program for education of handicapped children pursuant to chapter 28A.13 RCW, RCW 28A.41.053, chapter 392-171 WAC and the Biennial Appropriations Act.

[Statutory Authority: RCW 84.52.0531(10) and 28A.41.170. 88-03-007 (Order 88-6), § 392-139-120, filed 1/8/88.]

WAC 392-139-122 Definition--4155 Remediation. As used in this chapter, "4155 Remediation" means the school district general fund revenue account in which is recorded revenue for a remedial assistance program pursuant to RCW 28A.41.400 through 28A.41.414, chapter 392-162 WAC, and the Biennial Appropriations Act.

[Statutory Authority: RCW 84.52.0531(10) and 28A.41.170. 88-03-007 (Order 88-6), § 392-139-122, filed 1/8/88.]

WAC 392-139-126 Definition--4165 Transitional bilingual. As used in this chapter, "4165 Transitional bilingual" means the school district general fund revenue account in which is recorded revenue for a transitional bilingual instruction program pursuant to RCW 28A.58.800 and 28A.58.810, chapter 392-160 WAC, and the Biennial Appropriations Act.

[Statutory Authority: RCW 84.52.0531(10) and 28A.41.170. 88-03-007 (Order 88-6), § 392-139-126, filed 1/8/88.]

WAC 392-139-128 Definition--4174 Gifted and talented. As used in this chapter, "4174 Gifted and talented" means the school district general fund revenue account in which is recorded revenue for a program for gifted and talented students, pursuant to chapter 28A.16

RCW, chapter 392-170 WAC, and the Biennial Appropriations Act.

[Statutory Authority: RCW 84.52.0531(10) and 28A.41.170. 88-03-007 (Order 88-6), § 392-139-128, filed 1/8/88.]

WAC 392-139-130 Definition--4198 School food services. As used in this chapter, "4198 School food services" means the school district general fund revenue account in which is recorded revenue for the state matching requirement for federal lunch program funding.

[Statutory Authority: RCW 84.52.0531(10) and 28A.41.170. 88-03-007 (Order 88-6), § 392-139-130, filed 1/8/88.]

WAC 392-139-132 Definition--4199 Transportation--Operations. As used in this chapter, "4199 Transportation--Operations" means the school district general fund revenue account in which is recorded revenue for reimbursement for operation of a student transportation program pursuant to RCW 28A.41.505, 28A.24.055, and 28A.24.100, chapter 392-141 WAC, and the Biennial Appropriations Act.

[Statutory Authority: RCW 84.52.0531(10) and 28A.41.170. 88-03-007 (Order 88-6), § 392-139-132, filed 1/8/88.]

WAC 392-139-134 Definition--4499 Transportation reimbursement--Depreciation. As used in this chapter, "4499 Transportation reimbursement--Depreciation" means the school district transportation vehicle fund revenue account in which is recorded revenue for replacement or depreciation of transportation equipment pursuant to RCW 28A.41.540, chapter 392-141 WAC, and the Biennial Appropriations Act.

[Statutory Authority: RCW 84.52.0531(10) and 28A.41.170. 88-03-007 (Order 88-6), § 392-139-134, filed 1/8/88.]

WAC 392-139-150 Definition--5200 General purpose direct grants, unassigned. As used in this chapter, "5200 General purpose direct grants, unassigned" means the school district general fund revenue account in which are recorded federal unassigned general purpose grants.

[Statutory Authority: RCW 84.52.0531(10) and 28A.41.170. 88-03-007 (Order 88-6), § 392-139-150, filed 1/8/88.]

WAC 392-139-152 Definition--6100 Special purpose, SPI, unassigned. As used in this chapter, "6100 Special purpose, SPI, unassigned" means the school district general fund revenue account in which is recorded revenue from any federal source distributed by the superintendent of public instruction that is not assignable to a specific 6000 series revenue account.

[Statutory Authority: RCW 84.52.0531(10) and 28A.41.170. 88-03-007 (Order 88-6), § 392-139-152, filed 1/8/88.]

WAC 392-139-154 Definition--6124 Handicapped EHA, supplemental Part B. As used in this chapter, "6124 Handicapped EHA, supplemental Part B" means the school district general fund revenue account in which is recorded revenue from grants to school districts to assist them in providing a free and appropriate public education to all.

[Statutory Authority: RCW 84.52.0531(10) and 28A.41.170. 88-03-007 (Order 88-6), § 392-139-154, filed 1/8/88.]

WAC 392-139-156 Definition--6127 Handicapped, deinstitutionalized. As used in this chapter, "6127 Handicapped EHA, supplemental Part B" means the school district general fund school districts to assist them in providing a free and appropriate public education to all.

[Statutory Authority: RCW 84.52.0531(10) and 28A.41.170. 88-03-007 (Order 88-6), § 392-139-156, filed 1/8/88.]

WAC 392-139-158 Definition--6138 Secondary vocational education, P.L. 98-524. As used in this chapter, "6138 Secondary vocational education, P.L. 98-524" means the school district general fund revenue account in which are recorded grants for school district vocational education programs for handicapped students, disadvantaged individuals, and programs to eliminate sex bias and stereotyping commonly known as the Carl D. Perkins Vocational Education Act, P.L. 98-524.

[Statutory Authority: RCW 84.52.0531(10) and 28A.41.170. 88-03-007 (Order 88-6), § 392-139-158, filed 1/8/88.]

WAC 392-139-160 Definition--6146 Skills center. As used in this chapter, "6146 Skills center" means the school district general fund revenue account in which are recorded federal revenues for programs that provide employment skills for secondary students attending skills centers.

[Statutory Authority: RCW 84.52.0531(10) and 28A.41.170. 88-03-007 (Order 88-6), § 392-139-160, filed 1/8/88.]

WAC 392-139-162 Definition--6151 Remediation, ECIA, chapter 1. As used in this chapter, "6151 Remediation, ECIA, chapter 1" means the school district general fund revenue account in which are recorded federal revenues received through the apportionment process for the reimbursement of expenditure claims for expenditures for the educational needs of disadvantaged children pursuant to chapter 392-163 WAC.

[Statutory Authority: RCW 84.52.0531(10) and 28A.41.170. 88-03-007 (Order 88-6), § 392-139-162, filed 1/8/88.]

WAC 392-139-164 Definition--6153 Migrant, ECIA, chapter 1. As used in this chapter, "6153 Migrant, ECIA, chapter 1" means the school district general fund revenue account in which are recorded federal revenues arising from claims filed for expenditures of educational remediation programs for the children of migratory agricultural workers or fishers pursuant to chapter 392-164 WAC.

[Statutory Authority: RCW 84.52.0531(10) and 28A.41.170. 88-03-007 (Order 88-6), § 392-139-164, filed 1/8/88.]

WAC 392-139-166 Definition--6162 Refugee, P.L. 96-212. As used in this chapter, "6162 Refugee, P.L. 96-212" means the school district general fund revenue account in which are recorded federal revenues distributed by the superintendent of public instruction for expenditures to improve the English language skills of refugee children.

[Statutory Authority: RCW 84.52.0531(10) and 28A.41.170. 88-03-007 (Order 88-6), § 392-139-166, filed 1/8/88.]

WAC 392-139-168 Definition--6164 Bilingual, Title VII, P.L. 95-561. As used in this chapter, "6164 Bilingual, Title VII, P.L. 95-561" means the school district general fund revenue account in which are recorded federal revenues distributed by the superintendent of public instruction for programs for the improvement of English language skills commonly known as Title VII, P.L. 95-561.

[Statutory Authority: RCW 84.52.0531(10) and 28A.41.170. 88-03-007 (Order 88-6), § 392-139-168, filed 1/8/88.]

WAC 392-139-170 Definition--6167 Indian education, JOM. As used in this chapter, "6167 Indian education, JOM" means the school district general fund revenue account in which are recorded federal revenues for Indian education programs commonly known as Johnson-O'Malley programs, P.L. 93-368.

[Statutory Authority: RCW 84.52.0531(10) and 28A.41.170. 88-03-007 (Order 88-6), § 392-139-170, filed 1/8/88.]

WAC 392-139-172 Definition--6176 Instructional aid, ECIA, chapter 2. As used in this chapter, "6176 Instructional aid, ECIA, chapter 2" means the school district general fund revenue account in which are recorded federal revenues authorized under chapter 2 of the Education Consolidation and Improvement Act (ECIA) and distributed by the superintendent of public instruction pursuant to chapter 392-165 WAC.

[Statutory Authority: RCW 84.52.0531(10) and 28A.41.170. 88-03-007 (Order 88-6), § 392-139-172, filed 1/8/88.]

WAC 392-139-174 Definition--6177 Mathematics and science. As used in this chapter, "6177 Mathematics and science" means the school district general fund revenue account in which are recorded federal revenues for mathematics and science programs.

[Statutory Authority: RCW 84.52.0531(10) and 28A.41.170. 88-03-007 (Order 88-6), § 392-139-174, filed 1/8/88.]

WAC 392-139-176 Definition--6198 School food services. As used in this chapter, "6198 School food services" means the school district general fund revenue account in which are recorded federal revenues distributed by the superintendent of public instruction for federal lunch, breakfast, and milk programs based on the number of reimbursable student lunches, breakfasts, and milk served.

[Statutory Authority: RCW 84.52.0531(10) and 28A.41.170. 88-03-007 (Order 88-6), § 392-139-176, filed 1/8/88.]

WAC 392-139-178 Definition--6200 Direct special purpose grants. As used in this chapter, "6200 Direct special purpose grants" means the school district general fund revenue account in which are recorded special purpose grants distributed directly by the federal government which are assignable to a specific 6200 series revenue account.

[Statutory Authority: RCW 84.52.0531(10) and 28A.41.170. 88-03-007 (Order 88-6), § 392-139-178, filed 1/8/88.]

WAC 392-139-180 Definition--6246 Skills center, direct federal grant. As used in this chapter, "6246 Skills center, direct federal grant" means the school district general fund revenue account in which are recorded direct grants from the federal government for skills center programs.

[Statutory Authority: RCW 84.52.0531(10) and 28A.41.170. 88-03-007 (Order 88-6), § 392-139-180, filed 1/8/88.]

WAC 392-139-182 Definition--6264 Bilingual, Title VII, P.L. 95-561. As used in this chapter, "6264 Bilingual, Title VII, P.L. 95-561" means the school district general fund revenue account in which are recorded direct grants from the federal government for the reimbursement of school district expenditures to improve English language skills commonly known as Title VII, P.L. 95-561.

[Statutory Authority: RCW 84.52.0531(10) and 28A.41.170. 88-03-007 (Order 88-6), § 392-139-182, filed 1/8/88.]

WAC 392-139-184 Definition--6268 Indian education, P.L. 92-318. As used in this chapter, "6268 Indian education, P.L. 92-318" means the school district general fund revenue account in which are recorded direct grants from the federal government for education of Indian youth commonly known as P.L. 92-318 but not for programs for Indian education commonly known as Johnson-O'Malley programs.

[Statutory Authority: RCW 84.52.0531(10) and 28A.41.170. 88-03-007 (Order 88-6), § 392-139-184, filed 1/8/88.]

WAC 392-139-186 Definition--6998 USDA commodities. As used in this chapter, "6998 USDA commodities" means the school district general fund revenue account in which is recorded as revenue the value of USDA commodities, including cash-in-lieu of commodities distributed to the district during the school year.

[Statutory Authority: RCW 84.52.0531(10) and 28A.41.170. 88-03-007 (Order 88-6), § 392-139-186, filed 1/8/88.]

WAC 392-139-200 Definition--Report 1197. As used in this chapter, "Report 1197" means the monthly statement of apportionment prepared and distributed by the superintendent of public instruction which reports the annual allotment of state and federal funds. The dollar amounts of allotments for selected accounts reported on the August Report 1197 are included in the district excess levy base calculated pursuant to WAC 392-139-310. The accounts included in the levy base and reported on Report 1197 are listed in WAC 392-139-310 (4)(a).

[Statutory Authority: RCW 84.52.0531(10) and 28A.41.170. 88-03-007 (Order 88-6), § 392-139-200, filed 1/8/88.]

WAC 392-139-205 Definition--F-195. As used in this chapter, "F-195" means the annual school district budget document officially adopted by each school district pursuant to chapter 28A.65 RCW for each year's operations. This document includes estimates of revenues to be received from federal sources during the school

year. The amount of federal revenues reported on a district's F-195 for the prior school year are included in the district's excess levy base pursuant to WAC 392-139-310 if they qualify for inclusion and are not reported on Report 1197. The accounts included in the levy base and reported on the F-195 are listed in WAC 392-139-310 (4)(b).

[Statutory Authority: RCW 84.52.0531(10) and 28A.41.170. 88-03-007 (Order 88-6), § 392-139-205, filed 1/8/88.]

WAC 392-139-210 Definition--Annual average full-time equivalent (AAFTE) students. As used in this chapter, "annual average full-time equivalent (AAFTE) students" means the same defined in WAC 392-121-133.

[Statutory Authority: RCW 84.52.0531(10) and 28A.41.170. 88-03-007 (Order 88-6), § 392-139-210, filed 1/8/88.]

WAC 392-139-215 Definition--P-223H. As used in this chapter, "P-223H" means the form entitled monthly report of school district's handicapped enrollment. P-223H forms are printed and distributed annually by the superintendent of public instruction to all districts. School districts used the P-223H to report nonresident enrollments of handicapped students in programs approved pursuant to chapter 392-135 WAC as interdistrict cooperative programs. Enrollments reported on the P-223H are used in calculating excess levy authority transfers pursuant to WAC 392-139-330 and 392-139-340 when the reporting district is not required to complete form 1067.

[Statutory Authority: RCW 84.52.0531(10) and 28A.41.170. 88-03-007 (Order 88-6), § 392-139-215, filed 1/8/88.]

WAC 392-139-220 Definition--P-223NR. As used in this chapter, "P-223NR" means the form entitled monthly report of school district nonresident enrollment. P-223NR forms are printed and distributed annually by the superintendent of public instruction to school districts with alternative education or vocational cooperatives. School districts use the P-223NR to report nonresident enrollments in alternative/academic education or vocational education programs approved pursuant to chapter 392-135 WAC as interdistrict cooperative programs. Enrollments reported on this form are used in calculating transfers of excess levy authority pursuant to WAC 392-139-330 and 392-139-340.

[Statutory Authority: RCW 84.52.0531(10) and 28A.41.170. 88-03-007 (Order 88-6), § 392-139-220, filed 1/8/88.]

WAC 392-139-225 Definition--Form 1067. As used in this chapter, "Form 1067" means the form entitled special education cooperative enrollment, annual average full-time equivalent enrollment. Form 1067 is printed and distributed annually by the superintendent of public instruction to districts that have special education cooperatives. School districts use form 1067 to report AAFTE students residing in another district and enrolled in a program for education of handicapped children established as an interdistrict cooperative program pursuant to chapter 392-135 WAC. Enrollments

from this report are used in calculating excess levy authority transfers pursuant to WAC 392-139-330 and 392-139-340.

[Statutory Authority: RCW 84.52.0531(10) and 28A.41.170. 88-03-007 (Order 88-6), § 392-139-225, filed 1/8/88.]

WAC 392-139-230 Definition--P-213. As used in this chapter, "P-213" means the form entitled report of students residing in nonhigh districts enrolled in high school districts. P-213 forms are printed and distributed annually by the superintendent of public instruction to high school districts educating students from nonhigh school districts. School districts use the P-213 to report enrollment of students residing in a nonhigh school district and enrolled in a high school district pursuant to chapter 28A.44 RCW and chapter 392-132 WAC. Enrollments reported on this form are used in calculating excess levy authority transfers from high school districts to nonhigh school districts pursuant to WAC 392-139-340.

[Statutory Authority: RCW 84.52.0531(10) and 28A.41.170. 88-03-007 (Order 88-6), § 392-139-230, filed 1/8/88.]

WAC 392-139-235 Definition--Annual average full-time equivalent (AAFTE) resident enrollment. As used in this chapter "AAFTE resident enrollment" means the AAFTE students residing in a school district which shall be determined as follows:

(1) Determine total AAFTE students enrolled in the school district for the school year;

(2) Add AAFTE students residing in the school district but enrolled in another school district pursuant to an interdistrict cooperation agreement authorized pursuant to RCW 28A.58.075, 28A.58.245, and chapter 392-135 WAC;

(3) Add AAFTE students residing in the school district but enrolled in another school district pursuant to chapter 28A.44 RCW and chapter 392-132 WAC;

(4) Subtract AAFTE students residing in another school district but enrolled in the school district pursuant to an interdistrict cooperation agreement authorized pursuant to RCW 28A.58.075, 28A.58.245, and chapter 392-135 WAC;

(5) Subtract AAFTE students residing in another school district but enrolled in the school district pursuant to chapter 28A.44 RCW and chapter 392-132 WAC.

[Statutory Authority: RCW 84.52.0531(10) and 28A.41.170. 88-03-007 (Order 88-6), § 392-139-235, filed 1/8/88.]

WAC 392-139-240 Definition--Base year levy percentage. As used in this chapter, "base year levy percentage" means the greater of:

(1) The school district's actual levy percentage for calendar year 1985;

(2) The average levy percentage for all school district levies in the state in calendar year 1985; or

(3) The average levy percentage for all school district levies in the educational service district of the school district in calendar year 1985.

[Statutory Authority: RCW 84.52.0531(10) and 28A.41.170. 88-03-007 (Order 88-6), § 392-139-240, filed 1/8/88.]

WAC 392-139-245 Definition--Levy reduction funds. As used in this chapter, "levy reduction funds" means the increases in state allocations to a school district determined as follows:

(1) For calendar year 1988, the following basic education allocations for the 1987-88 school year calculated pursuant to section 503, chapter 7, Laws of 1987 1st ex. sess. shall be recognized as levy reduction funds:

(a) Salaries and benefits for one additional certificated instructional staff unit for each one thousand AAFTE students in kindergarten through third grade; and

(b) Nonemployee related costs for two additional certificated instructional staff units for each one thousand AAFTE students in kindergarten through third grade.

(2) For calendar year 1989, the following basic education allocations for the 1988-89 school year calculated pursuant to section 503, chapter 7, Laws of 1987 1st ex. sess. shall be recognized as levy reduction funds: Salaries, benefits, and nonemployee related costs for one additional certificated instructional staff unit for each one thousand AAFTE students in kindergarten through third grade.

[Statutory Authority: RCW 84.52.0531(10) and 28A.41.170. 88-03-007 (Order 88-6), § 392-139-245, filed 1/8/88.]

DETERMINATION OF EXCESS LEVY AUTHORITY

WAC 392-139-300 Establishment of excess levy authority for school districts--General. Notwithstanding such larger dollar amount as may be approved by the electorate of a school district pursuant to RCW 84.52.053, the maximum dollar amount of any school district's certified excess levy for any given calendar year beginning with 1988 shall equal the excess levy authority established by the superintendent of public instruction in accordance with the following procedures:

(1) Only figures and data gathered and approved by the superintendent of public instruction shall be used.

(2) Each district's excess levy authority shall be determined as follows:

(a) Multiply the district's excess levy base determined pursuant to WAC 392-139-310 by the district's maximum excess levy percentage determined pursuant to WAC 392-139-320;

(b) Adjust the district's excess levy authority for transfers determined pursuant to WAC 392-139-330 and 392-139-340; and

(c) Subtract the district's maximum local effort assistance determined pursuant to WAC 392-139-660.

(3) If excess levy authority calculations made pursuant to this chapter are dependent on factors which are not finalized at the time of the calculations, the superintendent of public instruction shall base the calculations on estimates at the time of the calculations.

(4) In calculations of excess levy authority performed pursuant to this chapter, dollars shall be rounded to the nearest whole dollar, student enrollments shall be rounded to two decimal places, ratios shall be rounded to four decimal places, and percentages shall be rounded to two decimal places.

(5) The superintendent of public instruction shall annually provide all districts with the appropriate calculation procedures for the purposes of this chapter.

[Statutory Authority: RCW 84.52.0531(10) and 28A.41.170. 88-03-007 (Order 88-6), § 392-139-300, filed 1/8/88.]

WAC 392-139-310 Determination of excess levy base. In calendar year 1987 and each year thereafter, the superintendent of public instruction shall calculate each school district's excess levy base to be used in establishing the district's excess levy authority for the next calendar year.

(1) The dollar amount of each school district's excess levy base equals the sum of state and federal allocations identified in subsection (2) of this section increased by the percentage increase per full-time equivalent student in the state basic education appropriation between the prior school year and the current school year.

(2) Each district's excess levy base includes the following state and federal allocations for the district for the prior school year:

(a) The district's basic education allocation as defined in WAC 392-139-115 and as reported on the August Report 1191;

(b) The district's state and federal categorical allocations for the following programs:

(i) Pupil transportation. Allocations for pupil transportation include allocations for programs identified by the following accounts:

4199 Transportation - operations; and
4499 Transportation reimbursement - depreciation.

(ii) Handicapped education. Allocations for handicapped education include allocations for programs identified by the following accounts:

4121 Education of handicapped children;
6124 Handicapped supplemental, EHA, Part B;
and
6127 Handicapped deinstitutionalized.

(iii) Education of highly capable students. Allocations for education of highly capable students include allocations for program 4174 Gifted and talented.

(iv) Compensatory education, including but not limited to learning assistance, migrant education, Indian education, refugee programs, and bilingual education. Allocations for compensatory education include allocations for programs identified by the following accounts:

4155 Remediation;
4165 Transitional bilingual;
6151 Remediation, ECIA chapter 1;
6153 Migrant, ECIA chapter 1;
6162 Refugee programs;
6164 Bilingual, Title VII, P.L. 95-561 (SPI);
6167 Indian education, JOM;
6264 Bilingual, Title VII, P.L. 95-561 (direct); and
6268 Indian education, P.L. 92-318.

(v) Food services. Allocations for food services include allocations for programs identified by the following accounts:

4198 Food services (state);
6198 Food services (federal); and
6998 USDA commodities.

(vi) State-wide block grant programs. Allocations for state-wide block grant programs include allocations for programs identified as 6176 Instructional aid, ECIA, chapter 2.

(c) The district's federal allocations for programs identified by the following accounts:

5200 General purpose direct grants, unassigned;
6100 Special purpose, SPI, unassigned;
6138 Secondary vocational education, P.L. 98-524;
6146 Skills center;
6177 Mathematics and science;
6200 Direct special purpose grants; and
6246 Skills center, direct federal grant.

(3) Revenue accounts referenced in subsection (2) of this section are from the September 1986 accounting manual for public school districts in the state of Washington as revised September 1987. Revenues for programs identified by these account numbers and titles shall continue to qualify for inclusion in the excess levy base regardless of changes in account numbers or titles.

(4) For the purpose of administration of this chapter, the dollar amount of revenues for programs identified in subsection (2)(b) and (c) of this section shall be derived from the following sources:

(a) Program revenues which are reported on the August Report 1197 for the prior school year are taken from that report. The amount of revenue included in the levy base equals the amount of the annual allotment due (Report 1197, column A). Allocations taken from the Report 1197 include the following:

4121 Education of handicapped children;
4155 Remediation;
4165 Transitional bilingual;
4174 Gifted and talented;
4198 Food services (state);
4199 Transportation - operations;
4499 Transportation reimbursement - depreciation;
6124 Handicapped supplemental, EHA, part B;
6127 Handicapped deinstitutionalized;
6138 Secondary vocational education, P.L. 98-524;
6146 Skills center;
6151 Remediation, ECIA chapter 1;
6153 Migrant, ECIA chapter 1;
6162 Refugee programs;
6176 Instructional aid, ECIA, chapter 2;
6177 Mathematics and science; and
6198 Food services (federal).

(b) Program revenues which are not reported on the August Report 1197 of the prior school year are taken from the F-195, school district budget, for the prior school year. Allocations taken from the F-195 include the following:

5200 General purpose direct grants, unassigned;
6100 Special purpose, SPI, unassigned;
6164 Bilingual, Title VII, P.L. 95-561 (SPI);
6167 Indian education, JOM;
6200 Direct special purpose grants;
6246 Skills center, direct federal grant;
6264 Bilingual, Title VII, P.L. 95-561 (direct);
6268 Indian education, P.L. 92-318; and
6998 USDA commodities.

[Statutory Authority: RCW 84.52.0531(10) and 28A.41.170. 88-03-007 (Order 88-6), § 392-139-310, filed 1/8/88.]

WAC 392-139-320 Determination of maximum excess levy percentage. In calendar year 1987 and each year thereafter, the superintendent of public instruction shall calculate each school district's maximum excess levy percentage for the next calendar year as provided in this section.

(1) For excess levy collections in calendar year 1988 each district's maximum excess levy percentage shall be the greater of twenty percent or the percentage calculated as follows:

(a) Multiply the district's excess levy base determined pursuant to WAC 392-139-310 by the district's base year levy percentage determined pursuant to WAC 392-139-240;

(b) Subtract the district's levy reduction funds for the calendar year of the levy pursuant to WAC 392-139-245; and

(c) Divide the result by the district's excess levy base.

(2) For excess levy collections in calendar year 1989 and thereafter each district's maximum excess levy percentage shall be the greater of twenty percent or the percentage calculated as follows:

(a) Multiply the district's excess levy base determined pursuant to WAC 392-139-310; by

(b) The lesser of thirty percent or the district's maximum excess levy percentage for the current calendar year;

(c) Subtract the district's levy reduction funds for the year of the levy determined pursuant to WAC 392-139-245; and

(d) Divide the result by the district's excess levy base.

[Statutory Authority: RCW 84.52.0531(10) and 28A.41.170. 88-03-007 (Order 88-6), § 392-139-320, filed 1/8/88.]

WAC 392-139-330 Determination of excess levy authority transfers for interdistrict cooperation programs. In calendar year 1987 and each year thereafter, the superintendent of public instruction shall calculate the amount of levy authority transfers for the next calendar year for interdistrict cooperation programs as provided in this section. For students who during the prior school year resided in one school district (the sending district) but attended school in another school district (the serving district) pursuant to an interdistrict cooperation agreement authorized pursuant to RCW 28A.58.075 or 28A.58.245 and chapter 392-135 WAC, the serving district's excess levy authority for the next calendar year shall be reduced and the sending district's excess levy authority for the next calendar year shall be increased by the same amount which shall be determined as follows:

(1) Determine the serving district's excess levy authority for the next calendar year after adjustment for levy reduction funding but prior to adjustment for transfers of excess levy authority pursuant to this section and WAC 392-139-340;

(2) Divide the result by the total AAFTE students enrolled in the serving district in the prior school year as reported on the district's August Report 1191; and

(3) Multiply the result by the AAFTE students residing in the sending district and enrolled in the serving district in the prior school year pursuant to an interdistrict cooperation agreement as reported on forms P-223NR, and P-223H or 1067.

[Statutory Authority: RCW 84.52.0531(10) and 28A.41.170. 88-03-007 (Order 88-6), § 392-139-330, filed 1/8/88.]

WAC 392-139-340 Determination of excess levy authority transfers from high school districts to nonhigh school districts. In calendar year 1987 and each year thereafter, the superintendent of public instruction shall determine the amount of excess levy authority transfers for the next calendar year from high school districts to nonhigh school districts as provided in this section. For students residing in a nonhigh school district but enrolled in a high school district pursuant to chapter 28A.44 RCW and chapter 392-132 WAC, the high school district's excess levy authority shall be reduced and the nonhigh school district's excess levy authority shall be increased by the same amount. The amount of the excess levy authority transfer shall equal the estimated excess levy authority transfer for the current school year calculated pursuant to subsection (1) of this section adjusted by the amount of the nonhigh billing adjustment for the prior school year calculated pursuant to subsection (2) of this section.

(1) The estimated excess levy authority transfer for the current school year is determined as follows:

(a) Calculate the high school district's excess levy authority for the next calendar year after adjustment for levy reduction funding but prior to adjustments for transfers of excess levy authority pursuant to this section and WAC 392-139-330;

(b) Divide the result by the estimated total AAFTE students enrolled in the high school district in the current school year as reported to the superintendent of public instruction on form P-213; and

(c) Multiply the result by the estimated AAFTE students residing in the nonhigh school district and enrolled in the high school district for the current school year pursuant to chapter 28A.44 RCW as reported on form P-213.

(2) The amount of the nonhigh billing adjustment for the prior school year is determined as follows:

(a) Determine the high school district's certified excess levy for the current calendar year;

(b) Divide the result by the high school district's AAFTE resident enrollment for the prior school year determined pursuant to WAC 392-139-235 using AAFTE student enrollments reported on the August Report 1191 and forms P-213, P-223NR, and P-223H or 1067; and

(c) Multiply the result by the number of AAFTE students determined as follows:

(i) Determine the actual AAFTE students residing in the nonhigh school district and enrolled in the high

school district in the prior school year pursuant to chapter 28A.44 RCW as reported in the current calendar year on form P-213; and

(ii) Subtract the estimated AAFTE students from the nonhigh school district enrolled in the high school district in the prior school year pursuant to chapter 28A.44 RCW as reported on form P-213 for the prior calendar year.

[Statutory Authority: RCW 84.52.0531(10) and 28A.41.170. 88-03-007 (Order 88-6), § 392-139-340, filed 1/8/88.]

DEFINITIONS FOR LOCAL EFFORT ASSISTANCE

WAC 392-139-600 Definition--Adjusted assessed valuation. As used in this chapter, the term "adjusted assessed valuation" means the assessed valuation for excess levy purposes adjusted to one hundred percent by the county indicated ratio determined by the department of revenue pursuant to RCW 84.48.075.

[Statutory Authority: RCW 84.52.0531(10) and 28A.41.170. 88-03-007 (Order 88-6), § 392-139-600, filed 1/8/88.]

WAC 392-139-605 Definition--District ten percent levy amount. As used in this chapter, "district ten percent levy amount" means the dollar amount determined for each school district as follows:

(1) Perform the calculations pursuant to WAC 392-139-300 (2) (a) and (b) to arrive at the district excess levy authority after excess levy authority transfers but before subtracting maximum local effort assistance;

(2) Divide the result by the district maximum excess levy percentage calculated pursuant to WAC 392-139-320; and

(3) Multiply the result by ten percent.

[Statutory Authority: RCW 84.52.0531(10) and 28A.41.170. 88-03-007 (Order 88-6), § 392-139-605, filed 1/8/88.]

WAC 392-139-610 Definition--District ten percent levy rate. As used in this chapter, "district ten percent levy rate" means the district ten percent levy amount divided by the district adjusted assessed valuation for taxes collected in the current calendar year.

[Statutory Authority: RCW 84.52.0531(10) and 28A.41.170. 88-03-007 (Order 88-6), § 392-139-610, filed 1/8/88.]

WAC 392-139-615 Definition--State-wide average ten percent levy rate. As used in this chapter, "state-wide average ten percent levy rate" means ten percent of the total excess levy bases for the next calendar year determined pursuant to WAC 392-139-310 summed for all school districts divided by the total adjusted assessed valuation for all school districts for taxes collected in the current calendar year.

[Statutory Authority: RCW 84.52.0531(10) and 28A.41.170. 88-03-007 (Order 88-6), § 392-139-615, filed 1/8/88.]

WAC 392-139-620 Definition--Eligible district. As used in this chapter, "eligible district" means a school district whose ten percent levy rate exceeds the state-wide average ten percent levy rate.

[1988 WAC Supp.—page 2596]

[Statutory Authority: RCW 84.52.0531(10) and 28A.41.170. 88-03-007 (Order 88-6), § 392-139-620, filed 1/8/88.]

WAC 392-139-625 Definition--State matching ratio. As used in this chapter, "state matching ratio" means the ratio calculated for each school district as follows:

(1) Subtract the state-wide average ten percent levy rate from the district ten percent levy rate; and

(2) Divide the result by the state-wide average ten percent levy rate.

[Statutory Authority: RCW 84.52.0531(10) and 28A.41.170. 88-03-007 (Order 88-6), § 392-139-625, filed 1/8/88.]

DETERMINATION OF LOCAL EFFORT ASSISTANCE

WAC 392-139-650 Determination of local effort assistance--General. In calendar year 1989 and each year thereafter, eligible districts shall be provided local effort assistance funds as provided in section 102, chapter 2, Laws of 1987 1st ex. sess. Eligibility for local effort assistance, maximum local effort assistance for each eligible district, and local effort assistance allocations to each eligible district shall be established annually in accordance with the following general procedures:

(1) Only figures and data gathered and approved by the superintendent of public instruction shall be used.

(2) The superintendent of public instruction shall calculate each district's maximum local effort assistance, state matching ratio, and projected local effort assistance each year for the next calendar year pursuant to this chapter.

(3) The superintendent of public instruction shall calculate the actual amount of each eligible district's local effort assistance allocations in the calendar year of the allocations pursuant to WAC 392-139-670.

(4) If calculations of maximum local effort assistance or local effort assistance allocations made pursuant to this chapter are dependent on factors which are not finalized at the time of the calculations, the superintendent of public instruction shall base the calculations on estimates at the time of the calculations.

(5) In calculations of local effort assistance performed pursuant to this chapter, dollar amounts shall be rounded to the nearest whole dollar, ratios shall be rounded to four decimal places, percentages shall be rounded to two decimal places, and levy rates shall be rounded to six decimal places.

(6) The superintendent of public instruction shall annually provide all districts with the appropriate calculation procedures for the purposes of this chapter.

[Statutory Authority: RCW 84.52.0531(10) and 28A.41.170. 88-03-007 (Order 88-6), § 392-139-650, filed 1/8/88.]

WAC 392-139-660 Determination of maximum local effort assistance. In calendar year 1988 and each year thereafter, the superintendent of public instruction shall calculate maximum local effort assistance for each eligible district for the next calendar year as provided in this section.

(1) Maximum local effort assistance shall be calculated as follows:

(a) Subtract the state-wide average ten percent levy rate for the next calendar year from the district ten percent levy rate for the next calendar year;

(b) Divide the result by the district ten percent levy rate for the next calendar year; and

(c) Multiply the result by the district ten percent levy amount for the next calendar year.

(2) Notwithstanding subsection (1) of this section maximum local effort assistance for calendar year 1989 is reduced to reflect partial funding of local effort assistance by the legislature pursuant to section 212, chapter 2, Laws of 1987 1st ex. sess. Maximum local effort assistance for 1989 calculated pursuant to this subsection shall be based on the superintendent of public instruction's September estimate of the percentage of full funding for local effort assistance in 1989. Maximum local effort assistance calculated pursuant to this subsection shall be for the purpose of reducing excess levy authority determined pursuant to this chapter and shall not be construed to limit the actual amount of a district's local effort assistance allocations determined pursuant to WAC 392-139-670. Maximum local effort assistance for each eligible district for calendar year 1989 shall be determined as follows:

(a) Calculate fifty-five percent of the district's maximum local effort assistance pursuant to subsection (1) of this section;

(b) Multiply the result by the proration percentage determined as follows:

(i) Divide five million dollars by;

(ii) Fifty-five percent of the estimated total amount of local effort assistance allocations to all eligible school districts for calendar year 1989 using the superintendent of public instruction's estimate of certified excess levies for 1989 based on voter approved excess levies and excess levies planned for 1989; and

(c) Add to the result of subsection (2)(b) of this section an amount equal to forty-five percent of the district's maximum local effort assistance calculated pursuant to subsection (1) of this section.

[Statutory Authority: RCW 84.52.0531(10) and 28A.41.170. 88-03-007 (Order 88-6), § 392-139-660, filed 1/8/88.]

WAC 392-139-665 Reporting of certified excess levy amounts. No later than the third Wednesday in December of 1988 and each year thereafter, each educational service district shall report to the superintendent of public instruction the certified excess levies for the next calendar for school districts in the educational service district. Such report shall include copies of the documents used to certify excess levies to the board or boards of county commissioners pursuant to RCW 84.52.020.

[Statutory Authority: RCW 84.52.0531(10) and 28A.41.170. 88-03-007 (Order 88-6), § 392-139-665, filed 1/8/88.]

WAC 392-139-670 Local effort assistance allocations. In calendar year 1989 and each year thereafter,

the superintendent shall allocate local effort assistance to each eligible district as provided in this section.

(1) The dollar amount of local effort assistance allocated to each eligible district for the calendar year shall equal the lesser of the following amounts:

(a) The district's certified excess levy for the calendar year as reported to the superintendent of public instruction pursuant to WAC 392-139-665 times the district's state matching ratio for the calendar year calculated pursuant to WAC 392-139-625; or

(b) The district's maximum local effort assistance for the calendar year calculated pursuant to WAC 392-139-660(1).

(2) The superintendent of public instruction shall allocate local effort assistance due to each eligible district fifty-five percent on or before June 30 and the remaining forty-five percent on or before December 31. Allocations shall be made through monthly apportionment payments according to the following schedule:

January	10.5%	
February	10.5%	
March	10.5%	
April	10.5%	
May	6.5%	
June	6.5%	First six months 55%
July	8.5%	
August	8.5%	
September	7.5%	
October	7.5%	
November	5.5%	
December	7.5%	Second six months 45%
Total	100.0%	

(3) Notwithstanding subsections (1) and (2) of this section, the first six payments of local effort assistance in calendar year 1989 shall be reduced to reflect partial funding of local effort assistance by the legislature pursuant to section 212, chapter 2, Laws of 1987 1st ex. sess. The first six local effort assistance payments to each eligible school district in calendar year 1989 shall equal the amount determined as follows:

(a) Calculate a proration percentage as follows:

(i) Divide five million dollars by;

(ii) Fifty-five percent of the total amount of local effort assistance allocations to all eligible districts for calendar year 1989 as determined pursuant to WAC 392-139-300 through 392-139-660 and subsection (1) of this section assuming full funding of local effort assistance and using certified excess levy amounts known at the time of the calculation.

(b) Determine the amount that the district would receive for local effort assistance pursuant to WAC 392-139-300 through 392-139-660 and subsection (1) of this section assuming full funding of local effort assistance and using certified excess levy amounts at the time of the calculation;

(c) Multiply the result of (b) of this subsection by the percentage of local effort assistance due for the month as shown on the schedule in subsection (2) of this section; and

(d) Multiply the result of (c) of this subsection by the proration percentage calculated in subsection (a) of this subsection.

[Statutory Authority: RCW 84.52.0531(10) and 28A.41.170. 88-03-007 (Order 88-6), § 392-139-670, filed 1/8/88.]

NOTIFICATION PROVISIONS

WAC 392-139-900 Notification of amounts calculated. The superintendent of public instruction shall notify school districts of amounts calculated pursuant to this chapter as provided in this section.

(1) Prior to October 7, 1987, the superintendent of public instruction shall notify each school district, and the county assessor, and chairman of the board of county commissioners of the county in which the district is headquartered of the results of calculations made for the district pursuant to this chapter for the 1988 calendar year including the following:

- (a) Excess levy authority; and
- (b) Maximum excess levy percentage.

(2) Prior to the first Wednesday following the first Monday in October of each year beginning in 1988, the superintendent of public instruction shall notify each school district and the county assessor and chairman of the board of county commissioners of the county in which the district is headquartered of the results of calculations made for the district pursuant to this chapter for the next calendar year including the following:

- (a) Excess levy authority;
- (b) Maximum excess levy percentage;
- (c) Eligibility for local effort assistance; and
- (d) If eligible for local effort assistance:
 - (i) Maximum local effort assistance;
 - (ii) State matching ratio;
 - (iii) Certified excess levy necessary to qualify for maximum local effort assistance; and
 - (iv) Projected local effort assistance allocation based on the superintendent of public instruction's estimate of certified excess levies for the next calendar year at the time of the notice.

(3) At the time of the January apportionment payment in calendar year 1989 and each year thereafter, the superintendent of public instruction shall notify each eligible district of the amount of the district's local effort assistance allocations for the year determined pursuant to WAC 392-139-670.

[Statutory Authority: RCW 84.52.0531(10) and 28A.41.170. 88-03-007 (Order 88-6), § 392-139-900, filed 1/8/88.]

Chapter 392-140 WAC

FINANCE--SPECIAL ALLOCATIONS, INSTRUCTIONS, AND REQUIREMENTS

WAC

- 392-140-058 RAP, grades seven through nine--Definition--District eighth grade RAP percentage.
- 392-140-145 1987-89 minimum salary allocations--Applicable provisions.
- 392-140-146 1987-89 minimum salary allocations--Definition--School year.

- 392-140-147 1987-89 minimum salary allocations--Definition--Current school year.
- 392-140-148 1987-89 minimum salary allocations--Definition--Prior school year.
- 392-140-149 1987-89 minimum salary allocations--Definition--Certificated instructional employee.
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- 392-140-151 Minimum salary allocations--Definition--Certificated instructional employee full-time equivalency (FTE).
- 392-140-152 1987-89 minimum salary allocations--Definition--Minimum required salary.
- 392-140-153 1987-89 minimum salary allocations--Definition--Prior school year adjusted salary.
- 392-140-154 1987-89 minimum salary allocations--Definition--LEAP Document 1.
- 392-140-155 1987-89 minimum salary allocations--Definition--LEAP Document 11.
- 392-140-156 1987-89 minimum salary allocations--Definition--District derived base salary for purpose of apportionment.
- 392-140-157 1987-89 minimum salary allocations--Determination of percentage increase in the district derived base salary.
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- 392-140-160 Local education program enhancement--Applicable provisions.
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- 392-140-167 Local education program enhancement--Definition--Needs assessment.
- 392-140-168 Local education program enhancement--Definition--Eligible programs.
- 392-140-169 Local education program enhancement--Conditions for receiving moneys.
- 392-140-170 Local education program enhancement--Allowable expenditures.
- 392-140-171 Local education program enhancement--Payment of local education program enhancement funds.
- 392-140-172 Local education program enhancement--Proration.
- 392-140-173 Local education program enhancement--End of year report.
- 392-140-174 Local education program enhancement--Carryover provision.

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 pursuant to RCW 28A.03.360, using the most recent prior two year average scores on the eighth grade test: *Provided*, That if the district did not offer an eighth grade in the prior two years, the district shall use the district fourth grade RAP percentage.

[Statutory Authority: RCW 28A.03.030(3). 87-09-017 (Order 87-1), § 392-140-058, filed 4/6/87. 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 392-140-145 1987-89 minimum salary allocations--Applicable provisions. The provisions of WAC 392-140-145 through 392-140-159 shall be applicable for the 1987-88 and 1988-89 school year minimum salary allocations pursuant to section 3, chapter 1, Laws of 1987 3rd ex. sess.

[Statutory Authority: RCW 28A.41.170. 88-03-005 (Order 88-4), § 392-140-145, filed 1/8/88.]

WAC 392-140-146 1987-89 minimum salary allocations--Definition--School year. As used in WAC 392-140-145 through 392-140-159, "school year" means the same as defined in WAC 392-121-031.

[Statutory Authority: RCW 28A.41.170. 88-03-005 (Order 88-4), § 392-140-146, filed 1/8/88.]

WAC 392-140-147 1987-89 minimum salary allocations--Definition--Current school year. As used in WAC 392-140-145 through 392-140-159, "current school year" means the school year for which minimum salary allocations are made pursuant to this chapter.

[Statutory Authority: RCW 28A.41.170. 88-03-005 (Order 88-4), § 392-140-147, filed 1/8/88.]

WAC 392-140-148 1987-89 minimum salary allocations--Definition--Prior school year. As used in WAC 392-140-145 through 392-140-159, "prior school year" means the school year prior to the school year for which minimum salary allocations are made pursuant to this chapter.

[Statutory Authority: RCW 28A.41.170. 88-03-005 (Order 88-4), § 392-140-148, filed 1/8/88.]

WAC 392-140-149 1987-89 minimum salary allocations--Definition--Certificated instructional employee. As used in WAC 392-140-145 through 392-140-159, "certificated instructional employee" means the same as defined in WAC 392-121-205.

[Statutory Authority: RCW 28A.41.170. 88-03-005 (Order 88-4), § 392-140-149, filed 1/8/88.]

WAC 392-140-150 1987-89 minimum salary allocations--Definition--Form F-275. As used in WAC 392-140-145 through 392-140-159, "Form F-275" means the same as defined in WAC 392-121-220.

[Statutory Authority: RCW 28A.41.170. 88-03-005 (Order 88-4), § 392-140-150, filed 1/8/88.]

WAC 392-140-151 Minimum salary allocations--Definition--Certificated instructional employee full-time equivalency (FTE). As used in this chapter, "certificated instructional employee full-time equivalency (FTE)" means the number rounded to three decimal places determined as follows:

(1) An employee of the school district who is contracted to provide services as a certificated instructional employee for not less than one hundred eighty full work days shall be counted as one FTE.

(2) An employee of the school district who is contracted to provide services for one hundred eighty partial days as a certificated instructional employee shall be counted as a partial FTE, such part to be the quotient to the nearest thousandth obtained by dividing that part of the day worked by the full day as determined by the district.

(3) An employee of the school district who is contracted to provide services for less than one hundred eighty full work days as a certificated instructional employee shall be counted as a partial FTE, such part to be the quotient rounded to the nearest thousandth obtained by dividing the number of work days contracted for by one hundred eighty: *Provided*, That if the normal annual full-time contract for the position exceeds one hundred eighty work days, the greater number of work days normally contracted shall be used as the divisor.

(4) An employee of the school district who is contracted to provide services for less than one hundred eighty partial days as a certificated instructional employee shall be counted as a partial FTE, such part to be the quotient to the nearest thousandth obtained by dividing the part of the day worked by the full day as determined by the district and then multiplying the result by the ratio of work days contracted for to one hundred eighty: *Provided*, That if the normal annual full-time contract for the position exceeds one hundred eighty work days, the greater number of work days normally contracted shall be used in place of one hundred eighty in the ratio.

(5) For the purposes of this section a certificated instructional employee's contracted time is determined by the employee's contracted assignments as of October 1 of the current school year as reported to the superintendent of public instruction on Form F-275 pursuant to chapter 392-121 WAC.

(6) No employee shall be counted as more than one full-time equivalent certificated staff unit.

(7) The length of a full work day as used in this section shall be determined by the district.

[Statutory Authority: RCW 28A.41.170. 88-03-005 (Order 88-4), § 392-140-151, filed 1/8/88.]

WAC 392-140-152 1987-89 minimum salary allocations--Definition--Minimum required salary. As used in WAC 392-140-145 through 392-140-159, "minimum required salary" means the salary amount for a certificated instructional employee for a given school year as determined in this section.

(1) For the 1987-88 school year an employee's minimum required salary equals the employee's full-time equivalency as a certificated instructional employee times:

(a) For an employee whose highest degree level is a bachelor's degree, \$17,050; or

(b) For an employee whose highest degree level is a master's degree, \$20,000.

(2) For the 1988-89 school year an employee's minimum required salary equals the employee's full-time equivalency as a certificated instructional employee times:

(a) For an employee whose highest degree level is a bachelor's degree, \$17,600; or

(b) For an employee whose highest degree level is a master's degree, \$20,645.

(3) For the purposes of this section an employee's highest degree level shall be the highest degree level of the employee as of October 1 of the school year as reported to the superintendent of public instruction on Form F-275 pursuant to chapter 392-121 WAC.

[Statutory Authority: RCW 28A.41.170. 88-03-005 (Order 88-4), § 392-140-152, filed 1/8/88.]

WAC 392-140-153 1987-89 minimum salary allocations--Definition--Prior school year adjusted salary. As used in WAC 392-140-145 through 392-140-159, "prior school year adjusted salary" means the salary rounded to the nearest whole dollar that the school district would have paid an employee for the prior school year in the certificated instructional position or positions held by the employee in the current school year using the employee's current school year education, years of experience and full-time equivalency.

(1) In determining prior school year adjusted salary, the position or positions held by the employee in the current school year, the employee's education, years of experience, and full-time equivalency shall be as of October 1 of the current school year as reported to the superintendent of public instruction on Form F-275 pursuant to chapter 392-121 WAC.

(2) No employee's prior school year adjusted salary for 1986-87 shall be considered to be less than \$16,500 on a full-time equivalent basis if the school district had received salary enhancement allocations under section 502(3)(f) of chapter 7, Laws of 1987, to establish a minimum salary of \$16,500.

[Statutory Authority: RCW 28A.41.170. 88-03-005 (Order 88-4), § 392-140-153, filed 1/8/88.]

WAC 392-140-154 1987-89 minimum salary allocations--Definition--LEAP Document 1. As used in WAC 392-140-145 through 392-140-159, "LEAP Document 1" means the same as defined in WAC 392-121-267.

[Statutory Authority: RCW 28A.41.170. 88-03-005 (Order 88-4), § 392-140-154, filed 1/8/88.]

WAC 392-140-155 1987-89 minimum salary allocations--Definition--LEAP Document 11. As used in WAC 392-140-145 through 392-140-159, "LEAP Document 11" means the same as defined in WAC 392-121-268.

[Statutory Authority: RCW 28A.41.170. 88-03-005 (Order 88-4), § 392-140-155, filed 1/8/88.]

WAC 392-140-156 1987-89 minimum salary allocations--Definition--District derived base salary for purpose of apportionment. As used in WAC 392-140-145 through 392-140-159, "district derived base salary for purpose of apportionment" means amount rounded to the nearest whole dollar determined for each school district as follows:

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(1) Determine the district average basic education certificated instructional staff salary for purpose of apportionment determined pursuant to WAC 392-121-299; and

(2) Divide by the district average staff mix factor for basic education certificated instructional staff for the same school year determined pursuant to WAC 392-121-295.

[Statutory Authority: RCW 28A.41.170. 88-03-005 (Order 88-4), § 392-140-156, filed 1/8/88.]

WAC 392-140-157 1987-89 minimum salary allocations--Determination of percentage increase in the district derived base salary. The percentage increase in a school district's derived base salary between the prior and current school years shall be the percentage rounded to two decimal places calculated pursuant to this section.

(1) The percentage increase between the 1986-87 and 1987-88 school years is calculated as follows:

(a) Determine the school district's 1987-88 derived base salary for purpose of apportionment pursuant to WAC 392-140-156;

(b) Subtract the school district's 1986-87 basic education certificated instructional derived base salary as shown on LEAP Document 11;

(c) Divide the result by the school district's 1986-87 basic education certificated instructional derived base salary shown on LEAP Document 11; and

(d) Multiply the result by one hundred.

(2) The percentage increase between the 1987-88 and 1988-89 school years is calculated as follows:

(a) Determine the school district's 1988-89 derived base salary for purpose of apportionment pursuant to WAC 392-140-156;

(b) Subtract the school district's 1987-88 derived base salary for purpose of apportionment determined pursuant to WAC 392-121-156;

(c) Divide the result by the school district's 1987-88 derived base salary for purpose of apportionment determined pursuant to WAC 392-121-156; and

(d) Multiply the result by one hundred.

[Statutory Authority: RCW 28A.41.170. 88-03-005 (Order 88-4), § 392-140-157, filed 1/8/88.]

WAC 392-140-158 1987-89 minimum salary allocations--Definition--Eligible employee. As used in this chapter, "eligible employee" means a certificated instructional employee whose minimum required salary for the current school year exceeds their prior school year adjusted salary increased by the percentage increase between the prior and current school years in the employing school district's derived base salary.

[Statutory Authority: RCW 28A.41.170. 88-03-005 (Order 88-4), § 392-140-158, filed 1/8/88.]

WAC 392-140-159 1987-89 minimum salary allocations--Determination of minimum salary allocations. In the 1987-88 and 1988-89 school years the superintendent of public instruction may allocate moneys to school districts to implement minimum salaries for eligible employees as follows:

(1) For each eligible employee of a school district determine the employee's prior school year adjusted salary pursuant to WAC 392-140-153;

(2) Increase the result of subsection (1) of this section by the percentage increase between the prior and current school years in the district's derived base salary determined pursuant to WAC 392-140-157 and round to the nearest whole dollar;

(3) Subtract the result of subsection (2) of this section from the employee's minimum required salary for the current school year determined pursuant to WAC 392-140-152;

(4) Sum the result of subsection (3) of this section for all eligible employees of the school district; and

(5) The amount determined in subsection (4) of this section is the amount of the school district's minimum salary allocation for the school year.

[Statutory Authority: RCW 28A.41.170. 88-03-005 (Order 88-4), § 392-140-159, filed 1/8/88.]

WAC 392-140-160 Local education program enhancement--Applicable provisions. The provisions of WAC 392-140-160 through 392-140-174 shall be applicable to the distribution of moneys to school districts for the local education program enhancement program pursuant to section 506, chapter 7, Laws of 1987 1st sess.

[Statutory Authority: 1987 1st ex.s. c 7 § 506. 88-09-045 (Order 88-12), § 392-140-160, filed 4/18/88.]

WAC 392-140-161 Local education program enhancement--Definition--Statement of assurances. As used in WAC 392-140-160 through 392-140-174, "statement of assurances" means the form distributed by the superintendent of public instruction on which the school district assures that, as a condition of the receipt of local education program enhancement moneys, it shall comply with the terms specified in WAC 392-140-169.

[Statutory Authority: 1987 1st ex.s. c 7 § 506. 88-09-045 (Order 88-12), § 392-140-161, filed 4/18/88.]

WAC 392-140-162 Local education program enhancement--Definition--Full-time equivalent student. As used in WAC 392-140-160 through 392-140-174, "full-time equivalent student" means the same as that term is defined in WAC 392-121-122.

[Statutory Authority: 1987 1st ex.s. c 7 § 506. 88-09-045 (Order 88-12), § 392-140-162, filed 4/18/88.]

WAC 392-140-163 Local education program enhancement--Definition--Annual average full-time equivalent students. As used in WAC 392-140-160 through 392-140-174, "annual average full-time equivalent students" means the same as that term is defined in WAC 392-121-133: *Provided*, That for school districts enrolling:

(1) Greater than one hundred annual average full-time equivalent students:

(a) Annual average full-time equivalent students means annual average full-time equivalent students calculated pursuant to WAC 392-121-133 less the annual

average full-time equivalent student enrollment for any small school plants judged to be remote and necessary by the state board of education; plus

(b) For small school plants judged to be remote and necessary by the state board of education:

(i) For grades Kindergarten through 6, the greater of sixty annual average full-time equivalent students or actual annual average full-time equivalent students; plus

(ii) For grades 7 and 8, the greater of twenty annual average full-time equivalent students or actual annual average full-time equivalent students.

(2) Less than or equal to one hundred annual average full-time equivalent students:

(a) Annual average full-time equivalent students means for grades Kindergarten through 6, the greater of sixty annual average full-time equivalent students or actual annual average full-time equivalent students; plus

(b) For grades 7 and 8, the greater of twenty annual average full-time equivalent students or actual annual average full-time equivalent students; plus

(c) For grades 9 through 12, the greater of sixty annual average full-time equivalent students or actual annual average full-time equivalent students.

[Statutory Authority: 1987 1st ex.s. c 7 § 506. 88-09-045 (Order 88-12), § 392-140-163, filed 4/18/88.]

WAC 392-140-164 Local education program enhancement--Definition--Biennial full-time equivalent students. As used in WAC 392-140-160 through 392-140-174, "biennial full-time equivalent students" means the sum of the school district's annual average full-time equivalent students pursuant to WAC 392-140-163 for school year 1987-88 and school year 1988-89, divided by two.

[Statutory Authority: 1987 1st ex.s. c 7 § 506. 88-09-045 (Order 88-12), § 392-140-164, filed 4/18/88.]

WAC 392-140-165 Local education program enhancement--Definition--Support level. As used in WAC 392-140-160 through 392-140-174, "support level" means:

(1) For those school districts that apply for local education program enhancement moneys during only school year 1988-89, no less than \$67.50 multiplied by the biennial full-time equivalent students determined pursuant to WAC 392-140-164.

(2) For those school districts which apply for local education program enhancement moneys in school year 1987-88 and school year 1988-89:

(a) For school year 1987-88: \$33.75 multiplied by the annual average full-time equivalent students for school year 1987-88; and

(b) For school year 1988-89: No less than \$33.75 multiplied by the annual average full-time equivalent students for school year 1988-89.

[Statutory Authority: 1987 1st ex.s. c 7 § 506. 88-09-045 (Order 88-12), § 392-140-165, filed 4/18/88.]

WAC 392-140-166 Local education program enhancement--Definition--End of year report. As used in WAC 392-140-160 through 392-140-174, "end of year

report" means the report prepared by the school district, in the format prescribed by the superintendent of public instruction, which details local education program enhancement expenditures.

[Statutory Authority: 1987 1st ex.s. c 7 § 506. 88-09-045 (Order 88-12), § 392-140-166, filed 4/18/88.]

WAC 392-140-167 Local education program enhancement--Definition--Needs assessment. As used in WAC 392-140-160 through 392-140-174, "needs assessment" means an assessment which has received approval from the board of directors of the school district, identified by priority, of the educational needs of the school age residents of the school district.

[Statutory Authority: 1987 1st ex.s. c 7 § 506. 88-09-045 (Order 88-12), § 392-140-167, filed 4/18/88.]

WAC 392-140-168 Local education program enhancement--Definition--Eligible programs. As used in WAC 392-140-160 through 392-140-174, "eligible programs" means all of the following:

- (1) Innovative programs to increase the adult-student ratio without increasing the number of certificated staff.
- (2) Dropout prevention and retrieval programs.
- (3) Drug and alcohol abuse programs.
- (4) Early childhood programs.
- (5) Inservice training programs for staff development.
- (6) Programs that develop and promote logical reasoning and improved analytical skills, including programs for highly capable students.

[Statutory Authority: 1987 1st ex.s. c 7 § 506. 88-09-045 (Order 88-12), § 392-140-168, filed 4/18/88.]

WAC 392-140-169 Local education program enhancement--Conditions for receiving moneys. Each school district board of directors may apply for an allocation pursuant to this section by submitting, in the format prescribed by the superintendent of public instruction, an annual statement assuring compliance with all of the following:

- (1) Development of a needs assessment of the educational needs of the schools within the school district.
- (2) Establishment of a priority list for addressing the identified educational needs.
- (3) Development of an evaluation methodology to assess specifically how the expenditure of the grant demonstrates a direct educational benefit to the students within the school district.
- (4) Completion of an end of year report of expenditure data relating to local education program enhancement activities in a format prescribed by the superintendent of public instruction.

[Statutory Authority: 1987 1st ex.s. c 7 § 506. 88-09-045 (Order 88-12), § 392-140-169, filed 4/18/88.]

WAC 392-140-170 Local education program enhancement--Allowable expenditures. School districts shall use local education program enhancement moneys solely to fund any or all of the eligible program activities defined in WAC 392-140-168.

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[Statutory Authority: 1987 1st ex.s. c 7 § 506. 88-09-045 (Order 88-12), § 392-140-170, filed 4/18/88.]

WAC 392-140-171 Local education program enhancement--Payment of local education program enhancement funds. From local education program enhancement funds appropriated to the superintendent of public instruction, the superintendent shall make twelve monthly payments during each school year in a manner like basic education allocation funds pursuant to WAC 392-121-400 to each school district operating a program in compliance with WAC 392-140-169.

[Statutory Authority: 1987 1st ex.s. c 7 § 506. 88-09-045 (Order 88-12), § 392-140-171, filed 4/18/88.]

WAC 392-140-172 Local education program enhancement--Proration. The support level specified in WAC 392-140-165 shall be subject to the proration provision contained in WAC 392-122-905.

[Statutory Authority: 1987 1st ex.s. c 7 § 506. 88-09-045 (Order 88-12), § 392-140-172, filed 4/18/88.]

WAC 392-140-173 Local education program enhancement--End of year report. School districts shall prepare an end of year report and submit such report to the superintendent of public instruction by November 1, of each year, in the format prescribed by the superintendent of public instruction. The end of year report shall contain all of the following:

- (1) The amount of local education program enhancement moneys expended.
- (2) A written description of the program provided, including purpose(s).
- (3) The number of students and/or staff served in one or more of the six eligible program areas specified in WAC 392-140-168.
- (4) A description of the evaluation instrument used and the educational benefits derived from the local education program enhancement program.
- (5) Such additional information as required by the superintendent of public instruction.

[Statutory Authority: 1987 1st ex.s. c 7 § 506. 88-09-045 (Order 88-12), § 392-140-173, filed 4/18/88.]

WAC 392-140-174 Local education program enhancement--Carryover provision. Local education program enhancement moneys for school year 1987-88 may be expended by the school district in school year 1988-89. Any local education program enhancement moneys allocated for school years 1987-88 and 1988-89 unexpended by the end of school year 1988-89, as reported pursuant to WAC 392-140-173, shall revert to the state treasurer: *Provided*, That if prior to recovery, insufficient moneys are available to fully fund those programs operating in school year 1988-89, any moneys recovered shall first be allocated to fully fund these programs.

[Statutory Authority: 1987 1st ex.s. c 7 § 506. 88-09-045 (Order 88-12), § 392-140-174, filed 4/18/88.]

Chapter 392-162 WAC
SPECIAL SERVICE PROGRAM--LEARNING ASSISTANCE

WAC

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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 chapter 478, Laws of 1987 which authorizes the superintendent of public instruction to promulgate rules for the implementation of a program designed to provide learning assistance to public school students in grades kindergarten through nine who are deficient in basic skills achievement.

[Statutory Authority: 1987 c 478. 87-22-001 (Order 87-14), § 392-162-005, filed 10/22/87. 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 learning assistance to public school students in grades kindergarten through nine who are deficient in basic skills achievement.

[Statutory Authority: 1987 c 478. 87-22-001 (Order 87-14), § 392-162-010, filed 10/22/87. 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, language arts, and readiness activities associated with such skills.

[Statutory Authority: 1987 c 478. 87-22-001 (Order 87-14), § 392-162-015, filed 10/22/87. Statutory Authority: RCW 28A.41.408. 84-14-038 (Order 84-21), § 392-162-015, filed 6/28/84.]

WAC 392-162-020 Definition--Learning assistance program. As used in this chapter, the term "learning assistance program" means a state-wide program designed to enhance educational opportunities for public school students in grades kindergarten through nine who are deficient in basic skills achievement.

[Statutory Authority: 1987 c 478. 87-22-001 (Order 87-14), § 392-162-020, filed 10/22/87. Statutory Authority: RCW 28A.41.408. 84-14-038 (Order 84-21), § 392-162-020, filed 6/28/84.]

WAC 392-162-025 Definition--Objective measures. As used in this chapter, the term "objective measures" means using a written or oral testing instrument that can be applied uniformly and consistently to determine in a comparable manner the educational achievement level of children.

[Statutory Authority: 1987 c 478. 87-22-001 (Order 87-14), § 392-162-025, filed 10/22/87. Statutory Authority: RCW 28A.41.408. 84-14-038 (Order 84-21), § 392-162-025, filed 6/28/84.]

WAC 392-162-030 Definition--Eligible students. As used in this chapter, the term "eligible students" means educationally deprived students in grades kindergarten through nine 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: 1987 c 478. 87-22-001 (Order 87-14), § 392-162-030, filed 10/22/87. Statutory Authority: RCW 28A.41.408. 84-14-038 (Order 84-21), § 392-162-030, filed 6/28/84.]

WAC 392-162-032 Definition--Participating students. As used in this chapter, the term "participating students" means eligible students in grades kindergarten through nine as determined by the district needs assessment and placement testing, and selected in accordance with this chapter to receive services in the learning assistance program.

[Statutory Authority: 1987 c 478. 87-22-001 (Order 87-14), § 392-162-032, filed 10/22/87.]

WAC 392-162-035 Definition--Additional/supplemental services. As used in this chapter, the term "additional/supplemental services" means a program of learning assistance in addition to the required basic education instruction, designed to improve the educational performance of students selected under WAC 392-162-080.

[Statutory Authority: 1987 c 478. 87-22-001 (Order 87-14), § 392-162-035, filed 10/22/87. 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 testing. As used in this chapter, the term "placement testing" means the administration of objective measures by a school district for the purposes of diagnosing the basic skills achievement levels, determining the basic skills areas of greatest need, and establishing the learning assistance needs of individual students.

[Statutory Authority: 1987 c 478. 87-22-001 (Order 87-14), § 392-162-040, filed 10/22/87. Statutory Authority: RCW 28A.41.408. 84-14-038 (Order 84-21), § 392-162-040, filed 6/28/84.]

WAC 392-162-042 Definition--Program options. As used in this chapter, the term "program options" means any of a broad range of instructional models that describe the locations and methods chosen by a school district for the delivery of learning assistance program additional/supplemental instructional and/or support services.

[Statutory Authority: 1987 c 478. 87-22-001 (Order 87-14), § 392-162-042, filed 10/22/87.]

WAC 392-162-044 Definition--Program plan. As used in this chapter, the term "program plan" means a plan for the learning assistance program developed biennially, in consultation with the district advisory committee based on data generated by the district needs assessment.

[Statutory Authority: 1987 c 478. 87-22-001 (Order 87-14), § 392-162-044, filed 10/22/87.]

WAC 392-162-045 Definition--Approved program. As used in this chapter, the term "approved program" means a program meeting the requirements of this chapter and conducted pursuant to the plan submitted by a district and approved by the superintendent of public instruction in accordance with WAC 392-162-075.

[Statutory Authority: 1987 c 478. 87-22-001 (Order 87-14), § 392-162-045, filed 10/22/87. 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 392-162-047 Definition--Basic skills test. As used in this chapter, the term "basic skills tests" means state-wide tests at the fourth and eighth grade levels established pursuant to RCW 28A.03.360.

[Statutory Authority: 1987 c 478. 87-22-001 (Order 87-14), § 392-162-047, filed 10/22/87.]

WAC 392-162-049 Definition--Needs assessment. As used in this chapter, the term, "needs assessment" means an analysis of the educational needs of students in grades kindergarten through nine as described in WAC 392-162-067: *Provided*, That an existing district needs assessment that meets the requirements of WAC 392-162-067 may be used.

[Statutory Authority: 1987 c 478. 87-22-001 (Order 87-14), § 392-162-049, filed 10/22/87.]

WAC 392-162-052 Definition--Indirect expenditures. As used in this chapter, the term "indirect expenditures" is 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. . . . accumulated in the accounting system under Program 94 or Program 97."

[Statutory Authority: 1987 c 478. 87-22-001 (Order 87-14), § 392-162-052, filed 10/22/87.]

WAC 392-162-053 Definition--Direct expenditures. As used in this chapter, the term "direct expenditures" means that part of program-allowed total expenditures that appear on the program approved

budget matrix under allowed combinations of activities and objects of expenditures.

[Statutory Authority: 1987 c 478. 87-22-001 (Order 87-14), § 392-162-053, filed 10/22/87.]

WAC 392-162-057 Definition--Advisory committee. As used in this chapter, the term "advisory committee" means a consultant group with membership including, but not limited to, representatives of the following groups: Parents—including parents of students served by program—teachers, principals, administrators, and school directors: *Provided*, That an existing advisory committee that meets the requirements of this section may serve as the learning assistance program advisory committee.

[Statutory Authority: 1987 c 478. 87-22-001 (Order 87-14), § 392-162-057, filed 10/22/87.]

WAC 392-162-060 District application. Each district that seeks an allocation from the state for a learning assistance program shall submit a biennial application, including the district program plan outlined in WAC 392-162-070, and an annual expenditure plan for approval on forms provided by the superintendent of public instruction: *Provided*, That if district program plan elements described in WAC 392-162-070 are changed for the second year of the biennium, an updated program plan shall be submitted to the superintendent of public instruction for approval on forms provided.

[Statutory Authority: 1987 c 478. 87-22-001 (Order 87-14), § 392-162-060, filed 10/22/87. Statutory Authority: RCW 28A.41.408. 84-14-038 (Order 84-21), § 392-162-060, filed 6/28/84.]

WAC 392-162-062 Mid-year program plan revision. A district may make a change during the school year in the program plan required under WAC 392-162-070 if such change is made after consultation with the advisory committee and is submitted to the superintendent of public instruction on forms provided for that purpose.

[Statutory Authority: 1987 c 478. 87-22-001 (Order 87-14), § 392-162-062, filed 10/22/87.]

WAC 392-162-065 School board approval. The district's biennial application which specifies the learning assistance program plan shall be approved by formal action of the district's board of directors.

[Statutory Authority: 1987 c 478. 87-22-001 (Order 87-14), § 392-162-065, filed 10/22/87. Statutory Authority: RCW 28A.41.408. 84-14-038 (Order 84-21), § 392-162-065, filed 6/28/84.]

WAC 392-162-067 Program requirement--Needs assessment. Each district that seeks an allocation from the state for a learning assistance program shall conduct a needs assessment at least biennially. The needs assessment shall include:

(1) Use of objective measures to assess and identify those students in grades kindergarten through nine who are below grade level in the basic skills areas of readiness, reading, math, and language arts with special emphasis on the needs of students in the early grades.

(2) Review and use of current performance achievement data such as: State-wide basic skills test, chapter 1 assessments, self-study data, and other academic progress results.

(3) Review of district basic education and district special needs programs to identify strategies for coordinating the learning assistance program with such programs and services.

[Statutory Authority: 1987 c 478. 87-22-001 (Order 87-14), § 392-162-067, filed 10/22/87.]

WAC 392-162-070 Program requirement--District program plan. Each district shall biennially develop and/or update a program plan for the learning assistance program in consultation with the advisory committee using data generated by the district's needs assessment. Such program plan shall include:

(1) The means which the district will use to identify participating students to receive additional/supplemental services or support under the proposed program;

(2) A program description which shall include as a minimum, buildings served, number of students served, grade levels served, and program option(s) and instructional staff selected to provide services to students;

(3) An annual expenditure plan detailing specific services and activities funded under this chapter;

(4) A plan for annual evaluation of the program by the district, based on performance objectives related to basic skills achievement of participating students, and for reporting results of such evaluation to the superintendent of public instruction;

(5) Procedures for recordkeeping and program documentation required by the superintendent of public instruction; and

(6) Approval of the local school district board of directors.

[Statutory Authority: 1987 c 478. 87-22-001 (Order 87-14), § 392-162-070, filed 10/22/87. 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 review and approve each district's application which contains the information required by WAC 392-162-070. A district's learning assistance program shall not be implemented prior to application approval.

[Statutory Authority: 1987 c 478. 87-22-001 (Order 87-14), § 392-162-075, filed 10/22/87. 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. Students selected to participate in the learning assistance program shall be limited to those who:

- (1) Are enrolled in grades kindergarten through nine;
- (2) Are performing below grade level;
- (3) Have been selected using objective measures; and
- (4) Have been determined to have the greatest academic deficits and are not receiving services in the same basic skills area from another special service program.

[Statutory Authority: 1987 c 478. 87-22-001 (Order 87-14), § 392-162-080, filed 10/22/87. 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--Consultation with the advisory committee. The school district staff responsible for the administration of the learning assistance shall consult with the learning assistance program advisory committee in the planning, implementation and evaluation of the learning assistance program.

[Statutory Authority: 1987 c 478. 87-22-001 (Order 87-14), § 392-162-085, filed 10/22/87. 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 the participation of their child in the learning assistance program.

[Statutory Authority: 1987 c 478. 87-22-001 (Order 87-14), § 392-162-090, filed 10/22/87. 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. Only allowed expenditures shall be reimbursed by the superintendent of public instruction. Allowed expenditures shall include direct and indirect expenditures included on the approved program budget: *Provided*, That beginning September 1, 1987, the allowed indirect expenditure rate for each school district shall not exceed the rate calculated for Program 55 "Remediation" for the 1985-86 fiscal year on each school district's F-196 Part III Report: *Provided further*, That beginning September 1, 1988, the indirect expenditure rate for each school district shall not exceed the rate calculated for Program 55 "Remediation" for the 1986-87 fiscal year using the federal restrictive rate methodology.

[Statutory Authority: 1987 c 478. 87-22-001 (Order 87-14), § 392-162-095, filed 10/22/87. Statutory Authority: RCW 28A.41.408. 84-14-038 (Order 84-21), § 392-162-095, filed 6/28/84.]

WAC 392-162-100 Program coordination. School districts may coordinate federal, state, and local programs in order to serve the maximum number of students who are below grade level in basic skills. Students receiving assistance in another special needs program may also be served in the learning assistance program if they meet student eligibility and selection requirements under this chapter.

[Statutory Authority: 1987 c 478. 87-22-001 (Order 87-14), § 392-162-100, filed 10/22/87. 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 Chapter 1 Evaluation and Reporting System CHIERS shall be used annually by districts to evaluate the educational achievement of students in grades two through nine receiving recommended services in the learning assistance program. Students in kindergarten and grade one shall be evaluated annually using objective measures selected by the school district. Evaluation results shall be reported annually to the superintendent of public instruction on provided forms.

[Statutory Authority: 1987 c 478, 87-22-001 (Order 87-14), § 392-162-105, filed 10/22/87. 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. The report shall include number of students served by grade level, basic skills area, ethnicity, and gender and other information which may be required by the superintendent of public instruction.

[Statutory Authority: 1987 c 478, 87-22-001 (Order 87-14), § 392-162-110, filed 10/22/87. 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 using sampling procedures.

[Statutory Authority: 1987 c 478, 87-22-001 (Order 87-14), § 392-162-115, filed 10/22/87. Statutory Authority: RCW 28A.41.408. 84-14-038 (Order 84-21), § 392-162-115, filed 6/28/84.]

Chapter 392-164 WAC

SPECIAL SERVICES PROGRAM--CHAPTER 1 MIGRANT OF THE EDUCATION CONSOLIDATION AND IMPROVEMENT ACT OF 1981, FINANCIAL ASSISTANCE TO STATE EDUCATIONAL AGENCIES

WAC

392-164-005	Repealed.
392-164-010	Repealed.
392-164-015	Repealed.
392-164-020	Repealed.
392-164-025	Repealed.
392-164-030	Repealed.
392-164-035	Repealed.
392-164-040	Repealed.
392-164-045	Repealed.
392-164-050	Repealed.
392-164-055	Repealed.
392-164-060	Repealed.
392-164-065	Repealed.
392-164-070	Repealed.
392-164-075	Repealed.
392-164-080	Repealed.
392-164-085	Repealed.
392-164-090	Repealed.
392-164-095	Repealed.
392-164-100	Authority.
392-164-105	Purpose.
392-164-115	Accountability.
392-164-120	Chapter 1 Migrant--Definition.
392-164-125	Agricultural activity--Definition.
392-164-130	Fishing activity--Definition.
392-164-135	Migratory agricultural worker--Definition.
392-164-140	Migratory fisher--Definition.
392-164-145	Currently migratory child--Definition.
392-164-150	Formerly migratory child--Definition.
392-164-155	Migratory children--Definition.
392-164-160	Children--Definition.
392-164-165	Preschool children--Definition.
392-164-170	Eligible migratory children--Definition.
392-164-175	Guardian--Definition.
392-164-180	Other subgrantee--Definition.

392-164-185	Object of expenditure--Definition.
392-164-190	Activity--Definition.
392-164-195	Indirect expenditure--Definition.
392-164-200	Direct expenditure--Definition.
392-164-205	Definition--Service model.
392-164-210	Supplement--Definition.
392-164-215	Operating agency--Definition.
392-164-220	Project--Definition.
392-164-225	Academic instruction--Definition.
392-164-230	Greatest need of special assistance--Definition.
392-164-235	Consultation with parents and teachers of participating children--Definition.
392-164-240	Definition--Participating children.
392-164-245	Annual needs assessment.
392-164-250	Service priorities.
392-164-255	Application required.
392-164-260	Substance of annual application.
392-164-265	Basis of project planning and funding.
392-164-270	Board approval.
392-164-275	Board certification.
392-164-280	Supervisory costs.
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392-164-290	Amount of subgrant.
392-164-295	Effect of approval.
392-164-300	Budget revision--Twenty percent allowed.
392-164-305	Budget revisions--Updating planned expenditures.
392-164-310	Budget revision--Approval.
392-164-315	Program update.
392-164-320	Identification of migratory children.
392-164-325	Student accident insurance.
392-164-330	Construction and portable lease/purchase.
392-164-335	Property, facilities, and equipment.
392-164-340	Day care.
392-164-345	Preschool services.
392-164-350	Fiscal requirements.
392-164-355	Chapter 1 Migrant audit.
392-164-360	Notification of parents.
392-164-365	Local parent advisory councils--Composition and procedures.
392-164-370	Annual meeting of parents.
392-164-375	State advisory committee.
392-164-380	Report of services--Annual requirement.
392-164-385	Report of services--Summer school addendum.
392-164-390	Program evaluation.
392-164-395	Project program and budget revisions.
392-164-400	Program compliance review.
392-164-405	Subgrantee accountability.
392-164-410	Withholding of Chapter 1 Migrant payments.
392-164-415	Compliance agreement.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

392-164-005	Introduction. [Order 7-75, § 392-164-005, filed 12/22/75. Formerly WAC 392-96-005.] Repealed by 88-13-002 (Order 88-15), filed 6/3/88. Statutory Authority: RCW 28A.02.100.
392-164-010	Purposes. [Order 7-75, § 392-164-010, filed 12/22/75. Formerly WAC 392-96-010.] Repealed by 88-13-002 (Order 88-15), filed 6/3/88. Statutory Authority: RCW 28A.02.100.
392-164-015	Definitions. [Statutory Authority: RCW 28A.03.030(1) and (3), 28A.02.100 and PL 89-750. 78-08-037 (Order 6-78), § 392-164-015, filed 7/18/78; Order 7-75, § 392-164-015, filed 12/22/75. Formerly WAC 392-96-015.] Repealed by 88-13-002 (Order 88-15), filed 6/3/88. Statutory Authority: RCW 28A.02.100.
392-164-020	Eligibility requirements. [Order 7-75, § 392-164-020, filed 12/22/75. Formerly WAC 392-96-020.] Repealed by 88-13-002 (Order 88-15), filed 6/3/88. Statutory Authority: RCW 28A.02.100.
392-164-025	Formerly migratory children. [Order 7-75, § 392-164-025, filed 12/22/75. Formerly WAC 392-96-

- 025.] Repealed by 88-13-002 (Order 88-15), filed 6/3/88. Statutory Authority: RCW 28A.02.100.
- 392-164-030 Bilingual education. [Order 7-75, § 392-164-030, filed 12/22/75. Formerly WAC 392-96-030.] Repealed by 88-13-002 (Order 88-15), filed 6/3/88. Statutory Authority: RCW 28A.02.100.
- 392-164-035 Student identification. [Order 7-75, § 392-164-035, filed 12/22/75. Formerly WAC 392-96-035.] Repealed by 88-13-002 (Order 88-15), filed 6/3/88. Statutory Authority: RCW 28A.02.100.
- 392-164-040 Student insurance. [Order 7-75, § 392-164-040, filed 12/22/75. Formerly WAC 392-96-040.] Repealed by 88-13-002 (Order 88-15), filed 6/3/88. Statutory Authority: RCW 28A.02.100.
- 392-164-045 Property, facilities, and equipment. [Order 7-75, § 392-164-045, filed 12/22/75. Formerly WAC 392-96-045.] Repealed by 88-13-002 (Order 88-15), filed 6/3/88. Statutory Authority: RCW 28A.02.100.
- 392-164-050 Project descriptions. [Order 7-75, § 392-164-050, filed 12/22/75. Formerly WAC 392-96-050.] Repealed by 88-13-002 (Order 88-15), filed 6/3/88. Statutory Authority: RCW 28A.02.100.
- 392-164-055 Day care. [Order 7-75, § 392-164-055, filed 12/22/75. Formerly WAC 392-96-055.] Repealed by 88-13-002 (Order 88-15), filed 6/3/88. Statutory Authority: RCW 28A.02.100.
- 392-164-060 Local parent advisory councils. [Order 7-75, § 392-164-060, filed 12/22/75. Formerly WAC 392-96-060.] Repealed by 88-13-002 (Order 88-15), filed 6/3/88. Statutory Authority: RCW 28A.02.100.
- 392-164-065 Local parent advisory council appeal process for projects. [Order 7-75, § 392-164-065, filed 12/22/75. Formerly WAC 392-96-065.] Repealed by 88-13-002 (Order 88-15), filed 6/3/88. Statutory Authority: RCW 28A.02.100.
- 392-164-070 Local parent advisory council appeal process for PAC. [Order 7-75, § 392-164-070, filed 12/22/75. Formerly WAC 392-96-070.] Repealed by 88-13-002 (Order 88-15), filed 6/3/88. Statutory Authority: RCW 28A.02.100.
- 392-164-075 Grievance procedure. [Order 7-75, § 392-164-075, filed 12/22/75. Formerly WAC 392-96-075.] Repealed by 88-13-002 (Order 88-15), filed 6/3/88. Statutory Authority: RCW 28A.02.100.
- 392-164-080 State advisory committee. [Order 7-75, § 392-164-080, filed 12/22/75. Formerly WAC 392-96-080.] Repealed by 88-13-002 (Order 88-15), filed 6/3/88. Statutory Authority: RCW 28A.02.100.
- 392-164-085 Accountability. [Order 7-75, § 392-164-085, filed 12/22/75. Formerly WAC 392-96-085.] Repealed by 88-13-002 (Order 88-15), filed 6/3/88. Statutory Authority: RCW 28A.02.100.
- 392-164-090 Administrative costs. [Order 7-75, § 392-164-090, filed 12/22/75. Formerly WAC 392-96-090.] Repealed by 88-13-002 (Order 88-15), filed 6/3/88. Statutory Authority: RCW 28A.02.100.
- 392-164-095 Fiscal constraints. [Order 7-75, § 392-164-095, filed 12/22/75. Formerly WAC 392-96-095.] Repealed by 88-13-002 (Order 88-15), filed 6/3/88. Statutory Authority: RCW 28A.02.100.

WAC 392-164-005 Repealed. See Disposition Table at beginning of this chapter.

WAC 392-164-010 Repealed. See Disposition Table at beginning of this chapter.

WAC 392-164-015 Repealed. See Disposition Table at beginning of this chapter.

WAC 392-164-020 Repealed. See Disposition Table at beginning of this chapter.

WAC 392-164-025 Repealed. See Disposition Table at beginning of this chapter.

WAC 392-164-030 Repealed. See Disposition Table at beginning of this chapter.

WAC 392-164-035 Repealed. See Disposition Table at beginning of this chapter.

WAC 392-164-040 Repealed. See Disposition Table at beginning of this chapter.

WAC 392-164-045 Repealed. See Disposition Table at beginning of this chapter.

WAC 392-164-050 Repealed. See Disposition Table at beginning of this chapter.

WAC 392-164-055 Repealed. See Disposition Table at beginning of this chapter.

WAC 392-164-060 Repealed. See Disposition Table at beginning of this chapter.

WAC 392-164-065 Repealed. See Disposition Table at beginning of this chapter.

WAC 392-164-070 Repealed. See Disposition Table at beginning of this chapter.

WAC 392-164-075 Repealed. See Disposition Table at beginning of this chapter.

WAC 392-164-080 Repealed. See Disposition Table at beginning of this chapter.

WAC 392-164-085 Repealed. See Disposition Table at beginning of this chapter.

WAC 392-164-090 Repealed. See Disposition Table at beginning of this chapter.

WAC 392-164-095 Repealed. See Disposition Table at beginning of this chapter.

WAC 392-164-100 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. 88-13-089 (Order 88-16), § 392-164-100, filed 6/20/88.]

WAC 392-164-105 Purpose. The purpose of this chapter is to ensure compliance by the state of Washington with provisions governing financial assistance to local school districts and other subgrantee's of Chapter 1 Migrant of the Education Consolidation and Improvement Act of 1981 and accompanying federal

rules and regulations, particularly 34 CFR Parts 201, 204 and 74.60-61 and Appendix G to part 74.

[Statutory Authority: RCW 28A.02.100. 88-13-089 (Order 88-16), § 392-164-105, filed 6/20/88.]

WAC 392-164-115 Accountability. Nothing in this chapter shall be construed to relieve a local school district or other subgrantee of its responsibility to comply also with all applicable federal statutes, rules, and regulations.

[Statutory Authority: RCW 28A.02.100. 88-13-089 (Order 88-16), § 392-164-115, filed 6/20/88.]

WAC 392-164-120 Chapter 1 Migrant--Definition. As used in this chapter, the term "Chapter 1 Migrant" means that part of Public Law 97-35 and subsequent amendments, commonly referred to as Chapter 1 of the Education Consolidation and Improvement Act of 1981, which provide financial assistance to state educational agencies to meet special educational needs of migratory children.

[Statutory Authority: RCW 28A.02.100. 88-13-089 (Order 88-16), § 392-164-120, filed 6/20/88.]

WAC 392-164-125 Agricultural activity--Definition. As used in this chapter, the term "agricultural activity" means any of the following:

(1) Any activity directly related to the production or processing of crops, dairy products, poultry, or livestock for initial commercial sale or as a principal means of personal subsistence.

(2) Any activity directly related to the cultivation or harvesting of trees.

(3) Any activity directly related to fish farms.

[Statutory Authority: RCW 28A.02.100. 88-13-089 (Order 88-16), § 392-164-125, filed 6/20/88.]

WAC 392-164-130 Fishing activity--Definition. As used in this chapter, the term "fishing activity," means any activity directly related to the catching or processing of fish or shellfish for initial commercial sale or as a principal means of personal subsistence.

[Statutory Authority: RCW 28A.02.100. 88-13-089 (Order 88-16), § 392-164-130, filed 6/20/88.]

WAC 392-164-135 Migratory agricultural worker--Definition. As used in this chapter, the term "migratory agricultural worker" means a person who has moved within the past twelve months from one school district to another to enable him or her to obtain temporary or seasonal employment in an agricultural activity.

[Statutory Authority: RCW 28A.02.100. 88-13-089 (Order 88-16), § 392-164-135, filed 6/20/88.]

WAC 392-164-140 Migratory fisher--Definition. As used in this chapter, the term "migratory fisher" means a person who has moved within the past twelve months from one school district to another to enable him or her to obtain temporary or seasonal employment in a fishing activity.

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[Statutory Authority: RCW 28A.02.100. 88-13-089 (Order 88-16), § 392-164-140, filed 6/20/88.]

WAC 392-164-145 Currently migratory child--Definition. As used in this chapter, the term "currently migratory child" means a child:

(1) Whose parent or guardian is a migratory agricultural worker or a migratory fisher; and

(2) Who has moved within the past twelve months from one school district to another to enable the child, the child's guardian, or a member of the child's immediate family to obtain temporary or seasonal employment in an agricultural or fishing activity. This definition includes a child who has been eligible to be served under the requirements in the preceding sentence, and who, without the parent or guardian, has continued to migrate annually to enable him or her to secure temporary or seasonal employment in an agricultural or fishing activity.

[Statutory Authority: RCW 28A.02.100. 88-13-089 (Order 88-16), § 392-164-145, filed 6/20/88.]

WAC 392-164-150 Formerly migratory child--Definition. As used in this chapter, the term "formerly migratory child" means a child who:

(1) Was eligible to be counted and served as a currently migratory child within the past five years regardless of whether or not such child actually received service as a migratory child, but is not now a currently migratory child;

(2) Resides in the area served by the agency carrying out a Chapter 1 Migrant education program or project; and

(3) Has on file a certificate of eligibility revalidated yearly by the signature of his or her parent or guardian certifying such child as a formerly migratory child.

[Statutory Authority: RCW 28A.02.100. 88-13-089 (Order 88-16), § 392-164-150, filed 6/20/88.]

WAC 392-164-155 Migratory children--Definition. As used in this chapter, the term "migratory children" means children who qualify under either the definition of "currently migratory child" or "formerly migratory child" defined in this chapter.

[Statutory Authority: RCW 28A.02.100. 88-13-089 (Order 88-16), § 392-164-155, filed 6/20/88.]

WAC 392-164-160 Children--Definition. As used in this chapter, the term "children" means persons up to age twenty-one who are entitled to a free public education not above grade twelve and preschool children: *Provided*, That a child who reaches the age of twenty-one during a school year in which such child is receiving migrant services shall be considered eligible for services until the end of the school year.

[Statutory Authority: RCW 28A.02.100. 88-13-089 (Order 88-16), § 392-164-160, filed 6/20/88.]

WAC 392-164-165 Preschool children--Definition. As used in this chapter, "preschool children" means children who are:

(1) Below the age and grade level at which the state provides free public education; and

(2) Of the age or grade level at which they can benefit from an organized instructional program provided in a school or instructional setting: *Provided*, That such children shall not be younger than three years of age.

[Statutory Authority: RCW 28A.02.100. 88-13-089 (Order 88-16), § 392-164-165, filed 6/20/88.]

WAC 392-164-170 Eligible migratory children--Definition. As used in this chapter, the term "eligible migratory children" means migratory children determined to be eligible by a local school district or other subgrantee on the basis of credible information from any source, including that provided by the child or his or her parent or guardian: *Provided*, That only those migratory children with a signed, validated certificate of eligibility on file with the school district shall be served in the migrant program.

[Statutory Authority: RCW 28A.02.100. 88-13-089 (Order 88-16), § 392-164-170, filed 6/20/88.]

WAC 392-164-175 Guardian--Definition. As used in this chapter, the term "guardian" means a person who:

(1) Has been appointed to be the legal guardian of a child through formal proceedings in accordance with state law;

(2) Would qualify as a legal guardian of a particular child under Washington state law if formal guardianship proceedings were undertaken; or

(3) Is standing in the place of a parent to a child by virtue of the fact that, with apparent parental consent, the child resides with such person: *Provided*, That if no objection has been filed to such residency, parental consent may be presumed.

[Statutory Authority: RCW 28A.02.100. 88-13-089 (Order 88-16), § 392-164-175, filed 6/20/88.]

WAC 392-164-180 Other subgrantee--Definition. As used in this chapter, the term "other subgrantee" means the government, nonprofit, or other legal entity to which the state as grantee awards a subgrant, and which is accountable to the state for the use of the funds provided. The subgrantee is the entire legal entity even if only a particular component of the entity is designated in the subgrant award document.

[Statutory Authority: RCW 28A.02.100. 88-13-089 (Order 88-16), § 392-164-180, filed 6/20/88.]

WAC 392-164-185 Object of expenditure--Definition. As used in this chapter, the term "object of expenditure" means an article purchased or a service obtained, coded appropriately on the program budget matrix (FORM SPI F-1000B—CH. 1) and referred to for accounting purposes as the third field of uniform expenditure classification.

[Statutory Authority: RCW 28A.02.100. 88-13-089 (Order 88-16), § 392-164-185, filed 6/20/88.]

WAC 392-164-190 Activity--Definition. As used in this chapter, the term "activity(ies)," when used in the context of budgeting provisions, means a specific line of work carried on by the school district or other subgrantee coded appropriately on the program budget matrix (FORM SPI F-1000B—CH. 1) and referred to for accounting purposes as the second field of uniform expenditure classification.

[Statutory Authority: RCW 28A.02.100. 88-13-089 (Order 88-16), § 392-164-190, filed 6/20/88.]

WAC 392-164-195 Indirect expenditure--Definition. As used in this chapter, the term "indirect expenditure" means those expenditure elements that cannot be easily, obviously, and conveniently identified with specific programs and are allowable costs pursuant to 34 CFR 204.22 "Allowable costs," i.e., "project activities that:

(1) Are designed to meet the special educational needs of the children eligible to be served . . . ;

(2) Are included in an approved application; and

(3) Comply with all requirements applicable to Chapter 1 programs.

(b) The project activities may include applicable activities in section 555(c) of Chapter 1."

[Statutory Authority: RCW 28A.02.100. 88-13-089 (Order 88-16), § 392-164-195, filed 6/20/88.]

WAC 392-164-200 Direct expenditure--Definition. As used in this chapter, the term "direct expenditure" means that part of program-allowed total expenditures that appear on the budget matrix under allowed combinations of activities and objects of expenditures.

[Statutory Authority: RCW 28A.02.100. 88-13-089 (Order 88-16), § 392-164-200, filed 6/20/88.]

WAC 392-164-205 Definition--Service model. As used in this chapter, the term "service model" means the location, time and conditions characteristic of the method(s) chosen by a school district for delivery of Chapter 1 Migrant instructional and/or support services. Permissible models are those described in the annual application instructions.

[Statutory Authority: RCW 28A.02.100. 88-13-089 (Order 88-16), § 392-164-205, filed 6/20/88.]

WAC 392-164-210 Supplement--Definition. As used in this chapter, the term "supplement" shall be defined as instructional or support services for migratory children funded with Chapter 1 Migrant moneys, and offered by a school district in addition to required basic educational services funded with nonfederal moneys and services required by law funded with other federal or nonfederal funds. Such supplemental services shall be designed and implemented in accordance with service models described in Chapter 1 Migrant annual application instructions and shall meet the supplement/supplant tests appropriate to each model.

[Statutory Authority: RCW 28A.02.100. 88-13-089 (Order 88-16), § 392-164-210, filed 6/20/88.]

WAC 392-164-215 Operating agency--Definition. As used in this chapter, the term "operating agency" means:

(1) A local school district to which the superintendent of public instruction makes a subgrant of migrant education program funds;

(2) A public or nonprofit private agency with which the superintendent of public instruction makes an arrangement to carry out a migrant education project; or

(3) The superintendent of public instruction, if the superintendent of public instruction operates the state's migrant education program or projects directly.

[Statutory Authority: RCW 28A.02.100. 88-13-089 (Order 88-16), § 392-164-215, filed 6/20/88.]

WAC 392-164-220 Project--Definition. As used in this chapter, the term "project" means those services, activities, personnel, and materials provided to migratory children by the superintendent of public instruction either directly or indirectly through a local school district or by some other subgrantee as a legally approved contract.

[Statutory Authority: RCW 28A.02.100. 88-13-089 (Order 88-16), § 392-164-220, filed 6/20/88.]

WAC 392-164-225 Academic instruction--Definition. As used in this chapter, the term "academic instruction" means reading, oral language, language arts, mathematics: *Provided*, That other areas of basic education instruction identified in RCW 28A.58.754, Basic Education Act, may be included if appropriate to the state and local plans approved pursuant to WAC 392-164-285.

[Statutory Authority: RCW 28A.02.100. 88-13-089 (Order 88-16), § 392-164-225, filed 6/20/88.]

WAC 392-164-230 Greatest need of special assistance--Definition. As used in this chapter, the term "greatest need of special assistance" means those eligible migratory children, as defined in WAC 392-164-170, who have been identified on the basis of established selection criteria, including objective measurement of educational achievement, as in the greatest need of special assistance.

[Statutory Authority: RCW 28A.02.100. 88-13-089 (Order 88-16), § 392-164-230, filed 6/20/88.]

WAC 392-164-235 Consultation with parents and teachers of participating children--Definition. As used in this chapter, the term "consultation with parents and teachers of participating children" means:

(1) Establishment by the local school district of a parent advisory council;

(2) Active solicitation of parent involvement in the planning, operation, and evaluation of the migrant education program, including discussion of program revenues and expenditures; and

(3) Similar involvement of teachers of children being served.

[Statutory Authority: RCW 28A.02.100. 88-13-089 (Order 88-16), § 392-164-235, filed 6/20/88.]

WAC 392-164-240 Definition--Participating children. As used in this chapter, the term "participating children" means those children in greatest need of special assistance, as determined on the basis of established selection criteria, who are selected to receive services in the Chapter 1 Migrant program.

[Statutory Authority: RCW 28A.02.100. 88-13-089 (Order 88-16), § 392-164-240, filed 6/20/88.]

WAC 392-164-245 Annual needs assessment. Operating agencies that receive Chapter 1 Migrant education program funds shall base their Chapter 1 Migrant education program and projects on an annual assessment of educational needs which meets the following criteria:

(1) Identifies migratory children who are eligible to be served under WAC 392-164-170;

(2) Requires, consistent with the service priorities in WAC 392-164-250, the selection of those migratory children in the greatest need of special assistance; and

(3) Determines the educational needs of the children selected to participate with sufficient specificity to ensure concentration on those needs.

[Statutory Authority: RCW 28A.02.100. 88-13-089 (Order 88-16), § 392-164-245, filed 6/20/88.]

WAC 392-164-250 Service priorities. Operating agencies shall serve eligible migratory children—according to their needs—in the following order:

(1) School-aged currently migratory children.

(2) School-aged formerly migratory children.

(3) Preschool currently migratory children.

(4) Preschool formerly migratory children.

(5) *Provided*, That if in order to provide Chapter 1 Migrant instructional services to school-aged currently migratory children, it would be necessary to provide day care or similar services to preschool-aged currently migratory children, and no other funds—other than Chapter 1 Migrant funds—are available for that purpose, or an operating agency may provide Chapter 1 Migrant instructional services instead of day care services to those preschool children as if those children had a priority higher than school-age formerly migratory children.

[Statutory Authority: RCW 28A.02.100. 88-13-089 (Order 88-16), § 392-164-250, filed 6/20/88.]

WAC 392-164-255 Application required. Each local school district or other subgrantee that seeks an allocation of federal funds under Chapter 1 Migrant shall submit an annual application on forms provided by the superintendent of public instruction.

[Statutory Authority: RCW 28A.02.100. 88-13-089 (Order 88-16), § 392-164-255, filed 6/20/88.]

WAC 392-164-260 Substance of annual application. The local school district's or other subgrantee's annual application shall include:

(1) A description of the Chapter 1 Migrant education project to be conducted, including the following:

(a) The services and types of programs to be provided.

(b) The number of children to be served in total and for each service.

- (c) The types and number of staff to be employed.
- (2) An appropriate budget displayed on FORM SPI F-1000B—CH. 1.
- (3) The assurances in section 556(b)(2) through (b)(5) of Chapter 1 of the Education Consolidation and Improvement Act.
- (4) The assurances in section 436(b)(2) and (b)(3) of the General Education Provisions Act.
- (5) The state-developed assurances included in the application.
- (6) Services, site, and use of facilities and equipment to be purchased.
- (7) A description of the local school district's or other subgrantee's plan for involving parents of migratory children in the planning, implementation, and evaluation of the project.

[Statutory Authority: RCW 28A.02.100. 88-13-089 (Order 88-16), § 392-164-260, filed 6/20/88.]

WAC 392-164-265 Basis of project planning and funding. The local school district or other subgrantee and the superintendent of public instruction shall consider the following factors in project planning and approval for funding.

- (1) An operating agency's project shall:
 - (a) Satisfy the provisions of the approved state plan submitted by the superintendent of public instruction to the secretary of education;
 - (b) Be planned and implemented based on the number and specific needs of participating, eligible migratory students;
 - (c) Be of sufficient size and scope as determined pursuant to WAC 392-164-275 to meet the needs of the eligible migratory students to be served;
 - (d) Be funded in relationship to:
 - (i) The migrant student records and transfer system (MSRTS) reports on full-time equivalent migratory students to determine the number and status of migratory students enrolled on the MSRTS as compared to previous years' enrollment and with other local school districts and operating agencies within Washington state;
 - (ii) Data contained in the report of services filed with the superintendent of public instruction to determine continuity of services and projected number of participants versus the number of migratory students actually served over time;
 - (iii) Skills information systems reports and supplementary services report to determine if skills mastered by project participants and under study are consistent with the amount of staff time requested;
 - (iv) The number of students served in supplemental programs by the operating agency to determine whether planning information and proposed services are consistent with one another and if funds requested are intended to support a new project;
 - (v) Monitoring reports to determine if the local school district or subgrantee has incorporated recommendations to remedy weaknesses in previous projects into their current proposal;

(vi) Expenditure claims for the immediately preceding and current year to determine if the amount requested is realistic in light of the rate of expenditure in the current year;

(vii) State plan to determine whether the scope of services planned at the local school district or subgrantee level is within approved state priorities; and

(viii) Migrant student records transfer system and migrant education regional office reports to determine the needs, strengths and weaknesses of the proposal based on information gathered in visits for reports, training, and district profiles.

(2) No project shall be established solely for formerly migratory children.

[Statutory Authority: RCW 28A.02.100. 88-13-089 (Order 88-16), § 392-164-265, filed 6/20/88.]

WAC 392-164-270 Board approval. Each annual application submitted by a local school district or other subgrantee to the superintendent of public instruction shall be approved by the board of directors only after the board has reviewed the program design and expenditures and considered each of the following:

- (1) Previous year's planned expenditures and total Chapter 1 Migrant moneys requested for the ensuing year (July 1 through June 30);
- (2) Evaluation results in terms of student achievement data from the previous year's program, and, when available, whether gains have been sustained over a period of one year;
- (3) Results of the annual needs assessment; and
- (4) The adequacy of parent/teacher consultation in the planning and implementation of the program.

[Statutory Authority: RCW 28A.02.100. 88-13-089 (Order 88-16), § 392-164-270, filed 6/20/88.]

WAC 392-164-275 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 local school district or other subgrantee has included among the migratory 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; and
- (3) The school district or other subgrantee has complied with the provisions of this chapter.

[Statutory Authority: RCW 28A.02.100. 88-13-089 (Order 88-16), § 392-164-275, filed 6/20/88.]

WAC 392-164-280 Supervisory costs. Support for supervisory costs related to educational services provided under this chapter shall be clearly supplemental to costs of regular supervisory activities and responsibilities of the operating agency.

(1) All direct supervisory support requested shall be documented and submitted along with the project application.

(2) A local school district or other subgrantee may claim the indirect expenditure rate defined in WAC 392-164-195 in addition to budgeting for direct supervisory expenditures subject to the approval of the superintendent of public instruction.

[Statutory Authority: RCW 28A.02.100. 88-13-089 (Order 88-16), § 392-164-280, filed 6/20/88.]

WAC 392-164-285 Approval of Chapter 1 Migrant project applications for a subgrant by the superintendent of public instruction. (1) Final approval of a Chapter 1 Migrant project shall be given to a local school district or other subgrantee when the superintendent of public instruction has received a completed application in accordance with WAC 392-164-260 and 392-164-265 and is assured that the local school district or other subgrantee 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 prior to July 1, or the subsequent date on which the application is received 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.

[Statutory Authority: RCW 28A.02.100. 88-13-089 (Order 88-16), § 392-164-285, filed 6/20/88.]

WAC 392-164-290 Amount of subgrant. The superintendent of public instruction shall determine the amount of a subgrant to a local school district or other subgrantee based on the following factors:

(1) The number of children to be served;

(2) The nature, scope, and cost of the proposed project; and

(3) Any other relevant criteria developed by the superintendent consistent with the provisions of WAC 392-164-250, including the priorities in the approved state plan concerning ages and grade levels of children to be served, areas of the state to be served, and types of services to be provided.

[Statutory Authority: RCW 28A.02.100. 88-13-089 (Order 88-16), § 392-164-290, filed 6/20/88.]

WAC 392-164-295 Effect of approval. Approval by the superintendent of public instruction of a project application under this chapter requires the local school district or other subgrantee to administer and operate its project in accordance with its application, any amendments, and project requirements of this chapter. That approval, however, does not create for the local school district or other subgrantee an entitlement to receive a subgrant for a period other than the fiscal year for which approval is given.

[Statutory Authority: RCW 28A.02.100. 88-13-089 (Order 88-16), § 392-164-295, filed 6/20/88.]

[1988 WAC Supp—page 2612]

WAC 392-164-300 Budget revision—Twenty percent allowed. Using either an object or activity subtotal from FORM SPI F-1000B—CH. 1 as a base, local school districts or other subgrantees may make annual expenditure adjustments of up to twenty percent of the previously budgeted object/activity cell 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. 88-13-089 (Order 88-16), § 392-164-300, filed 6/20/88.]

WAC 392-164-305 Budget revisions—Updating planned expenditures. Except as provided in WAC 392-164-300 each local school district or other subgrantee shall expend Chapter 1 Migrant moneys in accordance with planned expenditures and the program description included in the application submitted to and approved by the superintendent of public instruction. A local school district or other subgrantee shall be required to file a request for a budget revision whenever necessary with the superintendent of public instruction in order to accomplish any of the following:

(1) Increase the total expenditure of Chapter 1 Migrant moneys.

(2) Change by more than twenty percent of an object/activity cell the expenditures among activities or object.

(3) Expend money in any object or activity where no moneys were budgeted in the approved application.

[Statutory Authority: RCW 28A.02.100. 88-13-089 (Order 88-16), § 392-164-305, filed 6/20/88.]

WAC 392-164-310 Budget revision—Approval. Approval of budget revisions by the superintendent of public instruction shall be in accordance with the provisions of WAC 392-164-285 for approval by the superintendent of public instruction of the annual application.

[Statutory Authority: RCW 28A.02.100. 88-13-089 (Order 88-16), § 392-164-310, filed 6/20/88.]

WAC 392-164-315 Program update. No later than thirty calendar days following a substantial program change, a local school district or other subgrantee shall submit to the superintendent of public instruction a description of such changes. "Substantial changes" shall mean one or more of the following:

(1) Removal of Chapter 1 Migrant services from an area listed as "served" on the application.

(2) Addition of Chapter 1 Migrant services to an area not listed as "served" in the application.

(3) Modification of the Chapter 1 Migrant program in any served area by adding a new program focus, by changing grade levels, or by changing program service delivery models.

(4) Increasing the number of students served in the Chapter 1 Migrant program to such an extent that the district must exceed the twenty percent budget variance to accommodate serving the additional eligible students.

(5) *Provided*, That notwithstanding the thirty-day provision for notification to the superintendent of public

instruction of substantial program changes, if such changes necessitate a budget revision or are based on a needs assessment revision, said revision shall be submitted to the superintendent of public instruction for approval prior to implementation of proposed changes.

[Statutory Authority: RCW 28A.02.100. 88-13-089 (Order 88-16), § 392-164-315, filed 6/20/88.]

WAC 392-164-320 Identification of migratory children. The uniform migrant student certificate of eligibility shall be used for the purpose of identifying and recording migratory children.

(1) All migratory children shall be identified, recruited, and enrolled on the migrant student records transfer system regardless of whether or not the child resides within a school district offering a migratory program.

(2) All operating agencies with identified migratory children shall participate in the migrant students records transfer system with updating of academic, health, and other pertinent data.

(3) The projected number of migratory students to be served by any subgrantee shall be based on actual statistical information recorded on the migrant student records transfer system and other pertinent information available to the subgrantee.

(4) Each student enrolled in a migrant education program shall have on file a currently valid certificate of eligibility according to the requirements of the state of Washington migrant education program.

[Statutory Authority: RCW 28A.02.100. 88-13-089 (Order 88-16), § 392-164-320, filed 6/20/88.]

WAC 392-164-325 Student accident insurance. All migratory children enrolled on the migrant student records transfer system and enrolled in a bona fide educational program recognized by the superintendent of public instruction shall be provided with participatory accident insurance coverage paid from migrant program funds. It is the responsibility of the local school district or other subgrantee to:

(1) Inform migratory parents of the accident insurance coverage provided for their children.

(2) Facilitate claims procedures when necessary.

[Statutory Authority: RCW 28A.02.100. 88-13-089 (Order 88-16), § 392-164-325, filed 6/20/88.]

WAC 392-164-330 Construction and portable lease/purchase. Chapter 1 Migrant moneys may be used for the modification of existing facilities and/or for lease/purchase of portable facilities for the purpose of serving Chapter 1 Migrant eligible children if each of the following conditions are met:

(1) The district has exhausted other available options for providing space in which to serve eligible children including the utilization of all available permanent classroom space within the district.

(2) Modification of facilities or lease/purchase of portable facilities will provide essential improvement in the delivery of Chapter 1 Migrant services to eligible children.

(3) The purchase of portable classrooms proves to be less expensive than cost of constructing more permanent structures or remodeling existing structures.

(4) *Provided*, That 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. The superintendent of public instruction is the record owner of all portable classrooms purchased under this chapter.

[Statutory Authority: RCW 28A.02.100. 88-13-089 (Order 88-16), § 392-164-330, filed 6/20/88.]

WAC 392-164-335 Property, facilities, and equipment. The superintendent of public instruction administers directly the construction of facilities and the acquisition of property and equipment needed to implement programs for migratory children; and retains title to such facilities, property, and equipment and possesses the right to move or transfer them according to need. Such procedures shall be consistent with 34 CFR 74.130-145, Subpart 0—Property, which governs the acquisition, inventory, and disposition of property purchased with federal funds.

[Statutory Authority: RCW 28A.02.100. 88-13-089 (Order 88-16), § 392-164-335, filed 6/20/88.]

WAC 392-164-340 Day care. Day care of infants and very young children may be provided under this part as a service to such children upon specific application to the superintendent of public instruction with sufficient information to enable the superintendent of public instruction to determine that such care as described in the application is:

(1) Not available from other public or private agencies which provide day care services in the geographical area to be served;

(2) Essential to enable eligible currently migratory children to participate in instructional services by relieving them of the responsibility of caring for younger children; and

(3) Cost effective in view of the number of children who would receive day care, the number of currently migratory children involved, and the effect the availability of such services would have on the attendance and participation of such migratory children in instructional services.

[Statutory Authority: RCW 28A.02.100. 88-13-089 (Order 88-16), § 392-164-340, filed 6/20/88.]

WAC 392-164-345 Preschool services. Preschool services for eligible migratory children may be provided under this part as a service to preschool children upon specific application to the superintendent of public instruction with sufficient information to enable him to determine that such care as described in the application:

(1) Serves eligible students who are currently migratory children ages three to school age;

(2) Supplements services available from other public or private agencies;

(3) Is not extravagant in view of the cost and the number of children involved;

(4) Does not prevent participation of school age migratory children or detract from the operation of projects for school age children;

(5) Is developed based on an academic and support services needs assessment; and

(6) Is designed to provide for the special educational, cultural, and linguistic needs of the children.

[Statutory Authority: RCW 28A.02.100. 88-13-089 (Order 88-16), § 392-164-345, filed 6/20/88.]

WAC 392-164-350 Fiscal requirements. Fiscal requirements for operating agencies receiving funds under this chapter shall be understood and applied as described in WAC 392-163-245, 392-163-405, 392-163-410, and 392-163-415 which apply to Chapter 1 Regular of the Education Consolidation and Improvement Act.

[Statutory Authority: RCW 28A.02.100. 88-13-089 (Order 88-16), § 392-164-350, filed 6/20/88.]

WAC 392-164-355 Chapter 1 Migrant audit. Audit of local school district Chapter 1 Migrant programs shall be conducted in compliance with 34 CFR Part 74, Subpart H—"Standards for grantee and subgrantee financial management systems and non-federal audits" and Appendix G, "Audit requirements for state and local governments."

[Statutory Authority: RCW 28A.02.100. 88-13-089 (Order 88-16), § 392-164-355, filed 6/20/88.]

WAC 392-164-360 Notification of parents. Each school district shall notify parents of participating children of their child's involvement in the Chapter 1 Migrant program and shall issue periodic reports of the child's progress in the program. Such notification and reports shall be provided in the primary language of the parent if necessary for communication unless it is clearly not feasible to do so.

[Statutory Authority: RCW 28A.02.100. 88-13-089 (Order 88-16), § 392-164-360, filed 6/20/88.]

WAC 392-164-365 Local parent advisory councils--Composition and procedures. A parent advisory council shall be established in each local school district or subgrantee which receives a subgrant under this chapter. Such parent advisory council shall:

(1) Be composed of parents of children eligible to be served, who shall constitute at least a simple majority of said council, and other persons knowledgeable in the needs of migratory children.

(2) Assist the district in the planning, implementation, operation, and evaluation of the present local project and in the planning of future projects.

(3) Have parent members selected from among the parent group by the parents themselves. The balance of the parent advisory council membership may be appointed by the district and shall consist of representatives of social, health service, local business and industry, and other such community agencies.

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(4) Elect its own chair and such other officers as the membership deems appropriate.

(5) Formulate bylaws and a procedure by which parents may present grievances to the local school district or other subgrantee.

[Statutory Authority: RCW 28A.02.100. 88-13-089 (Order 88-16), § 392-164-365, filed 6/20/88.]

WAC 392-164-370 Annual meeting of parents. An operating agency that receives Chapter 1 Migrant funds shall convene annually a public meeting, to which all parents of eligible children must be invited, to discuss with those parents the programs and activities provided with Chapter 1 Migrant funds.

(1) The meeting agenda shall include:

(a) Informing parents of their right to consult in the design and implementation of the agency's Chapter 1 Migrant project;

(b) Soliciting parents' input; and

(c) Providing parents an opportunity to establish mechanisms for maintaining ongoing communication among parents, teachers, and agency officials.

(2) An operating agency may hold one or more meetings at sites convenient to such agency to meet the requirement in subsection (1) of this section.

(3) If parents of eligible children desire further activities, the operating agency may, upon request, provide reasonable support for these activities. This support may include, but is not limited to:

(a) Reasonable access to meeting space and materials;

(b) Provision of information concerning the Chapter 1 Migrant law, regulations, and instructional programs;

(c) Training programs for parents; and

(d) Other resources, as appropriate.

[Statutory Authority: RCW 28A.02.100. 88-13-089 (Order 88-16), § 392-164-370, filed 6/20/88.]

WAC 392-164-375 State advisory committee. The purpose of the state advisory committee shall be to advise the superintendent of public instruction in planning, developing, operating, and evaluating the state Chapter 1 Migrant program; and to facilitate communication among local parent advisory councils and between the state advisory committee and local councils.

(1) Membership of the state advisory committee shall be as follows:

(a) The superintendent of public instruction shall select parent members from nominations submitted by local parent advisory committees, current state advisory committee members, or migrant education staff;

(b) The majority of the state advisory committee shall consist of such parents, selected from nominees; and

(c) The balance of the state advisory committee shall be selected by the superintendent of public instruction and shall consist of representatives of local and intermediate school districts, the Washington Hispanic commission, a high school migratory student, and such other agencies and committees as are deemed appropriate.

(2) Bylaws shall be developed jointly by the state advisory committee and the superintendent of public instruction.

(3) Election of officers shall be conducted by the membership.

(4) The superintendent of public instruction shall call all meetings.

(5) Members shall be reimbursed for travel and expenses consistent with state law.

(6) The executive secretary of the state advisory committee shall be an employee of the superintendent of public instruction who shall be assisted by the executive committee of the state advisory committee in finalizing and facilitating state advisory committee meeting agendas.

[Statutory Authority: RCW 28A.02.100. 88-13-089 (Order 88-16), § 392-164-375, filed 6/20/88.]

WAC 392-164-380 Report of services--Annual requirement. Each local school district or other subgrantee that receives a subgrant under Chapter 1 Migrant shall submit to the superintendent of public instruction each year a report of services compiled and verified by such entity or compiled by the migrant student records transfer system and verified by the local school district or other subgrantee. Such verified report shall be received by the superintendent of public instruction no later than the second Friday in July and shall contain all information requested, including data on the race, age, and gender of children served by the Chapter 1 Migrant program and on the number of children served by grade level.

[Statutory Authority: RCW 28A.02.100. 88-13-089 (Order 88-16), § 392-164-380, filed 6/20/88.]

WAC 392-164-385 Report of services--Summer school addendum. Any local school district or other subgrantee which conducts a summer school supported with Chapter 1 Migrant moneys, in addition to the annual report of services, shall submit a separate report of summer school services by the second Friday in September in the form required by the superintendent of public instruction.

[Statutory Authority: RCW 28A.02.100. 88-13-089 (Order 88-16), § 392-164-385, filed 6/20/88.]

WAC 392-164-390 Program evaluation. Each local school district or other subgrantee that receives a subgrant under Chapter 1 Migrant shall evaluate their Chapter 1 Migrant program using a locally-developed evaluation method or the Chapter 1 Evaluation and Reporting System (CHIERS) for reporting student impact data to the superintendent of public instruction. In addition, each local school district or other subgrantee, when appropriate, 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 Migrant moneys.

[Statutory Authority: RCW 28A.02.100. 88-13-089 (Order 88-16), § 392-164-390, filed 6/20/88.]

WAC 392-164-395 Project program and budget revisions. Program and budget revisions to a migrant

project may be initiated by either the local school district or other subgrantee or the superintendent of public instruction.

[Statutory Authority: RCW 28A.02.100. 88-13-089 (Order 88-16), § 392-164-395, filed 6/20/88.]

WAC 392-164-400 Program compliance review. The superintendent of public instruction shall conduct program compliance reviews of all operating agencies receiving Chapter 1 Migrant moneys. Review of each operating agency shall occur at least once every three years. Upon receipt of the compliance review report from the superintendent of public instruction the operating agencies shall have one month to respond to the superintendent of public instruction if there are exceptions noted in the report. Substantial noncompliance or failure by the operating agencies to respond and/or initiate corrective action in a timely manner shall be subject to actions prescribed in WAC 392-164-410 or 392-164-415.

[Statutory Authority: RCW 28A.02.100. 88-13-089 (Order 88-16), § 392-164-400, filed 6/20/88.]

WAC 392-164-405 Subgrantee accountability. Chapter 1 Migrant program accountability and compliance procedures under this chapter shall apply to all operating agencies receiving migrant funds under this chapter.

[Statutory Authority: RCW 28A.02.100. 88-13-089 (Order 88-16), § 392-164-405, filed 6/20/88.]

WAC 392-164-410 Withholding of Chapter 1 Migrant payments. Withholding by the superintendent of public instruction of Chapter 1 Migrant payments shall occur only under the following conditions.

(1) If the superintendent of public instruction determines that an operating agency is not in substantial compliance with federal statute and regulation or with this chapter, the superintendent of public instruction shall have the authority to withhold payment in whole or in part of Chapter 1 Migrant moneys to the offending operating agency. In deciding whether to withhold payments, the superintendent of public instruction shall provide:

(a) Reasonable notice to the operating agency of the reasons for the proposed withholding; and

(b) An opportunity for the operating agency within thirty calendar days of such notice to give reason why the withholding should not be instituted.

(2) Pursuant to the operating agency response, the superintendent of public instruction shall consider the following factors:

(a) The seriousness of the noncompliance;

(b) The amount of Chapter 1 Migrant moneys involved;

(c) The effect of withholding on participating children; and

(d) The need to withhold payments to prevent further misuse of Chapter 1 Migrant 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 operating agency shall have achieved compliance, or the moneys withheld shall become subject to repayment procedures specified in 34 CFR 204.11(b), "Access to records and audits, state and local responsibilities."

[Statutory Authority: RCW 28A.02.100. 88-13-089 (Order 88-16), § 392-164-410, filed 6/20/88.]

WAC 392-164-415 Compliance agreement. Notwithstanding any of the actions prescribed by WAC 392-164-410, any operating agency found out of compliance with this chapter may as a substitute for, or in conjunction with, withholding or repayment actions referenced in WAC 392-164-410 be required to enter into a compliance agreement with the superintendent of public instruction to ensure that noncompliant Chapter 1 Migrant program practices are corrected within a period of time specified in that agreement, as a condition to continuous receipt of Chapter 1 Migrant moneys. If an operating agency fails to achieve compliance within the specified period of time, the withholding and/or repayment procedures prescribed by WAC 392-164-410 shall be instituted by the superintendent of public instruction.

[Statutory Authority: RCW 28A.02.100. 88-13-089 (Order 88-16), § 392-164-415, filed 6/20/88.]

Chapter 392-165 WAC

SPECIAL SERVICE PROGRAMS--CHAPTER 2 OF THE EDUCATION CONSOLIDATION AND IMPROVEMENT ACT OF 1981, FINANCIAL ASSISTANCE TO LOCAL SCHOOL DISTRICTS

WAC

- 392-165-340 Approved budget variance—Twenty percent allowed.
392-165-342 Approved program variance—Twenty percent allowed.
392-165-345 Budget revisions—Updating planned expenditures.

WAC 392-165-340 Approved budget variance—Twenty percent allowed. School districts may make annual expenditure adjustments on Form SPI F-1000B by increasing some approved activity-object cell amounts of up to twenty percent of and decreasing others without filing a request for a budget revision with the superintendent of public instruction provided the increases, in total, do not exceed twenty percent of the grand subtotal, (i.e., the sum of all objects of expenditure shown on the subtotal line of the approved Federal Project Budget, Form SPI F-1000B) and do not increase the amount of the grand subtotal.

[Statutory Authority: RCW 28A.02.100. 88-21-017 (Order 88-22), § 392-165-340, filed 10/7/88; 84-06-019 (Order 84-6), § 392-165-340, filed 2/29/84.]

WAC 392-165-342 Approved program variance—Twenty percent allowed. School districts may make annual program expenditure adjustments on Form SPI F-907B by increasing some approved program amounts and decreasing others without filing a request for a program revision with the superintendent of public instruction provided the increases, in total, do not exceed

twenty percent of the Subchapters A, B, and C totals and do not increase the subchapters' totals.

[Statutory Authority: RCW 28A.02.100. 88-21-017 (Order 88-22), § 392-165-342, filed 10/7/88.]

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 approved activity-object cell amounts, in total, by more than twenty percent of the grand subtotal identified in WAC 392-165-340; or

(3) Expend money in any object or activity where no moneys were budgeted in the original application.

[Statutory Authority: RCW 28A.02.100. 88-21-017 (Order 88-22), § 392-165-345, filed 10/7/88; 84-06-019 (Order 84-6), § 392-165-345, filed 2/29/84.]

Chapter 392-166 WAC

SPECIAL SERVICES PROGRAM--STUDENT RETENTION AND RETRIEVAL PROGRAM

WAC

- 392-166-100 Authority.
392-166-105 Purpose.
392-166-110 Student retention and retrieval program—Definition.
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392-166-245 End of year evaluation.
392-166-250 Basic education allocation.
392-166-255 Program audit.
392-166-260 Dissemination.
392-166-265 Notification of parents.
392-166-270 Encumbrance period.
392-166-275 Subsequent grants.

WAC 392-166-100 Authority. The authority for this chapter is section 217, chapter 518, Laws of 1987 which authorizes the superintendent of public instruction to promulgate rules to carry out the purposes of sections 214 through 219 of the act.

[Statutory Authority: 1987 c 518 § 217. 87-23-011 (Order 87-12), § 392-166-100, filed 11/9/87.]

WAC 392-166-105 Purpose. The purpose of this chapter is to set forth policies and procedures for implementation of educational programs designed to motivate, retain, and retrieve students.

[Statutory Authority: 1987 c 518 § 217. 87-23-011 (Order 87-12), § 392-166-105, filed 11/9/87.]

WAC 392-166-110 Student retention and retrieval program--Definition. As used in this chapter, the term "student retention and retrieval program" means a program in qualifying school districts planned, developed, and implemented to identify, motivate, retain, and retrieve students who are at risk of dropping out of school or who have dropped out of school.

[Statutory Authority: 1987 c 518 § 217. 87-23-011 (Order 87-12), § 392-166-110, filed 11/9/87.]

WAC 392-166-115 Qualifying school districts--Definition. As used in this chapter, the term "qualifying school districts" means those school districts, based on drop-out statistics submitted to the superintendent of public instruction pursuant to RCW 28A.58.087, with a drop-out rate in the top twenty-five percent of all districts reporting such information: *Provided*, That the rate may be an average of such data available for a period not to exceed the immediately preceding five school years.

[Statutory Authority: 1987 c 518 § 217. 87-23-011 (Order 87-12), § 392-166-115, filed 11/9/87.]

WAC 392-166-120 Students at risk--Definition. As used in this chapter, the term "students at risk" means those students in elementary, middle or secondary school who are identified using the criteria outlined in WAC 392-166-180 as not succeeding in school, considering dropping out of school, or who have dropped out of school.

[Statutory Authority: 1987 c 518 § 217. 87-23-011 (Order 87-12), § 392-166-120, filed 11/9/87.]

WAC 392-166-125 Supplant--Definition. As used in this chapter, the term "supplant" means using funds made available under this chapter to replace funds currently supporting a particular program or activity intended to address the student drop out problem.

[Statutory Authority: 1987 c 518 § 217. 87-23-011 (Order 87-12), § 392-166-125, filed 11/9/87.]

WAC 392-166-130 Definition--Direct expenditure. As used in this chapter the term "direct expenditure" means that part of program-allowed expenditures that appear on the program-approved budget matrix under

allowed combinations of activities and objects of expenditure.

[Statutory Authority: 1987 c 518 § 217. 87-23-011 (Order 87-12), § 392-166-130, filed 11/9/87.]

WAC 392-166-135 Applicable financial rules. Moneys granted under this chapter shall be subject to chapter 392-122 WAC, Finance--Categorical apportionment.

[Statutory Authority: 1987 c 518 § 217. 87-23-011 (Order 87-12), § 392-166-135, filed 11/9/87.]

WAC 392-166-140 Qualifying school district--Option to participate. A qualifying school district shall not be required to apply for a grant under the student retention and retrieval program: *Provided*, That if such district does apply and receive moneys appropriated for such purposes, the receiving district shall comply with this chapter.

[Statutory Authority: 1987 c 518 § 217. 87-23-011 (Order 87-12), § 392-166-140, filed 11/9/87.]

WAC 392-166-145 Priority for funding. Priority for awarding grant funds made available under this chapter shall be as follows:

(1) The superintendent of public instruction shall give first priority to qualifying school districts where no student motivation, retention, and/or retrieval programs currently exist;

(2) Second priority shall be those qualifying school districts which currently have a student motivation, retention, and/or retrieval program and who apply for funds made available under this chapter to expand the existing program to additional grade levels, or to another school, or to initiate a new student motivation, retention, and/or retrieval program; and

(3) Third priority shall be those school district cooperatives which include at least one qualifying district among the members of the cooperative.

[Statutory Authority: 1987 c 518 § 217. 87-23-011 (Order 87-12), § 392-166-145, filed 11/9/87.]

WAC 392-166-150 District application required. Each school district that seeks a grant of state funds for a student retention and retrieval program must submit a biennial application on forms provided by the superintendent of public instruction within sixty days of the date such forms are mailed by the superintendent of public instruction. No expenditures for program costs shall be made until the application has been approved by the superintendent of public instruction.

[Statutory Authority: 1987 c 518 § 217. 87-23-011 (Order 87-12), § 392-166-150, filed 11/9/87.]

WAC 392-166-155 Cooperative applications. Cooperatives of districts may apply for grant funds if one or more districts in the cooperative are qualifying districts. Application may be submitted by any member of the cooperative: *Provided*, That the signature of the superintendent of each school district in the cooperative shall be included on the application forms: *Provided further*,

That the maximum grant for which a cooperative is eligible shall be the sum of the maximum amount for which qualifying district(s) within the cooperative are eligible.

[Statutory Authority: 1987 c 518 § 217. 87-23-011 (Order 87-12), § 392-166-155, filed 11/9/87.]

WAC 392-166-160 Substance of school district application. The school district's biennial application shall contain the following information on forms provided by the superintendent of public instruction:

(1) Description of proposed year one and year two activities for initial planning, development, and/or implementation of educational programs designed to motivate, retain, and/or retrieve students;

(2) Summary of district need for such program(s);

(3) Procedure for identifying and selecting students to participate in the program;

(4) Program goals and objectives;

(5) Areas of proposed direct expenditures by object and activity on SPI Form 1000-B, listed separately for year one and year two for (a) elementary and middle schools, if appropriate, and (b) secondary schools, if appropriate;

(6) Description of annual evaluation method;

(7) Assurances pursuant to WAC 392-166-165 signed by the school district's authorized representative: *Provided*, That applications for planning and development grants shall not include numbers three and six above.

[Statutory Authority: 1987 c 518 § 217. 87-23-011 (Order 87-12), § 392-166-160, filed 11/9/87.]

WAC 392-166-165 Assurances. Each school district that applies for a grant under this chapter shall assure the superintendent of public instruction that:

(1) The school district shall comply with chapter 518, Laws of 1987 and with chapter 392-166 WAC;

(2) Funds received under the student retention and retrieval program shall not supplant funds of an existing motivation, retention, or retrieval program;

(3) The school district shall keep records and provide information to the superintendent of public instruction regarding the student retention and retrieval program in such manner as required by the superintendent of public instruction.

[Statutory Authority: 1987 c 518 § 217. 87-23-011 (Order 87-12), § 392-166-165, filed 11/9/87.]

WAC 392-166-170 Board approval. The school district's application shall be reviewed and approved by formal action of the district's board of directors.

[Statutory Authority: 1987 c 518 § 217. 87-23-011 (Order 87-12), § 392-166-170, filed 11/9/87.]

WAC 392-166-175 Application update. A district requesting approval to change its student retention and retrieval program for the second year of the biennium, including moving from a planning and development phase to actual program implementation, shall submit

an application update to the superintendent of public instruction for approval.

[Statutory Authority: 1987 c 518 § 217. 87-23-011 (Order 87-12), § 392-166-175, filed 11/9/87.]

WAC 392-166-180 Criteria for identifying students at risk. School district criteria for identifying students at risk shall include, at a minimum:

(1) Poor, irregular and/or deteriorating attendance patterns;

(2) Poor, irregular, and/or deteriorating work habits and achievement as indicated on periodic reports to parents;

(3) Frequent, regular, or increasing conflict with peers, teachers, or other school authorities;

(4) Other behavior or indicators apparent in an elementary school child who is not succeeding in school, e.g., withdrawal from normal, daily academic and social activities; apathy toward the school environment and so forth.

[Statutory Authority: 1987 c 518 § 217. 87-23-011 (Order 87-12), § 392-166-180, filed 11/9/87.]

WAC 392-166-185 Distribution of funds. Funds made available under this chapter shall be distributed on a per pupil basis among qualifying school districts. The per pupil amount shall be determined by dividing the total available appropriation by the total K-12 student population of all qualifying districts as determined on October 1, 1987. The maximum amount any district shall be eligible to receive shall be such per pupil amount multiplied by the total student population of the school district: *Provided*, That no district shall receive more than is required for planning and implementation activities outlined in the district's grant application.

[Statutory Authority: 1987 c 518 § 217. 87-23-011 (Order 87-12), § 392-166-185, filed 11/9/87.]

WAC 392-166-190 Issuance of grant award. Funds made available under this chapter shall be granted separately for each year of the biennium, based on the amount for which the district has applied for each year: *Provided*, That such amount shall in no case exceed the maximum amount for which a district is eligible under the statute.

[Statutory Authority: 1987 c 518 § 217. 87-23-011 (Order 87-12), § 392-166-190, filed 11/9/87.]

WAC 392-166-195 Supplant prohibition. Grants may not supplant funds of existing motivation, retention, and/or retrieval programs.

[Statutory Authority: 1987 c 518 § 217. 87-23-011 (Order 87-12), § 392-166-195, filed 11/9/87.]

WAC 392-166-200 Twenty percent requirement for elementary and middle schools. No less than twenty percent of the funds granted under this chapter shall be used for identification and intervention programs in elementary and middle schools.

[Statutory Authority: 1987 c 518 § 217. 87-23-011 (Order 87-12), § 392-166-200, filed 11/9/87.]

WAC 392-166-205 Supervisory expenditures. A school district that charges any portion of supervisory time as a direct expenditure against the student retention and retrieval program shall maintain records documenting the amount of supervisory FTE funded by such program.

[Statutory Authority: 1987 c 518 § 217. 87-23-011 (Order 87-12), § 392-166-205, filed 11/9/87.]

WAC 392-166-210 Program requirement--Allowable expenditures. Funds granted to school districts pursuant to this chapter shall be used only for expenditures approved on the program budget document included in the approved application. If a district incurs an expenditure with state moneys for a student retention and retrieval 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. Allowable expenditures shall include direct and indirect expenditures included on the approved program budget: *Provided*, That beginning September 1, 1988, the allowed indirect expenditure rate for each school district shall not exceed the rate calculated for Program 54 "Student Retention and Retrieval" for the fiscal year using the federal restrictive rate methodology.

[Statutory Authority: RCW 28A.120.068. 88-21-018 (Order 88-23), § 392-166-210, filed 10/7/88. Statutory Authority: 1987 c 518 § 217. 87-23-011 (Order 87-12), § 392-166-210, filed 11/9/87.]

WAC 392-166-215 Budget revisions--Twenty percent allowed. Using the subtotal from Form SPI F-1000-B as a base, school districts may make annual expenditure adjustments not to exceed twenty percent of that total in any of the previously budgeted activities within the approved elementary and middle school budget or secondary budget without filing a request for budget revision with the superintendent of public instruction.

[Statutory Authority: 1987 c 518 § 217. 87-23-011 (Order 87-12), § 392-166-215, filed 11/9/87.]

WAC 392-166-220 Budget revisions--Updating planned expenditures. Except as provided in WAC 392-166-215, each school district shall expend the student retention and retrieval program 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) Change by more than twenty percent of the subtotal identified in WAC 392-166-215 the expenditures among activity or object totals; or
- (2) Expend money in any object or activity where no moneys were budgeted in the original application.

[Statutory Authority: 1987 c 518 § 217. 87-23-011 (Order 87-12), § 392-166-220, filed 11/9/87.]

WAC 392-166-225 Budget revision--Approval. Approval of budget revisions by the superintendent of public instruction shall be in accordance with the provisions in WAC 392-166-150 for approval by the superintendent of public instruction of the biennial application.

[Statutory Authority: 1987 c 518 § 217. 87-23-011 (Order 87-12), § 392-166-225, filed 11/9/87.]

WAC 392-166-230 Acquisition, control and disposition of property. Acquisition, control and disposition of property purchased with student retention and retrieval program moneys shall be consistent with state school accounting procedures.

[Statutory Authority: 1987 c 518 § 217. 87-23-011 (Order 87-12), § 392-166-230, filed 11/9/87.]

WAC 392-166-235 District records. School districts receiving funds under this chapter shall keep such records as are necessary to demonstrate compliance with this chapter and shall make such records available to authorized state personnel upon request.

[Statutory Authority: 1987 c 518 § 217. 87-23-011 (Order 87-12), § 392-166-235, filed 11/9/87.]

WAC 392-166-240 End of year report. Participating school districts shall submit an end of year report on forms provided by the superintendent of public instruction. Such report shall include the number and grade level of students served, gender and ethnicity of such students, number of certificated and classified staff involved, actual expenditures by object and activity, and other information required by the superintendent of public instruction consistent with his responsibility for administering the student retention and retrieval program.

[Statutory Authority: 1987 c 518 § 217. 87-23-011 (Order 87-12), § 392-166-240, filed 11/9/87.]

WAC 392-166-245 End of year evaluation. Participating school districts shall provide an annual evaluation of the effectiveness of the student retention and retrieval program, including the degree to which goals and objectives were met and, as applicable, former and current absentee rates, subjects passed, and improved achievement, on forms provided by the superintendent of public instruction.

[Statutory Authority: 1987 c 518 § 217. 87-23-011 (Order 87-12), § 392-166-245, filed 11/9/87.]

WAC 392-166-250 Basic education allocation. Districts may claim basic education allocation funds for students attending programs conducted pursuant to this chapter outside the regular school year calendar, to the extent such attendance is in lieu of attendance within the regular school year calendar as specified in WAC 392-121-123.

[Statutory Authority: 1987 c 518 § 217. 87-23-011 (Order 87-12), § 392-166-250, filed 11/9/87.]

WAC 392-166-255 Program audit. Audit of student retention and retrieval programs shall be conducted

in compliance with state audit requirements for school districts.

[Statutory Authority: 1987 c 518 § 217. 87-23-011 (Order 87-12), § 392-166-255, filed 11/9/87.]

WAC 392-166-260 Dissemination. The superintendent of public instruction shall collect and disseminate to all school districts and interested parties information about effective motivation, retention, and retrieval programs through the clearinghouse for education information and other appropriate channels.

[Statutory Authority: 1987 c 518 § 217. 87-23-011 (Order 87-12), § 392-166-260, filed 11/9/87.]

WAC 392-166-265 Notification of parents. Each participating district shall notify parents of participating children of their child's involvement in the district's program for student retention and retrieval.

[Statutory Authority: 1987 c 518 § 217. 87-23-011 (Order 87-12), § 392-166-265, filed 11/9/87.]

WAC 392-166-270 Encumbrance period. Grant funds not expended in the first year of the biennium shall remain available to be granted to qualifying school districts for the second year of the biennium: *Provided*, That any grant funds not expended by June 30 of the second year of the biennium shall revert to the state treasury.

[Statutory Authority: 1987 c 518 § 217. 87-23-011 (Order 87-12), § 392-166-270, filed 11/9/87.]

WAC 392-166-275 Subsequent grants. If funds are available for purposes of this chapter in future bienniums, subsequent implementation grants shall be awarded to school districts by the superintendent of public instruction only if those grants expand the existing program to additional grades, another school, or initiate a new student retention and/or retrieval program: *Provided*, That the superintendent shall give priority to plans and programs of proven effectiveness.

[Statutory Authority: 1987 c 518 § 217. 87-23-011 (Order 87-12), § 392-166-275, filed 11/9/87.]

Chapter 392-168 WAC

SPECIAL SERVICE PROGRAMS--CITIZEN COMPLAINT PROCEDURE FOR CERTAIN CATEGORICAL FEDERAL PROGRAMS

WAC

392-168-005	Repealed.
392-168-105	Authority.
392-168-110	Purpose.
392-168-115	Applicability.
392-168-120	Definition--Hatch Amendment.
392-168-125	Definition--Complaint.
392-168-130	Definition--Other subgrantee.
392-168-135	Right to register a complaint.
392-168-140	Contents of complaint.
392-168-145	Procedure for filing a complaint.
392-168-150	Complaint directed to a school district, an educational service district, or other subgrantee and designation of responsible employee.

392-168-155	Investigation of and response to complaints against a school district, educational service district, or other subgrantee.
392-168-160	Appeal to the superintendent of public instruction of a local school district, educational service district, or other subgrantee decision.
392-168-165	Content of appeal notice.
392-168-170	Actions by superintendent of public instruction in response to notices of appeal and notices registering complaints.
392-168-175	Complaints against the superintendent of public instruction--Designation of responsible employee(s).
392-168-180	Complaints against the superintendent of public instruction--Investigation of and response to complaints.
392-168-185	Waiver of timelines.
392-168-190	Appeal to the secretary of education in complaints against the superintendent of public instruction.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

392-168-005	Authority. [Order 12-76, § 392-168-005, filed 12/21/76.] Repealed by 88-09-042 (Order 88-13), filed 4/18/88. Statutory Authority: RCW 28A.02.100.
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WAC 392-168-005 Repealed. See Disposition Table at beginning of this chapter.

WAC 392-168-105 Authority. The authority for this chapter is RCW 28A.02.100 which authorizes the superintendent of public instruction to receive and administer federal funds on behalf of school districts of the state of Washington in compliance with applicable rules and regulations.

[Statutory Authority: RCW 28A.02.100. 88-09-042 (Order 88-13), § 392-168-105, filed 4/18/88.]

WAC 392-168-110 Purpose. The purpose of this chapter is to ensure compliance by the state of Washington with 34 CFR 76.780 through 782, Department of Education regulations governing state-administered federal grant programs, and with the Hatch Amendment.

[Statutory Authority: RCW 28A.02.100. 88-09-042 (Order 88-13), § 392-168-110, filed 4/18/88.]

WAC 392-168-115 Applicability. This chapter shall apply to federal programs administered by the superintendent of public instruction and listed in 34 CFR 76.1(b):

(1) Title III-A of the National Defense Education Act of 1958, Strengthening Instruction in Academic Subjects in Public Schools;

(2) Title IV of Public Law 96-511, Emergency Immigrant Education Program;

(3) Title II, Sections 201-206, 208-211, and 213 of the Education for Economic Security Act, State Grants for Strengthening the Skills of Teachers and Instruction in Mathematics, Science, Foreign Languages, and Computer Learning;

(4) Part B of the Education of the Handicapped Act, Assistance to States for Education of Handicapped Children;

(5) Section 619 of the Education of the Handicapped Act, Incentive Grants;

(6) Part A of Title I of the Vocational Education Act, State Vocational Education Program;

(7) Career Education Incentive Act (except Sections 10, 11, and 12) Career Education—State Allotment Program; and

(8) Adult Education Act (except Sections 309, 314, 317, and 318), State Adult Education Program:

(9) *Provided*, That pursuant to 34 CFR 76.1(c), this chapter shall not apply to programs authorized under Chapter 1 and Chapter 2 of the Education Consolidation and Improvement Act of 1981:

(a) Chapter 1—Financial Assistance to Local Educational Agencies to Meet the Special Educational Needs of Educationally Deprived Children, Grants to State Educational Agencies for Program to Meet the Special Educational Needs of Migratory Children, Grants to State Agencies for Programs to Meet the Special Education Needs of Children in Institutions for Neglected or Delinquent Children, State-operated Programs for Handicapped Children; and

(b) Chapter 2—Consolidation of Federal Programs for Elementary and Secondary Education:

(10) *Provided further*, That any additional complaint procedure requirements of particular programs shall be applicable to those programs in addition to the basic citizen complaint procedure described in this chapter.

[Statutory Authority: RCW 28A.02.100. 88-09-042 (Order 88-13), § 392-168-115, filed 4/18/88.]

WAC 392-168-120 Definition—Hatch Amendment. As used in this chapter, the term the "Hatch Amendment" means section 439 of the General Education Provisions Act (GEPA), "Protection of Pupil Rights" which provides that:

(1) Parents or guardians of children involved in a research or experimentation project supported with federal funds shall have a right to inspect instructional materials used in connection with the project; and

(2) No student in such a project shall be required to submit to psychiatric or psychological examination, testing, or treatment which might reveal specified personal information without the consent of an adult or emancipated minor student or, for other minor students, without prior written parental consent.

[Statutory Authority: RCW 28A.02.100. 88-09-042 (Order 88-13), § 392-168-120, filed 4/18/88.]

WAC 392-168-125 Definition—Complaint. As used in this chapter, the term "complaint" means a written allegation, signed by the complainant, that the state, a local school district, an educational service district, or other subgrantee receiving federal funds has systematically violated a federal statute or regulation or a state regulation that applies to a federal program covered under this chapter.

[Statutory Authority: RCW 28A.02.100. 88-09-042 (Order 88-13), § 392-168-125, filed 4/18/88.]

WAC 392-168-130 Definition—Other subgrantee. As used in this chapter, the term "other subgrantee"

means the government, nonprofit, or other legal entity to which the state as grantee awards a subgrant, and which is accountable to the state for the use of the funds provided. The subgrantee is the entire legal entity even if only a particular component of the entity is designated in the subgrant award document.

[Statutory Authority: RCW 28A.02.100. 88-09-042 (Order 88-13), § 392-168-130, filed 4/18/88.]

WAC 392-168-135 Right to register a complaint. Any individual, entity, or organization may register a complaint: *Provided*, That a complaint filed pursuant to the Hatch Amendment may be filed only by a student or parent or guardian of a student directly affected by the alleged violation: *Provided further*, That if a parent or adult student has also filed an individualized complaint which constitutes the basis in whole or in part for initiation of a due process special education hearing pursuant to WAC 392-171-531, a citizen complaint by such person regarding systemic noncompliance shall be held in abeyance until the hearing has been concluded.

[Statutory Authority: RCW 28A.02.100. 88-09-042 (Order 88-13), § 392-168-135, filed 4/18/88.]

WAC 392-168-140 Contents of complaint. A complaint filed under this chapter shall be in writing, signed by the complainant, and shall include:

(1) A statement that the state, a local school district, an educational service district, or other subgrantee has violated one or more requirements of federal statutes or regulations or state regulations that apply to a federal program;

(2) The facts on which the statement is based;

(3) The name and address of the complainant; and

(4) In the case of a complaint alleging a violation by an entity other than the state and filed directly with the superintendent of public instruction, the name and address of the allegedly offending entity.

[Statutory Authority: RCW 28A.02.100. 88-09-042 (Order 88-13), § 392-168-140, filed 4/18/88.]

WAC 392-168-145 Procedure for filing a complaint. The procedure for filing a complaint shall be as follows:

(1) A complaint alleging a violation by a local school district, an educational service district, or other subgrantee shall be filed directly with a responsible official of the local school district, an educational service district, or other subgrantee: *Provided*, That a complaint alleging a violation by an entity other than the state may be filed directly with the superintendent of public instruction at the complainant's discretion.

(2) A complaint against a local school district, an educational service district, or other subgrantee filed directly with the superintendent of public instruction shall be referred back to the allegedly offending entity for action pursuant to this chapter.

[Statutory Authority: RCW 28A.02.100. 88-09-042 (Order 88-13), § 392-168-145, filed 4/18/88.]

WAC 392-168-150 Complaint directed to a school district, an educational service district, or other subgrantee and designation of responsible employee. The chief officer of each local school district, an educational service district, or other subgrantee shall designate at least one employee to monitor and coordinate the entity's compliance with this chapter. Such employee shall also be charged with the responsibility for investigating any complaint(s) communicated to the entity pursuant to WAC 392-168-145.

[Statutory Authority: RCW 28A.02.100. 88-09-042 (Order 88-13), § 392-168-150, filed 4/18/88.]

WAC 392-168-155 Investigation of and response to complaints against a school district, educational service district, or other subgrantee. Investigation of and response to a complaint shall be as follows:

(1) Upon receipt of a properly filed complaint, the employee(s) designated pursuant to WAC 392-168-150 shall investigate the alleged violations.

(2) Upon completion of the investigation, the designated employee(s) shall provide the responsible official of the entity with a written report of the results of the investigation. Said officials shall respond in writing to the complainant no later than twenty calendar days after the date of receipt by the entity of such complaint.

(3) The response to the complainant shall clearly state either:

(a) That the entity denies the allegations contained in the complaint and the basis for such denial; or

(b) The reasonable corrective action deemed necessary to correct the violation: *Provided*, That any such corrective measures shall be instituted as expeditiously as possible but in no event later than thirty calendar days following the date of the response to the complainant.

[Statutory Authority: RCW 28A.02.100. 88-09-042 (Order 88-13), § 392-168-155, filed 4/18/88.]

WAC 392-168-160 Appeal to the superintendent of public instruction of a local school district, educational service district, or other subgrantee decision. The complainant shall have the following right of appeal:

(1) In the event a complainant remains aggrieved with the written decision of a local school district, an educational service district, or other subgrantee, or upon failure or refusal of such entity to respond to a properly filed complaint, the complainant may, in writing, appeal the decision to the superintendent of public instruction or, in the case of a failure or refusal to respond, may register the complaint directly with the superintendent: *Provided*, That upon the refusal of the local school district, educational service district, or other subgrantee to grant a request of the parent (or adult student) for a due process special education hearing made in conformance with WAC 392-171-531, the parent (or adult student) may register the complaint with the superintendent of public instruction.

(2) The written notice of appeal must be received by the superintendent of public instruction on or before the fifteenth day after the date the complainant received the written response of the local school district, educational

service district, or other subgrantee pursuant to WAC 392-168-155; or in the case of a failure or refusal to respond to a complaint, a written notice registering the complaint must be received by the superintendent of public instruction on or before the thirty-fifth day after the citizen registered the complaint with the entity.

(3) In the case of a local school district, an educational service district, or other subgrantee's refusal to grant a request of a parent (or adult student) for a special education hearing made in conformance with WAC 392-171-531, a written notice registering the complaint must be received by the superintendent of public instruction on or before either the fifteenth day after the date the parent (or adult student) received notice of such entity's refusal to grant a hearing or on or before the fifteenth day after the expiration of the time period for rendering a final decision pursuant to a request for a hearing (i.e., forty-five days after the date of receipt of a request for a hearing), whichever occurs first.

[Statutory Authority: RCW 28A.02.100. 88-09-042 (Order 88-13), § 392-168-160, filed 4/18/88.]

WAC 392-168-165 Content of appeal notice. The appeal notice shall set forth:

(1) A statement of the portion(s) of the local school district, educational service district, or other subgrantee's decision which is appealed or, in the case of a failure or refusal to respond, a statement so indicating; and

(2) The relief or remedy requested by the complainant/appellant.

[Statutory Authority: RCW 28A.02.100. 88-09-042 (Order 88-13), § 392-168-165, filed 4/18/88.]

WAC 392-168-170 Actions by superintendent of public instruction in response to notices of appeal and notices registering complaints. The superintendent of public instruction shall respond in the following manner to appeals and direct complaints:

(1) The superintendent of public instruction shall investigate the allegation(s) contained in a written notice of appeal or a written notice registering the complaint that is deemed to be of substance and make a decision no later than fifteen calendar days after the receipt of a written appeal or no later than sixty calendar days after receipt of a complaint registered directly with the superintendent of public instruction by a citizen. Investigations carried out pursuant to this section may be performed on-site as necessary.

(2) If the investigation reveals that there is merit to the allegation(s), the superintendent of public instruction shall provide for negotiations, or technical advice and assistance, or other remedial action in an attempt to ensure compliance with this chapter and/or state and/or federal laws and regulations: *Provided*, That any corrective measures deemed necessary shall be instituted no later than ten calendar days following the decision of the superintendent of public instruction.

(3) If compliance by a local school district, educational service district, or other subgrantee is not achieved

pursuant to subsection (2) of this section, the superintendent of public instruction shall initiate funding withholding, fund recovery, or any other sanction deemed appropriate.

(4) In the event a complainant, local school district, educational service district, or other subgrantee remains aggrieved with the decision of the superintendent of public instruction, either party may appeal the decision to the secretary, department of education.

[Statutory Authority: RCW 28A.02.100. 88-09-042 (Order 88-13), § 392-168-170, filed 4/18/88.]

WAC 392-168-175 Complaints against the superintendent of public instruction--Designation of responsible employee(s). (1) A complaint alleging a violation by the superintendent of public instruction shall be filed directly with the superintendent of public instruction in the form specified in WAC 392-168-140.

(2) The superintendent of public instruction shall designate at least one office of the agency to monitor and coordinate the agency's compliance with this chapter, which shall include ensuring that investigation of any complaint is conducted expeditiously and thoroughly.

[Statutory Authority: RCW 28A.02.100. 88-09-042 (Order 88-13), § 392-168-175, filed 4/18/88.]

WAC 392-168-180 Complaints against the superintendent of public instruction--Investigation of and response to complaints. (1) The staff responsible for investigating the alleged violation shall commence investigation within ten days of receipt of the complaint by the superintendent of public instruction.

(2) Investigation by the superintendent of public instruction may include on-site investigations as appropriate.

(3) Upon completion of the investigation, investigating staff shall provide the superintendent of public instruction with a written report on the results of the investigation.

(4) The superintendent of public instruction shall respond in writing to the complainant as expeditiously as possible but in no event later than sixty calendar days after the date of receipt of such complaint by the superintendent of public instruction.

(5) The response shall clearly state either:

(a) That the complaint is without merit, the allegations are denied, and the basis for such denial; or

(b) The reasonable corrective measures deemed necessary to correct any violation: *Provided*, That any such corrective measures deemed necessary shall be instituted as expeditiously as possible but in no event later than thirty calendar days following the date of the response to the complainant.

[Statutory Authority: RCW 28A.02.100. 88-09-042 (Order 88-13), § 392-168-180, filed 4/18/88.]

WAC 392-168-185 Waiver of timelines. (1) Timelines established in this chapter may be waived by mutual consent in writing of both complainant and local

school district or other subgrantee. Such waiver of time-lines shall be communicated within ten days to the appropriate division, superintendent of public instruction, by the entity named in the complaint.

(2) An extension of time limits applicable to actions by the superintendent of public instruction shall be waived by mutual consent of the complainant and the superintendent of public instruction: *Provided*, That if exceptional circumstances exist with respect to a particular complaint, the superintendent of public instruction may unilaterally extend the timelines for cause upon written notice to the parties.

[Statutory Authority: RCW 28A.02.100. 88-09-042 (Order 88-13), § 392-168-185, filed 4/18/88.]

WAC 392-168-190 Appeal to the secretary of education in complaints against the superintendent of public instruction. In the event that a complainant remains aggrieved with the response of the superintendent of public instruction, the complainant may file an appeal directly with the secretary, Department of Education.

[Statutory Authority: RCW 28A.02.100. 88-09-042 (Order 88-13), § 392-168-190, filed 4/18/88.]

Chapter 392-171 WAC

SPECIAL EDUCATION PROGRAMS--EDUCATION FOR ALL HANDICAPPED CHILDREN

WAC

CITIZEN COMPLAINT PROCESS

392-171-761	Right to register and process complaints.
392-171-766	Repealed.
392-171-771	Repealed.
392-171-776	Repealed.
392-171-781	Repealed.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

392-171-766	Complaint directed to school district and designation of responsible school district employee. [Statutory Authority: RCW 28A.13.070(7). 83-08-029 (Order 83-1), § 392-171-766, filed 3/30/83; 80-11-054 (Order 80-31), § 392-171-766, filed 8/19/80. Formerly WAC 392-171-745.] Repealed by 88-12-017 (Order 88-14), filed 5/23/88. Statutory Authority: RCW 28A.13.070(7).
392-171-771	School district investigation of and response to complaints directed to the school district. [Statutory Authority: RCW 28A.13.070(7). 83-08-029 (Order 83-1), § 392-171-771, filed 3/30/83; 80-11-054 (Order 80-31), § 392-171-771, filed 8/19/80. Formerly WAC 392-171-750.] Repealed by 88-12-017 (Order 88-14), filed 5/23/88. Statutory Authority: RCW 28A.13.070(7).
392-171-776	Appeal to the superintendent of public instruction. [Statutory Authority: RCW 28A.13.070(7). 83-08-029 (Order 83-1), § 392-171-776, filed 3/30/83; 80-11-054 (Order 80-31), § 392-171-776, filed 8/19/80. Formerly WAC 392-171-755.] Repealed by 88-12-017 (Order 88-14), filed 5/23/88. Statutory Authority: RCW 28A.13.070(7).
392-171-781	Actions in response to notices of appeal and notices registering complaints. [Statutory Authority: RCW 28A.13.070(7). 83-08-029 (Order 83-1), § 392-171-781, filed 3/30/83; 80-11-054 (Order 80-31), § 392-171-781, filed 8/19/80. Formerly WAC 392-171-760.] Repealed by 88-12-017 (Order 88-14),

filed 5/23/88. Statutory Authority: RCW 28A.13.070(7).

CITIZEN COMPLAINT PROCESS

WAC 392-171-761 Right to register and process complaints. (1) Any person, entity, or organization may register and process complaints alleging one or more violations of this chapter as provided for in chapter 392-168 WAC.

[Statutory Authority: RCW 28A.13.070(7), 88-15-020 (Order 88-18), § 392-171-761, filed 7/11/88; 83-08-029 (Order 83-1), § 392-171-761, filed 3/30/83; 80-11-054 (Order 80-31), § 392-171-761, filed 8/19/80. Formerly WAC 392-171-740.]

WAC 392-171-766 Repealed. See Disposition Table at beginning of this chapter.

WAC 392-171-771 Repealed. See Disposition Table at beginning of this chapter.

WAC 392-171-776 Repealed. See Disposition Table at beginning of this chapter.

WAC 392-171-781 Repealed. See Disposition Table at beginning of this chapter.

Chapter 392-185 WAC

CERTIFIED EDUCATIONAL CLINICS-- DISTRIBUTION OF STATE FUNDS

WAC
392-185-060 Fees--Payment and procedures.

WAC 392-185-060 Fees--Payment and procedures. Consistent with the provisions of chapter 28A.97 RCW as enacted or hereafter amended, fee reimbursements made to certified educational clinics shall be made in accordance with the following:

(1) There shall be no reimbursement prior to the actual delivery of services.

(2) Payments related to diagnostic procedures and course activities shall be made from available funds first to those clinics which demonstrate superior performance in the judgment of the superintendent of public instruction in accordance with WAC 392-185-030.

(3) No certified educational clinic shall be entitled to receive payment for any student's course work undertaken prior to the completion of the initial diagnostic procedure.

(4) Upon submission of vouchers, the superintendent of public instruction shall reimburse certified educational clinics under contract for services provided to identified, eligible common school dropouts on the basis of records of diagnostic and instructional services rendered.

(5) Vouchers shall include the following:

(a) A roster of names of students;

(b) Diagnostic fees; and

(c) Fees for instruction based upon class sizes, subject areas and other pertinent data to allow for computation

of reimbursement: *Provided*, That in the event of changes in class size, vouchers shall reflect appropriate changes and documentation shall appear in the records of the educational clinic: *Provided further*, That this information is submitted on voucher claim forms as provided by the superintendent of public instruction in accordance with written instructions.

(6) After a student has attended an educational clinic, for all or a portion of one hundred thirty-five instructional days, no further reimbursement fees shall be paid by the superintendent of public instruction for that student.

[Statutory Authority: RCW 28A.97.050, 87-16-034 (Order 87-8), § 392-185-060, filed 7/27/87. Statutory Authority: RCW 28A.97.050 and 1977 ex.s. c 339 § 95 (uncodified), 78-03-008 (Order 1-78), § 392-185-060, filed 2/6/78, effective 3/9/78.]

Chapter 392-195 WAC

SCHOOL PERSONNEL--IN-SERVICE TRAINING PROGRAM

WAC
392-195-010 Definitions.
392-195-015 Application to SPI for funding.

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 to determine strengths and weaknesses of certificated and classified personnel related to the educational needs of the community 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, 88-03-006 (Order 88-5), § 392-195-010, filed 1/8/88; 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 participate in identifying the in-service training needs and goals 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) The applicant shall demonstrate with a signed statement of assurance to the superintendent of public instruction its intention to implement the recommendations of the needs assessment.

(7) Funds shall supplement, not supplant, the existing staff development and in-service activities of an applicant.

[Statutory Authority: RCW 28A.71.210, 88-03-006 (Order 88-5), § 392-195-015, filed 1/8/88; 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.]

Chapter 392-196 WAC

SCHOOL PERSONNEL--TEACHER ASSISTANCE PROGRAM

WAC

392-196-005	Authority.
392-196-010	Purpose.
392-196-011	Teacher--Definition.
392-196-020	Mentor teacher stipend--Definition.
392-196-030	Mentor teacher--Qualifications for nomination.
392-196-040	Beginning teacher--Definition.
392-196-045	Beginning teacher stipend--Definition.
392-196-050	Beginning teacher stipend--Minimum amount.
392-196-051	Experienced teacher--Definition.
392-196-052	Experienced teacher participation.
392-196-055	SPI sponsored beginning and mentor teacher workshop--Definition.
392-196-060	School district application to SPI for participation in the teacher assistance program.
392-196-070	School district selection process and state priorities.
392-196-072	Superintendent of public instruction consultation.
392-196-075	Annual amount for distribution to participating school districts.
392-196-080	Distribution of state moneys for the teacher assistance program.
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.67.240 which authorizes the superintendent of public instruction to adopt rules to establish and operate a teacher assistance program.

[Statutory Authority: 1987 c 507, 87-23-004 (Order 87-13), § 392-196-005, filed 11/5/87. Statutory Authority: RCW 28A.58.842, 85-15-049 (Order 86-7), § 392-196-005, filed 7/18/86; 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 teacher assistance program, including the

conditions for the receipt of state moneys for such purpose by school districts of the state.

[Statutory Authority: 1987 c 507, 87-23-004 (Order 87-13), § 392-196-010, filed 11/5/87. Statutory Authority: RCW 28A.58.842, 85-21-052 (Order 85-12), § 392-196-010, filed 10/15/85.]

WAC 392-196-011 Teacher--Definition. As used in this chapter the term "teacher" means any school employee possessing any one of the certificates issued by the superintendent of public instruction under RCW 28A.70.005: *Provided*, That such employees who hold administrator credentials and are employed as administrators shall not be included for purposes of this chapter.

[Statutory Authority: 1987 c 507, 87-23-004 (Order 87-13), § 392-196-011, filed 11/5/87.]

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 mentor teacher for services as a mentor teacher including attendance at the superintendent of public instruction sponsored beginner-mentor teacher workshops. 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: RCW 28A.67.240, 88-18-038 (Order 88-20), § 392-196-020, filed 8/31/88. Statutory Authority: 1987 c 507, 87-23-004 (Order 87-13), § 392-196-020, filed 11/5/87. Statutory Authority: RCW 28A.58.842, 85-21-052 (Order 85-12), § 392-196-020, 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 teacher.

(2) Have been employed primarily as a teacher for one school year within the district and two additional school years within any public or private school in any grade, preschool through twelve.

(3) Hold a valid continuing certificate issued pursuant to chapter 180-79 WAC or be eligible for conversion to such certificate pursuant to WAC 180-79-045.

[Statutory Authority: 1987 c 507, 87-23-004 (Order 87-13), § 392-196-030, filed 11/5/87. Statutory Authority: RCW 28A.58.842, 85-21-052 (Order 85-12), § 392-196-030, filed 10/15/85.]

WAC 392-196-040 Beginning teacher--Definition. As used in this chapter, the term "beginning teacher" shall mean a teacher with fewer than ninety consecutive school days of certificated teaching experience in either a public or private school in any grade, preschool through twelve, and who is employed by the district for ninety consecutive school days or more.

[Statutory Authority: 1987 c 507, 87-23-004 (Order 87-13), § 392-196-040, filed 11/5/87. Statutory Authority: RCW 28A.58.842, 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 two days of attendance at the superintendent of public instruction sponsored beginner-mentor teacher workshops. 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: RCW 28A.67.240. 88-18-038 (Order 88-20), § 392-196-045, filed 8/31/88. Statutory Authority: 1987 c 507. 87-23-004 (Order 87-13), § 392-196-045, filed 11/5/87. Statutory Authority: RCW 28A.58.842. 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 one hundred sixty dollars.

[Statutory Authority: RCW 28A.67.240. 88-18-038 (Order 88-20), § 392-196-050, filed 8/31/88. Statutory Authority: 1987 c 507. 87-23-004 (Order 87-13), § 392-196-050, filed 11/5/87. Statutory Authority: RCW 28A.58.842. 85-21-052 (Order 85-12), § 392-196-050, filed 10/15/85.]

WAC 392-196-051 Experienced teacher--Definition. As used in this chapter, the term "experienced teacher" means a teacher not included in the "beginning teacher" population, as defined in WAC 392-196-040.

[Statutory Authority: 1987 c 507. 87-23-004 (Order 87-13), § 392-196-051, filed 11/5/87.]

WAC 392-196-052 Experienced teacher participation. "Experienced teachers" shall not be required to participate in this program nor attend the superintendent of public instruction sponsored mentor workshops and shall not receive a stipend. Districts shall be reimbursed for up to twenty-four hours substitute teacher expenses (per team) associated with participation of experienced teachers if such funds are available after all nominated beginning teachers have been included.

[Statutory Authority: RCW 28A.67.240. 88-18-038 (Order 88-20), § 392-196-052, filed 8/31/88. Statutory Authority: 1987 c 507. 87-23-004 (Order 87-13), § 392-196-052, filed 11/5/87.]

WAC 392-196-055 SPI sponsored beginning and mentor teacher workshop--Definition. As used in this chapter, the term "superintendent of public instruction sponsored beginning and 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 and beginning teachers in the methods and procedures for performing such roles with particular emphasis upon providing continuing and sustained support by the mentor teacher to a beginning teacher. Such workshops shall be no more than three days in length for the mentor and two days in length for the beginner, but need not be consecutive days, and shall not be held during school hours.

[Statutory Authority: RCW 28A.67.240. 88-18-038 (Order 88-20), § 392-196-055, filed 8/31/88. Statutory Authority: 1987 c 507. 87-23-004 (Order 87-13), § 392-196-055, filed 11/5/87. Statutory Authority: RCW 28A.58.842. 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 the teacher assistance program.

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Any district may apply to the superintendent of public instruction for participation in the 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 and beginning 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 beginner-mentor teacher workshops.

(5) The mentor teacher, the beginning teacher, and the experienced teacher shall be released from teaching responsibilities in order to jointly or separately observe each other or observe colleagues in teaching situations.

(6) The total released time from classroom teaching as required by subsection (5) of this section shall be at least twenty-four scheduled instructional hours per school year but no more than twenty-four scheduled instructional hours shall be paid for with funds made available under this chapter.

(7) Mentor teachers shall not be involved in evaluations of their beginning or experienced teachers conducted pursuant to RCW 28A.67.065.

(8) The mentor teacher, beginning teacher, and experienced teacher shall be required to complete and forward to the superintendent of public instruction such evaluation reports of the teacher assistance program as requested by the superintendent of public instruction.

(9) Mentor teachers shall periodically inform their principals respecting the contents of training sessions and other program activities.

(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 teacher assistance program.

[Statutory Authority: RCW 28A.67.240. 88-18-038 (Order 88-20), § 392-196-060, filed 8/31/88. Statutory Authority: 1987 c 507. 87-23-004 (Order 87-13), § 392-196-060, filed 11/5/87. Statutory Authority: RCW 28A.58.842. 85-21-052 (Order 85-12), § 392-196-060, filed 10/15/85.]

WAC 392-196-070 School district selection process and state priorities. The selection process and priorities shall be as follows for the 1988-89 school year:

(1) Beginning teacher and mentor teams will be selected on the following basis:

(a) Beginning teacher and mentor assigned to the same building and teaching in the same endorsement area.

(b) Beginning teacher and mentor assigned to the same building and teaching in a related endorsement area (e.g., social studies-English or mathematics-science).

(c) Beginning teacher and mentor assigned to different buildings, but teaching in the same endorsement area.

(2) The process used to select beginner and mentor teacher teams shall be as follows:

(a) Applications received between July 15 and August 15 that meet the priority criteria set forth in subsection (1)(a) and (b) of this section will be accepted in accordance with the priority and the date the application is received in the office of the superintendent of public instruction subject to availability of funds.

(b) If funds are still available after the initial application period, a second application period will be established from August 15 to September 25. Selection priorities will remain the same as set forth herein.

[Statutory Authority: RCW 28A.67.240. 88-18-038 (Order 88-20), § 392-196-070, filed 8/31/88. Statutory Authority: 1987 c 507. 87-23-004 (Order 87-13), § 392-196-070, filed 11/5/87. Statutory Authority: RCW 28A.58.842. 85-21-052 (Order 85-12), § 392-196-070, filed 10/15/85.]

WAC 392-196-072 Superintendent of public instruction consultation. The superintendent of public instruction hereby establishes a teacher assistance task force of no more than twelve members representing teachers, educational staff associates, administrators, educational service districts, colleges and universities, and school directors. The superintendent shall:

(1) Appoint task force members from nominations submitted by the professional groups eligible to be represented on the task force;

(2) Consult with the task force for the purpose of obtaining their advice about teacher assistance program policies, operations, and evaluations;

(3) Convene the task force at least once annually.

[Statutory Authority: RCW 28A.67.240. 88-18-038 (Order 88-20), § 392-196-072, filed 8/31/88. Statutory Authority: 1987 c 507. 87-23-004 (Order 87-13), § 392-196-072, filed 11/5/87.]

WAC 392-196-075 Annual amount for distribution to participating school districts. The superintendent of public instruction annually shall establish a dollar amount per beginning teacher-mentor teacher team for distribution to districts for support of the teacher 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 beginner-mentor teacher workshops.

(3) Substitute teacher salaries for released time for mentor, beginner, and experienced teachers.

(4) Beginning teacher stipends.

(5) Appropriate fringe benefits associated with mentor and beginning teacher stipends.

[Statutory Authority: RCW 28A.67.240. 88-18-038 (Order 88-20), § 392-196-075, filed 8/31/88. Statutory Authority: 1987 c 507. 87-23-004 (Order 87-13), § 392-196-075, filed 11/5/87. Statutory Authority: RCW 28A.58.842. 85-21-052 (Order 85-12), § 392-196-075, filed 10/15/85.]

WAC 392-196-080 Distribution of state moneys for the teacher assistance program. The superintendent of public instruction shall issue grant awards for the 1988-89 school year for a maximum of one thousand six hundred dollars per mentor-beginning teacher team.

[Statutory Authority: RCW 28A.67.240. 88-18-038 (Order 88-20), § 392-196-080, filed 8/31/88. Statutory Authority: 1987 c 507. 87-23-004 (Order 87-13), § 392-196-080, filed 11/5/87. Statutory Authority: RCW 28A.58.842. 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 teacher assistance program shall be subject to the carryover prohibition of WAC 392-122-900.

[Statutory Authority: 1987 c 507. 87-23-004 (Order 87-13), § 392-196-085, filed 11/5/87. Statutory Authority: RCW 28A.58.842. 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 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 ensuing school year.

[Statutory Authority: 1987 c 507. 87-23-004 (Order 87-13), § 392-196-090, filed 11/5/87. Statutory Authority: RCW 28A.58.842. 85-21-052 (Order 85-12), § 392-196-090, filed 10/15/85.]

Chapter 392-202 WAC

SCHOOL PERSONNEL--EXCELLENCE IN EDUCATION AWARDS

WAC	
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WAC 392-202-003 Authority. The authority for this chapter is RCW 28A.03.532 which authorizes the superintendent of public instruction to adopt rules relating to administration of a Washington award for excellence in education for teachers, principals, superintendents, and school boards.

[Statutory Authority: RCW 28A.03.532. 87-23-005 (Order 87-15), § 392-202-003, filed 11/5/87.]

WAC 392-202-005 Purpose. The purpose of this chapter is to set forth policies, selection, criteria, and administrative procedures for establishing an annual Washington award for excellence in education to teachers, principals, superintendents, and school boards.

[Statutory Authority: RCW 28A.03.532. 87-23-005 (Order 87-15), § 392-202-005, filed 11/5/87.]

WAC 392-202-010 Teacher--Definition. As used in this chapter, the term "teacher" means a certificated person with classroom instructional responsibilities.

[Statutory Authority: RCW 28A.03.532. 87-23-005 (Order 87-15), § 392-202-010, filed 11/5/87.]

WAC 392-202-015 Principal--Definition. As used in this chapter, the term "principal" means a school building-level administrator.

[Statutory Authority: RCW 28A.03.532. 87-23-005 (Order 87-15), § 392-202-015, filed 11/5/87.]

WAC 392-202-020 Superintendent--Definition. As used in this chapter, the term "superintendent" means the chief school district administrator.

[Statutory Authority: RCW 28A.03.532. 87-23-005 (Order 87-15), § 392-202-020, filed 11/5/87.]

WAC 392-202-025 School board--Definition. As used in this chapter, the term "school board" means the governing board of directors of a local school district.

[Statutory Authority: RCW 28A.03.532. 87-23-005 (Order 87-15), § 392-202-025, filed 11/5/87.]

WAC 392-202-030 Congressional district--Definition. As used in this chapter, the term "congressional district" means the eight United States congressional districts in the state of Washington.

[Statutory Authority: RCW 28A.03.532. 87-23-005 (Order 87-15), § 392-202-030, filed 11/5/87.]

WAC 392-202-035 Elementary level--Definition. As used in this chapter, the term "elementary level" means grades K-6: *Provided*, That in districts with middle schools beginning at grades 5 or 6, grades K-4 or 5 shall be considered elementary.

[Statutory Authority: RCW 28A.03.532. 87-23-005 (Order 87-15), § 392-202-035, filed 11/5/87.]

WAC 392-202-040 Junior high level--Definition. As used in this chapter, the term "junior high level" means grades 7-9: *Provided*, That it may mean grades 7 and 8 in a school district where high school encompasses

grades 9-12, or grades 8 and 9 in a district which chooses to include grade seven in a middle school.

[Statutory Authority: RCW 28A.03.532. 87-23-005 (Order 87-15), § 392-202-040, filed 11/5/87.]

WAC 392-202-045 Middle school level--Definition. As used in this chapter, the term "middle school level" means grades 5 or 6 through grade 8 in a district operating with a middle school rather than junior high configuration.

[Statutory Authority: RCW 28A.03.532. 87-23-005 (Order 87-15), § 392-202-045, filed 11/5/87.]

WAC 392-202-050 Secondary level--Definition. As used in this chapter, the term "secondary level" means grades 10-12: *Provided*, That if a building houses grades 7, 8, and/or 9, those grades may also be included, depending on the grade configuration served in a particular school building.

[Statutory Authority: RCW 28A.03.532. 87-23-005 (Order 87-15), § 392-202-050, filed 11/5/87.]

WAC 392-202-055 Educational grant--Definition. As used in this chapter, the term "educational grant" means an amount not exceeding one thousand dollars for individuals or two thousand five hundred dollars for a school board which shall be awarded by the superintendent of public instruction upon receipt of a grant application identifying the educational purpose for which the grant will be used, submitted pursuant to WAC 392-202-115, 392-202-125, and 392-202-135.

[Statutory Authority: RCW 28A.03.532. 87-23-005 (Order 87-15), § 392-202-055, filed 11/5/87.]

WAC 392-202-060 Educational purpose--Definition. As used in this chapter, the term "educational purpose" means for education to benefit the recipient of the educational grant award or for educational activities or materials to benefit other educators or children.

[Statutory Authority: RCW 28A.03.532. 87-23-005 (Order 87-15), § 392-202-060, filed 11/5/87.]

WAC 392-202-065 One full academic year. As used in this chapter, the term "one full academic year" means forty-five quarter or thirty semester hours of study at any state institution of higher education.

[Statutory Authority: RCW 28A.03.532. 87-23-005 (Order 87-15), § 392-202-065, filed 11/5/87.]

WAC 392-202-070 Selection of recipients--Eligibility. Eligibility criteria are as follows:

(1) In order for teachers and principals to be eligible for nomination to receive this award for a particular congressional district, the teacher or principal shall be employed by a school district with its district superintendent's office located within the boundaries of the congressional district. The employee's home address shall not be considered in determining eligibility. A teacher or principal whose teaching or administrative duties encompass multiple grade levels or buildings or

who works in a K-12 building may be nominated for any of the appropriate levels.

(2) Any local school district superintendent and any local school board of directors in Washington state shall be eligible to be nominated.

(3) A person nominated and selected to receive the award in a particular category shall subsequently be ineligible for nomination in that category, but shall be eligible to be nominated for the award in another category in any subsequent year.

[Statutory Authority: RCW 28A.03.532. 87-23-005 (Order 87-15), § 392-202-070, filed 11/5/87.]

WAC 392-202-075 Selection of recipients--Nomination. Nomination of persons shall be as follows:

(1) Any person may nominate a teacher, principal, superintendent, or school board for the award by submitting the form provided by the superintendent of public instruction for that purpose. The nomination form and information about the awards program shall be disseminated to the public, to educators, and to members of professional education associations through newsletters, bulletins, and other media which the superintendent of public instruction may deem appropriate.

(2) The nomination form shall include at a minimum:

(a) The name of the person/board nominated.

(b) The school building/district name and address where the person works.

(c) The congressional district in which the district is located.

(d) The grade level and category, where appropriate, for which the nomination is made.

(e) The address to which the form should be returned and the date by which it must be received.

[Statutory Authority: RCW 28A.03.532. 87-23-005 (Order 87-15), § 392-202-075, filed 11/5/87.]

WAC 392-202-080 Selection of recipients application. Selection of recipients shall require submission of an application as follows:

(1) Candidates nominated on forms provided by and returned to the superintendent of public instruction shall receive an application form from the superintendent of public instruction to be completed and returned if the candidate wishes to be considered for the award. The application shall be adapted to each category of award, — i.e., teacher, principal, superintendent, and school board, — and shall require that the candidate provide evidence of leadership in, and contributions and commitment to educational excellence.

(2) Teacher award applications shall include recommendations from a superintendent, a community member, and a student or parent/guardian.

(3) Principal award applications shall include recommendations from a member of the staff in his or her building, a superintendent, and a student or parent or guardian.

(4) Superintendent award applications shall include recommendations from a community representative, chair of the school board, and a member of the school district staff.

(5) School board award applications shall include recommendations from the local education association president, the superintendent, and a representative of a parent support group.

[Statutory Authority: RCW 28A.03.532. 87-23-005 (Order 87-15), § 392-202-080, filed 11/5/87.]

WAC 392-202-085 Selection of recipients--Review committee. Recipients shall be selected as follows:

(1) A committee composed of eighteen members representative of the eight congressional districts shall be appointed by the superintendent of public instruction to review applications and select the recipients for each category, grade level and congressional district using the criteria established in WAC 392-202-090. Committee members shall be:

(a) Six teachers, including representatives of elementary, middle, junior high, and high school.

(b) Three superintendents.

(c) Three school board members.

(d) Three principals including representatives of elementary, middle school or junior high, and senior high school.

(e) Three currently active members of parent-teacher-student organizations.

(2) Prior to receipt of applications pursuant to WAC 392-202-080, the review committee shall establish a final selection procedure consistent with this chapter that is fair, timely and provides for breaking ties in a predetermined, objective manner.

(3) Recipients shall be selected and awards presented no later than June 1 of each year.

[Statutory Authority: RCW 28A.03.532. 87-23-005 (Order 87-15), § 392-202-085, filed 11/5/87.]

WAC 392-202-090 Selection criteria--Teachers. The three broad criteria of leadership, commitment, and contribution to educational excellence shall be adapted to teachers as follows:

The Christa McAuliffe Award for teachers shall require:

(1) Leadership among professional colleagues and with students or the community;

(2) Commitment evidenced by special efforts to foster student morale or achievement and to improve personal effectiveness as an educator;

(3) Contributions to the field such as education-related methods, materials, or programs and unusually great contributions to the education of some students.

[Statutory Authority: RCW 28A.03.532. 87-23-005 (Order 87-15), § 392-202-090, filed 11/5/87.]

WAC 392-202-095 Selection criteria--Principals. The three broad criteria of leadership, commitment, and contribution to educational excellence shall be adapted to principals as follows:

The Excellence in Education Award to principals shall require:

(1) Leadership evidenced by clear understanding of the wishes and needs of building staff, students, and

community, and by fostering the progress of the school's educational program;

(2) Commitment evidenced by recent efforts to increase personal and professional effectiveness and to promote educational excellence in the community, state or nation; and

(3) Contributions such as curriculum development within the school and significant staff achievements fostered by the principal's leadership.

[Statutory Authority: RCW 28A.03.532. 87-23-005 (Order 87-15), § 392-202-095, filed 11/5/87.]

WAC 392-202-100 Selection criteria--Superintendent. The three broad criteria of leadership, commitment, and contribution to educational excellence shall be adapted to a superintendent as follows:

The Excellence in Education Award to a superintendent shall require:

(1) Leadership in board implementation of community wishes or community acceptance of educational improvements, and enhancement of employee effectiveness in implementing the wishes of the board and community;

(2) Commitment evidenced by special effort(s) to carry out wishes of the board and promote educational excellence; and

(3) Contributions such as new programs or developments initiated and brought to fruition within the district and efforts that have demonstrably and substantially enhanced the attitude toward schools or the professional growth of educators.

[Statutory Authority: RCW 28A.03.532. 87-23-005 (Order 87-15), § 392-202-100, filed 11/5/87.]

WAC 392-202-105 Selection criteria--School board. The three broad criteria of leadership, commitment, and contribution to educational excellence shall be adapted to a school board as follows:

The Excellence in Education Award to a school board shall require:

(1) Leadership evidenced by board philosophy and goals which reflect the community's wishes and assurance that district employees know, understand, and implement that philosophy;

(2) Commitment evidenced by special efforts to access community input and provide interpretation of the board's actions and to maintain current knowledge of educational developments and implement appropriate innovations; and

(3) Contributions such as mechanisms to assure community interaction and teamwork and to promote maximum professional development by district employees.

[Statutory Authority: RCW 28A.03.532. 87-23-005 (Order 87-15), § 392-202-105, filed 11/5/87.]

WAC 392-202-110 Awards for teachers and principals. The award for educational excellence for teachers and principals shall include:

(1) A certificate presented by the governor and superintendent of public instruction in public ceremony(ies); and

(2) The recipients' choice of one of the following:

(a) A waiver of tuition and fees for one full academic year of study at any Washington state institution of higher education plus a stipend of not more than one thousand dollars to cover costs incurred in taking courses, or

(b) A grant not to exceed one thousand dollars, which shall be used for educational purposes.

[Statutory Authority: RCW 28A.03.532. 87-23-005 (Order 87-15), § 392-202-110, filed 11/5/87.]

WAC 392-202-115 Notification and application for award--Teachers and principals. (1) The superintendent of public instruction shall notify the recipients that an election must be made in a timely fashion, including appropriate forms for making the election; and recipients shall notify the superintendent of public instruction in writing within one year of receipt of the award of the option they have chosen.

(2) Recipients shall apply for the educational grant within one year after receipt of the award and shall expend the funds provided under the grant within one year after submission of the application.

(3) Recipients choosing the waiver shall begin to use the waiver within three years after receipt of the award.

[Statutory Authority: RCW 28A.03.532. 87-23-005 (Order 87-15), § 392-202-115, filed 11/5/87.]

WAC 392-202-120 Award for superintendent. The awards for superintendent shall include:

(1) A certificate presented by the superintendent of public instruction and the governor at a public ceremony(ies); and

(2) A grant not to exceed one thousand dollars, which shall be used for educational purposes.

[Statutory Authority: RCW 28A.03.532. 87-23-005 (Order 87-15), § 392-202-120, filed 11/5/87.]

WAC 392-202-125 Application--Superintendent. The superintendent shall submit a written application to the superintendent of public instruction within one year of receiving the award and shall expend the funds provided under the grant within one year after submission of the application. Such application shall include the educational purpose(s) toward which the grant shall be used.

[Statutory Authority: RCW 28A.03.532. 87-23-005 (Order 87-15), § 392-202-125, filed 11/5/87.]

WAC 392-202-130 Award for school board. The awards for school boards shall include:

(1) A certificate presented by the superintendent of public instruction and the governor at a public ceremony(ies); and

(2) A grant not to exceed two thousand five hundred dollars, which shall be used for educational purposes.

[Statutory Authority: RCW 28A.03.532. 87-23-005 (Order 87-15), § 392-202-130, filed 11/5/87.]

WAC 392-202-135 Application--School board. The school board shall submit a written application to the superintendent of public instruction within one year of

receiving the award and shall expend the funds provided under the grant within one year after submission of the application. Such application shall include the educational purpose(s) toward which the grant shall be used.

[Statutory Authority: RCW 28A.03.532. 87-23-005 (Order 87-15), § 392-202-135, filed 11/5/87.]

WAC 392-202-140 Expenditure period for educational grants. Educational grants to any award recipient shall be expended within the current and ensuing year in which they are issued: *Provided*, That such grant funds shall not be carried over from one biennium to a subsequent biennium.

[Statutory Authority: RCW 28A.03.532. 87-23-005 (Order 87-15), § 392-202-140, filed 11/5/87.]

Chapter 392-310 WAC GRANT PROGRAM--SCHOOLS FOR THE TWENTY-FIRST CENTURY

WAC

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392-310-015	Purpose.
392-310-020	Administrative functions of the superintendent of public instruction.
392-310-025	Incorporation by reference of state board of education rules.

WAC 392-310-010 Authority. The authority for this chapter is RCW 28A.100.054 which authorizes the superintendent of public instruction to adopt rules to implement the superintendent of public instruction's duties related to the schools for the twenty-first century pilot projects program.

[Statutory Authority: RCW 28A.100.054. 88-06-042 (Order 88-10), § 392-310-010, filed 3/1/88.]

WAC 392-310-015 Purpose. The purpose of this chapter is to establish policies and procedures implementing the schools for the twenty-first century pilot projects program.

[Statutory Authority: RCW 28A.100.054. 88-06-042 (Order 88-10), § 392-310-015, filed 3/1/88.]

WAC 392-310-020 Administrative functions of the superintendent of public instruction. The administrative responsibilities of the superintendent of public instruction respecting the schools for the twenty-first century pilot projects program include each of the following activities:

(1) Administration of the policies and procedures established by the state board of education at chapter 180-110 WAC.

(2) Receipt and disbursement of public and private moneys made available for the support of the pilot projects program.

(3) Collection and dissemination of information respecting the pilot projects program through the state clearinghouse for education information.

[Statutory Authority: RCW 28A.100.054. 88-06-042 (Order 88-10), § 392-310-020, filed 3/1/88.]

WAC 392-310-025 Incorporation by reference of state board of education rules. The rules of the state board of education set forth at chapter 180-110 WAC are hereby incorporated into and made a part of this chapter including, but not limited to, WAC 180-110-050 which shall likewise govern the modification or waiver of a rule of the superintendent of public instruction by the superintendent of public instruction.

[Statutory Authority: RCW 28A.100.054. 88-06-042 (Order 88-10), § 392-310-025, filed 3/1/88.]

Chapter 392-315 WAC GRANT PROGRAM--PROJECT EVEN START

WAC

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392-315-135	Coordination of programs.
392-315-140	Evaluation criteria for project even start.
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392-315-150	Administrative expenditures.
392-315-155	Liability insurance.
392-315-160	Bonding.
392-315-165	Maximum grant award per participant.

WAC 392-315-005 Authority. The authority for this chapter is RCW 28A.130.014(5) which authorizes the superintendent of public instruction to promulgate rules for the establishment and administration of project even start.

[Statutory Authority: RCW 28A.130.014(5). 88-09-044 (Order 88-11), § 392-315-005, filed 4/18/88.]

WAC 392-315-010 Purpose. The purpose of this chapter is to set forth policies and procedures for the administration of project even start, including the establishment of eligibility criteria for the award of grants to eligible grantees.

[Statutory Authority: RCW 28A.130.014(5). 88-09-044 (Order 88-11), § 392-315-010, filed 4/18/88.]

WAC 392-315-015 Public policy goals of project even start. The public policy goals of project even start are to:

(1) Recognize that parents can be the most effective teachers for their children.

(2) Provide illiterate or semiliterate parents with opportunities to acquire basic skills and child development knowledge that will enhance their ability to assist and support their children in the learning process.

(3) Enhance children's learning experiences in the formal education environment by providing children with the motivation and positive home environment which contributes to enhanced academic performance.

[Statutory Authority: RCW 28A.130.014(5). 88-09-044 (Order 88-11), § 392-315-015, filed 4/18/88.]

WAC 392-315-020 Project even start--Definition. As used in this chapter, the term "project even start" means a program primarily designed to provide illiterate or semiliterate parents with basic skills instruction and which may include instruction in child development knowledge and other eligible program components as provided in WAC 392-315-030.

[Statutory Authority: RCW 28A.130.014(5). 88-09-044 (Order 88-11), § 392-315-020, filed 4/18/88.]

WAC 392-315-025 Child development knowledge--Definition. As used in this chapter, the term "child development knowledge" means information about characteristics of child growth, including differences in development, and the role of child-parent interaction in supporting the developmental process.

[Statutory Authority: RCW 28A.130.014(5). 88-09-044 (Order 88-11), § 392-315-025, filed 4/18/88.]

WAC 392-315-030 Other eligible program components--Definition. As used in this chapter, the term "other eligible program components" means one or more of the following:

(1) Transportation.

(2) Child care.

(3) Other activities determined by the superintendent of public instruction to be directly necessary activities to accomplish the purpose of project even start.

[Statutory Authority: RCW 28A.130.014(5). 88-09-044 (Order 88-11), § 392-315-030, filed 4/18/88.]

WAC 392-315-035 Eligible grantee--Definition. As used in this chapter "eligible grantee" means any public agency or private nonsectarian program or organization.

[Statutory Authority: RCW 28A.130.014(5). 88-09-044 (Order 88-11), § 392-315-035, filed 4/18/88.]

WAC 392-315-040 Eligible parents--Definition. As used in this chapter, the term "eligible parents" means one or more custodial parents, which may be a biological or foster parent, a guardian, or a person with whom a child resides, and who meets the following two-part test:

(1) Is illiterate or semiliterate, i.e., has less than an eighth grade ability in one or more basic skill areas: *Provided*, That in the case of parents whose primary language is other than English, eighth grade ability shall be determined on the basis of performing basic skill activities in their native language.

(2) Has a child enrolled in one of the following programs:

(a) State early childhood education and assistance program.

(b) Federal head start program.

(c) State or federally funded elementary school—i.e., grades K-8—basic skills program serving students who have scored below the national average of the basic skill areas of reading, language arts, or mathematics.

(d) A cooperative nursery—e.g., preschool or day care—at a community college or vocational technical institute.

(e) A bilingual education/ESL program which includes children who are eligible for programs listed in (a) through (d) of this subsection.

(f) A program that serves children with special needs who are eligible for programs listed in (a) through (d) of this subsection.

[Statutory Authority: RCW 28A.130.014(5). 88-09-044 (Order 88-11), § 392-315-040, filed 4/18/88.]

WAC 392-315-045 Basic skills--Definition. As used in this chapter, the term basic skills means reading, language arts, and mathematics, including the readiness skills associated with such skills.

[Statutory Authority: RCW 28A.130.014(5). 88-09-044 (Order 88-11), § 392-315-045, filed 4/18/88.]

WAC 392-315-050 Standardized test--Definition. As used in this chapter, the term "standardized test" means one of the following:

(1) Test of adult basic education (TABE).

(2) Adult basic learning examination (ABLE).

(3) Any other recognized test of adult basic skills that has received the prior approval of the superintendent of public instruction.

[Statutory Authority: RCW 28A.130.014(5). 88-09-044 (Order 88-11), § 392-315-050, filed 4/18/88.]

WAC 392-315-055 Transportation--Definition. As used in this chapter, the term "transportation" means transport of the eligible parents or children thereof provided directly by the eligible grantee or reimbursed by such eligible grantee pursuant to the allowances provided in WAC 392-141-190(2).

[Statutory Authority: RCW 28A.130.014(5). 88-09-044 (Order 88-11), § 392-315-055, filed 4/18/88.]

WAC 392-315-060 Child care--Definition. As used in this chapter, the term "child care" means adult supervision of children of eligible parents provided directly by the eligible grantee or reimbursed by such eligible grantee pursuant to a written contract either with the provider of the day care or with the eligible parent.

[Statutory Authority: RCW 28A.130.014(5). 88-09-044 (Order 88-11), § 392-315-060, filed 4/18/88.]

WAC 392-315-065 Directly necessary activities--Definition. As used in this chapter, the term "directly necessary activities" means reasonable services and activities that are needed to remove barriers that inhibit participation of eligible parents in the even start project.

[Statutory Authority: RCW 28A.130.014(5). 88-09-044 (Order 88-11), § 392-315-065, filed 4/18/88.]

WAC 392-315-070 Indirect expenditures--Definition. As used in this chapter, indirect expenditures means those expenditures for administration of the organization as well as support service, fiscal support, and maintenance of facilities.

[Statutory Authority: RCW 28A.130.014(5). 88-09-044 (Order 88-11), § 392-315-070, filed 4/18/88.]

WAC 392-315-075 Assurance of nonsupplanting--Program standard. No application for an even start project grant shall be approved by the superintendent of public instruction unless the authorized agent of the eligible grantee provides assurance to the superintendent of public instruction of compliance with RCW 28A.130.014(4)—i.e., "State funds . . . shall be used solely to expand and complement, but not supplant, federal funds for adult literacy programs."

[Statutory Authority: RCW 28A.130.014(5). 88-09-044 (Order 88-11), § 392-315-075, filed 4/18/88.]

WAC 392-315-080 Assurance of cooperation with the department of social and health services regarding public assistance reports--Program standard. No application for an even start project grant shall be approved by the superintendent of public instruction unless the authorized agent of the eligible grantee agrees to assist eligible parents in any reporting requirement of the department of social and health services related to compliance with RCW 28A.130.014(3)—i.e., "fulfillment of . . . work and training obligation for the receipt of public assistance."

[Statutory Authority: RCW 28A.130.014(5). 88-09-044 (Order 88-11), § 392-315-080, filed 4/18/88.]

WAC 392-315-085 Assurance to submit annual evaluation report to the superintendent of public instruction. No application for an even start project grant shall be approved by the superintendent of public instruction unless the authorized agent of the eligible grantee agrees to submit to the superintendent of public instruction on a date established by the superintendent of public instruction an annual evaluation report which shall contain the following:

- (1) Progress made by adult enrolled as evidenced by:
 - (a) Grade equivalent or standardized test scores for basic skills at beginning and end of enrollment in even start programs.
 - (b) Data on length of enrollment and frequency of attendance.
 - (c) Total number of instructional hours actually received in literacy, basic skills, and parenting skills.

(2) Effect of parents' participation in even start on children of enrollees as evidenced by:

(a) Comparative data on parent participation in programs in which children are enrolled.

(b) Comparative data (e.g., teachers' observations) on children's behavior in programs in which they are enrolled.

(3) Summary impressions on the most effective methods and materials for serving specific populations.

(4) Observations regarding the effect of support services on program participation.

(5) Recommendations for program improvements.

(6) Data on demand for even start programs in service area versus number of participants enrolled.

(7) Such additional information as the superintendent of public instruction shall request related to the effectiveness of the funded project even start.

[Statutory Authority: RCW 28A.130.014(5). 88-09-044 (Order 88-11), § 392-315-085, filed 4/18/88.]

WAC 392-315-090 Reporting requirements. Successful applicants for project even start will be required to report fiscal, program, and client data to the superintendent of public instruction upon request.

At a minimum, applicants are required to ensure that:

(1) Financial systems allow for effective control and accountability for all program funds, property and other assets, including use for authorized purposes only.

(2) Accounting systems will meet and comply with generally accepted accounting principles. Transactions will be supported by source documentation which identifies the source and use of the contract funds.

(3) The agency records management system provides for systematic accumulation; filing; retention of appropriate records; all contract documentation of accountability and an inventory of nonexpendable items. Included are vouchers; receipts; materials and equipment cost; facilities usage; and, general indirect costs.

(4) Program and client data are available at a minimum on a quarterly basis. Monthly attendance records are kept on all participants.

[Statutory Authority: RCW 28A.130.014(5). 88-09-044 (Order 88-11), § 392-315-090, filed 4/18/88.]

WAC 392-315-095 Request for even start project grants to the superintendent of public instruction. Any eligible grantee may submit a request to the superintendent of public instruction for an even start project grant. Such request must be reviewed and approved by the governing board of the requesting public or private agency and shall include the assurances required by WAC 392-315-075, 392-315-080, and 392-315-085.

[Statutory Authority: RCW 28A.130.014(5). 88-09-044 (Order 88-11), § 392-315-095, filed 4/18/88.]

WAC 392-315-100 Assurance of cooperation with state auditor. No application for an even start project grant shall be approved by the superintendent of public instruction unless the authorized agent or eligible grantee agrees to provide written assurance that an audit

will be permitted if deemed appropriate by the state auditor.

[Statutory Authority: RCW 28A.130.014(5). 88-09-044 (Order 88-11), § 392-315-100, filed 4/18/88.]

WAC 392-315-105 Assurance of service to targeted groups. No application for an even start project grant shall be approved by the superintendent of public instruction unless the authorized agent or eligible grantee agrees to provide written assurance that even start programs will serve one or more of the following groups:

- (1) Single heads of household.
- (2) Parents of early childhood education assistance program (ECEAP) participants.
- (3) Parents of federal head start program participants.
- (4) Public assistance recipients.
- (5) Ethnic minorities.
- (6) Limited English-proficient parents who are below the eighth grade literacy level in their own language.
- (7) Parents of children with special needs.

[Statutory Authority: RCW 28A.130.014(5). 88-09-044 (Order 88-11), § 392-315-105, filed 4/18/88.]

WAC 392-315-110 Priority groups. Programs funded under project even start shall give priority to serving parents with children who have not yet enrolled in kindergarten or are in grades kindergarten through three.

[Statutory Authority: RCW 28A.130.014(5). 88-09-044 (Order 88-11), § 392-315-110, filed 4/18/88.]

WAC 392-315-115 Date of receipt of even start project proposals. In order to be considered for possible funding, an even start project proposal must be received in the office of the superintendent of public instruction by 5:00 p.m. of the date set forth in the bulletin of the superintendent of public instruction requesting the submission of even start project proposals.

[Statutory Authority: RCW 28A.130.014(5). 88-09-044 (Order 88-11), § 392-315-115, filed 4/18/88.]

WAC 392-315-120 Even start advisory committee. An advisory committee composed of at least one representative from each of the following agencies/groups shall make recommendations to the superintendent of public instruction regarding the implementation of project even start and the proposal selection process:

State board for community college education, department of social and health services, department of community development, community-based agencies, adult basic education directors, local literacy councils, parent-education specialists, state university colleges of education, common school districts, education service districts, ethnic minority commissions, and professional organizations devoted to early childhood education, reading instruction, and English as a second language (ESL) instruction, and department of social and health services or common school programs serving children with special needs in grades P-3. A selection committee approved by the advisory committee shall evaluate the proposals submitted under project even start. Members

of the selection committee will not be from commissions, agencies, organizations, or schools which have submitted proposals, and must not personally benefit from the outcome of the selection process.

[Statutory Authority: RCW 28A.130.014(5). 88-09-044 (Order 88-11), § 392-315-120, filed 4/18/88.]

WAC 392-315-125 Duties of even start advisory committee. The even start advisory committee shall select subcommittees of not more than five members of the committee, or individuals approved by the committee to:

(1) Evaluate requests for proposals and make recommendations for funding to the superintendent of public instruction, including the need for the superintendent of public instruction to negotiate the terms, conditions, or funding of any grant proposal. Members of the selection subcommittee will not be from commissions, agencies, organizations, or schools which have submitted even start proposals and must not personally benefit from the outcome of the selection process.

(2) Make recommendations to the superintendent of public instruction on the administration of project even start, including the need to change any statute or rule affecting project even start.

(3) Develop the bylaws that govern the activities of the advisory committee.

[Statutory Authority: RCW 28A.130.014(5). 88-09-044 (Order 88-11), § 392-315-125, filed 4/18/88.]

WAC 392-315-130 Priority projects. In accordance with RCW 28A.130.016, "before developing and funding new adult literacy programs to carry out the purposes of project even start," the superintendent of public instruction shall fund the existing adult literacy programs and parent related programs which meet the conditions established in this chapter and are offered by the following agencies:

(1) Common schools, including vocational technical institutes.

(2) Community colleges.

(3) Community-based, nonprofit organizations.

[Statutory Authority: RCW 28A.130.014(5). 88-09-044 (Order 88-11), § 392-315-130, filed 4/18/88.]

WAC 392-315-135 Coordination of programs. Even start programs shall coordinate their services with programs that enroll the participants' children. Such coordination is essential for several reasons:

(1) Parent participation opportunities in the children's programs enable parents to become involved in their children's learning and development.

(2) Resources available to children and parents through state funded early childhood education and assistance programs and federally funded head start programs and other programs serving at risk children complement those available to parents through even start.

(3) The support network of parents and instructional personnel offered through the children's programs will complement, extend, and continue the parent education

component beyond participants' period of active involvement in the even start program.

[Statutory Authority: RCW 28A.130.014(5). 88-09-044 (Order 88-11), § 392-315-135, filed 4/18/88.]

WAC 392-315-140 Evaluation criteria for project even start. Proposals for even start funds shall be evaluated according to the following criteria:

(1) The need for literacy, basic skills, and child development instruction for illiterate and semiliterate parents of young children in the geographical area served by the applicant. All proposals must contain data which identify the estimated number of males and females to be served, the estimate of limited English-speaking adults and ethnic minorities to be enrolled, the number of anticipated public assistance recipients to be served, and the anticipated percentage of participants with children enrolled in early childhood education and assistance programs (ECEAP) and head start programs;

(2) The applicant's ability to design a unique program of instruction for parents which integrates instruction in literacy, basic skills, and child development knowledge;

(3) The linkages between the applicant's program and the instructional programs serving the children of the parents being served: Head start programs, early childhood education assistance program (ECEAP), state or federally funded elementary school basic skills programs serving students who have scored below the national average on basic skills tests, and cooperative preschools at community colleges or vocational technical institutes;

(4) The applicant's plan for evaluating the effect of the program on both the parent participants and their preschool or school aged children;

(5) The cost-effectiveness of the program;

(6) The applicant's administrative capability; and

(7) The applicant's solicitation of and access to appropriate community resources.

[Statutory Authority: RCW 28A.130.014(5). 88-09-044 (Order 88-11), § 392-315-140, filed 4/18/88.]

WAC 392-315-145 Performance standards for project even start. Programs proposed under project even start shall:

(1) Reflect instructional methods, staffing patterns, curricula, and utilization of resources which reflect current research in adult learning theory, first and second language literacy acquisition, the role of parents in the child's acquisition of language, and effective parenting skills;

(2) Be sensitive to the social, cultural, and ethnic differences of the participants, and shall respond to those differences in the program design;

(3) Offer adult services at least ten hours per week for a minimum of ten weeks and for at least thirty weeks within a fifty-two week period.

[Statutory Authority: RCW 28A.130.014(5). 88-09-044 (Order 88-11), § 392-315-145, filed 4/18/88.]

WAC 392-315-150 Administrative expenditures. Direct administration expenditures and indirect expenditures for programs funded under project even start may not exceed seven percent of the total grant awarded.

[Statutory Authority: RCW 28A.130.014(5). 88-09-044 (Order 88-11), § 392-315-150, filed 4/18/88.]

WAC 392-315-155 Liability insurance. The superintendent of public instruction assumes no liability with respect to bodily injury, illness, accident, theft, or any other damages or losses concerning persons or property, or involving the applicant's equipment or vehicles. Successful applicants who are nonpublic entities shall have the responsibility of providing adequate insurance coverage to protect against legal liability arising out of activities.

[Statutory Authority: RCW 28A.130.014(5). 88-09-044 (Order 88-11), § 392-315-155, filed 4/18/88.]

WAC 392-315-160 Bonding. Every officer, director, or employee of a nonpublic entity who is authorized to act on behalf of the applicant or any subcontractor for the purpose of receiving or depositing funds into program accounts or issuing financial documents, checks, or other instruments of payment for program costs will be bonded to provide protection against loss.

[Statutory Authority: RCW 28A.130.014(5). 88-09-044 (Order 88-11), § 392-315-160, filed 4/18/88.]

WAC 392-315-165 Maximum grant award per participant. Under this chapter the maximum grant award per ten-week period per participant shall not exceed one thousand dollars.

[Statutory Authority: RCW 28A.130.014(5). 88-09-044 (Order 88-11), § 392-315-165, filed 4/18/88.]

Title 399 WAC PUBLIC WORKS BOARD

**Chapter
399-30 Public works loans and pledges.**

Chapter 399-30 WAC PUBLIC WORKS LOANS AND PLEDGES

WAC	
399-30-040	Application evaluation procedure and board deliberations.
399-30-042	Application evaluation procedure and board deliberations—Capital planning support.
399-30-060	Loan and financing guarantee contracts.

WAC 399-30-040 Application evaluation procedure and board deliberations. (1) The board will consider and prioritize, or disapprove, all applications for loans or financing guarantees at regular or special meetings of the board. The applicant will be notified of meetings at which its application will be considered.