

(b) Failure to report or accurately report campaign contributions or expenditures or funds spent in lobbying.

(c) Use of public office facilities in election campaigns when the value of public funds expended was minimal.

(d) Infractions of political advertising law regarding sponsor identification or political party identification.

(2) A brief enforcement hearing is a brief adjudicative proceeding as set forth in RCW 34.05.482 through 34.05.494 and shall be in accordance with those statutes.

[Statutory Authority: RCW 42.17.370. 93-15-004, § 390-37-140, filed 7/7/93, effective 8/7/93; 91-16-072, § 390-37-140, filed 8/2/91, effective 9/2/91.]

**WAC 390-37-142 Brief enforcement hearing—Procedure.** (1) A brief enforcement hearing may be presided over by the chairman, or a member of the commission designated by the chairman.

(2) When a violation, as described in WAC 390-37-140, is alleged, before taking action, the executive director shall send the alleged violator notice, which shall include:

(a) Alleged violation[;] [,]

(b) The maximum amount of the penalty which can be imposed at the hearing and the amount of any proposed fine[;] [,] and

(c) Person's right to respond, within ten days, either in writing or in person to explain his/her view of the matter.

(3) At the time of the hearing if the presiding officer believes alleged violations are of such magnitude as to merit penalties greater than \$500, the presiding officer shall immediately adjourn the hearing and direct the matter be scheduled for an enforcement hearing by the full commission.

(4) At the time any unfavorable action is taken, the presiding officer shall serve upon each party a written statement describing the violation, the reasons for the decision, the penalty imposed, and their right to request review by the commission at the next scheduled commission meeting.

(5) The written decision of the presiding officer is an initial order. If no review is taken of the initial order, the initial order shall be the final order.

[Statutory Authority: RCW 42.17.370. 93-15-004, § 390-37-142, filed 7/7/93, effective 8/7/93; 91-16-072, § 390-37-142, filed 8/2/91, effective 9/2/91.]

**Reviser's note:** RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

## Title 392 WAC

### PUBLIC INSTRUCTION, SUPERINTENDENT OF

#### Chapters

#### 392-105 Superintendent of public instruction—Access to public records.

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392-121 Finance—General apportionment.

392-122 Finance—Categorical apportionment.

392-123 Finance—School district budgeting.

392-127 Finance—Certificated instructional staff ratio (46:1000) compliance.

392-139 Finance—Maintenance and operation levies.

392-140 Finance—Special allocations, instructions, and requirements.

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392-164 Special services program—Chapter 1 Migrant of the Education Consolidation and Improvement Act of 1981, financial assistance to state educational agencies.

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392-173 Special education programs—DSHS students.

392-184 Reentry to common schools—Educational clinic and other students.

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#### Chapter 392-105 WAC

#### SUPERINTENDENT OF PUBLIC INSTRUCTION— ACCESS TO PUBLIC RECORDS

##### WAC

392-105-030 Copying.

392-105-035 Determination regarding exempt records.

392-105-040 Review of denials of public records requests.

392-105-060 Records index.

**WAC 392-105-030 Copying.** No fee shall be charged for the inspection of public records. The superintendent of public instruction may impose a reasonable charge for providing copies of public records and for the use by any person of agency equipment to copy public records; such charges shall not exceed the amount necessary to reimburse SPI for its actual costs incident to such copying. No person shall be released a record so copied until and unless the person requesting the copied public record has tendered payment for such copying to the appropriate official. All charges must be paid by money order, check, or cash in advance.

[Statutory Authority: RCW 42.17.250 - [42.17].320. 93-07-039 (Order 93-05), § 392-105-030, filed 3/11/93, effective 4/11/93; 92-10-016 (Order 92-04), § 392-105-030, filed 4/28/92, effective 5/29/92. Statutory Authority: RCW 42.17.250 and 42.17.260. 90-22-044 (Order 39), § 392-105-030, filed 11/2/90, effective 12/3/90; 80-05-034 (Order 80-5), § 392-105-030, filed

4/15/80; Order 7-75, § 392-105-030, filed 12/22/75. Formerly WAC 392-12-010 (part).]

**WAC 392-105-035 Determination regarding exempt records.** (1) The superintendent of public instruction reserves the right to determine that a public record requested in accordance with the procedures outlined in WAC 392-105-025 is exempt pursuant to the provisions set forth in RCW 42.17.310 and 42.17.315. Such determination may be made in consultation with the public records officer, counsel for administrative law services, or an assistant attorney general assigned to the agency.

(2) Pursuant to RCW 42.17.260, the superintendent of public instruction reserves the right to delete identifying details when it makes available or publishes any public record when there is reason to believe that disclosure of such details would be an unreasonable invasion of personal privacy: *Provided, however,* In each case, the justification for the deletion shall be explained fully in writing.

(3) Response to requests for a public record must be made promptly. Within five business days of receiving a public record request, the superintendent of public instruction shall respond by either:

- (a) Providing the record;
- (b) Acknowledging that the superintendent of public instruction has received the request and providing a reasonable estimate of the time the agency will require to respond to the request; or

(c) Denying the public record request.

Additional time required to respond to a request may be based upon the need to clarify the intent of the request, to locate and assemble the information requested, to notify third persons or agencies affected by the request, or to determine whether any of the information requested is exempt and that a denial should be made as to all or part of the request. In acknowledging receipt of a public record request that is unclear, the superintendent of public instruction may ask the requestor to clarify what information the requestor is seeking. If the requestor fails to clarify the request, the superintendent of public instruction need not respond to it.

(4) All denials of request for public records must be accompanied by a written statement, signed by the public records officer or his/her designee, specifying the reason for the denial, a statement of the specific exemption authorizing the withholding of the record, and a brief explanation of how the exemption applies to the public record withheld.

[Statutory Authority: RCW 42.17.250 - [42.17].320. 93-07-039 (Order 93-05), § 392-105-035, filed 3/11/93, effective 4/11/93; 92-10-016 (Order 92-04), § 392-105-035, filed 4/28/92, effective 5/29/92. Statutory Authority: RCW 42.17.250 and 42.17.260. 80-05-034 (Order 80-5), § 392-105-035, filed 4/15/80.]

**WAC 392-105-040 Review of denials of public records requests.** (1) Any person who objects to the denial of a request for a public record may petition for prompt review of such decision by tendering a written request for review. The written request shall specifically refer to the written statement which constituted or accompanied the denial.

(2) The written request by a person demanding prompt review of a decision denying a public record shall be submitted to the SPI or his or her designee.

(3) Within two business days after receiving the written request by a person petitioning for a prompt review of a decision denying a public record, the superintendent of public instruction or his or her designee, shall complete such review.

(4) During the course of the review the superintendent of public instruction or his or her designee shall consider the obligations of the agency fully to comply with the intent of chapter 42.17 RCW insofar as it requires providing full public access to official records, but shall also consider both the exemptions provided in RCW 42.17.310 through 42.17.315, and the provisions of the statute which require the agency to protect public records from damage or disorganization, prevent excessive interference with essential functions of the agency, and prevent any unreasonable invasion of personal privacy by deleting identifying details.

[Statutory Authority: RCW 42.17.250 - [42.17].320. 93-07-039 (Order 93-05), § 392-105-040, filed 3/11/93, effective 4/11/93; 92-10-016 (Order 92-04), § 392-105-040, filed 4/28/92, effective 5/29/92.]

**WAC 392-105-060 Records index.** (1) The agency has available for the use of all persons a current index which provides identifying information as to the following records issued, adopted, or promulgated by the agency after June 30, 1972:

(a) Final opinions, including concurring and dissenting opinions, as well as orders, made in the adjudicated cases;

(b) Those statements of policy and interpretative policy, statute and the constitution which have been adopted by the agency;

(c) Administrative staff manuals and instructional staff that affect a member of the public;

(d) Planning policies and goals, and interim and planning decisions;

(e) Factual staff reports and studies, factual consultant's reports and studies, scientific reports and studies, and any other factual information derived from tests, studies, reports, or surveys, whether conducted by public employees or others; and

(f) Correspondence, and materials referred to therein, by and with the agency relating to any regulatory, supervisory, or enforcement responsibilities of the agency, whereby the agency determines, or opines upon, or is asked to determine or opine upon, the rights of the state, the public, a subdivision of state government, or of any private party.

(2) The current index maintained by the agency shall be available to all persons under the same rules and all the same conditions as are applied to public records available for inspection.

[Statutory Authority: RCW 42.17.250 - [42.17].320. 93-07-039 (Order 93-05), § 392-105-060, filed 3/11/93, effective 4/11/93; 92-10-016 (Order 92-04), § 392-105-060, filed 4/28/92, effective 5/29/92.]

## Chapter 392-121 WAC

### FINANCE—GENERAL APPORTIONMENT

#### WAC

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|-------------|---|
| 392-121-245 | Definition—Certificated years of experience.                      |
| 392-121-249 | Definition—Regionally accredited institution of higher education. |
| 392-121-250 | Definition—Highest degree level.                                  |

392-121-255	Definition—Academic credits.
392-121-257	Definition—In-service credits.
392-121-259	Definition—Nondegree credits.
392-121-260	Repealed.
392-121-261	Definition—Total eligible credits.
392-121-265	Repealed.
392-121-267	Repealed.
392-121-270	Placement of basic education certificated instructional employees on LEAP salary allocation documents.
392-121-272	Repealed.
392-121-280	Placement on LEAP salary allocation documents—Documentation required.
392-121-285	Repealed.
392-121-290	Repealed.
392-121-295	Definition—District average staff mix factor for basic education certificated instructional staff.
392-121-445	Procedure for crediting portion of basic education allocation for capital purposes in school districts.

RCW 28A.150.290, 28A.150.400 and the Biennial Operating Appropriations Act.

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

392-121-260	Definition—Total eligible credits effective for the 1989-90 school year. [Statutory Authority: RCW 28A.41.055 and 28A.41.170. 90-13-088 (Order 15), § 392-121-260, filed 6/20/90, effective 7/21/90. Statutory Authority: RCW 28A.41.170. 89-13-064 (Order 89-3), § 392-121-260, filed 6/20/89. 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.] Repealed by 94-01-190, filed 12/22/93, effective 1/22/94. Statutory Authority: RCW 28A.150.290, 28A.150.400 and the Biennial Operating Appropriations Act.
392-121-265	Definition—State-wide salary allocation schedule. [Statutory Authority: RCW 28A.150.290 and 1990 1st ex.s. c 16 § 502. 91-02-097 (Order 51), § 392-121-265, filed 1/2/91, effective 2/2/91. Statutory Authority: RCW 28A.41.055 and 28A.41.170. 88-03-013 (Order 88-8), § 392-121-265, filed 1/11/88.] Repealed by 94-01-190, filed 12/22/93, effective 1/22/94. Statutory Authority: RCW 28A.150.290, 28A.150.400 and the Biennial Operating Appropriations Act.
392-121-267	Definition—LEAP Document 1. [Statutory Authority: RCW 28A.41.055 and 28A.41.170. 88-03-013 (Order 88-8), § 392-121-267, filed 1/11/88.] Repealed by 94-01-190, filed 12/22/93, effective 1/22/94. Statutory Authority: RCW 28A.150.290, 28A.150.400 and the Biennial Operating Appropriations Act.
392-121-272	Placement of nondegree certificated instructional personnel on the state-wide salary allocation schedule and on LEAP salary allocation documents. [Statutory Authority: RCW 28A.150.290. 92-23-044 (Order 92-15), § 392-121-272, filed 11/16/92, effective 12/17/92. Statutory Authority: RCW 28A.150.290 and 1990 1st ex.s. c 16 § 502. 91-02-097 (Order 51), § 392-121-272, filed 1/2/91, effective 2/2/91. Statutory Authority: RCW 28A.41.055 and 28A.41.170. 88-03-013 (Order 88-8), § 392-121-272, filed 1/11/88.] Repealed by 94-01-190, filed 12/22/93, effective 1/22/94. Statutory Authority: RCW 28A.150.290, 28A.150.400 and the Biennial Operating Appropriations Act.
392-121-285	Definition—District average basic education certificated instructional staff salary per placement on the state-wide salary allocation schedule. [Statutory Authority: RCW 28A.41.055 and 28A.41.170. 88-03-013 (Order 88-8), § 392-121-285, filed 1/11/88.] Repealed by 94-01-190, filed 12/22/93, effective 1/22/94. Statutory Authority: RCW 28A.150.290, 28A.150.400 and the Biennial Operating Appropriations Act.
392-121-290	Definition—District actual average annual basic education certificated instructional staff salary. [Statutory Authority: RCW 28A.41.055 and 28A.41.170. 88-03-013 (Order 88-8), § 392-121-290, filed 1/11/88.] Repealed by 94-01-190, filed 12/22/93, effective 1/22/94. Statutory Authority:

**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 where:

(a) Schools include the Centrum education program, the Pacific Science Center education program, and educational centers authorized under chapter 28A.205. RCW;

(b) Certification means the concurrent public professional education licensing requirements established in the state, province, country, or other governmental unit in which employment occurred;

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

(3) Employment in a governmental educational agency with regional administrative responsibilities for preschool, elementary, and/or secondary education 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:

(a) Military, Peace Corps, or Vista service which interrupted professional employment included in subsection (1), (2), or (3) of this section; and

(b) Sabbatical leave.

(5) For nondegreed vocational instructors, up to a maximum of six years of management experience as defined in WAC 180-77-003 acquired after the instructor meets the minimum vocational certification requirements established in WAC 180-77-040. If a degree is obtained while employed in the state of Washington as a nondegreed vocational instructor, the eligible years of management experience pursuant to this subsection reported on Form S-275 prior to

the awarding of the degree shall continue to be reported but shall not increase.

[Statutory Authority: RCW 28A.150.290, 28A.150.400 and the Biennial Operating Appropriations Act. 94-01-190, § 392-121-245, filed 12/22/93, effective 1/22/94. Statutory Authority: RCW 28A.41.055 and 28A.41.170. 88-03-013 (Order 88-8), § 392-121-245, filed 1/11/88.]

**WAC 392-121-249 Definition—Regionally accredited institution of higher education.** As used in this chapter, "regionally accredited institution of higher education" means the same as defined in WAC 180-78-010(6).

[Statutory Authority: RCW 28A.150.290, 28A.150.400 and the Biennial Operating Appropriations Act. 94-01-190, § 392-121-249, filed 12/22/93, effective 1/22/94.]

**WAC 392-121-250 Definition—Highest degree level.** As used in this chapter, the term "highest degree level" means:

- (1) The highest degree earned by the employee from a regionally accredited institution of higher education;
- (2) "Nondegreed" for a certificated instructional employee who holds no bachelor's or higher level degree; or
- (3) "Nondegreed" for a certificated instructional employee who holds a valid vocational certificate acquired as the result of industrial experience rather than college training, and who has a degree earned from a regionally accredited institution of higher education prior to the issue of the initial vocational certificate, which is incidental to or not related to the vocational certificate.

[Statutory Authority: RCW 28A.150.290, 28A.150.400 and the Biennial Operating Appropriations Act. 94-01-190, § 392-121-250, filed 12/22/93, effective 1/22/94. 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 a regionally accredited institution of higher education: *Provided*, That credits, determined eligible pursuant to subsections (1), (2), (4) and (5) of this section, earned from any other accredited community college, college, or university and reported on Form S-275 on or before December 31, 1992, shall continue to be reported;
- (4) Credits are transferrable or applicable to a bachelor's or more advanced degree program: *Provided*, That for educational courses which are the same or identical no more credits for that educational course than are transferrable or applicable to a bachelor's or more advanced degree program at that institution shall be counted;
- (5) Credits are not counted as in-service credits pursuant to WAC 392-121-257 or nondegree credits pursuant to WAC 392-121-259;
- (6) The number of credits equals the number of quarter hours, units or semester hours each converted to quarter hours earned pursuant to this section; and

- (7) Accumulate credits to the nearest tenth.

[Statutory Authority: RCW 28A.150.290, 28A.150.400 and the Biennial Operating Appropriations Act. 94-01-190, § 392-121-255, filed 12/22/93, effective 1/22/94. 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.415.040; 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 or nondegree credits pursuant to WAC 392-121-259.
- (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.
- (7) Accumulate credits to the nearest tenth.

[Statutory Authority: RCW 28A.150.290, 28A.150.400 and the Biennial Operating Appropriations Act. 94-01-190, § 392-121-257, filed 12/22/93, effective 1/22/94. Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-121-257, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.41.055 and 28A.41.170. 88-03-013 (Order 88-8), § 392-121-257, filed 1/11/88.]

**WAC 392-121-259 Definition—Nondegree credits.** As used in this chapter, "nondegree credits" means credits recognized for nondegreed basic education certificated instructional employees as follows:

- (1) Zero credits shall be recognized for 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.
- (2) Thirty credits shall be recognized for persons holding a valid continuing or standard school nurse certificate.
- (3) Persons holding valid vocational certificates as provided for in chapter 180-77 WAC shall accumulate recognized credits as follows:
  - (a) One credit for each ten clock hours of approved vocational teacher training meeting the requirements of WAC 180-77-003 and 180-77-045.
  - (b) One credit for each one hundred clock hours of occupational experience as defined in WAC 180-77-003 such

that each calendar year is limited to a maximum of twenty credits.

(c) Clock hours used in determining credits in (a) and (b) of this subsection must be earned after meeting the minimum vocational certification requirements as established in WAC 180-77-040.

(4) Accumulate credits to the nearest tenth.

[Statutory Authority: RCW 28A.150.290, 28A.150.400 and the Biennial Operating Appropriations Act. 94-01-190, § 392-121-259, filed 12/22/93, effective 1/22/94.]

**WAC 392-121-260 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 392-121-261 Definition—Total eligible credits.** As used in this chapter, "total eligible credits" means the total number of credits determined as follows:

(1) For an employee whose highest degree is a bachelor's degree, sum:

(a) Academic and in-service credits; and

(b) Nondegree credits, determined pursuant to WAC 392-121-259 and reported on Form S-275 prior to the awarding of the bachelor's degree for vocational instructors who obtain a bachelor's degree while employed in the state of Washington as a nondegreed vocational instructor.

(2) For an employee whose highest degree is a master's degree, sum:

(a) Academic and in-service credits in excess of forty-five earned after the awarding or conferring of the bachelor's degree and prior to the awarding or conferring of the master's degree; and

(b) Academic and in-service credits earned after the awarding or conferring of the master's degree.

(3) Notwithstanding WAC 392-121-255 and 392-121-257, total eligible credits shall also include academic and in-service credits earned after October 1, 1991, and prior to January 1, 1992, if:

(a) The employee's highest degree is a bachelor's degree;

(b) The employee's total eligible credits earned prior to October 1, 1991, are less than one hundred thirty-five; and

(c) The credits earned between October 1, 1991, and January 1, 1992, bring the employee's total credits to one hundred thirty-five or more.

(4) For a nondegreed employee sum only nondegree credits.

[Statutory Authority: RCW 28A.150.290, 28A.150.400 and the Biennial Operating Appropriations Act. 94-01-190, § 392-121-261, filed 12/22/93, effective 1/22/94. Statutory Authority: RCW 28A.41.055 and 28A.41.170. 90-13-088 (Order 15), § 392-121-261, filed 6/20/90, effective 7/21/90.]

**WAC 392-121-265 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 392-121-267 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 392-121-270 Placement of basic education certificated instructional employees on LEAP salary allocation documents.** Each basic education certificated instructional employee shall be placed on LEAP salary

allocation documents based on the employee's certificated years of experience, highest degree level, and total eligible credits each defined in this chapter provided that:

(1) If an employee holds more than one degree of the same level, additional credits shall be counted after the first degree.

(2) An employee whose highest degree is a bachelor's degree, whose total eligible credits are ninety or greater, and whose total eligible credits earned prior to January 1, 1992, were less than one hundred thirty-five shall be placed on the BA + 90 column.

(3) An employee whose highest degree level is nondegreed shall be placed on the BA columns except that such persons holding valid vocational certificates with one hundred thirty-five or more eligible credits shall be placed on the MA + 0 column.

(4) A vocational instructor who obtains a bachelor's degree while employed in the state of Washington as a nondegreed vocational instructor and for whom one hundred thirty-five or more eligible credits determined pursuant to WAC 392-121-259 were reported on Form S-275 prior to the awarding of that bachelor's degree shall continue to be placed on the MA + 0 column and shall not advance to any other column unless a master's degree is obtained.

(5) For placement on LEAP salary allocation documents, certificated 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.150.290, 28A.150.400 and the Biennial Operating Appropriations Act. 94-01-190, § 392-121-270, filed 12/22/93, effective 1/22/94. Statutory Authority: RCW 28A.150.290. 92-23-044 (Order 92-15), § 392-121-270, filed 11/16/92, effective 12/17/92. Statutory Authority: RCW 28A.150.290 and 1990 1st ex.s. c 16 § 502. 91-02-097 (Order 51), § 392-121-270, filed 1/2/91, effective 2/2/91. Statutory Authority: RCW 28A.41.055 and 28A.41.170. 90-13-088 (Order 15), § 392-121-270, filed 6/20/90, effective 7/21/90; 88-03-013 (Order 88-8), § 392-121-270, filed 1/11/88.]

**WAC 392-121-272 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 392-121-280 Placement on LEAP salary allocation documents—Documentation required.** School districts shall have documentation on file and available for review which substantiates each basic education certificated instructional employee's placement on LEAP salary allocation documents. The minimum requirements are as follows:

(1) Districts shall document the date of awarding or conferring of the highest degree including the date upon which the degree was awarded or conferred as recorded on the diploma or transcript from the registrar of the regionally accredited institution of higher education.

(a) If the highest degree is a master's degree, the district shall also document the date of awarding or conferring of the first bachelor's degree.

(b) 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, a written statement from the registrar of the institution verifying a prior completion date shall be adequate documentation.

(2) Districts shall document academic credits by having on file a transcript from the registrar of the regionally accredited institution of higher education granting the credits. For purposes of this subsection:

(a) An academic credit is deemed "earned" at the end of the term for which it appears on the transcript: *Provided*, That a written statement from the registrar of the institution verifying a prior earned date may establish the date a credit was earned;

(b) Washington state community college credits numbered one hundred and above are deemed transferable for purposes of WAC 392-121-255 subject to the limitations of that same subsection.

(3) Districts shall document in-service credits by having on file a document meeting standards established in WAC 180-85-107.

(4) Districts shall document nondegree credits.

(a) For approved vocational teacher training credits pursuant to WAC 392-121-259(3) districts shall have on file a document meeting standards established in WAC 180-85-107 and evidence that the training was authorized pursuant to WAC 180-77-045.

(b) For credits calculated from converted occupational experience pursuant to WAC 392-121-259(3) districts shall have on file documents which provide:

(i) Evidence that the occupational experience meets the requirements of WAC 180-77-003;

(ii) Evidence of the individual's actual number of hours of employment for each year including dates of employment; and

(iii) The district calculation of converted credits pursuant to WAC 392-121-259(3).

(5) Districts shall document certificated years of experience as follows:

(a) For certificated years of experience obtained and reported on Form S-275 prior to the 1994-95 school year districts shall have on file documents that provide evidence of employment including dates of employment.

(b) For certificated years of experience reported on Form S-275 for the first time after the 1993-94 school year districts shall have on file:

(i) The total number of hours per year for an employee working full-time with each employer;

(ii) The number of hours per year and dates of employment with each employer excluding unpaid leave: *Provided*, That documentation of hours in excess of one full-time certificated year of experience in any twelve-month period is not required;

(iii) The quotient of the hours determined in (b)(i) of this subsection divided by the hours in (b)(ii) of this subsection to two decimals for each year;

(iv) The name and address of the employer;

(v) For those counting out-of-district experience pursuant to WAC 392-121-245(1), evidence whether or not the position required professional education certification pursuant to WAC 392-121-245 (1)(b);

(vi) For those counting experience pursuant to WAC 392-121-245(2), a brief description of the previous employment which documents the school district's decision that the position was comparable to one requiring certification in the Washington school districts;

(vii) For those counting management experience pursuant to WAC 392-121-245(5), evidence that the experience meets the requirements of WAC 180-77-003.

(6) Any documentation required by this section may be original or copies of the original: *Provided*, That each copy is subject to school district acceptance or rejection.

(7) The falsification or deliberate misrepresentation, including omission of a material fact concerning degrees, credits, or experience by an education practitioner as defined in WAC 180-87-035 shall be deemed an act of unprofessional conduct pursuant to WAC 180-87-050. In such an event the provisions of chapters 180-86 and 180-87 WAC shall apply.

[Statutory Authority: RCW 28A.150.290, 28A.150.400 and the Biennial Operating Appropriations Act. 94-01-190, § 392-121-280, filed 12/22/93, effective 1/22/94. Statutory Authority: RCW 28A.150.290. 92-23-044 (Order 92-15), § 392-121-280, filed 11/16/92, effective 12/17/92. Statutory Authority: RCW 28A.150.290 and 1990 1st ex.s. c 16 § 502. 91-02-097 (Order 51), § 392-121-280, filed 1/2/91, effective 2/2/91. 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 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 392-121-290 Repealed.** See Disposition Table at beginning of this chapter.

**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 five decimal places determined as follows:

(1) Assign a staff mix factor to each basic education certificated instructional employee by placing the employee on the appropriate LEAP salary allocation document pursuant to WAC 392-121-270;

(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.150.290, 28A.150.400 and the Biennial Operating Appropriations Act. 94-01-190, § 392-121-295, filed 12/22/93, effective 1/22/94. Statutory Authority: RCW 28A.150.290. 92-23-044 (Order 92-15), § 392-121-295, filed 11/16/92, effective 12/17/92. Statutory Authority: RCW 28A.150.290 and 1990 1st ex.s. c 16 § 502. 91-02-097 (Order 51), § 392-121-295, filed 1/2/91, effective 2/2/91. Statutory Authority: RCW 28A.41.055 and 28A.41.170. 88-03-013 (Order 88-8), § 392-121-295, filed 1/11/88.]

**WAC 392-121-445 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.150.270, the district board shall execute a resolution requesting the superintendent of public instruction to approve the transfer of a portion of that allocation to the district's capital projects fund and/or debt service fund. Such board resolutions shall specify the justification in detail and the dollar amount to be transferred 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 the transfer to the capital projects fund and/or debt service fund is to begin. Such moneys transferred to either of these funds pursuant to this section cannot be subsequently transferred to the credit of another fund.

Resolutions requesting the superintendent of public instruction to approve the transfer of a portion of the district's basic education allocation to the capital projects fund and/or the debt service fund will not be given 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 transfer 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, operating transfer(s) will be authorized from the general fund to the capital projects fund and/or debt service fund.

[Statutory Authority: RCW 28A.150.270. 93-04-054 (Order 93-01), § 392-121-445, filed 1/28/93, effective 2/28/93. Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-121-445, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.41.055 and 28A.41.170. 88-03-013 (Order 88-8), § 392-121-445, filed 1/11/88.]

## Chapter 392-122 WAC

### FINANCE—CATEGORICAL APPORTIONMENT

#### WAC

392-122-110	Definition—State handicapped program—Handicapped program certificated instructional staff salary and mix factor variables for the allocation formula.
392-122-400	Fair start program—Applicable provisions.
392-122-401	Fair start program—Timely reporting.
392-122-405	Fair start program—Definition—Kindergarten through sixth grade annual average full-time equivalent students.
392-122-410	Fair start program—Definition—Approved fair start program.
392-122-415	Fair start program—Apportionment of moneys to school districts and educational service districts.

**WAC 392-122-110 Definition—State handicapped program—Handicapped program certificated instructional staff salary and mix factor variables for the allocation formula.** Handicapped program certificated instructional staff salary and mix factor variables used in the handicapped allocation formula shall be defined the same as those defined

in WAC 392-121-200 through 392-121-299: *Provided*, That the words "state handicapped program" shall be substituted for "basic education" throughout those definitions.

[Statutory Authority: RCW 28A.150.290 and the Biennial Operating Appropriations Act. 93-21-090 (Order 93-19), § 392-122-110, filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.150.290, 1989 1st ex.s. c 19 and 1990 1st ex.s. c 16. 91-03-118 (Order 2), § 392-122-110, filed 1/23/91, effective 2/23/91. Statutory Authority: RCW 28A.41.170. 84-20-078 (Order 84-36), § 392-122-110, filed 10/2/84.]

**WAC 392-122-400 Fair start program—Applicable provisions.** The following sections of this chapter apply to the distribution of state moneys for early intervention and prevention services (the fair start program) pursuant to RCW 28A.600.425 through 28A.600.450 and the biennial Operating Appropriations Act:

- (1) WAC 392-122-400 through 392-122-415; and
- (2) WAC 392-122-900 through 392-122-910.

[Statutory Authority: RCW 28A.600.445. 93-12-017 (Order 93-09), § 392-122-400, filed 5/21/93, effective 6/21/93.]

**WAC 392-122-401 Fair start program—Timely reporting.** The provisions of chapter 392-117 WAC, Timely reporting, apply to state fair start program funding. Failure of a district to report in the form or by the due date required by the superintendent of public instruction can result in the reduction, delay, or recovery of state moneys.

[Statutory Authority: RCW 28A.600.445. 93-12-017 (Order 93-09), § 392-122-401, filed 5/21/93, effective 6/21/93.]

**WAC 392-122-405 Fair start program—Definition—Kindergarten through sixth grade annual average full-time equivalent students.** As used in WAC 392-122-400 through 392-122-415 "kindergarten through sixth grade annual average full-time equivalent students" means the annual average full-time equivalent students as defined in WAC 392-121-133 enrolled in grades kindergarten through six.

[Statutory Authority: RCW 28A.600.445. 93-12-017 (Order 93-09), § 392-122-405, filed 5/21/93, effective 6/21/93.]

**WAC 392-122-410 Fair start program—Definition—Approved fair start program.** As used in WAC 392-122-415, "approved fair start program" means a school district or educational service district fair start program approved by the superintendent of public instruction pursuant to chapter 392-167A WAC.

[Statutory Authority: RCW 28A.600.445. 93-12-017 (Order 93-09), § 392-122-410, filed 5/21/93, effective 6/21/93.]

**WAC 392-122-415 Fair start program—Apportionment of moneys to school districts and educational service districts.** From moneys appropriated by the legislature for early intervention and prevention services, the superintendent of public instruction shall apportion moneys as follows:

- (1) Allocations shall be based on a uniform state-wide rate per annual average full-time equivalent student as determined by the superintendent of public instruction.
- (2) Allocations to school districts operating an approved fair start program shall be based on the kindergarten through

sixth grade annual average full-time equivalent students of the school district.

(3) Allocations to educational service districts operating an approved fair start program shall be based on the combined kindergarten through sixth grade annual average full-time equivalent students enrolled in school districts served through the educational service district and identified pursuant to WAC 392-167A-055(10).

(4) Payments shall be made in the manner prescribed in WAC 392-121-400 except that payments shall be at a rate of ten percent per month for the months of September through June.

[Statutory Authority: RCW 28A.600.445. 93-12-017 (Order 93-09), § 392-122-415, filed 5/21/93, effective 6/21/93.]

### Chapter 392-123 WAC

#### FINANCE—SCHOOL DISTRICT BUDGETING

##### WAC

392-123-046	Definitions—General fund, capital projects fund, debt service fund, associated student body fund, advanced refunding and advance refunded bond funds, transportation vehicle fund and insurance reserves.
392-123-054	Time schedule for budget.
392-123-071	Budget extensions—First-class school districts.
392-123-072	Budget extensions—Second-class school districts.

**WAC 392-123-046 Definitions—General fund, capital projects fund, debt service fund, associated student body fund, advanced refunding and advance refunded bond funds, transportation vehicle fund and insurance reserves.** (1) A general fund shall be established for maintenance and operation of the school district to account for all financial operations of the school district, except those required to be accounted for in another fund, as authorized by RCW 28A.320.330, 28A.325.030, and 28A.160.130.

(2) A capital projects fund shall be established as authorized by RCW 28A.320.330 for major capital purposes. Any statutory references to a "building fund" shall mean the capital projects fund. Money to be deposited into the capital projects fund shall include, but not be limited to, bond proceeds, proceeds from excess levies, state apportionment proceeds, earnings from capital projects fund investments, rental and lease proceeds, and proceeds from the sale of real property.

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

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

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

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

(i) "Preliminary energy audits" means a determination of the energy consumption characteristics of a building,

including the size, type, rate of energy consumption, and major energy using systems of the building.

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

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

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

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

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

(4) An associated student body fund shall be established as authorized by RCW 28A.325.030.

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

(6) A transportation vehicle fund shall be established as authorized by RCW 28A.160.130.

(7) The board of directors of first-class school districts shall have power to create and maintain an insurance reserve account pursuant to RCW 28A.330.110 to be used to meet losses specified by the board of directors.

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

The school district board of directors may, as an alternative or in addition to the establishment of a self-insurance reserve account or the purchasing of insurance, contract for or hire personnel to provide risk management services.

[Statutory Authority: RCW 28A.505.090. 93-17-006 (Order 93-12), § 392-123-046, filed 8/5/93, effective 9/5/93. Statutory Authority: 1990 c 33, 90-16-002 (Order 18), § 392-123-046, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.65.465. 83-21-027 (Order 83-12), § 392-123-046, filed 10/10/83.]

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

Final Date For Action	First-Class Districts	Second-Class Districts
July 10	Final date for district to prepare annual 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	Same as first-class.



	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.				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 the adopted budget to educational service district for review, alteration and approval.
			August 10	Final date for educational service district to notify districts of problems noted in review.	Final date for educational service district to file adopted and reviewed budgets with superintendent of public instruction.
			August 31	Final date for board of directors to meet in public hearing and fix and adopt said budget. Such hearing may be continued not to exceed a total of two days: <i>Provided</i> , That the budget must be adopted no later than August 31st. Upon conclusion of the hearing, the board of directors shall fix and determine the appropriation from each fund contained in the budget separately, and shall by resolution adopt the budget and the appropriations as so finally determined, and enter the same in the official minutes of the board.	Last date for the budget review committee to fix and approve the amount of the appropriation from each fund of the budget. One copy of the approved budget will be retained by the educational service district and one copy will be returned to the school district. No budget review committee shall knowingly approve any budget or appropriation that is in violation of state law or rules and regulations adopted by the superintendent of public instruction. Members of the budget review committee as referred to in this section shall consist of the educational service district superintendent or a representative thereof, a member of the local board of directors or a representative thereof and a representative of the superintendent of public instruction.
July 15		Final date to have sufficient number of copies of budget to meet reasonable demands of public. Also, final date to submit the budget to the 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 the budget to the 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 of two days: <i>Provided</i> , That the budget must be adopted no later than August 1st.			
		Upon conclusion of the hearing the board	September 3	Final date for district to file the adopted budget with their educational service district.	
			September 10	Final date for educational service district to file the adopted budgets with the superintendent of public instruction.	

[Statutory Authority: RCW 28A.505.090. 93-17-006 (Order 93-12), § 392-123-054, filed 8/5/93, effective 9/5/93. Statutory Authority: RCW

28A.505.140 and H.B. 1224. 92-03-024 (Order 92-02), § 392-123-054, filed 1/7/92, effective 2/7/92. 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 392-123-071 Budget extensions—First-class school districts.** Upon the happening of any emergency in a first-class school district caused by fire, flood, explosion, storm, earthquake, epidemic, riot, insurrection, or for the restoration to a condition of usefulness of any school district property, the usefulness of which has been destroyed by accident, and no provision has been made for such expenditures in the adopted appropriation, the board of directors, upon the adoption by the vote of the majority of all board members of a resolution stating the facts constituting the emergency, may make an appropriation therefor without notice or hearing.

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

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

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

Two copies of all adopted appropriation resolutions shall be filed with the educational service district, who shall forward one copy to the superintendent of public instruction. One copy shall be retained by the educational service district. The final date for adopting appropriation resolutions extending budgets shall be the close of business on August 31 or the last business day prior to August 31 if August 31 occurs on a nonbusiness day. Each copy of all appropriation resolutions filed shall have attached a copy of the school district's latest budget status report. The revised budget shall be in the format prescribed by the superintendent of public instruction and shall be prepared in accordance with instructions provided by the superintendent of public instruction. Any appropriation resolution adopted after the date specified in this section shall be null and void. Any appropriation resolution adopted after the current appropriation level has been exceeded shall be null and void to the extent that the current appropriation level has been exceeded.

[Statutory Authority: RCW 28A.505.090. 93-17-006 (Order 93-12), § 392-123-071, filed 8/5/93, effective 9/5/93. Statutory Authority: RCW 28A.505.140 and H.B. 1224. 92-03-024 (Order 92-02), § 392-123-071, filed 1/7/92, effective 2/7/92. Statutory Authority: RCW 28A.65.465. 84-13-021 (Order 84-11), § 392-123-071, filed 6/13/84; 83-21-027 (Order 83-12), § 392-123-071, filed 10/10/83. Statutory Authority: RCW 28A.41.170, 28A.41.055 and 28A.65.465. 81-20-007 (Order 81-18), § 392-123-071,

filed 9/24/81. Statutory Authority: RCW 28A.65.465. 80-06-043 (Order 80-16), § 392-123-071, filed 5/13/80; Order 8-76, § 392-123-071, filed 7/23/76.]

**WAC 392-123-072 Budget extensions—Second-class school districts.** If a second-class school district needs to increase the amount of the appropriation from any fund the school district board of directors before incurring expenditures in excess of appropriations shall obtain approval from the superintendent of public instruction in the following manner: The school district board of directors shall adopt a resolution stating the specific reason(s) for extending the budget, the estimated amount of additional appropriation needed and the source(s) of funds.

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

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

Upon passage of the appropriation resolution the school district shall petition the superintendent of public instruction for approval to increase the amount of its appropriations. Such petition to be made in the format prescribed by the superintendent of public instruction. The request for budget extension shall be prepared in accordance with current instructions contained in bulletins now or hereafter published by the superintendent of public instruction and attached to each copy shall be a copy of the latest budget status report and a copy of the board resolution.

The request for budget extension shall be forwarded to the educational service district for approval by the educational service district superintendent.

If approved, the request for budget extension shall be forwarded by the educational service district to the superintendent of public instruction for final approval. The final date for receiving budget extension requests shall be the close of business on August 31 or the last business day prior to August 31 if August 31 occurs on a nonbusiness day.

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

Copies of all appropriation resolutions approved by the superintendent of public instruction shall be returned by the superintendent of public instruction to the educational service district. The educational service district shall retain one copy and shall return one copy to the school district.

[Statutory Authority: RCW 28A.505.090. 93-17-006 (Order 93-12), § 392-123-072, filed 8/5/93, effective 9/5/93. Statutory Authority: RCW 28A.505.140 and H.B. 1224. 92-03-024 (Order 92-02), § 392-123-072, filed 1/7/92, effective 2/7/92. Statutory Authority: RCW 28A.41.170, 28A.65.465 and 28A.41.055. 85-15-110 (Order 85-3), § 392-123-072, filed 7/24/85. Statutory Authority: RCW 28A.65.465. 84-13-021 (Order 84-11), § 392-123-072, filed 6/13/84; 83-21-027 (Order 83-12), § 392-123-072, filed 10/10/83. Statutory Authority: RCW 28A.41.170, 28A.41.055 and 28A.65.465. 81-20-007 (Order 81-18), § 392-123-072, filed 9/24/81. Statutory Authority: RCW 28A.65.465. 80-06-043 (Order 80-16), § 392-123-072, filed 5/13/80; Order 8-76, § 392-123-072, filed 7/23/76.]

## Chapter 392-127 WAC

FINANCE—CERTIFICATED INSTRUCTIONAL  
STAFF RATIO (46:1000) COMPLIANCE

## WAC

392-127-015 FTE enrollment—Definition.

**WAC 392-127-015 FTE enrollment—Definition.** As used in this chapter, "full-time equivalent enrollment" means for the period selected by a school district, the total full-time equivalent students reported by a school district pursuant to WAC 392-121-122 minus the following:

(1) Handicapped full-time equivalent students calculated pursuant to WAC 392-122-131 and based on the enrollment reported by a school district pursuant to WAC 392-122-106;

(2) Full-time equivalent students enrolled in community or technical colleges pursuant to RCW 28A.600.300 through 28A.600.400 (running start) reported by a school district as required by the superintendent of public instruction; and

(3) Prior to the 1993-94 school year, full-time equivalent students enrolled in learning centers reported by a school district pursuant to WAC 392-122-200 through 392-122-275.

[Statutory Authority: RCW 28A.150.290 and 28A.150.100(2). 93-21-089 (Order 93-18), § 392-127-015, filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.41.170(1). 90-12-078 (Order 10), § 392-127-015, filed 6/1/90, effective 7/2/90.]

## Chapter 392-139 WAC

FINANCE—MAINTENANCE AND OPERATION  
LEVIES

## WAC

392-139-007	Organization of this chapter.
392-139-055	Definition—Calendar year.
392-139-056	Repealed.
392-139-057	Repealed.
392-139-058	Definition—Prior year and prior calendar year.
392-139-310	Determination of excess levy base.
392-139-320	Determination of maximum excess levy percentage.
392-139-606	Definition—District twelve percent levy amount.
392-139-610	Definition—District ten percent levy rate.
392-139-611	Definition—District twelve percent levy rate.
392-139-615	Definition—State-wide average ten percent levy rate.
392-139-616	Definition—State-wide average twelve percent levy rate.
392-139-620	Definition—Eligible district—1993, 1996 and thereafter.
392-139-621	Definition—Eligible district—1994 and 1995.
392-139-625	Definition—State matching ratio—1993, 1996 and thereafter.
392-139-626	Definition—State matching ratio—1994 and 1995.
392-139-660	Determination of maximum local effort assistance—1993, 1996 and thereafter.
392-139-670	Local effort assistance allocations—1993, 1996 and thereafter.
392-139-675	Repealed.
392-139-676	Monthly payments of local effort assistance—1993, 1996 and thereafter.
392-139-680	Determination of maximum local effort assistance—1994 and 1995.
392-139-681	Determination of local effort assistance allocations—1994 and 1995.
392-139-685	Determination of safety net allocations.
392-139-690	Determination of proration percentages.
392-139-691	Monthly payments of local effort assistance—1994 and 1995.
392-139-901	Petitions for levy base adjustments.
392-139-902	Requests for review.

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DISPOSITION OF SECTIONS FORMERLY  
CODIFIED IN THIS CHAPTER

392-139-056	Definition—Current calendar year. [Statutory Authority: RCW 84.52.0531(10) and 28A.41.170. 88-03-007 (Order 88-6), § 392-139-056, filed 1/8/88.] Repealed by 93-21-092 (Order 93-20), filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.150.290(2) and 84.52.0531(10).
392-139-057	Definition—Next calendar year. [Statutory Authority: RCW 84.52.0531(10) and 28A.41.170. 88-03-007 (Order 88-6), § 392-139-057, filed 1/8/88.] Repealed by 93-21-092 (Order 93-20), filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.150.290(2) and 84.52.0531(10).
392-139-675	Allocation of local effort assistance—1992 Calendar year. [Statutory Authority: RCW 28A.150.290(2) and 84.52.0531(10). 92-19-124 (Order 92-07), § 392-139-675, filed 9/21/92, effective 10/22/92. Statutory Authority: RCW 28A.41.170 and 84.52.0531(10). 89-23-121 (Order 18), § 392-139-675, filed 11/22/89, effective 12/23/89.] Repealed by 93-21-092 (Order 93-20), filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.150.290(2) and 84.52.0531(10).

**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 660-679 Determination of local effort assistance for 1993, 1996 and thereafter.

Sections 680-699 Determination of local effort assistance for 1994 and 1995.

Sections 900-999 Notification, petitions and requests for review.

[Statutory Authority: RCW 28A.150.290(2) and 84.52.0531(10). 93-21-092 (Order 93-20), § 392-139-007, filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.41.170 and 84.52.0531(10). 89-23-121 (Order 18), § 392-139-007, filed 11/22/89, effective 12/23/89; 88-03-007 (Order 88-6), § 392-139-007, filed 1/8/88.]

**WAC 392-139-055 Definition—Calendar year.** As used in this chapter, "calendar year" means the period commencing on January 1 and ending on December 31. Unless otherwise stated, calendar year references including numeric references (e.g., 1994) are to the calendar year for which levy authority and local effort assistance are being calculated pursuant to this chapter.

[Statutory Authority: RCW 28A.150.290(2) and 84.52.0531(10). 93-21-092 (Order 93-20), § 392-139-055, filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.41.170 and 84.52.0531(10). 89-23-121 (Order 18), § 392-139-055, filed 11/22/89, effective 12/23/89; 88-03-007 (Order 88-6), § 392-139-055, filed 1/8/88.]

**WAC 392-139-056 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 392-139-057 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 392-139-058 Definition—Prior year and prior calendar year.** As used in this chapter, "prior year" and "prior calendar year" mean the calendar year preceding the year for which levy authority and local effort assistance are being calculated pursuant to this chapter.

[Statutory Authority: RCW 28A.150.290(2) and 84.52.0531(10). 93-21-092 (Order 93-20), § 392-139-058, filed 10/20/93, effective 11/20/93.]

**WAC 392-139-310 Determination of excess levy base.** The superintendent of public instruction shall calculate each school district's excess levy base as provided in this section. Levy base adjustments pursuant to WAC 392-139-901 shall be included in revenues shown in this section.

(1) Sum the following state and federal allocations for the prior school year:

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

(b) The state and federal categorical allocations for the following:

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

4199 Transportation - operations; and

4499 Transportation reimbursement - depreciation.

(ii) Handicapped education. Allocations for handicapped education include allocations for 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 identified by account 4174 Highly capable.

(iv) Compensatory education. Allocations for compensatory education include allocations identified by the following accounts:

4155 Learning assistance;

4165 Transitional bilingual;

6151 Remediation, ESSIA, Chapter 1;

6153 Migrant, ESSIA, 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 identified by the following accounts:

4198 School food services (state);

6198 School food services (federal); and

6998 USDA commodities.

(vi) State-wide block grant programs. Allocations for state-wide block grant programs include allocations identified by the following accounts:

4175 Local education program enhancement; and

6176 Targeted assistance, ESSIA, Chapter 2, P.L. 100-297.

(c) General federal programs. Allocations for general federal 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.

(2) Increase the result obtained in subsection (1) of this section 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 as stated in the state Operating Appropriations Act divided by 0.55.

(3) Revenue accounts referenced in this section are from the September 1989 accounting manual for public school districts in the state of Washington, revised 1990.

(4) The dollar amount of revenues for state and federal categorical allocations identified in this section shall come from the following sources:

(a) The following state and federal categorical allocations are taken from the Report 1197 Column A (Annual Allotment Due):

4121 Education of handicapped children;

4155 Learning assistance;

4165 Transitional bilingual;

4174 Highly capable;

4175 Local education program enhancement;

4198 School 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, ESSIA, Chapter 1;

6153 Migrant, ESSIA, Chapter 1;

6162 Refugee programs;

6176 Targeted assistance, ESSIA, Chapter 2, P.L. 100-297;

6177 Mathematics and science; and

6198 School food services (federal).

(b) The following state and federal allocations are taken from the F-195:

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 28A.150.290(2) and 84.52.0531(10). 93-21-092 (Order 93-20), § 392-139-310, filed 10/20/93, effective 11/20/93; 92-19-124 (Order 92-07), § 392-139-310, filed 9/21/92, effective 10/22/92. Statutory Authority: RCW 28A.41.170 and 84.52.0531(10). 89-23-121 (Order 18), § 392-139-310, filed 11/22/89, effective 12/23/89; 88-03-007 (Order 88-6), § 392-139-310, filed 1/8/88.]

**WAC 392-139-320 Determination of maximum excess levy percentage.** (1) For 1994 and 1995, each school district's maximum excess levy percentage equals the district's 1993 excess levy percentage plus four percent (e.g., 21.5% plus 4% equals 25.5%).

(2) For 1993, 1996 and thereafter, the superintendent of public instruction shall calculate each school district's

maximum excess levy percentage as 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:

(i) For 1993, 1997 and thereafter, the school district's maximum excess levy percentage for the prior calendar year;

(ii) For 1996, the school district's maximum levy percentage for 1993;

(b) Subtract from the result obtained in (a) of this subsection the school district's levy reduction funds for the year of the levy; and

(c) Divide the result obtained in (b) of this subsection by the school district's excess levy base.

[Statutory Authority: RCW 28A.150.290(2) and 84.52.0531(10). 93-21-092 (Order 93-20), § 392-139-320, filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.41.170 and 84.52.0531(10). 89-23-121 (Order 18), § 392-139-320, filed 11/22/89, effective 12/23/89; 88-03-007 (Order 88-6), § 392-139-320, filed 1/8/88.]

**WAC 392-139-606 Definition—District twelve percent levy amount.** As used in this chapter, "district twelve percent levy amount" means the dollar amount determined for each school district as follows:

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

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

(3) Multiply the result by twelve percent.

[Statutory Authority: RCW 28A.150.290(2) and 84.52.0531(10). 93-21-092 (Order 93-20), § 392-139-606, filed 10/20/93, effective 11/20/93.]

**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 prior calendar year.

[Statutory Authority: RCW 28A.150.290(2) and 84.52.0531(10). 93-21-092 (Order 93-20), § 392-139-610, filed 10/20/93, effective 11/20/93. 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 392-139-611 Definition—District twelve percent levy rate.** As used in this chapter, "district twelve percent levy rate" means the district twelve percent levy amount divided by the district adjusted assessed valuation for taxes collected in the prior calendar year.

[Statutory Authority: RCW 28A.150.290(2) and 84.52.0531(10). 93-21-092 (Order 93-20), § 392-139-611, filed 10/20/93, effective 11/20/93.]

**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 for all school districts divided by the total adjusted assessed valuation for all school districts for taxes collected in the prior calendar year.

[Statutory Authority: RCW 28A.150.290(2) and 84.52.0531(10). 93-21-092 (Order 93-20), § 392-139-615, filed 10/20/93, effective 11/20/93. 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 392-139-616 Definition—State-wide average twelve percent levy rate.** As used in this chapter, "state-wide average percent levy rate" means twelve percent of the total excess levy bases determined pursuant to WAC 392-139-310 for all school districts divided by the total adjusted assessed valuation for all school districts for taxes collected in the prior calendar year.

[Statutory Authority: RCW 28A.150.290(2) and 84.52.0531(10). 93-21-092 (Order 93-20), § 392-139-616, filed 10/20/93, effective 11/20/93.]

**WAC 392-139-620 Definition—Eligible district—1993, 1996 and thereafter.** As used in this chapter, "eligible school district" for 1993, 1996 and thereafter means a school district whose ten percent levy rate exceeds the state-wide average ten percent levy rate.

[Statutory Authority: RCW 28A.150.290(2) and 84.52.0531(10). 93-21-092 (Order 93-20), § 392-139-620, filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.41.170 and 84.52.0531(10). 89-23-121 (Order 18), § 392-139-620, filed 11/22/89, effective 12/23/89; 88-03-007 (Order 88-6), § 392-139-620, filed 1/8/88.]

**WAC 392-139-621 Definition—Eligible district—1994 and 1995.** As used in this chapter, "eligible district" in 1994 and 1995 means a school district whose twelve percent levy rate exceeds the state-wide average twelve percent levy rate.

[Statutory Authority: RCW 28A.150.290(2) and 84.52.0531(10). 93-21-092 (Order 93-20), § 392-139-621, filed 10/20/93, effective 11/20/93.]

**WAC 392-139-625 Definition—State matching ratio—1993, 1996 and thereafter.** As used in this chapter, "state matching ratio" for 1993, 1996 and thereafter, 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 28A.150.290(2) and 84.52.0531(10). 93-21-092 (Order 93-20), § 392-139-625, filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 84.52.0531(10) and 28A.41.170. 88-03-007 (Order 88-6), § 392-139-625, filed 1/8/88.]

**WAC 392-139-626 Definition—State matching ratio—1994 and 1995.** As used in this chapter, "state matching ratio" for 1994 and 1995 means the ratio calculated for each school district as follows:

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

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

[Statutory Authority: RCW 28A.150.290(2) and 84.52.0531(10). 93-21-092 (Order 93-20), § 392-139-626, filed 10/20/93, effective 11/20/93.]

**WAC 392-139-660 Determination of maximum local effort assistance—1993, 1996 and thereafter.** The superintendent of public instruction shall calculate maximum local effort assistance for each eligible school district for calendar years 1993, 1996 and thereafter as follows:

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

(2) Divide the result obtained in subsection (1) of this section by the district ten percent levy rate; and

(3) Multiply the result obtained in subsection (2) of this section by the district ten percent levy amount.

[Statutory Authority: RCW 28A.150.290(2) and 84.52.0531(10). 93-21-092 (Order 93-20), § 392-139-660, filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.41.170 and 84.52.0531(10). 89-23-121 (Order 18), § 392-139-660, filed 11/22/89, effective 12/23/89; 88-03-007 (Order 88-6), § 392-139-660, filed 1/8/88.]

**WAC 392-139-670 Local effort assistance allocations—1993, 1996 and thereafter.** The superintendent of public instruction shall calculate each eligible school district's local effort assistance entitlement for 1993, 1996 and thereafter as the lesser of the following amounts:

(1) The school 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 school district's state matching ratio for the calendar year calculated pursuant to WAC 392-139-625; or

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

[Statutory Authority: RCW 28A.150.290(2) and 84.52.0531(10). 93-21-092 (Order 93-20), § 392-139-670, filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.41.170 and 84.52.0531(10). 89-23-121 (Order 18), § 392-139-670, filed 11/22/89, effective 12/23/89; 88-03-007 (Order 88-6), § 392-139-670, filed 1/8/88.]

**WAC 392-139-675 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 392-139-676 Monthly payments of local effort assistance—1993, 1996 and thereafter.** For 1993, 1996 and thereafter, the superintendent of public instruction shall distribute local effort assistance moneys pursuant to the schedule provided in RCW 28A.500.010 (4)(b).

[Statutory Authority: RCW 28A.150.290(2) and 84.52.0531(10). 93-21-092 (Order 93-20), § 392-139-676, filed 10/20/93, effective 11/20/93; 92-19-124 (Order 92-07), § 392-139-676, filed 9/21/92, effective 10/22/92.]

**WAC 392-139-680 Determination of maximum local effort assistance—1994 and 1995.** The superintendent of public instruction shall calculate maximum local effort assistance for each eligible school district for 1994 and 1995 as follows:

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

(2) Divide the result of subsection (1) of this section by the district twelve percent levy rate;

(3) Multiply the result of subsection (2) of this section by the district twelve percent levy amount;

(4) Multiply the result of subsection (3) of this section by the proration percentage determined pursuant to WAC 392-139-690;

(5) Add the result of subsection (4) of this section and the district's safety net allocation for the year determined pursuant to WAC 392-139-685. This amount is the district's maximum local effort assistance.

[Statutory Authority: RCW 28A.150.290(2) and 84.52.0531(10). 93-21-092 (Order 93-20), § 392-139-680, filed 10/20/93, effective 11/20/93.]

**WAC 392-139-681 Determination of local effort assistance allocations—1994 and 1995.** Each district's local effort assistance allocation for 1994 and 1995 shall be calculated as follows:

(1) Determine local effort assistance before proration by taking the lesser of the district's maximum local effort assistance before proration or the district's state matching ratio times the district certified excess general fund levy.

(2) Multiplying the result of subsection (1) of this section by the proration percentage pursuant to WAC 392-139-690.

(3) Add the result of subsection (2) of this section and the district's safety net allocation calculated pursuant to WAC 392-139-685. This amount is the district's local effort assistance allocation for the year.

[Statutory Authority: RCW 28A.150.290(2) and 84.52.0531(10). 93-21-092 (Order 93-20), § 392-139-681, filed 10/20/93, effective 11/20/93.]

**WAC 392-139-685 Determination of safety net allocations.** Each school district's safety net allocation for 1994 and 1995 shall be calculated as follows:

(1) Determine the actual 1991-93 state biennium local effort allocations by adding:

- 45% of the actual 1991 allocation,
- 100% of the actual 1992 allocation, and
- 55% of the actual 1993 allocation.

(2) Determine 96.5% of the 1991-93 allocations by multiplying the result of subsection (1) of this section by 0.965.

(3) Calculate the local effort assistance allocations that would have been made during the 1993-95 biennium under the law in effect January 1, 1993, (i.e., using the formula for 1993 local effort assistance provided in this chapter). When performing calculations for 1994, assume that local effort assistance will be equal in calendar years 1994 and 1995 unless it is known to be otherwise.

(4) Determine the 1993-95 biennium local effort assistance allocation by adding:

- 45% of the actual 1993 allocation,
- 100% of the 1994 allocation, and
- 55% of the 1995 allocation.

(a) For 1994, the 1994 allocation excludes safety net moneys and the 1995 allocation is assumed to equal the 1994 allocation unless it is known to be otherwise.

(b) For 1995, the 1994 allocation includes safety net moneys and the 1995 allocation excludes 1995 safety net moneys.

(5) If the result of subsection (3) of this section exceeds the result of subsection (1) of this section and the result of subsection (4) of this section is less than the result of subsection (2) of this section then the district is eligible for safety net moneys.

(a) For 1994 and eligible district's safety net allocation equals 64.5% (100/155) of the difference between the result of subsections (2) and (4) of this section.

(b) For 1995 an eligible district's safety net allocation equals 100% of the difference between the results of subsections (2) and (4) of this section.



[Statutory Authority: RCW 28A.150.290(2) and 84.52.0531(10). 93-21-092 (Order 93-20), § 392-139-685, filed 10/20/93, effective 11/20/93.]

**WAC 392-139-690 Determination of proration percentages.** The superintendent of public instruction shall prorate local effort assistance allocations as necessary for 1994 and 1995 in order to reduce total local effort assistance allocations for the 1993-95 state biennium (July 1, 1993, through June 30, 1995,) to the level provided in the state Operating Appropriations Act. In determining the necessary 1994 proration percentage the superintendent of public instruction shall assume that total local effort assistance eligibility for 1994 and 1995 is equal.

[Statutory Authority: RCW 28A.150.290(2) and 84.52.0531(10). 93-21-092 (Order 93-20), § 392-139-690, filed 10/20/93, effective 11/20/93.]

**WAC 392-139-691 Monthly payments of local effort assistance—1994 and 1995.** (1) For 1994 the superintendent of public instruction shall distribute local effort assistance moneys with monthly apportionment payments pursuant to the schedule provided in RCW 28A.500.010 (4)(b).

(2) For the 1995 the superintendent of public instruction shall distribute local effort assistance moneys as follows:

(a) Local effort assistance allocations excluding the safety net allocation shall be distributed pursuant to the schedule provided in RCW 28A.500.010 (4)(b).

(b) Safety net moneys determined pursuant to WAC 392-139-685 shall be distributed with monthly apportionment payments pursuant to the following schedule:

April	54.55%
May	41.82%
June	3.63%

[Statutory Authority: RCW 28A.150.290(2) and 84.52.0531(10). 93-21-092 (Order 93-20), § 392-139-691, filed 10/20/93, effective 11/20/93.]

**WAC 392-139-901 Petitions for levy base adjustments.** School districts may request levy base adjustments as follows:

(1) At any time prior to September 15 of the prior calendar year, two or more school districts may petition the superintendent of public instruction to transfer levy base revenues between school districts for revenues generated by nonresident students served in an interdistrict cooperative for which no transfer is made pursuant to WAC 392-139-330 or 392-139-340. The petition shall state the revenue account(s) and dollar amounts to be transferred to and from each district. Net transfers for all districts shall equal zero. The petition shall be signed by the superintendent or authorized official of each participating school district. If the superintendent of public instruction finds that revenues were generated by services to nonresident students each district's levy base shall be adjusted accordingly.

(2) At any time prior to September 15 of the prior calendar year, a school district may petition the superintendent of public instruction to credit school district revenues which have been redirected to an educational service district to the school district levy base. The petition shall be signed by the superintendent or authorized official of the school district and the educational service district. If the superin-

tendent of public instruction finds that revenues were generated by resident students of the school district, revenues shall be credited to the school district levy base accordingly.

[Statutory Authority: RCW 28A.150.290(2) and 84.52.0531(10). 93-21-092 (Order 93-20), § 392-139-901, filed 10/20/93, effective 11/20/93.]

**WAC 392-139-902 Requests for review.** At any time prior to October 15 of the prior calendar year, a school district may request review of calculations made pursuant to this chapter. The request shall be in writing and shall be signed by the school district superintendent or authorized official. The superintendent of public instruction will review calculations and respond to the district on or before November 1.

[Statutory Authority: RCW 28A.150.290(2) and 84.52.0531(10). 93-21-092 (Order 93-20), § 392-139-902, filed 10/20/93, effective 11/20/93.]

## Chapter 392-140 WAC

### FINANCE—SPECIAL ALLOCATIONS, INSTRUCTIONS, AND REQUIREMENTS

#### WAC

392-140-250	Repealed.
392-140-252	Repealed.
392-140-253	Repealed.
392-140-254	Repealed.
392-140-255	Repealed.
392-140-256	Repealed.
392-140-257	Repealed.
392-140-258	Repealed.
392-140-259	Repealed.
392-140-265	Repealed.
392-140-266	Repealed.
392-140-267	Repealed.
392-140-300	Repealed.
392-140-301	Repealed.
392-140-302	Repealed.
392-140-303	Repealed.
392-140-304	Repealed.
392-140-305	Repealed.
392-140-306	Repealed.
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 392-140-380 Repealed.  
 392-140-381 Repealed.  
 392-140-390 Repealed.  
 392-140-391 Repealed.  
 392-140-392 Repealed.  
 392-140-393 Repealed.  
 392-140-450 K-3 staff enhancement—Applicable provisions.  
 392-140-451 K-3 staff enhancement—Authority.  
 392-140-452 K-3 staff enhancement—Purpose.  
 392-140-460 K-3 staff enhancement—Definition—Academic year.  
 392-140-461 K-3 staff enhancement—Definition—SPI Form S-275.  
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 392-140-463 K-3 staff enhancement—Definition—SPI Form 1158.  
 392-140-464 K-3 staff enhancement—Definition—SPI Report 1159.  
 392-140-465 K-3 staff enhancement—Definition—SPI Form 1160.  
 392-140-466 K-3 staff enhancement—Definition—SPI Form 1230.  
 392-140-470 K-3 staff enhancement—Definition—FTE K-3 basic education enrollment.  
 392-140-471 K-3 staff enhancement—Definition—FTE basic education certificated instructional employee.  
 392-140-472 K-3 staff enhancement—Definition—FTE K-3 basic education certificated instructional employee.  
 392-140-473 K-3 staff enhancement—Definition—FTE K-3 basic education certificated instructional staff.  
 392-140-474 K-3 staff enhancement—Definition—Average basic education certificated instructional staff salary for the purpose of apportionment.  
 392-140-475 K-3 staff enhancement—Definition—Basic education classified instructional assistant.  
 392-140-476 K-3 staff enhancement—Definition—Basic education classified instructional assistant FTE.  
 392-140-477 K-3 staff enhancement—Definition—FTE K-3 basic education classified instructional assistants.  
 392-140-478 K-3 staff enhancement—Definition—Instructional FTE.  
 392-140-480 K-3 staff enhancement—Definition—K-3 addition FTE.

392-140-481 K-3 staff enhancement—Definition—K-3 reduction FTE.  
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 392-140-485 K-3 staff enhancement—Definition—Supplemental FTE K-3 basic education certificated instructional staff.  
 392-140-486 K-3 staff enhancement—Definition—Supplemental FTE K-3 basic education classified instructional assistants.  
 392-140-490 K-3 staff enhancement—Definition—K-3 certificated instructional staffing ratio.  
 392-140-491 K-3 staff enhancement—Definition—Actual average salary for basic education classified instructional assistants.  
 392-140-492 K-3 staff enhancement—Definition—Increase in K-3 basic education classified instructional assistants from 1989-90.  
 392-140-493 K-3 staff enhancement—Definition—Recognized certificated staff ratio equivalent of increased K-3 classified instructional assistants.  
 392-140-494 K-3 staff enhancement—School district reporting—Required reports.  
 392-140-495 K-3 staff enhancement—School district reporting—Optional reports.  
 392-140-496 K-3 staff enhancement—Calculation of K-3 apportionment ratios.  
 392-140-497 K-3 staff enhancement—Reporting by the superintendent of public instruction.

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

392-140-250 Early intervention services allocation—Applicable provisions. [Statutory Authority: RCW 28A.300.040 and 28A.150.290. 92-02-026 (Order 91-27), § 392-140-250, filed 12/23/91, effective 1/23/92. Statutory Authority: RCW 28A.03.030(3). 90-23-043 (Order 36), § 392-140-250, filed 11/15/90, effective 12/16/90.] Repealed by 93-12-015 (Order 93-07), filed 5/21/93, effective 6/21/93. Statutory Authority: RCW 28A.150.90 [28A.150.290] and 28A.300.040.  
 392-140-252 Early intervention services allocation—Definition—Annual average full-time equivalent students. [Statutory Authority: RCW 28A.300.040 and 28A.150.290. 92-02-026 (Order 91-27), § 392-140-252, filed 12/23/91, effective 1/23/92. Statutory Authority: RCW 28A.03.030(3). 90-23-043 (Order 36), § 392-140-252, filed 11/15/90, effective 12/16/90.] Repealed by 93-12-015 (Order 93-07), filed 5/21/93, effective 6/21/93. Statutory Authority: RCW 28A.150.90 [28A.150.290] and 28A.300.040.  
 392-140-253 Early intervention services allocation—Definition—Kindergarten through sixth grade annual average full-time equivalent students. [Statutory Authority: RCW 28A.300.040 and 28A.150.290. 92-02-026 (Order 91-27), § 392-140-253, filed 12/23/91, effective 1/23/92. Statutory Authority: RCW 28A.03.030(3). 90-23-043 (Order 36), § 392-140-253, filed 11/15/90, effective 12/16/90.] Repealed by 93-12-015 (Order 93-07), filed 5/21/93, effective 6/21/93. Statutory Authority: RCW 28A.150.90 [28A.150.290] and 28A.300.040.  
 392-140-254 Early intervention services allocation—Definition—Form SPI 1195. [Statutory Authority: RCW 28A.300.040 and 28A.150.290. 92-02-026 (Order 91-27), § 392-140-254, filed 12/23/91, effective 1/23/92. Statutory Authority: RCW 28A.03.030(3). 90-23-043 (Order 36), § 392-140-254, filed 11/15/90, effective 12/16/90.] Repealed by 93-12-015 (Order 93-07), filed 5/21/93, effective 6/21/93. Statutory Authority: RCW 28A.150.90 [28A.150.290] and 28A.300.040.  
 392-140-255 Early intervention services allocation—Definition—Form SPI 1102E. [Statutory Authority: RCW 28A.300.040 and 28A.150.290. 92-02-026 (Order 91-27), § 392-140-255,

- filed 12/23/91, effective 1/23/92. Statutory Authority: RCW 28A.03.030(3). 90-23-043 (Order 36), § 392-140-255, filed 11/15/90, effective 12/16/90.] Repealed by 93-12-015 (Order 93-07), filed 5/21/93, effective 6/21/93. Statutory Authority: RCW 28A.150.90 [28A.150.290] and 28A.300.040.
- 392-140-256 Early intervention services allocation—Definition—Form SPI 1100E. [Statutory Authority: RCW 28A.300.040 and 28A.150.290. 92-02-026 (Order 91-27), § 392-140-256, filed 12/23/91, effective 1/23/92. Statutory Authority: RCW 28A.03.030(3). 90-23-043 (Order 36), § 392-140-256, filed 11/15/90, effective 12/16/90.] Repealed by 93-12-015 (Order 93-07), filed 5/21/93, effective 6/21/93. Statutory Authority: RCW 28A.150.90 [28A.150.290] and 28A.300.040.
- 392-140-257 Early intervention services allocation—Definition—Allowable expenditures for early intervention and prevention services. [Statutory Authority: RCW 28A.300.040 and 28A.150.290. 92-02-026 (Order 91-27), § 392-140-257, filed 12/23/91, effective 1/23/92. Statutory Authority: RCW 28A.150.290. 91-08-039 (Order 91-06), § 392-140-257, filed 3/29/91, effective 4/29/91. Statutory Authority: RCW 28A.03.030(3). 90-23-043 (Order 36), § 392-140-257, filed 11/15/90, effective 12/16/90.] Repealed by 93-12-015 (Order 93-07), filed 5/21/93, effective 6/21/93. Statutory Authority: RCW 28A.150.90 [28A.150.290] and 28A.300.040.
- 392-140-258 Early intervention services allocation—Definition—Eligible school district. [Statutory Authority: RCW 28A.300.040 and 28A.150.290. 92-02-026 (Order 91-27), § 392-140-258, filed 12/23/91, effective 1/23/92. Statutory Authority: RCW 28A.03.030(3). 90-23-043 (Order 36), § 392-140-258, filed 11/15/90, effective 12/16/90.] Repealed by 93-12-015 (Order 93-07), filed 5/21/93, effective 6/21/93. Statutory Authority: RCW 28A.150.90 [28A.150.290] and 28A.300.040.
- 392-140-259 Early intervention services allocation—Definition—Eligible enrollment served by the educational service district. [Statutory Authority: RCW 28A.300.040 and 28A.150.290. 92-02-026 (Order 91-27), § 392-140-259, filed 12/23/91, effective 1/23/92. Statutory Authority: RCW 28A.03.030(3). 90-23-043 (Order 36), § 392-140-259, filed 11/15/90, effective 12/16/90.] Repealed by 93-12-015 (Order 93-07), filed 5/21/93, effective 6/21/93. Statutory Authority: RCW 28A.150.90 [28A.150.290] and 28A.300.040.
- 392-140-265 Early intervention services allocation—Apportionment of moneys to school districts and educational service districts. [Statutory Authority: RCW 28A.300.040 and 28A.150.290. 92-02-026 (Order 91-27), § 392-140-265, filed 12/23/91, effective 1/23/92. Statutory Authority: RCW 28A.03.030(3). 90-23-043 (Order 36), § 392-140-265, filed 11/15/90, effective 12/16/90.] Repealed by 93-12-015 (Order 93-07), filed 5/21/93, effective 6/21/93. Statutory Authority: RCW 28A.150.90 [28A.150.290] and 28A.300.040.
- 392-140-266 Early intervention services allocation—Reporting requirements. [Statutory Authority: RCW 28A.300.040 and 28A.150.290. 92-02-026 (Order 91-27), § 392-140-266, filed 12/23/91, effective 1/23/92. Statutory Authority: RCW 28A.03.030(3). 90-23-043 (Order 36), § 392-140-266, filed 11/15/90, effective 12/16/90.] Repealed by 93-12-015 (Order 93-07), filed 5/21/93, effective 6/21/93. Statutory Authority: RCW 28A.150.90 [28A.150.290] and 28A.300.040.
- 392-140-267 Early intervention services allocation—Recovery of moneys. [Statutory Authority: RCW 28A.300.040 and 28A.150.290. 92-02-026 (Order 91-27), § 392-140-267, filed 12/23/91, effective 1/23/92. Statutory Authority: RCW 28A.03.030(3). 90-23-043 (Order 36), § 392-140-267, filed 11/15/90, effective 12/16/90.] Repealed by 93-12-015 (Order 93-07), filed 5/21/93, effective 6/21/93. Statutory Authority: RCW 28A.150.90 [28A.150.290] and 28A.300.040.
- 392-140-300 1989-91 Certificated instructional staff enhancement moneys—Applicable provisions. [Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-140-300, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.41.170(1). 90-01-142 (Order 25), § 392-140-300, filed 12/20/89, effective 1/20/90.] Repealed by 93-21-091 (Order 93-21), filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.150.290 and the Biennial Operating Appropriations Act.
- 392-140-301 1989-91 Certificated instructional staff enhancement moneys—Authority. [Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-140-301, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.41.170(1). 90-01-142 (Order 25), § 392-140-301, filed 12/20/89, effective 1/20/90.] Repealed by 93-21-091 (Order 93-21), filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.150.290 and the Biennial Operating Appropriations Act.
- 392-140-302 1989-91 Certificated instructional staff enhancement moneys—Purpose. [Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-140-302, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.41.170(1). 90-01-142 (Order 25), § 392-140-302, filed 12/20/89, effective 1/20/90.] Repealed by 93-21-091 (Order 93-21), filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.150.290 and the Biennial Operating Appropriations Act.
- 392-140-303 1989-91 Certificated instructional staff enhancement moneys—Definition—School district. [Statutory Authority: RCW 28A.41.170(1). 90-01-142 (Order 25), § 392-140-303, filed 12/20/89, effective 1/20/90.] Repealed by 93-21-091 (Order 93-21), filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.150.290 and the Biennial Operating Appropriations Act.
- 392-140-304 1989-91 Certificated instructional staff enhancement moneys—Definition—SPI Form E-672. [Statutory Authority: RCW 28A.41.170(1). 90-01-142 (Order 25), § 392-140-304, filed 12/20/89, effective 1/20/90.] Repealed by 93-21-091 (Order 93-21), filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.150.290 and the Biennial Operating Appropriations Act.
- 392-140-305 1989-91 Certificated instructional staff enhancement moneys—Definition—Full-time equivalent basic education enrollment. [Statutory Authority: RCW 28A.41.170(1). 90-01-142 (Order 25), § 392-140-305, filed 12/20/89, effective 1/20/90.] Repealed by 93-21-091 (Order 93-21), filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.150.290 and the Biennial Operating Appropriations Act.
- 392-140-306 1989-91 Certificated instructional staff enhancement moneys—Definition—Full-time equivalent kindergarten through third grade basic education enrollment. [Statutory Authority: RCW 28A.41.170(1). 90-01-142 (Order 25), § 392-140-306, filed 12/20/89, effective 1/20/90.] Repealed by 93-21-091 (Order 93-21), filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.150.290 and the Biennial Operating Appropriations Act.
- 392-140-307 1989-91 Certificated instructional staff enhancement moneys—Definition—Full-time equivalent kindergarten through third grade basic education enrollment including handicapped enrollment. [Statutory Authority: RCW 28A.41.170(1). 90-01-142 (Order 25), § 392-140-307, filed 12/20/89, effective 1/20/90.] Repealed by 93-21-091 (Order 93-21), filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.150.290 and the Biennial Operating Appropriations Act.
- 392-140-308 1989-91 Certificated instructional staff enhancement moneys—Definition—SPI Form S-275. [Statutory Authority: RCW 28A.41.170(1). 90-01-142 (Order 25), § 392-140-308, filed 12/20/89, effective 1/20/90.] Repealed by 93-21-091 (Order 93-21), filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.150.290 and the Biennial Operating Appropriations Act.
- 392-140-309 1989-91 Certificated instructional staff enhancement moneys—Definition—School year. [Statutory Authority:

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	28A.150.290 and the Biennial Operating Appropriations Act.	392-140-342	1990-91 additional 1.3 staff units—Purpose. [Statutory Authority: RCW 28A.150.290 and 1990 1st ex.s. c 16 § 502 (2)(b) and (11). 91-02-094 (Order 48), § 392-140-342, filed 1/2/91, effective 2/2/91.] Repealed by 93-21-091 (Order 93-21), filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.150.290 and the Biennial Operating Appropriations Act.
392-140-329	1989-91 Certificated instructional staff enhancement moneys—School district reporting—Optional report—Staff changes. [Statutory Authority: RCW 28A.41.170(1). 90-01-142 (Order 25), § 392-140-329, filed 12/20/89, effective 1/20/90.] Repealed by 93-21-091 (Order 93-21), filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.150.290 and the Biennial Operating Appropriations Act.	392-140-343	1990-91 additional 1.3 staff units—General provisions. [Statutory Authority: RCW 28A.150.290 and 1990 1st ex.s. c 16 § 502 (2)(b) and (11). 91-02-094 (Order 48), § 392-140-343, filed 1/2/91, effective 2/2/91.] Repealed by 93-21-091 (Order 93-21), filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.150.290 and the Biennial Operating Appropriations Act.
392-140-330	1989-91 Certificated instructional staff enhancement moneys—School district reporting—Optional report—Enrollment changes. [Statutory Authority: RCW 28A.41.170(1). 90-01-142 (Order 25), § 392-140-330, filed 12/20/89, effective 1/20/90.] Repealed by 93-21-091 (Order 93-21), filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.150.290 and the Biennial Operating Appropriations Act.	392-140-345	1990-91 additional 1.3 staff units—Definition—School year. [Statutory Authority: RCW 28A.150.290 and 1990 1st ex.s. c 16 § 502 (2)(b) and (11). 91-02-094 (Order 48), § 392-140-345, filed 1/2/91, effective 2/2/91.] Repealed by 93-21-091 (Order 93-21), filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.150.290 and the Biennial Operating Appropriations Act.
392-140-331	1989-91 Certificated instructional staff enhancement moneys—Initial report by the superintendent of public instruction. [Statutory Authority: RCW 28A.41.170(1). 90-01-142 (Order 25), § 392-140-331, filed 12/20/89, effective 1/20/90.] Repealed by 93-21-091 (Order 93-21), filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.150.290 and the Biennial Operating Appropriations Act.	392-140-346	1990-91 additional 1.3 staff units—Definition—Academic year. [Statutory Authority: RCW 28A.150.290 and 1990 1st ex.s. c 16 § 502 (2)(b) and (11). 91-02-094 (Order 48), § 392-140-346, filed 1/2/91, effective 2/2/91.] Repealed by 93-21-091 (Order 93-21), filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.150.290 and the Biennial Operating Appropriations Act.
392-140-332	1989-91 Certificated instructional staff enhancement moneys—Interim report by the superintendent of public instruction. [Statutory Authority: RCW 28A.41.170(1). 90-01-142 (Order 25), § 392-140-332, filed 12/20/89, effective 1/20/90.] Repealed by 93-21-091 (Order 93-21), filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.150.290 and the Biennial Operating Appropriations Act.	392-140-347	1990-91 additional 1.3 staff units—Definition—Full-time equivalent basic education enrollment. [Statutory Authority: RCW 28A.150.290 and 1990 1st ex.s. c 16 § 502 (2)(b) and (11). 91-02-094 (Order 48), § 392-140-347, filed 1/2/91, effective 2/2/91.] Repealed by 93-21-091 (Order 93-21), filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.150.290 and the Biennial Operating Appropriations Act.
392-140-333	1989-91 Certificated instructional staff enhancement moneys—Final report by the superintendent of public instruction. [Statutory Authority: RCW 28A.41.170(1). 90-01-142 (Order 25), § 392-140-333, filed 12/20/89, effective 1/20/90.] Repealed by 93-21-091 (Order 93-21), filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.150.290 and the Biennial Operating Appropriations Act.	392-140-348	1990-91 additional 1.3 staff units—Definition—Full-time equivalent kindergarten through third grade basic education enrollment. [Statutory Authority: RCW 28A.150.290 and 1990 1st ex.s. c 16 § 502 (2)(b) and (11). 91-02-094 (Order 48), § 392-140-348, filed 1/2/91, effective 2/2/91.] Repealed by 93-21-091 (Order 93-21), filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.150.290 and the Biennial Operating Appropriations Act.
392-140-334	1989-91 Certificated instructional staff enhancement moneys—Kindergarten through third grade apportionment ratios a school district with a 1988-89 kindergarten through third grade staffing ratio less than fifty-one per thousand. [Statutory Authority: RCW 28A.41.170(1). 90-01-142 (Order 25), § 392-140-334, filed 12/20/89, effective 1/20/90.] Repealed by 93-21-091 (Order 93-21), filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.150.290 and the Biennial Operating Appropriations Act.	392-140-349	1990-91 additional 1.3 staff units—Definition—Full-time equivalent basic education certificated instructional staff. [Statutory Authority: RCW 28A.150.290 and 1990 1st ex.s. c 16 § 502 (2)(b) and (11). 91-02-094 (Order 48), § 392-140-349, filed 1/2/91, effective 2/2/91.] Repealed by 93-21-091 (Order 93-21), filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.150.290 and the Biennial Operating Appropriations Act.
392-140-335	1989-91 Certificated instructional staff enhancement moneys—Kindergarten through third grade apportionment ratios for a school district with a 1988-89 kindergarten through third grade staffing ratio equal to or greater than fifty-one per thousand. [Statutory Authority: RCW 28A.41.170(1). 90-01-142 (Order 25), § 392-140-335, filed 12/20/89, effective 1/20/90.] Repealed by 93-21-091 (Order 93-21), filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.150.290 and the Biennial Operating Appropriations Act.	392-140-350	1990-91 additional 1.3 staff units—Definition—Full-time equivalent kindergarten through third grade basic education certificated instructional staff. [Statutory Authority: RCW 28A.150.290 and 1990 1st ex.s. c 16 § 502 (2)(b) and (11). 91-02-094 (Order 48), § 392-140-350, filed 1/2/91, effective 2/2/91.] Repealed by 93-21-091 (Order 93-21), filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.150.290 and the Biennial Operating Appropriations Act.
392-140-340	1990-91 additional 1.3 staff units—Applicable provisions. [Statutory Authority: RCW 28A.150.290 and 1990 1st ex.s. c 16 § 502 (2)(b) and (11). 91-02-094 (Order 48), § 392-140-340, filed 1/2/91, effective 2/2/91.] Repealed by 93-21-091 (Order 93-21), filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.150.290 and the Biennial Operating Appropriations Act.	392-140-351	1990-91 additional 1.3 staff units—Definition—SPI form S-275. [Statutory Authority: RCW 28A.150.290 and 1990 1st ex.s. c 16 § 502 (2)(b) and (11). 91-02-094 (Order 48), § 392-140-351, filed 1/2/91, effective 2/2/91.] Repealed by 93-21-091 (Order 93-21), filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.150.290 and the Biennial Operating Appropriations Act.
392-140-341	1990-91 additional 1.3 staff units—Authority. [Statutory Authority: RCW 28A.150.290 and 1990 1st ex.s. c 16 § 502 (2)(b) and (11). 91-02-094 (Order 48), § 392-140-341, filed 1/2/91, effective 2/2/91.] Repealed by 93-21-091 (Order 93-21), filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.150.290 and the Biennial Operating Appropriations Act.	392-140-352	1990-91 additional 1.3 staff units—Definition—SPI form 1158. [Statutory Authority: RCW 28A.150.290 and 1990 1st ex.s. c 16 § 502 (2)(b) and (11). 91-02-094 (Order 48), § 392-140-352, filed 1/2/91, effective 2/2/91.]

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- RCW 28A.150.290 and the Biennial Operating Appropriations Act.
- 392-140-370 1990-91 additional 1.3 staff units—Definition—Supplemental full-time equivalent kindergarten through third grade basic education classified instructional assistants. [Statutory Authority: RCW 28A.150.290 and 1990 1st ex.s. c 16 § 502 (2)(b) and (11). 91-02-094 (Order 48), § 392-140-370, filed 1/2/91, effective 2/2/91.] Repealed by 93-21-091 (Order 93-21), filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.150.290 and the Biennial Operating Appropriations Act.
- 392-140-371 1990-91 additional 1.3 staff units—Definition—Supplemental full-time equivalent fourth through twelfth grade basic education classified instructional assistants. [Statutory Authority: RCW 28A.150.290 and 1990 1st ex.s. c 16 § 502 (2)(b) and (11). 91-02-094 (Order 48), § 392-140-371, filed 1/2/91, effective 2/2/91.] Repealed by 93-21-091 (Order 93-21), filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.150.290 and the Biennial Operating Appropriations Act.
- 392-140-372 1990-91 additional 1.3 staff units—Definition—SPI Form 1230. [Statutory Authority: RCW 28A.150.290 and 1990 1st ex.s. c 16 § 502 (2)(b) and (11). 91-02-094 (Order 48), § 392-140-372, filed 1/2/91, effective 2/2/91.] Repealed by 93-21-091 (Order 93-21), filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.150.290 and the Biennial Operating Appropriations Act.
- 392-140-373 1990-91 additional 1.3 staff units—Definition—Kindergarten through third grade basic education classified instructional assistant staffing ratio. [Statutory Authority: RCW 28A.150.290 and 1990 1st ex.s. c 16 § 502 (2)(b) and (11). 91-02-094 (Order 48), § 392-140-373, filed 1/2/91, effective 2/2/91.] Repealed by 93-21-091 (Order 93-21), filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.150.290 and the Biennial Operating Appropriations Act.
- 392-140-374 1990-91 additional 1.3 staff units—Definition—Change in kindergarten through third grade basic education classified instructional assistant staffing ratios from 1989-90 to 1990-91. [Statutory Authority: RCW 28A.150.290 and 1990 1st ex.s. c 16 § 502 (2)(b) and (11). 91-02-094 (Order 48), § 392-140-374, filed 1/2/91, effective 2/2/91.] Repealed by 93-21-091 (Order 93-21), filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.150.290 and the Biennial Operating Appropriations Act.
- 392-140-375 1990-91 additional 1.3 staff units—Definition—Certificated instructional staff ratio equivalent of the change in kindergarten through third grade basic education classified instructional assistant staffing ratios from 1989-90 to 1990-91. [Statutory Authority: RCW 28A.150.290 and 1990 1st ex.s. c 16 § 502 (2)(b) and (11). 91-02-094 (Order 48), § 392-140-375, filed 1/2/91, effective 2/2/91.] Repealed by 93-21-091 (Order 93-21), filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.150.290 and the Biennial Operating Appropriations Act.
- 392-140-376 1990-91 additional 1.3 staff units—Definition—Recognized change in kindergarten through third grade basic education certificated instructional staffing ratio from 1989-90 to 1990-91. [Statutory Authority: RCW 28A.150.290 and 1990 1st ex.s. c 16 § 502 (2)(b) and (11). 91-02-094 (Order 48), § 392-140-376, filed 1/2/91, effective 2/2/91.] Repealed by 93-21-091 (Order 93-21), filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.150.290 and the Biennial Operating Appropriations Act.
- 392-140-377 1990-91 additional 1.3 staff units—Definition—Combined change in kindergarten through third grade basic education instructional staffing ratios from 1989-90 to 1990-91. [Statutory Authority: RCW 28A.150.290 and 1990 1st ex.s. c 16 § 502 (2)(b) and (11). 91-02-094 (Order 48), § 392-140-377, filed 1/2/91, effective 2/2/91.] Repealed by 93-21-091 (Order 93-21), filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.150.290 and the Biennial Operating Appropriations Act.
- 392-140-378 1990-91 additional 1.3 staff units—Definition—Change in fourth through twelfth grade basic education certificated instructional staff from 1989-90 to 1990-91. [Statutory Authority: RCW 28A.150.290 and 1990 1st ex.s. c 16 § 502 (2)(b) and (11). 91-02-094 (Order 48), § 392-140-378, filed 1/2/91, effective 2/2/91.] Repealed by 93-21-091 (Order 93-21), filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.150.290 and the Biennial Operating Appropriations Act.
- 392-140-379 1990-91 additional 1.3 staff units—Definition—Change in fourth through twelfth grade basic education classified instructional assistants from 1989-90 to 1990-91. [Statutory Authority: RCW 28A.150.290 and 1990 1st ex.s. c 16 § 502 (2)(b) and (11). 91-02-094 (Order 48), § 392-140-379, filed 1/2/91, effective 2/2/91.] Repealed by 93-21-091 (Order 93-21), filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.150.290 and the Biennial Operating Appropriations Act.
- 392-140-380 1990-91 additional 1.3 staff units—Definition—Certificated instructional staff equivalent of the change in fourth through twelfth grade basic education classified instructional assistants from 1989-90 to 1990-91. [Statutory Authority: RCW 28A.150.290 and 1990 1st ex.s. c 16 § 502 (2)(b) and (11). 91-02-094 (Order 48), § 392-140-380, filed 1/2/91, effective 2/2/91.] Repealed by 93-21-091 (Order 93-21), filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.150.290 and the Biennial Operating Appropriations Act.
- 392-140-381 1990-91 additional 1.3 staff units—Definition—Kindergarten through third grade certificated instructional staffing ratio equivalent of fourth through twelfth grade basic education instructional staff changes from 1989-90 to 1990-91. [Statutory Authority: RCW 28A.150.290 and 1990 1st ex.s. c 16 § 502 (2)(b) and (11). 91-02-094 (Order 48), § 392-140-381, filed 1/2/91, effective 2/2/91.] Repealed by 93-21-091 (Order 93-21), filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.150.290 and the Biennial Operating Appropriations Act.
- 392-140-390 1990-91 additional 1.3 staff units—School district reporting of basic education classified instructional assistants. [Statutory Authority: RCW 28A.150.290 and 1990 1st ex.s. c 16 § 502 (2)(b) and (11). 91-02-094 (Order 48), § 392-140-390, filed 1/2/91, effective 2/2/91.] Repealed by 93-21-091 (Order 93-21), filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.150.290 and the Biennial Operating Appropriations Act.
- 392-140-391 1990-91 additional 1.3 staff units—Reporting by the superintendent of public instruction. [Statutory Authority: RCW 28A.150.290 and 1990 1st ex.s. c 16 § 502 (2)(b) and (11). 91-02-094 (Order 48), § 392-140-391, filed 1/2/91, effective 2/2/91.] Repealed by 93-21-091 (Order 93-21), filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.150.290 and the Biennial Operating Appropriations Act.
- 392-140-392 1990-91 additional 1.3 staff units—Determination of school district additional kindergarten through third grade staffing ratio enhancements. [Statutory Authority: RCW 28A.150.290 and 1990 1st ex.s. c 16 § 502 (2)(b) and (11). 91-02-094 (Order 48), § 392-140-392, filed 1/2/91, effective 2/2/91.] Repealed by 93-21-091 (Order 93-21), filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.150.290 and the Biennial Operating Appropriations Act.
- 392-140-393 1990-91 additional 1.3 staff units—Determination of credit for fourth through twelfth grade staff increases. [Statutory Authority: RCW 28A.150.290 and 1990 1st ex.s. c 16 §§ 502 (2)(b) and 502(11). 91-02-094 (Order 48), § 392-140-393, filed 1/2/91, effective 2/2/91.] Repealed by 93-21-091 (Order 93-21), filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.150.290 and the Biennial Operating Appropriations Act.



**Title 392 WAC: Public Instruction, Supt. of**

**WAC 392-140-350 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 392-140-351 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 392-140-352 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 392-140-353 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 392-140-354 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 392-140-355 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 392-140-356 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 392-140-357 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 392-140-358 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 392-140-359 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 392-140-360 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 392-140-361 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 392-140-362 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 392-140-363 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 392-140-364 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 392-140-365 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 392-140-366 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 392-140-367 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 392-140-368 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 392-140-369 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 392-140-370 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 392-140-371 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 392-140-372 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 392-140-373 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 392-140-374 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 392-140-375 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 392-140-376 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 392-140-377 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 392-140-378 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 392-140-379 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 392-140-380 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 392-140-381 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 392-140-390 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 392-140-391 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 391-140-392 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 392-140-393 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 392-140-450 K-3 staff enhancement—Applicable provisions.** The provisions of WAC 392-140-450 through 392-140-497 apply to the determination of staff/student ratios used in apportionment of state basic education moneys to school districts for the 1991-92 through 1994-95 school years based on the district's kindergarten through

third grade (K-3) staff and students. Compliance with these sections does not assure compliance with:

(1) RCW 28A.150.100(2), which requires each school district to maintain a ratio of at least forty-six basic education certificated instructional staff per thousand annual average full-time equivalent students; or

(2) RCW 28A.150.250, which requires that the ratio of students per classroom teacher in grades kindergarten through three be no greater than the ratio of students per classroom teacher in grades four and above.

[Statutory Authority: RCW 28A.150.290 and the Biennial Operating Appropriations Act. 93-21-091 (Order 93-21), § 392-140-450, filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.150.290(1). 92-03-023 (Order 92-01), § 392-140-450, filed 1/7/92, effective 2/7/92.]

**WAC 392-140-451 K-3 staff enhancement—Authority.** The authority for WAC 392-140-450 through 392-140-497 is:

(1) The Biennial Operating Appropriations Act established by the legislature for each school year; and

(2) RCW 28A.150.290(1).

[Statutory Authority: RCW 28A.150.290 and the Biennial Operating Appropriations Act. 93-21-091 (Order 93-21), § 392-140-451, filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.150.290(1). 92-03-023 (Order 92-01), § 392-140-451, filed 1/7/92, effective 2/7/92.]

**WAC 392-140-452 K-3 staff enhancement—Purpose.** The purpose of WAC 392-140-450 through 392-140-497 is to set forth the policies and procedures used by the superintendent of public instruction to determine the amount of moneys to be provided to school districts for certificated instructional staff above that set forth in RCW 28A.150.260 (2)(c).

[Statutory Authority: RCW 28A.150.290 and the Biennial Operating Appropriations Act. 93-21-091 (Order 93-21), § 392-140-452, filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.150.290(1). 92-03-023 (Order 92-01), § 392-140-452, filed 1/7/92, effective 2/7/92.]

**WAC 392-140-460 K-3 staff enhancement—Definition—Academic year.** As used in WAC 392-140-450 through 392-140-497, "academic year" means any nine-month period within the school year in which the minimum one hundred eighty school days required by law is conducted.

[Statutory Authority: RCW 28A.150.290 and the Biennial Operating Appropriations Act. 93-21-091 (Order 93-21), § 392-140-460, filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.150.290(1). 92-03-023 (Order 92-01), § 392-140-460, filed 1/7/92, effective 2/7/92.]

**WAC 392-140-461 K-3 staff enhancement—Definition—SPI Form S-275.** "SPI Form S-275" means the same as defined in WAC 392-121-220.

[Statutory Authority: RCW 28A.150.290 and the Biennial Operating Appropriations Act. 93-21-091 (Order 93-21), § 392-140-461, filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.150.290(1). 92-03-023 (Order 92-01), § 392-140-461, filed 1/7/92, effective 2/7/92.]

**WAC 392-140-462 K-3 staff enhancement—Definition—SPI Form S-277.** "SPI Form S-277" means the form provided by the superintendent of public instruction on which school districts report information about each classified employee of the school district as of October 1 of the

school year including the employee's name, Social Security number, working hours, assignments, rate of pay, and benefits.

[Statutory Authority: RCW 28A.150.290 and the Biennial Operating Appropriations Act. 93-21-091 (Order 93-21), § 392-140-462, filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.150.290(1). 92-03-023 (Order 92-01), § 392-140-462, filed 1/7/92, effective 2/7/92.]

**WAC 392-140-463 K-3 staff enhancement—**  
**Definition—SPI Form 1158.** "SPI Form 1158" means the form provided by the superintendent of public instruction on which school districts report supplemental full-time equivalent (FTE) staff and/or supplemental K-3 FTE staff for the school year.

[Statutory Authority: RCW 28A.150.290 and the Biennial Operating Appropriations Act. 93-21-091 (Order 93-21), § 392-140-463, filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.150.290(1). 92-03-023 (Order 92-01), § 392-140-463, filed 1/7/92, effective 2/7/92.]

**WAC 392-140-464 K-3 staff enhancement—**  
**Definition—SPI Report 1159.** "SPI Report 1159" means the report produced by the superintendent of public instruction displaying the calculations of K-3 certificated instructional staffing and K-3 apportionment ratios and other information as necessary.

[Statutory Authority: RCW 28A.150.290 and the Biennial Operating Appropriations Act. 93-21-091 (Order 93-21), § 392-140-464, filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.150.290(1). 92-03-023 (Order 92-01), § 392-140-464, filed 1/7/92, effective 2/7/92.]

**WAC 392-140-465 K-3 staff enhancement—**  
**Definition—SPI Form 1160.** "SPI Form 1160" means the form provided by the superintendent of public instruction on which school districts may select the period of enrollment the superintendent of public instruction shall use to calculate staffing ratios.

[Statutory Authority: RCW 28A.150.290 and the Biennial Operating Appropriations Act. 93-21-091 (Order 93-21), § 392-140-465, filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.150.290(1). 92-03-023 (Order 92-01), § 392-140-465, filed 1/7/92, effective 2/7/92.]

**WAC 392-140-466 K-3 staff enhancement—**  
**Definition—SPI Form 1230.** "SPI Form 1230" means the form provided by the superintendent of public instruction on which school districts report 1989-90 FTE K-3 basic education classified instructional assistants.

[Statutory Authority: RCW 28A.150.290 and the Biennial Operating Appropriations Act. 93-21-091 (Order 93-21), § 392-140-466, filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.150.290(1). 92-03-023 (Order 92-01), § 392-140-466, filed 1/7/92, effective 2/7/92.]

**WAC 392-140-470 K-3 staff enhancement—**  
**Definition—FTE K-3 basic education enrollment.** "FTE K-3 basic education enrollment" means the school district's enrollment for October or for such other period selected by the school district on SPI Form 1160 determined as follows:

- (1) Sum FTE K-3 students reported by a school district pursuant to WAC 392-121-122; and subtract
- (2) Handicapped FTE students of ages six through eight calculated pursuant to WAC 392-122-131 based on enrollment reported by a school district pursuant to WAC 392-122-106.

[Statutory Authority: RCW 28A.150.290 and the Biennial Operating Appropriations Act. 93-21-091 (Order 93-21), § 392-140-470, filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.150.290(1). 92-03-023 (Order 92-01), § 392-140-470, filed 1/7/92, effective 2/7/92.]

**WAC 392-140-471 K-3 staff enhancement—**  
**Definition—FTE basic education certificated instructional employee.** "FTE basic education certificated instructional employee" means for a basic education certificated instructional employee as defined in WAC 392-121-210, the FTE calculated pursuant to WAC 392-121-215.

[Statutory Authority: RCW 28A.150.290 and the Biennial Operating Appropriations Act. 93-21-091 (Order 93-21), § 392-140-471, filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.150.290(1). 92-03-023 (Order 92-01), § 392-140-471, filed 1/7/92, effective 2/7/92.]

**WAC 392-140-472 K-3 staff enhancement—**  
**Definition—FTE K-3 basic education certificated instructional employee.** "FTE K-3 basic education certificated instructional employee" means for a FTE basic education certificated instructional employee the following:

- (1) If the basic education certificated instructional employee serves only K-3 students, one hundred percent of the FTE assigned to basic education; or
- (2) If the basic education certificated instructional employee serves K-3 students and students of one or more other grades, multiply the FTE assigned to basic education by:
  - (a) The proportion of time spent serving K-3 students to all time serving students;
  - (b) The proportion of K-3 students served to all students served; or
  - (c) Any combination of (a) or (b) of this subsection as appropriate.

[Statutory Authority: RCW 28A.150.290 and the Biennial Operating Appropriations Act. 93-21-091 (Order 93-21), § 392-140-472, filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.150.290(1). 92-03-023 (Order 92-01), § 392-140-472, filed 1/7/92, effective 2/7/92.]

**WAC 392-140-473 K-3 staff enhancement—**  
**Definition—FTE K-3 basic education certificated instructional staff.** "FTE K-3 basic education certificated instructional staff" means the sum of FTE K-3 basic education certificated instructional employees for a school district.

[Statutory Authority: RCW 28A.150.290 and the Biennial Operating Appropriations Act. 93-21-091 (Order 93-21), § 392-140-473, filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.150.290(1). 92-03-023 (Order 92-01), § 392-140-473, filed 1/7/92, effective 2/7/92.]

**WAC 392-140-474 K-3 staff enhancement—**  
**Definition—Average basic education certificated instructional staff salary for the purpose of apportionment.** "Average basic education certificated instructional staff salary for purpose of apportionment" means the average salary allocation amount for basic education certificated instructional staff determined by the superintendent of public instruction for general apportionment of state basic education moneys to a school district pursuant to WAC 392-121-299.

[Statutory Authority: RCW 28A.150.290 and the Biennial Operating Appropriations Act. 93-21-091 (Order 93-21), § 392-140-474, filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.150.290(1). 92-03-023 (Order 92-01), § 392-140-474, filed 1/7/92, effective 2/7/92.]

**WAC 392-140-475 K-3 staff enhancement—**

**Definition—Basic education classified instructional assistant.** "Basic education classified instructional assistant" means a person who is assigned in whole or in part to:

- (1) Program 01-basic education, 31-vocational, basic, state, or 45-skills center, basic, state; and
- (2) Activity 27-teaching; and
- (3) Duty 910-aide.

[Statutory Authority: RCW 28A.150.290 and the Biennial Operating Appropriations Act. 93-21-091 (Order 93-21), § 392-140-475, filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.150.290(1). 92-03-023 (Order 92-01), § 392-140-475, filed 1/7/92, effective 2/7/92.]

**WAC 392-140-476 K-3 staff enhancement—**

**Definition—Basic education classified instructional assistant FTE.** "Basic education classified instructional assistant FTE" means the number determined for a basic education classified instructional assistant as follows:

- (1) Multiplying the hours per day times the days per year that the employee is assigned as a basic education classified instructional assistant; and
- (2) Divide by 2080.

[Statutory Authority: RCW 28A.150.290 and the Biennial Operating Appropriations Act. 93-21-091 (Order 93-21), § 392-140-476, filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.150.290(1). 92-03-023 (Order 92-01), § 392-140-476, filed 1/7/92, effective 2/7/92.]

**WAC 392-140-477 K-3 staff enhancement—**

**Definition—FTE K-3 basic education classified instructional assistants.** "FTE K-3 basic education classified instructional assistants" means the number determined for a school district as follows:

- (1) For each basic education classified instructional assistant serving K-3 students determine an FTE as follows:
  - (a) If the basic education classified instructional assistant serves only K-3 students, one hundred percent of the FTE determined pursuant to WAC 392-140-476.

(b) If the basic education classified instructional assistant serves K-3 students and students of one or more other grades, multiply the FTE determined pursuant to WAC 392-140-476 by:

- (i) The proportion of time spent serving K-3 students to all time serving students;
- (ii) The proportion of K-3 students served to all students served; or
- (iii) Any combination of (b)(i) or (ii) of this subsection as appropriate.

(2) Sum the FTEs determined pursuant to subsection (1) of this section for all basic education classified instructional assistants of the school district.

[Statutory Authority: RCW 28A.150.290 and the Biennial Operating Appropriations Act. 93-21-091 (Order 93-21), § 392-140-477, filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.150.290(1). 92-03-023 (Order 92-01), § 392-140-477, filed 1/7/92, effective 2/7/92.]

**WAC 392-140-478 K-3 staff enhancement—**

**Definition—Instructional FTE.** As used in WAC 392-140-450 through 392-140-497, "instructional FTE" means:

(1) For a basic education certificated instructional employee, the FTE determined pursuant to WAC 392-140-471.

(2) For a basic education classified instructional assistant, the FTE determined pursuant to WAC 392-140-476.

[Statutory Authority: RCW 28A.150.290 and the Biennial Operating Appropriations Act. 93-21-091 (Order 93-21), § 392-140-478, filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.150.290(1). 92-03-023 (Order 92-01), § 392-140-478, filed 1/7/92, effective 2/7/92.]

**WAC 392-140-480 K-3 staff enhancement—**

**Definition—K-3 addition FTE.** "K-3 addition FTE" means the increase in FTE calculated pursuant to WAC 392-140-483 for a K-3 basic education certificated instructional employee or a K-3 basic education classified instructional assistant who is not reported on SPI Form S-275 (for a certificated employee) or on SPI Form S-277 (for a classified employee) or whose instructional FTE increases after October 1 of the school year.

[Statutory Authority: RCW 28A.150.290 and the Biennial Operating Appropriations Act. 93-21-091 (Order 93-21), § 392-140-480, filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.150.290(1). 92-03-023 (Order 92-01), § 392-140-480, filed 1/7/92, effective 2/7/92.]

**WAC 392-140-481 K-3 staff enhancement—**

**Definition—K-3 reduction FTE.** "K-3 reduction FTE" means the decrease in K-3 FTE calculated pursuant to WAC 392-140-483 for a basic education certificated instructional employee or a basic education classified instructional assistant who is no longer employed or whose instructional FTE decreases after October 1 of the school year.

[Statutory Authority: RCW 28A.150.290 and the Biennial Operating Appropriations Act. 93-21-091 (Order 93-21), § 392-140-481, filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.150.290(1). 92-03-023 (Order 92-01), § 392-140-481, filed 1/7/92, effective 2/7/92.]

**WAC 392-140-482 K-3 staff enhancement—**

**Definition—K-3 reassignment FTE.** "K-3 reassignment FTE" means the change in K-3 FTE calculated pursuant to WAC 392-140-483 for a basic education certificated instructional employee or a basic education classified instructional assistant after October 1 whose K-3 FTE changes as a result of reassignment but whose total instructional FTE does not change.

[Statutory Authority: RCW 28A.150.290 and the Biennial Operating Appropriations Act. 93-21-091 (Order 93-21), § 392-140-482, filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.150.290(1). 92-03-023 (Order 92-01), § 392-140-482, filed 1/7/92, effective 2/7/92.]

**WAC 392-140-483 K-3 staff enhancement—**

**Calculation of addition, reduction, and reassignment FTE.** Addition, reduction, and reassignment FTE shall be calculated as follows:

(1) Determine the K-3 basic education FTE that would have been reported for the employee on SPI Form S-275 (for a certificated instructional employee) or SPI Form S-277 (for a classified instructional assistant) if the employee had served the full academic year at the level of service after the change in service;

(2) Subtract the K-3 basic education FTE as of October 1 as reported for the employee on SPI Form S-275 (for a certificated instructional employee) or on SPI Form S-277



(for a classified instructional assistant) from the result obtained in subsection (1) of this section;

(3) Multiply the result obtained in subsection (2) of this section by the number of months remaining in the academic year that the employee serves at the level of service after the change in service, including the month of the change; and

(4) Divide the result obtained in subsection (3) of this section by nine.

[Statutory Authority: RCW 28A.150.290 and the Biennial Operating Appropriations Act. 93-21-091 (Order 93-21), § 392-140-483, filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.150.290(1). 92-03-023 (Order 92-01), § 392-140-483, filed 1/7/92, effective 2/7/92.]

**WAC 392-140-485 K-3 staff enhancement—**  
**Definition—Supplemental FTE K-3 basic education certificated instructional staff.** "Supplemental FTE K-3 basic education certificated instructional staff" means the sum of a school district's K-3 addition, reduction, and reassignment FTEs for K-3 basic education certificated instructional staff.

[Statutory Authority: RCW 28A.150.290 and the Biennial Operating Appropriations Act. 93-21-091 (Order 93-21), § 392-140-485, filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.150.290(1). 92-03-023 (Order 92-01), § 392-140-485, filed 1/7/92, effective 2/7/92.]

**WAC 392-140-486 K-3 staff enhancement—**  
**Definition—Supplemental FTE K-3 basic education classified instructional assistants.** "Supplemental FTE K-3 basic education classified instructional assistants" means the sum of a school district's K-3 addition, reduction, and reassignment FTEs for K-3 basic education classified instructional assistants.

[Statutory Authority: RCW 28A.150.290 and the Biennial Operating Appropriations Act. 93-21-091 (Order 93-21), § 392-140-486, filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.150.290(1). 92-03-023 (Order 92-01), § 392-140-486, filed 1/7/92, effective 2/7/92.]

**WAC 392-140-490 K-3 staff enhancement—**  
**Definition—K-3 certificated instructional staffing ratio.** "K-3 certificated instructional staffing ratio" means the ratio calculated for a school district for a school year as follows:

(1) Add FTE K-3 basic education certificated instructional staff as reported on SPI Form S-275 and any supplemental FTE K-3 basic education certificated instructional staff as reported on SPI Form 1158;

(2) Divide the result of subsection (1) of this section by FTE K-3 basic education enrollment; and

(3) Multiply the result obtained in subsection (2) of this section by 1000.

[Statutory Authority: RCW 28A.150.290 and the Biennial Operating Appropriations Act. 93-21-091 (Order 93-21), § 392-140-490, filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.150.290(1). 92-03-023 (Order 92-01), § 392-140-490, filed 1/7/92, effective 2/7/92.]

**WAC 392-140-491 K-3 staff enhancement—**  
**Definition—Actual average salary for basic education classified instructional assistants.** "Actual average salary for basic education classified instructional assistants" means the dollar amount determined for a school district for a school year as follows:

(1) For each basic education classified instructional assistant reported on SPI Form S-277 for the school year

multiply the hours per day times the days per year times the hourly rate as reported on Form S-277.

(2) Sum the dollar amounts determined pursuant to subsection (1) of this section; and

(3) Divide the result of subsection (2) of this section by the sum of the school district's FTE basic education classified instructional assistants for the school year as reported on Form S-277.

[Statutory Authority: RCW 28A.150.290 and the Biennial Operating Appropriations Act. 93-21-091 (Order 93-21), § 392-140-491, filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.150.290(1). 92-03-023 (Order 92-01), § 392-140-491, filed 1/7/92, effective 2/7/92.]

**WAC 392-140-492 K-3 staff enhancement—**  
**Definition—Increase in K-3 basic education classified instructional assistants from 1989-90.** "Increase in K-3 basic education classified instructional assistants from 1989-90" means the greater of zero and the number calculated for a school district as follows:

(1) Sum FTE K-3 basic education classified instructional assistants reported on SPI Form S-277 and any supplemental FTE K-3 basic education classified instructional assistants as reported on SPI Form 1158; and subtract

(2) 1989-90 K-3 basic education classified instructional assistants as reported on SPI Form 1230.

[Statutory Authority: RCW 28A.150.290 and the Biennial Operating Appropriations Act. 93-21-091 (Order 93-21), § 392-140-492, filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.150.290(1). 92-03-023 (Order 92-01), § 392-140-492, filed 1/7/92, effective 2/7/92.]

**WAC 392-140-493 K-3 staff enhancement—**  
**Definition—Recognized certificated staff ratio equivalent of increased K-3 classified instructional assistants.** "Recognized certificated staff ratio equivalent of increased K-3 classified instructional assistants" means the number calculated for a school district with a K-3 certificated instructional staffing ratio of 51.00 or greater and an increase in K-3 basic education classified instructional assistants from 1989-90 as follows:

(1) Divide the increase in K-3 basic education classified instructional assistants from 1989-90 by FTE K-3 basic education enrollment;

(2) Multiply the result of subsection (1) of this section by 1000;

(3) Multiply the result of subsection (2) of this section by the ratio of actual average salary for basic education classified instructional assistants to average basic education certificated instructional staff salary for the purpose of apportionment;

(4) The lesser of 1.30 and the result of subsection (3) of this section is the school district's recognized certificated staff ratio equivalent of increased K-3 classified instructional assistants.

[Statutory Authority: RCW 28A.150.290 and the Biennial Operating Appropriations Act. 93-21-091 (Order 93-21), § 392-140-493, filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.150.290(1). 92-03-023 (Order 92-01), § 392-140-493, filed 1/7/92, effective 2/7/92.]

**WAC 392-140-494 K-3 staff enhancement—School district reporting—Required reports.** Each school district shall report to the superintendent of public instruction on SPI Forms S-275 and S-277 the school district's FTE K-3 basic

education certificated instructional staff and FTE K-3 basic education classified instructional assistants as of October 1 of the school year. School districts shall report pursuant to instructions provided by the superintendent of public instruction.

[Statutory Authority: RCW 28A.150.290 and the Biennial Operating Appropriations Act. 93-21-091 (Order 93-21), § 392-140-494, filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.150.290(1). 92-03-023 (Order 92-01), § 392-140-494, filed 1/7/92, effective 2/7/92.]

**WAC 392-140-495 K-3 staff enhancement—School district reporting—Optional reports.** At any time prior to September 30 of the following school year school districts may report to the superintendent of public instruction:

- (1) Supplemental FTE K-3 staff for the school year on SPI Form 1158;
- (2) One of the following optional periods of enrollment on SPI Form 1160:
  - (a) Enrollment for any month of the school year; or
  - (b) Annual average enrollment for the school year; and
- (3) 1989-90 FTE K-3 classified instructional assistants on SPI Form 1230.

[Statutory Authority: RCW 28A.150.290 and the Biennial Operating Appropriations Act. 93-21-091 (Order 93-21), § 392-140-495, filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.150.290(1). 92-03-023 (Order 92-01), § 392-140-495, filed 1/7/92, effective 2/7/92.]

**WAC 392-140-496 K-3 staff enhancement—Calculation of K-3 apportionment ratios.** The superintendent of public instruction shall calculate each school district's ratio of state allocated certificated instructional staff units per one thousand K-3 students for state basic education apportionment as follows:

- (1) If the school district's K-3 certificated instructional staffing ratio is 49.00 or less, the district's K-3 apportionment ratio shall be 49.00.
- (2) If the school district's K-3 certificated instructional staffing ratio is greater than 49.00, and less than 51.00, the district's K-3 apportionment ratio shall be the same as the district's K-3 certificated instructional staffing ratio.
- (3) If the school district's K-3 certificated instructional staffing ratio is 51.00 or greater, the district's K-3 apportionment ratio shall be the lesser of:
  - (a) 54.30; and
  - (b) The sum of the district's K-3 certificated instructional staffing ratio and, if applicable, the district's recognized certificated staff ratio equivalent of increased K-3 classified instructional assistants.

[Statutory Authority: RCW 28A.150.290 and the Biennial Operating Appropriations Act. 93-21-091 (Order 93-21), § 392-140-496, filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.150.290(1). 92-03-023 (Order 92-01), § 392-140-496, filed 1/7/92, effective 2/7/92.]

**WAC 392-140-497 K-3 staff enhancement—Reporting by the superintendent of public instruction.** The superintendent of public instruction shall report to school districts as follows:

- (1) Prior to January 31 of each school year the superintendent of public instruction shall provide each school district an initial SPI Report 1159. The report shall include any supplemental data received from the school district prior to January 1 of the school year.

(2) Within thirty days of receiving any of the following data from a school district the superintendent of public instruction shall provide the school district with an interim SPI Report 1159:

- (a) Supplemental FTE K-3 staff on SPI Form 1158;
- (b) Selection of optional enrollment on SPI Form 1160;
- (c) Corrections to FTE K-3 basic education certificated instructional staff on SPI Form S-275; or
- (d) Corrections to FTE K-3 basic education classified instructional assistants on SPI Form S-277.

(3) Prior to January 1 of the following school year, the superintendent of public instruction shall provide each school district a final SPI Report 1159. The report shall include supplemental data for the school year received from the school district prior to September 30 of the following school year.

(4) Reports shall show the school district's K-3 certificated instructional staffing ratio, recognized certificated staff ratio equivalent of increased K-3 classified instructional assistants, and K-3 apportionment ratio for the school year.

[Statutory Authority: RCW 28A.150.290 and the Biennial Operating Appropriations Act. 93-21-091 (Order 93-21), § 392-140-497, filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.150.290(1). 92-03-023 (Order 92-01), § 392-140-497, filed 1/7/92, effective 2/7/92.]

## Chapter 392-142 WAC

### TRANSPORTATION—REPLACEMENT AND DEPRECIATION ALLOCATION

#### WAC

392-142-240

Calculation of annual state depreciation payment for district-owned school buses purchased after September 1, 1982.

**WAC 392-142-240 Calculation of annual state depreciation payment for district-owned school buses purchased after September 1, 1982.** The superintendent of public instruction shall calculate each school district's annual state depreciation payment for district-owned school buses purchased after September 1, 1982, as follows:

- (1)(a) For district-owned school buses issued a school bus operation permit prior to the fifteenth of the month of the current school year place each school bus in the appropriate school bus category set forth in WAC 392-142-155;
- (b) Add the state-determined price for the appropriate school bus category determined in (a) of this subsection to the state-determined handicapped equipment price if any;
- (c) Divide the result obtained in (b) of this subsection by the useful lifetime in months determined in (a) of this subsection; and
- (d) Multiply the result obtained in (c) of this subsection by the number of months remaining in the school year.
- (2)(a) For school buses issued a school bus operation permit prior to the current school year place each school bus in the appropriate school bus category set forth in WAC 392-142-155;
- (b) Add the state-determined price for the appropriate school bus category determined in (a) of this subsection to the state-determined handicapped equipment price if any;

(c) Divide the result obtained in (b) of this subsection by the useful lifetime in months determined in (a) of this subsection;

(d) Multiply the result obtained in (c) of this subsection by the total number of months the school bus has been on the depreciation schedule including the months for the current school year;

(e) Subtract from the result obtained in (d) of this subsection the total school bus depreciation payments made in prior school years;

(f) Subtract from the result obtained in (d) of this subsection the imputed interest earnings; and

(g) Subtract from the result obtained in (f) of this subsection the salvage value of the school bus if the current school year is the final year of the vehicle's useful life.

[Statutory Authority: RCW 28A.150.290 and 28A.160-130-200. 93-13-083 (Order 93-10), § 392-142-240, filed 6/18/93, effective 7/19/93. Statutory Authority: RCW 28A.41.170 and 28A.41.540. 90-02-077 (Order 21), § 392-142-240, filed 1/2/90, effective 2/2/90.]

### Chapter 392-145 WAC

#### TRANSPORTATION—OPERATION RULES

##### WAC

392-145-030 Additional rules for school bus drivers.

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

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

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

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

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

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

(3) No bus shall stop on a curve or a hill where visibility is not at least 500 feet. If it is impossible to secure a distance of at least 500 feet for a bus stop, the school authorities, the state patrol and the traffic engineering department of the jurisdiction responsible for the roadway shall be advised and the stop shall be changed or proper signs installed.

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

(5) Prior to stopping the school bus on the roadway for the purpose of receiving or discharging passengers, school bus drivers shall activate the alternating amber flashing warning lamps by means of a master sequencing switch. The driver shall activate the amber warning lamps:

(a) No less than 100 feet and no more than 300 feet from the bus stop where the posted speed limit is 35 miles per hour or less; and

(b) No less than 300 feet and no more than 500 feet from the bus stop where the posted speed limit is more than 35 miles per hour.

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

(7) The stop sign and red, alternately flashing lamps shall be displayed whenever a school bus is stopped on the roadway to receive or discharge school children.

(8) Whenever school children have to cross the roadway, the school bus shall stop on the roadway and display the stop sign and red, alternately flashing lamps. A school bus driver shall not allow school children to cross any roadway having three or more marked traffic lanes or any highway divided into separate roadways as provided in RCW 46.61.150.

(9) The stop sign and red, alternately flashing lamps on a school bus shall not be used to indicate that the bus is going to stop.

(10) Amber, simultaneously flashing hazard warning lamps shall be activated whenever a school bus is stopped off the roadway to receive or discharge school children.

(11) School bus drivers shall proceed with caution when passing or meeting a school bus but are not required to come to a stop unless the school bus stop sign and red flashing lights of the other bus are displayed.

(12) In order to lessen the potential for collisions, school bus drivers may use 4-way hazard warning lights within 500 feet prior to stopping for a railroad crossing or where a special hazard exists such as dense traffic conditions or adverse weather conditions, or where the necessary school bus speed is substantially below the posted speed limit. This procedure shall be used only on buses equipped with amber 4-way hazard warning lights on the front and rear of the school bus.

[Statutory Authority: RCW 46.61.380. 93-05-023 (Order 93-03), § 392-145-030, filed 2/11/93, effective 3/14/93. Statutory Authority: RCW 46.61.380, 46.61.370 and Title 28A RCW. 91-06-032 (Order 45), § 392-145-030, filed 2/26/91, effective 3/29/91. Statutory Authority: RCW 46.61.380. 84-20-082 (Order 84-40), § 392-145-030, filed 10/2/84; 80-09-081 (Order 80-28), § 392-145-030, filed 7/21/80; 79-12-006 (Order 10-79), § 392-145-030, filed 11/9/79; Order 19-76, § 392-145-030, filed 12/31/76; Order 7-75, § 392-145-030, filed 12/22/75. Formerly WAC 392-22-010 (part) and 392-22-100 (part).]

### 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

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**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 Elementary and Secondary School Improvement amendments of 1988 and accompanying federal rules and regulations, particularly 34 CFR Parts 200, 201, and 203 and 74.60-61 and Appendix 76.

[Statutory Authority: RCW 28A.300.070. 93-21-088 (Order 93-17), § 392-164-105, filed 10/20/93, effective 11/20/93. 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 including but not limited to provisions of time and effort found in OMB Circular A-87, attachment B, Paragraph (B)(10).

[Statutory Authority: RCW 28A.300.070. 93-21-088 (Order 93-17), § 392-164-115, filed 10/20/93, effective 11/20/93. 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 100-97 and subsequent amendments, commonly referred to as Chapter 1 of the Elementary and Secondary School Improvement amendments of 1988, which provide financial assistance to state educational agencies to meet special educational needs of migratory children.

[Statutory Authority: RCW 28A.300.070. 93-21-088 (Order 93-17), § 392-164-120, filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.02.100. 88-13-089 (Order 88-16), § 392-164-120, 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 educational 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.300.070. 93-21-088 (Order 93-17), § 392-164-165, filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.02.100. 88-13-089 (Order 88-16), § 392-164-165, 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) and referred to for accounting purposes as the third field of uniform expenditure classification.

[Statutory Authority: RCW 28A.300.070. 93-21-088 (Order 93-17), § 392-164-185, filed 10/20/93, effective 11/20/93. 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) and referred to for accounting purposes as the second field of uniform expenditure classification.

[Statutory Authority: RCW 28A.300.070. 93-21-088 (Order 93-17), § 392-164-190, filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.02.100. 88-13-089 (Order 88-16), § 392-164-190, filed 6/20/88.]

**WAC 392-164-205 Service model—Definition.** 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.300.070. 93-21-088 (Order 93-17), § 392-164-205, filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.02.100. 88-13-089 (Order 88-16), § 392-164-205, filed 6/20/88.]

**WAC 392-164-225 Academic instruction—Definition.** As used in this chapter, the term "academic instruction" means reading, oral language development, language arts, mathematics, basic and advanced skills: *Provided*, That other areas of basic education instruction identified in RCW 28A.150.220, 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.300.070. 93-21-088 (Order 93-17), § 392-164-225, filed 10/20/93, effective 11/20/93. Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-164-225, filed 7/19/90, effective 8/19/90. 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 demonstrated by written and oral tests if reasonable, as in the greatest need of special assistance.

[Statutory Authority: RCW 28A.300.070. 93-21-088 (Order 93-17), § 392-164-230, filed 10/20/93, effective 11/20/93. 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, design, 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.300.070. 93-21-088 (Order 93-17), § 392-164-235, filed 10/20/93, effective 11/20/93. 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 eligible migratory 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.300.070. 93-21-088 (Order 93-17), § 392-164-240, filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.02.100. 88-13-089 (Order 88-16), § 392-164-240, 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 by November 30 on forms provided by the superintendent of public instruction. No application submitted after November 30 will be considered for the current school year.

[Statutory Authority: RCW 28A.300.070. 93-21-088 (Order 93-17), § 392-164-255, filed 10/20/93, effective 11/20/93. 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, based on local needs assessment will include 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.
  - (d) Advanced skills which include reasoning, analysis, interpretation, problem-solving, and decision making as they relate to particular subjects.
  - (e) Desired outcomes expressed in measurable terms for all aspects of the migrant program including support services and early childhood.
  - (f) A separate summary of the project components designed to meet unmet needs of currently migratory children expected to be served.
- (2) An appropriate budget displayed on FORM SPI F-1000B.
- (3) The assurances in section 556(b)(2) through (b)(5) of Chapter 1 of the Elementary and Secondary School Improvement amendments of 1988.
- (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.

(8) Descriptive outcomes for all migrant children in terms of advanced skills.

(9) A description of how the district will remediate the unmet needs of currently migratory children.

[Statutory Authority: RCW 28A.300.070. 93-21-088 (Order 93-17), § 392-164-260, filed 10/20/93, effective 11/20/93. 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) 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;
    - (iv) Monitoring reports to determine if the local school district or subgrantee has incorporated recommendations to remedy weaknesses in previous projects into their current proposal;
    - (v) 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;
    - (vi) State plan to determine whether the scope of services planned at the local school district or subgrantee level is within approved state priorities; and
    - (vii) 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.300.070. 93-21-088 (Order 93-17), § 392-164-265, filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.02.100. 88-13-089 (Order 88-16), § 392-164-265, 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 complete applications received prior to July 1, or the subsequent date on which the complete application is received by the superintendent of public instruction provided it is before November 30 of the current year.

(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.300.070. 93-21-088 (Order 93-17), § 392-164-285, filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.02.100. 88-13-089 (Order 88-16), § 392-164-285, filed 6/20/88.]

**WAC 392-164-300 Budget revision—Ten percent allowed.** Using either an object or activity subtotal from FORM SPI F-1000B. School districts or other subgrantees may make annual expenditure adjustments of up to ten percent per activity line or object column in any of the previously budgeted activity lines or object column totals within the approved annual application without filing a request for a budget revision with the superintendent of public instruction. Any object or activity revisions in excess of ten percent require previous approval from the superintendent of public instruction.

[Statutory Authority: RCW 28A.300.070. 93-21-088 (Order 93-17), § 392-164-300, filed 10/20/93, effective 11/20/93. 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 or no later than August 31 of the current year 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 ten percent of the expenditures among activities or objects totals; or

(3) Expend money in any object or activity where no moneys were budgeted in the approved application.

[Statutory Authority: RCW 28A.300.070. 93-21-088 (Order 93-17), § 392-164-305, filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.02.100. 88-13-089 (Order 88-16), § 392-164-305, 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 or staff F.T.E.s.

(4) Increasing the number of students served in the Chapter 1 Migrant program to such an extent that the district must exceed the ten 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.300.070. 93-21-088 (Order 93-17), § 392-164-315, filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.02.100. 88-13-089 (Order 88-16), § 392-164-315, 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 educational 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.300.070. 93-21-088 (Order 93-17), § 392-164-345, filed 10/20/93, effective 11/20/93. 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 Elementary and Secondary School Improvement amendments of 1988.

[Statutory Authority: RCW 28A.300.070. 93-21-088 (Order 93-17), § 392-164-350, filed 10/20/93, effective 11/20/93. 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 the Single Audit Act of 1984 and related regulations including but not limited to chapter 392-115 WAC.

[Statutory Authority: RCW 28A.300.070. 93-21-088 (Order 93-17), § 392-164-355, filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.02.100. 88-13-089 (Order 88-16), § 392-164-355, filed 6/20/88.]

**WAC 392-164-368 Consultation with parents.** To meet the expanded parental involvement required in Section 1016, ESSIA 1988 each agency receiving Chapter 1 Migrant funds must develop procedures for organized, ongoing, systematic informed, and timely consultations with parents of participating children.

These written procedures must be made available to parents and guardians of participating children.

Parent involvement must be developed with, and based on proposed and final applications, needs assessment documentation, budgetary information, evaluation data, local, state, and federal laws, regulations, policies, and directives, and other information deemed necessary for effective involvement.

Methods for obtaining full participation of parents must be of sufficient size, scope, and quality to give reasonable promise of substantial progress toward achieving the parental involvement goals in Section 299.34 (a)(3) and (b) and Section 201.35 (c).

[Statutory Authority: RCW 28A.300.070. 93-21-088 (Order 93-17), § 392-164-368, filed 10/20/93, effective 11/20/93.]

**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 districts and educational service 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 with final approval given by 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.300.070. 93-21-088 (Order 93-17), § 392-164-375, filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.02.100. 88-13-089 (Order 88-16), § 392-164-375, 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 conduct evaluations that assess the overall progress of participating migrant children in grade two through twelve, including education progress, in terms of instructional services and support services.

The evaluation design for the regular school year instructional program must include:

(1) Objective measures of educational progress of project participants (including achievement in basic skills) as measured, if possible, over a twelve-month testing interval through the use of forms of state or national normal achievement tests. If this is not possible the LEA or operating agency may use other acceptable measures of educational progress of migrant children, such as changes in attendance patterns, drop-out rates, and objectively applied indicators of student achievement;

(2) Migrant summer schools, to the extent possible, must follow the same guidelines; and

(3) During either regular or summer terms, the evaluation design for support service components must include measures of the effects on project participants that are consistent with the defined support objectives. 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.300.070. 93-21-088 (Order 93-17), § 392-164-390, filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.02.100. 88-13-089 (Order 88-16), § 392-164-390, filed 6/20/88.]

**WAC 392-164-420 General requirements for new program.** To develop and implement a new migrant program, a local school district or operating agency must do the following:

(1) Identify ten or more currently migrant students;

(2) Do a needs assessment which will show what needs can be met in basic education, other specially funded

programs, and determine if special unmet needs unique to the migrant life still exist.

If so, the LEA may design a migrant education program based on this needs assessment that will be of a size, scope, and quality to give reasonable promise of substantial progress toward meeting the special needs of the identified migrant pupils.

[Statutory Authority: RCW 28A.300.070. 93-21-088 (Order 93-17), § 392-164-420, filed 10/20/93, effective 11/20/93.]

**WAC 392-164-425 Subgrant allocation formula.** Each year an allocation formula based on pupils served, types of migrant pupils, current district enrollments for January will be used to determine the maximum subgrant funds available to LEAs. The actual amount granted to each subgrant will be determined by the needs assessment in each LEA.

[Statutory Authority: RCW 28A.300.070. 93-21-088 (Order 93-17), § 392-164-425, filed 10/20/93, effective 11/20/93.]

**WAC 392-164-430 Supply purchase.** All supplies, materials, and equipment for current year program must be purchased before March 1. An unexpected spring influx or a summer school are the only exceptions under which approval will be granted and will require SPI's prior approval.

[Statutory Authority: RCW 28A.300.070. 93-21-088 (Order 93-17), § 392-164-430, filed 10/20/93, effective 11/20/93.]

## Chapter 392-167A WAC

### SPECIAL SERVICES—FAIR START EARLY PREVENTION AND INTERVENTION

#### WAC

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392-167A-025	Definition—Elementary level.
392-167A-030	Definition—Early intervention services.
392-167A-035	Definition—Prevention services.
392-167A-040	Definition—Supplant.
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392-167A-050	Applications for funding—Annual deadline and required contents.
392-167A-055	Applications for funding—Required information.
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392-167A-065	Applications for funding—Approval or disapproval.
392-167A-070	Apportionment of state moneys.
392-167A-075	Allowable expenditures.
392-167A-080	Application revisions.
392-167A-085	Expenditures and accounting.
392-167A-090	End of year report.

**WAC 392-167A-005 Authority.** The authority for this chapter is RCW 28A.600.425 which authorizes the superintendent of public instruction to adopt rules and regulations for the implementation of the fair start program.

[Statutory Authority: RCW 28A.600.425. 93-12-016 (Order 93-08), § 392-167A-005, filed 5/21/93, effective 6/21/93.]

**WAC 392-167A-010 Purpose.** The purpose of this chapter is to establish policies and procedures for implementation of the fair start program consisting of early prevention and intervention services for elementary level students.

[Statutory Authority: RCW 28A.600.425. 93-12-016 (Order 93-08), § 392-167A-010, filed 5/21/93, effective 6/21/93.]

**WAC 392-167A-015 Definition—Fair start program.** As used in this chapter, the term "fair start program" means a district-wide program or plan of early detection, prevention, and intervention of learning, emotional, environmental, social, or physical problems of elementary students, that addresses student and family needs; the appropriate use and roles of child intervention specialists, including training and necessary supervision; interprofessional cooperation; and interagency, public and private, collaboration and coordination of the planning, delivery, and evaluation of programs and services.

[Statutory Authority: RCW 28A.600.425. 93-12-016 (Order 93-08), § 392-167A-015, filed 5/21/93, effective 6/21/93.]

**WAC 392-167A-020 Definition—Child intervention specialists or community based human service provider.** As used in this chapter, a "child intervention specialist" or "community based human service provider" means a person who provides early prevention and intervention services that include, but are not limited to, services provided by:

- (1) School counselors;
- (2) School psychologists;
- (3) School nurses;
- (4) School social workers;
- (5) Health care providers;
- (6) Licensed mental health professionals;
- (7) Child psychiatrists;
- (8) Social service caseworkers or social workers.

[Statutory Authority: RCW 28A.600.425. 93-12-016 (Order 93-08), § 392-167A-020, filed 5/21/93, effective 6/21/93.]

**WAC 392-167A-025 Definition—Elementary level.** As used in this chapter, "elementary level" means kindergarten through grade six, and may include preschool age children served by school districts.

[Statutory Authority: RCW 28A.600.425. 93-12-016 (Order 93-08), § 392-167A-025, filed 5/21/93, effective 6/21/93.]

**WAC 392-167A-030 Definition—Early intervention services.** As used in this chapter, "early intervention services" means services that are provided to address social and emotional factors that can affect student performance and behavior and that are provided as problems emerge.

[Statutory Authority: RCW 28A.600.425. 93-12-016 (Order 93-08), § 392-167A-030, filed 5/21/93, effective 6/21/93.]

**WAC 392-167A-035 Definition—Prevention services.** As used in this chapter, "prevention services" means services that are provided to address social, emotional factors that can affect students' performance and behavior and that are provided to elementary level students before problems occur.

[Statutory Authority: RCW 28A.600.425. 93-12-016 (Order 93-08), § 392-167A-035, filed 5/21/93, effective 6/21/93.]

**WAC 392-167A-040 Definition—Supplant.** As used in this chapter, the term "supplant" means the use of moneys made available under this chapter to replace moneys supporting an existing program or activity addressing early prevention and intervention programs. However, districts currently providing services for early prevention and intervention services that lose the source of funding for reasons beyond the control of the district may use fair start funding to continue or enhance the existing level of prevention and intervention service.

[Statutory Authority: RCW 28A.600.425. 93-12-016 (Order 93-08), § 392-167A-040, filed 5/21/93, effective 6/21/93.]

**WAC 392-167A-045 Applications for funding—Qualified applicants.** School districts which enroll more than one thousand full-time equivalent students may apply for fair start program funding individually or cooperatively with one or more other school districts. School districts which enroll less than one thousand full-time equivalent students shall first enter into a cooperative agreement with the appropriate educational service district which, in turn, may apply for fair start program funding. An application by or in behalf of a cooperative shall be submitted by the district which is primarily responsible for administering the cooperative, which shall be the appropriate educational service district in the case of cooperatives which include one or more school districts which enroll less than one thousand full-time equivalent students, and shall be signed by the superintendent of each cooperative member district.

[Statutory Authority: RCW 28A.600.425. 93-12-016 (Order 93-08), § 392-167A-045, filed 5/21/93, effective 6/21/93.]

**WAC 392-167A-050 Applications for funding—Annual deadline and required contents.** School districts and educational service districts shall annually submit applications for fair start program funding to the superintendent of public instruction on or before June 30 preceding the school year for which funding is sought. Applications shall contain the information required by WAC 392-167A-055 and the assurances required by WAC 392-167A-060.

[Statutory Authority: RCW 28A.600.425. 93-12-016 (Order 93-08), § 392-167A-050, filed 5/21/93, effective 6/21/93.]

**WAC 392-167A-055 Applications for funding—Required information.** Applications for fair start program funding shall include the following information:

- (1) A comprehensive needs assessment which identifies the early prevention and intervention needs of the district or the districts in the case of cooperative programs;
- (2) The goals of the school district or districts respecting prevention and early intervention services for elementary students;
- (3) The district's or districts' plan, based on the goals, for providing prevention and early intervention services to students;
- (4) Documentation such as meeting minutes that community-based public and/or private human service providers, district-level and building-level staff and adminis-

trators, and parents participated in developing the goals and plan;

(5) Documentation of one or more interagency agreements between school or educational service districts, and one or more public or private community based human service providers, to provide prevention and early intervention services to elementary level students;

(6) The district's or districts' procedures for notifying parents or guardians regarding the referral of students for prevention and intervention services, and of the duties or responsibilities of school districts, students and parents or guardians relating to the provision of prevention and early intervention services to students off school premises;

(7) A narrative description of the prevention and early intervention services for which fair start program funding is requested, including related multicultural in-service training as necessary or appropriate or other related in-service training;

(8) A proposed budget by object and activity for the expenditure of fair start program funds;

(9) A description of the method to be used to annually evaluate the effectiveness of the district's or districts' fair start program; and

(10) The educational service district application shall include a list of the school districts being served by the ESD.

[Statutory Authority: RCW 28A.600.425. 93-12-016 (Order 93-08), § 392-167A-055, filed 5/21/93, effective 6/21/93.]

**WAC 392-167A-060 Applications for funding—Required assurances.** Applications for fair start program funding shall include assurances that:

(1) To the greatest extent possible the district or districts delivery of prevention and early intervention services to elementary level students:

- (a) Shall not duplicate any other program;
- (b) Shall be consistent with the applicable children's mental health delivery system developed under chapter 71.36 RCW;

(c) Shall emphasize the most efficient and cost-effective use of fair start program moneys; and

(d) Shall be provided on a twelve-month basis.

(2) Priority for fair start program services shall be given to students in the greatest of need pursuant to criteria determining need established by the district or districts;

(3) Health care services funded with fair start program moneys shall be limited to services and information relating to nutrition and poor health;

(4) Fair start program funds shall not be used to supplant other funding used by the district or districts for prevention and early intervention program purposes;

(5) An annual evaluation of the effectiveness of a district's or districts' fair start program will be completed and provided to the superintendent of public instruction on or before October 15; and

(6) An annual end of the year report as provided at WAC 392-167A-085 will be completed and provided to the superintendent of public instruction on or before October 15.

[Statutory Authority: RCW 28A.600.425. 93-12-016 (Order 93-08), § 392-167A-060, filed 5/21/93, effective 6/21/93.]

**WAC 392-167A-065 Applications for funding—Approval or disapproval.** Applications for fair start program funding that meet the requirements of this chapter shall be approved by the superintendent of public instruction. All applicants for fair start program funding shall be annually notified of the approval or disapproval of their application.

[Statutory Authority: RCW 28A.600.425. 93-12-016 (Order 93-08), § 392-167A-065, filed 5/21/93, effective 6/21/93.]

**WAC 392-167A-070 Apportionment of state moneys.** State moneys for the fair start program shall be apportioned to districts pursuant to chapter 392-122 WAC. The provision of chapter 392-117 WAC, Timely reporting, apply to apportionment of state moneys. Failure to report in the form and by the due dates required in this chapter can result in reduction, delay, or recovery of state moneys.

[Statutory Authority: RCW 28A.600.425. 93-12-016 (Order 93-08), § 392-167A-070, filed 5/21/93, effective 6/21/93.]

**WAC 392-167A-075 Allowable expenditures.** Fair start program funding granted to school districts and educational service districts shall be used only for expenditures approved on the program budget document included in the application. If a school district or educational service district expends fair start program funds for an early prevention and intervention program in a nonallowable category the amount of the nonallowable expenditure will be recovered by the superintendent after the end of the school fiscal year.

[Statutory Authority: RCW 28A.600.425. 93-12-016 (Order 93-08), § 392-167A-075, filed 5/21/93, effective 6/21/93.]

**WAC 392-167A-080 Application revisions.** A district requesting approval for change in its fair start program application shall submit a request for revision of the application to the superintendent of public instruction. Application revisions shall not be granted after March 15 of any school year.

[Statutory Authority: RCW 28A.600.425. 93-12-016 (Order 93-08), § 392-167A-080, filed 5/21/93, effective 6/21/93.]

**WAC 392-167A-085 Expenditures and accounting.** Allowable expenditures for the early prevention and intervention program shall meet the following requirements:

(1) Expenditures are for services which include but are not limited to services provided by school counselors, school psychologists, school nurses, school social workers, licensed mental health professionals, child psychiatrists, appropriate health care providers, and social service case workers or social workers under contract.

(2) Expenditures for additional staff, to contract for staff and services, or to conduct training related to the district's early prevention and intervention program including multicultural inservice training when appropriate.

(3) Direct expenditures are accounted for as follows:

(a) School district expenditures are accounted for the following program, activity, and object combinations as defined in the *Accounting Manual for Public School Districts* in the state of Washington:

(i) Program: 58 - Special and pilot programs, state

(ii) Activity: 21 - Supervision  
24 - Guidance and counseling  
25 - Psych-speech-hearing psychology, services  
26 - Health services  
27 - Teaching

(iii) Object: Any object expenditure with the exception of:  
0 - Debit transfer  
9 - Capital outlay

(b) Educational service district expenditures are accounted for in the following program, activity, and object for expenditure combinations as defined in the *Accounting Manual for Educational Service Districts* in the state of Washington:

(i) Program: 40 - Student counseling and testing

(ii) Activity: 21 - Staff development  
98 - General support

(iii) Any object of expenditure with the exception of:  
0 - Debit transfer  
9 - Capital outlay

(4) Indirect expenditures attributable to fair start services may be charged at a maximum rate of five percent for school districts and nine percent for educational service districts. School districts and educational service districts that charge indirect costs to the fair start program shall maintain records documenting the use of such moneys and report to the superintendent in the required end of year report.

[Statutory Authority: RCW 28A.600.425. 93-12-016 (Order 93-08), § 392-167A-085, filed 5/21/93, effective 6/21/93.]

**WAC 392-167A-090 End of year report.** School districts and educational service districts shall submit an end of year report on form SPI 1195E provided by the superintendent of public instruction. Such reports shall include:

(1) The number of full time equivalent (FTE) certified and classified staff involved in the program;

(2) Number of students referred to child protective service;

(3) Number of students referred to office for disruptive behavior;

(4) Number of students referred to special education for services;

(5) Number of students suspended from school;

(6) The actual expenditures (Form SPI 1102E) by object and activity; and

(7) Other information as required by the superintendent consistent with the responsibilities for administering the fair start program. This report is due to the superintendent no later than October 15 of each year.

[Statutory Authority: RCW 28A.600.425. 93-12-016 (Order 93-08), § 392-167A-090, filed 5/21/93, effective 6/21/93.]

## Chapter 392-168 WAC

SPECIAL SERVICE PROGRAMS—CITIZEN  
COMPLAINT PROCEDURE FOR CERTAIN  
CATEGORICAL FEDERAL PROGRAMS

## WAC

392-168-110	Purpose.
392-168-115	Applicability.
392-168-132	Informing citizens about complaint procedures.
392-168-167	General responsibilities of superintendent of public instruction.

**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, 34 CFR 300.660 through 662, Individuals with Disabilities Education Act, and with the Hatch Amendment.

[Statutory Authority: Chapter 28A.155 RCW. 93-19-065 (Order 93-15), § 392-168-110, filed 9/13/93, effective 10/14/93. Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-168-110, filed 11/2/89, effective 12/3/89. 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 Individuals with Disabilities Education Act, Assistance to States for Education of Students with Disabilities;

(5) Section 619 of the Individuals with Disabilities Education 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: Chapter 28A.155 RCW. 93-19-065 (Order 93-15), § 392-168-115, filed 9/13/93, effective 10/14/93. Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-168-115, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.02.100. 88-09-042 (Order 88-13), § 392-168-115, filed 4/18/88.]

**WAC 392-168-132 Informing citizens about complaint procedures.** The superintendent of public instruction shall inform parents and other interested individuals about the citizen complaint procedures in this chapter. Specific actions to be taken by the superintendent of public instruction include:

(1) Disseminating copies of the state's procedures to parent, advocacy, and professional organizations;

(2) Conducting inservice training sessions on the complaint process through educational service districts; and

(3) Including information about the system in state-wide conferences.

[Statutory Authority: Chapter 28A.155 RCW. 93-19-065 (Order 93-15), § 392-168-132, filed 9/13/93, effective 10/14/93.]

**WAC 392-168-167 General responsibilities of superintendent of public instruction.** In implementing the appeals process, the superintendent of public instruction shall:

(1) Give the complainant the opportunity to submit additional information, either orally or in writing, about the allegations in the complaint;

(2) Review all relevant information and make an independent determination as to whether the public agency is violating a requirement of part B of the Individuals with Disabilities Education Act or of this part; and

(3) Consistent with the provisions of WAC 392-168-170 through 392-168-185, issue a written decision to the complainant that addresses each allegation in the complaint and contains:

(a) Findings of fact and conclusions; and

(b) The reasons for the state's final decision.

[Statutory Authority: Chapter 28A.155 RCW. 93-19-065 (Order 93-15), § 392-168-167, filed 9/13/93, effective 10/14/93.]

## Chapter 392-171 WAC

SPECIAL EDUCATION PROGRAMS—EDUCATION  
FOR ALL HANDICAPPED CHILDREN

## WAC

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392-171-925	Data system on personnel and personnel development.
392-171-930	Other sources of annual needs assessment data.
392-171-935	Report of current and projected personnel needs.
392-171-940	Administration of continuing education.
392-171-945	Personnel development plan.
392-171-950	Provision of technical assistance.
392-171-955	Personnel standards.
392-171-960	Professional standards review.

# DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

392-171-384	Distinction between developmentally handicapped and communication disorder—Reassessment of developmentally delayed upon entry to first grade. [Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-171-384, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.13.070(7). 84-14-036 (Order 84-19), § 392-171-384, filed 6/28/84.] Repealed by 93-19-063 (Order 93-13), filed 9/13/93, effective 10/14/93. Statutory Authority: Chapter 28A.155 RCW.
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**WAC 392-171-300 Purposes.** The purposes of this chapter are:

- (1) To implement chapter 28A.155 RCW in a manner that is compatible also with the federal Individuals with Disabilities Education Act, 20 United States Code (USC) section 1401 et seq. (PL 94-142);
- (2) To assure that all students with disabilities as defined in this chapter have an opportunity for a free and appropriate education at public expense (i.e., free special education and related services) to meet their unique needs;
- (3) To assure that the rights of students with disabilities and their parents are protected;
- (4) To assist school districts and others to provide for the education of all students with disabilities;
- (5) To assess and assure the effectiveness of efforts to educate students with disabilities; and
- (6) To be applicable to all education programs for students with disabilities established pursuant to law and operated by the common school districts or on behalf of the common school districts, including the state residential school programs established and operated pursuant to RCW 28A.190.020 et seq.

[Statutory Authority: Chapter 28A.155 RCW. 93-19-063 (Order 93-13), § 392-171-300, filed 9/13/93, effective 10/14/93. Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-171-300, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-171-300, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.13.070(7). 80-11-054 (Order 80-31), § 392-171-300, filed 8/19/80. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-300, filed 10/31/78.]

**WAC 392-171-305 Advisory council.** (1) Council established—The special education state advisory council is hereby established in order to help facilitate the provision of special education and related services to meet the unique needs, abilities, and limitations of students with disabilities.

(2) Membership—The membership of the council shall include at least one representative of each of the following groups or entities:

- (a) Individuals with disabilities;
- (b) Teachers of students with disabilities;
- (c) Parents of students with disabilities;
- (d) Local administrators of special education programs;
- (e) Support services personnel;
- (f) Superintendents;
- (g) Principals;
- (h) Nonpublic schools serving students with disabilities;
- (i) School directors;
- (j) Institutions of higher education;
- (k) Department of social and health services;
- (l) The medical profession; and



(m) Other individuals or groups as may hereafter be designated and approved by the superintendent of public instruction.

(3) Functions—The council's purposes are:

(a) To advise the superintendent of public instruction and make recommendations on all matters related to special education and specifically advise the superintendent of unmet needs within the state in the education of students with disabilities;

(b) Comment publicly on the state's annual program plan, state rules regarding the education of students with disabilities, and the procedures for distribution of funds; and

(c) Assist the state in developing and reporting such information and evaluations as may assist the federal government.

(4) Organization—The council shall conduct its affairs in accordance with bylaws approved by the superintendent of public instruction. To assure that maximum information and recommendations are provided to the superintendent of public instruction, the state advisory council shall have the authority to recommend the design of its organization and to appoint subcommittees from its membership for carrying out council responsibilities. Ad hoc subcommittees with membership other than council members may be appointed: *Provided*, That the superintendent of public instruction or his or her designee has given prior approval for such appointments.

[Statutory Authority: Chapter 28A.155 RCW. 93-19-063 (Order 93-13), § 392-171-305, filed 9/13/93, effective 10/14/93. Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-171-305, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-305, filed 10/31/78.]

**WAC 392-171-310 Definitions of "free appropriate, public education," "adult student," "student with disabilities," "parent," and "school district."** As used in this chapter:

(1) "Free appropriate, public education" means special education and related services which:

(a) Are provided at public expense, under local school district supervision and direction, and without charge;

(b) Meet the standards of the state educational agency, including the requirements of this chapter;

(c) Include preschool, elementary school, or secondary school education in the state; and

(d) Are provided in conformity with an individualized education program which meet the requirements of WAC 392-171-461.

(2) "Adult student" means a student with disabilities who is eighteen, nineteen, or twenty years of age, except as provided for in WAC 392-171-331, and who has not been judged incompetent by a court of law or otherwise judged by a court of law as being incapable of assuming and exercising the rights, duties and responsibilities otherwise granted to and imposed upon parents by this chapter (a student shall assume and be entitled to exercise all rights, duties and responsibilities otherwise granted to or imposed upon parents by this chapter upon attaining the age of eighteen and shall retain and be entitled to exercise the same until he or she has been judged incompetent or otherwise incapable of exercising the same by a court of law).

(3) "Student with disabilities" and "student" (depending upon the context in which the terms are used) mean:

(a) A person under the age of twenty-one, except as provided for in WAC 392-171-331, who has been determined pursuant to this chapter to have one or more of the disabilities set forth in WAC 392-171-381 through 392-171-451 and to be in need of special education and related services; or

(b) A person under the age of twenty-one who has become a focus of concern and who may have one or more of the disabilities set forth in WAC 392-171-381 through 392-171-451 in the judgment of the school district superintendent or his or her designee, or the parent(s), or the adult student; or

(c) A person under the age of twenty-one, except as provided for in WAC 392-171-331, who resides in a residential school serving students with disabilities in accordance with RCW 28A.190.020 et seq.; who also qualifies pursuant to (a) of this subsection.

(d) The foregoing categories of persons—notwithstanding the fact the person(s) may not be enrolled in or attending school in the normal sense of the term "student."

(4) "Parent" means a parent, a guardian, an adult person acting as a parent, or a surrogate parent who has been appointed in accordance with WAC 392-171-581, who represents a nonadult student. The term does not include the state if the student is a ward of the state. The term does include persons acting in the place of a parent, such as a grandparent or stepparent with whom a student lives, as well as persons who are legally responsible for a student's welfare.

(5) "School district" means:

(a) Each public school district in the state;

(b) Each educational service district that provides special education or related services to one or more students with disabilities; and

(c) Each public or private organization or entity or person who provides special education and/or related services to one or more students with disabilities in behalf of a public school district—even though such public school district, educational service district, or public or private organization or entity or person does not receive federal funds made available for the purposes of the Individuals with Disabilities Education Act.

[Statutory Authority: Chapter 28A.155 RCW. 93-19-063 (Order 93-13), § 392-171-310, filed 9/13/93, effective 10/14/93. Statutory Authority: RCW 28A.13.070(7) and chapter 28A.13 RCW. 90-16-045 (Order 17), § 392-171-310, filed 7/25/90, effective 7/25/90. Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-171-310, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-171-310, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.13.070(7). 80-11-054 (Order 80-31), § 392-171-310, filed 8/19/80. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-310, filed 10/31/78.]

**WAC 392-171-315 Definition of "special education."** As used in this chapter "special education" means specially designed instruction, at no cost to the parent or the student, to meet the unique needs, abilities, and limitations of a student having a disabling condition, including classroom and itinerant instruction, instruction in physical education, home instruction, instruction in hospitals and institutions, and instruction in other settings. The term



includes communication disorders services, physical and occupational therapy, orientation and mobility instruction, behavioral intervention, and audiological services. The term also includes career development and vocational education if either consists of specially designed instruction, at no cost to the parents or the student, to meet the unique needs of a student with disabilities.

The terms in the definition of "special education" are defined as follows:

(1) "Specially designed instruction" means organized and planned teaching and/or training activities to meet the unique needs, abilities, and limitations of the student with disabilities. The term does not include diagnostic or assessment activities, related services per se, or materials preparation. Specially designed instruction shall be provided as follows:

(a) Regular classroom. Provided directly by certificated and/or licensed special education personnel or by regular certificated teachers and/or classified instructional staff who are under the direct supervision of the regular certificated teacher.

(b) Nonregular classrooms. Provided directly by certificated and/or licensed special education personnel or by classified instructional staff either who are under the direct supervision of the certificated and/or licensed special education personnel or who are performing individual or small group—six students or less—instructional and/or training activities pursuant to specific directives provided by the certificated and/or licensed special education personnel.

(c) Condition. If the specially designed instruction is not delivered directly by certificated and/or licensed special education personnel, it must be designed, monitored, and evaluated by certificated and/or licensed special education personnel pursuant to a written plan which shall include at least a monthly evaluation of student progress toward specific written objectives.

(2) "At no cost" means that all specially designed instruction is provided without charge, but does not preclude incidental fees which are normally charged to students who are not disabled or their parents as a part of the regular education program.

(3) "Physical education" means the development of:

- (a) Physical and motor fitness;
- (b) Fundamental motor skills and patterns; and
- (c) Skills in aquatics, dance, and individual and group games and sports (including intramural and lifetime sports).

The term includes special physical education, adapted physical education, movement education, and motor development.

(4) "Career development" means instructional activities infused into a student's education program which make provision for career awareness, career exploration and career preparation for all occupations.

(5) "Vocational education" means a planned series of learning experiences, the specific objective of which is to prepare persons to enter, continue in, or upgrade themselves in gainful employment in recognized occupations not designated as professional or requiring a baccalaureate or higher degree.

(6) "Audiology" means the provision of habilitative activities related to a hearing impairment, such as language

habilitation, auditory training, speech reading (lip reading), training for hearing evaluation, and speech conservation.

(7) "Occupational therapy" means improving, developing, or restoring functions impaired or lost through illness, injury, or deprivation; improving ability to perform tasks for independent functioning when functions are impaired or lost; and preventing through early intervention, initial or further impairment or loss of function.

(8) "Orientation and mobility instruction" means the provision of training/instruction in orientation and mobility for students who are visually impaired.

(9) "Physical therapy" means seeking to relieve disability or pain, developing or restoring motor function and maintaining appropriate performance commensurate with the student's unique needs, abilities, and limitations.

(10) "Communication disorders services" mean the provision of speech and language services for the habilitation or prevention of communication disorders.

[Statutory Authority: Chapter 28A.155 RCW. 93-19-063 (Order 93-13), § 392-171-315, filed 9/13/93, effective 10/14/93. Statutory Authority: RCW 28A.13.070(7) and chapter 28A.13 RCW. 90-16-045 (Order 17), § 392-171-315, filed 7/25/90, effective 7/25/90. Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-171-315, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.13.070(7). 86-06-007 (Order 86-1), § 392-171-315, filed 2/21/86; 80-11-054 (Order 80-31), § 392-171-315, filed 8/19/80. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-315, filed 10/31/78.]

#### **WAC 392-171-320 Definition of "related services."**

As used in this chapter "related services" means transportation and such developmental, corrective, and other supportive services as are required to assist a student with disabilities to benefit from special education, and includes communication disorders services and audiology, psychological services, physical and occupational therapy, recreation, including therapeutic recreation, early identification and assessment of disabilities in students, counseling services, including rehabilitation counseling, medical services for diagnostic or assessment purposes, and orientation and mobility services. The term also includes school health services, social work services in schools, parent counseling and training, and classified staff services.

The terms used in the definition of "related services" are defined as follows:

(1) "Audiology" includes:

- (a) Identification of students with hearing loss;
- (b) Determination of the range, nature, and degree of hearing loss, including referral for medical or other professional attention for the habilitation of hearing;
- (c) Creation and administration of programs for prevention of hearing loss;
- (d) Counseling and guidance of students, parents, and teachers regarding hearing loss; and
- (e) Determination of the student's need for group and individual amplification, selecting and fitting an appropriate aid, and evaluating the effectiveness of amplification.

(2) "Counseling services" means services provided by qualified social workers, psychologists, guidance counselors, or other qualified personnel.

(3) "Early identification and assessment of disabilities in students" means the implementation of a formal plan for identifying a disability as early as possible in a student's life.

(4) "Medical services" means services provided by a licensed physician to determine a student's medically related disabling condition which results in the student's need for special education and related services.

(5) "Occupational therapy" includes:

(a) The identification and assessment of the student's physical and self-care status;

(b) Determination of the student's need for occupational therapy; and

(c) Related counseling and guidance of parents, students, and staff regarding the provision of occupational therapy.

(6) "Orientation and mobility services" includes:

(a) Identification and assessment of the student's mobility status;

(b) Determination of the student's need for orientation and mobility services; and

(c) Related counseling and guidance of parents, students and staff regarding orientation and mobility services.

(7) "Parent counseling and training" means assisting parents in understanding the special needs, abilities, and limitations of their child or ward and providing parents with information about child/student development.

(8) "Physical therapy" includes:

(a) Identification and assessment of the student's physical status;

(b) Determination of the student's need for physical therapy; and

(c) Related counseling and guidance of parents, students and staff regarding physical therapy services.

(9) "Psychological services" includes:

(a) Administering psychological and educational tests, and other assessment procedures;

(b) Interpreting assessment results;

(c) Obtaining, integrating, and interpreting information about child/student behavior and conditions relating to learning;

(d) Consulting with other staff members in planning school programs to meet the special needs of students as indicated by psychological tests, interviews, and behavioral evaluations; and

(e) Planning and managing a program of psychological services, including psychological counseling for students and parents.

(10) "Recreation" includes:

(a) Assessment of leisure function;

(b) Therapeutic recreation services;

(c) Recreation programs in school and community agencies; and

(d) Leisure education.

(11) "School health services" means services provided by a qualified school nurse or other qualified person.

(12) "Social work services in schools" include:

(a) Preparing a social or developmental history on a student with disabilities;

(b) Group and individual counseling with the student and family;

(c) Working with those problems in a student's living situation (home, school, and community) that affect the student's adjustment in school; and

(d) Mobilizing school and community resources to enable the student to learn as effectively as possible in his or her educational program.

(13) "Communication disorders services" includes:

(a) Identification of students with communication disorders;

(b) Diagnosis and appraisal of specific communication disorders;

(c) Referral for medical or other professional attention necessary for the habilitation of communication disorders; and

(d) Counseling and guidance of parents, students, and staff regarding communication disorders.

(14) "Transportation" includes:

(a) Travel to and from school and between schools;

(b) Travel in and around school buildings; and

(c) Specialized equipment (such as special or adapted buses, lifts, and ramps), if required to provide special transportation for a student with disabilities.

(15) "Classified staff services" includes:

(a) Services provided by classified staff which provide for the student's safety and/or personal care and instructional assistance (e.g. interpreter services and braille services); and

(b) Services provided by classified staff which provide assistance for students with disabilities and certificated staff to achieve placement in the least restrictive environment.

(16) "Rehabilitation counseling services" means services provided by qualified personnel in individual or group sessions that focus specifically on career development, employment preparation, achieving independence, and integration in the workplace and community of a student with a disability. The term also includes vocational rehabilitation services provided to students with disabilities by vocational rehabilitation programs funded under the Rehabilitation Act of 1973, as amended.

[Statutory Authority: Chapter 28A.155 RCW. 93-19-063 (Order 93-13), § 392-171-320, filed 9/13/93, effective 10/14/93. Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-171-320, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.13.070(7). 80-11-054 (Order 80-31), § 392-171-320, filed 8/19/80. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-320, filed 10/31/78.]

#### **WAC 392-171-321 Definition—Transition services.**

(1) As used in this chapter, the term "transition services" means a coordinated set of activities for a student, designed within an outcome-oriented process, which promotes movement from school to post school activities. Some examples of appropriate post school outcomes include:

(a) Postsecondary education;

(b) Integrated employment;

(c) Supported employment;

(d) Continuing and adult education;

(e) Adult services; and

(f) Independent living and/or community participation.

(2) The coordinated set of activities shall be based upon the individual student needs, taking into account the student's preferences and interests, and shall include:

(a) Functional vocational evaluation;

(b) Instruction;

(c) Vocational education/training;

(d) Community experiences;

(e) The development of employment and other postschool adult living objectives; and

(f) Where appropriate, acquisition of daily living skills. The following terms used in the definition of "transition services" are defined as follows:

(i) "Coordinated set of activities" means a planned and organized sequence of activities which promotes the movement of a student from school to post school adult living.

(ii) "Outcome oriented process" means a series of events unique to an individual student's needs which lead directly to integrated employment, supported employment, postsecondary education, continuing and adult education, adult services, independent living, and/or community participation.

(3) "Postsecondary education" means organized educational programs provided by qualified personnel which are available beyond grades 9-12. The term includes:

(a) Community colleges;

(b) Vocational-technical colleges;

(c) Four-year colleges and universities.

(4) "Vocational education" means a planned series of learning experiences, the specific objectives of which is to prepare persons to enter, continue in, or upgrade themselves in gainful employment in recognized occupations not designated as professionals or requiring a baccalaureate or higher degree.

(5) "Vocational training" means the acquisition of specific skills through specialized instruction and practice, and provided by qualified personnel.

(6) "Integrated employment" means paid work in sites and settings that are not unique to individuals with disabilities.

(7) "Supported employment" means paid work that requires the use of designated personnel to assist individuals with disabilities in acquiring and maintaining site specific skills.

(8) "Continuing and adult education" means organized educational programs conducted by qualified personnel for individuals who have graduated or left high school.

(9) "Adult services" means health, social, housing, transportation, and/or employment opportunities normally provided for persons beyond age eighteen through public, nonprofit agencies.

(10) "Independent living" means initiating, maintaining, and/or actively participating in a household using self-generated resources.

(11) "Community participation" means integrated and active involvement in the local community.

(12) "Functional vocational evaluation" means the assessment of occupational interests, aptitudes, and preparation opportunities.

(13) "Participating agency" means any state or local agency, other than the public agency responsible for a student's education, that is financially and legally responsible for providing transition services to the student.

[Statutory Authority: Chapter 28A.155 RCW. 93-19-063 (Order 93-13), § 392-171-321, filed 9/13/93, effective 10/14/93. Statutory Authority: RCW 28A.155.090. 91-18-004 (Order 91-18), § 392-171-321, filed 8/23/91, effective 9/23/91.]

**WAC 392-171-323 Definition—Assistive technology device and service.** The term assistive technology device means any item, piece of equipment, or product system, whether acquired commercially off the shelf, modified, or

customized, that is used to increase, maintain, or improve functional capabilities of students with disabilities.

The term assistive technology service means any service that directly assists a student with a disability in the selection, acquisition, or use of an assistive technology device. The term includes:

(1) The evaluation of the needs of a student with a disability, including a functional evaluation of the student in the student's customary environment;

(2) Purchasing, leasing, or otherwise providing for the acquisition of assistive technology devices by students with disabilities;

(3) Selecting, designing, fitting, customizing, adapting, applying, retaining, repairing, or replacing of assistive technology devices;

(4) Coordinating and using other therapies, interventions, or services with assistive technology devices, such as those associated with existing education and rehabilitation plans and programs;

(5) Training or technical assistance for a student with disabilities, or if appropriate, the student's family; and

(6) Training or technical assistance for professionals (including individuals providing education and rehabilitation services), employers, or other individuals who provide services to, employ or are otherwise substantially involved in the major life functions of students with disabilities.

[Statutory Authority: Chapter 28A.155 RCW. 93-19-063 (Order 93-13), § 392-171-323, filed 9/13/93, effective 10/14/93.]

**WAC 392-171-324 Definition—Availability of assistive technology.** Each public agency shall ensure that assistive technology devices or assistive technology services, or both, are made available to a student with a disability if required as a part of the student's:

(1) Special education;

(2) Related services; or

(3) Supplementary aids and services.

Assistive technology devices and services must be provided only if they are required in order for a student to receive a free appropriate public education.

[Statutory Authority: Chapter 28A.155 RCW. 93-19-063 (Order 93-13), § 392-171-324, filed 9/13/93, effective 10/14/93.]

**WAC 392-171-325 Students' rights to special education programs.** (1) Each school district shall provide every student with disabilities between the age of three and twenty-one a free and appropriate educational program consisting of special education and related services. The date of eligibility to begin receiving such services shall be the child's birthdate.

(2) School districts may provide special education and related services to students with disabilities in the birth to three and/or three and four year old age groups without being obligated to extend preschool programs to students who are not disabled. However, if a school district provides an education to any student who is not disabled in the birth to three year old age group, the district shall make special education and related services available pursuant to this chapter to all its students with disabilities of the same age.

(3) Any student made a focus of concern shall qualify pursuant to the disability definitions and criteria set forth in

this chapter in order to receive state or federal special education funding. A student with disabilities shall remain eligible for special education and related services until: (a) The student has met high school graduation requirements established by the school district pursuant to rules of the state board of education; or (b) the student has reached age twenty-one; or (c) the student is no longer in need of special education and related services as judged by the student's multidisciplinary team based upon a reassessment of the student, whichever occurs first. The student may continue to receive special education and related services: *Provided*, That a reassessment of the student concludes that, notwithstanding the fact that the student no longer meets the initial eligibility criteria, the student's performance is or will be adversely affected if he or she is terminated from special education.

[Statutory Authority: Chapter 28A.155 RCW. 93-19-063 (Order 93-13), § 392-171-325, filed 9/13/93, effective 10/14/93. Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-171-325, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.13.070(7). 84-14-036 (Order 84-19), § 392-171-325, filed 6/28/84; 80-11-054 (Order 80-31), § 392-171-325, filed 8/19/80. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-325, filed 10/31/78.]

**WAC 392-171-336 Childfind.** The local district shall conduct childfind activities to locate, evaluate, and identify students with a suspected disabling condition, regardless of the severity of their disability, who are residing within the boundaries of the district and not currently receiving special education services. Childfind activities shall apply to students age birth through 21 and may include, but are not necessarily limited to: Preschool developmental screening, local media informational campaigns, liaison with public health and other medical and social agencies, public or private, questionnaire for first-time enrolling students, screening of district-wide group standardized test results, inservice education to teaching staff, and cooperation as requested with state childfind programs.

[Statutory Authority: Chapter 28A.155 RCW. 93-19-063 (Order 93-13), § 392-171-336, filed 9/13/93, effective 10/14/93. Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-171-336, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.13.070(7). 80-11-054 (Order 80-31), § 392-171-336, filed 8/19/80.]

**WAC 392-171-341 Student as focus of concern—Preassessment procedures—Timeline.** (1) A student shall become a focus of concern when the student is brought to the attention of a school district superintendent or his or her designee because of a suspected disabling condition(s). Such concern for a student may be originated by or transmitted through any source, including: Parents, medical personnel, school district personnel, community agencies, civil authorities, district screening procedures, and other identified, interested persons.

(2) When the possibility of a student's need for special education and related services has been brought to the attention of the school district superintendent or his or her designee, the superintendent or his or her designee shall act on the referral by promptly:

(a) Recording the circumstance by date, origin, and reason for concern; and

(b) Providing the student's parent(s) (or the adult student) written notice that the student has been referred because of a suspected disabling condition and that within fifteen school days the district will determine whether or not there is good reason to believe that the student is a candidate for assessment.

(3) The superintendent or his or her designee shall, within fifteen school days after the date of referral, review the referral, collect and examine existing school, medical and other records in the possession of the school district and make a determination that there is or is not good reason to believe that the student is a candidate for assessment. This decision shall be in writing and shall set forth the date and the name of the person making the decision. The superintendent or his or her designee shall, within ten school days after the date of such decision, direct a written notice to the student's parent(s) (or the adult student) that complies with the notice requirements of WAC 392-171-526.

(4) In the event the decision is that there is good reason to believe that the student is a candidate for assessment, the school district shall fully assess the student and arrive at a decision pursuant to WAC 392-171-376 within:

(a) Thirty-five school days (also referred to as the formal assessment period) after the date written consent for an assessment has been provided by the parent(s) (or the adult student); or

(b) Thirty-five school days (also referred to as the formal assessment period) after the date the refusal of the parent(s) (or the adult student) to grant consent has been overridden pursuant to a hearing (or appeal) in accordance with WAC 392-171-521 et seq.; or

(c) Such other time period as may be agreed to by the parent(s) (or the adult student) and school authorities.

(5) The school district shall request the parent to sign consent form(s) for the mutual exchange of pertinent information where such information is available between the school, other agencies, and/or professionals.

(6) If temporary (not to exceed thirty school days) special education programming is necessary for an eligible student with a disability as part of the assessment process, the district shall obtain written permission from the parent(s) prior to making the placement and develop an IEP consistent with WAC 392-171-461 for the student which sets out the specific conditions and timelines for the temporary placement. The purpose of placing the student in the program is to assist the district in determining the most appropriate placement for the student. It is essential that the temporary placement not become the final placement before the IEP is reviewed. Therefore, the school district shall conduct an IEP meeting within thirty school days in order to review and revise as necessary the student's IEP and finalize the placement.

[Statutory Authority: Chapter 28A.155 RCW. 93-19-063 (Order 93-13), § 392-171-341, filed 9/13/93, effective 10/14/93. Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-171-341, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.13.070(7). 80-11-054 (Order 80-31), § 392-171-341, filed 8/19/80. Formerly WAC 392-171-395.]

**WAC 392-171-351 General assessment safeguards—Personnel, materials and procedures.** Every student who is assessed or reassessed shall be assessed according to the procedures established in this chapter. The superintendent

of public instruction shall ensure that each public agency establishes and implements protection in evaluation procedures which meet the requirements of this chapter. Before any action is taken with respect to the initial placement of a student with a disability in a program providing special education and related services, a full and individual evaluation of the student's educational needs must be conducted in accordance with the requirements of this chapter.

(1) The initial assessment of a student (except one with a suspected communication disorder) shall be made by a multidisciplinary team (i.e., a group of professionals) including at least one special education teacher and at least one person qualified to conduct individual diagnostic assessment in the area of suspected disability. In a reassessment of a student, the multidisciplinary team also shall consist of a representative from each professional area involved in identified deficits or other eligibility criteria pertinent to the classification of such student in the most recent assessment of the student and such other professional areas as recommended by any professional involved in the reassessment. Each member of the team shall be licensed, registered, credentialed, or certificated according to his or her professional standards in accordance with state statutes and rules: *Provided*, That in assessing or reassessing a student suspected of having a specific learning disability, each school district shall include on the multidisciplinary team at least three members.<sup>3</sup>

(a) The student's regular education teacher or, if the student does not have a regular education teacher, a regular education teacher qualified to teach a student of his or her age;

(b) A special education teacher having experience with learning disabled students; and

(c) A school psychologist.

(2) No single test instrument or single procedure shall be the sole criterion for determining a student's eligibility or disabling condition and/or for determining the appropriate educational program for a student.

(3) Assessment materials, procedures, and instruments used for the purpose of assessment and placement shall be selected and administered so as not to be racially or culturally discriminatory.

(4) All tests and other evaluation materials shall have been validated for the specific purpose for which they are used and shall accurately reflect whatever factors the tests purport to measure. If properly validated tests are unavailable, the professional judgment of each member of the multidisciplinary team shall determine eligibility for special education based on other evidence of the existence of a specific disability and need. This professional judgment shall be documented in a written narrative.

(5) All tests and other evaluation materials shall be administered by qualified personnel in conformance with the instructions of their producer. Tests designed to measure intellectual functioning shall be administered and interpreted by a qualified psychologist: *Provided*, That cognitive tests for developmentally delayed students other than an intelligence quotient test shall be administered by a qualified psychologist or by professionals with other titles who have considerable training and experience in individual psychological or psychoeducational assessment.

(6) Assessment materials, procedures or instruments shall be provided and administered in a student's primary language or mode of communication, unless it is clearly not feasible to do so. Tests shall be selected and administered so as to ensure that, when a test is administered to a student with impaired sensory, manual, or speaking skills, the test results accurately reflect the student's aptitude or achievement level or whatever other factors the test purports to measure, rather than reflecting the student's impaired sensory, manual, or speaking skills (except where those skills are the factors the test purports to measure).

(7) In conducting assessment activities, appropriate assessment team members shall:

(a) Collect and review all available existing school, medical, and other records pertinent to the suspected disabling condition(s) of the student, including previous screening and assessment results, health reports, relevant cumulative records and recommendations of related service providers; and

(b) Conduct current assessment activities required by this chapter and in accordance with the procedures specified herein; and

(c) Collect such other data as needed to verify the results of standardized testing, including but not limited to parent and/or teacher interviews and current classroom performance data.

(8) Assessment data shall be summarized in writing, dated, and signed by each person conducting an assessment. Information used to support the assessment, but which is not incorporated into the file, (e.g., review of health record), shall be referenced as to date of record, location, and source person. The summaries shall specify the procedures and instruments used, the results obtained, and the apparent significance of findings as related to the student's instructional program, including a description of the specific factors which are interfering with the student's educational performance and the special education and related services needed to assist the student in benefiting from his or her educational placement, including the need, if appropriate, of scheduling such services over a period of time that exceeds the regular one hundred eighty day school calendar: *Provided*, That in the event the assessment is an initial assessment by the district, the recommendation regarding the appropriateness of an extended school year for a particular student need not be made until May of the school year in which the initial assessment was made.

(9) Tests and other evaluation materials include those tailored to assess specific areas of educational need and not merely those that are designed to provide a single general intelligence quotient.

[Statutory Authority: Chapter 28A.155 RCW. 93-19-063 (Order 93-13), § 392-171-351, filed 9/13/93, effective 10/14/93. Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-171-351, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.13.070(7). 86-06-007 (Order 86-1), § 392-171-351, filed 2/21/86; 84-14-036 (Order 84-19), § 392-171-351, filed 6/28/84; 80-11-054 (Order 80-31), § 392-171-351, filed 8/19/80. Formerly WAC 392-171-405.]

#### **WAC 392-171-371 Independent educational assessment. (1) General.**

(a) The parent(s) of a student (or the adult student) made a focus of concern and assessed or any student

reassessed has the right to obtain an independent educational assessment, subject to subsections (3) and (4) of this section.

(b) Each school district shall provide to parents, (or adult students) on request, information about where an independent educational assessment may be obtained.

(c) For the purposes of this section:

(i) "Independent educational assessment" means an assessment conducted by a qualified examiner who is not employed by the school district responsible for the education of the student in question; and

(ii) "Public expense" means that the school district either pays for the full cost of the assessment or assures that the assessment is otherwise provided at no cost to the parent (or to the adult student).

(2) Parent/adult student right to assessment at public expense. A parent (or the adult student) has the right to an independent educational assessment at public expense if the parent (or the adult student) disagrees with the assessment results obtained by the school district, as follows:

(a) The parent(s) (or the adult student) should provide a written or verbal notice to the school district superintendent or special education director which:

(i) Indicates that the parent (or the adult student) disagrees with the district's assessment; and

(ii) Requests an independent educational assessment at public expense;

(b) The school district shall have the prior opportunity to initiate and conduct a hearing pursuant to WAC 392-171-531 et seq. to show that its assessment is appropriate: *Provided*, That the school district shall provide the parent(s) (or the adult student) written notice of the election to initiate a hearing no later than the tenth day after the date of receipt of the parent's (or adult student's) notice of disagreement;

(c) If the final decision pursuant to WAC 392-171-521 et seq. is that the school district's assessment is appropriate, the parent (or adult student) still has the right to an independent educational assessment, but not at public expense; and

(d) If the district elects not to hold a hearing or is not upheld by the final decision, the parent's (or adult student's) request for an independent assessment shall be provided at public expense in accordance with the same criteria which the district uses when it initiates an assessment including, but not limited to, the location of the assessment and the qualifications of the examiner.

(3) Parent/adult student initiated assessment. If the parent (or adult student) obtains an independent educational assessment at private expense, the results of the assessment:

(a) Shall be considered by the school district in any decision made with respect to the provision of special education and related services to the student; and

(b) May be presented as evidence at such hearings regarding that student as may be conducted pursuant to WAC 392-171-521 et seq.

(4) Requests for assessment by hearing officers. If a hearing officer requests an independent educational assessment as part of a hearing, the cost of the assessment shall be at public expense.

[Statutory Authority: Chapter 28A.155 RCW. 93-19-063 (Order 93-13), § 392-171-371, filed 9/13/93, effective 10/14/93. Statutory Authority: RCW 28A.13.070(7) and chapter 28A.13 RCW. 90-16-045 (Order 17), § 392-171-371, filed 7/25/90, effective 7/25/90. Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-171-371, filed 11/2/89,

effective 12/3/89. Statutory Authority: RCW 28A.13.070(7). 86-06-007 (Order 86-1), § 392-171-371, filed 2/21/86; 80-11-054 (Order 80-31), § 392-171-371, filed 8/19/80. Formerly WAC 392-171-435.]

**WAC 392-171-381 Definition and eligibility criteria for developmentally disabled.** Definition and eligibility criteria for developmentally disabled are as follows:

(1) As used in this chapter, the term "developmentally disabled" shall mean children under the age of eligibility to the first grade who meet the definition and eligibility criteria for one of the following:

(a) WAC 392-171-382, Developmentally delayed;

(b) WAC 392-171-396, Orthopedically impaired;

(c) WAC 392-171-401, Health impaired;

(d) WAC 392-171-436, Deaf;

(e) WAC 392-171-441, Hard of hearing;

(f) WAC 392-171-446, Visually disabled;

(g) WAC 392-171-451, Deaf-blind;

(h) WAC 392-171-452, Autism; and

(i) WAC 392-171-454, Traumatic brain injury.

(2) The term "developmentally disabled" does not include children under the age of eligibility for entry to the first grade who qualify solely for communications disorder services under WAC 392-171-391.

[Statutory Authority: Chapter 28A.155 RCW. 93-19-063 (Order 93-13), § 392-171-381, filed 9/13/93, effective 10/14/93. Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-171-381, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.13.070(7). 84-14-036 (Order 84-19), § 392-171-381, filed 6/28/84; 80-11-054 (Order 80-31), § 392-171-381, filed 8/19/80.]

**WAC 392-171-382 Definition and eligibility criteria for developmentally delayed.** Definition and eligibility criteria for developmentally delayed are as follows:

(1) Developmentally delayed, birth to three years. As used in this chapter, the term "developmentally delayed, birth to three years" shall mean those children under three years of age who:

(a) Demonstrate a 1.5 standard deviation or twenty-five percent delay in the developmental delay area of cognitive (WAC 392-171-383(1)), communication (WAC 392-171-383(2)), fine motor (WAC 392-171-383(3)), gross motor (WAC 392-171-383(4)), or motor which for the purpose of this section shall be a combined delay area of fine motor (WAC 392-171-383(3)) and gross motor (WAC 392-171-383(4)); and

(b) For that reason need special education and related services. Such children in order to continue to be eligible for special education and related services after reaching three years of age must be reassessed prior to age three and a determination made that the child either:

(i) Qualifies for developmentally delayed, three to six years or one of the other eligibility criteria specified in WAC 392-171-381; or

(ii) Is no longer in need of special education services; the procedural safeguard requirements in this chapter apply to this provision.

(2) Developmentally delayed, three to six years. As used in this chapter, the term "developmentally delayed, three to six years" shall mean those children between three years and the age of eligibility for entry to the first grade



who receive a score on a standardized norm referenced test, with a test-retest or split-half reliability of .80 that is at least:

(a) Two standard deviations below the mean in one or more of the six developmental delay areas defined in WAC 392-171-383; or

(b) One and one-half standard deviations below the mean in two or more of the six developmental delay areas defined in WAC 392-171-383 and for that reason need special education and related services. Children who qualify for special education as developmentally delayed, three to six years, must be reassessed prior to the age of eligibility for entry to first grade and a determination made that the student either:

(i) Qualifies under the provisions of one of the other disabling conditions in this chapter; or

(ii) Is no longer in need of the special education services. The procedural safeguard requirements in this chapter are also applicable to this provision.

[Statutory Authority: Chapter 28A.155 RCW. 93-19-063 (Order 93-13), § 392-171-382, filed 9/13/93, effective 10/14/93. Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-171-382, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.13.070(7). 84-14-036 (Order 84-19), § 392-171-382, filed 6/28/84.]

**WAC 392-171-383 Areas of developmental delay—Definitions.** The six developmental delay areas for the purpose of applying eligibility criteria to developmentally delayed children are:

(1) Cognitive: Comprehending, remembering, and making sense out of one's experience. Cognitive ability is the ability to think and is often thought of in terms of intelligence;

(2) Communication: The ability to effectively use or understand, age-appropriate language, including vocabulary, grammar, and speech sounds;

(3) Fine motor: Motor skills requiring precise, coordinated use of the small muscles;

(4) Gross motor: Motor skills used for body control such as standing, walking, balance and climbing;

(5) Social/emotional: The ability to develop and maintain functional interpersonal relationships and to exhibit age appropriate social and emotional behaviors; and

(6) Adaptive skills: The ability to develop and exhibit age appropriate self help skills, including independent feeding, toileting, personal hygiene and dressing skills.

[Statutory Authority: Chapter 28A.155 RCW. 93-19-063 (Order 93-13), § 392-171-383, filed 9/13/93, effective 10/14/93. Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-171-383, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.13.070(7). 84-14-036 (Order 84-19), § 392-171-383, filed 6/28/84.]

**WAC 392-171-384 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 392-171-401 Definition and eligibility criteria for health impaired.** Students with health impairments are those who have chronic or acute health problems—such as students with serious congenital heart defect, other congenital syndrome(s), other disorders of the cardiorespiratory systems, disorders of the central nervous system including epilepsy or neurological impairment, or other profound health circumstances or degenerative condition(s)—which

adversely affect or with a high degree of professional certainty will affect their educational performance.

All students considered for initial placement in special education as health impaired shall be assessed and determined eligible for special education and related services according to the following:

(1) A current medical evaluation by a qualified medical practitioner which describes and confirms the student's health circumstances and which provides any medical implications for educational planning;

(2) Current assessment of level of academic achievement as measured by standardized tests appropriate to age level and administered individually;

(3) A current evaluation which considers and describes the student's social and emotional behaviors and which provides any implications for educational planning which may include an evaluation of adaptive behaviors as measured by standardized instrument(s) or professionally recognized scales addressing the student's self-help and interpersonal communication skills in relation to chronological age/grade peers; and

(4) A current vision and hearing screening report.

[Statutory Authority: Chapter 28A.155 RCW. 93-19-063 (Order 93-13), § 392-171-401, filed 9/13/93, effective 10/14/93. Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-171-401, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.13.070(7). 84-14-036 (Order 84-19), § 392-171-401, filed 6/28/84; 83-08-029 (Order 83-1), § 392-171-401, filed 3/30/83; 80-11-054 (Order 80-31), § 392-171-401, filed 8/19/80.]

**WAC 392-171-452 Definition and eligibility criteria for autism.** Autism means a developmental disability significantly affecting verbal and nonverbal communication and social interaction, generally evident before age 3, that adversely affects a student's educational performance. Students in this category have a range of intellectual abilities.

Other characteristics often associated with autism are engagement in repetitive activities and stereotyped movements, resistance to environmental change or change in daily routines and unusual responses to sensory experiences.

The term does not apply if a student's educational performance is adversely affected primarily because the student has a serious behavioral disability, as defined in this chapter. The category of autism includes students with pervasive developmental disorders if they meet eligibility criteria.

If a student manifests characteristics of the disability category "autism" after age 3, that student still could be diagnosed as having "autism" if the criteria in this section are satisfied.

All students considered for initial placement in special education under the category of autism shall be assessed and determined eligible for special education and related services according to the following:

(1) A developmental history which includes verbal and nonverbal communication, social interaction, play, and motor and sensory development;

(2) An adaptive behavior evaluation which includes:

(a) A standardized measure of adaptive behavior;



(b) An assessment of the student's social skills, including interactions with peers, based on a classroom observation; and

(c) An assessment of the student's self-help and community skills based on classroom and/or home observations and/or standardized assessment methods;

(3) A communication evaluation which includes assessments of:

(a) Receptive, expressive, and social communication skills;

(b) The possible contributions of the students communication impairment to challenging behavior, and their implications for educational planning; and

(c) The potential need for augmentative communication methods;

(4) An evaluation of pre-academic or academic strengths and weaknesses, preferred learning modalities, and present levels of functioning;

(5) A hearing and vision screening;

(6) An evaluation of fine and gross motor skills; and

(7) A current medical evaluation by a qualified medical practitioner which describes the student's health circumstances and which provides any medical implications for educational planning.

[Statutory Authority: Chapter 28A.155 RCW. 93-19-063 (Order 93-13), § 392-171-452, filed 9/13/93, effective 10/14/93.]

**WAC 392-171-454 Definition and eligibility criteria for traumatic brain injury.** Traumatic brain injury means an acquired injury to the brain caused by an external physical force resulting in total or partial functional disability and/or psychosocial impairment that adversely affects educational performance which results in the need for special education and related services. The term applies to open or closed head injuries resulting in impairments in one or more of the following areas such as: Cognition; language; memory; attention; reasoning; abstract thinking; judgment; problem-solving; sensory perceptual and motor abilities; psychosocial behavior; physical functions; information processing; and speech. The term does not apply to brain injuries that are congenital or degenerative or brain injuries induced by birth trauma.

All students considered for initial placement in special education under the category of traumatic brain injury shall be assessed and determined eligible for special education and related services according to the following:

(1) A current medical evaluation by a qualified medical practitioner, which describes an acquired injury to the brain or a history of significant head trauma and which provides any medical implications for educational planning;

(2) Current assessment of level of academic achievement as measured by standardized tests appropriate to age level and administered individually;

(3) Current assessment of cognitive functioning, which may include intelligence, memory, attention, reasoning, abstract thought, judgment, problem-solving, and/or information-processing;

(4) Current assessment of language and communication skills;

(5) Current assessment of fine and gross motor skills;

(6) A current evaluation which considers and describes the student's social and emotional behaviors and which provides any implications for educational planning;

(7) A current evaluation of the student's skills in activities of daily living; and

(8) Current vision and hearing screening reports.

[Statutory Authority: Chapter 28A.155 RCW. 93-19-063 (Order 93-13), § 392-171-454, filed 9/13/93, effective 10/14/93.]

**WAC 392-171-456 Meetings.** (1) A meeting shall be held within thirty calendar days after the date upon which a student's assessment is completed for the purpose of developing the student's individualized education program. The school district shall initiate and conduct the meeting and shall include the following participants:

(a) A representative of the school district other than the student's teacher who is qualified to provide or supervise the provision of special education and related services;

(b) The student's regular classroom teacher or special education teacher or therapist: *Provided*, That either the representative of the school district or the teacher or therapist is qualified in the area of the student's suspected disability;

(c) One or both of the parents (in the case of a nonadult student), subject to subsections (2) through (5) of this section;

(d) The student if he or she is an adult student (and in the case of nonadult students, the student, if appropriate);

(e) A member of the student's assessment team;

(f) A person knowledgeable about the placement options; and

(g) Other individuals at the discretion of the district or the parent or the adult student.

(2) Each school district shall take steps to assure (in the case of nonadult students) that one or both parents of the student with disabilities are present at each meeting or are afforded the opportunity to participate, including:

(a) Notifying the parent(s) of the meeting early enough to assure his or her participation; and

(b) Scheduling the meeting at a mutually agreed upon place and time.

(3) The notice to the parent(s) shall include the purpose, time, location of the meeting and who will be in attendance.

(4) If a parent cannot attend, the district shall use other methods to assure participation, including individual or conference telephone calls.

(5) A meeting may be conducted (in the case of a nonadult student) without a parent in attendance if the school district is unable to convince the parents they should attend. In such a case the school district shall make a record of its attempts to arrange a mutually agreed upon time and place. The record shall contain such information as:

(a) Detailed records of telephone calls made or attempted and the results of those calls;

(b) Copies of correspondence sent to the parents and any responses received; and

(c) Detailed records of visits made to the parent's home or place of employment and the results of those visits.

(6) The school district shall take whatever action is necessary to assure that the parent (or adult student) understands the proceedings at a meeting, including arranging for

an interpreter for parents (or adult students) who are deaf or whose native language is other than English.

(7) The district shall document the parent(s)' and other IEP participants' presence at the IEP meeting.

(8) Meetings consistent with this section shall be conducted by the school district at least once a year for the purpose of reviewing and revising as necessary each student's individualized education program. Meetings may be held more frequently.

[Statutory Authority: Chapter 28A.155 RCW. 93-19-063 (Order 93-13), § 392-171-456, filed 9/13/93, effective 10/14/93. Statutory Authority: RCW 28A.155.090 and 28A.300.070. 91-01-033, § 392-171-456, filed 12/11/90, effective 1/11/91. Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-171-456, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.13.070(7). 80-11-054 (Order 80-31), § 392-171-456, filed 8/19/80. Formerly WAC 392-171-440.]

**WAC 392-171-457 Individual education plan to be in effect.** At the beginning of each school year, each public agency shall have in effect an individual education plan for every student with a disability who is receiving special education from that agency. An individual education plan must:

(1) Be in effect before special education and related services are provided to a student; and

(2) Be implemented as soon as possible following the meetings under this chapter.

It is expected that the individual education plan of a student with a disability will be implemented immediately following the meetings under this chapter. An exception to this would be when the meetings occur during the summer or a vacation period, or where there are circumstances that require a short delay (e.g., working out transportation arrangements). However, there can be no undue delay in providing special education and related services to the student.

[Statutory Authority: Chapter 28A.155 RCW. 93-19-063 (Order 93-13), § 392-171-457, filed 9/13/93, effective 10/14/93.]

**WAC 392-171-461 Individualized education program.** (1) Each student's individualized education program shall be developed on the basis of assessment analysis and parent input, where it is provided, and shall include:

(a) For each orthopedically impaired and health impaired student under the age of eligibility to first grade, current medical evaluation by a qualified medical practitioner which describes and confirms the student's health circumstance and which provides any medical implications for educational planning;

(b) A statement of the student's present levels of educational performance;

(c) A statement of specific annual goals including short-term instructional objectives which are stated in terms that provide for measurement of progress, expected levels of performance, and the schedules for their accomplishments;

(d) A statement of the specific special education and related services to be provided to the student based upon the individual needs of the student, as determined through the assessment process, and the extent to which the student will be able to participate in the regular educational program, including physical education. If the student is unable to participate in the regular physical education program, a

description of the specially designed physical education to be provided to the student shall be included;

(e) The IEP developed for a student with a disability shall also include a statement of the needed transition services as defined in WAC 392-171-321 including goals and objectives, based on a functional vocational evaluation and anticipated post school outcome(s) beginning no later than age sixteen and annually thereafter (and when determined appropriate for an individual student, beginning in elementary school or sooner), including, when appropriate, a statement of the interagency responsibilities or linkages (or both) before the student leaves the school setting. In the case where a participating agency fails to provide agreed upon services, the educational agency shall reconvene the IEP team, as soon as possible, to identify alternative strategies to meet transition objectives, and, if necessary, revise the IEP, as long as the student is eligible for services;

(f) If the IEP team determines that services are not needed in one or more of the areas specified in WAC 392-171-321, the IEP must include a statement to that effect and the basis upon which the determination was made;

(g) The projected dates for the initiation of services and the anticipated duration of the services, including the number of school days, the number of hours per day, and the length of the school year over which such services shall be provided: *Provided*, That in the event the individualized educational program is the first in the district for such student and the multidisciplinary team has not made a determination as to the need for an extended school year for such student, the individualized educational program team shall make its recommendation on the length of the school year over which such services shall be provided prior to the conclusion of the regular one hundred eighty school days;

(h) Appropriate objective criteria and evaluation procedures and schedules for determining, on at least an annual basis, whether the short-term instructional objectives are being met.

(2) Nothing in this chapter relieves any participating agency, including a state vocational rehabilitation agency, of the responsibility to provide or pay for any transition service that the agency would otherwise provide to students with disabilities who meet the eligibility criteria of that agency.

(3) The school district shall provide the parent (or the adult student) a copy of the individualized education program.

(4) Each public agency must provide special education and related services to a student with a disability in accordance with an IEP. However, Part B of the Individuals with Disabilities Education Act does not require that any agency, teacher, or other person be held accountable if a student does not achieve the growth projected in the annual goals and objectives.

[Statutory Authority: Chapter 28A.155 RCW. 93-19-063 (Order 93-13), § 392-171-461, filed 9/13/93, effective 10/14/93. Statutory Authority: RCW 28A.155.090. 91-18-004 (Order 91-18), § 392-171-461, filed 8/23/91, effective 9/23/91. Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-171-461, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.13.070(7). 84-14-036 (Order 84-19), § 392-171-461, filed 6/28/84; 80-11-054 (Order 80-31), § 392-171-461, filed 8/19/80. Formerly WAC 392-171-445.]

**WAC 392-171-462 Parent notice—Transition services.** If a purpose of the individual education plan meeting is the consideration of transition services for a student, the notice must also:

- (1) Indicate this purpose;
- (2) Indicate that the district will invite the student; and
- (3) Identify any other agency that will be invited to send a representative.

[Statutory Authority: Chapter 28A.155 RCW. 93-19-063 (Order 93-13), § 392-171-462, filed 9/13/93, effective 10/14/93.]

**WAC 392-171-463 Transition services participants.** If a purpose of the individual education plan meeting is the consideration of transition services for a student, the district shall also invite:

The student; and

A representative of any other agency that is likely to be responsible for providing or paying for transition services.

If the student does not attend, the district shall take other steps to ensure that the student's preferences and interests are considered; and

If an agency invited to send a representative to an individual education plan meeting does not do so, the district shall take other steps to obtain the participation of the other agency in the planning of any transition services.

[Statutory Authority: Chapter 28A.155 RCW. 93-19-063 (Order 93-13), § 392-171-463, filed 9/13/93, effective 10/14/93.]

**WAC 392-171-464 Required student participation—Transition.** The district is required to invite each student to participate in his or her individual education plan meeting if a purpose of the meeting is the consideration of transition services for the student. For all students who are sixteen years of age or older, one of the purposes of the annual meeting will always be the planning of transition services, since transition services are a required component of the individual education plan for these students.

For a student younger than age sixteen, if transition services are initially discussed at a meeting that does not include the student, the district is responsible for ensuring that, before a decision about transition services for the student is made, a subsequent individual education plan meeting is conducted for that purpose, and the student is invited to the meeting.

[Statutory Authority: Chapter 28A.155 RCW. 93-19-063 (Order 93-13), § 392-171-464, filed 9/13/93, effective 10/14/93.]

**WAC 392-171-466 Initial educational placement—Notice—Consent.** (1) Each school district shall provide written notice of a student's proposed, initial special education placement, or of the district's inability or refusal to make a special education placement, at the initial meeting or within ten calendar days after the initial meeting provided for in WAC 392-171-456. The notice shall comply with the notice requirements of WAC 392-171-526. Provided that students admitted to state residential schools shall be enrolled in an educational program within ten school days of admission.

(2) The written consent of the parent(s) (or adult student) shall be requested if special education placement is proposed.

(3) The student's proposed special education placement shall commence when either:

(a) Written consent has been given by the parent(s) (or the adult student); or

(b) The refusal of a student's parent(s) (or adult student) to grant consent has been overridden by the school district pursuant to a hearing (or appeal) conducted in accordance with WAC 392-171-521 et seq.

[Statutory Authority: Chapter 28A.155 RCW. 93-19-063 (Order 93-13), § 392-171-466, filed 9/13/93, effective 10/14/93. Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-171-466, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.13.070(7). 80-11-054 (Order 80-31), § 392-171-466, filed 8/19/80. Formerly WAC 392-171-450.]

**WAC 392-171-471 Least restrictive environment.** The state shall ensure that each public agency establishes and implements procedures which meet the least restrictive environment requirements of this chapter, and that the various alternative placements included under this chapter are available to the extent necessary to implement the IEP for each student with a disability. The placement and provision of services to each student with disabilities shall be in his or her least restrictive environment as follows:

(1) Educational setting—Each student with disabilities shall be placed:

(a) In the regular educational environment with students without disabilities to the maximum extent appropriate to his or her needs, unless it can be demonstrated by the school district that the nature or severity of the student's disability is such that his or her education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily; and

(b) In the school which he or she would attend if not disabled, unless his or her individualized education program requires some other arrangement. If some other arrangement is required, the student shall be placed in the appropriate educational program that is as close to the student's home as is reasonably possible.

(2) Nonacademic settings—Each student with disabilities shall be provided nonacademic and extracurricular services and activities conducted by the school district (e.g., meals, recess, recreation, athletics, counseling, transportation, student club activities, etc.) with students without disabilities to the maximum extent appropriate to the needs of the student.

[Statutory Authority: Chapter 28A.155 RCW. 93-19-063 (Order 93-13), § 392-171-471, filed 9/13/93, effective 10/14/93. Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-171-471, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.13.070(7). 80-11-054 (Order 80-31), § 392-171-471, filed 8/19/80.]

**WAC 392-171-476 Continuum of alternative placements.** A continuum of alternative placement options shall be made available as is necessary to meet the needs of the district's students with disabilities for special education and related services.

The option shall include instruction in regular classes, special classes, special schools, home instruction, instruction in hospitals and institutions, and instruction in other settings, and shall provide for supplementary services such as resource room or itinerant instruction in conjunction with regular class placement.

[Statutory Authority: Chapter 28A.155 RCW. 93-19-063 (Order 93-13), § 392-171-476, filed 9/13/93, effective 10/14/93. Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-171-476, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.13.070(7). 80-11-054 (Order 80-31), § 392-171-476, filed 8/19/80.]

**WAC 392-171-481 Placement options—Selection—Required considerations.** (1) The placement of each student with disabilities shall be determined at least annually at a meeting conducted pursuant to WAC 392-171-456.

(2) The selection of the appropriate placement option or options for each student with disabilities shall be based upon:

- (a) The student's individualized education program;
- (b) The least restrictive environment requirements of WAC 392-171-471;
- (c) The option or combination of options that provides a reasonably high probability of assisting the student to attain his or her annual goals; and
- (d) A consideration of any potential harmful effect on the student or on the quality of services which he or she needs.

(3) In interpreting evaluation data gathered through the assessment and eligibility process in this chapter and in making placement decisions, each public agency shall:

- (a) Draw upon information from a variety of sources, including aptitude and achievement tests, teacher recommendations, parental input, physical condition, social or cultural background, and adaptive behavior;
- (b) Ensure that information obtained from all of these sources is documented and carefully considered; and
- (c) Ensure that the placement decision is made in conformity with the least restrictive environment rules in this chapter.

[Statutory Authority: Chapter 28A.155 RCW. 93-19-063 (Order 93-13), § 392-171-481, filed 9/13/93, effective 10/14/93. Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-171-481, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.13.070(7). 80-11-054 (Order 80-31), § 392-171-481, filed 8/19/80. Formerly WAC 392-171-460.]

**WAC 392-171-504 Implementation by state.** In implementing the private school provisions of this chapter, the state shall:

- (1) Disseminate copies of applicable standards to each private school and facility to which a public agency has referred or placed a student with a disability; and
- (2) Provide an opportunity for those private schools and facilities to participate in the development and revision of state standards that apply to them.

[Statutory Authority: Chapter 28A.155 RCW. 93-19-063 (Order 93-13), § 392-171-504, filed 9/13/93, effective 10/14/93.]

**WAC 392-171-507 Placement of students by parents.** If a student with a disability has a free appropriate public education available and the parents choose to place the student in a private school or facility, the public agency is not required by this part to pay for the student's education at the private school or facility. However, the public agency shall make services available to the student as provided under this chapter.

Disagreements between a parent and a public agency regarding the availability of a program appropriate for the

student, and the question of financial responsibility, are subject to the due process procedures of this chapter.

[Statutory Authority: Chapter 28A.155 RCW. 93-19-063 (Order 93-13), § 392-171-507, filed 9/13/93, effective 10/14/93.]

**WAC 392-171-508 Students in public or private institutions.** The state shall make arrangements with public and private institutions (such as a memorandum of agreement or special implementation procedures) as may be necessary to ensure that the least restrictive environment provisions in this chapter are effectively implemented.

[Statutory Authority: Chapter 28A.155 RCW. 93-19-063 (Order 93-13), § 392-171-508, filed 9/13/93, effective 10/14/93.]

**WAC 392-171-509 Technical assistance training and monitoring activities.** (1) The state shall carry out activities to ensure that teachers and administrators in all public agencies:

- (a) Are fully informed about their responsibilities for implementing the least restrictive environment requirements; and
  - (b) Are provided with technical assistance and training necessary to assist them in this effort.
- (2) The state shall carry out activities to ensure that the least restrictive environment requirements are implemented by each public agency.

If there is evidence that a public agency makes placements that are inconsistent with the least restrictive environment requirements, the state shall:

- (a) Review the public agency's justification for its actions; and
- (b) Assist in planning and implementing any necessary corrective action.

[Statutory Authority: Chapter 28A.155 RCW. 93-19-063 (Order 93-13), § 392-171-509, filed 9/13/93, effective 10/14/93.]

**WAC 392-171-511 Annual review of placement and student progress—Program improvement.** (1) Annual placement review—The educational placement of each student with disabilities shall be evaluated and redetermined at least annually at a meeting conducted pursuant to WAC 392-171-456.

(2) Program evaluation—Each school district shall establish a simple and reliable system of evaluating the program established for each student with disabilities. Program evaluations shall be based upon a student's progress toward the accomplishment of the goals and objectives set forth in the student's individualized education program and/or upon the teacher/manager efforts to facilitate change. Specific methods of evaluating and displaying program results shall be determined in accordance with the district's policies and procedures and the student's individualized education program.

(3) The program evaluation system shall assure that the performance measurement is recorded and reported at both in-process and final-result stages, and the results of the evaluation shall be reported to the parent(s) (or the adult student) consistent with policies and procedures of the school district.

(4) Program evaluations shall serve two purposes:

(a) To compare a student's measured performance with established goals and objectives; and

(b) To attempt to identify causal factors that account for significant differences between actual and predicted performance.

(5) Each school district shall develop, in its own format, alternatives designed to improve methods and results that are based upon the performance evaluation of the student. Evaluation of progress shall be continuing and completed at least annually in order to allow assessment personnel to adjust aims, programs, etc., if the goals and objectives are not met.

[Statutory Authority: Chapter 28A.155 RCW. 93-19-063 (Order 93-13), § 392-171-511, filed 9/13/93, effective 10/14/93. Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-171-511, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.13.070(7). 80-11-054 (Order 80-31), § 392-171-511, filed 8/19/80. Formerly WAC 392-171-485.]

#### **WAC 392-171-512 Reassessment—Requirement.**

Each identified student having a disabling condition shall be reassessed in accordance with the assessment procedures specified in WAC 392-171-351 through 392-171-366 by the multidisciplinary team provided for in WAC 392-171-351 as follows:

(1) At a minimum, once every three years or more frequently if conditions warrant.

(2) Upon request of the student's parent (or adult student), teacher, or individualized education program committee.

[Statutory Authority: Chapter 28A.155 RCW. 93-19-063 (Order 93-13), § 392-171-512, filed 9/13/93, effective 10/14/93. Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-171-512, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.13.070(7). 86-06-007 (Order 86-1), § 392-171-512, filed 2/21/86.]

**WAC 392-171-522 General responsibility of public agencies.** The state shall ensure that each public agency establishes and implements procedural safeguards that meet the requirements of 34 CFR 300.500-300.515.

[Statutory Authority: Chapter 28A.155 RCW. 93-19-063 (Order 93-13), § 392-171-522, filed 9/13/93, effective 10/14/93.]

**WAC 392-171-524 Parent consent.** Parental consent must be obtained in writing before:

(1) Conducting a preplacement assessment; and

(2) Initial placement of a student with a disability in a program providing special education and related services.

A public agency shall not require written parental consent as a condition for receiving any other benefit, service, or activity to the parent or to the student.

[Statutory Authority: Chapter 28A.155 RCW. 93-19-063 (Order 93-13), § 392-171-524, filed 9/13/93, effective 10/14/93.]

**WAC 392-171-526 Contents of notice.** (1) The notice required by WAC 392-171-521 shall include:

(a) A full explanation of all of the procedural safeguards available to the parent (or the adult student) that are set forth in 34 CFR 300.500, 300.502 through 515, and 300.562 through 569;

(b) A description of the action proposed or refused by the school district, an explanation of why the district proposes or refuses to take the action, and a description of

any options the district considered and the reasons why those options were rejected;

(c) A description of each assessment procedure, test, record, or report the district used as a basis for the proposal or refusal; and

(d) A description of any other factors which are relevant to the district's proposal or refusal.

(2) The notice shall be:

(a) Written in language understandable to the general public; and

(b) Provided in the native language of the parent (or adult student) or other mode of communication used by the parent (or adult student), unless it is clearly not feasible to do so.

(3) If the native language or other mode of communication of the parent (or adult student) is not a written language, the district shall take steps to assure that:

(a) The notice is translated orally or by other means to the parent (or adult student) in his or her native language or other mode of communication;

(b) The parent (or adult student) understands the content of the notice; and

(c) There is written evidence that the requirements in subparagraphs (a) and (b) of this subsection have been met.

[Statutory Authority: Chapter 28A.155 RCW. 93-19-063 (Order 93-13), § 392-171-526, filed 9/13/93, effective 10/14/93. Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-171-526, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.13.070(7). 80-11-054 (Order 80-31), § 392-171-526, filed 8/19/80. Formerly WAC 392-171-495.]

#### **WAC 392-171-531 Right to initiate—Purposes.** (1)

Hearings conducted in accordance with WAC 392-171-521 through 392-171-556 may be initiated in the following cases for the purposes stated:

(a) The parent(s) of a student (or an adult student) or a school district may initiate a hearing to challenge or to show (as the case may be) the appropriateness of a proposal by the school district to initiate or change:

(i) The identification of the student;

(ii) The assessment of the student;

(iii) The educational placement of the student; or

(iv) The provision of special education and related services to the student pursuant to this chapter;

(b) The parent(s) of a student (or an adult student) or a school district may initiate a hearing to challenge or to show (as the case may be) the appropriateness of the school district's refusal of the parent(s) (or adult student's) request to initiate or change:

(i) The identification of the student;

(ii) The assessment of the student;

(iii) The educational placement of the student; or

(iv) The provision of special education and related services to the student pursuant to this chapter;

(c) A school district may initiate a hearing to show that its assessment of a student is appropriate if the student's parent(s) (or adult student) disagrees with the assessment results.

(2) A request by a student's parent(s) (or adult student) for a hearing pursuant to this section shall:

(a) Be in writing;

(b) Be mailed or provided directly to the superintendent of the school district; and

(c) Explain the complaint of the parent(s) (or adult student) in general or specific terms.

(3) A request by a school district for a hearing pursuant to this section shall:

(a) Be in writing;

(b) Be mailed or provided directly to Office of Superintendent of Public Instruction, Office of Legal Services, Old Capitol Building, Olympia, Washington 98504. A copy of such request, including required attachments shall be transmitted to the student's parent(s) (or adult student);

(c) Have attached to such request a copy of the notice to parent(s) (or adult student) as required by WAC 392-171-521. If the hearing request by the district is in response to a request for an independent educational assessment pursuant to WAC 392-171-371, the district's written request for a hearing also shall have attached a copy of the written notice to the district required by WAC 392-171-371(2).

(4) A notice of a hearing requested by a student's parent(s) (or adult student) or initiated by a school district pursuant to this section shall be provided by the hearing officer and shall include, but not necessarily be limited to:

(a) The date, time, and place of the hearing;

(b) The issues to be addressed at the hearing to the extent the issues have been identified at the time of the notice;

(c) The rights, procedures, and other matters set forth in WAC 392-171-536 through 392-171-576; and

(d) The right of the parent(s) (or adult student) to seek an independent assessment at public expense pursuant to WAC 392-171-371.

(5) The forty-five day timeline for completing the hearing process shall begin on the day the superintendent of the school district receives the parent's written request for a due process hearing.

[Statutory Authority: Chapter 28A.155 RCW. 93-19-063 (Order 93-13), § 392-171-531, filed 9/13/93, effective 10/14/93. Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-171-531, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.13.070(7). 86-06-007 (Order 86-1), § 392-171-531, filed 2/21/86; 80-11-054 (Order 80-31), § 392-171-531, filed 8/19/80. Formerly WAC 392-171-500.]

**WAC 392-171-536 Hearing officers—Selection and expenses of—Parent assistance.** (1) If a hearing is initiated pursuant to WAC 392-171-531:

(a) The hearing shall be conducted by and at the expense of the superintendent of public instruction.

(b) The superintendent of public instruction shall provide for a court reporter's stenographic record of all testimony and other oral hearing proceedings at the expense of the superintendent of public instruction: *Provided*, That a court reporter's stenographic record need not be transcribed for any purpose except as provided or required in WAC 392-171-551(e).

(c) The superintendent of public instruction shall inform the parent(s) (or adult student) of any free or low-cost legal and other relevant services available in the area if:

(i) The parent (or adult student) requests the information; or

(ii) The school district or the parent (or adult student) initiates a hearing;

(d) The hearing shall be conducted by a qualified person selected and appointed by the chief administrative law judge

in the office of administrative hearings pursuant to chapter 10-08 WAC and shall be a person who:

(i) Is not an employee of a public agency which is involved in the education or care of the student; and

(ii) Does not have a personal or professional interest which would conflict with his or her objectivity in the hearing;

(2) The hearing shall be conducted in accordance with the provisions of WAC 392-101-005 unless modified by this chapter.

(3) Each public agency shall keep a list of the persons who serve as hearing officers. The list must include a statement of the qualifications of each of those persons.

[Statutory Authority: Chapter 28A.155 RCW. 93-19-063 (Order 93-13), § 392-171-536, filed 9/13/93, effective 10/14/93. Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-171-536, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.13.070(7). 84-19-001 (Order 84-33), § 392-171-536, filed 9/6/84; 80-11-054 (Order 80-31), § 392-171-536, filed 8/19/80. Formerly WAC 392-171-505.]

**WAC 392-171-551 Hearing rights.** (1) Any party to a hearing initiated pursuant to WAC 392-171-531 has the right to:

(a) Be accompanied and advised by persons with special knowledge or training with respect to the problems of students with disabilities;

(b) Be advised and/or represented by an attorney;

(c) Present evidence, including the opinion(s) of qualified experts, confront, cross-examine, and compel the attendance of witnesses;

(d) Prohibit the introduction of any evidence at the hearing that has not been disclosed to that party at least five days before the hearing;

(e) Obtain a written or electronic verbatim record of the hearing at no cost to any party to a hearing: *Provided*, That in the event of an appeal to a court of law by the school district, such district shall bear the cost of transcribing the record for appeal purposes and shall make a copy available to the other party at a cost, if any, which is no greater than the school district's cost of copying the original; and

(f) Obtain written findings of fact, conclusions of law and judgments. The state, after deleting any personally identifiable information, shall:

(i) Transmit those findings and decisions to the state advisory panel established under this chapter; and

(ii) Make those findings and decisions available to the public.

(2) Parents who are a party to a hearing have the right to have the student who is the subject of the hearing present.

(3) Parents (or adult students) who are a party to a hearing have the right to open the hearing to the public.

[Statutory Authority: Chapter 28A.155 RCW. 93-19-063 (Order 93-13), § 392-171-551, filed 9/13/93, effective 10/14/93. Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-171-551, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.13.070(7). 84-19-001 (Order 84-33), § 392-171-551, filed 9/6/84; 80-11-054 (Order 80-31), § 392-171-551, filed 8/19/80. Formerly WAC 392-171-510.]

**WAC 392-171-556 Timeline for hearing officer's decision—Time and place of hearing.** (1) Not later than forty-five days after the date of receipt of a request for a hearing pursuant to WAC 392-171-531:



(a) A final decision shall be reached based upon a preponderance of the evidence; and

(b) A copy of the decision consisting of the hearing officer's findings of fact, conclusions of law, and judgment shall be mailed or provided directly to each of the parties and to the superintendent of public instruction by the hearing officer, together with a certification of the date of mailing and the parties to whom it was mailed.

(2) The date of mailing or providing a decision to the parties shall be certified to on the first page of the decision by the person(s) who mails or provides the decision to the parties. The decision of the hearing officer shall be drafted in a manner which:

(a) Sets forth the findings of fact, conclusions of law and judgment separately, and numbers each findings of fact and conclusion; and

(b) Avoids the revelation of personally identifiable information that is unnecessary to reaching and understanding the decision reached. The surnames of students and their parents shall be indicated by use of their last initial and shall not be spelled out.

(3) A hearing officer may grant specific extensions of time beyond the period set forth in this section at the request of either party.

(4) Each hearing shall be conducted at a time and place which is reasonably convenient to the parent(s) and student involved.

[Statutory Authority: Chapter 28A.155 RCW. 93-19-063 (Order 93-13), § 392-171-556, filed 9/13/93, effective 10/14/93. Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-171-556, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.13.070(7). 80-11-054 (Order 80-31), § 392-171-556, filed 8/19/80. Formerly WAC 392-171-515.]

**WAC 392-171-561 Final decision—Appeal to court of law.** A decision made in a hearing initiated pursuant to WAC 392-171-531 is final, unless modified or overturned by a court of law. Any party aggrieved by the findings and decision made in a hearing who does not have the right to appeal under this chapter has the right to bring a civil action under section 615 (e)(2) of the Individuals with Disabilities Education Act. A civil action may be filed in either state or federal court.

[Statutory Authority: Chapter 28A.155 RCW. 93-19-063 (Order 93-13), § 392-171-561, filed 9/13/93, effective 10/14/93. Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-171-561, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.13.070(7). 84-19-001 (Order 84-33), § 392-171-561, filed 9/6/84; 80-11-054 (Order 80-31), § 392-171-561, filed 8/19/80. Formerly WAC 392-171-520.]

**WAC 392-171-564 Attorneys' fees.** Each public agency shall inform parents that in any action or proceeding under section 615 of the Individuals with Disabilities Education Act, courts may award parents reasonable attorneys' fees under the circumstances described in section 615 (e)(4).

[Statutory Authority: Chapter 28A.155 RCW. 93-19-063 (Order 93-13), § 392-171-564, filed 9/13/93, effective 10/14/93.]

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

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

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

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

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

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

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

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

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

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

(4) Nonemployee requirement—Compensation:

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

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

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

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

(b) The provision of free special education and related services to the student.

[Statutory Authority: Chapter 28A.155 RCW. 93-19-063 (Order 93-13), § 392-171-581, filed 9/13/93, effective 10/14/93. Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-171-581, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.13.070(7). 81-19-012 (Order 81-25), § 392-171-581, filed 9/4/81; 80-11-054 (Order 80-31), § 392-171-581, filed 8/19/80.]

**WAC 392-171-593 Notice to parents.** The state shall give notice that is adequate to fully inform parents about the requirements of this chapter including:

(1) A description of the extent that the notice is given in the native languages of the various populations groups in the state;

(2) A description of the students on whom personally identifiable information is maintained, the types of information sought, the methods the state intends to use in gathering the information (including the sources from whom information is gathered), and the uses to be made of the information;

(3) A summary of the policies and procedures that participating agencies must follow regarding storage, disclosure to third parties, retention, and destruction of personally identifiable information; and

(4) A description of all of the rights of parents and students regarding this information, including the rights under the Family Educational Rights and Privacy Act of 1974 and implementing regulations in part 99 of this title.

Before any major identification, location, or evaluation activity, the notice must be published or announced in

newspapers or other media, or both with circulation adequate to notify parents throughout the state of the activity.

[Statutory Authority: Chapter 28A.155 RCW. 93-19-063 (Order 93-13), § 392-171-593, filed 9/13/93, effective 10/14/93.]

**WAC 392-171-596 Access rights.** (1) Each school district shall permit parents of students with disabilities (or adult students) to inspect and review during school business hours any education records relating to their children or ward (or the adult student) which are collected, maintained, or used by the district under this chapter. The district shall comply with a request promptly and before any meeting regarding an individualized education program or hearing relating to the identification, evaluation, or placement of the student and in no case more than forty-five calendar days after the request has been made.

(2) The right to inspect and review education records under this section includes:

(a) The right to a response from the participating agency to reasonable requests for explanations and interpretations of the records;

(b) The right to request that the school district provide copies of the records containing the information if failure to provide those copies would effectively prevent the parent from exercising the right to inspect and review the records; and

(c) The right to have a representative of the parent (or adult student) inspect and review records.

(3) A school district may presume that a parent has authority to inspect and review records relating to his or her child or ward unless the district has been advised that the parent does not have the authority under applicable state law governing such matters as guardianship, separation, and divorce.

[Statutory Authority: Chapter 28A.155 RCW. 93-19-063 (Order 93-13), § 392-171-596, filed 9/13/93, effective 10/14/93. Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-171-596, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.13.070(7) and 28A.02.100. 84-20-093 (Order 84-48), § 392-171-596, filed 10/2/84. Statutory Authority: RCW 28A.13.070(7). 80-11-054 (Order 80-31), § 392-171-596, filed 8/19/80.]

**WAC 392-171-646 Definition—"Private school student(s) with disabilities."** For the purpose of WAC 392-171-651 through 392-171-686 "private school student(s) with disabilities" means students with disabilities enrolled in private schools or agencies but not as the result of a contractual arrangement between a public school district and the private school or agency.

[Statutory Authority: Chapter 28A.155 RCW. 93-19-063 (Order 93-13), § 392-171-646, filed 9/13/93, effective 10/14/93. Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-171-646, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.13.070(7). 80-11-054 (Order 80-31), § 392-171-646, filed 8/19/80. Formerly WAC 392-171-625.]

**WAC 392-171-651 School district responsibility for private school students with disabilities.** Subject to the provisions of WAC 392-171-656 through 392-171-686:

(1) Each school district shall provide special education and related services designed to meet the needs of private school handicapped students who reside in the school district.

(2) Each school district shall provide private school handicapped students with genuine opportunities to participate in special education and related services consistent with the number of those students and their needs.

[Statutory Authority: Chapter 28A.155 RCW. 93-19-063 (Order 93-13), § 392-171-651, filed 9/13/93, effective 10/14/93. Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-171-651, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.13.070(7). 80-11-054 (Order 80-31), § 392-171-651, filed 8/19/80. Formerly WAC 392-171-630.]

**WAC 392-171-688 State responsibility.** The state shall ensure that to the extent consistent with their number and location in the state, provision is made for the participation of private school students with disabilities in the program assisted or carried out under this chapter by providing them with special education and related services.

[Statutory Authority: Chapter 28A.155 RCW. 93-19-063 (Order 93-13), § 392-171-688, filed 9/13/93, effective 10/14/93.]

**WAC 392-171-691 Annual applications—Contents.**

As a condition to the receipt and expenditure of federal special education funds, a school district shall annually submit an application to the superintendent of public instruction or his or her designee on or before such date is announced and conduct its special education and related services program in compliance therewith. The applications shall be made pursuant to forms developed and distributed by the superintendent or his or her designee. Application forms shall include, but not necessarily be limited to, the following assurance(s) and types of information:

(1) An assurance that:

(a) The school district is in compliance with the provisions of this chapter and the rules implementing PL 94-142 (34 CFR 300.1 et seq.) that may supplement this chapter;

(b) That the district shall remain in compliance with this chapter and any such supplemental rules for the entire school year; and

(c) That the funds applied for shall be expended in compliance with the application, this chapter, and any such supplemental federal rules;

(2) The information and assurances required by 34 CFR 300.220 through 34 CFR 300.240 and any other pertinent federal rules;

(3) Identification of the local district designee responsible for child identification activities and confidentiality of information;

(4) A description of the procedures and/or activities to be implemented or continued to provide for:

(a) Identification, location and evaluation of students with disabilities not currently receiving special education and related services;

(b) Assurance of confidentiality of personally identifiable information;

(c) Implementation of a system for personnel development;

(d) Involvement of parents of students with disabilities;

(e) Participation of students with disabilities with students without disabilities;

(f) Placement of students with disabilities in the least restrictive environment;

(g) Development of individualized education programs for each eligible student with disabilities;

(h) Availability of career development and vocational education programs for students with disabilities;

(i) A description of the numbers and types of students with disabilities receiving special education and related services by placement option within the district's continuum of alternative placements;

(j) A description of the kind of and number of facilities, personnel, and services necessary to meet the district's full educational opportunity goal, including a detailed timetable for reaching that goal; and

(k) A description of the use of funds received under PL 94-142 (34 CFR 300.1 et seq.).

(5) Any other pertinent information requested by the superintendent of public instruction which is necessary for the management of the special education program.

[Statutory Authority: Chapter 28A.155 RCW. 93-19-063 (Order 93-13), § 392-171-691, filed 9/13/93, effective 10/14/93. Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-171-691, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.13.070(7). 83-08-029 (Order 83-1), § 392-171-691, filed 3/30/83; 80-11-054 (Order 80-31), § 392-171-691, filed 8/19/80. Formerly WAC 392-171-670.]

**WAC 392-171-696 Denial of applications—Opportunity for hearing.** (1) In the event the superintendent of public instruction or his or her designee proposes to deny, in whole or part, the annual application of a district for federal special education funds, the district shall be provided notice pursuant to RCW 34.04.090 of:

(a) Intent to deny the application of the district; and

(b) The district's opportunity for a hearing before the superintendent of public instruction or his or her designee prior to a denial of the application.

(2) The district's application may be denied, in whole or part, in the event the district fails to request a hearing or the hearing decision upholds the proposed basis for denial.

(3) The superintendent of public instruction shall provide an opportunity for a hearing before the agency disapproves the application in accordance with the following procedures:

(a) The applicant shall request the hearing within thirty days of the action of the superintendent of public instruction.

(b) Within thirty days after it receives a request, the superintendent of public instruction shall hold a hearing on the record and shall review its action.

(c) No later than ten days after the hearing the agency shall issue its written ruling, including findings of fact and reasons for the ruling.

(d) If the agency determines that its action was contrary to state or federal statutes or regulations that govern the applicable program, the agency shall rescind its action.

(e) If the superintendent of public instruction does not rescind its final action after a review, the applicant may appeal to the United States Secretary of Education. The applicant shall file a notice of the appeal with the United States Secretary of Education within twenty days after the applicant has been notified by the superintendent of public instruction of the results of the agency's review. If supported by substantial evidence, findings of fact of the superintendent of public instruction are final.

(f) The superintendent of public instruction shall make available at reasonable times and places to each applicant all records of the agency pertaining to any review or appeal the applicant is conducting under this section, including records of other applicants.

[Statutory Authority: Chapter 28A.155 RCW. 93-19-063 (Order 93-13), § 392-171-696, filed 9/13/93, effective 10/14/93. Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-171-696, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.13.070(7). 80-11-054 (Order 80-31), § 392-171-696, filed 8/19/80. Formerly WAC 392-171-675.]

**WAC 392-171-728 Interagency agreements.** The superintendent of public instruction shall develop and implement interagency agreements with all other state and local agencies that provide or pay for services required under this chapter for students with disabilities: *Provided*, That consideration shall be given to preserving existing arrangements between school districts and other agencies which are consistent with this chapter. These agreements shall:

(1) Describe the role that each agency plays in providing or paying for required services;

(2) Define the financial responsibility of each agency for providing students with disabilities with a free appropriate public education;

(3) Establish procedures for resolving interagency disputes among agencies that are parties to the agreements; and

(4) Establish procedures under which school districts may initiate proceedings in order to secure reimbursement from agencies that are parties to the agreements or otherwise implement the provisions of the agreements.

[Statutory Authority: Chapter 28A.155 RCW. 93-19-063 (Order 93-13), § 392-171-728, filed 9/13/93, effective 10/14/93.]

**WAC 392-171-736 Definition of "unlawfully received or expended funds."** For the purpose of WAC 392-171-741 through 392-171-756, "unlawfully received or expended funds" shall mean any state or federal special education funds received and held or expended by a school district in a manner or for a purpose that is in violation of any provision of:

(1) State statute or rule, including this chapter; or

(2) Any federal rule or condition to funding that may now or hereafter supplement this chapter including:

The recovery of funds based on inaccurate child count information under Individuals with Disabilities Education Act.

(3) In addition to meeting the other requirements of this chapter, the superintendent of public instruction shall:

(a) Establish procedures to be used by school districts and other educational institutions in counting the number of students with disabilities receiving special education and related services;

(b) Set dates by which those agencies and institutions must report to the superintendent of public instruction to ensure that the state complies with federal requirements;

(c) Obtain certification from each agency and institution that an unduplicated and accurate count has been made;

(d) Aggregate the data from the count obtained from each agency and institution, and prepare the reports required by the United States Department of Education; and

(e) Ensure that documentation is maintained that enables the state and the United States Secretary of Education to audit the accuracy of the count.

[Statutory Authority: Chapter 28A.155 RCW. 93-19-063 (Order 93-13), § 392-171-736, filed 9/13/93, effective 10/14/93. Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-171-736, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.13.070(7). 80-11-054 (Order 80-31), § 392-171-736, filed 8/19/80. Formerly WAC 392-171-715.]

**WAC 392-171-835 Transition to preschool program.** Each local school district shall develop policies and procedures for the smooth transition of children participating in the early intervention program under Part H of the Individuals with Disabilities Education Act (IDEA) who are eligible for participation in preschool programs under Part B of the IDEA.

Each district's policies and procedures must include:

- (1) A description of how the families will be included in the transitional plans;
- (2) Procedures for ensuring that the district, the agency in which the child is being served, and the family are notified of the need for transitional planning;
- (3) Procedures for convening, with the approval of the family, a conference between the agency, family, and district;
- (4) A timeline of convening the above conference at least ninety days before such child is eligible for the preschool program under Part B of IDEA;
- (5) Procedures for reviewing a child's program options, for the period commencing on the day a child turns three running through the remainder of the school year, and establishing a transition plan; and
- (6) Procedures for ensuring that if the child will participate in the district's preschool program under Part B of IDEA at age 3, an individual education program consistent with this chapter is developed and implemented by the child's third birthday. The district must provide the family with information on the eligibility and evaluation requirements under Part B of IDEA, including the parent's and district's rights regarding procedural safeguards.

[Statutory Authority: Chapter 28A.155 RCW. 93-19-063 (Order 93-13), § 392-171-835, filed 9/13/93, effective 10/14/93.]

**WAC 392-171-900 Comprehensive system of personnel development.** The superintendent of public instruction shall establish and implement procedures for developing and conducting a comprehensive system of personnel development which includes:

- (1) The continuing education of general and special education instructional and related services personnel;
- (2) Detailed procedures to assure that all personnel necessary to carry out the purposes of the Individuals with Disabilities Education Act (IDEA), P.L. 102-119, 34 CFR 300.1, as of October 1, 1992, are appropriately and adequately prepared;
- (3) Provisions consistent with 34 CFR 300.153, 300.380-383, and 303.360;
- (4) Effective procedures for acquiring and disseminating significant information derived from educational research, demonstration and similar projects; and

(5) The adoption, where appropriate, of promising educational practices and material developed through research, demonstration, and similar initiatives.

[Statutory Authority: Chapter 28A.155 RCW. 93-19-063 (Order 93-13), § 392-171-900, filed 9/13/93, effective 10/14/93.]

**WAC 392-171-901 Definitions.** The following definitions apply to this chapter:

(1) "Appropriate professional requirements," those entry level requirements that are based on the highest requirements in the state applicable to the profession or discipline in which a person is providing special education or related services and that establish the qualifications for personnel providing special education and related services under chapters 392-168, 392-171, and 392-173 WAC to children and youth with disabilities who are served by state, local, and private agencies;

(2) "Highest requirements in the state applicable to a specific profession or discipline," the highest entry-level academic degree needed for any state-approved or -recognized certification, licensing, or registration or other comparable requirements that apply to that profession or discipline;

(3) "Profession or discipline," a specific occupational category that provides special education and related services to children and youth with disabilities under chapters 392-168, 392-171, and 392-173 WAC, has been established or designated by the state, and has a required scope of responsibility and degree of supervision; and

(4) "Qualified" means that a person, in accordance with the provisions contained in 34 CFR 300.153 of the Individuals with Disabilities Education Act (IDEA), has met superintendent of public instruction approved or recognized certification, licensing, registration, or other comparable requirements for the profession or discipline in which the person is providing special education and related services.

[Statutory Authority: Chapter 28A.155 RCW. 93-19-063 (Order 93-13), § 392-171-901, filed 9/13/93, effective 10/14/93.]

**WAC 392-171-905 Scope of system.** Through the superintendent of public instruction, the state of Washington shall develop and implement a comprehensive system of personnel development which:

- (1) Meets all federal requirements contained in 34 CFR 300.153, 300.381-300.383 and 303.360 of the IDEA;
- (2) Addresses current and projected special education and related services personnel needs, including the needs of leadership personnel; and
- (3) Coordinates and facilitates efforts among state and local educational agencies, institutions of higher education, professional and other associations to recruit, prepare and retain qualified personnel necessary to serve children and youth (birth through twenty-one), including leadership personnel, personnel from minority backgrounds, and personnel with disabilities.

[Statutory Authority: Chapter 28A.155 RCW. 93-19-063 (Order 93-13), § 392-171-905, filed 9/13/93, effective 10/14/93.]

**WAC 392-171-910 Establishment of a comprehensive system of personnel development advisory subcommittee.** Consistent with procedures established at the discretion of the superintendent of public instruction, the

superintendent shall appoint members of the council to serve on a comprehensive system of personnel development advisory committee. The comprehensive system personnel development advisory committee shall include at least one representative each from: An institution of higher education, the office of the superintendent of public instruction, an educational service district, a local educational agency, a special education-related professional organization, and a parent or other advocacy organization. It shall be the responsibility of the comprehensive system personnel development advisory subcommittee to:

(1) Advise the superintendent of public instruction, through the advisory council, of unmet personnel needs with respect to the provision of special education and related services to children and youth (ages birth through twenty-one years);

(2) Comment publicly on the state plan and rules and other policy documents proposed for issuance by the state which have an impact on such personnel; and

(3) Assist the superintendent of public instruction in developing and reporting such information and evaluations as may be required to assist the secretary of the department of education in the performance of his or her responsibilities under the IDEA and other activities as determined necessary by the superintendent.

[Statutory Authority: Chapter 28A.155 RCW. 93-19-063 (Order 93-13), § 392-171-910, filed 9/13/93, effective 10/14/93.]

**WAC 392-171-915 Annual needs assessment.** Each year, the special education section of the office of the superintendent of public instruction, with the assistance of the state's educational services districts, shall administer a state-wide needs assessment to determine the current and projected special education and related services personnel needs, including the need for leadership personnel.

[Statutory Authority: Chapter 28A.155 RCW. 93-19-063 (Order 93-13), § 392-171-915, filed 9/13/93, effective 10/14/93.]

**WAC 392-171-925 Data system on personnel and personnel development.** Annually, the superintendent of public instruction, with the assistance of the state's educational service districts, shall collect the following information:

(1) The number and type of personnel, including leadership personnel, employed in the provision of special education and related services, by profession or discipline;

(2) The number and type of personnel who are employed with emergency, provisional, or temporary certification in each profession or discipline who do not hold appropriate state certification, licensure, or other credentials comparable to certification or licensure in that profession or discipline;

(3) The number and type of personnel, including leadership personnel, in each profession or discipline needed, and a projection of the number of those personnel that will be needed in five years, based on projections of individuals to be served, retirement, and other departures of personnel from the field and other relevant factors; and

(4) Content areas in which continuing education is needed, identified by profession or discipline, including leadership personnel. Information collected on personnel

which meets the requirements of subsections (1) through (3) of this section must include: Audiologists, counselors, diagnostic and evaluation personnel, home-hospital teachers, interpreters for students with hearing impairments including deafness, occupational therapists, orientation and mobility specialists, parents, physical education teachers, physical therapists, psychologists, rehabilitation counselors, social workers, speech-language pathologists, teachers, teacher aides (i.e., instructional assistants), recreation and therapeutic recreation specialists, vocational education teachers, work study coordinators, and other instructional and non-instructional staff. Additionally, data on leadership personnel required under subsections (1) through (3) of this section must include administrators and supervisors of state and local agencies who are involved in the provision or supervision of services or activities necessary to carry out the purposes of the Individuals with Disabilities Education Act, Parts B and H.

[Statutory Authority: Chapter 28A.155 RCW. 93-19-063 (Order 93-13), § 392-171-925, filed 9/13/93, effective 10/14/93.]

**WAC 392-171-930 Other sources of annual needs assessment data.** As required under 34 CFR 300.383, the superintendent of public instruction shall collect data from institutions of higher education to determine, on an annual basis:

(1) The numbers of students enrolled in programs for the preparation of special education and related services personnel administered by institutions in the state of Washington; and

(2) The numbers of students who graduated during the past year with certification or licensure, or with credentials to qualify for certification or licensure, from programs for the preparation of special education and related services personnel administered by Washington's institutions of higher education.

Prior to collecting data from institutions of higher education, the special education section of the office of the superintendent of public instruction shall determine annually the institutions of higher education within the state that are preparing special education and related services personnel, including leadership personnel, by area of specialization (consistent with the listing of personnel categories incorporated in WAC 392-171-925 (1) through (3)). This information, in written form, shall be made available annually to the comprehensive system of personnel development subcommittee of the special education state advisory council, to institutions of higher education in the state of Washington, and, upon request, to the public.

[Statutory Authority: Chapter 28A.155 RCW. 93-19-063 (Order 93-13), § 392-171-930, filed 9/13/93, effective 10/14/93.]

**WAC 392-171-935 Report of current and projected personnel needs.** Annually, the special education section shall:

(1) Review and analyze the information submitted by public agencies, institutions of higher education, and other sources; and

(2) Prepare a summary report of projected state-wide preservice and continuing education needs for the state of Washington. This document shall be submitted to the

members of the comprehensive system of personnel development subcommittee for review, comment, and revision and shall be included in the annual report of the special education state advisory council. This information shall also be reported to the department of education as required under 34 CFR 300.383 of the IDEA.

[Statutory Authority: Chapter 28A.155 RCW. 93-19-063 (Order 93-13), § 392-171-935, filed 9/13/93, effective 10/14/93.]

**WAC 392-171-940 Administration of continuing education.** The personnel development plan for the state of Washington shall provide for the continuing education needs of regular and special education and related services personnel to enable these personnel to meet the needs of students with disabilities under this chapter. Educational service districts shall assume a central role in the provision and coordination of continuing education programming statewide.

[Statutory Authority: Chapter 28A.155 RCW. 93-19-063 (Order 93-13), § 392-171-940, filed 9/13/93, effective 10/14/93.]

**WAC 392-171-945 Personnel development plan.** Each year, with the involvement of the state's educational service districts, the superintendent of public instruction will develop, update and implement a personnel development plan which addresses:

- (1) The process used for determining the continuing education and preservice training needs;
- (2) The need, by areas of specialization, for new personnel and the need for continuing education;
- (3) The content areas in which continuing education and preservice training is needed;
- (4) An assurance that ongoing continuing education (inservice training) programs are available to all personnel who are engaged in the education of children and youth with disabilities, including leadership personnel, and that these programs include the following:
  - (a) The use of incentives which ensure participation by personnel, such as release time, payment for participation, options for academic credit, certification renewal, or updating of professional skills; and
  - (b) The use of innovative training practices which have been found to be effective;
- (5) The involvement of the state's educational service districts in the planning, administration, and evaluation of continuing education;
- (6) The procedures for acquiring and disseminating to teachers, administrators, and related services personnel significant knowledge derived from education research and other sources;

(7) Procedures for adopting, if appropriate, promising practices, materials, and technology, proven effective through research and demonstration; and where appropriate, of promising educational practices and material developed through research, demonstration, and similar initiatives.

[Statutory Authority: Chapter 28A.155 RCW. 93-19-063 (Order 93-13), § 392-171-945, filed 9/13/93, effective 10/14/93.]

**WAC 392-171-950 Provision of technical assistance.** Consistent with the federal requirements contained in 34 CFR 300.380-383 and 34 CFR 300.555, the superintendent

of public instruction shall provide, through superintendent of public instruction-initiatives and/or educational service district staff, technical assistance to local educational agencies and other agencies, institutions, organizations, or individuals responsible for implementing special education and related services. Technical assistance and related training shall be provided in response to:

- (1) Requests from agencies, institutions; organizations, and individuals;
- (2) The results of monitoring or application review; and/or
- (3) The targeting of specific training issues or concerns through the personnel development plan or superintendent of public instruction staff evaluation.

Technical assistance may be administered through on-site visitation, teleconference, correspondence, or any other means considered appropriate and effective by the superintendent of public instruction, in consultation with the educational service district, if providing technical assistance, and the receiving agency, institution, organization, or individual.

[Statutory Authority: Chapter 28A.155 RCW. 93-19-063 (Order 93-13), § 392-171-950, filed 9/13/93, effective 10/14/93.]

**WAC 392-171-955 Personnel standards.** In order to ensure that all personnel necessary to carry out the purposes of Part B the Individuals with Disabilities Education Act (IDEA-B) are appropriately and adequately prepared and trained, the superintendent of public instruction shall:

- (1) Establish and maintain standards for personnel providing special education and related services; and
- (2) Determine that all personnel providing special education and related services perform these functions under state-approved or state-recognized certification, licensure, or other comparable requirements that apply to the area in which the person is providing special education and related services.

[Statutory Authority: Chapter 28A.155 RCW. 93-19-063 (Order 93-13), § 392-171-955, filed 9/13/93, effective 10/14/93.]

**WAC 392-171-960 Professional standards review.** Before October 1st of each year, the special education section, on behalf of the superintendent of public instruction, shall review the professional requirements in the statutes necessary for the provision of special education and related services. This professional standards review must include the requirements of all statutes and the rules of all state agencies applicable to serving children and youth with disabilities, and shall include the standards of the superintendent of public instruction, the department of licensing, the division of vocational rehabilitation, the department of social and health services, and any other public agency responsible for the licensing or certification of personnel who provide special education or related services. In conducting this review, the superintendent of public instruction must:

- (1) Determine the highest standards applicable to each profession or discipline based upon the most current information available to the superintendent of public instruction;
- (2) Identify those professions or disciplines for which the highest requirements of the state do apply;



(3) Identify those specific professions or disciplines for which the existing personnel standards for special education or related services, including standards for temporary or emergency certification are not based on the highest requirement in the state applicable to that specific profession or discipline; and

(4) For those professions or disciplines for which the highest requirements of the state do not apply, detail the steps the superintendent of public instruction is taking (and the procedures for notifying public agencies and personnel of those steps and the timelines it has established) for the retraining or hiring of personnel that meet the appropriate professional requirements in the state of Washington. In determining annually the status of personnel standards for each applicable profession or discipline in the state (as defined in WAC 392-171-955), the superintendent of public instruction's review and determination must be based on current information that accurately describes, for each profession or discipline in which personnel are providing special education or related services, whether the applicable standards are consistent with the highest requirements in the state for that profession or discipline.

The results of the review conducted in accordance with the provision of this section shall be described in a report prepared for and submitted to the comprehensive system of personnel development subcommittee of the special education state advisory committee. Each annual report and necessary supporting documentation must be maintained in the files of the superintendent of public instruction's special education section and must be available to the public. Each report shall be incorporated in the appropriate state plan for Part B of the Individuals with Disabilities Education Act submitted to the department of education.

[Statutory Authority: Chapter 28A.155 RCW. 93-19-063 (Order 93-13), § 392-171-960, filed 9/13/93, effective 10/14/93.]

### Chapter 392-173 WAC SPECIAL EDUCATION PROGRAMS—DSHS STUDENTS

#### WAC

392-173-005	Purpose.
392-173-010	Definitions.
392-173-015	General duties of the department of social and health services and the superintendent of public instruction.
392-173-030	Medical evaluation.
392-173-047	Interagency agreements.
392-173-080	Decisions, appeals and citizen complaints regarding educational programming and exclusion from an educational program.

**WAC 392-173-005 Purpose.** The purpose of this chapter is to accommodate the unique goals and student population of the state schools for the deaf and the blind and the early childhood developmental centers operated by the department of social and health services by establishing the standards governing the development and implementation of special education and related services for residents with disabilities of such schools who are under the age of twenty-one. This chapter applies to the maintenance and operation of such programs by the department of social and health

services and the general supervisory authority of the office of the superintendent of public instruction.

[Statutory Authority: Chapter 28A.155 RCW. 93-19-064 (Order 93-14), § 392-173-005, filed 9/13/93, effective 10/14/93. Statutory Authority: RCW 28A.02.100. 84-20-086 (Order 84-46), § 392-173-005, filed 10/2/84. Statutory Authority: RCW 72.05.140(2) and Art. III, § 22 of the state Constitution. 80-11-038 (Order 80-30), § 392-173-005, filed 8/15/80; Order 16-76, § 392-173-005, filed 12/21/76.]

**WAC 392-173-010 Definitions.** As used in this chapter:

(1) "Department" shall mean the department of social and health services.

(2) The meaning of terms as used in this chapter shall be as provided in WAC 392-171-310, 392-171-311, 392-171-315, and 392-171-320.

(3) The term "schools" shall mean the state schools for the deaf and the blind and the early childhood developmental centers.

(4) Early childhood developmental centers shall mean state/department supported community based programs for preschool students aged birth to three.

[Statutory Authority: Chapter 28A.155 RCW. 93-19-064 (Order 93-14), § 392-173-010, filed 9/13/93, effective 10/14/93. Statutory Authority: RCW 28A.02.100. 84-20-086 (Order 84-46), § 392-173-010, filed 10/2/84. Statutory Authority: RCW 72.05.140(2) and Art. III, § 22 of the state Constitution. 80-11-038 (Order 80-30), § 392-173-010, filed 8/15/80; Order 16-76, § 392-173-010, filed 12/21/76.]

**WAC 392-173-015 General duties of the department of social and health services and the superintendent of public instruction.** In recognition of the fact that the department has the immediate statutory duty, authority, and responsibility to establish, maintain, operate, and administer a comprehensive program for the care, custody, control, and education of students at the state schools for the deaf and the blind and early childhood developmental centers; and that the superintendent of public instruction is charged with the responsibility of assisting the state schools so that the educational programs maintained therein shall be comparable to such programs provided for in chapter 392-171 WAC for children with similar aptitudes in local school districts; and that the superintendent of public instruction is appropriated federal funds for these programs from time to time and has the constitutional and statutory authority to supervise all matters pertaining to the public school system, the principal duties of the superintendent of public instruction and department shall be as follows:

(1) The superintendent of public instruction shall cooperate with the department in the exercise of powers granted by law with the objective of assuring each student a free appropriate public education consistent with this chapter;

(2) The superintendent of public instruction shall assist the department regarding the operation and maintenance of educational programs for students in such schools;

(3) The superintendent of public instruction shall seek, allocate, and distribute federal funds made available for these programs on the condition that funds made available for the education of students be expended in compliance with the requirements of this chapter and other state or federal funding conditions; and

(4) The superintendent of public instruction shall provide the department with information and the advice and services of his or her staff necessary to achieve the purpose of this chapter to the extent the same are reasonably available. This part may not be construed to permit the state to reduce medical and other assistance available to students with disabilities, or to alter the eligibility of a student with a disability, under Title V (Maternal and Child Health) or Title XIX (Medicaid) of the Social Security Act, to receive services that are also part of a free appropriate public education.

[Statutory Authority: Chapter 28A.155 RCW. 93-19-064 (Order 93-14), § 392-173-015, filed 9/13/93, effective 10/14/93. Statutory Authority: RCW 28A.02.100. 84-20-086 (Order 84-46), § 392-173-015, filed 10/2/84. Statutory Authority: RCW 72.05.140(2) and Art. III, § 22 of the state Constitution. 80-11-038 (Order 80-30), § 392-173-015, filed 8/15/80; Order 16-76, § 392-173-015, filed 12/21/76.]

**WAC 392-173-030 Medical evaluation.** Medical evaluation shall be the responsibility of the department whenever a student with disabilities is suspected of having a health problem which may affect his or her educational program: *Provided*, That medical evaluations at the expense of the department as otherwise in behalf of the department shall be obtained only:

(1) At the direction of or with prior approval of the department's designee, except in the case of an independent assessment ordered pursuant to WAC 392-171-371.

(2) In accordance with criteria established by the department, but not limited to, the location of the evaluation and report required.

(3) When the student's personal physician, if the student has a physician, has been involved in the planning.

[Statutory Authority: Chapter 28A.155 RCW. 93-19-064 (Order 93-14), § 392-173-030, filed 9/13/93, effective 10/14/93. Statutory Authority: RCW 28A.02.100. 84-20-086 (Order 84-46), § 392-173-030, filed 10/2/84. Statutory Authority: RCW 72.05.140(2) and Art. III, § 22 of the state Constitution. 80-11-038 (Order 80-30), § 392-173-030, filed 8/15/80; Order 16-76, § 392-173-030, filed 12/21/76.]

**WAC 392-173-047 Interagency agreements.** WAC 392-171-728 shall be applicable to the department.

[Statutory Authority: Chapter 28A.155 RCW. 93-19-064 (Order 93-14), § 392-173-047, filed 9/13/93, effective 10/14/93.]

**WAC 392-173-080 Decisions, appeals and citizen complaints regarding educational programming and exclusion from an educational program.** (1) Decisions made by the state school for the deaf and the blind and early childhood developmental centers regarding the educational program of a student or the student's total or partial exclusion therefrom shall be the responsibility of the department, as shall be complaints registered by any person, entity, or organization alleging one or more violations of this chapter: *Provided*, That such procedures shall at least guarantee parents, guardians, surrogate parents, public agencies, and others such notice and right to register a complaint, including the appeal process, as may now or hereafter be provided for in and pursuant to chapter 392-168 WAC.

(2) Appeals and complaints by a parent, guardian, or a surrogate parent shall be pursuant to procedures as now or hereafter established by the department: *Provided*, That such

procedures shall at least guarantee parents, guardians, surrogate parents, and others such notice and hearing rights as may now or hereafter be provided for in and pursuant to 20 U.S.C. § 1415 as amended by Public Law 94-142 including, but not limited to, prior notice of and a right to an impartial due process hearing in connection with decisions to initiate or change, or to refuse to initiate or change, the identification, evaluation, or educational placement of a student or the provision of a free appropriate education.

[Statutory Authority: Chapter 28A.155 RCW. 93-19-064 (Order 93-14), § 392-173-080, filed 9/13/93, effective 10/14/93. Statutory Authority: RCW 28A.02.100. 84-20-086 (Order 84-46), § 392-173-080, filed 10/2/84. Statutory Authority: RCW 72.05.140(2) and Art. III, § 22 of the state Constitution. 80-11-038 (Order 80-30), § 392-173-080, filed 8/15/80; Order 16-76, § 392-173-080, filed 12/21/76.]

## Chapter 392-184 WAC

### REENTRY TO COMMON SCHOOLS— EDUCATIONAL CLINIC AND OTHER STUDENTS

#### WAC

392-184-020	Reentry to common schools—Education center student.
392-184-025	Determination of grade level upon reentry—Education center student.

**WAC 392-184-020 Reentry to common schools—Education center student.** A common school dropout of common school age who has attended a certified education center shall be entitled to reenroll in the common school system. In addition, any such student shall be entitled to be placed at the class level in which he or she would have been but for having dropped out and to graduate with the class, notwithstanding any loss of credits prior to reentry, if each of the following conditions is met:

(1) The student has attended a certificated education center for no less than ninety, sixty minute instructional hours;

(2) The student has reenrolled in the common school system no later than the commencement of the next regular school year semester or trimester, as the case may be, following his or her last day of attendance at a certified education center;

(3) The student possesses the ability to perform academically at a passing level at the grade level of placement as determined pursuant to WAC 392-184-025;

(4) The student has earned credits following his or her reentry at the normal rate;

(5) The student has been enrolled at least two of the three grades nine through eleven at a common school or approved private school, or a combination of both; and

(6) The student has commenced and satisfactorily completed his or her last full school year immediately preceding high school graduation at a public high school, or a combination of public high schools.

[Statutory Authority: RCW 28A.205.101 - [28A.205.]090. 93-23-037 (Order 93-23), § 392-184-020, filed 11/10/93, effective 12/11/93. Statutory Authority: RCW 28A.97.030. 84-05-026 (Order 84-5), § 392-184-020, filed 2/14/84.]

**WAC 392-184-025 Determination of grade level upon reentry—Education center student.** The determina-

tion pursuant to WAC 392-184-020 of a student's level of academic ability and grade level of placement at the time of a former education center student's reentry shall be made by the principal of the common school of enrollment or such other school district authority as may be designated pursuant to school district policy. Such determination shall be made by the principal or other designated official only after consultation with one or more representatives of the education center which the student last attended and shall be based exclusively upon the principal's or other designated official's professional judgment of the following:

- (1) The recommendations of the clinic representative(s);
- (2) The student's performance while enrolled in the center; and
- (3) The student's academic ability as documented by the results of standardized tests recently administered by the center or school district, or both.

[Statutory Authority: RCW 28A.205.101 - [28A.205.]090. 93-23-037 (Order 93-23), § 392-184-025, filed 11/10/93, effective 12/11/93. Statutory Authority: RCW 28A.97.030. 84-05-026 (Order 84-5), § 392-184-025, filed 2/14/84.]

### Chapter 392-185 WAC CERTIFIED EDUCATIONAL CLINICS— DISTRIBUTION OF STATE FUNDS

#### WAC

392-185-003	Authority.
392-185-005	Purpose.
392-185-010	Definitions.
392-185-020	Application for funding.
392-185-030	Reimbursement eligibility—Contracts.
392-185-040	Initial diagnostic procedure—Fees and records.
392-185-050	Instruction—Fees.
392-185-060	Fees—Payment and procedures.
392-185-070	Fee revisions.
392-185-080	Fee revision—Appeal procedure.
392-185-100	Tuition—Limitations.
392-185-120	State audit review.
392-185-150	Eligibility to take the general educational development (GED) tests.

**WAC 392-185-003 Authority.** The authority for this chapter is RCW 28A.205.050 which authorizes the superintendent of public instruction to adopt rules and regulations to carry out the purpose of chapter 28A.205 RCW, the operation and funding of education centers. (The certification or approval of education centers is the responsibility of the state board of education. See chapter 180-95 WAC.)

[Statutory Authority: RCW 28A.205.010 - [28A.205.]090. 93-23-036 (Order 93-22), § 392-185-003, filed 11/10/93, effective 12/11/93. Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-185-003, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.97.050. 84-05-016 (Order 84-3), § 392-185-003, filed 2/9/84.]

**WAC 392-185-005 Purpose.** The purpose of this chapter is to establish the policies and procedures necessary to distribute funds to certified education centers as provided in chapter 28A.205 RCW.

[Statutory Authority: RCW 28A.205.010 - [28A.205.]090. 93-23-036 (Order 93-22), § 392-185-005, filed 11/10/93, effective 12/11/93. Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-185-005, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.97.050. 84-05-016 (Order 84-3), § 392-185-005, filed 2/9/84. Statutory Authority: RCW

28A.97.050 and 1977 ex.s. c 339 § 95 (uncodified). 78-03-008 (Order 1-78), § 392-185-005, filed 2/6/78, effective 3/9/78.]

**WAC 392-185-010 Definitions.** The following definitions shall apply to terms used in this chapter:

(1) The terms, "education center," "basic academic skills," "a clinical-client centered basis," "individual diagnostic procedures," "general educational development tests," "educational gains," and "employment orientation," as defined in WAC 180-95-010 as adopted or hereafter amended shall apply to the provisions of this chapter.

(2) An "eligible common school dropout" shall mean a person who (a) has not completed high school; (b) has reached his or her thirteenth birthday and not attained his or her twentieth birthday; (c) does not show proficiency beyond the high school level in a test approved by the superintendent of public instruction which has been given as a part of the initial diagnostic procedure; and (d) has dropped out of a common school for at least one month and written verification is received from a school official of the common school last attended stating that such person is no longer in attendance at such school unless (i) the board of directors or its designee submits a written request that such person be admitted, or (ii) the person has been expelled or suspended pursuant to chapter 180-40 WAC. The fact that any person may be subject to the compulsory attendance law, chapter 28A.225 RCW, shall not affect his or her qualifications as an eligible common school dropout under this chapter.

In addition, to qualify as an "eligible common school dropout" a child must have on file with the appropriate certified education center a written waiver allowing the superintendent of public instruction to examine his or her records at the certified educational clinic at any time and for purposes consistent with the intent of this chapter and chapter 180-95 WAC.

(3) "Class size" is defined to be that number of students assigned to a single certificated teacher during the period of time for which reimbursement is requested regardless of whether or not the students are working on similar courses, subjects, or activities.

[Statutory Authority: RCW 28A.205.010 - [28A.205.]090. 93-23-036 (Order 93-22), § 392-185-010, filed 11/10/93, effective 12/11/93. Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-185-010, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.97.050. 79-12-004 (Order 8-79), § 392-185-010, filed 11/9/79. Statutory Authority: RCW 28A.97.050 and 1977 ex.s. c 339 § 95 (uncodified). 78-03-008 (Order 1-78), § 392-185-010, filed 2/6/78, effective 3/9/78.]

**WAC 392-185-020 Application for funding.** Any certified education center shall be eligible to apply for state reimbursement for costs pursuant to WAC 392-185-040 and 392-185-050 incurred in diagnostic screening of and/or instructional activities provided to eligible common school dropouts. Such applications shall be prepared in accordance with guidelines provided by the superintendent of public instruction. Neither certification of an education center nor completion of required application materials shall guarantee receipt of funds.

[Statutory Authority: RCW 28A.205.010 - [28A.205.]090. 93-23-036 (Order 93-22), § 392-185-020, filed 11/10/93, effective 12/11/93. Statutory Authority: RCW 28A.97.050 and 1977 ex.s. c 339 § 95 (uncodified). 78-03-008 (Order 1-78), § 392-185-020, filed 2/6/78, effective 3/9/78.]

**WAC 392-185-030 Reimbursement eligibility—Contracts.** The superintendent of public instruction shall provide reimbursement pursuant to contractual agreements with certified centers. Contracts may be awarded by the superintendent of public instruction to private educational institutions which (1) are certified as education centers by the state board of education pursuant to chapter 180-95 WAC, (2) are nonsectarian, (3) are financially sound pursuant to WAC 180-95-020(8), (4) are capable of fulfilling their educational commitment and (5) demonstrate past superior performance. Superior performance shall be based upon consideration of individual educational gains achieved by students, the backgrounds of those students, and the cost effectiveness of the center's program, as follows:

(a) Educational gains shall be evaluated by considering:  
(1) Measured increases in academic achievement as determined by instruments approved by the superintendent of public instruction, and

(2) The student's subsequent participation in constructive activities, such as enrollment in a common or private school, employment, attendance at an institution of higher or vocational education, or military service.

(b) In evaluating educational gains, consideration shall be given to those factors in each student's background which might tend to reduce the cost effectiveness of those educational gains.

(c) In determining cost effectiveness of any education center, the cost of services provided to students shall be computed by taking into consideration the reasonable value of all sources of support which are used in whole or in part, directly or indirectly, to provide services to students, including payments made under this chapter, and for nonprofit centers, tax exemptions and any other costs to taxpayers at any level of government which result from such nonprofit status.

[Statutory Authority: RCW 28A.205.010 - [28A.205.]090. 93-23-036 (Order 93-22), § 392-185-030, filed 11/10/93, effective 12/11/93. Statutory Authority: RCW 28A.97.050 and 1977 ex.s. c 339 § 95 (uncodified). 78-03-008 (Order 1-78), § 392-185-030, filed 2/6/78, effective 3/9/78.]

**WAC 392-185-040 Initial diagnostic procedure—Fees and records.** (1) For each initial diagnosis completed for an eligible student applicant, a certified education center, consistent with the terms of its contract with the superintendent of public instruction, shall be entitled to a fee of not more than fifty dollars per eligible student: *Provided*, That the administration of any general education development test shall not be a part of such initial diagnostic procedures.

(2) A written record of the initial diagnostic process for each student served shall be available. This record shall include, but not be limited to: (a) A transcript of the student's previous academic history when available; (b) a description of the assessment processes used to determine ability, achievement, interest and aptitudes; (c) a summary of all diagnostic findings; and (d) a listing of the specific instructional objectives and program placement recommendations.

(3) The records of each student shall be signed and dated by the qualified person(s) conducting the diagnosis and making program recommendations.

(4) The records shall be completed prior to student admission to education center classes for which state reimbursement for costs is sought under this chapter.

[Statutory Authority: RCW 28A.205.010 - [28A.205.]090. 93-23-036 (Order 93-22), § 392-185-040, filed 11/10/93, effective 12/11/93. Statutory Authority: RCW 28A.97.050. 79-12-004 (Order 8-79), § 392-185-040, filed 11/9/79. Statutory Authority: RCW 28A.97.050 and 1977 ex.s. c 339 § 95 (uncodified). 78-03-008 (Order 1-78), § 392-185-040, filed 2/6/78, effective 3/9/78.]

**WAC 392-185-050 Instruction—Fees.** The fees paid for each 60 minute hour of instruction shall be as follows:

(1) Sixteen dollars per hour per enrollee if the class size is no greater than one; or

(2) Ten dollars per hour per enrollee if the class size is at least two and no greater than five; or

(3) Five dollars per hour per enrollee if the class size is at least six. Revisions in such fees proposed by an education center shall be allowed pursuant to WAC 392-185-070.

[Statutory Authority: RCW 28A.205.010 - [28A.205.]090. 93-23-036 (Order 93-22), § 392-185-050, filed 11/10/93, effective 12/11/93. Statutory Authority: RCW 28A.97.050 and 1977 ex.s. c 339 § 95 (uncodified). 78-03-008 (Order 1-78), § 392-185-050, filed 2/6/78, effective 3/9/78.]

**WAC 392-185-060 Fees—Payment and procedures.** Consistent with the provisions of chapter 28A.205 RCW as enacted or hereafter amended, fee reimbursements made to certified education centers 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 education center 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 education centers 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 education center: *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 education center, 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.205.010 - [28A.205.]090. 93-23-036 (Order 93-22), § 392-185-060, filed 11/10/93, effective 12/11/93. Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-185-060, filed 7/19/90,

effective 8/19/90. 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.]

**WAC 392-185-070 Fee revisions.** A certified education center may submit a written request for fee revision to the superintendent of public instruction. A proposed fee revision must be accompanied by documentation supporting the need for the fee revision, including documentation of increased employee costs, increased non-employee related costs, and must include or be supplemented by such other information as the superintendent of public instruction may request.

The superintendent of public instruction may allow fee revisions if he or she finds that the proposed fee revision is reasonable. The superintendent of public instruction shall notify the center of approval or disapproval of such request within 30 days of receipt of the request: *Provided*, That no revision of fees shall be allowed during a contract period which shall not exceed one year from date of execution.

[Statutory Authority: RCW 28A.205.010 - [28A.205.]090. 93-23-036 (Order 93-22), § 392-185-070, filed 11/10/93, effective 12/11/93. Statutory Authority: RCW 28A.97.050 and 1977 ex.s. c 339 § 95 (uncodified). 78-03-008 (Order 1-78), § 392-185-070, filed 2/6/78, effective 3/9/78.]

**WAC 392-185-080 Fee revision—Appeal procedure.** A decision of the superintendent of public instruction to deny a request for fee revision may be appealed by a certified education center to the state board of education. The notification of appeal must be filed with the secretary of the state board of education within 15 days following the date of the superintendent's decision. The appeal will be conducted pursuant to WAC 180-95-060.

[Statutory Authority: RCW 28A.205.010 - [28A.205.]090. 93-23-036 (Order 93-22), § 392-185-080, filed 11/10/93, effective 12/11/93. Statutory Authority: RCW 28A.97.050 and 1977 ex.s. c 339 § 95 (uncodified). 78-03-008 (Order 1-78), § 392-185-080, filed 2/6/78, effective 3/9/78.]

**WAC 392-185-100 Tuition—Limitations.** No certified education center shall make any charge to any student or his or her parent, guardian, or custodian for whom a fee is being received under the provisions of chapter 28A.205 RCW and this chapter.

[Statutory Authority: RCW 28A.205.010 - [28A.205.]090. 93-23-036 (Order 93-22), § 392-185-100, filed 11/10/93, effective 12/11/93. Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-185-100, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.97.050 and 1977 ex.s. c 339 § 95 (uncodified). 78-03-008 (Order 1-78), § 392-185-100, filed 2/6/78, effective 3/9/78.]

**WAC 392-185-120 State audit review.** Any certified education center under contract with the superintendent of public instruction pursuant to chapter 28A.205 RCW and this chapter shall permit, without prior notice, a review of its records by the state auditor and/or the superintendent of public instruction during normal business hours.

[Statutory Authority: RCW 28A.205.010 - [28A.205.]090. 93-23-036 (Order 93-22), § 392-185-120, filed 11/10/93, effective 12/11/93. Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-185-120, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.97.050 and 1977 ex.s. c 339 § 95 (uncodified). 78-03-008 (Order 1-78), § 392-185-120, filed 2/6/78, effective 3/9/78.]

**WAC 392-185-150 Eligibility to take the general educational development (GED) tests.** Any student of a certified education center, upon completion of an individual student program, shall be eligible to take the general educational development (GED) tests at an authorized testing center as defined in WAC 180-95-010(5).

[Statutory Authority: RCW 28A.205.010 - [28A.205.]090. 93-23-036 (Order 93-22), § 392-185-150, filed 11/10/93, effective 12/11/93. Statutory Authority: RCW 28A.97.050 and 1977 ex.s. c 339 § 95 (uncodified). 78-03-008 (Order 1-78), § 392-185-150, filed 2/6/78, effective 3/9/78.]

## Chapter 392-196 WAC

### SCHOOL PERSONNEL—TEACHER ASSISTANCE PROGRAM

#### WAC

392-196-005	Authority.
392-196-030	Definition—Beginning teacher stipend.
392-196-080	School district application to ESD for participation in the teacher assistance program.
392-196-095	Annual amount for distribution to participating school districts.

**WAC 392-196-005 Authority.** The authority for this chapter is RCW 28A.415.250 which authorizes the superintendent of public instruction to adopt rules to establish and operate a teacher assistance program and RCW 28A.415.010 which authorizes the educational service district to administer, coordinate, and act as fiscal agent for the teacher assistance program.

[Statutory Authority: RCW 28A.415.250 and 23A.415.010 [28A.415.010]. 93-07-037 (Order 93-04), § 392-196-005, filed 3/10/93, effective 4/10/93. Statutory Authority: RCW 28A.405.450 [28A.415.250] and 28A.415.010. 92-05-068 (Order 92-02), § 392-196-005, filed 2/18/92, effective 3/20/92. Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-196-005, filed 7/19/90, effective 8/19/90. Statutory Authority: 1987 c 507. 87-23-004 (Order 87-13), § 392-196-005, filed 11/5/87. Statutory Authority: RCW 28A.58.842. 86-15-049 (Order 86-7), § 392-196-005, filed 7/18/86; 85-21-052 (Order 85-12), § 392-196-005, filed 10/15/85.]

**Reviser's note:** RCW 28A.405.450 has been recodified as RCW 28A.415.250.

**WAC 392-196-030 Definition—Beginning teacher stipend.** As used in this chapter, the term "beginning teacher stipend" shall mean an amount paid by a school district to a beginning teacher for three days of attendance at the required workshops or training sessions. 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.405.240.

[Statutory Authority: RCW 28A.415.250 and 23A.415.010 [28A.415.010]. 93-07-037 (Order 93-04), § 392-196-030, filed 3/10/93, effective 4/10/93. Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-196-030, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.67.240. 90-14-093 (Order 16), § 392-196-030, filed 7/3/90, effective 8/3/90. Statutory Authority: RCW 28A.67.240. 89-22-004 (Order 17), § 392-196-030, filed 10/20/89, effective 11/20/89. 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 392-196-080 School district application to ESD for participation in the teacher assistance program.**

Any district may apply to its educational service district 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 beginning teacher and mentor shall be required to attend and shall be reimbursed by the district for travel expenses for attendance at the educational service district sponsored workshops or training sessions.

(5) The mentor and beginning teacher shall be released from teaching responsibilities in order to jointly or separately observe each other or observe colleagues in teaching situations.

(6) The district shall provide for or approve two days of workshops as training sessions as defined in WAC 392-196-045. The mentor and beginning teacher shall be required to attend together and shall be reimbursed by the district for expenses for attendance at the two school district sponsored or approved workshops or training sessions.

(7) 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.

(8) Mentor teachers shall not be involved in evaluations of their beginning teachers conducted pursuant to RCW 28A.405.100.

(9) The mentor and beginning teacher shall be required to complete and forward to the educational service district such evaluation reports of the teacher assistance program as requested by the educational service district.

(10) Mentor teachers shall periodically inform their principals respecting the contents of training sessions and other program activities.

(11) The superintendent of the district shall supply the educational service district, at times specified by the educational service district, such information as requested regarding the teacher assistance program, including agendas and evaluation material from each district sponsored or approved workshop or training session.

[Statutory Authority: RCW 28A.415.250 and 23A.415.010 [28A.415.010]. 93-07-037 (Order 93-04), § 392-196-080, filed 3/10/93, effective 4/10/93. Statutory Authority: RCW 28A.405.450 [28A.415.250] and 28A.415.010. 92-05-068 (Order 92-02), § 392-196-080, filed 2/18/92, effective 3/20/92. Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-196-080, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.67.240. 90-14-093 (Order 16), § 392-196-080, filed 7/3/90, effective 8/3/90. Statutory Authority: RCW 28A.67.240. 89-22-004 (Order 17), § 392-196-080, filed 10/20/89, effective 11/20/89; 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 392-196-095 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 beginning teachers and mentors for attendance at the educational service district workshops or training sessions.

(3) Two days of school district sponsored or approved training workshops for the mentor and beginning teachers and expenses for the workshops.

(4) Substitute teacher salaries for released time for mentor and beginning teachers.

(5) Beginning teacher stipends.

(6) Appropriate fringe benefits associated with mentor and beginning teacher stipends.

[Statutory Authority: RCW 28A.415.250 and 23A.415.010 [28A.415.010]. 93-07-037 (Order 93-04), § 392-196-095, filed 3/10/93, effective 4/10/93. Statutory Authority: RCW 28A.67.240. 89-22-004 (Order 17), § 392-196-095, filed 10/20/89, effective 11/20/89.]

## Chapter 392-202 WAC

### SCHOOL PERSONNEL—EXCELLENCE IN EDUCATION AWARDS

#### WAC

392-202-110

Awards for teachers, principals, administrators and classified staff.

**WAC 392-202-110 Awards for teachers, principals, administrators, and classified staff.** The award for educational excellence for teachers, classified employees, and principals or administrators 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) An academic cash grant worth up to forty-five quarter or thirty semester credits, reimbursable at a rate not to exceed the part-time, resident, graduate cost per credit at the University of Washington. The grant may be used at eligible private schools in Washington provided the school matches the state grant dollar-for-dollar with actual cash or a tuition waiver;

(b) A grant not to exceed one thousand dollars, which shall be used for educational purposes; or

(c) A recognition stipend not to exceed one thousand dollars.

[Statutory Authority: RCW 28A.625.050. 93-19-121 (Order 93-16), § 392-202-110, filed 9/21/93, effective 10/22/93; 93-08-005 (Order 93-02), § 392-202-110, filed 3/24/93, effective 4/24/93. Statutory Authority: RCW 28A.03.532. 89-19-032 (Order 14), § 392-202-110, filed 9/14/89, effective 10/15/89; 87-23-005 (Order 87-15), § 392-202-110, filed 11/5/87.]

## Chapter 392-210 WAC

### STUDENT TESTING AND EVALUATION—WASHINGTON STATE HONORS AWARD PROGRAM

#### WAC

392-210-015

Criteria for the selection of Washington state honors award students.



392-210-030 Enrollment in academic core subjects during grade twelve required.

**WAC 392-210-015 Criteria for the selection of Washington state honors award students.** The Washington state honors award program shall recognize the top ten percent of the students in the state in each year's high school graduating class who have demonstrated outstanding academic achievement. Outstanding academic achievement shall be determined by the following criteria:

(1) An academic achievement index based upon a combination of the combined high school grade point average (calculated as provided in WAC 180-57-055) in the academic core subjects of English, mathematics, science, social studies, and languages other than English which may include American Indian languages and the combined verbal and quantitative composite scores on the Washington precollege test;

(2) Credits (as defined in WAC 180-51-050) earned in grades nine through eleven in the academic core subjects of English, mathematics, science, social studies, and foreign language;

(3) Completion of at least seventy-five percent of the graduation requirements for the high school in which the candidate is enrolled; and

(4) Enrollment in at least three academic core subjects in grade twelve.

In order to be considered for a Washington honors award, students must have taken the Washington precollege test prior to enrollment in grade twelve and be enrolled in a participating high school as indicated by the principal on forms provided by the superintendent of public instruction.

[Statutory Authority: RCW 28A.150.220. 93-23-038 (Order 93-24), § 392-210-015, filed 11/10/93, effective 12/11/93. Statutory Authority: Chapter 28A.03 RCW. 86-01-018 (Order 85-13), § 392-210-015, filed 12/9/85.]

**WAC 392-210-030 Enrollment in academic core subjects during grade twelve required.** To be considered for a Washington state honors award, a student must be enrolled in at least three of the academic core subjects of English, mathematics, science, social studies, and languages other than English during the first term of the senior year, excluding summer term. The minimum enrollment requirement shall be verified in writing by the participating high school principal before November 1 of each school year, on forms provided by the superintendent of public instruction.

[Statutory Authority: RCW 28A.150.220. 93-23-038 (Order 93-24), § 392-210-030, filed 11/10/93, effective 12/11/93. Statutory Authority: Chapter 28A.03 RCW. 86-01-018 (Order 85-13), § 392-210-030, filed 12/9/85.]

## Chapter 392-315 WAC

### GRANT PROGRAM—PROJECT EVEN START

#### WAC

392-315-005 through 392-315-165 Repealed.

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

392-315-005 Authority. [Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-315-005, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.130.014(5). 88-

09-044 (Order 88-11), § 392-315-005, filed 4/18/88.] Repealed by 93-17-007 (Order 93-11), filed 8/5/93, effective 9/5/93. Statutory Authority: RCW 28B.50.912.

392-315-010 Purpose. [Statutory Authority: RCW 28A.130.014(5). 88-09-044 (Order 88-11), § 392-315-010, filed 4/18/88.] Repealed by 93-17-007 (Order 93-11), filed 8/5/93, effective 9/5/93. Statutory Authority: RCW 28B.50.912.

392-315-015 Public policy goals of project even start. [Statutory Authority: RCW 28A.130.014(5). 88-09-044 (Order 88-11), § 392-315-015, filed 4/18/88.] Repealed by 93-17-007 (Order 93-11), filed 8/5/93, effective 9/5/93. Statutory Authority: RCW 28B.50.912.

392-315-020 Project even start—Definition. [Statutory Authority: RCW 28A.130.014(5). 88-09-044 (Order 88-11), § 392-315-020, filed 4/18/88.] Repealed by 93-17-007 (Order 93-11), filed 8/5/93, effective 9/5/93. Statutory Authority: RCW 28B.50.912.

392-315-025 Child development knowledge—Definition. [Statutory Authority: RCW 28A.130.014(5). 88-09-044 (Order 88-11), § 392-315-025, filed 4/18/88.] Repealed by 93-17-007 (Order 93-11), filed 8/5/93, effective 9/5/93. Statutory Authority: RCW 28B.50.912.

392-315-030 Other eligible program components—Definition. [Statutory Authority: RCW 28A.130.014(5). 88-09-044 (Order 88-11), § 392-315-030, filed 4/18/88.] Repealed by 93-17-007 (Order 93-11), filed 8/5/93, effective 9/5/93. Statutory Authority: RCW 28B.50.912.

392-315-035 Eligible grantee—Definition. [Statutory Authority: RCW 28A.130.014(5). 88-09-044 (Order 88-11), § 392-315-035, filed 4/18/88.] Repealed by 93-17-007 (Order 93-11), filed 8/5/93, effective 9/5/93. Statutory Authority: RCW 28B.50.912.

392-315-040 Eligible parents—Definition. [Statutory Authority: RCW 28A.130.014(5). 88-09-044 (Order 88-11), § 392-315-040, filed 4/18/88.] Repealed by 93-17-007 (Order 93-11), filed 8/5/93, effective 9/5/93. Statutory Authority: RCW 28B.50.912.

392-315-045 Basic skills—Definition. [Statutory Authority: RCW 28A.130.014(5). 88-09-044 (Order 88-11), § 392-315-045, filed 4/18/88.] Repealed by 93-17-007 (Order 93-11), filed 8/5/93, effective 9/5/93. Statutory Authority: RCW 28B.50.912.

392-315-050 Standardized test—Definition. [Statutory Authority: RCW 28A.130.014(5). 88-09-044 (Order 88-11), § 392-315-050, filed 4/18/88.] Repealed by 93-17-007 (Order 93-11), filed 8/5/93, effective 9/5/93. Statutory Authority: RCW 28B.50.912.

392-315-055 Transportation—Definition. [Statutory Authority: RCW 28A.130.014(5). 88-09-044 (Order 88-11), § 392-315-055, filed 4/18/88.] Repealed by 93-17-007 (Order 93-11), filed 8/5/93, effective 9/5/93. Statutory Authority: RCW 28B.50.912.

392-315-060 Child care—Definition. [Statutory Authority: RCW 28A.130.014(5). 88-09-044 (Order 88-11), § 392-315-060, filed 4/18/88.] Repealed by 93-17-007 (Order 93-11), filed 8/5/93, effective 9/5/93. Statutory Authority: RCW 28B.50.912.

392-315-065 Directly necessary activities—Definition. [Statutory Authority: RCW 28A.130.014(5). 88-09-044 (Order 88-11), § 392-315-065, filed 4/18/88.] Repealed by 93-17-007 (Order 93-11), filed 8/5/93, effective 9/5/93. Statutory Authority: RCW 28B.50.912.

392-315-070 Indirect expenditures—Definition. [Statutory Authority: RCW 28A.130.014(5). 88-09-044 (Order 88-11), § 392-315-070, filed 4/18/88.] Repealed by 93-17-007 (Order 93-11), filed 8/5/93, effective 9/5/93. Statutory Authority: RCW 28B.50.912.

392-315-075 Assurance of nonsupplanting—Program standard. [Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-315-075, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.130.014(5). 88-09-044 (Order 88-11), § 392-315-075, filed 4/18/88.] Repealed by 93-17-007 (Order 93-11), filed 8/5/93, effective 9/5/93. Statutory Authority: RCW 28B.50.912.

392-315-080 Assurance of cooperation with the department of social and health services regarding public assistance reports—

- Program standard. [Statutory Authority: 1990 c 33, 90-16-002 (Order 18), § 392-315-080, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.130.014(5). 88-09-044 (Order 88-11), § 392-315-080, filed 4/18/88.] Repealed by 93-17-007 (Order 93-11), filed 8/5/93, effective 9/5/93. Statutory Authority: RCW 28B.50.912.
- 392-315-085 Assurance to submit annual evaluation report to the superintendent of public instruction. [Statutory Authority: RCW 28A.130.014(5). 88-09-044 (Order 88-11), § 392-315-085, filed 4/18/88.] Repealed by 93-17-007 (Order 93-11), filed 8/5/93, effective 9/5/93. Statutory Authority: RCW 28B.50.912.
- 392-315-090 Reporting requirements. [Statutory Authority: RCW 28A.130.014(5). 88-09-044 (Order 88-11), § 392-315-090, filed 4/18/88.] Repealed by 93-17-007 (Order 93-11), filed 8/5/93, effective 9/5/93. Statutory Authority: RCW 28B.50.912.
- 392-315-095 Request for even start project grants to the superintendent of public instruction. [Statutory Authority: RCW 28A.130.014(5). 88-09-044 (Order 88-11), § 392-315-095, filed 4/18/88.] Repealed by 93-17-007 (Order 93-11), filed 8/5/93, effective 9/5/93. Statutory Authority: RCW 28B.50.912.
- 392-315-100 Assurance of cooperation with state auditor. [Statutory Authority: RCW 28A.130.014(5). 88-09-044 (Order 88-11), § 392-315-100, filed 4/18/88.] Repealed by 93-17-007 (Order 93-11), filed 8/5/93, effective 9/5/93. Statutory Authority: RCW 28B.50.912.
- 392-315-105 Assurance of service to targeted groups. [Statutory Authority: RCW 28A.130.014(5). 88-09-044 (Order 88-11), § 392-315-105, filed 4/18/88.] Repealed by 93-17-007 (Order 93-11), filed 8/5/93, effective 9/5/93. Statutory Authority: RCW 28B.50.912.
- 392-315-110 Priority groups. [Statutory Authority: RCW 28A.130.014(5). 88-09-044 (Order 88-11), § 392-315-110, filed 4/18/88.] Repealed by 93-17-007 (Order 93-11), filed 8/5/93, effective 9/5/93. Statutory Authority: RCW 28B.50.912.
- 392-315-115 Date of receipt 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.] Repealed by 93-17-007 (Order 93-11), filed 8/5/93, effective 9/5/93. Statutory Authority: RCW 28B.50.912.
- 392-315-120 Even start advisory committee. [Statutory Authority: RCW 28A.130.014(5). 88-09-044 (Order 88-11), § 392-315-120, filed 4/18/88.] Repealed by 93-17-007 (Order 93-11), filed 8/5/93, effective 9/5/93. Statutory Authority: RCW 28B.50.912.
- 392-315-125 Duties of even start advisory committee. [Statutory Authority: RCW 28A.130.014(5). 88-09-044 (Order 88-11), § 392-315-125, filed 4/18/88.] Repealed by 93-17-007 (Order 93-11), filed 8/5/93, effective 9/5/93. Statutory Authority: RCW 28B.50.912.
- 392-315-130 Priority projects. [Statutory Authority: 1990 c 33, 90-16-002 (Order 18), § 392-315-130, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.130.014(5). 88-09-044 (Order 88-11), § 392-315-130, filed 4/18/88.] Repealed by 93-17-007 (Order 93-11), filed 8/5/93, effective 9/5/93. Statutory Authority: RCW 28B.50.912.
- 392-315-135 Coordination of programs. [Statutory Authority: RCW 28A.130.014(5). 88-09-044 (Order 88-11), § 392-315-135, filed 4/18/88.] Repealed by 93-17-007 (Order 93-11), filed 8/5/93, effective 9/5/93. Statutory Authority: RCW 28B.50.912.
- 392-315-140 Evaluation criteria for project even start. [Statutory Authority: RCW 28A.130.014(5). 88-09-044 (Order 88-11), § 392-315-140, filed 4/18/88.] Repealed by 93-17-007 (Order 93-11), filed 8/5/93, effective 9/5/93. Statutory Authority: RCW 28B.50.912.
- 392-315-145 Performance standards for project even start. [Statutory Authority: RCW 28A.130.014(5). 88-09-044 (Order 88-11), § 392-315-145, filed 4/18/88.] Repealed by 93-17-007 (Order 93-11), filed 8/5/93, effective 9/5/93. Statutory Authority: RCW 28B.50.912.
- 392-315-150 Administrative expenditures. [Statutory Authority: RCW 28A.130.014(5). 88-09-044 (Order 88-11), § 392-315-150,

filed 4/18/88.] Repealed by 93-17-007 (Order 93-11), filed 8/5/93, effective 9/5/93. Statutory Authority: RCW 28B.50.912.

392-315-155 Liability insurance. [Statutory Authority: RCW 28A.130.014(5). 88-09-044 (Order 88-11), § 392-315-155, filed 4/18/88.] Repealed by 93-17-007 (Order 93-11), filed 8/5/93, effective 9/5/93. Statutory Authority: RCW 28B.50.912.

392-315-160 Bonding. [Statutory Authority: RCW 28A.130.014(5). 88-09-044 (Order 88-11), § 392-315-160, filed 4/18/88.] Repealed by 93-17-007 (Order 93-11), filed 8/5/93, effective 9/5/93. Statutory Authority: RCW 28B.50.912.

392-315-165 Maximum grant award per participant. [Statutory Authority: RCW 28A.130.014(5). 88-09-044 (Order 88-11), § 392-315-165, filed 4/18/88.] Repealed by 93-17-007 (Order 93-11), filed 8/5/93, effective 9/5/93. Statutory Authority: RCW 28B.50.912.

**WAC 392-315-005 through 392-315-165 Repealed.**  
See Disposition Table at beginning of this chapter.

## Title 399 WAC

### PUBLIC WORKS BOARD

#### Chapters

- 399-10** General provisions.  
**399-30** Public works loans and pledges.

#### Chapter 399-10 WAC

#### GENERAL PROVISIONS

#### WAC

- 399-10-010 Organization and operation of the public works board.  
399-10-020 Board meeting.  
399-10-030 Communications with the board.

**WAC 399-10-010 Organization and operation of the public works board.** (1) The public works board, hereinafter referred to as the board, is a thirteen-member board appointed by the governor and created pursuant to RCW 43.155.030.

(2) The governor shall appoint one of the general public members of the board as chair. The board may elect such other officers for such terms as it may from time to time deem necessary in accordance with the board's bylaws.

(3) The board's staff support and office space is provided by the department of community development, whose main office is located at 906 Columbia Street S.W., P.O. Box 48319, Olympia, Washington 98504-8319; phone (AC 206) 753-2200.

(4) The purpose of the board is to encourage self-reliance by local governments in meeting their public works needs and to assist in the financing of critical public works projects by making loans, financing guarantees, and technical assistance available to local governments for these projects.

[Statutory Authority: RCW 43.155.040(4). 93-22-014, § 399-10-010, filed 10/26/93, effective 11/26/93. Statutory Authority: 1985 c 446 § 10. 85-24-072 (Order 85-17), § 399-10-010, filed 12/4/85.]