

Title 392 WAC

PUBLIC INSTRUCTION, SUPERINTENDENT OF

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 Repealed by Order 1-75, filed 1/21/75.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 Repealed by Order 1-75, filed 1/21/75.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 Repealed by Order 1-75, filed 1/21/75.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 Repealed by Order 1-75, filed 1/21/75.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 Repealed by Order 1-75, filed 1/21/75.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 Repealed by Order 1-75, filed 1/21/75.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 Repealed by Order 1-75, filed 1/21/75.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 Repealed by Order 1-75, filed 1/21/75.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 Repealed by Order 1-75, filed 1/21/75.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 Repealed by Order 1-75, filed 1/21/75.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 Repealed by Order 1-75, filed 1/21/75.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 Repealed by Order 1-75, filed 1/21/75.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 Repealed by Order 1-75, filed 1/21/75.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 Repealed by Order 1-75, filed 1/21/75.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 Repealed by Order 1-75, filed 1/21/75.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 Repealed by Order 1-75, filed 1/21/75.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 Repealed by Order 1-75, filed 1/21/75.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 Repealed by Order 1-75, filed 1/21/75.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 Repealed by Order 1-75, filed 1/21/75.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

**DISPOSITION OF CHAPTERS FORMERLY
CODIFIED IN THIS TITLE**

**Chapter 392-08
PRACTICE AND PROCEDURE**

- 392-08-010 Appearance and practice before the state superintendent of public instruction—Who may appear. [Regulation .08.010, filed 3/22/60.] Repealed by Order 7-75, filed 12/22/75.
- 392-08-020 Appearance in certain proceedings may be limited to attorneys. [Regulation .08.020, filed 3/22/60.] Repealed by Order 7-75, filed 12/22/75.
- 392-08-030 Solicitation of business unethical. [Regulation .08.030, filed 3/22/60.] Repealed by Order 7-75, filed 12/22/75.
- 392-08-040 Standards of ethical conduct. [Regulation .08.040, filed 3/22/60.] Repealed by Order 7-75, filed 12/22/75.
- 392-08-050 Appearance by former employee of state superintendent or former member of attorney general's staff. [Regulation .08.050, filed 3/22/60.] Repealed by Order 7-75, filed 12/22/75.
- 392-08-060 Former employee as an expert witness. [Regulation .08.060, filed 3/22/60.] Repealed by Order 1-75, filed 1/21/75.
- 392-08-070 Computation of time. [Regulation .08.070, filed 3/22/60.] Repealed by Order 1-75, filed 1/21/75.
- 392-08-080 Notice and opportunity for hearing in contested cases. [Regulation .08.080, filed 3/22/60.] Repealed by Order 1-75, filed 1/21/75.
- 392-08-090 Service of process—By whom served. [Regulation .08.090, filed 3/22/60.] Repealed by Order 1-75, filed 1/21/75.
- 392-08-100 Upon whom served. [Regulation .08.100, filed 3/22/60.] Repealed by Order 1-75, filed 1/21/75.
- 392-08-110 Service upon parties. [Regulation .08.110, filed 3/22/60.] Repealed by Order 1-75, filed 1/21/75.
- 392-08-120 Method of service. [Regulation .08.120, filed 3/22/60.] Repealed by Order 1-75, filed 1/21/75.
- 392-08-130 When service complete. [Regulation .08.130, filed 3/22/60.] Repealed by Order 1-75, filed 1/21/75.
- 392-08-140 Filing with agency. [Regulation .08.140, filed 3/22/60.] Repealed by Order 1-75, filed 1/21/75.
- 392-08-230 Depositions and interrogatories in contested cases—Right to take. [Regulation .08.230, filed 3/22/60.] Repealed by Order 1-75, filed 1/21/75.
- 392-08-240 Scope. [Regulation .08.240, filed 3/22/60.] Repealed by Order 1-75, filed 1/21/75.
- 392-08-250 Officer before whom taken. [Regulation .08.250, filed 3/22/60.] Repealed by Order 1-75, filed 1/21/75.
- 392-08-260 Authorization. [Regulation .08.260, filed 3/22/60.] Repealed by Order 1-75, filed 1/21/75.
- 392-08-270 Protection of parties and deponents. [Regulation .08.270, filed 3/22/60.] Repealed by Order 1-75, filed 1/21/75.
- 392-08-280 Oral examination and cross-examination. [Regulation .08.280, filed 3/22/60.] Repealed by Order 1-75, filed 1/21/75.
- 392-08-290 Recordation. [Regulation .08.290, filed 3/22/60.] Repealed by Order 1-75, filed 1/21/75.
- 392-08-300 Signing attestation and return. [Regulation .08.300, filed 3/22/60.] Repealed by Order 1-75, filed 1/21/75.
- 392-08-310 Use and effect. [Regulation .08.310, filed 3/22/60.] Repealed by Order 1-75, filed 1/21/75.
- 392-08-320 Fees of officers and deponents. [Regulation .08.320, filed 3/22/60.] Repealed by Order 1-75, filed 1/21/75.

Chapter 392-10
CONFLICT OF INTEREST

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

Chapter 392-12
ACCESS TO PUBLIC RECORDS

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

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

- 392-13-010 Purpose. [Order 75, § 392-13-010, filed 6/10/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-131-005.
- 392-13-020 Presumption of approved program operation—Strikes—Exception—Approval/disapproval of program during strike period. [Order 75, § 392-13-020, filed 6/10/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-131-015.
- 392-13-030 Strike defined. [Order 75, § 392-13-030, filed 6/10/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-131-010.
- 392-13-040 Work stoppages and maintenance of approved programs for less than 180 days not condoned. [Order 75, § 392-13-040, filed 6/10/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-131-020.
- 392-13-050 Kindergarten and grade one through twelve programs considered collectively—Failure to operate an approved program—Denial of apportionment. [Order 75, § 392-13-050, filed 6/10/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-131-025.

Chapter 392-14
EMERGENCY SCHOOL CLOSURES—APPORTIONMENT

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

Chapter 392-15
INTERDISTRICT COOPERATION

- 392-15-715 Authority. [Order 21, § 392-15-715, filed 12/30/69.] Repealed by Order 90, filed 3/6/75.
- 392-15-720 Additional weighting support. [Order 32, § 392-15-720, filed 10/13/70; Order 21, § 392-15-720, filed 12/30/69.] Repealed by Order 90, filed 3/6/75. Later promulgation, see WAC 392-15-925 and 392-135-025.
- 392-15-725 Additional weighting support—Entrusted children. [Order 21, § 392-15-725, filed 12/30/69.] Repealed by Order 90, filed 3/6/75.
- 392-15-730 Additional weighting support—Students resident on nontaxable state or political subdivision property. [Order 21, § 392-15-730, filed 12/30/69.] Repealed by Order 90, filed 3/6/75.
- 392-15-735 Program types. [Order 21, § 392-15-735, filed 12/30/69.] Repealed by Order 90, filed 3/6/75. Later promulgation, see WAC 392-15-910 and 392-135-015.
- 392-15-740 Application—Requirements for approval. [Order 21, § 392-15-740, filed 12/30/69.] Repealed by Order 90, filed 3/6/75. Later promulgation, see WAC 392-15-915, 392-135-020.
- 392-15-745 Approval by superintendent of public instruction prerequisite for state funds. [Order 21, § 392-15-745, filed 12/30/69.] Repealed by Order 7-75, filed 12/22/75.
- 392-15-750 Vocational-technical schools. [Order 21, § 392-15-750, filed 12/30/69.] Repealed by Order 90, filed 3/6/75. Later promulgation, see WAC 392-15-930.
- 392-15-755 Tuition to be set by superintendent of public instruction under certain conditions. [Order 21, § 392-15-755, filed 12/30/69.] Repealed by Order 7-75, filed 12/22/75.
- 392-15-760 Duties of intermediate district superintendent. [Order 21, § 392-15-760, filed 12/30/69.] Repealed by Order 90, filed 3/6/75. Later promulgation, see WAC 392-15-935.
- 392-15-765 Attendance reports by resident districts. [Order 21, § 392-15-765, filed 12/30/69.] Repealed by Order 90, filed 3/6/75. Later promulgation, see WAC 392-15-940.
- 392-15-770 Cooperative financing of construction. [Order 21, § 392-15-770, filed 12/30/69.] Repealed by Order 90, filed 3/6/75. Later promulgation, see WAC 392-15-945 and 392-135-030.
- 392-15-800 Purpose. [Order 78, § 392-15-800, filed 8/28/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-137-005.
- 392-15-805 Definitions. [Order 78, § 392-15-805, filed 8/28/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-137-010.
- 392-15-810 Persons entitled to attend—Tuition free. [Order 78, § 392-15-810, filed 8/28/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-137-015.
- 392-15-815 Nonresident minor students—Mutual agreement between resident and nonresident districts required. [Order 78, § 392-15-815, filed 8/28/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-137-020.
- 392-15-820 Nonresident adult students—Agreement between adult and nonresident district required. [Order 78, § 392-15-820, filed 8/28/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-137-025.
- 392-15-825 Resident adult students who are twenty-one years of age or older—Agreement required. [Order 78, § 392-15-825, filed 8/28/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-137-030.
- 392-15-830 Contents of agreements between adults and nonresident or resident districts and between resident and nonresident districts in behalf of minor nonresidents. [Order 78, § 392-15-830, filed 8/28/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-137-035.
- 392-15-835 District policies—Procedures and criteria for release of resident students and admission of nonresident students. [Order 78, § 392-15-835, filed 8/28/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-137-040.
- 392-15-840 Tuition—Amounts—Lack of agreement between resident and nonresident districts—Deposit. [Order 78, § 392-15-

	840, filed 8/28/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-137-045.	392-21-016	Conversion vehicles. [Specification rules (part), filed 9/10/65; Rules (part), filed 7/23/64, effective 1/1/65; Rules (part), filed 3/22/60.] Repealed by Order 53, filed 9/6/72.
392-15-845	State apportionment credit—Grades one through eight—Grades nine through twelve. [Order 78, § 392-15-845, filed 8/28/74.] Repealed by Order 7-75, filed 12/22/75.	392-21-018	Specification illustrations. [Specification rules (part), filed 9/10/65; Rules (part), filed 7/23/64, effective 1/1/65; Rules (part), filed 3/22/60.] Repealed by Order 53, filed 9/6/72.
392-15-850	Procedure for obtaining nonresident attendance credit—Notices—Forfeiture of state apportionment. [Order 78, § 392-15-850, filed 8/28/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-137-045.	392-21-040	List of chassis models approved to date for use under bus bodies of maximum capacities indicated, providing they comply with other school bus specifications. [Approved chassis list, dated March 1958 and filed 3/22/60.] Repealed by Order 53, filed 9/6/72.
392-15-855	Agreements and policies deemed approved—Retention and filing of. [Order 78, § 392-15-855, filed 8/28/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-137-050.	392-21-050	Forms—School bus chassis weight and body dimensions information. [Form, filed 3/22/60.] Repealed by Order 53, filed 9/6/72.
392-15-900	Purpose. [Order 90, § 392-15-900, filed 3/6/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-135-005.	392-21-055	Forms—School bus purchase information. [Form T-5, filed 6/17/63; Form T-5, filed 3/22/60.] Repealed by Order 53, filed 9/6/72.
392-15-905	Definitions. [Order 90, § 392-15-905, filed 3/6/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-135-010.	392-21-060	Forms—School bus rebuilding information. [Form T-10, filed 6/17/63; Form T-10, filed 2/14/63.]
392-15-910	Program types. [Order 90, § 392-15-910, filed 3/6/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-135-015.	392-21-100	Authority for minimum standards for public school buses. [Order 53, § 392-21-100, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-143-005.
392-15-915	Application—Requirements for approval. [Order 90, § 392-15-915, filed 3/6/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-135-020.	392-21-105	Authority of district boards. [Order 53, § 392-21-105, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-143-025.
392-15-920	Approval by superintendent of public instruction prerequisite for state funds. [Order 90, § 392-15-920, filed 3/6/75.] Repealed by Order 7-75, filed 12/22/75.	392-21-110	Definition of school bus. [Order 59, § 392-21-110, filed 4/19/73, effective 6/30/73; Order 53, § 392-21-110, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-143-010.
392-15-925	Additional weighting support. [Order 90, § 392-15-925, filed 3/6/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-135-025.	392-21-115	School bus operation permit, inspection and license. [Order 53, § 392-21-115, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-143-030.
392-15-930	Vocational-technical schools. [Order 90, § 392-15-930, filed 3/6/75.] Repealed by Order 7-75, filed 12/22/75.	392-21-120	Inspections. [Order 53, § 392-21-120, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-143-035.
392-15-935	Duties of intermediate district superintendent. [Order 90, § 392-15-935, filed 3/6/75.] Repealed by Order 7-75, filed 12/22/75.	392-21-125	Inspection of rebuilt school buses. [Order 53, § 392-21-125, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-143-040.
392-15-940	Attendance reports by resident districts. [Order 90, § 392-15-940, filed 3/6/75.] Repealed by Order 7-75, filed 12/22/75.	392-21-130	Compliance with federal motor vehicle safety standards. [Order 59, § 392-21-130, filed 4/19/73, effective 6/30/73; Order 53, § 392-21-130, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-143-020 (part).
392-15-945	Cooperative financing of construction. [Order 90, § 392-15-945, filed 3/6/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-135-030.	392-21-135	Compliance with Washington specifications. [Order 59, § 392-21-135, filed 4/19/73, effective 6/30/73; Order 53, § 392-21-135, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-143-020 (part).
Chapter 392-20			
APPROVED SCHOOL TRANSPORTATION GUIDE			
392-20-010	School districts—General authority to provide transportation. [Rules (part), filed 8/31/65; Rules (part), filed 3/22/60.] Repealed by Order 7-75, filed 12/22/75.	392-21-140	Types of vehicles. [Order 59, § 392-21-140, filed 4/19/73, effective 6/30/73; Order 53, § 392-21-140, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
392-20-020	Applications for exceptions. [Rules (part), filed 8/31/65.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-141-035.	392-21-145	Appeal for exception vehicles. [Order 53, § 392-21-145, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-143-045.
392-20-030	Transportation routes. [Rules (part), filed 8/31/65; Rules (part), filed 3/22/60.] Repealed by Order 7-75, filed 12/22/75.	392-21-150	Regulations for resold school buses. [Order 53, § 392-21-150, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-143-050.
392-20-040	Age of pupils. [Rules (part), filed 8/31/65; Rules (part), filed 3/22/60.] Repealed by Order 7-75, filed 12/22/75.	392-21-155	Responsibility of dealers and manufacturers. [Order 53, § 392-21-155, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-143-055.
392-20-050	Cost reimbursement. [Rules (part), filed 8/31/65; Rules (part), filed 3/22/60.] Repealed by Order 7-75, filed 12/22/75.	392-21-160	Amendment of specifications. [Order 53, § 392-21-160, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
Chapter 392-21			
SPECIFICATIONS FOR SCHOOL BUSES			
392-21-005	Applicable statutes. [Order 53, § 392-21-005, filed 9/6/72; Reference to statutes, filed 9/10/65.] Repealed by Order 7-75, filed 12/22/75.	392-21-165	Effective date of specifications. [Order 59, § 392-21-165, filed 4/19/73, effective 6/30/73; Order 53, § 392-21-165, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
392-21-010	School bus specifications. [Specifications for school buses (part), filed 9/10/65; Rules (part), filed 7/23/64, effective 1/1/65; Rules (part), filed 3/22/60.] Repealed by Order 53, filed 9/6/72.	392-21-170	School bus chassis specifications. [Order 59, § 392-21-170, filed 4/19/73, effective 6/30/73; Order 53, § 392-21-170, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
392-21-012	School bus chassis. [Specification rules (part), filed 9/10/65; Rules (part), filed 7/23/64, effective 1/1/65; Rules (part), filed 3/22/60.] Repealed by Order 53, filed 9/6/72.	392-21-175	Air cleaner. [Order 53, § 392-21-175, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
392-21-014	School bus body. [Specifications for school buses (part), filed 9/10/65; Specifications (part), filed 7/23/64, effective 1/1/65; Section 1, filed 2/14/63; Rules (part), filed 3/22/60.] Repealed by Order 53, filed 9/6/72.	392-21-180	Axles. [Order 53, § 392-21-180, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.

392-21-185	Battery. [Order 53, § 392-21-185, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.	392-21-420	Bumper, front. [Order 53, § 392-21-420, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
392-21-190	Brakes. [Order 53, § 392-21-190, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.	392-21-425	Bumper, rear. [Order 53, § 392-21-425, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
392-21-195	Bumper, front. [Order 53, § 392-21-195, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.	392-21-430	Ceiling. [Order 53, § 392-21-430, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
392-21-200	Certification. [Order 53, § 392-21-200, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.	392-21-435	Chains. [Order 53, § 392-21-435, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
392-21-205	Clutch assemblies. [Order 53, § 392-21-205, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.	392-21-440	Color. [Order 53, § 392-21-440, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
392-21-210	Color. [Order 53, § 392-21-210, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.	392-21-445	Construction. [Order 53, § 392-21-445, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
392-21-215	Drive shaft. [Order 53, § 392-21-215, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.	392-21-450	Defrosters. [Order 53, § 392-21-450, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
392-21-220	Electrical system. [Order 53, § 392-21-220, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.	392-21-455	Doors. [Order 53, § 392-21-455, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
392-21-225	Exhaust system. [Order 53, § 392-21-225, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.	392-21-460	Electrical system. [Order 53, § 392-21-460, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
392-21-230	Fenders, front. [Order 53, § 392-21-230, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.	392-21-465	Emergency window. [Order 53, § 392-21-465, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
392-21-235	Frame. [Order 53, § 392-21-235, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.	392-21-470	Fire extinguisher. [Order 53, § 392-21-470, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
392-21-240	Frame lengths. [Order 53, § 392-21-240, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.	392-21-475	First-aid kit. [Order 53, § 392-21-475, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
392-21-245	Fuel tank. [Order 53, § 392-21-245, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.	392-21-480	Flags and flares. [Order 53, § 392-21-480, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
392-21-250	Generator or alternator. [Order 53, § 392-21-250, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.	392-21-485	Floor. [Order 53, § 392-21-485, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
392-21-255	Governor. [Order 53, § 392-21-255, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.	392-21-490	Heaters. [Order 53, § 392-21-490, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
392-21-260	Heating system, provision for. [Order 53, § 392-21-260, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.	392-21-495	Identification. [Order 53, § 392-21-495, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
392-21-265	Horn. [Order 53, § 392-21-265, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.	392-21-500	Inside height. [Order 53, § 392-21-500, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
392-21-270	Instruments and instrument panel. [Order 53, § 392-21-270, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.	392-21-505	Insulation. [Order 53, § 392-21-505, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
392-21-275	Oil filter. [Order 53, § 392-21-275, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.	392-21-510	Interior. [Order 53, § 392-21-510, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
392-21-280	Openings. [Order 53, § 392-21-280, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.	392-21-515	Lamps and signals. [Order 53, § 392-21-515, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
392-21-285	Passenger load. [Order 53, § 392-21-285, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.	392-21-520	Metal treatment. [Order 53, § 392-21-520, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
392-21-290	Power and gradeability—(See WAC 392-21-800 for formula). [Order 53, § 392-21-290, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.	392-21-525	Mirrors. [Order 53, § 392-21-525, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
392-21-295	Shock absorbers. [Order 53, § 392-21-295, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.	392-21-530	Mounting. [Order 53, § 392-21-530, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
392-21-300	Springs. [Order 53, § 392-21-300, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.	392-21-535	Overall length. [Order 53, § 392-21-535, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
392-21-305	Steering gear. [Order 53, § 392-21-305, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.	392-21-540	Overall width. [Order 53, § 392-21-540, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
392-21-310	Tires and rims. [Order 53, § 392-21-310, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.	392-21-545	Permit holder. [Order 53, § 392-21-545, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
392-21-315	Tow hooks. [Order 53, § 392-21-315, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.	392-21-550	Posts. [Order 53, § 392-21-550, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
392-21-320	Transmission. [Order 53, § 392-21-320, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.	392-21-560	Racks. [Order 53, § 392-21-560, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
392-21-325	Undercoating. [Order 53, § 392-21-325, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.	392-21-565	Rub rails. [Order 53, § 392-21-565, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
392-21-330	Weight distribution. [Order 53, § 392-21-330, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.	392-21-570	Sanders. [Order 53, § 392-21-570, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
392-21-335	Wheels. [Order 53, § 392-21-335, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.	392-21-575	Seat belt for the operator. [Order 53, § 392-21-575, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
392-21-390	Diagrams of chassis plan and chassis elevation. [Order 53, § 392-21-390, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.	392-21-580	Seats. [Order 53, § 392-21-580, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
392-21-400	School bus body specifications. [Order 53, § 392-21-400, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.	392-21-585	Stanchions and guard rails. [Order 53, § 392-21-585, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
392-21-405	Aisle. [Order 53, § 392-21-405, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.	392-21-590	Steering wheel. [Order 53, § 392-21-590, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
392-21-410	Battery. [Order 53, § 392-21-410, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.	392-21-600	Steps. [Order 53, § 392-21-600, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
392-21-415	Body sizes. [Order 53, § 392-21-415, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.	392-21-605	Step treads. [Order 53, § 392-21-605, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
		392-21-610	Stirrup steps. [Order 53, § 392-21-610, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
		392-21-615	Stop sign. [Order 53, § 392-21-615, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.

392-21-620	Storage compartment. [Order 53, § 392-21-620, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.	392-24-007	Washington's school safety patrol—General. [Order 54, § 392-24-007, filed 11/24/72; Safety Patrol Manual (part), filed 3/22/60.] Repealed by Order 7-75, filed 12/22/75.
392-21-625	Sun visor. [Order 53, § 392-21-625, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.	392-24-010	Washington's school safety patrol—Purpose and function. [Order 54, § 392-24-010, filed 11/24/72; Safety Patrol Manual (part), filed 3/22/60.] Repealed by Order 7-75, filed 12/22/75.
392-21-630	Tailpipe. [Order 53, § 392-21-630, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.	392-24-011	Rules for operation of school safety patrol—General. [Order 54, § 392-24-011, filed 11/24/72; Safety Patrol Manual (part), filed 3/22/60.] Repealed by Order 7-75, filed 12/22/75.
392-21-635	Tow hook, rear. [Order 53, § 392-21-635, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.	392-24-015	Rules for operation of school safety patrol—Establishment and support—Administration—Community support. [Order 54, § 392-24-015, filed 11/24/72; Safety Patrol Manual (part), filed 3/22/60.] Repealed by Order 7-75, filed 12/22/75.
392-21-640	Undercoating. [Order 53, § 392-21-640, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.	392-24-020	Rules for operation of school safety patrol—Instruction and supervision. [Order 54, § 392-24-020, filed 11/24/72; Safety Patrol Manual (part), filed 3/22/60.] Repealed by Order 7-75, filed 12/22/75.
392-21-645	Ventilation. [Order 53, § 392-21-645, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.	392-24-025	Rules for operation of school safety patrol—Selection and appointment. [Order 54, § 392-24-025, filed 11/24/72; Safety Patrol Manual (part), filed 3/22/60.] Repealed by Order 7-75, filed 12/22/75.
392-21-650	Wheel housings. [Order 53, § 392-21-650, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.	392-24-026	Rules for operation of school safety patrol—Suggested application form. [Order 54, § 392-24-026, filed 11/24/72.] Repealed by Order 7-75, filed 12/22/75.
392-21-655	Windshields. [Order 53, § 392-21-655, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.	392-24-027	Rules for operation of school safety patrol—Suggested parental endorsement letter. [Order 54, § 392-24-027, filed 11/24/72.] Repealed by Order 7-75, filed 12/22/75.
392-21-660	Windshield washer. [Order 53, § 392-21-660, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.	392-24-030	Rules for operation of school safety patrol—Size of patrol and officers needed. [Order 54, § 392-24-030, filed 11/24/72; Safety Patrol Manual (part), filed 3/22/60.] Repealed by Order 7-75, filed 12/22/75.
392-21-665	Windshield wipers. [Order 53, § 392-21-665, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.	392-24-035	Rules for operation of school safety patrol—Standard uniforms. [Order 54, § 392-24-035, filed 11/24/72; Safety Patrol Manual (part), filed 3/22/60.] Repealed by Order 7-75, filed 12/22/75.
392-21-670	Wiring. [Order 53, § 392-21-670, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.	392-24-040	Standard school patrol procedure. [Safety Patrol Manual (part), filed 3/22/60.] Repealed by Order 54, filed 11/24/72.
392-21-700	Diagrams of body plan and body elevation. [Order 53, § 392-21-700, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.	392-24-045	Placement of signs. [Safety Patrol Manual (part), filed 3/22/60.] Repealed by Order 54, filed 11/24/72.
392-21-750	Specifications for conversion vehicles. [Order 59, § 392-21-750, filed 4/19/73, effective 6/30/73; Order 53, § 392-21-750, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.	392-24-050	Rules for operation of school safety patrol—Equipment. [Order 54, § 392-24-050, filed 11/24/72; Safety Patrol Manual (part), filed 3/22/60.] Repealed by Order 7-75, filed 12/22/75.
392-21-755	Conversion vehicles—Body. [Order 59, § 392-21-755, filed 4/19/73, effective 6/30/73.] Repealed by Order 7-75, filed 12/22/75.	392-24-055	Rules for operation of school safety patrol—Care of equipment. [Order 54, § 392-24-055, filed 11/24/72; Safety Patrol Manual (part), filed 3/22/60.] Repealed by Order 7-75, filed 12/22/75.
392-21-760	Conversion vehicles—Chassis. [Order 59, § 392-21-760, filed 4/19/73, effective 6/30/73.] Repealed by Order 7-75, filed 12/22/75.	392-24-060	Increasing visibility. [Safety Patrol Manual (part), filed 3/22/60.] Repealed by Order 54, filed 11/24/72.
392-21-765	Vehicles for transporting handicapped children. [Order 59, § 392-21-765, filed 4/19/73, effective 6/30/73.] Repealed by Order 7-75, filed 12/22/75.	392-24-065	Rules for operation of school safety patrol—Controlled crossings. [Order 54, § 392-24-065, filed 11/24/72; Safety Patrol Manual (part), filed 3/22/60.] Repealed by Order 7-75, filed 12/22/75.
392-21-800	Appendix. [Order 53, § 392-21-800, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.	392-24-067	Rules for operation of school safety patrol—Location of school patrol crossings. [Order 54, § 392-24-067, filed 11/24/72.] Repealed by Order 7-75, filed 12/22/75.
Chapter 392-22		392-24-070	Rules for operation of school safety patrol—Positions at crosswalks. [Order 54, § 392-24-070, filed 11/24/72; Safety Patrol Manual (part), filed 3/22/60.] Repealed by Order 7-75, filed 12/22/75.
OPERATION RULES FOR SCHOOL BUS DRIVERS		392-24-075	Rules for operation of school safety patrol—Hours of duty. [Order 54, § 392-24-075, filed 11/24/72; Safety Patrol Manual (part), filed 3/22/60.] Repealed by Order 7-75, filed 12/22/75.
392-22-005	Objectives of school bus transportation. [Order 24, § 392-22-005, filed 7/1/70.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-145-010.	392-24-080	Rules for operation of school safety patrol—Bus duty. [Order 54, § 392-24-080, filed 11/24/72; Safety Patrol Manual (part), filed 3/22/60.] Repealed by Order 7-75, filed 12/22/75.
392-22-010	General operation regulations. [Order 24, § 392-22-010, filed 7/1/70; General Operation Regulations, filed 8/31/65; General Operation Regulations, filed 3/22/60.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-145-015, 392-145-020, 392-145-025 and 392-145-030.	392-24-085	Rules for operation of school safety patrol—School bus stop sign violations. [Order 54, § 392-24-085, filed 11/24/72; Safety Patrol Manual (part), filed 3/22/60.] Repealed by Order 7-75, filed 12/22/75.
392-22-100	Rules for school bus drivers. [Order 24, § 392-22-100, filed 7/1/70; Rules for school bus drivers, filed 8/31/65; Rules for school bus drivers, filed 3/22/60.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-145-015, 392-145-020, 392-145-025 and 392-145-030.		
Chapter 392-23			
RULES FOR STUDENTS RIDING BUSES			
392-23-005	Applicability of rules. [Rules (part), filed 8/31/65; Rules (part), filed 3/22/60.] Repealed by Order 7-75, filed 12/22/75.		
392-23-010	Rules for students riding school buses. [Order 24, § 392-23-010, filed 7/1/70; Regulations (part), filed 8/31/65; Rules (part), filed 3/22/60.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-145-035.		
Chapter 392-24			
SCHOOL SAFETY PATROL			
392-24-006	School patrol appointment, authority, finance, insurance. [Order 54, § 392-24-006, filed 11/24/72; Safety Patrol Manual (part), filed 3/22/60.] Repealed by Order 7-75, filed 12/22/75.		

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

Chapter 392-25**CERTIFICATION OF SCHOOL BUS DRIVERS**

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

Chapter 392-26**SAFE WALK-WAYS TO AND FROM SCHOOL**

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

Chapter 392-27

REIMBURSEMENT TO SCHOOL DISTRICTS FOR
TRANSPORTATION COSTS

- 392-27-010 District records required. [Order 36, § 392-27-010, filed 1/12/71; Transportation rules (part), filed 3/22/60.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-141-025.
- 392-27-020 Approval of transportation routes—Limitation. [Order 36, § 392-27-020, filed 1/12/71; Reimbursement rules (part), filed 3/22/60.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-141-030 and 392-141-040.
- 392-27-030 Preparation of T-2 Form and approved transportation costs. [Order 36, § 392-27-030, filed 1/12/71; Rules (part), filed 3/22/60.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-141-030 and 392-141-040.
- 392-27-031 T-2 Form (front). [Order 9, § 392-27-031, filed 2/3/69; WAC 392-27-030(3), filed 6/22/60.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-141-030 and 392-141-040.
- 392-27-032 T-2 Form (back side, containing rules and regulations for school transportation commission). [Order 9, § 392-27-032, filed 6/22/60; WAC 392-27-020(4), filed 6/22/60.] Repealed by Order 7-75, filed 12/22/75.
- 392-27-040 Purchase of school buses and state allowance for depreciation. [Order 48, § 392-27-040, filed 6/28/72; Order 36, § 392-27-040, filed 1/12/71; Reimbursement rules (part), filed 3/22/60.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-141-045 and 392-141-050.
- 392-27-045 Lease purchase of school buses—Reimbursement. [Order 36, § 392-27-045, filed 1/12/71.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-141-045 and 392-141-050.
- 392-27-050 Presenting buses for safety inspection. [From rules dated March, 1958 (part), filed 3/22/60.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-141-045 and 392-141-050.
- 392-27-100 Depreciation schedule—New buses. [Order 37, § 392-27-100, filed 1/12/71, effective 7/1/71; Subsections 1, 2, and 3 from rules (part), filed 8/2/62; Rules (part), filed 3/22/60; Subsection 4 from rules, filed 8/2/62; Rules (part), filed 3/22/60; Example, filed 8/2/62; Rules (part), filed 3/22/60.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-141-055.
- 392-27-110 Additional depreciation for rebuilt district-owned buses that have served the state's required years for original depreciation. [Subsection 5 from rules (part), filed 6/17/63; Subsections 1, 2, 3, and 4 from rules (part), filed 2/14/63; Form T-10, filed 2/14/63.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-141-060.
- 392-29-140 Definitions—School year—Day. [Order 89, § 392-29-140, filed 3/6/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-121-015.
- 392-29-150 Annual distribution of apportionment funds. [Order 89, § 392-29-150, filed 3/6/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-121-020.
- 392-29-160 Apportionment credit, resident and nonresident districts. [Order 89, § 392-29-160, filed 3/6/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-121-030.
- 392-29-170 Apportionment credit—Preschool handicapped and kindergarten. [Order 89, § 392-29-170, filed 3/6/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-121-030.
- 392-29-180 Apportionment funds resources. [Order 89, § 392-29-180, filed 3/6/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-121-035.
- 392-29-190 Pupil weighting—Weighting schedule—Weighted pupil enrollment. [Order 89, § 392-29-190, filed 3/6/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-121-040.
- 392-29-200 Per weighted pupil guarantee—Method of computation. [Order 89, § 392-29-200, filed 3/6/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-121-050.
- 392-29-210 Proportional district entitlement—Computation of. [Order 89, § 392-29-210, filed 3/6/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-121-055.
- 392-29-220 Full-time equivalent pupil. [Order 89, § 392-29-220, filed 3/6/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-121-055.
- 392-29-230 Enrollment time credit—Off-campus, educational institution. [Order 89, § 392-29-230, filed 3/6/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-121-045.
- 392-29-240 Part-time student. [Order 89, § 392-29-240, filed 3/6/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-121-045.
- 392-29-250 Reporting requirements. [Order 89, § 392-29-250, filed 3/6/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-121-065.
- 392-29-260 Payment schedule. [Order 89, § 392-29-260, filed 3/6/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-121-025.
- 392-29-270 Advance payments—Emergency. [Order 89, § 392-29-270, filed 3/6/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-121-060.

Chapter 392-30

SCHOOL DISTRICT BUDGETING

Chapter 392-29

DISTRIBUTION OF FUNDS APPROPRIATED FOR
APPORTIONMENT TO THE COMMON SCHOOLS

- 392-29-010 Authority. [Order 52, § 392-29-010, filed 8/15/72.] Repealed by Order 89, filed 3/6/75.
- 392-29-020 Purpose. [Order 52, § 392-29-020, filed 8/15/72.] Repealed by Order 89, filed 3/6/75.
- 392-29-030 Policy. [Order 52, § 392-29-030, filed 8/15/72.] Repealed by Order 89, filed 3/6/75.
- 392-29-100 Procedures. [Order 52, § 392-29-100, filed 8/15/72.] Repealed by Order 89, filed 3/6/75.
- 392-29-110 Authority and purpose. [Order 89, § 392-29-110, filed 3/6/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-121-005.
- 392-29-120 Intent of equalization apportionment. [Order 89, § 392-29-120, filed 3/6/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-121-005.
- 392-29-130 Definitions—Terms. [Order 89, § 392-29-130, filed 3/6/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-121-010 and 392-121-015.
- 392-30-010 Authority. [Order 83, § 392-30-010, filed 10/3/74; Order 38, § 392-30-010, filed 2/5/71.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-123-005.
- 392-30-020 The accounting manual. [Order 83, § 392-30-020, filed 10/3/74; Order 38, § 392-30-020, filed 2/5/71.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-123-010.
- 392-30-030 Preliminary and final budgets required. [Order 83, § 392-30-030, filed 10/3/74; Order 38, § 392-30-030, filed 2/5/71.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-123-015.
- 392-30-035 Petition to stipulate that preliminary budget shall become final budget. [Order 83, § 392-30-035, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-123-020.
- 392-30-040 Preliminary and final budget forms provided by state superintendent. [Order 83, § 392-30-040, filed 10/3/74; Order 38, § 392-30-040, filed 2/5/71.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-123-025.
- 392-30-050 Preliminary and final budget preparation. [Order 83, § 392-30-050, filed 10/3/74; Order 38, § 392-30-050, filed 2/5/71.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-123-030.

- 392-30-060 Budget required to be developed on accrual basis. [Order 83, § 392-30-060, filed 10/3/74; Order 38, § 392-30-060, filed 2/5/71.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-123-035.
- 392-30-070 The time schedule for the preliminary budget process. [Order 83, § 392-30-070, filed 10/3/74; Order 38, § 392-30-070, filed 2/5/71.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-123-040 and 392-123-045.
- 392-30-080 The time schedule for the final budget process. [Order 83, § 392-30-080, filed 10/3/74; Order 38, § 392-30-080, filed 2/5/71.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-123-050.
- 392-30-090 Identification of revenues to be included in the budget. [Order 83, § 392-30-090, filed 10/3/74; Order 38, § 392-30-090, filed 2/5/71.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-123-055.
- 392-30-100 Petition to budget future receivables—Final budget. [Order 83, § 392-30-100, filed 10/3/74; Order 38, § 392-30-100, filed 2/5/71.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-123-060.
- 392-30-110 Noncompliance with binding restrictions placed on school district. [Order 83, § 392-30-110, filed 10/3/74; Order 38, § 392-30-110, filed 2/5/71.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-123-065.
- 392-30-120 Required analysis of budgetary changes—Prior year budget to preliminary and preliminary to final budget. [Order 83, § 392-30-120, filed 10/3/74; Order 38, § 392-30-120, filed 2/5/71.] Repealed by Order 7-75, filed 12/22/75.
- 392-30-130 Overexpending and exceeding the budget. [Order 83, § 392-30-130, filed 10/3/74; Order 38, § 392-30-130, filed 2/5/71.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-123-070.
- 392-30-140 Identification of a balanced budget. [Order 83, § 392-30-140, filed 10/3/74; Order 55, § 392-30-140, filed 12/28/72; Order 38, § 392-30-140, filed 2/5/71.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-123-075.
- 392-30-150 Budget determined to be unsound after state superintendent's review. [Order 83, § 392-30-150, filed 10/3/74; Order 38, § 392-30-150, filed 2/5/71.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-123-080.
- 392-30-160 Meeting to review budget after determined unsound—Findings issued. [Order 83, § 392-30-160, filed 10/3/74; Order 38, § 392-30-160, filed 2/5/71.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-123-085.
- 392-30-170 Preliminary budget noncompliant and unsound. [Order 83, § 392-30-170, filed 10/3/74; Order 38, § 392-30-170, filed 2/5/71.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-123-090.
- 392-30-180 Final budget noncompliant and unsound. [Order 83, § 392-30-180, filed 10/3/74; Order 38, § 392-30-180, filed 2/5/71.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-123-095.
- 392-30-190 Revised final budget not submitted or noncompliant. [Order 83, § 392-30-190, filed 10/3/74; Order 38, § 392-30-190, filed 2/5/71.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-123-100.
- 392-30-200 State board of education action regarding missing or noncompliant final budget. [Order 83, § 392-30-200, filed 10/3/74; Order 38, § 392-30-200, filed 2/5/71.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-123-105.
- 392-30-210 Monthly financial statements and reports prepared by school district administration. [Order 83, § 392-30-210, filed 10/3/74; Order 38, § 392-30-210, filed 2/5/71.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-123-110.
- 392-30-220 Budget status report for general fund operations. [Order 83, § 392-30-220, filed 10/3/74; Order 38, § 392-30-220, filed 2/5/71.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-123-115.
- 392-30-230 Consolidated balance sheet—Financial position of the school district. [Order 83, § 392-30-230, filed 10/3/74; Order 38, § 392-30-230, filed 2/5/71.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-123-120.
- 392-30-240 Personnel budget status report—First and second class districts. [Order 83, § 392-30-240, filed 10/3/74; Order 55, § 392-30-240, filed 12/28/72; Order 38, § 392-30-240, filed 2/5/71.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-123-125.
- 392-30-250 Cash and investment status report for funds other than the general fund. [Order 83, § 392-30-250, filed 10/3/74; Order 38, § 392-30-250, filed 2/5/71.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-123-130.
- 392-30-260 Interfund loans—Definition. [Order 83, § 392-30-260, filed 10/3/74; Order 38, § 392-30-260, filed 2/5/71.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-123-135.
- 392-30-270 Interfund loans allowable. [Order 83, § 392-30-270, filed 10/3/74; Order 38, § 392-30-270, filed 2/5/71.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-123-140.
- 392-30-280 Interfund loans—Identification of temporary loans. [Order 83, § 392-30-280, filed 10/3/74; Order 38, § 392-30-280, filed 2/5/71.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-123-145.
- 392-30-290 Interfund loans—Payment of interest. [Order 83, § 392-30-290, filed 10/3/74; Order 38, § 392-30-290, filed 2/5/71, effective 7/1/71.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-123-150.
- 392-30-300 Interfund loans—Full disclosure on financial statements. [Order 83, § 392-30-300, filed 10/3/74; Order 38, § 392-30-300, filed 2/5/71.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-123-155.
- 392-30-310 Interfund loans—Board resolution adopted—Contents. [Order 83, § 392-30-310, filed 10/3/74; Order 38, § 392-30-310, filed 2/5/71.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-123-160.

Chapter 392-31

INTERMEDIATE SCHOOL DISTRICT BUDGETING

- 392-31-010 Authority. [Order 41, § 392-31-010, filed 10/20/71.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-125-005.
- 392-31-020 Principles of accounting. [Order 41, § 392-31-020, filed 10/20/71.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-125-010.
- 392-31-030 Budgets required. [Order 41, § 392-31-030, filed 10/20/71.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-125-015.
- 392-31-040 Budget preparation, hearing and adoption. [Order 57, § 392-31-040, filed 4/13/73; Order 41, § 392-31-040, filed 10/20/71.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-125-020.
- 392-31-050 Budget approval. [Order 41, § 392-31-050, filed 10/20/71.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-125-025.
- 392-31-060 Time schedule for budget process. [Order 57, § 392-31-060, filed 4/13/73; Order 41, § 392-31-060, filed 10/20/71.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-125-030.
- 392-31-070 Budget content. [Order 41, § 392-31-070, filed 10/20/71.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-125-035.
- 392-31-080 Overexpending and exceeding the budget. [Order 41, § 392-31-080, filed 10/20/71.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-125-040.
- 392-31-090 A balanced budget. [Order 41, § 392-31-090, filed 10/20/71.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-125-045.
- 392-31-100 Termination of appropriations. [Order 41, § 392-31-100, filed 10/20/71.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-125-050.

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

- 392-31-110 Budget extensions. [Order 41, § 392-31-110, filed 10/20/71.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-125-055.
- 392-31-120 Monthly budget status report. [Order 41, § 392-31-120, filed 10/20/71.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-125-060.
- 392-31-130 Content of the monthly budget status report. [Order 41, § 392-31-130, filed 10/20/71.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-125-065.
- 392-31-140 Approval of the budget by the superintendent of public instruction. [Order 41, § 392-31-140, filed 10/20/71.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-125-070.
- 392-31-150 Distribution of county funds when county contains parts of two or more intermediate school districts. [Order 41, § 392-31-150, filed 10/20/71.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-125-075.

Chapter 392-32**STATE PLANS ADOPTED PURSUANT TO FEDERAL LAWS**

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

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

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

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

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

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

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

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

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

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

State plan for attracting and qualifying teachers to meet critical teacher shortages under part B (2) of the Education Professions Development Act (Public Law 90-35) Title V, Higher Education Act of 1965. [Public Law

89-329 as amended by PL 90-35); 10/29/68.] Repealed by 79-07-006 (Order 3-79), filed 6/7/79. Statutory Authority: RCW 28A.03.030 (1) and (3).

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

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

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

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

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

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

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

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

Chapter 392-35**PRINCIPALS—EMPLOYEE ORGANIZATION—
ELECTION PROCEDURE**

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

- 392-35-150 Election inspectors' duties after voting has terminated. [Order 67, § 392-35-150, filed 9/21/73.] Repealed by Order 7-75, filed 12/22/75.
- 392-35-160 Disposition of challenged ballots—Tally sheets—Investigation by chief election officer. [Order 67, § 392-35-160, filed 9/21/73.] Repealed by Order 7-75, filed 12/22/75.
- 392-35-170 Counting of ballots—Procedure—Certification of results of election—Retention of ballots—Signed voting lists. [Order 67, § 392-35-170, filed 9/21/73.] Repealed by Order 7-75, filed 12/22/75.
- 392-35-180 Electioneering within the polls forbidden. [Order 67, § 392-35-180, filed 9/21/73.] Repealed by Order 7-75, filed 12/22/75.
- 392-35-190 Contest of election—Time for filing objections—Investigation of objections. [Order 67, § 392-35-190, filed 9/21/73.] Repealed by Order 7-75, filed 12/22/75.
- 392-35-200 Election determined by majority of valid votes cast—Runoff election. [Order 67, § 392-35-200, filed 9/21/73.] Repealed by Order 7-75, filed 12/22/75.
- 392-35-210 Time lapse for new election. [Order 67, § 392-35-210, filed 9/21/73.] Repealed by Order 7-75, filed 12/22/75.
- 392-45-050 Procedures for functionally defining handicapping conditions (RCW 28A.13.070)—Parent decision. [Order 66, § 392-45-050, filed 8/27/73.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-171-045.
- 392-45-055 Procedures for functionally defining handicapping conditions (RCW 28A.13.070)—Decision to terminate. [Order 66, § 392-45-055, filed 8/27/73.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-171-050.
- 392-45-060 Procedures for functionally defining handicapping conditions (RCW 28A.13.070)—Assessment procedures. [Order 66, § 392-45-060, filed 8/27/73.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-171-055.
- 392-45-065 Procedures for functionally defining handicapping conditions (RCW 28A.13.070)—Collection of descriptions of child performance. [Order 66, § 392-45-065, filed 8/27/73.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-171-060.
- 392-45-070 Procedures for functionally defining handicapping conditions (RCW 28A.13.070)—Assessment or needed consultation by professional resources not employed by school district. [Order 66, § 392-45-070, filed 8/27/73.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-171-065.
- 392-45-075 Procedures for functionally defining handicapping conditions (RCW 28A.13.070)—Assessment areas. [Order 66, § 392-45-075, filed 8/27/73.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-171-070.
- 392-45-080 Procedures for functionally defining handicapping conditions (RCW 28A.13.070)—Assessment personnel. [Order 66, § 392-45-080, filed 8/27/73.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-171-075.
- 392-45-085 Procedures for functionally defining handicapping conditions (RCW 28A.13.070)—Analysis of assessment data. [Order 66, § 392-45-085, filed 8/27/73.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-171-080.
- 392-45-090 Procedures for functionally defining handicapping conditions (RCW 28A.13.070)—Goals and objectives. [Order 66, § 392-45-090, filed 8/27/73.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-171-085.
- 392-45-095 Procedures for functionally defining handicapping conditions (RCW 28A.13.070)—Goals relating to placement (long range). [Order 66, § 392-45-095, filed 8/27/73.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-171-090.
- 392-45-100 Procedures for functionally defining handicapping conditions (RCW 28A.13.070)—Placement options. [Order 66, § 392-45-100, filed 8/27/73.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-171-095, 392-171-100, 392-171-105 and 392-171-110.
- 392-45-105 Procedures for functionally defining handicapping conditions (RCW 28A.13.070)—Program criteria necessary for eligibility. [Order 5-75, § 392-45-105, filed 6/9/75; Order 66, § 392-45-105, filed 8/27/73.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-171-115.
- 392-45-110 Procedures for functionally defining handicapping conditions (RCW 28A.13.070)—Definitions and criteria for child eligibility. [Order 76, § 392-45-110, filed 7/11/74; Order 66, § 392-45-110, filed 8/27/73.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-171-120, 392-171-125, 392-171-130, 392-171-135, 392-171-140, 392-171-145, 392-171-150, 392-171-155, 392-171-160, 392-171-165, 392-171-170, 392-171-175 and 392-171-180.
- 392-45-115 Procedures for functionally defining handicapping conditions (RCW 28A.13.070)—School district decision. [Order 66, § 392-45-115, filed 8/27/73.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-171-185.

Chapter 392-40**CERTIFICATES OF EDUCATIONAL COMPETENCE**

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

Chapter 392-45**WASHINGTON STATE SPECIAL EDUCATION PROGRAM FOR CHILDREN WITH HANDICAPPING CONDITIONS**

- 392-45-005 Purpose. [Order 66, § 392-45-005, filed 8/27/73.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-171-005.
- 392-45-010 Administrative duties of superintendent of public instruction. [Order 66, § 392-45-010, filed 8/27/73.] Repealed by Order 7-75, filed 12/22/75.
- 392-45-015 Special education advisory council. [Order 66, § 392-45-015, filed 8/27/73.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-171-010.
- 392-45-020 Special education advisory council—Special education advisory council authority. [Order 66, § 392-45-020, filed 8/27/73.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-171-015.
- 392-45-025 Special education standing committee. [Order 66, § 392-45-025, filed 8/27/73.] Repealed by Order 7-75, filed 12/22/75.
- 392-45-030 Common school age (RCW 28A.13.010, 28A.58.190 and 28A.35.010). [Order 66, § 392-45-030, filed 8/27/73.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-171-020.
- 392-45-035 Procedures for functionally defining handicapping conditions (RCW 28A.13.070). [Order 66, § 392-45-035 and flow charts, filed 8/27/73.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-171-025 and 392-171-030.
- 392-45-040 Procedures for functionally defining handicapping conditions (RCW 28A.13.070)—Child as focus of concern. [Order 66, § 392-45-040, filed 8/27/73.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-171-035.
- 392-45-045 Procedures for functionally defining handicapping conditions (RCW 28A.13.070)—Referral procedure. [Order 66, § 392-45-045, filed 8/27/73.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-171-040.

- 392-45-120 Procedures for functionally defining handicapping conditions (RCW 28A.13.070)—Parent decision. [Order 66, § 392-45-120, filed 8/27/73.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-171-190.
- 392-45-125 Procedures for functionally defining handicapping conditions (RCW 28A.13.070)—Objectives relating to instructional programs (short term). [Order 66, § 392-45-125, filed 8/27/73.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-171-195.
- 392-45-130 Procedures for functionally defining handicapping conditions (RCW 28A.13.070)—Evaluation and program improvement. [Order 66, § 392-45-130, filed 8/27/73.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-171-200.
- 392-45-135 Contractual services (RCW 28A.13.030). [Order 66, § 392-45-135, filed 8/27/73.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-171-205.
- 392-45-140 Contractual services (RCW 28A.13.030)—Approval of agencies and individuals for contractual arrangements. [Order 66, § 392-45-140, filed 8/27/73.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-171-210.
- 392-45-145 Contractual services (RCW 28A.13.030)—Determining eligibility of nonpublic school agencies and individuals to provide special education services through contractual arrangements with school districts. [Order 66, § 392-45-145, filed 8/27/73.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-171-215.
- 392-45-150 Contractual services (RCW 28A.13.030)—Responsibilities of school districts. [Order 66, § 392-45-150, filed 8/27/73.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-171-220.
- 392-45-155 Contractual services (RCW 28A.13.030)—Compliance with federal, state and local laws. [Order 66, § 392-45-155, filed 8/27/73.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-171-225.
- 392-45-160 Contractual services (RCW 28A.13.030)—Written policies. [Order 66, § 392-45-160, filed 8/27/73.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-171-230.
- 392-45-165 Contractual services (RCW 28A.13.030)—Coordination of services. [Order 66, § 392-45-165, filed 8/27/73.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-171-235.
- 392-45-170 Contractual services (RCW 28A.13.030)—Written contracts. [Order 66, § 392-45-170, filed 8/27/73.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-171-240.
- 392-45-175 Contractual services (RCW 28A.13.030)—Special placement and parent appeal concerning contractual arrangements. [Order 66, § 392-45-175, filed 8/27/73.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-171-245.
- 392-45-180 Interdistrict arrangements (RCW 28A.13.030). [Order 66, § 392-45-180, filed 8/27/73.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-171-250.
- 392-45-185 Appeals and sanctions procedures (RCW 28A.13.060 through 28A.13.080). [Order 66, § 392-45-185, filed 8/27/73.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-171-255, 392-171-260, 392-171-265, 392-171-270 and 392-171-275.
- 392-45-190 Transportation. [Order 66, § 392-45-190, filed 8/27/73.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-171-280.
- 392-45-195 Facilities. [Order 66, § 392-45-195, filed 8/27/73.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-171-285.
- Chapter 392-50**
TRAFFIC SAFETY EDUCATION
- 392-50-010 Definitions. [Order 65, § 392-50-010, filed 8/10/73; Rules (part), filed 11/1/63.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-153-010.
- 392-50-020 Reimbursement to school districts. [Order 65, § 392-50-020, filed 8/10/73; Rules (part), filed 11/1/63.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-153-015.
- 392-50-030 Teacher certification. [Order 65, § 392-50-030, filed 8/10/73.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-153-020.
- 392-50-040 Traffic safety education vehicles. [Order 65, § 392-50-040, filed 8/10/73.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-153-025.
- 392-50-050 Local curriculum guides. [Order 65, § 392-50-050, filed 8/10/73.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-153-030.
- 392-50-060 Scheduling. [Order 65, § 392-50-060, filed 8/10/73.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-153-035.
- 392-50-070 Administration. [Order 65, § 392-50-070, filed 8/10/73.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-153-040.
- Chapter 392-60**
ACCUMULATED SICK LEAVE
- 392-60-010 Contributions of school districts. [Rules (part), filed 8/16/66, effective 11/14/66.] Repealed by Order 7-75, filed 12/22/75.
- 392-60-020 Reimbursement to districts. [Rules (part), filed 8/16/66, effective 11/14/66.] Repealed by Order 7-75, filed 12/22/75.
- Chapter 392-65**
EMPLOYEE HEALTH AND INSURANCE BENEFITS
- 392-65-020 Authority. [Order 26, § 392-65-020, filed 7/9/70.] Repealed by Order 42, filed 10/29/71.
- 392-65-025 Authority. [Order 49, § 392-65-025, filed 6/28/72; Order 42, § 392-65-025, filed 10/29/71.] Repealed by Order 7-75, filed 12/22/75.
- 392-65-030 Salary improvement funds separate allotment (not equalized). [Order 26, § 392-65-030, filed 7/9/70.] Repealed by Order 42, filed 10/29/71.
- 392-65-035 Salary increase maintenance funds separate appropriations. [Order 49, § 392-65-035, filed 6/28/72; Order 42, § 392-65-035, filed 10/29/71.] Repealed by Order 7-75, filed 12/22/75.
- 392-65-040 Calculation of amount of distributable funds by employee categories—Certificated—Classified. [Order 26, § 392-65-040, filed 7/9/70.] Repealed by Order 42, filed 10/29/71.
- 392-65-045 Preliminary payments—Adjustments. [Order 49, § 392-65-045, filed 6/28/72; Order 42, § 392-65-045, filed 10/29/71.] Repealed by Order 7-75, filed 12/22/75.
- 392-65-050 Base year and average district salary stipulated. [Order 26, § 392-65-050, filed 7/9/70.] Repealed by Order 42, filed 10/29/71.
- 392-65-055 Calculation of funds distributable for salary increase and related benefits maintenance—General provisions—Exclusion. [Order 49, § 392-65-055, filed 6/28/72; Order 42, § 392-65-055, filed 10/29/71.] Repealed by Order 7-75, filed 12/22/75.
- 392-65-060 Exclusion—Extra stipends—Definition. [Order 26, § 392-65-060, filed 7/9/70.] Repealed by Order 42, filed 10/29/71.
- 392-65-065 Lunchroom personnel—Salary increase and related benefits maintenance. [Order 49, § 392-65-065, filed 6/28/72; Order 42, § 392-65-065, filed 10/29/71.] Repealed by Order 7-75, filed 12/22/75.
- 392-65-070 Identification of extra stipends. [Order 26, § 392-65-070, filed 7/9/70.] Repealed by Order 42, filed 10/29/71.
- 392-65-075 Employee health benefits—Appropriations—Regulations governing. [Order 49, § 392-65-075, filed 6/28/72; Order 42, § 392-65-075, filed 10/29/71.] Repealed by Order 7-75, filed 12/22/75.
- 392-65-080 Certain programs paid from specific budget categories. [Order 26, § 392-65-080, filed 7/9/70.] Repealed by Order 42, filed 10/29/71.
- 392-65-085 Employee insurance benefits—Appropriations to superintendent of public instruction. [Order 88, § 392-65-085, filed 3/6/75.] Repealed by Order 7-75, filed 12/22/75.

- 392-65-090 Salary improvements specified by year and percentage. [Order 26, § 392-65-090, filed 7/9/70.] Repealed by Order 42, filed 10/29/71.
- 392-65-095 Governor's special appropriation. [Order 88, § 392-65-095, filed 3/6/75.] Repealed by Order 7-75, filed 12/22/75.
- 392-65-100 Continuing employment requisite to average salary computation. [Order 26, § 392-65-100, filed 7/9/70.] Repealed by Order 42, filed 10/29/71.
- 392-65-105 Basic precepts of distribution. [Order 88, § 392-65-105, filed 3/6/75.] Repealed by Order 7-75, filed 12/22/75.
- 392-65-110 Maintenance of pupil-teacher ratio as of 1968-69 school year. [Order 35, § 392-65-110, filed 12/8/70; Order 26, § 392-65-110, filed 7/9/70.] Repealed by Order 42, filed 10/29/71.
- 392-65-115 Reimbursement rates. [Order 88, § 392-65-115, filed 3/6/75.] Repealed by Order 7-75, filed 12/22/75.
- 392-65-120 Staff replacements and staff additions. [Order 26, § 392-65-120, filed 7/9/70.] Repealed by Order 42, filed 10/29/71.
- 392-65-125 Computation of full-time equivalent employee. [Order 88, § 392-65-125, filed 3/6/75.] Repealed by Order 7-75, filed 12/22/75.
- 392-65-130 Funds to be expended for limited purpose—Otherwise reallocated. [Order 26, § 392-65-130, filed 7/9/70.] Repealed by Order 42, filed 10/29/71.
- 392-65-135 Benefits allowable. [Order 88, § 392-65-135, filed 3/6/75.] Repealed by Order 7-75, filed 12/22/75.
- 392-65-140 Annual increment—Negotiable item. [Order 26, § 392-65-140, filed 7/9/70.] Repealed by Order 42, filed 10/29/71.
- 392-65-145 Reports—Basis of computations. [Order 88, § 392-65-145, filed 3/6/75.] Repealed by Order 7-75, filed 12/22/75.
- 392-65-150 Schedule for employee benefits. [Order 26, § 392-65-150, filed 7/9/70.] Repealed by Order 42, filed 10/29/71.
- 392-65-160 Preliminary payments—Basis. [Order 26, § 392-65-160, filed 7/9/70.] Repealed by Order 42, filed 10/29/71.
- 392-65-170 Adjusted payments—Basis. [Order 26, § 392-65-170, filed 7/9/70.] Repealed by Order 42, filed 10/29/71.
- 392-65-180 District qualification—Health benefits. [Order 26, § 392-65-180, filed 7/9/70.] Repealed by Order 42, filed 10/29/71.
- 392-65-190 Monthly rate (1969-70). [Order 26, § 392-65-190, filed 7/9/70.] Repealed by Order 42, filed 10/29/71.
- 392-65-200 Monthly rate determined by residue (1970-71). [Order 26, § 392-65-200, filed 7/9/70.] Repealed by Order 42, filed 10/29/71.
- 392-67-060 Salary increases—Other uses—Districts which grant less. [Order 50, § 392-67-060, filed 6/28/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-67-070 Authority. [Order 87, § 392-67-070, filed 3/6/75; Order 58, § 392-67-070, filed 4/19/73.] Repealed by Order 7-75, filed 12/22/75.
- 392-67-080 Policy. [Order 87, § 392-67-080, filed 3/6/75; Order 58, § 392-67-080, filed 4/19/73.] Repealed by Order 7-75, filed 12/22/75.
- 392-67-090 Appropriation—Distribution outside equalization formula. [Order 87, § 392-67-090, filed 3/6/75; Order 58, § 392-67-090, filed 4/19/73.] Repealed by Order 7-75, filed 12/22/75.
- 392-67-100 Salary increase calculation. [Order 87, § 392-67-100, filed 3/6/75; Order 58, § 392-67-100, filed 4/19/73.] Repealed by Order 7-75, filed 12/22/75.
- 392-67-110 Preliminary payments. [Order 87, § 392-67-110, filed 3/6/75; Order 58, § 392-67-110, filed 4/19/73.] Repealed by Order 7-75, filed 12/22/75.
- 392-67-120 Salary increases—Other uses—Districts which grant less. [Order 87, § 392-67-120, filed 3/6/75; Order 58, § 392-67-120, filed 4/19/73.] Repealed by Order 7-75, filed 12/22/75.
- 392-67-130 Purpose. [Order 87, § 392-67-130, filed 3/6/75; Order 58, § 392-67-130, filed 4/19/73.] Repealed by Order 7-75, filed 12/22/75.
- 392-67-140 Distribution criteria and procedures. [Order 87, § 392-67-140, filed 3/6/75; Order 58, § 392-67-140, filed 4/19/73.] Repealed by Order 7-75, filed 12/22/75.
- 392-67-150 Additional procedures. [Order 87, § 392-67-150, filed 3/6/75; Order 58, § 392-67-150, filed 4/19/73.] Repealed by Order 7-75, filed 12/22/75.
- 392-67-160 District revenue account—New. [Order 87, § 392-67-160, filed 3/6/75; Order 58, § 392-67-160, filed 4/19/73.] Repealed by Order 7-75, filed 12/22/75.
- 392-67-170 "Classified employee" defined. [Order 87, § 392-67-170, filed 3/6/75.] Repealed by Order 7-75, filed 12/22/75.
- 392-67-180 "Full-time" classified employee defined. [Order 87, § 392-67-180, filed 3/6/75.] Repealed by Order 7-75, filed 12/22/75.
- 392-67-190 Increase applicable to full-time classified employees. [Order 87, § 392-67-190, filed 3/6/75.] Repealed by Order 7-75, filed 12/22/75.
- 392-67-200 Prorated increase applicable to part-time classified employees. [Order 87, § 392-67-200, filed 3/6/75.] Repealed by Order 7-75, filed 12/22/75.
- 392-67-210 Salary increase for February 1973 prohibited—When. [Order 87, § 392-67-210, filed 3/6/75.] Repealed by Order 7-75, filed 12/22/75.
- 392-67-220 Intent—To increase base pay rates. [Order 87, § 392-67-220, filed 3/6/75.] Repealed by Order 7-75, filed 12/22/75.

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

- 392-67-010 Authority. [Order 50, § 392-67-010, filed 6/28/72.] Repealed by Order 72, filed 4/24/74.
- 392-67-01001 Purpose. [Order 72, § 392-67-01001, filed 4/24/74.] Repealed by Order 7-75, filed 12/22/75.
- 392-67-020 Policy. [Order 50, § 392-67-020, filed 6/28/72.] Repealed by Order 72, filed 4/24/74.
- 392-67-02001 Salary increase funds separate appropriation. [Order 72, § 392-67-02001, filed 4/24/74.] Repealed by Order 7-75, filed 12/22/75.
- 392-67-030 Appropriation—Distribution outside equalization formula. [Order 50, § 392-67-030, filed 6/28/72.] Repealed by Order 72, filed 4/24/74.
- 392-67-03001 Payments—Adjustments. [Order 72, § 392-67-03001, filed 4/24/74.] Repealed by Order 7-75, filed 12/22/75.
- 392-67-040 Salary increase calculation. [Order 50, § 392-67-040, filed 6/28/72.] Repealed by Order 72, filed 4/24/74.
- 392-67-04001 Local determination. [Order 72, § 392-67-04001, filed 4/24/74.] Repealed by Order 7-75, filed 12/22/75.
- 392-67-050 Preliminary payments. [Order 50, § 392-67-050, filed 6/28/72.] Repealed by Order 72, filed 4/24/74.
- 392-67-05001 Certification. [Order 72, § 392-67-05001, filed 4/24/74.] Repealed by Order 7-75, filed 12/22/75.

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

- 392-70-020 Regulatory provisions relating to specific acts. [Order 51, § 392-70-020, filed 6/28/72; Order 20, § 392-70-020, filed 11/6/69.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-181-005.
- 392-70-030 Work-training program. [Order 20, § 392-70-030, filed 11/6/69.] Repealed by Order 51, filed 6/28/72.
- 392-70-040 Resident requirement. [Order 51, § 392-70-040, filed 6/28/72; Order 20, § 392-70-040, filed 11/6/69.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-181-015.
- 392-70-045 Definitions. [Order 51, § 392-70-045, filed 6/28/72.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-181-010.
- 392-70-050 Work-study program approval required. [Order 20, § 392-70-050, filed 11/6/69.] Repealed by Order 51, filed 6/28/72.
- 392-70-055 School districts—Duties and responsibilities. [Order 51, § 392-70-055, filed 6/28/72.] Repealed by Order 7-75,

- filed 12/22/75. Later promulgation, see WAC 392-181-020 and 392-181-025.
- 392-70-060 Only offerings unavailable in private schools approved for private school student attendance in public schools—State superintendent to interpret literally. [Order 20, § 392-70-060, filed 11/6/69.] Repealed by Order 51, filed 6/28/72.
- 392-70-065 Ancillary services—Location. [Order 51, § 392-70-065, filed 6/28/72.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-181-025.
- 392-70-070 Compliance with state superintendent's rules prerequisite to reimbursement of costs. [Order 51, § 392-70-070, filed 6/28/72; Order 20, § 392-70-070, filed 11/6/69.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-181-035.
- 392-70-075 Reimbursement requirements. [Order 51, § 392-70-075, filed 6/28/72.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-181-030.
- 392-70-090 State superintendent to recognize additional costs to school districts. [Order 20, § 392-70-090, filed 11/6/69.] Repealed by Order 51, filed 6/28/72.
- 392-70-100 School district to submit cost report. [Order 20, § 392-70-100, filed 11/6/69.] Repealed by Order 51, filed 6/28/72.
- Chapter 392-80
EXCESS LEVIES**
- 392-80-100 Rules implementing chapters 84.52 and 28.48 RCW. [Rules (part), filed 10/30/67.] Repealed by Order 7-75, filed 12/22/75.
- Chapter 392-90
WASHINGTON STATE URBAN, RURAL, RACIAL,
DISADVANTAGED EDUCATION PROGRAMS**
- 392-90-800 Purpose. [Order 84, § 392-90-800, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-161-005.
- 392-90-805 Definitions. [Order 84, § 392-90-805, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-161-010.
- 392-90-810 Administrative duties of the superintendent of public instruction. [Order 84, § 392-90-810, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-161-015.
- 392-90-815 URRD state advisory committee. [Order 84, § 392-90-815, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-161-020.
- 392-90-820 URRD program supervision. [Order 84, § 392-90-820, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-161-025.
- 392-90-825 Eligibility requirements. [Order 84, § 392-90-825, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-161-030.
- 392-90-830 Evidence of school district proposal review. [Order 84, § 392-90-830, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-161-035.
- 392-90-835 Required documentation. [Order 84, § 392-90-835, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-161-040.
- 392-90-840 Private applicant agency requirement. [Order 84, § 392-90-840, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-161-045.
- 392-90-845 Authorized program activities. [Order 84, § 392-90-845, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-161-050.
- 392-90-850 Interdistrict or consortium projects. [Order 84, § 392-90-850, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-161-055.
- 392-90-855 Complementary nature of private agency projects. [Order 84, § 392-90-855, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-161-060.
- 392-90-860 Fiscal constraints. [Order 84, § 392-90-860, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-161-065.
- 392-90-865 Basic program thrust summarized. [Order 84, § 392-90-865, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-161-070.
- 392-90-870 URRD program categories. [Order 84, § 392-90-870, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-161-075.
- 392-90-875 Reentry motivation programs summarized. [Order 84, § 392-90-875, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-161-080 and 392-161-085.
- 392-90-880 Preschool education programs summarized. [Order 84, § 392-90-880, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-161-090.
- 392-90-885 Academic achievement program summary. [Order 84, § 392-90-885, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-161-100 and 392-161-105.
- 392-90-890 Bilingual/bicultural education program summary. [Order 84, § 392-90-890, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-161-110 and 392-161-115.
- 392-90-895 Indian education program summary. [Order 84, § 392-90-895, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-161-120 and 392-161-125.
- 392-90-900 General application information. [Order 84, § 392-90-900, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-161-130.
- 392-90-905 Legislative concerns and general guidelines. [Order 84, § 392-90-905, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-161-135.
- 392-90-910 Review process described. [Order 84, § 392-90-910, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-161-140.
- 392-90-915 Basic selection criteria information. [Order 84, § 392-90-915, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-161-145 and 392-161-150.
- 392-90-920 URRD appeals procedure summarized. [Order 84, § 392-90-920, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-161-155.
- 392-90-925 Program evaluation and reporting procedures. [Order 84, § 392-90-925, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-161-160.
- 392-90-930 Integration policy statement. [Order 84, § 392-90-930, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-161-165.
- Chapter 392-96
GRANTS MANAGEMENT—ELEMENTARY AND SECONDARY
EDUCATION ACT—TITLE I PROGRAM, MIGRANT**
- 392-96-005 Introduction. [Order 2-75, § 392-96-005, filed 1/21/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-164-005.
- 392-96-010 Purpose. [Order 2-75, § 392-96-010, filed 1/21/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-164-010.
- 392-96-015 Definitions. [Order 2-75, § 392-96-015, filed 1/21/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-164-015.
- 392-96-020 Eligibility requirements. [Order 2-75, § 392-96-020, filed 1/21/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-164-020.
- 392-96-025 Formerly migratory children. [Order 2-75, § 392-96-025, filed 1/21/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-164-025.
- 392-96-030 Bilingual education. [Order 2-75, § 392-96-030, filed 1/21/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-164-030.
- 392-96-035 Student identification. [Order 2-75, § 392-96-035, filed 1/21/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-164-035.
- 392-96-040 Student insurance. [Order 2-75, § 392-96-040, filed 1/21/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-164-040.
- 392-96-045 Property, facilities, and equipment. [Order 2-75, § 392-96-045, filed 1/21/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-164-045.

- 392-96-050 Project descriptions. [Order 2-75, § 392-96-050, filed 1/21/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-164-050.
- 392-96-055 Day care. [Order 2-75, § 392-96-055, filed 1/21/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-164-055.
- 392-96-060 Local parent advisory councils. [Order 2-75, § 392-96-060, filed 1/21/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-164-060.
- 392-96-065 Local parent advisory council appeal process for projects. [Order 2-75, § 392-96-065, filed 1/21/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-164-065.
- 392-96-070 Local parent advisory council appeal process for PAC. [Order 2-75, § 392-96-070, filed 1/21/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-164-070.
- 392-96-075 Grievance procedure. [Order 2-75, § 392-96-075, filed 1/21/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-164-075.
- 392-96-080 State advisory committee. [Order 2-75, § 392-96-080, filed 1/21/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-164-080.
- 392-96-085 Accountability. [Order 2-75, § 392-96-085, filed 1/21/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-164-085.
- 392-96-090 Administrative costs. [Order 2-75, § 392-96-090, filed 1/21/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-164-090.
- 392-96-095 Fiscal constraints. [Order 2-75, § 392-96-095, filed 1/21/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-164-095.
- Chapter 392-97**
GRANTS MANAGEMENT—ESEA III
- 392-97-005 Authority. [Order 4-75, § 392-97-005, filed 1/21/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-167-005.
- 392-97-010 Purpose. [Order 4-75, § 392-97-010, filed 1/21/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-167-010.
- 392-97-015 Definitions. [Order 4-75, § 392-97-015, filed 1/21/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-167-015.
- 392-97-020 Advisory councils. [Order 4-75, § 392-97-020, filed 1/21/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-167-020.
- 392-97-025 Evaluation criteria for approving projects. [Order 4-75, § 392-97-025, filed 1/21/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-167-025.
- 392-97-030 Additional criteria for approving projects. [Order 4-75, § 392-97-030, filed 1/21/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-167-030.
- 392-97-035 Timeline for approving projects. [Order 4-75, § 392-97-035, filed 1/21/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-167-035.
- 392-97-040 Provisions for assuring 15% for special needs of handicapped children. [Order 4-75, § 392-97-040, filed 1/21/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-167-040.
- 392-97-045 Criteria for achieving equitable distribution of assistance. [Order 4-75, § 392-97-045, filed 1/21/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-167-045.
- 392-97-050 Provision for private nonprofit school participation. [Order 4-75, § 392-97-050, filed 1/21/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-167-050.
- 392-97-055 Length of project period. [Order 4-75, § 392-97-055, filed 1/21/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-167-055.
- 392-97-060 Provisions for continuing projects. [Order 4-75, § 392-97-060, filed 1/21/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-167-060.
- 392-97-065 Provisions for terminating Title III projects. [Order 4-75, § 392-97-065, filed 1/21/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-167-065.
- 392-97-070 Provisions for hearings. [Order 4-75, § 392-97-070, filed 1/21/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-167-070.
- 392-97-075 Legal applicants. [Order 4-75, § 392-97-075, filed 1/21/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-167-075.
- Chapter 392-98**
GRANTS MANAGEMENT—
WASHINGTON STATE ESEA TITLE I PROGRAM
- 392-98-005 Authority and purpose. [Order 3-75, § 392-98-005, filed 1/21/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-163-005.
- 392-98-010 Eligible participants. [Order 3-75, § 392-98-010, filed 1/21/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-163-010.
- 392-98-015 Ancillary services. [Order 3-75, § 392-98-015, filed 1/21/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-163-015.
- 392-98-020 Size and scope of activity. [Order 3-75, § 392-98-020, filed 1/21/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-163-020.
- 392-98-025 Construction and remodeling. [Order 3-75, § 392-98-025, filed 1/21/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-163-025.
- 392-98-030 Field trips. [Order 3-75, § 392-98-030, filed 1/21/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-163-030.
- 392-98-035 Notification of parents. [Order 3-75, § 392-98-035, filed 1/21/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-163-035.
- 392-98-040 Nonpublic student involvement. [Order 3-75, § 392-98-040, filed 1/21/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-163-040.
- 392-98-045 Local education agency parent advisory council. [Order 3-75, § 392-98-045, filed 1/21/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-163-045.
- 392-98-050 School parent advisory councils. [Order 3-75, § 392-98-050, filed 1/21/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-163-050.
- 392-98-055 PAC grievance procedures. [Order 3-75, § 392-98-055, filed 1/21/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-163-055.
- 392-98-060 State Advisory Committee. [Order 3-75, § 392-98-060, filed 1/21/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-163-060.
- 392-98-065 Administrative costs. [Order 3-75, § 392-98-065, filed 1/21/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-163-065.
- 392-98-070 In-service training. [Order 3-75, § 392-98-070, filed 1/21/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-163-070.
- 392-98-075 Approval of projects. [Order 3-75, § 392-98-075, filed 1/21/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-163-075.
- 392-98-080 Evaluation. [Order 3-75, § 392-98-080, filed 1/21/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-163-080.
- 392-98-085 Disposition of property. [Order 3-75, § 392-98-085, filed 1/21/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-163-085.
- Chapter 392-99**
STATE BOARD OF EDUCATION—ELECTION OF MEMBERS
- 392-99-010 Purpose. [Order 86, § 392-99-010, filed 1/6/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-109-005.
- 392-99-020 Limitation-biographical data. [Order 86, § 392-99-020, filed 1/6/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-109-010.
- 392-99-030 Composition of election board. [Order 86, § 392-99-030, filed 1/6/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-109-015.

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

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

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

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

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

- 392-133-005 Purposes. [Order 18-76, § 392-133-005, filed 1/20/77.] Repealed by 80-06-041 (Order 80-14), filed 5/13/80. Statutory Authority: 1980 c 61.
- 392-133-010 Definitions. [Order 18-76, § 392-133-010, filed 1/20/77.] Repealed by 80-06-041 (Order 80-14), filed 5/13/80. Statutory Authority: 1980 c 61.
- 392-133-015 Solicitation of bids—When required. [Order 18-76, § 392-133-015, filed 1/20/77.] Repealed by 80-06-041 (Order 80-14), filed 5/13/80. Statutory Authority: 1980 c 61.
- 392-133-020 Solicitation of bids by public notice—Procedure. [Order 18-76, § 392-133-020, filed 1/20/77.] Repealed by 80-06-041 (Order 80-14), filed 5/13/80. Statutory Authority: 1980 c 61.
- 392-133-025 Submission of bids—Requirements. [Order 18-76, § 392-133-025, filed 1/20/77.] Repealed by 80-06-041 (Order 80-14), filed 5/13/80. Statutory Authority: 1980 c 61.
- 392-133-030 Solicitation of bids by telephone—Limitations. [Order 18-76, § 392-133-030, filed 1/20/77.] Repealed by 80-06-041 (Order 80-14), filed 5/13/80. Statutory Authority: 1980 c 61.
- 392-133-035 Telephone solicitation—Prequalification of bidders. [Order 18-76, § 392-133-035, filed 1/20/77.] Repealed by 80-06-041 (Order 80-14), filed 5/13/80. Statutory Authority: 1980 c 61.
- 392-133-040 Telephone solicitation—Procedure. [Order 18-76, § 392-133-040, filed 1/20/77.] Repealed by 80-06-041 (Order 80-14), filed 5/13/80. Statutory Authority: 1980 c 61.
- 392-133-045 Bids—Acceptance or rejection. [Order 18-76, § 392-133-045, filed 1/20/77.] Repealed by 80-06-041 (Order 80-14), filed 5/13/80. Statutory Authority: 1980 c 61.

- 392-133-050 Competitive bids—Exceptions. [Order 18-76, § 392-133-050, filed 1/20/77.] Repealed by 80-06-041 (Order 80-14), filed 5/13/80. Statutory Authority: 1980 c 61.

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

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

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

- 392-161-005 Purposes. [Statutory Authority: RCW 28A.41.280 and 28A.41.408. 80-09-016 (Order 80-25), § 392-161-005, filed 7/9/80; Order 7-75, § 392-161-005, filed 12/22/75. Formerly WAC 392-90-800.] Repealed by 81-15-088 (Order 81-3), filed 7/22/81. Statutory Authority: RCW 28A.41.250 through 28A.41.414.
- 392-161-010 Definitions. [Statutory Authority: RCW 28A.41.280 and 28A.41.408. 80-09-016 (Order 80-25), § 392-161-010, filed 7/9/80; Order 7-75, § 392-161-010, filed 12/22/75. Formerly WAC 392-90-805.] Repealed by 81-15-088 (Order 81-3), filed 7/22/81. Statutory Authority: RCW 28A.41.250 through 28A.41.414.
- 392-161-015 Administrative duties of the superintendent of public instruction. [Order 7-75, § 392-161-015, filed 12/22/75. Formerly WAC 392-90-810.] Repealed by 81-15-088 (Order 81-3), filed 7/22/81. Statutory Authority: RCW 28A.41.250 through 28A.41.414.
- 392-161-020 URRD state advisory committee. [Order 7-75, § 392-161-020, filed 12/22/75. Formerly WAC 392-90-815.] Repealed by 81-15-088 (Order 81-3), filed 7/22/81. Statutory Authority: RCW 28A.41.250 through 28A.41.414.
- 392-161-025 RAP/URRD program supervision. [Statutory Authority: RCW 28A.41.280 and 28A.41.408. 80-09-016 (Order 80-25), § 392-161-025, filed 7/9/80; Order 7-75, § 392-161-025, filed 12/22/75. Formerly WAC 392-90-820.] Repealed by 81-15-088 (Order 81-3), filed 7/22/81. Statutory Authority: RCW 28A.41.250 through 28A.41.414.
- 392-161-030 Eligibility requirements. [Order 7-75, § 392-161-030, filed 12/22/75. Formerly WAC 392-90-825.] Repealed by 81-15-088 (Order 81-3), filed 7/22/81. Statutory Authority: RCW 28A.41.250 through 28A.41.414.
- 392-161-035 Evidence of school district proposal review. [Order 7-75, § 392-161-035, filed 12/22/75. Formerly WAC 392-90-830.] Repealed by 81-15-088 (Order 81-3), filed 7/22/81. Statutory Authority: RCW 28A.41.250 through 28A.41.414.

- 392-161-040 Required documentation. [Statutory Authority: RCW 28A.41.280 and 28A.41.408. 80-09-016 (Order 80-25), § 392-161-040, filed 7/9/80; Order 17-76, § 392-161-040, filed 12/21/76; Order 7-75, § 392-161-040, filed 12/22/75. Formerly WAC 392-90-835.] Repealed by 81-15-088 (Order 81-3), filed 7/22/81. Statutory Authority: RCW 28A.41.250 through 28A.41.414.
- 392-161-045 Private applicant agency requirement. [Order 7-75, § 392-161-045, filed 12/22/75. Formerly WAC 392-90-840.] Repealed by 81-15-088 (Order 81-3), filed 7/22/81. Statutory Authority: RCW 28A.41.250 through 28A.41.414.
- 392-161-050 Authorized program activities. [Order 7-75, § 392-161-050, filed 12/22/75. Formerly WAC 392-90-845.] Repealed by 81-15-088 (Order 81-3), filed 7/22/81. Statutory Authority: RCW 28A.41.250 through 28A.41.414.
- 392-161-055 Interdistrict or consortium projects. [Order 7-75, § 392-161-055, filed 12/22/75. Formerly WAC 392-90-850.] Repealed by 81-15-088 (Order 81-3), filed 7/22/81. Statutory Authority: RCW 28A.41.250 through 28A.41.414.
- 392-161-060 Complementary nature of private agency projects. [Order 7-75, § 392-161-060, filed 12/22/75. Formerly WAC 392-90-855.] Repealed by 81-15-088 (Order 81-3), filed 7/22/81. Statutory Authority: RCW 28A.41.250 through 28A.41.414.
- 392-161-065 Fiscal constraints. [Statutory Authority: RCW 28A.41.280 and 28A.41.408. 80-09-016 (Order 80-25), § 392-161-065, filed 7/9/80; Order 7-75, § 392-161-065, filed 12/22/75. Formerly WAC 392-90-860.] Repealed by 81-15-088 (Order 81-3), filed 7/22/81. Statutory Authority: RCW 28A.41.250 through 28A.41.414.
- 392-161-070 Basic program thrust summarized. [Order 7-75, § 392-161-070, filed 12/22/75. Formerly WAC 392-90-865.] Repealed by 81-15-088 (Order 81-3), filed 7/22/81. Statutory Authority: RCW 28A.41.250 through 28A.41.414.
- 392-161-075 URRD program categories. [Order 7-75, § 392-161-075, filed 12/22/75. Formerly WAC 392-90-870.] Repealed by 81-15-088 (Order 81-3), filed 7/22/81. Statutory Authority: RCW 28A.41.250 through 28A.41.414.
- 392-161-080 Dropout prevention programs summary. [Statutory Authority: RCW 28A.41.280 and 28A.41.408. 80-09-016 (Order 80-25), § 392-161-080, filed 7/9/80; Order 7-75, § 392-161-080, filed 12/22/75. Formerly WAC 392-90-875 (part).] Repealed by 81-15-088 (Order 81-3), filed 7/22/81. Statutory Authority: RCW 28A.41.250 through 28A.41.414.
- 392-161-085 Dropout prevention program—Evaluation of effectiveness. [Statutory Authority: RCW 28A.41.280 and 28A.41.408. 80-09-016 (Order 80-25), § 392-161-085, filed 7/9/80; Order 7-75, § 392-161-085, filed 12/22/75. Formerly WAC 392-90-875 (part).] Repealed by 81-15-088 (Order 81-3), filed 7/22/81. Statutory Authority: RCW 28A.41.250 through 28A.41.414.
- 392-161-090 Preschool education programs summary. [Statutory Authority: RCW 28A.41.280 and 28A.41.408. 80-09-016 (Order 80-25), § 392-161-090, filed 7/9/80; Order 7-75, § 392-161-090, filed 12/22/75. Formerly WAC 392-90-880.] Repealed by 81-15-088 (Order 81-3), filed 7/22/81. Statutory Authority: RCW 28A.41.250 through 28A.41.414.
- 392-161-095 Preschool education programs—Evaluation of effectiveness. [Order 7-75, § 392-161-095, filed 12/22/75.] Repealed by 81-15-088 (Order 81-3), filed 7/22/81. Statutory Authority: RCW 28A.41.250 through 28A.41.414.
- 392-161-101 Model educational program summary. [Statutory Authority: RCW 28A.41.280 and 28A.41.408. 80-09-016 (Order 80-25), § 392-161-101, filed 7/9/80.] Repealed by 81-15-088 (Order 81-3), filed 7/22/81. Statutory Authority: RCW 28A.41.250 through 28A.41.414.
- 392-161-104 Model educational programs—Evaluation of effectiveness. [Statutory Authority: RCW 28A.41.280 and 28A.41.408. 80-09-016 (Order 80-25), § 392-161-104, filed 7/9/80.] Repealed by 81-15-088 (Order 81-3), filed 7/22/81. Statutory Authority: RCW 28A.41.250 through 28A.41.414.
- 392-161-116 Community involvement education programs summary. [Statutory Authority: RCW 28A.41.280 and 28A.41.408. 80-09-016 (Order 80-25), § 392-161-116, filed 7/9/80.] Repealed by 81-15-088 (Order 81-3), filed 7/22/81. Statutory Authority: RCW 28A.41.250 through 28A.41.414.
- 392-161-118 Community involvement programs—Evaluation of effectiveness. [Statutory Authority: RCW 28A.41.280 and 28A.41.408. 80-09-016 (Order 80-25), § 392-161-118, filed 7/9/80.] Repealed by 81-15-088 (Order 81-3), filed 7/22/81. Statutory Authority: RCW 28A.41.250 through 28A.41.414.
- 392-161-120 Indian education programs summary. [Order 7-75, § 392-161-120, filed 12/22/75. Formerly WAC 392-90-895 (part).] Repealed by 81-15-088 (Order 81-3), filed 7/22/81. Statutory Authority: RCW 28A.41.250 through 28A.41.414.
- 392-161-125 Indian education programs—Evaluation of effectiveness. [Order 7-75, § 392-161-125, filed 12/22/75. Formerly WAC 392-90-895 (part).] Repealed by 81-15-088 (Order 81-3), filed 7/22/81. Statutory Authority: RCW 28A.41.250 through 28A.41.414.
- 392-161-130 General application information. [Order 7-75, § 392-161-130, filed 12/22/75. Formerly WAC 392-90-900.] Repealed by 81-15-088 (Order 81-3), filed 7/22/81. Statutory Authority: RCW 28A.41.250 through 28A.41.414.
- 392-161-135 Legislative concerns and general guidelines. [Statutory Authority: RCW 28A.41.280 and 28A.41.408. 80-09-016 (Order 80-25), § 392-161-135, filed 7/9/80; Order 7-75, § 392-161-135, filed 12/22/75. Formerly WAC 392-90-905.] Repealed by 81-15-088 (Order 81-3), filed 7/22/81. Statutory Authority: RCW 28A.41.250 through 28A.41.414.
- 392-161-140 Review process described. [Order 7-75, § 392-161-140, filed 12/22/75. Formerly WAC 392-90-910.] Repealed by 81-15-088 (Order 81-3), filed 7/22/81. Statutory Authority: RCW 28A.41.250 through 28A.41.414.
- 392-161-145 Basic selection criteria information. [Statutory Authority: RCW 28A.41.280 and 28A.41.408. 80-09-016 (Order 80-25), § 392-161-145, filed 7/9/80; Order 7-75, § 392-161-145, filed 12/22/75. Formerly WAC 392-90-915 (part).] Repealed by 81-15-088 (Order 81-3), filed 7/22/81. Statutory Authority: RCW 28A.41.250 through 28A.41.414.
- 392-161-150 Additional basic selection criteria information. [Statutory Authority: RCW 28A.41.280 and 28A.41.408. 80-09-016 (Order 80-25), § 392-161-150, filed 7/9/80; Order 7-75, § 392-161-150, filed 12/22/75. Formerly WAC 392-90-915 (part).] Repealed by 81-15-088 (Order 81-3), filed 7/22/81. Statutory Authority: RCW 28A.41.250 through 28A.41.414.
- 392-161-155 URRD appeals procedure summary. [Statutory Authority: RCW 28A.41.280 and 28A.41.408. 80-09-016 (Order 80-25), § 392-161-155, filed 7/9/80; Order 7-75, § 392-161-155, filed 12/22/75. Formerly WAC 392-90-920.] Repealed by 81-15-088 (Order 81-3), filed 7/22/81. Statutory Authority: RCW 28A.41.250 through 28A.41.414.
- 392-161-160 Program evaluation and budgeting procedures. [Statutory Authority: RCW 28A.41.280 and 28A.41.408. 80-09-016 (Order 80-25), § 392-161-160, filed 7/9/80; Order 7-75, § 392-161-160, filed 12/22/75. Formerly WAC 392-90-925.] Repealed by 81-15-088 (Order 81-3), filed 7/22/81. Statutory Authority: RCW 28A.41.250 through 28A.41.414.
- 392-161-165 Integration policy statement. [Order 7-75, § 392-161-165, filed 12/22/75. Formerly WAC 392-90-930.] Repealed by 81-15-088 (Order 81-3), filed 7/22/81. Statutory Authority: RCW 28A.41.250 through 28A.41.414.
- 392-161-170 Remedial assistance program (RAP)—Eligibility requirements. [Statutory Authority: RCW 28A.41.280 and 28A.41.408. 80-09-016 (Order 80-25), § 392-161-170,

- filed 7/9/80.] Repealed by 81-15-088 (Order 81-3), filed 7/22/81. Statutory Authority: RCW 28A.41.250 through 28A.41.414.
- 392-161-175 Remedial assistance program (RAP)—Approved program application. [Statutory Authority: RCW 28A.41.280 and 28A.41.408. 80-09-016 (Order 80-25), § 392-161-175, filed 7/9/80.] Repealed by 81-15-088 (Order 81-3), filed 7/22/81. Statutory Authority: RCW 28A.41.250 through 28A.41.414.
- 392-161-180 Remedial assistance program (RAP) approval requirements. [Statutory Authority: RCW 28A.41.280 and 28A.41.408. 80-09-016 (Order 80-25), § 392-161-180, filed 7/9/80.] Repealed by 81-15-088 (Order 81-3), filed 7/22/81. Statutory Authority: RCW 28A.41.250 through 28A.41.414.
- 392-161-185 Remedial assistance program (RAP)—Funding adjustments to state allocations of RAP appropriations. [Statutory Authority: RCW 28A.41.280 and 28A.41.408. 80-09-016 (Order 80-25), § 392-161-185, filed 7/9/80.] Repealed by 81-15-088 (Order 81-3), filed 7/22/81. Statutory Authority: RCW 28A.41.250 through 28A.41.414.
- Chapter 392-167**
GRANTS MANAGEMENT—ELEMENTARY AND SECONDARY EDUCATION ACT—TITLE III
- 392-167-005 Authority. [Order 7-75, § 392-167-005, filed 12/22/75. Formerly WAC 392-97-005.] Repealed by 80-05-040 (Order 80-11), filed 4/15/80. Statutory Authority: RCW 28A.03.030(3).
- 392-167-010 Purpose. [Order 7-75, § 392-167-010, filed 12/22/75. Formerly WAC 392-97-010.] Repealed by 80-05-040 (Order 80-11), filed 4/15/80. Statutory Authority: RCW 28A.03.030(3).
- 392-167-015 Definitions. [Order 7-75, § 392-167-015, filed 12/22/75. Formerly WAC 392-97-015.] Repealed by 80-05-040 (Order 80-11), filed 4/15/80. Statutory Authority: RCW 28A.03.030(3).
- 392-167-020 Advisory councils. [Order 7-75, § 392-167-020, filed 12/22/75. Formerly WAC 392-97-020.] Repealed by 80-05-040 (Order 80-11), filed 4/15/80. Statutory Authority: RCW 28A.03.030(3).
- 392-167-025 Evaluation criteria for approving projects. [Order 7-75, § 392-167-025, filed 12/22/75. Formerly WAC 392-97-025.] Repealed by 80-05-040 (Order 80-11), filed 4/15/80. Statutory Authority: RCW 28A.03.030(3).
- 392-167-030 Additional criteria for approving projects. [Order 7-75, § 392-167-030, filed 12/22/75. Formerly WAC 392-97-030.] Repealed by 80-05-040 (Order 80-11), filed 4/15/80. Statutory Authority: RCW 28A.03.030(3).
- 392-167-035 Timeline for approving projects. [Order 7-75, § 392-167-035, filed 12/22/75. Formerly WAC 392-97-035.] Repealed by 80-05-040 (Order 80-11), filed 4/15/80. Statutory Authority: RCW 28A.03.030(3).
- 392-167-040 Provisions for assuring fifteen percent for special needs of handicapped children. [Order 7-75, § 392-167-040, filed 12/22/75. Formerly WAC 392-97-040.] Repealed by 80-05-040 (Order 80-11), filed 4/15/80. Statutory Authority: RCW 28A.03.030(3).
- 392-167-045 Criteria for achieving equitable distribution of assistance. [Order 7-75, § 392-167-045, filed 12/22/75. Formerly WAC 392-97-045.] Repealed by 80-05-040 (Order 80-11), filed 4/15/80. Statutory Authority: RCW 28A.03.030(3).
- 392-167-050 Provision for private nonprofit school participation. [Order 7-75, § 392-167-050, filed 12/22/75. Formerly WAC 392-97-050.] Repealed by 80-05-040 (Order 80-11), filed 4/15/80. Statutory Authority: RCW 28A.03.030(3).
- 392-167-055 Length of project period. [Order 7-75, § 392-167-055, filed 12/22/75. Formerly WAC 392-97-055.] Repealed by 80-05-040 (Order 80-11), filed 4/15/80. Statutory Authority: RCW 28A.03.030(3).
- 392-167-060 Provisions for continuing projects. [Order 7-75, § 392-167-060, filed 12/22/75. Formerly WAC 392-97-060.] Repealed by 80-05-040 (Order 80-11), filed 4/15/80. Statutory Authority: RCW 28A.03.030(3).
- 392-167-065 Provisions for terminating Title III projects. [Order 7-75, § 392-167-065, filed 12/22/75. Formerly WAC 392-97-065.] Repealed by 80-05-040 (Order 80-11), filed 4/15/80. Statutory Authority: RCW 28A.03.030(3).
- 392-167-070 Provisions for hearings. [Order 7-75, § 392-167-070, filed 12/22/75. Formerly WAC 392-97-070.] Repealed by 80-05-040 (Order 80-11), filed 4/15/80. Statutory Authority: RCW 28A.03.030(3).
- 392-167-075 Legal applicants. [Order 7-75, § 392-167-075, filed 12/22/75. Formerly WAC 392-97-075.] Repealed by 80-05-040 (Order 80-11), filed 4/15/80. Statutory Authority: RCW 28A.03.030(3).
- Chapter 392-181**
PART-TIME PUBLIC SCHOOL STUDENTS
- 392-181-005 Purposes. [Order 7-75, § 392-181-005, filed 12/22/75. Formerly WAC 392-70-020.] Repealed by 80-05-041 (Order 80-12), filed 4/15/80. Statutory Authority: RCW 28A.41.145(5).
- 392-181-010 Definitions. [Order 7-75, § 392-181-010, filed 12/22/75. Formerly WAC 392-70-045.] Repealed by 80-05-041 (Order 80-12), filed 4/15/80. Statutory Authority: RCW 28A.41.145(5).
- 392-181-015 Attendance rights of part-time public school students. [Order 7-75, § 392-181-015, filed 12/22/75. Formerly WAC 392-70-040.] Repealed by 80-05-041 (Order 80-12), filed 4/15/80. Statutory Authority: RCW 28A.41.145(5).
- 392-181-020 Enrollment practices and conditions. [Order 7-75, § 392-181-020, filed 12/22/75. Formerly WAC 392-70-055 (part).] Repealed by 80-05-041 (Order 80-12), filed 4/15/80. Statutory Authority: RCW 28A.41.145(5).
- 392-181-025 Provision of educational program to part-time public school students—Reports—Sites. [Order 7-75, § 392-181-025, filed 12/22/75. Formerly WAC 392-70-055 (part) and 392-70-065.] Repealed by 80-05-041 (Order 80-12), filed 4/15/80. Statutory Authority: RCW 28A.41.145(5).
- 392-181-030 Apportionment procedures. [Order 7-75, § 392-181-030, filed 12/22/75. Formerly WAC 392-70-075.] Repealed by 80-05-041 (Order 80-12), filed 4/15/80. Statutory Authority: RCW 28A.41.145(5).
- 392-181-035 Compliance with rules as a condition to apportionment. [Order 7-75, § 392-181-035, filed 12/22/75. Formerly WAC 392-70-070.] Repealed by 80-05-041 (Order 80-12), filed 4/15/80. Statutory Authority: RCW 28A.41.145(5).
- Chapter 392-183**
STUDENTS—TRANSFER APPEALS
- 392-183-005 Purpose. [Order 4-77, § 392-183-005, filed 7/27/77, effective 9/11/77.] Repealed by 80-05-042 (Order 80-13), filed 4/15/80. Statutory Authority: RCW 28A.03.030(3).
- 392-183-010 Definitions. [Order 4-77, § 392-183-010, filed 7/27/77, effective 9/11/77.] Repealed by 80-05-042 (Order 80-13), filed 4/15/80. Statutory Authority: RCW 28A.03.030(3).
- 392-183-015 Right of appeal. [Order 4-77, § 392-183-015, filed 7/27/77, effective 9/11/77.] Repealed by 80-05-042 (Order 80-13), filed 4/15/80. Statutory Authority: RCW 28A.03.030(3).
- 392-183-020 Appeal notice. [Order 4-77, § 392-183-020, filed 7/27/77, effective 9/11/77.] Repealed by 80-05-042 (Order 80-13), filed 4/15/80. Statutory Authority: RCW 28A.03.030(3).
- 392-183-025 Hearing. [Order 4-77, § 392-183-025, filed 7/27/77, effective 9/11/77.] Repealed by 80-05-042 (Order 80-13), filed 4/15/80. Statutory Authority: RCW 28A.03.030(3).
- 392-183-030 Grounds for an order of release. [Order 4-77, § 392-183-030, filed 7/27/77, effective 9/11/77.] Repealed by 80-05-042 (Order 80-13), filed 4/15/80. Statutory Authority: RCW 28A.03.030(3).

Chapter 392-315
GRANT PROGRAM—PROJECT EVEN START

- 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.

Title 392

Title 392 WAC: Public Instruction, Supt. of

- 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.

**Chapter 392-100 WAC
DEFINITIONS, GENERAL PROVISIONS, AND
RULES OF CONSTRUCTION**

WAC

- 392-100-005 Purpose.
- 392-100-010 Definitions.
- 392-100-050 Agency abbreviations.
- 392-100-060 Other abbreviations.
- 392-100-100 Definition—Low-income student.
- 392-100-101 Documentation of low-income eligibility.
- 392-100-102 Confidentiality of low-income eligibility.

WAC 392-100-005 Purpose. The purpose of this chapter is to establish the definition of common terms used in Title 392 WAC and rules of construction applicable to Title 392 WAC.

[Order 7-75, § 392-100-005, filed 12/22/75.]

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

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

(2) "Superintendent" shall mean the superintendent of public instruction unless the context requires that the term be interpreted as having reference to the superintendent of a school district or the superintendent of an educational service district or another chief executive officer of an educational entity.

[Order 7-75, § 392-100-010, filed 12/22/75.]

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

- (1) "SPI" means the superintendent of public instruction;
- (2) "SBE" means the state board of education;
- (3) "ESD" means an educational service district;

(4) "DSHS" means the department of social and health services.

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

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

- (1) "FTE" means full-time equivalent;
- (2) "LAP" means learning assistance program;
- (3) "VTI" means vocational-technical institute.

[Statutory Authority: RCW 28A.03.030. 90-11-027 (Order 90-07), § 392-100-060, filed 5/9/90, effective 6/9/90; 87-10-012 (Order 87-4), § 392-100-060, filed 4/28/87.]

WAC 392-100-100 Definition—Low-income student.

As used in Title 392 WAC, "low-income student" means a student whose parent(s) or guardian(s) have an annual income equal to or less than one hundred eighty-five percent of the Income Poverty Guidelines published by the United States Department of Health and Human Services in Federal Register No. 220-91 56FR6859 or as later amended (i.e., the standard adopted by the United States Department of Agriculture for reduced priced meals).

[Statutory Authority: RCW 28A.220.030. 92-03-138 (Order 92-04), § 392-100-100, filed 1/22/92, effective 2/22/92.]

WAC 392-100-101 Documentation of low-income eligibility. For purposes of Title 392 WAC, a student's eligibility as a low-income student shall be documented by either:

(1) A notice of eligibility presented by a parent or guardian of the student indicating that the student is approved for free or reduced priced meals or free milk for the current school year; or

(2) A statement or form signed by a parent or guardian of the student stating that the income of the student's parent(s) or guardian(s) meets the criteria for low-income during the current school year pursuant to WAC 392-100-100.

[Statutory Authority: RCW 28A.150.290. 92-20-062 (Order 92-11), § 392-100-101, filed 10/2/92, effective 11/2/92. Statutory Authority: RCW 28A.220.030. 92-03-138 (Order 92-04), § 392-100-101, filed 1/22/92, effective 2/22/92.]

WAC 392-100-102 Confidentiality of low-income eligibility. School districts shall use information contained in the notice of eligibility or other such forms or statements only to determine low-income status or to compile the number of students that are low-income. School districts may not release information contained in a notice of eligibility or other such forms or statements. School districts may release the number of low-income students so long as the students are not identified. Such information is to be used for state allocations and for statistical purposes.

[Statutory Authority: RCW 28A.220.030. 92-03-138 (Order 92-04), § 392-100-102, filed 1/22/92, effective 2/22/92.]

Chapter 392-101 WAC
SUPERINTENDENT OF PUBLIC INSTRUCTION—
ADMINISTRATIVE PRACTICES AND
PROCEDURES

WAC

392-101-001	Authority.
392-101-005	Administrative practices regarding hearings and rule proceedings.
392-101-010	Conduct of administrative hearings.
392-101-015	Determination of indigency—Provision of free transcript.

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

WAC 392-101-001 Authority. The authority for this chapter is RCW 34.05.220 which authorizes the superintendent of public instruction to adopt rules governing the formal and informal procedures prescribed or authorized by chapter 34.05 RCW.

[Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-101-001, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 34.04.020. 83-17-057 (Order 83-5), § 392-101-001, filed 8/17/83.]

WAC 392-101-005 Administrative practices regarding hearings and rule proceedings. The superintendent of public instruction is governed by the state Administrative Procedure Act, chapter 34.05 RCW, the Washington State Register Act, chapter 34.08 RCW, and the state office of Administrative Hearings Act, chapter 34.12 RCW. These acts govern the conduct of "rule" making proceedings and the conduct of "contested case" hearings as these terms are defined in RCW 34.05.010 (2) and (3). Appearances in representative capacities before the superintendent of public instruction; the procedures and conditions governing petitions for declaratory rulings or the adoption, amendment, or repeal of a rule; and, the standards, procedures and conditions governing the conduct of contested case hearings and proceedings by or before the superintendent of public instruction shall be as set forth in rules of the state code reviser and the office of administrative hearings as now or hereafter amended. The rules of the code reviser are currently set forth in chapters 1-08 and 1-21 WAC. The rules of the office of administrative hearings are currently set forth in chapter 10-08 WAC.

All other regulatory actions and hearings conducted by the superintendent of public instruction may be conducted informally at the discretion of the superintendent.

[Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-101-005, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 34.04.020. 83-17-057 (Order 83-5), § 392-101-005, filed 8/17/83; Order 7-75, § 392-100-005, filed 12/22/75.]

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

(1) Nonresident transfer appeals pursuant to WAC 392-137-055(2).

(2) Special education hearings pursuant to WAC 392-171-531.

(3) Equal educational opportunity complaints pursuant to WAC 392-190-075.

(4) Professional certification appeals pursuant to WAC 180-75-030.

(5) Child care food program and summer food service program appeals pursuant to 7 C.F.R. Parts 225 and 226.

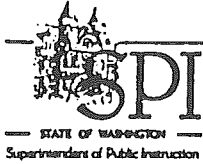
(6) Traffic safety education appeals pursuant to WAC 392-153-005 through 392-153-040.

[Statutory Authority: RCW 46.20.100(2) and chapter 28A.220 RCW. 91-18-007 (Order 91-17), § 392-101-010, filed 8/23/91, effective 9/23/91. Statutory Authority: RCW 34.04.020. 89-17-067 (Order 89-07), § 392-101-010, filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.03.500. 87-10-013 (Order 87-5), § 392-101-010, filed 4/28/87.]

WAC 392-101-015 Determination of indigency—Provision of free transcript. A determination of indigency shall be made for all persons wishing the provision of a free transcript of proceedings pursuant to the following standards:

(1) Any person(s) receiving one or more of the following type of public assistance: Aid to families with dependent children, general assistance, poverty related veterans' benefits, food stamps, refugee resettlement benefits, Medicaid, or supplementary security income.

(2) Any person(s) receiving an annual income, after taxes, of one hundred twenty-five percent or less of the current federally established poverty level.

	ADMINISTRATIVE SERVICES Legal Services Old Capitol Building, FO-11 Olympia, WA 98504-3211
DETERMINATION OF INDIGENCY	

I. APPLICANT INFORMATION

APPLICANT'S NAME	CASE NUMBER
ADDRESS	TELEPHONE NUMBER ()
CITY/STATE/ZIP	SOCIAL SECURITY NUMBER (optional) DATE OF BIRTH
EMPLOYER	OCCUPATION
EMPLOYER ADDRESS	
CITY/STATE/ZIP	
STUDENT'S NAME	

II. SUPPORT OBLIGATIONS

FATHER'S NAME	Total Number of Dependents (include applicant in count) _____
MOTHER'S NAME	MOTHER'S MAIDEN NAME

III. PRESUMPTIVE ELIGIBILITY

YES NO A. Does applicant receive public assistance. If "yes" then in what form:

<input type="checkbox"/> AFDC ¹	<input type="checkbox"/> Food Stamps	<input type="checkbox"/> Medicaid	<input type="checkbox"/> Refugee Resettlement Benefits
<input type="checkbox"/> SSI ²	<input type="checkbox"/> General Assistance	<input type="checkbox"/> Poverty-Related V.A. Benefits ³	<input type="checkbox"/> Other; specify _____

YES NO B. Is the annual income of applicant (after taxes), 125% or less of the current federally established poverty level?
 Specify income amount after taxes \$ _____

If Section III, A or B applies (please provide documentation) and complete Section IX only. If Section III is not applicable, complete all remaining sections.

- 1 Aid to Families with Dependent Children
- 2 Supplemental Security Income
- 3 Veteran's Administration

IV. MONTHLY INCOME

a. Monthly take-home pay (after deductions)	\$
b. Spouse's take-home pay (enter N/A if conflict)	\$
c. Contribution from any person domiciled with applicant and helping to defray his/her basic living costs	\$
d. Interest, dividends, or other earnings	\$
e. Non-poverty based assistance (Unemployment, Social Security, Worker's Compensation, pension, annuities) (do not include poverty-based assistance. See IV a.)	\$
f. Other income (specify)	\$
TOTAL INCOME	\$

Chapter 392-103 WAC

SUPERINTENDENT OF PUBLIC INSTRUCTION—
CONFLICT OF INTEREST

WAC

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

WAC 392-103-005 Purpose and effect. The purpose of this chapter is to formally advise all current and former employees of the superintendent of public instruction of certain practices which are strictly prohibited and of those which are allowed within rather narrow confines by the Executive Conflict of Interest Act, chapter 42.18 RCW, and RCW 28A.635.050.

The prohibitions and narrow exceptions exist notwithstanding these regulations. However, in light of the severity of the penalties for violation and the possibility for violation in the case of an agency with such diverse statewide duties as the superintendent of public instruction, it is deemed appropriate to formally bring a summary of chapter 42.18 RCW and RCW 28A.635.050 to the attention of all employees.

The duty to observe the provisions of this chapter, RCW 28A.635.050, and chapter 42.18 RCW is the obligation of the individual employee. Violations of this chapter or of chapter 42.18 RCW, as now or hereafter amended, may subject an employee to dismissal, suspension, or other appropriate disciplinary action by the superintendent and/or civil action or prosecution for commission of a gross misdemeanor.

One readily apparent conclusion following a reading of this chapter is that an employee should be most wary of accepting anything of value (other than his/her state compensation) in connection with any matter falling within the scope of his/her state employment duties.

[Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-103-005, filed 7/19/90, effective 8/19/90; Order 7-75, § 392-103-005, filed 12/22/75. Formerly WAC 392-10-010.]

WAC 392-103-010 Prohibited practices—Direct and indirect receipt of benefits prohibited. An employee of the superintendent of public instruction is prohibited from:

(1) Requesting or receiving, directly or indirectly, anything of value (other than his/her state compensation) for or on account of his/her influence with respect to any act or proceeding of the state board of education, the superintendent of public instruction, any educational service district, or any school district when such act or proceeding shall inure to the benefit of those offering or giving the thing of value (RCW 28A.635.050).

(2) Being personally and substantially involved in any transaction involving the state as a state employee through

approval, disapproval, decision, recommendation, the rendering of advice, investigation, or otherwise in the consequences of which the employee has a substantial economic interest of which he/she may reasonably be expected to know.

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

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

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

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

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

(e) Any person (including partnerships, corporations, etc.) who is a party to an existing contract with the employee or an obligee (e.g., debtor) of the employee as to a thing of economic value and who by reason thereof is in a position to affect directly and substantially such employee's economic interest.

[Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-103-010, filed 7/19/90, effective 8/19/90; Order 7-75, § 392-103-010, filed 12/22/75. Formerly 392-10-020 (part).]

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

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

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

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

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

(3) Receiving, accepting, taking, seeking, or soliciting, directly or indirectly, anything of economic value as a gift, gratuity, or favor from any person (including partnerships, corporations, etc.) if the employee has reason to believe the donor would not give the gift, gratuity, or favor but for the employee's office or position with the state.

[Order 7-75, § 392-103-015, filed 12/22/75. Formerly WAC 392-10-020 (part).]

WAC 392-103-020 Prohibited practices—Gifts and use of office to induce provision of economic benefits

prohibited. An employee of the superintendent of public instruction is prohibited from:

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

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

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

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

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

[Order 7-75, § 392-103-020, filed 12/22/75. Formerly WAC 392-10-020 (part).]

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

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

(2) If it is ascertained that a possible conflict of interest does in fact exist, disqualify himself or herself from participation in such transaction as a state employee. All such disqualifications shall be in writing and directed to the employee's immediate supervisor with a copy to the superintendent.

[Order 7-75, § 392-103-025, filed 12/22/75. Formerly WAC 392-10-030.]

WAC 392-103-030 Appointed advisory committee members. Notwithstanding any other provision of this chapter, no person shall be eligible for appointment to an advisory committee or to continue serving as a member of such a committee if that person:

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

(2) Is, or becomes, an officer, director, trustee, partner, or employee of any person (including partnerships, corporations, etc.) which is a party to any contract with the superintendent which is concerned with or relates to, the same subject area or program over which the advisory committee has jurisdiction.

[Order 7-75, § 392-103-030, filed 12/22/75. Formerly WAC 392-10-070.]

(1995 Ed.)

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

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

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

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

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

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

An employee may assist, in a transaction involving the state, another state employee involved in disciplinary or other personnel administration proceedings, provided that such transaction has not been under his/her official responsibility.

[Order 7-75, § 392-103-040, filed 12/22/75. Formerly WAC 392-10-040.]

WAC 392-103-045 Permissible outside employment. An employee of the superintendent of public instruction may perform personal services in return for anything of economic value (i.e., in addition to his/her compensation from the state of Washington) only if such services meet each and every one of the following qualifications:

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

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

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

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

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

In the event qualifications (1) through (4) are met, qualification (5) may be waived provided a full disclosure in writing is made to the superintendent of public instruction and prior written approval is made by the superintendent.

[Order 7-75, § 392-103-045, filed 12/22/75. Formerly WAC 392-10-050.]

Chapter 392-105 WAC

SUPERINTENDENT OF PUBLIC INSTRUCTION— ACCESS TO PUBLIC RECORDS

WAC

392-105-001	Purpose.
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392-105-005	Operations and procedures.
392-105-007	Definitions.
392-105-010	Access to public records.
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392-105-020	Office hours.
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392-105-030	Copying.
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392-105-040	Review of denials of public records requests.
392-105-045	Records index—Inspection.
392-105-050	Protection of public records.
392-105-055	List of employees and elected officers.
392-105-060	Records index.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

392-105-013	Request to inspect and copy. [Statutory Authority: RCW 42.17.250 and 42.17.260. 80-05-034 (Order 80-5), § 392-105-013, filed 4/15/80.] Repealed by 92-10-016 (Order 92-04), filed 4/28/92, effective 5/29/92. Statutory Authority: RCW 42.17.250 through [42.17].320.
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WAC 392-105-001 Purpose. Rules and regulations hereinafter set forth are established pursuant to RCW 42.17.250 through 42.17.320 for the purposes of protecting public records and making them readily accessible to the public.

[Statutory Authority: RCW 42.17.250 and 42.17.260. 80-05-034 (Order 80-5), § 392-105-001, filed 4/15/80.]

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

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

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

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

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

(d) The instructional programs and services division is managed by an assistant superintendent. This person is appointed by the superintendent of public instruction and reports to the deputy superintendent. The division provides a wide range of technical assistance services to school districts in the development of basic education programs, learning resources and multicultural/equity. In addition, the division has responsibility for supervising and managing supplementary federal education programs, including Chapter 1—Migrant and Chapter 2 and for administering the state's traffic safety program.

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

(f) The vocational-technical and adult education services division is managed by an assistant superintendent. This person is appointed by the superintendent of public instruction and reports to the deputy superintendent. The division administers the approval process for vocational-technical programs and procedures for distribution of federal and state funds. It also provides technical services for adult basic, industrial arts, career education, educational clinics, and community schools programs.

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

WAC 392-105-005 Operations and procedures. The superintendent of public instruction is directly responsible for decisions and policies of the office but has delegated to the deputy superintendent the responsibility of developing and maintaining approved intra-agency operating policies and procedures. Each supervisory position in the agency is provided a policies and procedures manual which is frequently updated. The manual specifies job responsibilities for division and section level managers and describes procedures to be followed in operations that cut across organizational lines.

[Statutory Authority: RCW 42.17.250 and 42.17.260. 80-05-034 (Order 80-5), § 392-105-005, filed 4/15/80.]

WAC 392-105-007 Definitions. (1) Public records. As used in this chapter, "public record" includes any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics: *Provided, however,* That the personal and other records cited in RCW 42.17.310 are exempt from definition of public record.

(2) Writing. As used in this chapter, "writing" means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation, including letters, words, pictures, sound or symbols, combination thereof and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, disks, drums, and other documents.

[Statutory Authority: RCW 42.17.250 through [42.17].320. 92-10-016 (Order 92-04), § 392-105-007, filed 4/28/92, effective 5/29/92.]

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

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

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

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

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

(2) The exemptions of this section shall be inapplicable to the extent that information, the disclosure of which would violate personal privacy or vital government interests, can be deleted from the specific records sought. No exception shall be construed to permit the nondisclosure of statistical

information when such information is not descriptive of any readily identifiable person or persons.

[Statutory Authority: RCW 42.17.250 and 42.17.260. 80-05-034 (Order 80-5), § 392-105-010, filed 4/15/80; Order 7-75, § 392-105-010, filed 12/22/75. Formerly WAC 392-12-010 (part).]

WAC 392-105-015 Public records officer. The agency's public records shall be in the charge of the public records officer designated by the superintendent of public instruction. The person so designated shall be located in the Old Capitol Building, Olympia, Washington 98504-7200. The public records officer shall be responsible for the following:

Implementation of the agency's rules and regulations regarding release of public records, coordinating the agency employees in this regard, and generally ensuring compliance by agency employees with the public records disclosure requirements in chapter 42.17 RCW.

[Statutory Authority: RCW 42.17.250 through [42.17].320. 92-10-016 (Order 92-04), § 392-105-015, filed 4/28/92, effective 5/29/92. Statutory Authority: RCW 42.17.250 and 42.17.260. 80-05-034 (Order 80-5), § 392-105-015, filed 4/15/80; Order 7-75, § 392-105-015, filed 12/22/75. Formerly WAC 392-12-010 (part).]

WAC 392-105-020 Office hours. Public records shall be available for inspection and copying during the customary office hours of the agency. For purposes of this chapter, the customary office hours shall be from 8:00 a.m. to noon and from 1:00 p.m. to 4:30 p.m., Monday through Friday, excluding legal holidays.

[Statutory Authority: RCW 42.17.250 through [42.17].320. 92-10-016 (Order 92-04), § 392-105-020, filed 4/28/92, effective 5/29/92. Statutory Authority: RCW 42.17.250 and 42.17.260. 80-05-034 (Order 80-5), § 392-105-020, filed 4/15/80; Order 7-75, § 392-105-020, filed 12/22/75. Formerly WAC 392-12-010 (part).]

WAC 392-105-025 Requests for public records. In accordance with the requirements of RCW 42.17.290 that agencies prevent unreasonable invasions of privacy, protect public records from damage or disorganization, and prevent excessive interference with essential functions of the agency, public records are only obtainable by members of the public when those members of the public comply with the following procedures:

(1) A request shall be made in writing. The written request shall be presented to the public records officer or designee at the information services office of the superintendent of public instruction during customary office hours or may also be mailed. The request shall include the following information:

(a) The name of the person requesting the record;

(b) The time of day and calendar date on which the request was made;

(c) The nature of the request;

(d) If the matter requested is referenced within the current index maintained by the public records officer, a reference to the requested record as it is described in such current index;

(e) If the requested matter is not identifiable by reference to the current index, an appropriate description of the record requested.

(2) In all cases in which a member of the public is making a request, it shall be the obligation of the public records officer, or person to whom the request is made, to assist the member of the public in succinctly identifying the public record requested.

[Statutory Authority: RCW 42.17.250 through [42.17].320. 92-10-016 (Order 92-04), § 392-105-025, filed 4/28/92, effective 5/29/92. Statutory Authority: RCW 42.17.250 and 42.17.260. 80-05-034 (Order 80-5), § 392-105-025, filed 4/15/80; Order 7-75, § 392-105-025, filed 12/22/75. Formerly WAC 392-12-010 (part).]

WAC 392-105-030 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 392-105-045 Records index—Inspection. The superintendent of public instruction does maintain current indexes of public records as required by RCW 42.17.260(2) and 34.05.220. The indexes identify agency personnel authorized to release/copy public records as indexed and is available for inspection/copying in the offices of the superintendent of public instruction in Olympia, Washington. The indexes shall be kept current and maintained by the superintendent's designee(s), the information services office, or in the case of records of appeal and rules information, legal services, and shall be updated no less frequently than annually. All indexes maintained shall be categorized by program or section, title, and/or description, or a combination of these, as appropriate.

[Statutory Authority: RCW 42.17.250 through [42.17].320. 92-10-016 (Order 92-04), § 392-105-045, filed 4/28/92, effective 5/29/92.]

WAC 392-105-050 Protection of public records.

Public records and a facility for their inspection will be provided by the public records officer. Such records shall not be removed from the place designated. Copies of such records may be arranged according to the provisions of WAC 392-105-030.

[Statutory Authority: RCW 42.17.250 through [42.17].320. 92-10-016 (Order 92-04), § 392-105-050, filed 4/28/92, effective 5/29/92.]

WAC 392-105-055 List of employees and elected officers. Pursuant to RCW 42.17.260(5), the superintendent of public instruction or employees of the superintendent of public instruction will not give, sell or provide access to lists of names of agency employees, school district employees, or elected officers for commercial purposes except as otherwise now or hereafter provided by law.

[Statutory Authority: RCW 42.17.250 through [42.17].320. 92-10-016 (Order 92-04), § 392-105-055, 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 392-109 WAC

STATE BOARD OF EDUCATION—ELECTION OF MEMBERS

WAC

- 392-109-037 Authority.
- 392-109-040 Purpose.
- 392-109-043 Election officer.
- 392-109-045 Definitions.
- 392-109-047 Annual elections.
- 392-109-050 Information necessary for the conduct of elections—Responsibility of school officials.
- 392-109-055 Publicity.
- 392-109-058 Tentative certification of electors.
- 392-109-060 Call of election.
- 392-109-065 Candidates—Eligibility—Filing.
- 392-109-070 Declaration and affidavit of candidacy form.
- 392-109-072 Candidates for new congressional district positions—First elections—Term of office.
- 392-109-075 Biographical data form.
- 392-109-077 Withdrawal of candidacy.
- 392-109-078 Certificate of electors.
- 392-109-080 Ballots—Contents.
- 392-109-085 Ballots and envelopes—Mailing to voters.
- 392-109-090 Voting—Marking and return of ballots.
- 392-109-095 Election board—Appointment and composition.
- 392-109-100 Receipt of ballots and count of votes.
- 392-109-105 Ineligible votes.
- 392-109-110 Recount of votes cast—Automatic—By request.
- 392-109-115 Certification of election.
- 392-109-117 Publishing of names.
- 392-109-120 Special elections.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

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

by 80-07-038 (Order 80-20), filed 6/17/80. Statutory Authority: RCW 28A.04.020.

WAC 392-109-037 Authority. The authority for this chapter is RCW 28A.305.020 which authorizes the superintendent of public instruction to adopt rules and regulations for the conduct of election for members of the state board of education.

[Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-109-037, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.04.020. 84-11-038 (Order 84-8), § 392-109-037, filed 5/15/84.]

WAC 392-109-040 Purpose. The state board of education consists of sixteen voting members elected by the members of public school boards of directors and one nonvoting member elected by private school boards of directors. The purpose of this chapter is to provide for the annual election of members to the state board of education by establishing policies and procedures which implement the statutory election process for such positions.

[Statutory Authority: RCW 28A.04.020. 84-11-038 (Order 84-8), § 392-109-040, filed 5/15/84; 82-16-037 (Order 82-7), § 392-109-040, filed 7/28/82; 80-07-038 (Order 80-20), § 392-109-040, filed 6/17/80.]

WAC 392-109-043 Election officer. In accordance with RCW 28A.305.020 the superintendent of public instruction shall serve as the election officer for the coordination and conduct of the election of members of the state board of education.

[Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-109-043, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.04.020. 84-11-038 (Order 84-8), § 392-109-043, filed 5/15/84.]

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

(1) "Board of directors" shall mean:

(a) The statutory, multimember board of directors of a public school district; and

(b) The person or multimember body recognized by a private school as having the final authority for policy decisions which govern the operation of the private school.

(2) "Chairperson" shall mean a member of a private school board of directors who has been selected by the board either to act as the chief officer of the board or to tabulate and cast the private school's vote pursuant to this chapter.

(3) "Private school" shall mean a school which:

(a) Operates any of the grades one through twelve; and

(b) Is certified by the state board of education pursuant to chapter 180-90 WAC, as now or hereafter amended, as being in compliance with statutory standards.

[Statutory Authority: RCW 28A.04.020. 80-07-038 (Order 80-20), § 392-109-045, filed 6/17/80.]

WAC 392-109-047 Annual elections. Elections for members of the state board of education shall be conducted annually.

[Statutory Authority: RCW 28A.04.020. 84-11-038 (Order 84-8), § 392-109-047, filed 5/15/84.]

WAC 392-109-050 Information necessary for the conduct of elections—Responsibility of school officials.

[Title 392 WAC—page 30]

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

(1) Private schools: The mailing address and previous September enrollment for each private school; and

(2) Public school districts: The name, legal residence, mailing address and congressional district number of residence for each member of a board of directors.

[Statutory Authority: RCW 28A.04.020. 84-11-038 (Order 84-8), § 392-109-050, filed 5/15/84; 80-07-038 (Order 80-20), § 392-109-050, filed 6/17/80.]

WAC 392-109-055 Publicity. The superintendent of public instruction shall annually publicize information concerning the election of state board of education members beginning in May.

[Statutory Authority: RCW 28A.04.020. 81-17-005 (Order 81-10), § 392-109-055, filed 8/7/81; 80-07-038 (Order 80-20), § 392-109-055, filed 6/17/80.]

WAC 392-109-058 Tentative certification of electors. On August twenty-first of each year or if such date is a Saturday, Sunday, or holiday the state working day immediately preceding such date, the superintendent of public instruction shall certify a tentative list of electors consisting of all persons eligible to vote if the election were held on that date. Such list shall include the weighted vote for each elector based on the previous year's September enrollment.

[Statutory Authority: RCW 28A.04.020. 84-11-038 (Order 84-8), § 392-109-058, filed 5/15/84.]

WAC 392-109-060 Call of election. On August twenty-fifth of each year or if such date is a Saturday, Sunday, or holiday the state working day immediately preceding such date the superintendent of public instruction shall give written notice of an election to be held for each voting position on the state board of education subject to election and for the nonvoting position if it is subject to election. Notice shall be accomplished by:

(1) Mailing the call of election notice, declaration of candidacy, biographical data form, tentative certification of electors, calendar and rules to each member of a public school district board of directors; and

(2) Mailing copies of the call of election notice, declaration of candidacy, biographical data form, tentative certification of electors, calendar and rules to each private school addressed as follows: Chairperson of the board of directors, c/o principal or chief administrator, (name and address of the particular private school). It shall be the responsibility of each such chairperson to duplicate the call of election notice, calendar and rules if necessary and provide a copy of each to each member of the private school's board of directors.

[Statutory Authority: RCW 28A.04.020. 84-11-038 (Order 84-8), § 392-109-060, filed 5/15/84; 81-17-005 (Order 81-10), § 392-109-060, filed 8/7/81; 80-07-038 (Order 80-20), § 392-109-060, filed 6/17/80.]

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

(1) Eligibility: A person is eligible to be a candidate for only one vacancy on the state board of education at a time. A candidate for a vacancy among the sixteen voting positions on the state board must be a resident of the congressional district represented by the position and meet the other qualifications established by RCW 28A.305.040. A candidate for a vacancy in the nonvoting position on the state board must be a resident of the state of Washington and meet the other qualifications established by RCW 28A.305.040.

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

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

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

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

[Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-109-065, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.04.020. 82-16-037 (Order 82-7), § 392-109-065, filed 7/28/82; 80-07-038 (Order 80-20), § 392-109-065, filed 6/17/80.]

WAC 392-109-070 Declaration and affidavit of candidacy form. The declaration and affidavit of candidacy which each candidate is required to substantially complete and to file as a condition to having his or her name placed on an official ballot shall be as follows:

I,, solemnly swear (or affirm): That (if filing for a voting position) I reside in the Congressional District of the state of Washington or (if filing for the nonvoting position) I reside within the state of Washington; That I am aware that if elected, I cannot concurrently serve as a member of the state board of education and as an employee of any school, college, university, or other educational institution, or any educational service district superintendent's office, or in the office of the superintendent of public instruction, or as a member of the board of directors of either a common school district or a private school; and, That I hereby declare myself a candidate for membership on the state board of education for a term of years beginning on the second Monday in January, 19 , subject to the election to be held during the month of October, 19 , and I request that my name be listed on the ballot therefor.

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

(Signed)
Address:
.

SUBSCRIBED and sworn to before me this day of, 19 ,

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

[Statutory Authority: RCW 28A.04.020. 84-15-026 (Order 84-27), § 392-109-070, filed 7/11/84; 80-07-038 (Order 80-20), § 392-109-070, filed 6/17/80.]

WAC 392-109-072 Candidates for new congressional district positions—First elections—Term of office.

Pursuant to RCW 28A.305.030, at the first election to the two positions in a new congressional district, one position shall be elected to serve a six year term and the other shall serve a three year term. Candidates filing for election to a new congressional district position for the first such election shall indicate on the declaration and affidavit of candidacy form required by WAC 392-109-070 the initial term of office sought as either six years or three years.

[Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-109-072, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.04.020. 82-16-037 (Order 82-7), § 392-109-072, filed 7/28/82.]

WAC 392-109-075 Biographical data form. The superintendent of public instruction shall provide a biographical data form not exceeding two letter size typewritten pages in length which each candidate may complete. Completed forms submitted to the superintendent of public instruction by a candidate must be camera ready. Biographical data forms shall be reproduced as submitted and distributed by the superintendent of public instruction with the ballots to each voter.

[Statutory Authority: RCW 28A.04.020. 84-11-038 (Order 84-8), § 392-109-075, filed 5/15/84; 80-07-038 (Order 80-20), § 392-109-075, filed 6/17/80.]

WAC 392-109-077 Withdrawal of candidacy. Any candidate may withdraw his or her declaration of candidacy by delivering a written, signed and notarized statement of withdrawal to the superintendent of public instruction on or before 5:00 p.m. September 21. A candidate's failure to withdraw as prescribed above shall result in the inclusion of the candidate's name on the appropriate election ballot.

[Statutory Authority: RCW 28A.04.020. 81-17-005 (Order 81-10), § 392-109-077, filed 8/7/81.]

WAC 392-109-078 Certificate of electors. The list of eligible voters shall remain open for changes and deletions until 5:00 p.m. September 26 or in the event such date is a Saturday, Sunday, or holiday, until 5:00 p.m. the working day immediately following such date. The superintendent of public instruction as soon thereafter as is practical shall certify the list of electors and the weighted vote for each elector to be used for election purposes.

[Statutory Authority: RCW 28A.04.020. 84-11-038 (Order 84-8), § 392-109-078, filed 5/15/84.]

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

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

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

(b) If such figure is unavailable by 5:00 p.m. September 26 or in the event such date is a Saturday, Sunday, or holiday, the working day immediately following such date, the actual number of students enrolled and last reported to the superintendent of public instruction for basic education apportionment purposes: *Provided*, That each member of the board of directors of a public school district that permanently or temporarily has more than five statutory directors shall have his or her electoral points recomputed by multiplying the foregoing enrollment number by a fraction, the denominator of which shall be the number of directors, and the numerator of which shall be five.

(2) Private schools: Each private school board of directors shall be entitled to a number of electoral points equal to the actual number of students enrolled in each private school under the governance of the board during September of the preceding calendar year and reported to the superintendent of public instruction.

[Statutory Authority: RCW 28A.04.020. 84-11-038 (Order 84-8), § 392-109-080, filed 5/15/84; 80-07-038 (Order 80-20), § 392-109-080, filed 6/17/80.]

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

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

The inner and smaller envelope shall be unlabeled and unmarked.

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

(3) One official ballot, a number of copies of the ballot, two envelopes to be used for voting purposes, any candidates' biographical data and pertinent instructions for voting purposes shall be mailed to each private school addressed as

follows: Chairperson of the board of directors, c/o principal or chief administrator, (name and address of the particular private school). It shall be the responsibility of each such chairperson to duplicate the ballot, biographical data and pertinent instructions for voting purposes if necessary and provide a copy to each member of the private school's board of directors.

[Statutory Authority: RCW 28A.04.020. 84-11-038 (Order 84-8), § 392-109-085, filed 5/15/84; 81-17-005 (Order 81-10), § 392-109-085, filed 8/7/81; 80-07-038 (Order 80-20), § 392-109-085, filed 6/17/80.]

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

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

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

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

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

(c) If not already designated, completing the following information on the face of the official ballot envelope: Name, identification of school district or private school and, in the case of public school district board members, identification of the congressional district of residence; and

(d) Placing the official ballot envelope in the United States mail or otherwise delivering the ballot to the superintendent of public instruction.

[Statutory Authority: RCW 28A.04.020. 84-11-038 (Order 84-8), § 392-109-090, filed 5/15/84; 80-07-038 (Order 80-20), § 392-109-090, filed 6/17/80.]

WAC 392-109-095 Election board—Appointment and composition. The state board of education shall annually appoint a three member election board and at least one alternate who shall serve thereon in the absence of a regular member of the election board. Votes cast at elections conducted pursuant to this chapter shall be counted by the superintendent of public instruction or his or her designee and the election board.

[Statutory Authority: RCW 28A.04.020. 84-11-038 (Order 84-8), § 392-109-095, filed 5/15/84; 80-07-038 (Order 80-20), § 392-109-095, filed 6/17/80.]

WAC 392-109-100 Receipt of ballots and count of votes. (1) As official ballot envelopes are received by the superintendent of public instruction, a preliminary determination shall be made as to the eligibility of the voter, and a record shall be made on a list of eligible voters and private

schools that the voter or school has voted. Official ballot envelopes not submitted in compliance with this chapter and other envelopes containing ballots shall be set aside for a final review and acceptance or rejection by the election board.

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

(3) No record shall be made or maintained of the candidate for which any voter cast his or her vote.

[Statutory Authority: RCW 28A.04.020. 84-11-038 (Order 84-8), § 392-109-100, filed 5/15/84; 80-07-038 (Order 80-20), § 392-109-100, filed 6/17/80.]

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

- (1) Votes for write-in candidates;
- (2) Votes cast on other than an official ballot provided pursuant to this chapter;
- (3) Ballots which contain a vote for two or more of the named candidates;
- (4) Ballots contained in other than an official ballot envelope provided pursuant to this chapter;
- (5) Ballots contained in an official ballot envelope upon which the voter is not designated by name;
- (6) Ballots received after 5:00 p.m. October 16: *Provided*, That any ballot that is postmarked on or before midnight October 16 and received prior to the initial counting of votes by the election board shall be accepted: *Provided further*, That any ballot received pursuant to the United States mail on or before 5:00 p.m. on October 21 that is not postmarked or legibly postmarked shall also be accepted; and
- (7) Such other ballots or votes as the election board shall determine to be unidentifiable or unlawful.

[Statutory Authority: RCW 28A.04.020. 84-11-038 (Order 84-8), § 392-109-105, filed 5/15/84; 80-07-038 (Order 80-20), § 392-109-105, filed 6/17/80.]

WAC 392-109-110 Recount of votes cast—Automatic—By request. (1) Automatic: A recount of votes cast shall be automatic if the electoral point difference between any two viable candidates for the same position is less than the largest number of electoral points on a single ballot cast for the position. For the purpose of this section, the term viable candidate shall mean any candidate whose election outcome either for election or primary purposes could be changed if the electoral point difference noted above were added to his or her total votes.

(2) Upon request: If no automatic recount is conducted, a recount of votes cast shall be afforded any candidate as a matter of right: The request shall be made in writing and received by the superintendent of public instruction within

seven calendar days after the date upon which the votes were counted by the election board.

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

WAC 392-109-115 Certification of election. Within ten calendar days after the date upon which the votes were counted, but no sooner than eight calendar days after the votes were counted by the election board, the superintendent of public instruction shall officially certify the name or names of candidates elected by signing and forwarding written notice to the secretary of state.

[Statutory Authority: RCW 28A.04.020. 84-11-038 (Order 84-8), § 392-109-115, filed 5/15/84; 81-17-005 (Order 81-10), § 392-109-115, filed 8/7/81; 80-07-038 (Order 80-20), § 392-109-115, filed 6/17/80.]

WAC 392-109-117 Publishing of names. As soon as reasonably possible after each annual election the superintendent of public instruction shall publish the names of the directors and private schools who voted in the election.

[Statutory Authority: RCW 28A.04.020. 90-04-043 (Order 90-01), § 392-109-117, filed 1/31/90, effective 3/3/90; 81-17-005 (Order 81-10), § 392-109-117, filed 8/7/81.]

WAC 392-109-120 Special elections. Special elections provided for in RCW 28A.305.030 (new congressional districts), 28A.305.060 (run-off elections) and 28A.04.090 (vacancies) shall be conducted in accordance with the pertinent procedural and substantive provisions of this chapter, including the time schedules governing the conduct of elections, as modified by the superintendent of public instruction to accommodate the special nature of the election and special statutory dates and requirements.

[Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-109-120, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.04.020. 80-07-038 (Order 80-20), § 392-109-120, filed 6/17/80.]

Chapter 392-115 WAC

FINANCE—AUDIT RESOLUTION PROCESS

WAC

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WAC 392-115-005 Authority. The authority for this chapter is RCW 28A.300.070 which authorizes the superintendent of public instruction to receive and administer federal moneys in accordance with federal acts—to wit;

(1) U.S. Public Law 98-502 (the Single Audit Act of 1984) and its implementing federal rules and regulations that require the superintendent of public instruction to resolve audit findings against governmental organizations receiving federal moneys that the superintendent of public instruction receives and administers;

(2) U.S. Public Law 89-64 and amendments thereto (Child Nutrition Act of 1966) and its implementing rules and regulations that require the superintendent of public instruction to resolve audit findings against those organizations operating child care programs and receiving federal moneys received and administered by the superintendent of public instruction; or

(3) U.S. Office of Management and Budget Circular A-110 and successor circular A-133 that require the superintendent of public instruction to resolve audit findings against those organizations receiving federal moneys administered and received by the superintendent of public instruction.

(4) U.S. Public Law 100-297 (Elementary and Secondary School Improvement Act of 1988) and implementing rules and regulations that require the superintendent of public instruction to consider audit findings to be prima facie evidence, and the burden of proof to set aside an audit finding rests with the subrecipient.

[Statutory Authority: RCW 28A.300.070. 91-07-007 (Order 91-04), § 392-115-005, filed 3/8/91, effective 4/8/91.]

WAC 392-115-010 Purpose. The purpose of this chapter is to set forth the policies and procedures in accordance with federal requirements for the resolution of monetary and nonmonetary audit findings against a subrecipient receiving federal moneys administered by the superintendent of public instruction.

[Statutory Authority: RCW 28A.300.070. 91-07-007 (Order 91-04), § 392-115-010, filed 3/8/91, effective 4/8/91.]

WAC 392-115-015 Definition—Subrecipient. As used in this chapter, "subrecipient" means a public or nonpublic entity receiving federal moneys administered and disbursed by the superintendent of public instruction.

[Statutory Authority: RCW 28A.300.070. 91-07-007 (Order 91-04), § 392-115-015, filed 3/8/91, effective 4/8/91.]

WAC 392-115-020 Definition—Program audit. As used in this chapter, "program audit" means an examination of a subrecipient to determine compliance with the federal

laws and regulations governing the operation of a specific program.

[Statutory Authority: RCW 28A.300.070. 91-07-007 (Order 91-04), § 392-115-020, filed 3/8/91, effective 4/8/91.]

WAC 392-115-025 Definition—Single audit. As used in this section, "single audit" means an organization-wide examination conducted under the Single Audit Act of 1984 encompassing the entire financial operation of a subrecipient reporting whether:

(1) All financial statements present fairly the financial position and results of financial operations in accordance with generally accepted accounting principles;

(2) All laws and regulations having a material effect upon the financial statements or major federal assistance programs have been complied with; and

(3) All internal control systems provide reasonable assurance that federal financial assistance programs are managed in compliance with applicable laws and regulations.

[Statutory Authority: RCW 28A.300.070. 91-07-007 (Order 91-04), § 392-115-025, filed 3/8/91, effective 4/8/91.]

WAC 392-115-030 Definition—Audit report. As used in this chapter, "audit report" means the report issued by either the office of the state auditor or a certified public accountant disclosing the results of either a single audit or program audit.

[Statutory Authority: RCW 28A.300.070. 91-07-007 (Order 91-04), § 392-115-030, filed 3/8/91, effective 4/8/91.]

WAC 392-115-035 Definition—Questioned costs. As used in this chapter, "questioned costs" means the estimated cost presented in a schedule of questioned cost, associated with one or more of the following:

(1) An alleged violation of a law, regulation, contract, grant, cooperative agreement, or other agreement governing the expenditure of moneys.

(2) Lack of adequate documentation of the expenditure of moneys.

(3) The unnecessary or unreasonable expenditure of the moneys.

[Statutory Authority: RCW 28A.300.070. 91-07-007 (Order 91-04), § 392-115-035, filed 3/8/91, effective 4/8/91.]

WAC 392-115-040 Definition—Monetary audit finding. As used in this chapter, "monetary audit finding" means a questioned cost associated with a weakness, irregularity, or error.

[Statutory Authority: RCW 28A.300.070. 91-07-007 (Order 91-04), § 392-115-040, filed 3/8/91, effective 4/8/91.]

WAC 392-115-045 Definition—Nonmonetary audit finding. As used in this chapter, "nonmonetary audit finding" means a weakness, error, or irregularity not associated with a questioned cost but associated with:

(1) Inadequacy of internal controls;

(2) Lack of compliance with federal laws or rules and regulations; or

(3) Improper financial statements of the subrecipient.

[Statutory Authority: RCW 28A.300.070. 91-07-007 (Order 91-04), § 392-115-045, filed 3/8/91, effective 4/8/91.]

WAC 392-115-050 Definition—Audit finding. As used in this chapter, "audit finding" means either a monetary or nonmonetary audit finding clearly designated as an audit finding in the audit report of a subrecipient pertaining to federal moneys administered by the superintendent of public instruction.

[Statutory Authority: RCW 28A.300.070. 91-07-007 (Order 91-04), § 392-115-050, filed 3/8/91, effective 4/8/91.]

WAC 392-115-055 Definition—Disallowed costs. As used in this chapter, "disallowed costs" means those questioned costs associated with an audit finding that the superintendent of public instruction has determined should not be charged to the federal government.

[Statutory Authority: RCW 28A.300.070. 91-07-007 (Order 91-04), § 392-115-055, filed 3/8/91, effective 4/8/91.]

WAC 392-115-060 Definition—Allowed costs. As used in this chapter, "allowed costs" means a questioned cost that the superintendent of public instruction has determined is properly charged to the federal government. Such determination includes but is not limited to the following reasons: Clerical error; inappropriate methodology; noncompliance with generally accepted auditing standards and incorrect interpretation or application of law, rules, or regulations.

[Statutory Authority: RCW 28A.300.070. 91-07-007 (Order 91-04), § 392-115-060, filed 3/8/91, effective 4/8/91.]

WAC 392-115-065 Definition—Resolved audit finding. As used in this chapter, "resolved audit finding" means an audit finding subject to provisions of a management decision letter.

[Statutory Authority: RCW 28A.300.070. 91-07-007 (Order 91-04), § 392-115-065, filed 3/8/91, effective 4/8/91.]

WAC 392-115-070 Definition—Management decision letter. As used in this chapter, "management decision letter" means a letter that represents resolution of the audit finding for the purposes of this chapter.

[Statutory Authority: RCW 28A.300.070. 91-07-007 (Order 91-04), § 392-115-070, filed 3/8/91, effective 4/8/91.]

WAC 392-115-075 Definition—Desk review. As used in this chapter, "desk review" means a review of an audit report to assure that it meets applicable reporting standards and single audit reporting requirements.

[Statutory Authority: RCW 28A.300.070. 91-07-007 (Order 91-04), § 392-115-075, filed 3/8/91, effective 4/8/91.]

WAC 392-115-080 Reopening of resolved audit findings. The superintendent of public instruction shall recover from the subrecipient moneys resulting from an audit resolution pursuant to this chapter, and any subsequent events that result in a liability of the subrecipient, including the reopening of resolved audit findings. Basic education

allocation may be withheld to facilitate recovery as provided by section 1, chapter 103, Laws of 1990.

[Statutory Authority: RCW 28A.300.070. 91-07-007 (Order 91-04), § 392-115-080, filed 3/8/91, effective 4/8/91.]

WAC 392-115-085 Audit finding against SPI considered to be an audit finding against a subrecipient. An audit finding contained in an audit report of the superintendent of public instruction resulting from failure of a subrecipient to comply with federal law or rules and regulations, shall be considered an audit finding against the subrecipient and resolved pursuant to this chapter.

[Statutory Authority: RCW 28A.300.070. 91-07-007 (Order 91-04), § 392-115-085, filed 3/8/91, effective 4/8/91.]

WAC 392-115-090 Lack of compliance with the audit resolution process. Any subrecipient failing to comply with the process or procedures of this chapter may be subject to the withholding or recovery of federal moneys. The superintendent of public instruction may recover moneys or withhold future funding as necessary to implement management decision letters or final action plans. Money withheld may be released upon corrective action.

[Statutory Authority: RCW 28A.300.070. 91-07-007 (Order 91-04), § 392-115-090, filed 3/8/91, effective 4/8/91.]

WAC 392-115-095 Desk review of audit reports. As required by 34 C.F.R. Part 74, Appendix G, upon receipt of an audit report from the office of the state auditor or a certified public accountant, a desk review of the audit report shall be conducted by the superintendent of public instruction. Audit reports that pass the desk review shall be forwarded for resolution of any audit findings. Audit reports that are determined by such review to be deficient shall be rejected. The superintendent of public instruction may consult with auditors prior to the rejection of audit reports.

[Statutory Authority: RCW 28A.300.070. 91-07-007 (Order 91-04), § 392-115-095, filed 3/8/91, effective 4/8/91.]

WAC 392-115-100 Subrecipient to be informed of audit finding. The superintendent of public instruction shall inform, by letter, the affected subrecipient of an audit finding or findings within thirty calendar days after an audit report has passed desk review, as required by WAC 392-115-095. If the audit contains a monetary audit finding such letter shall be notice under P.L. 100-297 of a prima facie case for the recovery of funds, that unless rebutted, is sufficient to sustain the conclusion drawn in the audit. If the audit contains a nonmonetary finding, the audit shall be a prima facie case that sustains the audit finding unless rebutted. Audit findings are sustained under this chapter unless the subrecipient can prove that the audit is deficient as specified in WAC 392-115-140.

[Statutory Authority: RCW 28A.300.070. 91-07-007 (Order 91-04), § 392-115-100, filed 3/8/91, effective 4/8/91.]

WAC 392-115-105 Subrecipient concurrence with audit finding. The subrecipient shall inform the superintendent of public instruction, by letter, whether it concurs or does not concur with an audit finding within thirty calendar

days of the date of the notice by the superintendent of public instruction. If the subrecipient concurs with the audit finding(s), the superintendent of public instruction shall follow the process and procedures set forth in WAC 392-115-110 through 392-115-130. In the event a subrecipient elects not to respond to the notice within thirty calendar days of the date of said notice, such failure will be considered concurrence with audit finding(s). If the subrecipient does not concur with the audit finding, the subrecipient and the superintendent of public instruction shall follow the process and procedures set forth in WAC 392-115-140 through 392-115-150.

[Statutory Authority: RCW 28A.300.070. 91-07-007 (Order 91-04), § 392-115-105, filed 3/8/91, effective 4/8/91.]

WAC 392-115-110 Management decision letter developed. The superintendent of public instruction shall prepare and forward to the subrecipient a management decision letter setting forth:

- (1) Any corrective actions to be taken by the subrecipient;
- (2) Any disallowed costs to be recovered from nonfederal sources;
- (3) Any allowed costs chargeable to federal sources;
- (4) Any corrective action to be taken by the subrecipient;
- (5) The due date for submission to the superintendent of public instruction of any final action plan.

The superintendent of public instruction shall issue the management decision letter no later than one hundred eighty calendar days after the receipt of the audit report setting forth an audit finding against the subrecipient.

[Statutory Authority: RCW 28A.300.070. 91-07-007 (Order 91-04), § 392-115-110, filed 3/8/91, effective 4/8/91.]

WAC 392-115-115 Final action plan. The subrecipient shall develop a final action plan, as required in the management decision letter, setting forth:

- (1) The corrective actions; and
- (2) The schedule for implementation of corrective actions.

[Statutory Authority: RCW 28A.300.070. 91-07-007 (Order 91-04), § 392-115-115, filed 3/8/91, effective 4/8/91.]

WAC 392-115-120 SPI reviews final action plan. The superintendent of public instruction shall review and approve the final action plan and implementation schedule as proposed by the subrecipient for compliance with the required actions set forth in the management decision letter. If the final action plan or its implementation schedule does not comply with the requirements of the management decision letter, the superintendent shall require the subrecipient to modify the final action plan accordingly. The auditor (the office of the state auditor or a certified public accountant) has the responsibility to review the subrecipient's actions to determine if the corrective actions called for in the final action plan have taken place and assess the adherence to the final action plan in making audit determinations.

[Statutory Authority: RCW 28A.300.070. 91-07-007 (Order 91-04), § 392-115-120, filed 3/8/91, effective 4/8/91.]

WAC 392-115-125 SPI informs subrecipient of the results of review. The superintendent of public instruction shall inform the subrecipient, by letter, of:

- (1) The results of its review of the final action plan;
- (2) Any modification required to be made by the subrecipient; and
- (3) The implementation schedule of the final action plan.

[Statutory Authority: RCW 28A.300.070. 91-07-007 (Order 91-04), § 392-115-125, filed 3/8/91, effective 4/8/91.]

WAC 392-115-130 Subrecipient implements final action plan. The subrecipient shall implement the final action plan, with any required modifications, by the date(s) specified by the superintendent of public instruction.

[Statutory Authority: RCW 28A.300.070. 91-07-007 (Order 91-04), § 392-115-130, filed 3/8/91, effective 4/8/91.]

WAC 392-115-135 Subrecipient nonconcurrence with audit finding. The subrecipient shall state the basis of its nonconcurrence with the audit finding by letter, within sixty calendar days (inclusive of the thirty calendar days allowed the subrecipient to notify the superintendent of public instruction of its concurrence or nonconcurrence provided in WAC 392-115-105) of notification from the superintendent of public instruction of the audit finding. The letter shall set forth in full the reasons for the nonconcurrence and be the basis for any subsequent review by the superintendent of public instruction. The subrecipient shall have the burden of proof in cases of disputed audit findings.

[Statutory Authority: RCW 28A.300.070. 91-07-007 (Order 91-04), § 392-115-135, filed 3/8/91, effective 4/8/91.]

WAC 392-115-140 SPI review of audit finding as result of nonconcurrence. The superintendent of public instruction shall review the subrecipient's letter of nonconcurrence and such review shall be limited to proof of one or more of the following:

- (1) Error or omission by the auditor;
- (2) Application of inappropriate methodology by the auditor;
- (3) Noncompliance with generally accepted auditing standards by the auditor;
- (4) Incorrect interpretation or application by the auditor of federal law or rules and regulations.

[Statutory Authority: RCW 28A.300.070. 91-07-007 (Order 91-04), § 392-115-140, filed 3/8/91, effective 4/8/91.]

WAC 392-115-145 SPI develops management decision letter. The superintendent of public instruction shall issue a management decision letter pursuant to WAC 392-115-115 incorporating the results of its review of the subrecipient's nonconcurrence with an audit finding.

[Statutory Authority: RCW 28A.300.070. 91-07-007 (Order 91-04), § 392-115-145, filed 3/8/91, effective 4/8/91.]

WAC 392-115-150 Subrecipient appeal of management decision letter. The subrecipient may, in writing, appeal the management decision letter within thirty calendar

days after the date of the management decision letter to the superintendent of public instruction.

[Statutory Authority: RCW 28A.300.070. 91-07-007 (Order 91-04), § 392-115-150, filed 3/8/91, effective 4/8/91.]

WAC 392-115-155 Modification of management decision letter. The superintendent of public instruction shall include any judgments or decisions resulting from a fully exhausted appeals process in a revised management decision letter developed pursuant to WAC 392-115-110.

[Statutory Authority: RCW 28A.300.070. 91-07-007 (Order 91-04), § 392-115-155, filed 3/8/91, effective 4/8/91.]

Chapter 392-117 WAC TIMELY REPORTING

WAC

392-117-005	Authority.
392-117-010	Purpose.
392-117-015	Definition—Extenuating circumstances.
392-117-020	School district and educational service district reporting responsibilities.
392-117-025	Superintendent of public instruction reporting responsibilities.
392-117-030	Failure to submit timely general apportionment data.
392-117-035	Failure to submit timely annual financial statements.
392-117-040	Extension of time for filing annual financial statements.
392-117-045	Corrections to data reported to the superintendent of public instruction.
392-117-050	Documentation requirements.

WAC 392-117-005 Authority. The authority for this chapter is RCW 28A.150.290 which establishes that the superintendent of public instruction shall have the power and duty to make rules and regulations that are necessary for the proper administration of allocations for basic education and other purposes and RCW 28A.300.040 which states that the powers and duties of the superintendent of public instruction include:

- (1) To have supervision over all matters pertaining to the public schools;
- (2) To report to the governor and the legislature such information and data as may be required for the management and improvement of the schools; and
- (3) To print and distribute forms that are necessary to discharge the duties of officials charged with the administration of the laws relating to the common schools.

[Statutory Authority: RCW 28A.150.290 and 28A.300.040. 91-13-054 (Order 91-09), § 392-117-005, filed 6/14/91, effective 7/15/91.]

WAC 392-117-010 Purpose. The purpose of this chapter is to provide policies and procedures to encourage timely reporting of general apportionment data and year end financial report data by school districts and educational service districts to the superintendent of public instruction.

[Statutory Authority: RCW 28A.150.290 and 28A.300.040. 91-13-054 (Order 91-09), § 392-117-010, filed 6/14/91, effective 7/15/91.]

WAC 392-117-015 Definition—Extenuating circumstances. As used in this chapter, extenuating circumstances means a circumstance or set of circumstances that lessens or

mitigates the consequences of failure under these rules to report as required in accordance with established due dates. Extenuating circumstances include but are not limited to unusual or infrequent events like an unforeseen natural event, labor dispute, or a computer system failure.

[Statutory Authority: RCW 28A.150.290 and 28A.300.040. 91-13-054 (Order 91-09), § 392-117-015, filed 6/14/91, effective 7/15/91.]

WAC 392-117-020 School district and educational service district reporting responsibilities. Each school district and educational service district shall provide, upon written request of the superintendent of public instruction, such data as the superintendent deems appropriate. These requirements include but are not limited to data for determining the financial condition and results of operation of the school districts and educational service districts of the state, data for substantiating appropriation requests to the state legislature, data for administering state legal requirements, and data for substantiating each district's entitlement to state basic education apportionment.

[Statutory Authority: RCW 28A.150.290 and 28A.300.040. 91-13-054 (Order 91-09), § 392-117-020, filed 6/14/91, effective 7/15/91.]

WAC 392-117-025 Superintendent of public instruction reporting responsibilities. The superintendent of public instruction shall provide each district with necessary report formats and shall advise each district of the due dates established by the superintendent for the return of such completed report forms to the educational service districts or to the superintendent of public instruction.

[Statutory Authority: RCW 28A.150.290 and 28A.300.040. 91-13-054 (Order 91-09), § 392-117-025, filed 6/14/91, effective 7/15/91.]

WAC 392-117-030 Failure to submit timely general apportionment data. In the event any school district or educational service district fails to submit data by the due date established or in the form required by the superintendent of public instruction and the data are unavailable for calculations pursuant to this chapter or the biennial Operating Appropriations Act, the superintendent of public instruction shall either:

- (1) Perform calculations and make payments as if the school district or educational service district reported zero data; or
- (2) Delay calculations and payments to the school district or educational service district until the next monthly apportionment payment or until after data are submitted in the form required.

If a school district or educational service district is unable to report by the due date or in the form required by the superintendent of public instruction due to extenuating circumstances, the district may request to make a tentative report. If the superintendent of public instruction agrees that extenuating circumstances exist and if the tentative report is received in time for the calculations, the superintendent of public instruction may use such tentative report for calculations and payments until such time as the district submits the final required data: *Provided*, That a tentative report shall not be used for more than one monthly apportionment calculation without consent of the superintendent of public instruction.

[Statutory Authority: RCW 28A.150.290 and 28A.300.040. 91-13-054 (Order 91-09), § 392-117-030, filed 6/14/91, effective 7/15/91.]

WAC 392-117-035 Failure to submit timely annual financial statements. A school district's apportionment payments shall be delayed by the superintendent of public instruction if a school district fails to submit its annual financial statements (Report F-196) to the superintendent of public instruction by the established due date. An educational service district's apportionment payments shall be delayed by the superintendent of public instruction if an educational service district fails to submit its annual financial statements (Report F-185) to the superintendent of public instruction by the established due date. The first apportionment payment to be delayed will be for the month in which the annual financial statements are due. The first apportionment payment shall be delayed no less than thirty days. The first apportionment payment and subsequent apportionment payments shall be delayed until the annual financial statements are filed in approvable form.

[Statutory Authority: RCW 28A.150.290 and 28A.300.040. 91-13-054 (Order 91-09), § 392-117-035, filed 6/14/91, effective 7/15/91.]

WAC 392-117-040 Extension of time for filing annual financial statements. The superintendent of public instruction may grant an extension of the due date of the annual financial statements. The due date may be extended a maximum of thirty days. However, extensions may be granted for a period greater than thirty days when records necessary for the preparation of the annual financial statement have been destroyed as the result of an extenuating circumstance. A school district or educational service district's request for a due date extension must be received by the superintendent of public instruction at least ten days before the due date. The superintendent of public instruction may grant an extension only because of extenuating circumstances.

[Statutory Authority: RCW 28A.150.290 and 28A.300.040. 91-13-054 (Order 91-09), § 392-117-040, filed 6/14/91, effective 7/15/91.]

WAC 392-117-045 Corrections to data reported to the superintendent of public instruction. If at any time prior to the completion of an audit of data by the state auditor a school district or educational service district discovers that data have been reported to the superintendent of public instruction in error, the school district shall submit revised data. After completion of an audit by the state auditor, the school district shall report only revisions pursuant to a finding and recommendation by the state auditor subject to the provisions of chapter 392-115 WAC.

Unless the superintendent of public instruction provides instructions to the contrary, revised data shall be submitted in the same manner as the original report. The revised report shall contain an original signature of the educational service district superintendent or the school district superintendent or the authorized official.

[Statutory Authority: RCW 28A.150.290 and 28A.300.040. 91-13-054 (Order 91-09), § 392-117-045, filed 6/14/91, effective 7/15/91.]

WAC 392-117-050 Documentation requirements. School districts and educational service districts shall provide

upon request by the superintendent of public instruction and for audit purposes, documentation to support all data reported to the superintendent of public instruction pursuant to this chapter.

[Statutory Authority: RCW 28A.150.290 and 28A.300.040. 91-13-054 (Order 91-09), § 392-117-050, filed 6/14/91, effective 7/15/91.]

Chapter 392-120 WAC

FINANCE—UNIVERSITY OF WASHINGTON TRANSITION SCHOOL AND EARLY ENTRANCE PROGRAM ALLOCATIONS

WAC

392-120-001	Authority.
392-120-005	Purpose.
392-120-010	Definition—University of Washington transition school and early entrance program.
392-120-015	Definition—Allowable activities.
392-120-020	Definition—Eligible student.
392-120-025	Definition—Full-time equivalent eligible student.
392-120-030	Definition—School year.
392-120-035	Definition—Resident school district.
392-120-040	Definition—Allowable revenue sources.
392-120-045	Definition—Revenue per eligible student.
392-120-050	Contract between the superintendent of public instruction and the University of Washington.
392-120-055	Responsibilities—University of Washington.
392-120-060	Responsibilities—Superintendent of public instruction.
392-120-065	Calculation of quarterly allocation.
392-120-070	Recovery of unspent moneys.

WAC 392-120-001 Authority. The authority for this chapter is RCW 28A.185.040 which authorizes the superintendent of public instruction to adopt rules relating to the allocation of any state and federal moneys for students attending a University of Washington transition school and early entrance program.

[Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-120-001, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.58.217. 88-19-026 (Order 88-21), § 392-120-001, filed 9/12/88.]

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

[Statutory Authority: RCW 28A.58.217. 90-09-038 (Order 90-04), § 392-120-005, filed 4/12/90, effective 5/13/90; 88-19-026 (Order 88-21), § 392-120-005, filed 9/12/88.]

WAC 392-120-010 Definition—University of Washington transition school and early entrance program. As used in this chapter, "University of Washington transition school and early entrance program" means a program operated by the University of Washington for the education of highly capable students.

[Statutory Authority: RCW 28A.58.217. 90-09-038 (Order 90-04), § 392-120-010, filed 4/12/90, effective 5/13/90; 88-19-026 (Order 88-21), § 392-120-010, filed 9/12/88.]

WAC 392-120-015 Definition—Allowable activities. As used in this chapter, "allowable activities" means:

- (1) Selection of students;
- (2) Precollege activities;
- (3) Special advising; and
- (4) Necessary activities for the support of students.

[Statutory Authority: RCW 28A.58.217. 90-09-038 (Order 90-04), § 392-120-015, filed 4/12/90, effective 5/13/90; 88-19-026 (Order 88-21), § 392-120-015, filed 9/12/88.]

WAC 392-120-020 Definition—Eligible student. As used in this chapter, "eligible student" means a student:

- (1) Enrolled in the University of Washington transition school and early entrance program for not more than three years; and
- (2) Eighteen years of age or younger at the beginning of the school year.

[Statutory Authority: RCW 28A.58.217. 90-09-038 (Order 90-04), § 392-120-020, filed 4/12/90, effective 5/13/90; 88-19-026 (Order 88-21), § 392-120-020, filed 9/12/88.]

WAC 392-120-025 Definition—Full-time equivalent eligible student. As used in this chapter, "full-time equivalent eligible student" means a student enrolled in and attending all courses required for continued enrollment in the transition school, and also means a student who is enrolled in the early entrance program and maintaining 12 college credits or more per quarter.

[Statutory Authority: RCW 28A.58.217. 90-09-038 (Order 90-04), § 392-120-025, filed 4/12/90, effective 5/13/90; 88-19-026 (Order 88-21), § 392-120-025, filed 9/12/88.]

WAC 392-120-030 Definition—School year. As used in this chapter, "school year" means the beginning of autumn quarter through the end of spring quarter, as defined in WAC 478-132-030.

[Statutory Authority: RCW 28A.58.217. 90-09-038 (Order 90-04), § 392-120-030, filed 4/12/90, effective 5/13/90.]

WAC 392-120-035 Definition—Resident school district. As used in this chapter, "resident school district" means the same as that term is defined in WAC 392-137-010(4).

[Statutory Authority: RCW 28A.58.217. 90-09-038 (Order 90-04), § 392-120-035, filed 4/12/90, effective 5/13/90.]

WAC 392-120-040 Definition—Allowable revenue sources. As used in this chapter, "allowable revenue sources" means those state revenue accounts for which the eligible student would otherwise be reported by the resident school district for allocation purposes.

[Statutory Authority: RCW 28A.58.217. 90-09-038 (Order 90-04), § 392-120-040, filed 4/12/90, effective 5/13/90.]

WAC 392-120-045 Definition—Revenue per eligible student. As used in this chapter, "revenue per eligible student" means:

- (1) Calculate the annual allocation for allowable revenue sources for the resident school district for each eligible student used for the most recent apportionment payment;
- (2) Divide the result obtained in subsection (1) of this section by the annual average full-time students for the

resident school district used for the most recent apportionment payment.

[Statutory Authority: RCW 28A.58.217. 90-09-038 (Order 90-04), § 392-120-045, filed 4/12/90, effective 5/13/90.]

WAC 392-120-050 Contract between the superintendent of public instruction and the University of Washington. The superintendent of public instruction shall contract under the Interlocal Cooperation Act with the University of Washington for the admission and enrollment in the transition school of up to thirty highly capable students in the state of Washington each academic year, and for the continued enrollment and instruction in the early entrance program of such students until they turn eighteen or complete three years at the transition school and/or early entrance program, whichever first occurs.

[Statutory Authority: RCW 28A.58.217. 90-09-038 (Order 90-04), § 392-120-050, filed 4/12/90, effective 5/13/90.]

WAC 392-120-055 Responsibilities—University of Washington. The allocation of moneys pursuant to this chapter are conditioned on the University of Washington transition school and early entrance program performing the following:

(1) Reporting each month for each eligible student of their:

- (a) Hours of enrollment; and
- (b) Resident school district.

(2) Expending the moneys allocated pursuant to this chapter on allowable activities.

(3) Providing health screening as agreed to by contract with the superintendent of public instruction; enforcing chapter 180-140 WAC and all applicable federal laws relating to student discipline and rights for students enrolled in the transition school or early entrance program who have not yet registered or enrolled in college level courses; and enforcing Title 478 WAC and all applicable federal laws relating to student conduct, discipline, records and rights, for students who have registered and enrolled in one or more college level courses.

(4) Reporting to the resident school district of the enrollment of each student in the University of Washington transition school and early entrance program.

(5) Reporting annually the actual expenditures on allowable activities.

[Statutory Authority: RCW 28A.58.217. 90-09-038 (Order 90-04), § 392-120-055, filed 4/12/90, effective 5/13/90.]

WAC 392-120-060 Responsibilities—Superintendent of public instruction. In carrying out the responsibilities associated with this chapter, the superintendent of public instruction shall:

(1) Perform such calculations as are necessary to carry out the several provisions of this chapter;

(2) Allocate such moneys as determined to the University of Washington transition school and early entrance program quarterly.

[Statutory Authority: RCW 28A.58.217. 90-09-038 (Order 90-04), § 392-120-060, filed 4/12/90, effective 5/13/90.]

WAC 392-120-065 Calculation of quarterly allocation. The superintendent of public instruction shall calculate the quarterly allocation of moneys to the University of Washington transition school and early entrance program as follows:

- (1) Sum the following for each eligible student:
 - (a) Determine the revenue per eligible student; and
 - (b) Multiply the result obtained in (a) of this subsection by the full-time equivalent eligible student.
- (2) Adjust the result obtained in subsection (1) of this section by any over or under payments resulting from prior quarterly allocations.

[Statutory Authority: RCW 28A.58.217. 90-09-038 (Order 90-04), § 392-120-065, filed 4/12/90, effective 5/13/90.]

WAC 392-120-070 Recovery of unspent moneys. The University of Washington transition school and early entrance program shall remit the positive difference determined by subtracting the actual expenditures on allowable activities from the total allocation.

[Statutory Authority: RCW 28A.58.217. 90-09-038 (Order 90-04), § 392-120-070, filed 4/12/90, effective 5/13/90.]

Chapter 392-121 WAC

FINANCE—GENERAL APPORTIONMENT

WAC

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 392-121-005 Authority and purpose. [Order 7-75, § 392-121-005, filed 12/22/75. Formerly WAC 392-29-110 and 392-29-120.] Repealed by 80-10-010 (Order 80-29), filed 7/28/80. Statutory Authority: RCW 28A.41.055 and 28A.41.170.
- 392-121-010 Definitions. [Statutory Authority: RCW 84.52.0531. 79-01-007 (Order 12-78), § 392-121-010, filed 12/8/78; Order 7-75, § 392-121-010, filed 12/22/75. Formerly WAC 392-

- 29-130 (part).] Repealed by 80-10-010 (Order 80-29), filed 7/28/80. Statutory Authority: RCW 28A.41.055 and 28A.41.170.
- 392-121-015 Additional definitions. [Order 7-75, § 392-121-015, filed 12/22/75. Formerly WAC 392-29-130 (part) and WAC 392-29-140 (part).] Repealed by 80-10-010 (Order 80-29), filed 7/28/80. Statutory Authority: RCW 28A.41.055 and 28A.41.170.
- 392-121-020 Annual distribution of apportionment funds. [Order 7-75, § 392-121-020, filed 12/22/75. Formerly WAC 392-29-150.] Repealed by 80-10-010 (Order 80-29), filed 7/28/80. Statutory Authority: RCW 28A.41.055 and 28A.41.170.
- 392-121-025 Payment schedule. [Order 7-75, § 392-121-025, filed 12/22/75. Formerly WAC 392-29-260.] Repealed by 80-10-010 (Order 80-29), filed 7/28/80. Statutory Authority: RCW 28A.41.055 and 28A.41.170.
- 392-121-030 Apportionment credit—Resident and nonresident students. [Order 7-75, § 392-121-030, filed 12/22/75. Formerly WAC 392-29-160 and WAC 392-29-170.] Repealed by 80-10-010 (Order 80-29), filed 7/28/80. Statutory Authority: RCW 28A.41.055 and 28A.41.170.
- 392-121-035 Apportionment funds resources and computation data. [Order 7-75, § 392-121-035, filed 12/22/75. Formerly WAC 392-29-180.] Repealed by 80-10-010 (Order 80-29), filed 7/28/80. Statutory Authority: RCW 28A.41.055 and 28A.41.170.
- 392-121-040 Average annual base enrollment—Conversion to weighted student enrollment. [Order 7-75, § 392-121-040, filed 12/22/75. Formerly WAC 392-29-190.] Repealed by 80-10-010 (Order 80-29), filed 7/28/80. Statutory Authority: RCW 28A.41.055 and 28A.41.170.
- 392-121-045 Enrollment time credit-off-campus—Alternative learning experiences—Study time—National Guard—Absences. [Order 7-75, § 392-121-045, filed 12/22/75. Formerly WAC 392-29-230 and 392-29-240.] Repealed by 80-10-010 (Order 80-29), filed 7/28/80. Statutory Authority: RCW 28A.41.055 and 28A.41.170.
- 392-121-050 Per weighted student guarantee—Method of computation. [Order 7-75, § 392-121-050, filed 12/22/75. Formerly WAC 392-29-200.] Repealed by 80-10-010 (Order 80-29), filed 7/28/80. Statutory Authority: RCW 28A.41.055 and 28A.41.170.
- 392-121-055 District entitlement—Computation of. [Order 7-75, § 392-121-055, filed 12/22/75. Formerly WAC 392-29-210 and 392-29-220.] Repealed by 80-10-010 (Order 80-29), filed 7/28/80. Statutory Authority: RCW 28A.41.055 and 28A.41.170.
- 392-121-060 Advance payments—Emergency. [Order 7-75, § 392-121-060, filed 12/22/75. Formerly WAC 392-29-270.] Repealed by 80-10-010 (Order 80-29), filed 7/28/80. Statutory Authority: RCW 28A.41.055 and 28A.41.170.
- 392-121-065 Reporting requirements. [Order 7-75, § 392-121-065, filed 12/22/75. Formerly WAC 392-29-250.] Repealed by 80-10-010 (Order 80-29), filed 7/28/80. Statutory Authority: RCW 28A.41.055 and 28A.41.170.
- 392-121-100 Authority and purpose. [Statutory Authority: RCW 28A.41.055 and 28A.41.170. 80-10-010 (Order 80-29), § 392-121-100, filed 7/28/80.] Repealed by 84-20-077 (Order 84-35), filed 10/2/84. Statutory Authority: RCW 28A.41.170.
- 392-121-101 Authority. [Statutory Authority: RCW 28A.41.170. 84-20-077 (Order 84-35), § 392-121-101, filed 10/2/84.] Repealed by 88-03-013 (Order 88-8), filed 1/11/88. Statutory Authority: RCW 28A.41.055 and 28A.41.170.
- 392-121-103 Purpose. [Statutory Authority: RCW 28A.41.170. 84-20-077 (Order 84-35), § 392-121-103, filed 10/2/84.] Repealed by 88-03-013 (Order 88-8), filed 1/11/88. Statutory Authority: RCW 28A.41.055 and 28A.41.170.
- 392-121-105 Definitions—Enrolled and full-time equivalent student. [Statutory Authority: RCW 28A.41.170. 84-20-077 (Order 84-35), § 392-121-105, filed 10/2/84; 83-21-024 (Order 83-14), § 392-121-105, filed 10/10/83; 81-20-071 (Order 81-15), § 392-121-105, filed 10/6/81. Statutory Authority: RCW 28A.41.055 and 28A.41.170. 80-10-010 (Order 80-29), § 392-121-105, filed 7/28/80.] Repealed by 88-03-013 (Order 88-8), filed 1/11/88. Statutory Authority: RCW 28A.41.055 and 28A.41.170.
- 392-121-110 Additional definitions. [Statutory Authority: RCW 28A.41.055 and 28A.41.170. 86-01-022 (Order 85-17), § 392-121-110, filed 12/9/85; 80-10-010 (Order 80-29), § 392-121-110, filed 7/28/80.] Repealed by 88-03-013 (Order 88-8), filed 1/11/88. Statutory Authority: RCW 28A.41.055 and 28A.41.170.
- 392-121-115 Definitions—Certificated and classified employees—Full-time equivalent. [Statutory Authority: RCW 28A.41.170. 81-20-071 (Order 81-15), § 392-121-115, filed 10/6/81. Statutory Authority: RCW 28A.41.055 and 28A.41.170. 80-10-010 (Order 80-29), § 392-121-115, filed 7/28/80.] Repealed by 88-03-013 (Order 88-8), filed 1/11/88. Statutory Authority: RCW 28A.41.055 and 28A.41.170.
- 392-121-120 Definition—LEAP Document 1. [Statutory Authority: RCW 28A.41.170. 81-20-071 (Order 81-15), § 392-121-120, filed 10/6/81. Statutory Authority: RCW 28A.41.055 and 28A.41.170. 80-10-010 (Order 80-29), § 392-121-120, filed 7/28/80.] Repealed by 88-03-013 (Order 88-8), filed 1/11/88. Statutory Authority: RCW 28A.41.055 and 28A.41.170.
- 392-121-121 Definition—Certificated staff mix factor. [Statutory Authority: RCW 28A.41.170. 84-20-077 (Order 84-35), § 392-121-121, filed 10/2/84; 81-20-071 (Order 81-15), § 392-121-121, filed 10/6/81.] Repealed by 88-03-013 (Order 88-8), filed 1/11/88. Statutory Authority: RCW 28A.41.055 and 28A.41.170.
- 392-121-125 Definition—District certificated staff mix factor. [Statutory Authority: RCW 28A.41.170. 84-20-077 (Order 84-35), § 392-121-125, filed 10/2/84; 81-20-071 (Order 81-15), § 392-121-125, filed 10/6/81. Statutory Authority: RCW 28A.41.055 and 28A.41.170. 80-10-010 (Order 80-29), § 392-121-125, filed 7/28/80.] Repealed by 88-03-013 (Order 88-8), filed 1/11/88. Statutory Authority: RCW 28A.41.055 and 28A.41.170.
- 392-121-126 Definition—System-wide certificated staff mix factor. [Statutory Authority: RCW 28A.41.170. 84-20-077 (Order 84-35), § 392-121-126, filed 10/2/84; 81-20-071 (Order 81-15), § 392-121-126, filed 10/6/81.] Repealed by 88-03-013 (Order 88-8), filed 1/11/88. Statutory Authority: RCW 28A.41.055 and 28A.41.170.
- 392-121-127 Proration of school district certificated staff mix factor. [Statutory Authority: RCW 28A.41.170. 84-20-077 (Order 84-35), § 392-121-127, filed 10/2/84; 81-20-071 (Order 81-15), § 392-121-127, filed 10/6/81.] Repealed by 88-03-013 (Order 88-8), filed 1/11/88. Statutory Authority: RCW 28A.41.055 and 28A.41.170.
- 392-121-128 Definition—Classified increment mix factor. [Statutory Authority: RCW 28A.41.170 and 28A.41.055. 84-17-051 (Order 84-30), § 392-121-128, filed 8/13/84.] Repealed by 88-03-013 (Order 88-8), filed 1/11/88. Statutory Authority: RCW 28A.41.055 and 28A.41.170.
- 392-121-129 Definition—District classified increment mix factor. [Statutory Authority: RCW 28A.41.170 and 28A.41.055. 84-17-051 (Order 84-30), § 392-121-129, filed 8/13/84.] Repealed by 88-03-013 (Order 88-8), filed 1/11/88. Statutory Authority: RCW 28A.41.055 and 28A.41.170.
- 392-121-130 Definition—Certificated years of experience. [Statutory Authority: RCW 28A.41.170. 84-20-077 (Order 84-35), § 392-121-130, filed 10/2/84. Statutory Authority: RCW 28A.41.055 and 28A.41.170. 80-10-010 (Order 80-29), § 392-121-130, filed 7/28/80.] Repealed by 88-03-013 (Order 88-8), filed 1/11/88. Statutory Authority: RCW 28A.41.055 and 28A.41.170.
- 392-121-131 Definition—Classified years of experience. [Statutory Authority: RCW 28A.41.170 and 28A.41.055. 84-17-051 (Order 84-30), § 392-121-131, filed 8/13/84.] Repealed by 88-03-013 (Order 88-8), filed 1/11/88. Statutory Authority: RCW 28A.41.055 and 28A.41.170.
- 392-121-135 Definition—Highest degree level. [Statutory Authority: RCW 28A.41.170. 84-20-077 (Order 84-35), § 392-121-135, filed 10/2/84. Statutory Authority: RCW 28A.41.055 and 28A.41.170. 80-10-010 (Order 80-29), § 392-121-135, filed 7/28/80.] Repealed by 88-03-013

- (Order 88-8), filed 1/11/88. Statutory Authority: RCW 28A.41.055 and 28A.41.170.
- 392-121-140 Definition—Credits earned since highest degree. [Statutory Authority: RCW 28A.41.170. 84-20-077 (Order 84-35), § 392-121-140, filed 10/2/84. Statutory Authority: RCW 28A.41.055 and 28A.41.170. 80-10-010 (Order 80-29), § 392-121-140, filed 7/28/80.] Repealed by 88-03-013 (Order 88-8), filed 1/11/88. Statutory Authority: RCW 28A.41.055 and 28A.41.170.
- 392-121-145 Placement of nondegree certificated personnel on LEAP Document 1. [Statutory Authority: RCW 28A.41.170. 84-20-077 (Order 84-35), § 392-121-145, filed 10/2/84; 81-20-071 (Order 81-15), § 392-121-145, filed 10/6/81. Statutory Authority: RCW 28A.41.055 and 28A.41.170. 80-10-010 (Order 80-29), § 392-121-145, filed 7/28/80.] Repealed by 88-03-013 (Order 88-8), filed 1/11/88. Statutory Authority: RCW 28A.41.055 and 28A.41.170.
- 392-121-150 Placement of certificated staff with degrees on certificated staff mix table. [Statutory Authority: RCW 28A.41.170. 84-20-077 (Order 84-35), § 392-121-150, filed 10/2/84. Statutory Authority: RCW 28A.41.055 and 28A.41.170. 80-10-010 (Order 80-29), § 392-121-150, filed 7/28/80.] Repealed by 88-03-013 (Order 88-8), filed 1/11/88. Statutory Authority: RCW 28A.41.055 and 28A.41.170.
- 392-121-155 Placement on certificated staff mix table—Documentation required. [Statutory Authority: RCW 28A.41.170. 84-20-077 (Order 84-35), § 392-121-155, filed 10/2/84; 81-20-071 (Order 81-15), § 392-121-155, filed 10/6/81. Statutory Authority: RCW 28A.41.055 and 28A.41.170. 80-10-010 (Order 80-29), § 392-121-155, filed 7/28/80.] Repealed by 88-03-013 (Order 88-8), filed 1/11/88. Statutory Authority: RCW 28A.41.055 and 28A.41.170.
- 392-121-160 Reporting requirements—General. [Statutory Authority: RCW 28A.41.055 and 28A.41.170. 80-10-010 (Order 80-29), § 392-121-160, filed 7/28/80.] Repealed by 88-03-013 (Order 88-8), filed 1/11/88. Statutory Authority: RCW 28A.41.055 and 28A.41.170.
- 392-121-161 Definition—Kindergarten. [Statutory Authority: 1990 c 33, 90-16-002 (Order 18), § 392-121-161, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.41.055 and 28A.41.170. 88-03-013 (Order 88-8), § 392-121-161, filed 1/11/88.] Repealed by 95-01-013, filed 12/8/94, effective 1/8/95. Statutory Authority: RCW 28A.150.290.
- 392-121-165 Payment of basic education allocation funds. [Statutory Authority: RCW 28A.41.055 and 28A.41.170. 80-10-010 (Order 80-29), § 392-121-165, filed 7/28/80.] Repealed by 88-03-013 (Order 88-8), filed 1/11/88. Statutory Authority: RCW 28A.41.055 and 28A.41.170.
- 392-121-170 Basic education allocation—Resident and nonresident students. [Statutory Authority: RCW 28A.41.170. 84-20-077 (Order 84-35), § 392-121-170, filed 10/2/84; 81-20-071 (Order 81-15), § 392-121-170, filed 10/6/81. Statutory Authority: RCW 28A.41.055 and 28A.41.170. 80-10-010 (Order 80-29), § 392-121-170, filed 7/28/80.] Repealed by 88-03-013 (Order 88-8), filed 1/11/88. Statutory Authority: RCW 28A.41.055 and 28A.41.170.
- 392-121-175 Basic education allocation—Deductible revenues. [Statutory Authority: RCW 28A.41.170. 81-20-071 (Order 81-15), § 392-121-175, filed 10/6/81. Statutory Authority: RCW 28A.41.130(4) and 28A.41.170. 80-15-025 (Order 80-36), § 392-121-175, filed 10/8/80. Statutory Authority: RCW 28A.41.055 and 28A.41.170. 80-10-010 (Order 80-29), § 392-121-175, filed 7/28/80.] Repealed by 88-03-013 (Order 88-8), filed 1/11/88. Statutory Authority: RCW 28A.41.055 and 28A.41.170.
- 392-121-176 Basic education allocation during strike. [Statutory Authority: RCW 28A.41.170. 81-19-005 (Order 81-16), § 392-121-176, filed 9/4/81.] Repealed by 88-03-013 (Order 88-8), filed 1/11/88. Statutory Authority: RCW 28A.41.055 and 28A.41.170.
- 392-121-177 Kindergarten and grade one through twelve programs considered collectively—Failure to operate an approved program—Denial of apportionment. [Statutory Authority: RCW 28A.41.170. 81-19-006 (Order 81-17), § 392-121-177, filed 9/4/81.] Repealed by 88-03-013 (Order 88-8), filed 1/11/88. Statutory Authority: RCW 28A.41.055 and 28A.41.170.
- 392-121-180 Enrollment time credit-off-campus—Alternative learning experiences—Study time—National Guard—Absences. [Statutory Authority: RCW 28A.41.055 and 28A.41.170. 80-10-010 (Order 80-29), § 392-121-180, filed 7/28/80.] Repealed by 88-03-013 (Order 88-8), filed 1/11/88. Statutory Authority: RCW 28A.41.055 and 28A.41.170.
- 392-121-181 Off-campus instruction requirements. [Statutory Authority: RCW 28A.41.055 and 28A.41.170. 88-03-013 (Order 88-8), § 392-121-181, filed 1/11/88.] Repealed by 95-01-013, filed 12/8/94, effective 1/8/95. Statutory Authority: RCW 28A.150.290.
- 392-121-185 Advance payments—Emergency. [Statutory Authority: RCW 28A.41.055 and 28A.41.170. 80-10-010 (Order 80-29), § 392-121-185, filed 7/28/80.] Repealed by 88-03-013 (Order 88-8), filed 1/11/88. Statutory Authority: RCW 28A.41.055 and 28A.41.170.
- 392-121-186 Procedure for crediting portion of basic education allocation for capital purposes in school districts. [Statutory Authority: RCW 28A.41.170. 81-20-071 (Order 81-15), § 392-121-186, filed 10/6/81.] Repealed by 88-03-013 (Order 88-8), filed 1/11/88. Statutory Authority: RCW 28A.41.055 and 28A.41.170.
- 392-121-190 Reporting requirements. [Statutory Authority: RCW 28A.41.055 and 28A.41.170. 80-10-010 (Order 80-29), § 392-121-190, filed 7/28/80.] Repealed by 88-03-013 (Order 88-8), filed 1/11/88. Statutory Authority: RCW 28A.41.055 and 28A.41.170.
- 392-121-195 Fire district allocation. [Statutory Authority: RCW 28A.41.170 and 28A.41.055. 84-13-019 (Order 84-9), § 392-121-195, filed 6/13/84. Statutory Authority: RCW 28A.41.170. 81-20-071 (Order 81-15), § 392-121-195, filed 10/6/81.] Repealed by 88-03-013 (Order 88-8), filed 1/11/88. Statutory Authority: RCW 28A.41.055 and 28A.41.170.
- 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.
- 392-121-268 Definition—LEAP Document 12. [Statutory Authority: RCW 28A.150.290 and 1990 1st ex.s. c 16 § 502. 91-02-097 (Order 51), § 392-121-268, filed 1/2/91, effective 2/2/91. Statutory Authority: RCW 28A.41.055 and 28A.41.170. 88-03-013 (Order 88-8), § 392-121-268, filed 1/11/88.] Repealed by 92-23-044 (Order 92-15), filed 11/16/92, effective 12/17/92. Statutory Authority: RCW 28A.150.290.
- 392-121-269 Definition—LEAP Document 1R. [Statutory Authority: RCW 28A.150.290 and 1990 1st ex.s. c 16 § 502. 91-02-097 (Order 51), § 392-121-269, filed 1/2/91, effective 2/2/91.] Repealed by 92-23-044 (Order 92-15), filed

- 11/16/92, effective 12/17/92. Statutory Authority: RCW 28A.150.290.
- 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: RCW 28A.150.290, 28A.150.400 and the Biennial Operating Appropriations Act.
- 392-121-297 Definition—District actual derived base salary for basic education certificated instructional staff. [Statutory Authority: RCW 28A.41.055 and 28A.41.170, 88-03-013 (Order 88-8), § 392-121-297, filed 1/11/88.] Repealed by 91-02-097 (Order 51), filed 1/2/91, effective 2/2/91. Statutory Authority: RCW 28A.150.290 and 1990 1st ex.s. c 16 § 502.
- 392-121-405 Termination of an interdistrict cooperative agreement. [Statutory Authority: RCW 28A.41.055 and 28A.41.170, 88-03-013 (Order 88-8), § 392-121-405, filed 1/11/88.] Repealed by 92-23-044 (Order 92-15), filed 11/16/92, effective 12/17/92. Statutory Authority: RCW 28A.150.290.

GENERAL PROVISIONS

WAC 392-121-001 Authority. The authority for this chapter is RCW 28A.150.290 which authorizes the superintendent of public instruction to adopt rules and regulations as are necessary for the proper administration of chapter 28A.150 RCW. This general authority is supplemented by RCW 28A.150.400 which authorizes the superintendent of public instruction to develop apportionment factors based on data and statistics derived in an annual period established by the superintendent of public instruction.

[Statutory Authority: 1990 c 33, 90-16-002 (Order 18), § 392-121-001, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.41.055 and 28A.41.170, 88-03-013 (Order 88-8), § 392-121-001, filed 1/11/88.]

WAC 392-121-003 Purpose. The purpose of this chapter is to set forth policies and procedures related to the general apportionment of state moneys for the operation of common schools within the state of Washington. This section shall apply for apportionment purposes only and shall not apply to program approval standards for basic education entitlement.

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

WAC 392-121-007 Organization of this chapter. This chapter is in the following general subject areas:
 Sections 001-099 General provisions.
 Sections 100-199 Enrollment.
 Sections 200-299 Certificated instructional staff.
 Sections 400-499 Apportionment.

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

WAC 392-121-011 General provisions. The following general provisions apply to this chapter:

(1) Calculations made by the superintendent of public instruction shall use the most current school district information for the school year on file with the superintendent of public instruction at the time of the calculation unless otherwise provided in this chapter or in chapter 392-117 WAC, Timely reporting.

(2) Full-time equivalent staff shall be rounded to the nearest three decimal places.

(3) Full-time equivalent enrollment shall be rounded to the nearest two decimal places.

(4) Ratios of full-time equivalent staff to students shall be expressed as a ratio of staff to one thousand students and shall be rounded to the nearest two decimal places (e.g., 51.21/1000).

(5) Unless otherwise stated, report forms, staff, salary, and enrollment data references in these rules are report forms, staff, salary, or enrollment data for the school year for which calculations pursuant to this chapter are being made.

(6) Employee assignments and account codes for program, duty, and activity shall mean the same as defined in the accounting manual for public school districts in the state of Washington and in instructions for personnel reporting provided by the superintendent of public instruction.

(7) School districts shall have available upon request by the superintendent of public instruction and for audit purposes, such documentation as necessary to support all data reported to the superintendent of public instruction pursuant to this chapter.

[Statutory Authority: RCW 28A.150.290, 92-23-044 (Order 92-15), § 392-121-011, filed 11/16/92, effective 12/17/92.]

WAC 392-121-021 Reporting requirements. The provisions of chapter 392-117 WAC, Timely reporting, apply to allocations made pursuant to this chapter. Failure of a school district to report in the form or by the deadline required by the superintendent of public instruction may result in the reduction or delay of apportionment payments.

[Statutory Authority: RCW 28A.150.290, 92-23-044 (Order 92-15), § 392-121-021, filed 11/16/92, effective 12/17/92. Statutory Authority: RCW 28A.41.055 and 28A.41.170, 88-03-013 (Order 88-8), § 392-121-021, filed 1/11/88.]

WAC 392-121-031 Definition—School year. As used in this chapter, "school year" means the annual period commencing on the first day of September of one calendar year and ending the last day of August of the next ensuing calendar year: *Provided*, That for those school districts commencing basic education programs prior to the Septem-

ber 1, school days scheduled prior to September 1 shall be considered to be within the school year that commences September 1.

[Statutory Authority: RCW 28A.41.055 and 28A.41.170. 88-03-013 (Order 88-8), § 392-121-031, filed 1/11/88.]

WAC 392-121-033 Definition—School day. As used in this chapter, "school day" means a calendar day except school holidays on which students enrolled in the school district are afforded the opportunity to be engaged in educational activity which is planned, supervised, and conducted by or under the supervision of the school district certificated staff, and on which day all or any portion of the students enrolled in the program actually participate in such educational activity.

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

ENROLLMENT

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

(1) Is eligible to enroll in the school district's education programs because he or she:

(a) Resides in the school district with or without an address (RCW 28A.225.010, 28A.225.160 and 28A.225.215);

(b) Resides on a United States reservation, national park, national forest, or Indian reservation contiguous to the school district (RCW 28A.225.170);

(c) Resides in a school district not offering the grade for which they are eligible to enroll such as a nonhigh district (RCW 28A.225.210);

(d) Has been released from the school district he or she resides in and has been accepted by the school district claiming enrollment (RCW 28A.225.225 and 28A.225.230);

(e) Will be attending the school district as part of an interdistrict cooperative program (RCW 28A.225.250); or

(f) Will be attending school in a school district in another state per a reciprocity agreement pursuant to RCW 28A.225.260.

(2) After the close of the prior school year has presented himself or herself, or has been presented, to the school district's appropriate official to be entered on the school district's rolls for the purpose of attending school in grades kindergarten through twelve;

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

(4) Actually participated on a school day during the current school term (semester or quarter) in a course of study offered by the school district as defined in WAC 392-121-107; and

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

[Statutory Authority: RCW 28A.150.290. 95-01-013, § 392-121-106, filed 12/8/94, effective 1/8/95. Statutory Authority: RCW 28A.41.055 and 28A.41.170. 88-03-013 (Order 88-8), § 392-121-106, filed 1/11/88.]

WAC 392-121-10601 Definition—Kindergarten. As used in this chapter, "kindergarten" means an instructional program conducted pursuant to RCW 28A.150.220 for

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

[Statutory Authority: RCW 28A.150.290. 95-01-013, § 392-121-10601, filed 12/8/94, effective 1/8/95.]

WAC 392-121-10602 Definition—First grade. As used in this chapter, "first grade" means an instructional program conducted pursuant to RCW 28A.150.220 for students who meet the entry age requirements pursuant to chapter 180-39 WAC.

[Statutory Authority: RCW 28A.150.290. 95-01-013, § 392-121-10602, filed 12/8/94, effective 1/8/95.]

WAC 392-121-10603 Definition—Higher education institution. As used in this chapter, "higher education institution" means a public or private university, college, community college, or technical college in the state of Washington.

[Statutory Authority: RCW 28A.150.290. 95-01-013, § 392-121-10603, filed 12/8/94, effective 1/8/95.]

WAC 392-121-10604 Definition—Agency. As used in this chapter, "agency" means a federal, state, and local governmental entity; Indian tribe recognized as such by the federal government; or a private nonreligious, nonprofit educational corporation. Agency includes educational service districts and excludes higher education institutions.

[Statutory Authority: RCW 28A.150.290. 95-01-013, § 392-121-10604, filed 12/8/94, effective 1/8/95.]

WAC 392-121-107 Definition—Course of study. As used in this chapter, "course of study" means those activities for which students enrolled pursuant to chapters 180-16, 180-50, 180-51, 392-169 and 392-134 WAC may be counted as enrolled students for the purpose of full-time equivalent student enrollment counts.

(1) Course of study includes:

(a) Instruction - teaching/learning experiences conducted by the school district staff as directed by the administration and the board of directors of the school district, inclusive of intermissions for class changes, recess and teacher/parent-guardian conferences that are planned and scheduled by the district for the purpose of discussing students' educational needs or progress, and exclusive of time for meals.

(b) Alternative learning experience - alternative learning experience conducted by the school district in conformance with WAC 392-121-182.

(c) Contracting - with a higher education institution in conformance with WAC 392-121-183.

(d) National guard - participation in a national guard high school career training program for which credit is being given toward either required or elective high school credits pursuant to RCW 28A.305.170 and WAC 180-50-320. Such participation may be counted as a course of study only by the school district which the individual last attended.

(e) Ancillary service - service provided to part-time students, private school students and home-based students by the school district in conformance with chapter 392-134 WAC. Except for services to students with a disability and home/hospital students, only those services provided by

school district staff on school grounds or facilities controlled by the school district can be counted as a course of study. School districts report the number of hours of ancillary service annually to the superintendent of public instruction.

(f) Work based learning - training provided pursuant to WAC 180-50-315. One hour per scheduled school day may be counted for not less than four hundred five hours of scheduled work experience.

(g) Running start - attendance at an institution of higher education pursuant to RCW 28A.600.300 through 28A.600.400, chapter 392-169 WAC.

(h) Transition school - participation in the University of Washington's transition school and early entrance program pursuant to RCW 28A.185.040, and chapter 392-120 WAC. Such participation shall be reported by the University of Washington and shall not be reported by a school district.

(i) Technical college direct funding - enrollment at a technical college pursuant to RCW 28A.150.275 and WAC 392-121-187. Such participation shall be reported by the technical college and shall not be reported by a school district unless the technical college and the school district agree to have the school district report such enrollment.

(j) Contracting - with an agency pursuant to WAC 392-121-185.

(k) Contracting - with a public or nonpublic school agency for students with a disability in accordance with WAC 392-171-496.

(2) Course of study does not include:

(a) Home-based instruction pursuant to RCW 28A.225.010(4);

(b) Private school instruction pursuant to chapter 28A.195 RCW;

(c) Adult education as defined in RCW 28B.50.030(12);

(d) Instruction provided to students who do not reside in Washington state (RCW 28A.225.260);

(e) Enrollment in state institutions, i.e., state operated group homes, county juvenile detention centers, state institutions for juvenile delinquents, and state residential habilitation centers;

(f) Instruction preparing a student for the general education development (GED) test if such instruction generates state or federal moneys for adult education;

(g) Enrollment in education centers;

(h) Enrollment in the Washington state school for the deaf and the Washington state school for the blind; or

(i) Extracurricular and before and after school activities offered outside the regular curriculum.

[Statutory Authority: RCW 28A.150.290. 95-01-013, § 392-121-107, filed 12/8/94, effective 1/8/95. Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-121-107, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.41.055 and 28A.41.170. 88-03-013 (Order 88-8), § 392-121-107, filed 1/11/88.]

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

(1) Absences - except as provided in (a) and (b) of this subsection, a student whose consecutive days of absence from school exceed twenty school days shall not be counted as an enrolled student until attendance is resumed.

(a) If there is an agreement between the appropriate school official and a student's parent or guardian pursuant to RCW 28A.225.010 that the student's temporary absence is not deemed to cause a serious adverse effect upon the student's educational progress, the absent student may be counted as an enrolled student for up to two monthly enrollment count dates as specified in WAC 392-121-122.

(b) A student receiving home and/or hospital service pursuant to WAC 392-171-486 shall be counted as an enrolled student as provided in WAC 392-122-145.

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

(3) Transfers - a student who has transferred to another public or private school and for whom the school district has received notification of transfer from the school to which the student has transferred, from the student, or from the student's parent or guardian shall not be counted as an enrolled student unless the student reenrolls in the school district.

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

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

(6) Graduates - a student who has met the high school graduation requirements of chapter 180-51 WAC by the beginning of the school year.

[Statutory Authority: RCW 28A.150.290. 95-01-013, § 392-121-108, filed 12/8/94, effective 1/8/95. Statutory Authority: RCW 28A.150.290, 28A.150.250 and 28A.150.260. 91-02-096 (Order 50), § 392-121-108, filed 1/2/91, effective 2/2/91. Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-121-108, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.41.055 and 28A.41.170. 88-03-013 (Order 88-8), § 392-121-108, filed 1/11/88.]

WAC 392-121-111 Definitions—Student residence, resident district and nonresident district. As used in this chapter, "student residence," "resident district" and "nonresident district" mean the same as defined in WAC 392-137-115 through 392-137-125.

[Statutory Authority: RCW 28A.150.290. 95-01-013, § 392-121-111, filed 12/8/94, effective 1/8/95. Statutory Authority: RCW 28A.41.055 and 28A.41.170. 88-03-013 (Order 88-8), § 392-121-111, filed 1/11/88.]

WAC 392-121-122 Definition—Full-time equivalent student. As used in this chapter, "full-time equivalent student" means each enrolled student in the school district as of the fourth school day following the commencement of the school year (September 1 through August 31) and/or as of the first school day of any of the subsequent eight months for at least the minimum number of hours set forth in subsection (1) of this section, inclusive of class periods and normal class change passing time, but exclusive of noon intermissions: *Provided*, That the hours set forth below shall be construed as annual average hours for the purposes of compliance with this chapter: *Provided further*, That for districts commencing basic education programs prior to

September first, the first month enrollment count shall be made on the fourth school day in September.

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

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

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

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

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

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

(2) A student enrolled for less than the minimum hours shown in subsection (1) of this section shall be counted as a partial full-time equivalent student equal to the student's hours of enrollment divided by the minimum hours for the student's grade level set forth in subsection (1) of this section.

(3) The full-time equivalent of a student's running start enrollment pursuant to RCW 28A.600.300 through 28A.600.400 shall be determined pursuant to chapter 392-169 WAC. The nine count dates for running start enrollment shall be the months of October through June. If a running start student is enrolled both in high school courses provided by the school district and in running start courses provided by the college, the high school full-time equivalent and the running start full-time equivalent shall be determined separately.

(4) The full-time equivalent of University of Washington transition school students shall be determined pursuant to chapter 392-120 WAC.

[Statutory Authority: RCW 28A.150.290, 95-01-013, § 392-121-122, filed 12/8/94, effective 1/8/95. Statutory Authority: RCW 28A.41.055 and 28A.41.170, 88-03-013 (Order 88-8), § 392-121-122, filed 1/11/88.]

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

[Statutory Authority: RCW 28A.150.290, 95-01-013, § 392-121-123, filed 12/8/94, effective 1/8/95. Statutory Authority: RCW 28A.41.055 and 28A.41.170, 88-03-013 (Order 88-8), § 392-121-123, filed 1/11/88.]

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

(1) The annual total of full-time equivalent students enrolled on the nine enrollment count dates of the school year and reported to the superintendent of public instruction pursuant to WAC 392-121-122 divided by nine;

(2) Annual hours of ancillary service to private school and home-based students reported pursuant to chapter 392-134 WAC divided by 900; and

(3) Annual hours of eligible summer enrollment in nonstandard school year programs pursuant to WAC 392-121-123 divided by 900.

[Statutory Authority: RCW 28A.150.290, 28A.150.250 and 28A.150.260, 91-02-096 (Order 50), § 392-121-133, filed 1/2/91, effective 2/2/91. Statutory Authority: RCW 28A.41.055 and 28A.41.170, 88-03-013 (Order 88-8), § 392-121-133, filed 1/11/88.]

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

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

(a) School districts operating approved vocational skills center programs during the summer vacation months may claim additional full-time equivalent students based upon actual enrollment in such vocational skills centers on the first school day of July of each year. Each district operating an approved vocational skills center program shall be entitled to claim one annual average full-time equivalent student for each 900 hours of planned student enrollment for the summer term based upon the July enrollment data.

(b) Enrollment count limitations apply separately to a student's running start and high school enrollments.

(2) Running start enrollment counts are limited as provided in chapter 392-169 WAC and specifically as provided in WAC 392-169-060.

(3) The full-time equivalent reported for a five year old preschool student with a disability is limited as provided in WAC 392-121-137.

(4) No kindergarten student, including a student enrolled in more than one school district, shall be counted as more than one-half of an annual average full-time equivalent student in any school year.

[Statutory Authority: RCW 28A.150.290, 95-01-013, § 392-121-136, filed 12/8/94, effective 1/8/95. Statutory Authority: RCW 28A.150.290, 28A.150.250 and 28A.150.260, 91-02-096 (Order 50), § 392-121-136, filed 1/2/91, effective 2/2/91. Statutory Authority: RCW 28A.41.055 and 28A.41.170, 88-03-013 (Order 88-8), § 392-121-136, filed 1/11/88.]

WAC 392-121-137 Full-time equivalent enrollment of students with a disability. In determining the full-time equivalent enrollment of students reported as students with a disability pursuant to chapter 392-171 WAC, the following rules apply:

(1) If the student is enrolled exclusively in an ungraded special education program, the student's grade level shall be based on the typical grade level of students of the same age (e.g., a student who is six years old at the beginning of the school year shall be counted as a first grader).

(2) If the student is enrolled in a grade level below the typical grade level of students of the same age, the school district shall have the option of counting the student in the grade enrolled or the typical grade level of students of the same age.

(3) A student with a disability who is five years old at the beginning of the school year may be counted as a kindergarten student only if the student is enrolled full time (twenty hours or more per week), or is enrolled in a kinder-

garten program and is provided special education services in addition to the kindergarten program.

[Statutory Authority: RCW 28A.150.290. 95-01-013, § 392-121-137, filed 12/8/94, effective 1/8/95.]

WAC 392-121-138 Full-time equivalent enrollment of vocational education students. For the purpose of enhanced funding for vocational education full-time equivalent enrollment of students enrolled in vocational secondary and skills centers shall be based upon the actual hours of enrollment in state approved vocational courses. Nine hundred hours of approved vocational instruction shall equal one annual average full-time equivalent student.

[Statutory Authority: RCW 28A.150.290. 95-01-013, § 392-121-138, filed 12/8/94, effective 1/8/95.]

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

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

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

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

(3) The full-time equivalent of alternative learning experience students in grades kindergarten through eight shall be based on the number of hours of instruction meeting the criteria in WAC 392-121-107 (1)(a) and be determined using the definition of a full-time equivalent student in WAC 392-121-122.

(4) Each high school course credit which is actively being pursued in an alternative learning experience and which meets the requirements of chapter 180-51 WAC may supplement or replace one hour of minimum time toward a scheduled school day.

(5) Effective with the 1995-96 school year the school district shall maintain a ratio of full-time equivalent certificated instructional staff serving the annual average full-time equivalent students reported for basic education funding pursuant to this section which is at least equal to the district's basic education funding ratio for the grade level of the students being reported for basic education funding pursuant to this section.

[Statutory Authority: RCW 28A.150.290. 95-01-013, § 392-121-182, filed 12/8/94, effective 1/8/95. Statutory Authority: RCW 28A.150.290,

28A.150.250 and 28A.150.260. 91-02-096 (Order 50), § 392-121-182, filed 1/2/91, effective 2/2/91. Statutory Authority: RCW 28A.41.055 and 28A.41.170. 88-03-013 (Order 88-8), § 392-121-182, filed 1/11/88.]

WAC 392-121-183 Contracting with a higher education institution. Contracting with a higher education institution may be counted as a course of study pursuant to WAC 392-121-107 if the following requirements are met:

(1) The student is enrolled in the school district reporting the enrollment and is working towards course credits which satisfy high school graduation requirements;

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

(3) The full-time equivalent reported for contracted enrollment shall be based on the number of hours of instruction meeting the criteria in WAC 392-121-107 (1)(a) provided by staff of the higher education institution under the contract.

[Statutory Authority: RCW 28A.150.290. 95-01-013, § 392-121-183, filed 12/8/94, effective 1/8/95. Statutory Authority: RCW 28A.41.055 and 28A.41.170. 88-03-013 (Order 88-8), § 392-121-183, filed 1/11/88.]

WAC 392-121-184 Running start program requirements. The provisions of this chapter shall govern the substantiation of claims for running start program basic education allocation moneys to the extent the provisions of this chapter supplement and do not conflict with the provisions of chapter 392-169 WAC.

[Statutory Authority: RCW 28A.150.290. 95-01-013, § 392-121-184, filed 12/8/94, effective 1/8/95. Statutory Authority: RCW 28A.600.390. 91-08-038 (Order 91-07), § 392-121-184, filed 3/29/91, effective 4/29/91.]

WAC 392-121-187 Technical college direct-funded enrollment. Enrollment in a technical college pursuant to an interlocal agreement with a school district as provided in RCW 28B.50.533 may be counted as course of study generating state moneys payable directly to the technical college as provided in this section.

(1) The technical college shall submit a written request to the superintendent of public instruction and for each school district whose students are to be claimed by the college shall provide a copy of the interlocal agreement signed by the school district superintendent and the technical college president or authorized officials of the school district and college.

(2) The technical college shall report enrolled students monthly (October through June) to the superintendent of public instruction pursuant to this chapter and instructions provided by the superintendent. A separate report shall be submitted for each school district whose students are reported. Reports of students eligible for state basic education support shall show the total number of students served and total nonvocational and vocational FTE students on the monthly count date. Reports shall also show the name of each student, hours of enrollment per week on the monthly count date, and the nonvocational and vocational full-time equivalent reported for the student on the count date. Technical colleges claiming direct state handicapped funding under the interlocal agreement shall also report the number of enrolled handicapped students by handicapping category

on the count dates of October through May pursuant to WAC 392-122-160 and chapter 392-171 WAC.

(3) The technical college shall report monthly to each school district whose students are served pursuant to this section. The report shall include at a minimum the data reported to the superintendent of public instruction pursuant to subsection (2) of this section.

(4) The technical college shall report only students who:

(a) Were under twenty-one years of age at the beginning of the school year;

(b) Are enrolled tuition-free;

(c) Are enrolled in a school district with which the technical college has a signed interlocal agreement on file with the superintendent of public instruction pursuant to subsection (1) of this section;

(d) Are enrolled in the school district for the purpose of earning a high school diploma or certificate; and

(e) Have actually participated in instructional activity at the technical college during the current school year.

(5) Enrollments claimed for state basic education funding by the technical college:

(a) Shall be for courses for which the student is earning high school graduation credit through the school district or the technical college; and

(b) Shall not include:

(i) Enrollment which is claimed by the school district for state funding; or

(ii) Enrollment which generates state or federal moneys for higher education, adult education, or job training for the technical college.

(6) Full-time equivalent students reported by the technical college for state basic education funding shall be determined pursuant to WAC 392-121-106 through 392-121-183 except that the enrollment count dates shall be for the months of October through June. If a student is enrolled in courses provided by the school district as well as courses provided by the technical college, the combined full-time equivalents reported by the school district and the technical college are limited by WAC 392-121-136.

(7) The superintendent of public instruction shall make quarterly payments to the technical college as follows:

(a) Basic education allocations shall be determined pursuant to chapter 392-121 WAC based on average enrollments reported by the technical college for each school district times the average allocation per full-time equivalent high school student of the school district: *Provided*, That allocations for students enrolled in school districts with no more than two high schools with enrollments of less than three hundred annual average full-time equivalent students shall be at the incremental rate generated by students in excess of sixty annual average full-time equivalent students. Allocations for nonvocational and vocational full-time equivalent enrollments shall be calculated separately.

(b) Handicapped allocations shall be determined pursuant to WAC 392-122-100 through 392-122-165 based on average handicapped enrollments and the school district's average allocation per handicapped student in each handicapping category.

(c) Quarterly payments shall provide the following percentages of the annual allocation:

December	30%
March	30%
June	20%
August	20%

[Statutory Authority: RCW 28A.150.290. 94-17-096, § 392-121-187, filed 8/17/94, effective 9/17/94.]

WAC 392-121-188 Contracting with an agency.

Contracting with an agency may be counted as a course of study pursuant to WAC 392-121-107 if:

(1) Effective with the 1995-96 school year the school district board of directors in accordance with RCW 28A.320.015 adopts a resolution that concludes it is in the best interest of the students to expand the options available to providing an appropriate basic education program for those students that are to be educated pursuant to the contract and sets forth the rationale in support of the conclusion;

(2) The school district retains full responsibility for compliance with all state and federal laws;

(3) The agency complies with all state and federal laws that are applicable to the school district;

(4) The agency serves the students at no cost to the student for tuition and fees and enrollment is voluntary and no student or person is unlawfully excluded from participation on the grounds of race, creed, color, national origin, sex, marital status, or presence of any sensory, mental, or physical handicap;

(5) Each student is enrolled in the school district reporting the enrollment and each high school student is working toward course credits which satisfy high school graduation requirements;

(6) If an agency at any time during the school year serves more than twenty-five students which equals more than one quarter of one percent (.0025) of the district's annual average full-time equivalent enrollment claimed for basic education funding the school district reports the employees of the agency funded with any state moneys or federal moneys that flow through the school district on the SPI annual personnel reporting system for calculation of state funding, staff ratios and statistics;

(7) Effective with the 1995-96 school year for the students served pursuant to the contract, the agency maintains a ratio of full-time equivalent certificated instructional staff serving the annual average full-time equivalent students reported for basic education funding pursuant to this section which is at least equal to the district's basic education funding ratio for the grade level of the students being reported for basic education funding pursuant to this section;

(8) The school district and agency execute a written contract which is consistent with this section, and which sets forth the duties of the agency in detail sufficient to hold the agency accountable to the school district; and

(9) The school district and agency establish a process for periodic on-site monitoring by the school district for compliance with this section and other terms of the contract between the school district and agency.

[Statutory Authority: RCW 28A.150.290. 95-01-013, § 392-121-188, filed 12/8/94, effective 1/8/95.]

CERTIFICATED INSTRUCTIONAL STAFF

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

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

WAC 392-121-205 Definition—Certificated instructional employee. As used in this chapter, "certificated instructional employee" means any certificated employee except one who is employed solely as one or more of the following:

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

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

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

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

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

WAC 392-121-210 Definition—Basic education certificated instructional employee. As used in this chapter, "basic education certificated instructional employee" means a certificated instructional employee assigned in whole or in part to the following programs as defined in the accounting manual for public school districts in the state of Washington:

- (1) Basic education, program 01;
- (2) Vocational, basic, state, program 31;
- (3) Skills center, basic, state, program 45;
- (4) Instruction support, program 94; and
- (5) District-wide support, program 97.

[Statutory Authority: RCW 28A.150.290. 92-23-044 (Order 92-15), § 392-121-210, filed 11/16/92, effective 12/17/92. Statutory Authority: RCW 28A.41.055 and 28A.41.170. 88-03-013 (Order 88-8), § 392-121-210, filed 1/11/88.]

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

(1) Each employee of the school district who, as of October 1 of the school year, is contracted to provide services as a basic education certificated instructional

employee for not less than 180 full work days shall be counted as one FTE.

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

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

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

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

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

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

WAC 392-121-220 Definition—Form S-275. As used in this chapter, "Form S-275" means the certificated personnel report which is distributed annually by the superintendent of public instruction on or before September 1 and which includes such items as the individual certificated employee's name, certificate number, educational level, years of professional work experience, contract days, annual salary, fringe benefits and insurance benefits for the year, work assignment(s) and full-time equivalency. This report shall include only certificated individuals employed by the district as of October 1 of the school year.

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

WAC 392-121-225 Definition—Report S-727. As used in this chapter, "Report S-727" means the alphabetic listing of certificated personnel employed by a school district on October 1 as prepared by the superintendent of public instruction from data submitted by the district on the Form S-275 for the school year.

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

WAC 392-121-245 Definition—Certificated years of experience. Regardless of the experience factors used by a school district for the purposes of its salary schedule(s), as used in this chapter, the term "years of experience" means the number of years of accumulated full-time and part-time professional education employment prior to the current reporting school year in the state of Washington, out-of-state, and a foreign country and shall be reported by the school district to the nearest tenth. School districts shall report all years of experience including those beyond the experience limit of the school district's salary schedule. The traditional nine-month academic year shall be considered as one school year. Not more than one school year of experience may be counted for any twelve-month period. Substitute days, if documented, shall be reported as part-time professional education employment calculated by dividing the accumulated number of full-time substitute days by one hundred eighty and rounding to the nearest tenth. Partial substitute days shall be reported as part-time professional education employment calculated by dividing the part of the day worked by the full day as determined by the district and rounded to the nearest tenth of a day. Professional education experience shall be limited to the following:

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

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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 392-121-261 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 392-121-266 Definition—LEAP salary allocation documents. As used in this chapter, "LEAP salary allocation documents" means the computerized tabulations prepared by the legislative evaluation and accountability program (LEAP) and identified in the state Operating Appropriations Act as part of the formula for determining average salaries for the purpose of allocating state moneys to school districts.

[Statutory Authority: RCW 28A.150.290. 92-23-044 (Order 92-15), § 392-121-266, filed 11/16/92, effective 12/17/92.]

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 nondegree 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 nondegree 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 392-121-280 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 392-121-295 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 392-121-299 Determination of district average basic education certificated instructional staff salary for the purpose of apportionment. Each school district's average basic education certificated instructional staff salary for the purpose of apportioning state general fund moneys to school districts pursuant to RCW 28A.150.250 and 28A.150.260 shall be determined by the superintendent of public instruction as provided in the biennial Operating Appropriations Act using definitions and procedures provided in this chapter.

[Statutory Authority: RCW 28A.150.290 and 1990 1st ex.s. c 16 § 502. 91-02-097 (Order 51), § 392-121-299, filed 1/2/91, effective 2/2/91. Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-121-299, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.41.055 and 28A.41.170. 88-03-013 (Order 88-8), § 392-121-299, filed 1/11/88.]

APPORTIONMENT

WAC 392-121-400 Apportionment of basic education moneys. From the basic education moneys appropriated to the superintendent of public instruction, the superintendent shall allocate moneys as follows:

(1) Allocations shall be made pursuant to chapter 28A.150 RCW, the state Operating Appropriations Act, and this chapter.

(2) Allocations shall be made in twelve monthly payments during the school year pursuant to RCW 28A.510.250 to each school district operating a program approved by the state board of education.

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

(b) As the school year progresses, monthly payments to school districts shall be adjusted to reflect actual full-time equivalent students enrolled, district average basic education certificated instructional staff salary per placement on the state-wide salary allocation schedule, other school district characteristics, deductible revenues and such other data as are deemed necessary by the superintendent and reported by school districts and other governmental agencies on forms provided or approved by the superintendent of public instruction.

[Statutory Authority: RCW 28A.150.290. 92-23-044 (Order 92-15), § 392-121-400, filed 11/16/92, effective 12/17/92. Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-121-400, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.41.055 and 28A.41.170. 88-03-013 (Order 88-8), § 392-121-400, filed 1/11/88.]

WAC 392-121-415 Basic education allocation—Deductible revenues. In addition to those funds appropriated by the legislature for basic education allocation purposes, the following locally available general fund revenues shall be included in the computation of the total annual basic education allocation of each school district pursuant to RCW 28A.150.250 and 28A.150.260 and shall be deducted from payments made pursuant to WAC 392-121-400:

(1) Proceeds from the sale, rental or lease of stone, minerals, timber, forest products, other crops and matter, and improvements from or on tax title real property managed by a county pursuant to RCW 36.35.040;

(2) Proceeds from state forests pursuant to RCW 76.12.030 and 76.12.120;

(3) Federal in lieu of tax payments made pursuant to RCW 84.72.020; and

(4) Proceeds from the sale of lumber, timber, and timber products on military reservations or facilities in accordance with U.S.C. § 2665, Title 10, and P.L. 97-99.

(5) Local in lieu of tax payments including but not limited to payments made pursuant to RCW 35.82.210, 35.83.040, and 79.66.100.

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

[Statutory Authority: 1990 c 33, 90-16-002 (Order 18), § 392-121-415, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.41.170, 89-16-015 (Order 89-04), § 392-121-415, filed 7/21/89, effective 8/21/89. Statutory Authority: RCW 28A.41.055 and 28A.41.170, 88-03-013 (Order 88-8), § 392-121-415, filed 1/11/88.]

WAC 392-121-420 Basic education allocation—Federal forest funds. The superintendent of public instruction shall [distribute] [allocate] federal forest fund[s] pursuant [moneys received under Title 16, section 500, United States Code and shall adjust basic education allocations in accordance with] to RCW 28A.520.020 and 28A.150.250: *Provided*, That allocations of federal forest fund moneys received for school districts in Skamania County pursuant to Title 16, section 500, United States Code and section 8 of Public Law 97-243, the Mt. St. Helens National Volcanic Monument Act, and adjustments to basic education allocations for these school districts, shall be made pursuant to the Judgment and Decree entered by the United States District Court, Western District of Washington at Tacoma, on September 26, 1989, in cause number C87-676TB].

[Statutory Authority: 1990 c 33, 90-16-002 (Order 18), § 392-121-420, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.41.170, 90-12-079 (Order 11), § 392-121-420, filed 6/1/90, effective 7/2/90. Statutory Authority: RCW 28A.41.055 and 28A.41.170, 88-03-013 (Order 88-8), § 392-121-420, filed 1/11/88.]

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.

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

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

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

ance with minimum school day requirements and any loss of basic education entitlement.

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

WAC 392-121-436 Emergency advance payments—School district application. The board of directors of a school district may apply for any emergency advance on the school district's basic education allocation. The application shall take the form of a resolution adopted by the board of directors setting forth the following:

- (1) The nature of the unforeseen condition requiring the advance;
- (2) The amount requested to be advanced;
- (3) The net cash and investment balance of the general fund as of the date of the resolution;
- (4) A forecast of the general fund receipts, disbursements, and net cash and investment balance for each month remaining in the fiscal year; and
- (5) A disclosure of any existing or planned general fund revenue anticipation notes.
- (6) A disclosure of any existing or planned general fund loan to or from another fund of the school district.

[Statutory Authority: RCW 28A.150.400 and 28A.150.290, 90-19-040 (Order 28), § 392-121-436, filed 9/13/90, effective 10/14/90.]

WAC 392-121-438 Emergency advance payments—Approval criteria. The superintendent of public instruction shall approve requests for an emergency advance if the following conditions are met:

- (1) The unforeseen condition causing the need for the emergency advance could not have been anticipated by a reasonably prudent person.
- (2) It is probable that if the emergency advance is not made that the school district will be on:
 - (a) An interest-bearing, warrant-issuing basis within two months following the receipt of the resolution; and
 - (b) Warrant interest for at least three months from September through June.
- (3) The school district shall not have:
 - (a) Cash investments of the general fund during the months it estimates that it would pay warrant interest except for the emergency advance; or
 - (b) Inter-fund loans from the general fund to any other funds during the months it estimates that it would pay warrant interest; or
 - (c) Any existing or anticipated general fund revenue anticipation notes.

[Statutory Authority: RCW 28A.150.400 and 28A.150.290, 90-19-040 (Order 28), § 392-121-438, filed 9/13/90, effective 10/14/90.]

WAC 392-121-440 Emergency advance payments—Determination of amount. The superintendent of public instruction shall calculate the emergency advance on the school district's basic education allocation as the lessor of:

- (1) The amount set forth in the school district's resolution;
- (2) An amount not to exceed ten percent of the total amount to become due and apportionable to the district from September 1 through August 31 of the school year.

(3) The highest negative monthly cash and investment balance of the general fund between the date of the resolution and May 31st of the school year less any redirection of a school district's basic education allocation to the capital projects fund, debt service fund, or both.

[Statutory Authority: RCW 28A.150.400 and 28A.150.290. 90-19-040 (Order 28), § 392-121-440, filed 9/13/90, effective 10/14/90. Statutory Authority: RCW 28A.41.055 and 28A.41.170. 88-03-013 (Order 88-8), § 392-121-440, filed 1/11/88.]

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

[Statutory Authority: RCW 28A.150.400 and 28A.150.290. 90-19-040 (Order 28), § 392-121-442, filed 9/13/90, effective 10/14/90. Statutory Authority: RCW 28A.41.055 and 28A.41.170. 88-03-013 (Order 88-8), § 392-121-442, filed 1/11/88.]

WAC 392-121-443 Emergency advance payments—Repayment of advances. Repayments of advances will be accomplished by a reduction in the school district's apportionment payments on or before June in the current school year.

[Statutory Authority: RCW 28A.150.400 and 28A.150.290. 90-19-040 (Order 28), § 392-121-443, filed 9/13/90, effective 10/14/90.]

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.]

WAC 392-121-460 Fire district allocation. In addition to those moneys distributed for basic education purposes, school districts are entitled per RCW 52.30.020 to be reimbursed for moneys expended for the purchase of fire protection services from fire protection districts. Only school plants located in a fire protection district established pursuant to Title 52 RCW shall be eligible for such moneys.

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

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

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

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

WITHHOLDING FOR REPAYMENT OF FEDERAL MONEYS

WAC 392-121-500 Withholding for repayment of federal moneys—Applicable provisions. The provisions of WAC 392-121-500 through 392-121-545 apply to the withholding of basic education allocations pursuant to chapter 103, Laws of 1990 to facilitate repayment of school district expenditures to the federal government pursuant to WAC 392-115-090 or a federal audit resolution process.

[Statutory Authority: RCW 28A.150.290. 91-14-038 (Order 91-10), § 392-121-500, filed 6/26/91, effective 7/27/91. Statutory Authority: RCW 28A.150.290 and 1990 c 103. 91-07-006 (Order 44), § 392-121-500, filed 3/7/91, effective 4/7/91.]

WAC 392-121-505 Withholding for repayment of federal moneys—Definition—Disallowed costs. As used in WAC 392-121-500 through 392-121-545, "disallowed costs" means the same as defined in WAC 392-115-055.

[Statutory Authority: RCW 28A.150.290. 91-14-038 (Order 91-10), § 392-121-505, filed 6/26/91, effective 7/27/91. Statutory Authority: RCW 28A.150.290 and 1990 c 103. 91-07-006 (Order 44), § 392-121-505, filed 3/7/91, effective 4/7/91.]

WAC 392-121-510 Withholding for repayment of federal moneys—Definition—Management decision letter. As used in WAC 392-121-500 through 392-121-545,

"management decision letter" means the same as defined in WAC 392-115-070.

[Statutory Authority: RCW 28A.150.290, 91-14-038 (Order 91-10), § 392-121-510, filed 6/26/91, effective 7/27/91. Statutory Authority: RCW 28A.150.290 and 1990 c 103, 91-07-006 (Order 44), § 392-121-510, filed 3/7/91, effective 4/7/91.]

WAC 392-121-515 Withholding for repayment of federal moneys—Definition—Acceptable repayment plan. As used in WAC 392-121-500 through 392-121-545, "acceptable repayment plan" means a plan agreed to by the superintendent of public instruction for repayment of disallowed costs plus accrued interest as determined by the federal government.

[Statutory Authority: RCW 28A.150.290 and 1990 c 103, 91-07-006 (Order 44), § 392-121-515, filed 3/7/91, effective 4/7/91.]

WAC 392-121-520 Withholding for repayment of federal moneys—Definition—Substantial impairment. As used in WAC 392-121-500 through 392-121-545, "substantial impairment" means that after reducing the school district's current school year basic education allocation by the amount of disallowed costs plus accrued interest the school district is likely to incur a negative unreserved general fund balance as of August 31 of the current school year and is unlikely to be able to balance the school district general fund budget for the ensuing school year without requesting the superintendent of public instruction for permission to budget receivables pursuant to WAC 392-123-060.

[Statutory Authority: RCW 28A.150.290 and 1990 c 103, 91-07-006 (Order 44), § 392-121-520, filed 3/7/91, effective 4/7/91.]

WAC 392-121-525 Withholding for repayment of federal moneys—Determination of substantial impairment. If any school district does not repay disallowed costs plus accrued interest or commit to an acceptable repayment plan within thirty calendar days of issuance of the management decision letter, the superintendent of public instruction shall determine if substantial impairment exists.

[Statutory Authority: RCW 28A.150.290 and 1990 c 103, 91-07-006 (Order 44), § 392-121-525, filed 3/7/91, effective 4/7/91.]

WAC 392-121-530 Withholding for repayment of federal moneys—Notice of substantial impairment. If the superintendent of public instruction determines pursuant to WAC 392-121-525 that substantial impairment exists, the superintendent of public instruction shall notify the school district in writing that:

(1) No withholding shall occur until such time as substantial impairment no longer exists;

(2) Unless the school district repays disallowed costs plus accrued interest or agrees to an acceptable repayment plan, the superintendent of public instruction, at least once every twelve months, or sooner at the request of the school district, shall determine if substantial impairment exists pursuant to WAC 391-121-525; and

(3) Interest will continue to accrue until the amount of disallowed costs plus accrued interest are repaid to the federal government.

[Statutory Authority: RCW 28A.150.290 and 1990 c 103, 91-07-006 (Order 44), § 392-121-530, filed 3/7/91, effective 4/7/91.]

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WAC 392-121-535 Withholding for repayment of federal moneys—Notice of intent to withhold basic education allocations. If the superintendent of public instruction determines pursuant to WAC 392-121-525 that substantial impairment does not exist, the superintendent of public instruction shall notify the school district in writing of intent to withhold basic education allocations.

[Statutory Authority: RCW 28A.150.290 and 1990 c 103, 91-07-006 (Order 44), § 392-121-535, filed 3/7/91, effective 4/7/91.]

WAC 392-121-540 Withholding for repayment of federal moneys—Withholding of basic education allocations. If the school district does not repay disallowed costs plus accrued interest or commit to an acceptable repayment plan within thirty calendar days of the notice provided pursuant to WAC 392-121-535, the superintendent of public instruction shall withhold from the school district's next basic education apportionment payment an amount equal to the disallowed costs plus accrued interest. After the initial withholding the superintendent of public instruction shall withhold amounts for additional interest accruing on disallowed costs.

[Statutory Authority: RCW 28A.150.290 and 1990 c 103, 91-07-006 (Order 44), § 392-121-540, filed 3/7/91, effective 4/7/91.]

WAC 392-121-545 Withholding for repayment of federal moneys—Payment of withheld basic education allocations. Moneys withheld pursuant to WAC 392-121-540 shall be restored to the school district or paid to the federal government as provided in this section.

(1) If the school district repays disallowed costs plus accrued interest to the federal government or commits to an acceptable repayment plan before the close of the state biennium in which withholding occurred the superintendent of public instruction shall restore withheld moneys to the school district's basic education allocation.

(2) If the school district does not repay or commit to repay pursuant to subsection (1) of this section, the superintendent of public instruction shall request the legislature for reappropriation of basic education moneys for the purpose of repaying the federal government. The requested reappropriation shall include amounts for interest accruing on disallowed costs up to the anticipated date of repayment to the federal government.

(3) Upon reappropriation of moneys pursuant to subsection (2) of this section, the superintendent of public instruction shall pay an amount equal to the disallowed costs plus accrued interest to the federal government.

[Statutory Authority: RCW 28A.150.290 and 1990 c 103, 91-07-006 (Order 44), § 392-121-545, filed 3/7/91, effective 4/7/91.]

Chapter 392-122 WAC

FINANCE—CATEGORICAL APPORTIONMENT

WAC

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392-122-221	Definition—State institutional education program—Enrollment exclusions.	392-122-125	State handicapped program—Handicapped program classified derived base salary. [Statutory Authority: RCW 28A.41.170. 86-01-021 (Order 85-16), § 392-122-125, filed 12/9/85; 84-20-078 (Order 84-36), § 392-122-125, filed 10/2/84.] Repealed by 91-03-118 (Order 2), filed 1/23/91, effective 2/23/91. Statutory Authority: RCW 28A.150.290, 1989 1st ex.s. c 19 and 1990 1st ex.s. c 16.
392-122-225	Definition—State institutional education program—Institutional education full-time equivalent (FTE) students.	392-122-215	Definition—State institutional education program—Institutional program classified average salary. [Statutory Authority: RCW 28A.41.170. 84-20-078 (Order 84-36), § 392-122-215, filed 10/2/84.] Repealed by 91-03-118 (Order 2), filed 1/23/91, effective 2/23/91. Statutory Authority: RCW 28A.150.290, 1989 1st ex.s. c 19 and 1990 1st ex.s. c 16.
392-122-230	Definition—State institutional education program—Annual average full-time equivalent (AAFTE) institutional education students.	392-122-240	State institutional education program—Institutional program classified average salary. [Statutory Authority: RCW 28A.41.170. 84-20-078 (Order 84-36), § 392-122-240, filed 10/2/84.] Repealed by 91-03-118 (Order 2), filed 1/23/91, effective 2/23/91. Statutory Authority:
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- RCW 28A.150.290, 1989 1st ex.s. c 19 and 1990 1st ex.s. c 16.
- 392-122-245 State institutional education program—Institutional program insurance benefits. [Statutory Authority: RCW 28A.41.170. 84-20-078 (Order 84-36), § 392-122-245, filed 10/2/84.] Repealed by 91-03-118 (Order 2), filed 1/23/91, effective 2/23/91. Statutory Authority: RCW 28A.150.290, 1989 1st ex.s. c 19 and 1990 1st ex.s. c 16.
- 392-122-250 State institutional education program—Institutional program nonemployee related cost. [Statutory Authority: RCW 28A.41.170. 84-20-078 (Order 84-36), § 392-122-250, filed 10/2/84.] Repealed by 91-03-118 (Order 2), filed 1/23/91, effective 2/23/91. Statutory Authority: RCW 28A.150.290, 1989 1st ex.s. c 19 and 1990 1st ex.s. c 16.

WAC 392-122-005 Authority. The authority for this chapter is RCW 28A.150.290 which authorizes the superintendent of public instruction to adopt rules and regulations for the implementation of chapter 28A.150 RCW.

[Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-122-005, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.41.170. 84-13-020 (Order 84-10), § 392-122-005, filed 6/13/84.]

WAC 392-122-010 Purpose. The purpose of this chapter is to establish policies and procedures for the distribution of state moneys to school districts for programs authorized by RCW 28A.150.370 other than basic education apportionment, special allocations pursuant to chapter 392-140 WAC, and transportation allocations.

[Statutory Authority: RCW 28A.150.290, 1989 1st ex.s. c 19 and 1990 1st ex.s. c 16. 91-03-118 (Order 2), § 392-122-010, filed 1/23/91, effective 2/23/91. Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-122-010, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.41.170. 84-13-020 (Order 84-10), § 392-122-010, filed 6/13/84.]

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

- (1) WAC 392-122-100 through 392-122-165; and
- (2) WAC 392-122-900 through 392-122-910.

[Statutory Authority: RCW 28A.150.290, 1989 1st ex.s. c 19 and 1990 1st ex.s. c 16. 91-03-118 (Order 2), § 392-122-100, filed 1/23/91, effective 2/23/91. Statutory Authority: RCW 28A.41.170. 84-20-078 (Order 84-36), § 392-122-100, filed 10/2/84.]

WAC 392-122-105 Definition—LEAP document for state handicapped program allocation. "LEAP document for state handicapped program allocation" means the formula unit worksheet establishing the ratios and percentage distribution of specified handicapping conditions cited in the State Operating Appropriations Act currently in effect for the purpose of distributing handicapped program allocations.

[Statutory Authority: RCW 28A.41.170. 84-20-078 (Order 84-36), § 392-122-105, filed 10/2/84.]

WAC 392-122-106 Definition—Form P-223H. "Form P-223H" means the report of school district handicapped headcount enrollment by each handicapping condition and age for eligible handicapped students as defined in WAC 392-122-135 submitted monthly by the school districts to the superintendent of public instruction for the school year for

the purpose of calculating the handicapped program allocations.

(1) The count dates for handicapped student enrollments shall be the same as specified in WAC 392-121-122.

(2) This report shall indicate the handicapped enrollment by resident school district and serving school district.

[Statutory Authority: RCW 28A.150.290, 1989 1st ex.s. c 19 and 1990 1st ex.s. c 16. 91-03-118 (Order 2), § 392-122-106, filed 1/23/91, effective 2/23/91. Statutory Authority: RCW 28A.41.170. 86-01-021 (Order 85-16), § 392-122-106, filed 12/9/85.]

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

[Statutory Authority: RCW 28A.150.290, 1989 1st ex.s. c 19 and 1990 1st ex.s. c 16. 91-03-118 (Order 2), § 392-122-107, filed 1/23/91, effective 2/23/91. Statutory Authority: RCW 28A.41.170. 86-01-021 (Order 85-16), § 392-122-107, filed 12/9/85.]

WAC 392-122-110 Definition—State handicapped program—Handicapped program certificated 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 392-122-120 State handicapped program—Determination of district average state handicapped program certificated instructional staff salary for the purpose of apportionment. The determination of district average handicapped program certificated instructional staff salary used in the handicapped allocation formula for the purposes of apportionment shall be the same as specified in WAC 392-121-299: *Provided*, That the words "state handicapped program" shall be substituted for "basic education" throughout that section.

[Statutory Authority: RCW 28A.150.290, 1989 1st ex.s. c 19 and 1990 1st ex.s. c 16. 91-03-118 (Order 2), § 392-122-120, filed 1/23/91, effective 2/23/91. Statutory Authority: RCW 28A.41.170. 84-20-078 (Order 84-36), § 392-122-120, filed 10/2/84.]

WAC 392-122-130 State handicapped program—Nonemployee related cost. State handicapped program moneys for nonemployee related costs (NERC) shall be

allocated to school districts for eligible handicapped students served at the maximum rate established in the LEAP document for state handicapped programs.

[Statutory Authority: RCW 28A.41.170. 84-20-078 (Order 84-36), § 392-122-130, filed 10/2/84.]

WAC 392-122-131 State handicapped program—Basic education backout. The district's basic education backout shall be calculated based on the percentages established in the LEAP document for state handicapped programs as defined in WAC 392-122-105.

[Statutory Authority: RCW 28A.41.170. 86-01-021 (Order 85-16), § 392-122-131, filed 12/9/85.]

WAC 392-122-132 State handicapped program—Substitute teacher pay allocations. State handicapped program moneys for substitute teacher pay allocations shall be allocated to school districts for certificated staff units at the maximum rate established in the LEAP document for state handicapped programs as defined in WAC 392-122-105.

[Statutory Authority: RCW 28A.41.170. 86-01-021 (Order 85-16), § 392-122-132, filed 12/9/85.]

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

- (1) WAC 392-171-381 (developmentally handicapped preschool students);
 - (2) WAC 392-171-386 (seriously behaviorally disabled students);
 - (3) WAC 392-171-391 (communication disordered students);
 - (4) WAC 392-171-396 (orthopedically impaired students);
 - (5) WAC 392-171-401 (health impaired students);
 - (6) WAC 392-171-406 (specific learning disabled students);
 - (7) WAC 392-171-421 (mentally retarded students);
 - (8) WAC 392-171-431 (multihandicapped students);
 - (9) WAC 392-171-436 (deaf students);
 - (10) WAC 392-171-441 (hard of hearing students);
 - (11) WAC 392-171-446 (visually handicapped students);
- and
- (12) WAC 392-171-451 (deaf-blind students).

[Statutory Authority: RCW 28A.41.170. 84-20-078 (Order 84-36), § 392-122-135, filed 10/2/84.]

WAC 392-122-140 State handicapped program—Home and/or hospital care. State handicapped program moneys shall be allocated to school districts for students eligible under WAC 392-171-486 temporarily requiring home and/or hospital care at the maximum rate provided annually by the superintendent of public instruction for the purpose of distributing home and/or hospital care allocations.

[Statutory Authority: RCW 28A.41.170. 84-20-078 (Order 84-36), § 392-122-140, filed 10/2/84.]

WAC 392-122-145 State handicapped program—Home and/or hospital care—Extended absences. Students eligible under WAC 392-171-486 temporarily requiring home and/or hospital care shall be counted as enrolled students pursuant to WAC 392-121-106 as follows:

(1) Students not deemed eligible handicapped students pursuant to WAC 392-122-135 whose absence from the regular attendance continues through two consecutive monthly enrollment report days shall be dropped from the rolls and shall not be counted as an enrolled student on the next monthly enrollment report day unless attendance has resumed. Such students shall only be eligible for home and/or hospital care allocations until attendance in the regular program is resumed.

(2) Students deemed eligible handicapped students pursuant to WAC 392-122-135 shall be reported as enrolled students for the duration of the home and/or hospital care.

[Statutory Authority: RCW 28A.150.290, 1989 1st ex.s. c 19 and 1990 1st ex.s. c 16. 91-03-118 (Order 2), § 392-122-145, filed 1/23/91, effective 2/23/91. Statutory Authority: RCW 28A.41.170. 84-20-078 (Order 84-36), § 392-122-145, filed 10/2/84.]

WAC 392-122-150 State handicapped program—Hospital educational program. State handicapped program moneys shall be allocated by the superintendent of public instruction to school districts operating a hospital educational program for the exclusive purpose of maintaining and operating the hospital educational program. School districts shall be allocated funds for hospital educational programs at the maximum rate provided annually by the superintendent of public instruction for the purpose of distributing hospital educational program allocations.

[Statutory Authority: RCW 28A.41.170. 84-20-078 (Order 84-36), § 392-122-150, filed 10/2/84.]

WAC 392-122-155 State handicapped program—Board and room cost. State handicapped program moneys shall be allocated to school districts for the cost of approved board and room for eligible handicapped students served and requiring board and room, who are not eligible under programs of the department of social and health services, but deemed in need of the board and room by the superintendent of public instruction. School districts shall be allocated funds for board and room of eligible handicapped students at the maximum rate provided annually by the superintendent of public instruction for the purpose of distributing board and room allocations.

[Statutory Authority: RCW 28A.41.170. 84-20-078 (Order 84-36), § 392-122-155, filed 10/2/84.]

WAC 392-122-160 State handicapped program—Reporting. (1) At such times as are designated by the superintendent of public instruction, each school district shall report the number of eligible handicapped students by each handicapping condition and age receiving special education according to instructions provided by the superintendent of public instruction. The handicapping condition shall be one of such conditions in WAC 392-122-135. The age for the purpose of determining the handicapped program allocation calculated in WAC 392-122-105 shall be the age of the student as of midnight August 31 of the school year. The

age reported by the school district shall be for apportionment purposes only and not for determination of a child's eligibility for access to a special education program as provided in chapter 392-171 WAC.

(2) Each school district shall provide, upon request, such additional data as are necessary to enable the superintendent of public instruction to allocate and substantiate the school district's allocation of state handicapped moneys.

[Statutory Authority: RCW 28A.41.170. 84-20-078 (Order 84-36), § 392-122-160, filed 10/2/84.]

WAC 392-122-165 State handicapped program—Apportionment of state handicapped program moneys. From moneys appropriated by the legislature, the superintendent of public instruction shall apportion state handicapped program moneys to each school district based on the LEAP document for state handicapped program allocation and on the provisions of WAC 392-122-100 through 392-122-160. The superintendent of public instruction shall make payments in the same manner as provided in WAC 392-121-400.

[Statutory Authority: RCW 28A.150.290, 1989 1st ex.s. c 19 and 1990 1st ex.s. c 16. 91-03-118 (Order 2), § 392-122-165, filed 1/23/91, effective 2/23/91.]

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

- (1) WAC 392-122-200 through 392-122-275; and
- (2) WAC 392-122-900 through 392-122-910.

[Statutory Authority: RCW 28A.150.290, 1989 1st ex.s. c 19 and 1990 1st ex.s. c 16. 91-03-118 (Order 2), § 392-122-200, filed 1/23/91, effective 2/23/91. Statutory Authority: RCW 28A.41.170. 84-20-078 (Order 84-36), § 392-122-200, filed 10/2/84.]

WAC 392-122-201 Definition—State institutional education program—School day. "School day" means the same as defined in WAC 392-121-033.

[Statutory Authority: RCW 28A.150.290. 92-03-045 (Order 92-03), § 392-122-201, filed 1/10/92, effective 2/10/92.]

WAC 392-122-202 Definition—State institutional education program—School year. "School year" means the same as defined in WAC 392-121-031.

[Statutory Authority: RCW 28A.150.290. 92-03-045 (Order 92-03), § 392-122-202, filed 1/10/92, effective 2/10/92.]

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

(1) State operated group homes—i.e., facilities maintained by the division of juvenile rehabilitation of the department of social and health services to house adjudicated youth twenty-four hours a day;

(2) Juvenile parole learning centers—i.e., facilities maintained by the division of juvenile rehabilitation of the department of social and health services for adjudicated youth residing in the community.

(3) Juvenile detention centers—i.e., facilities maintained by counties for treatment and education of juveniles who

have been placed under protective custody or have committed a criminal offense.

(4) Institutions for juvenile delinquents—i.e., facilities maintained by the division of juvenile rehabilitation of the department of social and health services for the diagnosis, confinement and rehabilitation of juveniles committed by the courts.

(5) Residential habilitation centers—i.e., facilities maintained by the division of developmental disabilities of the department of social and health services for care and treatment of persons with exceptional needs by reason of mental and/or physical deficiency.

[Statutory Authority: RCW 28A.150.290. 92-03-045 (Order 92-03), § 392-122-205, filed 1/10/92, effective 2/10/92. Statutory Authority: RCW 28A.41.170. 84-20-078 (Order 84-36), § 392-122-205, filed 10/2/84.]

WAC 392-122-206 Definition—State institutional education program—Form E-672. "Form E-672" means the form distributed by the superintendent of public instruction on which school districts operating institutional education programs report eligible institutional education students enrolled on the enrollment count dates specified in WAC 392-122-211.

[Statutory Authority: RCW 28A.150.290. 92-03-045 (Order 92-03), § 392-122-206, filed 1/10/92, effective 2/10/92. Statutory Authority: RCW 28A.150.290, 1989 1st ex.s. c 19 and 1990 1st ex.s. c 16. 91-03-118 (Order 2), § 392-122-206, filed 1/23/91, effective 2/23/91.]

WAC 392-122-207 Definition—State institutional education program—Residential institution. "Residential institution" means a state operated group home, juvenile detention center, institution for juvenile delinquents, or residential habilitation center.

[Statutory Authority: RCW 28A.150.290. 92-03-045 (Order 92-03), § 392-122-207, filed 1/10/92, effective 2/10/92.]

WAC 392-122-210 Definition—State institutional education program—Certificated instructional staff and mix factor variables for the purpose of apportionment. For the purpose of apportionment of state moneys, state institutional education program certificated instructional staff salary and mix factor variables shall be defined the same as in WAC 392-121-200 through 392-121-299: *Provided*, That the words "state institutional education program" shall be substituted for "basic education" throughout those sections.

[Statutory Authority: RCW 28A.150.290. 92-03-045 (Order 92-03), § 392-122-210, filed 1/10/92, effective 2/10/92. Statutory Authority: RCW 28A.150.290, 1989 1st ex.s. c 19 and 1990 1st ex.s. c 16. 91-03-118 (Order 2), § 392-122-210, filed 1/23/91, effective 2/23/91. Statutory Authority: RCW 28A.41.170. 84-20-078 (Order 84-36), § 392-122-210, filed 10/2/84.]

WAC 392-122-211 Definition—State institutional education program—Institution enrollment count dates. "Institution enrollment count dates" means the fourth school day of September and the first school day of each of the ten subsequent months of the school year.

[Statutory Authority: RCW 28A.150.290. 92-03-045 (Order 92-03), § 392-122-211, filed 1/10/92, effective 2/10/92.]

WAC 392-122-212 Definition—State institutional education program—Educational activity. As used in

WAC 392-122-200 through 392-122-275, "educational activity" means the following teaching/learning experiences provided by a school district:

(1) Instruction, testing, counselling, supervision, advising, and other services provided directly by school district certificated staff or by school district classified staff who are supervised by certificated staff.

(2) Up to one hour per day of scheduled study time if the study is in conjunction with other educational activity and if the study is monitored by school district staff who are present during the study.

(3) Up to two hours per day of individual study conducted by a student when school district staff are not present if all of the following conditions are met:

(a) The study is in pursuit of high school graduation credit;

(b) The study is part of a program of instruction defined by a school district certificated employee who evaluates the student's progress in that program;

(c) The student is making progress in the program;

(d) The study is not counted as work training experience pursuant to subsection (4) of this section; and

(e) Combined individual study time and scheduled study time pursuant to subsection (2) of this section claimed in determining the student's full-time equivalent pursuant to WAC 392-122-225 do not exceed two hours per day.

(4) Work experience training meeting the requirements of WAC 180-50-315: *Provided*, That each hour of work training experience shall be considered equivalent to 0.40 hours of educational activity.

[Statutory Authority: RCW 28A.150.290. 92-03-045 (Order 92-03), § 392-122-212, filed 1/10/92, effective 2/10/92.]

WAC 392-122-213 Definition—State institutional education program—Excused absence. As used in WAC 392-122-200 through 392-122-275, "excused absence" means an absence from scheduled educational activity which school district certificated staff determine to be due to one or more of the following:

(1) Illness;

(2) Attendance in court; or

(3) Meeting with a lawyer, case worker, counselor, physician, dentist, nurse, or other professional service provider.

[Statutory Authority: RCW 28A.150.290. 92-03-045 (Order 92-03), § 392-122-213, filed 1/10/92, effective 2/10/92.]

WAC 392-122-214 Definition—State institutional education program—Court-involved. As used in WAC 392-122-200 through 392-122-275, "court-involved" means:

(1) Currently serving a court-imposed sentence, probation, or parole;

(2) Currently involved in diversion pursuant to RCW 13.40.080;

(3) Currently involved in a legal proceeding which may find the student to have committed a criminal or juvenile offense; or

(4) Qualifying under subsection (1), (2), or (3) of this section within the past twelve months.

[Statutory Authority: RCW 28A.150.290. 92-03-045 (Order 92-03), § 392-122-214, filed 1/10/92, effective 2/10/92.]

WAC 392-122-220 Definition—State institutional education program—Enrolled institutional education program student. "Enrolled institutional education program student" means a person who:

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

(2) Is scheduled to engage in educational activity in the institutional education program during the current week;

(3) During the current school year, has engaged in educational activity in the institutional education program provided or supervised by school district certificated staff; and

(4) Does not qualify for any of the enrollment exclusions in WAC 392-122-221.

[Statutory Authority: RCW 28A.150.290. 92-03-045 (Order 92-03), § 392-122-220, filed 1/10/92, effective 2/10/92.]

WAC 392-122-221 Definition—State institutional education program—Enrollment exclusions. The following may not be counted as an enrolled institutional education program student:

(1) A person whose educational activity has terminated.

(2) A person who has transferred to another institution or school district.

(3) A residential institution student who:

(a) Has not engaged in educational activity in the past five school days including days, excluding days of excused absence;

(b) Has not engaged in educational activity in the past ten school days including days of excused absence; or

(c) Is claimed by any school district as an enrolled student eligible for state basic education support pursuant to chapter 392-121 WAC.

(4) A learning center student who:

(a) Is not court-involved; or

(b) Has not participated in educational activity within the past twenty school days.

[Statutory Authority: RCW 28A.150.290. 92-03-045 (Order 92-03), § 392-122-221, filed 1/10/92, effective 2/10/92.]

WAC 392-122-225 Definition—State institutional education program—Institutional education full-time equivalent (FTE) students. "Institutional education full-time equivalent (FTE) students" means the sum of a school district's FTE students on an enrollment count date determined as follows:

(1) An enrolled institutional education program student who is three to eight years of age and scheduled to engage in a minimum of twenty hours of educational activity per week shall be counted as one FTE.

(2) An enrolled institutional education program student who is nine years of age or older and scheduled to engage in a minimum of twenty-five hours of educational activity per week shall be counted as one FTE.

(3) An enrolled institutional education program student who is scheduled to engage in less than the minimum hours for one FTE shall be counted as a partial FTE, determined by dividing the scheduled hours of educational activity by the minimum hours for one FTE.

(4) In determining a student's FTE, educational activity may include up to ten minutes of class transition time between classes but shall not include noon intermission.

(5) No student shall be counted as more than one FTE.

[Statutory Authority: RCW 28A.150.290. 92-03-045 (Order 92-03), § 392-122-225, filed 1/10/92, effective 2/10/92.]

WAC 392-122-230 Definition—State institutional education program—Annual average full-time equivalent (AAFTE) institutional education students. "Annual average full-time equivalent (AAFTE) institutional education students" means:

(1) For residential institutions, the average institutional education FTE students on the eleven institution enrollment count dates of the school year.

(2) For learning centers, the average institutional education FTE students on the eight institution enrollment count dates of October through May.

[Statutory Authority: RCW 28A.150.290. 92-03-045 (Order 92-03), § 392-122-230, filed 1/10/92, effective 2/10/92. Statutory Authority: RCW 28A.150.290, 1989 1st ex.s. c 19 and 1990 1st ex.s. c 16. 91-03-118 (Order 2), § 392-122-230, filed 1/23/91, effective 2/23/91. Statutory Authority: RCW 28A.41.170. 84-20-078 (Order 84-36), § 392-122-230, filed 10/2/84.]

WAC 392-122-235 State institutional education program—Determination of district average state institutional program certificated instructional staff salary for the purpose of apportionment. The determination of district average institutional education program certificated instructional staff salary used in the institutional education allocation formula for the purposes of apportionment shall be the same as specified in WAC 392-121-299: *Provided*, That the words "state institutional education program" shall be substituted for "basic education" throughout that section.

[Statutory Authority: RCW 28A.150.290, 1989 1st ex.s. c 19 and 1990 1st ex.s. c 16. 91-03-118 (Order 2), § 392-122-235, filed 1/23/91, effective 2/23/91. Statutory Authority: RCW 28A.41.170. 84-20-078 (Order 84-36), § 392-122-235, filed 10/2/84.]

WAC 392-122-255 State institutional education program—Institutional program indirect cost. State institutional education program moneys for the purpose of recognition of institutional program indirect costs shall be allocated to school districts as follows:

(1) For the 1991-92 school year, the allocation shall be based on the school district's indirect cost percent for the institutional program from Report F-196 Part III and in accordance with the state Operating Appropriations Act.

(2) For the 1992-93 school year and thereafter, the allocation shall be based on the indirect cost rate assumed in the state Operating Appropriations Act.

[Statutory Authority: RCW 28A.150.290. 92-19-125 (Order 92-08), § 392-122-255, filed 9/21/92, effective 10/22/92; 92-03-045 (Order 92-03), § 392-122-255, filed 1/10/92, effective 2/10/92. Statutory Authority: RCW 28A.41.170. 84-20-078 (Order 84-36), § 392-122-255, filed 10/2/84.]

WAC 392-122-260 State institutional education program—Basic education funding for state learning centers. For the purposes of determining recoveries under WAC 392-122-910, a school district's basic education program allocation for learning center students shall be added to the institutional education program allocation for

the learning center. The amount of the basic education program allocation for learning center students for a school year shall be calculated by multiplying the state guarantee per full-time equivalent pupil rate by the number of annual average full-time equivalent institutional education students as defined in WAC 392-122-230.

[Statutory Authority: RCW 28A.150.290. 92-03-045 (Order 92-03), § 392-122-260, filed 1/10/92, effective 2/10/92. Statutory Authority: RCW 28A.41.170. 84-20-078 (Order 84-36), § 392-122-260, filed 10/2/84.]

WAC 392-122-265 State institutional education program—Institutional program traffic safety allocation. Traffic safety moneys shall be allocated to eligible state institutional education programs pursuant to WAC 392-122-300 through 392-122-322.

[Statutory Authority: RCW 28A.220.030. 92-03-138 (Order 92-04), § 392-122-265, filed 1/22/92, effective 2/22/92. Statutory Authority: RCW 28A.41.170. 84-20-078 (Order 84-36), § 392-122-265, filed 10/2/84.]

WAC 392-122-270 State institutional education program—Apportionment of state moneys. From the state institutional education program moneys appropriated to the superintendent of public instruction, the superintendent shall make allocations to school districts based on the school district's annual average full-time equivalent institutional education students and as provided in the state Operating Appropriations Act and WAC 392-122-200 through 392-122-275.

(1) Institutional education program allocations shall be based on a two hundred twenty-day school year. Allocations to a school district offering less than two hundred twenty school days shall be reduced pro rata as provided in WAC 392-122-910.

(2) The superintendent of public instruction shall make payments in the same manner as provided in WAC 392-121-400.

(3) The superintendent of public instruction may reduce or delay payment of institutional education program moneys pursuant to chapter 392-117 WAC, Timely reporting.

[Statutory Authority: RCW 28A.150.290. 92-03-045 (Order 92-03), § 392-122-270, filed 1/10/92, effective 2/10/92. Statutory Authority: RCW 28A.150.290, 1989 1st ex.s. c 19 and 1990 1st ex.s. c 16. 91-03-118 (Order 2), § 392-122-270, filed 1/23/91, effective 2/23/91. Statutory Authority: RCW 28A.41.170. 84-20-078 (Order 84-36), § 392-122-270, filed 10/2/84.]

WAC 392-122-275 State institutional education program—School district reporting. Each school district operating an institutional education program shall report to the superintendent of public instruction as follows:

(1) The district shall report on Form E-672 the number of individual enrolled institutional education program students and the number of institutional education full-time equivalent students on each institution enrollment count date.

(2) Report forms shall be signed by the school district superintendent or a designated official of the school district.

(3) A district operating a learning center shall also report learning center students for basic education support pursuant to chapter 392-121 WAC.

(4) A district operating a learning center shall report only "court-involved" learning center students as institutional education students on Forms E-672.

(5) Each school district operating an institutional education program shall provide, upon request, such additional data as are necessary to enable the superintendent of public instruction to allocate and substantiate the district's allocation of state institutional education program moneys.

(6) School district reporting shall be subject to chapter 392-117 WAC, Timely reporting.

[Statutory Authority: RCW 28A.150.290. 92-03-045 (Order 92-03), § 392-122-275, filed 1/10/92, effective 2/10/92. Statutory Authority: RCW 28A.41.170. 84-20-078 (Order 84-36), § 392-122-275, filed 10/2/84.]

WAC 392-122-300 Traffic safety education—Applicable provisions. WAC 392-122-300 through 392-122-322 and WAC 392-122-905 through 392-122-910 apply to distribution of state moneys for traffic safety education.

[Statutory Authority: RCW 28A.220.030. 92-03-138 (Order 92-04), § 392-122-300, filed 1/22/92, effective 2/22/92.]

WAC 392-122-301 Traffic safety education—Definition—Completing student. As used in WAC 392-122-300 through 392-122-322, "completing student" means the same as defined in WAC 392-153-032.

[Statutory Authority: RCW 28A.220.030. 92-03-138 (Order 92-04), § 392-122-301, filed 1/22/92, effective 2/22/92.]

WAC 392-122-302 Traffic safety education—Definition—Low-income student. As used in WAC 392-122-300 through 392-122-322 "low-income student" means the same as defined in WAC 392-100-100.

[Statutory Authority: RCW 28A.220.030. 92-03-138 (Order 92-04), § 392-122-302, filed 1/22/92, effective 2/22/92.]

WAC 392-122-303 Traffic safety education—Low-income eligibility—Documentation and confidentiality. Documentation of low-income student eligibility shall meet the requirements of WAC 392-100-101. Confidentiality of eligibility of low-income students shall be maintained as provided in WAC 392-100-102.

[Statutory Authority: RCW 28A.220.030. 92-03-138 (Order 92-04), § 392-122-303, filed 1/22/92, effective 2/22/92.]

WAC 392-122-304 Traffic safety education—Definition—Low-income tuition assistance. As used in WAC 392-122-300 through 392-122-322, "low-income tuition assistance" means the result of subtracting the traffic safety education fee paid the school district by a completing low-income student from the fee paid by a completing student who is not low-income.

[Statutory Authority: RCW 28A.220.030. 92-03-138 (Order 92-04), § 392-122-304, filed 1/22/92, effective 2/22/92.]

WAC 392-122-320 Traffic safety education—Apportionment of state moneys. From moneys appropriated for traffic safety education, the superintendent of public instruction shall allocate moneys to each school district as follows:

(1) For the 1991-92 school year, the school district's allocation equals:

(a) The number of completing students as reported on Form F-196 for the 1989-90 school year; multiplied by

(b) The percentage of enrollment determined by the superintendent of public instruction to be eligible for free and reduced priced lunches for the 1990-91 school year; and further multiplied by

(c) The state-wide uniform rate determined by dividing the available appropriation for the 1991-92 school year by the estimated state-wide number of low-income traffic safety education completers.

(2) Payments for the 1991-92 school year shall be at the rate of ten percent a month for the months of September through June.

(3) Moneys for the 1991-92 school year recovered pursuant to WAC 392-122-322 may be reallocated proportionately among school districts which report 1991-92 low-income tuition assistance in excess of the allocation provided pursuant to subsection (1) of this section.

(4) For the 1992-93 school year and thereafter, the school district's allocation equals the sum of the following amounts:

(a) The number of completing low-income students reported by the school district pursuant to WAC 392-122-321 times the state-wide uniform rate determined by dividing the available appropriation for low-income tuition assistance by total completing low-income students reported by all school districts; and

(b) The total number of completing students reported by the school district pursuant to WAC 392-122-321 times the state-wide uniform rate determined by dividing the available appropriation (excluding low-income tuition assistance moneys) by total completing students reported by all school districts.

(5) For the 1992-93 school year and thereafter the superintendent of public instruction shall make payments in the same manner as provided in WAC 392-121-400.

[Statutory Authority: RCW 28A.220.030 and 1992 c 232 § 509. 92-21-009 (Order 92-13), § 392-122-320, filed 10/9/92, effective 11/9/92. Statutory Authority: RCW 28A.220.030. 92-03-138 (Order 92-04), § 392-122-320, filed 1/22/92, effective 2/22/92.]

WAC 392-122-321 Traffic safety education—School district reporting. Each school district receiving state traffic safety education moneys for a school year shall report to the superintendent of public instruction as follows:

(1) By November 1 of the following school year, the school district shall report the following information for the school year of the allocation:

(a) The total number of traffic safety education completing students;

(b) The total number of low-income traffic safety education completing students;

(c) The amount of low-income tuition assistance provided by the school district;

(d) The criteria used for providing low-income assistance;

(e) The fee paid by low-income completing students; and

(f) The fee paid by completing students who are not low-income.

(2) At any time prior to November 1, 1993, any school district using 1992-93 traffic safety education moneys provided pursuant to this chapter to reimburse students for traffic safety education fees paid during the 1991-92 school

year, may report the amount of such reimbursements to the superintendent of public instruction. Such report shall be in writing and shall be signed by the school district superintendent or the superintendent's designee.

[Statutory Authority: RCW 28A.220.030 and 1992 c 232 § 509. 92-21-009 (Order 92-13), § 392-122-321, filed 10/9/92, effective 11/9/92. Statutory Authority: RCW 28A.220.030. 92-03-138 (Order 92-04), § 392-122-321, filed 1/22/92, effective 2/22/92.]

WAC 392-122-322 Traffic safety education—Recovery of moneys. The superintendent of public instruction shall recover traffic safety education allocations as follows:

(1) After November 1 of the following school year, the superintendent of public instruction shall compare each school district's state traffic safety education allocation for low-income tuition assistance for the school year and the amount of low-income tuition assistance for traffic safety education provided by the school district for the school year as reported pursuant to WAC 392-122-321 (1)(c). Any part of the allocation not used to provide low-income tuition assistance shall be recovered.

(2) Moneys may be recovered pursuant to chapter 392-117 WAC, WAC 392-122-900, or 392-122-910.

(3) In determining recoveries of traffic safety education allocations other than those provided for low-income tuition assistance the superintendent of public instruction shall compare such allocations to the school district's total traffic safety education expenditures for the school year as reported on Report F-196, Part III. For the purpose of determining recoveries for the 1992-93 school year, any reimbursement reported by a school district pursuant to WAC 392-122-321(2) shall be added to the district's 1992-93 traffic safety education expenditures.

[Statutory Authority: RCW 28A.220.030 and 1992 c 232 § 509. 92-21-009 (Order 92-13), § 392-122-322, filed 10/9/92, effective 11/9/92. Statutory Authority: RCW 28A.220.030. 92-03-138 (Order 92-04), § 392-122-322, filed 1/22/92, effective 2/22/92.]

FAIR START PROGRAM

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.]

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

- (1) WAC 392-122-600 through 392-122-610;
- (2) WAC 392-122-900: *Provided*, That allowable expenditures including indirect expenditures shall be determined pursuant to WAC 392-162-095; and
- (3) WAC 392-122-905 through 392-122-910.

[Statutory Authority: RCW 28A.150.290, 1989 1st ex.s. c 19 and 1990 1st ex.s. c 16. 91-03-118 (Order 2), § 392-122-600, filed 1/23/91, effective 2/23/91. Statutory Authority: RCW 28A.41.170. 84-20-078 (Order 84-36), § 392-122-600, filed 10/2/84; 84-13-020 (Order 84-10), § 392-122-600, filed 6/13/84.]

WAC 392-122-605 Apportionment of state moneys for the state learning assistance program. State learning assistance program moneys shall be allocated as provided in the state Operating Appropriations Act in effect at the time the apportionment is due.

[Statutory Authority: RCW 28A.150.290, 1989 1st ex.s. c 19 and 1990 1st ex.s. c 16. 91-03-118 (Order 2), § 392-122-605, filed 1/23/91, effective 2/23/91. Statutory Authority: RCW 28A.41.170. 87-09-018 (Order 87-2), § 392-122-605, filed 4/6/87; 86-01-021 (Order 85-16), § 392-122-605, filed 12/9/85; 84-20-078 (Order 84-36), § 392-122-605, filed 10/2/84; 84-13-020 (Order 84-10), § 392-122-605, filed 6/13/84.]

WAC 392-122-610 Payment of state moneys for the state learning assistance program. From the state learning assistance program moneys appropriated to the superintendent of public instruction, the superintendent shall make payments in the same manner as provided in WAC 392-121-400.

[Statutory Authority: RCW 28A.150.290, 1989 1st ex.s. c 19 and 1990 1st ex.s. c 16. 91-03-118 (Order 2), § 392-122-610, filed 1/23/91, effective 2/23/91. Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-122-610, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.41.170. 86-01-021 (Order 85-16), § 392-122-610, filed 12/9/85; 84-20-078 (Order 84-36), § 392-122-610, filed 10/2/84; 84-13-020 (Order 84-10), § 392-122-610, filed 6/13/84.]

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

- (1) WAC 392-122-700 through 392-122-710; and
- (2) WAC 392-122-900 through 392-122-910.

[Statutory Authority: RCW 28A.150.290, 1989 1st ex.s. c 19 and 1990 1st ex.s. c 16. 91-03-118 (Order 2), § 392-122-700, filed 1/23/91, effective 2/23/91. Statutory Authority: RCW 28A.41.170. 84-20-078 (Order 84-36), § 392-122-700, filed 10/2/84; 84-13-020 (Order 84-10), § 392-122-700, filed 6/13/84.]

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

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

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

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

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

[Statutory Authority: RCW 28A.41.170. 84-20-078 (Order 84-36), § 392-122-705, filed 10/2/84; 84-13-020 (Order 84-10), § 392-122-705, filed 6/13/84.]

WAC 392-122-710 Distribution of state moneys for the transitional bilingual program. The superintendent of public instruction shall apportion to districts for the state transitional bilingual program the amount calculated per district in WAC 392-122-705 according to the apportionment schedule provided in RCW 28A.510.250. Monthly payments to districts shall be adjusted during the year to reflect changes in the district's reported eligible students as reported

on the P223, monthly report of school district enrollment form.

[Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-122-710, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.41.170. 86-01-021 (Order 85-16), § 392-122-710, filed 12/9/85; 84-20-078 (Order 84-36), § 392-122-710, filed 10/2/84; 84-13-020 (Order 84-10), § 392-122-710, filed 6/13/84.]

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

- (1) WAC 392-122-800 through 392-122-810; and
- (2) WAC 392-122-900 through 392-122-910.

[Statutory Authority: RCW 28A.150.290, 1989 1st ex.s. c 19 and 1990 1st ex.s. c 16. 91-03-118 (Order 2), § 392-122-800, filed 1/23/91, effective 2/23/91. Statutory Authority: RCW 28A.41.170. 84-13-020 (Order 84-10), § 392-122-800, filed 6/13/84.]

WAC 392-122-805 Formula for distribution of state moneys for the state highly capable students education program. (1) As used in this section, the term "average annual full-time equivalent students" or AAFTE shall be defined as that term defined in WAC 392-121-133.

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

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

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

(c) The product is the district's entitlement subject to WAC 392-122-810 and its provision for enrollment adjustment.

[Statutory Authority: RCW 28A.150.290, 1989 1st ex.s. c 19 and 1990 1st ex.s. c 16. 91-03-118 (Order 2), § 392-122-805, filed 1/23/91, effective 2/23/91. Statutory Authority: RCW 28A.41.170. 84-20-078 (Order 84-36), § 392-122-805, filed 10/2/84; 84-13-020 (Order 84-10), § 392-122-805, filed 6/13/84.]

WAC 392-122-810 Distribution of state moneys for the state highly capable students education program.

The superintendent of public instruction shall apportion to districts for the state highly capable student education program the amount calculated per district in WAC 392-122-805 according to the apportionment schedule provided in RCW 28A.510.250. The amount apportioned may be adjusted intermittently to reflect changes in the district's AAFTE students as reported on the P223, monthly report of school district enrollment form.

[Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-122-810, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.41.170. 84-20-078 (Order 84-36), § 392-122-810, filed 10/2/84; 84-13-020 (Order 84-10), § 392-122-810, filed 6/13/84.]

WAC 392-122-900 General provision—Carryover prohibition. Categorical apportionment moneys shall not be carried over by a school district from one school district fiscal year to another.

(1) The superintendent of public instruction shall recover categorical program allocations made pursuant to this chapter which are not expended by the school district during the school year for allowable program costs:

(a) Moneys recovered at the end of the school year beginning during the first year of each biennium shall be available for reallocation by the superintendent of public instruction.

(b) Moneys recovered at the end of the school year beginning during the second year of each biennium shall revert to the state treasurer: *Provided*, That if prior to recovery, insufficient moneys are available to fully fund those programs operating in the second year of the biennium, any moneys recovered shall first be allocated to fully fund these programs.

(2) Except as provided in subsection (3) of this section, the amount recovered pursuant to subsection (1) of this section shall be determined as follows:

(a) Determine the state allocation for the categorical program;

(b) Determine the district's expenditures for the program including indirect expenditures and abatements deemed allowable by the superintendent of public instruction as reported on Year-End Financial Statement F-196, Part III or such other document filed by the district pursuant to instructions provided by the superintendent of public instruction;

(c) If the amount of (a) of this subsection exceeds the amount of (b) of this subsection, the difference shall be recovered.

(3) The amount recovered pursuant to subsection (1) of this section for the institutional education program for the 1992-93 school year and thereafter shall be determined as follows:

(a) Determine the state allocation for the institutional education program excluding any amount provided for indirect costs;

(b) Determine the district's direct expenditures for the institutional education program as reported on Year-End Financial Statement F-196 or such other document filed by the district pursuant to instructions provided by the superintendent of public instruction;

(c) If the amount of (a) of this subsection exceeds the amount of (b) of this subsection, the difference shall be recovered.

[Statutory Authority: RCW 28A.150.290, 92-19-125 (Order 92-08), § 392-122-900, filed 9/21/92, effective 10/22/92. Statutory Authority: RCW 28A.41.170, 86-01-021 (Order 85-16), § 392-122-900, filed 12/9/85; 84-20-078 (Order 84-36), § 392-122-900, filed 10/2/84; 84-13-020 (Order 84-10), § 392-122-900, filed 6/13/84.]

WAC 392-122-905 General provision—Maximum control factor—Proration. The maximum rate of allocation specified in this chapter shall be allocated by the superintendent of public instruction to school districts unless the state appropriations for these programs are insufficient and it is necessary for the superintendent of public instruction to prorate all or a portion of these funds appropriated for allocation to school districts for such programs. All such prorations shall be announced to school districts through official agency bulletins or reports.

[Statutory Authority: RCW 28A.41.170, 86-01-021 (Order 85-16), § 392-122-905, filed 12/9/85; 84-13-020 (Order 84-10), § 392-122-905, filed 6/13/84.]

WAC 392-122-910 General provisions—Recovery for failure to meet program requirements. (1) Categorical apportionment moneys affected by this chapter shall be recovered in the event that a school district fails to meet one or more conditions that are established in state law, including the state Operating Appropriations Act, or state rules, or regulations.

(2) Such recovery shall occur if:

(a) The school district's failure to meet one or more established conditions is documented either on a school district report that has been submitted to the superintendent of public instruction or by review of the school district's program by the superintendent of public instruction; and

(b) The school district has been given notice by the superintendent of public instruction of such failure at least thirty calendar days prior to the date of recovery.

(3) The amount of such recovery shall be proportional to the degree to which the school district fails to meet the established condition.

[Statutory Authority: RCW 28A.150.290, 1989 1st ex.s. c 19 and 1990 1st ex.s. c 16, 91-03-118 (Order 2), § 392-122-910, filed 1/23/91, effective 2/23/91.]

Chapter 392-123 WAC

FINANCE—SCHOOL DISTRICT BUDGETING

WAC

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392-123-120	Statement of financial condition—Financial position of the school district.	392-123-0511
392-123-125	Personnel budget status report.	July and August 1977 budget. [Order 8-76, § 392-123-0511, filed 7/23/76.] Repealed by 80-06-043 (Order 80-16), filed 5/13/80. Statutory Authority: RCW 28A.65.465.
392-123-132	Reconciliation of monthly county treasurers' statements to district records.	392-123-052
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392-123-140	Interfund loans allowable.	392-123-075
392-123-141	Effective date.	Identification of a balanced budget for fiscal year 1976-77. [Order 8-76, § 392-123-075, filed 7/23/76; Order 7-75, § 392-123-075, filed 12/22/75. Formerly WAC 392-30-140.] Repealed by 80-06-043 (Order 80-16), filed 5/13/80. Statutory Authority: RCW 28A.65.465.
392-123-145	Interfund loans—Identification of temporary loans.	392-123-085
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392-123-155	Interfund loans—Full disclosure on financial statements.	392-123-090
392-123-160	Interfund loans—Board resolution adopted—Contents.	Preliminary budget for fiscal year 1976-77 as noncompliant and unsound. [Order 8-76, § 392-123-090, filed 7/23/76; Order 7-75, § 392-123-090, filed 12/22/75. Formerly WAC 392-30-170.] Repealed by 80-06-043 (Order 80-16), filed 5/13/80. Statutory Authority: RCW 28A.65.465.
392-123-165	Contractual liability extending beyond end of fiscal period.	392-123-130
392-123-170	Proceeds from the sale of school district real property.	Monthly cash and investment status report for funds other than the general fund. [Order 8-76, § 392-123-130, filed 7/23/76; Order 7-75, § 392-123-130, filed 12/22/75. Formerly WAC 392-30-250.] Repealed by 81-20-007 (Order 81-18), filed 9/24/81. Statutory Authority: RCW 28A.41.170, 28A.41.055 and 28A.65.465.
392-123-175	Proceeds from the lease, rental or occasional use of surplus property.	
392-123-180	Bond proceeds.	

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

392-123-015	Fiscal year 1976-77 preliminary and final budgets required. [Order 8-76, § 392-123-015, filed 7/23/76; Order 7-75, § 392-123-015, filed 12/22/75. Formerly WAC 392-30-030.] Repealed by 80-06-043 (Order 80-16), filed 5/13/80. Statutory Authority: RCW 28A.65.465.
392-123-020	Petition to stipulate that fiscal year 1976-77 preliminary budget shall become final budget. [Order 8-76, § 392-123-020, filed 7/23/76; Order 7-75, § 392-123-020, filed 12/22/75. Formerly WAC 392-30-035.] Repealed by 80-06-043 (Order 80-16), filed 5/13/80. Statutory Authority: RCW 28A.65.465.
392-123-025	Fiscal year 1976-77 preliminary and final budget forms provided by the superintendent. [Order 8-76, § 392-123-025, filed 7/23/76; Order 7-75, § 392-123-025, filed 12/22/75. Formerly WAC 392-30-040.] Repealed by 80-06-043 (Order 80-16), filed 5/13/80. Statutory Authority: RCW 28A.65.465.
392-123-030	Fiscal year 1976-77 preliminary and final budget preparation. [Order 8-76, § 392-123-030, filed 7/23/76; Order 7-75, § 392-123-030, filed 12/22/75. Formerly WAC 392-30-050.] Repealed by 80-06-043 (Order 80-16), filed 5/13/80. Statutory Authority: RCW 28A.65.465.
392-123-035	Fiscal year 1976-77 budget required to be developed on accrual basis. [Order 8-76, § 392-123-035, filed 7/23/76; Order 7-75, § 392-123-035, filed 12/22/75. Formerly WAC 392-30-060.] Repealed by 80-06-043 (Order 80-16), filed 5/13/80. Statutory Authority: RCW 28A.65.465.
392-123-040	The time schedule for the fiscal year 1976-77 preliminary budget process—Adoption. [Order 8-76, § 392-123-040, filed 7/23/76; Order 7-75, § 392-123-040, filed 12/22/75. Formerly WAC 392-30-070 (part).] Repealed by 80-06-043 (Order 80-16), filed 5/13/80. Statutory Authority: RCW 28A.65.465.
392-123-045	Time schedule for the fiscal year 1976-77 preliminary budget process—Post adoption. [Order 8-76, § 392-123-045, filed 7/23/76; Order 7-75, § 392-123-045, filed 12/22/75. Formerly WAC 392-30-070 (part).] Repealed by 80-06-043 (Order 80-16), filed 5/13/80. Statutory Authority: RCW 28A.65.465.
392-123-050	Time schedule for the fiscal year 1976-77 final budget process. [Order 8-76, § 392-123-050, filed 7/23/76; Order 7-75, § 392-123-050, filed 12/22/75. Formerly WAC 392-30-080.] Repealed by 80-06-043 (Order 80-16), filed 5/13/80. Statutory Authority: RCW 28A.65.465.
392-123-051	Basis of budgeting and accounting. [Statutory Authority: RCW 28A.41.170, 28A.41.055 and 28A.65.465. 81-20-007 (Order 81-18), § 392-123-051, filed 9/24/81. Statutory Authority: RCW 28A.65.465. 80-06-043 (Order 80-16), § 392-123-051, filed 5/13/80; Order 8-76, § 392-123-051, filed 7/23/76.] Repealed by 82-19-048 (Order 82-

WAC 392-123-003 Authority. The authority for this chapter is RCW 28A.505.140 which authorizes the superintendent of public instruction to promulgate rules and regulations regarding budgetary procedures and practices by school districts.

[Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-123-003, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.65.465. 83-21-027 (Order 83-12), § 392-123-003, filed 10/10/83.]

WAC 392-123-005 Purposes. The purposes of this chapter are to implement chapter 28A.505 RCW and insure proper budgetary procedures and practices on the part of school districts.

[Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-123-005, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.41.170, 28A.41.055 and 28A.65.465. 81-20-007 (Order 81-18), § 392-123-005, filed 9/24/81; Order 8-76, § 392-123-005, filed 7/23/76; Order 7-75, § 392-123-005, filed 12/22/75. Formerly WAC 392-30-010.]

WAC 392-123-010 The accounting manual. The superintendent of public instruction and the office of the state auditor shall publish and distribute to each school district an accounting manual which shall be referred to as *The Accounting Manual for Public School Districts of the State of Washington*. Such accounting manual, as now or hereafter amended, shall govern the accounting procedures of each school district and is hereby incorporated into this chapter by this reference. Prior to any revision thereof, the superintendent of public instruction shall publish notice of such proposed action and shall hold at least one public hearing.

[Statutory Authority: RCW 28A.41.170, 28A.41.055 and 28A.65.465. 81-20-007 (Order 81-18), § 392-123-010, filed 9/24/81; Order 8-76, § 392-123-

010, filed 7/23/76; Order 7-75, § 392-123-010, filed 12/22/75. Formerly WAC 392-30-020.]

WAC 392-123-011 School district fiscal year. The school district fiscal year shall begin on September 1 and end on August 31.

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

WAC 392-123-046 Definitions—General fund, capital projects fund, debt service fund, associated student body fund, advanced refunding and advance refunded bond funds, transportation vehicle fund and insurance reserves. (1) A general fund shall be established for maintenance and operation of the school district to account for all financial operations of the school district, except those required to be accounted for in another fund, as authorized by RCW 28A.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 392-123-047 Definitions—Revenue, accrual basis expenditures, cash basis expenditures, appropriation, and disbursements. As used in this chapter, the term:

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

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

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

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

Revenue that cannot be accrued because it does not meet the above tests includes: Collection of excess levies not expected to be received until after the end of the fiscal

period and PL 874 funds that are to be received in cash in the following fiscal period, i.e. the twenty-five percent payment that is received after the end of the fiscal period.

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

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

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

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

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

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

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

(11) "Disbursements" shall mean payments in cash, including the issuance of warrants, and the disbursement of inventory.

[Statutory Authority: RCW 28A.41.170, 28A.65.465 and 28A.41.055. 85-15-110 (Order 85-3), § 392-123-047, filed 7/24/85. Statutory Authority: RCW 28A.65.465. 83-21-027 (Order 83-12), § 392-123-047, filed 10/10/83; 82-19-048 (Order 82-13), § 392-123-047, filed 9/14/82.]

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

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

(2) Recognition of expenditures for all funds shall be on the accrual basis: *Provided*, That school districts with under one thousand full time equivalent students for the preceding fiscal year may make a uniform election for all funds, except debt service funds, to be on the cash basis of expenditure recognition. Notification of such election shall be given to the state superintendent of public instruction in the budget of the school district and shall remain in effect for one full fiscal year.

[Statutory Authority: RCW 28A.65.465. 83-21-027 (Order 83-12), § 392-123-049, filed 10/10/83; 82-19-048 (Order 82-13), § 392-123-049, filed 9/14/82.]

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

Every school district budget shall be prepared, submitted and adopted in the format prescribed by the superintendent of public instruction. The budget classifications contained in said format shall be in accordance with the accounting

manual for public school districts, published by the superintendent of public instruction and the state auditor. Budgets prepared and adopted in a format other than that prescribed by the superintendent of public instruction shall not be official and will have no legal effect.

All items on the budget form shall be completed correctly in accordance with instructions provided by the superintendent of public instruction before the budget is presented for hearing review and approval. Information pertaining to budget development which is not available at the time of budget preparation shall be estimated using the most current and reliable information available.

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

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

The budget shall set forth by detailed items or classes the estimated expenditures for the budgeted fiscal year, the estimated expenditures for the fiscal year current at the time of budget preparation, and the actual expenditures for the last completed fiscal year. Total salary amounts, full-time equivalents and the high, low and average annual salaries shall be displayed by each job classification within each activity within each program. If individual salaries within each position title are not displayed, districts shall provide individual salaries together with the position title of the recipient and the total salary amounts budgeted for each program upon request. Salary schedules shall be displayed. In districts where negotiations have not been completed, the district may budget the salaries at the current year's rate and restrict fund balance for the amount of anticipated increase in salaries, so long as an explanation shall be attached to the budget on such restriction of fund balance.

[Statutory Authority: RCW 28A.65.465. 83-21-027 (Order 83-12), § 392-123-053, filed 10/10/83; 80-06-043 (Order 80-16), § 392-123-053, filed 5/13/80; Order 8-76, § 392-123-053, filed 7/23/76.]

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

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

budgets, every school district shall publish a notice stating that the district has completed the budget and placed the same on file in the school district administration office, that a copy thereof will be furnished any person who will call upon the district for it, and that the board of directors will meet for the purpose of fixing and adopting the budget of the district for the ensuing fiscal year. Such notice shall designate the date, time, and place of said meeting. The notice shall also state that any person may appear thereat and be heard for or against any part of such budget. Said notice shall be published at least once each week for two consecutive weeks in a newspaper of general circulation in the district, or, if there be none, in a newspaper of general circulation in the county or counties in which such district is a part. The last notice shall be published no later than seven days immediately prior to the hearing.

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.

August 3

August 10 Final date for educational service district to notify districts of problems noted in review.

August 31 Final date for board of directors to meet in public hearing and fix and adopt said budget. Such hearing may be continued not to exceed a total of two days: *Provided*, 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.

Such hearing may be continued not to exceed a total of two days: *Provided*, That the budget must be adopted no later than August 1st.

Upon conclusion of the hearing the board of directors shall fix and determine the appropriation from each fund contained in the budget separately, and shall by resolution adopt the budget and the appropriations as so finally determined, and enter the same in the official minutes of the board.

Last date to forward the adopted budget to educational service district for review, alteration and approval.

Final date for educational service district to file adopted and reviewed budgets with superintendent of public instruction.

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.

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 392-123-055 Identification of revenues to be included in the budget. Only revenues which can be reasonably anticipated to be available, as defined in WAC 392-123-047 in the fiscal period for which the budget is being prepared may be budgeted by a school district, except under the following condition: Receipt of written permission from the superintendent of public instruction to budget as revenue in a district's budget receivables collectible in future fiscal periods.

All available current information including current instructions contained in bulletins now or hereafter published by the superintendent of public instruction shall be used to determine the amount of budget revenues that can reasonably be expected to be available in the fiscal period. Proposed levies which have not been certified as approved by the voters shall not be included in the budget as adopted for operation of the district.

[Statutory Authority: RCW 28A.65.465, 83-21-027 (Order 83-12), § 392-123-055, filed 10/10/83. Statutory Authority: RCW 28A.41.170, 28A.41.055 and 28A.65.465, 81-20-007 (Order 81-18), § 392-123-055, filed 9/24/81. Statutory Authority: RCW 28A.65.465, 80-06-043 (Order 80-16), § 392-123-055, filed 5/13/80; Order 8-76, § 392-123-055, filed 7/23/76; Order 7-75, § 392-123-055, filed 12/22/75. Formerly WAC 392-30-080 and 392-30-090.]

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

If such permission is granted, it shall be in writing, and it shall contain conditions, binding on the district, designed to improve the district's financial condition.

[Statutory Authority: RCW 28A.65.465, 83-21-027 (Order 83-12), § 392-123-060, filed 10/10/83; 80-06-043 (Order 80-16), § 392-123-060, filed 5/13/80; Order 8-76, § 392-123-060, filed 7/23/76; Order 7-75, § 392-123-060, filed 12/22/75. Formerly WAC 392-30-100.]

WAC 392-123-065 Noncompliance with binding restrictions. If a school district fails to comply with any binding restrictions issued by the superintendent of public instruction pursuant to WAC 392-123-060, the allocation of state funds for support of the school district may be withheld, pending an investigation of the reason for such non-compliance by the superintendent of public instruction. Written notice of the intent to withhold state funds, with reasons stated for this action, shall be made to the school district by the superintendent of public instruction before any portion of the state allocation is withheld.

[Statutory Authority: RCW 28A.65.465, 80-06-043 (Order 80-16), § 392-123-065, filed 5/13/80; Order 8-76, § 392-123-065, filed 7/23/76; Order 7-75, § 392-123-065, filed 12/22/75. Formerly WAC 392-30-110.]

WAC 392-123-070 Overexpending and exceeding the budget. Total budgeted expenditures for each fund as adopted in the budget of a school district shall constitute the appropriations of the district for the budgeted fiscal year and the board of directors shall be limited in the incurring of expenditures to the amount of each such appropriation. The board of directors shall incur no expenditures for any purpose in excess of the appropriation for each fund: *Provided*, That no board of directors shall be prohibited from incurring expenditures for the payment of regular employees, for the necessary repairs and upkeep of the school plant, for the purchase of books and supplies, and for their participation in joint purchasing agencies authorized in RCW 28A.320.080 during the interim while the budget is being settled under WAC 392-123-080: *Provided further*, That transfers between budget classes may be made by the school district's chief administrative officer or finance officer, subject to such restrictions as may be imposed by the school district board of directors.

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

Nothing in this section shall be construed to limit the duty of the attorney general to carry out the provisions of RCW 43.09.260, as now or hereafter amended.

[Statutory Authority: 1990 c 33, 90-16-002 (Order 18), § 392-123-070, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.65.465, 83-21-027 (Order 83-12), § 392-123-070, filed 10/10/83; Order 8-76, § 392-123-070, filed 7/23/76; Order 7-75, § 392-123-070, filed 12/22/75. Formerly WAC 392-30-130.]

WAC 392-123-071 Budget extensions—First-class school districts. Upon the happening of any emergency in a first-class school district caused by fire, flood, explosion, storm, earthquake, epidemic, riot, insurrection, or for the restoration to a condition of usefulness of any school district property, the usefulness of which has been destroyed by accident, and no provision has been made for such expenditures in the adopted appropriation, the board of directors, upon the adoption by the vote of the majority of all board members of a resolution stating the facts constituting the emergency, may make an appropriation therefor without notice or hearing.

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

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

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

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.]

WAC 392-123-074 Effective date of appropriation resolutions. The effective date of appropriation resolutions are as follows:

	First-Class Districts	Second-Class Districts
Resolutions adopted pursuant to WAC 392-123-054.	12:00 a.m. September 1.	12:00 a.m. September 1 or when approved by the budget review committee, whichever is later.

Resolutions adopted pursuant to WAC 392-123-071 and 392-123-072.

When adopted by the school district board of directors.

When approved by the superintendent of public instruction.

[Statutory Authority: RCW 28A.505.140 and H.B. 1224. 92-03-024 (Order 92-02), § 392-123-074, filed 1/7/92, effective 2/7/92. Statutory Authority: RCW 28A.65.465. 80-06-043 (Order 80-16), § 392-123-074, filed 5/13/80.]

WAC 392-123-076 Identification of balanced budget. For each fund contained in the school district budget the estimated expenditures for the budgeted fiscal period must not be greater than the total of the estimated revenues for the budgeted fiscal period, plus the estimated fund balance at the beginning of the budgeted fiscal period, less the estimated reserved fund balance at the end of the budgeted fiscal period and the projected revenue from receivables collectible in future periods as approved by the superintendent of public instruction for inclusion in the budget.

The proceeds of any loan must not be used to balance the budget of the borrowing fund.

[Statutory Authority: RCW 28A.41.170, 28A.65.465 and 28A.41.055. 85-15-110 (Order 85-3), § 392-123-076, filed 7/24/85. Statutory Authority: RCW 28A.65.465. 83-21-027 (Order 83-12), § 392-123-076, filed 10/10/83; 80-06-043 (Order 80-16), § 392-123-076, filed 5/13/80; Order 8-76, § 392-123-076, filed 7/23/76.]

WAC 392-123-077 Termination of appropriations. All appropriations shall lapse at the end of the school district fiscal year. At the expiration of said period all appropriations of said period shall become null and void and any claim presented thereafter against any such appropriation for the fiscal period just closed shall be provided for in the appropriations for the ensuing fiscal period.

[Statutory Authority: RCW 28A.65.465. 80-06-043 (Order 80-16), § 392-123-077, filed 5/13/80; Order 8-76, § 392-123-077, filed 7/23/76.]

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

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

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

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

The educational service district shall notify the district of all problems noted in the review and the due date for

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

[Statutory Authority: RCW 28A.505.140 and H.B. 1224. 92-03-024 (Order 92-02), § 392-123-078, filed 1/7/92, effective 2/7/92. Statutory Authority: RCW 28A.65.465. 87-15-067 (Order 87-7), § 392-123-078, filed 7/16/87. Statutory Authority: RCW 28A.41.170, 28A.65.465 and 28A.41.055. 85-15-110 (Order 85-3), § 392-123-078, filed 7/24/85. Statutory Authority: RCW 28A.65.465. 83-21-027 (Order 83-12), § 392-123-078, filed 10/10/83; 80-06-043 (Order 80-16), § 392-123-078, filed 5/13/80.]

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

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

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

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

The superintendent of public instruction shall conduct meetings with representatives of the educational service district and/or school district as deemed necessary to correct problems and to fix and approve the amount of appropriation from each fund of the budget as prescribed in RCW 28A.505.070 and WAC 392-123-054.

Review of budget extensions shall consist of data entry and edit, review of revenues and reserved and unreserved fund balances for accuracy, appropriateness of expenditures, and determination of whether or not the budget extension is in compliance with this chapter, state statutory law, and budget instructions issued by the superintendent of public instruction. Approval of budget extensions shall be in accordance with WAC 392-123-072.

[Statutory Authority: RCW 28A.505.140 and H.B. 1224. 92-03-024 (Order 92-02), § 392-123-079, filed 1/7/92, effective 2/7/92. Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-123-079, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.41.170, 28A.65.465 and 28A.41.055. 85-15-110 (Order 85-3), § 392-123-079, filed 7/24/85. Statutory Authority: RCW 28A.65.465. 83-21-027 (Order 83-12), § 392-123-079, filed 10/10/83. Statutory Authority: RCW 28A.41.170, 28A.41.055 and 28A.65.465. 81-20-007 (Order 81-18), § 392-123-079, filed 9/24/81. Statutory Authority: RCW 28A.65.465. 80-06-043 (Order 80-16), § 392-123-079, filed 5/13/80.]

WAC 392-123-080 Budget determined to be unsound after superintendent's review. If the superintendent of public instruction determines that the budget of any school district does not comply with this chapter and/or the provisions of state statutory law applicable to school districts budgets, written notice of such determination shall be provided to the board of directors of the district.

[Order 8-76, § 392-123-080, filed 7/23/76; Order 7-75, § 392-123-080, filed 12/22/75. Formerly WAC 392-30-150.]

WAC 392-123-095 Budget as noncompliant and unsound. A school district shall submit a revised budget within thirty days following the date the superintendent of public instruction issues a written notice requiring the district to do so. The revised budget shall comply with state statutory law and this chapter.

[Statutory Authority: RCW 28A.65.465. 83-21-027 (Order 83-12), § 392-123-095, filed 10/10/83; 80-06-043 (Order 80-16), § 392-123-095, filed 5/13/80; Order 8-76, § 392-123-095, filed 7/23/76; Order 7-75, § 392-123-095, filed 12/22/75. Formerly WAC 392-30-180.]

WAC 392-123-100 Revised budget as not submitted or noncompliant. If a school district fails or refuses to submit a revised budget at the direction of the superintendent of public instruction which complies with state statutory law and this chapter, the matter shall be submitted to the state board of education. Written notification of the superintendent's intention to submit the matter to the state board shall be made to the board of directors and administration of the school district and to the educational service district superintendent.

[Order 8-76, § 392-123-100, filed 7/23/76; Order 7-75, § 392-123-100, filed 12/22/75. Formerly WAC 392-30-190.]

WAC 392-123-105 State board of education action regarding missing or noncompliant budget. The state board of education shall be provided written notification of the superintendent of public instruction's determination and shall meet to adopt a financial plan to operate the district. The plan adopted by the state board shall be in effect until a revised budget which complies with state statutory law and this chapter is adopted and submitted by the district.

[Order 8-76, § 392-123-105, filed 7/23/76; Order 7-75, § 392-123-105, filed 12/22/75. Formerly WAC 392-30-200.]

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

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[Order 8-76, § 392-123-110, filed 7/23/76; Order 7-75, § 392-123-110, filed 12/22/75. Formerly WAC 392-30-210.]

WAC 392-123-115 Monthly budget status reports. A monthly budget status report for each fund shall be prepared by the administration of each school district; and a copy of the most current budget status reports shall be provided to each member of the board of directors of the district at the board's regular monthly meeting. The report shall contain the most current approved budget amounts by summary level accounts and the fund balance at the beginning and end of the period being analyzed. State Form F-198, which is entitled "budget status report," is an example of the type and level of information necessary for this report. Also, as a part of the budget status report, the administration shall provide each member of the board of directors with a brief written explanation of any significant deviations in revenue and/or expenditure projections that may affect the financial status of the district. If deemed necessary by the superintendent of public instruction, and upon written notice to the district by the superintendent of public instruction, a monthly budget status report for one or more funds along with other financial information shall be filed with either the educational service district superintendent or the superintendent of public instruction or both for the period of time set forth in such notice.

[Statutory Authority: RCW 28A.505.140 and H.B. 1224. 92-03-024 (Order 92-02), § 392-123-115, 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), § 392-123-115, filed 7/24/85. Statutory Authority: RCW 28A.65.465. 83-21-027 (Order 83-12), § 392-123-115, filed 10/10/83. Statutory Authority: RCW 28A.41.170, 28A.41.055 and 28A.65.465. 81-20-007 (Order 81-18), § 392-123-115, filed 9/24/81. Statutory Authority: RCW 28A.65.465. 80-06-043 (Order 80-16), § 392-123-115, filed 5/13/80; Order 8-76, § 392-123-115, filed 7/23/76; Order 7-75, § 392-123-115, filed 12/22/75. Formerly WAC 392-30-220.]

WAC 392-123-120 Statement of financial condition—Financial position of the school district. The administration of each school district shall be required to provide the board of directors of the district with a statement of financial condition monthly. The "statement of revenues, expenditures and changes in fund balance" in state Form F-196, is an example of the type of format and level of information necessary for this report.

[Statutory Authority: RCW 28A.505.140 and H.B. 1224. 92-03-024 (Order 92-02), § 392-123-120, filed 1/7/92, effective 2/7/92. Statutory Authority: RCW 28A.65.465. 83-21-027 (Order 83-12), § 392-123-120, filed 10/10/83. Statutory Authority: RCW 28A.41.170, 28A.41.055 and 28A.65.465. 81-20-007 (Order 81-18), § 392-123-120, filed 9/24/81; Order 8-76, § 392-123-120, filed 7/23/76; Order 7-75, § 392-123-120, filed 12/22/75. Formerly WAC 392-30-230.]

WAC 392-123-125 Personnel budget status report. Each school district shall maintain the capability to prepare a monthly personnel status report according to the schedule set forth for monthly budget status reports in WAC 392-123-115. This report shall display the combined responsibilities of the district's administrative staff for personnel management and budget control and shall indicate the status of expenditures and commitments for salaries and wages. The report shall also indicate the number of certificated and classified positions planned in the budget and the amount of funds budgeted for those positions, summarized by program

and/or responsibility area. The number of positions actually filled and the amount of funds actually expended and encumbered in support of these positions shall also be displayed in a manner that can be compared with budget. Any significant variance between budgeted positions and actual should be explained. The personnel budget status report shall be provided to the superintendent of public instruction or the board of directors of the district within ten days from the date of such request from either the superintendent or board. A district's board of directors may use the personnel status report in conjunction with a monthly budget status report and the statement of financial condition to manage the financial position of the district.

[Statutory Authority: RCW 28A.41.170, 28A.65.465 and 28A.41.055. 85-15-110 (Order 85-3), § 392-123-125, filed 7/24/85; 81-20-007 (Order 81-18), § 392-123-125, filed 9/24/81; Order 8-76, § 392-123-125, filed 7/23/76; Order 7-75, § 392-123-125, filed 12/22/75. Formerly WAC 392-30-240.]

WAC 392-123-132 Reconciliation of monthly county treasurers' statements to district records. Every school district shall reconcile ending net cash and investments, revenues and expenditures reported by the county treasurer with the district records for all funds. Any differences shall be noted and adjustments to school district records shall be made if necessary.

[Order 8-76, § 392-123-132, filed 7/23/76.]

WAC 392-123-135 Interfund loans—Definition. An interfund loan is considered to be a temporary loan of moneys between one district fund and another. An interfund loan is not considered to be an investment pursuant to the provisions of RCW 28A.320.320.

[Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-123-135, filed 7/19/90, effective 8/19/90; Order 8-76, § 392-123-135, filed 7/23/76; Order 7-75, § 392-123-135, filed 12/22/75. Formerly WAC 392-30-260.]

WAC 392-123-140 Interfund loans allowable. Loans are allowable to the general fund, the transportation vehicle fund, the capital projects fund and the debt service fund. Loans are allowable from the general fund and the capital projects fund. Loans shall not be made to the detriment of any function or project for which the fund was established.

[Statutory Authority: RCW 28A.65.465. 83-21-027 (Order 83-12), § 392-123-140, filed 10/10/83; 82-19-048 (Order 82-13), § 392-123-140, filed 9/14/82. Statutory Authority: RCW 28A.41.170, 28A.41.055 and 28A.65.465. 81-20-007 (Order 81-18), § 392-123-140, filed 9/24/81; Order 8-76, § 392-123-140, filed 7/23/76; Order 7-75, § 392-123-140, filed 12/22/75. Formerly WAC 392-30-270.]

WAC 392-123-141 Effective date. Amendatory sections WAC 392-123-005, 392-123-010, 392-123-051, 392-123-054, 392-123-055, 392-123-071, 392-123-072, 392-123-079, 392-123-115, 392-123-120, 392-123-125 and 392-123-140 shall become effective on September 1, 1981.

[Statutory Authority: RCW 28A.41.170, 28A.41.055 and 28A.65.465. 81-20-007 (Order 81-18), § 392-123-141, filed 9/24/81.]

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

WAC 392-123-145 Interfund loans—Identification of temporary loans. A temporary loan is considered to be a loan which is completely liquidated in less than one year.

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

WAC 392-123-150 Interfund loans—Payment of interest. Interest shall be charged by the loaning fund to be paid by the borrowing fund. The rate of interest shall be not less than the current warrant interest rate prevailing in the county in which the school district is considered to be located. The interest shall be credited to the loaning fund and shall not be transferred to any other fund.

[Order 8-76, § 392-123-150, filed 7/23/76; Order 7-75, § 392-123-150, filed 12/22/75. Formerly WAC 392-30-290.]

WAC 392-123-155 Interfund loans—Full disclosure on financial statements. Financial reports of each school district, including the monthly financial reports provided to the board of directors of the district, shall specify all outstanding interfund loans and all interest charges involved. The proceeds of any interfund loan shall not be used to balance the budget of the borrowing fund.

[Order 8-76, § 392-123-155, filed 7/23/76; Order 7-75, § 392-123-155, filed 12/22/75. Formerly WAC 392-30-300.]

WAC 392-123-160 Interfund loans—Board resolution adopted—Contents. The board of directors of a school district shall adopt a resolution before any interfund loan transaction may take place. The resolution shall contain the exact amount of the loan, the funds involved, the specific source of funds for repayment, the schedule for repayment, and the interest rate involved.

[Order 8-76, § 392-123-160, filed 7/23/76; Order 7-75, § 392-123-160, filed 12/22/75. Formerly WAC 392-30-310.]

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

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

The budget for each fund of each school district shall contain a schedule which identifies that portion of each contractual liability incurred pursuant to RCW 28A.335.170 which extends beyond the fiscal period being budgeted. Said schedule shall list for each such contractual liability a brief description, the accounting code, the beginning and ending dates, the total dollar amount, and the estimated dollar amount extending beyond the end of the fiscal period being budgeted.

[Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-123-165, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.65.465 and 28A.58.131. 78-08-035 (Order 4-78), § 392-123-165, filed 7/18/78.]

WAC 392-123-170 Proceeds from the sale of school district real property. Pursuant to RCW 28A.335.130 the proceeds from any sale of school district real property by a board of directors shall be deposited to the debt service fund and/or the capital projects fund, except for amounts required to be expended for the costs associated with the sale of such property, which moneys may be deposited into the fund from which the expenditure was incurred.

[Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-123-170, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.65.465. 83-21-027 (Order 83-12), § 392-123-170, filed 10/10/83.]

WAC 392-123-175 Proceeds from the lease, rental or occasional use of surplus property. Pursuant to RCW 28A.335.060 each school district's board of directors shall deposit moneys derived from the lease, rental or occasional use of surplus school property as follows:

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

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

(3) Moneys derived from other personal property shall be deposited in the district's general fund.

[Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-123-175, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.65.465. 83-21-027 (Order 83-12), § 392-123-175, filed 10/10/83.]

WAC 392-123-180 Bond proceeds. Money derived from the sale of bonds, including interest earnings thereof, shall be deposited in the capital projects fund, the transportation vehicle fund, the general fund, or the debt service fund, as applicable, and may only be used for the purposes as enumerated in RCW 28A.530.010.

Accrued interest paid for bonds sold shall be deposited in the debt service fund.

[Statutory Authority: Chapter 28A.530 RCW and HB 1224. 91-23-043 (Order 26), § 392-123-180, filed 11/14/91, effective 12/15/91. Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-123-180, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.65.465. 83-21-027 (Order 83-12), § 392-123-180, filed 10/10/83.]

Chapter 392-125 WAC

FINANCE—EDUCATIONAL SERVICE DISTRICT BUDGETING

WAC

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

392-125-075	Distribution of county funds when county contains parts of two or more educational service districts. [Order 8-76, § 392-125-075, filed 7/23/76; Order 7-75, § 392-125-075, filed 12/22/75. Formerly WAC 392-31-150.] Repealed by 81-19-007 (Order 81-19), filed 9/4/81. Statutory Authority: RCW 28A.21.135.
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WAC 392-125-003 Authority. The authority for this chapter is RCW 28A.310.330 which authorizes the superintendent of public instruction to promulgate rules and regulations for the adoption of budgeting procedures for educational service districts modeled after the statutory procedure for school districts.

[Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-125-003, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.21.135. 84-13-022 (Order 84-12), § 392-125-003, filed 6/13/84.]

WAC 392-125-005 Purposes. The purposes of this chapter are to implement RCW 28A.310.330 through 28A.310.460 and establish budgeting procedures governing educational service districts.

[Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-125-005, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.21.135 et seq. 79-07-005 (Order 1-79), § 392-125-005, filed 6/7/79; Order 8-76, § 392-125-005, filed 7/23/76; Order 7-75, § 392-125-005, filed 12/22/75. Formerly WAC 392-31-010.]

WAC 392-125-010 Principles of accounting. In all cases, the budgeting and accounting systems of educational service districts shall be governed by generally accepted accounting principles modified where necessary by statute and/or this chapter. *The Accounting Manual for Educational Service Districts* shall govern the accounting system of educational service districts and is hereby incorporated into this chapter by this reference. Prior to any revision thereof, the superintendent of public instruction shall publish notice of such proposed action and shall hold at least one public hearing. The general expense fund of an educational service district shall be the only fund of the district and shall be used for all activities which an educational service district performs.

[Statutory Authority: RCW 28A.21.135. 81-19-007 (Order 81-19), 392-125-010, filed 9/4/81; Order 8-76, § 392-125-010, filed 7/23/76; Order 7-75, § 392-125-010, filed 12/22/75. Formerly WAC 392-31-020.]

WAC 392-125-011 Basis of budgeting and accounting. Revenue and expenditures shall be recognized on the accrual basis.

[Statutory Authority: RCW 28A.21.135, 84-13-022 (Order 84-12), § 392-125-011, filed 6/13/84; 81-19-007 (Order 81-19), § 392-125-011, filed 9/4/81.]

WAC 392-125-012 Definitions—Revenue, accrual basis expenditures, cash basis expenditures, appropriation, and disbursements. As used in this chapter, the term:

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

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

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

Revenue accruals, if they meet both tests include: Reimbursements on categorical grants for which expenditures have been made but payment has not been received; payments from school districts that are due, but are not collected by the end of the fiscal period; and rental or lease payments that are currently due, and there is reasonable assurance of payment.

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

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

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

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

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

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

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

(11) "Disbursements" shall mean payments in cash, including the issuance of warrants, and the issuance of inventory.

[Statutory Authority: RCW 28A.21.135, 85-15-111 (Order 85-4), § 392-125-012, filed 7/24/85; 84-13-022 (Order 84-12), § 392-125-012, filed 6/13/84.]

WAC 392-125-014 Educational service district fiscal year. The following fiscal years shall be established for educational service districts and shall apply to all governmental, proprietary, and fiduciary fund entities, including all account groups under the jurisdiction of the educational service district board of directors:

There shall be a twelve-month fiscal period of July 1, 1990, through June 30, 1991, for the 1990-1991 fiscal year.

For July and August 1991 there shall be a two-month fiscal period with a budget for this two-month period to be prepared by May 10, 1991.

For fiscal year 1991-1992 there shall be a twelve-month fiscal period beginning September 1, 1991, and ending on August 31, 1992, with a budget to be prepared by July 10, 1991.

For every fiscal year thereafter, a twelve-month fiscal period shall begin on September 1 and end on August 31 with an annual budget to be prepared by July 10th.

[Statutory Authority: RCW 28A.310.330, 91-07-063 (Order 91-05), § 392-125-014, filed 3/20/91, effective 4/20/91.]

WAC 392-125-015 Budgets required. Each educational service district shall prepare in accordance with this chapter and instructions from the superintendent of public instruction a complete general expense fund budget for each fiscal year of operation. An incomplete budget shall be considered null and void and shall not be an appropriation. The annual budget shall be prepared in the format prescribed by the superintendent of public instruction which will reflect the approved core funding formula pursuant to WAC 392-125-036, and shall receive all necessary approvals, and shall be filed with the proper officials in order to constitute an official budget and appropriation for each fiscal year. The superintendent may require a second or revised budget at any time the financial situation is deemed to warrant a revised budget.

[Statutory Authority: RCW 28A.310.330, 91-07-063 (Order 91-05), § 392-125-015, filed 3/20/91, effective 4/20/91. Statutory Authority: RCW 28A.21.135, 85-15-111 (Order 85-4), § 392-125-015, filed 7/24/85; 81-19-007 (Order 81-19), § 392-125-015, filed 9/4/81. Statutory Authority: RCW 28A.21.135 et seq. 79-07-005 (Order 1-79), § 392-125-015, filed 6/7/79; Order 8-76, § 392-125-015, filed 7/23/76; Order 7-75, § 392-125-015, filed 12/22/75. Formerly WAC 392-31-030.]

WAC 392-125-020 Budget preparation, hearing and adoption. Each educational service district shall prepare a budget for the operation of the educational service district for the ensuing fiscal year and following completion of the budget, shall publish a notice stating that the budget is completed and placed on file in the district headquarters office with copies available for any interested person or organization. The notice shall state the date, time, and place the educational service district board will meet for the purpose of fixing and adopting the budget of the district for the ensuing fiscal year. The notice shall also state that any person may appear during the meeting and be heard for or against any part of such budget. The notice shall be published once each week for two consecutive weeks following the completion of the budget in a newspaper of general circulation in the district.

An educational service district board shall secure the signature of the chairman of the superintendents' advisory

committee as an indication that the budget has been reviewed by the committee. At the conclusion of the hearing which shall not exceed two days, the board of directors shall adopt the budget by resolution. After the budget has been adopted by the board at the public hearing, two certified copies shall be forwarded to the superintendent of public instruction in order that the superintendent may revise and fix the budget according to statute.

[Statutory Authority: RCW 28A.310.330. 91-07-063 (Order 91-05), § 392-125-020, filed 3/20/91, effective 4/20/91. Statutory Authority: RCW 28A.21.135. 85-15-111 (Order 85-4), § 392-125-020, filed 7/24/85; 84-13-022 (Order 84-12), § 392-125-020, filed 6/13/84; 81-19-007 (Order 81-19), § 392-125-020, filed 9/4/81; Order 8-76, § 392-125-020, filed 7/23/76; Order 7-75, § 392-125-020, filed 12/22/75. Formerly WAC 392-31-040.]

WAC 392-125-025 Budget approval. The superintendent of public instruction shall revise and fix the annual budget of each educational service district, establish the appropriation and return one approved copy of the budget to the district.

[Statutory Authority: RCW 28A.310.330. 91-07-063 (Order 91-05), § 392-125-025, filed 3/20/91, effective 4/20/91. Statutory Authority: RCW 28A.21.135. 84-13-022 (Order 84-12), § 392-125-025, filed 6/13/84; Order 8-76, § 392-125-025, filed 7/23/76; Order 7-75, § 392-125-025, filed 12/22/75. Formerly WAC 392-31-050.]

WAC 392-125-026 July and August 1991 budget. In order to implement a change in fiscal years, a short fiscal period shall exist from July 1, 1991, through August 31, 1991.

(1) Budgets for the period July 1, 1991, through August 31, 1991, shall be prepared and adopted in the format provided by the office of the superintendent of public instruction. The budget classifications shall be in accordance with the latest revised accounting manual for educational service districts published by the office of the superintendent of public instruction.

(2) The revenue section of said budget shall set forth the estimated revenues from all sources for said period and the probable fund balance available at the close of the 1990-1991 fiscal year.

(3) The expenditure section of said budget shall set forth by detailed items or classes the estimated expenditures for said period.

[Statutory Authority: RCW 28A.310.330. 91-07-063 (Order 91-05), § 392-125-026, filed 3/20/91, effective 4/20/91.]

WAC 392-125-027 Time schedule for July and August 1991 budget process. The time schedule for preparation, adoption, and filing of the July and August 1991 budget is as follows:

On or Before	Requirement
May 10	Final date for board to prepare budget for July and August 1991. Immediately thereafter publish notice of the completion of the budget as provided in WAC 392-125-020.

14 days preceding public hearing	Copies of budget made available to interested citizens.
June 3, 1991	Final date for board in public hearing to fix and adopt the budget. (The maximum time for this hearing is two days.)
Conclusion of hearing	Board resolution to adopt budget (obtain signature of chairman of superintendents' advisory committee).
June 6, 1991	Forward two properly signed copies of budget to superintendent of public instruction.
June 28, 1991	Superintendent revises, fixes and approves budget and returns one copy to the district.

[Statutory Authority: RCW 28A.310.330. 91-07-063 (Order 91-05), § 392-125-027, filed 3/20/91, effective 4/20/91.]

WAC 392-125-030 Time schedule for fiscal year 1991-1992 budget process and for every fiscal year thereafter. The time schedule for preparation, adoption, and filing of the fiscal year 1991-1992 annual budget and the budget for every year thereafter is as follows: If the superintendent of public instruction deems it necessary to request a second and revised budget, the timing of the process shall be similar and shall be outlined specifically in the request.

On or Before	Requirement
July 10	Final date for board to prepare budget. Immediately thereafter publish notice of the completion of the budget as provided in WAC 392-125-020.
July 15	Copies of budget made available to interested citizens.
August 1	Final date for board in public hearing to fix and adopt the budget. (The maximum time for this hearing is two days.)
Conclusion of hearing	Board resolution to adopt budget (obtain signature of chairman of superintendents' advisory committee).
August 3	Forward two properly signed copies of budget to superintendent of public instruction.
August 31	Superintendent revises, fixes and approves budget and returns one copy to the district.

[Statutory Authority: RCW 28A.310.330. 91-07-063 (Order 91-05), § 392-125-030, filed 3/20/91, effective 4/20/91. Statutory Authority: RCW 28A.21.135. 85-15-111 (Order 85-4), § 392-125-030, filed 7/24/85; 84-13-022 (Order 84-12), § 392-125-030, filed 6/13/84; Order 8-76, § 392-125-030, filed 7/23/76; Order 7-75, § 392-125-030, filed 12/22/75. Formerly WAC 392-31-060.]

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

(2) The revenue section of a budget shall set forth the estimated revenue from all sources for the ensuing fiscal year, the estimated revenue for the fiscal year current at the time of the budget preparation, the actual revenue for the last completed fiscal year, and the reserved and unreserved fund balances. The estimated revenues from all sources for the ensuing fiscal year shall not include any revenue not anticipated to be available during that fiscal year.

(3) The expenditure section of the budget shall set forth budgeted expenditures for the ensuing fiscal year, budgeted expenditures for the current fiscal year, and the actual expenditures for the last completed fiscal year. Expenditures shall be displayed by program, activity, and object of expenditure. Total salary amounts, full-time equivalents and the high, low, and average annual salaries shall be displayed by each job classification within each activity within each program. If individual salaries within each position title are not displayed, districts shall provide individual salaries together with the position title of the recipient and the total salary amounts budgeted for each program upon request. Salary schedules shall be displayed. In districts where negotiations have not been completed, the district may budget the salaries at the current year's rate and restrict fund balance for the amount of anticipated increase in salaries, so long as an explanation shall be attached to the budget on such restriction of fund balance.

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

(4) All pertinent items on the budget form shall be completed correctly before the budget is presented for hearing, review, and approval. Information pertaining to budget development which is not available at the time of budget preparation shall be estimated using the most current and reliable information available.

[Statutory Authority: RCW 28A.21.135, 85-15-111 (Order 85-4), § 392-125-035, filed 7/24/85; 84-13-022 (Order 84-12), § 392-125-035, filed 6/13/84; 80-06-042 (Order 80-15), § 392-125-035, filed 5/13/80. Statutory Authority: RCW 28A.21.135 et seq., 79-07-005 (Order 1-79), § 392-125-035, filed 6/7/79; Order 8-76, § 392-125-035, filed 7/23/76; Order 7-75, § 392-125-035, filed 12/22/75. Formerly WAC 392-31-070.]

WAC 392-125-036 Core services funding formula.

(1) The superintendent of public instruction shall biennially review and adopt the core services funding formula for educational service districts based upon RCW 28A.310.340, 28A.310.350 and the considerations set forth in this section.

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

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

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

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

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

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

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

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

(6) Travel expenses shall be based on a mileage factor calculated for each educational service district. The factor shall be calculated by measuring the distance between each school district headquarters and the respective educational service district headquarters and obtaining the total mileage for the educational service district. The total mileage shall be multiplied by the number of professional staff allocated to the respective educational service district. The product shall then be multiplied by a standard dollar amount to be determined by the superintendent of public instruction after consultation with the Educational Service District Superintendents' Association.

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

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

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

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

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

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

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

(b) Be considered in the approval or disapproval of the annual budgets of the educational service districts by the superintendent of public instruction.

[Statutory Authority: 1990 c 33, 90-16-002 (Order 18), § 392-125-036, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.21.135, 85-15-111 (Order 85-4), § 392-125-036, filed 7/24/85. Statutory Authority: RCW 28A.21.135 et seq. 79-07-005 (Order 1-79), § 392-125-036, filed 6/7/79.]

WAC 392-125-040 Overexpending and exceeding the budget. The budget as fixed and approved by the superintendent of public instruction shall constitute the appropriation from the general expense fund for an educational service district for the ensuing fiscal year. A budget is overexpended and is exceeded if expenditures are made in excess of the amount of the appropriation including budget extensions.

[Statutory Authority: RCW 28A.21.135, 84-13-022 (Order 84-12), § 392-125-040, filed 6/13/84; Order 8-76, § 392-125-040, filed 7/23/76; Order 7-75, § 392-125-040, filed 12/22/75. Formerly WAC 392-31-080.]

WAC 392-125-045 A balanced budget. The estimated expenditures for the ensuing fiscal year shall not be greater than the total of the estimated revenues for the ensuing fiscal year plus the probable (for the initial budget) or actual (for budgets developed after fund balance is known) fund balance at the close of the fiscal year preceding the ensuing fiscal year. A budget is considered a balanced budget if the above requirement is met. The proceeds of any loan must not be used to balance the budget.

[Statutory Authority: RCW 28A.21.135, 85-15-111 (Order 85-4), § 392-125-045, filed 7/24/85; 84-13-022 (Order 84-12), § 392-125-045, filed 6/13/84; Order 8-76, § 392-125-045, filed 7/23/76; Order 7-75, § 392-125-045, filed 12/22/75. Formerly WAC 392-31-090.]

WAC 392-125-050 Termination of appropriations. All appropriations shall lapse at the end of the fiscal year. At the expiration of said fiscal year the appropriation shall become null and void and any claim presented thereafter against any such appropriation for the fiscal year just closed shall be provided for in the appropriation for the ensuing fiscal year.

[Order 8-76, § 392-125-050, filed 7/23/76; Order 7-75, § 392-125-050, filed 12/22/75. Formerly WAC 392-31-100.]

WAC 392-125-054 Budget transfers. Transfers between budget classes may be made by the educational service district superintendent or finance officer, subject to such restrictions as may be imposed by the educational service district board of directors.

[Statutory Authority: RCW 28A.21.135, 80-06-042 (Order 80-15), § 392-125-054, filed 5/13/80.]

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

If an educational service district needs an increase in the amount of the appropriation for any reason, the educational service district board of directors shall adopt a resolution stating the specific reason(s) for extending the budget, the estimated amount of additional appropriation needed and the source(s) of funds.

Such resolution shall be voted on at a public meeting, notice to be given in the manner provided by WAC 392-125-020. Its introduction and passage shall require the vote of a majority of all members of the educational service district board of directors.

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

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

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

The appropriation resolution approved by the superintendent of public instruction shall be filed by the superintendent of public instruction with the educational service district, the office of the state auditor, and the appropriate county auditor.

[Statutory Authority: RCW 28A.21.135, 80-06-042 (Order 80-15), § 392-125-055, filed 5/13/80; Order 8-76, § 392-125-055, filed 7/23/76; Order 7-75, § 392-125-055, filed 12/22/75. Formerly WAC 392-31-110.]

WAC 392-125-060 Monthly budget status report. A budget status report shall be prepared by the administration of each educational service district on a monthly basis. A monthly budget status report shall contain the most current information available at the time of preparation and shall be made available to each member of the district board at its regular monthly meeting and to the superintendent of public instruction along with other financial information if deemed necessary by the superintendent of public instruction.

[Statutory Authority: RCW 28A.21.135, 81-19-007 (Order 81-19), § 392-125-060, filed 9/4/81; Order 8-76, § 392-125-060, filed 7/23/76; Order 7-75, § 392-125-060, filed 12/22/75. Formerly WAC 392-31-120.]

WAC 392-125-065 Content of the monthly budget status. The monthly budget status report shall contain the most current approved budget amounts by summary level accounts and the fund balance at the beginning and end of the period being analyzed. Encumbrances also shall be reflected in the report. The report shall display activity on a fiscal year-to-date basis on both revenues and expenditures and the "as of" date shall be indicated at the top of the report.

[Statutory Authority: RCW 28A.21.135, 85-15-111 (Order 85-4), § 392-125-065, filed 7/24/85; 84-13-022 (Order 84-12), § 392-125-065, filed

6/13/84; Order 8-76, § 392-125-065, filed 7/23/76; Order 7-75, § 392-125-065, filed 12/22/75. Formerly WAC 392-31-130.]

WAC 392-125-070 Approval of the budget by the superintendent of public instruction. The superintendent of public instruction may approve an educational service district's budget or request for a budget extension as presented or revise and fix a budget or request for an extension and establish the appropriation. In revising a budget or budget extension, the superintendent shall collect information and prepare exhibits which display the financial condition of the district. The revised financial plan shall include specific budgeted expenditure levels. The financial plan may include the required district staff levels necessary to insure improvements in the financial condition of the district.

[Order 8-76, § 392-125-070, filed 7/23/76; Order 7-75, § 392-125-070, filed 12/22/75. Formerly WAC 392-31-140.]

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

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

The budget of each educational service district shall contain a schedule which identifies that portion of each contractual liability incurred pursuant to RCW 28A.310.460 which extends beyond the fiscal period. Said schedule shall list for each such contractual liability a brief description, the accounting code, the beginning and ending dates, the total dollar amount, and the estimated amount extending beyond the end of the fiscal period being budgeted.

[Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-125-080, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.21.135, 28A.21.310 and 28A.65.465. 78-08-036 (Order 5-78), § 392-125-080, filed 7/18/78.]

WAC 392-125-085 Financial reports submitted to superintendent of public instruction. Within ninety calendar days following the end of its fiscal year, each educational service district shall submit a financial report to the superintendent of public instruction. Said report shall be in the format specified by the superintendent of public instruction.

[Statutory Authority: RCW 28A.310.330. 91-07-063 (Order 91-05), § 392-125-085, filed 3/20/91, effective 4/20/91. Statutory Authority: RCW 28A.21.135. 81-19-007 (Order 81-19), § 392-125-085, filed 9/4/81.]

Chapter 392-126 WAC
FINANCE

WAC

AUTHORITY AND PURPOSE

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- 392-126-010 Purpose.
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- 392-126-405 Purpose.
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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 392-126-005 Authority. [Statutory Authority: RCW 28A.58.095. 84-17-053 (Order 84-32), § 392-126-005, filed 8/13/84.] Repealed by 90-01-140 (Order 23), filed 12/20/89, effective 1/20/90. Statutory Authority: RCW 28A.100.090(1).
- 392-126-100 Definition—Day. [Statutory Authority: RCW 28A.58.095. 84-17-053 (Order 84-32), § 392-126-100, filed 8/13/84.] Repealed by 89-17-069 (Order 89-10), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.
- 392-126-105 Definition—Current school year. [Statutory Authority: RCW 28A.58.095. 84-17-053 (Order 84-32), § 392-126-105, filed 8/13/84.] Repealed by 89-17-069 (Order 89-10), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.
- 392-126-110 Definition—Prior school year. [Statutory Authority: RCW 28A.58.095. 84-17-053 (Order 84-32), § 392-126-110, filed 8/13/84.] Repealed by 89-17-069 (Order 89-10), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.
- 392-126-115 Definition—Compensation. [Statutory Authority: RCW 28A.58.095. 84-17-053 (Order 84-32), § 392-126-115, filed 8/13/84.] Repealed by 89-17-069 (Order 89-10), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.
- 392-126-120 Definition—LEAP document for basic education staff salary allocations. [Statutory Authority: RCW 28A.58.095. 86-21-091 (Order 86-16), § 392-126-120, filed 10/17/86; 86-01-023 (Order 85-18), § 392-126-120, filed 12/9/85; 84-17-053 (Order 84-32), § 392-126-120, filed 8/13/84.] Repealed by 89-17-069 (Order 89-10), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.
- 392-126-125 Definition—Reduction in force (RIF). [Statutory Authority: RCW 28A.58.095. 84-17-053 (Order 84-32), § 392-126-125, filed 8/13/84.] Repealed by 89-17-069 (Order

- 325, filed 10/17/86; 84-17-053 (Order 84-32), § 392-126-325, filed 8/13/84.] Repealed by 89-17-069 (Order 89-10), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.
- 392-126-330 Definition—Current school year classified staff highest annual salaries. [Statutory Authority: RCW 28A.58.095. 86-21-091 (Order 86-16), § 392-126-330, filed 10/17/86; 84-17-053 (Order 84-32), § 392-126-330, filed 8/13/84.] Repealed by 89-17-069 (Order 89-10), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.
- 392-126-335 Definition—Classified insurance benefits. [Statutory Authority: RCW 28A.58.095. 84-17-053 (Order 84-32), § 392-126-335, filed 8/13/84.] Repealed by 89-17-069 (Order 89-10), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.
- 392-126-336 Definition—District 1440 classified insurance benefit factor. [Statutory Authority: RCW 28A.58.095. 86-01-023 (Order 85-18), § 392-126-336, filed 12/9/85.] Repealed by 89-17-069 (Order 89-10), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.
- 392-126-340 Definition—Classified increment mix factor. [Statutory Authority: RCW 28A.58.095. 84-17-053 (Order 84-32), § 392-126-340, filed 8/13/84.] Repealed by 89-17-069 (Order 89-10), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.
- 392-126-345 Definition—District classified increment mix factor. [Statutory Authority: RCW 28A.58.095. 84-17-053 (Order 84-32), § 392-126-345, filed 8/13/84.] Repealed by 89-17-069 (Order 89-10), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.
- 392-126-350 Definition—State-supported classified increment mix factor adjustment. [Statutory Authority: RCW 28A.58.095. 84-17-053 (Order 84-32), § 392-126-350, filed 8/13/84.] Repealed by 86-01-023 (Order 85-18), filed 12/9/85. Statutory Authority: RCW 28A.58.095.
- 392-126-355 Definition—Current school year district classified derived base salary. [Statutory Authority: RCW 28A.58.095. 86-21-091 (Order 86-16), § 392-126-355, filed 10/17/86; 86-01-023 (Order 85-18), § 392-126-355, filed 12/9/85; 84-17-053 (Order 84-32), § 392-126-355, filed 8/13/84.] Repealed by 89-17-069 (Order 89-10), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.
- 392-126-360 Definition—Maximum allowed basic education classified derived base salary. [Statutory Authority: RCW 28A.58.095. 86-21-091 (Order 86-16), § 392-126-360, filed 10/17/86; 86-01-023 (Order 85-18), § 392-126-360, filed 12/9/85; 84-17-053 (Order 84-32), § 392-126-360, filed 8/13/84.] Repealed by 89-17-069 (Order 89-10), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.
- 392-126-365 Definition—Maximum allowed classified insurance benefits. [Statutory Authority: RCW 28A.58.095. 86-01-023 (Order 85-18), § 392-126-365, filed 12/9/85; 84-17-053 (Order 84-32), § 392-126-365, filed 8/13/84.] Repealed by 89-17-069 (Order 89-10), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.
- 392-126-370 Definition—Form 1045. [Statutory Authority: RCW 28A.58.095. 84-17-053 (Order 84-32), § 392-126-370, filed 8/13/84.] Repealed by 89-17-069 (Order 89-10), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.
- 392-126-375 Definition—Form 1046. [Statutory Authority: RCW 28A.58.095. 84-17-053 (Order 84-32), § 392-126-375, filed 8/13/84.] Repealed by 89-17-069 (Order 89-10), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.
- 392-126-380 Definition—Form 1047. [Statutory Authority: RCW 28A.58.095. 84-17-053 (Order 84-32), § 392-126-380, filed 8/13/84.] Repealed by 89-17-069 (Order 89-10), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.
- 392-126-385 Definition—Form 1048. [Statutory Authority: RCW 28A.58.095. 86-21-091 (Order 86-16), § 392-126-385, filed 10/17/86; 86-01-023 (Order 85-18), § 392-126-385, filed 12/9/85; 84-17-053 (Order 84-32), § 392-126-385, filed 8/13/84.] Repealed by 89-17-069 (Order 89-10), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.
- 392-126-390 Definition—Form 1049. [Statutory Authority: RCW 28A.58.095. 86-21-091 (Order 86-16), § 392-126-390, filed 10/17/86.] Repealed by 89-17-069 (Order 89-10), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.
- 392-126-391 Definition—Prior school year classified staff highest annual salaries. [Statutory Authority: RCW 28A.58.095. 86-21-091 (Order 86-16), § 392-126-391, filed 10/17/86.] Repealed by 89-17-069 (Order 89-10), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.
- 392-126-392 Definition—Prior school year district classified derived base salary. [Statutory Authority: RCW 28A.58.095. 86-21-091 (Order 86-16), § 392-126-392, filed 10/17/86.] Repealed by 89-17-069 (Order 89-10), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.
- 392-126-500 Salary-compensation lid compliance—Compliance of average certificated salaries. [Statutory Authority: RCW 28A.58.095. 84-17-053 (Order 84-32), § 392-126-500, filed 8/13/84.] Repealed by 89-17-069 (Order 89-10), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.
- 392-126-505 Salary-compensation lid compliance—Compliance of certificated insurance benefits. [Statutory Authority: RCW 28A.58.095. 86-01-023 (Order 85-18), § 392-126-505, filed 12/9/85; 84-17-053 (Order 84-32), § 392-126-505, filed 8/13/84.] Repealed by 89-17-069 (Order 89-10), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.
- 392-126-510 Salary-compensation lid compliance—No increases constitute compliance—Certificated staff. [Statutory Authority: RCW 28A.58.095. 84-17-053 (Order 84-32), § 392-126-510, filed 8/13/84.] Repealed by 89-17-069 (Order 89-10), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.
- 392-126-600 Salary-compensation lid compliance—Reporting cycle—Certificated staff. [Statutory Authority: RCW 28A.58.095. 84-17-053 (Order 84-32), § 392-126-600, filed 8/13/84.] Repealed by 89-17-069 (Order 89-10), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.
- 392-126-605 Salary-compensation lid compliance—Reporting cycle—District initial edit of certificated personnel data. [Statutory Authority: RCW 28A.58.095. 84-17-053 (Order 84-32), § 392-126-605, filed 8/13/84.] Repealed by 89-17-069 (Order 89-10), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.
- 392-126-610 Salary-compensation lid compliance—Reporting cycle—Data analysis and determination of need for additional information—Certificated staff. [Statutory Authority: RCW 28A.58.095. 84-17-053 (Order 84-32), § 392-126-610, filed 8/13/84.] Repealed by 89-17-069 (Order 89-10), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.
- 392-126-615 Salary-compensation lid compliance—Reporting cycle—Review of additional information—Certificated staff. [Statutory Authority: RCW 28A.58.095. 84-17-053 (Order 84-32), § 392-126-615, filed 8/13/84.] Repealed by 89-17-069 (Order 89-10), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.
- 392-126-620 Salary-compensation lid compliance—Reporting cycle—Determination of violation after review—Certificated staff. [Statutory Authority: RCW 28A.58.095. 86-01-023 (Order 85-18), § 392-126-620, filed 12/9/85; 84-17-053 (Order 84-32), § 392-126-620, filed 8/13/84.] Repealed by 89-17-069 (Order 89-10), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.
- 392-126-625 Salary-compensation lid compliance—Reporting cycle—District subsequent changes of certificated personnel data. [Statutory Authority: RCW 28A.58.095. 84-17-053 (Order 84-32), § 392-126-625, filed 8/13/84.] Repealed by 89-17-069 (Order 89-10), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.
- 392-126-630 Salary-compensation lid compliance—Withholding of basic education allocation—Certificated staff. [Statutory

Authority: RCW 28A.58.095. 84-17-053 (Order 84-32), § 392-126-630, filed 8/13/84.] Repealed by 89-17-069 (Order 89-10), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.

- 392-126-700 Salary-compensation lid compliance—Compliance of average classified salaries. [Statutory Authority: RCW 28A.58.095. 86-21-091 (Order 86-16), § 392-126-700, filed 10/17/86; 86-01-023 (Order 85-18), § 392-126-700, filed 12/9/85; 84-17-053 (Order 84-32), § 392-126-700, filed 8/13/84.] Repealed by 89-17-069 (Order 89-10), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.
- 392-126-705 Salary-compensation lid compliance—Compliance of classified insurance benefits. [Statutory Authority: RCW 28A.58.095. 86-01-023 (Order 85-18), § 392-126-705, filed 12/9/85; 84-17-053 (Order 84-32), § 392-126-705, filed 8/13/84.] Repealed by 89-17-069 (Order 89-10), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.
- 392-126-710 Salary-compensation lid compliance—No increases constitute compliance—Classified staff. [Statutory Authority: RCW 28A.58.095. 86-01-023 (Order 85-18), § 392-126-710, filed 12/9/85; 84-17-053 (Order 84-32), § 392-126-710, filed 8/13/84.] Repealed by 89-17-069 (Order 89-10), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.
- 392-126-800 Salary-compensation lid compliance—Reporting cycle—Classified staff. [Statutory Authority: RCW 28A.58.095. 86-21-091 (Order 86-16), § 392-126-800, filed 10/17/86; 84-17-053 (Order 84-32), § 392-126-800, filed 8/13/84.] Repealed by 89-17-069 (Order 89-10), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.
- 392-126-805 Salary-compensation lid compliance—Reporting cycle—District initial edit of classified personnel data. [Statutory Authority: RCW 28A.58.095. 84-17-053 (Order 84-32), § 392-126-805, filed 8/13/84.] Repealed by 89-17-069 (Order 89-10), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.
- 392-126-810 Salary-compensation lid compliance—Reporting cycle—Data analysis and determination of need for additional information—Classified staff. [Statutory Authority: RCW 28A.58.095. 84-17-053 (Order 84-32), § 392-126-810, filed 8/13/84.] Repealed by 89-17-069 (Order 89-10), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.
- 392-126-815 Salary-compensation lid compliance—Reporting cycle—Review of additional information—Classified staff. [Statutory Authority: RCW 28A.58.095. 86-21-091 (Order 86-16), § 392-126-815, filed 10/17/86; 84-17-053 (Order 84-32), § 392-126-815, filed 8/13/84.] Repealed by 89-17-069 (Order 89-10), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.
- 392-126-820 Salary-compensation lid compliance—Reporting cycle—Determination of violation after review—Classified staff. [Statutory Authority: RCW 28A.58.095. 86-01-023 (Order 85-18), § 392-126-820, filed 12/9/85; 84-17-053 (Order 84-32), § 392-126-820, filed 8/13/84.] Repealed by 89-17-069 (Order 89-10), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.
- 392-126-825 Salary-compensation lid compliance—Reporting cycle—District subsequent changes of classified personnel data. [Statutory Authority: RCW 28A.58.095. 84-17-053 (Order 84-32), § 392-126-825, filed 8/13/84.] Repealed by 89-17-069 (Order 89-10), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.
- 392-126-830 Salary-compensation lid compliance—Withholding of basic education allocation—Classified staff. [Statutory Authority: RCW 28A.58.095. 84-17-053 (Order 84-32), § 392-126-830, filed 8/13/84.] Repealed by 89-17-069 (Order 89-10), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.

AUTHORITY AND PURPOSE

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

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

FINANCE—SHARED LEAVE

WAC 392-126-004 Authority. The authority for this chapter is RCW 28A.400.380 which authorizes the superintendent of public instruction to adopt rules and regulations promulgating standards governing the administration of the shared leave program which permits sharing of annual and sick leave by school district and educational service district employees.

[Statutory Authority: RCW 28A.58.095. 90-17-110 (Order 25), § 392-126-004, filed 8/21/90, effective 9/21/90.]

WAC 392-126-006 Purpose. The purpose of this chapter is to set forth policies and procedures for the operation of a permissive shared leave program in school districts and educational service districts which permits employees to donate annual and sick leave to a fellow employee who is suffering from or has a relative or household member suffering from an extraordinary or severe illness, injury, impairment, or physical or mental condition which has caused or is likely to cause the employee to take leave without pay or terminate his or her employment.

[Statutory Authority: RCW 28A.58.095. 90-17-110 (Order 25), § 392-126-006, filed 8/21/90, effective 9/21/90.]

WAC 392-126-010 Purpose. The purpose of this chapter is to set forth policies and procedures to ensure that no school district board of directors shall provide salary and compensation increases from any fund source whatsoever in excess of the amount and/or percentage as may be provided for employees in the state Operating Appropriations Act in effect at the time the compensation is payable.

[Statutory Authority: RCW 28A.58.095. 84-17-053 (Order 84-32), § 392-126-010, filed 8/13/84.]

WAC 392-126-015 Definition—Annual leave. As used in this chapter, "annual leave" means vacation leave that an employee accrues and is maintained in records of a district for employees eligible to accrue vacation leave.

[Statutory Authority: RCW 28A.58.095. 90-17-110 (Order 25), § 392-126-015, filed 8/21/90, effective 9/21/90.]

WAC 392-126-020 Definition—Sick leave. As used in this chapter, "sick leave" means leave granted to an employee for the purpose of absence from work with pay in the event of illness, injury, and emergencies as authorized in RCW 28A.400.300 (2)(c).

[Statutory Authority: RCW 28A.58.095. 90-17-110 (Order 25), § 392-126-020, filed 8/21/90, effective 9/21/90.]

WAC 392-126-025 Definition—Employee. As used in this chapter, "employee" means any school district or educational service district employee entitled to use and accrue annual and/or sick leave.

[Statutory Authority: RCW 28A.58.095. 90-17-110 (Order 25), § 392-126-025, filed 8/21/90, effective 9/21/90.]

WAC 392-126-030 Definition—District. As used in this chapter, "district" means a school district or an educational service district.

[Statutory Authority: RCW 28A.58.095. 90-17-110 (Order 25), § 392-126-030, filed 8/21/90, effective 9/21/90.]

WAC 392-126-035 Definition—Leave recipient. As used in this chapter, "leave recipient" means a current employee who has an approved application to receive shared leave.

[Statutory Authority: RCW 28A.58.095. 90-17-110 (Order 25), § 392-126-035, filed 8/21/90, effective 9/21/90.]

WAC 392-126-040 Definition—Leave donor. As used in this chapter, "leave donor" means an employee who has an approved written request for the transfer of annual or sick leave to the shared leave program.

[Statutory Authority: RCW 28A.58.095. 90-17-110 (Order 25), § 392-126-040, filed 8/21/90, effective 9/21/90.]

WAC 392-126-045 Definition—Donated annual leave. As used in this chapter, "donated annual leave" means the amount of annual leave donated by a leave donor under the shared leave program.

[Statutory Authority: RCW 28A.58.095. 90-17-110 (Order 25), § 392-126-045, filed 8/21/90, effective 9/21/90.]

WAC 392-126-050 Definition—Donated sick leave. As used in this chapter, "donated sick leave" means the amount of sick leave donated by a leave donor under the shared leave program.

[Statutory Authority: RCW 28A.58.095. 90-17-110 (Order 25), § 392-126-050, filed 8/21/90, effective 9/21/90.]

WAC 392-126-055 Definition—Employee's relative. As used in this chapter, "employee's relative" means the leave recipient's spouse, child, stepchild, grandchild, grandparent, parent, sibling, or other close relative by blood or marriage.

[Statutory Authority: RCW 28A.58.095. 90-17-110 (Order 25), § 392-126-055, filed 8/21/90, effective 9/21/90.]

WAC 392-126-060 Definitions—Household members. As used in this chapter, "household members" means those persons who reside in the same home as a family unit. This term shall include foster children and legal wards even if they do not live in the household. The term does not include persons sharing the same general house when the living style is primarily that of a dormitory or commune.

[Statutory Authority: RCW 28A.58.095. 90-17-110 (Order 25), § 392-126-060, filed 8/21/90, effective 9/21/90.]

WAC 392-126-065 Definition—Extraordinary or severe. As used in this chapter, "extraordinary or severe" means serious or extreme and/or life threatening.

[Statutory Authority: RCW 28A.58.095. 90-17-110 (Order 25), § 392-126-065, filed 8/21/90, effective 9/21/90.]

WAC 392-126-070 Permissibility of shared leave program. Pursuant to RCW 28A.400.380 districts may institute a shared leave program for employees. This chapter shall govern such programs.

[Statutory Authority: RCW 28A.58.095. 90-17-110 (Order 25), § 392-126-070, filed 8/21/90, effective 9/21/90.]

WAC 392-126-075 Eligibility. In the event a district implements a shared leave program, an employee shall be eligible to receive shared leave under the following conditions:

- (1) The employee's job is one in which annual and/or sick leave can be used and accrued.
- (2) The employee is not eligible for time loss compensation under chapter 51.32 RCW.
- (3) The employee has abided by district policies regarding the use of sick leave.
- (4) The employee has exhausted, or will exhaust, his or her annual leave and/or sick leave.
- (5) The condition has caused, or is likely to cause, the employee to go on leave without pay or terminate district employment.

[Statutory Authority: RCW 28A.58.095. 90-17-110 (Order 25), § 392-126-075, filed 8/21/90, effective 9/21/90.]

WAC 392-126-080 Donation of annual leave. An employee may donate annual leave to specific individuals or pool using the following criteria:

- (1) The employee may donate any amount of annual leave provided the donation does not cause the employee's annual leave balance to fall below ten days.
- (2) Employees may not donate excess annual leave that the donor would not be able to take because of an approaching date after which the annual leave cannot be used.
- (3) All donated annual leave must be given voluntarily. No employee shall be coerced, threatened, intimidated, or financially induced into donating annual leave.

[Statutory Authority: RCW 28A.58.095. 90-17-110 (Order 25), § 392-126-080, filed 8/21/90, effective 9/21/90.]

WAC 392-126-085 Donation of sick leave. An employee may donate sick leave to specific individuals or pool using the following criteria:

- (1) The employee must be in a job in which annual leave is not accrued.
- (2) The employee must have accrued more than sixty days of sick leave.
- (3) Employees may not donate more than six days of sick leave during any twelve-month period.
- (4) Employees may not donate an amount of sick leave that will result in his or her sick leave account going below sixty days.

(5) All donated sick leave must be given voluntarily. No employee shall be coerced, threatened, intimidated, or financially induced into donating sick leave.

[Statutory Authority: RCW 28A.58.095. 90-17-110 (Order 25), § 392-126-085, filed 8/21/90, effective 9/21/90.]

WAC 392-126-090 Maximum amount. The district shall determine the amount of shared leave a leave recipient may receive and may only authorize an employee to use up to a maximum of two hundred sixty-one days of shared leave during total state employment. All forms of paid leave available for use by the recipient must be used prior to using shared leave.

[Statutory Authority: RCW 28A.58.095. 90-17-110 (Order 25), § 392-126-090, filed 8/21/90, effective 9/21/90.]

WAC 392-126-095 Documentation. The district shall require the employee or his or her legal representative, to submit, prior to approval or disapproval, documentation from a licensed physician or other authorized health care practitioner verifying the severe or extraordinary nature and expected duration of the condition.

[Statutory Authority: RCW 28A.58.095. 90-17-110 (Order 25), § 392-126-095, filed 8/21/90, effective 9/21/90.]

WAC 392-126-099 Calculation of shared leave benefit—Proration. Shared leave shall be calculated as follows:

(1) The leave recipient shall be paid his or her regular rate of pay; therefore, one hour of shared leave may cover more or less than one hour of the recipient's salary. The dollar value of the leave shall be converted from the donor to the recipient. The leave received shall be coded as shared leave and shall be maintained separately from all other leave balances.

(2) In the alternative the dollar value of the leave donated shall be ignored and the leave shall be calculated on a day donated and day received basis.

(3) Regardless of which basis is used to calculate and account for shared leave, in the event the district determines that unused shared leave should be returned to leave donors, the district shall develop a plan for prorated return of both annual and sick leave.

[Statutory Authority: RCW 28A.58.095. 90-17-110 (Order 25), § 392-126-099, filed 8/21/90, effective 9/21/90.]

WAC 392-126-104 Annual conversion of accumulated sick leave. The provisions of this chapter shall not reduce the ability of the employee to convert accumulated sick leave under WAC 392-136-015.

[Statutory Authority: RCW 28A.58.095. 90-17-110 (Order 25), § 392-126-104, filed 8/21/90, effective 9/21/90.]

FINANCE—PARTNERSHIPS AMONG SMALL SCHOOL DISTRICTS

WAC 392-126-400 Authority. The authority for this chapter is RCW 28A.340.060(1) which authorizes the superintendent of public instruction to adopt rules and

regulations as are necessary to implement the cooperative partnerships among small school districts program.

[Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-126-400, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.100.090(1). 90-01-140 (Order 23), § 392-126-400, filed 12/20/89, effective 1/20/90.]

WAC 392-126-405 Purpose. The purpose of this chapter is to set forth the policies and procedures to implement the cooperative partnerships among small school districts program set forth in RCW 28A.340.010 through 28A.340.070.

[Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-126-405, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.100.090(1). 90-01-140 (Order 23), § 392-126-405, filed 12/20/89, effective 1/20/90.]

WAC 392-126-410 Definition—Eligible school districts. As used in this chapter, "eligible school district" means a school district eligible for funding as a small high school district pursuant to the state Omnibus Appropriations Act in effect when the school districts are approved for participation in a cooperative project.

[Statutory Authority: RCW 28A.100.090(1). 90-01-140 (Order 23), § 392-126-410, filed 12/20/89, effective 1/20/90.]

WAC 392-126-415 Definition—School year. As used in this chapter, "school year" means the same defined in WAC 392-121-031.

[Statutory Authority: RCW 28A.100.090(1). 90-01-140 (Order 23), § 392-126-415, filed 12/20/89, effective 1/20/90.]

WAC 392-126-420 Application process. Eligible school districts may apply to participate in a cooperative partnership for a period of five years. If additional eligible school districts wish to join the cooperative partnership at a later date, the cooperative partnership shall reapply as a whole. The application shall be reviewed by the superintendent of public instruction for the following:

- (1) The granting of waivers from rules and regulations; and
- (2) Technical accuracy.

The applicant school districts may not commence the proposed cooperative partnership until the superintendent of public instruction has completed the review of the application: *Provided*, That for those cooperative programs approved by the superintendent of public instruction pursuant to RCW 28A.03.448 through 28A.03.450 shall be allowed to continue operations until they have had applications reviewed by the superintendent of public instruction.

[Statutory Authority: RCW 28A.100.090(1). 90-01-140 (Order 23), § 392-126-420, filed 12/20/89, effective 1/20/90.]

WAC 392-126-425 Application process—Content of cooperative partnership application. The cooperative partnership application will include the following:

- (1) A description of the cooperative project, including the programs, services, and administrative activities to be jointly operated;

(2) The improvements in curriculum offerings and educational opportunities expected to result from the establishment of the cooperative project;

(3) A list of statutory requirements or administrative rules which act as financial disincentives to the establishment and/or would impede the operation of the cooperative project;

(4) The financial impact to the school districts and the state that would result from the waiving of the statutory requirement or administrative rules;

(5) An assessment of community support for the proposed cooperative project, including an assessment of each affected community; and

(6) A plan for evaluating the educational and cost-effectiveness of the proposed cooperative project. The evaluation plan shall include a means of evaluating curriculum offerings and staffing patterns.

[Statutory Authority: RCW 28A.100.090(1). 90-01-140 (Order 23), § 392-126-425, filed 12/20/89, effective 1/20/90.]

WAC 392-126-430 Application process—Waivers from rules and regulations. The superintendent of public instruction may grant waivers for five years from rules and regulations if they meet the following conditions:

(1) That the rules and regulations have been adopted by the superintendent of public instruction pursuant to express statutory authority;

(2) That waiving the rules will not affect the health, safety, or civil rights of students, parents, or staff; and

(3) That the request for waiver has been expressly stated in the cooperative partnership application.

[Statutory Authority: RCW 28A.100.090(1). 90-01-140 (Order 23), § 392-126-430, filed 12/20/89, effective 1/20/90.]

WAC 392-126-435 Reporting process. Each school district participating in cooperative partnership shall submit the following reports:

(1) By September 1 of the third school year of continuous operation, a report on the progress of the cooperative partnership in meeting the objectives set forth in the application pursuant to WAC 392-126-425.

(2) By September 1 of the fifth school year of continuous operation, a report evaluating the success of the cooperative partnership in meeting the objectives set forth in the application submitted pursuant to WAC 392-126-425.

[Statutory Authority: RCW 28A.100.090(1). 90-01-140 (Order 23), § 392-126-435, filed 12/20/89, effective 1/20/90.]

WAC 392-126-440 Reporting process—Reapplication. The report submitted pursuant to WAC 392-126-435(2) may include an application for continuation of the cooperative partnership. The contents of this application will conform to the requirements set forth in WAC 392-126-425 and will be subject to review by the superintendent of public instruction set forth in WAC 392-126-420.

[Statutory Authority: RCW 28A.100.090(1). 90-01-140 (Order 23), § 392-126-440, filed 12/20/89, effective 1/20/90.]

Chapter 392-127 WAC

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

WAC

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392-127-111 Calculation of penalty for failure to maintain staffing ratio.

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

392-127-003

Termination date. [Statutory Authority: RCW 28A.58.095. 88-03-004 (Order 88-2), § 392-127-003, filed 1/8/88.] Repealed by 90-12-078 (Order 10), filed 6/1/90, effective 7/2/90. Statutory Authority: RCW 28A.41.170(1).

392-127-005

Authority. [Statutory Authority: RCW 28A.58.095. 86-21-092 (Order 86-17), § 392-127-005, filed 10/17/86; 84-17-052 (Order 84-31), § 392-127-005, filed 8/13/84.] Repealed by 90-12-078 (Order 10), filed 6/1/90, effective 7/2/90. Statutory Authority: RCW 28A.41.170(1).

392-127-010

Purpose. [Statutory Authority: RCW 28A.58.095. 86-21-092 (Order 86-17), § 392-127-010, filed 10/17/86; 85-19-006 (Order 85-8), § 392-127-010, filed 9/6/85; 84-17-052 (Order 84-31), § 392-127-010, filed 8/13/84.] Repealed by 90-12-078 (Order 10), filed 6/1/90, effective 7/2/90. Statutory Authority: RCW 28A.41.170(1).

392-127-100

Definition—Day. [Statutory Authority: RCW 28A.58.095. 84-17-052 (Order 84-31), § 392-127-100, filed 8/13/84.] Repealed by 89-17-068 (Order 89-09), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.

392-127-105

Definition—Current school year. [Statutory Authority: RCW 28A.58.095. 84-17-052 (Order 84-31), § 392-127-105, filed 8/13/84.] Repealed by 89-17-068 (Order 89-09), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.

392-127-110

Definition—Prior school year. [Statutory Authority: RCW 28A.58.095. 84-17-052 (Order 84-31), § 392-127-110, filed 8/13/84.] Repealed by 89-17-068 (Order 89-

- 09), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.
- 392-127-115 Definition—Revised LEAP Document 7. [Statutory Authority: RCW 28A.58.095. 86-21-092 (Order 86-17), § 392-127-115, filed 10/17/86.] Repealed by 89-17-068 (Order 89-09), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.
- 392-127-120 Definition—LEAP Document 1. [Statutory Authority: RCW 28A.58.095. 86-21-092 (Order 86-17), § 392-127-120, filed 10/17/86.] Repealed by 89-17-068 (Order 89-09), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.
- 392-127-200 Definition—Certificated employee. [Statutory Authority: RCW 28A.58.095. 84-17-052 (Order 84-31), § 392-127-200, filed 8/13/84.] Repealed by 89-17-068 (Order 89-09), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.
- 392-127-205 Definition—Full-time equivalent certificated employee. [Statutory Authority: RCW 28A.58.095. 84-17-052 (Order 84-31), § 392-127-205, filed 8/13/84.] Repealed by 89-17-068 (Order 89-09), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.
- 392-127-210 Definition—Form S-275. [Statutory Authority: RCW 28A.58.095. 84-17-052 (Order 84-31), § 392-127-210, filed 8/13/84.] Repealed by 89-17-068 (Order 89-09), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.
- 392-127-215 Definition—Report S-727. [Statutory Authority: RCW 28A.58.095. 84-17-052 (Order 84-31), § 392-127-215, filed 8/13/84.] Repealed by 89-17-068 (Order 89-09), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.
- 392-127-225 Definition—Certificated staff salaries. [Statutory Authority: RCW 28A.58.095. 84-17-052 (Order 84-31), § 392-127-225, filed 8/13/84.] Repealed by 86-21-092 (Order 86-17), filed 10/17/86. Statutory Authority: RCW 28A.58.095.
- 392-127-235 Definition—Certificated insurance benefits. [Statutory Authority: RCW 28A.58.095. 84-17-052 (Order 84-31), § 392-127-235, filed 8/13/84.] Repealed by 89-17-068 (Order 89-09), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.
- 392-127-240 Definition—Certificated exempt employee. [Statutory Authority: RCW 28A.58.095. 84-17-052 (Order 84-31), § 392-127-240, filed 8/13/84.] Repealed by 89-17-068 (Order 89-09), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.
- 392-127-245 Definition—Certificated supervisory employee. [Statutory Authority: RCW 28A.58.095. 84-17-052 (Order 84-31), § 392-127-245, filed 8/13/84.] Repealed by 89-17-068 (Order 89-09), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.
- 392-127-250 Definition—Certificated nonsupervisory employee. [Statutory Authority: RCW 28A.58.095. 84-17-052 (Order 84-31), § 392-127-250, filed 8/13/84.] Repealed by 89-17-068 (Order 89-09), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.
- 392-127-255 Definition—Certificated administrative group. [Statutory Authority: RCW 28A.58.095. 86-21-092 (Order 86-17), § 392-127-255, filed 10/17/86; 84-17-052 (Order 84-31), § 392-127-255, filed 8/13/84.] Repealed by 89-17-068 (Order 89-09), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.
- 392-127-260 Definition—Certificated Group II. [Statutory Authority: RCW 28A.58.095. 85-19-006 (Order 85-8), § 392-127-260, filed 9/6/85; 84-17-052 (Order 84-31), § 392-127-260, filed 8/13/84.] Repealed by 86-21-092 (Order 86-17), filed 10/17/86. Statutory Authority: RCW 28A.58.095.
- 392-127-264 Definition—Prior school year certificated professional experience and educational preparation. [Statutory Authority: RCW 28A.58.095. 86-21-092 (Order 86-17), § 392-127-264, filed 10/17/86.] Repealed by 89-17-068 (Order 89-09), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.
- 392-127-265 Definition—Current school year certificated professional experience and educational preparation. [Statutory Authority: RCW 28A.58.095. 86-21-092 (Order 86-17), § 392-127-265, filed 10/17/86; 84-17-052 (Order 84-31), § 392-127-265, filed 8/13/84.] Repealed by 89-17-068 (Order 89-09), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.
- 392-127-268 Definition—Certificated administrative group staff mix factor. [Statutory Authority: RCW 28A.58.095. 86-21-092 (Order 86-17), § 392-127-268, filed 10/17/86.] Repealed by 89-17-068 (Order 89-09), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.
- 392-127-270 Definition—Converted prior school year certificated highest monthly salary. [Statutory Authority: RCW 28A.58.095. 86-21-092 (Order 86-17), § 392-127-270, filed 10/17/86; 84-17-052 (Order 84-31), § 392-127-270, filed 8/13/84.] Repealed by 89-17-068 (Order 89-09), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.
- 392-127-271 Definition—Current school year certificated highest monthly salary. [Statutory Authority: RCW 28A.58.095. 86-21-092 (Order 86-17), § 392-127-271, filed 10/17/86.] Repealed by 89-17-068 (Order 89-09), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.
- 392-127-275 Definition—Converted prior school year certificated average annualized salary for the certificated administrative group. [Statutory Authority: RCW 28A.58.095. 86-21-092 (Order 86-17), § 392-127-275, filed 10/17/86; 84-17-052 (Order 84-31), § 392-127-275, filed 8/13/84.] Repealed by 89-17-068 (Order 89-09), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.
- 392-127-280 Definition—Current school year certificated average annualized salary for the certificated administrative group. [Statutory Authority: RCW 28A.58.095. 86-21-092 (Order 86-17), § 392-127-280, filed 10/17/86; 84-17-052 (Order 84-31), § 392-127-280, filed 8/13/84.] Repealed by 89-17-068 (Order 89-09), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.
- 392-127-285 Definition—Prior school year certificated group salary factor. [Statutory Authority: RCW 28A.58.095. 84-17-052 (Order 84-31), § 392-127-285, filed 8/13/84.] Repealed by 86-21-092 (Order 86-17), filed 10/17/86. Statutory Authority: RCW 28A.58.095.
- 392-127-286 Definition—Allowed salary increase percent for the certificated administrative group. [Statutory Authority: RCW 28A.58.095. 86-21-092 (Order 86-17), § 392-127-286, filed 10/17/86.] Repealed by 89-17-068 (Order 89-09), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.
- 392-127-287 Definition—Actual salary increase percent for the certificated administrative group. [Statutory Authority: RCW 28A.58.095. 86-21-092 (Order 86-17), § 392-127-287, filed 10/17/86.] Repealed by 89-17-068 (Order 89-09), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.
- 392-127-290 Definition—Current school year certificated group salary factor. [Statutory Authority: RCW 28A.58.095. 84-17-052 (Order 84-31), § 392-127-290, filed 8/13/84.] Repealed by 86-21-092 (Order 86-17), filed 10/17/86. Statutory Authority: RCW 28A.58.095.
- 392-127-295 Definition—Prior school year certificated average annual insurance benefits for the certificated administrative group. [Statutory Authority: RCW 28A.58.095. 86-21-092 (Order 86-17), § 392-127-295, filed 10/17/86; 85-19-006 (Order 85-8), § 392-127-295, filed 9/6/85; 84-17-052 (Order 84-31), § 392-127-295, filed 8/13/84.] Repealed by 89-17-068 (Order 89-09), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.
- 392-127-296 Definition—Current school year certificated average annual insurance benefits for the certificated administrative group. [Statutory Authority: RCW 28A.58.095. 86-21-092 (Order 86-17), § 392-127-296, filed 10/17/86; 84-17-052 (Order 84-31), § 392-127-296, filed 8/13/84.] Repealed by 89-17-068 (Order 89-09), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.

- 392-127-297 Definition—Form 1079A. [Statutory Authority: RCW 28A.58.095. 86-21-092 (Order 86-17), § 392-127-297, filed 10/17/86.] Repealed by 89-17-068 (Order 89-09), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.
- 392-127-300 Definition—Classified employee. [Statutory Authority: RCW 28A.58.095. 84-17-052 (Order 84-31), § 392-127-300, filed 8/13/84.] Repealed by 89-17-068 (Order 89-09), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.
- 392-127-305 Definition—Full-time equivalent classified employee. [Statutory Authority: RCW 28A.58.095. 84-17-052 (Order 84-31), § 392-127-305, filed 8/13/84.] Repealed by 89-17-068 (Order 89-09), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.
- 392-127-310 Definition—Form S-277. [Statutory Authority: RCW 28A.58.095. 84-17-052 (Order 84-31), § 392-127-310, filed 8/13/84.] Repealed by 89-17-068 (Order 89-09), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.
- 392-127-315 Definition—Report S-730. [Statutory Authority: RCW 28A.58.095. 84-17-052 (Order 84-31), § 392-127-315, filed 8/13/84.] Repealed by 89-17-068 (Order 89-09), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.
- 392-127-325 Definition—Classified staff salaries. [Statutory Authority: RCW 28A.58.095. 84-17-052 (Order 84-31), § 392-127-325, filed 8/13/84.] Repealed by 86-21-092 (Order 86-17), filed 10/17/86. Statutory Authority: RCW 28A.58.095.
- 392-127-335 Definition—Classified insurance benefits. [Statutory Authority: RCW 28A.58.095. 84-17-052 (Order 84-31), § 392-127-335, filed 8/13/84.] Repealed by 89-17-068 (Order 89-09), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.
- 392-127-340 Definition—Classified exempt employee. [Statutory Authority: RCW 28A.58.095. 84-17-052 (Order 84-31), § 392-127-340, filed 8/13/84.] Repealed by 89-17-068 (Order 89-09), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.
- 392-127-345 Definition—Classified supervisory employee. [Statutory Authority: RCW 28A.58.095. 84-17-052 (Order 84-31), § 392-127-345, filed 8/13/84.] Repealed by 89-17-068 (Order 89-09), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.
- 392-127-350 Definition—Classified nonsupervisory employee. [Statutory Authority: RCW 28A.58.095. 84-17-052 (Order 84-31), § 392-127-350, filed 8/13/84.] Repealed by 89-17-068 (Order 89-09), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.
- 392-127-355 Definition—Classified administrative group. [Statutory Authority: RCW 28A.58.095. 86-21-092 (Order 86-17), § 392-127-355, filed 10/17/86; 84-17-052 (Order 84-31), § 392-127-355, filed 8/13/84.] Repealed by 89-17-068 (Order 89-09), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.
- 392-127-360 Definition—Classified Group II. [Statutory Authority: RCW 28A.58.095. 85-19-006 (Order 85-8), § 392-127-360, filed 9/6/85; 84-17-052 (Order 84-31), § 392-127-360, filed 8/13/84.] Repealed by 86-21-092 (Order 86-17), filed 10/17/86. Statutory Authority: RCW 28A.58.095.
- 392-127-364 Definition—Prior school year classified years of experience. [Statutory Authority: RCW 28A.58.095. 86-21-092 (Order 86-17), § 392-127-364, filed 10/17/86.] Repealed by 89-17-068 (Order 89-09), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.
- 392-127-365 Definition—Current school year classified years of experience. [Statutory Authority: RCW 28A.58.095. 86-21-092 (Order 86-17), § 392-127-365, filed 10/17/86; 84-17-052 (Order 84-31), § 392-127-365, filed 8/13/84.] Repealed by 89-17-068 (Order 89-09), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.
- 392-127-368 Definition—District classified administrative group increment mix factor. [Statutory Authority: RCW 28A.58.095. 86-21-092 (Order 86-17), § 392-127-368, filed 10/17/86.] Repealed by 89-17-068 (Order 89-09), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.
- 392-127-370 Definition—Converted prior school year classified highest hourly rate. [Statutory Authority: RCW 28A.58.095. 86-21-092 (Order 86-17), § 392-127-370, filed 10/17/86; 84-17-052 (Order 84-31), § 392-127-370, filed 8/13/84.] Repealed by 89-17-068 (Order 89-09), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.
- 392-127-371 Definition—Current school year classified highest hourly rate. [Statutory Authority: RCW 28A.58.095. 86-21-092 (Order 86-17), § 392-127-371, filed 10/17/86.] Repealed by 89-17-068 (Order 89-09), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.
- 392-127-375 Definition—Converted prior school year classified average annualized salary—For the classified administrative group. [Statutory Authority: RCW 28A.58.095. 86-21-092 (Order 86-17), § 392-127-375, filed 10/17/86; 84-17-052 (Order 84-31), § 392-127-375, filed 8/13/84.] Repealed by 89-17-068 (Order 89-09), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.
- 392-127-380 Definition—Current school year classified average annualized salary for the classified administrative group. [Statutory Authority: RCW 28A.58.095. 86-21-092 (Order 86-17), § 392-127-380, filed 10/17/86; 84-17-052 (Order 84-31), § 392-127-380, filed 8/13/84.] Repealed by 89-17-068 (Order 89-09), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.
- 392-127-385 Definition—Prior school year classified salary factor. [Statutory Authority: RCW 28A.58.095. 84-17-052 (Order 84-31), § 392-127-385, filed 8/13/84.] Repealed by 86-21-092 (Order 86-17), filed 10/17/86. Statutory Authority: RCW 28A.58.095.
- 392-127-386 Definition—Allowed salary increase percent for the classified administrative group. [Statutory Authority: RCW 28A.58.095. 86-21-092 (Order 86-17), § 392-127-386, filed 10/17/86.] Repealed by 89-17-068 (Order 89-09), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.
- 392-127-387 Definition—Actual salary increase percent for the classified administrative group. [Statutory Authority: RCW 28A.58.095. 86-21-092 (Order 86-17), § 392-127-387, filed 10/17/86.] Repealed by 89-17-068 (Order 89-09), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.
- 392-127-390 Definition—Current school year classified group salary factor. [Statutory Authority: RCW 28A.58.095. 84-17-052 (Order 84-31), § 392-127-390, filed 8/13/84.] Repealed by 86-21-092 (Order 86-17), filed 10/17/86. Statutory Authority: RCW 28A.58.095.
- 392-127-395 Definition—Prior school year classified average annual insurance benefits for the classified administrative group. [Statutory Authority: RCW 28A.58.095. 86-21-092 (Order 86-17), § 392-127-395, filed 10/17/86; 85-19-006 (Order 85-8), § 392-127-395, filed 9/6/85; 84-17-052 (Order 84-31), § 392-127-395, filed 8/13/84.] Repealed by 89-17-068 (Order 89-09), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.
- 392-127-396 Definition—Current school year classified average annual insurance benefits for the classified administrative group. [Statutory Authority: RCW 28A.58.095. 86-21-092 (Order 86-17), § 392-127-396, filed 10/17/86; 84-17-052 (Order 84-31), § 392-127-396, filed 8/13/84.] Repealed by 89-17-068 (Order 89-09), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.
- 392-127-397 Definition—Form 1079B. [Statutory Authority: RCW 28A.58.095. 86-21-092 (Order 86-17), § 392-127-397, filed 10/17/86.] Repealed by 89-17-068 (Order 89-09), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.
- 392-127-500 Certificated group compliance process—School district requirements for filing of information regarding certificated staff. [Statutory Authority: RCW 28A.58.095. 84-17-052 (Order 84-31), § 392-127-500, filed 8/13/84.] Repealed by 86-21-092 (Order 86-17), filed 10/17/86. Statutory Authority: RCW 28A.58.095.

- 392-127-505 Certificated group compliance process—School district requirements for filing of information regarding certificated salaries. [Statutory Authority: RCW 28A.58.095. 84-17-052 (Order 84-31), § 392-127-505, filed 8/13/84.] Repealed by 86-21-092 (Order 86-17), filed 10/17/86. Statutory Authority: RCW 28A.58.095.
- 392-127-510 Certificated group compliance process—School district requirements for filing of information regarding certificated insurance benefits. [Statutory Authority: RCW 28A.58.095. 84-17-052 (Order 84-31), § 392-127-510, filed 8/13/84.] Repealed by 86-21-092 (Order 86-17), filed 10/17/86. Statutory Authority: RCW 28A.58.095.
- 392-127-515 Certificated group compliance process—Provision of information to ensure compliance. [Statutory Authority: RCW 28A.58.095. 84-17-052 (Order 84-31), § 392-127-515, filed 8/13/84.] Repealed by 86-21-092 (Order 86-17), filed 10/17/86. Statutory Authority: RCW 28A.58.095.
- 392-127-520 Certificated group compliance process—Precomplaint conference. [Statutory Authority: RCW 28A.58.095. 84-17-052 (Order 84-31), § 392-127-520, filed 8/13/84.] Repealed by 86-21-092 (Order 86-17), filed 10/17/86. Statutory Authority: RCW 28A.58.095.
- 392-127-525 Certificated group compliance process—Criteria for filing of a complaint. [Statutory Authority: RCW 28A.58.095. 84-17-052 (Order 84-31), § 392-127-525, filed 8/13/84.] Repealed by 86-21-092 (Order 86-17), filed 10/17/86. Statutory Authority: RCW 28A.58.095.
- 392-127-530 Certificated group compliance process—Filing of a complaint. [Statutory Authority: RCW 28A.58.095. 84-17-052 (Order 84-31), § 392-127-530, filed 8/13/84.] Repealed by 86-21-092 (Order 86-17), filed 10/17/86. Statutory Authority: RCW 28A.58.095.
- 392-127-535 Certificated group compliance process—Informal review by the superintendent of public instruction. [Statutory Authority: RCW 28A.58.095. 84-17-052 (Order 84-31), § 392-127-535, filed 8/13/84.] Repealed by 86-21-092 (Order 86-17), filed 10/17/86. Statutory Authority: RCW 28A.58.095.
- 392-127-540 Certificated group compliance process—Criteria for evaluation by the superintendent of public instruction of a complaint. [Statutory Authority: RCW 28A.58.095. 84-17-052 (Order 84-31), § 392-127-540, filed 8/13/84.] Repealed by 86-21-092 (Order 86-17), filed 10/17/86. Statutory Authority: RCW 28A.58.095.
- 392-127-545 Certificated administrative group compliance process—Compliance of average salary. [Statutory Authority: RCW 28A.58.095. 86-21-092 (Order 86-17), § 392-127-545, filed 10/17/86; 84-17-052 (Order 84-31), § 392-127-545, filed 8/13/84.] Repealed by 89-17-068 (Order 89-09), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.
- 392-127-550 Certificated administrative group compliance process—Compliance for insurance benefits—Direct comparison. [Statutory Authority: RCW 28A.58.095. 86-21-092 (Order 86-17), § 392-127-550, filed 10/17/86; 85-19-006 (Order 85-8), § 392-127-550, filed 9/6/85; 84-17-052 (Order 84-31), § 392-127-550, filed 8/13/84.] Repealed by 89-17-068 (Order 89-09), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.
- 392-127-551 Certificated administrative group compliance—No insurance benefit increases constitute compliance for the certificated administrative group. [Statutory Authority: RCW 28A.58.095. 86-21-092 (Order 86-17), § 392-127-551, filed 10/17/86.] Repealed by 89-17-068 (Order 89-09), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.
- 392-127-555 Certificated administrative group compliance process—Compliance for insurance benefits—Salary trade. [Statutory Authority: RCW 28A.58.095. 86-21-092 (Order 86-17), § 392-127-555, filed 10/17/86; 84-17-052 (Order 84-31), § 392-127-555, filed 8/13/84.] Repealed by 89-17-068 (Order 89-09), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.
- 392-127-560 Certificated group compliance process—Final determination of complaint. [Statutory Authority: RCW 28A.58.095. 84-17-052 (Order 84-31), § 392-127-560, filed 8/13/84.] Repealed by 86-21-092 (Order 86-17), filed 10/17/86. Statutory Authority: RCW 28A.58.095.
- 392-127-565 Certificated administrative group compliance process—Calculation of penalty for noncompliance on salaries. [Statutory Authority: RCW 28A.58.095. 86-21-092 (Order 86-17), § 392-127-565, filed 10/17/86; 85-19-006 (Order 85-8), § 392-127-565, filed 9/6/85; 84-17-052 (Order 84-31), § 392-127-565, filed 8/13/84.] Repealed by 89-17-068 (Order 89-09), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.
- 392-127-570 Certificated administrative group compliance process—Calculation of penalty for noncompliance on insurance benefits. [Statutory Authority: RCW 28A.58.095. 86-21-092 (Order 86-17), § 392-127-570, filed 10/17/86; 84-17-052 (Order 84-31), § 392-127-570, filed 8/13/84.] Repealed by 89-17-068 (Order 89-09), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.
- 392-127-575 Certificated group compliance process—Return to compliance. [Statutory Authority: RCW 28A.58.095. 84-17-052 (Order 84-31), § 392-127-575, filed 8/13/84.] Repealed by 86-21-092 (Order 86-17), filed 10/17/86. Statutory Authority: RCW 28A.58.095.
- 392-127-576 Certificated administrative group compliance process—Reporting cycle—Certificated administrative group. [Statutory Authority: RCW 28A.58.095. 86-21-092 (Order 86-17), § 392-127-576, filed 10/17/86.] Repealed by 89-17-068 (Order 89-09), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.
- 392-127-577 Certificated administrative group compliance process—Reporting cycle—District initial edit of the certificated administrative group personnel data. [Statutory Authority: RCW 28A.58.095. 86-21-092 (Order 86-17), § 392-127-577, filed 10/17/86.] Repealed by 89-17-068 (Order 89-09), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.
- 392-127-578 Certificated administrative group compliance process—Reporting cycle—Data analysis and determination of need for additional information. [Statutory Authority: RCW 28A.58.095. 86-21-092 (Order 86-17), § 392-127-578, filed 10/17/86.] Repealed by 89-17-068 (Order 89-09), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.
- 392-127-579 Certificated administrative group compliance process—Reporting cycle—Review of additional information. [Statutory Authority: RCW 28A.58.095. 86-21-092 (Order 86-17), § 392-127-579, filed 10/17/86.] Repealed by 89-17-068 (Order 89-09), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.
- 392-127-580 Certificated administrative group compliance process—Reporting cycle—District subsequent changes of data. [Statutory Authority: RCW 28A.58.095. 86-21-092 (Order 86-17), § 392-127-580, filed 10/17/86.] Repealed by 89-17-068 (Order 89-09), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.
- 392-127-600 Classified group compliance process—School district requirements for filing of information regarding classified staff. [Statutory Authority: RCW 28A.58.095. 84-17-052 (Order 84-31), § 392-127-600, filed 8/13/84.] Repealed by 86-21-092 (Order 86-17), filed 10/17/86. Statutory Authority: RCW 28A.58.095.
- 392-127-605 Classified group compliance process—School district requirements for filing of information regarding classified salaries. [Statutory Authority: RCW 28A.58.095. 84-17-052 (Order 84-31), § 392-127-605, filed 8/13/84.] Repealed by 86-21-092 (Order 86-17), filed 10/17/86. Statutory Authority: RCW 28A.58.095.
- 392-127-610 Classified group compliance process—School district requirements for filing of information regarding insurance benefits. [Statutory Authority: RCW 28A.58.095. 84-17-052 (Order 84-31), § 392-127-610, filed 8/13/84.] Repealed by 86-21-092 (Order 86-17), filed 10/17/86. Statutory Authority: RCW 28A.58.095.
- 392-127-615 Classified group compliance process—Provision of information to ensure compliance. [Statutory Authority: RCW 28A.58.095. 84-17-052 (Order 84-31), § 392-127-

- 615, filed 8/13/84.] Repealed by 86-21-092 (Order 86-17), filed 10/17/86. Statutory Authority: RCW 28A.58.095.
- 392-127-620 Classified group compliance process—Precomplaint conference. [Statutory Authority: RCW 28A.58.095. 84-17-052 (Order 84-31), § 392-127-620, filed 8/13/84.] Repealed by 86-21-092 (Order 86-17), filed 10/17/86. Statutory Authority: RCW 28A.58.095.
- 392-127-625 Classified group compliance process—Criteria for filing of a complaint. [Statutory Authority: RCW 28A.58.095. 84-17-052 (Order 84-31), § 392-127-625, filed 8/13/84.] Repealed by 86-21-092 (Order 86-17), filed 10/17/86. Statutory Authority: RCW 28A.58.095.
- 392-127-630 Classified group compliance process—Filing of a complaint. [Statutory Authority: RCW 28A.58.095. 84-17-052 (Order 84-31), § 392-127-630, filed 8/13/84.] Repealed by 86-21-092 (Order 86-17), filed 10/17/86. Statutory Authority: RCW 28A.58.095.
- 392-127-635 Classified group compliance process—Informal review by the superintendent of public instruction. [Statutory Authority: RCW 28A.58.095. 84-17-052 (Order 84-31), § 392-127-635, filed 8/13/84.] Repealed by 86-21-092 (Order 86-17), filed 10/17/86. Statutory Authority: RCW 28A.58.095.
- 392-127-640 Classified group compliance process—Criteria for evaluation by the superintendent of public instruction of a complaint. [Statutory Authority: RCW 28A.58.095. 84-17-052 (Order 84-31), § 392-127-640, filed 8/13/84.] Repealed by 86-21-092 (Order 86-17), filed 10/17/86. Statutory Authority: RCW 28A.58.095.
- 392-127-645 Classified administrative group compliance process—Compliance of average salary. [Statutory Authority: RCW 28A.58.095. 86-21-092 (Order 86-17), § 392-127-645, filed 10/17/86; 84-17-052 (Order 84-31), § 392-127-645, filed 8/13/84.] Repealed by 89-17-068 (Order 89-09), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.
- 392-127-650 Classified administrative group compliance process—Compliance of insurance benefits—Direct comparison. [Statutory Authority: RCW 28A.58.095. 86-21-092 (Order 86-17), § 392-127-650, filed 10/17/86; 85-19-006 (Order 85-8), § 392-127-650, filed 9/6/85; 84-17-052 (Order 84-31), § 392-127-650, filed 8/13/84.] Repealed by 89-17-068 (Order 89-09), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.
- 392-127-651 Classified administrative group compliance—No insurance benefit increases constitute compliance for the classified administrative group. [Statutory Authority: RCW 28A.58.095. 86-21-092 (Order 86-17), § 392-127-651, filed 10/17/86.] Repealed by 89-17-068 (Order 89-09), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.
- 392-127-655 Classified administrative group compliance process—Compliance of insurance benefits—Salary trade. [Statutory Authority: RCW 28A.58.095. 86-21-092 (Order 86-17), § 392-127-655, filed 10/17/86; 84-17-052 (Order 84-31), § 392-127-655, filed 8/13/84.] Repealed by 89-17-068 (Order 89-09), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.
- 392-127-660 Classified group compliance process—Final determination of complaint. [Statutory Authority: RCW 28A.58.095. 84-17-052 (Order 84-31), § 392-127-660, filed 8/13/84.] Repealed by 86-21-092 (Order 86-17), filed 10/17/86. Statutory Authority: RCW 28A.58.095.
- 392-127-665 Classified administrative group compliance process—Calculation of penalty for noncompliance on salaries. [Statutory Authority: RCW 28A.58.095. 86-21-092 (Order 86-17), § 392-127-665, filed 10/17/86; 85-19-006 (Order 85-8), § 392-127-665, filed 9/6/85; 84-17-052 (Order 84-31), § 392-127-665, filed 8/13/84.] Repealed by 89-17-068 (Order 89-09), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.
- 392-127-670 Classified administrative group compliance process—Calculation of penalty for noncompliance on insurance benefits. [Statutory Authority: RCW 28A.58.095. 86-21-092 (Order 86-17), § 392-127-670, filed 10/17/86; 84-17-052 (Order 84-31), § 392-127-670, filed 8/13/84.] Repealed by 89-17-068 (Order 89-09), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.
- 392-127-675 Classified group compliance process—Return to compliance. [Statutory Authority: RCW 28A.58.095. 84-17-052 (Order 84-31), § 392-127-675, filed 8/13/84.] Repealed by 86-21-092 (Order 86-17), filed 10/17/86. Statutory Authority: RCW 28A.58.095.
- 392-127-676 Classified administrative group compliance process—Reporting cycle—Classified administrative group. [Statutory Authority: RCW 28A.58.095. 86-21-092 (Order 86-17), § 392-127-676, filed 10/17/86.] Repealed by 89-17-068 (Order 89-09), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.
- 392-127-677 Classified administrative group compliance process—Reporting cycle—District initial edit of the classified administrative group personnel data. [Statutory Authority: RCW 28A.58.095. 86-21-092 (Order 86-17), § 392-127-677, filed 10/17/86.] Repealed by 89-17-068 (Order 89-09), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.
- 392-127-678 Classified administrative group compliance process—Reporting cycle data analysis and determination of need for additional information. [Statutory Authority: RCW 28A.58.095. 86-21-092 (Order 86-17), § 392-127-678, filed 10/17/86.] Repealed by 89-17-068 (Order 89-09), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.
- 392-127-679 Classified administrative group compliance process—Reporting cycle—Review of additional information. [Statutory Authority: RCW 28A.58.095. 86-21-092 (Order 86-17), § 392-127-679, filed 10/17/86.] Repealed by 89-17-068 (Order 89-09), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.
- 392-127-680 Classified administrative group compliance process—Reporting cycle—District subsequent changes of data. [Statutory Authority: RCW 28A.58.095. 86-21-092 (Order 86-17), § 392-127-680, filed 10/17/86.] Repealed by 89-17-068 (Order 89-09), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.
- 392-127-700 Authority. [Statutory Authority: RCW 28A.600.390. 91-03-129 (Order 1), § 392-127-700, filed 1/23/91, effective 2/23/91.] Repealed by 94-04-096 (Order 94-01), filed 2/1/94, effective 3/4/94. Statutory Authority: RCW 28A.600.390, 28A.150.260 and [28A.150.]290.
- 392-127-703 Purpose. [Statutory Authority: RCW 28A.600.390. 91-03-129 (Order 1), § 392-127-703, filed 1/23/91, effective 2/23/91.] Repealed by 94-04-096 (Order 94-01), filed 2/1/94, effective 3/4/94. Statutory Authority: RCW 28A.600.390, 28A.150.260 and [28A.150.]290.
- 392-127-705 Running start program—Definition. [Statutory Authority: RCW 28A.600.390. 91-03-129 (Order 1), § 392-127-705, filed 1/23/91, effective 2/23/91.] Repealed by 94-04-096 (Order 94-01), filed 2/1/94, effective 3/4/94. Statutory Authority: RCW 28A.600.390, 28A.150.260 and [28A.150.]290.
- 392-127-710 Eligible student—Definition. [Statutory Authority: RCW 28A.600.390. 91-03-129 (Order 1), § 392-127-710, filed 1/23/91, effective 2/23/91.] Repealed by 94-04-096 (Order 94-01), filed 2/1/94, effective 3/4/94. Statutory Authority: RCW 28A.600.390, 28A.150.260 and [28A.150.]290.
- 392-127-715 Full-time equivalent high school and vocational-technical institute students—Definition. [Statutory Authority: RCW 28A.600.390. 91-03-129 (Order 1), § 392-127-715, filed 1/23/91, effective 2/23/91.] Repealed by 94-04-096 (Order 94-01), filed 2/1/94, effective 3/4/94. Statutory Authority: RCW 28A.600.390, 28A.150.260 and [28A.150.]290.
- 392-127-720 Full-time equivalent community college student—Definition. [Statutory Authority: RCW 28A.600.390. 91-03-129 (Order 1), § 392-127-720, filed 1/23/91, effective 2/23/91.] Repealed by 94-04-096 (Order 94-01), filed 2/1/94, effective 3/4/94. Statutory Authority: RCW 28A.600.390, 28A.150.260 and [28A.150.]290.

- 392-127-725 Annual average full-time equivalent student—Definition. [Statutory Authority: RCW 28A.600.390. 91-03-129 (Order 1), § 392-127-725, filed 1/23/91, effective 2/23/91.] Repealed by 94-04-096 (Order 94-01), filed 2/1/94, effective 3/4/94. Statutory Authority: RCW 28A.600.390, 28A.150.260 and [28A.150.]290.
- 392-127-730 Community college district—Definition. [Statutory Authority: RCW 28A.600.390. 91-03-129 (Order 1), § 392-127-730, filed 1/23/91, effective 2/23/91.] Repealed by 94-04-096 (Order 94-01), filed 2/1/94, effective 3/4/94. Statutory Authority: RCW 28A.600.390, 28A.150.260 and [28A.150.]290.
- 392-127-735 Community college—Definition. [Statutory Authority: RCW 28A.600.390. 91-03-129 (Order 1), § 392-127-735, filed 1/23/91, effective 2/23/91.] Repealed by 94-04-096 (Order 94-01), filed 2/1/94, effective 3/4/94. Statutory Authority: RCW 28A.600.390, 28A.150.260 and [28A.150.]290.
- 392-127-740 School district—Definition. [Statutory Authority: RCW 28A.600.390. 91-03-129 (Order 1), § 392-127-740, filed 1/23/91, effective 2/23/91.] Repealed by 94-04-096 (Order 94-01), filed 2/1/94, effective 3/4/94. Statutory Authority: RCW 28A.600.390, 28A.150.260 and [28A.150.]290.
- 392-127-745 Vocational-technical institute—Definition. [Statutory Authority: RCW 28A.600.390. 91-03-129 (Order 1), § 392-127-745, filed 1/23/91, effective 2/23/91.] Repealed by 94-04-096 (Order 94-01), filed 2/1/94, effective 3/4/94. Statutory Authority: RCW 28A.600.390, 28A.150.260 and [28A.150.]290.
- 392-127-750 Annual notice to students and parents. [Statutory Authority: RCW 28A.600.390. 91-03-129 (Order 1), § 392-127-750, filed 1/23/91, effective 2/23/91.] Repealed by 94-04-096 (Order 94-01), filed 2/1/94, effective 3/4/94. Statutory Authority: RCW 28A.600.390, 28A.150.260 and [28A.150.]290.
- 392-127-755 Enrollment—General requirements and conditions. [Statutory Authority: RCW 28A.600.390. 91-03-129 (Order 1), § 392-127-755, filed 1/23/91, effective 2/23/91.] Repealed by 94-04-096 (Order 94-01), filed 2/1/94, effective 3/4/94. Statutory Authority: RCW 28A.600.390, 28A.150.260 and [28A.150.]290.
- 392-127-760 Enrollment—1990-91 and 1991-92 school years—Limitations on community college and student participation. [Statutory Authority: RCW 28A.600.390. 91-03-129 (Order 1), § 392-127-760, filed 1/23/91, effective 2/23/91.] Repealed by 94-04-096 (Order 94-01), filed 2/1/94, effective 3/4/94. Statutory Authority: RCW 28A.600.390, 28A.150.260 and [28A.150.]290.
- 392-127-765 Enrollment—1990-91 school year—Limitation on vocational-technical institute participation. [Statutory Authority: RCW 28A.600.390. 91-03-129 (Order 1), § 392-127-765, filed 1/23/91, effective 2/23/91.] Repealed by 94-04-096 (Order 94-01), filed 2/1/94, effective 3/4/94. Statutory Authority: RCW 28A.600.390, 28A.150.260 and [28A.150.]290.
- 392-127-770 Enrollment—High school credit—Prior confirmation. [Statutory Authority: RCW 28A.600.390. 91-03-129 (Order 1), § 392-127-770, filed 1/23/91, effective 2/23/91.] Repealed by 94-04-096 (Order 94-01), filed 2/1/94, effective 3/4/94. Statutory Authority: RCW 28A.600.390, 28A.150.260 and [28A.150.]290.
- 392-127-775 Enrollment—Extent and duration. [Statutory Authority: RCW 28A.600.390. 91-03-129 (Order 1), § 392-127-775, filed 1/23/91, effective 2/23/91.] Repealed by 94-04-096 (Order 94-01), filed 2/1/94, effective 3/4/94. Statutory Authority: RCW 28A.600.390, 28A.150.260 and [28A.150.]290.
- 392-127-780 Academic standards and discipline—Jurisdiction of educational agencies. [Statutory Authority: RCW 28A.600.390. 91-03-129 (Order 1), § 392-127-780, filed 1/23/91, effective 2/23/91.] Repealed by 94-04-096 (Order 94-01), filed 2/1/94, effective 3/4/94. Statutory Authority: RCW 28A.600.390, 28A.150.260 and [28A.150.]290.
- 392-127-785 Compliance with federal and state requirements of law—Special education program requirements—Necessary cooperative agreements. [Statutory Authority: RCW 28A.600.390. 91-03-129 (Order 1), § 392-127-785, filed 1/23/91, effective 2/23/91.] Repealed by 94-04-096 (Order 94-01), filed 2/1/94, effective 3/4/94. Statutory Authority: RCW 28A.600.390, 28A.150.260 and [28A.150.]290.
- 392-127-790 High school credit—Award by school districts. [Statutory Authority: RCW 28A.600.390. 91-03-129 (Order 1), § 392-127-790, filed 1/23/91, effective 2/23/91.] Repealed by 94-04-096 (Order 94-01), filed 2/1/94, effective 3/4/94. Statutory Authority: RCW 28A.600.390, 28A.150.260 and [28A.150.]290.
- 392-127-795 Finance—Generation of state and federal moneys. [Statutory Authority: RCW 28A.600.390. 91-03-129 (Order 1), § 392-127-795, filed 1/23/91, effective 2/23/91.] Repealed by 94-04-096 (Order 94-01), filed 2/1/94, effective 3/4/94. Statutory Authority: RCW 28A.600.390, 28A.150.260 and [28A.150.]290.
- 392-127-800 Finance—Community college and vocational-technical institute reporting requirements. [Statutory Authority: RCW 28A.600.390. 91-03-129 (Order 1), § 392-127-800, filed 1/23/91, effective 2/23/91.] Repealed by 94-04-096 (Order 94-01), filed 2/1/94, effective 3/4/94. Statutory Authority: RCW 28A.600.390, 28A.150.260 and [28A.150.]290.
- 392-127-805 Finance—School district reporting requirements. [Statutory Authority: RCW 28A.600.390. 91-03-129 (Order 1), § 392-127-805, filed 1/23/91, effective 2/23/91.] Repealed by 94-04-096 (Order 94-01), filed 2/1/94, effective 3/4/94. Statutory Authority: RCW 28A.600.390, 28A.150.260 and [28A.150.]290.
- 392-127-815 Finance—Apportionment and payment of basic education allocation moneys to community college districts and other school districts. [Statutory Authority: RCW 28A.600.390. 91-03-129 (Order 1), § 392-127-815, filed 1/23/91, effective 2/23/91.] Repealed by 94-04-096 (Order 94-01), filed 2/1/94, effective 3/4/94. Statutory Authority: RCW 28A.600.390, 28A.150.260 and [28A.150.]290.
- 392-127-820 Finance—Prior legislative approval of finance rules required. [Statutory Authority: RCW 28A.600.390. 91-03-129 (Order 1), § 392-127-820, filed 1/23/91, effective 2/23/91.] Repealed by 94-04-096 (Order 94-01), filed 2/1/94, effective 3/4/94. Statutory Authority: RCW 28A.600.390, 28A.150.260 and [28A.150.]290.
- 392-127-825 Current and future community college enrollment alternatives not affected. [Statutory Authority: RCW 28A.600.390. 91-03-129 (Order 1), § 392-127-825, filed 1/23/91, effective 2/23/91.] Repealed by 94-04-096 (Order 94-01), filed 2/1/94, effective 3/4/94. Statutory Authority: RCW 28A.600.390, 28A.150.260 and [28A.150.]290.
- 392-127-830 Current and future vocational-technical institute enrollment alternatives not affected. [Statutory Authority: RCW 28A.600.390. 91-03-129 (Order 1), § 392-127-830, filed 1/23/91, effective 2/23/91.] Repealed by 94-04-096 (Order 94-01), filed 2/1/94, effective 3/4/94. Statutory Authority: RCW 28A.600.390, 28A.150.260 and [28A.150.]290.

AUTHORITY AND PURPOSE

WAC 392-127-004 Authority. The authority for this chapter is RCW 28A.150.290(1) which empowers the superintendent of public instruction to make such rules and regulations as are necessary for the administration of chapter 28A.150 RCW, including RCW 28A.150.100(2) which sets forth for each school district as a minimum, a ratio in the basic education program of forty-six certificated instructional staff per one thousand annual average full-time equivalent students.

[Statutory Authority: 1990 c 33. 91-16-011 (Order 91-12), § 392-127-004, filed 7/26/91, effective 8/26/91. Statutory Authority: RCW 28A.41.170(1). 90-12-078 (Order 10), § 392-127-004, filed 6/1/90, effective 7/2/90.]

WAC 392-127-006 Purpose. The purpose of this chapter is to set forth the policies and procedures used by the superintendent of public instruction to determine the following:

(1) Compliance of school districts with the statutory ratio of certificated instructional staff per one thousand full-time equivalent students in kindergarten through twelfth grade set forth in RCW 28A.150.100(2).

(2) The monetary penalty associated with not maintaining this ratio.

[Statutory Authority: 1990 c 33. 91-16-011 (Order 91-12), § 392-127-006, filed 7/26/91, effective 8/26/91. Statutory Authority: RCW 28A.41.170(1). 90-12-078 (Order 10), § 392-127-006, filed 6/1/90, effective 7/2/90.]

WAC 392-127-011 Other ratio requirements. School districts are advised that compliance with this chapter does not ensure compliance with the following statutes:

(1) RCW 28A.150.250, which requires that the ratio of students per classroom teacher in kindergarten through third grade be no greater than the ratio of students per classroom teacher in fourth through twelfth grade.

(2) Section 502(10), chapter 19, Laws of 1989 1st ex. sess. (uncodified), (Omnibus Appropriations Act) which sets forth a staffing and funding process to increase certificated instructional staff ratios in kindergarten through third grade to a level greater than that provided in statute.

[Statutory Authority: 1990 c 33. 91-16-011 (Order 91-12), § 392-127-011, filed 7/26/91, effective 8/26/91. Statutory Authority: RCW 28A.41.170(1). 90-12-078 (Order 10), § 392-127-011, filed 6/1/90, effective 7/2/90.]

DEFINITIONS

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.]

WAC 392-127-020 SPI Form S-275—Definition. As used in this chapter, "SPI Form S-275" means the same as defined in WAC 392-121-220.

[Statutory Authority: RCW 28A.41.170(1). 90-12-078 (Order 10), § 392-127-020, filed 6/1/90, effective 7/2/90.]

WAC 392-127-025 School year—Definition. As used in this chapter, "school year" means the same as defined in WAC 392-121-031.

[Statutory Authority: RCW 28A.41.170(1). 90-12-078 (Order 10), § 392-127-025, filed 6/1/90, effective 7/2/90.]

WAC 392-127-030 Current school year—Definition. As used in this chapter, "current school year" means the school year for which the calculations set forth in this chapter are being performed.

[Statutory Authority: RCW 28A.41.170(1). 90-12-078 (Order 10), § 392-127-030, filed 6/1/90, effective 7/2/90.]

WAC 392-127-035 Following school year—Definition. As used in this chapter, "following school year" means the school year immediately after the current school year.

[Statutory Authority: RCW 28A.41.170(1). 90-12-078 (Order 10), § 392-127-035, filed 6/1/90, effective 7/2/90.]

WAC 392-127-040 Academic year—Definition. As used in this chapter, "academic year" means any nine-month period within the current school year in which the minimum one hundred eighty school days required by law is conducted.

[Statutory Authority: RCW 28A.41.170(1). 90-12-078 (Order 10), § 392-127-040, filed 6/1/90, effective 7/2/90.]

WAC 392-127-045 FTE basic education certificated instructional employee—Definition. As used in this chapter, "full-time equivalent basic education certificated instructional employee" means for a basic education certificated instructional employee as defined in WAC 392-121-210 the full-time equivalent calculated pursuant to WAC 392-121-215.

[Statutory Authority: RCW 28A.41.170(1). 90-12-078 (Order 10), § 392-127-045, filed 6/1/90, effective 7/2/90.]

WAC 392-127-050 Addition FTE—Definition. As used in this chapter, "addition full-time equivalent" means the increase in full-time equivalent for a basic education certificated instructional employee who is not reported on SPI Form S-275 or whose certificated instructional full-time equivalent is increased after October 1 of the current school year calculated as follows:

(1) Determine the basic education certificated instructional full-time equivalent that would have been reported for the employee on SPI Form S-275 if the employee had served the full academic year at the level of service after the contract change;

(2) Subtract the basic education certificated instructional full-time equivalent as of October 1 as reported for the employee on SPI Form S-275 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 contract change, including the month the change occurred; and

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

[Statutory Authority: RCW 28A.41.170(1). 90-12-078 (Order 10), § 392-127-050, filed 6/1/90, effective 7/2/90.]

WAC 392-127-055 Reduction FTE—Definition. As used in this chapter, "reduction full-time equivalent" means the decrease in full-time equivalent means the decrease in full-time equivalent for a basic education certificated instructional employee who is no longer employed or whose certificated instructional full-time equivalent is reduced after October 1 of the current school year calculated as follows:

(1) Determine the basic education certificated instructional full-time equivalent that would have been reported for the employee on SPI Form S-275 if the employee had served the full academic year at the level of service after the contract change;

(2) Subtract the basic education certificated instructional full-time equivalent as of October 1 as reported for the employee on SPI Form S-275 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 contract change, including the month the change occurred; and

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

[Statutory Authority: RCW 28A.41.170(1). 90-12-078 (Order 10), § 392-127-055, filed 6/1/90, effective 7/2/90.]

WAC 392-127-060 Reassignment FTE—Definition. As used in this chapter, "reassignment full-time equivalent" means the change in full-time equivalent for a basic education certificated instructional employee after October 1 whose certificated instructional full-time equivalent does not change calculated as follows:

(1) Determine the basic education certificated instructional full-time equivalent that would have been reported for the employee on SPI Form S-275 if the employee had served the full academic year at the level of service after the assignment change;

(2) Subtract the basic education certificated instructional full-time equivalent as of October 1 as reported on SPI Form S-275 from the result obtained in subsection (1) of this section;

(3) Multiply the result obtained in subsection (1) of this section by the number of months remaining in the academic year that the employee serves at the level of service after the contract change, including the month the reassignment is in effect; and

(4) Divide the result obtained in subsection (2) of this section by nine.

[Statutory Authority: RCW 28A.41.170(1). 90-12-078 (Order 10), § 392-127-060, filed 6/1/90, effective 7/2/90.]

WAC 392-127-065 Supplemental FTE staff—Definition. As used in this chapter, "supplemental full-time equivalent staff" means the sum of a school district's addition, reduction, or reassignment full-time equivalents for basic education certificated instructional employees.

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[Statutory Authority: RCW 28A.41.170(1). 90-12-078 (Order 10), § 392-127-065, filed 6/1/90, effective 7/2/90.]

WAC 392-127-070 Basic education certificated instructional staff ratio—Definition. As used in this chapter, "basic education certificated instructional staff ratio" means the following calculation:

(1) Add the full-time equivalent basic education certificated instructional employees as reported on SPI Form S-275 and any supplemental full-time equivalent staff;

(2) Divide the result obtained in subsection (1) of this section by the full-time equivalent enrollment for October or that period selected by the school district; and

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

[Statutory Authority: RCW 28A.41.170(1). 90-12-078 (Order 10), § 392-127-070, filed 6/1/90, effective 7/2/90.]

OPERATIVE PROVISIONS

WAC 392-127-075 General provisions. The following general provisions apply to this chapter:

(1) All calculations made by the superintendent of public instruction shall use the most current school district information for the school year on file with the superintendent of public instruction at the time of the calculation.

(2) Full-time equivalent staff shall be rounded to the nearest three decimal places.

(3) Full-time equivalent enrollment shall be rounded to the nearest two decimal places.

(4) Ratios of full-time equivalent staff to students shall be expressed as a ratio of staff to one thousand students and shall be rounded to two decimal places (e.g., 51.21/1000).

(5) School districts shall have available upon request by the superintendent of public instruction and for audit purposes, such documentation as necessary to support all data reported to the superintendent of public instruction pursuant to this chapter.

(6) The superintendent of public instruction will develop and make available such forms, reports, and other documents necessary to implement this chapter.

[Statutory Authority: RCW 28A.41.170(1). 90-12-078 (Order 10), § 392-127-075, filed 6/1/90, effective 7/2/90.]

WAC 392-127-080 School district reporting—Required reports. On or before the Wednesday prior to Thanksgiving of each school year, each school district shall submit to the superintendent of public instruction on SPI Form S-275 the school district's full-time equivalent basic education certificated instructional staff for the current school year.

[Statutory Authority: RCW 28A.41.170(1). 90-12-078 (Order 10), § 392-127-080, filed 6/1/90, effective 7/2/90.]

WAC 392-127-085 School district reporting—Optional report—Staff changes. School districts may report to the superintendent of public instruction prior to September 30 of the following school year supplemental full-time equivalent staff for the current school year.

[Statutory Authority: RCW 28A.41.170(1). 90-12-078 (Order 10), § 392-127-085, filed 6/1/90, effective 7/2/90.]

WAC 392-127-090 School district reporting—Optional report—Enrollment changes. A school district may request that the superintendent of public instruction use a different full-time equivalent enrollment to compute staffing ratios than that reported for October. The school district shall request the use of a different enrollment period prior to September 10 of the following school year. The school district may select either one of the following:

- (1) The full-time equivalent enrollment for any one month during the current school year; or
- (2) The annual average full-time equivalent enrollment for the current school year.

[Statutory Authority: RCW 28A.41.170(1). 90-12-078 (Order 10), § 392-127-090, filed 6/1/90, effective 7/2/90.]

WAC 392-127-095 Initial report by the superintendent of public instruction. Prior to January 31 of each school year the superintendent of public instruction shall report to each school district its basic education certificated instructional staff ratio for the current school year. The report shall include any supplemental data submitted by the school district to the superintendent of public instruction prior to January 1 of the current school year.

[Statutory Authority: RCW 28A.41.170(1). 90-12-078 (Order 10), § 392-127-095, filed 6/1/90, effective 7/2/90.]

WAC 392-127-101 Interim report by the superintendent of public instruction. Within thirty days of receiving an optional report of staff or enrollment changes from a school district, the superintendent of public instruction shall report to the school district its basic education certificated instructional staff ratio for the current school year.

[Statutory Authority: RCW 28A.41.170(1). 90-12-078 (Order 10), § 392-127-101, filed 6/1/90, effective 7/2/90.]

WAC 392-127-106 Final report by the superintendent of public instruction. Prior to January 1 of the following school year, the superintendent of public instruction shall report to each school district its basic education certificated instructional staff ratio for the current school year. Calculations shall include supplemental data for the current school year submitted by the school district prior to September 30 of the following school year.

[Statutory Authority: RCW 28A.41.170(1). 90-12-078 (Order 10), § 392-127-106, filed 6/1/90, effective 7/2/90.]

WAC 392-127-111 Calculation of penalty for failure to maintain staffing ratio. For those school districts with a basic education certificated instructional staff ratio of less than forty-six shown on the school district's final report, the superintendent shall withhold from the next apportionment payment the following:

- (1) Subtract the current school year final basic education certificated instructional staff ratio as reported to the school district from forty-six;
- (2) Multiply the result obtained in subsection (1) of this section by the current school year full-time equivalent enrollment and further divide by one thousand;

(3) Multiply the result obtained in subsection (2) of this section by the school district's average salary, average mandatory fringe benefits, and health insurance benefits for certificated instructional staff unit used for the purpose of calculating the school district's general apportionment entitlement for the current school year.

(4) The result obtained in subsection (3) of this section is the amount that the superintendent of public instruction shall withhold from the next apportionment payment for the school district in question.

[Statutory Authority: RCW 28A.41.170(1). 90-12-078 (Order 10), § 392-127-111, filed 6/1/90, effective 7/2/90.]

WAC 392-127-810 Finance—Limitations on enrollment counts. No eligible student enrolled in a high school, community college, vocational-technical institute, or any combination thereof, reported under WAC 392-127-800 and 392-127-805 shall be counted as more than one full-time equivalent student for any single month or more than one annual average full-time equivalent student in any school year: *Provided*, That an eligible student who enrolls in grade eleven and elects to enroll in a summer community college or vocational-technical institute program that school year in order to accelerate his or her high school graduation may be counted as more than one annual average full-time equivalent student for that school year: *Provided further*, That the student shall not be counted the succeeding school year as more than one annual average full-time equivalent student less that portion of the prior school year count which exceeded one annual average full-time equivalent student count.

[Statutory Authority: RCW 28A.600.390. 91-03-129 (Order 1), § 392-127-810, filed 1/23/91, effective 2/23/91.]

Chapter 392-129 WAC

FINANCE—EMERGENCY SCHOOL CLOSURE

WAC

- 392-129-003 Authority.
- 392-129-005 Purpose.
- 392-129-008 Construction of chapter.
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- 392-129-015 Definition—Vacation day.
- 392-129-020 Definition—School year.
- 392-129-030 Definition—Current school year.
- 392-129-035 Definition—Preceding school year.
- 392-129-040 Definition—Prior school year.
- 392-129-045 Definition—Natural event.
- 392-129-050 Definition—Mechanical failure.
- 392-129-060 Definition—Action or inaction by one or more persons.
- 392-129-065 Definition—Unforeseen.
- 392-129-070 Definition—Foreseeable.
- 392-129-080 Definition—Foreseeable school closure days.
- 392-129-090 Definition—District-wide emergency closure.
- 392-129-100 Definition—School emergency closure.
- 392-129-105 Definition—Reasonable effort.
- 392-129-110 Definition—Annual average full-time equivalent students.
- 392-129-115 Separate consideration given to the kindergarten and first through twelfth grade programs.
- 392-129-120 Application of chapter to half-day kindergarten programs.
- 392-129-125 District-wide emergency closure—School district application to the superintendent of public instruction.

392-129-130	District-wide emergency closure—Superintendent of public instruction's determination of eligibility.
392-129-135	District-wide emergency closure—Implementation of superintendent of public instruction's determination of eligibility.
392-129-140	School emergency closure—School district application to the superintendent of public instruction.
392-129-145	School emergency closure—Superintendent of public instruction's determination of eligibility.
392-129-150	School emergency closure—Implementation of superintendent of public instruction's determination of eligibility.

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

392-129-013	Application to superintendent of public instruction. [Statutory Authority: RCW 28A.41.170. 86-08-076 (Order 86-4), § 392-129-013, filed 4/2/86; 84-13-023 (Order 84-13), § 392-129-013, filed 6/13/84.] Repealed by 90-01-141 (Order 22), filed 12/20/89, effective 1/20/90. Statutory Authority: RCW 28A.41.170(2).
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WAC 392-129-003 Authority. The authority for this chapter is RCW 28A.150.290(2) which authorizes the superintendent of public instruction to establish the terms and conditions for allowing a school district to receive an allocation of state moneys when the school district is unable, due to an unforeseen emergency, to fulfill the following statutory requirements:

- (1) One hundred eighty days of operation; or
- (2) The total program hour offerings, teacher contact hours, or course mix and percentage requirements imposed by law.

[Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-129-003, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.41.170(2). 90-01-141 (Order 22), § 392-129-003, filed 12/20/89, effective 1/20/90. Statutory Authority: RCW 28A.41.170. 87-19-060 (Order 87-11), § 392-129-003, filed 9/15/87.]

WAC 392-129-005 Purpose. This chapter shall govern a school district's entitlement to allocations of state moneys pursuant to RCW 28A.150.290(2) for any school year during which it is unable to conduct the kindergarten program, first through twelfth grade program, or both due to one or more unforeseen emergencies such that the following statutory requirements cannot be met:

- (1) The minimum number of school days; and/or
- (2) Program hour offerings, teacher contact hours, and course mix and percentages.

[Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-129-005, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.41.170(2). 90-01-141 (Order 22), § 392-129-005, filed 12/20/89, effective 1/20/90. Statutory Authority: RCW 28A.41.170. 81-21-002 (Order 81-26), § 392-129-005, filed 10/8/81; 80-04-046 (Order 80-3), § 392-129-005, filed 3/21/80, effective 5/2/80; Order 7-75, § 392-129-005, filed 12/22/75. Formerly WAC 392-14-010.]

WAC 392-129-008 Construction of chapter. The provisions of this chapter shall be narrowly construed by the superintendent of public instruction.

[Statutory Authority: RCW 28A.41.170(2). 90-01-141 (Order 22), § 392-129-008, filed 12/20/89, effective 1/20/90.]

WAC 392-129-010 Definition—School day. As used in this chapter, "school day" means the same as defined in WAC 392-121-033.

[Statutory Authority: RCW 28A.41.170(2). 90-01-141 (Order 22), § 392-129-010, filed 12/20/89, effective 1/20/90. Statutory Authority: RCW 28A.41.170. 82-16-039 (Order 82-9), § 392-129-010, filed 7/28/82; 81-21-002 (Order 81-26), § 392-129-010, filed 10/8/81; 80-04-046 (Order 80-3), § 392-129-010, filed 3/21/80, effective 5/2/80; Order 7-75, § 392-129-010, filed 12/22/75. Formerly WAC 392-14-020.]

WAC 392-129-015 Definition—Vacation day. As used in this chapter, "vacation day" means a day other than:

- (1) A school day;
- (2) A school holiday defined in RCW 28A.150.050;
- (3) Saturday unless actually used for a school day; or
- (4) An inservice day for employees of the school district that:
 - (a) Was scheduled prior to the unforeseen school closure; and
 - (b) Was actually used for that purpose.

[Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-129-015, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.41.170(2). 90-01-141 (Order 22), § 392-129-015, filed 12/20/89, effective 1/20/90. Statutory Authority: RCW 28A.41.170. 81-21-002 (Order 81-26), § 392-129-015, filed 10/8/81; 80-04-046 (Order 80-3), § 392-129-015, filed 3/21/80, effective 5/2/80; Order 7-75, § 392-129-015, filed 12/22/75. Formerly WAC 392-14-030.]

WAC 392-129-020 Definition—School year. As used in this chapter, "school year" means the same as defined in WAC 392-121-031.

[Statutory Authority: RCW 28A.41.170(2). 90-01-141 (Order 22), § 392-129-020, filed 12/20/89, effective 1/20/90. Statutory Authority: RCW 28A.41.170. 81-21-002 (Order 81-26), § 392-129-020, filed 10/8/81; 80-04-046 (Order 80-3), § 392-129-020, filed 3/21/80, effective 5/2/80; Order 7-75, § 392-129-020, filed 12/22/75. Formerly WAC 392-14-040.]

WAC 392-129-030 Definition—Current school year. As used in this chapter, "current school year" means the same as defined in WAC 392-139-052.

[Statutory Authority: RCW 28A.41.170(2). 90-01-141 (Order 22), § 392-129-030, filed 12/20/89, effective 1/20/90. Statutory Authority: RCW 28A.41.170. 85-09-019 (Order 85-2), § 392-129-030, filed 4/10/85.]

WAC 392-129-035 Definition—Preceding school year. As used in this chapter, "preceding school year" means the school year immediately preceding the current school year.

[Statutory Authority: RCW 28A.41.170(2). 90-01-141 (Order 22), § 392-129-035, filed 12/20/89, effective 1/20/90.]

WAC 392-129-040 Definition—Prior school year. As used in this chapter, "prior school year" means any one of nine school years immediately preceding the preceding school year.

[Statutory Authority: RCW 28A.150.290(2) and 28A.335.030. 90-19-039 (Order 27), § 392-129-040, filed 9/13/90, effective 10/14/90. Statutory Authority: RCW 28A.41.170(2). 90-01-141 (Order 22), § 392-129-040, filed 12/20/89, effective 1/20/90.]

WAC 392-129-045 Definition—Natural event. As used in this chapter, "natural event" means, but is not limited

to, a fire, flood, explosion, storm, earthquake, epidemic, or volcanic eruption.

[Statutory Authority: RCW 28A.41.170(2). 90-01-141 (Order 22), § 392-129-045, filed 12/20/89, effective 1/20/90.]

WAC 392-129-050 Definition—Mechanical failure.

As used in this chapter, "mechanical failure" means a discontinuation or disruption of utilities such as heating, lighting, or water beyond the control of a school district board of directors and its employees.

[Statutory Authority: RCW 28A.41.170(2). 90-01-141 (Order 22), § 392-129-050, filed 12/20/89, effective 1/20/90.]

WAC 392-129-060 Definition—Action or inaction

by one or more persons. As used in this chapter, "action or inaction by one or more persons" means, but is not limited to, arson, vandalism, riots, insurrections, bomb threats, bombing, or delays in the scheduled completion of construction projects beyond the control of a school district board of directors and its employees. It shall not mean any labor dispute between a school district board of directors and any employee.

[Statutory Authority: RCW 28A.41.170(2). 90-01-141 (Order 22), § 392-129-060, filed 12/20/89, effective 1/20/90.]

WAC 392-129-065 Definition—Unforeseen.

As used in this chapter, "unforeseen" means the extent that a reasonably prudent person could not have anticipated, prior to August 1st of the preceding school year, that natural events, mechanical failures, or actions or inactions by one or more persons would probably occur during the current school year due to the occurrence of an event or circumstances during a preceding or prior school year.

[Statutory Authority: RCW 28A.41.170(2). 90-01-141 (Order 22), § 392-129-065, filed 12/20/89, effective 1/20/90.]

WAC 392-129-070 Definition—Foreseeable.

As used in this chapter, "foreseeable" means the extent that a reasonably prudent person could have anticipated prior to August 1st of the preceding school year, that natural events, mechanical failures, or actions or inactions by one or more persons would probably occur during the current school year due to the occurrence of an event or circumstances during a preceding or prior school year.

[Statutory Authority: RCW 28A.41.170(2). 90-01-141 (Order 22), § 392-129-070, filed 12/20/89, effective 1/20/90.]

WAC 392-129-080 Definition—Foreseeable school

closure days. As used in this chapter, "foreseeable school closure days" means those days that are foreseeable in order to provide the school district with the ability to make up lost school days due to foreseeable natural events, mechanical failure, or action or inaction by one or more persons that would lead to all schools being unsafe, unhealthy, inaccessible, or inoperable.

[Statutory Authority: RCW 28A.41.170(2). 90-01-141 (Order 22), § 392-129-080, filed 12/20/89, effective 1/20/90.]

WAC 392-129-090 Definition—District-wide

emergency closure. As used in this chapter, "district-wide

emergency closure" means that all school buildings in the school district are unsafe, unhealthy, inaccessible, or inoperable due to one or more unforeseen natural events, mechanical failures, or actions or inactions by one or more persons.

[Statutory Authority: RCW 28A.41.170(2). 90-01-141 (Order 22), § 392-129-090, filed 12/20/89, effective 1/20/90.]

WAC 392-129-100 Definition—School emergency

closure. As used in this chapter, "school emergency closure" means a school in the school district comprised of more than one school that is unsafe, unhealthy, inaccessible, or inoperable due to one or more unforeseen natural events, mechanical failures, or actions or inactions by one or more persons.

[Statutory Authority: RCW 28A.41.170(2). 90-01-141 (Order 22), § 392-129-100, filed 12/20/89, effective 1/20/90.]

WAC 392-129-105 Definition—Reasonable effort.

As used in this chapter, "reasonable effort" means the:

(1) Extension of the school year to and through June 14th; and

(2) Use of scheduled vacation days and foreseeable school closure days, to attain the minimum number of school days and program hour offerings, teacher contact hours, and course mix and percentages required by law. In no case shall a school district be considered to have made a reasonable effort unless at least three school days and program hour offerings, teacher contact hours, and course mix percentage which have been lost have in fact been made up.

[Statutory Authority: RCW 28A.41.170(2). 90-01-141 (Order 22), § 392-129-105, filed 12/20/89, effective 1/20/90.]

WAC 392-129-110 Definition—Annual average full-

time equivalent students. As used in this chapter, "annual average full-time equivalent students" means the same as defined in WAC 392-121-133.

[Statutory Authority: RCW 28A.41.170(2). 90-01-141 (Order 22), § 392-129-110, filed 12/20/89, effective 1/20/90.]

WAC 392-129-115 Separate consideration given to

the kindergarten and first through twelfth grade programs. For the purpose of computing compliance with minimum school days, program hour offerings, or both resulting in a loss of allocations of state moneys, the kindergarten and the first through twelfth grade programs shall be considered separately.

[Statutory Authority: RCW 28A.41.170(2). 90-01-141 (Order 22), § 392-129-115, filed 12/20/89, effective 1/20/90.]

WAC 392-129-120 Application of chapter to half-

day kindergarten programs. In the event a school district offers both a morning and afternoon kindergarten program and cancels either but not both the morning or afternoon session due to one or more unforeseen natural events, mechanical failures, or actions or inactions by one or more persons, the school district shall be considered as having met the school day, program hour offering, teacher contact hours, and course mix percentages for the canceled session.

[Statutory Authority: RCW 28A.41.170(2). 90-01-141 (Order 22), § 392-129-120, filed 12/20/89, effective 1/20/90.]

WAC 392-129-125 District-wide emergency closure—School district application to the superintendent of public instruction. A school district applying for continuation of state support during a district-wide emergency closure will submit the following information:

- (1) The name of the school district;
- (2) The name of the superintendent of the school district;
- (3) A statement signed by the superintendent that:
 - (a) The school district board of directors has reviewed the application and supports its submittal; and
 - (b) Any foreseeable school closure days are not included in the request;
- (4) The unforeseen natural events, mechanical failures, or actions or inactions by one or more persons which caused the district-wide emergency closure;
- (5) The specific dates of the district-wide emergency closure; and
- (6) The specific dates that the school district has scheduled to make up the lost days.

[Statutory Authority: RCW 28A.41.170(2). 90-01-141 (Order 22), § 392-129-125, filed 12/20/89, effective 1/20/90.]

WAC 392-129-130 District-wide emergency closure—Superintendent of public instruction's determination of eligibility. The superintendent of public instruction shall review each application submitted for a district-wide closure to determine if a reasonable effort has been made to make up all school days and program hour offerings, teacher contact hours, and course mix percentages required by law lost due to the district-wide emergency closure.

[Statutory Authority: RCW 28A.41.170(2). 90-01-141 (Order 22), § 392-129-130, filed 12/20/89, effective 1/20/90.]

WAC 392-129-135 District-wide emergency closure—Implementation of superintendent of public instruction's determination of eligibility. If the superintendent of public instruction determines that the school district has made a reasonable effort to make up all school days and program hour offerings, teacher contact hours, and course mix percentages required by law, the school district shall receive its full annual allocation of state moneys. If the superintendent of public instruction determines that the school district has not made a reasonable effort, the school district's annual allocation of state moneys shall be reduced by the number of days lost due to the district-wide emergency closure divided by one hundred eighty.

[Statutory Authority: RCW 28A.41.170(2). 90-01-141 (Order 22), § 392-129-135, filed 12/20/89, effective 1/20/90.]

WAC 392-129-140 School emergency closure—School district application to the superintendent of public instruction. A school district applying for continuation of state support during a school emergency closure will submit the following information:

- (1) The name of the school district;
- (2) The name of the superintendent of the school district;

(3) A statement signed by the superintendent that the school district board of directors has reviewed the application and supports its submittal;

(4) The name(s) of the individual schools which did not operate;

(5) The unforeseen natural events, mechanical failures, or actions or inactions by one or more persons which caused the school emergency closure;

(6) The specific dates of the school emergency closure; and

(7) The specific dates that the school district has scheduled to make up the lost days.

[Statutory Authority: RCW 28A.41.170(2). 90-01-141 (Order 22), § 392-129-140, filed 12/20/89, effective 1/20/90.]

WAC 392-129-145 School emergency closure—Superintendent of public instruction's determination of eligibility. The superintendent of public instruction shall review each application submitted for a school closure to determine if the application provides a conclusive demonstration that one or more unforeseen natural events, mechanical failures, or actions or inactions by one or more persons prevented the school district from operating the school. Whenever a school district provides a school day, it shall be considered as meeting all hours, as originally scheduled for that day, toward meeting its program hour offerings, teacher contact hours, and course mix percentage requirements.

[Statutory Authority: RCW 28A.41.170(2). 90-01-141 (Order 22), § 392-129-145, filed 12/20/89, effective 1/20/90.]

WAC 392-129-150 School emergency closure—Implementation of superintendent of public instruction's determination of eligibility. If the superintendent of public instruction determines that the school district has provided a conclusive demonstration that one or more unforeseen natural events, mechanical failures, or actions or inactions by one or more persons prevented the school district from operating the school, the school district shall receive its full annual allocation of state moneys. However, the superintendent of public instruction may only excuse the school district for up to two scheduled school days per incident and not for more than three scheduled school days per school year. If the district did not conclusively demonstrate that it was prevented from operating the school(s), its allocation of state moneys shall be reduced by:

(1) Dividing the number of days lost by one hundred eighty;

(2) Multiplying the result obtained in subsection (1) of this section by the annual average full-time equivalent enrollment in the school; and

(3) Dividing the result obtained in subsection (2) of this section by the annual average full-time equivalent enrollment in the school district.

[Statutory Authority: RCW 28A.41.170(2). 90-01-141 (Order 22), § 392-129-150, filed 12/20/89, effective 1/20/90.]

Chapter 392-130 WAC
FINANCE—SELF-FUNDED PLANS FOR
EMPLOYEE BENEFITS

WAC

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WAC 392-130-005 Authority. The authority for this chapter is RCW 48.62.030 which authorizes the superintendent (1995 Ed.)

dent of public instruction to adopt rules governing the budgeting and accounting for school district and educational service district self-funded plans for employee benefits. This authority is supplemented by RCW 48.62.035 which authorizes the superintendent of public instruction to establish standards for the operation and management of school district and educational service district self-funded plans for employee benefits.

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

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

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

(2) Provide management and operational standards for self-funded plans for employee benefits.

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

WAC 392-130-015 Definition—Joint self-funded plan for employee benefits. As used in this chapter, the term "joint self-funded plan for employee benefits" means the combining of one or more school districts and/or educational service districts with a sponsoring school district or educational service district in order to provide an insurance plan in accordance with these rules and regulations. A "joint self-funded plan for employee benefits" shall be consistent with the term "self-funded plan" as used in chapter 48.62 RCW.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

WAC 392-130-145 Joint self-funded plans for employee benefits to be in accordance with the Interlocal Cooperation Act. An agreement among school districts and educational service districts to provide a joint self-funded plan for employee benefits shall be made in accordance with the Interlocal Cooperation Act, chapter 39.34 RCW, as well as these rules and regulations. The agreement for a joint self-funded plan shall meet the specific requirements of the provisions of RCW 39.34.030, as well as the specific requirements of WAC 392-130-165. The agreement shall

contain all the provisions of the plan including any contingencies regarding effectiveness such as date, number of school districts participating, and adoption by the sponsoring school district or educational service district. The agreement shall provide that a joint self-funded plan is to be established by a board policy of each participating board of directors. The agreement and the board policy establishing the joint self-funded plan shall be adopted by resolution of each participating board of directors. A copy of the resolution adopting the agreement and a copy of the agreement signed by an authorized official of a participating school district or educational service district shall be forwarded to the sponsoring school district or educational service district.

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

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

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

WAC 392-130-155 Budgeting and accounting policies for self-funded plans for employee benefits. A self-funded plan for employee benefits may provide for the preparation of budgets for the fund used to account for a plan. Provisions shall be made in a plan to require that:

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

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

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

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

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

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

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

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

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

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

- (1) The duration of the plan.
- (2) The board of directors and administrators responsible for managing the plan.
- (3) Any provision for the contingent start-up of the plan.
- (4) The membership of any advisory board.
- (5) The method of acquiring, holding, and disposal of assets consistent with these rules.
- (6) The nature and scope of insurance coverages to be provided including the extent of choice among combinations of coverage.
- (7) The manner of financing the plan.
- (8) The method by which plan contributions or benefits will be adjusted when reserves have been determined to be actuarially excessive or insufficient, when plan liabilities exceed plan assets, and when the plan is unable to meet debts as such debts mature. If plan contributions need to be increased, the increases shall be large enough to make the joint self-funded plan actuarially sound, solvent, and able to settle any claims and charges against the plan.
- (9) The method to be employed in accomplishing the partial or complete termination of the plan and for liquidation of the plan's assets upon such partial or complete termination. The method shall provide for the settling of all unliquidated claims against the plan. In addition, the method shall be fair and equitable to all persons having a claim upon the plan.

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

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

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

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

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

(13) The process for settling disputes among members of a joint self-funded plan. The process shall provide for binding arbitration of all disputes among member districts

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

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

(15) The deductible amount by type of coverage.

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

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

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

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

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

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

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

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

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

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

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

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

(7) The method or methods of paying claims under the plan, including claims under excess loss coverage, must be

disclosed. The plan may allow payments of benefits to be made directly to health care service providers.

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

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

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

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

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

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

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

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

The actuary shall consider the following factors in the study:

(a) Applicable excess loss insurance;

(b) Contracts with health care service contractors as defined in RCW 48.44.010(3);

(c) Other applicable insurance or guarantees;

(d) Plan factors or provisions for prevention or reduction of adverse selection against the plan by those otherwise eligible to become beneficiaries; and

(e) Any other factor that the actuary deems appropriate.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) Borrow money and give security therefor.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

WAC 392-130-200 Management and operational standards of a self-funded plan for employee benefits—Bonding of administrators. A self-funded plan for employee benefits shall provide for the sponsoring board of directors to cause all individuals handling or disbursing money for the self-funded plan including third party administrators to be bonded at all times under a fidelity bond issued by a surety insurer authorized to transact such insurance in this state. The plan shall provide that the bond shall be in favor of the sponsoring school district or educational service district and be for such aggregate penalty amount as may be deemed by the board of directors as reasonably advisable in relation to the amount of moneys to be so handled. The bond agreement shall provide that the bond be noncancelable except upon not less than sixty days advance notice in writing to the board of directors.

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

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

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

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

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

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

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

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

Chapter 392-132 WAC

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

WAC

392-132-010	Authority.
392-132-020	Purposes.
392-132-030	Definitions.

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

WAC 392-132-010 Authority. This chapter is adopted pursuant to authority vested in the superintendent of public instruction by RCW 28A.545.110 and 84.52.0531(7). RCW 28A.545.110 provides that the superintendent of public instruction may adopt rules and regulations for the payments to high school districts for educating nonhigh district students. RCW 84.52.0531(7) provides that the superintendent of public instruction shall develop rules and regulations for the calculation of the excess maintenance and operation levy transfer from high school districts to nonhigh school districts.

[Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-132-010, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.44.230 and 84.52.053(7). 84-13-024 (Order 84-14), § 392-132-010, filed 6/13/84.]

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

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

(2) Transferring maintenance and operating excess levy authority from the high to nonhigh district.

[Statutory Authority: RCW 28A.44.230 and 84.52.053(7). 84-13-024 (Order 84-14), § 392-132-020, filed 6/13/84.]

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

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

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

The high school district's maintenance and operations excess levy that was certified as collectible for the calendar year in which the school year ended is divided by the actual number of AAFTE students who resided within the boundaries of the high school district. That quotient is multiplied by the actual number of AAFTE nonhigh district students enrolled in the serving high school district during the school year as reported on Form P-213.

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

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

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

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

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

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

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

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

(9) "Annual determination of the excess maintenance and operation levy transfer from the high school district to the nonhigh school district for educating nonhigh school district students" shall have the same meaning as this is given in WAC 392-139-037.

[Statutory Authority: RCW 28A.44.230 and 84.52.053(7). 84-13-024 (Order 84-14), § 392-132-030, filed 6/13/84.]

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

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

WAC 392-132-050 Annual determination of the billing amounts due in May and November installments of each year to a serving high school district from a served nonhigh school district. During the month of May of the school year for which the amount is due, each served nonhigh district shall pay by warrant to each serving high school district fifty percent of the total estimated amount due for the school year. During the following November, each

served nonhigh district shall pay by warrant to each serving high school district the actual amount due for the school year less the fifty percent of the total estimated amount due which was paid in the preceding May installment.

[Statutory Authority: RCW 28A.44.230 and 84.52.053(7). 84-13-024 (Order 84-14), § 392-132-050, filed 6/13/84.]

WAC 392-132-060 Notice of assessment by high school district of a lesser amount or waiver of the entire amount. A high school district board of directors may elect to assess a nonhigh school district an amount which is less than the amount calculated in WAC 392-132-050 or waive the entire amount. In the event a high school district elects to do so, it shall notify both the superintendent of public instruction and the nonhigh school district of its election and the lesser amount or waiver no later than September first following the school year for which the amount is due.

[Statutory Authority: RCW 28A.44.230 and 84.52.053(7). 84-13-024 (Order 84-14), § 392-132-060, filed 6/13/84.]

WAC 392-132-070 Amount due includes expenditures for education and transportation. Unless otherwise agreed to by the board of directors of a nonhigh school district, the amounts established as due by WAC 392-132-050 shall be the entire amount due from a nonhigh school district for the school year for the education and transportation of any and all handicapped and nonhandicapped students residing in the nonhigh school district who attend a high school district.

[Statutory Authority: RCW 28A.44.230 and 84.52.053(7). 84-13-024 (Order 84-14), § 392-132-070, filed 6/13/84.]

Chapter 392-134 WAC

FINANCE—APPORTIONMENT FOR PART-TIME PUBLIC SCHOOL ATTENDANCE

WAC	
392-134-002	Authority.
392-134-003	Purpose.
392-134-005	Definitions.
392-134-010	Attendance rights of part-time public school students.
392-134-015	Enrollment practices and conditions.
392-134-020	Provision of educational program to part-time public school students—Reports—Sites.
392-134-025	State funding procedures.
392-134-030	Compliance with rules as a condition of state funding.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

392-134-001	Purposes. [Statutory Authority: RCW 28A.41.145. 80-05-035 (Order 80-6), § 392-134-001, filed 4/15/80.] Repealed by 86-01-020 (Order 85-15), filed 12/9/85. Statutory Authority: RCW 28.41.140 [28A.41.140] and 28A.41.145.
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WAC 392-134-002 Authority. The authority for this chapter is RCW 28A.150.350 which authorizes the superintendent of public instruction to adopt rules and regulations regarding part-time public school attendance.

[Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-134-002, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28.41.140

[28A.41.140] and 28A.41.145. 86-01-020 (Order 85-15), § 392-134-002, filed 12/9/85.]

WAC 392-134-003 Purpose. The purpose of this chapter is to implement the part-time public school attendance law.

[Statutory Authority: RCW 28.41.140 [28A.41.140] and 28A.41.145. 86-01-020 (Order 85-15), § 392-134-003, filed 12/9/85.]

WAC 392-134-005 Definitions. As used in this chapter the term:

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

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

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

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

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

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

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

(5) "Private school student" shall mean a student who is enrolled in a private school "full time" as defined by the private school of attendance; and

(6) "Home-based instruction" shall mean an instructional program established pursuant to RCW 28A.225.010(4).

[Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-134-005, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28.41.140 [28A.41.140] and 28A.41.145. 86-01-020 (Order 85-15), § 392-134-005, filed 12/9/85. Statutory Authority: RCW 28A.41.145. 80-05-035 (Order 80-6), § 392-134-005, filed 4/15/80.]

WAC 392-134-010 Attendance rights of part-time public school students. An eligible part-time public school student who qualifies as a resident of a public school district pursuant to the definition of a "resident student" set forth in

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chapter 392-137 WAC, as now or hereafter amended, shall be entitled to attend the schools of the district within his or her attendance area tuition free on a part-time basis. An eligible part-time public school student shall be entitled to take any course, receive any ancillary service, and take or receive any combination of courses and ancillary services which is made available by a public school to full-time students. Eligible nonresident part-time public school students may be enrolled at the discretion of a public school district pursuant to the terms and procedures established for nonresident student attendance in chapter 392-137 WAC, as now or hereafter amended.

[Statutory Authority: RCW 28A.41.145. 80-05-035 (Order 80-6), § 392-134-010, filed 4/15/80.]

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

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

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

(2) The course and/or ancillary service for which enrollment is requested is not available at the private school of attendance.

[Statutory Authority: RCW 28.41.140 [28A.41.140] and 28A.41.145. 86-01-020 (Order 85-15), § 392-134-015, filed 12/9/85. Statutory Authority: RCW 28A.41.145. 80-05-035 (Order 80-6), § 392-134-015, filed 4/15/80.]

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

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

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

(4) Transportation between a part-time public school student's private school and a public school in which he/she

is enrolled may not be provided to the student at the expense of a public school district in whole or part: *Provided*, That the following interschool transportation may be provided at the expense of a public school district:

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

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

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

(ii) Is paid or reimbursed for with the federal funds to which the condition is attached, not state or local tax funds or revenues.

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

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

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

(3) The information required by subsections (1) and (2) above shall be provided to the superintendent of public instruction on forms provided by and at such times as are designated by the superintendent.

[Statutory Authority: RCW 28A.41.145. 80-05-035 (Order 80-6), § 392-134-025, filed 4/15/80.]

WAC 392-134-030 Compliance with rules as a condition of state funding. Each public school district shall certify compliance with this chapter as a condition to the reimbursement of costs pursuant to RCW 28A.150.250, 28A.150.260 and 28A.150.350, as now or hereafter amended. State and federal funds shall be withheld in whole or part or recovered in whole or part through reduction in future entitlements of a district as necessary to enforce the provisions and intent of this chapter.

[Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-134-030, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.41.145. 80-05-035 (Order 80-6), § 392-134-030, filed 4/15/80.]

Chapter 392-135 WAC

FINANCE—INTERDISTRICT COOPERATION PROGRAMS

WAC

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

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

392-135-025 Additional weighting support. [Order 7-75, § 392-135-025, filed 12/22/75. Formerly WAC 392-135-925, 392-15-720.] Repealed by 80-05-036 (Order 80-7), filed 4/15/80. Statutory Authority: RCW 28A.58.075(2) and 28A.58.245.

WAC 392-135-005 Purposes. The purposes of this chapter are to implement RCW 28A.335.160(2) and 28A.225.250 and establish the conditions pursuant to which school districts may cooperate in interdistrict tuition-free educational programs, including but not limited to vocational and handicapped programs.

[Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-135-005, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.58.075(2) and 28A.58.245. 80-05-036 (Order 80-7), § 392-135-005, filed 4/15/80; Order 7-75, § 392-135-005, filed 12/22/75. Formerly WAC 392-15-900.]

WAC 392-135-010 Definitions. As used in this chapter, the term:

(1) "Residence," "resident student," and "resident district" shall mean the same as defined in WAC 392-137-010.

(2) "Serving district" shall mean the Washington state school district which operates a tuition-free interdistrict cooperation program pursuant to an agreement with one or more Washington state school districts.

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

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

WAC 392-135-015 Program types. Subject to the prior approval of the superintendent of public instruction, any school district may cooperate with one or more other school districts in the joint maintenance and operation of educational programs or services:

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

(2) On a full- or part-time attendance basis, or a regular 180-day or extended school year basis.

[Order 7-75, § 392-135-015, filed 12/22/75. Formerly WAC 392-15-910, 392-15-735.]

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

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

(a) A description of the services and program.

(b) The number of students to be served from each district.

(c) The estimated amount of any operating costs of the program that are not funded from state or federal sources and the method of sharing such unfunded costs.

(2) Requirements for approval consideration. Interdistrict cooperation programs eligible for consideration and approval by the superintendent of public instruction shall be:

(a) Voluntary.

(b) Tuition free.

(c) Necessary for the express purpose of:

(i) Providing educational programs not otherwise available; and/or

(ii) Avoiding unnecessary duplications of specialized or unusually expensive programs and facilities; and/or

(iii) Improving racial balance within and among school districts.

(d) Interdistrict cooperation contracts shall be approved in advance of the board of directors of each participating school district.

[Statutory Authority: RCW 28A.58.075(2) and 28A.58.245. 81-19-091 (Order 81-21), § 392-135-020, filed 9/18/81; Order 7-75, § 392-135-020, filed 12/22/75. Formerly WAC 392-15-915, 392-15-740.]

WAC 392-135-021 Reporting requirements. (1)

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

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

(3) Data required by this section shall be used by the superintendent of public instruction for the purposes of WAC 392-121-170 and chapter 392-139 WAC as now or hereafter amended.

[Statutory Authority: RCW 28A.58.075(2) and 28A.58.245. 81-19-091 (Order 81-21), § 392-135-021, filed 9/18/81.]

WAC 392-135-030 Cooperative financing of construction. Cooperative financing involving the construction of any educational facility and arrangements therefor pursuant to RCW 28A.335.160(1) shall be in compliance with state board of education regulations, WAC 180-30-460 through 180-30-495, as now or hereafter amended.

[Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-135-030, filed 7/19/90, effective 8/19/90; Order 7-75, § 392-135-030, filed 12/22/75. Formerly WAC 392-15-945, 392-15-770.]

WAC 392-135-035 Nonhigh school district obligation. No arrangement pursuant to this chapter shall alter a nonhigh school district's obligation to a high school district pursuant to chapter 28A.545 RCW.

[Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-135-035, filed 7/19/90, effective 8/19/90; Order 7-75, § 392-135-035, filed 12/22/75.]

Chapter 392-136 WAC

FINANCE—CONVERSION OF ACCUMULATED SICK LEAVE

WAC

392-136-003	Authority.
392-136-005	Purpose.
392-136-010	Definitions.
392-136-015	Annual conversion of accumulated sick leave.
392-136-020	Conversion of sick leave upon retirement or death.
392-136-025	Conversion of sick leave upon retirement or death for postretirement medical benefits.
392-136-060	Application to school districts.
392-136-065	School districts—Board authority—Subject to collective bargaining if applicable.
392-136-070	School districts—Basis of accounting for accumulated sick leave balance for buy out purpose.
392-136-075	School districts—Annual one hundred eighty-day limitation on accumulated sick leave balance for buy out purpose.
392-136-085	School districts—Previous payments in connection with excess accumulations of sick leave disregarded.

WAC 392-136-003 Authority. The authority for this chapter as applied to educational service districts is RCW 28A.310.490 which authorizes the superintendent of public instruction to adopt rules and regulations related to a mandatory attendance incentive program for all employees of educational service districts. The authority for this chapter as applied to school districts is RCW 28A.400.210 which authorizes the superintendent of public instruction to adopt rules and regulations related to a permissive attendance incentive program for employees of school districts.

[Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-136-003, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.21.360 and 28A.58.096. 84-04-034 (Order 84-2), § 392-136-003, filed 1/26/84.]

WAC 392-136-005 Purpose. The purpose of this chapter is to implement RCW 28A.400.210 and 28A.310.490 which provide for compensating school district and educational service district employees for accumulated sick leave. The rules set forth in this chapter are not intended to govern the leave policies of a district for other purposes.

[Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-136-005, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.21.360 and 28A.58.096. 84-04-034 (Order 84-2), § 392-136-005, filed 1/26/84. Statutory Authority: RCW 28A.58.097. 82-16-036 (Order 82-6), § 392-136-005, filed 7/28/82. Statutory Authority: 1980 c 182 §§ 5 and 6. 80-12-029 (Order 80-23), § 392-136-005, filed 8/28/80.]

WAC 392-136-010 Definitions. As used in this chapter:

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

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

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

(4) The term "sick leave" shall mean leave granted to an employee for the purpose of absence from work with pay in the event of illness or injury, or both.

[Statutory Authority: RCW 28A.21.360 and 28A.58.096. 84-04-034 (Order 84-2), § 392-136-010, filed 1/26/84. Statutory Authority: 1980 c 182 §§ 5 and 6. 80-12-029 (Order 80-23), § 392-136-010, filed 8/28/80.]

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

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

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

(i) Shall be an employee of an educational service district or an employee of a school district that has adopted an attendance incentive program covering such employee pursuant to WAC 392-136-065;

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

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

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

(i) Taking the number of sick leave days in excess of sixty full days that were accumulated by the employee during the previous calendar year at a rate of accumulation no greater than one full day per month of employment as provided by the leave policies of the district(s) of employment (a maximum of twelve days per year); and

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

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

(c) Rate of conversion: Sick leave days that are eligible for conversion shall be converted to monetary compensation at the rate of twenty-five percent of an employee's current,

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

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

(4) Compensation received pursuant to this section shall not be included for the purpose of computing a retirement allowance under any public retirement system in this state.

[Statutory Authority: RCW 28A.21.360 and 28A.58.096. 84-04-034 (Order 84-2), § 392-136-015, filed 1/26/84. Statutory Authority: 1980 c 182 §§ 5 and 6. 80-12-029 (Order 80-23), § 392-136-015, filed 8/28/80.]

WAC 392-136-020 Conversion of sick leave upon retirement or death. (1) Eligible employees: Each eligible employee who is employed by a school district or educational service district as of June 12, 1980, or thereafter and who subsequently terminates employment due to either retirement or death may personally, or through his or her estate in the event of death, elect to convert all eligible, accumulated, unused sick leave days to monetary compensation as provided in this section. In order to receive reimbursement for unused sick leave, pursuant to this chapter, at the time of separation from a school or educational service district employment due to retirement, an employee must have separated from such employment and have been granted a retirement allowance under the laws governing the teachers' retirement system or the public employees' retirement system, whichever applies; however, it is not necessary that the employee actually file for retirement prior to the date of his or her separation so long as the application is thereafter filed within a reasonable period of time and without the occurrence of any intervening covered employment: *Provided*, That the maximum number of days that may be converted pursuant to this section for a school district employee shall be one hundred eighty days.

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

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

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

(5) Exclusion from retirement allowance: Compensation received pursuant to this section shall not be included for the purpose of computing a retirement allowance under any public retirement system in this state.

[Statutory Authority: RCW 28A.21.360 and 28A.58.096. 84-04-034 (Order 84-2), § 392-136-020, filed 1/26/84. Statutory Authority: RCW 28A.58.100(2). 82-16-038 (Order 82-8), § 392-136-020, filed 7/28/82. Statutory Authority: 1980 c 182 §§ 5 and 6. 80-12-029 (Order 80-23), § 392-136-020, filed 8/28/80.]

WAC 392-136-025 Conversion of sick leave upon retirement or death for postretirement medical benefits. School districts and educational service districts may, in lieu of monetary compensation, as provided for in WAC 392-136-020, make payment to an organization for postretirement medical benefits when each of the following conditions have been met:

(1) The organization is authorized under law to engage in the receipt and management of moneys for postretirement medical benefits; and

(2) The organization and the employee have furnished a signed statement holding the school district or educational service district harmless for any loss, liability, or damages that may occur arising from making the payment to the organization for postretirement medical benefits.

Moneys paid under this section for postretirement medical benefits shall not be included for the purpose of computing a retirement allowance under any public retirement system in this state.

[Statutory Authority: RCW 28A.21.360 and 28A.58.096. 90-16-043 (Order 20), § 392-136-025, filed 7/24/90, effective 8/24/90.]

WAC 392-136-060 Application to school districts. The provisions of this chapter as applied to school districts are applicable only to school district employees included within an incentive attendance program established pursuant to WAC 392-136-065. The provisions of WAC 392-136-060 through 392-136-085 are applicable only to school districts.

[Statutory Authority: RCW 28A.21.360 and 28A.58.096. 84-04-034 (Order 84-2), § 392-136-060, filed 1/26/84.]

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

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

WAC 392-136-070 School districts—Basis of accounting for accumulated sick leave balance for buy out purpose. Sick leave for buy out purpose shall be earned, used, and converted to monetary compensation on a last-in first-out (LIFO) basis in accordance with the provisions of this chapter. The reduction to one hundred eighty days on December 31, 1983 and each year thereafter, as provided in WAC 392-136-075, shall be on a LIFO basis, after the December 31 balance has first been reduced for any front end loaded unearned days which may be posted for sick leave purpose but not earned for sick leave buy out purpose.

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[Statutory Authority: RCW 28A.21.360 and 28A.58.096. 84-04-034 (Order 84-2), § 392-136-070, filed 1/26/84.]

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

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

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

(3) Each employee whose sick leave balance for buy out purpose exceeds one hundred eighty days on midnight December 31, computed in accordance with the first paragraph of this section, shall lose days accumulated that are in excess of this maximum in January of each year if such employee fails to exercise the annual buy out option provided for in this chapter or if such employee's sick leave buy out balance exceeds this maximum for any other reason.

[Statutory Authority: RCW 28A.21.360 and 28A.58.096. 84-04-034 (Order 84-2), § 392-136-075, filed 1/26/84.]

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

[Statutory Authority: RCW 28A.21.360 and 28A.58.096. 84-04-034 (Order 84-2), § 392-136-085, filed 1/26/84.]

Chapter 392-137 WAC

FINANCE—NONRESIDENT ATTENDANCE

WAC

392-137-100	Authority.
392-137-105	Purpose.
392-137-110	Nonresident attendance exempt from adjudication.
392-137-115	Student residence—Definition.

392-137-120	Resident district—Definition.	392-137-020	Nonresident students under the age of twenty-one—Mutual agreement between resident and nonresident district required. [Statutory Authority: 1990 c 33, 90-16-002 (Order 18), § 392-137-020, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 34.05.220 [(1)](a), 89-23-001 (Order 15), § 392-137-020, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.58.240 and 28A.58.242. 84-20-079 (Order 84-37), § 392-137-020, filed 10/2/84. Statutory Authority: RCW 28A.58.242. 83-17-067 (Order 83-11), § 392-137-020, filed 8/18/83. Statutory Authority: RCW 28A.58.240 and 28A.58.242. 80-05-037 (Order 80-8), § 392-137-020, filed 4/15/80. Statutory Authority: RCW 28A.03.030 (1) and (3), 28A.58.240 and 28A.58.242. 78-08-034 (Order 3-78), § 392-137-020, filed 7/18/78; Order 7-75, § 392-137-020, filed 12/22/75. Formerly WAC 392-15-815.] Repealed by 90-19-068 (Order 26), filed 9/17/90, effective 10/18/90. Statutory Authority: RCW 28A.22.230 [28A.225.230] and 34.05.220(4).
392-137-125	Nonresident district—Definition.		
392-137-130	Release of students to nonresident districts.		
392-137-135	Affecting condition—Ground for release.		
392-137-140	Accessibility to work or child care—Ground for release.		
392-137-145	Special condition—Ground for release.		
392-137-150	Desegregation—Ground for denial of release.		
392-137-155	Appeal to SPI—Denial of release.		
392-137-160	Admission by nonresident district—Released students.		
392-137-190	Appeal notice—Denial of release or admission.		
392-137-195	Filing of notices of appeal.		
392-137-200	Appeal to SPI—Denial of application by nonresident district.		
392-137-205	Noncompliance with standards and procedures—Ground for admission.		
392-137-220	Annual transfer fee.		
392-137-225	Length of release.		
392-137-230	Length of acceptance.		
392-137-235	Residency of handicapped children—Special condition.	392-137-025	Nonresident students twenty-one years of age or older—Agreement between student and nonresident district required. [Statutory Authority: RCW 34.05.220 [(1)](a), 89-23-001 (Order 15), § 392-137-025, filed 11/2/89, effective 12/3/89; Order 7-75, § 392-137-025, filed 12/22/75. Formerly WAC 392-15-820.] Repealed by 90-19-068 (Order 26), filed 9/17/90, effective 10/18/90. Statutory Authority: RCW 28A.22.230 [28A.225.230] and 34.05.220(4).
392-137-240	Transportation of students—Funding—Cooperative agreements.		
392-137-245	Hearings.		

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

392-137-001	Purposes. [Statutory Authority: 1990 c 33, 90-16-002 (Order 18), § 392-137-001, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 34.05.220 [(1)](a), 89-23-001 (Order 15), § 392-137-001, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.58.240 and 28A.58.242. 80-05-037 (Order 80-8), § 392-137-001, filed 4/15/80.] Repealed by 90-19-068 (Order 26), filed 9/17/90, effective 10/18/90. Statutory Authority: RCW 28A.22.230 [28A.225.230] and 34.05.220(4).	392-137-030	Resident students twenty-one years of age or older—Agreement between student and resident district required. [Statutory Authority: RCW 34.05.220 [(1)](a), 89-23-001 (Order 15), § 392-137-030, filed 11/2/89, effective 12/3/89; Order 7-75, § 392-137-030, filed 12/22/75. Formerly WAC 392-15-825.] Repealed by 90-19-068 (Order 26), filed 9/17/90, effective 10/18/90. Statutory Authority: RCW 28A.22.230 [28A.225.230] and 34.05.220(4).
392-137-002	Arrangements deemed approved—Retention and filing of. [Statutory Authority: RCW 34.05.220 [(1)](a), 89-23-001 (Order 15), § 392-137-002, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.58.240 and 28A.58.242. 80-05-037 (Order 80-8), § 392-137-002, filed 4/15/80.] Repealed by 90-19-068 (Order 26), filed 9/17/90, effective 10/18/90. Statutory Authority: RCW 28A.22.230 [28A.225.230] and 34.05.220(4).	392-137-035	Contents of agreements. [Statutory Authority: RCW 34.05.220 [(1)](a), 89-23-001 (Order 15), § 392-137-035, filed 11/2/89, effective 12/3/89; Order 7-75, § 392-137-035, filed 12/22/75. Formerly WAC 392-15-830.] Repealed by 90-19-068 (Order 26), filed 9/17/90, effective 10/18/90. Statutory Authority: RCW 28A.22.230 [28A.225.230] and 34.05.220(4).
392-137-003	Nonresident attendance exempt from chapter provisions. [Statutory Authority: 1990 c 33, 90-16-002 (Order 18), § 392-137-003, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 34.05.220 [(1)](a), 89-23-001 (Order 15), § 392-137-003, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.58.240 and 28A.58.242. 80-05-037 (Order 80-8), § 392-137-003, filed 4/15/80.] Repealed by 90-19-068 (Order 26), filed 9/17/90, effective 10/18/90. Statutory Authority: RCW 28A.22.230 [28A.225.230] and 34.05.220(4).	392-137-040	District policies—Procedures and criteria for release of resident students and admission of nonresident students. [Statutory Authority: RCW 34.05.220 [(1)](a), 89-23-001 (Order 15), § 392-137-040, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.58.242. 83-17-067 (Order 83-11), § 392-137-040, filed 8/18/83; Order 7-75, § 392-137-040, filed 12/22/75. Formerly WAC 392-15-835.] Repealed by 90-19-068 (Order 26), filed 9/17/90, effective 10/18/90. Statutory Authority: RCW 28A.22.230 [28A.225.230] and 34.05.220(4).
392-137-005	Purposes. [Order 7-75, § 392-137-005, filed 12/22/75. Formerly WAC 392-15-800.] Repealed by 80-05-037 (Order 80-8), filed 4/15/80. Statutory Authority: RCW 28A.58.240 and 28A.58.242.	392-137-045	Tuition—Enrollment in compliance or noncompliance with an arrangement. [Statutory Authority: RCW 34.05.220 [(1)](a), 89-23-001 (Order 15), § 392-137-045, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.58.242. 83-17-067 (Order 83-11), § 392-137-045, filed 8/18/83. Statutory Authority: RCW 28A.58.240 and 28A.58.242. 80-05-037 (Order 80-8), § 392-137-045, filed 4/15/80; Order 7-75, § 392-137-045, filed 12/22/75. Formerly WAC 392-15-840, 392-15-850.] Repealed by 90-19-068 (Order 26), filed 9/17/90, effective 10/18/90. Statutory Authority: RCW 28A.22.230 [28A.225.230] and 34.05.220(4).
392-137-010	Definitions. [Statutory Authority: RCW 28A.58.240, 90-04-044 (Order 90-02), § 392-137-010, filed 1/31/90, effective 3/3/90. Statutory Authority: RCW 34.05.220 [(1)](a), 89-23-001 (Order 15), § 392-137-010, filed 11/2/89, effective 12/3/90. Statutory Authority: RCW 28A.58.242. 83-17-067 (Order 83-11), § 392-137-010, filed 8/18/83; Order 7-75, § 392-137-010, filed 12/22/75. Formerly WAC 392-15-805.] Repealed by 90-19-068 (Order 26), filed 9/17/90, effective 10/18/90. Statutory Authority: RCW 28A.22.230 [28A.225.230] and 34.05.220(4).	392-137-050	Agreements and policies deemed approved—Retention and filing of. [Order 7-75, § 392-137-050, filed 12/22/75. Formerly WAC 392-15-855.] Repealed by 80-05-037 (Order 80-8), filed 4/15/80. Statutory Authority: RCW 28A.58.240 and 28A.58.242.
392-137-015	Persons entitled to attend—Tuition-free. [Statutory Authority: RCW 34.05.220 [(1)](a), 89-23-001 (Order 15), § 392-137-015, filed 11/2/89, effective 12/3/89; Order 7-75, § 392-137-015, filed 12/22/75. Formerly WAC 392-15-810.] Repealed by 90-19-068 (Order 26), filed 9/17/90, effective 10/18/90. Statutory Authority: RCW 28A.22.230 [28A.225.230] and 34.05.220(4).	392-137-051	Right of appeal. [Statutory Authority: RCW 34.05.220 [(1)](a), 89-23-001 (Order 15), § 392-137-051, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.58.240 and 28A.58.242. 80-05-037 (Order 80-8), § 392-137-051, filed 4/15/80.] Repealed by 90-19-068

- (Order 26), filed 9/17/90, effective 10/18/90. Statutory Authority: RCW 28A.22.230 [28A.225.230] and 34.05.220(4).
- 392-137-055 Appeal notice. [Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-137-055, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.58.242. 83-17-067 (Order 83-11), § 392-137-055, filed 8/18/83. Statutory Authority: RCW 28A.58.240. 82-19-049 (Order 82-14), § 392-137-055, filed 9/14/82. Statutory Authority: RCW 28A.58.240 and 28A.58.242. 80-05-037 (Order 80-8), § 392-137-055, filed 4/15/80.] Repealed by 90-19-068 (Order 26), filed 9/17/90, effective 10/18/90. Statutory Authority: RCW 28A.22.230 [28A.225.230] and 34.05.220(4).
- 392-137-060 Hearing. [Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-137-060, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.03.500. 87-10-014 (Order 87-6), § 392-137-060, filed 4/28/87. Statutory Authority: RCW 28A.58.242. 83-17-067 (Order 83-11), § 392-137-060, filed 8/18/83. Statutory Authority: RCW 28A.58.240. 82-19-049 (Order 82-14), § 392-137-060, filed 9/14/82. Statutory Authority: RCW 28A.58.240 and 28A.58.242. 81-15-090 (Order 81-5), § 392-137-060, filed 7/22/81; 80-05-037 (Order 80-8), § 392-137-060, filed 4/15/80.] Repealed by 90-19-068 (Order 26), filed 9/17/90, effective 10/18/90. Statutory Authority: RCW 28A.22.230 [28A.225.230] and 34.05.220(4).
- 392-137-065 Grounds for order of release. [Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-137-065, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.58.242. 83-17-067 (Order 83-11), § 392-137-065, filed 8/18/83. Statutory Authority: RCW 28A.58.240 and 28A.58.242. 80-05-037 (Order 80-8), § 392-137-065, filed 4/15/80.] Repealed by 90-19-068 (Order 26), filed 9/17/90, effective 10/18/90. Statutory Authority: RCW 28A.22.230 [28A.225.230] and 34.05.220(4).
- 392-137-070 Per se special hardship or detrimental hardships. [Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-137-070, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.58.242. 83-17-067 (Order 83-11), § 392-137-070, filed 8/18/83.] Repealed by 90-19-068 (Order 26), filed 9/17/90, effective 10/18/90. Statutory Authority: RCW 28A.22.230 [28A.225.230] and 34.05.220(4).

Reviser's note: With the filing of Order 7-75 by the superintendent of public instruction on December 22, 1975, part of chapter 392-15 WAC, entitled "Interdistrict cooperation," has been superseded by chapter 392-137 WAC. See Title 392 WAC digest for disposition of chapters and reference notes.

WAC 392-137-100 Authority. The authority for this chapter is RCW 28A.225.230 which authorizes the superintendent of public instruction to review through formal adjudication school district decisions to not release resident students and to not accept nonresident students. This authority is buttressed by RCW 34.05.220(4) which authorizes the state agency charged with the adjudication of individual cases, in this case the superintendent of public instruction, to adopt rules formalizing the general principles applicable to deciding such cases.

[Statutory Authority: RCW 28A.22.230 [28A.225.230] and 34.05.220(4). 90-19-068 (Order 26), § 392-137-100, filed 9/17/90, effective 10/18/90.]

WAC 392-137-105 Purpose. The purpose of this chapter is to formalize the principles applicable to adjudication of cases related to nonresident school attendance.

[Statutory Authority: RCW 28A.22.230 [28A.225.230] and 34.05.220(4). 90-19-068 (Order 26), § 392-137-105, filed 9/17/90, effective 10/18/90.]

WAC 392-137-110 Nonresident attendance exempt from adjudication. The following nonresident attendance arrangements and entitlements are exempt from the adjudication provisions of this chapter:

(1) Interdistrict cooperation programs conducted in accordance with RCW 28A.335.160 or 28A.225.250 and chapter 392-135 WAC.

(2) Programs temporarily conducted in behalf of another district in accordance with RCW 28A.225.200

(3) Reciprocity programs with continuous out-of-state school districts conducted pursuant to RCW 28A.225.260.

(4) The attendance of students from other districts who, by operation of law, have a statutory entitlement to attend school in a nonresident district—to wit the following:

(a) Children who reside within certain federal lands or Indian reservations as provided in RCW 28A.225.170.

(b) Children who reside in school districts which do not provide the grade in which the student is eligible to enroll as provided in RCW 28A.225.210.

(c) Children who are defined to be at risk pursuant to RCW 28A.175.090.

[Statutory Authority: RCW 28A.22.230 [28A.225.230] and 34.05.220(4). 90-19-068 (Order 26), § 392-137-110, filed 9/17/90, effective 10/18/90.]

WAC 392-137-115 Student residence—Definition.

As used in this chapter, the term "student residence" means the physical location of a student's principal abode—i.e., the home, house, apartment, facility, structure, or location, etc.—where the student lives the majority of the time. The following shall be considered in applying this section:

(1) The mailing address of the student—e.g., parent's address or post office box—may be different than the student's principal abode.

(2) The student's principal abode may be different than the principal abode of the student's parent(s).

(3) The lack of a mailing address for a student does not preclude residency under this section.

[Statutory Authority: RCW 28A.22.230 [28A.225.230] and 34.05.220(4). 90-19-068 (Order 26), § 392-137-115, filed 9/17/90, effective 10/18/90.]

WAC 392-137-120 Resident district—Definition. As used in this chapter, the term "resident district" means the district in which the student's residence is located.

[Statutory Authority: RCW 28A.22.230 [28A.225.230] and 34.05.220(4). 90-19-068 (Order 26), § 392-137-120, filed 9/17/90, effective 10/18/90.]

WAC 392-137-125 Nonresident district—Definition.

As used in this chapter, the term "nonresident district" means the district in which the student is enrolled or is seeking entrance and in which the student's residence is not located.

[Statutory Authority: RCW 28A.22.230 [28A.225.230] and 34.05.220(4). 90-19-068 (Order 26), § 392-137-125, filed 9/17/90, effective 10/18/90.]

WAC 392-137-130 Release of students to nonresident districts. A resident district shall release a student to a nonresident district if the student meets each of the following conditions:

(1) The nonresident district agrees to accept the student.

(2) The student demonstrates a ground for release as specified in WAC 392-137-135, 392-137-140, or 392-137-145.

(3) The resident district has not denied the release for desegregation reasons as specified in WAC 392-137-150.

[Statutory Authority: RCW 28A.22.230 [28A.225.230] and 34.05.220(4), 90-19-068 (Order 26), § 392-137-130, filed 9/17/90, effective 10/18/90.]

WAC 392-137-135 Affecting condition—Ground for release. A district shall release a student if a financial, educational, safety, or health condition affecting the student would likely be reasonably improved as a result of the transfer. The following shall be considered in applying this section:

(1) The term "condition affecting the student" means a financial, educational, safety, or health benefit which can not be met or achieved by attendance in the student's resident district.

(2) The term "would likely be reasonably improved" means it is probable, in the judgment of a reasonable person, that the nature and effect of the benefit to be received will be real and meaningful.

[Statutory Authority: RCW 28A.22.230 [28A.225.230] and 34.05.220(4), 90-19-068 (Order 26), § 392-137-135, filed 9/17/90, effective 10/18/90.]

WAC 392-137-140 Accessibility to work or child care—Ground for release. A district shall release a student if attendance in the nonresident district is more accessible to the parent's place of work or to the location of child care. The following shall be considered in applying this section:

(1) The term "parent" means one or more adults with custodial responsibility for the child.

(2) The term "more accessible" means a difference to an extent which is more than de minimis.

(3) The term "child care" means any form of adult supervision for a child who is in need of such adult supervision.

[Statutory Authority: RCW 28A.22.230 [28A.225.230] and 34.05.220(4), 90-19-068 (Order 26), § 392-137-140, filed 9/17/90, effective 10/18/90.]

WAC 392-137-145 Special condition—Ground for release. A district shall release a student if there is a special hardship or detrimental condition. The following shall be considered in applying this section:

(1) The term "special" means a circumstance or factor which is generally not applicable to other students or families.

(2) The terms "hardship" and "detrimental condition" apply to any circumstance or factor harmfully affecting the student or student's immediate family and is not restricted to a financial, educational, safety, or health condition.

(3) The following are judged by the superintendent of public instruction to constitute a special hardship or detrimental condition, the proof of which is a per se hardship or condition for the order of a release:

(a) A student who was enrolled the previous school year in a nonresident district who is scheduled to complete in the same nonresident district during the next school year the highest grade offered in the resident district.

(b) A student who has completed two or more school years in a nonresident district without a release but with the

knowledge of such nonresident attendance by the superintendent or any member of the board of directors of the resident district.

[Statutory Authority: RCW 28A.22.230 [28A.225.230] and 34.05.220(4), 90-19-068 (Order 26), § 392-137-145, filed 9/17/90, effective 10/18/90.]

WAC 392-137-150 Desegregation—Ground for denial of release. A district may deny a release if the release would adversely affect the district's existing desegregation plan.

[Statutory Authority: RCW 28A.22.230 [28A.225.230] and 34.05.220(4), 90-19-068 (Order 26), § 392-137-150, filed 9/17/90, effective 10/18/90.]

WAC 392-137-155 Appeal to SPI—Denial of release. The decision of a resident school district to not release a resident student may be appealed to the superintendent of public instruction. The right of appeal is subject to each of the following conditions:

(1) The appeal is filed by the student's parent or a custodial adult or by the student if the student is eighteen years of age or older.

(2) The resident district has denied the release or has failed to consider the request for the release. The following shall apply:

(a) For the purpose of this subsection, a denial is established by one of the following:

(i) A copy of the minutes of the board of directors of the resident district which establishes that the board has denied a request to release the resident student.

(ii) A written statement by the superintendent of the resident district that the board has taken action denying the release.

(b) For the purpose of this subsection a refusal to consider a request for a release is established by:

(i) Copy of correspondence addressed to the superintendent of the resident district requesting a release and which sets forth the grounds for the release.

(ii) An affidavit by the appellant indicating the resident district board of directors has failed to act on the request and that at least forty-five calendar days has transpired since the request for the release was mailed or delivered to the superintendent of the resident district.

(3) The nonresident district has agreed to accept the student. For the purpose of this subsection an acceptance is established by one of the following:

(a) A copy of minutes of the board of directors of the nonresident district that establishes that the nonresident student has been accepted.

(b) A written statement by the superintendent of the district that the nonresident student has been accepted.

(c) Any documentation that the nonresident district has a policy of accepting one or more of the following categories of nonresident students:

(i) All nonresident students.

(ii) All nonresident students who are released by the resident school district.

(iii) All nonresident students who are released by order of the superintendent of public instruction or by the court.

[Statutory Authority: RCW 28A.22.230 [28A.225.230] and 34.05.220(4), 90-19-068 (Order 26), § 392-137-155, filed 9/17/90, effective 10/18/90.]

WAC 392-137-160 Admission by nonresident district—Released students. A nonresident district may admit, subject to the annual transfer fee provision in WAC 392-137-220, all nonresident students who are released by a resident district, the superintendent of public instruction, or a court of law. The provisions of RCW 28A.225.240 shall apply for apportionment and other purposes.

[Statutory Authority: RCW 28A.22.230 [28A.225.230] and 34.05.220(4). 90-19-068 (Order 26), § 392-137-160, filed 9/17/90, effective 10/18/90.]

WAC 392-137-190 Appeal notice—Denial of release or admission. Requests for an appeal shall be addressed to the superintendent of public instruction and shall contain the following:

(1) The name, age, grade level, and residence address, if any, of the student.

(2) The name, mailing address, if any, and the legal relationship of the person, if any, filing the notice of appeal on behalf of the student.

(3) In the case of denial of release, documentation indicating the conditions of WAC 392-137-155 have been met and a copy of all documents or other written evidence submitted to the resident district which indicates the grounds for the requested release.

(4) In the case of denial of admission, documentation that the nonresident district has failed to comply with the standards and procedures specified in WAC 392-137-205.

[Statutory Authority: RCW 28A.22.230 [28A.225.230] and 34.05.220(4). 90-19-068 (Order 26), § 392-137-190, filed 9/17/90, effective 10/18/90.]

WAC 392-137-195 Filing of notices of appeal. There is no prescribed method for transmitting appeals to the superintendent of public instruction but receipt of such written appeals by the superintendent of public instruction is a condition precedent to jurisdiction. The material may be hand-delivered or mailed to the following address:

Legal Services
Office of the Superintendent of
Public Instruction
Old Capitol Building FG-11
Olympia, Washington 98504

[Statutory Authority: RCW 28A.22.230 [28A.225.230] and 34.05.220(4). 90-19-068 (Order 26), § 392-137-195, filed 9/17/90, effective 10/18/90.]

WAC 392-137-200 Appeal to SPI—Denial of application by nonresident district. RCW 28A.225.230 requires the superintendent of public instruction to hear and adjudicate appeals from denials by nonresident school districts to accept a nonresident student if the nonresident district fails to comply with the standards and procedures prescribed in section 203, chapter 9, Laws of 1990 1st ex. sess. The grounds for such an appeal are noted in WAC 392-137-205.

[Statutory Authority: RCW 28A.22.230 [28A.225.230] and 34.05.220(4). 90-19-068 (Order 26), § 392-137-200, filed 9/17/90, effective 10/18/90.]

WAC 392-137-205 Noncompliance with standards and procedures—Ground for admission. A nonresident student who is denied admission to a nonresident district shall be ordered admitted by the superintendent of public

instruction if the district does not comply with the standards and procedures specified in section 203, chapter 9, Laws of 1990 1st ex. sess.—to wit the following:

(1) "All districts accepting applications from nonresident students for admission to the district's schools shall consider equally all applications received. Each school district shall adopt a policy establishing rational, fair, and equitable standards for acceptance and rejection of applications by June 30, 1990." The following shall be considered in applying this subsection:

(a) Applications from nonresident students for the purpose of this section do not include students who are attending the district pursuant to arrangements or entitlements noted in WAC 392-137-110.

(b) The requirement to consider all applications equally does not preclude the establishment of a priority system that is fair and equitable under equal protection standards.

(c) The failure of a district to have adopted an admission policy at the time of the student's denial of admission, not the June 30, 1990 deadline, will govern an order to admit for failure to adopt any policy regarding admission.

(2) "The district shall provide to applicants written notification of the approval or denial of the application in a timely manner. If the application is rejected, the notification shall include the reason or reasons for denial and the right to appeal under RCW 28A.225.230(3)." The following shall be considered in applying this subsection:

(a) All applications must be acted upon by accepting or denying the application within forty-five calendar days of receipt by the nonresident district or the application will be deemed to have been denied for purposes of this section.

(b) The district must make reasonable effort to deliver the written notification of denial to the applicant.

[Statutory Authority: RCW 28A.22.230 [28A.225.230] and 34.05.220(4). 90-19-068 (Order 26), § 392-137-205, filed 9/17/90, effective 10/18/90.]

WAC 392-137-220 Annual transfer fee. Until the legislature appropriates funds for payment of all or a selective portion of the excess costs associated with the transfer of students, including low-income students, the receiving district shall have the option of charging the student a transfer fee. Such fee, if charged, shall be charged all nonresident students transferring pursuant to this chapter and shall be established on the basis of one of the following standards:

(1) A uniform rate which may be pro-rated per days of enrollment.

(2) A uniformly applied formula—e.g., tuition based upon the difference between the cost of educating a student in the district or at the grade level of attendance and state and federal funds accruing to the district as a result of the student's enrollment and/or attendance.

[Statutory Authority: RCW 28A.22.230 [28A.225.230] and 34.05.220(4). 90-19-068 (Order 26), § 392-137-220, filed 9/17/90, effective 10/18/90.]

WAC 392-137-225 Length of release. All releases of resident students, whether granted by the resident district or ordered by the superintendent of public instruction, shall state the length of the release or the condition subsequent which would cause the release to be terminated. The termination of a release, for the purpose of this chapter, shall

be adjudicated as per the provisions regarding a request for a release.

[Statutory Authority: RCW 28A.22.230 [28A.225.230] and 34.05.220(4). 90-19-068 (Order 26), § 392-137-225, filed 9/17/90, effective 10/18/90.]

WAC 392-137-230 Length of acceptance. All acceptances of nonresident students, whether granted by the nonresident district or ordered by the superintendent of public instruction, shall state the length of the acceptance or the condition subsequent which would cause the acceptance to be terminated. The termination of an acceptance, for the purpose of this chapter, shall be adjudicated as per the provisions regarding a denial of acceptance.

[Statutory Authority: RCW 28A.22.230 [28A.225.230] and 34.05.220(4). 90-19-068 (Order 26), § 392-137-230, filed 9/17/90, effective 10/18/90.]

WAC 392-137-235 Residency of handicapped children—Special condition. Notwithstanding the definitions of resident and nonresident district pursuant to this chapter, in the event a student who is eligible for special education pursuant to chapter 392-171 WAC transfers pursuant to this chapter from a resident school district to a nonresident district, the nonresident district shall be deemed the resident district for the purposes of chapter 392-171 WAC and shall be required to perform all legal duties as otherwise required by the resident district, including the transportation of the transferring handicapped student if so required as a related service.

[Statutory Authority: RCW 28A.22.230 [28A.225.230] and 34.05.220(4). 90-19-068 (Order 26), § 392-137-235, filed 9/17/90, effective 10/18/90.]

WAC 392-137-240 Transportation of students—Funding—Cooperative agreements. Chapter 28A.160 RCW, School transportation authorizes state funding for transportation of students transported from outside of district boundaries and furthermore authorizes cooperative arrangements among districts regarding the transportation of students from one district to another.

[Statutory Authority: RCW 28A.22.230 [28A.225.230] and 34.05.220(4). 90-19-068 (Order 26), § 392-137-240, filed 9/17/90, effective 10/18/90.]

WAC 392-137-245 Hearings. The hearings provided for in this chapter shall be conducted in compliance with chapter 392-101 WAC.

[Statutory Authority: RCW 28A.22.230 [28A.225.230] and 34.05.220(4). 90-19-068 (Order 26), § 392-137-245, filed 9/17/90, effective 10/18/90.]

Chapter 392-138 WAC

FINANCE—ASSOCIATED STUDENT BODY MONEYS

WAC

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

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

WAC 392-138-003 Authority. The authority for this chapter is RCW 28A.325.020 which authorizes the superintendent of public instruction to promulgate rules and regulations regarding the administration and control of associated student body moneys.

[Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-138-003, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.58.115. 84-13-025 (Order 84-15), § 392-138-003, filed 6/13/84.]

WAC 392-138-005 Purposes. The purposes of this chapter are to: (1) Implement RCW 28A.325.020, (2) designate the powers and responsibilities of the board of directors of each school district regarding the efficient administration, management, and control of moneys, records, and reports of associated student body funds, and (3) encourage the supervised self-government of associated student bodies.

[Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-138-005, filed 7/19/90, effective 8/19/90; Order 4-76, § 392-138-005, filed 3/4/76, effective 7/1/76.]

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

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

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

(4) "Associated student body public moneys" means fees collected from students and nonstudents as a condition to their attendance at any optional noncredit extracurricular event of the school district which is of a cultural, social, recreational or athletic nature, revenues derived from "associated student body programs" as defined in subsection (2) of this section, and any other moneys received by an associated student body, not specified in subsection (5) of this section and WAC 392-138-100, for the support of an associated student body program.

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

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

(7) "Bona fide voluntary donations" means collections of money freely given without commensurate goods or services being received directly or indirectly by the donor. Bona fide voluntary donations must be intentional, real, actual, genuine, and not feigned.

[Statutory Authority: RCW 28A.58.115. 84-13-025 (Order 84-15), § 392-138-010, filed 6/13/84; Order 4-76, § 392-138-010, filed 3/4/76, effective 7/1/76.]

WAC 392-138-012 Fees optional noncredit extracurricular events. The board of directors of any common school district may establish and collect a fee from students and nonstudents as a condition to their attendance at any optional noncredit extracurricular event of the district which is of a cultural, social, recreational, or athletic nature: *Provided*, That in so establishing such fee or fees, the district shall adopt regulations for waiving and reducing such fees in the cases of those students whose families, by reason of their low income, would have difficulty in paying the entire amount of such fees and may likewise waive or reduce such fees for nonstudents of the age of sixty-five or over who, by reason of their low income, would have difficulty in paying the entire amount of such fees. An optional comprehensive fee may be established and collected for any combination or all of such events or, in the alternative, a fee may be established and collected as a condition to attendance at any single event. The board of directors shall adopt regulations which state that: (1) Attendance and the fee are optional, and (2) the district will waive and reduce fees for students whose families, by reason of their low income, would have difficulty in paying the entire amount of such fees. Fees collected pursuant to this section shall be designated as associated student body public moneys and shall be deposited in the associated student body program fund of the school district. Such funds may be expended to defray the costs of optional noncredit extracurricular events of such a cultural, social, recreational, or athletic nature, or to otherwise support the public activities and programs of associated student bodies.

[Statutory Authority: RCW 28A.58.115. 84-13-025 (Order 84-15), § 392-138-012, filed 6/13/84.]

WAC 392-138-016 Scholarships, student exchange and charitable purposes—ASB private moneys. Associated student body moneys which constitute bona fide voluntary donations at the time of collection are private moneys and may be used for scholarship, student exchange, and charitable purposes as the appropriate governing body representing the associated student body shall determine: For such purposes, said moneys shall not be deemed public moneys under section 7, Article VIII of the state Constitution but shall be deemed "associated student body private moneys."

[Statutory Authority: RCW 28A.58.115. 84-13-025 (Order 84-15), § 392-138-016, filed 6/13/84.]

WAC 392-138-025 Formation of associated student bodies required. The formation of an associated student body shall be mandatory and a prerequisite whenever one or more students of a school district engage in money-raising activities with the approval and at the direction or under the supervision of the district: *Provided*, That the board of directors of a school district may act, or delegate the authority to an employee(s) of the district to act, as the associated student body governing body for any school plant facility within the district containing no grade higher than the sixth grade.

[Statutory Authority: RCW 28A.58.115. 84-13-025 (Order 84-15), § 392-138-025, filed 6/13/84; Order 4-76, § 392-138-025, filed 3/4/76, effective 7/1/76.]

WAC 392-138-030 Powers—Authority and policy of board of directors. The board of directors of each school district shall:

(1) Retain and exercise the general powers, authority, and duties expressed and implied in law with respect to the administration of a school district and regulation of actions and activities of the associated student bodies of the district including, but not limited to RCW 28A.320.010 (Corporate powers), RCW 28A.150.070 (General public school system administration), RCW 28A.320.030 (Gifts, conveyances, etc., for scholarship and student aid purposes), RCW 28A.600.010 (Government of schools, pupils, and employees), RCW 28A.320.040 (Bylaws of board and school government), RCW 28A.400.030 (2), (3) and (8) (Superintendent's duties), RCW 28A.600.040 (Pupils to comply with rules and regulations), RCW 43.09.200 (Division of municipal corporations—Uniform system of accounting), RCW 36.22.090 (Warrants of political subdivisions), and chapter 28A.505 RCW (School district budgets);

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

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

(b) The establishment of an official governing body representing the associated student body;

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

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

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

(4) Provide for the participation of the associated student body or bodies of the school district in the determination of the purposes for which associated student body moneys shall be budgeted and disbursed.

[Statutory Authority: 1990 c 33, 90-16-002 (Order 18), § 392-138-030, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.58.115. 84-13-025 (Order 84-15), § 392-138-030, filed 6/13/84; Order 4-76, § 392-138-030, filed 3/4/76, effective 7/1/76.]

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

[Statutory Authority: RCW 28A.58.115. 84-13-025 (Order 84-15), § 392-138-035, filed 6/13/84; Order 4-76, § 392-138-035, filed 3/4/76, effective 7/1/76.]

WAC 392-138-040 Associated student body program budget. Each associated student body of a school district, with the guidance of the primary advisor, and at such time as is designated by the central district office, annually shall prepare and submit a financial plan (budget) for support of the associated student body program to the district superintendent or his/her designee for consolidation into a district associated student body program fund budget and then present such budget to the board of directors of the district for its review, revision, and approval: *Provided*, That revisions of the budget submitted by an associated student body and revisions of the budget approved by the board of directors shall first be reviewed by the associated student body and, in the case of an approved budget, shall be subject to the requirements of chapter 28A.505 RCW regarding emergency expenditures or budget extensions. The budget as approved shall constitute an appropriation and authorization for the disbursement of funds for the purposes established in the budget.

[Statutory Authority: 1990 c 33, 90-16-002 (Order 18), § 392-138-040, filed 7/19/90, effective 8/19/90; Order 4-76, § 392-138-040, filed 3/4/76, effective 7/1/76.]

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

(1) Accounting methods and procedures shall comply with such rules and regulations and/or guidelines as are developed by the state auditor and the superintendent of

public instruction and published in the *Accounting Manual for Public Schools in the State of Washington* and/or other publications;

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

(3) The fiscal and accounting records of associated student body program moneys shall constitute public records of the school district, shall be available for examination by the state auditor, and shall be preserved in accordance with statutory provisions governing the retention of public records.

[Order 4-76, § 392-138-045, filed 3/4/76, effective 7/1/76.]

WAC 392-138-047 Segregation of accounts—Public and private moneys. When a school district has associated student body organizations that receive both public and private moneys as defined in WAC 392-138-010 (4) and (5), two separate sets of accounts shall be maintained for each associated student body organization for budgets, revenues, expenditures and fund balances in such a manner that there is a complete segregation by accounting records for each associated student body organization including clubs, classes, athletic events and general associated student body.

[Statutory Authority: RCW 28A.58.115. 84-13-025 (Order 84-15), § 392-138-047, filed 6/13/84.]

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

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

(2) Disbursements shall occur only upon presentation of properly prepared vouchers in such format and design as the central district office shall prescribe, and as provided for in subsection (4) of this section for scholarships, student exchange, or charitable purposes;

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

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

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

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

(5) When a fund balance account of an associated student body organization does not contain a sufficient balance to meet a proposed disbursement, such disbursement shall be limited to the account balance: *Provided*, That a transfer of fund balance between associated student body

organizations may be made pursuant to the associated student body bylaws and as approved by the associated student body governing body;

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

(7) All disbursements shall be made by warrant except for disbursements from imprest bank accounts and petty cash funds provided for in this chapter.

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

WAC 392-138-055 Imprest bank checking account.

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

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

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

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

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

(5) The replenishment voucher shall reflect such information as the central district office shall prescribe relative to identification of invoices, invoice approvals, codification of expenditures, cancelled checks, and other information deemed pertinent.

[Order 4-76, § 392-138-055, filed 3/4/76, effective 7/1/76.]

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

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

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

(3) An upper limit of the amount of the petty cash fund shall be established by the board of directors.

[Order 4-76, § 392-138-060, filed 3/4/76, effective 7/1/76.]

WAC 392-138-065 Compliance with bid law required. The statutory provisions of RCW 28A.335.190, the so-called "bid law" governing school district purchasing

procedures, shall govern purchases payable from the associated student body program fund.

[Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-138-065, filed 7/19/90, effective 8/19/90; Order 4-76, § 392-138-065, filed 3/4/76, effective 7/1/76.]

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

[Order 4-76, § 392-138-070, filed 3/4/76, effective 7/1/76.]

WAC 392-138-071 Public moneys—Previous law. All moneys expended from associated student body program funds prior to June 10, 1982, shall be considered public moneys.

[Statutory Authority: RCW 28A.58.115. 84-13-025 (Order 84-15), § 392-138-071, filed 6/13/84.]

WAC 392-138-075 Title to property—Dissolution of associated student body or affiliated group. The purchase of vehicles, furniture, fixtures, equipment, and real property with associated student body private moneys is an act of conversion of private money to public property. Title to all such property acquired through the expenditure of associated student body private moneys shall be vested in the school district. Title to all property acquired through the expenditure of associated student body public moneys shall be vested in the school district.

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

[Statutory Authority: RCW 28A.58.115. 84-13-025 (Order 84-15), § 392-138-075, filed 6/13/84; Order 4-76, § 392-138-075, filed 3/4/76, effective 7/1/76.]

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

[Order 4-76, § 392-138-080, filed 3/4/76, effective 7/1/76.]

WAC 392-138-085 League and other joint activities. Metropolitan athletic league and other forms of joint inter and intra school district associated student body programs are not precluded by this chapter. In the case of such joint programs, a single school district or associated student body

or a board representing the participating associated student bodies shall manage associated student body moneys made available to it for the support of the joint program and received as a result of the conduct of such program, in compliance with this chapter and a written cooperative agreement authorized by the board(s) of directors of the district(s).

[Order 4-76, § 392-138-085, filed 3/4/76, effective 7/1/76.]

WAC 392-138-100 Student aid donations and other nonassociated student body moneys. Prior to September 1, 1989, the board of directors of a school district may accept money donated for scholarship and student aid purposes and deposit, invest, and expend the same within the associated student body program fund pursuant to the school district's rules and regulations adopted in compliance with RCW 28A.320.030. After August 31, 1989, the board of directors of a school district may accept such moneys received pursuant to RCW 28A.320.030 and deposit same to the credit of the school district's expendable and/or nonexpendable trust funds as specified in the *Accounting Manual for Washington Public School Districts*. Any remaining moneys on August 31, 1989, in associated student body program funds from donations pursuant to this section shall be transferred to the school district's expendable and/or nonexpendable trust funds.

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

WAC 392-138-035 shall apply to moneys received, deposited, invested, expended, and accounted for under this section.

[Statutory Authority: 1990 c 33, 90-16-002 (Order 18), § 392-138-100, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.58.115, 89-17-066 (Order 89-06), § 392-138-100, filed 8/16/89, effective 9/16/89; 84-13-025 (Order 84-15), § 392-138-100, filed 6/13/84.]

Chapter 392-139 WAC

FINANCE—MAINTENANCE AND OPERATION LEVIES

WAC

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[Statutory Authority: RCW 84.52.053(7) [84.52.0531(7)]. 83-23-039 (Order 83-18), § 392-139-010, filed 11/9/83. Statutory Authority: RCW 84.52.0531. 81-20-023 (Order 81-31), § 392-139-010, filed 9/29/81, effective 12/27/81; 80-18-020 (Order 80-38), § 392-139-010, filed 11/26/80; 79-01-006 (Order 13-78), § 392-139-010, filed 12/8/78.] Repealed by 88-03-007 (Order 88-6), filed 1/8/88. Statutory Authority: RCW 84.52.0531(10) and 28A.41.170.</p> <p>392-139-015 Definitions. [Statutory Authority: RCW 84.52.0531. 79-01-006 (Order 13-78), § 392-139-015, filed 12/8/78.] Repealed by 80-18-020 (Order 80-38), filed 11/26/80. Statutory Authority: RCW 84.52.0531.</p> <p>392-139-016 Definitions. [Statutory Authority: RCW 84.52.053(7) [84.52.0531(7)]. 83-23-039 (Order 83-18), § 392-139-016, filed 11/9/83. Statutory Authority: RCW 84.52.0531(7). 83-17-058 (Order 83-6), § 392-139-016, filed 8/17/83. Statutory Authority: RCW 84.52.0531. 81-20-023 (Order 81-31), § 392-139-016, filed 9/29/81, effective 12/27/81; 80-18-020 (Order 80-38), § 392-139-016, filed 11/26/80.] Repealed by 88-03-007 (Order 88-6), filed 1/8/88. Statutory Authority: RCW 84.52.0531(10) and 28A.41.170.</p> <p>392-139-017 Additional definitions. [Statutory Authority: RCW 84.52.053(7) [84.52.0531(7)]. 83-23-039 (Order 83-18), § 392-139-017, filed 11/9/83. Statutory Authority: RCW 84.52.0531. 81-20-023 (Order 81-31), § 392-139-017, filed 9/29/81, effective 12/27/81; 80-18-020 (Order 80-38), § 392-139-017, filed 11/26/80.] Repealed by 88-03-007 (Order 88-6), filed 1/8/88. Statutory Authority: RCW 84.52.0531(10) and 28A.41.170.</p> <p>392-139-018 Additional definitions. [Statutory Authority: RCW 84.52.053(7) [84.52.0531(7)]. 83-23-039 (Order 83-18), § 392-139-018, filed 11/9/83. Statutory Authority: RCW 84.52.0531. 81-20-023 (Order 81-31), § 392-139-018, filed 9/29/81, effective 12/27/81; 80-18-020 (Order 80-38), § 392-139-018, filed 11/26/80.] Repealed by 88-03-007</p>	<p>392-139-019 Determination of total general funding capacity for 1983 tax collections. [Statutory Authority: RCW 84.52.0531(7). 83-17-058 (Order 83-6), § 392-139-019, filed 8/17/83.] Repealed by 83-23-039 (Order 83-18), filed 11/9/83. Statutory Authority: RCW 84.52.053(7) [84.52.0531(7)].</p> <p>392-139-020 Schedule I—Calculation of basic levy limitation for calendar year 19—. [Statutory Authority: RCW 84.52.0531. 79-01-006 (Order 13-78), § 392-139-020, filed 12/8/78.] Repealed by 80-18-020 (Order 80-38), filed 11/26/80. Statutory Authority: RCW 84.52.0531.</p> <p>392-139-021 Determination of excess general fund levy capacity attributable to basic education allocation. [Statutory Authority: RCW 84.52.0531(7). 83-17-058 (Order 83-6), § 392-139-021, filed 8/17/83. Statutory Authority: RCW 84.52.0531. 82-05-025 (Order 82-3), § 293-139-021, filed 2/11/82, effective 4/6/82; 80-18-020 (Order 80-38), § 392-139-021, filed 11/26/80.] Repealed by 88-03-007 (Order 88-6), filed 1/8/88. Statutory Authority: RCW 84.52.0531(10) and 28A.41.170.</p> <p>392-139-022 Determination of excess general fund levy capacity attributable to less than one hundred percent funding of the basic education allocation formula. [Statutory Authority: RCW 84.52.053(7) [84.52.0531(7)]. 83-23-039 (Order 83-18), § 392-139-022, filed 11/9/83. Statutory Authority: RCW 84.52.0531(7). 83-17-058 (Order 83-6), § 392-139-022, filed 8/17/83.] Repealed by 88-03-007 (Order 88-6), filed 1/8/88. Statutory Authority: RCW 84.52.0531(10) and 28A.41.170.</p> <p>392-139-025 Schedule II—Calculation of additional levy authority (exceeding basic levy limitation for 19— calendar year). [Statutory Authority: RCW 84.52.0531. 79-01-006 (Order 13-78), § 392-139-025, filed 12/8/78.] Repealed by 80-18-020 (Order 80-38), filed 11/26/80. Statutory Authority: RCW 84.52.0531.</p> <p>392-139-026 Determination of additional excess general fund levy capacity. [Statutory Authority: RCW 84.52.053(7) [84.52.0531(7)]. 83-23-039 (Order 83-18), § 392-139-026, filed 11/9/83. Statutory Authority: RCW 84.52.0531. 81-20-023 (Order 81-31), § 392-139-026, filed 9/29/81, effective 12/27/81; 80-18-020 (Order 80-38), § 392-139-026, filed 11/26/80.] Repealed by 88-03-007 (Order 88-6), filed 1/8/88. Statutory Authority: RCW 84.52.0531(10) and 28A.41.170.</p> <p>392-139-027 Determination of additional excess general fund levy capacity for 1983 collections. [Statutory Authority: RCW 84.52.0531. 81-20-023 (Order 81-31), § 392-139-027, filed 9/29/81, effective 12/27/81.] Repealed by 83-23-039 (Order 83-18), filed 11/9/83. Statutory Authority: RCW 84.52.053(7) [84.52.0531(7)].</p> <p>392-139-030 Schedule III—Prior year 100% formula funding. [Statutory Authority: RCW 84.52.0531. 79-01-006 (Order 13-78), § 392-139-030, filed 12/8/78.] Repealed by 80-18-020 (Order 80-38), filed 11/26/80. Statutory Authority: RCW 84.52.0531.</p> <p>392-139-031 Determination of excess general fund levy capacity attributable to state-funded categorical programs. [Statutory Authority: RCW 84.52.053(7) [84.52.0531(7)]. 83-23-039 (Order 83-18), § 392-139-031, filed 11/9/83. Statutory Authority: RCW 84.52.0531. 81-20-023 (Order 81-31), § 392-139-031, filed 9/29/81, effective 12/27/81; 80-18-020 (Order 80-38), § 392-139-031, filed 11/26/80.] Repealed by 88-03-007 (Order 88-6), filed 1/8/88. Statutory Authority: RCW 84.52.0531(10) and 28A.41.170.</p> <p>392-139-035 Schedule IV—Estimated current year basic education funding. [Statutory Authority: RCW 84.52.0531. 79-01-006 (Order 13-78), § 392-139-035, filed 12/8/78.] Repealed by 80-18-020 (Order 80-38), filed 11/26/80. Statutory Authority: RCW 84.52.0531.</p> <p>392-139-036 Determination of excess general fund levy capacity to be transferred from the nonresident school district to the resident school district for interdistrict cooperation programs. [Statutory Authority: RCW 84.52.053(7)</p>
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- [84.52.0531(7)]. 83-23-039 (Order 83-18), § 392-139-036, filed 11/9/83. Statutory Authority: RCW 84.52.0531(7). 83-17-058 (Order 83-6), § 392-139-036, filed 8/17/83. Statutory Authority: RCW 84.52.0531. 81-20-023 (Order 81-31), § 392-139-036, filed 9/29/81, effective 12/27/81; 80-18-020 (Order 80-38), § 392-139-036, filed 11/26/80.] Repealed by 88-03-007 (Order 88-6), filed 1/8/88. Statutory Authority: RCW 84.52.0531(10) and 28A.41.170.
- 392-139-037 Determination of excess general fund levy capacity to be transferred from the high school district to the nonhigh school district. [Statutory Authority: RCW 84.52.0531(7) [84.52.0531(7)]. 83-23-039 (Order 83-18), § 392-139-037, filed 11/9/83. Statutory Authority: RCW 84.52.0531. 81-20-023 (Order 81-31), § 392-139-037, filed 9/29/81, effective 12/27/81.] Repealed by 88-03-007 (Order 88-6), filed 1/8/88. Statutory Authority: RCW 84.52.0531(10) and 28A.41.170.
- 392-139-038 Notification of maximum levy collection amounts. [Statutory Authority: RCW 84.52.0531(7) [84.52.0531(7)]. 83-23-039 (Order 83-18), § 392-139-038, filed 11/9/83. Statutory Authority: RCW 84.52.0531. 81-20-023 (Order 81-31), § 392-139-038, filed 9/29/81, effective 12/27/81.] Repealed by 88-03-007 (Order 88-6), filed 1/8/88. Statutory Authority: RCW 84.52.0531(10) and 28A.41.170.
- 392-139-040 Schedule V—Small school factors. [Statutory Authority: RCW 84.52.0531. 79-01-006 (Order 13-78), § 392-139-040, filed 12/8/78.] Repealed by 80-18-020 (Order 80-38), filed 11/26/80. Statutory Authority: RCW 84.52.0531.
- 392-139-045 Schedule VI—Small high school factors. [Statutory Authority: RCW 84.52.0531. 79-01-006 (Order 13-78), § 392-139-045, filed 12/8/78.] Repealed by 80-18-020 (Order 80-38), filed 11/26/80. Statutory Authority: RCW 84.52.0531.
- 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).
- 392-139-240 Definition—Base year levy percentage. [Statutory Authority: RCW 84.52.0531(10) and 28A.41.170. 88-03-007 (Order 88-6), § 392-139-240, filed 1/8/88.] Repealed by 89-23-121 (Order 18), filed 11/22/89, effective 12/23/89. Statutory Authority: RCW 28A.41.170 and 84.52.0531(10).
- 392-139-243 Definition—Levy reduction funds—Calendar year 1989. [Statutory Authority: RCW 28A.41.170 and 84.52.0531(10). 89-23-121 (Order 18), § 392-139-243, filed 11/22/89, effective 12/23/89.] Repealed by 92-19-124 (Order 92-07), filed 9/21/92, effective 10/22/92. Statutory Authority: RCW 28A.150.290(2) and 84.52.0531(10).
- 392-139-650 Determination of local effort assistance—General. [Statutory Authority: RCW 84.52.0531(10) and 28A.41.170. 88-03-007 (Order 88-6), § 392-139-650, filed 1/8/88.] Repealed by 89-23-121 (Order 18), filed 11/22/89, effective 12/23/89. Statutory Authority: RCW 28A.41.170 and 84.52.0531(10).
- 392-139-674 Allocation of local effort assistance for calendar year 1989. [Statutory Authority: RCW 28A.41.170 and 84.52.0531(10). 89-23-121 (Order 18), § 392-139-674, filed 11/22/89, effective 12/23/89.] Repealed by 92-19-124 (Order 92-07), filed 9/21/92, effective 10/22/92. 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).

GENERAL PROVISIONS AND DEFINITIONS

WAC 392-139-001 Authority. The authorities for this chapter are RCW 84.52.0531(10) and 28A.150.290.

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

(2) RCW 28A.150.290 authorizes the superintendent of public instruction to promulgate such rules and regulations as are necessary for administration of state general fund support for the common schools pursuant to chapter 28A.150 RCW. Rules regarding allocation of state general fund moneys for the purpose of partially equalizing excess levy tax rates, otherwise known as "local effort assistance" are adopted pursuant to this general authority.

[Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-139-001, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 84.52.0531(10) and 28A.41.170. 88-03-007 (Order 88-6), § 392-139-001, filed 1/8/88. Statutory Authority: RCW 84.52.0531(7). 84-05-017 (Order 84-4), § 392-139-001, filed 2/9/84; 83-23-039 (Order 83-18), § 392-139-001, filed 11/9/83; 83-17-058 (Order 83-6), § 392-139-001, filed 8/17/83.]

WAC 392-139-005 Purposes. The purposes of this chapter are to define the annual procedures that the superintendent of public instruction shall use to determine for each school district:

(1) The maximum dollar amount which may be levied on its behalf for general fund maintenance and operation support pursuant to RCW 84.52.053 and 84.52.0531; and

(2) The local effort assistance to be allocated to it pursuant to RCW 28A.500.010.

[Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-139-005, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.41.170 and 84.52.0531(10). 89-23-121 (Order 18), § 392-139-005, filed 11/22/89, effective 12/23/89; 88-03-007 (Order 88-6), § 392-139-005, filed 1/8/88. Statutory Authority: RCW 84.52.0531(7). 83-23-039 (Order 83-18), § 392-139-005, filed 11/9/83; 83-17-058 (Order 83-6), § 392-139-005, filed 8/17/83. Statutory Authority: RCW 84.52.0531. 82-07-085 (Order 82-5), § 392-139-005, filed 3/24/82; 81-20-023 (Order 81-31), § 392-139-005, filed 9/29/81, effective 12/27/81; 80-18-020 (Order 80-38), § 392-139-005, filed 11/26/80; 79-01-006 (Order 13-78), § 392-139-005, filed 12/8/78.]

WAC 392-139-007 Organization of this chapter.

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

Sections 001-099 General provisions and definitions.

Sections 100-299 Definitions for excess levy authority.

Sections 300-399 Determination of excess levy authority.

Sections 600-649 Definitions for local effort assistance.

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

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

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

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

WAC 392-139-052 Definition—Current school year. As used in this chapter, "current school year" means the school year completed during the calendar year for which excess levy authority is being calculated pursuant to this chapter.

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

WAC 392-139-055 Definition—Calendar year. As used in this chapter, "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 392-139-058 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.]

DEFINITIONS FOR EXCESS LEVY AUTHORITY

WAC 392-139-100 Definition—Certified excess levy. As used in this chapter, "certified excess levy" means the amount certified pursuant to RCW 84.52.020 by or on behalf of a school district to the board or boards of county commissioners of the county or counties of the school district for collection in a given calendar year for general fund maintenance and operation support of the school district pursuant to RCW 84.52.053.

and operation support of the school district pursuant to RCW 84.52.053.

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

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

[Statutory Authority: RCW 28A.41.170 and 84.52.0531(10). 89-23-121 (Order 18), § 392-139-105, filed 11/22/89, effective 12/23/89; 88-03-007 (Order 88-6), § 392-139-105, filed 1/8/88.]

WAC 392-139-110 Definition—Report 1191. As used in this chapter, "Report 1191" means the monthly report prepared and distributed by the superintendent of public instruction which includes the number of basic education allocation formula derived certificated and classified staff units, the compensation entitlement amounts for such staff, the basic education allocation provided for each average annual full-time equivalent student, the basic education allocation, and the amount of state-funded support for the school year for each school district. The amount of a school district's basic education allocation included in the excess levy base pursuant to WAC 392-139-310 (2)(a) is taken from this report.

[Statutory Authority: RCW 28A.41.170 and 84.52.0531(10). 89-23-121 (Order 18), § 392-139-110, filed 11/22/89, effective 12/23/89; 88-03-007 (Order 88-6), § 392-139-110, filed 1/8/88.]

WAC 392-139-115 Definition—Basic education allocation. As used in this chapter, "basic education allocation" means the amount of state moneys calculated by the superintendent of public instruction which is the basis for the superintendent's distribution of moneys to school districts for the operation of a basic program of education pursuant to RCW 28A.150.200, et seq., RCW 28A.150.250, and 28A.150.260, chapter 392-121 WAC, and the Biennial Operating Appropriations Act. The amount of a school district's total guaranteed entitlement plus skills center summer program funding as reported on the August Report 1191 before any proration due to less than one hundred percent funding is considered a school district's basic education allocation in determining the school district's excess levy base pursuant to WAC 392-139-310.

[Statutory Authority: RCW 28A.150.290(2) and 84.52.0531(10). 92-19-124 (Order 92-07), § 392-139-115, filed 9/21/92, effective 10/22/92. Statutory Authority: 1990 c 33, 90-16-002 (Order 18), § 392-139-115, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.41.170 and 84.52.0531(10). 89-23-121 (Order 18), § 392-139-115, filed 11/22/89, effective 12/23/89; 88-03-007 (Order 88-6), § 392-139-115, filed 1/8/88.]

WAC 392-139-120 Definition—4121 Education of handicapped children. As used in this chapter, "4121 Education of handicapped children" means the school district general fund revenue account in which is recorded revenue for a program for education of handicapped children pursuant to chapter 28A.155 RCW, RCW 28A.150.390, chapter 392-171 WAC and the Biennial Operating Appropriations Act.

[Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-139-120, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.41.170 and 84.52.0531(10). 89-23-121 (Order 18), § 392-139-120, filed 11/22/89, effective 12/23/89; 88-03-007 (Order 88-6), § 392-139-120, filed 1/8/88.]

WAC 392-139-122 Definition—4155 Learning assistance. As used in this chapter, "4155 Learning assistance" means the school district general fund revenue account in which is recorded revenue for a learning assistance program pursuant to RCW 28A.165.010 through 28A.165.190, chapter 392-162 WAC, and the Biennial Operating Appropriations Act.

[Statutory Authority: RCW 28A.150.290(2) and 84.52.0531(10). 92-19-124 (Order 92-07), § 392-139-122, filed 9/21/92, effective 10/22/92. Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-139-122, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.41.170 and 84.52.0531(10). 89-23-121 (Order 18), § 392-139-122, filed 11/22/89, effective 12/23/89; 88-03-007 (Order 88-6), § 392-139-122, filed 1/8/88.]

WAC 392-139-126 Definition—4165 Transitional bilingual. As used in this chapter, "4165 Transitional bilingual" means the school district general fund revenue account in which is recorded revenue for a transitional bilingual instruction program pursuant to RCW 28A.180.010 and 28A.180.080, chapter 392-160 WAC, and the Biennial Operating Appropriations Act.

[Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-139-126, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.41.170 and 84.52.0531(10). 89-23-121 (Order 18), § 392-139-126, filed 11/22/89, effective 12/23/89; 88-03-007 (Order 88-6), § 392-139-126, filed 1/8/88.]

WAC 392-139-128 Definition—4174 Highly capable. As used in this chapter, "4174 Highly capable" means the school district general fund revenue account in which is recorded revenue for a program for highly capable students, pursuant to chapter 28A.185 RCW, chapter 392-170 WAC, and the Biennial Operating Appropriations Act.

[Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-139-128, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.41.170 and 84.52.0531(10). 89-23-121 (Order 18), § 392-139-128, filed 11/22/89, effective 12/23/89; 88-03-007 (Order 88-6), § 392-139-128, filed 1/8/88.]

WAC 392-139-129 Definition—4175 Local education program enhancement. As used in this chapter, "4175 Local education program enhancement" means the school district general fund revenue account in which is recorded revenue for local education program enhancement pursuant to chapter 392-140 WAC and the Biennial Operating Appropriations Act.

[Statutory Authority: RCW 28A.41.170 and 84.52.0531(10). 89-23-121 (Order 18), § 392-139-129, filed 11/22/89, effective 12/23/89.]

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

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

WAC 392-139-132 Definition—4199 Transportation—Operations. As used in this chapter, "4199

Transportation—Operations" means the school district general fund revenue account in which is recorded revenue for reimbursement for operation of a student transportation program pursuant to RCW 28A.160.150, 28A.160.010, and 28A.160.030, chapter 392-141 WAC, and the Biennial Operating Appropriations Act.

[Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-139-132, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.41.170 and 84.52.0531(10). 89-23-121 (Order 18), § 392-139-132, filed 11/22/89, effective 12/23/89; 88-03-007 (Order 88-6), § 392-139-132, filed 1/8/88.]

WAC 392-139-134 Definition—4499 Transportation reimbursement—Depreciation. As used in this chapter, "4499 Transportation reimbursement—Depreciation" means the school district transportation vehicle fund revenue account in which is recorded revenue for replacement or depreciation of transportation equipment pursuant to RCW 28A.160.200, chapter 392-142 WAC, and the Biennial Operating Appropriations Act.

[Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-139-134, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.41.170 and 84.52.0531(10). 89-23-121 (Order 18), § 392-139-134, filed 11/22/89, effective 12/23/89; 88-03-007 (Order 88-6), § 392-139-134, filed 1/8/88.]

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

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

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

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

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

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

WAC 392-139-156 Definition—6127 Handicapped, deinstitutionalized. As used in this chapter, "6127 Handicapped EHA, supplemental Part B" means the school district general fund revenue account in which is recorded revenue from federal supplemental funds for deinstitutionalized children.

[Statutory Authority: RCW 28A.41.170 and 84.52.0531(10). 89-23-121 (Order 18), § 392-139-156, filed 11/22/89, effective 12/23/89; 88-03-007 (Order 88-6), § 392-139-156, filed 1/8/88.]

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

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

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

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

WAC 392-139-162 Definition—6151 Remediation, ESSIA, Chapter 1. As used in this chapter, "6151 Remediation, ESSIA, Chapter 1" means the school district general fund revenue account in which are recorded federal revenues authorized under Chapter 1 of the Elementary and Secondary School Improvement Act (ESSIA) received through the apportionment process for the reimbursement of expenditure claims for expenditures for the educational needs of disadvantaged children pursuant to chapter 392-163 WAC.

[Statutory Authority: RCW 28A.41.170 and 84.52.0531(10). 89-23-121 (Order 18), § 392-139-162, filed 11/22/89, effective 12/23/89; 88-03-007 (Order 88-6), § 392-139-162, filed 1/8/88.]

WAC 392-139-164 Definition—6153 Migrant, ESSIA, Chapter 1. As used in this chapter, "6153 Migrant, ESSIA, Chapter 1" means the school district general fund revenue account in which are recorded federal revenues authorized under Chapter 1 of the Elementary and Secondary School Improvement Act (ESSIA) arising from claims filed for expenditures of educational remediation programs for the children of migratory agricultural workers or fishers pursuant to chapter 392-164 WAC.

[Statutory Authority: RCW 28A.41.170 and 84.52.0531(10). 89-23-121 (Order 18), § 392-139-164, filed 11/22/89, effective 12/23/89; 88-03-007 (Order 88-6), § 392-139-164, filed 1/8/88.]

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

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

WAC 392-139-168 Definition—6164 Bilingual, Title VII, P.L. 95-561. As used in this chapter, "6164 Bilingual, Title VII, P.L. 95-561" means the school district general fund revenue account in which are recorded federal revenues

distributed by the superintendent of public instruction for programs for the improvement of English language skills commonly known as Title VII, P.L. 95-561.

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

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

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

WAC 392-139-172 Definition—6176 Targeted assistance, ESSIA, Chapter 2, P.L. 100-297. As used in this chapter, "6176 Targeted assistance, ESSIA, Chapter 2, P.L. 100-297" means the school district general fund revenue account in which are recorded federal revenues authorized under Chapter 2 of the Elementary and Secondary School Improvement Act (ESSIA) and distributed by the superintendent of public instruction pursuant to chapter 392-165 WAC.

[Statutory Authority: RCW 28A.150.290(2) and 84.52.0531(10). 92-19-124 (Order 92-07), § 392-139-172, filed 9/21/92, effective 10/22/92. Statutory Authority: RCW 28A.41.170 and 84.52.0531(10). 89-23-121 (Order 18), § 392-139-172, filed 11/22/89, effective 12/23/89; 88-03-007 (Order 88-6), § 392-139-172, filed 1/8/88.]

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

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

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

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

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

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

WAC 392-139-180 Definition—6246 Skills center, direct federal grant. As used in this chapter, "6246 Skills center, direct federal grant" means the school district general

fund revenue account in which are recorded direct grants from the federal government for skills center programs.

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

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

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

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

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

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

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

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

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

WAC 392-139-205 Definition—F-195. As used in this chapter, "F-195" means the annual school district budget document officially adopted by each school district pursuant to chapter 28A.505 RCW for each year's operations. This document includes estimates of revenues to be received from federal sources during the school year. The federal revenues reported on a school district's F-195 for the prior school year are included in the district's excess levy base pursuant to WAC 392-139-310 if they qualify for inclusion and are not reported on Report 1197. The accounts included in the levy base and reported on the F-195 are listed in WAC 392-139-310 (4)(b).

[Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-139-205, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.41.170 and 84.52.0531(10). 89-23-121 (Order 18), § 392-139-205, filed 11/22/89, effective 12/23/89; 88-03-007 (Order 88-6), § 392-139-205, filed 1/8/88.]

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

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

WAC 392-139-215 Definition—P-223H. As used in this chapter, "P-223H" means the form printed by the superintendent of public instruction and distributed annually to all school districts for reporting of handicapped students pursuant to chapter 28A.155 RCW.

[Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-139-215, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.41.170 and 84.52.0531(10). 89-23-121 (Order 18), § 392-139-215, filed 11/22/89, effective 12/23/89; 88-03-007 (Order 88-6), § 392-139-215, filed 1/8/88.]

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

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

WAC 392-139-225 Definition—Form 1067. As used in this chapter, "Form 1067" means the form entitled special education interdistrict cooperative enrollment. Form 1067 is printed and distributed annually by the superintendent of public instruction to school districts that have special education cooperatives. School districts use Form 1067 to report AAFTE students residing in another school district and enrolled in a program for education of handicapped children established as an interdistrict cooperative program pursuant to chapter 392-135 WAC. Enrollments from this report are used in calculating excess levy authority transfers pursuant to WAC 392-139-330 and 392-139-340.

[Statutory Authority: RCW 28A.41.170 and 84.52.0531(10). 89-23-121 (Order 18), § 392-139-225, filed 11/22/89, effective 12/23/89; 88-03-007 (Order 88-6), § 392-139-225, filed 1/8/88.]

WAC 392-139-230 Definition—P-213. As used in this chapter, "P-213" means the form entitled report of students residing in nonhigh school districts enrolled in high school districts. P-213 forms are printed and distributed annually by the superintendent of public instruction to high school districts educating students from nonhigh school districts. School districts use the P-213 to report enrollment of students residing in a nonhigh school district and enrolled

in a high school district pursuant to chapter 28A.545 RCW and chapter 392-132 WAC. Enrollments reported on this form are used in calculating excess levy authority transfers from high school districts to nonhigh school districts pursuant to WAC 392-139-340.

[Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-139-230, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.41.170 and 84.52.0531(10). 89-23-121 (Order 18), § 392-139-230, filed 11/22/89, effective 12/23/89; 88-03-007 (Order 88-6), § 392-139-230, filed 1/8/88.]

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

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

(2) Add AAFTE students residing in the school district but enrolled in another school district pursuant to an interdistrict cooperation agreement authorized pursuant to RCW 28A.335.160, 28A.225.250, and chapter 392-135 WAC;

(3) Add AAFTE students residing in the school district but enrolled in another school district pursuant to chapter 28A.545 RCW and chapter 392-132 WAC;

(4) Subtract AAFTE students residing in another school district but enrolled in the school district pursuant to an interdistrict cooperation agreement authorized pursuant to RCW 28A.335.160, 28A.225.250, and chapter 392-135 WAC;

(5) Subtract AAFTE students residing in another school district but enrolled in the school district pursuant to chapter 28A.545 RCW and chapter 392-132 WAC.

[Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-139-235, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 84.52.0531(10) and 28A.41.170. 88-03-007 (Order 88-6), § 392-139-235, filed 1/8/88.]

WAC 392-139-245 Definition—Levy reduction funds. As used in this chapter, "levy reduction funds" means the increases in state allocations to a school district from the prior school year for programs included under WAC 392-139-310:

(1) That are not attributable to enrollment changes, compensation increases, or inflationary adjustments; and

(2) That are or were specifically identified as levy reduction funds in the Biennial Operating Appropriations Act in effect at the time of calculations performed pursuant to this chapter.

[Statutory Authority: RCW 28A.41.170 and 84.52.0531(10). 89-23-121 (Order 18), § 392-139-245, filed 11/22/89, effective 12/23/89; 88-03-007 (Order 88-6), § 392-139-245, filed 1/8/88.]

WAC 392-139-297 General procedures. All processes, calculations, and procedures used by the superintendent of public instruction in the administration of this chapter shall be conditioned on the following:

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

(2) All calculations, except those related to levy reduction funds, that are dependent on data which are not final at the time the calculation is performed shall be based on

estimates prepared by the superintendent of public instruction.

(3) The calculation of levy reduction funds dependent on data that is not final at the time of the calculation will be calculated using prior school year data.

(4) The following rounding procedures shall be used:

(a) Dollars to the nearest whole;

(b) Student enrollments to the nearest two decimal places;

(c) Percentages to the nearest two decimal places;

(d) Ratios to the nearest three decimal places; and

(e) Levy rates to the nearest six decimal places.

(5) The superintendent of public instruction shall provide each school district by August 31st of each year with the appropriate procedures for all calculations performed in this chapter.

[Statutory Authority: RCW 28A.41.170 and 84.52.0531(10). 89-23-121 (Order 18), § 392-139-297, filed 11/22/89, effective 12/23/89.]

DETERMINATION OF EXCESS LEVY AUTHORITY

WAC 392-139-300 Establishment of excess levy authority for school districts—General. The maximum dollar amount of any school district's certified excess levy for any given calendar year shall equal the excess levy authority established by the superintendent of public instruction as follows:

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

(2) Adjust the result obtained in subsection (1) of this section by the amount of the school district's excess levy authority transfers determined pursuant to WAC 392-139-330 and 392-139-340; and

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

[Statutory Authority: RCW 28A.41.170 and 84.52.0531(10). 89-23-121 (Order 18), § 392-139-300, filed 11/22/89, effective 12/23/89; 88-03-007 (Order 88-6), § 392-139-300, filed 1/8/88.]

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 392-139-330 Determination of excess levy authority transfers for interdistrict cooperation programs. The superintendent of public instruction shall calculate the amount of levy authority transfers for the next calendar year for interdistrict cooperation programs as provided in this section. For students who during the prior school year resided in one school district (the sending district) but attended school in another school district (the serving district) pursuant to an interdistrict cooperation agreement authorized pursuant to RCW 28A.335.160 or 28A.225.250 and chapter 392-135 WAC, the serving

district's excess levy authority for the next calendar year shall be reduced and the sending district's excess levy authority for the next calendar year shall be increased by the same amount which shall be determined as follows:

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

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

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

[Statutory Authority: 1990 c 33, 90-16-002 (Order 18), § 392-139-330, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.41.170 and 84.52.0531(10), 89-23-121 (Order 18), § 392-139-330, filed 11/22/89, effective 12/23/89; 88-03-007 (Order 88-6), § 392-139-330, filed 1/8/88.]

WAC 392-139-340 Determination of excess levy authority transfers from high school districts to nonhigh school districts. The superintendent of public instruction shall determine the amount of excess levy authority transfers for the next calendar year from high school districts to nonhigh school districts as provided in this section. For students residing in a nonhigh school district but enrolled in a high school district pursuant to chapter 28A.545 RCW and chapter 392-132 WAC, the high school district's excess levy authority shall be reduced and the nonhigh school district's excess levy authority shall be increased by the same amount. The amount of the excess levy authority transfer shall equal the estimated excess levy authority transfer for the current school year calculated pursuant to subsection (1) of this section adjusted by the amount of the nonhigh billing adjustment for the prior school year calculated pursuant to subsection (2) of this section.

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

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

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

(c) Multiply the result by the estimated AAFTE students residing in the nonhigh school district and enrolled in the high school district for the current school year pursuant to chapter 28A.545 RCW as reported on form P-213.

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

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

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

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

(i) Determine the actual AAFTE students residing in the nonhigh school district and enrolled in the high school district in the prior school year pursuant to chapter 28A.545 RCW as reported in the current calendar year on form P-213; and

(ii) Subtract the estimated AAFTE students from the nonhigh school district enrolled in the high school district in the prior school year pursuant to chapter 28A.545 RCW as reported on form P-213 for the prior calendar year.

[Statutory Authority: 1990 c 33, 90-16-002 (Order 18), § 392-139-340, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.41.170 and 84.52.0531(10), 89-23-121 (Order 18), § 392-139-340, filed 11/22/89, effective 12/23/89; 88-03-007 (Order 88-6), § 392-139-340, filed 1/8/88.]

DEFINITIONS FOR LOCAL EFFORT ASSISTANCE

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

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

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

(1) Perform the calculations pursuant to WAC 392-139-300 (1) and (2) to arrive at the school district excess levy authority after excess levy authority 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 ten percent.

[Statutory Authority: RCW 28A.41.170 and 84.52.0531(10), 89-23-121 (Order 18), § 392-139-605, filed 11/22/89, effective 12/23/89; 88-03-007 (Order 88-6), § 392-139-605, 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.]

DETERMINATION OF LOCAL EFFORT ASSISTANCE FOR 1993, 1996 AND THEREAFTER

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

[Statutory Authority: RCW 28A.41.170 and 84.52.0531(10). 89-23-121 (Order 18), § 392-139-665, filed 11/22/89, effective 12/23/89; 88-03-007 (Order 88-6), § 392-139-665, 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 392-139-676 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.]

DETERMINATION OF LOCAL EFFORT ASSISTANCE FOR 1994 AND 1995

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. A school district must have a certified excess levy for 1995 collection to receive a safety net allocation for 1995.

[Statutory Authority: RCW 84.52.0531(9). 94-21-072 (Order 94-13), § 392-139-685, filed 10/18/94, effective 11/18/94. 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.]

NOTIFICATION, PETITIONS AND REQUESTS FOR REVIEW

WAC 392-139-900 Notification of amounts calculated. The superintendent of public instruction shall provide notice of amounts calculated pursuant to this chapter as follows:

(1) Prior to October 15 of each year, the superintendent of public instruction shall notify each school district of the results of calculations made for the school district for the next calendar year including the following:

- (a) Excess levy authority;
- (b) Maximum excess levy percentage;
- (c) Eligibility for local effort assistance; and
- (d) If eligible for local effort assistance:

- (i) Maximum local effort assistance;
- (ii) State matching ratio;

(iii) Certified excess levy necessary to qualify for maximum local effort assistance; and

(iv) Projected local effort assistance allocation based on the superintendent of public instruction's estimate of certified excess levies for the next calendar year at the time of the notice.

(2) Prior to November 15 of each year, the superintendent of public instruction shall notify the county assessor and chairman of the board of county commissioners of each county of excess levy authority for the next calendar year for those school districts headquartered in the county.

(3) At the time of the January apportionment payment each year, the superintendent of public instruction shall notify each eligible school district of the amount of the school district's local effort assistance allocations for the year.

[Statutory Authority: RCW 28A.41.170 and 84.52.0531(10). 90-12-080 (Order 12), § 392-139-900, filed 6/1/90, effective 7/2/90; 89-23-121 (Order 18), § 392-139-900, filed 11/22/89, effective 12/23/89; 88-03-007 (Order 88-6), § 392-139-900, filed 1/8/88.]

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 superintendent 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.]

WAC 392-139-905 Submission of revised assessed valuation data and recalculation. Within fifteen days from the date of the notice provided pursuant to WAC 392-139-900(1), any school district may submit to the superintendent of public instruction revised assessed valuation data for taxes collected in the current calendar year. Revised assessed valuation data shall be documented in writing by the county assessor or assessors from the county or counties in which the school district is located. The superintendent of public instruction shall recalculate excess levy authority and local effort assistance based on the revised assessed valuation data and shall notify the school district submitting revised assessed valuation data and any other affected school districts of the results of the recalculation prior to November 1.

[Statutory Authority: RCW 84.52.0531(10) and 28A.41.170. 90-12-080 (Order 12), § 392-139-905, filed 6/1/90, effective 7/2/90.]

Chapter 392-140 WAC

FINANCE—SPECIAL ALLOCATIONS,
INSTRUCTIONS, AND REQUIREMENTS

WAC

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392-140-530	1993-95 Local enhancement funding—Definition—Enrolled as a Medicaid service provider.		
392-140-531	1993-95 Local enhancement funding—Actively pursuing federal matching funds for medical services provided through special education programs.		
392-140-533	1993-95 Local enhancement funding—Condition of receipt of moneys.		
392-140-535	1993-95 Local enhancement funding—Conditions and limitations on expenditures.		
392-140-536	1993-95 Local enhancement funding—Apportionment of moneys.		

- 392-140-007 1976-77 Levy relief funds—Special funds—Eligibility—Purpose—Payment. [Order 9-76, § 392-140-007, filed 9/8/76.] Repealed by 80-05-038 (Order 80-9), filed 4/15/80. Statutory Authority: RCW 28A.03.030(3).
- 392-140-008 1976-77 Levy relief funds—Special funding for low assessed valuation districts. [Order 9-76, § 392-140-008, filed 9/8/76.] Repealed by 80-05-038 (Order 80-9), filed 4/15/80. Statutory Authority: RCW 28A.03.030(3).
- 392-140-010 1981-83 Salary-compensation lid compliance—Authority and purposes. [Statutory Authority: 1981 c 340 § 92 as amended. 83-17-059 (Order 83-7), § 392-140-010, filed 8/17/83. Statutory Authority: RCW 28A.41.170. 82-07-058 (Order 82-4), § 392-140-010, filed 3/19/82; 81-16-042 (Order 81-7), § 392-140-010, filed 7/30/81.] Repealed by 84-17-050 (Order 84-29), filed 8/13/84. Statutory Authority: RCW 28A.41.170.
- 392-140-011 1981-83 Salary-compensation lid compliance—Definitions. [Statutory Authority: 1981 c 340 § 92 as amended. 83-17-059 (Order 83-7), § 392-140-011, filed 8/17/83. Statutory Authority: RCW 28A.41.170. 82-07-058 (Order 82-4), § 392-140-011, filed 3/19/82; 81-16-042 (Order 81-7), § 392-140-011, filed 7/30/81.] Repealed by 84-17-050 (Order 84-29), filed 8/13/84. Statutory Authority: RCW 28A.41.170.
- 392-140-012 1981-83 Salary-compensation lid compliance—Application to basic education staff. [Statutory Authority: RCW 28A.41.170. 81-16-042 (Order 81-7), § 392-140-012, filed 7/30/81.] Repealed by 84-17-050 (Order 84-29), filed 8/13/84. Statutory Authority: RCW 28A.41.170.
- 392-140-013 1981-83 Salary-compensation lid compliance—Initial reporting cycle—General. [Statutory Authority: 1981 c 340 § 92 as amended. 83-17-059 (Order 83-7), § 392-140-013, filed 8/17/83. Statutory Authority: RCW 28A.41.170. 81-16-042 (Order 81-7), § 392-140-013, filed 7/30/81.] Repealed by 84-17-050 (Order 84-29), filed 8/13/84. Statutory Authority: RCW 28A.41.170.
- 392-140-014 1981-83 Salary-compensation lid compliance—Initial reporting cycle—District edit of personnel data. [Statutory Authority: 1981 c 340 § 92 as amended. 83-17-059 (Order 83-7), § 392-140-014, filed 8/17/83. Statutory Authority: RCW 28A.41.170. 82-07-058 (Order 82-4), § 392-140-014, filed 3/19/82; 81-16-042 (Order 81-7), § 392-140-014, filed 7/30/81.] Repealed by 84-17-050 (Order 84-29), filed 8/13/84. Statutory Authority: RCW 28A.41.170.
- 392-140-015 1981-83 Salary-compensation lid compliance—Initial reporting cycle—Data analysis and determination of need for additional information. [Statutory Authority: 1981 c 340 § 92 as amended. 83-17-059 (Order 83-7), § 392-140-015, filed 8/17/83. Statutory Authority: RCW 28A.41.170. 82-07-058 (Order 82-4), § 392-140-015, filed 3/19/82; 81-16-042 (Order 81-7), § 392-140-015, filed 7/30/81.] Repealed by 84-17-050 (Order 84-29), filed 8/13/84. Statutory Authority: RCW 28A.41.170.
- 392-140-016 1981-83 Salary-compensation lid compliance—Initial reporting cycle—Review of additional information. [Statutory Authority: 1981 c 340 § 92 as amended. 83-17-059 (Order 83-7), § 392-140-016, filed 8/17/83. Statutory Authority: RCW 28A.41.170. 82-07-058 (Order 82-4), § 392-140-016, filed 3/19/82; 81-16-042 (Order 81-7), § 392-140-016, filed 7/30/81.] Repealed by 84-17-050 (Order 84-29), filed 8/13/84. Statutory Authority: RCW 28A.41.170.
- 392-140-017 1981-83 Salary-compensation lid compliance—Initial reporting cycle—Determination of violation after review. [Statutory Authority: 1981 c 340 § 92 as amended. 83-17-059 (Order 83-7), § 392-140-017, filed 8/17/83. Statutory Authority: RCW 28A.41.170. 81-16-042 (Order 81-7), § 392-140-017, filed 7/30/81.] Repealed by 84-17-050 (Order 84-29), filed 8/13/84. Statutory Authority: RCW 28A.41.170.
- 392-140-018 1981-83 Salary-compensation lid compliance—Final reporting cycle. [Statutory Authority: 1981 c 340 § 92 as amended. 83-17-059 (Order 83-7), § 392-140-018, filed 8/17/83. Statutory Authority: RCW 28A.41.170. 82-07-058 (Order 82-4), § 392-140-018, filed 3/19/82; 81-16-042 (Order 81-7), § 392-140-018, filed 7/30/81.] Repealed by 84-17-050 (Order 84-29), filed 8/13/84. Statutory Authority: RCW 28A.41.170.
- 392-140-019 1981-83 Salary-compensation lid compliance—Compliance of average certificated salaries. [Statutory Authority: 1981 c 340 § 92 as amended. 83-17-059 (Order 83-7), § 392-140-019, filed 8/17/83. Statutory Authority: RCW 28A.41.170. 82-07-058 (Order 82-4), § 392-140-019, filed 3/19/82; 81-16-042 (Order 81-7), § 392-140-019, filed 7/30/81.] Repealed by 84-17-050 (Order 84-29), filed 8/13/84. Statutory Authority: RCW 28A.41.170.
- 392-140-020 1981-83 Salary-compensation lid compliance—Compliance of average classified salaries. [Statutory Authority: 1981 c 340 § 92 as amended. 83-17-059 (Order 83-7), § 392-140-020, filed 8/17/83. Statutory Authority: RCW 28A.41.170. 82-07-058 (Order 82-4), § 392-140-020, filed 3/19/82; 81-16-042 (Order 81-7), § 392-140-020, filed 7/30/81.] Repealed by 84-17-050 (Order 84-29), filed 8/13/84. Statutory Authority: RCW 28A.41.170.
- 392-140-021 1981-83 Salary-compensation lid compliance—Compliance of insurance benefits. [Statutory Authority: 1981 c 340 § 92 as amended. 83-17-059 (Order 83-7), § 392-140-021, filed 8/17/83. Statutory Authority: RCW 28A.41.170. 81-16-042 (Order 81-7), § 392-140-021, filed 7/30/81.] Repealed by 84-17-050 (Order 84-29), filed 8/13/84. Statutory Authority: RCW 28A.41.170.
- 392-140-022 1981-83 Salary-compensation lid compliance—No increases constitute compliance. [Statutory Authority: 1981 c 340 § 92 as amended. 83-17-059 (Order 83-7), § 392-140-022, filed 8/17/83. Statutory Authority: RCW 28A.41.170. 81-16-042 (Order 81-7), § 392-140-022, filed 7/30/81.] Repealed by 84-17-050 (Order 84-29), filed 8/13/84. Statutory Authority: RCW 28A.41.170.
- 392-140-023 1981-83 Salary-compensation lid compliance—Withholding of basic education allocation. [Statutory Authority: 1981 c 340 § 92 as amended. 83-17-059 (Order 83-7), § 392-140-023, filed 8/17/83. Statutory Authority: RCW 28A.41.170. 81-16-042 (Order 81-7), § 392-140-023, filed 7/30/81.] Repealed by 84-17-050 (Order 84-29), filed 8/13/84. Statutory Authority: RCW 28A.41.170.
- 392-140-025 1981-83 State categorical special education program—Definition—LEAP Document 3. [Statutory Authority: RCW 28A.41.170. 81-20-001 (Order 81-27), § 392-140-025, filed 9/24/81.] Repealed by 84-20-087 (Order 84-42), filed 10/2/84. Statutory Authority: RCW 28A.41.170.
- 392-140-026 1981-83 State categorical special education program—Definition—Certificated derived base salary. [Statutory Authority: RCW 28A.41.170. 81-20-001 (Order 81-27), § 392-140-026, filed 9/24/81.] Repealed by 84-20-087 (Order 84-42), filed 10/2/84. Statutory Authority: RCW 28A.41.170.
- 392-140-027 1981-83 State categorical special education program—Definition—Classified average salary. [Statutory Authority: RCW 28A.41.170. 81-20-001 (Order 81-27), § 392-140-027, filed 9/24/81.] Repealed by 84-20-087 (Order 84-42), filed 10/2/84. Statutory Authority: RCW 28A.41.170.
- 392-140-028 1981-83 State categorical special education program—Certificated derived base salary. [Statutory Authority: RCW 28A.41.170. 81-20-001 (Order 81-27), § 392-140-028, filed 9/24/81.] Repealed by 84-20-087 (Order 84-42), filed 10/2/84. Statutory Authority: RCW 28A.41.170.
- 392-140-029 1981-83 State categorical special education program—Classified average salary. [Statutory Authority: RCW 28A.41.170. 81-20-001 (Order 81-27), § 392-140-029, filed 9/24/81.] Repealed by 84-20-087 (Order 84-42), filed 10/2/84. Statutory Authority: RCW 28A.41.170.
- 392-140-030 1981-83 State categorical special education program—Supplies and material. [Statutory Authority: RCW 28A.41.170. 81-20-001 (Order 81-27), § 392-140-030, filed 9/24/81.] Repealed by 84-20-087 (Order 84-42), filed 10/2/84. Statutory Authority: RCW 28A.41.170.

- 392-140-031 1981-83 State categorical special education program—Eligible handicapped students. [Statutory Authority: RCW 28A.41.170. 81-20-001 (Order 81-27), § 392-140-031, filed 9/24/81.] Repealed by 84-20-087 (Order 84-42), filed 10/2/84. Statutory Authority: RCW 28A.41.170.
- 392-140-032 1981-83 State categorical special education program—Home and hospital. [Statutory Authority: RCW 28A.41.170. 81-20-001 (Order 81-27), § 392-140-032, filed 9/24/81.] Repealed by 84-20-087 (Order 84-42), filed 10/2/84. Statutory Authority: RCW 28A.41.170.
- 392-140-033 1981-83 State categorical special education program—Foster care. [Statutory Authority: RCW 28A.41.170. 81-20-001 (Order 81-27), § 392-140-033, filed 9/24/81.] Repealed by 84-20-087 (Order 84-42), filed 10/2/84. Statutory Authority: RCW 28A.41.170.
- 392-140-034 1981-83 State categorical special education program—Maximum control factor—Proration. [Statutory Authority: RCW 28A.41.170. 81-20-001 (Order 81-27), § 392-140-034, filed 9/24/81.] Repealed by 84-20-087 (Order 84-42), filed 10/2/84. Statutory Authority: RCW 28A.41.170.
- 392-140-035 1981-83 State categorical special education program—Reporting. [Statutory Authority: RCW 28A.41.170. 81-20-001 (Order 81-27), § 392-140-035, filed 9/24/81.] Repealed by 84-20-087 (Order 84-42), filed 10/2/84. Statutory Authority: RCW 28A.41.170.
- 392-140-040 1981-83 State categorical residential educational program—Funding. [Statutory Authority: RCW 28A.41.170. 81-20-002 (Order 81-28), § 392-140-040, filed 9/24/81.] Repealed by 84-20-087 (Order 84-42), filed 10/2/84. Statutory Authority: RCW 28A.41.170.
- 392-140-041 1981-83 State categorical residential educational program—Reporting. [Statutory Authority: RCW 28A.41.170. 81-20-002 (Order 81-28), § 392-140-041, filed 9/24/81.] Repealed by 84-20-087 (Order 84-42), filed 10/2/84. Statutory Authority: RCW 28A.41.170.
- 392-140-042 RAP, grades seven through nine—Applicable provisions. [Statutory Authority: RCW 28A.41.170. 86-01-019 (Order 85-14), § 392-140-042, filed 12/9/85.] Repealed by 89-18-077 (Order 89-08), effective 10/7/89. Statutory Authority: RCW 28A.58.095.
- 392-140-043 RAP, grades seven through nine—Definition—Educationally deprived. [Statutory Authority: RCW 28A.41.170. 86-01-019 (Order 85-14), § 392-140-043, filed 12/9/85.] Repealed by 89-18-077 (Order 89-08), filed 9/6/89, effective 10/7/89. Statutory Authority: RCW 28A.58.095.
- 392-140-044 RAP, grades seven through nine—Definition—Placement test. [Statutory Authority: RCW 28A.41.170. 86-01-019 (Order 85-14), § 392-140-044, filed 12/9/85.] Repealed by 89-18-077 (Order 89-08), filed 9/6/89, effective 10/7/89. Statutory Authority: RCW 28A.58.095.
- 392-140-045 1984-85 RAP, grades seven through nine—Applicable provisions. [Statutory Authority: RCW 28A.41.170. 84-20-080 (Order 84-38), § 392-140-045, filed 10/2/84.] Repealed by 86-01-019 (Order 85-14), filed 12/9/85. Statutory Authority: RCW 28A.41.170.
- 392-140-046 RAP, grades seven through nine—Definition—Supplemental instructional assistance. [Statutory Authority: RCW 28A.41.170. 86-01-019 (Order 85-14), § 392-140-046, filed 12/9/85; 84-20-080 (Order 84-38), § 392-140-046, filed 10/2/84.] Repealed by 89-18-077 (Order 89-08), filed 9/6/89, effective 10/7/89. Statutory Authority: RCW 28A.58.095.
- 392-140-047 RAP, grades seven through nine—Definition—Like services. [Statutory Authority: RCW 28A.41.170. 86-01-019 (Order 85-14), § 392-140-047, filed 12/9/85; 84-20-080 (Order 84-38), § 392-140-047, filed 10/2/84.] Repealed by 89-18-077 (Order 89-08), filed 9/6/89, effective 10/7/89. Statutory Authority: RCW 28A.58.095.
- 392-140-048 RAP, grades seven through nine—Definition—Remediation program. [Statutory Authority: RCW 28A.41.170. 86-01-019 (Order 85-14), § 392-140-048, filed 12/9/85; 84-20-080 (Order 84-38), § 392-140-048, filed 10/2/84.] Repealed by 89-18-077 (Order 89-08), filed 9/6/89, effective 10/7/89. Statutory Authority: RCW 28A.58.095.
- 392-140-049 RAP, grades seven through nine—Definition—Eligible students. [Statutory Authority: RCW 28A.41.170. 86-01-019 (Order 85-14), § 392-140-049, filed 12/9/85; 84-20-080 (Order 84-38), § 392-140-049, filed 10/2/84.] Repealed by 89-18-077 (Order 89-08), filed 9/6/89, effective 10/7/89. Statutory Authority: RCW 28A.58.095.
- 392-140-050 RAP, grades seven through nine—District application. [Statutory Authority: RCW 28A.41.170. 86-01-019 (Order 85-14), § 392-140-050, filed 12/9/85; 84-20-080 (Order 84-38), § 392-140-050, filed 10/2/84.] Repealed by 89-18-077 (Order 89-08), filed 9/6/89, effective 10/7/89. Statutory Authority: RCW 28A.58.095.
- 392-140-051 RAP, grades seven through nine—Board approval. [Statutory Authority: RCW 28A.41.170. 86-01-019 (Order 85-14), § 392-140-051, filed 12/9/85; 84-20-080 (Order 84-38), § 392-140-051, filed 10/2/84.] Repealed by 89-18-077 (Order 89-08), filed 9/6/89, effective 10/7/89. Statutory Authority: RCW 28A.58.095.
- 392-140-052 RAP, grades seven through nine—Content of district application. [Statutory Authority: RCW 28A.41.170. 86-01-019 (Order 85-14), § 392-140-052, filed 12/9/85; 84-20-080 (Order 84-38), § 392-140-052, filed 10/2/84.] Repealed by 89-18-077 (Order 89-08), filed 9/6/89, effective 10/7/89. Statutory Authority: RCW 28A.58.095.
- 392-140-053 RAP, grades seven through nine—Program requirement—Notification of parents. [Statutory Authority: RCW 28A.41.170. 86-01-019 (Order 85-14), § 392-140-053, filed 12/9/85; 84-20-080 (Order 84-38), § 392-140-053, filed 10/2/84.] Repealed by 89-18-077 (Order 89-08), filed 9/6/89, effective 10/7/89. Statutory Authority: RCW 28A.58.095.
- 392-140-054 RAP, grades seven through nine—Program requirement—Allowable expenditures. [Statutory Authority: RCW 28A.41.170. 86-01-019 (Order 85-14), § 392-140-054, filed 12/9/85; 84-20-080 (Order 84-38), § 392-140-054, filed 10/2/84.] Repealed by 89-18-077 (Order 89-08), filed 9/6/89, effective 10/7/89. Statutory Authority: RCW 28A.58.095.
- 392-140-055 RAP, grades seven through nine—Program requirement—End of year report. [Statutory Authority: RCW 28A.41.170. 86-01-019 (Order 85-14), § 392-140-055, filed 12/9/85; 84-20-080 (Order 84-38), § 392-140-055, filed 10/2/84.] Repealed by 89-18-077 (Order 89-08), filed 9/6/89, effective 10/7/89. Statutory Authority: RCW 28A.58.095.
- 392-140-056 RAP, grades seven through nine—Program requirement—Annual program evaluation. [Statutory Authority: RCW 28A.41.170. 86-01-019 (Order 85-14), § 392-140-056, filed 12/9/85; 84-20-080 (Order 84-38), § 392-140-056, filed 10/2/84.] Repealed by 89-18-077 (Order 89-08), filed 9/6/89, effective 10/7/89. Statutory Authority: RCW 28A.58.095.
- 392-140-057 RAP, grades seven through nine—Definition—District 7-9 FTE enrollment. [Statutory Authority: RCW 28A.41.170. 86-01-019 (Order 85-14), § 392-140-057, filed 12/9/85; 84-20-080 (Order 84-38), § 392-140-057, filed 10/2/84.] Repealed by 89-18-077 (Order 89-08), filed 9/6/89, effective 10/7/89. Statutory Authority: RCW 28A.58.095.
- 392-140-058 RAP, grades seven through nine—Definition—District eighth grade RAP percentage. [Statutory Authority: RCW 28A.03.030(3). 87-09-017 (Order 87-1), § 392-140-058, filed 4/6/87. Statutory Authority: RCW 28A.41.170. 86-01-019 (Order 85-14), § 392-140-058, filed 12/9/85; 84-20-080 (Order 84-38), § 392-140-058, filed 10/2/84.] Repealed by 89-18-077 (Order 89-08), filed 9/6/89, effective 10/7/89. Statutory Authority: RCW 28A.58.095.
- 392-140-059 RAP, grades seven through nine—Definition—District specific learning disabled enrollment for ages twelve through fourteen. [Statutory Authority: RCW 28A.41.170. 86-01-019 (Order 85-14), § 392-140-059, filed 12/9/85; 84-20-080 (Order 84-38), § 392-140-059, filed 10/2/84.] Repealed by 89-18-077 (Order 89-08), filed 9/6/89, effective 10/7/89. Statutory Authority: RCW 28A.58.095.

- 392-140-060 1984-85 RAP, grades seven through nine—Definition—Like services factor. [Statutory Authority: RCW 28A.41.170. 84-20-080 (Order 84-38), § 392-140-060, filed 10/2/84.] Repealed by 86-01-019 (Order 85-14), filed 12/9/85. Statutory Authority: RCW 28A.41.170.
- 392-140-061 RAP, grades seven through nine—Definition—District grades seven through nine service population. [Statutory Authority: RCW 28A.41.170. 86-01-019 (Order 85-14), § 392-140-061, filed 10/2/84.] Repealed by 89-18-077 (Order 89-08), filed 9/6/89, effective 10/7/89. Statutory Authority: RCW 28A.58.095.
- 392-140-062 RAP, grades seven through nine—Definition—Grades seven through nine per student support level. [Statutory Authority: RCW 28A.41.170. 86-01-019 (Order 85-14), § 392-140-062, filed 12/9/85; 84-20-080 (Order 84-38), § 392-140-062, filed 10/2/84.] Repealed by 89-18-077 (Order 89-08), filed 9/6/89, effective 10/7/89. Statutory Authority: RCW 28A.58.095.
- 392-140-063 RAP, grades seven through nine—District allocation. [Statutory Authority: RCW 28A.41.170. 86-01-019 (Order 85-14), § 392-140-063, filed 12/9/85; 84-20-080 (Order 84-38), § 392-140-063, filed 10/2/84.] Repealed by 89-18-077 (Order 89-08), filed 9/6/89, effective 10/7/89. Statutory Authority: RCW 28A.58.095.
- 392-140-064 RAP, grades seven through nine—Distribution of state moneys for the state remediation assistance program grades seven through nine. [Statutory Authority: RCW 28A.41.170. 86-01-019 (Order 85-14), § 392-140-064, filed 12/9/85; 84-20-080 (Order 84-38), § 392-140-064, filed 10/2/84.] Repealed by 89-18-077 (Order 89-08), filed 9/6/89, effective 10/7/89. Statutory Authority: RCW 28A.58.095.
- 392-140-065 General provision—Carryover prohibition. [Statutory Authority: RCW 28A.41.170. 86-01-019 (Order 85-14), § 392-140-065, filed 12/9/85.] Repealed by 89-18-077 (Order 89-08), filed 9/6/89, effective 10/7/89. Statutory Authority: RCW 28A.58.095.
- 392-140-066 General provision—Maximum control factor—Proration. [Statutory Authority: RCW 28A.41.170. 86-01-019 (Order 85-14), § 392-140-066, filed 12/9/85.] Repealed by 89-18-077 (Order 89-08), filed 9/6/89, effective 10/7/89. Statutory Authority: RCW 28A.58.095.
- 392-140-075 1985-87 School based management pilot projects—Applicable provisions—Authority. [Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-140-075, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.58.082(4). 86-08-075 (Order 86-3), § 392-140-075, filed 4/2/86.] Repealed by 92-03-023 (Order 92-01), filed 1/7/92, effective 2/7/92. Statutory Authority: RCW 28A.150.290(1).
- 392-140-076 1985-87 School based management pilot projects—School based management—Definition. [Statutory Authority: RCW 28A.58.082(4). 86-08-075 (Order 86-3), § 392-140-076, filed 4/2/86.] Repealed by 92-03-023 (Order 92-01), filed 1/7/92, effective 2/7/92. Statutory Authority: RCW 28A.150.290(1).
- 392-140-077 1985-87 School based management pilot projects—School site council—Definition. [Statutory Authority: RCW 28A.58.082(4). 86-08-075 (Order 86-3), § 392-140-077, filed 4/2/86.] Repealed by 92-03-023 (Order 92-01), filed 1/7/92, effective 2/7/92. Statutory Authority: RCW 28A.150.290(1).
- 392-140-078 1985-87 School based management pilot projects—School improvement plan—Definition. [Statutory Authority: RCW 28A.58.082(4). 86-08-075 (Order 86-3), § 392-140-078, filed 4/2/86.] Repealed by 92-03-023 (Order 92-01), filed 1/7/92, effective 2/7/92. Statutory Authority: RCW 28A.150.290(1).
- 392-140-079 1985-87 School based management pilot projects—District application. [Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-140-079, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.58.082(4). 86-08-075 (Order 86-3), § 392-140-079, filed 4/2/86.] Repealed by 92-03-023 (Order 92-01), filed 1/7/92, effective 2/7/92. Statutory Authority: RCW 28A.150.290(1).
- 392-140-080 1985-87 School based management pilot projects—Project selection criteria and advisory committee. [Statutory Authority: RCW 28A.58.082(4). 86-08-075 (Order 86-3), § 392-140-080, filed 4/2/86.] Repealed by 92-03-023 (Order 92-01), filed 1/7/92, effective 2/7/92. Statutory Authority: RCW 28A.150.290(1).
- 392-140-081 1985-87 School based management pilot projects—Conditions precedent to application by district for pilot project approval. [Statutory Authority: RCW 28A.58.082(4). 86-08-075 (Order 86-3), § 392-140-081, filed 4/2/86.] Repealed by 92-03-023 (Order 92-01), filed 1/7/92, effective 2/7/92. Statutory Authority: RCW 28A.150.290(1).
- 392-140-082 1985-87 School based management pilot projects—Grant expenditures and termination. [Statutory Authority: RCW 28A.58.082(4). 86-08-075 (Order 86-3), § 392-140-082, filed 4/2/86.] Repealed by 92-03-023 (Order 92-01), filed 1/7/92, effective 2/7/92. Statutory Authority: RCW 28A.150.290(1).
- 392-140-083 1985-87 School based management pilot projects—Allocations by superintendent of public instruction. [Statutory Authority: RCW 28A.58.082(4). 86-08-075 (Order 86-3), § 392-140-083, filed 4/2/86.] Repealed by 92-03-023 (Order 92-01), filed 1/7/92, effective 2/7/92. Statutory Authority: RCW 28A.150.290(1).
- 392-140-085 1986-87 Certificated staff salary enhancement allocations and salary compliance—Applicable provisions. [Statutory Authority: RCW 28A.58.095. 86-21-093 (Order 86-18), § 392-140-085, filed 10/17/86.] Repealed by 89-18-077 (Order 89-08), filed 9/6/89, effective 10/7/89. Statutory Authority: RCW 28A.58.095.
- 392-140-086 1986-87 Certificated staff salary enhancement allocations and salary compliance—Purpose. [Statutory Authority: RCW 28A.58.095. 86-21-093 (Order 86-18), § 392-140-086, filed 10/17/86.] Repealed by 89-18-077 (Order 89-08), filed 9/6/89, effective 10/7/89. Statutory Authority: RCW 28A.58.095.
- 392-140-087 1986-87 Certificated staff salary enhancement allocations and salary compliance—Definition—Eligible district and category. [Statutory Authority: RCW 28A.58.095. 86-21-093 (Order 86-18), § 392-140-087, filed 10/17/86.] Repealed by 89-18-077 (Order 89-08), filed 9/6/89, effective 10/7/89. Statutory Authority: RCW 28A.58.095.
- 392-140-088 1986-87 Certificated staff salary enhancement allocations and salary compliance—Definition—Revised LEAP Document 7. [Statutory Authority: RCW 28A.58.095. 86-21-093 (Order 86-18), § 392-140-088, filed 10/17/86.] Repealed by 89-18-077 (Order 89-08), filed 9/6/89, effective 10/7/89. Statutory Authority: RCW 28A.58.095.
- 392-140-089 1986-87 Certificated staff salary enhancement allocations and salary compliance—Definition—Certificated salary enhancement allocation. [Statutory Authority: RCW 28A.58.095. 86-21-093 (Order 86-18), § 392-140-089, filed 10/17/86.] Repealed by 89-18-077 (Order 89-08), filed 9/6/89, effective 10/7/89. Statutory Authority: RCW 28A.58.095.
- 392-140-090 1986-87 Certificated staff salary enhancement allocations and salary compliance—Definition—Additional certificated salary enhancement allocation. [Statutory Authority: RCW 28A.58.095. 86-21-093 (Order 86-18), § 392-140-090, filed 10/17/86.] Repealed by 89-18-077 (Order 89-08), filed 9/6/89, effective 10/7/89. Statutory Authority: RCW 28A.58.095.
- 392-140-091 1986-87 Certificated staff salary enhancement allocations and salary compliance—Definition—State-supported programs for purpose of allocations. [Statutory Authority: RCW 28A.58.095. 86-21-093 (Order 86-18), § 392-140-091, filed 10/17/86.] Repealed by 89-18-077 (Order 89-08), filed 9/6/89, effective 10/7/89. Statutory Authority: RCW 28A.58.095.
- 392-140-092 1986-87 Certificated staff salary enhancement allocations and salary compliance—Definition—Certificated staff actual full-time equivalent salary. [Statutory Authority: RCW 28A.58.095. 86-21-093 (Order 86-18), § 392-140-

- 392-140-115 Repealed by 89-18-077 (Order 89-08), filed 9/6/89, effective 10/7/89. Statutory Authority: RCW 28A.58.095. 1986-87 Alternate measure for classified staff salary compliance—Applicable provisions. [Statutory Authority: RCW 28A.58.095. 86-21-093 (Order 86-18), § 392-140-115, filed 10/17/86.] Repealed by 89-18-077 (Order 89-08), filed 9/6/89, effective 10/7/89. Statutory Authority: RCW 28A.58.095.
- 392-140-116 1986-87 Alternate measure for classified staff salary compliance—Purpose. [Statutory Authority: RCW 28A.58.095. 86-21-093 (Order 86-18), § 392-140-116, filed 10/17/86.] Repealed by 89-18-077 (Order 89-08), filed 9/6/89, effective 10/7/89. Statutory Authority: RCW 28A.58.095.
- 392-140-117 1986-87 Alternate measure for classified staff salary compliance—Application of these provisions. [Statutory Authority: RCW 28A.58.095. 86-21-093 (Order 86-18), § 392-140-117, filed 10/17/86.] Repealed by 89-18-077 (Order 89-08), filed 9/6/89, effective 10/7/89. Statutory Authority: RCW 28A.58.095.
- 392-140-118 1986-87 Alternate measure for classified staff salary compliance—Definition—District salary schedule placement. [Statutory Authority: RCW 28A.58.095. 86-21-093 (Order 86-18), § 392-140-118, filed 10/17/86.] Repealed by 89-18-077 (Order 89-08), filed 9/6/89, effective 10/7/89. Statutory Authority: RCW 28A.58.095.
- 392-140-119 1986-87 Alternate measure for classified staff salary compliance—Definition—Salary classification. [Statutory Authority: RCW 28A.58.095. 86-21-093 (Order 86-18), § 392-140-119, filed 10/17/86.] Repealed by 89-18-077 (Order 89-08), filed 9/6/89, effective 10/7/89. Statutory Authority: RCW 28A.58.095.
- 392-140-120 1986-87 Alternate measure for classified salary compliance—Definition—Change in classified staff composition. [Statutory Authority: RCW 28A.58.095. 86-21-093 (Order 86-18), § 392-140-120, filed 10/17/86.] Repealed by 89-18-077 (Order 89-08), filed 9/6/89, effective 10/7/89. Statutory Authority: RCW 28A.58.095.
- 392-140-121 1986-87 Alternate measure for classified staff salary compliance—Definition—New position. [Statutory Authority: RCW 28A.58.095. 86-21-093 (Order 86-18), § 392-140-121, filed 10/17/86.] Repealed by 89-18-077 (Order 89-08), filed 9/6/89, effective 10/7/89. Statutory Authority: RCW 28A.58.095.
- 392-140-122 1986-87 Alternate measure for classified staff salary compliance—Definition—Reclassification. [Statutory Authority: RCW 28A.58.095. 86-21-093 (Order 86-18), § 392-140-122, filed 10/17/86.] Repealed by 89-18-077 (Order 89-08), filed 9/6/89, effective 10/7/89. Statutory Authority: RCW 28A.58.095.
- 392-140-123 1986-87 Alternate measure for classified staff salary compliance—Definition—Employees with additional prior years of experience in other school districts. [Statutory Authority: RCW 28A.58.095. 86-21-093 (Order 86-18), § 392-140-123, filed 10/17/86.] Repealed by 89-18-077 (Order 89-08), filed 9/6/89, effective 10/7/89. Statutory Authority: RCW 28A.58.095.
- 392-140-124 1986-87 Alternate measure for classified staff salary compliance—Definition—Employees with other additional prior years of experience. [Statutory Authority: RCW 28A.58.095. 86-21-093 (Order 86-18), § 392-140-124, filed 10/17/86.] Repealed by 89-18-077 (Order 89-08), filed 9/6/89, effective 10/7/89. Statutory Authority: RCW 28A.58.095.
- 392-140-125 1986-87 Alternate measure for classified staff salary compliance—Definition—District obligation. [Statutory Authority: RCW 28A.58.095. 86-21-093 (Order 86-18), § 392-140-125, filed 10/17/86.] Repealed by 89-18-077 (Order 89-08), filed 9/6/89, effective 10/7/89. Statutory Authority: RCW 28A.58.095.
- 392-140-126 1986-87 Alternate measure for classified staff salary compliance—Definition—Form 1049. [Statutory Authority: RCW 28A.58.095. 86-21-093 (Order 86-18), § 392-140-126, filed 10/17/86.] Repealed by 89-18-077 (Order 89-08), filed 9/6/89, effective 10/7/89. Statutory Authority: RCW 28A.58.095.
- 392-140-127 1986-87 Alternate measure for classified staff salary compliance—Definition—Revised LEAP Document 7. [Statutory Authority: RCW 28A.58.095. 86-21-093 (Order 86-18), § 392-140-127, filed 10/17/86.] Repealed by 89-18-077 (Order 89-08), filed 9/6/89, effective 10/7/89. Statutory Authority: RCW 28A.58.095.
- 392-140-128 1986-87 Alternate measure for classified staff salary compliance—Definition—Form S-277. [Statutory Authority: RCW 28A.58.095. 86-21-093 (Order 86-18), § 392-140-128, filed 10/17/86.] Repealed by 89-18-077 (Order 89-08), filed 9/6/89, effective 10/7/89. Statutory Authority: RCW 28A.58.095.
- 392-140-129 1986-87 Alternate measure for classified staff salary compliance—Definition—Prior school year classified years of experience. [Statutory Authority: RCW 28A.58.095. 86-21-093 (Order 86-18), § 392-140-129, filed 10/17/86.] Repealed by 89-18-077 (Order 89-08), filed 9/6/89, effective 10/7/89. Statutory Authority: RCW 28A.58.095.
- 392-140-130 1986-87 Alternate measure for classified staff salary compliance—Definition—Prior school year classified staff highest hourly rate. [Statutory Authority: RCW 28A.58.095. 86-21-093 (Order 86-18), § 392-140-130, filed 10/17/86.] Repealed by 89-18-077 (Order 89-08), filed 9/6/89, effective 10/7/89. Statutory Authority: RCW 28A.58.095.
- 392-140-131 1986-87 Alternate measure for classified staff salary compliance—Definition—Classified increment mix factor. [Statutory Authority: RCW 28A.58.095. 86-21-093 (Order 86-18), § 392-140-131, filed 10/17/86.] Repealed by 89-18-077 (Order 89-08), filed 9/6/89, effective 10/7/89. Statutory Authority: RCW 28A.58.095.
- 392-140-132 1986-87 Alternate measure for classified staff salary compliance—Definition—District classified increment mix factor. [Statutory Authority: RCW 28A.58.095. 86-21-093 (Order 86-18), § 392-140-132, filed 10/17/86.] Repealed by 89-18-077 (Order 89-08), filed 9/6/89, effective 10/7/89. Statutory Authority: RCW 28A.58.095.
- 392-140-133 1986-87 Alternate measure for classified staff salary compliance—Definition—Current school year district classified derived base salary. [Statutory Authority: RCW 28A.58.095. 86-21-093 (Order 86-18), § 392-140-133, filed 10/17/86.] Repealed by 89-18-077 (Order 89-08), filed 9/6/89, effective 10/7/89. Statutory Authority: RCW 28A.58.095.
- 392-140-134 1986-87 Alternate measure for classified staff salary compliance—Definition—Alternate prior school year district classified increment mix factor. [Statutory Authority: RCW 28A.58.095. 86-21-093 (Order 86-18), § 392-140-134, filed 10/17/86.] Repealed by 89-18-077 (Order 89-08), filed 9/6/89, effective 10/7/89. Statutory Authority: RCW 28A.58.095.
- 392-140-135 1986-87 Alternate measure for classified staff salary compliance—Definition—Prior school year classified highest annual salaries. [Statutory Authority: RCW 28A.58.095. 86-21-093 (Order 86-18), § 392-140-135, filed 10/17/86.] Repealed by 89-18-077 (Order 89-08), filed 9/6/89, effective 10/7/89. Statutory Authority: RCW 28A.58.095.
- 392-140-136 1986-87 Alternate measure for classified staff salary compliance—Definition—Basic education district classified imputed derived base salary. [Statutory Authority: RCW 28A.58.095. 86-21-093 (Order 86-18), § 392-140-136, filed 10/17/86.] Repealed by 89-18-077 (Order 89-08), filed 9/6/89, effective 10/7/89. Statutory Authority: RCW 28A.58.095.
- 392-140-137 1986-87 Alternate measure for classified staff salary compliance—Definition—District classified staff personnel policy. [Statutory Authority: RCW 28A.58.095. 86-21-093 (Order 86-18), § 392-140-137, filed 10/17/86.] Repealed by 89-18-077 (Order 89-08), filed 9/6/89, effective 10/7/89. Statutory Authority: RCW 28A.58.095.
- 392-140-138 1986-87 Alternate measure for classified staff salary compliance—Board resolution with estimate of district obligation. [Statutory Authority: RCW 28A.58.095. 86-21-093 (Order 86-18), § 392-140-138, filed 10/17/86.]

- Repealed by 89-18-077 (Order 89-08), filed 9/6/89, effective 10/7/89. Statutory Authority: RCW 28A.58.095.
- 392-140-139 1986-87 Alternate measure for classified staff salary compliance—District request. [Statutory Authority: RCW 28A.58.095. 86-21-093 (Order 86-18), § 392-140-139, filed 10/17/86.] Repealed by 89-18-077 (Order 89-08), filed 9/6/89, effective 10/7/89. Statutory Authority: RCW 28A.58.095.
- 392-140-140 1986-87 Alternate measure for classified staff salary compliance—Calculation for salary compliance. [Statutory Authority: RCW 28A.58.095. 86-21-093 (Order 86-18), § 392-140-140, filed 10/17/86.] Repealed by 89-18-077 (Order 89-08), filed 9/6/89, effective 10/7/89. Statutory Authority: RCW 28A.58.095.
- 392-140-141 1986-87 Alternate measure for classified staff salary compliance—Reporting cycle and process. [Statutory Authority: RCW 28A.58.095. 86-21-093 (Order 86-18), § 392-140-141, filed 10/17/86.] Repealed by 89-18-077 (Order 89-08), filed 9/6/89, effective 10/7/89. Statutory Authority: RCW 28A.58.095.
- 392-140-145 1987-89 minimum salary allocations—Applicable provisions. [Statutory Authority: RCW 28A.41.170. 88-03-005 (Order 88-4), § 392-140-145, filed 1/8/88.] Repealed by 89-18-077 (Order 89-08), filed 9/6/89, effective 10/7/89. Statutory Authority: RCW 28A.58.095.
- 392-140-146 1987-89 minimum salary allocations—Definition—School year. [Statutory Authority: RCW 28A.41.170. 88-03-005 (Order 88-4), § 392-140-146, filed 1/8/88.] Repealed by 89-18-077 (Order 89-08), filed 9/6/89, effective 10/7/89. Statutory Authority: RCW 28A.58.095.
- 392-140-147 1987-89 minimum salary allocations—Definition—Current school year. [Statutory Authority: RCW 28A.41.170. 88-03-005 (Order 88-4), § 392-140-147, filed 1/8/88.] Repealed by 89-18-077 (Order 89-08), filed 9/6/89, effective 10/7/89. Statutory Authority: RCW 28A.58.095.
- 392-140-148 1987-89 minimum salary allocations—Definition—Prior school year. [Statutory Authority: RCW 28A.41.170. 88-03-005 (Order 88-4), § 392-140-148, filed 1/8/88.] Repealed by 89-18-077 (Order 89-08), filed 9/6/89, effective 10/7/89. Statutory Authority: RCW 28A.58.095.
- 392-140-149 1987-89 minimum salary allocations—Definition—Certificated instructional employee. [Statutory Authority: RCW 28A.41.170. 88-03-005 (Order 88-4), § 392-140-149, filed 1/8/88.] Repealed by 89-18-077 (Order 89-08), filed 9/6/89, effective 10/7/89. Statutory Authority: RCW 28A.58.095.
- 392-140-150 1987-89 minimum salary allocations—Definition—Form F-275. [Statutory Authority: RCW 28A.41.170. 88-03-005 (Order 88-4), § 392-140-150, filed 1/8/88.] Repealed by 89-18-077 (Order 89-08), filed 9/6/89, effective 10/7/89. Statutory Authority: RCW 28A.58.095.
- 392-140-151 Minimum salary allocations—Definition—Certificated instructional employee full-time equivalency (FTE). [Statutory Authority: RCW 28A.41.170. 88-03-005 (Order 88-4), § 392-140-151, filed 1/8/88.] Repealed by 89-18-077 (Order 89-08), filed 9/6/89, effective 10/7/89. Statutory Authority: RCW 28A.58.095.
- 392-140-152 1987-89 minimum salary allocations—Definition—Minimum required salary. [Statutory Authority: RCW 28A.41.170. 88-03-005 (Order 88-4), § 392-140-152, filed 1/8/88.] Repealed by 89-18-077 (Order 89-08), filed 9/6/89, effective 10/7/89. Statutory Authority: RCW 28A.58.095.
- 392-140-153 1987-89 minimum salary allocations—Definition—Prior school year adjusted salary. [Statutory Authority: RCW 28A.41.170. 88-03-005 (Order 88-4), § 392-140-153, filed 1/8/88.] Repealed by 89-18-077 (Order 89-08), filed 9/6/89, effective 10/7/89. Statutory Authority: RCW 28A.58.095.
- 392-140-154 1987-89 minimum salary allocations—Definition—LEAP Document I. [Statutory Authority: RCW 28A.41.170. 88-03-005 (Order 88-4), § 392-140-154, filed 1/8/88.] Repealed by 89-18-077 (Order 89-08), filed 9/6/89, effective 10/7/89. Statutory Authority: RCW 28A.58.095.
- 392-140-155 1987-89 minimum salary allocations—Definition—LEAP Document II. [Statutory Authority: RCW 28A.41.170. 88-03-005 (Order 88-4), § 392-140-155, filed 1/8/88.] Repealed by 89-18-077 (Order 89-08), filed 9/6/89, effective 10/7/89. Statutory Authority: RCW 28A.58.095.
- 392-140-156 1987-89 minimum salary allocations—Definition—District derived base salary for purpose of apportionment. [Statutory Authority: RCW 28A.41.170. 88-03-005 (Order 88-4), § 392-140-156, filed 1/8/88.] Repealed by 89-18-077 (Order 89-08), filed 9/6/89, effective 10/7/89. Statutory Authority: RCW 28A.58.095.
- 392-140-157 1987-89 minimum salary allocations—Determination of percentage increase in the district derived base salary. [Statutory Authority: RCW 28A.41.170. 88-03-005 (Order 88-4), § 392-140-157, filed 1/8/88.] Repealed by 89-18-077 (Order 89-08), filed 9/6/89, effective 10/7/89. Statutory Authority: RCW 28A.58.095.
- 392-140-158 1987-89 minimum salary allocations—Definition—Eligible employee. [Statutory Authority: RCW 28A.41.170. 88-03-005 (Order 88-4), § 392-140-158, filed 1/8/88.] Repealed by 89-18-077 (Order 89-08), filed 9/6/89, effective 10/7/89. Statutory Authority: RCW 28A.58.095.
- 392-140-159 1987-89 minimum salary allocations—Determination of minimum salary allocations. [Statutory Authority: RCW 28A.41.170. 88-03-005 (Order 88-4), § 392-140-159, filed 1/8/88.] Repealed by 89-18-077 (Order 89-08), filed 9/6/89, effective 10/7/89. Statutory Authority: RCW 28A.58.095.
- 392-140-160 Local education program enhancement—Applicable provisions. [Statutory Authority: RCW 28A.41.170. 89-17-022 (Order 89-05), § 392-140-160, filed 8/8/89, effective 9/8/89. Statutory Authority: 1987 1st ex.s. c 7 § 506. 88-09-045 (Order 88-12), § 392-140-160, filed 4/18/88.] Repealed by 92-03-023 (Order 92-01), filed 1/7/92, effective 2/7/92. Statutory Authority: RCW 28A.150.290(1).
- 392-140-161 Local education program enhancement—Definition—Statement of assurances. [Statutory Authority: 1987 1st ex.s. c 7 § 506. 88-09-045 (Order 88-12), § 392-140-161, filed 4/18/88.] Repealed by 92-03-023 (Order 92-01), filed 1/7/92, effective 2/7/92. Statutory Authority: RCW 28A.150.290(1).
- 392-140-162 Local education program enhancement—Definition—Full-time equivalent student. [Statutory Authority: 1987 1st ex.s. c 7 § 506. 88-09-045 (Order 88-12), § 392-140-162, filed 4/18/88.] Repealed by 92-03-023 (Order 92-01), filed 1/7/92, effective 2/7/92. Statutory Authority: RCW 28A.150.290(1).
- 392-140-163 Local education program enhancement—Definition—Annual average full-time equivalent students. [Statutory Authority: 1987 1st ex.s. c 7 § 506. 88-09-045 (Order 88-12), § 392-140-163, filed 4/18/88.] Repealed by 92-03-023 (Order 92-01), filed 1/7/92, effective 2/7/92. Statutory Authority: RCW 28A.150.290(1).
- 392-140-164 Local education program enhancement—Definition—Biennial full-time equivalent students. [Statutory Authority: 1987 1st ex.s. c 7 § 506. 88-09-045 (Order 88-12), § 392-140-164, filed 4/18/88.] Repealed by 89-17-022 (Order 89-05), filed 8/8/89, effective 9/8/89. Statutory Authority: RCW 28A.41.170.
- 392-140-165 Local education program enhancement—Definition—Support level. [Statutory Authority: RCW 28A.41.170. 89-17-022 (Order 89-05), § 392-140-165, filed 8/8/89, effective 9/8/89. Statutory Authority: 1987 1st ex.s. c 7 § 506. 88-09-045 (Order 88-12), § 392-140-165, filed 4/18/88.] Repealed by 92-03-023 (Order 92-01), filed 1/7/92, effective 2/7/92. Statutory Authority: RCW 28A.150.290(1).
- 392-140-166 Local education program enhancement—Definition—End of year report. [Statutory Authority: 1987 1st ex.s. c 7 § 506. 88-09-045 (Order 88-12), § 392-140-166, filed 4/18/88.] Repealed by 92-03-023 (Order 92-01), filed 1/7/92, effective 2/7/92. Statutory Authority: RCW 28A.150.290(1).
- 392-140-167 Local education program enhancement—Definition—Needs assessment. [Statutory Authority: 1987 1st ex.s. c 7 § 506. 88-09-045 (Order 88-12), § 392-140-167, filed 4/18/88.] Repealed by 92-03-023 (Order 92-01), filed

- 1/7/92, effective 2/7/92. Statutory Authority: RCW 28A.150.290(1).
- 392-140-168 Local education program enhancement—Definition—Eligible programs. [Statutory Authority: 1987 1st ex.s. c 7 § 506. 88-09-045 (Order 88-12), § 392-140-168, filed 4/18/88.] Repealed by 92-03-023 (Order 92-01), filed 1/7/92, effective 2/7/92. Statutory Authority: RCW 28A.150.290(1).
- 392-140-169 Local education program enhancement—Conditions for receiving moneys. [Statutory Authority: 1987 1st ex.s. c 7 § 506. 88-09-045 (Order 88-12), § 392-140-169, filed 4/18/88.] Repealed by 92-03-023 (Order 92-01), filed 1/7/92, effective 2/7/92. Statutory Authority: RCW 28A.150.290(1).
- 392-140-170 Local education program enhancement—Allowable expenditures. [Statutory Authority: 1987 1st ex.s. c 7 § 506. 88-09-045 (Order 88-12), § 392-140-170, filed 4/18/88.] Repealed by 92-03-023 (Order 92-01), filed 1/7/92, effective 2/7/92. Statutory Authority: RCW 28A.150.290(1).
- 392-140-171 Local education program enhancement—Payment of local education program enhancement funds. [Statutory Authority: 1987 1st ex.s. c 7 § 506. 88-09-045 (Order 88-12), § 392-140-171, filed 4/18/88.] Repealed by 92-03-023 (Order 92-01), filed 1/7/92, effective 2/7/92. Statutory Authority: RCW 28A.150.290(1).
- 392-140-172 Local education program enhancement—Proration. [Statutory Authority: 1987 1st ex.s. c 7 § 506. 88-09-045 (Order 88-12), § 392-140-172, filed 4/18/88.] Repealed by 92-03-023 (Order 92-01), filed 1/7/92, effective 2/7/92. Statutory Authority: RCW 28A.150.290(1).
- 392-140-173 Local education program enhancement—End of year report. [Statutory Authority: 1987 1st ex.s. c 7 § 506. 88-09-045 (Order 88-12), § 392-140-173, filed 4/18/88.] Repealed by 92-03-023 (Order 92-01), filed 1/7/92, effective 2/7/92. Statutory Authority: RCW 28A.150.290(1).
- 392-140-174 Local education program enhancement—Carryover provision. [Statutory Authority: 1987 1st ex.s. c 7 § 506. 88-09-045 (Order 88-12), § 392-140-174, filed 4/18/88.] Repealed by 92-03-023 (Order 92-01), filed 1/7/92, effective 2/7/92. Statutory Authority: RCW 28A.150.290(1).
- 392-140-184 1989-91 Vocational equipment allocation—Final allocation. [Statutory Authority: RCW 28A.41.170(1). 90-01-143 (Order 24), § 392-140-184, filed 12/20/89, effective 1/20/90.] Repealed by 90-22-027 (Order 34), filed 10/31/90, effective 12/1/90. Statutory Authority: RCW 28A.150.290 and 1990 c 16 §§ 502 and 503.
- 392-140-190 1989-91 Local education program enhancement—Applicable provisions. [Statutory Authority: RCW 28A.41.170(1). 90-06-007 (Order 90-03), § 392-140-190, filed 2/22/90, effective 3/25/90.] Repealed by 94-14-050 (Order 94-07), filed 6/30/94, effective 7/31/94. Statutory Authority: RCW 28A.150.370 and 28A.150.290.
- 392-140-191 1989-91 Local education program enhancement—Definition—Annual average full-time equivalent students. [Statutory Authority: RCW 28A.41.170(1). 90-06-007 (Order 90-03), § 392-140-191, filed 2/22/90, effective 3/25/90.] Repealed by 94-14-050 (Order 94-07), filed 6/30/94, effective 7/31/94. Statutory Authority: RCW 28A.150.370 and 28A.150.290.
- 392-140-192 1989-91 Local education program enhancement—Definition—School year. [Statutory Authority: RCW 28A.41.170(1). 90-06-007 (Order 90-03), § 392-140-192, filed 2/22/90, effective 3/25/90.] Repealed by 94-14-050 (Order 94-07), filed 6/30/94, effective 7/31/94. Statutory Authority: RCW 28A.150.370 and 28A.150.290.
- 392-140-193 1989-91 Local education program enhancement—Definition—Following school year. [Statutory Authority: RCW 28A.41.170(1). 90-06-007 (Order 90-03), § 392-140-193, filed 2/22/90, effective 3/25/90.] Repealed by 94-14-050 (Order 94-07), filed 6/30/94, effective 7/31/94. Statutory Authority: RCW 28A.150.370 and 28A.150.290.
- 392-140-194 1989-91 Local education program enhancement—Definition—Allocation enrollment. [Statutory Authority: RCW 28A.41.170(1). 90-06-007 (Order 90-03), § 392-140-194, filed 2/22/90, effective 3/25/90.] Repealed by 94-14-050 (Order 94-07), filed 6/30/94, effective 7/31/94. Statutory Authority: RCW 28A.150.370 and 28A.150.290.
- 392-140-195 1989-91 Local education program enhancement—Definition—Procedural requirements. [Statutory Authority: RCW 28A.41.170(1). 90-06-007 (Order 90-03), § 392-140-195, filed 2/22/90, effective 3/25/90.] Repealed by 94-14-050 (Order 94-07), filed 6/30/94, effective 7/31/94. Statutory Authority: RCW 28A.150.370 and 28A.150.290.
- 392-140-196 1989-91 Local education program enhancement—Definition—Eligible programs. [Statutory Authority: RCW 28A.41.170(1). 90-06-007 (Order 90-03), § 392-140-196, filed 2/22/90, effective 3/25/90.] Repealed by 94-14-050 (Order 94-07), filed 6/30/94, effective 7/31/94. Statutory Authority: RCW 28A.150.370 and 28A.150.290.
- 392-140-197 1989-91 Local education program enhancement—Definition—SPI Form 1161. [Statutory Authority: RCW 28A.150.290(1). 92-03-023 (Order 92-01), § 392-140-197, filed 1/7/92, effective 2/7/92. Statutory Authority: RCW 28A.41.170(1). 90-06-007 (Order 90-03), § 392-140-197, filed 2/22/90, effective 3/25/90.] Repealed by 94-14-050 (Order 94-07), filed 6/30/94, effective 7/31/94. Statutory Authority: RCW 28A.150.370 and 28A.150.290.
- 392-140-198 1989-91 Local education program enhancement—School district application and application deadline. [Statutory Authority: RCW 28A.150.290(1). 92-03-023 (Order 92-01), § 392-140-198, filed 1/7/92, effective 2/7/92. Statutory Authority: RCW 28A.41.170(1). 90-06-007 (Order 90-03), § 392-140-198, filed 2/22/90, effective 3/25/90.] Repealed by 94-14-050 (Order 94-07), filed 6/30/94, effective 7/31/94. Statutory Authority: RCW 28A.150.370 and 28A.150.290.
- 392-140-199 1989-91 Local education program enhancement—Calculation of school year allocation. [Statutory Authority: RCW 28A.150.290(1). 92-03-023 (Order 92-01), § 392-140-199, filed 1/7/92, effective 2/7/92. Statutory Authority: RCW 28A.41.170(1). 90-06-007 (Order 90-03), § 392-140-199, filed 2/22/90, effective 3/25/90.] Repealed by 94-14-050 (Order 94-07), filed 6/30/94, effective 7/31/94. Statutory Authority: RCW 28A.150.370 and 28A.150.290.
- 392-140-200 1989-91 Local education program enhancement—Apportionment of the annual allocation. [Statutory Authority: RCW 28A.41.170(1). 90-06-007 (Order 90-03), § 392-140-200, filed 2/22/90, effective 3/25/90.] Repealed by 94-14-050 (Order 94-07), filed 6/30/94, effective 7/31/94. Statutory Authority: RCW 28A.150.370 and 28A.150.290.
- 392-140-201 1989-91 Local education program enhancement—End of year report. [Statutory Authority: RCW 28A.150.290(1). 92-03-023 (Order 92-01), § 392-140-201, filed 1/7/92, effective 2/7/92. Statutory Authority: RCW 28A.41.170(1). 90-06-007 (Order 90-03), § 392-140-201, filed 2/22/90, effective 3/25/90.] Repealed by 94-14-050 (Order 94-07), filed 6/30/94, effective 7/31/94. Statutory Authority: RCW 28A.150.370 and 28A.150.290.
- 392-140-202 1989-91 Local education program enhancement—Carryover prohibition. [Statutory Authority: RCW 28A.41.170(1). 90-06-007 (Order 90-03), § 392-140-202, filed 2/22/90, effective 3/25/90.] Repealed by 94-14-050 (Order 94-07), filed 6/30/94, effective 7/31/94. Statutory Authority: RCW 28A.150.370 and 28A.150.290.
- 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.
- 392-140-251 1990-91 Early intervention services allocation—Definition—School year. [Statutory Authority: RCW 28A.03.030(3). 90-23-043 (Order 36), § 392-140-251,

- filed 11/15/90, effective 12/16/90.] Repealed by 92-02-026 (Order 91-27), filed 12/23/91, effective 1/23/92. Statutory Authority: RCW 28A.300.040 and 28A.150.290.
- 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

- 392-140-324 1989-91 Certificated instructional staff enhancement moneys—Definition—SPI Form 1158. [Statutory Authority: RCW 28A.41.170(1). 90-01-142 (Order 25), § 392-140-324, 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.
- 392-140-325 1989-91 Certificated instructional staff enhancement moneys—Definition—SPI Form 1159. [Statutory Authority: RCW 28A.41.170(1). 90-01-142 (Order 25), § 392-140-325, 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.
- 392-140-326 1989-91 Certificated instructional staff enhancement moneys—Definition—SPI Form 1160. [Statutory Authority: RCW 28A.41.170(1). 90-01-142 (Order 25), § 392-140-326, 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.
- 392-140-327 1989-91 Certificated instructional staff enhancement moneys—General provisions. [Statutory Authority: RCW 28A.41.170(1). 90-01-142 (Order 25), § 392-140-327, 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.
- 392-140-328 1989-91 Certificated instructional staff enhancement moneys—School district reporting—Required reports. [Statutory Authority: RCW 28A.41.170(1). 90-01-142 (Order 25), § 392-140-328, 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.
- 392-140-329 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.
- 392-140-330 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.
- 392-140-331 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.
- 392-140-332 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.
- 392-140-333 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.
- 392-140-334 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.
- 392-140-335 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.
- 392-140-340 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.
- 392-140-341 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.
- 392-140-342 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.
- 392-140-343 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.
- 392-140-345 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.
- 392-140-346 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.
- 392-140-347 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.
- 392-140-348 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

- 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.
- 392-140-400 1990-91 Paraprofessional classroom assistants training program—Authority. [Statutory Authority: 1989 1st ex.s. c 19 § 517(5). 90-11-028 (Order 90-08), § 392-140-400, filed 5/9/90, effective 6/9/90.] Repealed by 91-23-023 (Order 24), filed 11/12/91, effective 12/13/91. Statutory Authority: RCW 28A.03.030(3).
- 392-140-401 1990-91 Paraprofessional classroom assistants training program—Purpose. [Statutory Authority: 1989 1st ex.s. c 19 § 517(5). 90-11-028 (Order 90-08), § 392-140-401, filed 5/9/90, effective 6/9/90.] Repealed by 91-23-023 (Order 24), filed 11/12/91, effective 12/13/91. Statutory Authority: RCW 28A.03.030(3).
- 392-140-402 1990-91 Paraprofessional classroom assistants training program—Definition—Paraprofessional classroom assistant. [Statutory Authority: 1989 1st ex.s. c 19 § 517(5). 90-11-028 (Order 90-08), § 392-140-402, filed 5/9/90, effective 6/9/90.] Repealed by 91-23-023 (Order 24), filed 11/12/91, effective 12/13/91. Statutory Authority: RCW 28A.03.030(3).
- 392-140-403 1990-91 Paraprofessional classroom assistants training program—Definition—Assigned teacher. [Statutory Authority: 1989 1st ex.s. c 19 § 517(5). 90-11-028 (Order 90-08), § 392-140-403, filed 5/9/90, effective 6/9/90.] Repealed by 91-23-023 (Order 24), filed 11/12/91, effective 12/13/91. Statutory Authority: RCW 28A.03.030(3).
- 392-140-404 1990-91 Paraprofessional classroom assistants training program—Definition—Training program. [Statutory Authority: 1989 1st ex.s. c 19 § 517(5). 90-11-028 (Order 90-08), § 392-140-404, filed 5/9/90, effective 6/9/90.] Repealed by 91-23-023 (Order 24), filed 11/12/91, effective 12/13/91. Statutory Authority: RCW 28A.03.030(3).
- 392-140-405 1990-91 Paraprofessional classroom assistants training program—Definition—Indirect costs. [Statutory Authority: 1989 1st ex.s. c 19 § 517(5). 90-11-028 (Order 90-08), § 392-140-405, filed 5/9/90, effective 6/9/90.] Repealed by 91-23-023 (Order 24), filed 11/12/91, effective 12/13/91. Statutory Authority: RCW 28A.03.030(3).
- 392-140-406 1990-91 Paraprofessional classroom assistants training program—Definition—One-day training program. [Statutory Authority: 1989 1st ex.s. c 19 § 517(5). 90-11-028 (Order 90-08), § 392-140-406, filed 5/9/90, effective 6/9/90.] Repealed by 91-23-023 (Order 24), filed 11/12/91, effective 12/13/91. Statutory Authority: RCW 28A.03.030(3).
- 392-140-407 1990-91 Paraprofessional classroom assistants training program—Definition—One contact hour or training. [Statutory Authority: 1989 1st ex.s. c 19 § 517(5). 90-11-028 (Order 90-08), § 392-140-407, filed 5/9/90, effective 6/9/90.] Repealed by 91-23-023 (Order 24), filed 11/12/91, effective 12/13/91. Statutory Authority: RCW 28A.03.030(3).
- 392-140-408 1990-91 Paraprofessional classroom assistants training program—Task force. [Statutory Authority: 1989 1st ex.s. c 19 § 517(5). 90-11-028 (Order 90-08), § 392-140-408, filed 5/9/90, effective 6/9/90.] Repealed by 91-23-023 (Order 24), filed 11/12/91, effective 12/13/91. Statutory Authority: RCW 28A.03.030(3).
- 392-140-409 1990-91 Paraprofessional classroom assistants training program—Requirements—Providers. [Statutory Authority: 1989 1st ex.s. c 19 § 517(5). 90-11-028 (Order 90-08), § 392-140-409, filed 5/9/90, effective 6/9/90.] Repealed by 91-23-023 (Order 24), filed 11/12/91, effective 12/13/91. Statutory Authority: RCW 28A.03.030(3).
- 392-140-410 1990-91 Paraprofessional classroom assistants training program—Duration. [Statutory Authority: 1989 1st ex.s. c 19 § 517(5). 90-11-028 (Order 90-08), § 392-140-410, filed 5/9/90, effective 6/9/90.] Repealed by 91-23-023 (Order 24), filed 11/12/91, effective 12/13/91. Statutory Authority: RCW 28A.03.030(3).
- 392-140-411 1990-91 Paraprofessional classroom assistants training program—Grant proposal—Application process. [Statutory Authority: 1989 1st ex.s. c 19 § 517(5). 90-11-028 (Order 90-08), § 392-140-411, filed 5/9/90, effective 6/9/90.] Repealed by 91-23-023 (Order 24), filed 11/12/91, effective 12/13/91. Statutory Authority: RCW 28A.03.030(3).
- 392-140-412 1990-91 Paraprofessional classroom assistants training program—Grant proposal—Selection process. [Statutory Authority: 1989 1st ex.s. c 19 § 517(5). 90-11-028 (Order 90-08), § 392-140-412, filed 5/9/90, effective 6/9/90.] Repealed by 91-23-023 (Order 24), filed 11/12/91, effective 12/13/91. Statutory Authority: RCW 28A.03.030(3).
- 392-140-413 1990-91 Paraprofessional classroom assistants training program—Grant proposal—Evaluation criteria. [Statutory Authority: 1989 1st ex.s. c 19 § 517(5). 90-11-028 (Order 90-08), § 392-140-413, filed 5/9/90, effective 6/9/90.] Repealed by 91-23-023 (Order 24), filed 11/12/91, effective 12/13/91. Statutory Authority: RCW 28A.03.030(3).
- 392-140-414 1990-91 Paraprofessional classroom assistants training program—Assigned teachers—Selection process. [Statutory Authority: 1989 1st ex.s. c 19 § 517(5). 90-11-028 (Order 90-08), § 392-140-414, filed 5/9/90, effective 6/9/90.] Repealed by 91-23-023 (Order 24), filed 11/12/91, effective 12/13/91. Statutory Authority: RCW 28A.03.030(3).
- 392-140-415 1990-91 Paraprofessional classroom assistants training program—Selection process. [Statutory Authority: 1989 1st ex.s. c 19 § 517(5). 90-11-028 (Order 90-08), § 392-140-415, filed 5/9/90, effective 6/9/90.] Repealed by 91-23-023 (Order 24), filed 11/12/91, effective 12/13/91. Statutory Authority: RCW 28A.03.030(3).
- 392-140-416 1990-91 Paraprofessional classroom assistants training program—Required training components. [Statutory Authority: 1989 1st ex.s. c 19 § 517(5). 90-11-028 (Order 90-08), § 392-140-416, filed 5/9/90, effective 6/9/90.] Repealed by 91-23-023 (Order 24), filed 11/12/91, effective 12/13/91. Statutory Authority: RCW 28A.03.030(3).
- 392-140-417 1990-91 Paraprofessional classroom assistants training program—Suggested training components. [Statutory Authority: 1989 1st ex.s. c 19 § 517(5). 90-11-028 (Order 90-08), § 392-140-417, filed 5/9/90, effective 6/9/90.] Repealed by 91-23-023 (Order 24), filed 11/12/91, effective 12/13/91. Statutory Authority: RCW 28A.03.030(3).

- 392-140-418 1990-91 Paraprofessional classroom assistants training program—Assigned teachers—Training components. [Statutory Authority: 1989 1st ex.s. c 19 § 517(5). 90-11-028 (Order 90-08), § 392-140-418, filed 5/9/90, effective 6/9/90.] Repealed by 91-23-023 (Order 24), filed 11/12/91, effective 12/13/91. Statutory Authority: RCW 28A.03.030(3).
- 392-140-419 1990-91 Paraprofessional classroom assistants training program—Distribution of state moneys—Maximum amount. [Statutory Authority: 1989 1st ex.s. c 19 § 517(5). 90-11-028 (Order 90-08), § 392-140-419, filed 5/9/90, effective 6/9/90.] Repealed by 91-23-023 (Order 24), filed 11/12/91, effective 12/13/91. Statutory Authority: RCW 28A.03.030(3).
- 392-140-420 1990-91 Paraprofessional classroom assistants training program—FTE paraprofessional classroom assistants—Calculation for funding purposes. [Statutory Authority: 1989 1st ex.s. c 19 § 517(5). 90-11-028 (Order 90-08), § 392-140-420, filed 5/9/90, effective 6/9/90.] Repealed by 91-23-023 (Order 24), filed 11/12/91, effective 12/13/91. Statutory Authority: RCW 28A.03.030(3).
- 392-140-421 1990-91 Paraprofessional classroom assistants training program—Assurances. [Statutory Authority: 1989 1st ex.s. c 19 § 517(5). 90-11-028 (Order 90-08), § 392-140-421, filed 5/9/90, effective 6/9/90.] Repealed by 91-23-023 (Order 24), filed 11/12/91, effective 12/13/91. Statutory Authority: RCW 28A.03.030(3).
- 392-140-422 1990-91 Paraprofessional classroom assistants training program—Carryover prohibition. [Statutory Authority: 1989 1st ex.s. c 19 § 517(5). 90-11-028 (Order 90-08), § 392-140-422, filed 5/9/90, effective 6/9/90.] Repealed by 91-23-023 (Order 24), filed 11/12/91, effective 12/13/91. Statutory Authority: RCW 28A.03.030(3).
- 392-140-423 1990-91 Paraprofessional classroom assistants training program—Maximum control factor—Proration. [Statutory Authority: 1989 1st ex.s. c 19 § 517(5). 90-11-028 (Order 90-08), § 392-140-423, filed 5/9/90, effective 6/9/90.] Repealed by 91-23-023 (Order 24), filed 11/12/91, effective 12/13/91. Statutory Authority: RCW 28A.03.030(3).

WAC 392-140-001 Purpose. Provisions of this chapter serve to implement and govern the finance-related administration of laws of limited duration, laws with phase-in/phase-out procedures, and/or laws requiring special one-time processes or procedures for which the superintendent of public instruction has broad rule-making authority pursuant to RCW 28A.300.040(3), as now or hereafter amended, or specific rule-making authority authorized by the legislature, as the case may be.

[Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-140-001, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.03.030(3). 80-05-038 (Order 80-9), § 392-140-001, filed 4/15/80; Order 7-75, § 392-140-001, filed 12/22/75.]

GENERAL PROVISIONS AND DEFINITIONS

WAC 392-140-067 General provisions. The following general provisions apply to this chapter:

(1) All calculations made by the superintendent of public instruction shall use the most current school district information for the school year on file with the superintendent of public instruction at the time of the calculation.

(2) Full-time equivalent (FTE) staff shall be rounded to the nearest three decimal places.

(3) FTE enrollment shall be rounded to the nearest two decimal places.

(4) Ratios of FTE staff to students shall be expressed as a ratio of staff to one thousand students and shall be rounded to the nearest two decimal places (e.g., 51.21/1000).

(5) Unless otherwise stated, report forms, staff, salary, and enrollment data referenced in these rules are school district report forms, staff, salary, or enrollment data for the school year for which calculations pursuant to this chapter are being made.

(6) Employee assignments and account codes for program, duty, and activity shall mean the same as defined in the accounting manual for public school districts in the state of Washington and in instructions for personnel reporting provided by the superintendent of public instruction.

(7) School districts shall have available upon request by the superintendent of public instruction and for audit purposes, such documentation as necessary to support all data reported to the superintendent of public instruction pursuant to this chapter.

(8) Full-time equivalent is abbreviated as FTE.

(9) Kindergarten through third grade is abbreviated as K-3.

[Statutory Authority: RCW 28A.150.290(1). 92-03-023 (Order 92-01), § 392-140-067, filed 1/7/92, effective 2/7/92.]

WAC 392-140-068 Timely reporting. Provisions of chapter 392-117 WAC, Timely reporting, apply to allocations made pursuant to this chapter. Failure of a school district to report as required may reduce or delay state apportionment payments.

[Statutory Authority: RCW 28A.150.290(1). 92-03-023 (Order 92-01), § 392-140-068, filed 1/7/92, effective 2/7/92.]

WAC 392-140-069 Definition—School district. As used in this chapter, "school district" means a Washington state public school district eligible to receive state basic education moneys pursuant to RCW 28A.150.250 and 28A.150.260.

[Statutory Authority: RCW 28A.150.290(1). 92-03-023 (Order 92-01), § 392-140-069, filed 1/7/92, effective 2/7/92.]

WAC 392-140-070 Definition—School year. As used in this chapter, "school year" means the same as defined in WAC 392-121-031. Unless otherwise stated "school year" refers to the school year for which calculations are being made pursuant to this chapter.

[Statutory Authority: RCW 28A.150.290(1). 92-03-023 (Order 92-01), § 392-140-070, filed 1/7/92, effective 2/7/92.]

WAC 392-140-071 Definition—Following school year. As used in this chapter, "following school year" means the school year immediately after the school year for which calculations are being made pursuant to this chapter.

[Statutory Authority: RCW 28A.150.290(1). 92-03-023 (Order 92-01), § 392-140-071, filed 1/7/92, effective 2/7/92.]

WAC 392-140-072 Definition—Annual average full-time equivalent (FTE) students. As used in this chapter, "annual average full-time equivalent (FTE) students" means the same as that defined in WAC 392-121-133.

[Statutory Authority: RCW 28A.150.290(1). 92-03-023 (Order 92-01), § 392-140-072, filed 1/7/92, effective 2/7/92.]

WAC 392-140-175 1989-91 Vocational equipment allocation—Applicable provisions. The provisions of WAC 392-140-175 through 392-140-186 implement section 502 (8)(b), chapter 19, Laws of 1989 1st ex. sess. (the Omnibus Appropriations Act), as amended by sections 502 (8)(d) and 503(3), chapter 16, Laws of 1990 1st ex. sess. This section provides moneys for the purchase of new and replacement vocational education equipment for use primarily in vocational secondary and vocational skills center programs approved by the superintendent of public instruction.

[Statutory Authority: RCW 28A.150.290 and 1990 c 16 §§ 502 and 503. 90-22-027 (Order 34), § 392-140-175, filed 10/31/90, effective 12/1/90. Statutory Authority: RCW 28A.41.170(1). 90-01-143 (Order 24), § 392-140-175, filed 12/20/89, effective 1/20/90.]

WAC 392-140-176 1989-91 Vocational equipment allocation—Definition—Annual average full-time equivalent students. As used in WAC 392-140-175 through 392-140-186, the term "annual average full-time equivalent students" means the same as that defined in WAC 392-121-133.

[Statutory Authority: RCW 28A.41.170(1). 90-01-143 (Order 24), § 392-140-176, filed 12/20/89, effective 1/20/90.]

WAC 392-140-177 1989-91 Vocational equipment allocation—Definition—Vocational annual average full-time equivalent students. As used in WAC 392-140-175 through 392-140-186, the term "vocational annual average full-time equivalent students" means the annual average full-time equivalent students in vocational secondary and vocational skills center programs approved by the superintendent of public instruction including those students reported pursuant to WAC 392-121-136.

[Statutory Authority: RCW 28A.41.170(1). 90-01-143 (Order 24), § 392-140-177, filed 12/20/89, effective 1/20/90.]

WAC 392-140-178 1989-91 Vocational equipment allocation—Definition—School year. As used in WAC 392-140-175 through 392-140-186, the term "school year" means the same as that defined in WAC 392-121-031.

[Statutory Authority: RCW 28A.41.170(1). 90-01-143 (Order 24), § 392-140-178, filed 12/20/89, effective 1/20/90.]

WAC 392-140-179 1989-91 Vocational equipment allocation—Definition—Eligible school district. As used in WAC 392-140-175 through 392-140-186, the term "eligible school district" means any school district operating either or both:

- (1) A vocational secondary program approved pursuant to WAC 180-58-090; and
- (2) A multidistrict cooperative vocational program approved pursuant to WAC 180-58-075 and 180-58-090.

[Statutory Authority: RCW 28A.41.170(1). 90-01-143 (Order 24), § 392-140-179, filed 12/20/89, effective 1/20/90.]

WAC 392-140-180 1989-91 Vocational equipment allocation—Definition—Form SPI 1154. As used in WAC

392-140-175 through 392-140-186, the term "Form SPI 1154" means the form prepared by the superintendent of public instruction and completed by each eligible school district separately for vocational secondary and vocational skills center programs showing the type, number, vocational program, average price, and total cost of equipment purchased with moneys allocated pursuant to the applicable provisions.

[Statutory Authority: RCW 28A.41.170(1). 90-01-143 (Order 24), § 392-140-180, filed 12/20/89, effective 1/20/90.]

WAC 392-140-181 1989-91 Vocational equipment allocation—Limitations and conditions. The expenditure of moneys allocated pursuant to WAC 392-140-175 through 392-140-186 by each eligible school district is subject to the following conditions and limitations:

(1) The moneys shall be used solely for the cost of the purchase of vocational education equipment used primarily in approved vocational secondary and skills center programs. The purchase cost shall include associated shipping cost, and sales tax.

(2) Moneys allocated based on vocational annual average full-time equivalent students in a vocational skills center shall be expended for the purposes of purchasing equipment for the vocational skills center.

[Statutory Authority: RCW 28A.150.290 and 1990 c 16 §§ 502 and 503. 90-22-027 (Order 34), § 392-140-181, filed 10/31/90, effective 12/1/90. Statutory Authority: RCW 28A.41.170(1). 90-01-143 (Order 24), § 392-140-181, filed 12/20/89, effective 1/20/90.]

WAC 392-140-182 1989-91 Vocational equipment allocation—Apportionment of moneys. The superintendent of public instruction shall apportion moneys to each eligible school district as follows:

(1) Allocations for each school year shall be based on a uniform state-wide rate per vocational annual average full-time equivalent students for the school year.

(2) For the 1989-90 school year, allocations shall be made in twelve payments in a like manner as that provided in WAC 392-121-400 based on vocational annual average full-time equivalent students.

(3) For the 1990-91 school year, allocations shall be based on a rate of ten percent per month for the months of September through June based on 1990-91 school year vocational annual average full-time equivalent students.

(4) Each school district's allocations shall be adjusted as needed to reflect changes in the school district's enrollment.

(5) Apportionment forms provided to school districts by the superintendent of public instruction shall show the following information separately for vocational secondary and vocational skills center programs:

- (a) Vocational annual average full-time equivalent students used for the allocation;
- (b) The rate per vocational annual average full-time equivalent students used for the allocation;
- (c) Any necessary proration percentage; and
- (d) Total allocation.

[Statutory Authority: RCW 28A.150.290 and 1990 c 16 §§ 502 and 503. 90-22-027 (Order 34), § 392-140-182, filed 10/31/90, effective 12/1/90. Statutory Authority: RCW 28A.41.170(1). 90-01-143 (Order 24), § 392-140-182, filed 12/20/89, effective 1/20/90.]

WAC 392-140-183 1989-91 Vocational equipment allocation—Reporting of 1989-90 and 1990-91 vocational annual average full-time equivalent students. Each eligible school district shall report the vocational annual average full-time equivalent students for the school year by September 1 of the ensuing school year in such form or manner as required by the superintendent of public instruction.

[Statutory Authority: RCW 28A.150.290 and 1990 c 16 §§ 502 and 503. 90-22-027 (Order 34), § 392-140-183, filed 10/31/90, effective 12/1/90. Statutory Authority: RCW 28A.41.170(1). 90-01-143 (Order 24), § 392-140-183, filed 12/20/89, effective 1/20/90.]

WAC 392-140-185 1989-91 Vocational equipment allocation—Reporting of expenditures by eligible school districts. Each eligible school district shall report expenditures for vocational education equipment used primarily in approved vocational secondary and skills center programs to the superintendent of public instruction on Form SPI 1154 as follows:

- (1) Prior to November 1, 1990, the school district shall report expenditures during the 1989-90 school year.
- (2) Prior to November 1, 1991, the school district shall report expenditures during the 1990-91 school year.
- (3) Reports shall be prepared pursuant to instructions provided by the superintendent of public instruction.
- (4) Expenditures for vocational secondary and skills center programs shall be reported separately.

[Statutory Authority: RCW 28A.150.290 and 1990 c 16 §§ 502 and 503. 90-22-027 (Order 34), § 392-140-185, filed 10/31/90, effective 12/1/90. Statutory Authority: RCW 28A.41.170(1). 90-01-143 (Order 24), § 392-140-185, filed 12/20/89, effective 1/20/90.]

WAC 392-140-186 1989-91 Vocational equipment allocation—Recovery of unspent funds. After November 1, 1991, the superintendent of public instruction shall compare for each eligible school district the actual expenditures reported pursuant to WAC 392-140-185 to the allocations made pursuant to WAC 392-140-182 and shall recover from the school district's general apportionment payments the greater of the following amounts:

- (1) The sum of allocations for vocational secondary and skills center programs for the 1989-90 and 1990-91 school years minus the sum of expenditures reported for vocational secondary and skills center programs on Form SPI 1154 for the 1989-90 and 1990-91 school years;
- (2) The sum of allocations for vocational skills center programs for the 1989-90 and 1990-91 school years minus the sum of expenditures reported for vocational skills center programs on Form SPI 1154 for the 1989-90 and 1990-91 school years; or
- (3) Zero.

[Statutory Authority: RCW 28A.150.290 and 1990 c 16 §§ 502 and 503. 90-22-027 (Order 34), § 392-140-186, filed 10/31/90, effective 12/1/90. Statutory Authority: RCW 28A.41.170(1). 90-01-143 (Order 24), § 392-140-186, filed 12/20/89, effective 1/20/90.]

WAC 392-140-220 1990-91 Supplies, materials, and equipment allocation—Applicable provisions. The provisions of WAC 392-140-220 through 392-140-234 shall be applicable to the distribution of moneys to school districts

for purchase of nonconsumable instructional supplies, equipment, books, and nonconsumable materials pursuant to section 503(2), chapter 16, Laws of 1990 1st ex. sess.

[Statutory Authority: RCW 28A.150.290 and 1990 1st ex.s. c 16 § 502(2). 90-23-044 (Order 40), § 392-140-220, filed 11/15/90, effective 12/16/90.]

WAC 392-140-221 1990-91 Supplies, materials, and equipment allocation—Definition—School year. As used in WAC 392-140-220 through 392-140-234 "school year" means the same as defined in WAC 392-121-031.

[Statutory Authority: RCW 28A.150.290 and 1990 1st ex.s. c 16 § 502(2). 90-23-044 (Order 40), § 392-140-221, filed 11/15/90, effective 12/16/90.]

WAC 392-140-222 1990-91 Supplies, materials, and equipment allocation—Definition—Nonconsumable. As used in WAC 392-140-220 through 392-140-234 "nonconsumable" means having a useful life expectancy of more than one year.

[Statutory Authority: RCW 28A.150.290 and 1990 1st ex.s. c 16 § 502(2). 90-23-044 (Order 40), § 392-140-222, filed 11/15/90, effective 12/16/90.]

WAC 392-140-223 1990-91 Supplies, materials, and equipment allocation—Definition—Annual average full-time equivalent students. As used in WAC 392-140-220 through 392-140-234 "annual average full-time equivalent students" means the same as defined in WAC 392-121-133.

[Statutory Authority: RCW 28A.150.290 and 1990 1st ex.s. c 16 § 502(2). 90-23-044 (Order 40), § 392-140-223, filed 11/15/90, effective 12/16/90.]

WAC 392-140-224 1990-91 Supplies, materials, and equipment allocation—Definition—Specified objects of expenditure. As used in WAC 392-140-220 through 392-140-234 "specified objects of expenditure" means school district expenditures for the following program/activity/object combinations as defined in the *Accounting Manual for Public School Districts in Washington State* revised September 1990:

Program	Activity
01 - Basic Education	27 - Teaching
21 - Handicapped, Basic, State	27 - Teaching
21 - Handicapped, Basic, State	22 - Learning Resources
31 - Vocational, Basic, State	27 - Teaching
31 - Vocational, Basic, State	22 - Learning Resources
45 - Skills Center, Basic, State	27 - Teaching
94 - Instruction Support	22 - Learning Resources

- Object
- 5 - Supplies
 - 6 - Instructional materials
 - 9 - Capital outlay

Provided, That expenditures for the program/activity/object combinations identified in this section shall be excluded from specified objects of expenditures under the following conditions:

- (1) Expenditures are for replacement of property destroyed by a natural disaster, such as a fire, flood, storm, or earthquake or by an unforeseen action beyond the control of the school district such as arson, vandalism, riot, or bombing;
- (2) Such expenditures are funded by insurance proceeds resulting from the natural disaster or unforeseen action; and

(3) The school district submits a written request to the superintendent of public instruction prior to November 1, 1991, identifying the amount of insurance proceeds received and expenditures qualifying for exclusion each school year.

[Statutory Authority: RCW 28A.150.290 and 1990 1st ex.s. c 16 § 503(2). 91-12-021 (Order 91-08), § 392-140-224, filed 5/31/91, effective 7/1/91. Statutory Authority: RCW 28A.150.290 and 1990 1st ex.s. c 16 § 502(2). 90-23-044 and 90-23-100 (Orders 40 and 46), § 392-140-224, filed 11/15/90 and 11/21/90, effective 12/16/90 and 12/22/90.]

WAC 392-140-225 1990-91 Supplies, materials, and equipment allocation—Definition—Extenuating circumstance. As used in WAC 392-140-220 through 392-140-234 an "extenuating circumstance" exists if the school district expenditures for specified objects of expenditure for the 1987-88, 1988-89, or 1989-90 school year exceed the average expenditures for those three years by thirty percent or more due to one or more of the following:

- (1) Construction of a new school facility;
- (2) Remodeling of an existing school facility;
- (3) A natural disaster, including but not limited to a fire, flood, explosion, storm, earthquake, or volcanic eruption;
- (4) An unforeseen mechanical failure;
- (5) An unforeseen action beyond the control of the school district board of directors such as arson, vandalism, or a riot, insurrection, or bombing; or
- (6) Any one-time major expenditure for such items as computers or textbooks.

[Statutory Authority: RCW 28A.150.290 and 1990 1st ex.s. c 16 § 502(2). 90-23-044 and 90-23-100 (Orders 40 and 46), § 392-140-225, filed 11/15/90 and 11/21/90, effective 12/16/90 and 12/22/90.]

WAC 392-140-226 1990-91 Supplies, materials, and equipment allocation—Definition—Supplanting. As used in WAC 392-140-220 through 392-140-234 "supplanting" means use of moneys allocated pursuant to WAC 392-140-230 to replace moneys previously provided from other sources.

(1) If the school district has not reported an extenuating circumstance, supplanting exists if both of the following conditions exist:

(a) School district 1990-91 school year expenditures for specified objects of expenditure are less than the sum of the 1990-91 school year allocation made pursuant to WAC 392-140-230 and the lesser of:

(i) 1989-90 expenditures for specified objects of expenditure; or

(ii) Average expenditures for specified objects of expenditures for the 1987-88, 1988-89, and 1989-90 school years;

(b) School district 1990-91 school year expenditures per annual average full-time equivalent student for specified objects of expenditure are less than the sum of the uniform state-wide rate per annual average full-time equivalent student pursuant to WAC 392-140-230(1) and the lesser of:

(i) The 1989-90 expenditure per annual average full-time equivalent student; or

(ii) The average expenditure per annual average full-time equivalent student for specified objects of expenditure in the 1987-88, 1988-89, and 1989-90 school years.

(2) If the school district has reported an extenuating circumstance, supplanting shall be determined in the same

manner provided in subsection (1) of this section except that the average expenditures calculated in subsection (1)(a)(ii) and (b)(ii) of this section exclude the year of the extenuating circumstance.

[Statutory Authority: RCW 28A.150.290 and 1990 1st ex.s. c 16 § 502(2). 90-23-044 and 90-23-100 (Orders 40 and 46), § 392-140-226, filed 11/15/90 and 11/21/90, effective 12/16/90 and 12/22/90.]

WAC 392-140-230 1990-91 Supplies, materials, and equipment allocation—Allocations to school districts. From moneys appropriated by the legislature, the superintendent of public instruction shall allocate moneys to each school district as follows:

(1) The 1990-91 school year allocation equals the school district's 1990-1991 annual average full-time equivalent students times a uniform state-wide rate per annual average full-time equivalent student as established by the superintendent of public instruction.

(2) Payments shall be made in accordance with WAC 392-121-400 except that allocations for the school year shall be paid out at a rate of ten percent per month for the months of September 1990 through June 1991.

[Statutory Authority: RCW 28A.150.290 and 1990 1st ex.s. c 16 § 502(2). 90-23-044 (Order 40), § 392-140-230, filed 11/15/90, effective 12/16/90.]

WAC 392-140-231 1990-91 Supplies, materials, and equipment allocation—Allowed and unallowed expenditures. School districts shall expend moneys allocated pursuant to WAC 392-140-230 during the 1990-91 school year solely for the purchase of nonconsumable instructional supplies, equipment, books, and nonconsumable materials. School districts shall not expend moneys allocated pursuant to WAC 392-140-230 for supplemental contracts under RCW 28A.400.200(4).

[Statutory Authority: RCW 28A.150.290 and 1990 1st ex.s. c 16 § 502(2). 90-23-044 (Order 40), § 392-140-231, filed 11/15/90, effective 12/16/90.]

WAC 392-140-232 1990-91 Supplies, materials, and equipment allocation—Reporting of extenuating circumstances. At any time prior to November 1, 1991, a school district may report to the superintendent of public instruction the existence of an extenuating circumstance. The report shall be in the form of a letter describing the extenuating circumstance and signed by the school district superintendent.

[Statutory Authority: RCW 28A.150.290 and 1990 1st ex.s. c 16 § 502(2). 90-23-044 (Order 40), § 392-140-232, filed 11/15/90, effective 12/16/90.]

WAC 392-140-233 1990-91 Supplies, materials, and equipment allocation—Recovery of moneys due to supplanting. After November 1, 1991, the superintendent of public instruction shall determine for each school district if supplanting exists. If supplanting exists, the superintendent of public instruction shall withhold from the school district's basic education allocation for general apportionment the recovery amount determined pursuant to WAC 392-140-234. Recovered moneys shall revert to the state general fund.

[Statutory Authority: RCW 28A.150.290 and 1990 1st ex.s. c 16 § 502(2). 90-23-044 (Order 40), § 392-140-233, filed 11/15/90, effective 12/16/90.]

WAC 392-140-234 1990-91 Supplies, materials, and equipment allocation—Determination of recovery amount. The amount of recovery equals the greater of zero or the following amount: The total allocation made to the school district pursuant to WAC 392-140-230 minus:

(1) If the school district did not report an extenuating circumstance, the greater of:

(a) School district 1990-91 expenditures for specified objects of expenditure minus the lesser of:

(i) 1989-90 expenditures for specified objects of expenditure; or

(ii) Average expenditures for specified objects of expenditures for the 1987-88, 1988-89, and 1989-90 school years;

(b) School district 1990-91 annual average full-time equivalent students times the following amount: Average expenditures for specified objects of expenditure per annual average full-time equivalent student in the 1990-91 school year minus the lesser of:

(i) 1989-90 expenditures per annual average full-time equivalent student; or

(ii) Average expenditure for specified objects of expenditure per annual average full-time equivalent student for the 1987-88, 1988-89, and 1989-90 school years; or

(c) Zero.

(2) If the school district reported an extenuating circumstance, an amount determined in the same manner provided in subsection (1) of this section except that the average expenditures calculated in subsection (1)(a)(ii) and (b)(ii) of this section exclude the year of the extenuating circumstance.

[Statutory Authority: RCW 28A.150.290 and 1990 1st ex.s. c 16 § 502(2), 90-23-044 and 90-23-100 (Orders 40 and 46), § 392-140-234, filed 11/15/90 and 11/21/90, effective 12/16/90 and 12/22/90.]

WAC 392-140-336 1989-90 through 1993-94 School year enrollment of returning high school students—Applicable provisions and authority. The provisions of WAC 392-140-336 through 392-140-338 apply to enrollment of high school students for the 1989-90 through 1993-94 school years as identified in RCW 28A.175.090. The authority for WAC 392-140-336 through 392-140-901 is RCW 28A.630.810 directing the superintendent of public instruction to adopt rules and regulations as necessary to carry out RCW 28A.175.090.

[Statutory Authority: 1990 c 33, 91-16-011 (Order 91-12), § 392-140-336, filed 7/26/91, effective 8/26/91. Statutory Authority: RCW 28A.120.800, 28A.120.092 and 1989 c 233, 90-12-081 (Order 13), § 392-140-336, filed 6/1/90, effective 7/2/90.]

WAC 392-140-337 1989-90 through 1993-94 School year enrollment of returning high school students—Authority to report for apportionment purposes. School districts are authorized to report those nonresident high school students enrolled pursuant to RCW 28A.175.090 according to those procedures authorized in chapters 392-121, 392-122, and 392-141 WAC.

[Statutory Authority: 1990 c 33, 91-16-011 (Order 91-12), § 392-140-337, filed 7/26/91, effective 8/26/91. Statutory Authority: RCW 28A.120.800, 28A.120.092 and 1989 c 233, 90-12-081 (Order 13), § 392-140-337, filed 6/1/90, effective 7/2/90.]

WAC 392-140-338 1989-90 through 1993-94 School year enrollment of returning high school students—Special enrollment reporting by school districts. School districts shall provide such information and in such form as required by the superintendent of public instruction for those nonresident high school students reported pursuant to WAC 392-140-337.

[Statutory Authority: RCW 28A.120.800, 28A.120.092 and 1989 c 233, 90-12-081 (Order 13), § 392-140-338, filed 6/1/90, effective 7/2/90.]

1991-93 VOCATIONAL EQUIPMENT ALLOCATION

WAC 392-140-431 1991-93 Vocational equipment allocation—Applicable provisions. The provisions of WAC 392-140-431 through 392-140-439 implement section 502(10), chapter 16, Laws of 1991 1st. sp. sess. (the state Operating Appropriations Act) which provides moneys for the purchase of high technology vocational equipment for use in vocational secondary and vocational skills center programs approved by the superintendent of public instruction.

[Statutory Authority: RCW 28A.150.290(1), 92-03-023 (Order 92-01), § 392-140-431, filed 1/7/92, effective 2/7/92.]

WAC 392-140-432 1991-93 Vocational equipment allocation—Definition—Vocational annual average full-time equivalent (FTE) students. As used in WAC 392-140-431 through 392-140-439, "vocational annual average full-time equivalent (FTE) students" means the annual average full-time equivalent students in vocational secondary and vocational skills center programs approved by the superintendent of public instruction including summer skills center students reported pursuant to WAC 392-121-136(2).

[Statutory Authority: RCW 28A.150.290(1), 92-03-023 (Order 92-01), § 392-140-432, filed 1/7/92, effective 2/7/92.]

WAC 392-140-433 1991-93 Vocational equipment allocation—Definition—Eligible school district. As used in WAC 392-140-431 through 392-140-439, "eligible school district" means any school district operating either or both:

(1) A vocational secondary program approved pursuant to WAC 180-58-090; and

(2) A multidistrict cooperative vocational program approved pursuant to WAC 180-58-075 and 180-58-090.

[Statutory Authority: RCW 28A.150.290(1), 92-03-023 (Order 92-01), § 392-140-433, filed 1/7/92, effective 2/7/92.]

WAC 392-140-434 1991-93 Vocational equipment allocation—Definition—Form SPI 1154. As used in WAC 392-140-431 through 392-140-439, the term "Form SPI 1154" means the form provided by the superintendent of public instruction on which school districts report the vocational program, type, number, cost per unit, and total cost of equipment purchased with moneys allocated pursuant to WAC 392-140-437.

[Statutory Authority: RCW 28A.150.290(1), 92-03-023 (Order 92-01), § 392-140-434, filed 1/7/92, effective 2/7/92.]

WAC 392-140-435 1991-93 Vocational equipment allocation—Limitations and conditions. The expenditure of moneys allocated pursuant to WAC 392-140-431 through 392-140-439 is subject to the following conditions and limitations:

(1) The moneys shall be used solely for the purchase of vocational equipment including associated shipping cost, and sales tax.

(2) The purchased equipment shall be used primarily in vocational secondary or vocational skills center programs approved by the superintendent of public instruction.

(3) Moneys allocated based on vocational skills center students shall be expended for the purposes of purchasing equipment for the vocational skills center program.

(4) Moneys shall be expended during the school year for which the allocation is made (September 1 through August 31).

(5) Expenditures shall be accounted for in:

Program	31 vocational, basic, state; or
	45 skills center, basic, state; and
Object	09 capital outlay.

(6) The school district shall report to the superintendent of public instruction as required in WAC 392-140-436.

[Statutory Authority: RCW 28A.150.290(1). 92-03-023 (Order 92-01), § 392-140-435, filed 1/7/92, effective 2/7/92.]

WAC 392-140-436 1991-93 Vocational equipment allocation—School district reporting. Each eligible school district shall report to the superintendent of public instruction as follows:

(1) Prior to September 1 of the following school year, each school district shall report vocational annual average FTE students for the school year.

(2) Prior to November 1 of the following school year, each school district shall submit Form SPI 1154 showing expenditures of the vocational equipment allocation for the school year.

(3) Expenditures for vocational secondary and skills center programs shall be reported separately.

(4) Reports shall be prepared pursuant to instructions provided by the superintendent of public instruction.

(5) Failure of a school district to report by the due date or in the form required by the superintendent of public instruction may result in the reduction or delay of state allocations of 1991-93 vocational equipment moneys as provided in chapter 392-117 WAC, Timely reporting.

[Statutory Authority: RCW 28A.150.290(1). 92-03-023 (Order 92-01), § 392-140-436, filed 1/7/92, effective 2/7/92.]

WAC 392-140-437 1991-93 Vocational equipment allocation—Apportionment of moneys. From moneys appropriated by the legislature for 1991-92 and 1992-93 vocational equipment allocations, the superintendent of public instruction shall apportion moneys to each eligible school district as follows:

(1) Allocations for each school year shall be based on a uniform state-wide rate per vocational annual average FTE student.

(2) Allocations shall be made at a rate of ten percent per month for the months of September through June.

(3) Except as provided in subsections (1) and (2) of this section allocations shall be made in the same manner as provided in WAC 392-121-400.

(4) In January of the following school year or thereafter the allocation shall be adjusted to reflect any recovery of moneys made pursuant to WAC 392-140-439.

[Statutory Authority: RCW 28A.150.290(1). 92-03-023 (Order 92-01), § 392-140-437, filed 1/7/92, effective 2/7/92.]

WAC 392-140-438 1991-93 Vocational equipment allocation—Reporting by the superintendent of public instruction. The superintendent of public instruction shall report to school districts on monthly apportionment statements for the school year showing:

(1) Vocational annual average FTE students used for the allocation;

(2) The rate per vocational annual average FTE students used for the allocation;

(3) Any necessary proration percentage; and

(4) The total allocation.

[Statutory Authority: RCW 28A.150.290(1). 92-03-023 (Order 92-01), § 392-140-438, filed 1/7/92, effective 2/7/92.]

WAC 392-140-439 1991-93 Vocational equipment allocation—Recovery of moneys. After November 1 of the following school year, the superintendent of public instruction shall compare for each eligible school district the allocations for the school year pursuant to WAC 392-140-437 and expenditures for the school year reported on Form SPI 1154. The superintendent of public instruction shall recover from the school district's general apportionment payments the greater of the following amounts:

(1) Total allocations pursuant to WAC 392-140-437 minus total expenditures reported on Form SPI 1154;

(2) Allocations for vocational skills center students pursuant to WAC 392-140-437 minus expenditures reported on Form SPI 1154 for the vocational skills center program; or

(3) Zero.

[Statutory Authority: RCW 28A.150.290(1). 92-03-023 (Order 92-01), § 392-140-439, filed 1/7/92, effective 2/7/92.]

1991-93 LOCAL EDUCATION PROGRAM ENHANCEMENT

WAC 392-140-441 1991-93 Local education program enhancement—Applicable provisions. WAC 392-140-441 through 392-140-447 apply to the distribution of moneys to school districts for local education program enhancement pursuant to section 522, chapter 16, Laws of 1991 1st sp. sess. (the state Operating Appropriations Act).

[Statutory Authority: RCW 28A.150.290(1). 92-03-023 (Order 92-01), § 392-140-441, filed 1/7/92, effective 2/7/92.]

WAC 392-140-442 1991-93 Local education program enhancement—Definition—Allocation enrollment. As used in WAC 392-140-441 through 392-140-447, "allocation enrollment" means the school district's annual average full-time equivalent students except in the following cases:

(1) For a school district enrolling less than one hundred annual average full-time equivalent students, allocation enrollment means the sum of the following:

(a) The greater of sixty or the annual average full-time equivalent students enrolled in kindergarten through sixth grade;

(b) The greater of twenty or the annual average full-time equivalent students enrolled in seventh through eighth grade; and

(c) The greater of sixty or the annual average full-time equivalent students enrolled in ninth through twelfth grade.

(2) For a school district operating small school plants designated remote and necessary, allocation enrollment means the sum of the following:

(a) The school district's annual average full-time equivalent enrollment less the annual average full-time equivalent enrollment in the small school plants designated remote and necessary; plus

(b) For the small school plant designated remote and necessary:

(i) The greater of sixty or the annual average full-time equivalent students enrolled in kindergarten through sixth grade;

(ii) The greater of twenty or the annual average full-time equivalent students enrolled in seventh through eighth grade; and

(iii) The greater of sixty or the annual average full-time equivalent students enrolled in ninth through twelfth grade.

[Statutory Authority: RCW 28A.150.290(1). 92-03-023 (Order 92-01), § 392-140-442, filed 1/7/92, effective 2/7/92.]

WAC 392-140-443 1991-93 Local education program enhancement—Definition—Form SPI 1129. "Form SPI 1129" means the form provided by the superintendent of public instruction on which school districts report expenditures of local education enhancement moneys in each program area and provide a narrative of benefits for the school year.

[Statutory Authority: RCW 28A.150.290(1). 92-03-023 (Order 92-01), § 392-140-443, filed 1/7/92, effective 2/7/92.]

WAC 392-140-444 1991-93 Local education program enhancement—Conditions and limitations. Expenditure of moneys allocated pursuant to WAC 392-140-441 through 392-140-447 is subject to the following conditions and limitations:

(1) Moneys shall be expended to meet education needs identified by the school district within the following program areas:

(a) Prevention and intervention services in the elementary grades;

(b) Reduction of class size;

(c) Early childhood education;

(d) Student-at-risk programs, including dropout prevention and retrieval, and substance abuse awareness and prevention;

(e) Staff development and in-service programs;

(f) Student logical reasoning and analytical skill development;

(g) Programs for highly capable students;

(h) Programs involving students in community services;

(i) Senior citizen volunteer programs; and

(j) Other programs that enhance a school district's basic education program including purchase of instructional materials and supplies and other nonemployee-related costs.

(2) School districts shall account for expenditures in program 75, local education program enhancement.

(3) Moneys allocated for a school year shall be expended by August 31 of the school year.

(4) The school district shall report to the superintendent of public instruction as provided in WAC 302-140-445.

[Statutory Authority: RCW 28A.150.290(1). 92-03-023 (Order 92-01), § 392-140-444, filed 1/7/92, effective 2/7/92.]

WAC 392-140-445 1991-93 Local education program enhancement—School district reporting. School districts receiving local education program enhancement moneys shall report to the superintendent of public instruction as follows:

(1) Prior to November 15 of the following school year, the school district shall report on Form F-196 expenditures of local education program enhancement moneys.

(2) Prior to November 1 of the following school year, the school district shall report on Form SPI 1129 the uses of local education program enhancement moneys for the school year.

[Statutory Authority: RCW 28A.150.290(1). 92-03-023 (Order 92-01), § 392-140-445, filed 1/7/92, effective 2/7/92.]

WAC 392-140-446 1991-93 Local education program enhancement—Apportionment of moneys. From moneys appropriated by the legislature for local education program enhancement, the superintendent of public instruction shall apportion money to each eligible school district as follows:

(1) The school district's allocation for the school year shall equal the district's allocation enrollment times a uniform state-wide rate which shall be a maximum of \$35.26.

(2) Moneys shall be allocated to the district in the same manner as provided in WAC 392-121-400.

(3) In January of the following school year or thereafter the allocation shall be adjusted to reflect any recovery made pursuant to WAC 392-140-447.

[Statutory Authority: RCW 28A.150.290(1). 92-03-023 (Order 92-01), § 392-140-446, filed 1/7/92, effective 2/7/92.]

WAC 392-140-447 1991-93 Local education program enhancement—Recovery of moneys. In January of the following school year or thereafter, the superintendent of public instruction shall compare each school district's local education program enhancement allocation made pursuant to WAC 392-140-446 and its direct expenditures for Program 75 reported on Form F-196. If the allocation exceeds expenditures, the difference shall be recovered.

[Statutory Authority: RCW 28A.150.290(1). 92-03-023 (Order 92-01), § 392-140-447, filed 1/7/92, effective 2/7/92.]

1991-92 THROUGH 1994-95 K-3 STAFF ENHANCEMENT

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.]

WAC 392-140-500 1994-95 Student learning improvement grants—Applicable provisions—Statutory authority. WAC 392-140-500 through 392-140-519 apply to the application process, distribution of moneys to school districts and reporting for student learning improvement grants pursuant to RCW 28A.300.138 and 28A.305.145 (HB 1209, Education Reform—Improvement of Student Achievement as amended by ESHB 2850, chapter 245, Laws of 1994 sp. sess.) and section 512(1), chapter 8, Laws of 1994 sp. sess. (the state Operating Appropriations Act).

[Statutory Authority: RCW 28A.300.138 and The Biennial Operating Appropriations Act. 94-12-002, § 392-140-500, filed 5/19/94, effective 6/19/94.]

WAC 392-140-501 1994-95 Student learning improvement grants—Purpose of student learning improvement grant. As used in WAC 392-140-500 through 392-140-519, the purpose of student learning improvement grant pursuant to RCW 28A.300.138 and 28A.305.145 and section 512(1), chapter 8, Laws of 1994 sp. sess., is site-based planning activities and staff development and planning intended to improve student learning for all students, including students with diverse needs, consistent with the student learning goals in RCW 28A.150.210 as amended by section 101, chapter 336, Laws of 1993 (HB

(1995 Ed.)

1209, Education Reform—Improvement of Student Achievement).

[Statutory Authority: RCW 28A.300.138 and The Biennial Operating Appropriations Act. 94-12-002, § 392-140-501, filed 5/19/94, effective 6/19/94.]

WAC 392-140-503 1994-95 Student learning improvement grants—Definition—School district. As used in WAC 392-140-500 through 392-140-519, "school district" means the same as defined in WAC 392-140-069 and the Washington state school for the deaf and the Washington state school for the blind.

[Statutory Authority: RCW 28A.300.138 and The Biennial Operating Appropriations Act. 94-12-002, § 392-140-503, filed 5/19/94, effective 6/19/94.]

WAC 392-140-504 1994-95 Student learning improvement grants—Definition—Eligible school district. As used in WAC 392-140-500 through 392-140-519, "eligible school district" means a school district whose board of directors has completed adoption of policies regarding the involvement of school staff, parents, and community members in instructional decisions. "Eligible school district" also means the Washington state school for the deaf and the Washington state school for the blind provided policies regarding sharing of instructional decisions with school staff and parents are adopted.

[Statutory Authority: RCW 28A.300.138 and The Biennial Operating Appropriations Act. 94-12-002, § 392-140-504, filed 5/19/94, effective 6/19/94.]

WAC 392-140-505 1994-95 Student learning improvement grants—Definition—School. As used in WAC 392-140-500 through 392-140-519, "school" means the same as defined in RCW 28A.150.020 and for which enrollment is reported on Form P-105A:

- (1) For 1993-94; or
- (2) For 1994-95, 1995-96, or 1996-97 for schools opening after 1993-94.

"School" also means the Washington state school for the deaf and the Washington state school for the blind.

[Statutory Authority: RCW 28A.300.138 and The Biennial Operating Appropriations Act. 94-12-002, § 392-140-505, filed 5/19/94, effective 6/19/94.]

WAC 392-140-506 1994-95 Student learning improvement grants—Definition—Eligible school-based application. As used in WAC 392-140-500 through 392-140-519, "eligible school-based application" means an application for a student learning improvement grant by a school in an eligible school district in the format prescribed by SPI that contains assurances that the application:

- (1) Has been developed by school personnel, parents, and community members;
- (2) Enumerates all specific activities to be carried out as part of the grant and all such specific activities are consistent with the purpose of student learning improvement grants;
- (3) Identifies the technical resources desired and their availability;
- (4) Includes a proposed budget in the format prescribed by SPI;

(5) Is approved by the school principal and representatives of teachers, classified employees, parents, and the community;

(6) Is approved by the school district board of directors after the board conducted at least one public hearing on the application; and

(7) Is submitted to SPI by the school district not later than June 3, 1994.

[Statutory Authority: RCW 28A.300.138 and The Biennial Operating Appropriations Act. 94-12-002, § 392-140-506, filed 5/19/94, effective 6/19/94.]

WAC 392-140-507 1994-95 Student learning improvement grants—Definition—Approved application. As used in WAC 392-140-500 through 392-140-519, "approved application" means an eligible school-based application approved by SPI. If a school-based application is consistent with the purposes of the student learning improvement grant program and meets the eligibility requirements stated in WAC 392-140-506, SPI will approve the application by June 30, 1994.

[Statutory Authority: RCW 28A.300.138 and The Biennial Operating Appropriations Act. 94-12-002, § 392-140-507, filed 5/19/94, effective 6/19/94.]

WAC 392-140-508 1994-95 Student learning improvement grants—Definition—Certificated employee. As used in WAC 392-140-500 through 392-140-519, "certificated employee" means the same as defined WAC 392-121-200.

[Statutory Authority: RCW 28A.300.138 and The Biennial Operating Appropriations Act. 94-12-002, § 392-140-508, filed 5/19/94, effective 6/19/94.]

WAC 392-140-509 1994-95 Student learning improvement grants—Definition—Full-time equivalent (FTE) certificated staff. As used in WAC 392-140-500 through 392-140-519, "full-time equivalent (FTE) certificated staff" means the number of certificated employees using the methodology prescribed in WAC 392-121-215 except that the term "certificated" shall be substituted for the term "basic education certificated instructional" in WAC 392-211-215.

[Statutory Authority: RCW 28A.300.138 and The Biennial Operating Appropriations Act. 94-12-002, § 392-140-509, filed 5/19/94, effective 6/19/94.]

WAC 392-140-510 1994-95 Student learning improvement grants—Definition—Form S-275. As used in WAC 392-140-500 through 392-140-519, "Form S-275" means the same as defined in WAC 392-121-220.

[Statutory Authority: RCW 28A.300.138 and The Biennial Operating Appropriations Act. 94-12-002, § 392-140-510, filed 5/19/94, effective 6/19/94.]

WAC 392-140-511 1994-95 Student learning improvement grants—Definition—FTE certificated staff employed in a school. As used in WAC 392-140-500 through 392-140-519, "FTE certificated staff employed in a school" means the FTE certificated staff reported, as of December 30, 1993, on Form S-275 for the 1993-94 school year with assignment duty codes between 200 and 503 and

assigned to a school. A school district may request that SPI use an alternate number of FTE certificated staff employed in a school. The district must submit the total alternative FTE certificated staff in each school to SPI and maintain documentation available for audit which verifies the data reported. The following options may be used.

(1) If the total FTE certificated staff employed in the district increased after October 1, 1993, the district may select any school day during the 1993-94 school year prior to May 31, 1994. The school district must calculate supplemental FTE certificated staff using the process outlined in WAC 392-140-480 through 392-140-485: *Provided*, That the terms "P-12" and "certificated staff employed in a school" shall be substituted, in those rules, for the terms "K-3" and "basic education certificated instructional employee or a basic education classified instructional assistant." The total alternative FTE certificated staff in each school is the sum of supplemental FTE certificated staff and the FTE certificated staff in each school reported on Form S-275 by December 30, 1993.

(2) For purposes of the grant allocation FTE certificated staff reported on Form S-275 by December 30, 1993, may be transferred when:

(a) The district elects to transfer certificated staff FTE from an existing school to a school not open in 1993-94; or

(b) The district elects to consolidate FTE certificated staff of an individual assigned to various schools into a single school; or

(c) There are FTE certificated staff who work in a district school but are reported as employees of another school district or educational service district: *Provided*, That both districts must elect to report alternative FTE certificated staff which includes the prorated portion of these FTE certificated staff; or

(d) An individual is reported with:

(i) A building code assignment reported, pursuant to page twenty-one of the SPI Form S-275 instructions for 1993-94, as a building which is not a school; and

(ii) Assignment duties between 200 and 503; and

(iii) The majority of time spent in various schools within the district.

(3) Districts which failed to report or reported incorrect data on Form S-275 as of December 30, 1993, may recalculate FTE certificated staff in a school based upon corrected Form S-275 data reported not later than May 31, 1994.

(4) Any combination of subsections (1), (2) and (3) of this section.

FTE certificated staff shall be determined for the Washington state school for the deaf and the Washington state school for the blind in a similar manner.

[Statutory Authority: RCW 28A.300.138 and The Biennial Operating Appropriations Act. 94-12-002, § 392-140-511, filed 5/19/94, effective 6/19/94.]

WAC 392-140-512 1994-95 Student learning improvement grants—Definition—Allocation rate. As used in WAC 392-140-500 through 392-140-519, "allocation rate" means the lesser of eight hundred dollars or the available appropriation for student learning improvement grants for the 1994-95 school year divided by the total

number of certificated staff employed in schools with approved applications.

[Statutory Authority: RCW 28A.300.138 and The Biennial Operating Appropriations Act. 94-12-002, § 392-140-512, filed 5/19/94, effective 6/19/94.]

WAC 392-140-516 1994-95 Student learning improvement grants—Allocation of moneys. SPI shall allocate for each school that has an approved application in an eligible school district an amount of money equal to the product of the allocation rate multiplied by the FTE certificated staff employed in the school. The sum of the total allocations for all schools in the school district shall be the district's maximum student learning improvement grant allocation. The school district shall submit claims pursuant to WAC 392-140-518 for payment of its allocation.

[Statutory Authority: RCW 28A.300.138 and The Biennial Operating Appropriations Act. 94-12-002, § 392-140-516, filed 5/19/94, effective 6/19/94.]

WAC 392-140-517 1994-95 Student learning improvement grants—Conditions and limitations on expenditures. Expenditure of moneys by school districts allocated pursuant to WAC 392-140-500 through 392-140-519 is subject to the following conditions and limitations:

(1) Allocated moneys shall be expended according to the budget that is part of each school-based application.

(2) Allocated moneys shall not be expended for indirect costs.

(3) Allocated moneys shall be expended for the 1994-95 school year.

(4) Allocated moneys may be claimed for grant-related activities conducted during the period of July 1, 1994, through June 30, 1995.

(5) School districts shall account for expenditures in program 58, Special and Pilot Programs, State. The Washington state school for the deaf and the Washington state school for the blind shall account for expenditures in a similar manner.

(6) School districts shall report to SPI as provided in WAC 392-140-518.

[Statutory Authority: RCW 28A.300.138 and The Biennial Operating Appropriations Act. 94-12-002, § 392-140-517, filed 5/19/94, effective 6/19/94.]

WAC 392-140-518 1994-95 Student learning improvement grants—School district reporting. School districts shall submit claims for student learning improvement grant allocations to SPI prior to June 15, 1995, on forms prescribed by SPI. Claims shall be submitted after the expenditures being claimed are incurred, except that expenditures occurring during the month of June 1995 are to be claimed in June 1995 prior to June 15.

[Statutory Authority: RCW 28A.300.138 and The Biennial Operating Appropriations Act. 94-12-002, § 392-140-518, filed 5/19/94, effective 6/19/94.]

WAC 392-140-519 1994-95 Student learning improvement grants—Recovery of unexpended grants. Each school district claiming expenditures for the month of June 1995 shall notify SPI in writing prior to August 1,

1995, if the actual expenditures for June 1995 were less than the expenditures reported for June 1995 pursuant to WAC 392-140-518. The superintendent of public instruction shall compare each school district's total student learning improvement grant allocation made pursuant to WAC 392-140-516 and its direct expenditures reported pursuant to WAC 392-140-518 and this section. If the allocation exceeds expenditures, the difference shall be recovered.

[Statutory Authority: RCW 28A.300.138 and The Biennial Operating Appropriations Act. 94-12-002, § 392-140-519, filed 5/19/94, effective 6/19/94.]

WAC 392-140-525 1993-95 Local enhancement funding—Applicable provisions. WAC 392-140-525 through 392-140-538 apply to the distribution of moneys to school districts for local enhancement funding (also known as local education program enhancement) pursuant to section 517, chapter 24, Laws of 1993 sp. sess. (the state Operating Appropriations Act.)

[Statutory Authority: RCW 28A.150.370 and 28A.150.290. 94-14-050 (Order 94-07), § 392-140-525, filed 6/30/94, effective 7/31/94.]

WAC 392-140-527 1993-95 Local enhancement funding—Definition—Allocation enrollment. As used in WAC 392-140-525 through 392-140-538, "allocation enrollment" means the school district's annual average full-time equivalent students as defined in WAC 392-121-133 plus running start enrollment except in the following cases:

(1) For a school district enrolling less than one hundred annual average full-time equivalent students, allocation enrollment means the sum of the following:

(a) The greater of sixty or the annual average full-time equivalent students enrolled in kindergarten through sixth grade;

(b) The greater of twenty or the annual average full-time equivalent students enrolled in seventh through eighth grade; and

(c) The greater of sixty or the annual average full-time equivalent students enrolled in ninth through twelfth grade.

(2) For a school district operating small school plants designated remote and necessary, allocation enrollment means the sum of the following:

(a) The school district's annual average full-time equivalent enrollment less the annual average full-time equivalent enrollment in the small school plants designated remote and necessary; plus

(b) For the small school plant designated remote and necessary:

(i) The greater of sixty or the annual average full-time equivalent students enrolled in kindergarten through sixth grade;

(ii) The greater of twenty or the annual average full-time equivalent students enrolled in seventh through eighth grade; and

(iii) The greater of sixty or the annual average full-time equivalent students enrolled in ninth through twelfth grade.

[Statutory Authority: RCW 28A.150.370 and 28A.150.290. 94-14-050 (Order 94-07), § 392-140-527, filed 6/30/94, effective 7/31/94.]

WAC 392-140-529 1993-95 Local enhancement funding—Definition—Form SPI 1129. "Form SPI 1129"

means the form provided by the superintendent of public instruction on which school districts report expenditures of local enhancement funding in each program area and provide a narrative of benefits for the school year.

[Statutory Authority: RCW 28A.150.370 and 28A.150.290. 94-14-050 (Order 94-07), § 392-140-529, filed 6/30/94, effective 7/31/94.]

WAC 392-140-530 1993-95 Local enhancement funding—Definition—Enrolled as a Medicaid service provider. Enrolled as a Medicaid service provider means having applied for and received a core provider agreement number pursuant to WAC 388-78-007 from the department of social and health services medical assistance administration office of provider services.

[Statutory Authority: RCW 28A.150.370 and 28A.150.290. 94-14-050 (Order 94-07), § 392-140-530, filed 6/30/94, effective 7/31/94.]

WAC 392-140-531 1993-95 Local enhancement funding—Actively pursuing federal matching funds for medical services provided through special education programs. The superintendent of public instruction shall find that a district is actively pursuing federal matching funds if the district submits a letter to the superintendent of public instruction assuring that the district is enrolled as a Medicaid service provider as of June 30, 1994, and:

(1) That the district is billing for Medicaid eligible services provided to Medicaid eligible students in its special education program conducted pursuant to chapter 392-171 WAC during the 1993-94 school year and plans to do the same during the 1994-95 school year; or

(2) That the district participates in a special education cooperative and the serving district(s) is billing for all Medicaid eligible services provided to all Medicaid eligible students in the cooperative during the 1993-94 school year and plans to do the same during the 1994-95 school year; or

(3) That the Medicaid eligibility of the students enrolled in special education programs has been verified and none of the district's students enrolled in the district's special education program are eligible for Medicaid; or

(4) That the school district does not have any students needing special education.

[Statutory Authority: RCW 28A.150.370 and 28A.150.290. 94-14-050 (Order 94-07), § 392-140-531, filed 6/30/94, effective 7/31/94.]

WAC 392-140-533 1993-95 Local enhancement funding—Condition of receipt of moneys. For the 1994-95 school year, receipt by a school district of one-fourth of the district's local enhancement funding allocation shall be conditioned on a finding by the superintendent of public instruction that:

(1) The district is enrolled as a Medicaid service provider; and

(2) The district is actively pursuing federal matching funds for medical services provided through special education programs, pursuant to chapter 149, Laws of 1993.

[Statutory Authority: RCW 28A.150.370 and 28A.150.290. 94-14-050 (Order 94-07), § 392-140-533, filed 6/30/94, effective 7/31/94.]

WAC 392-140-535 1993-95 Local enhancement funding—Conditions and limitations on expenditures.

Expenditure of moneys allocated pursuant to WAC 392-140-525 through 392-140-538 is subject to the following conditions and limitations:

(1) Moneys shall be expended to meet education needs identified by the school district.

(2) School districts shall account for expenditures in Program 75, local education program enhancement.

(3) Moneys allocated for a school year shall be expended by August 31 of the school year.

(4) The school district shall report to the superintendent of public instruction as provided in WAC 392-140-537.

[Statutory Authority: RCW 28A.150.370 and 28A.150.290. 94-14-050 (Order 94-07), § 392-140-535, filed 6/30/94, effective 7/31/94.]

WAC 392-140-536 1993-95 Local enhancement funding—Apportionment of moneys. From moneys appropriated by the legislature for local enhancement funding, the superintendent of public instruction shall apportion money to each eligible school district as follows:

(1) The school district's allocation for the school year shall equal the district's allocation enrollment times a uniform state-wide rate that shall be a maximum of:

(a) \$26.30 for school districts meeting the condition of receipt of moneys in WAC 392-140-533; and

(b) \$19.72 for school districts not meeting the condition for the receipt of moneys in WAC 392-140-533.

(2) Moneys shall be allocated to the district in the same manner as provided in WAC 392-121-400.

(3) In January of the following school year or thereafter the allocation shall be adjusted to reflect any recovery made pursuant to WAC 392-140-538.

[Statutory Authority: RCW 28A.150.370 and 28A.150.290. 94-14-050 (Order 94-07), § 392-140-536, filed 6/30/94, effective 7/31/94.]

WAC 392-140-537 1993-95 Local enhancement funding—School district reporting. School districts receiving local enhancement funding shall report to the superintendent of public instruction as follows:

(1) Prior to November 2 of the following school year, the school district shall report on Form SPI 1129 the uses of local enhancement funding for the school year.

(2) Prior to November 15 of the following school year, the school district shall report on Form F-196 expenditures of local enhancement funding.

[Statutory Authority: RCW 28A.150.370 and 28A.150.290. 94-14-050 (Order 94-07), § 392-140-537, filed 6/30/94, effective 7/31/94.]

WAC 392-140-538 1993-95 Local enhancement funding—Recovery of moneys. In January of the following school year or thereafter, the superintendent of public instruction shall compare each school district's local enhancement funding allocation made pursuant to WAC 392-140-536 and its direct expenditures for Program 75 reported on Form F-196. If the allocation exceeds expenditures, the difference shall be recovered.

[Statutory Authority: RCW 28A.150.370 and 28A.150.290. 94-14-050 (Order 94-07), § 392-140-538, filed 6/30/94, effective 7/31/94.]

**ALLOCATION FOR INSTRUCTIONAL
MATERIALS AND TECHNOLOGY RELATED
INVESTMENTS**

WAC 392-140-540 1994-95 Allocation for instructional materials and technology related investments—Applicable provisions—Statutory authority. WAC 392-140-540 through 392-140-559 apply to the application process, distribution of moneys to school districts and reporting for instructional materials and technology related investments allocations pursuant to section 502(10), chapter 8, Laws of 1994 sp. sess. (the state Operating Appropriations Act).

[Statutory Authority: RCW 28A.150.290. 94-17-131 (Order 94-11), § 392-140-540, filed 8/22/94, effective 9/22/94.]

WAC 392-140-542 1994-95 Allocation for instructional materials and technology related investments—Definition—School district. As used in WAC 392-140-540 through 392-140-559, "school district" means the same as defined in WAC 392-140-069.

[Statutory Authority: RCW 28A.150.290. 94-17-131 (Order 94-11), § 392-140-542, filed 8/22/94, effective 9/22/94.]

WAC 392-140-543 1994-95 Allocation for instructional materials and technology related investments—Definition—School year. As used in WAC 392-140-540 through 392-140-559, "school year" means the same as defined in WAC 392-121-031.

[Statutory Authority: RCW 28A.150.290. 94-17-131 (Order 94-11), § 392-140-543, filed 8/22/94, effective 9/22/94.]

WAC 392-140-544 1994-95 Allocation for instructional materials and technology related investments—Definition—Instructional materials. As used in WAC 392-140-540 through 392-140-559, "instructional materials" means the same as defined in the *Accounting Manual for Public School Districts in the State of Washington* for expenditure object 6 in effect for the 1994-95 school year. Object 6 as defined in the accounting manual consists of those supplies and materials used for the instruction of students in the classroom and in learning resource areas. Instructional materials includes, but is not limited to, computer software and other computer-related materials used in instruction, kits and packets used in lieu of textbooks, library books, prerecorded audio and television tapes, records, sheet music, textbooks, workbooks, and computer-based media such as CD ROM disks, and video discs.

[Statutory Authority: RCW 28A.150.290. 94-17-131 (Order 94-11), § 392-140-544, filed 8/22/94, effective 9/22/94.]

WAC 392-140-545 1994-95 Allocation for instructional materials and technology related investments—Definition—Technology related investments. As used in WAC 392-140-540 through 392-140-559, "technology related investments" means the purchase or upgrade of electronic and optical equipment that help students learn. Such equipment includes computers, CD ROM players, video disc players, electronic microscopes, CAD hardware, and associated wiring, cabling, servers, routers, modems, software,

networks and other peripherals. Also included in technology related investments are expenditures incidental to the integration of technology related investments into the student learning process.

[Statutory Authority: RCW 28A.150.290. 94-17-131 (Order 94-11), § 392-140-545, filed 8/22/94, effective 9/22/94.]

WAC 392-140-548 1994-95 Allocation for instructional materials and technology related investments—Definition—School district application. As used in WAC 392-140-540 through 392-140-559, "school district application" means an application for an allocation for instructional materials and technology related investments by a school district that:

- (1) Is in the format prescribed by SPI; and
- (2) Assures that the conditions and limitations on expenditures prescribed in WAC 392-140-555 will be adhered to.

[Statutory Authority: RCW 28A.150.290. 94-17-131 (Order 94-11), § 392-140-548, filed 8/22/94, effective 9/22/94.]

WAC 392-140-549 1994-95 Allocation for instructional materials and technology related investments—Definition—Approved application. As used in WAC 392-140-540 through 392-140-559, "approved application" means a school district's application approved by SPI. If an application contains the assurances stated in WAC 392-140-548 and is submitted to SPI not later than August 31, 1994, SPI will approve the application by September 30, 1994.

[Statutory Authority: RCW 28A.150.290. 94-17-131 (Order 94-11), § 392-140-549, filed 8/22/94, effective 9/22/94.]

WAC 392-140-551 1994-95 Allocation for instructional materials and technology related investments—Definition—Allocation enrollment. As used in WAC 392-140-540 through 392-140-559, "allocation enrollment" means the school district's full-time equivalent students as defined in WAC 392-121-122 reported to SPI for October 1994 excluding enrollment in skills centers.

[Statutory Authority: RCW 28A.150.290. 94-17-131 (Order 94-11), § 392-140-551, filed 8/22/94, effective 9/22/94.]

WAC 392-140-552 1994-95 Allocation for instructional materials and technology related investments—Definition—Allocation rate. As used in WAC 392-140-540 through 392-140-559, "allocation rate" means: An amount for allocation enrollment as defined in WAC 392-140-551 which is the lesser of:

- (1) \$20.61; or
- (2) The available appropriation for the 1994-95 school year less the amount for all skills centers divided by the total allocation enrollment in school districts with approved applications.

[Statutory Authority: RCW 28A.150.290. 94-17-131 (Order 94-11), § 392-140-552, filed 8/22/94, effective 9/22/94.]

WAC 392-140-553 1994-95 Allocation for instructional materials and technology related investments—Allocation of moneys. SPI shall allocate for each school district that has an approved application the sum of forty

thousand dollars for a skills center, if the district has a skills center, plus the allocation rate multiplied by the allocation enrollment. The school district shall submit claims pursuant to WAC 392-140-557 to receive payment of its allocation.

[Statutory Authority: RCW 28A.150.290. 94-17-131 (Order 94-11), § 392-140-553, filed 8/22/94, effective 9/22/94.]

WAC 392-140-555 1994-95 Allocation for instructional materials and technology related investments—Conditions and limitations on expenditures. Expenditure of moneys by school districts allocated pursuant to WAC 392-140-540 through 392-140-559 is subject to the following conditions and limitations:

(1) Allocated moneys shall be expended as determined at each school by the school building staff, parents, and community where site-based decision-making has been adopted or, where not adopted, by the building staff including itinerant teachers.

(2) Expenditures for technology investments by a school shall, to the greatest extent possible, be consistent with the district's technology plan.

(3) Shall be for instructional materials and technology related investments as defined in WAC 392-140-544 and 392-140-545.

(4) Allocated moneys shall not be expended for indirect costs.

(5) Allocated moneys shall be expended during the period of September 1, 1994, through June 30, 1995.

(6) School districts shall account for expenditures in program 58, Special and Pilot Programs, State.

(7) School districts shall report to SPI as provided in WAC 392-140-557.

[Statutory Authority: RCW 28A.150.290. 94-17-131 (Order 94-11), § 392-140-555, filed 8/22/94, effective 9/22/94.]

WAC 392-140-557 1994-95 Allocation for instructional materials and technology related investments—School district reporting. School districts shall submit claims for instructional materials and technology related investments to SPI prior to June 15, 1995, on the form prescribed by SPI. Claims shall be submitted after the expenditures being claimed are incurred, except that expenditures occurring during the month of June 1995 are to be claimed in June 1995 prior to June 15. Any claims received by SPI after 5:00 p.m. June 15, 1995, shall not be reimbursed.

[Statutory Authority: RCW 28A.150.290. 94-17-131 (Order 94-11), § 392-140-557, filed 8/22/94, effective 9/22/94.]

WAC 392-140-559 1994-95 Allocation for instructional materials and technology related investments—Recovery of unexpected grants. Each school district claiming expenditures for the month of June 1995 shall notify SPI in writing prior to August 1, 1995, if the actual expenditures for June 1995 were less than the expenditures reported for June 1995 pursuant to WAC 392-140-557. The superintendent of public instruction shall compare each school district's total reimbursement for instructional materials and technology related investments made pursuant to WAC 392-140-553 and its direct expenditures reported pursuant to WAC 392-140-557 and this section. If the

reimbursement exceeds expenditures, the difference shall be recovered.

[Statutory Authority: RCW 28A.150.290. 94-17-131 (Order 94-11), § 392-140-559, filed 8/22/94, effective 9/22/94.]

Chapter 392-141 WAC

TRANSPORTATION—STATE ALLOCATION FOR OPERATIONS

WAC

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392-141-110	Purpose.
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392-141-120	Definition—To and from school.
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392-141-130	Definition—Standard student mile allocation rate.
392-141-135	Prorated bus.
392-141-140	Definition—Radius mile.
392-141-145	Definition—Small fleet maintenance allocation rate.
392-141-146	Definition—Basic transportation.
392-141-147	Definition—Basic shuttle transportation.
392-141-148	Definition—Special transportation.
392-141-150	Definition—Midday transportation.
392-141-155	Definition—Weighted student unit.
392-141-156	Definition—District car allocation rate.
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392-141-158	Definition—Minimum load factor.
392-141-159	Definition—Choice program transportation.
392-141-160	District reporting and recordkeeping requirements.
392-141-165	Adjustment of state allocation during year.
392-141-170	Factors used to determine allocation.
392-141-175	Hazardous walking conditions.
392-141-180	Limitations on the allocation for transportation between schools and learning centers.
392-141-185	Operation allocation computation.
392-141-190	Authorization and limitation on district payments for individual and in-lieu transportation arrangements.
392-141-195	Allocation schedule for state payments.
392-141-200	Recovery of transportation funds.
392-141-205	Choice low-income criteria.
392-141-210	Choice program transportation eligibility for reimbursement.
392-141-215	Choice calculation of payment.
392-141-220	Choice reimbursement limitations.
392-141-225	Choice method of payment.
392-141-230	Choice appropriation limitation.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

392-141-005	Purposes. [Statutory Authority: RCW 28A.24.080, 28A.24.100, 28A.41.160 and 28A.41.170. 80-05-039 (Order 80-10), § 392-141-005, filed 4/15/80; Order 7-75, § 392-141-005, filed 12/22/75.] Repealed by 84-19-002 (Order 84-34), filed 9/6/84. Statutory Authority: RCW 28A.41.170.
392-141-007	Definitions. [Statutory Authority: RCW 28A.24.080, 28A.24.100, 28A.41.160 and 28A.41.170. 80-05-039 (Order 80-10), § 392-141-007, filed 4/15/80.] Repealed by 84-19-002 (Order 84-34), filed 9/6/84. Statutory Authority: RCW 28A.41.170.
392-141-008	Additional definitions. [Statutory Authority: RCW 28A.24.080, 28A.24.100, 28A.41.160 and 28A.41.170. 80-05-039 (Order 80-10), § 392-141-008, filed 4/15/80.] Repealed by 84-19-002 (Order 84-34), filed 9/6/84. Statutory Authority: RCW 28A.41.170.
392-141-010	School districts—General authority to provide transportation. [Order 7-75, § 392-141-010, filed 12/22/75.] Repealed by 80-09-055 (Order 80-27), filed 7/15/80. Statutory Authority: RCW 28A.24.080, 28A.24.100, 28A.41.160 and 28A.41.170.

thousand dollars for a skills center, if the district has a skills center, plus the allocation rate multiplied by the allocation enrollment. The school district shall submit claims pursuant to WAC 392-140-557 to receive payment of its allocation.

[Statutory Authority: RCW 28A.150.290. 94-17-131 (Order 94-11), § 392-140-553, filed 8/22/94, effective 9/22/94.]

WAC 392-140-555 1994-95 Allocation for instructional materials and technology related investments—Conditions and limitations on expenditures. Expenditure of moneys by school districts allocated pursuant to WAC 392-140-540 through 392-140-559 is subject to the following conditions and limitations:

(1) Allocated moneys shall be expended as determined at each school by the school building staff, parents, and community where site-based decision-making has been adopted or, where not adopted, by the building staff including itinerant teachers.

(2) Expenditures for technology investments by a school shall, to the greatest extent possible, be consistent with the district's technology plan.

(3) Shall be for instructional materials and technology related investments as defined in WAC 392-140-544 and 392-140-545.

(4) Allocated moneys shall not be expended for indirect costs.

(5) Allocated moneys shall be expended during the period of September 1, 1994, through June 30, 1995.

(6) School districts shall account for expenditures in program 58, Special and Pilot Programs, State.

(7) School districts shall report to SPI as provided in WAC 392-140-557.

[Statutory Authority: RCW 28A.150.290. 94-17-131 (Order 94-11), § 392-140-555, filed 8/22/94, effective 9/22/94.]

WAC 392-140-557 1994-95 Allocation for instructional materials and technology related investments—School district reporting. School districts shall submit claims for instructional materials and technology related investments to SPI prior to June 15, 1995, on the form prescribed by SPI. Claims shall be submitted after the expenditures being claimed are incurred, except that expenditures occurring during the month of June 1995 are to be claimed in June 1995 prior to June 15. Any claims received by SPI after 5:00 p.m. June 15, 1995, shall not be reimbursed.

[Statutory Authority: RCW 28A.150.290. 94-17-131 (Order 94-11), § 392-140-557, filed 8/22/94, effective 9/22/94.]

WAC 392-140-559 1994-95 Allocation for instructional materials and technology related investments—Recovery of unexpected grants. Each school district claiming expenditures for the month of June 1995 shall notify SPI in writing prior to August 1, 1995, if the actual expenditures for June 1995 were less than the expenditures reported for June 1995 pursuant to WAC 392-140-557. The superintendent of public instruction shall compare each school district's total reimbursement for instructional materials and technology related investments made pursuant to WAC 392-140-553 and its direct expenditures reported pursuant to WAC 392-140-557 and this section. If the

reimbursement exceeds expenditures, the difference shall be recovered.

[Statutory Authority: RCW 28A.150.290. 94-17-131 (Order 94-11), § 392-140-559, filed 8/22/94, effective 9/22/94.]

Chapter 392-141 WAC

TRANSPORTATION—STATE ALLOCATION FOR OPERATIONS

WAC

392-141-105	Authority.
392-141-110	Purpose.
392-141-115	Definition—Eligible student.
392-141-120	Definition—To and from school.
392-141-125	Definition—Hazardous walking conditions.
392-141-130	Definition—Standard student mile allocation rate.
392-141-135	Prorated bus.
392-141-140	Definition—Radius mile.
392-141-145	Definition—Small fleet maintenance allocation rate.
392-141-146	Definition—Basic transportation.
392-141-147	Definition—Basic shuttle transportation.
392-141-148	Definition—Special transportation.
392-141-150	Definition—Midday transportation.
392-141-155	Definition—Weighted student unit.
392-141-156	Definition—District car allocation rate.
392-141-157	Definition—District.
392-141-158	Definition—Minimum load factor.
392-141-159	Definition—Choice program transportation.
392-141-160	District reporting and recordkeeping requirements.
392-141-165	Adjustment of state allocation during year.
392-141-170	Factors used to determine allocation.
392-141-175	Hazardous walking conditions.
392-141-180	Limitations on the allocation for transportation between schools and learning centers.
392-141-185	Operation allocation computation.
392-141-190	Authorization and limitation on district payments for individual and in-lieu transportation arrangements.
392-141-195	Allocation schedule for state payments.
392-141-200	Recovery of transportation funds.
392-141-205	Choice low-income criteria.
392-141-210	Choice program transportation eligibility for reimbursement.
392-141-215	Choice calculation of payment.
392-141-220	Choice reimbursement limitations.
392-141-225	Choice method of payment.
392-141-230	Choice appropriation limitation.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

392-141-005	Purposes. [Statutory Authority: RCW 28A.24.080, 28A.24.100, 28A.41.160 and 28A.41.170. 80-05-039 (Order 80-10), § 392-141-005, filed 4/15/80; Order 7-75, § 392-141-005, filed 12/22/75.] Repealed by 84-19-002 (Order 84-34), filed 9/6/84. Statutory Authority: RCW 28A.41.170.
392-141-007	Definitions. [Statutory Authority: RCW 28A.24.080, 28A.24.100, 28A.41.160 and 28A.41.170. 80-05-039 (Order 80-10), § 392-141-007, filed 4/15/80.] Repealed by 84-19-002 (Order 84-34), filed 9/6/84. Statutory Authority: RCW 28A.41.170.
392-141-008	Additional definitions. [Statutory Authority: RCW 28A.24.080, 28A.24.100, 28A.41.160 and 28A.41.170. 80-05-039 (Order 80-10), § 392-141-008, filed 4/15/80.] Repealed by 84-19-002 (Order 84-34), filed 9/6/84. Statutory Authority: RCW 28A.41.170.
392-141-010	School districts—General authority to provide transportation. [Order 7-75, § 392-141-010, filed 12/22/75.] Repealed by 80-09-055 (Order 80-27), filed 7/15/80. Statutory Authority: RCW 28A.24.080, 28A.24.100, 28A.41.160 and 28A.41.170.

- 392-141-015 Transportation routes. [Order 7-75, § 392-141-015, filed 12/22/75.] Repealed by 80-09-055 (Order 80-27), filed 7/15/80. Statutory Authority: RCW 28A.24.080, 28A.24.100, 28A.41.160 and 28A.41.170.
- 392-141-017 Reimbursable and nonreimbursable transportation. [Statutory Authority: RCW 28A.24.080, 28A.24.100, 28A.41.160 and 28A.41.170. 80-05-039 (Order 80-10), § 392-141-017, filed 4/15/80.] Repealed by 84-19-002 (Order 84-34), filed 9/6/84. Statutory Authority: RCW 28A.41.170.
- 392-141-018 Transportation arrangements that are eligible for state reimbursement—Rates of reimbursement. [Statutory Authority: RCW 28A.24.080, 28A.24.100, 28A.41.160 and 28A.41.170. 80-05-039 (Order 80-10), § 392-141-018, filed 4/15/80.] Repealed by 84-19-002 (Order 84-34), filed 9/6/84. Statutory Authority: RCW 28A.41.170.
- 392-141-020 Cost reimbursement. [Order 7-75, § 392-141-020, filed 12/22/75.] Repealed by 80-09-055 (Order 80-27), filed 7/15/80. Statutory Authority: RCW 28A.24.080, 28A.24.100, 28A.41.160 and 28A.41.170.
- 392-141-025 District records required. [Order 14-76, § 392-141-025, filed 12/21/76; Order 7-75, § 392-141-025, filed 12/22/75. Formerly WAC 392-27-010.] Repealed by 80-09-055 (Order 80-27), filed 7/15/80. Statutory Authority: RCW 28A.24.080, 28A.24.100, 28A.41.160 and 28A.41.170.
- 392-141-027 School bus routes limitations. [Statutory Authority: RCW 28A.24.080, 28A.24.100, 28A.41.160 and 28A.41.170. 80-05-039 (Order 80-10), § 392-141-027, filed 4/15/80.] Repealed by 84-19-002 (Order 84-34), filed 9/6/84. Statutory Authority: RCW 28A.41.170.
- 392-141-028 Annual application for approval for transportation reimbursement—Approval process. [Statutory Authority: RCW 28A.24.080, 28A.24.100, 28A.41.160 and 28A.41.170. 80-05-039 (Order 80-10), § 392-141-028, filed 4/15/80.] Repealed by 84-19-002 (Order 84-34), filed 9/6/84. Statutory Authority: RCW 28A.41.170.
- 392-141-030 Approval of transportation routes—Limitation. [Order 14-76, § 392-141-030, filed 12/21/76; Order 7-75, § 392-141-030, filed 12/22/75. Formerly WAC 392-27-020 (part), 392-27-030 (part) and 392-27-031 (part).] Repealed by 80-09-055 (Order 80-27), filed 7/15/80. Statutory Authority: RCW 28A.24.080, 28A.24.100, 28A.41.160 and 28A.41.170.
- 392-141-035 Application for approval and apportionment for transportation within the "two mile limit." [Order 7-75, § 392-141-035, filed 12/22/75. Formerly WAC 392-20-020 (part).] Repealed by 80-09-055 (Order 80-27), filed 7/15/80. Statutory Authority: RCW 28A.24.080, 28A.24.100, 28A.41.160 and 28A.41.170.
- 392-141-037 Application for approval for transportation within the "two-mile limit"—Measurement of "two-mile limit." [Statutory Authority: RCW 28A.41.170. 81-19-009 (Order 81-22), § 392-141-037, filed 9/4/81. Statutory Authority: RCW 28A.24.080, 28A.24.100, 28A.41.160 and 28A.41.170. 80-05-039 (Order 80-10), § 392-141-037, filed 4/15/80.] Repealed by 84-19-002 (Order 84-34), filed 9/6/84. Statutory Authority: RCW 28A.41.170.
- 392-141-038 Contents of applications for state transportation reimbursement—Mileage records. [Statutory Authority: RCW 28A.24.080, 28A.24.100, 28A.41.160 and 28A.41.170. 80-05-039 (Order 80-10), § 392-141-038, filed 4/15/80.] Repealed by 84-19-002 (Order 84-34), filed 9/6/84. Statutory Authority: RCW 28A.41.170.
- 392-141-040 Route approval process. [Order 7-75, § 392-141-040, filed 12/22/75. Formerly WAC 392-27-020 (part), 392-27-030 (part) and 392-27-031 (part).] Repealed by 80-09-055 (Order 80-27), filed 7/15/80. Statutory Authority: RCW 28A.24.080, 28A.24.100, 28A.41.160 and 28A.41.170.
- 392-141-042 Deviations from approved transportation arrangements. [Statutory Authority: RCW 28A.24.080, 28A.24.100, 28A.41.160 and 28A.41.170. 80-05-039 (Order 80-10), § 392-141-042, filed 4/15/80.] Repealed by 84-19-002 (Order 84-34), filed 9/6/84. Statutory Authority: RCW 28A.41.170.
- 392-141-043 Record requirements. [Statutory Authority: RCW 28A.24.080, 28A.24.100, 28A.41.160 and 28A.41.170. 80-05-039 (Order 80-10), § 392-141-043, filed 4/15/80.] Repealed by 84-19-002 (Order 84-34), filed 9/6/84. Statutory Authority: RCW 28A.41.170.
- 392-141-045 Purchase of school buses—State allowance for depreciation. [Statutory Authority: RCW 28A.24.080, 28A.24.100, 28A.41.160 and 28A.41.170. 80-05-039 (Order 80-10), § 392-141-045, filed 4/15/80; Order 7-75, § 392-141-045, filed 12/22/75. Formerly WAC 392-27-040 (part), 392-27-045 (part) and 392-27-050 (part).] Repealed by 83-23-038 (Order 83-17), filed 11/9/83. Statutory Authority: RCW 28A.41.170.
- 392-141-050 Transportation equipment reserve. [Order 7-75, § 392-141-050, filed 12/22/75. Formerly WAC 392-27-040 (part), 392-27-045 (part) and 392-27-050 (part).] Repealed by 80-09-055 (Order 80-27), filed 7/15/80. Statutory Authority: RCW 28A.24.080, 28A.24.100, 28A.41.160 and 28A.41.170.
- 392-141-054 Transportation equipment reserve. [Statutory Authority: RCW 28A.41.170. 81-19-010 (Order 81-23), § 392-141-054, filed 9/4/81. Statutory Authority: RCW 28A.24.080, 28A.24.100, 28A.41.160 and 28A.41.170. 80-12-030 (Order 80-33), § 392-141-054, filed 8/28/80.] Repealed by 83-23-038 (Order 83-17), filed 11/9/83. Statutory Authority: RCW 28A.41.170.
- 392-141-055 Depreciation schedule—School buses. [Statutory Authority: RCW 28A.24.080, 28A.24.100, 28A.41.160 and 28A.41.170. 80-05-039 (Order 80-10), § 392-141-055, filed 4/15/80; Order 7-75, § 392-141-055, filed 12/22/75. Formerly WAC 392-27-100.] Repealed by 83-23-038 (Order 83-17), filed 11/9/83. Statutory Authority: RCW 28A.41.170.
- 392-141-060 Additional depreciation for rebuilt district-owned buses. [Order 14-76, § 392-141-060, filed 12/21/76; Order 7-75, § 392-141-060, filed 12/22/75. Formerly WAC 392-27-110.] Repealed by 80-09-055 (Order 80-27), filed 7/15/80. Statutory Authority: RCW 28A.24.080, 28A.24.100, 28A.41.160 and 28A.41.170.
- 392-141-061 Additional depreciation for rebuilt district-owned buses. [Statutory Authority: RCW 28A.24.080, 28A.24.100, 28A.41.160 and 28A.41.170. 80-12-030 (Order 80-33), § 392-141-061, filed 8/28/80.] Repealed by 83-23-038 (Order 83-17), filed 11/9/83. Statutory Authority: RCW 28A.41.170.

WAC 392-141-105 Authority. The authority for this chapter is RCW 28A.150.290 which authorizes the superintendent of public instruction to adopt rules and regulations for the administration of chapter 28A.150 RCW, which includes student transportation programs, and RCW 28A.160.030, which includes individual and in-lieu transportation arrangements.

[Statutory Authority: RCW 28A.150.290. 92-08-024 (Order 92-03), § 392-141-105, filed 3/23/92, effective 4/23/92. Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-141-105, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.41.170. 84-15-025 (Order 84-26), § 392-141-105, filed 7/11/84.]

WAC 392-141-110 Purpose. The purpose of this chapter is to establish and implement policies and procedures for the allocation of pupil transportation operation funds.

[Statutory Authority: RCW 28A.150.290. 92-08-024 (Order 92-03), § 392-141-110, filed 3/23/92, effective 4/23/92. Statutory Authority: RCW 28A.41.170. 84-15-025 (Order 84-26), § 392-141-110, filed 7/11/84.]

WAC 392-141-115 Definition—Eligible student. As used in this chapter, "eligible student" means any student served by a school district transportation program either by bus, district car, or individual arrangements meeting one or more of the following criteria:

(1) Students whose route stop is more than one radius mile from the student's destination school site or learning center;

(2) Students whose route stop is established because of hazardous walking conditions in accordance with WAC 392-141-175 and whose route stop is less than one radius mile from the student's destination school site or learning center; or

(3) Students whose handicap is defined by RCW 28A.155.020 and who is either not ambulatory or capable of protecting his or her own welfare while traveling to or from schools or agencies where special education services are provided and whose route stop is one radius mile or less from the destination school site or learning center.

[Statutory Authority: RCW 28A.150.290. 92-08-024 (Order 92-03), § 392-141-115, filed 3/23/92, effective 4/23/92. Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-141-115, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.41.170. 84-15-025 (Order 84-26), § 392-141-115, filed 7/11/84.]

WAC 392-141-120 Definition—To and from school. As used in this chapter, "to and from school" means all transportation between route stops, schools, and learning centers both before and after school.

Transportation not authorized for state allocations under this definition shall include, but not be limited to, transportation designed exclusively for extended day, field trips, and extracurricular activities.

[Statutory Authority: RCW 28A.150.290. 92-08-024 (Order 92-03), § 392-141-120, filed 3/23/92, effective 4/23/92. Statutory Authority: RCW 28A.41.170. 84-15-025 (Order 84-26), § 392-141-120, filed 7/11/84.]

WAC 392-141-125 Definition—Hazardous walking conditions. As used in this chapter, "hazardous walking conditions" means the existence of walkways which meet one or more of the conditions established pursuant to WAC 392-141-175.

[Statutory Authority: RCW 28A.150.290. 92-08-024 (Order 92-03), § 392-141-125, filed 3/23/92, effective 4/23/92. Statutory Authority: RCW 28A.41.170. 84-15-025 (Order 84-26), § 392-141-125, filed 7/11/84.]

WAC 392-141-130 Definition—Standard student mile allocation rate. As used in this chapter, "standard student mile allocation rate" means the monetary amount per weighted unit established by the legislature pursuant to the appropriations act in effect at the time the operations allocation is paid.

[Statutory Authority: RCW 28A.150.290. 92-08-024 (Order 92-03), § 392-141-130, filed 3/23/92, effective 4/23/92. Statutory Authority: RCW 28A.41.170. 84-15-025 (Order 84-26), § 392-141-130, filed 7/11/84.]

WAC 392-141-135 Prorated bus. As used in this chapter, "prorated bus" means a whole or fractional bus calculated by dividing the total number of each type of route by the total of all routes run by each individual bus.

[Statutory Authority: RCW 28A.150.290. 92-08-024 (Order 92-03), § 392-141-135, filed 3/23/92, effective 4/23/92.]

WAC 392-141-140 Definition—Radius mile. As used in this chapter, "radius mile" means the straight line

distance representing one mile measured between any two points on a map.

[Statutory Authority: RCW 28A.150.290. 92-08-024 (Order 92-03), § 392-141-140, filed 3/23/92, effective 4/23/92. Statutory Authority: RCW 28A.41.170. 84-15-025 (Order 84-26), § 392-141-140, filed 7/11/84.]

WAC 392-141-145 Definition—Small fleet maintenance allocation rate. As used in this chapter, "small fleet maintenance allocation rate" means the monetary amount, established by the legislative process, which shall be added to the standard student mile allocation rate for districts operating a school bus fleet of ten buses or less.

[Statutory Authority: RCW 28A.150.290. 92-08-024 (Order 92-03), § 392-141-145, filed 3/23/92, effective 4/23/92. Statutory Authority: RCW 28A.41.170. 84-15-025 (Order 84-26), § 392-141-145, filed 7/11/84.]

WAC 392-141-146 Definition—Basic transportation. As used in this chapter, "basic transportation" means students transported from home to school for their basic education and classified as either basic, transit tripper, in-lieu, private party contract or pass or token transportation.

[Statutory Authority: RCW 28A.150.290. 92-08-024 (Order 92-03), § 392-141-146, filed 3/23/92, effective 4/23/92.]

WAC 392-141-147 Definition—Basic shuttle transportation. As used in this chapter, "basic shuttle transportation" means students transported between schools and learning centers or to other schools or learning centers in other districts pursuant to interdistrict agreements during the regular school day.

[Statutory Authority: RCW 28A.150.290. 92-08-024 (Order 92-03), § 392-141-147, filed 3/23/92, effective 4/23/92.]

WAC 392-141-148 Definition—Special transportation. As used in this chapter, "special transportation" means students transported from home to school for their gifted, bilingual, or homeless programs, or for special education programs pursuant to chapter 28A.155 RCW and chapter 392-141 WAC.

[Statutory Authority: RCW 28A.150.290. 92-20-063 (Order 92-12), § 392-141-148, filed 10/2/92, effective 11/2/92; 92-08-024 (Order 92-03), § 392-141-148, filed 3/23/92, effective 4/23/92.]

WAC 392-141-150 Definition—Midday transportation. As used in this chapter, "midday transportation" means a separate route exclusively used for kindergarten students, except special education students, that is operated to or from home and between the beginning and end of the regular school day.

[Statutory Authority: RCW 28A.150.290. 92-08-024 (Order 92-03), § 392-141-150, filed 3/23/92, effective 4/23/92. Statutory Authority: RCW 28A.41.170. 84-15-025 (Order 84-26), § 392-141-150, filed 7/11/84.]

WAC 392-141-155 Definition—Weighted student unit. As used in this chapter, "weighted student unit" means the numeric value assigned to each student based upon the radius mile interval in which each student's route stop is located.

[Statutory Authority: RCW 28A.150.290. 92-08-024 (Order 92-03), § 392-141-155, filed 3/23/92, effective 4/23/92. Statutory Authority: RCW 28A.41.170. 84-15-025 (Order 84-26), § 392-141-155, filed 7/11/84.]

WAC 392-141-156 Definition—District car allocation rate. As used in this chapter, "district car allocation rate" means the per mile increment rate, established by legislative budget process, which allows for the operation and depreciation allocation of school district-owned passenger cars when used to transport students to and from school.

[Statutory Authority: RCW 28A.150.290. 92-08-024 (Order 92-03), § 392-141-156, filed 3/23/92, effective 4/23/92.]

WAC 392-141-157 Definition—District. As used in this chapter, "district" means either individual school district(s) or educational service district(s).

[Statutory Authority: RCW 28A.150.290. 92-08-024 (Order 92-03), § 392-141-157, filed 3/23/92, effective 4/23/92.]

WAC 392-141-158 Definition—Minimum load factor. As used in this chapter, "minimum load factor" means a numeric value derived to achieve efficient average bus loads of at least seventy-four students.

[Statutory Authority: RCW 28A.150.290. 92-08-024 (Order 92-03), § 392-141-158, filed 3/23/92, effective 4/23/92.]

WAC 392-141-159 Definition—Choice program transportation. As used in this chapter, "choice program transportation" means, pursuant to RCW 28A.225.220 through 28A.225.320, 28A.230.090(8), 28A.175.090, and State Operating Appropriations Act, funding is provided for reimbursement of transportation costs for students participating in choice who are from low-income families and who are not otherwise transported by a school district.

[Statutory Authority: RCW 28A.150.290. 92-20-063 (Order 92-12), § 392-141-159, filed 10/2/92, effective 11/2/92.]

WAC 392-141-160 District reporting and record-keeping requirements. Annual or supplementary reports shall be submitted by each school district to the superintendent of public instruction prior to the third Monday in October. This report shall reflect to the extent practical the planned pupil transportation program for the entire school year and which is in operation during ridership count week. Reports shall be submitted with a cover letter signed by the chief school district administrator attesting to the completeness of the requirements below and the accuracy of the data contained therein. The superintendent shall have the authority to make modifications or adjustments in accordance with the intent of RCW 28A.160.150, 28A.160.160, and 28A.160.170. Each district shall submit the data required on a timely basis as a condition to the continuing receipt of student transportation allocations. These reports shall be maintained for a period of three school years or until audited and include the following but are not limited to:

(1) School bus route logs completed in ink by bus drivers for five consecutive days. These logs shall include state school bus numbers, each bus stop, the number of students boarding the bus at each stop, and destination schools, transfer points, learning centers, or agencies; and

(2) Maps showing student route stop locations, and schools, learning centers, transfer points, or agency locations shall be in a format in accordance with instructions issued by the superintendent of public instruction; and

(3) Other operational data and descriptions, as required by the superintendent of public instruction to determine operation allocation requirements for each district; and

(4) An annual school bus mileage report including the beginning and ending year odometer reading, the total miles for each bus for the school year, an estimate of to and from school mileage for the upcoming school year, and miles for extended day routes, field trips, extracurricular, and other contractual uses of school buses; and

(5) Copies of any and all correspondence, publications, news articles, or campaign materials which encourage ridership during count week of the report that is beyond the normal activity experienced during the school year. School districts shall not utilize incentive programs that provide tangible gifts to reward increases in ridership counts.

School districts shall maintain at least a weekly one-day route log containing the school bus driver's name, state bus number, route number, route type, day of the week, beginning and ending odometer readings, destinations, destination times and student counts. These route logs shall be maintained in the school district files for a period of three years or until audited.

[Statutory Authority: RCW 28A.150.290. 94-17-058, § 392-141-160, filed 8/12/94, effective 9/12/94; 92-08-024 (Order 92-03), § 392-141-160, filed 3/23/92, effective 4/23/92. Statutory Authority: RCW 28A.41.170. 84-15-025 (Order 84-26), § 392-141-160, filed 7/11/84.]

WAC 392-141-165 Adjustment of state allocation during year. Districts may be eligible for an additional allocation under the following conditions:

(1) The number of eligible students transported increases ten percent or more from the number in the October report set forth in WAC 392-141-160(1) for twenty consecutive days;

(2) Revised reports for the twenty consecutive school days shall be consistent with WAC 392-141-160;

(3) The revised report shall document the first date that the ten percent increase occurred and the termination date of activities; and

(4) Any adjusted allocation is subject to available appropriation authority and such adjustment shall not be made until the appropriate apportionment cycle for that school year.

[Statutory Authority: RCW 28A.150.290. 92-08-024 (Order 92-03), § 392-141-165, filed 3/23/92, effective 4/23/92. Statutory Authority: RCW 28A.41.170. 84-15-025 (Order 84-26), § 392-141-165, filed 7/11/84.]

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

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

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

(3) A basic or special transportation distance weighting factor per radius mile interval as listed below:

Distance Weighting Factors Per Radius Miles			5.50	5.74	12.52
Miles	Basic	Special	5.75	5.99	12.11
1	2.85	4.75	6.00	6.24	11.71
2	3.20	4.89	6.25	6.49	11.32
3	3.55	5.05	6.50	6.74	10.93
4	3.90	5.19	6.75	6.99	10.55
5	4.25	5.34	7.00	7.24	10.14
6	4.60	5.49	7.25	7.49	9.85
7	4.97	5.64	7.50	7.74	9.56
8	5.30	5.78	7.75	7.99	9.26
9	5.65	5.94	8.00	8.24	8.97
10	6.00	6.08	8.25	8.49	8.74
11	6.36	6.23	8.50	8.74	8.51
12	6.71	6.38	8.75	8.99	8.28
13	7.07	6.53	9.00	9.24	8.05
14	7.43	6.67	9.25	9.49	7.87
15	7.79	6.83	9.50	9.74	7.69
16	8.13	6.97	9.75	9.99	7.50
17 and over	8.50	7.13	10.00	10.49	7.32
			10.50	10.99	7.02
			11.00	11.49	6.72
			11.50	11.99	6.47
			12.00	12.49	6.22
			12.50	12.99	6.01
			13.00	13.49	5.80
			13.50	13.99	5.62
			14.00	14.49	5.43
			14.50	14.99	5.28
			15.00	15.54	5.12
			15.55	16.54	4.85
			16.55	17.54	4.61
			17.55	18.54	4.39
			18.55	19.54	4.20
			19.55	20.54	4.03
			20.55	21.54	3.87
			21.55	22.54	3.69
			22.55	23.54	3.53
			23.55	24.54	3.38
			24.55	25.54	3.25
			25.55	26.54	3.12
			26.55	27.54	3.01
			27.55	28.54	2.90
			28.55	29.54	2.80
			29.55	30.54	2.70
			30.55	31.54	2.61
			31.55	32.54	2.54
			32.55	33.54	2.46
			33.55	34.54	2.38
			34.55	35.54	2.32
			35.55	36.54	2.25
			36.55	37.54	2.20
			37.55	38.54	2.13
			38.55	39.54	2.07
			39.55	40.54	2.03
			40.55	41.54	1.98
			41.55	42.54	1.93
			42.55	43.54	1.89
			43.55	44.54	1.84
			44.55	45.54	1.80
			45.55	46.54	1.76
			46.55	47.54	1.72
			47.55	48.54	1.69

(4) The basic average load which is calculated by dividing the total number of basic and transit tripper students by the total number of prorated basic buses;

(5) A minimum load factor for districts with a basic average load of less than seventy-four students transported per bus for all home to school routes, except routes designed exclusively for handicapped or kindergarten students. This factor is calculated by dividing the whole number seventy-four by the basic average load and subtracting the whole number one;

(6) The special education average load is derived by dividing the total number of home to school special education students by the total number of special education prorated buses;

(7) A small fleet maintenance allocation rate as defined in WAC 392-141-115; and

(8) A special education load factor is based on the special education average load. To determine the special education load factor, use the following chart:

Special Average Load			28.55	28.54	2.90
From	To	Factor	28.55	29.54	2.80
0.01	1.24	24.42	29.55	30.54	2.70
1.25	1.49	22.94	30.55	31.54	2.61
1.50	1.74	21.46	31.55	32.54	2.54
1.75	1.99	19.98	32.55	33.54	2.46
2.00	2.24	18.50	33.55	34.54	2.38
2.25	2.49	17.89	34.55	35.54	2.32
2.50	2.74	17.27	35.55	36.54	2.25
2.75	2.99	16.67	36.55	37.54	2.20
3.00	3.24	16.04	37.55	38.54	2.13
3.25	3.49	15.73	38.55	39.54	2.07
3.50	3.74	15.42	39.55	40.54	2.03
3.75	3.99	15.11	40.55	41.54	1.98
4.00	4.24	14.80	41.55	42.54	1.93
4.25	4.49	14.43	42.55	43.54	1.89
4.50	4.74	14.06	43.55	44.54	1.84
4.75	4.99	13.69	44.55	45.54	1.80
5.00	5.24	13.32	45.55	46.54	1.76
5.25	5.49	12.92	46.55	47.54	1.72
			47.55	48.54	1.69

48.55	49.54	1.66
49.55	50.54	1.62
50.55	51.54	1.59
51.55	52.54	1.56
52.55	53.54	1.52
53.55	54.54	1.50
54.55	55.54	1.47
55.55	56.54	1.45
56.55	57.54	1.41
57.55	58.54	1.39
58.55	59.54	1.37
59.55	60.54	1.35
60.55	61.54	1.33
61.55	62.54	1.30
62.55	63.54	1.28
63.55	64.54	1.26
64.55	65.54	1.24
65.55	66.54	1.23
66.55	67.54	1.21
67.55	68.54	1.18
68.55	69.54	1.17
69.55	70.54	1.15
70.55	71.54	1.14
71.55	72.54	1.12
72.55	73.54	1.11
73.55	74.00	1.10
74.01+		1.00

[Statutory Authority: RCW 28A.150.290. 92-08-024 (Order 92-03), § 392-141-170, filed 3/23/92, effective 4/23/92. Statutory Authority: RCW 28A.41.170. 84-15-025 (Order 84-26), § 392-141-170, filed 7/11/84.]

WAC 392-141-175 Hazardous walking conditions.

Route stops located within one radius mile of schools, learning centers, or agencies may be reported to the superintendent of public instruction for funding purposes if the walking conditions meet the criteria established in the publication "Guidelines for Determining the Existence of Hazardous Walking Conditions." If route stops are submitted for funding purpose, the evaluation must be completed prior to submission of the report to the superintendent.

[Statutory Authority: RCW 28A.150.290. 94-17-058, § 392-141-175, filed 8/12/94, effective 9/12/94; 92-08-024 (Order 92-03), § 392-141-175, filed 3/23/92, effective 4/23/92. Statutory Authority: RCW 28A.41.170. 84-15-025 (Order 84-26), § 392-141-175, filed 7/11/84.]

WAC 392-141-180 Limitations on the allocation for transportation between schools and learning centers.

Funding for transportation between schools and learning centers shall be subject to the following conditions:

(1) The instruction at the learning center site shall be scheduled for at least one hundred forty-four school days within an annual term and meet the requirements established in any of the following statutes:

- (a) Chapter 28A.230 RCW;
- (b) Chapter 28A.155 RCW;
- (c) RCW 28A.165.010 through 28A.165.080;
- (d) RCW 28A.150.200; and
- (e) RCW 28A.180.010 through 28A.180.080;

(2) The transportation between schools and learning centers shall be scheduled for at least one hundred forty-four school days within an annual term; and

(3) The limitations imposed by this section shall not apply to midday transportation or transportation of special education, gifted, or bilingual students between schools and agencies less frequently than four days a week.

[Statutory Authority: RCW 28A.150.290. 92-08-024 (Order 92-03), § 392-141-180, filed 3/23/92, effective 4/23/92. Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-141-180, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.41.170. 84-15-025 (Order 84-26), § 392-141-180, filed 7/11/84.]

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

(1) All basic and transit tripper students defined in WAC 392-141-115 who are transported to school shall be measured by radius mile intervals between the bus route stop and the destination sites in accordance with WAC 392-141-170(3) and multiplied by two to yield the round trip totals in each distance interval;

(2) All midday and basic shuttle students transported shall be measured by radius mile intervals between the bus route stop and the destination school in accordance with WAC 392-141-170(3);

(3) The total students in subsections (1) and (2) of this section in each distance interval, multiplied by the applicable distance weighting factor contained in WAC 392-141-170(3) shall equal the weighted student units in each distance interval. Midday transportation students whose schedule is one day per week shall have the weighted student units multiplied by twenty percent;

(4) The district's minimum load factor, if applicable, is calculated pursuant to WAC 392-141-170(5). This factor is multiplied by the total weighted student units generated by basic and tripper students. This total is the additional weighted units attributable to the district's small average bus load;

(5) The sum of the cumulative weighted student units calculated in subsections (3) and (4) of this section, if applicable, less the weighted units for students who do not qualify under WAC 392-141-175 equals the total basic transportation weighted units;

(6) The basic allocation is the total basic transportation weighted units calculated in subsection (5) of this section multiplied by the standard student mile allocation rate. The small fleet maintenance allocation rate, if applicable, shall be added to the standard student mile allocation rate before calculating the basic allocation;

(7) All special students defined in RCW 28A.155.020 transported on special transportation bus routes to school or agencies for related services shall be measured by radius mile intervals between their bus route stops and destinations sites in accordance with WAC 392-141-170(3) and multiplied by two to yield the round trip total in each distance interval;

(8) All special shuttle students transported between schools or agencies less frequently than five days a week shall be measured by radius mile intervals between the bus route stop and destination sites in accordance with WAC 392-141-170(3);

(9) The total students in subsections (7) and (8) of this section in each distance interval multiplied by the applicable distance weighting factor contained in WAC 392-141-170(3)

shall equal the weighted student units in each distance interval. Special shuttle transportation whose schedule is less than five days a week shall have the weighted units multiplied by the appropriate percent shown in the table below:

No. of days per week	Percent factor
1	20%
2	40%
3	60%
4	100%

(10) The district's special transportation load factor, if applicable, is calculated pursuant to WAC 392-141-170. The factor is multiplied by the total weighted student units generated by special students (not special shuttle students);

(11) The weighted student units calculated in subsections (9) and (10) of this section, if applicable, equals the total special transportation weighted units;

(12) The special allocation is the total special transportation weighted units calculated in subsection (11) of this section, multiplied by the standard student mile allocation rate. The small fleet maintenance allocation rate, if applicable, shall be added to the standard student mile allocation rate before calculating the special allocation;

(13) The district car allocation is computed for each vehicle and then totaled to equal the district car allocation. The computation is based on one hundred eighty days and fifty mile increments multiplied by the appropriate district car operation and depreciation rates published by the superintendent of public instruction. All vehicles traveling over two hundred fifty miles receive only the depreciation rate for miles in excess of two hundred fifty for the one hundred eighty day period;

(14) The district's annual allocation for transportation operation is the total of the calculations made in subsections (6), (12), and (13) of this section;

(15) When a district submits a revised report pursuant to WAC 392-141-165, to the extent funds are available, the district's operation allocation shall be recalculated. Any increase in operations allocations shall be prorated for the remainder of the annual school term or until termination of activities before the end of the scheduled school term. The date that the district documents first meeting the ten percent increase in eligible students transported shall be used to prorate any increase in annual transportation operation allocations.

[Statutory Authority: RCW 28A.150.290, 92-08-024 (Order 92-03), § 392-141-185, filed 3/23/92, effective 4/23/92. Statutory Authority: 1990 c 33, 90-16-002 (Order 18), § 392-141-185, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.41.170, 84-15-025 (Order 84-26), § 392-141-185, filed 7/11/84.]

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

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

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

(b) Mileage and tolls for transportation to and from school for not more than five round trips per school year, plus room and board.

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

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

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

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

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

WAC 392-141-195 Allocation schedule for state payments. The superintendent of public instruction shall apportion the transportation operation allocation pursuant to the schedule in RCW 28A.510.250. Such allocation shall be based on estimated amounts for payments made in September, October, November, December, and January. The superintendent shall notify each school district of the pupil transportation operation allocation before January 15 of the current school year.

[Statutory Authority: RCW 28A.150.290, 92-08-024 (Order 92-03), § 392-141-195, filed 3/23/92, effective 4/23/92. Statutory Authority: 1990 c 33, 90-16-002 (Order 18), § 392-141-195, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.41.170, 84-15-025 (Order 84-26), § 392-141-195, filed 7/11/84.]

WAC 392-141-200 Recovery of transportation funds. State allocation for pupil transportation operations are subject to recovery. Each school district's Annual Financial Statement, Form F-196, Part III, district expenditures plus indirect expenditures, less abatements for Program 99, plus funds transferred to the transportation vehicle fund, will be compared to the related pupil transportation operation allocation to determine any recovery of funds.

[Statutory Authority: RCW 28A.150.290. 92-08-024 (Order 92-03), § 392-141-200, filed 3/23/92, effective 4/23/92.]

WAC 392-141-205 Choice low-income criteria. For the purpose of reimbursement of transportation costs regarding choice, low-income criteria shall be the same as that referenced in WAC 392-100-100 through 392-100-102. Gross income used to determine eligibility shall be for the most recent twelve months.

[Statutory Authority: RCW 28A.150.290. 92-20-063 (Order 92-12), § 392-141-205, filed 10/2/92, effective 11/2/92.]

WAC 392-141-210 Choice program transportation eligibility for reimbursement. Parent(s), custodial parent(s), guardian(s), or person(s) in loco parentis who transport students participating in choice and meet the low-income family criteria pursuant to WAC 392-100-100, may be entitled to reimbursement for the transportation of those students.

[Statutory Authority: RCW 28A.150.290. 92-20-063 (Order 92-12), § 392-141-210, filed 10/2/92, effective 11/2/92.]

WAC 392-141-215 Choice calculation of payment. Reimbursement shall be computed by multiplying the actual total daily miles to and from school by the rate of reimbursement per mile that is now or hereafter authorized by law for state employees for the use of private motor vehicles in connection with state business.

[Statutory Authority: RCW 28A.150.290. 92-20-063 (Order 92-12), § 392-141-215, filed 10/2/92, effective 11/2/92.]

WAC 392-141-220 Choice reimbursement limitations. The calculation of reimbursement payments for mileage shall be made on a per vehicle basis, regardless of the number of occupants, and shall be limited to the most direct route to and from the destination school or bus stop, and to one hundred eighty days per school year. Mileage shall be the actual and reported miles driven, not to exceed more than two round trips per day and shall be limited to one vehicle per family per destination school or school bus stop.

[Statutory Authority: RCW 28A.150.290. 92-20-063 (Order 92-12), § 392-141-220, filed 10/2/92, effective 11/2/92.]

WAC 392-141-225 Choice method of payment. The following process shall be followed when applying for transportation reimbursement for choice:

(1) The applicant shall submit documentation and a reimbursement request to the school district at least annually which provides information that the school district can use to determine if the applicant meets low-income criteria and an application which includes, but is not limited to:

- (a) The name(s) of students participating and transported;
- (b) The actual total daily miles of the transporting vehicle;
- (c) The name(s) of the school(s) of attendance;
- (d) The number of days transported; and
- (e) The signature of the applicant.

(2) The school district where the choice student is participating shall:

(1995 Ed.)

(a) Furnish eligible applicants with a school district application form which includes the items in subsection (1) of this section;

(b) Determine if the applicant's application meets the low-income criteria pursuant to WAC 392-100-101;

(c) Observe student confidentiality pursuant to WAC 392-100-102;

(d) Provide the applicant with a school district reimbursement claim form; and

(e) Review and process the claim for reimbursement and provide reimbursement payments.

(3) For state reimbursement purposes, the school district shall submit an invoice and the above stated support documentation to the regional transportation coordinator for review.

(4) The regional transportation coordinator shall:

(a) Review the invoice and documentation submitted by the school district for accuracy and completeness; and

(b) Upon approval, submit the invoice to the superintendent of public instruction for payment.

(5) The superintendent of public instruction shall:

(a) Review the invoice submitted for choice transportation;

(b) Provide reimbursement to the school district as claims are received;

(c) Reimburse for choice transportation through the next monthly apportionment payment; and

(d) Identify reimbursement separate from all other school district transportation program allocations or funds.

(6) The school district shall furnish the superintendent of public instruction an annual report by September 30th of each school year detailing schools of attendance, total vehicles, total miles claimed, total days claimed, and the total amount of the reimbursement for choice transportation.

[Statutory Authority: RCW 28A.150.290. 92-20-063 (Order 92-12), § 392-141-225, filed 10/2/92, effective 11/2/92.]

WAC 392-141-230 Choice appropriation limitation. Reimbursement to school districts shall be in accordance with the foregoing procedures until the legislative appropriation for this program is reached. School districts have the option of terminating their participation in choice transportation when the appropriation limit is reached or may choose to continue the program using local funds.

[Statutory Authority: RCW 28A.150.290. 92-20-063 (Order 92-12), § 392-141-230, filed 10/2/92, effective 11/2/92.]

Chapter 392-142 WAC

TRANSPORTATION—REPLACEMENT AND DEPRECIATION ALLOCATION

WAC

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392-142-115	Definition—Special handicapped equipment.	392-142-040	State payment for school buses. [Statutory Authority: RCW 28A.41.170. 83-22-031 (Order 83-16), § 392-142-040, filed 10/26/83.] Repealed by 90-02-077 (Order 21), filed 1/2/90, effective 2/2/90. Statutory Authority: RCW 28A.41.170 and 28A.41.540.
392-142-120	Definition—Seating reference point.	392-142-045	School buses prior to September 1, 1982. [Statutory Authority: RCW 28A.41.170. 83-22-031 (Order 83-16), § 392-142-045, filed 10/26/83.] Repealed by 90-02-077 (Order 21), filed 1/2/90, effective 2/2/90. Statutory Authority: RCW 28A.41.170 and 28A.41.540.
392-142-125	Definition—Student capacity.	392-142-050	District-owned school bus. [Statutory Authority: RCW 28A.41.170. 83-22-031 (Order 83-16), § 392-142-050, filed 10/26/83.] Repealed by 90-02-077 (Order 21), filed 1/2/90, effective 2/2/90. Statutory Authority: RCW 28A.41.170 and 28A.41.540.
392-142-130	Definition—Gasoline engine.	392-142-055	Contractor-owned school bus. [Statutory Authority: RCW 28A.41.170. 83-22-031 (Order 83-16), § 392-142-055, filed 10/26/83.] Repealed by 90-02-077 (Order 21), filed 1/2/90, effective 2/2/90. Statutory Authority: RCW 28A.41.170 and 28A.41.540.
392-142-135	Definition—Diesel engine.	392-142-060	School bus inspection. [Statutory Authority: RCW 28A.41.170. 83-22-031 (Order 83-16), § 392-142-060, filed 10/26/83.] Repealed by 90-02-077 (Order 21), filed 1/2/90, effective 2/2/90. Statutory Authority: RCW 28A.41.170 and 28A.41.540.
392-142-140	Definition—Transmission.	392-142-065	School bus operation permit. [Statutory Authority: RCW 28A.41.170. 83-22-031 (Order 83-16), § 392-142-065, filed 10/26/83.] Repealed by 90-02-077 (Order 21), filed 1/2/90, effective 2/2/90. Statutory Authority: RCW 28A.41.170 and 28A.41.540.
392-142-145	Definition—Useful life.	392-142-070	Vehicle transportation fund. [Statutory Authority: RCW 28A.41.170. 83-22-031 (Order 83-16), § 392-142-070, filed 10/26/83.] Repealed by 90-02-077 (Order 21), filed 1/2/90, effective 2/2/90. Statutory Authority: RCW 28A.41.170 and 28A.41.540.
392-142-150	Definition—School bus categories for those buses purchased before September 1, 1982, and after September 1, 1975.	392-142-215	School bus inspection. [Statutory Authority: RCW 28A.41.170 and 28A.41.540. 90-02-077 (Order 21), § 392-142-215, filed 1/2/90, effective 2/2/90.] Repealed by 91-23-071 (Order 25), filed 11/19/91, effective 12/20/91. Statutory Authority: RCW 28A.41.170 and 28A.41.540.
392-142-155	Definition—School bus categories for those buses purchased after September 1, 1982.	392-142-220	School bus operation permit. [Statutory Authority: RCW 28A.41.170 and 28A.41.540. 90-02-077 (Order 21), § 392-142-220, filed 1/2/90, effective 2/2/90.] Repealed by 91-23-071 (Order 25), filed 11/19/91, effective 12/20/91. Statutory Authority: RCW 28A.41.170 and 28A.41.540.
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392-142-200	Definition—SPI Form 1029.		
392-142-205	Determination of school bus categories by the superintendent of public instruction.		
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392-142-250	Allocation of state depreciation payment support— School buses purchased after September 1, 1982.		
392-142-255	Deposit of state support in transportation vehicle fund.		
392-142-260	Allowable uses of transportation vehicle fund.		
392-142-265	Maintenance and operation.		
392-142-270	Disposition of school buses.		

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

392-142-015	Definitions. [Statutory Authority: RCW 28A.41.170. 83-22-031 (Order 83-16), § 392-142-015, filed 10/26/83.] Repealed by 90-02-077 (Order 21), filed 1/2/90, effective 2/2/90. Statutory Authority: RCW 28A.41.170 and 28A.41.540.
392-142-020	Vehicle categories. [Statutory Authority: RCW 28A.41.170. 84-13-026 (Order 84-16), § 392-142-020, filed 6/13/84; 83-22-031 (Order 83-16), § 392-142-020, filed 10/26/83.] Repealed by 90-02-077 (Order 21), filed 1/2/90, effective 2/2/90. Statutory Authority: RCW 28A.41.170 and 28A.41.540.
392-142-025	Vehicle category useful life. [Statutory Authority: RCW 28A.41.170. 83-22-031 (Order 83-16), § 392-142-025, filed 10/26/83.] Repealed by 90-02-077 (Order 21), filed 1/2/90, effective 2/2/90. Statutory Authority: RCW 28A.41.170 and 28A.41.540.
392-142-030	State-determined purchase price. [Statutory Authority: RCW 28A.41.170. 83-22-031 (Order 83-16), § 392-142-030, filed 10/26/83.] Repealed by 90-02-077 (Order 21), filed 1/2/90, effective 2/2/90. Statutory Authority: RCW 28A.41.170 and 28A.41.540.
392-142-035	Maintenance and operation. [Statutory Authority: RCW 28A.41.170. 83-22-031 (Order 83-16), § 392-142-035, filed 10/26/83.] Repealed by 90-02-077 (Order 21), filed 1/2/90, effective 2/2/90. Statutory Authority: RCW 28A.41.170 and 28A.41.540.

WAC 392-142-005 Authority. The authority for this chapter is RCW 28A.160.140 which authorizes the superintendent of public instruction to adopt rules and regulations for the proper administration of chapter 28A.160 RCW, which includes state depreciation and replacement payments for school buses as specified in RCW 28A.160.200.

[Statutory Authority: 1990 c 33. 91-16-011 (Order 91-12), § 392-142-005, filed 7/26/91, effective 8/26/91. Statutory Authority: RCW 28A.41.170 and 28A.41.540. 90-02-077 (Order 21), § 392-142-005, filed 1/2/90, effective 2/2/90. Statutory Authority: RCW 28A.41.170. 83-22-031 (Order 83-16), § 392-142-005, filed 10/26/83.]

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

- (1) Student transportation vehicle categories;
- (2) State-determined purchase prices for student transportation vehicle categories;
- (3) Standards for operation and maintenance of school buses;
- (4) A replacement schedule (referred to in the statute as reimbursement schedule) and allocation process for district-owned school buses;
- (5) A depreciation schedule and allocation process for school buses contracted from private carriers; and

(6) Provisions for the continuation of depreciation allocations to school districts for school buses purchased prior to September 1, 1982.

[Statutory Authority: RCW 28A.41.170 and 28A.41.540. 90-02-077 (Order 21), § 392-142-010, filed 1/2/90, effective 2/2/90. Statutory Authority: RCW 28A.41.170. 83-22-031 (Order 83-16), § 392-142-010, filed 10/26/83.]

WAC 392-142-075 Definition—School year. As used in this chapter, "school year" means the same as defined in WAC 392-121-031.

[Statutory Authority: RCW 28A.41.170 and 28A.41.540. 90-02-077 (Order 21), § 392-142-075, filed 1/2/90, effective 2/2/90.]

WAC 392-142-080 Definition—Current school year. As used in this chapter, "current school year" means the school year for which the payments to school district calculated pursuant to this chapter are made.

[Statutory Authority: RCW 28A.41.170 and 28A.41.540. 90-02-077 (Order 21), § 392-142-080, filed 1/2/90, effective 2/2/90.]

WAC 392-142-085 Definition—Prior school year. As used in this chapter, "prior school year" means the school year immediately preceding the current school year.

[Statutory Authority: RCW 28A.41.170 and 28A.41.540. 90-02-077 (Order 21), § 392-142-085, filed 1/2/90, effective 2/2/90.]

WAC 392-142-090 Definition—Washington state patrol inspection officer. As used in this chapter, "Washington state patrol inspection officer" means an employee of the Washington state patrol trained and designated by the chief of the Washington state patrol to inspect school buses.

[Statutory Authority: RCW 28A.41.170 and 28A.41.540. 90-02-077 (Order 21), § 392-142-090, filed 1/2/90, effective 2/2/90.]

WAC 392-142-095 Definition—State supported specifications. As used in this chapter, "state supported specifications," means the specifications developed pursuant to chapter 392-143 WAC (Transportation—Specifications for school buses) plus added equipment, components, or requirements judged by the advisory committee formed pursuant to RCW 28A.160.200 to produce minimum long-range operating costs and to accommodate transportation of students with handicapping conditions.

[Statutory Authority: 1990 c 33. 91-16-011 (Order 91-12), § 392-142-095, filed 7/26/91, effective 8/26/91. Statutory Authority: RCW 28A.41.170 and 28A.41.540. 90-02-077 (Order 21), § 392-142-095, filed 1/2/90, effective 2/2/90.]

WAC 392-142-100 Definition—School bus. As used in this chapter, "school bus" means a vehicle:

(1) With a seating capacity of more than ten persons including the driver;

(2) Used for transportation of students to and from school or in connection with school activities; and

(3) That meets the requirement set forth in chapter 392-143 WAC (Transportation—Specifications for school buses).

[Statutory Authority: RCW 28A.41.170 and 28A.41.540. 90-02-077 (Order 21), § 392-142-100, filed 1/2/90, effective 2/2/90.]

WAC 392-142-105 Definition—District-owned school bus. As used in this chapter, "district-owned school bus" means a school bus which has been purchased by the district or a school bus which is being operated by a district under a contractual obligation by the same district to purchase the bus.

[Statutory Authority: RCW 28A.41.170 and 28A.41.540. 90-02-077 (Order 21), § 392-142-105, filed 1/2/90, effective 2/2/90.]

WAC 392-142-110 Definition—Contractor-owned school bus. As used in this chapter, "contractor-owned school bus" means a school bus owned by a private party and used pursuant to a contract for transportation of students at the direction of a school district.

[Statutory Authority: RCW 28A.41.170 and 28A.41.540. 90-02-077 (Order 21), § 392-142-110, filed 1/2/90, effective 2/2/90.]

WAC 392-142-115 Definition—Special handicapped equipment. As used in this chapter, "special handicapped equipment" means at least wheelchair lifts and may include passenger tiedowns, or passenger restraints designed for the purpose of transporting students with handicapping conditions.

[Statutory Authority: RCW 28A.41.170 and 28A.41.540. 90-02-077 (Order 21), § 392-142-115, filed 1/2/90, effective 2/2/90.]

WAC 392-142-120 Definition—Seating reference point. As used in this chapter, "seating reference point" means the point of intersection of horizontal and vertical axis measured as follows:

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

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

[Statutory Authority: RCW 28A.41.170 and 28A.41.540. 90-02-077 (Order 21), § 392-142-120, filed 1/2/90, effective 2/2/90.]

WAC 392-142-125 Definition—Student capacity. As used in this chapter, "student capacity" means the maximum allowable number of students that can be seated on a school bus using twenty-one inch seat spacing from the seating reference point.

[Statutory Authority: RCW 28A.41.170 and 28A.41.540. 90-02-077 (Order 21), § 392-142-125, filed 1/2/90, effective 2/2/90.]

WAC 392-142-130 Definition—Gasoline engine. As used in this chapter, "gasoline engine" means a spark-ignited engine using gasoline, propane, compressed natural gas, gasahol, alcohol, or a combination thereof.

[Statutory Authority: RCW 28A.41.170 and 28A.41.540. 90-02-077 (Order 21), § 392-142-130, filed 1/2/90, effective 2/2/90.]

WAC 392-142-135 Definition—Diesel engine. As used in this chapter, "diesel engine" means a compression ignited engine using diesel fuel.

[Statutory Authority: RCW 28A.41.170 and 28A.41.540. 90-02-077 (Order 21), § 392-142-135, filed 1/2/90, effective 2/2/90.]

WAC 392-142-140 Definition—Transmission. As used in this chapter, "transmission" means either a clutch actuated, hand shifted manual or a torque converter actuated automatic gear box.

[Statutory Authority: RCW 28A.41.170 and 28A.41.540. 90-02-077 (Order 21), § 392-142-140, filed 1/2/90, effective 2/2/90.]

WAC 392-142-145 Definition—Useful life. As used in this chapter, "useful life" means the number of years that a school bus is expected to be in use.

[Statutory Authority: RCW 28A.41.170 and 28A.41.540. 90-02-077 (Order 21), § 392-142-145, filed 1/2/90, effective 2/2/90.]

WAC 392-142-150 Definition—School bus categories for those buses purchased before September 1, 1982, and after September 1, 1975. As used in this chapter, "school bus categories for those buses purchased before September 1, 1982, and after September 1, 1975," means the following:

	Student Capacity	Minimum Annual Mileage	Depreciation Percentage	Maximum Useful Mileage
(1)	10 to 22	18,750	25.00%	75,000
(2)	23 to 51	15,625	12.50%	125,000
(3)	52 to 69	15,000	10.00%	150,000
(4)	70 and up	12,500	6.25%	200,000

[Statutory Authority: RCW 28A.41.170 and 28A.41.540. 90-02-077 (Order 21), § 392-142-150, filed 1/2/90, effective 2/2/90.]

WAC 392-142-155 Definition—School bus categories for those buses purchased after September 1, 1982. As used in this chapter, "school bus categories for those buses purchased after September 1, 1982," means the following:

	Student Capacity	Fuel Type	Transmission Type	Useful Life
(1)	10 to 22	Gas	Manual	8
(2)	10 to 22	Gas	Automatic	8
(3)	10 to 22	Diesel	Manual	8
(4)	10 to 22	Diesel	Automatic	8
(5)	23 to 34	Gas	Manual	8
(6)	23 to 34	Gas	Automatic	8
(7)	23 to 34	Diesel	Manual	8
(8)	23 to 34	Diesel	Automatic	8
(9)	35 to 48	Gas	Manual	10
(10)	35 to 48	Gas	Automatic	10
(11)	35 to 48	Diesel	Manual	15
(12)	35 to 48	Diesel	Automatic	15
(13)	49 to 60	Gas	Manual	10
(14)	49 to 60	Gas	Automatic	10
(15)	49 to 60	Diesel	Manual	15
(16)	49 to 60	Diesel	Automatic	15
(17)	61 to 84	Gas	Manual	10
(18)	61 to 84	Gas	Automatic	10
(19)	61 to 84	Diesel	Manual	15
(20)	61 to 84	Diesel	Automatic	15
(21)	Heavy 78 to 84	Diesel	Manual	20
(22)	Heavy 78 to 84	Diesel	Automatic	20
(23)	85 to 90	Diesel	Manual	20
(24)	85 to 90	Diesel	Automatic	20

[Statutory Authority: RCW 28A.41.170 and 28A.41.540. 91-23-071 (Order 25), § 392-142-155, filed 11/19/91, effective 12/20/91; 90-02-077 (Order 21), § 392-142-155, filed 1/2/90, effective 2/2/90.]

WAC 392-142-160 Definition—Vendor bid proposal. As used in this chapter, "vendor bid proposal" means a set of forms published annually by the superintendent of public instruction which school districts use to obtain bids for school buses. These forms shall include various bid elements such as type, capacity, engine and transmission.

[Statutory Authority: RCW 28A.41.170 and 28A.41.540. 90-02-077 (Order 21), § 392-142-160, filed 1/2/90, effective 2/2/90.]

WAC 392-142-165 Definition—State-determined purchase price. As used in this chapter, "state-determined purchase price" means the arithmetic average of the actual bid prices for the preceding twelve months improved by the inflation rate, documented in vendor bid proposals for that portion of the actual bid price associated with meeting state-supported specifications for a school bus category for those buses purchased after September 1, 1982. Included in the actual bid prices for the purposes of this calculation are:

- (1) Sales taxes;
- (2) Freight to the school district;
- (3) Cost associated with full payment within thirty days of delivery.

Not included in the actual base bid prices are any costs associated with district specified requirements in excess of state supported specifications.

[Statutory Authority: RCW 28A.41.170 and 28A.41.540. 91-23-071 (Order 25), § 392-142-165, filed 11/19/91, effective 12/20/91; 90-02-077 (Order 21), § 392-142-165, filed 1/2/90, effective 2/2/90.]

WAC 392-142-170 Definition—State-determined handicapped equipment price. As used in this chapter, the term "state-determined handicapped equipment price" is that amount determined annually by the superintendent of public instruction representing the cost of special handicapped equipment permanently affixed to a school bus.

[Statutory Authority: RCW 28A.41.170 and 28A.41.540. 90-02-077 (Order 21), § 392-142-170, filed 1/2/90, effective 2/2/90.]

WAC 392-142-175 Definition—Inflation rate. As used in this chapter, "inflation rate" means the actual change stated in percentage terms in the implicit price deflator for motor vehicles and parts as provided by the office of financial management from the previous state fiscal year to the current state fiscal year.

[Statutory Authority: RCW 28A.41.170 and 28A.41.540. 90-02-077 (Order 21), § 392-142-175, filed 1/2/90, effective 2/2/90.]

WAC 392-142-180 Definition—Total school bus depreciation payments. As used in this chapter, "total school bus depreciation payments" means the sum of all state school bus depreciation payments for prior school years made for an individual school bus.

[Statutory Authority: RCW 28A.41.170 and 28A.41.540. 90-02-077 (Order 21), § 392-142-180, filed 1/2/90, effective 2/2/90.]

WAC 392-142-185 Definition—Imputed interest earnings. As used in this chapter, "imputed interest earnings" means the sum of interest which is assumed to be earned on moneys assumed to be available in the vehicle transportation fund from state payments and imputed interest

earnings. The rate used shall be the average of the treasury bill rate for ninety-day notes during the previous state fiscal year calculated on the basis of simple interest.

[Statutory Authority: RCW 28A.41.170 and 28A.41.540. 90-02-077 (Order 21), § 392-142-185, filed 1/2/90, effective 2/2/90.]

WAC 392-142-190 Definition—Salvage value. As used in this chapter, "salvage value" means the state-determined school bus price for the year the school bus was placed on the state depreciation schedule divided by the useful life and multiplied by twenty-five percent.

[Statutory Authority: RCW 28A.41.170 and 28A.41.540. 90-02-077 (Order 21), § 392-142-190, filed 1/2/90, effective 2/2/90.]

WAC 392-142-195 Definition—SPI Form 1020. As used in this chapter, "SPI Form 1020" means that form prepared and distributed by the superintendent of public instruction and used by school districts to notify the superintendent of public instruction of the acquisition of a school bus or that the school bus has been taken out of service.

[Statutory Authority: RCW 28A.41.170 and 28A.41.540. 90-02-077 (Order 21), § 392-142-195, filed 1/2/90, effective 2/2/90.]

WAC 392-142-200 Definition—SPI Form 1029. As used in this chapter, "SPI Form 1029" means that form prepared and distributed by the superintendent of public instruction upon which the inspecting officer indicates that the school bus has been inspected and approved upon initial purchase.

[Statutory Authority: RCW 28A.41.170 and 28A.41.540. 90-02-077 (Order 21), § 392-142-200, filed 1/2/90, effective 2/2/90.]

WAC 392-142-205 Determination of school bus categories by the superintendent of public instruction. The superintendent of public instruction shall annually develop school bus categories including, but not limited to, such variables as student capacity, fuel, engine, transmission, body, chassis, special equipment, and useful vehicle life. The superintendent of public instruction shall follow this schedule:

- (1) By May 1st of the prior school year, develop school bus categories applicable to the current school year;
- (2) By June 15th of the prior school year, notify school districts of any changes from the current school bus categories; and
- (3) By October 15th of the current school year, finalize school bus categories applicable to the current school year.

[Statutory Authority: RCW 28A.41.170 and 28A.41.540. 90-02-077 (Order 21), § 392-142-205, filed 1/2/90, effective 2/2/90.]

WAC 392-142-210 State-determined prices by the superintendent of public instruction. The superintendent of public instruction shall annually develop state-determined prices for each school bus category applicable to the current school year. The superintendent of public instruction shall follow this schedule:

- (1) By June 15th of the prior school year, develop and notify school districts of the estimated state-determined price; and

- (2) By October 15th of the current school year, finalize the state-determined prices for each school bus category and notify school districts of any changes from those prices estimated on June 15th.

[Statutory Authority: RCW 28A.41.170 and 28A.41.540. 90-02-077 (Order 21), § 392-142-210, filed 1/2/90, effective 2/2/90.]

WAC 392-142-225 Placement of used school buses on state depreciation schedules. Used school buses shall be placed on the state depreciation schedule in effect at the time of the school bus' manufacture as follows:

- (1) For those used school buses manufactured after September 1, 1982, state depreciation payments shall be calculated as if it had been purchased in the year of manufacture, including an estimate by the superintendent of public instruction of:

- (a) Prior school years total state depreciation payments;
- (b) Imputed interest earnings; and
- (c) Salvage value.

- (2) For those used school buses purchased by a school district that were manufactured prior to September 1, 1982, they will be placed on the depreciation schedule with the following eligible purchase price:

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

- (b) A school bus purchased from a private party by a school district. Such a bus shall be placed on the purchasing school district's depreciation schedule at the purchase price paid for the used bus or the depreciable value, whichever is less.

The superintendent of public instruction shall establish that the purchase price of the school bus appropriately reflects its depreciable value.

[Statutory Authority: RCW 28A.41.170 and 28A.41.540. 90-02-077 (Order 21), § 392-142-225, filed 1/2/90, effective 2/2/90.]

WAC 392-142-230 Calculation of annual state depreciation payment for buses purchased after September 1, 1975, and before September 1, 1982. The superintendent of public instruction shall calculate each school district's annual state depreciation payment for school buses purchased after September 1, 1975, and before September 1, 1982, as follows:

- (1) Place each district-owned school bus in the appropriate school bus category set forth in WAC 392-142-150.
- (2) Multiply the purchase price for that school bus by:
 - (a) Ninety percent for school buses purchased after September 1, 1975, and before September 1, 1980; or
 - (b) One hundred percent for school buses purchased after September 1, 1980, and before September 1, 1982;
- (3) Multiply the result obtained in subsection (2) of this section by the lessor of:

- (a) The depreciation percentage for that school bus category determined in subsection (1) of this section if the actual annual mileage for the bus is less than the minimum annual mileage; or

(b) The actual annual mileage divided by the maximum useful mileage for that student capacity category determined in subsection (1) of this section.

[Statutory Authority: RCW 28A.41.170 and 28A.41.540. 90-02-077 (Order 21), § 392-142-230, filed 1/2/90, effective 2/2/90.]

WAC 392-142-235 Allocation of state depreciation payment for school buses purchased after September 1, 1975, and before September 1, 1982. The superintendent of public instruction shall apportion each school district's annual school bus depreciation payment as calculated in WAC 392-142-230 according to the schedule set forth in RCW 28A.510.250.

[Statutory Authority: 1990 c 33. 91-16-011 (Order 91-12), § 392-142-235, filed 7/26/91, effective 8/26/91. Statutory Authority: RCW 28A.41.170 and 28A.41.540. 90-02-077 (Order 21), § 392-142-235, filed 1/2/90, effective 2/2/90.]

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.]

WAC 392-142-245 Calculation of annual state depreciation payment for contractor-owned school buses purchased after September 1, 1982. The superintendent of public instruction shall calculate each school district's state depreciation payment for contractor-owned school buses purchased after September 1, 1982, by:

(1) For contractor-owned school buses issued a school bus operation permit prior to the fifteenth of the month of the current school year, multiply the state-determined purchase price for the appropriate school bus category by the remaining months of the current school year and divide by twelve and further divide by the useful lifetime for the appropriate school bus category; or

(2) For contractor-owned school buses issued a school bus operation permit in a prior school year:

(a) Place each school bus in the appropriate school bus category set forth in WAC 392-142-155; and

(b) Divide the state-determined purchase price at the time the school bus was purchased by the useful lifetime for the appropriate school bus category set forth in WAC 392-142-155.

[Statutory Authority: RCW 28A.41.170 and 28A.41.540. 90-02-077 (Order 21), § 392-142-245, filed 1/2/90, effective 2/2/90.]

WAC 392-142-250 Allocation of state depreciation payment support—School buses purchased after September 1, 1982. The superintendent of public instruction shall apportion school bus depreciation payments each school year calculated:

(1) Pursuant to WAC 392-142-235 in:

(a) The September apportionment payment for those school buses issued school bus operating permits in prior school years; or

(b) The first apportionment payment after the issuance of the school bus operating permit for school buses purchased in the current school year;

(2) Pursuant to WAC 392-142-240 according to the schedule set forth in RCW 28A.510.250.

[Statutory Authority: 1990 c 33. 91-16-011 (Order 91-12), § 392-142-250, filed 7/26/91, effective 8/26/91. Statutory Authority: RCW 28A.41.170 and 28A.41.540. 90-02-077 (Order 21), § 392-142-250, filed 1/2/90, effective 2/2/90.]

WAC 392-142-255 Deposit of state support in transportation vehicle fund. School districts shall deposit proceeds for the rent, sale, or lease of school buses and depreciation payments allocated pursuant to WAC 392-142-235 and 392-142-240 in the transportation vehicle fund. School districts shall not deposit school bus depreciation payments allocated pursuant to WAC 392-142-245 in the transportation vehicle fund.

[Statutory Authority: RCW 28A.41.170 and 28A.41.540. 90-02-077 (Order 21), § 392-142-255, filed 1/2/90, effective 2/2/90.]

WAC 392-142-260 Allowable uses of transportation vehicle fund. School districts shall use moneys in the transportation vehicle fund for the following purposes:

(1) The purchase of approved transportation vehicles;

(2) Performing major repairs receiving prior approval by the superintendent of public instruction. Repairs costing less than twenty-five percent of the current state determined

purchase price for that type and category of vehicle shall not be considered a major repair.

(3) The transfer of moneys from the transportation vehicle fund to the debt service fund exclusively for the payment of debt and interest incurred by the transportation vehicle fund shall not be considered to be a transfer of moneys from the transportation vehicle fund to any other fund within the meaning of RCW 28A.160.130.

[Statutory Authority: RCW 28A.41.170 and 28A.41.540. 91-23-071 (Order 25), § 392-142-260, filed 11/19/91, effective 12/20/91. Statutory Authority: Chapter 28A.530 and HB 1224. 91-23-042 (Order 21), § 392-142-260, filed 11/14/91, effective 12/15/91. Statutory Authority: RCW 28A.41.170 and 28A.41.540. 90-02-077 (Order 21), § 392-142-260, filed 1/2/90, effective 2/2/90.]

WAC 392-142-265 Maintenance and operation. (1)

To the extent possible, school districts shall operate vehicles not less than the number of years of useful lifetime now, or hereafter, assigned to the category of vehicles by the superintendent of public instruction.

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

(3) If a district fails to follow generally accepted standards of maintenance and operation, the superintendent of public instruction shall penalize the school district by deducting from any future allocations or state payments authorized under this chapter an amount equal to the original cost of the vehicle multiplied by the fraction of the useful lifetime the vehicle failed to operate.

[Statutory Authority: RCW 28A.41.170 and 28A.41.540. 90-02-077 (Order 21), § 392-142-265, filed 1/2/90, effective 2/2/90.]

WAC 392-142-270 Disposition of school buses.

Each school district shall notify the superintendent of public instruction whenever a school bus is taken out of service as a school bus on SPI Form 1020 within thirty days of this action.

[Statutory Authority: RCW 28A.41.170 and 28A.41.540. 90-02-077 (Order 21), § 392-142-270, filed 1/2/90, effective 2/2/90.]

Chapter 392-143 WAC

TRANSPORTATION—SPECIFICATIONS FOR SCHOOL BUSES

WAC

392-143-001 Authority.
392-143-005 Purpose.

- 392-143-010 Definitions.
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- 392-143-030 School buses—Permit and license.
- 392-143-031 School bus inspection—School bus operation permit.
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- 392-143-035 Routine inspection of school buses.
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- 392-143-055 Responsibility for compliance with school bus specification rules.
- 392-143-060 School bus specifications continued compliance.
- 392-143-061 School bus hazard warning lamps and stop lamps.
- 392-143-065 School bus tires.
- 392-143-070 Other vehicles used to transport students.
- 392-143-080 Signs and markings for school buses—Exterior—Interior.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 392-143-020 Compliance with federal motor vehicle safety standards. [Order 7-75, § 392-143-020, filed 12/22/75. Formerly WAC 392-21-130 and 392-21-135.] Repealed by 83-21-025 (Order 83-13), filed 10/10/83. Statutory Authority: RCW 46.61.380.
- 392-143-045 Appeal for exception school bus. [Order 19-76, § 392-143-045, filed 12/31/76; Order 7-75, § 392-143-045, filed 12/22/75. Formerly WAC 392-21-145.] Repealed by 79-12-005 (Order 9-79), filed 11/9/79. Statutory Authority: RCW 46.61.380.
- 392-143-075 Amendment and waiver process. [Statutory Authority: RCW 46.61.380. 79-12-005 (Order 9-79), § 392-143-075, filed 11/9/79; Order 8-77, § 392-143-075, filed 10/11/77, effective 11/11/77.] Repealed by 83-21-025 (Order 83-13), filed 10/10/83. Statutory Authority: RCW 46.61.380.

WAC 392-143-001 Authority. The authority for this chapter is RCW 46.61.380 which authorizes the superintendent of public instruction to adopt and enforce regulations to govern the design, marking, and mode of operation of all school buses transporting common school students.

[Statutory Authority: RCW 46.61.380. 84-20-081 (Order 84-39), § 392-143-001, filed 10/2/84; 83-21-025 (Order 83-13), § 392-143-001, filed 10/10/83.]

WAC 392-143-005 Purpose. The purpose of this chapter is to implement RCW 46.61.380 by establishing the specifications governing the design and marking of all school buses owned and operated by any school district and all school buses which are privately owned and operated under contract or otherwise with any school district in the state for the transportation of common school students. The provisions of this chapter shall be incorporated by express reference into all school district contracts for the transportation of common school students in privately owned and operated school buses.

[Statutory Authority: RCW 46.61.380. 83-21-025 (Order 83-13), § 392-143-005, filed 10/10/83; 79-12-005 (Order 9-79), § 392-143-005, filed 11/9/79; Order 7-75, § 392-143-005, filed 12/22/75. Formerly WAC 392-21-100.]

WAC 392-143-010 Definitions. As used in this chapter and subject to the "School bus specifications," as now or hereafter established by the superintendent of public instruction, the term:

(1) "School bus" shall mean every vehicle with a seating capacity of more than ten persons including the driver

regularly used to transport students to and from school or in connection with school activities.

(2) A Type "A" school bus shall mean a conversion or body constructed upon a van-type compact truck or a front-section vehicle with a gross vehicle weight rating of 10,000 pounds or less and designed for carrying more than ten persons, including the driver.

(3) A Type "B" school bus shall mean a conversion or body constructed and installed upon a van or front-section vehicle chassis or stripped chassis with a gross vehicle weight rating of more than 10,000 pounds, designed for carrying more than ten persons, and where most of the engine is beneath and/or behind the windshield and beside the driver's seat and the entrance door is behind the front wheels.

(4) A Type "C" school bus shall mean a body installed upon a flat back cowl chassis with a gross vehicle weight rating of more than 10,000 pounds, designed for carrying more than ten persons, and where all of the engine is in front of the windshield and the entrance door is behind the front wheels. A Type "C" school bus shall also mean a body installed on a stripped chassis with a vehicle weight rating of more than 10,000 pounds, designed for carrying 35/36 passengers or more, and where part of the engine is beneath and/or behind the windshield and beside the driver's seat and the entrance door is behind the front wheels.

(5) A Type "D" school bus shall mean a body installed upon a chassis, with the engine mounted in the front, midship, or rear, with a gross vehicle weight rating of more than 10,000 pounds, designed for carrying more than ten persons, and where the engine is behind the windshield and beside the driver's seat or at the rear of the bus, behind the rear wheels, or midship between the front and rear axles and the entrance door is ahead of the front wheels.

(6) A school bus designed to transport special education students shall mean any Type A, B, C, or D school bus as defined in this section which has been modified to transport special education students.

[Statutory Authority: RCW 46.61.380. 84-20-081 (Order 84-39), § 392-143-010, filed 10/2/84; 83-21-025 (Order 83-13), § 392-143-010, filed 10/10/83; 79-12-005 (Order 9-79), § 392-143-010, filed 11/9/79; Order 8-77, § 392-143-010, filed 10/11/77, effective 11/11/77; Order 19-76, § 392-143-010, filed 12/31/76; Order 7-75, § 392-143-010, filed 12/22/75. Formerly WAC 392-21-110.]

WAC 392-143-015 School bus specifications manual. The superintendent of public instruction shall publish and distribute to each school district a school bus specification manual which shall be referred to as *School Bus Specifications*. Such manual shall incorporate all specifications required by the federal department of transportation motor vehicle safety standards and govern the specifications for all school buses. Such manual is hereby incorporated into this chapter by reference. Prior to any revision of the school bus specification manual, the superintendent of public instruction shall serve notice to interested parties and shall hold at least one public hearing.

[Statutory Authority: RCW 46.61.380. 84-20-081 (Order 84-39), § 392-143-015, filed 10/2/84; 83-21-025 (Order 83-13), § 392-143-015, filed 10/10/83; Order 7-75, § 392-143-015, filed 12/22/75.]

WAC 392-143-025 Additional local specifications.

Any school district board of directors may adopt and require such additional school bus specifications as it deems necessary.

[Statutory Authority: RCW 46.61.380. 83-21-025 (Order 83-13), § 392-143-025, filed 10/10/83; Order 7-75, § 392-143-025, filed 12/22/75. Formerly WAC 392-21-105.]

WAC 392-143-030 School buses—Permit and license. All school buses, as a condition for use to transport students, shall have a school bus operation permit issued in accordance with WAC 392-143-032. If the school bus is approved in compliance with WAC 392-143-031 and the school district has met requirements of WAC 392-143-032, the superintendent shall send three copies of the school bus operation permit to the appropriate school district. The original shall be retained by the school district; one copy shall be placed in the permit holder in the school bus; and one copy shall be presented to the county auditor, along with the operator's application for an exempt state license for the bus if applicable. County auditors shall not issue an exempt license for the bus unless a school bus operation permit accompanies the application for a license.

[Statutory Authority: RCW 46.61.380. 91-23-069 (Order 22), § 392-143-030, filed 11/19/91, effective 11/19/91; 84-20-081 (Order 84-39), § 392-143-030, filed 10/2/84; 84-03-001 (Order 84-1), § 392-143-030, filed 1/5/84; 83-21-025 (Order 83-13), § 392-143-030, filed 10/10/83; Order 7-75, § 392-143-030, filed 12/22/75. Formerly WAC 392-21-115.]

WAC 392-143-031 School bus inspection—School bus operation permit. All school buses must be inspected and approved by a Washington state patrol inspection officer prior to initial issue or reissue of a school bus operation permit. This inspection must be recorded by the inspecting officer on SPI Form 1029, Initial School Bus Inspection, for new buses, used buses not previously inspected by the Washington state patrol, and buses which have been repowered or which have undergone rehabilitation or modification repair, or recorded by the inspecting officer on SPI Form 1028, Routine School Bus Inspection, for used buses previously inspected by the Washington state patrol.

[Statutory Authority: RCW 46.61.380. 91-23-069 (Order 22), § 392-143-031, filed 11/19/91, effective 11/19/91.]

WAC 392-143-032 School bus operation permit. The superintendent of public instruction shall issue school bus operation permits as follows:

(1) A school bus operation permit shall be issued on receipt of the following properly executed documents for each new school bus or used school bus not previously licensed in Washington state:

(a) Original SPI Form 1020, School Bus Acquisition/Disposition Report;

(b) Copy of the sellers invoice or bill of sale;

(c) Copy of complete set of the successful vendor's bid specifications;

(d) Copy of each warrant issued in full payment of the bus or each warrant issued in part payment of the bus, if any, and, copy of the conditional sales contract, lease purchase agreement, or other evidence of contractual liability;

- (e) Original weight slip for the vehicle; and
- (f) Original SPI Form 1029, Initial School Bus Inspection.

(2) A school bus operation permit shall be reissued on receipt of the following properly executed documents for school buses previously licensed in Washington state: *Provided*, That no school bus operation permit shall be reissued to any school bus which does not meet Federal Motor Vehicle Safety Standards adopted April 1, 1977:

(a) Original SPI Form 1020, School Bus Acquisition/Disposition Report, from the school district acquiring the school bus;

(b) Original SPI Form 1020, School Bus Acquisition/Disposition Report, from the school district disposing of the school bus, with existing school bus operating permit attached;

(c) Copy of SPI Form 1028, Routine School Bus Inspection, properly authenticated as the inspection report from the most recent annual one hundred percent fleet inspection, which inspection was made within twelve months prior to the date of acquisition;

(d) Seller invoice or bill of sale; and

(e) Copy of warrant issued in payment of the purchase of the bus.

[Statutory Authority: RCW 46.61.380. 91-23-069 (Order 22), § 392-143-032, filed 11/19/91, effective 11/19/91.]

WAC 392-143-035 Routine inspection of school buses. All school buses shall be inspected annually by the Washington state patrol. Inspection dates and centers shall be determined by the superintendent of public instruction and the chief of the state patrol. School districts shall be notified by the chief of the state patrol prior to each annual inspection of the time and place of inspection. School buses not presented for inspection at the time and place scheduled by the chief of the state patrol shall not be operated as a school bus unless the requirement is temporarily waived in writing by the chief of the state patrol or until the school bus has passed a required inspection. A second inspection of at least twenty-five percent of each school district's fleet shall be conducted annually by the Washington state patrol. This second inspection shall be unannounced and the inspection team shall select which buses in the fleet it will inspect. These unannounced inspections shall be scheduled so that they do not disrupt the regular transportation program.

[Statutory Authority: RCW 46.61.380. 84-20-081 (Order 84-39), § 392-143-035, filed 10/2/84; 83-21-025 (Order 83-13), § 392-143-035, filed 10/10/83; 81-19-011 (Order 81-24), § 392-143-035, filed 9/4/81; Order 7-75, § 392-143-035, filed 12/22/75. Formerly WAC 392-21-120.]

WAC 392-143-040 Other required inspections of school buses. All school buses which have been rebuilt, have received a major modification, have received a major repair, or have received an interior renovation or refurbishment shall be inspected prior to transporting students in accordance with the following criteria:

(1) A rebuilt school bus: For the purpose of this section, a rebuilt school bus shall fully comply with all current Washington specifications at the time the school bus is rebuilt and shall be inspected in accordance with WAC 392-143-030.

(2) A school bus receiving a major modification: For the purpose of this section, school bus modifications (e.g., hydraulic lift and/or ramp for wheelchairs) shall meet all current state of Washington specifications at the time the major modification is made and shall be inspected in accordance with WAC 392-143-030.

(3) A school bus receiving a major repair (not routine maintenance): For the purpose of this section, a school bus that has received repairs to or rebuilding of the frame, steering, suspension, or braking systems or has been repowered shall be identified as needing inspection. Any repairs made shall meet or exceed Washington specifications in effect at the time of the original manufacturing date of the bus and shall be inspected in the same manner as a new school bus with emphasis on mechanical safety items.

(4) A school bus receiving an interior renovation or refurbishment (not routine seat repair): For the purpose of this section, a school bus that has received an interior renovation or refurbishment shall be identified as needing inspection. Renovation or refurbishment of interiors shall meet the Federal Motor Vehicle Safety Standard (FMVSS) 222 and shall be inspected in the same manner as a new school bus with respect to FMVSS 222.

[Statutory Authority: RCW 46.61.380. 84-20-081 (Order 84-39), § 392-143-040, filed 10/2/84; 83-21-025 (Order 83-13), § 392-143-040, filed 10/10/83; Order 8-77, § 392-143-040, filed 10/11/77, effective 11/11/77; Order 7-75, § 392-143-040, filed 12/22/75. Formerly WAC 392-21-125.]

WAC 392-143-050 Resold school buses. A school district which sells a school bus to anyone other than another school district shall be responsible for removing the school district's name and number and all lettering and markings identifying the vehicle as a school bus prior to its delivery to the purchaser. However, if the district sells the school bus to a private party who certifies in writing that the school bus shall be used as a private carrier bus, the district need not remove the emergency lights and stop signal paddle.

[Statutory Authority: RCW 46.61.380. 84-20-081 (Order 84-39), § 392-143-050, filed 10/2/84; 83-21-025 (Order 83-13), § 392-143-050, filed 10/10/83; Order 7-75, § 392-143-050, filed 12/22/75. Formerly WAC 392-21-150.]

WAC 392-143-055 Responsibility for compliance with school bus specification rules. The responsibility for compliance with this chapter lies with the board of directors of each school district. Failure to comply with this chapter shall constitute cause for the withholding of state transportation funds for such time and to such extent as is necessary to ensure compliance.

[Order 7-75, § 392-143-055, filed 12/22/75. Formerly WAC 392-21-155.]

WAC 392-143-060 School bus specifications continued compliance. School districts shall maintain all school buses in such condition that they shall continue to meet or exceed Washington state specifications in effect when the bus was manufactured, except as such standards or specifications are subsequently repealed or reduced.

[Statutory Authority: RCW 46.61.380. 84-20-081 (Order 84-39), § 392-143-060, filed 10/2/84; 83-21-025 (Order 83-13), § 392-143-060, filed 10/10/83; Order 8-77, § 392-143-060, filed 10/11/77, effective 11/11/77.]

WAC 392-143-061 School bus hazard warning lamps and stop lamps. All school buses shall be equipped with amber hazard warning lamps on the front and rear. All school buses shall be equipped with red stop lamps.

[Statutory Authority: RCW 46.61.380. 90-22-043 (Order 38), § 392-143-061, filed 11/2/90, effective 12/3/90.]

WAC 392-143-065 School bus tires. No school bus shall be operated with regrooved, recapped, or retreaded tires on the front wheels.

[Statutory Authority: RCW 46.61.380. 84-20-081 (Order 84-39), § 392-143-065, filed 10/2/84; 83-21-025 (Order 83-13), § 392-143-065, filed 10/10/83; Order 8-77, § 392-143-065, filed 10/11/77, effective 11/11/77.]

WAC 392-143-070 Other vehicles used to transport students. All vehicles with a seating capacity including the driver of ten persons or less shall not be required to meet school bus specifications. Such vehicles regularly used to transport students to and from school or in connection with school activities shall carry the approved school bus first-aid kit, fire extinguisher, and highway warning kit. These vehicles also shall pass a safety inspection routinely conducted at the intervals outlined in WAC 392-143-035.

Students, while being transported in any vehicle not required to meet school bus specifications but used for to and from school transportation and to and from school activities transportation, shall share the same compartment and shall be provided the same general safety and comfort as the driver.

[Statutory Authority: RCW 46.61.380. 84-20-081 (Order 84-39), § 392-143-070, filed 10/2/84; 84-03-001 (Order 84-1), § 392-143-070, filed 1/5/84; 83-21-025 (Order 83-13), § 392-143-070, filed 10/10/83; 79-12-005 (Order 9-79), § 392-143-070, filed 11/9/79; Order 8-77, § 392-143-070, filed 10/11/77, effective 11/11/77.]

WAC 392-143-080 Signs and markings for school buses—Exterior—Interior. Signs and markings on the exterior of any school bus shall be limited to the requirements of RCW 46.61.380, the Washington state minimum specifications manual for school buses addressing "identification" and "color," the minimum requirements of "Highway Safety Program Standard No. 17," and any applicable Federal Motor Vehicle Safety Standard (FMVSS). In addition, the district name may be placed on the front and/or back of the bus below the window line in letters no larger than three inches in height and equipment identification numbers may be placed on the front and/or rear of school bus and/or on or near one or more of the four corners of the bus.

Signs and markings on the interior of any bus shall be limited to necessary and/or required manufacturers' equipment and/or component identification and instruction, the requirements of the Washington state minimum specification manual for school buses addressing "emergency equipment cabinet" and "permit holder" and FMVSS 217 addressing "emergency exit identification." In addition, WAC rules and/or district policy addressing student conduct and safety related issues may be displayed in the driver's compartment in an area which will not obstruct the driver's view. Also a sign for route identification may be displayed in the first right-side passenger window. The sign shall be no larger

than seventy-five square inches in total area, and numbers, letters or characters shall be mounted on transparent material.

[Statutory Authority: RCW 46.61.380. 91-23-069 (Order 22), § 392-143-080, filed 11/19/91, effective 11/19/91.]

Chapter 392-145 WAC TRANSPORTATION—OPERATION RULES

WAC

392-145-001	Authority.
392-145-005	Purposes and definition of "school bus."
392-145-010	Seating and seatbelt requirements.
392-145-015	General operating regulations.
392-145-020	Rules for school bus drivers.
392-145-025	Additional rules for school bus drivers.
392-145-030	Additional rules for school bus drivers.
392-145-035	Rules for students riding school buses.
392-145-040	Emergency exit procedures.
392-145-045	Emergency drills.

WAC 392-145-001 Authority. The authority for this chapter is RCW 46.61.380 which authorizes the superintendent of public instruction to adopt and enforce regulations to cover the operation of all school buses transporting common school students.

[Statutory Authority: RCW 46.61.380. 83-21-026 (Order 83-10), § 392-145-001, filed 10/10/83.]

WAC 392-145-005 Purpose and definition of "school bus." The purpose of this chapter is to establish the manner of operating all school buses owned and operated by any school district and all school buses which are privately owned and operated under contract or otherwise with any school district in the state for the transportation of students. The provisions of this chapter shall be incorporated by express reference into all school district contracts for the transportation of students in privately owned and operated school buses. Every school district, its officers and employees, and every person employed under contract or otherwise by a school district shall be subject to the applicable provisions of this chapter.

This chapter does not apply to the operation of buses by common carriers in the urban transportation of students (e.g., the transportation of students via a municipal transit system).

The definition of "school bus" as the term is used in this chapter shall be as now or hereafter set forth in WAC 392-143-010.

[Statutory Authority: RCW 46.61.380. 84-20-082 (Order 84-40), § 392-145-005, filed 10/2/84; Order 7-75, § 392-145-005, filed 12/22/75.]

WAC 392-145-010 Seating and seatbelt requirements. (1) No school bus shall be operated unless each passenger aboard has been provided with a safe seat of sufficient size to accommodate each such passenger.

(2) There shall be no auxiliary seating accommodations such as temporary or folding jump seats in any school bus.

(3) Drivers of school buses shall be required to wear seat and/or lap belts whenever the vehicle is in motion.

(4) Passengers in school buses equipped with lap belts shall be required to wear them whenever the bus is in motion.

[Statutory Authority: RCW 46.61.380, 83-21-026 (Order 83-10), § 392-145-010, filed 10/10/83; 79-12-006 (Order 10-79), § 392-145-010, filed 11/9/79; Order 5-76, § 392-145-010, filed 4/16/76; Order 7-75, § 392-145-010, filed 12/22/75. Formerly WAC 392-22-005.]

WAC 392-145-015 General operating regulations.

(1) Every school district board of directors shall adopt written policies or rules implementing the provisions and objectives of WAC 392-145-035. District policies or rules governing student conduct during the course of transportation shall be established and implemented pursuant to the state board of education, chapter 180-40 WAC, as now or hereafter amended.

(2) All school bus drivers shall meet the qualifications established in chapter 180-20 WAC, as now or hereafter amended.

(3) Each school bus driver shall hold a valid and current first aid card which certifies that he/she has completed a course in the basic principles of first aid within the past three years.

(4) When a teacher, coach, or other certificated staff member is assigned to accompany students on a bus, such person shall be responsible for the behavior of the students in his or her charge. However, the bus driver shall have final authority and responsibility.

(5) Heavy, sharp, bulky, and/or other articles which may be hazardous in the event of an accident or an emergency stop shall not be transported in the passenger area of any school bus. Specific attention is directed to items such as skis, ski poles, vaulting poles, musical instruments, riser platforms, etc.

(6) Teachers and all other school district staff members shall be notified that students shall not be requested to transport prohibited items between home and school on a school bus. Items which shall not be transported within the passenger area of a school bus also shall include all forms of animal life (except seeing eye dogs), firearms, weapons, breakable containers, flammables, and all other articles which could adversely affect the safety of the bus and passengers.

(7) A school bus driver shall not order or allow a student to depart the bus other than at his or her boarding or alighting place except as provided in WAC 392-145-020(7).

(8) Motor fuel shall not be put into the tank while the engine is running or while passengers are on the bus.

(9) All school buses shall operate with their headlights on when carrying passengers.

(10) On highways divided into separate roadways as provided in RCW 46.61.150 and highways with three or more marked traffic lanes, school districts shall design bus routes that serve each side of the highway so that students do not have to cross the highway, unless there is a traffic control signal as defined in RCW 46.04.600 or an adult crossing guard within three hundred feet of the bus stop to assist students while crossing such multiple-lane highways.

[Statutory Authority: RCW 46.61.380, 46.61.370 and Title 28A RCW. 91-06-032 (Order 45), § 392-145-015, filed 2/26/91, effective 3/29/91. Statutory Authority: RCW 46.61.380, 84-20-082 (Order 84-40), § 392-145-015, filed 10/2/84; Order 7-75, § 392-145-015, filed 12/22/75. Formerly WAC 392-22-010 (part) and 392-22-100 (part).]

WAC 392-145-020 Rules for school bus drivers. (1)

Every school bus driver shall be provided a copy of and shall be thoroughly familiar with all state and local rules and regulations pertaining to the operation of the school bus in his/her charge.

(2) No school bus driver shall allow a passenger or other unauthorized person to operate the school bus at any time. No person except the driver shall be allowed to sit in the driver's seat.

(3) No school bus driver shall leave the driver's seat without first setting the brakes, shutting off the engine, placing the bus in gear, and removing the ignition key from the switch. The keys shall be kept in the driver's or other authorized school official's possession.

(4) School bus drivers shall have the primary responsibility for the safety of passengers while they are boarding the bus, while they are on the bus, and while they are disembarking the bus and crossing the roadway. If passengers must cross the road, the driver shall take reasonable action to assure that they cross safely. The driver shall take reasonable action to assure that passengers boarding or disembarking from the bus are within his/her view at all times and that they pass in front of the bus and never behind the bus.

(5) No school bus driver except in accordance with emergency procedures adopted by the district shall leave the immediate vicinity of his/her bus while there are passengers aboard. In the event of a bus breakdown, assistance shall be sought in accordance with local district policy.

(6) School bus drivers shall pick up only the students and persons designated by an authorized school district administrator.

(7) A student may be permitted to leave the bus at other than his or her regular stop if permission is first obtained pursuant to district policy.

(8) School bus drivers, prior to commencement of any trip, shall assure that the windshield and rear window of the bus are clean.

(9) Prior to commencement of and during any trip, with students aboard, every school bus driver shall ensure there are no articles in the following areas that could impede normal movement, visibility, or emergency egress:

- (a) The service entrance step well;
- (b) The entire main aisle from front to rear;
- (c) Aisles or passage ways to any emergency door;
- (d) The entire shelf area between the rearmost passenger seats and the rear emergency window.

(10) Tools and other miscellaneous articles shall be carried in appropriate compartments. They shall not be carried loose upon the floor or dashboard area of the bus.

(11) School bus drivers shall be certain that all brakes, lights, stop signs, warning signal lamps, and other safety devices are working properly before starting on any trip and shall assure that the bus is equipped with a first aid kit and a fire extinguisher.

[Statutory Authority: RCW 46.61.380, 91-23-070 (Order 23), § 392-145-020, filed 11/19/91, effective 12/20/91; 84-20-082 (Order 84-40), § 392-145-020, filed 10/2/84; Order 7-75, § 392-145-020, filed 12/22/75. Formerly WAC 392-22-010 (part) and 392-22-100 (part).]

WAC 392-145-025 Additional rules for school bus drivers. (1) School bus drivers shall check the latch, safety

lock, and warning system for emergency doors daily and no bus shall be operated with passengers aboard if the emergency exit is not functioning properly.

(2) No bus containing passengers shall be in motion with any of the exit doors open or partly open.

(3) School bus drivers shall immediately report any suspected malfunction or needed repair of the school bus in their charge.

(4) School bus drivers shall observe all driving regulations set forth in the laws of the state of Washington relating to the operation of motor vehicles at all times.

(5) The speed of a school bus shall not be allowed to exceed the legal truck speed or any other applicable posted speed limit.

(6) When it is necessary to overtake and pass a slow moving vehicle, school bus drivers shall take reasonable action to assure that no third vehicle is drawing near. There shall be a visual road clearance of at least 800 feet on the road surface.

(7) All buses shall slow down to ten miles an hour or less and give the proper signal before making a ninety degree right or left turn.

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

(9) School bus drivers shall not change gears while proceeding downhill. Necessary gear changes shall be made before starting down a hill.

(10) No school bus driver shall disengage the clutch and allow the bus to coast.

(11) Backing a school bus is prohibited unless an adult flagman assists or an emergency exists. In the event of an emergency, backing of a bus shall be permitted only when there is no danger to pedestrians or passengers. Any deviation from this regulation shall require prior approval by an authorized school district administrator.

(12) School bus drivers shall yield the right of way to emergency vehicles.

[Statutory Authority: RCW 46.61.380, 84-20-082 (Order 84-40), § 392-145-025, filed 10/2/84; Order 7-75, § 392-145-025, filed 12/22/75. Formerly WAC 392-22-010 (part) and 392-22-100 (part).]

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

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

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

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

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

(2) The driver shall open the door to listen for approaching trains and shall not proceed until the door is closed, visibility is clear, and the bus can proceed with

safety. Drivers shall not change gears while the bus is crossing a railroad track.

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

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

(5) Prior to stopping the school bus 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).]

WAC 392-145-035 Rules for students riding school buses. All school district boards of directors shall adopt written policies or rules and provide instructions for passengers riding school buses not inconsistent with applicable state law and rules. A copy of these policies or rules shall be provided each student who is scheduled to ride the school bus. The policies or rules shall include, but not necessarily be limited to, the following:

- (1) Identification of the individual who has authority over the passengers.
- (2) Student riding privileges.
- (3) Procedures prior to loading, e.g., students must cross highway only in front and never behind school bus.
- (4) Loading and unloading procedures and seat assignments.
- (5) Student conduct.
- (6) Acceptable practices with respect to talking, moving around the bus, use of windows, and other behavior.
- (7) Unacceptable hazards that may cause injury to others, e.g., firearms, breakable containers, etc.
- (8) Bus cleanliness.
- (9) Emergency exit procedures.

[Statutory Authority: RCW 46.61.380. 84-20-082 (Order 84-40), § 392-145-035, filed 10/2/84; Order 7-75, § 392-145-035, filed 12/22/75. Formerly WAC 392-23-010.]

WAC 392-145-040 Emergency exit procedures. (1) All school districts operating or contracting for school bus transportation services shall prepare written policies or rules which establish procedures for bus safety and emergency exit drills.

(2) One emergency evacuation drill shall be held within the first six weeks of school each semester.

(3) The first exit drill shall be followed by at least one verbal review of the emergency exit drill prior to the second exit drill.

(4) Only those passengers whose participation in an exit drill poses substantial difficulty to themselves or to other passengers shall be excused and/or excluded from exit drill participation. Passengers who are excluded from such participation shall receive oral instruction in bus safety and exit drills at least three times during the school year.

(5) Drills shall be held upon school premises. Drills on the highway are only warranted under conditions necessary for "life and emergency safety."

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

WAC 392-145-045 Emergency drills. (1) Emergency drills conducted pursuant to WAC 392-145-040 shall:

(a) Make allowance for individual differences in exiting the emergency door.

(b) Provide instruction to helpers that they should offer a helping hand palm up and avoid grasping a student's hand or arm.

(c) Be timed to assure that procedures provide for an orderly and expedient exiting from the vehicle.

[Order 7-75, § 392-145-045, filed 12/22/75.]

Chapter 392-151 WAC

TRAFFIC SAFETY—SCHOOL SAFETY PATROL

WAC

- 392-151-003 Authority.
- 392-151-005 Purpose.
- 392-151-010 Function of a school patrol.
- 392-151-015 Administration and support.
- 392-151-017 Safety advisory committee—Selection.
- 392-151-020 Liability.
- 392-151-025 Route plans.
- 392-151-030 Controlled crossings.
- 392-151-035 School crossing warning and speed limit signs.
- 392-151-040 Organization, instruction, and supervision.
- 392-151-045 Duties of patrol supervisor.
- 392-151-050 Selection, appointment and suspension of patrol members.
- 392-151-055 Utilization of adult patrol members.
- 392-151-060 Good character references for adult patrol members.
- 392-151-065 Adult patrol members—Knowledge—Training of students—Introduction.
- 392-151-070 Size of patrol and officers needed.
- 392-151-075 Hours on duty.
- 392-151-080 The patrol captain.
- 392-151-085 General duties of patrol members.
- 392-151-090 Standard uniforms.
- 392-151-095 Equipment.
- 392-151-100 Care of equipment—Dismissal.
- 392-151-105 Instruction of patrol members.
- 392-151-110 Installing school patrol members.
- 392-151-115 Patrol operation—Assignment and inspection.
- 392-151-120 Basic crossing position and flag operation.
- 392-151-125 Operation with school patrol members.
- 392-151-130 Operation with an adult patrol member or police officer or traffic signal.
- 392-151-135 Operation at an intersection with traffic signal.
- 392-151-140 Violation reports and accidents.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 392-151-145 Operation at an intersection with traffic signal. [Order 7-75, § 392-151-145, filed 12/22/75. Formerly WAC 392-24-350.] Repealed by 91-15-016, filed 7/10/91, effective 8/10/91. Statutory Authority: RCW 46.61.385.
- 392-151-150 Violation reports and accidents. [Order 7-75, § 392-151-150, filed 12/22/75. Formerly WAC 392-24-355.] Repealed by 91-15-016, filed 7/10/91, effective 8/10/91. Statutory Authority: RCW 46.61.385.

WAC 392-151-003 Authority. The authority for this chapter is RCW 46.61.385 which authorizes the appointment and operation of school patrols by any public or private school subject to the conditions, procedures, and considerations required by this chapter and such supplemental conditions, procedures, and considerations as any such school may impose which are in the best interest of student safety.

[Statutory Authority: RCW 46.61.385. 91-15-016, § 392-151-003, filed 7/10/91, effective 8/10/91.]

WAC 392-151-005 Purpose. The purpose of this chapter is to implement RCW 46.61.385 and provide for safe operation of school patrols.

[Statutory Authority: RCW 46.61.385. 91-15-016, § 392-151-005, filed 7/10/91, effective 8/10/91; Order 7-75, § 392-151-005, filed 12/22/75.]

WAC 392-151-010 Function of a school patrol. The purpose and function of a school patrol are to assist and aid

members of the student body in the safe and proper crossing of streets, highways, and roads adjacent to the school and other crossing areas approved by the local safety advisory committee.

Student school patrol members assigned to work at a location with an adult school patrol member shall assist and act at the direction of such adult member of the patrol. A school patrol is to look for and utilize natural gaps in traffic as much as possible when allowing students to cross a street, highway, or road.

[Statutory Authority: RCW 46.61.385. 91-15-016, § 392-151-010, filed 7/10/91, effective 8/10/91; Order 7-75, § 392-151-010, filed 12/22/75. Formerly WAC 392-24-205.]

WAC 392-151-015 Administration and support.

The superintendent or chief administrative officer of the school district shall assume the leadership and be ultimately responsible for determining school patrol policy and operations. The principal of each school shall provide leadership in developing good relationships among teachers, student body, and members of the school patrol in matters of selecting, instructing, and giving immediate supervision to school patrol members and carrying out administrative details. Administration of the actual operation of a school patrol may be delegated to a school employee or a safety committee. The approval, understanding, support, and encouragement of school administrators, local traffic control agencies, teachers, parents, and students is essential in providing an effective school safety patrol.

[Statutory Authority: RCW 46.61.385. 91-15-016, § 392-151-015, filed 7/10/91, effective 8/10/91; 80-09-015 (Order 80-22), § 392-151-015, filed 7/9/80; Order 7-75, § 392-151-015, filed 12/22/75. Formerly WAC 392-24-210.]

WAC 392-151-017 Safety advisory committee—

Selection. Selection of a safety advisory committee is important in the development and support of school patrol policy and in the development of a safe route to school plan. Members may be selected from the following areas:

- (1) School administration;
- (2) Law enforcement;
- (3) Traffic engineering; and
- (4) School-parent organization.

[Statutory Authority: RCW 46.61.385. 91-15-016, § 392-151-017, filed 7/10/91, effective 8/10/91.]

WAC 392-151-020 Liability.

The fear of potential liability for injuries sustained by pupils, employees, or patrols is present in the minds of school board members and school administrators. Both a school district and its individual employees or agents are potentially liable for damages sustained by students or others as the result of negligence. Examples of actions or inactions possibly giving rise to an award of damages by a court include: The failure to properly supervise students while they are in the custody of school employees or agents; the failure to properly instruct students in the procedures necessary to safeguard themselves while participating in school activities which may otherwise cause them injury; the failure to select and assign competent employees or agents to safeguard students where necessary; and, in general, the failure to take reasonable precautions to

safeguard students in the custody of the school against foreseeable dangers.

The following suggested procedures may assist schools and employees or agents reduce the potential liability in connection with the operation of a school patrol:

(1) Establish reasonable rules and regulations regarding the supervision and control of the school patrols.

(2) Establish a policy which limits the selection of student patrol members to students who are preferably ages ten or older and who possess appropriate physical and mental abilities.

(3) Establish a policy which authorizes any parent to have his or her child excluded from service on the safety patrol.

(4) Establish a policy which requires school boards to provide insurance for members of the school patrol and for all supervisory officials involved in the program.

(5) Establish a policy which sets forth specific physical and other criteria for selecting school patrol members and providing adequate training.

In addition, schools should periodically conduct a complete review of the entire school patrol program, including the following:

- (a) The selection of supervisors
- (b) The selection of student and adult members of the patrol
- (c) The training of both supervisors and patrol members
- (d) The determination of the streets which are to be used and those which are not to be used
- (e) The equipment needed
- (f) The time schedule when the patrol will be on duty
- (g) The special precautions to be observed in inclement weather and during hours of semidarkness.

[Statutory Authority: RCW 46.61.385. 91-15-016, § 392-151-020, filed 7/10/91, effective 8/10/91; Order 7-75, § 392-151-020, filed 12/22/75. Formerly WAC 392-24-215.]

WAC 392-151-025 Route plans.

Suggested route plans shall be developed for each elementary school that has students who walk to and from school. It shall recommend school routes based on considerations of traffic patterns, existing traffic controls, and other crossing protection aids such as school patrols. These route plans shall limit the number of school crossings so that students move through the crossings in groups, allowing only one entrance-exit from each block to and from school. The safe route to school map shall be distributed to all students with instructions that it be taken home and discussed with the parents.

[Order 7-75, § 392-151-025, filed 12/22/75. Formerly WAC 392-24-220.]

WAC 392-151-030 Controlled crossings.

School patrol controlled crossings shall not be operated unless proper traffic control devices are in place as depicted in Washington state department of highways, *Sign Fabrication Manual* and *Manual on Uniform Traffic Control Devices*, as now or hereafter amended. As a minimum, these shall consist of:

- (1) School crossing warning signs S1-1 and S2-1
- (2) Marked crosswalks
- (3) School speed limit sign

Contact shall be made by school authorities with the governmental agency having jurisdiction over the street or highway in question in order to secure the necessary signs. The state department of highways shall be contacted concerning all state highways outside of incorporated towns and cities and on those state highways within the incorporated limits of towns and cities with a population of 15,000 or less.

The county highway department shall be contacted regarding all county roads and for towns or cities under 15,000 population. The local highway department shall be contacted on streets other than state highways. In towns and cities over 15,000 population, the local highway department shall be contacted for assistance whether or not a state highway is involved.

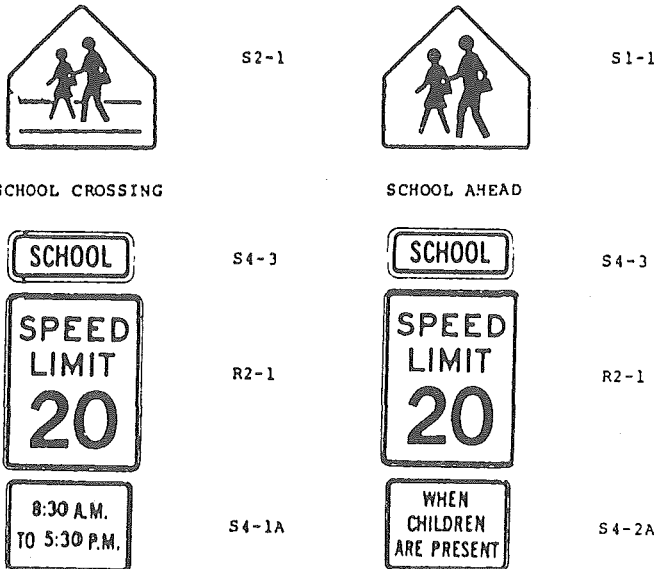
When vehicular traffic volumes are such that adequate safe gaps in the traffic flow do not occur in reasonable frequent intervals to allow safe crossings by students, this condition, as well as any other related traffic problems, shall be reported to the traffic engineering authorities having jurisdiction in order that necessary studies can be conducted for the purpose of determining corrective measures.

Where conditions are such that a patrol member cannot be seen at least as far away as the safe stopping distance for the legal speed at the location, one of the following procedures shall be carried out:

- (1) Select a safer location for the crossing at which the patrol is to serve.
- (2) The condition shall be taken up with the traffic authorities having jurisdiction for the purpose of devising a solution.

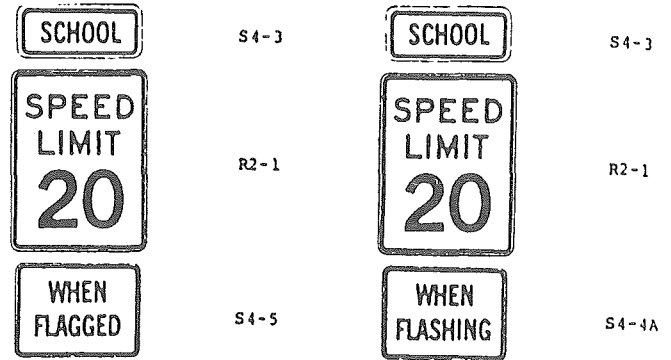
[Order 7-75, § 392-151-030, filed 12/22/75. Formerly WAC 392-24-240.]

WAC 392-151-035 School crossing warning and speed limit signs.



Note: The department of transportation defines when children are present as:
 1. School children are occupying or walking within the marked crosswalk.
 2. School children are occupying or waiting at the curb or on the shoulder of the roadway and are about to cross the roadway by way of the marked crosswalk.

3. School children are present or walking along the roadway, either on the adjacent sidewalk or, in the absence of sidewalks, on the shoulder within the posted school speed limit zone which extends three hundred feet in either direction from the marked crosswalk.



[Statutory Authority: RCW 46.61.385. 91-15-016, § 392-151-035, filed 7/10/91, effective 8/10/91; Order 7-75, § 392-151-035, filed 12/22/75. Formerly WAC 392-24-245.]

WAC 392-151-040 Organization, instruction, and supervision. The building principal or a member of the staff appointed by the principal shall supervise the school patrol. Criteria for the selection of a school patrol supervisor shall include:

- (a) Interest in safety
- (b) Ability to organize
- (c) Ability to lead
- (d) Ability to discipline
- (e) Attitude toward work
- (f) Efficiency on job
- (g) Ability to recognize individual differences
- (h) Ability to hold respect of pupils
- (i) Dependability

[Statutory Authority: RCW 46.61.385. 91-15-016, § 392-151-040, filed 7/10/91, effective 8/10/91; Order 7-75, § 392-151-040, filed 12/22/75. Formerly WAC 392-24-250 (part).]

WAC 392-151-045 Duties of patrol supervisor. Duties of a school patrol supervisor shall include:

- (1) Being knowledgeable in all areas of the school patrol.
- (2) Selection of school patrol members according to school policy.
- (3) Instruction of all school patrol members and officers in their respective duties.
- (4) Supervision of the work of the school patrol in such manner as to develop the greatest initiative, leadership, and effectiveness on the part of each patrol officer and member.
- (5) Hold regular meetings of the school patrol for the purpose of instruction in safety practices, discussions concerning infractions of rules, and stimulating and inspiring the members in the performance of their duties.
- (6) Serve as advisor to the school safety advisory committee.

An officer of the state patrol, sheriff's office, or local police department shall be requested to assist in the instruction of school patrol members in the performance of their duties and thereafter make visits to street and highway crossings where school patrol members are stationed.

Instruction in traffic rules and regulations shall be given to all children attending the school. Written rules and regulations shall be distributed to parents and students.

[Statutory Authority: RCW 46.61.385. 91-15-016, § 392-151-045, filed 7/10/91, effective 8/10/91; Order 7-75, § 392-151-045, filed 12/22/75. Formerly WAC 392-24-250 (part).]

WAC 392-151-050 Selection, appointment and suspension of patrol members. Student school patrol members shall be selected from the upper grade levels and preferably not below age ten. Qualities such as leadership and reliability shall be considered in the selection of any patrol member. School patrol service shall be voluntary.

Written approval of a parent or guardian shall be secured in the case of student patrol members. Each prospective patrol member shall be given a vision and hearing examination. After selection, each school patrol member candidate shall be formally appointed by the principal. The parent(s) or guardian(s) of a student patrol member shall be notified in writing or via a personal interview of the student's suspension from duty as a school patrol member.

New patrol members may be selected thirty days before the school term terminates. Additional patrol members may be recruited in the fall of each year and, thereafter, as necessary to fill open positions. New members shall work with trained school patrol members for a long enough period to learn their duties.

A captain of the school patrol may be selected. Instructions shall be given each new school patrol member so that he or she can begin effective duty at a specific post the morning the next school term commences.

[Statutory Authority: RCW 46.61.385. 91-15-016, § 392-151-050, filed 7/10/91, effective 8/10/91; 80-09-015 (Order 80-22), § 392-151-050, filed 7/9/80; Order 7-75, § 392-151-050, filed 12/22/75. Formerly WAC 392-24-255.]

WAC 392-151-055 Utilization of adult patrol members. Schools possess the authority to appoint adults as members of a school patrol. The following criteria may be used to determine at which locations adult patrol members shall be stationed:

- (1) When there is a lack of adequate gaps due to a high volume of traffic.
- (2) When 85 percent of the traffic speed exceeds the speed limit by 5 miles an hour.
- (3) When there is a restricted sight distance.
- (4) When the location or distance from the school building is such that poor supervision of students would otherwise result.
- (5) When there is a high volume of turning traffic over a crosswalk.
- (6) When the location has been determined by either school or law enforcement authorities to be beyond the capability of a student to make rational decisions concerning safety.
- (7) When there is an excessive volume of pedestrian traffic over a highway.
- (8) When any of the above criteria exists and there is a lack of an alternate school route plan.

[Statutory Authority: RCW 46.61.385. 91-15-016, § 392-151-055, filed 7/10/91, effective 8/10/91; Order 7-75, § 392-151-055, filed 12/22/75. Formerly WAC 392-24-225 and WAC 392-24-230.]

WAC 392-151-060 Good character references for adult patrol members. Prior to any assignment, good character references shall be obtained on every adult who is being considered as a school patrol member. Good moral character is defined in WAC 180-75-081. In addition, a Washington state patrol criminal history request shall be obtained on each new adult candidate.

[Statutory Authority: RCW 46.61.385. 91-15-016, § 392-151-060, filed 7/10/91, effective 8/10/91; Order 7-75, § 392-151-060, filed 12/22/75. Formerly WAC 392-24-235.]

WAC 392-151-065 Adult patrol members—Knowledge—Training of students—Introduction. In addition to other qualifications imposed by this chapter adult school patrol members shall be knowledgeable with the school crossing protection program operated in their community. Particular attention shall be given to introducing adult school patrol members to school authorities, traffic authorities, and the local parent-teacher association so that they may work together on problems of safety in the school area. Adult patrol members also shall know the school employee acting as patrol supervisor and be knowledgeable with patrol activities. Provision may be made to allow adult patrol members to have some part in the actual training of students relative to traffic safety. At the beginning of the school term, arrangements shall be made to present adult patrol members to the student body and the school parent association.

[Order 7-75, § 392-151-065, filed 12/22/75. Formerly WAC 392-24-345.]

WAC 392-151-070 Size of patrol and officers needed. The number of members on a school patrol shall be determined by factors such as: Street and highway conditions, number of intersections, volume of vehicular traffic, school enrollment, and number of arrival and school dismissal times. If there are several dismissal times, the size of the patrol shall be increased and the groups rotated so that no one member shall be absent too long from his or her classes. The supervisor may request assistance from the traffic safety unit of the police department in planning school patrol posts. Engineering studies may be requested from the traffic engineer's office by the police unit, the principal, or the school safety committee.

Each school patrol may have a patrol captain and one or more lieutenants. The captain shall be a patrol member who possesses qualities of leadership and shall be selected by the supervisor of the patrol on a trial basis or elected by the members subject to the supervisor's approval.

Officers and members should normally serve for at least one full school year. However, a plan for periodic relief may be provided for and implemented at the discretion of school authorities. This may be done by organizing groups to rotate weekly or several weeks at a time or by rotating dismissal times.

Some of the duties of the school safety patrol officers are:

- (1) Assigning school patrol members to their posts
- (2) Supervising the operations of the school patrol

- (3) Keeping school patrol records, including attendance
- (4) Being responsible for the procedure at each crossing
- (5) Making sure each school patrol member wears his or her equipment while on duty
- (6) Arranging for a substitute in case of absence of a regular school patrol member
- (7) Manning the post in case of an emergency.

[Order 7-75, § 392-151-070, filed 12/22/75. Formerly WAC 392-24-260.]

WAC 392-151-075 Hours on duty. The hours that patrol members are on duty shall be determined by the needs of the school area from an accident prevention standpoint and the time schedule of the school being served. The schedule of each student patrol member shall be so planned as to make it unnecessary for the student to miss regular school work for lengthy periods. Parents shall be informed of the amount of time students are scheduled to serve on patrols and how much class time may be missed due to patrol duty.

When a patrol member has been assigned to a particular crossing, the member shall be on duty at all times students are normally crossing streets or highways in going to and from school. Members shall be at their posts 10 to 15 minutes before the first class in the morning and 10 to 15 minutes before school begins in the afternoon.

At dismissal times, arrangements shall be made for student patrol members to leave their classes 2 or 3 minutes before the dismissal bell. Patrol members shall remain on duty until the patrol captain or patrol supervisor gives the dismissal signal.

[Order 7-75, § 392-151-075, filed 12/22/75. Formerly WAC 392-24-265.]

WAC 392-151-080 The patrol captain. The duties of the patrol captain may be:

(1) Assign patrol members to their posts. See that patrol members report on time and keep a record of their attendance. If a patrol member is absent and no substitute is available, the captain may assign the lieutenant to fill in or man the post himself or herself in emergencies.

(2) Make daily inspections. This is to make sure that each patrol member wears his or her equipment and that the equipment is kept in good, clean condition and properly stored when not in use.

(3) Enforce the rules of operation. Dereliction of duty may be dealt with by the captain.

(4) Make safety talks. The captain may be asked to make presentations to the student body and at regular patrol meetings.

(5) Report accidents and violations. The patrol captain may be responsible for the reporting of all accidents and violations to the patrol supervisor.

[Order 7-75, § 392-151-080, filed 12/22/75. Formerly WAC 392-24-270 and 392-24-275.]

WAC 392-151-085 General duties of patrol members. Each school patrol member shall adhere to the following duties and rules:

(1) Report to the crossing on time and remain during the prescribed period or until properly relieved.

(2) Perform duties as outlined.

- (3) Wear standard uniform at all times while on duty.
- (4) Be polite at all times.
- (5) Attend strictly to the task and do not permit attention to be diverted while on duty.
- (6) Direct students, not vehicular traffic.
- (7) Know the procedures to follow in case of an accident or emergency.
- (8) Notify the designated person in advance of anticipated absence.

[Order 7-75, § 392-151-085, filed 12/22/75. Formerly WAC 392-24-280.]

WAC 392-151-090 Standard uniforms. The standard uniform for school patrol members shall be a badge, vest, and/or raincoat and shall be worn only during a patrol function. A helmet may be used as part of the standard uniform.

The helmet when used shall be fluorescent orange, white, red, or yellow. For additional visibility during hours of darkness, reflective tape may be added to the uniform.

The school patrol vest shall be fluorescent orange with reflective white bands.

The raincoat shall be fluorescent orange, red, or yellow.

[Statutory Authority: RCW 46.61.385, 80-09-015 (Order 80-22), § 392-151-090, filed 7/9/80; Order 7-75, § 392-151-090, filed 12/22/75. Formerly WAC 392-24-285.]

WAC 392-151-095 Equipment. Each school patrol member, while on duty, shall have a fluorescent flame orange or a red flag of color-fast material not less than 14 inches by 16 inches bearing the word "STOP" in white lettering and attached to a staff not less than 40 inches long.

All flags shall be displayed by the school patrol at a 45-degree angle extending toward the center of the street or highway. The purpose of the flag is to increase visibility and give warning to approaching motorists.

[Statutory Authority: RCW 46.61.385, 91-15-016, § 392-151-095, filed 7/10/91, effective 8/10/91; Order 7-75, § 392-151-095, filed 12/22/75. Formerly WAC 392-24-290.]

WAC 392-151-100 Care of equipment—Dismissal. Each school patrol member shall be responsible for the care of his or her equipment. There shall be periodic inspections and inventories to make sure the equipment is not lost and that it is kept in reasonably good condition.

School patrol members shall be required to return their equipment to the school supply room at the end of the school term.

School patrol officers may be responsible for the regular inspection and to see that school patrol equipment is kept in good condition and in its proper place. A record of inspections may be kept for submission to the school patrol supervisor. Willful abuse of equipment by a patrol member shall be grounds for dismissal.

[Order 7-75, § 392-151-100, filed 12/22/75. Formerly WAC 392-24-295.]

WAC 392-151-105 Instruction of patrol members. Each school patrol member shall be thoroughly trained in his or her duties before being permitted to take assigned posts. Instruction shall include the fundamentals of patrol operation — where and how to stand when on duty, how to handle the

patrol flag, and what constitutes a sufficient gap in vehicular traffic to permit safe crossing by students. Emphasis shall be placed on special hazards and the need for constant alertness. Types of training which shall be given members are:

(1) On-the-job training for at least one week under the direction of an experienced patrol member or for a longer period to learn their duties.

(2) Personal instruction by the patrol supervisor, a police officer, or a designated school district safety official.

(3) Reading and understanding written instructions which the school has compiled for the specific purpose of instructing new members.

[Statutory Authority: RCW 46.61.385. 91-15-016, § 392-151-105, filed 7/10/91, effective 8/10/91; Order 7-75, § 392-151-105, filed 12/22/75. Formerly WAC 392-24-300.]

WAC 392-151-110 Installing school patrol members. New members of a school patrol shall be formally installed. The school principal or a law enforcement officer shall be present to administer the pledge and explain to the student audience the need for cooperation in making school patrol protection effective.

The pledge shall be given to the school patrol candidates during the installation. The school safety patrol card shall be issued to each member. The card shall be signed by the patrol member, parent, or guardian and the school principal or patrol supervisor.

[Order 7-75, § 392-151-110, filed 12/22/75. Formerly WAC 392-24-305 and 392-24-310.]

WAC 392-151-115 Patrol operation—Assignment and inspection. Student school patrol members shall be instructed to leave their classes quietly when released for patrol duty and go directly to the patrol assembly point. The patrol supervisor or an officer shall see that each member is provided with the proper equipment and assigned to a specific crossing. If a post remains uncovered, another patrol member shall be assigned to cover that crossing.

After receiving equipment and being assigned, patrol members shall walk quietly to their crossings. In crossing streets, members shall protect each other in the same manner they protect other pedestrians.

[Order 7-75, § 392-151-115, filed 12/22/75. Formerly WAC 392-24-315.]

WAC 392-151-120 Basic crossing position and flag operation. Each school patrol member shall stand back of the curb or roadway edge—not in the street—and remind students to wait behind the flag until there is an adequate gap in traffic. A safe distance from the roadway edge shall be one length of the flag staff. When the traffic gap occurs, a patrol member may step two paces into the street or far enough to see clearly beyond any obstruction but should not go beyond the edge of the obstruction. They will then extend the flag over the roadway. The flag shall be displayed in a forty-five degree position with the word "STOP" level to the ground. When it is safe to cross, patrol members shall give a signal enabling students to cross in a group.

Students shall remain in back of the curb until allowed to cross. After the students have crossed, the patrol member

shall lower the flag and return to basic position which is one length of the flag staff behind the curb.

[Statutory Authority: RCW 46.61.385. 91-15-016, § 392-151-120, filed 7/10/91, effective 8/10/91; Order 7-75, § 392-151-120, filed 12/22/75. Formerly WAC 392-24-320.]

WAC 392-151-125 Operation with school patrol members. (1) Single posts. On a narrow street with light vehicular traffic and little or no turning problems, a single school patrol member may be able to handle the crossing adequately. The patrol post in this case shall be on the side of the street where students approach the crossing. While primarily responsible for traffic approaching from the left, the patrol member shall look to both left and right and for turning cars.

(2) Dual posts. School patrol members shall be stationed on opposite sides of the street. One patrol member shall act as a "sender" and the other as "receiver." The patrol member first approached by pedestrians shall decide when it is safe to cross. Each member shall watch primarily to the left for approaching traffic. The patrol members shall face directly across the street toward their partner while students are crossing to enable them to see cars coming from either left or right. Both patrol members shall be alert to possible curb-turning cars before stepping into the crosswalk.

[Statutory Authority: RCW 46.61.385. 91-15-016, § 392-151-125, filed 7/10/91, effective 8/10/91; Order 7-75, § 392-151-125, filed 12/22/75. Formerly WAC 392-24-325.]

WAC 392-151-130 Operation with an adult patrol member or police officer or traffic signal. When the vehicular traffic is such that control by a police officer, an adult school patrol member, or traffic signal is required, student school patrol members shall assist by directing students to cross in conformance with the direction given by the police officer or adult patrol member assigned to the crossing or in conformance with the time cycle of the signal.

[Statutory Authority: RCW 46.61.385. 91-15-016, § 392-151-130, filed 7/10/91, effective 8/10/91; Order 7-75, § 392-151-130, filed 12/22/75. Formerly WAC 392-24-330.]

WAC 392-151-135 Operation at an intersection with traffic signal. At an intersection with a traffic signal, the light shall govern school patrol operation and the movement of students.

When the light turns green in the direction the students are to cross, the patrol members shall be certain that all approaching cars are stopping for their red light. When the patrol members are sure that traffic does not constitute a hazard, the patrol members shall follow the basic crossing procedure.

Before the red signal comes back on, patrol members shall stop all stragglers. Patrol members shall know the length of time the green is on and be able to estimate the correct moment to stop the flow of pedestrians.

When the signal is a pedestrian-actuated light, it shall be controlled by the "sender" patrol member. The "WALK" phase of this type of light is shorter than the green phase of the regular traffic light so that small compact groups of pedestrians may be allowed to cross at one time.

[Statutory Authority: RCW 46.61.385. 91-15-016, § 392-151-135, filed 7/10/91, effective 8/10/91; Order 7-75, § 392-151-135, filed 12/22/75. Formerly WAC 392-24-335.]

7/27/77, effective 9/11/77; Order 13-76, § 392-153-005, filed 12/21/76; Order 7-75, § 392-153-005, filed 12/22/75.]

WAC 392-151-140 Violation reports and accidents. Moving motor vehicle violations at school crossings shall be reported to the appropriate law enforcement agency. School patrol members shall report all incidents which occur on or near their crossings which appear to involve unsafe practices on the part of anyone. Such reports shall be made to the patrol supervisor.

If the incident involves a driver violation, the license number of the car shall be written down immediately. Reports shall be reviewed by the patrol supervisor and principal. When the principal feels that a particular violation has occurred which requires follow-up by the police department, a violation report shall be filled out.

In the event of an injury accident or emergency at their post, patrol members shall observe the following directions:

(1) If the accident was caused by a vehicle, obtain license number, time of violation, and whether male or female driver.

(2) Never leave the crossing. Dispatch messengers to the school office stating location, nature, and seriousness of accident.

(3) Keep all students back away from the curb.

(4) Obtain name and address of victim and witnesses.

(5) Make a report to the patrol supervisor.

[Statutory Authority: RCW 46.61.385. 91-15-016, § 392-151-140, filed 7/10/91, effective 8/10/91; Order 7-75, § 392-151-140, filed 12/22/75. Formerly WAC 392-24-340.]

WAC 392-153-010 Definitions. (1) A "traffic safety education course" shall mean an accredited course of instruction in traffic safety education approved by the superintendent of public instruction which shall consist of two phases: Classroom instruction and laboratory experience.

(2) "Classroom instruction" shall mean that portion of a traffic safety education course, based in a classroom environment, which is characterized by student learning under the management of a qualified teacher or teachers.

(3) "Laboratory experience" shall mean that portion of a traffic safety education course, covering motor vehicle operation under real or simulated conditions, characterized by student learning experiences arising from use of simulation equipment, an off-street multiple car driving range, and/or on-street driving practice in a dual controlled car under the direction of a teacher.

(4) A "qualified teacher of traffic safety education" shall mean an instructor certificated under the provisions of chapter 28A.410 RCW and certificated by the superintendent of public instruction to teach either the classroom phase or the laboratory phase of the traffic safety education course, or both, under regulations promulgated by the superintendent: *Provided*, That the laboratory phase of the traffic safety education course may be taught by instructors certificated under rules promulgated by the superintendent of public instruction, exclusive of any requirement that the instructor be certificated under the provisions of chapter 28A.410 RCW. Commercial instructors certificated under the provisions of chapter 46.82 RCW, and participating in this program, shall be subject to qualification requirements jointly adopted by the superintendent of public instruction and the director of the department of licensing.

[Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-153-010, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 46.81.020. 80-09-027 (Order 80-24), § 392-153-010, filed 7/9/80; Order 6-77, § 392-153-010, filed 7/27/77, effective 9/11/77; Order 13-76, § 392-153-010, filed 12/21/76; Order 7-75, § 392-153-010, filed 12/22/75. Formerly WAC 392-50-010.]

Chapter 392-153 WAC

TRAFFIC SAFETY—DRIVER EDUCATION

WAC

392-153-005	Purposes.
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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

392-153-030 District curriculum guides. [Order 13-76, § 392-153-030, filed 12/21/76; Order 7-75, § 392-153-030, filed 12/22/75. Formerly WAC 392-50-050.] Repealed by Order 6-77, filed 7/27/77, effective 9/11/77.

WAC 392-153-014 State approval of traffic safety education program. The superintendent of public instruction shall approve traffic safety education programs on an annual basis. Only programs meeting the requirements of this chapter shall be approved.

[Statutory Authority: RCW 28A.220.030. 92-03-138 (Order 92-04), § 392-153-014, filed 1/22/92, effective 2/22/92.]

WAC 392-153-005 Purposes. The purposes of this chapter are to implement chapter 28A.220 RCW and establish the basic requirements governing the operations and scope of traffic safety education programs which may be conducted by any school district maintaining a secondary school which includes any of the grades 10 through 12 or a commercial driving school under the requirements of RCW 46.20.100.

WAC 392-153-015 State reimbursement to school districts. State reimbursement to school districts operating approved traffic safety education programs shall be provided pursuant to WAC 392-122-300 through 392-122-322 and WAC 392-122-905 through 392-122-910.

[Statutory Authority: RCW 28A.220.030. 92-03-138 (Order 92-04), § 392-153-015, filed 1/22/92, effective 2/22/92. Statutory Authority: RCW 46.81.020. 80-09-027 (Order 80-24), § 392-153-015, filed 7/9/80; Order 6-77, § 392-153-015, filed 7/27/77, effective 9/11/77; Order 13-76, § 392-153-015, filed 12/21/76; Order 7-75, § 392-153-015, filed 12/22/75. Formerly WAC 392-50-020.]

[Statutory Authority: RCW 28A.220.030. 92-03-138 (Order 92-04), § 392-153-005, filed 1/22/92, effective 2/22/92; Order 6-77, § 392-153-005, filed

WAC 392-153-020 Teacher and instructor qualifications. (1) A teacher certificated under provisions of chapter 28A.410 RCW shall be eligible to teach the classroom or laboratory phases of the traffic safety education program if he/she possesses the following qualifications in addition to those required under chapter 28A.410 RCW:

- (a) Possesses a valid Washington state driver's license.
- (b) Provides a record(s) from the Washington state department of licensing and/or other driver licensing jurisdiction for a five-year period showing:
 - (i) Not more than three moving traffic violations within the preceding 12 months or more than four moving traffic violations in the preceding 24 months;
 - (ii) No alcohol related traffic violation within the preceding three years;
 - (iii) No driver's license suspension, cancellation, revocation or denial within the preceding three years.
- (c) Has completed at least one 3-quarter credit hour course in general safety education and at least three courses consisting of 3-quarter credit hours each in traffic safety education as approved by the office of the superintendent of public instruction.
- (d) Possesses a valid traffic safety education endorsement issued by the superintendent of public instruction.

(2) Any person endorsed by the superintendent of public instruction to teach traffic safety education in the state of Washington prior to May 27, 1969, and who possesses a consultant special certificate but does not hold a valid teaching certificate required by WAC 392-153-010 (4) and (5), shall continue to be qualified to teach both classroom and laboratory phase of traffic safety education in this state on the condition that he or she renew such consultant special certificate on an annual basis and maintain a satisfactory driving record as set forth above in WAC 392-153-020 (1)(a) and (1)(b).

(3) The laboratory phase of the traffic safety education course may be taught by a commercial instructor licensed by the department of licensing pursuant to chapter 46.82 RCW or an instructor who, although not certificated pursuant to chapter 28A.410 RCW or chapter 46.82 RCW, serves under the supervision of the district traffic safety education program coordinator or his/her designee and who meets the following qualifications:

- (a) Possesses a valid Washington state driver's license.
- (b) Is at least 21 years of age.
- (c) Has at least 5 years of driving experience.
- (d) Holds a high school diploma or its equivalent.
- (e) Provides a record(s) from the Washington state department of licensing and/or other driver licensing jurisdiction for a 5 year period showing a satisfactory driving record as set forth above in WAC 392-153-020 (1)(b).
- (f) Provides evidence of the following:

- (i) Completion of at least sixty 60-minute clock hours of study in the field of driving instruction as required by [RCW 46.82.130] [RCW 46.82.330] and as approved by the office of the superintendent of public instruction and the department of licensing;
- (ii) Completion of behind-the-wheel supervised practice in instructing;
- (iii) A recommendation for a certificate from a school district superintendent or from a commercial school approved

by the office of the superintendent of public instruction.

(g) Passes practical and knowledge examinations developed and administered by the department of licensing and required under provisions of chapter 46.82 RCW for commercial instructors.

(h) Provides evidence to an agent approved by the office of the superintendent of public instruction of the following instructional competencies:

- (i) Uses teaching methods which allow for individual student driving abilities, reduces student anxieties, and involves backseat observers;
- (ii) Communicates clearly, using appropriate technical vocabulary;
- (iii) Select routes for on-street and on-site lessons and conducts student learning activities from simple to complex which correspond with the learner's mental, physical and emotional performance capabilities in coordination with classroom activities;
- (iv) Maintains a position within the vehicle for awareness of the traffic scene and utilizes control instruments to maintain safety and facilitate instruction;
- (v) Applies uniform evaluation criteria in assessing needs and progress of students during and after each lesson.

(i) Persons desiring to teach in the simulator or on the multiple car driving range shall provide evidence of having completed an additional thirty clock hours of study which includes supervised practice in instructing in each area as approved by the office of the superintendent of public instruction and the department of licensing: *Provided*, That a person who holds a valid certificate under the provisions of chapter 28A.410 RCW and meets the requirements for traffic safety certification set forth under WAC 392-153-020(1) who is employed as a paraprofessional shall not be required to meet any of the requirements set forth above in WAC 392-153-020(3).

(4) The superintendent of public instruction shall issue the consultant special certificate to any person who files an application, pays the appropriate fee(s), and meets the requirements set forth in WAC 392-153-020 (2) or (3) for certification as an instructor of the laboratory phase of traffic safety education.

(5) Certificates issued to teach the laboratory phase of traffic safety education under provisions of chapter 392-153 WAC shall be valid for one year. Reissuance of such certificates shall be subject to the following requirements:

- (a) Verification of employment or intent to employ;
- (b) Verification of a satisfactory driving record.

(6) The fee for the consultant special certificate shall be \$1.00 which shall be remitted to an educational service district.

[Statutory Authority: 1990 c 33, 90-16-002 (Order 18), § 392-153-020, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 46.81.020, 80-09-027 (Order 80-24), § 392-153-020, filed 7/9/80; Order 5-77, § 392-153-020, filed 7/27/77, effective 9/11/77; Order 13-76, § 392-153-020, filed 12/21/76; Order 7-75, § 392-153-020, filed 12/22/75. Formerly WAC 392-50-030.]

Reviser's note: RCW 34.05.395 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.

WAC 392-153-025 Traffic safety education vehicles.

All free-loan vehicles shall comply with subsections (1), (2), and (3) of this section. District-owned vehicles shall comply with subsections (1) and (2) only.

(1) Equipment. Every vehicle used in on-street instruction shall be equipped with a dual control brake and rear view mirror for the instructor.

(2) Signing. Every vehicle used in on-street instruction shall have a sign readable from the rear with normal vision from a safe following distance. The sign shall designate the vehicle as a traffic safety education vehicle or a vehicle driven by a student driver, or display a recognizable symbol designating student driver.

(3) Use. A traffic safety education vehicle shall be used exclusively for traffic safety education purposes.

[Order 13-76, § 392-153-025, filed 12/21/76; Order 7-75, § 392-153-025, filed 12/22/75. Formerly WAC 392-50-040.]

WAC 392-153-032 Realistic level of effort. Each school district and commercial driving school shall have a locally written curriculum guide available to each teacher and such guide shall be used by each teacher in the traffic safety education program.

The student shall be taught at least the following program concepts: introduction to highway transportation system; preparing and controlling the vehicle; maneuvering in limited space; signs, signals, and pavement markings; vehicle characteristics; human functions used in driving; roadway variations; intersections; traffic flow tasks; lane changes; passing; nonmotorized traffic; internal factors affecting driving performance; physical factors affecting driving performance; alcohol and drugs; vehicle maintenance; planning for travel; limited visibility; reduced traction; special driving conditions; vehicle malfunctioning; avoiding and minimizing impact; post-crash responsibilities; legal responsibilities; highway transportation system improvement; fuel conservation; and motorcycle awareness. The guide shall also include:

(1) The performance objectives appropriate for the area of instruction.

(2) The methods of instruction used by the teacher in presenting the material.

(3) The student activities that will enable a student to accomplish the objectives and to the extent possible allow for individual differences.

(4) The level of competency each student is to successfully complete in each objective.

(5) The evaluation criteria for the classroom and laboratory phase.

A student shall meet the objectives and competencies listed in the district curriculum guide as a condition of successful completion of the traffic safety education program.

For the purposes of school district reporting and state reimbursement a completing student means a person under twenty-one years of age at the time of enrollment who has enrolled in an approved course and has met one of the following criteria:

(1) Has completed all the program objectives as required by the school district and approved by the state superinten-

dent of public instruction and has received a passing grade; or

(2) Has received a failing grade after attending more than fifty percent of the program's scheduled classes but achieved less than ninety percent of the program objectives; or

(3) Has officially withdrawn, dropped, or transferred after attending more than fifty percent of the program's scheduled classes.

A student taking the course more than once because of a failing grade on the first and subsequent attempts may be counted as a completing student for each attempt.

The traffic safety education course including the classroom and the laboratory phase shall be provided for students in a time period not to exceed eighteen school weeks nor be less than nine school weeks during the school year: *Provided*, That summer school course offerings and commercial driving schools offering an approved program shall not be less than five weeks in length. A minimum five-week course of instruction is defined as not less than twenty-five hours of contact time in a classroom setting with a certified teacher and not less than four hours of actual driving behind the wheel. Where simulation and/or off-street multiple car driving ranges are utilized, not less than three hours of actual driving behind the wheel per student shall occur. In addition, the traffic safety education course shall:

(1) Provide students with no more than two hours of classroom instruction and one hour of on-street instruction during any twenty-four hour period. Where simulation and/or off-street multiple car driving ranges are utilized, not more than one additional hour per student per day shall be allowed.

(2) Provide laboratory instruction only to students who are currently participating in classroom instruction.

[Statutory Authority: RCW 28A.220.030. 92-20-061 (Order 92-10), § 392-153-032, filed 10/2/92, effective 11/2/92; 92-03-138 (Order 92-04), § 392-153-032, filed 1/22/92, effective 2/22/92. Statutory Authority: RCW 46.81.020. 80-09-027 (Order 80-24), § 392-153-032, filed 7/9/80; Order 6-77, § 392-153-032, filed 7/27/77, effective 9/11/77.]

WAC 392-153-035 Scheduling. (1) Any portions of a traffic safety education course may be taught after regular school hours or on Saturdays, as well as on regular school days or as a summer school course, at the option of the school district.

(2) Classroom and laboratory instruction shall be offered concurrently. Classroom treatment of concepts, where applicable, shall be followed by laboratory treatment of those concepts before other concepts are introduced in the classroom portion of instruction in the traffic safety education course.

(3) Classroom and laboratory instruction shall be conducted during daylight hours: *Provided*, That such instruction may be extended to the hours of 5:00 p.m. during winter months even though darkness may occur prior to 5:00 p.m.: *Provided further*, That classroom instruction may be conducted at night for those students who are currently not enrolled in a high school but are otherwise eligible to attend or where the school district conducts one or more educational offerings at night for high school students.

(4) Night driving experiences may be offered as a part of the traffic safety education course: *Provided*, That (a) a

student has previously completed sufficient daytime driving experience, and (b) such night driving experience shall in no case exceed fifty percent of the student's total driving experience.

On-street instruction shall be included in all programs.

[Statutory Authority: RCW 46.81.020. 80-09-027 (Order 80-24), § 392-153-035, filed 7/9/80; Order 13-76, § 392-153-035, filed 12/21/76; Order 7-75, § 392-153-035, filed 12/22/75. Formerly WAC 392-50-060.]

WAC 392-153-040 Administration. (1) Each school district shall appoint a supervisor, coordinator, master teacher or other person to be in charge of the district's traffic safety education program. The person appointed pursuant to this section shall be responsible for ensuring that the requirements of this chapter governing the operation of an approved traffic safety education course are adequately maintained on a continuing basis.

(2) Each school district shall adopt a written policy including, but not limited to, enrollment criteria, student fees, student fee refunds, failures, repeats, and access for part-time students.

(3) Each school district shall maintain individual student records on forms provided by the superintendent of public instruction or an equivalent form approved by the superintendent of public instruction which includes the student's progress, time involvement and evaluation results.

(4) Each school district shall maintain accurate cost records as required by F-196, Part II, as now or hereafter amended and such further information and records as may be required by *The Accounting Manual for Public School Districts of the State of Washington*.

[Statutory Authority: RCW 46.81.020. 80-09-027 (Order 80-24), § 392-153-040, filed 7/9/80; Order 6-77, § 392-153-040, filed 7/27/77, effective 9/10/77; Order 13-76, § 392-153-040, filed 12/21/76; Order 7-75, § 392-153-040, filed 12/22/75. Formerly WAC 392-50-070.]

Chapter 392-157 WAC CHILD NUTRITION—PRACTICES AND PROCEDURES

WAC

392-157-005	Authority.
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STATE GRANTS FOR SCHOOL LUNCH AND BREAKFAST PROGRAMS

392-157-130	General description.
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STATE GRANTS FOR SUMMER FOOD SERVICE PROGRAMS

392-157-160	General description.
392-157-165	Application procedure.
392-157-170	Proposal evaluation criteria.
392-157-175	Grant budgets.
392-157-180	Budget adjustments.

WAC 392-157-005 Authority. The authority for this chapter is RCW 28A.235.100.

[Statutory Authority: RCW 28A.235.100. 94-04-097 (Order 94-02), § 392-157-005, filed 2/1/94, effective 3/4/94.]

WAC 392-157-010 Purposes. The purposes of this chapter are to:

(1) Encourage school districts to participate in the National School Lunch and School Breakfast Programs.

(2) Provide policies and procedures for the budgeting and accounting for state appropriations for school breakfast and lunch programs in school districts.

(3) Provide policies and procedures regarding the administration of state appropriated grants to school districts to increase participation in school breakfast and lunch programs, to improve program quality, and to improve the equipment and facilities used in the programs.

(4) Provide policies and procedures regarding the administration of state appropriated grants to school districts and other eligible organizations to start summer food service programs and to help expand summer food services for children.

(5) Formalize procedures currently in place for the apportionment of state match money for the National School Lunch Program and the state reimbursement for free and reduced price breakfasts.

[Statutory Authority: RCW 28A.235.100. 94-04-097 (Order 94-02), § 392-157-010, filed 2/1/94, effective 3/4/94.]

WAC 392-157-015 Definition—Child nutrition program. As used in this chapter, the term "child nutrition program" means activities designed to provide nutritious meals and nutrition education to children.

[Statutory Authority: RCW 28A.235.100. 94-04-097 (Order 94-02), § 392-157-015, filed 2/1/94, effective 3/4/94.]

WAC 392-157-020 Definition—National school lunch program. As used in this chapter, the term "national school lunch program" has the meaning defined in Title 7 of the Code of Federal Regulations (7 CFR) Part 210.2.

[Statutory Authority: RCW 28A.235.100. 94-04-097 (Order 94-02), § 392-157-020, filed 2/1/94, effective 3/4/94.]

WAC 392-157-025 Definition—School breakfast program. As used in this chapter, the term "school breakfast program" has the meaning defined in 7 CFR Part 220.2.

[Statutory Authority: RCW 28A.235.100. 94-04-097 (Order 94-02), § 392-157-025, filed 2/1/94, effective 3/4/94.]

WAC 392-157-030 Definition—Summer food service program. As used in this chapter, the term "summer food service program" means a program meeting the federal requirements defined in 7 CFR Part 225.

[Statutory Authority: RCW 28A.235.100. 94-04-097 (Order 94-02), § 392-157-030, filed 2/1/94, effective 3/4/94.]

WAC 392-157-035 Definition—School food authority. As used in this chapter, the term "school food authority" has the meaning defined in 7 CFR Part 210.2 for the national school lunch program, 7 CFR Part 220.2 for the school breakfast program and 7 CFR Part 225.2 for the summer food service program.

[Statutory Authority: RCW 28A.235.100. 94-04-097 (Order 94-02), § 392-157-035, filed 2/1/94, effective 3/4/94.]

WAC 392-157-040 Definition—Summer food service program sponsor. As used in this chapter, the term "summer food service program sponsor" has the meaning defined in 7 CFR Part 225.2.

[Statutory Authority: RCW 28A.235.100. 94-04-097 (Order 94-02), § 392-157-040, filed 2/1/94, effective 3/4/94.]

WAC 392-157-045 Definition—Lunch. As used in this chapter, the term "lunch" has the meaning defined in 7 CFR Part 210.2.

[Statutory Authority: RCW 28A.235.100. 94-04-097 (Order 94-02), § 392-157-045, filed 2/1/94, effective 3/4/94.]

WAC 392-157-050 Definition—Free lunch. As used in this chapter, the term "free lunch" has the meaning defined in 7 CFR Part 210.2.

[Statutory Authority: RCW 28A.235.100. 94-04-097 (Order 94-02), § 392-157-050, filed 2/1/94, effective 3/4/94.]

WAC 392-157-055 Definition—Reduced price lunch. As used in this chapter, the term "reduced price lunch" has the meaning defined in 7 CFR Part 210.2.

[Statutory Authority: RCW 28A.235.100. 94-04-097 (Order 94-02), § 392-157-055, filed 2/1/94, effective 3/4/94.]

WAC 392-157-060 Definition—Breakfast. As used in this chapter, the term "breakfast" has the meaning defined in 7 CFR Part 220.2.

[Statutory Authority: RCW 28A.235.100. 94-04-097 (Order 94-02), § 392-157-060, filed 2/1/94, effective 3/4/94.]

WAC 392-157-065 Definition—Free breakfast. As used in this chapter, the term "free breakfast" has the meaning defined in 7 CFR Part 220.2.

[Statutory Authority: RCW 28A.235.100. 94-04-097 (Order 94-02), § 392-157-065, filed 2/1/94, effective 3/4/94.]

WAC 392-157-070 Definition—Reduced price breakfast. As used in this chapter, the term "reduced price breakfast" has the meaning defined in 7 CFR Part 220.2.

[Statutory Authority: RCW 28A.235.100. 94-04-097 (Order 94-02), § 392-157-070, filed 2/1/94, effective 3/4/94.]

WAC 392-157-075 Definition—Severe need school. As used in this chapter, the term "severe need school" has the meaning defined in 7 CFR Part 220.2 and 7 CFR Part 220.9(e).

[Statutory Authority: RCW 28A.235.100. 94-04-097 (Order 94-02), § 392-157-075, filed 2/1/94, effective 3/4/94.]

WAC 392-157-080 Definition—Severe need breakfast reimbursement. As used in the chapter, the term "severe need breakfast reimbursement" means an additional amount paid by the USDA for each breakfast served in qualifying school buildings identified as "severe need schools" in school districts, private schools and residential child care institutions participating in the school breakfast program.

[Statutory Authority: RCW 28A.235.100. 94-04-097 (Order 94-02), § 392-157-080, filed 2/1/94, effective 3/4/94.]

WAC 392-157-085 Definition—Accounting manual. As used in this chapter, the term "accounting manual" means the most recently published accounting manual for public school districts in the state of Washington issued by the superintendent of public instruction and the state auditor.

[Statutory Authority: RCW 28A.235.100. 94-04-097 (Order 94-02), § 392-157-085, filed 2/1/94, effective 3/4/94.]

WAC 392-157-090 Definition—Object of expenditure. As used in this chapter, the term "object of expenditure" shall be as defined in the accounting manual glossary of terms (i.e., "the article purchased or the services obtained").

[Statutory Authority: RCW 28A.235.100. 94-04-097 (Order 94-02), § 392-157-090, filed 2/1/94, effective 3/4/94.]

WAC 392-157-095 Definition—Activity. As used in this chapter, the term "activity" shall be as defined in the accounting manual glossary of terms (i.e., "a specific and distinguishable service performed by a school district in order to accomplish a function for which the school district is responsible").

[Statutory Authority: RCW 28A.235.100. 94-04-097 (Order 94-02), § 392-157-095, filed 2/1/94, effective 3/4/94.]

WAC 392-157-100 Definition—Operating expenditure. As used in this chapter, the term "operating expenditure" means the school district general fund direct expenditures and indirect expenditures allocated to Program 98 - Food Services as defined in the *Accounting Manual for Public School Districts in the State of Washington*.

[Statutory Authority: RCW 28A.235.100. 94-04-097 (Order 94-02), § 392-157-100, filed 2/1/94, effective 3/4/94.]

WAC 392-157-105 Meal requirements. The following procedures shall be used by the superintendent of public instruction to apportion moneys appropriated by the legislature for school district meal reimbursements:

(1) National School Lunch Program state match reimbursements and adjustments to these reimbursements shall be apportioned by the superintendent of public instruction (SPI) in the same manner as provided in WAC 392-121-400.

(2) All other meal reimbursements shall be apportioned as follows:

(a) Allocations for each school year shall be based on a uniform state-wide rate per meal.

(b) Allocations shall be made at a rate of ten percent per month for the months of September through June.

(3) Except as provided in subsection (2)(a) and (b) of this section allocations shall be made in the same manner as provided in WAC 392-121-400.

(4) During the month of January following the end of the school year, the reimbursements made to each school district during the preceding school year will be adjusted to the actual number of meals reported to the SPI child nutrition section during the preceding school year on Form F-398.

[Statutory Authority: RCW 28A.235.100. 94-04-097 (Order 94-02), § 392-157-105, filed 2/1/94, effective 3/4/94.]

WAC 392-157-110 Timely reporting. Reimbursement claims for meals must be submitted in a timely manner in accordance with chapter 392-117 WAC and 7 CFR Parts 210.8 and 220.11.

[Statutory Authority: RCW 28A.235.100. 94-04-097 (Order 94-02), § 392-157-110, filed 2/1/94, effective 3/4/94.]

WAC 392-157-115 Use of meal reimbursements. Appropriations by the state legislature for school district meal reimbursements required as a state match in 7 CFR Part 210.17 shall be used for any nonprofit school food service program purpose. Appropriations made under chapter 28A.235 RCW shall be used by school districts to support the operating expenditures of school lunch and school breakfast programs, including food, labor, supplies, and capital expenditures unless specific appropriations for nonoperating expenditures are provided.

[Statutory Authority: RCW 28A.235.100. 94-04-097 (Order 94-02), § 392-157-115, filed 2/1/94, effective 3/4/94.]

WAC 392-157-120 Program operation. All school districts that do not offer a school lunch program are encouraged to implement such a program. All school districts are encouraged to provide a breakfast program in all severe need schools as they become eligible.

[Statutory Authority: RCW 28A.235.100. 94-04-097 (Order 94-02), § 392-157-120, filed 2/1/94, effective 3/4/94.]

WAC 392-157-125 Time for meals. The school breakfast and school lunch periods shall allow a reasonable amount of time for each child to take care of personal hygiene and enjoy a complete meal.

[Statutory Authority: RCW 28A.235.100. 94-04-097 (Order 94-02), § 392-157-125, filed 2/1/94, effective 3/4/94.]

STATE GRANTS FOR SCHOOL LUNCH AND BREAKFAST PROGRAMS

WAC 392-157-130 General description. Amounts appropriated by the state legislature for school districts to start-up, improve and expand breakfast and lunch programs shall be awarded on a competitive basis. School districts, if eligible, shall first apply for any available USDA grants to start-up, improve and expand breakfast and lunch programs prior to making application for state grants for these purposes. School districts, if eligible, shall also apply for the USDA severe need breakfast reimbursement prior to making applications for state grants to start-up, improve, and expand breakfast and lunch programs. A state grant to start-up, improve, and expand a school district breakfast or lunch program may be used for the following purposes which are listed in order of importance:

(1) Purchase food service equipment.

(2) Provide staff training.

(3) Disseminate program information to students, families and school staff to encourage program participation.

(4) Improve efficiency in the food service area.

(5) Improve sanitation in the food service area.

(6) Improve safety in the food service area.

State start-up, improvement, and expansion grants shall not be used for the acquisition of land or existing buildings, improvement of grounds, construction of buildings, additions to buildings, or the remodeling of buildings to be consistent with 7 CFR Part 210.14(a).

[Statutory Authority: RCW 28A.235.100. 94-04-097 (Order 94-02), § 392-157-130, filed 2/1/94, effective 3/4/94.]

WAC 392-157-135 Application procedure. In order to apply for a state grant, a school food authority must submit a written description of its proposed purchase or project. The description must include:

(1) Proposed purchase(s) or a description of the project.

(2) The cost of each item or each part of the project.

(3) How the item(s) purchased or how the results of the project will benefit the program.

(4) How the purchase(s) or the project will affect the breakfast and lunch programs, for example, increased participation, improved menus, and/or expenditure reductions.

(5) The number of students eligible for free or reduced price meals that would be affected.

(6) A timetable for the purchase and installation of equipment or a timetable for the project.

(7) An assurance that a USDA grant is not available or application has been made for a USDA grant for the proposed purchase(s) or project.

(8) An assurance that, if eligible, an application has been made for the severe need breakfast reimbursement from the USDA.

(9) An assurance that the program will be continued for at least three years after the grant is received.

[Statutory Authority: RCW 28A.235.100. 94-04-097 (Order 94-02), § 392-157-135, filed 2/1/94, effective 3/4/94.]

WAC 392-157-140 Evaluation of grant proposals. A committee shall be established to apply the criteria for the

evaluation of state grant proposals to start-up, improve, and expand breakfast and lunch programs. A separate committee shall be established to apply the criteria for the evaluation of state grant proposals to improve and expand summer food service programs. Each committee's evaluations shall be forwarded to the superintendent of public instruction who will use the evaluations as grant award recommendations. Each committee shall consist of three or more representatives from selected organizations concerned with child nutrition such as the Washington School Food Service Association, the Washington School Directors' Association, the Washington Association of School Administrators, the Washington Association of School Principals, the Washington Association of School Business Officials and School Nurses of Washington. In addition, each committee shall include a representative from one or more child nutrition advocacy organizations, a representative from the office of the governor, and any other organization as the office of the superintendent of public instruction deems necessary. Members of the committee shall be selected by the superintendent of public instruction.

[Statutory Authority: RCW 28A.235.100. 94-04-097 (Order 94-02), § 392-157-140, filed 2/1/94, effective 3/4/94.]

WAC 392-157-145 Grant proposal evaluation criteria. Proposals from all school districts will be evaluated and ranked by a committee established pursuant to WAC 392-157-140 based on the following criteria which are listed in descending order of importance:

(1) A program will be made available where there was no program before.

(2) The projected total number of students that will be affected by the purchase or project while allocating the funds to the greatest number of districts practical.

(3) The effect of the purchase or the project on the participation of students eligible for free and reduced price meals.

(4) Time frame in which a new program will be started and/or how quickly the improvements can be made as the result of the purchase or project.

(5) The availability of other sources of money for the proposed purchases or project.

(6) Necessary assurances provided by the school district for the continuation of the program after the purchases are made or the project is completed.

(7) The projected effect of the purchase or project on program quality.

(8) The amount of grant money available.

(9) The geographic dispersion of the grantees.

[Statutory Authority: RCW 28A.235.100. 94-04-097 (Order 94-02), § 392-157-145, filed 2/1/94, effective 3/4/94.]

WAC 392-157-150 Grant budgets. School districts as part of the grant application process shall budget expenditures by object of expenditure and activity as described in the accounting manual for public schools in the state of Washington on forms provided by the superintendent of public instruction.

[Statutory Authority: RCW 28A.235.100. 94-04-097 (Order 94-02), § 392-157-150, filed 2/1/94, effective 3/4/94.]

WAC 392-157-155 Budget adjustments. Budgeted expenditure adjustments may be made by increasing an approved activity-object expenditure amount by up to ten percent and decreasing others without filing a request for a budget revision with the superintendent of public instruction. These adjustments may be made only once for each grant and only if the increases, in total do not exceed ten percent of the total budgeted expenditures and do not increase total budgeted expenditures.

[Statutory Authority: RCW 28A.235.100. 94-04-097 (Order 94-02), § 392-157-155, filed 2/1/94, effective 3/4/94.]

STATE GRANTS FOR SUMMER FOOD SERVICE PROGRAMS

WAC 392-157-160 General description. Amounts appropriated by the state legislature for summer food service programs shall be awarded on a competitive basis. Summer food service program sponsors shall apply for any federal grants to start-up and expand summer food service programs prior to making application for state grants for these purposes. A state start-up and expansion grant may be used to:

(1) Provide staff time for summer food service program development including the planning, designing and implementation of a new program or the expansion of an existing program.

(2) Purchase food service equipment.

(3) Provide staff training.

(4) Disseminate program information to students, families, school staff, and the community to encourage program participation.

State start-up and expansion grants shall not be used for the acquisition of land or existing buildings, improvement of grounds, construction of buildings, additions to buildings, or the remodeling of buildings to be consistent with 7 CFR Part 210.14(a).

[Statutory Authority: RCW 28A.235.100. 94-04-097 (Order 94-02), § 392-157-160, filed 2/1/94, effective 3/4/94.]

WAC 392-157-165 Application procedure. In order to apply for a state grant, a summer food service sponsor must submit a written description of its proposed purchase or project. The description must include:

(1) Proposed purchase(s) or a description of the project.

(2) The cost of each item or each part of the project.

(3) How the item(s) purchased or how the results of the project will benefit the program.

(4) If appropriate, a description of how staff will be used to develop the program.

(5) Impact the sponsor expects the purchase(s) or project to have on the number of children participating in the summer food service program.

(6) A timetable for the purchase and installation of equipment or a timetable for the project.

(7) An assurance that a USDA grant is not available or application has been made for a USDA grant for the proposed purchases or project.

(8) An assurance that the program will be continued for at least three years after the grant is received.

[Statutory Authority: RCW 28A.235.100. 94-04-097 (Order 94-02), § 392-157-165, filed 2/1/94, effective 3/4/94.]

WAC 392-157-170 Proposal evaluation criteria.

The proposals from all sponsors and potential sponsors will be evaluated by a committee established pursuant to WAC 392-157-140 and ranked based on the following criteria which are listed in descending order of importance:

(1) A program will be made available where there was no program before.

(2) The increased participation that is projected because of the proposed purchase or project.

(3) Time frame in which a program will be started or expanded and/or how quickly the improvements can be made as the result of the purchase or project.

(4) The availability of other sources of money for the proposed purchase or project.

(5) Necessary assurances provided by the sponsor for the continuation of the program after the purchases are made or the project is completed.

(6) The amount of grant money available.

(7) The geographic dispersion of the grantees.

[Statutory Authority: RCW 28A.235.100. 94-04-097 (Order 94-02), § 392-157-170, filed 2/1/94, effective 3/4/94.]

WAC 392-157-175 Grant budgets. School districts as part of the grant application process shall budget expenditures by object of expenditure and activity as described in the *Accounting Manual for Public Schools in the State of Washington*. All summer food service program sponsors shall submit a budget on forms provided by the superintendent of public instruction.

[Statutory Authority: RCW 28A.235.100. 94-04-097 (Order 94-02), § 392-157-175, filed 2/1/94, effective 3/4/94.]

WAC 392-157-180 Budget adjustments. Budgeted expenditure adjustments may be made by increasing an approved activity-object expenditure amount for school districts and a budgeted line item for all other summer food service program sponsors by up to ten percent and decreasing others without filing a request for a budget revision with the superintendent of public instruction. These adjustments may be made only once for each grant and only if the increases, in total do not exceed ten percent of the total budgeted expenditures and do not increase total budgeted expenditures.

[Statutory Authority: RCW 28A.235.100. 94-04-097 (Order 94-02), § 392-157-180, filed 2/1/94, effective 3/4/94.]

Chapter 392-160 WAC**SPECIAL SERVICE PROGRAM—TRANSITIONAL BILINGUAL****WAC**

392-160-003	Authority.
392-160-004	Purpose.
392-160-005	Definitions.
392-160-010	School district board of directors duties.
392-160-015	Identification of eligible students.
392-160-020	Approved tests for determining initial eligibility— English proficiency scores.
392-160-026	District application.
392-160-027	Board approval.
392-160-028	Content of district application.
392-160-029	Program approval.

392-160-035	Three-year limitation—Testing—Program exit requirements.
392-160-040	Alternative instructional program.
392-160-045	Handicapped students—No transitional bilingual entitlement.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

392-160-001	Purpose—Supplemental federal requirements. [Statutory Authority: RCW 28A.58.804. 81-15-089 (Order 81-4), § 392-160-001, filed 7/22/81. Statutory Authority: RCW 28A.58.808. 80-07-039 (Order 80-21), § 392-160-001, filed 6/17/80.] Repealed by 84-13-027 (Order 84-17), filed 6/13/84. Statutory Authority: RCW 28A.58.800 through 28A.58.810.
392-160-025	Program application and approval procedure. [Statutory Authority: RCW 28A.58.808. 80-07-039 (Order 80-21), § 392-160-025, filed 6/17/80.] Repealed by 81-15-089 (Order 81-4), filed 7/22/81. Statutory Authority: RCW 28A.58.804.
392-160-030	Funding procedure—Monthly reports. [Statutory Authority: RCW 28A.58.808. 80-07-039 (Order 80-21), § 392-160-030, filed 6/17/80.] Repealed by 81-15-089 (Order 81-4), filed 7/22/81. Statutory Authority: RCW 28A.58.804.

WAC 392-160-003 Authority. The authority for this chapter is RCW 28A.180.060 which authorizes the superintendent of public instruction to promulgate rules for the implementation of a transitional bilingual instructional program.

[Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-160-003, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.58.800 through 28A.58.810. 84-13-027 (Order 84-17), § 392-160-003, filed 6/13/84.]

WAC 392-160-004 Purpose. The purpose of this chapter is to set forth policies and procedures for the implementation of a transitional bilingual instructional program.

[Statutory Authority: RCW 28A.58.800 through 28A.58.810. 84-13-027 (Order 84-17), § 392-160-004, filed 6/13/84.]

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

(1) "Transitional bilingual instruction" means a system of instruction which:

(a) Uses two languages, one of which is English, as a means of instruction to build upon and expand language skills to enable a student to achieve competency in English;

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

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

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

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

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

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

(4) "Alternative instructional program" means a program of instruction which may include English as a second language and is designed to enable the student to achieve competency in English.

[Statutory Authority: RCW 28A.58.808. 84-20-083 (Order 84-41), § 392-160-005, filed 10/2/84. Statutory Authority: RCW 28A.58.800 through 28A.58.810. 84-13-027 (Order 84-17), § 392-160-005, filed 6/13/84. Statutory Authority: RCW 28A.58.808. 80-07-039 (Order 80-21), § 392-160-005, filed 6/17/80.]

WAC 392-160-010 School district board of directors duties. Consistent with the provisions of this chapter, every school district board of directors:

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

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

(3) Shall provide in-service training for teachers, counselors, and other staff who are involved in the district's transitional bilingual program, including alternative instructional programs, on appropriate instructional strategies for students of culturally different backgrounds and use of curriculum materials and program models.

[Statutory Authority: RCW 28A.58.808. 84-20-083 (Order 84-41), § 392-160-010, filed 10/2/84. Statutory Authority: RCW 28A.58.800 through 28A.58.810. 84-13-027 (Order 84-17), § 392-160-010, filed 6/13/84. Statutory Authority: RCW 28A.58.804. 81-15-089 (Order 81-4), § 392-160-010, filed 7/22/81. Statutory Authority: RCW 28A.58.808. 80-07-039 (Order 80-21), § 392-160-010, filed 6/17/80.]

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

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

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

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

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

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

(b) The student's inability to communicate in English to any practical extent as determined by an interview with the student by appropriate school district staff. No other approved test need be administered if the professional

judgment of the school personnel is that the student is eligible as defined in WAC 392-160-005(3).

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

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

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

(5) Annual reassessment of all students required: Each school year each school in which an eligible student is enrolled shall conduct an evaluation of the overall academic progress of the student. This evaluation must include but not be limited to the administration of a standardized test in reading and language arts as set forth in WAC 392-160-035.

[Statutory Authority: Chapter 28A.180 RCW. 91-17-008 (Order 12), § 392-160-015, filed 8/12/91, effective 9/12/91. Statutory Authority: RCW 28A.58.808. 84-20-083 (Order 84-41), § 392-160-015, filed 10/2/84. Statutory Authority: RCW 28A.58.800 through 28A.58.810. 84-13-027 (Order 84-17), § 392-160-015, filed 6/13/84. Statutory Authority: RCW 28A.58.804. 81-15-089 (Order 81-4), § 392-160-015, filed 7/22/81. Statutory Authority: RCW 28A.58.808. 80-07-039 (Order 80-21), § 392-160-015, filed 6/17/80.]

WAC 392-160-020 Approved tests for determining initial eligibility—English proficiency scores. (1) Approved English proficiency tests: The following tests are approved for the purpose of annually determining the English proficiency of newly enrolled students (other than those who speak little or no English) whose primary language is other than English:

(a) Language assessment scales (LAS and Pre-LAS);

(b) Basic inventory of natural language (BINL);

(c) Bilingual syntax measure (BSM); and

(d) Secondary level English proficiency test (SLEP).

(To be used only at 8-12 level).

(2) Scores which establish an English skills deficiency: In the event a student scores within the appropriate range provided by the test maker to establish such English skill deficiency, the student's English skills shall be deemed sufficiently deficient or absent to impair learning

(3) The superintendent of public instruction may approve a school district request for use of a test other than those approved for use in this section when such request is supported by evidence that:

(a) The approved tests for use identified in this section are either unsuitable, inappropriate, or impractical for use by the school district;

(b) The scores that establish English skills deficiency for the requested test correspond with the scores that establish English skills deficiency for approved tests identified in this section; and

(c) The skills being measured by the requested test correspond to the skills measured by the approved tests identified in this section.

[Statutory Authority: Chapter 28A.180 RCW. 91-17-008 (Order 12), § 392-160-020, filed 8/12/91, effective 9/12/91. Statutory Authority: RCW 28A.58.808. 84-20-083 (Order 84-41), § 392-160-020, filed 10/2/84. Statutory Authority: RCW 28A.58.800 through 28A.58.810. 84-13-027 (Order 84-17), § 392-160-020, filed 6/13/84. Statutory Authority: RCW 28A.58.808. 80-07-039 (Order 80-21), § 392-160-020, filed 6/17/80.]

WAC 392-160-026 District application. Each school district that seeks an allocation of state funds for a transitional bilingual instruction program shall submit a program approval application to the superintendent of public instruction no later than August 1 of each year: *Provided*, That in the case of extenuating circumstances or in the case of a change in circumstances such as the unexpected enrollment of eligible students the superintendent of public instruction may allow the belated submission of an application or the submission of a modification to a previously approved application. The application shall apply to programs to be conducted during the ensuing school year and shall provide data and information in accordance with instructions and forms now or hereafter established and published by the superintendent of public instruction in bulletins distributed to school districts.

[Statutory Authority: RCW 28A.58.808. 84-20-083 (Order 84-41), § 392-160-026, filed 10/2/84. Statutory Authority: RCW 28A.58.800 through 28A.58.810. 84-13-027 (Order 84-17), § 392-160-026, filed 6/13/84.]

WAC 392-160-027 Board approval. The district's annual application shall be approved by formal action of the district's board of directors.

[Statutory Authority: RCW 28A.58.800 through 28A.58.810. 84-13-027 (Order 84-17), § 392-160-027, filed 6/13/84.]

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

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

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

(3) The estimated number of students who will be enrolled during the next school year in a program funded pursuant to this chapter in excess of three school years (i.e., 540 school days or portions thereof). The numbers of such students shall be identified by the non-English primary language spoken and the type of program to be provided (i.e., bilingual or alternative instructional program);

(4) The number of students who have been enrolled in a program funded pursuant to this chapter in excess of three school years who are currently served identified by the non-English primary language spoken by each student and the type of program provided each student;

(5) A description of the bilingual instruction and alternative instructional programs planned for the next school year; and

(6) A description of the in-service training program that is planned for the next school year.

[Statutory Authority: RCW 28A.58.808. 84-20-083 (Order 84-41), § 392-160-028, filed 10/2/84. Statutory Authority: RCW 28A.58.800 through 28A.58.810. 84-13-027 (Order 84-17), § 392-160-028, filed 6/13/84.]

WAC 392-160-029 Program approval. Program approval by the superintendent of public instruction shall be as follows:

(1) Each application that is submitted as required by and pursuant to this chapter shall be approved: *Provided*, That approval of an application may be withheld in whole or part

in the event the superintendent of public instruction deems it necessary to ascertain the completeness and accuracy of the application.

(2) Each school district shall be notified of program approval or disapproval, in whole or part, within thirty days after the date of receipt of the application by the superintendent of public instruction.

(3) Each application that is returned to a school district with approval withheld in whole or part shall be accompanied by an explanation of the reasons therefor and a statement of the corrective action necessary for approval.

[Statutory Authority: RCW 28A.58.800 through 28A.58.810. 84-13-027 (Order 84-17), § 392-160-029, filed 6/13/84.]

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

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

(3) No student shall be entitled to continued enrollment in a transitional bilingual or alternative program once the student has scored above the 35th percentile on the reading and language arts portions of a nationally normed standardized test appropriate for the student's age and grade level.

[Statutory Authority: RCW 28A.58.808. 84-20-083 (Order 84-41), § 392-160-035, filed 10/2/84. Statutory Authority: RCW 28A.58.800 through 28A.58.810. 84-13-027 (Order 84-17), § 392-160-035, filed 6/13/84. Statutory Authority: RCW 28A.58.804. 81-15-089 (Order 81-4), § 392-160-035, filed 7/22/81. Statutory Authority: RCW 28A.58.808. 80-07-039 (Order 80-21), § 392-160-035, filed 6/17/80.]

WAC 392-160-040 Alternative instructional program. School districts under one or more of the following conditions may elect to provide an alternative instructional program:

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

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

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

(4) Teachers who are trained in bilingual education methods and sufficiently skilled in the non-English primary

language(s) are unavailable, and the district has made reasonable attempts to obtain the services of such teachers.

[Statutory Authority: Chapter 28A.180 RCW. 91-17-008 (Order 12), § 392-160-040, filed 8/12/91, effective 9/12/91. Statutory Authority: RCW 28A.58.808. 84-20-083 (Order 84-41), § 392-160-040, filed 10/2/84. Statutory Authority: RCW 28A.58.800 through 28A.58.810. 84-13-027 (Order 84-17), § 392-160-040, filed 6/13/84. Statutory Authority: RCW 28A.58.804. 81-15-089 (Order 81-4), § 392-160-040, filed 7/22/81. Statutory Authority: RCW 28A.58.808. 80-07-039 (Order 80-21), § 392-160-040, filed 6/17/80.]

WAC 392-160-045 Handicapped students—No transitional bilingual entitlement. Notwithstanding any other provision of this chapter to the contrary, any eligible student whose English language skill deficiency is caused primarily by one or more of the handicapping conditions defined in chapter 392-171 WAC, as now or hereafter amended, shall not be eligible for the entitlement established pursuant to this chapter.

[Statutory Authority: RCW 28A.58.808. 84-20-083 (Order 84-41), § 392-160-045, filed 10/2/84. Statutory Authority: RCW 28A.58.804. 81-15-089 (Order 81-4), § 392-160-045, filed 7/22/81. Statutory Authority: RCW 28A.58.808. 80-07-039 (Order 80-21), § 392-160-045, filed 6/17/80.]

Chapter 392-162 WAC

SPECIAL SERVICE PROGRAM—LEARNING ASSISTANCE

WAC

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WAC 392-162-005 Authority. The authority for this chapter is chapter 478, Laws of 1987 which authorizes the superintendent of public instruction to promulgate rules for the implementation of a program designed to provide

learning assistance to public school students in grades kindergarten through nine who are deficient in basic skills achievement.

[Statutory Authority: 1987 c 478. 87-22-001 (Order 87-14), § 392-162-005, filed 10/22/87. Statutory Authority: RCW 28A.41.408. 84-14-038 (Order 84-21), § 392-162-005, filed 6/28/84.]

WAC 392-162-010 Purpose. The purpose of this chapter is to set forth policies and procedures for the administration of and to ensure district compliance with state requirements for a program designed to provide learning assistance to public school students in grades kindergarten through nine who are deficient in basic skills achievement.

[Statutory Authority: 1987 c 478. 87-22-001 (Order 87-14), § 392-162-010, filed 10/22/87. Statutory Authority: RCW 28A.41.408. 84-14-038 (Order 84-21), § 392-162-010, filed 6/28/84.]

WAC 392-162-015 Definition—Basic skills. As used in this chapter, the term "basic skills" means reading, mathematics, language arts, and readiness activities associated with such skills.

[Statutory Authority: 1987 c 478. 87-22-001 (Order 87-14), § 392-162-015, filed 10/22/87. Statutory Authority: RCW 28A.41.408. 84-14-038 (Order 84-21), § 392-162-015, filed 6/28/84.]

WAC 392-162-020 Definition—Learning assistance program. As used in this chapter, the term "learning assistance program" means a state-wide program designed to enhance educational opportunities for public school students in grades kindergarten through nine who are deficient in basic skills achievement.

[Statutory Authority: 1987 c 478. 87-22-001 (Order 87-14), § 392-162-020, filed 10/22/87. Statutory Authority: RCW 28A.41.408. 84-14-038 (Order 84-21), § 392-162-020, filed 6/28/84.]

WAC 392-162-025 Definition—Objective measures. As used in this chapter, the term "objective measures" means using a written or oral testing instrument that can be applied uniformly and consistently to determine in a comparable manner the educational achievement level of children.

[Statutory Authority: 1987 c 478. 87-22-001 (Order 87-14), § 392-162-025, filed 10/22/87. Statutory Authority: RCW 28A.41.408. 84-14-038 (Order 84-21), § 392-162-025, filed 6/28/84.]

WAC 392-162-030 Definition—Eligible students. As used in this chapter, the term "eligible students" means educationally deprived students in grades kindergarten through nine whose educational attainment in basic skills achievement, as documented by placement testing, is below the level that is appropriate for the student's chronological/grade level.

[Statutory Authority: 1987 c 478. 87-22-001 (Order 87-14), § 392-162-030, filed 10/22/87. Statutory Authority: RCW 28A.41.408. 84-14-038 (Order 84-21), § 392-162-030, filed 6/28/84.]

WAC 392-162-032 Definition—Participating students. As used in this chapter, the term "participating students" means eligible students in grades kindergarten through nine as determined by the district needs assessment and placement testing, and selected in accordance with this

chapter to receive services in the learning assistance program.

[Statutory Authority: 1987 c 478. 87-22-001 (Order 87-14), § 392-162-032, filed 10/22/87.]

WAC 392-162-035 Definition—Additional/supplemental services. As used in this chapter, the term "additional/supplemental services" means a program of learning assistance in addition to the required basic education instruction, designed to improve the educational performance of students selected under WAC 392-162-080.

[Statutory Authority: 1987 c 478. 87-22-001 (Order 87-14), § 392-162-035, filed 10/22/87. Statutory Authority: RCW 28A.41.408. 84-14-038 (Order 84-21), § 392-162-035, filed 6/28/84.]

WAC 392-162-040 Definition—Placement testing. As used in this chapter, the term "placement testing" means the administration of objective measures by a school district for the purposes of diagnosing the basic skills achievement levels, determining the basic skills areas of greatest need, and establishing the learning assistance needs of individual students.

[Statutory Authority: 1987 c 478. 87-22-001 (Order 87-14), § 392-162-040, filed 10/22/87. Statutory Authority: RCW 28A.41.408. 84-14-038 (Order 84-21), § 392-162-040, filed 6/28/84.]

WAC 392-162-042 Definition—Program options. As used in this chapter, the term "program options" means any of a broad range of instructional models that describe the locations and methods chosen by a school district for the delivery of learning assistance program additional/supplemental instructional and/or support services.

[Statutory Authority: 1987 c 478. 87-22-001 (Order 87-14), § 392-162-042, filed 10/22/87.]

WAC 392-162-044 Definition—Program plan. As used in this chapter, the term "program plan" means a plan for the learning assistance program developed biennially, in consultation with the district advisory committee based on data generated by the district needs assessment.

[Statutory Authority: 1987 c 478. 87-22-001 (Order 87-14), § 392-162-044, filed 10/22/87.]

WAC 392-162-045 Definition—Approved program. As used in this chapter, the term "approved program" means a program meeting the requirements of this chapter and conducted pursuant to the plan submitted by a district and approved by the superintendent of public instruction in accordance with WAC 392-162-075.

[Statutory Authority: 1987 c 478. 87-22-001 (Order 87-14), § 392-162-045, filed 10/22/87. Statutory Authority: RCW 28A.41.408. 84-20-088 (Order 84-47), § 392-162-045, filed 10/2/84; 84-14-038 (Order 84-21), § 392-162-045, filed 6/28/84.]

WAC 392-162-047 Definition—Basic skills test. As used in this chapter, the term "basic skills tests" means state-wide tests at the fourth and eighth grade levels established pursuant to RCW 28A.230.190.

[Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-162-047, filed 7/19/90, effective 8/19/90. Statutory Authority: 1987 c 478. 87-22-001 (Order 87-14), § 392-162-047, filed 10/22/87.]

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WAC 392-162-049 Definition—Needs assessment. As used in this chapter, the term, "needs assessment" means an analysis of the educational needs of students in grades kindergarten through nine as described in WAC 392-162-067: *Provided*, That an existing district needs assessment that meets the requirements of WAC 392-162-067 may be used.

[Statutory Authority: 1987 c 478. 87-22-001 (Order 87-14), § 392-162-049, filed 10/22/87.]

WAC 392-162-050 Definition—Accounting manual. As used in this chapter, the term "accounting manual" shall mean the latest edition of the accounting manual for public school districts in the state of Washington issued by the superintendent of public instruction and the state auditor.

[Statutory Authority: RCW 28A.41.408. 84-14-038 (Order 84-21), § 392-162-050, filed 6/28/84.]

WAC 392-162-052 Definition—Indirect expenditures. As used in this chapter, the term "indirect expenditures" is as defined in the accounting manual glossary of terms—i.e., "those expenditure elements that cannot be easily, obviously, and conveniently identified with specific programs. . . . accumulated in the accounting system under Program 94 or Program 97."

[Statutory Authority: 1987 c 478. 87-22-001 (Order 87-14), § 392-162-052, filed 10/22/87.]

WAC 392-162-053 Definition—Direct expenditures. As used in this chapter, the term "direct expenditures" means that part of program-allowed total expenditures that appear on the program approved budget matrix under allowed combinations of activities and objects of expenditures.

[Statutory Authority: 1987 c 478. 87-22-001 (Order 87-14), § 392-162-053, filed 10/22/87.]

WAC 392-162-055 Definition—Direct expenditure. As used in this chapter, the term "direct expenditure" shall be as defined in the accounting manual glossary of terms—i.e., "those elements of expenditures which can be easily, obviously and conveniently identified with specific programs, . . ."

[Statutory Authority: RCW 28A.41.408. 84-14-038 (Order 84-21), § 392-162-055, filed 6/28/84.]

WAC 392-162-057 Definition—Advisory committee. As used in this chapter, the term "advisory committee" means a consultant group with membership including, but not limited to, representatives of the following groups: Parents—including parents of students served by program—teachers, principals, administrators, and school directors: *Provided*, That an existing advisory committee that meets the requirements of this section may serve as the learning assistance program advisory committee.

[Statutory Authority: 1987 c 478. 87-22-001 (Order 87-14), § 392-162-057, filed 10/22/87.]

WAC 392-162-060 District application. Each district that seeks an allocation from the state for a learning assistance program shall submit a biennial application, including

the district program plan outlined in WAC 392-162-070, and an annual expenditure plan for approval on forms provided by the superintendent of public instruction: *Provided*, That if district program plan elements described in WAC 392-162-070 are changed for the second year of the biennium, an updated program plan shall be submitted to the superintendent of public instruction for approval on forms provided.

[Statutory Authority: 1987 c 478. 87-22-001 (Order 87-14), § 392-162-060, filed 10/22/87. Statutory Authority: RCW 28A.41.408. 84-14-038 (Order 84-21), § 392-162-060, filed 6/28/84.]

WAC 392-162-062 Mid-year program plan revision.

A district may make a change during the school year in the program plan required under WAC 392-162-070 if such change is made after consultation with the advisory committee and is submitted to the superintendent of public instruction on forms provided for that purpose.

[Statutory Authority: 1987 c 478. 87-22-001 (Order 87-14), § 392-162-062, filed 10/22/87.]

WAC 392-162-065 School board approval. The district's biennial application which specifies the learning assistance program plan shall be approved by formal action of the district's board of directors.

[Statutory Authority: 1987 c 478. 87-22-001 (Order 87-14), § 392-162-065, filed 10/22/87. Statutory Authority: RCW 28A.41.408. 84-14-038 (Order 84-21), § 392-162-065, filed 6/28/84.]

WAC 392-162-067 Program requirement—Needs assessment. Each district that seeks an allocation from the state for a learning assistance program shall conduct a needs assessment at least biennially. The needs assessment shall include:

(1) Use of objective measures to assess and identify those students in grades kindergarten through nine who are below grade level in the basic skills areas of readiness, reading, math, and language arts with special emphasis on the needs of students in the early grades.

(2) Review and use of current performance achievement data such as: State-wide basic skills test, chapter 1 assessments, self-study data, and other academic progress results.

(3) Review of district basic education and district special needs programs to identify strategies for coordinating the learning assistance program with such programs and services.

[Statutory Authority: 1987 c 478. 87-22-001 (Order 87-14), § 392-162-067, filed 10/22/87.]

WAC 392-162-070 Program requirement—District program plan. Each district shall biennially develop and/or update a program plan for the learning assistance program in consultation with the advisory committee using data generated by the district's needs assessment. Such program plan shall include:

(1) The means which the district will use to identify participating students to receive additional/supplemental services or support under the proposed program;

(2) A program description which shall include as a minimum, buildings served, number of students served, grade levels served, and program option(s) and instructional staff selected to provide services to students;

(3) An annual expenditure plan detailing specific services and activities funded under this chapter;

(4) A plan for annual evaluation of the program by the district, based on performance objectives related to basic skills achievement of participating students, and for reporting results of such evaluation to the superintendent of public instruction;

(5) Procedures for recordkeeping and program documentation required by the superintendent of public instruction; and

(6) Approval of the local school district board of directors.

[Statutory Authority: 1987 c 478. 87-22-001 (Order 87-14), § 392-162-070, filed 10/22/87. Statutory Authority: RCW 28A.41.408. 84-14-038 (Order 84-21), § 392-162-070, filed 6/28/84.]

WAC 392-162-075 Program approval. The superintendent of public instruction shall review and approve each district's application which contains the information required by WAC 392-162-070. A district's learning assistance program shall not be implemented prior to application approval.

[Statutory Authority: 1987 c 478. 87-22-001 (Order 87-14), § 392-162-075, filed 10/22/87. Statutory Authority: RCW 28A.41.408. 84-14-038 (Order 84-21), § 392-162-075, filed 6/28/84.]

WAC 392-162-080 Program requirement—Selection of students. Students selected to participate in the learning assistance program shall be limited to those who:

(1) Are enrolled in grades kindergarten through nine;

(2) Are performing below grade level;

(3) Have been selected using objective measures; and

(4) Have been determined to have the greatest academic deficits and are not receiving services in the same basic skills area from another special service program.

[Statutory Authority: 1987 c 478. 87-22-001 (Order 87-14), § 392-162-080, filed 10/22/87. Statutory Authority: RCW 28A.41.408. 84-14-038 (Order 84-21), § 392-162-080, filed 6/28/84.]

WAC 392-162-085 Program requirement—Consultation with the advisory committee. The school district staff responsible for the administration of the learning assistance shall consult with the learning assistance program advisory committee in the planning, implementation and evaluation of the learning assistance program.

[Statutory Authority: 1987 c 478. 87-22-001 (Order 87-14), § 392-162-085, filed 10/22/87. Statutory Authority: RCW 28A.41.408. 84-14-038 (Order 84-21), § 392-162-085, filed 6/28/84.]

WAC 392-162-090 Program requirement—Notification of parents. Each district shall notify parents of the participation of their child in the learning assistance program.

[Statutory Authority: 1987 c 478. 87-22-001 (Order 87-14), § 392-162-090, filed 10/22/87. Statutory Authority: RCW 28A.41.408. 84-14-038 (Order 84-21), § 392-162-090, filed 6/28/84.]

WAC 392-162-095 Program requirement—Allowable expenditures. Only allowed expenditures shall be reimbursed by the superintendent of public instruction. Allowed expenditures shall include direct and indirect expenditures included on the approved program budget:

Provided, That beginning with expenditures for the 1990-91 school year, the allowed indirect expenditure rate for each school district shall not exceed the rate calculated for Program 55 "Remediation" for the most recently completed fiscal year using the federal restrictive rate methodology.

[Statutory Authority: 1987 c 478. 91-18-005 (Order 91-15), § 392-162-095, filed 8/23/91, effective 8/23/91; 87-22-001 (Order 87-14), § 392-162-095, filed 10/22/87. Statutory Authority: RCW 28A.41.408. 84-14-038 (Order 84-21), § 392-162-095, filed 6/28/84.]

WAC 392-162-100 Program coordination. School districts may coordinate federal, state, and local programs in order to serve the maximum number of students who are below grade level in basic skills. Students receiving assistance in another special needs program may also be served in the learning assistance program if they meet student eligibility and selection requirements under this chapter.

[Statutory Authority: 1987 c 478. 87-22-001 (Order 87-14), § 392-162-100, filed 10/22/87. Statutory Authority: RCW 28A.41.408. 84-14-038 (Order 84-21), § 392-162-100, filed 6/28/84.]

WAC 392-162-105 Program requirement—Program evaluation. The Chapter 1 Evaluation and Reporting System CHIERS shall be used annually by districts to evaluate the educational achievement of students in grades two through nine receiving recommended services in the learning assistance program. Students in kindergarten and grade one shall be evaluated annually using objective measures selected by the school district. Evaluation results shall be reported annually to the superintendent of public instruction on provided forms.

[Statutory Authority: 1987 c 478. 87-22-001 (Order 87-14), § 392-162-105, filed 10/22/87. Statutory Authority: RCW 28A.41.408. 84-14-038 (Order 84-21), § 392-162-105, filed 6/28/84.]

WAC 392-162-110 Program requirement—End of year report. Districts shall submit to the superintendent of public instruction at the close of the fiscal year an end of the year report on forms provided by the superintendent of public instruction. The report shall include number of students served by grade level, basic skills area, ethnicity, and gender and other information which may be required by the superintendent of public instruction.

[Statutory Authority: 1987 c 478. 87-22-001 (Order 87-14), § 392-162-110, filed 10/22/87. Statutory Authority: RCW 28A.41.408. 84-14-038 (Order 84-21), § 392-162-110, filed 6/28/84.]

WAC 392-162-115 Monitoring of districts. In order to insure that school districts are meeting the requirements of this chapter, the superintendent of public instruction shall monitor district programs no less than once every three years by using sampling procedures.

[Statutory Authority: 1987 c 478. 87-22-001 (Order 87-14), § 392-162-115, filed 10/22/87. Statutory Authority: RCW 28A.41.408. 84-14-038 (Order 84-21), § 392-162-115, filed 6/28/84.]

Chapter 392-163 WAC

SPECIAL SERVICE PROGRAM—CHAPTER 1 REGULAR OF THE EDUCATION CONSOLIDATION AND IMPROVEMENT ACT OF 1981, FINANCIAL ASSISTANCE TO LOCAL SCHOOL DISTRICTS

WAC

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		392-163-005	Authority and purpose. [Order 7-75, § 392-163-005, filed 12/22/75. Formerly WAC 392-98-005.] Repealed by 83-17-060 (Order 83-8), filed 8/17/83. Statutory Authority: RCW 28A.02.100.
		392-163-010	Eligible participants. [Order 7-75, § 392-163-010, filed 12/22/75. Formerly WAC 392-98-010.] Repealed by 82-20-035 (Order 82-15), filed 9/30/82. Statutory Authority: RCW 28A.02.100.
		392-163-015	Ancillary services. [Order 7-75, § 392-163-015, filed 12/22/75. Formerly WAC 392-98-015.] Repealed by 82-20-035 (Order 82-15), filed 9/30/82. Statutory Authority: RCW 28A.02.100.
		392-163-020	Size and scope of activity. [Order 7-75, § 392-163-020, filed 12/22/75. Formerly WAC 392-98-020.] Repealed by 82-20-035 (Order 82-15), filed 9/30/82. Statutory Authority: RCW 28A.02.100.
		392-163-025	Construction and remodeling. [Order 7-75, § 392-163-025, filed 12/22/75. Formerly WAC 392-98-025.] Repealed by 82-20-035 (Order 82-15), filed 9/30/82. Statutory Authority: RCW 28A.02.100.
		392-163-030	Field trips. [Order 7-75, § 392-163-030, filed 12/22/75. Formerly WAC 392-98-030.] Repealed by 82-20-035 (Order 82-15), filed 9/30/82. Statutory Authority: RCW 28A.02.100.
		392-163-035	Notification of parents. [Order 7-75, § 392-163-035, filed 12/22/75. Formerly WAC 392-98-035.] Repealed by 82-20-035 (Order 82-15), filed 9/30/82. Statutory Authority: RCW 28A.02.100.
		392-163-040	Nonpublic student involvement. [Order 7-75, § 392-163-040, filed 12/22/75. Formerly WAC 392-98-040.] Repealed by 82-20-035 (Order 82-15), filed 9/30/82. Statutory Authority: RCW 28A.02.100.
		392-163-045	Local education agency parent advisory council. [Order 7-75, § 392-163-045, filed 12/22/75. Formerly WAC 392-98-045.] Repealed by 82-20-035 (Order 82-15), filed 9/30/82. Statutory Authority: RCW 28A.02.100.
		392-163-050	School parent advisory councils. [Order 7-75, § 392-163-050, filed 12/22/75. Formerly WAC 392-98-050.] Repealed by 82-20-035 (Order 82-15), filed 9/30/82. Statutory Authority: RCW 28A.02.100.
		392-163-055	PAC grievance procedures. [Order 7-75, § 392-163-055, filed 12/22/75. Formerly WAC 392-98-055.] Repealed by 82-20-035 (Order 82-15), filed 9/30/82. Statutory Authority: RCW 28A.02.100.
		392-163-060	State advisory committee—Purpose. [Order 7-75, § 392-163-060, filed 12/22/75. Formerly WAC 392-98-060.] Repealed by 82-20-035 (Order 82-15), filed 9/30/82. Statutory Authority: RCW 28A.02.100.
		392-163-065	Administrative costs. [Order 7-75, § 392-163-065, filed 12/22/75. Formerly WAC 392-98-065.] Repealed by 82-20-035 (Order 82-15), filed 9/30/82. Statutory Authority: RCW 28A.02.100.
		392-163-070	In-service training. [Order 7-75, § 392-163-070, filed 12/22/75. Formerly WAC 392-98-070.] Repealed by 82-20-035 (Order 82-15), filed 9/30/82. Statutory Authority: RCW 28A.02.100.
		392-163-075	Approval of projects. [Order 7-75, § 392-163-075, filed 12/22/75. Formerly WAC 392-98-075.] Repealed by 82-20-035 (Order 82-15), filed 9/30/82. Statutory Authority: RCW 28A.02.100.
		392-163-080	Evaluation. [Order 7-75, § 392-163-080, filed 12/22/75. Formerly WAC 392-98-080.] Repealed by 82-20-035 (Order 82-15), filed 9/30/82. Statutory Authority: RCW 28A.02.100.
		392-163-085	Disposition of property. [Order 7-75, § 392-163-085, filed 12/22/75. Formerly WAC 392-98-085.] Repealed by 82-20-035 (Order 82-15), filed 9/30/82. Statutory Authority: RCW 28A.02.100.

WAC 392-163-100 Authority. The authority for this chapter is RCW 28A.300.070 which authorizes the superintendent of public instruction to receive federal funds on

behalf of school districts of the state of Washington and to disburse such funds in accordance with federal law and accompanying federal rules and regulations.

[Statutory Authority: 1990 c 33, 90-16-002 (Order 18), § 392-163-100, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.02.100. 83-08-030 (Order 83-2), § 392-163-100, filed 3/30/83.]

WAC 392-163-105 Purpose. The purpose of this chapter is to ensure compliance by the state of Washington with the financial assistance to local school districts' provisions, including those which apply to private schools and local institutions for neglected or delinquent children, of Chapter 1 Regular of the Elementary and Secondary Education Act of 1965, as amended, and accompanying federal rules and regulations, particularly 34 CFR Part 200.

[Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-105, filed 10/13/92, effective 11/13/92; 84-20-089 (Order 84-49), § 392-163-105, filed 10/2/84; 83-08-030 (Order 83-2), § 392-163-105, filed 3/30/83.]

WAC 392-163-110 Public policy. It is the intention of the superintendent of public instruction to encourage districts:

(1) To consider the wide range of options available under Chapter 1 law and regulations when designing programs for individual buildings and individual children in determining service models, selection criteria, student assessment and objectives, and instructional methods and techniques.

(2) To broaden services to children to support and enhance educational growth through such services as counseling, health, family and parent support, and social work.

(3) To develop programs which consider individual student needs; resulting in services which may vary from building to building or between grades at each building.

(4) To foster qualitative decision-making and instructional practices through collaboration between the regular education staff and the Chapter 1 program, as well as with parents of participating children.

(5) To acknowledge that parents are the first and foremost teachers of their children and to promote activities that strengthen and facilitate the home-school-child relationship.

[Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-110, filed 10/13/92, effective 11/13/92; 84-20-089 (Order 84-49), § 392-163-110, filed 10/2/84; 83-08-030 (Order 83-2), § 392-163-110, filed 3/30/83.]

WAC 392-163-115 Accountability. Nothing in this chapter shall be construed to relieve a school district of its responsibility to comply also with all applicable federal statutes, rules, and regulations including 34 C.F.R. Part 80 of the Education Department General Administrative Regulations (Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments).

[Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-115, filed 10/13/92, effective 11/13/92; 84-20-089 (Order 84-49), § 392-163-115, filed 10/2/84; 83-08-030 (Order 83-2), § 392-163-115, filed 3/30/83.]

WAC 392-163-120 Definition—Academic area of focus. As used in this chapter, the term "academic area of focus" shall include the areas of reading, mathematics, and communication as well as readiness activities associated with such skills: Furthermore, it shall include support services as defined by WAC 392-163-320.

[Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-120, filed 10/13/92, effective 11/13/92; 84-20-089 (Order 84-49), § 392-163-120, filed 10/2/84; 83-08-030 (Order 83-2), § 392-163-120, filed 3/30/83.]

WAC 392-163-125 Definition—Accounting manual. As used in this chapter, the term "accounting manual" shall mean the most recently published accounting manual for public school districts in the state of Washington issued by the superintendent of public instruction and the state auditor.

[Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-125, filed 10/13/92, effective 11/13/92; 84-20-089 (Order 84-49), § 392-163-125, filed 10/2/84; 83-08-030 (Order 83-2), § 392-163-125, filed 3/30/83.]

WAC 392-163-130 Definition—Activity. As used in this chapter, the term "activity(ies)" shall be as defined in the accounting manual glossary of terms (i.e., a "specific line of work carried on by a school district in order to perform its mission"). For financial accounting purposes "activity" shall be defined further as the second field of uniform expenditure classification established in the accounting manual and for Chapter 1 Regular shall include designated activities listed on Form SPI F-1000B.

[Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-130, filed 10/13/92, effective 11/13/92; 84-20-089 (Order 84-49), § 392-163-130, filed 10/2/84; 83-08-030 (Order 83-2), § 392-163-130, filed 3/30/83.]

WAC 392-163-135 Definition—Advanced skills. As used in this chapter, the term "advanced skills" shall mean the skills including reasoning, analysis, interpretation, problem solving, and decision-making as they relate to the particular subjects in which instruction is provided under programs supported by Chapter 1 Regular in local districts.

[Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-135, filed 10/13/92, effective 11/13/92; 83-08-030 (Order 83-2), § 392-163-135, filed 3/30/83.]

WAC 392-163-140 Definition—Aggregate performance. As used in this chapter, the term "aggregate performance" shall mean the educational achievement of children participating in Chapter 1 programs, aggregated for a school as a whole in accordance with the national evaluation standards. For purposes of program improvement, aggregate performance may include the use of mean or median scores.

[Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-140, filed 10/13/92, effective 11/13/92; 84-20-089 (Order 84-49), § 392-163-140, filed 10/2/84; 83-17-060 (Order 83-8), § 392-163-140, filed 8/17/83; 83-08-030 (Order 83-2), § 392-163-140, filed 3/30/83.]

WAC 392-163-142 Definition—Indirect expenditure. As used in this chapter, the term "indirect expenditure" shall be as defined in the accounting manual glossary of terms

(i.e., "those expenditure elements that cannot be easily, obviously, and conveniently identified with specific programs"). For Chapter 1 Regular, each district shall be entitled to the restricted indirect expenditure rate established and disseminated annually to school districts by the superintendent of public instruction.

[Statutory Authority: RCW 28A.02.100. 84-20-089 (Order 84-49), § 392-163-142, filed 10/2/84; 83-17-060 (Order 83-8), § 392-163-142, filed 8/17/83; 83-08-030 (Order 83-2), § 392-163-142, filed 3/30/83.]

WAC 392-163-145 Definition—School attendance area. As used in this chapter, the term "attendance area" shall mean the geographic area determined by the school district board of directors in which the children who are normally served by that school reside. However, if a child's school attendance area is not determined on a geographic basis, the child is considered to be in the school attendance area of the school to which the child is assigned or would be assigned if the child were not attending a private school or another school on a voluntary basis.

[Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-145, filed 10/13/92, effective 11/13/92; 84-20-089 (Order 84-49), § 392-163-145, filed 10/2/84; 83-08-030 (Order 83-2), § 392-163-145, filed 3/30/83.]

WAC 392-163-150 Definition—Capital expenses. As used in this chapter, the term "capital expenses" means expenditures for noninstructional goods and services that are incurred as a result of implementing alternative delivery systems for private schools to comply with the prohibition against Chapter 1-paid personnel providing instructional services in religiously-affiliated, nonpublic schools (United States Supreme Court decision, July 1, 1985: *Aguilar v. Felton*).

[Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-150, filed 10/13/92, effective 11/13/92.]

WAC 392-163-155 Definition—Carryover. As used in this chapter, the term "carryover" shall mean a prudent and justifiable reserve of no more than fifteen percent of a school district's Chapter 1 Regular allocation for a given fiscal year (not including previous year's carryover), excluding districts that receive basic and concentration grants that are less than fifty thousand dollars in any given year.

[Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-155, filed 10/13/92, effective 11/13/92.]

WAC 392-163-160 Definition—Chapter 1 Regular. As used in this chapter, the term "Chapter 1 Regular" shall mean that part of Public Law 100-297 which is commonly referred to as Chapter 1 of the Elementary and Secondary Education Act of 1965, as amended, which provides financial assistance to improve the educational opportunities of educationally deprived children by helping these children: Succeed in the regular program in the local district, attain grade-level proficiency, and improve achievement in basic and more advanced skills.

[Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-160, filed 10/13/92, effective 11/13/92.]

WAC 392-163-165 Definition—Children. As used in this chapter, the term "children" shall mean persons up to age twenty-one who are entitled to a free public education through grade twelve and persons who are of preschool age.

[Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-165, filed 10/13/92, effective 11/13/92.]

WAC 392-163-170 Definition—Comparability. As used in this chapter, the term "comparability" shall mean that the school district, using state and local moneys, shall provide services in Chapter 1 Regular schools that, taken as a whole, are at least equivalent to services being provided in schools not receiving Chapter 1 Regular moneys: *Provided*, That if all schools receive Chapter 1 Regular moneys, the school district, using state and local moneys, shall provide services that, taken as a whole, are equivalent among all schools.

[Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-170, filed 10/13/92, effective 11/13/92; 83-08-030 (Order 83-2), § 392-163-170, filed 3/30/83.]

WAC 392-163-175 Definition—Complaint. As used in this chapter, the term "complaint" shall mean an allegation, by the complainant, that the state or local school district receiving federal funds has systematically violated Chapter 1 Regular statute or regulation or a state regulation that applies to the Chapter 1 Regular program.

[Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-175, filed 10/13/92, effective 11/13/92; 83-08-030 (Order 83-2), § 392-163-175, filed 3/30/83.]

WAC 392-163-180 Definition—Consultation with parents, teachers, and other interested parties. As used in this chapter, the term "consultation with parents, teachers, and other interested parties" shall be defined as meaningful, systematic, organized, ongoing, informed, and timely contact during the design, implementation, and the evaluation of the Chapter 1 program with parents, teachers, and administrators of public and private school participants, early childhood professionals, pupil service personnel, and librarians. Such consultation shall also include an annual public meeting to which parents of all participating students shall be invited to hear an explanation of the programs and activities provided with Chapter 1 Regular moneys, and shall be documented to demonstrate compliance with this section.

[Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-180, filed 10/13/92, effective 11/13/92; 84-20-089 (Order 84-49), § 392-163-180, filed 10/2/84; 83-17-060 (Order 83-8), § 392-163-180, filed 8/17/83; 83-08-030 (Order 83-2), § 392-163-180, filed 3/30/83.]

WAC 392-163-185 Definition—Continuing need of special assistance. As used in this chapter, the term "continuing need of special assistance" refers to those educationally deprived children who were identified and served in the previous year as being in greatest need for special assistance and who continue to be educationally deprived but are no longer in greatest need of special assistance.

[Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-185, filed 10/13/92, effective 11/13/92; 83-08-030 (Order 83-2), § 392-163-185, filed 3/30/83.]

WAC 392-163-186 Definition—Eligible student. As used in this chapter, the term "eligible student" shall mean an educationally deprived child who resides in an attendance area or a school determined to be eligible under the provisions of P.L. 97-35 as amended by P.L. 98-211, Sections 556 (b)(1)(A), (B), and (d)(i), (2), (3), (4), (5), and (9) and WAC 392-163-300: *Provided*, That an educationally deprived child who begins participation in a program or project in an eligible attendance area and in the same year is transferred by the school district to an unserved attendance area or school building shall remain eligible to receive Chapter 1 Regular services for the remainder of such year.

[Statutory Authority: RCW 28A.02.100. 84-20-089 (Order 84-49), § 392-163-186, filed 10/2/84.]

WAC 392-163-190 Definition—Desired outcomes. As used in this chapter, the term "desired outcomes" shall mean the local district's objectives included in the LEA application to improve the educational opportunities of educationally deprived children to help those children succeed in the regular education program of the local district.

[Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-190, filed 10/13/92, effective 11/13/92; 83-08-030 (Order 83-2), § 392-163-190, filed 3/30/83.]

WAC 392-163-195 Definition—Direct expenditure. As used in this chapter, the term "direct expenditure" shall be as defined in the accounting manual glossary of terms (i.e., "those elements of cost which can be easily, obviously, and conveniently identified with specific programs").

[Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-195, filed 10/13/92, effective 11/13/92; 83-08-030 (Order 83-2), § 392-163-195, filed 3/30/83.]

WAC 392-163-200 Definition—Educationally deprived children. As used in this chapter, the term "educationally deprived children" shall mean children whose educational attainment, documented by school district established selection criteria, is below the level that is appropriate for children of their age, not including students determined to be qualified for programs for students with handicapping conditions and/or for limited English proficient students.

[Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-200, filed 10/13/92, effective 11/13/92; 83-08-030 (Order 83-2), § 392-163-200, filed 3/30/83.]

WAC 392-163-205 Definition—Eligible student. As used in this chapter, the term "eligible student" shall mean an educationally deprived child who resides in an attendance area or a school determined to be eligible under the provisions of P.L. 100-297 and WAC 392-163-415: *Provided*, That an educationally deprived child who begins participation in a program or project in an eligible attendance area and in the same year is transferred by the school district to an unserved attendance area or school building shall remain eligible and may receive Chapter 1 Regular services for the remainder of such year.

[Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-205, filed 10/13/92, effective 11/13/92; 83-08-030 (Order 83-2), § 392-163-205, filed 3/30/83.]

WAC 392-163-210 Definition—Equivalence. As used in this chapter, the term "equivalence," for purposes of determining comparability of services among Chapter 1 Regular served schools or between each Chapter 1 Regular served school and nonserved schools, shall mean:

In each Chapter 1 Regular served school, the average FTE number of children enrolled per FTE instructional staff member shall be not more than one hundred ten percent of the average FTE number of children enrolled per FTE instructional staff member in the group of nonserved schools used for comparison: *Provided*, That if all schools within the district are served with Chapter 1 Regular moneys, the average FTE number of children enrolled per FTE instructional staff member shall be not more than one hundred ten percent of the average FTE number of children enrolled per FTE instructional staff member in the group of schools having the lowest percentage or numbers of children from low-income families.

[Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-210, filed 10/13/92, effective 11/13/92; 83-08-030 (Order 83-2), § 392-163-210, filed 3/30/83.]

WAC 392-163-215 Definition—Full-time equivalent (FTE) staff. As used in this chapter, the term "full-time equivalent staff" shall be as defined in WAC 392-121-115 (2) and (4).

[Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-215, filed 10/13/92, effective 11/13/92; 83-08-030 (Order 83-2), § 392-163-215, filed 3/30/83.]

WAC 392-163-220 Definition—Full-time equivalent (FTE) student. As used in this chapter, the term "full-time equivalent student" shall be as defined in WAC 392-121-105(2).

[Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-220, filed 10/13/92, effective 11/13/92; 83-08-030 (Order 83-2), § 392-163-220, filed 3/30/83.]

WAC 392-163-225 Definition—Grade span grouping. As used in this chapter, the term "grade span grouping" shall mean grouping school attendance areas by corresponding grade levels (e.g., schools serving grades K-6 in one group, schools serving 7-9 in another group, or schools serving other grade configurations). If a school attendance area serves grades in more than one group, the school district shall include that school either in the group with which the school has the most grade levels in common or in the group that includes the lower grade levels, if the school has the same number of grade levels in common with two or more groups.

[Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-225, filed 10/13/92, effective 11/13/92; 83-08-030 (Order 83-2), § 392-163-225, filed 3/30/83.]

WAC 392-163-230 Definition—Greatest need of special assistance. As used in this chapter, the term "greatest need of special assistance" shall refer to those

educationally deprived children, as defined in WAC 392-163-200, who have been identified on the basis of school district established educationally-related selection criteria, including objective measurement that uses appropriate, objective written or oral assessment instruments for each area of educational achievement, which provides sufficient specificity to determine which students have the greatest need of special assistance. Districts are encouraged to consider a combination of multiple criteria to select students for Chapter 1 Regular services (e.g., curriculum assessments, grades, formal and informal tests, teacher observation, etc.).

[Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-230, filed 10/13/92, effective 11/13/92; 83-08-030 (Order 83-2), § 392-163-230, filed 3/30/83.]

WAC 392-163-235 Definition—Homeless. As used in this chapter, the term "homeless" shall mean individual(s) who (1) lacks a fixed, regular, and adequate residence or (2) has a primary nighttime residence in a supervised publicly or privately operated shelter for temporary accommodations, an institution providing temporary residence for individuals intended to be institutionalized, or a public or private place not designated for, or ordinarily used as, a regular sleeping accommodation for human beings. The term "homeless" or "homeless individual" does not include any individual imprisoned or otherwise detained.

[Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-235, filed 10/13/92, effective 11/13/92; 83-08-030 (Order 83-2), § 392-163-235, filed 3/30/83.]

WAC 392-163-236 Definition—Participating children. As used in this chapter, the term "participating children" shall mean those educationally deprived children in greatest need of special assistance, as determined on the basis of school district established selection criteria, residing in eligible served attendance areas or attending served schools, who are selected to receive services in the Chapter 1 Regular program: *Provided*, That the exception in WAC 392-163-186 for children transferred during the same school year shall apply to this section.

[Statutory Authority: RCW 28A.02.100. 84-20-089 (Order 84-49), § 392-163-236, filed 10/2/84.]

WAC 392-163-237 Definition—Continuing need of special assistance. As used in this chapter, the term "continuing need of special assistance" refers to those educationally deprived children who in any previous year were identified as being in greatest need of assistance and who continue to achieve below the level that is appropriate for children of their age although they do not qualify as in greatest need.

[Statutory Authority: RCW 28A.02.100. 84-20-089 (Order 84-49), § 392-163-237, filed 10/2/84.]

WAC 392-163-240 Definition—Indirect expenditure. As used in this chapter, the term "indirect expenditure" shall be as defined in the accounting manual glossary of terms (i.e., "those expenditure elements that cannot be easily, obviously, and conveniently identified with specific programs"). For Chapter 1 Regular, each district shall be entitled to the restricted indirect expenditure rate established

and disseminated annually to school districts by the superintendent of public instruction.

[Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-240, filed 10/13/92, effective 11/13/92; 83-08-030 (Order 83-2), § 392-163-240, filed 3/30/83.]

WAC 392-163-245 Definition—Instructional staff. As used in this chapter, the term "instructional staff" shall mean certificated and classified persons whose services deal directly: (1) With or assist in the teaching of students, or (2) in improving teaching learning activities, and who are identified in the accounting manual under Activity 22, Learning Resources; Activity 24, Guidance and Counseling; Activity 25, Psychological Services; Activity 26, Health; and Activity 27, Teaching.

[Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-245, filed 10/13/92, effective 11/13/92; 83-08-030 (Order 83-2), § 392-163-245, filed 3/30/83.]

WAC 392-163-250 Definition—Low-income children. As used in this chapter, the term "low-income children" shall mean those children eligible to receive benefits under the National School Lunch Act (P.L. 79-396), for either the free and reduced lunch program or free milk program or are eligible under other appropriate measures which use the income standards currently effective for determining eligibility for benefits under the National School Lunch Act.

[Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-250, filed 10/13/92, effective 11/13/92; 83-08-030 (Order 83-2), § 392-163-250, filed 3/30/83.]

WAC 392-163-255 Definition—Objective measurement. As used in this chapter, the term "objective measurement" shall mean using a written or oral testing instrument, that can be uniformly and consistently applied across each grade level to determine in a comparable manner the educational achievement level of children.

[Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-255, filed 10/13/92, effective 11/13/92; 83-17-060 (Order 83-8), § 392-163-255, filed 8/17/83; 83-08-030 (Order 83-2), § 392-163-255, filed 3/30/83.]

WAC 392-163-260 Definition—Object of expenditure. As used in this chapter, the term "object of expenditure" shall be as defined in the accounting manual glossary of terms (i.e., "the article purchased or the service obtained"). For financial accounting purposes "object of expenditure" shall be defined further as the third field of uniform expenditure classification established in the accounting manual.

[Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-260, filed 10/13/92, effective 11/13/92; 84-20-089 (Order 84-49), § 392-163-260, filed 10/2/84; 83-08-030 (Order 83-2), § 392-163-260, filed 3/30/83.]

WAC 392-163-265 Definition—Parent. (1) As used in this chapter, the term "parent" includes a legal guardian or other person standing in loco parentis.

(2) "In loco parentis" means a person acting in place of a parent or legal guardian, and may include a person such as

a grandparent, stepparent, aunt, uncle, older sibling, or other person either:

- (a) With whom a child lives; or
- (b) Who has been designated by a parent or legal guardian to act in place of the parent or legal guardian regarding all aspects of the child's education.

[Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-265, filed 10/13/92, effective 11/13/92; 84-20-089 (Order 84-49), § 392-163-265, filed 10/2/84.]

WAC 392-163-270 Definition—Participating children. As used in this chapter, the term "participating children" shall mean those educationally deprived children in greatest need of special assistance, as determined on the basis of school district established selection criteria, residing in eligible served attendance areas or attending served schools, who are selected to receive services in the Chapter 1 Regular program: *Provided*, That the exception in WAC 392-163-205 for children transferred during the same school year shall apply to this section.

[Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-270, filed 10/13/92, effective 11/13/92; 84-20-089 (Order 84-49), § 392-163-270, filed 10/2/84.]

WAC 392-163-275 Definition—Preschool children. As used in this chapter, the term "preschool children" shall mean children who are (1) below the age or grade level at which the local school district provides a free public education; and (2) of the age or grade level at which they can benefit from an organized instructional program provided in a school or other educational setting.

[Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-275, filed 10/13/92, effective 11/13/92; 84-20-089 (Order 84-49), § 392-163-275, filed 10/2/84.]

WAC 392-163-280 Definition—Program. As used in this chapter, the term "program" shall be as defined in the accounting manual glossary of terms (i.e., "a plan of activities designed to accomplish a set of objectives"). For financial accounting purposes "program" shall be defined further as the first field of uniform expenditure classification established in the accounting manual and for Chapter 1 Regular shall include all approved activities supported by Chapter 1 Regular (Program 51) moneys.

[Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-280, filed 10/13/92, effective 11/13/92; 84-20-089 (Order 84-49), § 392-163-280, filed 10/2/84.]

WAC 392-163-285 Definition—Program that is of sufficient size, scope, and quality to give reasonable promise of substantial progress toward meeting the special academic needs of children being served. As used in this chapter, the term "program that is of sufficient size, scope, and quality to give reasonable promise of substantial progress toward meeting the special academic needs of children being served" shall mean a program that the board of directors of a school district, on the basis of procedures outlined in WAC 392-163-400, 392-163-425, and 392-163-495, determines has substantial likelihood of meeting the special academic needs of children to be served.

[Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-285, filed 10/13/92, effective 11/13/92.]

WAC 392-163-290 Definition—Project. As used in this chapter, the term "project" either shall mean all activities supported with Chapter 1 Regular moneys in a particular attendance area or shall mean all of the Chapter 1 Regular activities in a particular program focus in school district attendance areas served by Chapter 1 Regular. In a school district that serves only one attendance area "program" and "project" may be synonymous.

[Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-290, filed 10/13/92, effective 11/13/92.]

WAC 392-163-295 Definition—Regular program. As used in this chapter, the term "regular program" includes all programs funded by the Basic Education Act of the state of Washington, and any additional locally funded programs used to supplement allotments for the basic education program. The regular program shall further be defined by the educational goals and objectives to be attained by students at a certain grade level and in a given subject area provided by nonfederal funds according to the common school law of the state of Washington and as determined by policies established or required by the local board of directors. Furthermore, nonlocally funded programs for students for special populations such as handicapped, gifted, limited English proficient, and compensatory education may not be considered as the regular program.

[Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-295, filed 10/13/92, effective 11/13/92.]

WAC 392-163-299 Selection of attendance areas for districts with under one thousand students—Program exemption. Any school district with fewer than one thousand full time equivalent students enrolled shall be exempt from the requirements of WAC 392-163-300. Such districts shall not be required to select attendance areas and all schools within the district shall be eligible to receive Chapter 1 Regular services. For purposes of documenting enrollment, the school district may select any enrollment from among the attendance reports submitted to the superintendent of public instruction for the current year. Such enrollment figure, and the date which it represents, shall be recorded on the target selection page of the Chapter 1 Regular application for the succeeding year.

[Statutory Authority: RCW 28A.02.100. 84-20-089 (Order 84-49), § 392-163-299, filed 10/2/84.]

WAC 392-163-300 Definition—Revenue account. As used in this chapter, the term "revenue account" shall be as defined in the accounting manual glossary of terms (i.e., "account" being "a descriptive heading under which are recorded financial transactions..." and "revenue" being "additions to assets of a fund of a school district during a fiscal period that is available to finance the fund's expenditures during the fiscal period").

[Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-300, filed 10/13/92, effective 11/13/92; 84-20-089 (Order 84-49), § 392-163-300, filed 10/2/84; 83-08-030 (Order 83-2), § 392-163-300, filed 3/30/83.]

WAC 392-163-305 Definition—Service model. As used in this chapter, the term "service model" shall mean the location, contact time, and conditions characteristic of the method(s) chosen by a school district for delivery of Chapter 1 Regular instructional and/or support services. Permissible models are those described in the Chapter 1 Regular Basic Concepts Guide which accompanies the annual application forms.

[Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-305, filed 10/13/92, effective 11/13/92; 84-20-089 (Order 84-49), § 392-163-305, filed 10/2/84; 83-08-030 (Order 83-2), § 392-163-305, filed 3/30/83.]

WAC 392-163-306 Serving students in greatest need—Program requirement. The school district shall include among the educationally deprived children selected to be served those children who have the greatest need for special assistance: *Provided*, That children who were in greatest need the previous year and are still in need may continue to be served: *Provided further*, That the school district shall not be required to serve children in greatest need with Chapter 1 Regular moneys if such children are receiving from nonfederal sources services of the same nature and scope as would otherwise be provided by Chapter 1 Regular moneys.

[Statutory Authority: RCW 28A.02.100. 84-20-089 (Order 84-49), § 392-163-306, filed 10/2/84.]

WAC 392-163-310 Definition—Similar services. As used in this chapter, the term "similar services" shall mean the provision of supplemental educational services with nonfederal moneys which are consistent with those services that would otherwise be provided by Chapter 1 Regular funds according to the requirements of Public Law 100-297, Section 1018 (d)(b).

[Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-310, filed 10/13/92, effective 11/13/92; 84-20-089 (Order 84-49), § 392-163-310, filed 10/2/84; 83-08-030 (Order 83-2), § 392-163-310, filed 3/30/83.]

WAC 392-163-315 Definition—Supplement. As used in this chapter, the term "supplement" shall be defined as instructional or support services for educationally disadvantaged children funded with Chapter 1 Regular moneys, and offered by a school district in addition to required basic educational services funded with nonfederal moneys. Such supplemental services shall be designed and implemented in accordance with service models described in the Chapter 1 Regular Basic Concepts Guide which accompanies the annual application and shall meet the supplement/supplant tests appropriate to each model. Further defined:

(1) Educational services provided are in addition to services which would be offered in the absence of federal funds. Supplemental services under Chapter 1 may not replace services required by law to be provided from another fund source, i.e., handicapped or limited English proficient.

(2) Each child must be provided with basic education instruction from their regular assigned basic education teacher. Chapter 1 instruction is in addition to the basic education instruction provided to non-Chapter 1 participants by the regular basic education teacher. Each student must

receive a minimum of twenty minutes daily, or its equivalent, of the basic education instructional time from the regular teacher in the subject area being remediated. Further, the regular contact time may be averaged on a weekly, quarterly, or yearly basis depending on the type of model selected for Chapter 1 services.

(3) Children with the greatest need for such instruction and who are not qualified to receive it from another fund source must be served first.

(4) Instruction must be geared to the child's individually determined special needs and be "of sufficient size, scope, and quality to give reasonable promise of substantial progress toward meeting his/her special educational needs."

(5) Instruction provided must promote:

(a) Success in the regular classroom;

(b) Attainment of grade-level proficiency; and

(c) Increased achievement in basic and more advanced skills that all students are expected to master.

(6) Instruction may be given in the regular classroom or in a different location. In order to be supplemental, it must conform to the service model requirements outlined in federal guidance and in the Chapter 1 Regular Basic Concepts Guide.

(7) Instruction must be on or adapted to the child's performance level.

(8) Instructional materials may be from the same curriculum used in the regular classroom, but instruction may not be simply on an incidental basis helping a child with an on-level daily work assignment. Instruction must be adapted to accommodate the child's specific, identified needs.

(9) Instructional objectives may be basically the same as grade level objectives, but materials and/or instructional strategies must be adapted to the child's functional level. Objectives must be based on each student's individual determined needs.

(10) Progress toward accomplishing each student's objectives must be demonstrated and evaluated.

(11) In order to offer these supplemental services, a district must demonstrate in its basic education program that it:

(a) Does maintain during the current fiscal year ninety percent of the per pupil or aggregate nonfederal financial expenditures of the second preceding fiscal year (WAC 392-163-575 and 34 C.F.R. 200.41); and

(b) Does distribute and maintain state and local moneys in a comparable manner among all schools in the district (WAC 392-163-560 and 34 C.F.R. 200.43).

[Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-315, filed 10/13/92, effective 11/13/92; 83-08-030 (Order 83-2), § 392-163-315, filed 3/30/83.]

WAC 392-163-320 Definition—Support services. As used in this chapter, the term "support services" shall mean activities and techniques which may enhance a student's academic growth through such services as counseling, health, social work, and family support services.

[Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-320, filed 10/13/92, effective 11/13/92; 84-20-089 (Order 84-49), § 392-163-320, filed 10/2/84; 83-08-030 (Order 83-2), § 392-163-320, filed 3/30/83.]

WAC 392-163-322 Three-year assurances. Each school district that receives an allocation of federal funds under Chapter 1 Regular shall submit to the superintendent of public instruction once every three years:

(1) Assurances as required by P.L. 97-35, (Sec. 556(b), 20 USC 3805), 34 CFR 200.13 (b)(3), and 200.63(e) and assurance of school district compliance with chapter 392-163 WAC.

(2) An assurance that the school district shall keep records and provide information to the superintendent of public instruction regarding Chapter 1 Regular programs in such a manner as required by the superintendent of public instruction.

[Statutory Authority: RCW 28A.02.100. 83-08-030 (Order 83-2), § 392-163-322, filed 3/30/83.]

WAC 392-163-325 Definition—Unforeseen conditions. As used in this chapter, the term "unforeseen conditions" shall be as defined in WAC 392-129-045(1); furthermore, it may include a precipitous and unforeseen decline in the financial resources of the school district—not including tax initiatives or referenda—and also shall include other unforeseeable changes in student enrollment or personnel assignments that occur after December 1 of the school year.

[Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-325, filed 10/13/92, effective 11/13/92; 83-08-030 (Order 83-2), § 392-163-325, filed 3/30/83.]

WAC 392-163-330 Board approval. Each annual application submitted by a school district to the superintendent of public instruction shall be approved by the board of directors only after the board has reviewed the program design and expenditures, taking into consideration:

(1) Previous year's planned expenditures and total Chapter 1 Regular moneys available for the ensuing year (July 1 through June 30);

(2) Evaluation results in terms of student achievement data from the previous year's program, and, when available, whether gains have been sustained over a period of one year;

(3) Results of the annual needs assessment; and

(4) The adequacy of parent/teacher consultation in the planning and implementation of the program.

[Statutory Authority: RCW 28A.02.100. 83-08-030 (Order 83-2), § 392-163-330, filed 3/30/83.]

WAC 392-163-335 Board certification. The board of directors shall, as a part of application approval, certify to the superintendent of public instruction that in their opinion:

(1) The school district has included among the educationally deprived children to be served, those children in greatest need of special assistance;

(2) The approved program is of sufficient size, scope, and quality to give reasonable promise of substantial progress toward meeting the special educational needs of children being served;

(3) The school district has complied with the provisions of this chapter, and shall further certify that;

(4) In order to meet federal comparability requirements, the board of directors has:

(a) Established a district-wide salary schedule;

(b) Adopted a policy to ensure equivalence among all schools in teachers, administrators, and auxiliary personnel; and

(c) Adopted a policy to ensure equivalence among schools in the provision of curriculum materials and instructional supplies.

[Statutory Authority: RCW 28A.02.100. 84-20-089 (Order 84-49), § 392-163-335, filed 10/2/84; 83-08-030 (Order 83-2), § 392-163-335, filed 3/30/83.]

WAC 392-163-340 Budget revision—Ten percent allowed. Using the subtotal from Form 1000B Ch-1 as a base, school districts may make annual expenditure adjustments of up to ten percent of that total in any of the previously budgeted activity or object totals within the approved annual application without filing a request for a budget revision with the superintendent of public instruction.

[Statutory Authority: RCW 28A.02.100. 91-18-040 (Order 91-20), § 392-163-340, filed 8/30/91, effective 8/30/91; 83-08-030 (Order 83-2), § 392-163-340, filed 3/30/83.]

WAC 392-163-345 Budget revisions—Updating planned expenditures. Except as provided in WAC 392-163-340, each school district shall expend Chapter 1 Regular moneys in accordance with planned expenditures and program description included in the application submitted to and approved by the superintendent of public instruction. A school district shall be required to file a request for a budget revision whenever necessary with the superintendent of public instruction in order to:

(1) Increase the total expenditure of Chapter 1 Regular moneys; or

(2) Change by more than ten percent of the subtotal the expenditures among activity or object totals; or

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

[Statutory Authority: RCW 28A.02.100. 91-18-040 (Order 91-20), § 392-163-345, filed 8/30/91, effective 8/30/91; 83-08-030 (Order 83-2), § 392-163-345, filed 3/30/83.]

WAC 392-163-350 Budget revision—Approval. Approval of budget revisions by the superintendent of public instruction shall be in accordance with the provisions of WAC 392-163-460 for approval by the superintendent of public instruction of the annual application.

[Statutory Authority: RCW 28A.02.100. 83-08-030 (Order 83-2), § 392-163-350, filed 3/30/83.]

WAC 392-163-355 Program update. No later than thirty calendar days following a substantial program change, a school district shall submit to the superintendent of public instruction a description of such changes. "Substantial changes" shall mean:

(1) Removal of Chapter 1 Regular services from an attendance area listed as "served" on the application;

(2) Addition of Chapter 1 Regular services to an attendance area not listed as "served" in the application;

(3) Modification of the Chapter 1 Regular program in any served attendance area by adding a new program focus, by changing grade levels, or by changing program service delivery models; and/or

(4) Increasing the number of students served in the Chapter 1 Regular program to such an extent that the district must exceed the ten percent budget variance to accommodate serving the additional eligible students.

Notwithstanding the thirty-day provision for notification to the superintendent of public instruction of substantial program changes, if such changes necessitate a budget revision said revision shall be submitted to the superintendent of public instruction for approval prior to implementation of proposed changes.

[Statutory Authority: RCW 28A.02.100. 91-18-040 (Order 91-20), § 392-163-355, filed 8/30/91, effective 8/30/91; 83-08-030 (Order 83-2), § 392-163-355, filed 3/30/83.]

WAC 392-163-360 Supervisory expenditures. A school district that charges any portion of supervisory expenditures to the Chapter 1 Regular program shall document such costs, including the proportion of supervisory FTE so designated.

[Statutory Authority: RCW 28A.02.100. 84-20-089 (Order 84-49), § 392-163-360, filed 10/2/84; 83-08-030 (Order 83-2), § 392-163-360, filed 3/30/83.]

WAC 392-163-362 Reallocation of Chapter 1 Regular moneys in excess of a prudent and justifiable reserve. In accordance with federal regulation 34 CFR 200.45, a school district is hereby limited to carry over no more than a prudent and justifiable reserve of available Chapter 1 money to the succeeding year. Available moneys for any year equals the sum of the current year's allocation plus carryover money from the immediately preceding fiscal year. Carryover in excess of a prudent and justifiable reserve will be reallocated by the superintendent of public instruction to school districts which can demonstrate need based on "inequities inherent in or hardships caused by the application of the allocation provisions in Section 111(a) of Title I as a result of factors like population shifts and changing economic circumstances" (34 CFR 200.45 (b)(1)).

To implement reallocation of Chapter 1 Regular moneys the following requirements and procedures for school districts and the superintendent of public instruction are hereby established:

(1) No school district's annual application shall be approved by the superintendent of public instruction unless such application includes budgeted expenditures equal to at least eighty-five percent of the district's announced or estimated Chapter 1 Regular allocation.

(2) Upon receipt of the school district's Chapter 1 Regular final expenditure report for any fiscal year the superintendent of public instruction shall determine if the expenditures budgeted in its current application are at least eighty-five percent of the total amount of Chapter 1 Regular moneys available for the current year, i.e. current year Chapter 1 allocation plus carryover from the immediately preceding fiscal year.

(3) If the total amount budgeted is less than eighty-five percent of the total money available, the superintendent of public instruction shall notify the district of the additional amount it must budget to achieve the eighty-five percent requirement.

(4) Upon receipt of such notification, a school district shall submit a revised Chapter 1 budget to the superintendent of public instruction within twenty calendar days or shall submit on forms provided by the superintendent of public instruction for that purpose, a rationale explaining why the district is planning to retain more than a prudent and justifiable reserve of Chapter 1 Regular moneys.

(5) The superintendent of public instruction shall by April 1 of each year notify any district which is substantially underspending its Chapter 1 Regular budget that moneys in excess of fifteen percent of the total amount available for the current year which are not budgeted and/or appear, on the basis of expenditure reports, unlikely to be spent, will be made available for reallocation. The district shall have fifteen days following such notification to submit a request for revision or a request for a waiver of the carryover limit for sufficient cause.

[Statutory Authority: RCW 28A.02.100. 84-20-089 (Order 84-49), § 392-163-362, filed 10/2/84.]

WAC 392-163-363 Reallocation of Chapter 1 Regular moneys—Waiver of limit. Notwithstanding the requirements of WAC 392-163-362 a school district may request a waiver to allow the carryover of more than a prudent and justifiable reserve for a succeeding year:

(1) The request shall be made in writing to the superintendent of public instruction no later than April 30 of the current year.

(2) The request shall specify the total amount the district proposes to carry over, the purpose/activities for which the money will be expended in the succeeding year, and the rationale for the planned expenditure pattern.

(3) The request shall be approved by the school district board of directors.

(4) The district shall not submit waiver requests for more than two consecutive years.

The superintendent of public instruction shall notify the school district within thirty days of the receipt of the request of the acceptance or rejection of the request for waiver of the carryover limit for the succeeding year.

Notwithstanding the granting of a waiver request, if the school district does not expend its excess carryover in the succeeding year for the activities and purposes outlined in its waiver request, such excess shall be withheld and made available for reallocation the succeeding May.

[Statutory Authority: RCW 28A.02.100. 84-20-089 (Order 84-49), § 392-163-363, filed 10/2/84.]

WAC 392-163-364 Reallocation of Chapter 1 Regular moneys—Application for available excess carryover. The superintendent of public instruction shall invite school districts meeting the conditions of 34 CFR 200.45 (b)(1) to submit applications for reallocation money no later than June 1 of each year. Applications shall include the following:

(1) Statement of need supported by evidence of hardship and/or inequity caused by changing economic circumstances or population shifts.

(2) Proposed budget of expenditures on Form 1000B CH. 1 and instructional component design.

(3) Assurance that the school district does not have sufficient funds in its regular Chapter 1 Regular allocation to cover the additional costs.

(4) Approval by the school district board of directors.

No later than December 30 of the succeeding year, the superintendent of public instruction shall notify districts of the approval of their application for reallocation moneys, and shall indicate the amount of reallocation money which shall be made available to the district for the school year.

The annual Chapter 1 Regular application for the school year in which the money is reallocated shall be considered to be amended in accordance with the application for reallocation money received and approved by the superintendent of public instruction.

[Statutory Authority: RCW 28A.02.100. 84-20-089 (Order 84-49), § 392-163-364, filed 10/2/84.]

WAC 392-163-365 End-of-year report—Annual requirement. Each school district that receives an allocation of funds under Chapter 1 Regular shall submit to the superintendent of public instruction each year an end-of-year report on forms provided by the superintendent of public instruction. The end-of-year report shall be received by the superintendent of public instruction no later than July 20 and shall contain all information requested, including data on the race, age, and gender of children served by the Chapter 1 Regular program and on the number of children served by grade level.

[Statutory Authority: RCW 28A.02.100. 84-20-089 (Order 84-49), § 392-163-365, filed 10/2/84; 83-08-030 (Order 83-2), § 392-163-365, filed 3/30/83.]

WAC 392-163-370 End-of-year report—Summer school addendum. Any school district which conducts a summer school supported with Chapter 1 Regular moneys, in addition to the annual end-of-year report, shall submit a separate summer school report by September 15 on forms provided by the superintendent of public instruction.

[Statutory Authority: RCW 28A.02.100. 83-08-030 (Order 83-2), § 392-163-370, filed 3/30/83.]

WAC 392-163-375 Program evaluation. Each school district that receives an allocation of moneys under Chapter 1 Regular shall use the Title I Evaluation and Reporting System (TIERS) for reporting student impact data to the superintendent of public instruction on forms provided by that office when requested by the superintendent of public instruction. In addition, each district shall determine whether improved student achievement is sustained over a period of more than one program year, and shall consider that data in the improvement of programs and projects assisted with Chapter 1 Regular moneys.

[Statutory Authority: RCW 28A.02.100. 84-20-089 (Order 84-49), § 392-163-375, filed 10/2/84; 83-08-030 (Order 83-2), § 392-163-375, filed 3/30/83.]

WAC 392-163-385 Comparability of services—Computation basis. (1) In order to demonstrate comparability, a school district shall compare the FTE student/instructional staff ratio in each Chapter 1 Regular served school with an average of FTE student/instructional staff

ratios in all nonserved schools: *Provided*, That if all schools within the district are served with Chapter 1 Regular moneys, a school district shall compare the FTE student/instructional staff ratio in each Chapter 1 Regular served school with an average of the FTE student/instructional staff ratio in Chapter 1 Regular served schools having the lowest percent or number of low income students, this base being not more than half the total number of schools being served, using for the computation FTE student enrollment divided by nonfederally funded FTE certificated and classified staff in Activity 27: *Provided further*, That at its discretion, a district also may include in its calculation other instructional staff in Activities 22, 23, 24, and 25.

(2) A district shall be deemed to have demonstrated comparability if it meets the definition of equivalence established in WAC 392-163-215.

(3) In assembling the data for the computation the school district may:

(a) Disregard schools with a total student enrollment of fewer than one hundred FTE students;

(b) Divide schools into no more than four grade span groupings;

(c) Divide schools into two groups, larger and smaller, for each grade span grouping if policies or agreements established by the school district board of directors require different teacher/pupil ratios based on individual school population characteristics. If a district chooses to use this option, it shall use only instructional staff in Activity Code 27 in the comparability calculation;

(d) Exclude from its calculation FTE instructional staff who are supported with state and/or local moneys for special programs designed to meet the needs of educationally deprived children, if such programs are consistent with the requirements of section 131(c) of the Elementary and Secondary Education Act of 1965; and/or

(e) Exclude from its calculation the portion of nonfederally supported FTE instructional staff time used to provide services exclusively to handicapped and/or bilingual programs.

(4) Student enrollment and instructional staff data used in the comparability report shall have been collected within the same calendar month. The computation based on that data shall be completed prior to December 1 of each school year.

[Statutory Authority: RCW 28A.02.100. 84-20-089 (Order 84-49), § 392-163-385, filed 10/2/84; 83-17-060 (Order 83-8), § 392-163-385, filed 8/17/83; 83-08-030 (Order 83-2), § 392-163-385, filed 3/30/83.]

WAC 392-163-390 Comparability of services maintained. Once a school district has demonstrated comparability, comparable services shall be maintained for the remainder of the school year except that unforeseen conditions which arise during the school year shall not be a factor in determining continuing compliance with the comparability of services requirement.

[Statutory Authority: RCW 28A.02.100. 83-08-030 (Order 83-2), § 392-163-390, filed 3/30/83.]

WAC 392-163-400 Annual needs assessment—Program requirement. Each school district receiving Chapter 1 moneys shall base its Chapter 1 Regular program

on an annual assessment of educational needs which identifies all educationally deprived children in all eligible school attendance areas (including students who are considered homeless, served private schools, and local institutions for neglected or delinquent students). The assessment shall determine general instructional areas and grade levels on which the program will focus and will result in the selection of the greatest of need children. The needs assessment further shall determine the special academic needs of participating students with sufficient specificity to ensure concentration on those needs as well as the resources necessary to meet those special academic needs. A summary analysis of the needs assessment must include data which indicates the number of students below grade level in all grades in reading, math, and communication in all eligible Chapter 1 buildings. The needs assessment must establish the need for readiness or support services when such services are provided. The needs assessment must be funded by local moneys.

[Statutory Authority: RCW 28A.02.100. 94-07-103 (Order 94-04), § 392-163-400, filed 3/18/94, effective 4/18/94; 92-21-025 (Order 92-09), § 392-163-400, filed 10/13/92, effective 11/13/92; 83-08-030 (Order 83-2), § 392-163-400, filed 3/30/83.]

WAC 392-163-405 Allocation of resources to program areas and schools. Each district shall allocate Chapter 1 resources among project areas and schools based on the local needs assessment as well as:

- (1) The number and needs of children selected for participation;
- (2) The degree of educational deprivation of these children; and
- (3) The services to be provided.

In designing and planning services, districts and individual buildings shall consider a variety of options when selecting staff, instructional techniques, materials, and service models in order to best accommodate individual student needs.

For the sole purpose of allocating Chapter 1 resources among project areas and schools, a local district may continue to count for two additional years, children in those areas and schools who received Chapter 1 services in the preceding school year, but are no longer in greatest need of special assistance from the Chapter 1 program.

These requirements apply to Chapter 1-served public and private schools as well as to local institutions for neglected or delinquent students.

[Statutory Authority: RCW 28A.02.100. 94-07-103 (Order 94-04), § 392-163-405, filed 3/18/94, effective 4/18/94; 92-21-025 (Order 92-09), § 392-163-405, filed 10/13/92, effective 11/13/92; 83-08-030 (Order 83-2), § 392-163-405, filed 3/30/83.]

WAC 392-163-410 Selection of attendance areas for districts with under one thousand students—Program exemption. Any school district with a total enrollment of fewer than one thousand students, or no more than one school attendance area in each grade span, shall be exempt from the requirements of WAC 392-163-415 provided that requirements under 34 C.F.R. Section 200.31 are complied with. Such districts shall not be required to select attendance areas and all schools within the district shall be eligible to receive Chapter 1 Regular services. For purposes of

documenting enrollment, the school district must select a given date to determine the enrollment from among the attendance reports submitted to the superintendent of public instruction for the current year. Enrollment figures, and the selected date shall be recorded on forms provided by the superintendent of public instruction in the Chapter 1 Regular application for the succeeding year.

[Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-410, filed 10/13/92, effective 11/13/92; 83-08-030 (Order 83-2), § 392-163-410, filed 3/30/83.]

WAC 392-163-415 Selection of attendance areas—Program requirement. Each school district will identify eligibility attendance areas using the best available measure for identifying children from low-income families. A district may use data on children from families receiving aid for dependent children (AFDC), data on families where children are eligible under the National School Lunch Program, or other appropriate data. If a district uses a composite of several data sources, they must be weighted. After determining the source(s) of low-income data, each school district receiving Chapter 1 Regular moneys, except as otherwise exempted under WAC 392-163-410, shall select attendance areas to receive Chapter 1 Regular services according to bases listed in 34 C.F.R. Section 200.30.

[Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-415, filed 10/13/92, effective 11/13/92; 83-08-030 (Order 83-2), § 392-163-415, filed 3/30/83.]

WAC 392-163-420 Services for homeless children. In order to ensure that each homeless child be provided services comparable to services offered other students in the school, educationally deprived homeless children attending Chapter 1 schools are eligible for participation provided they meet the same educational criteria as other children in the school. Furthermore, districts may serve educationally deprived homeless children without regard to the residency requirements in WAC 392-163-415.

[Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-420, filed 10/13/92, effective 11/13/92; 83-08-030 (Order 83-2), § 392-163-420, filed 3/30/83.]

WAC 392-163-425 Parent involvement—Program requirement. In accordance with federal regulations, a local school district may receive funds under this provision only if it implements programs, activities, and procedures for the involvement of parents of participating public and private school children. This involvement must include, but is not limited to, parent input into the planning, design, and implementation of the Chapter 1 program. The consultation must be organized, systematic, ongoing, informed, and timely in relation to decisions about the program, activities, and procedures for the involvement of parents; and must be of sufficient size, scope, and quality to give reasonable promise of substantial progress toward achieving meaningful parental involvement, as outlined in 34 C.F.R. Sec. 200.34.

[Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-425, filed 10/13/92, effective 11/13/92; 83-17-060 (Order 83-8), § 392-163-425, filed 8/17/83; 83-08-030 (Order 83-2), § 392-163-425, filed 3/30/83.]

WAC 392-163-430 Acquisition, control and disposition of property. Acquisition, control and disposition of property purchased with Title I/Chapter 1 Regular moneys shall be consistent with 34 CFR 74.130-145, Subpart O—Property.

[Statutory Authority: RCW 28A.02.100. 83-08-030 (Order 83-2), § 392-163-430, filed 3/30/83.]

WAC 392-163-435 Program compliance review. The superintendent of public instruction shall conduct program compliance reviews of all school districts receiving Chapter 1 Regular moneys. Review of each school district shall occur at least once within a three-year plan as established by the superintendent of public instruction. The plan will ensure that no more than three years' lapse between reviews for each school district: *Provided*, That in the case of school districts not reviewed due to exceptional or uncontrollable circumstances, these districts will have first priority for review in the immediate following year. Upon receipt of the compliance review report from the superintendent of public instruction the school district shall have three weeks to respond to the superintendent of public instruction if there are exceptions noted in the report. Substantial noncompliance or failure by the school district to respond and/or initiate corrective action in a timely manner shall be subject to actions prescribed in WAC 392-163-450 and 392-163-455.

[Statutory Authority: RCW 28A.02.100. 91-18-040 (Order 91-20), § 392-163-435, filed 8/30/91, effective 8/30/91; 84-20-089 (Order 84-49), § 392-163-435, filed 10/2/84.]

WAC 392-163-440 Program improvement. In order to foster and encourage systematic, purposeful improvement for each project school and individual students, including served private schools, a local district shall:

(1) Establish measurable desired outcomes for each program component unique to its student population which includes the level of performance, the goal, the outcome indicator(s), measurement cycle, and indicators of substantial progress. The outcome must be based on objective data which measures Chapter 1 participants' success in the regular classroom as evidenced by their day-to-day performance, and must be based on criteria that all students are expected to master. Districts may develop desired outcomes for the total program either by building or across the district.

(2) Conduct an annual review of the effectiveness of its Chapter 1 project in improving student performance as measured by aggregate performance and the established desired outcomes; and make the results of the review available to teachers, parents of participating children, administrators, and other appropriate parties. Results will also be indicated in the district's annual end-of-year report. Districts which use a fall-to-fall testing cycle must provide results for program improvement purposes no later than January 15 following the testing dates. If extenuating circumstances exist which prohibits the district from meeting the January 15 deadline, the district shall notify the office of the superintendent of public instruction Chapter 1 staff of the situation and proposed time frame for completion.

(3) Develop a program improvement plan for each building that:

(a) Does not show substantial progress toward meeting the desired outcomes described in the local district's application; or

(b) Shows no improvement or a decline in aggregate performance of participating children for a twelve-month period. "No improvement" shall be indicated by a zero or below NCE gain using either the mean or the median score across the district. The local district is only required to determine the aggregate performance of a school in the instructional area that is the primary focus of the Chapter 1 local district program in that school.

Districts may "self-nominate" buildings that have met their established objectives, and may have access to resources provided for the purposes of improving programs if sufficient resources are available.

[Statutory Authority: RCW 28A.02.100. 94-07-103 (Order 94-04), § 392-163-440, filed 3/18/94, effective 4/18/94; 92-21-025 (Order 92-09), § 392-163-440, filed 10/13/92, effective 11/13/92; 83-08-030 (Order 83-2), § 392-163-440, filed 3/30/83.]

WAC 392-163-445 Program improvement plan. For each building that shows no improvement according to WAC 392-163-440, a program improvement plan must be developed and implemented.

(1) Program improvement plans must be developed by individual school building staff, including, at a minimum: Regular education staff, Chapter 1 staff, building principal, Chapter 1 director, and parents of participating children.

(2) Plans must be shared with the local school board of directors and the superintendent of public instruction.

(3) Districts may apply for program improvement assistance funds to the superintendent of public instruction, on forms provided by the superintendent of public instruction, for the purposes of developing and implementing their plan. The funds may be used as outlined in the Washington state program improvement plan.

(4) Buildings which have been identified from the use of a fall-to-fall testing cycle must begin planning and developing a program improvement plan no later than February 15 following the testing dates. Buildings which have been identified from the use of a spring-to-spring testing cycle shall begin planning and developing a program improvement plan no later than the beginning of the subsequent school year.

(5) Buildings shall implement their plan, or parts of their plan, as soon as it is feasible, but no later than the beginning of the following school year after the building has been identified for those districts using a fall-to-fall testing cycle, and no later than the second fall from the school year after the building has been identified for those districts using a spring-to-spring testing cycle.

[Statutory Authority: RCW 28A.02.100. 94-07-103 (Order 94-04), § 392-163-445, filed 3/18/94, effective 4/18/94; 92-21-025 (Order 92-09), § 392-163-445, filed 10/13/92, effective 11/13/92; 83-08-030 (Order 83-2), § 392-163-445, filed 3/30/83.]

WAC 392-163-450 Program improvement joint plan. If, after a required program improvement plan has been implemented for one full school year, a school is still identified as needing improvement according to WAC 392-163-440, the local school district shall, in partnership with the superintendent of public instruction, develop and imple-

ment a joint plan for program improvement in the identified school. The procedures and timelines listed in 34 C.F.R. 200.38 (b)(6) and the Washington State Program Improvement Plan shall be followed.

[Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-450, filed 10/13/92, effective 11/13/92; 83-08-030 (Order 83-2), § 392-163-450, filed 3/30/83.]

WAC 392-163-455 Student improvement. Each district must identify all students who have been served for a school year and that have not made progress towards meeting the objectives and outcomes stated in the district application. Districts must consider modifications in the Chapter 1 project to better serve those students. Furthermore, a thorough assessment must be conducted of the educational needs of children who remain in the district Chapter 1 project after two consecutive years of participation and have not shown progress towards meeting the objectives and outcomes stated in the district application. If appropriate, districts must use the results of that assessment to modify the Chapter 1 project to meet the children's needs.

[Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-455, filed 10/13/92, effective 11/13/92; 83-08-030 (Order 83-2), § 392-163-455, filed 3/30/83.]

WAC 392-163-460 Serving students in greatest need—Program requirement. The school district shall serve those educationally deprived children who have the greatest need for special assistance: *Provided*, That children who were identified in the previous year as being in greatest need for special assistance and who continue to be educationally deprived but are no longer in greatest need of special assistance may be served with Chapter 1 Regular funds for a maximum of two additional years: *Provided Further*, That the school district shall not be required to serve children in greatest need with Chapter 1 Regular moneys if such children are receiving similar services from nonfederal sources as would otherwise be provided by Chapter 1 Regular moneys.

[Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-460, filed 10/13/92, effective 11/13/92; 84-20-089 (Order 84-49), § 392-163-460, filed 10/2/84; 83-08-030 (Order 83-2), § 392-163-460, filed 3/30/83.]

WAC 392-163-465 Student needs. Chapter 1 and regular education staff shall determine individual student's educational needs based on objective measures, including such measures as curriculum assessments, informal assessments, criterion-referenced tests, standardized tests, student learning objectives, interest inventories, portfolio assessments, anecdotal records, staff observations, to provide enough information to design a program of sufficient size, scope, and quality to give reasonable promise of substantial progress. Needs must be determined with sufficient specificity to ensure concentration on those needs. Student progress must be assessed throughout the school year, and reported to parents.

[Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-465, filed 10/13/92, effective 11/13/92; 83-08-030 (Order 83-2), § 392-163-465, filed 3/30/83.]

WAC 392-163-470 Notification of parents. Each school district shall notify parents of participating children of their child's involvement in the Chapter 1 Regular program and shall issue periodic reports of the child's progress in the program. Such notification and reports shall be provided in the primary language of the parent if necessary for communication to the extent practical.

[Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-470, filed 10/13/92, effective 11/13/92.]

WAC 392-163-475 School district application required. Each school district that seeks an allocation of federal funds under Chapter 1 Regular from the state shall submit an annual application on forms provided by the superintendent of public instruction.

[Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-475, filed 10/13/92, effective 11/13/92.]

WAC 392-163-480 Substance of annual school district application. The school district's annual application required by WAC 392-163-475 shall contain the following:

(1) Planned expenditures by program object and activity as required by WAC 392-163-490;

(2) Identification of eligible attendance areas selected to receive Chapter 1 Regular services: *Provided*, That the exemption prescribed in WAC 392-163-410 shall apply;

(3) Program, procedures, and project descriptions on forms provided by the superintendent of public instruction; and

(4) The objectives and outcomes for students participating in the Chapter 1 project, in terms of basic and more advanced skills that all children are expected to master, which will be a basis for evaluating the project for program improvement.

[Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-480, filed 10/13/92, effective 11/13/92.]

WAC 392-163-485 Annual assurances. Each school district that receives an allocation of federal funds under Chapter 1 Regular shall submit to the superintendent of public instruction annual assurances as indicated on the application forms.

[Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-485, filed 10/13/92, effective 11/13/92.]

WAC 392-163-490 Planned expenditures by program object and activity. Each school district's planned expenditures shall be by program object and activity, as displayed on forms provided by the superintendent of public instruction, for the program designed to assist educationally deprived children as defined in WAC 392-163-200 and shall include the district's proposed expenditures for public and private school children and for children in local institutions for neglected or delinquent children.

[Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-490, filed 10/13/92, effective 11/13/92.]

WAC 392-163-495 Board approval. Each annual application submitted by a school district to the superintendent of public instruction shall be approved by the board of

directors only after the board has reviewed the program design and expenditures, taking into consideration:

- (1) Previous year's planned expenditures and total Chapter 1 Regular moneys available for the ensuing year (July 1 through August 31);
- (2) Results of the local review according to WAC 392-163-545 and 392-163-440;
- (3) Results of the annual needs assessment; and
- (4) The adequacy of parent/teacher consultation in the planning, implementation, and evaluation of the program.

[Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-495, filed 10/13/92, effective 11/13/92.]

WAC 392-163-500 Approval of Chapter 1 Regular program application by the office of the superintendent of public instruction. (1) Final approval of a Chapter 1 Regular program shall be given to a school district when the superintendent of public instruction has received a completed application in accordance with WAC 392-163-480 and 34 C.F.R. 200.20 and is assured that the school district has satisfied all yearly reporting requirements and compliance agreements from the previous year, unless the agreement extends into the year which the application covers.

(2) Programs shall not be implemented without approval from the superintendent of public instruction. The effective approval date shall be July 1 of each year for applications received on or prior to July 1, or the subsequent date on which the application is received by the superintendent of public instruction.

(3) Fiscal expenditures made prior to the effective approval date indicated on an application or a request for budget revision shall not be allowed.

(4) Consistent with 34 C.F.R. Part 81—General Education Provision Act—Enforcement any school district shall have an opportunity to appeal a decision of the superintendent of public instruction, first to the superintendent of public instruction and then to the United States secretary of education.

[Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-500, filed 10/13/92, effective 11/13/92; 83-17-060 (Order 83-8), § 392-163-500, filed 8/17/83.]

WAC 392-163-505 Budget revision—Ten percent allowed. Using the "budgeted direct expenditures" total from Form F1000B as a base, school districts may make annual expenditure adjustments of up to ten percent of that total in any of the previously budgeted activity or object totals within the approved annual application without filing a request for a budget revision with the superintendent of public instruction.

[Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-505, filed 10/13/92, effective 11/13/92.]

WAC 392-163-510 Budget revisions—Updating planned expenditures. Except as provided in WAC 392-163-505, each school district shall expend Chapter 1 Regular moneys in accordance with planned expenditures and program description included in the application submitted to and approved by the superintendent of public instruction. A school district shall be required to file a request for a budget revision whenever necessary or no later than August 31 of

the current year with the superintendent of public instruction in order to:

- (1) Increase the total expenditure of Chapter 1 Regular moneys; or
- (2) Change by more than ten percent of the budgeted direct expenditure total the expenditures among activity or object totals; or
- (3) Expend money in any object or activity total where no moneys were budgeted in the original application.

[Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-510, filed 10/13/92, effective 11/13/92.]

WAC 392-163-515 Budget revision—Approval. Approval of budget revisions by the superintendent of public instruction shall be in accordance with the provisions of WAC 392-163-500 for approval by the superintendent of public instruction of the annual application.

[Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-515, filed 10/13/92, effective 11/13/92.]

WAC 392-163-520 Program update. No later than thirty calendar days following a substantial program change, a school district shall submit to the superintendent of public instruction a description of such changes. "Substantial changes" shall mean:

- (1) Removal of Chapter 1 Regular services from an attendance area listed as "served" on the application;
- (2) Addition of Chapter 1 Regular services to an attendance area not listed as "served" in the application;
- (3) Modification of the Chapter 1 Regular program in any served attendance area by adding a new program focus, by changing grade levels, or by changing program service delivery models; and/or
- (4) Increasing the number of students served in the Chapter 1 Regular program to such an extent that the district must exceed the ten percent budget variance to accommodate serving the additional eligible students.

Notwithstanding the thirty-day provision for notification to the superintendent of public instruction of substantial program changes, if such changes necessitate a budget revision, said revision shall be submitted to the superintendent of public instruction for approval prior to implementation of proposed changes.

[Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-520, filed 10/13/92, effective 11/13/92.]

WAC 392-163-525 Supervisory expenditures. A school district that charges any portion of supervisory expenditures to the Chapter 1 Regular program shall document such costs, including the proportion of supervisory FTE so designated.

[Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-525, filed 10/13/92, effective 11/13/92.]

WAC 392-163-530 Reallocation of Chapter 1 Regular moneys in excess of fifteen percent carryover. Carryover in excess of fifteen percent will be reallocated by the superintendent of public instruction to school districts according to the process outlined in 34 C.F.R. Section 200.26. *Except that*, local school districts receiving a

Chapter 1 allocation of fifty thousand dollars or less, including basic and concentration grants, shall be exempt from the reallocation of their funding in excess of fifteen percent carryover.

To implement reallocation of Chapter 1 Regular moneys the following requirements and procedures for school districts and the superintendent of public instruction are hereby established:

(1) No school district's annual application shall be approved by the superintendent of public instruction unless such application includes budgeted expenditures equal to at least eighty-five percent of the district's Chapter 1 Regular allocation.

(2) If the total amount budgeted is less than eighty-five percent of the current year's allocation, the superintendent of public instruction shall notify the district of the additional amount it must budget to achieve the minimum budgetary requirement.

(3) Upon receipt of such notification, a school district shall submit a revised Chapter 1 budget to the superintendent of public instruction or shall submit, on forms provided by the superintendent of public instruction for that purpose, a request for waiver explaining why the district is planning to carry over more than fifteen percent of its Chapter 1 Regular allocation.

[Statutory Authority: RCW 28A.02.100. 94-07-103 (Order 94-04), § 392-163-530, filed 3/18/94, effective 4/18/94; 92-21-025 (Order 92-09), § 392-163-530, filed 10/13/92, effective 11/13/92.]

WAC 392-163-535 Reallocation of Chapter 1 Regular moneys—Waiver of limit. Notwithstanding the requirements of WAC 392-163-530 a school district may request a waiver to allow the carryover of more than the fifteen percent limitation for a succeeding year:

(1) The request shall be made in writing to the superintendent of public instruction with the Chapter 1 Regular application for the ensuing year.

(2) The request shall specify the total amount the district proposes to carry over, the purpose/activities for which the money will be expended in the succeeding year, and the rationale for the planned expenditure pattern.

(3) The request shall be approved by the school district board of directors.

(4) The district may submit a waiver request once during the Chapter 1 authorization period.

The superintendent of public instruction shall notify the school district within thirty days of the receipt of the request of the acceptance or rejection of the request for waiver of the carryover limit for the succeeding year.

Notwithstanding the granting of a waiver request, if the school district does not expend its excess carryover in the succeeding year for the activities and purposes outlined in its waiver request, such excess shall be withheld and made available for reallocation the succeeding year.

[Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-535, filed 10/13/92, effective 11/13/92.]

WAC 392-163-540 Reallocation of Chapter 1 Regular moneys—Application for available excess carryover. The superintendent of public instruction shall invite school

districts meeting the conditions of 34 C.F.R. 200.26 to submit applications for reallocation money each year.

Reallocation funds shall be made available through application procedures as determined by the superintendent of public instruction.

[Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-540, filed 10/13/92, effective 11/13/92.]

WAC 392-163-545 Program evaluation. Each school district that receives an allocation of moneys under Chapter 1 Regular shall:

(1) Use the Chapter 1 Evaluation and Reporting System (CHIERS) for annually reporting student impact data to the superintendent of public instruction on forms provided by the superintendent of public instruction;

(2) Evaluate the project's effectiveness on the basis of aggregate performance and desired outcomes stated in the district application, including a review of Chapter 1 participating children's progress in the regular program;

(3) Determine whether improved performance of Chapter 1 participating children is sustained over a period of more than twelve months, using district-selected measurements; and

(4) Annually assess, through consultation with parents of participating students, the effectiveness of the Chapter 1 parental involvement program, and determine what action needs to be taken, if any, to increase parental participation.

[Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-545, filed 10/13/92, effective 11/13/92.]

WAC 392-163-550 End-of-year report—Annual requirement. Each school district that receives an allocation of funds under Chapter 1 Regular shall submit to the superintendent of public instruction each year an end-of-year report on forms provided by the superintendent of public instruction. The end-of-year report shall be received by the superintendent of public instruction no later than July 20 and shall contain all information as specified by the accompanying instructions to meet reporting requirements in P.L. 100-297 Section 1019 (b)(3). Districts shall also submit result of its progress toward meeting the objectives and outcomes stated in the district's application for the current year as required for program improvement.

[Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-550, filed 10/13/92, effective 11/13/92.]

WAC 392-163-555 End-of-year report—Summer school addendum. Any school district which conducts a summer school supported with Chapter 1 Regular moneys, in addition to the annual end-of-year report, shall submit a separate summer school report by September 15 on forms provided by the superintendent of public instruction.

[Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-555, filed 10/13/92, effective 11/13/92.]

WAC 392-163-560 Comparability of services—Computation basis. (1) In order to demonstrate comparability, a school district shall compare the nonfederal FTE student/instructional staff ratio in each Chapter 1 Regular served school with an average of FTE student/instructional

staff ratios in all nonserved schools: *Provided*, That if all schools within the district are served with Chapter 1 Regular moneys, a school district shall compare the FTE student/instructional staff ratio in each Chapter 1 Regular served school with an average of the FTE student/instructional staff ratio in Chapter 1 Regular served schools having the lowest percent or number of low-income students, this base being not more than half the total number of schools being served, using for the computation FTE student enrollment divided by nonfederally funded FTE certificated and classified staff in Activity 27: *Provided Further*, That at its discretion, a district also may include in its calculation other nonfederal instructional staff in Activities 22, 23, 24, and 25.

(2) A district shall be deemed to have demonstrated comparability if it meets the definition of equivalence established in WAC 392-163-210.

(3) In assembling the data for the computation the school district may:

(a) Disregard schools with a total student enrollment of fewer than one hundred FTE students;

(b) Divide schools into appropriate grade span groupings;

(c) Divide schools into two groups, larger and smaller, for each grade span grouping if policies or agreements established by the school district board of directors require different teacher/pupil ratios based on individual school population characteristics. If a district chooses to use this option, it shall use only instructional staff in Activity Code 27 in the comparability calculation;

(d) Exclude from its calculation FTE instructional staff who are supported with state and/or local moneys for similar services designed to meet the needs of educationally deprived children, if such programs are consistent with the requirements of section 1018 (d)(b) of Public Law 100-297; and/or

(e) Exclude from its calculation the portion of nonfederally supported FTE instructional staff time used to provide services exclusively to handicapped and/or limited English proficient programs.

(4) Student enrollment and instructional staff data used in the comparability report shall have been collected within the same calendar month. The computation based on that data shall be completed prior to December 1 of each school year.

[Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-560, filed 10/13/92, effective 11/13/92.]

WAC 392-163-565 Comparability of services maintained. Once a school district has demonstrated comparability, comparable services shall be maintained for the remainder of the school year except that unforeseen conditions which arise during the school year shall not be a factor in determining continuing compliance with the comparability of services requirement.

[Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-565, filed 10/13/92, effective 11/13/92.]

WAC 392-163-570 Comparability of services—Completed forms on file. Each fall, school districts shall receive forms from the superintendent of public instruction with accompanying directions for demonstrating comparabili-

ty. These completed forms shall be kept on file in the school district and shall be made available for review.

[Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-570, filed 10/13/92, effective 11/13/92.]

WAC 392-163-575 Maintenance of effort. A school district receiving Chapter 1 Regular moneys shall maintain state and local fiscal effort at a minimum of ninety percent level as calculated in WAC 392-163-580. This calculation may be made on an aggregate or per pupil expenditure basis. These calculations shall be made by the superintendent of public instruction from data submitted to the superintendent of public instruction by school districts. School districts failing to meet the maintenance of effort requirements shall be notified in writing no later than June 1 of each school year.

[Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-575, filed 10/13/92, effective 11/13/92.]

WAC 392-163-580 Maintenance of effort—Computations. The calculations as listed in the annual Chapter 1 Regular Basic Concepts Guide shall be used by the superintendent of public instruction to ensure the maintenance of effort for school districts receiving Chapter 1 Regular moneys. The data source for these calculations is the F-196. The same calculations shall be made for both the preceding and second preceding fiscal years.

The calculations listed in Chapter 1 Regular Basic Concepts Guide shall be applied to both school years. The results of this calculation shall then be compared and a district shall be considered to be in compliance if the total for the preceding year is at least ninety percent of the total for the second preceding year.

[Statutory Authority: RCW 28A.02.100. 94-07-103 (Order 94-04), § 392-163-580, filed 3/18/94, effective 4/18/94; 92-21-025 (Order 92-09), § 392-163-580, filed 10/13/92, effective 11/13/92.]

WAC 392-163-585 Maintenance of effort—Failure to maintain effort. If the superintendent of public instruction determines that a school district has not maintained effort pursuant to the computation defined in WAC 392-163-580, the superintendent of public instruction shall take one of the following actions:

(1) Waive, for one fiscal year only, the maintenance of effort requirement if the superintendent of public instruction determines that a waiver would be allowable due to exceptional or uncontrollable circumstances. These circumstances include:

(a) A natural disaster;

(b) A precipitous and unforeseen decline in the financial resources of the school district; or

(c) Other exceptional or uncontrollable circumstances: *Provided*, That tax initiatives or referenda may not be considered to be exceptional or uncontrollable circumstances.

If the superintendent of public instruction grants a waiver, the superintendent of public instruction shall not reduce the amount of Chapter 1 Regular moneys the school district is otherwise entitled to receive.

In determining maintenance of effort for the fiscal year immediately following the fiscal year for which the waiver was granted, the superintendent of public instruction may

consider the school district's fiscal effort for the second preceding fiscal year to be no less than ninety percent of the combined fiscal effort per student or aggregate expenditures (using the measure most favorable to the school district) for the third preceding fiscal year.

(2) If a waiver cannot be granted, the superintendent of public instruction shall reduce the school district's allocation of moneys under Chapter 1 Regular in the exact proportion to which the school district fails to meet ninety percent of either the combined fiscal effort per student or aggregate expenditures (using the measure most favorable to the school district) for the second preceding fiscal year.

In determining maintenance of effort for the fiscal year immediately following the fiscal year in which the school district failed to maintain effort, the superintendent of public instruction may consider the school district's fiscal effort for the second preceding fiscal year to be no less than ninety percent of the combined fiscal effort per student or aggregate expenditures (using the measure most favorable to the school district) for the third preceding fiscal year.

[Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-585, filed 10/13/92, effective 11/13/92.]

WAC 392-163-590 Acquisition, control, and disposition of property. Acquisition, control, and disposition of property purchased with Title I/Chapter 1 Regular moneys shall be consistent with Part 80 of EDGAR (Education Department General Administrative Regulations) Acquisition is allowed if the district determines that:

- (1) The equipment is reasonable and necessary to effectively operate its Chapter 1 program;
- (2) Existing equipment is not sufficient; and
- (3) The costs are reasonable.

[Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-590, filed 10/13/92, effective 11/13/92.]

WAC 392-163-595 Construction and portable lease/purchase. Chapter 1 Regular moneys may be used for the modification of existing facilities and/or for lease/purchase of portable facilities, as defined by WAC 180-27-018, for the purpose of serving Chapter 1 Regular participating children if:

- (1) The district has exhausted every other available option for providing space in which to serve participating children; and
- (2) Modification of facilities or lease/purchase of portable facilities will provide essential improvement in the delivery of Chapter 1 Regular services to participating children.

Such use of moneys shall have prior approval from the superintendent of public instruction which shall be granted only after an on-site visit to the school district to examine existing facilities in order to determine that the above conditions do exist.

[Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-595, filed 10/13/92, effective 11/13/92.]

WAC 392-163-600 Capital expenses for serving private schools. A local school district may apply to the superintendent of public instruction for a payment to cover

capital expenses that the local district, in providing equitable Chapter 1 services to eligible children in private schools:

- (1) Has paid from funds under Chapter 1 ECIA, since July 1, 1985;
- (2) Is currently paying from funds provided under this part; or
- (3) Would incur because of an expected increase in the number or percentage of private school children to be served.

Procedures for applying for, receiving, and using funds will be in accordance with Sec. 34 C.F.R. 200.57 and 200.58.

[Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-600, filed 10/13/92, effective 11/13/92.]

WAC 392-163-605 Distribution of Chapter 1 Regular moneys to local school districts. (1) For purposes of this section, the term:

(a) "Poverty level students" shall mean children aged five through seventeen counted in accordance with Section 1005(c) of Public Law 100-297 and 34 C.F.R. Section 200.23.

(b) "Best available data" shall mean poverty level data compiled using the most current decennial census definition of poverty status.

(2) The method used by the superintendent of public instruction to distribute Chapter 1 Regular county allocations shall conform to 34 C.F.R. Section 200.23 and 200.24.

(a) Using the best available data, poverty level students in each county shall be traced to individual school districts and the district shall receive a proportionate share of Chapter 1 Regular moneys from each county its boundaries overlap.

(b) No district shall be allocated less than eighty-five percent of the Chapter 1 Regular moneys it was allocated in the previous fiscal year.

[Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-605, filed 10/13/92, effective 11/13/92.]

WAC 392-163-610 Program compliance review. The superintendent of public instruction shall conduct program compliance reviews of all school districts receiving Chapter 1 Regular moneys. Reviews of each school district shall occur at least once within a three-year plan as established by the superintendent of public instruction. The plan will ensure that no more than three years lapse between reviews for each school district: *Provided*, That in the case of school districts not reviewed due to exceptional or uncontrollable circumstances, these districts will have first priority for review in the immediate following year. Upon receipt of the compliance review report from the superintendent of public instruction the school district shall have three weeks to respond to the superintendent of public instruction if there are exceptions noted in the report. Substantial noncompliance or failure by the school district to respond and/or initiate corrective action in a timely manner shall be subject to actions prescribed in WAC 392-163-630 and 392-163-635.

[Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-610, filed 10/13/92, effective 11/13/92.]

WAC 392-163-615 Chapter 1 Regular audit. Audit of local school district Chapter 1 Regular programs shall be conducted in compliance with 34 C.F.R. 74.62.

[Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-615, filed 10/13/92, effective 11/13/92.]

WAC 392-163-620 Complaint procedure. In accordance with federal regulation 34 C.F.R. 200.73-75, an organization or individual may file a written signed complaint with the superintendent of public instruction.

(1) Basis of submission.

(a) Prior to submitting a complaint and/or appeal to the superintendent of public instruction for decision, the complainant or local school district must demonstrate that local complaint procedures have been followed. If it is determined by the superintendent of public instruction that such remedies have not been followed, the complaint will be referred back to the local level for resolution.

(b) Upon written decision of a complaint, the complainant has the right to appeal a decision of the local school district with respect to a complaint within thirty calendar days of the final decision of the school district.

(c) Complaints emanating from and through other entities than local school district shall come directly to the superintendent of public instruction for resolution. The procedure shall be the same as those for other appeals and complaints which begin at the local level.

(2) Method of submission.

(a) The complainant shall submit a written statement of complaint and/or appeal to the superintendent of public instruction—Attention: Chapter 1 Regular program supervisor. This statement shall specify:

- (i) The nature of the violation of the federal statute or state regulations that apply to programs under this procedure;
- (ii) A brief listing of the evidence supporting the complainant's contention(s);
- (iii) Where appropriate, a definitive statement of points of disagreement with the locally rendered decision; and
- (iv) The desired remedy or outcome of the complaint/appeal.

(b) The complainant shall make copies of the statement available to any applicable local district advisory council and the local school district.

(3) Timelines. The superintendent of public instruction shall review and/or resolve any complaint and/or appeal from a local school district or its constituency within a period of sixty calendar days following receipt of such complaint or appeal in the Chapter 1 Regular program supervisor's office of the superintendent of public instruction. If exceptional circumstances exist with respect to a particular complaint, the time limit may be extended by the superintendent of public instruction, but it shall be extended in each case to a specific number of days.

(4) Evidence.

(a) In the resolution and/or review of any complaint and/or appeal, the superintendent of public instruction shall guarantee to the complainant and/or his/her representative(s) and to the local school the right and opportunity to present evidence and to question parties to the dispute and to any of their witnesses. Presentation of evidence and questions of witnesses in the appropriate language shall be in accordance

with generally accepted legal tenets regarding such processes in a hearing.

(b) If the superintendent of public instruction determines that on-site review and/or investigation is necessary, such review/investigation shall be conducted by appropriate superintendent of public instruction staff with attention to hearing the concerns of all interested parties.

(5) Final resolution. Within thirty calendar days following the receipt of the superintendent of public instruction's written decision on the complaint/appeal, the complainant and/or local school district may appeal that decision to the Secretary of the United States Department of Education for final resolution. Such appeal shall be in writing and shall specify the particular points of disagreement with the decision as rendered by the superintendent of public instruction.

[Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-620, filed 10/13/92, effective 11/13/92.]

WAC 392-163-625 Sanctions. School districts found to be out of compliance with applicable federal and state statute and regulations shall be subject to the actions prescribed in WAC 392-163-635, and/or procedures outlined in 34 C.F.R. Part 81—General Education Provision Act—Enforcement.

[Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-625, filed 10/13/92, effective 11/13/92.]

WAC 392-163-630 Compliance agreement. Notwithstanding any of the actions prescribed by WAC 392-163-625, any school district found out of compliance with this chapter may as a substitute for withholding or repayment actions referenced in WAC 392-163-625 and/or WAC 392-163-635 be required to enter into a compliance agreement with the superintendent of public instruction to ensure that noncompliant Chapter 1 Regular program practices are corrected within a period of time specified in that agreement, as a condition to continuous receipt of Chapter 1 Regular moneys. If a district fails to achieve compliance within the specified period of time, the withholding and/or repayment procedures prescribed by WAC 392-163-625 and 34 C.F.R. Part 81—General Education Provision Act—Enforcement shall be instituted by the superintendent of public instruction.

[Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-630, filed 10/13/92, effective 11/13/92.]

WAC 392-163-635 Withholding of Chapter 1 Regular payments. (1) If the superintendent of public instruction determines that a school district is not in substantial compliance with federal statute and regulations or with this chapter, the superintendent of public instruction shall have the authority to withhold payment in whole or in part of Chapter 1 Regular moneys to the noncompliant district. In deciding whether to withhold payments, the superintendent of public instruction shall provide:

(a) Reasonable notice to the school district of the reasons for the proposed withholding; and

(b) An opportunity for the school district within thirty calendar days of such notice to give reason why the withholding should not be instituted.

(2) Pursuant to the school district response, the superintendent of public instruction shall consider the following factors:

- (a) The seriousness of the noncompliance;
- (b) The amount of Chapter 1 Regular moneys involved;
- (c) The effect of withholding on participating children;

and
(d) The need to withhold payments to prevent further misuse of Chapter 1 Regular moneys.

(3) If, after consideration of these factors and within thirty calendar days, the superintendent of public instruction decides to initiate a withholding procedure, a date shall be specified by which the school district must have achieved compliance, or the moneys withheld shall become subject to repayment procedures specified in 34 C.F.R. Part 81—General Education Provisions Act—Enforcement.

[Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-635, filed 10/13/92, effective 11/13/92.]

WAC 392-163-640 Committee of practitioners. (1)

Purpose. The superintendent of public instruction shall establish a committee of practitioners for the purpose of:

(a) Providing consultive assistance on the state plan in regard to requirements and policies relative to implementing Public Law 100-297 (Elementary and Secondary Education Act of 1965, as amended); and

(b) Acting in an advisory capacity in the areas of state regulations and policies, program improvement, and other related Chapter 1 concerns.

(2) **Membership.** The committee shall be representative of each geographical region of the state; urban, suburban, and rural districts; teachers, parents of participating children, regular education instructional staff, private school staff, Chapter 1 instructional staff, district administrators, local school board member, and curriculum staff; and must be knowledgeable about the Chapter 1 program.

(3) **Procedures:**

(a) Membership terms shall be two years in length.

(b) All meetings of the committee of practitioners shall be called by the superintendent of public instruction.

(c) Members shall be reimbursed for travel and expenses to the extent permitted and consistent with the travel and per diem laws applicable to all state employees.

[Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-640, filed 10/13/92, effective 11/13/92.]

WAC 392-163-645 State advisory council. (1)

Purpose. The purpose of the state advisory council (SAC) shall be to advise the superintendent of public instruction on parent involvement and related concerns of the Chapter 1 Regular Program.

(2) **Membership:**

(a) The superintendent of public instruction shall select parent members from nominations submitted by a school district superintendent or his/her designee. The selection of council members shall be representative of geographic location. Nominees shall be parents of students served in the Chapter 1 Regular program and shall be chosen by the school district in consultation with parents and teachers of Chapter 1 Regular served children;

(b) The majority of the SAC shall consist of such parents as selected under (a) of this subsection; and

(c) The balance of the SAC shall consist of Chapter 1 Regular administrators, teachers, educational assistants, and representatives of other educational groups.

(3) **Procedures:**

(a) Bylaws shall be developed by the SAC and be subject to approval by the superintendent of public instruction;

(b) Election of officers shall be conducted by the membership;

(c) All meetings of the SAC shall be called by the superintendent of public instruction; and

(d) Members shall be reimbursed for travel and expenses to the extent permitted and consistent with the travel and per diem laws applicable to state employees.

[Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-645, filed 10/13/92, effective 11/13/92.]

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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392-164-295	Effect of approval.	392-164-055	Day care. [Order 7-75, § 392-164-055, filed 12/22/75. Formerly WAC 392-96-055.] Repealed by 88-13-002 (Order 88-15), filed 6/3/88. Statutory Authority: RCW 28A.02.100.
392-164-300	Budget revision—Ten percent allowed.	392-164-060	Local parent advisory councils. [Order 7-75, § 392-164-060, filed 12/22/75. Formerly WAC 392-96-060.] Repealed by 88-13-002 (Order 88-15), filed 6/3/88. Statutory Authority: RCW 28A.02.100.
392-164-305	Budget revisions—Updating planned expenditures.	392-164-065	Local parent advisory council appeal process for projects. [Order 7-75, § 392-164-065, filed 12/22/75. Formerly WAC 392-96-065.] Repealed by 88-13-002 (Order 88-15), filed 6/3/88. Statutory Authority: RCW 28A.02.100.
392-164-310	Budget revision—Approval.	392-164-070	Local parent advisory council appeal process for PAC. [Order 7-75, § 392-164-070, filed 12/22/75. Formerly WAC 392-96-070.] Repealed by 88-13-002 (Order 88-15), filed 6/3/88. Statutory Authority: RCW 28A.02.100.
392-164-315	Program update.	392-164-075	Grievance procedure. [Order 7-75, § 392-164-075, filed 12/22/75. Formerly WAC 392-96-075.] Repealed by 88-13-002 (Order 88-15), filed 6/3/88. Statutory Authority: RCW 28A.02.100.
392-164-320	Identification of migratory children.	392-164-080	State advisory committee. [Order 7-75, § 392-164-080, filed 12/22/75. Formerly WAC 392-96-080.] Repealed by 88-13-002 (Order 88-15), filed 6/3/88. Statutory Authority: RCW 28A.02.100.
392-164-325	Student accident insurance.	392-164-085	Accountability. [Order 7-75, § 392-164-085, filed 12/22/75. Formerly WAC 392-96-085.] Repealed by 88-13-002 (Order 88-15), filed 6/3/88. Statutory Authority: RCW 28A.02.100.
392-164-330	Construction and portable lease/purchase.	392-164-090	Administrative costs. [Order 7-75, § 392-164-090, filed 12/22/75. Formerly WAC 392-96-090.] Repealed by 88-13-002 (Order 88-15), filed 6/3/88. Statutory Authority: RCW 28A.02.100.
392-164-335	Property, facilities, and equipment.	392-164-095	Fiscal constraints. [Order 7-75, § 392-164-095, filed 12/22/75. Formerly WAC 392-96-095.] Repealed by 88-13-002 (Order 88-15), filed 6/3/88. Statutory Authority: RCW 28A.02.100.
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392-164-425	Subgrant allocation formula.		
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**DISPOSITION OF SECTIONS
FORMERLY CODIFIED IN THIS CHAPTER**

392-164-005	Introduction. [Order 7-75, § 392-164-005, filed 12/22/75. Formerly WAC 392-96-005.] Repealed by 88-13-002 (Order 88-15), filed 6/3/88. Statutory Authority: RCW 28A.02.100.
392-164-010	Purposes. [Order 7-75, § 392-164-010, filed 12/22/75. Formerly WAC 392-96-010.] Repealed by 88-13-002 (Order 88-15), filed 6/3/88. Statutory Authority: RCW 28A.02.100.
392-164-015	Definitions. [Statutory Authority: RCW 28A.03.030(1) and (3), 28A.02.100 and PL 89-750. 78-08-037 (Order 6-78), § 392-164-015, filed 7/18/78; Order 7-75, § 392-164-015, filed 12/22/75. Formerly WAC 392-96-015.] Repealed by 88-13-002 (Order 88-15), filed 6/3/88. Statutory Authority: RCW 28A.02.100.
392-164-020	Eligibility requirements. [Order 7-75, § 392-164-020, filed 12/22/75. Formerly WAC 392-96-020.] Repealed by 88-13-002 (Order 88-15), filed 6/3/88. Statutory Authority: RCW 28A.02.100.
392-164-025	Formerly migratory children. [Order 7-75, § 392-164-025, filed 12/22/75. Formerly WAC 392-96-025.] Repealed by 88-13-002 (Order 88-15), filed 6/3/88. Statutory Authority: RCW 28A.02.100.
392-164-030	Bilingual education. [Order 7-75, § 392-164-030, filed 12/22/75. Formerly WAC 392-96-030.] Repealed by 88-13-002 (Order 88-15), filed 6/3/88. Statutory Authority: RCW 28A.02.100.
392-164-035	Student identification. [Order 7-75, § 392-164-035, filed 12/22/75. Formerly WAC 392-96-035.] Repealed by 88-13-002 (Order 88-15), filed 6/3/88. Statutory Authority: RCW 28A.02.100.
392-164-040	Student insurance. [Order 7-75, § 392-164-040, filed 12/22/75. Formerly WAC 392-96-040.] Repealed by 88-13-002 (Order 88-15), filed 6/3/88. Statutory Authority: RCW 28A.02.100.
392-164-045	Property, facilities, and equipment. [Order 7-75, § 392-164-045, filed 12/22/75. Formerly WAC 392-96-045.] Repealed by 88-13-002 (Order 88-15), filed 6/3/88. Statutory Authority: RCW 28A.02.100.
392-164-050	Project descriptions. [Order 7-75, § 392-164-050, filed 12/22/75. Formerly WAC 392-96-050.] Repealed by 88-13-002 (Order 88-15), filed 6/3/88. Statutory Authority: RCW 28A.02.100.

WAC 392-164-100 Authority. The authority for this chapter is RCW 28A.300.070 which authorizes the superintendent of public instruction to receive federal funds on behalf of school districts of the state of Washington and to disburse such funds in accordance with federal law and accompanying federal rules and regulations.

[Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-164-100, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.02.100. 88-13-089 (Order 88-16), § 392-164-100, filed 6/20/88.]

WAC 392-164-105 Purpose. The purpose of this chapter is to ensure compliance by the state of Washington with provisions governing financial assistance to local school districts and other subgrantee's of Chapter 1 Migrant of the 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 392-164-125 Agricultural activity—Definition.

As used in this chapter, the term "agricultural activity" means any of the following:

(1) Any activity directly related to the production or processing of crops, dairy products, poultry, or livestock for initial commercial sale or as a principal means of personal subsistence.

(2) Any activity directly related to the cultivation or harvesting of trees.

(3) Any activity directly related to fish farms.

[Statutory Authority: RCW 28A.02.100. 88-13-089 (Order 88-16), § 392-164-125, filed 6/20/88.]

WAC 392-164-130 Fishing activity—Definition.

As used in this chapter, the term "fishing activity," means any activity directly related to the catching or processing of fish or shellfish for initial commercial sale or as a principal means of personal subsistence.

[Statutory Authority: RCW 28A.02.100. 88-13-089 (Order 88-16), § 392-164-130, filed 6/20/88.]

WAC 392-164-135 Migratory agricultural worker—

Definition. As used in this chapter, the term "migratory agricultural worker" means a person who has moved within the past twelve months from one school district to another to enable him or her to obtain temporary or seasonal employment in an agricultural activity.

[Statutory Authority: RCW 28A.02.100. 88-13-089 (Order 88-16), § 392-164-135, filed 6/20/88.]

WAC 392-164-140 Migratory fisher—Definition.

As used in this chapter, the term "migratory fisher" means a person who has moved within the past twelve months from one school district to another to enable him or her to obtain temporary or seasonal employment in a fishing activity.

[Statutory Authority: RCW 28A.02.100. 88-13-089 (Order 88-16), § 392-164-140, filed 6/20/88.]

WAC 392-164-145 Currently migratory child—

Definition. As used in this chapter, the term "currently migratory child" means a child:

(1) Whose parent or guardian is a migratory agricultural worker or a migratory fisher; and

(2) Who has moved within the past twelve months from one school district to another to enable the child, the child's guardian, or a member of the child's immediate family to obtain temporary or seasonal employment in an agricultural or fishing activity. This definition includes a child who has been eligible to be served under the requirements in the

preceding sentence, and who, without the parent or guardian, has continued to migrate annually to enable him or her to secure temporary or seasonal employment in an agricultural or fishing activity.

[Statutory Authority: RCW 28A.02.100. 88-13-089 (Order 88-16), § 392-164-145, filed 6/20/88.]

WAC 392-164-150 Formerly migratory child—
Definition. As used in this chapter, the term "formerly migratory child" means a child who:

(1) Was eligible to be counted and served as a currently migratory child within the past five years regardless of whether or not such child actually received service as a migratory child, but is not now a currently migratory child;

(2) Resides in the area served by the agency carrying out a Chapter 1 Migrant education program or project; and

(3) Has on file a certificate of eligibility revalidated yearly by the signature of his or her parent or guardian certifying such child as a formerly migratory child.

[Statutory Authority: RCW 28A.02.100. 88-13-089 (Order 88-16), § 392-164-150, filed 6/20/88.]

WAC 392-164-155 Migratory children—Definition.

As used in this chapter, the term "migratory children" means children who qualify under either the definition of "currently migratory child" or "formerly migratory child" defined in this chapter.

[Statutory Authority: RCW 28A.02.100. 88-13-089 (Order 88-16), § 392-164-155, filed 6/20/88.]

WAC 392-164-160 Children—Definition.

As used in this chapter, the term "children" means persons up to age twenty-one who are entitled to a free public education not above grade twelve and preschool children: *Provided*, That a child who reaches the age of twenty-one during a school year in which such child is receiving migrant services shall be considered eligible for services until the end of the school year.

[Statutory Authority: RCW 28A.02.100. 88-13-089 (Order 88-16), § 392-164-160, filed 6/20/88.]

WAC 392-164-165 Preschool children—Definition.

As used in this chapter, "preschool children" means children who are:

(1) Below the age and grade level at which the state provides free public education; and

(2) Of the age or grade level at which they can benefit from an organized 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 392-164-170 Eligible migratory children—

Definition. As used in this chapter, the term "eligible migratory children" means migratory children determined to be eligible by a local school district or other subgrantee on the basis of credible information from any source, including that provided by the child or his or her parent or guardian:

Provided, That only those migratory children with a signed, validated certificate of eligibility on file with the school district shall be served in the migrant program.

[Statutory Authority: RCW 28A.02.100. 88-13-089 (Order 88-16), § 392-164-170, filed 6/20/88.]

WAC 392-164-175 Guardian—Definition. As used in this chapter, the term "guardian" means a person who:

(1) Has been appointed to be the legal guardian of a child through formal proceedings in accordance with state law;

(2) Would qualify as a legal guardian of a particular child under Washington state law if formal guardianship proceedings were undertaken; or

(3) Is standing in the place of a parent to a child by virtue of the fact that, with apparent parental consent, the child resides with such person: *Provided*, That if no objection has been filed to such residency, parental consent may be presumed.

[Statutory Authority: RCW 28A.02.100. 88-13-089 (Order 88-16), § 392-164-175, filed 6/20/88.]

WAC 392-164-180 Other subgrantee—Definition. As used in this chapter, the term "other subgrantee" means the government, nonprofit, or other legal entity to which the state as grantee awards a subgrant, and which is accountable to the state for the use of the funds provided. The subgrantee is the entire legal entity even if only a particular component of the entity is designated in the subgrant award document.

[Statutory Authority: RCW 28A.02.100. 88-13-089 (Order 88-16), § 392-164-180, filed 6/20/88.]

WAC 392-164-185 Object of expenditure—Definition. As used in this chapter, the term "object of expenditure" means an article purchased or a service obtained, coded appropriately on the program budget matrix (FORM SPI F-1000B) 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 392-164-195 Indirect expenditure—Definition. As used in this chapter, the term "indirect expenditure" means those expenditure elements that cannot be easily, obviously, and conveniently identified with specific programs and are allowable costs pursuant to 34 CFR 204.22 "Allowable costs," i.e., "project activities that:

(1) Are designed to meet the special educational needs of the children eligible to be served . . . ;

(2) Are included in an approved application; and

(3) Comply with all requirements applicable to Chapter 1 programs.

(b) The project activities may include applicable activities in section 555(c) of Chapter 1."

[Statutory Authority: RCW 28A.02.100. 88-13-089 (Order 88-16), § 392-164-195, filed 6/20/88.]

WAC 392-164-200 Direct expenditure—Definition. As used in this chapter, the term "direct expenditure" means that part of program-allowed total expenditures that appear on the budget matrix under allowed combinations of activities and objects of expenditures.

[Statutory Authority: RCW 28A.02.100. 88-13-089 (Order 88-16), § 392-164-200, filed 6/20/88.]

WAC 392-164-205 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 392-164-210 Supplement—Definition. As used in this chapter, the term "supplement" shall be defined as instructional or support services for migratory children funded with Chapter 1 Migrant moneys, and offered by a school district in addition to required basic educational services funded with nonfederal moneys and services required by law funded with other federal or nonfederal funds. Such supplemental services shall be designed and implemented in accordance with service models described in Chapter 1 Migrant annual application instructions and shall meet the supplement/supplant tests appropriate to each model.

[Statutory Authority: RCW 28A.02.100. 88-13-089 (Order 88-16), § 392-164-210, filed 6/20/88.]

WAC 392-164-215 Operating agency—Definition. As used in this chapter, the term "operating agency" means:

(1) A local school district to which the superintendent of public instruction makes a subgrant of migrant education program funds;

(2) A public or nonprofit private agency with which the superintendent of public instruction makes an arrangement to carry out a migrant education project; or

(3) The superintendent of public instruction, if the superintendent of public instruction operates the state's migrant education program or projects directly.

[Statutory Authority: RCW 28A.02.100. 88-13-089 (Order 88-16), § 392-164-215, filed 6/20/88.]

WAC 392-164-220 Project—Definition. As used in this chapter, the term "project" means those services, activities, personnel, and materials provided to migratory

children by the superintendent of public instruction either directly or indirectly through a local school district or by some other subgrantee as a legally approved contract.

[Statutory Authority: RCW 28A.02.100. 88-13-089 (Order 88-16), § 392-164-220, filed 6/20/88.]

WAC 392-164-225 Academic instruction—Definition. As used in this chapter, the term "academic instruction" means reading, oral language 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 392-164-245 Annual needs assessment. Operating agencies that receive Chapter 1 Migrant education program funds shall base their Chapter 1 Migrant education

program and projects on an annual assessment of educational needs which meets the following criteria:

- (1) Identifies migratory children who are eligible to be served under WAC 392-164-170;
- (2) Requires, consistent with the service priorities in WAC 392-164-250, the selection of those migratory children in the greatest need of special assistance; and
- (3) Determines the educational needs of the children selected to participate with sufficient specificity to ensure concentration on those needs.

[Statutory Authority: RCW 28A.02.100. 88-13-089 (Order 88-16), § 392-164-245, filed 6/20/88.]

WAC 392-164-250 Service priorities. Operating agencies shall serve eligible migratory children—according to their needs—in the following order:

- (1) School-aged currently migratory children.
- (2) School-aged formerly migratory children.
- (3) Preschool currently migratory children.
- (4) Preschool formerly migratory children.
- (5) *Provided*, That if in order to provide Chapter 1 Migrant instructional services to school-aged currently migratory children, it would be necessary to provide day care or similar services to preschool-aged currently migratory children, and no other funds—other than Chapter 1 Migrant funds—are available for that purpose, or an operating agency may provide Chapter 1 Migrant instructional services instead of day care services to those preschool children as if those children had a priority higher than school-age formerly migratory children.

[Statutory Authority: RCW 28A.02.100. 88-13-089 (Order 88-16), § 392-164-250, filed 6/20/88.]

WAC 392-164-255 Application required. Each local school district or other subgrantee that seeks an allocation of federal funds under Chapter 1 Migrant shall submit an annual application 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 392-164-270 Board approval. Each annual application submitted by a local school district or other subgrantee to the superintendent of public instruction shall be approved by the board of directors only after the board has reviewed the program design and expenditures and considered each of the following:

(1) Previous year's planned expenditures and total Chapter 1 Migrant moneys requested for the ensuing year (July 1 through June 30);

(2) Evaluation results in terms of student achievement data from the previous year's program, and, when available, whether gains have been sustained over a period of one year;

(3) Results of the annual needs assessment; and

(4) The adequacy of parent/teacher consultation in the planning and implementation of the program.

[Statutory Authority: RCW 28A.02.100. 88-13-089 (Order 88-16), § 392-164-270, filed 6/20/88.]

WAC 392-164-275 Board certification. The board of directors shall, as a part of application approval, certify to the superintendent of public instruction that in their opinion:

(1) The local school district or other subgrantee has included among the migratory children to be served, those children in greatest need of special assistance;

(2) The approved program is of sufficient size, scope, and quality to give reasonable promise of substantial progress toward meeting the special educational needs of children being served; and

(3) The school district or other subgrantee has complied with the provisions of this chapter.

[Statutory Authority: RCW 28A.02.100. 88-13-089 (Order 88-16), § 392-164-275, filed 6/20/88.]

WAC 392-164-280 Supervisory costs. Support for supervisory costs related to educational services provided under this chapter shall be clearly supplemental to costs of regular supervisory activities and responsibilities of the operating agency.

(1) All direct supervisory support requested shall be documented and submitted along with the project application.

(2) A local school district or other subgrantee may claim the indirect expenditure rate defined in WAC 392-164-195 in addition to budgeting for direct supervisory expenditures

subject to the approval of the superintendent of public instruction.

[Statutory Authority: RCW 28A.02.100. 88-13-089 (Order 88-16), § 392-164-280, filed 6/20/88.]

WAC 392-164-285 Approval of Chapter 1 Migrant project applications for a subgrant by the superintendent of public instruction. (1) Final approval of a Chapter 1 Migrant project shall be given to a local school district or other subgrantee when the superintendent of public instruction has received a completed application in accordance with WAC 392-164-260 and 392-164-265 and is assured that the local school district or other subgrantee has satisfied all yearly reporting requirements and compliance agreements from the previous year, unless the agreement extends into the current year.

(2) Programs shall not be implemented without prior approval from the superintendent of public instruction. The effective approval date shall be July 1 of each year for 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 392-164-290 Amount of subgrant. The superintendent of public instruction shall determine the amount of a subgrant to a local school district or other subgrantee based on the following factors:

- (1) The number of children to be served;
- (2) The nature, scope, and cost of the proposed project;

and

(3) Any other relevant criteria developed by the superintendent consistent with the provisions of WAC 392-164-250, including the priorities in the approved state plan concerning ages and grade levels of children to be served, areas of the state to be served, and types of services to be provided.

[Statutory Authority: RCW 28A.02.100. 88-13-089 (Order 88-16), § 392-164-290, filed 6/20/88.]

WAC 392-164-295 Effect of approval. Approval by the superintendent of public instruction of a project application under this chapter requires the local school district or other subgrantee to administer and operate its project in accordance with its application, any amendments, and project requirements of this chapter. That approval, however, does not create for the local school district or other subgrantee an entitlement to receive a subgrant for a period other than the fiscal year for which approval is given.

[Statutory Authority: RCW 28A.02.100. 88-13-089 (Order 88-16), § 392-164-295, filed 6/20/88.]

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 392-164-310 Budget revision—Approval. Approval of budget revisions by the superintendent of public instruction shall be in accordance with the provisions of WAC 392-164-285 for approval by the superintendent of public instruction of the annual application.

[Statutory Authority: RCW 28A.02.100. 88-13-089 (Order 88-16), § 392-164-310, filed 6/20/88.]

WAC 392-164-315 Program update. No later than thirty calendar days following a substantial program change, a local school district or other subgrantee shall submit to the superintendent of public instruction a description of such changes. "Substantial changes" shall mean one or more of the following:

- (1) Removal of Chapter 1 Migrant services from an area listed as "served" on the application.
- (2) Addition of Chapter 1 Migrant services to an area not listed as "served" in the application.
- (3) Modification of the Chapter 1 Migrant program in any served area by adding a new program focus, by changing grade levels, or by changing program service delivery models 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 392-164-320 Identification of migratory children. The uniform migrant student certificate of eligibility shall be used for the purpose of identifying and recording migratory children.

(1) All migratory children shall be identified, recruited, and enrolled on the migrant student records transfer system regardless of whether or not the child resides within a school district offering a migratory program.

(2) All operating agencies with identified migratory children shall participate in the migrant students records transfer system with updating of academic, health, and other pertinent data.

(3) The projected number of migratory students to be served by any subgrantee shall be based on actual statistical information recorded on the migrant student records transfer system and other pertinent information available to the subgrantee.

(4) Each student enrolled in a migrant education program shall have on file a currently valid certificate of eligibility according to the requirements of the state of Washington migrant education program.

[Statutory Authority: RCW 28A.02.100. 88-13-089 (Order 88-16), § 392-164-320, filed 6/20/88.]

WAC 392-164-325 Student accident insurance. All migratory children enrolled on the migrant student records transfer system and enrolled in a bona fide educational program recognized by the superintendent of public instruction shall be provided with participatory accident insurance coverage paid from migrant program funds. It is the responsibility of the local school district or other subgrantee to:

(1) Inform migratory parents of the accident insurance coverage provided for their children.

(2) Facilitate claims procedures when necessary.

[Statutory Authority: RCW 28A.02.100. 88-13-089 (Order 88-16), § 392-164-325, filed 6/20/88.]

WAC 392-164-330 Construction and portable lease/purchase. Chapter 1 Migrant moneys may be used for the modification of existing facilities and/or for lease/purchase of portable facilities for the purpose of serving Chapter 1 Migrant eligible children if each of the following conditions are met:

(1) The district has exhausted other available options for providing space in which to serve eligible children including the utilization of all available permanent classroom space within the district.

(2) Modification of facilities or lease/purchase of portable facilities will provide essential improvement in the delivery of Chapter 1 Migrant services to eligible children.

(3) The purchase of portable classrooms proves to be less expensive than cost of constructing more permanent structures or remodeling existing structures.

(4) *Provided*, That such use of moneys shall have prior approval from the superintendent of public instruction which shall be granted only after an on-site visit to the school district to examine existing facilities in order to determine that the above conditions do exist. The superintendent of public instruction is the record owner of all portable classrooms purchased under this chapter.

[Statutory Authority: RCW 28A.02.100. 88-13-089 (Order 88-16), § 392-164-330, filed 6/20/88.]

WAC 392-164-335 Property, facilities, and equipment. The superintendent of public instruction administers directly the construction of facilities and the acquisition of property and equipment needed to implement programs for migratory children; and retains title to such facilities, property, and equipment and possesses the right to move or transfer them according to need. Such procedures shall be consistent with 34 CFR 74.130-145, Subpart 0—Property, which governs the acquisition, inventory, and disposition of property purchased with federal funds.

[Statutory Authority: RCW 28A.02.100. 88-13-089 (Order 88-16), § 392-164-335, filed 6/20/88.]

WAC 392-164-340 Day care. Day care of infants and very young children may be provided under this part as a service to such children upon specific application to the superintendent of public instruction with sufficient information to enable the superintendent of public instruction to determine that such care as described in the application is:

(1) Not available from other public or private agencies which provide day care services in the geographical area to be served;

(2) Essential to enable eligible currently migratory children to participate in instructional services by relieving them of the responsibility of caring for younger children; and

(3) Cost effective in view of the number of children who would receive day care, the number of currently migratory children involved, and the effect the availability of such services would have on the attendance and participation of such migratory children in instructional services.

[Statutory Authority: RCW 28A.02.100. 88-13-089 (Order 88-16), § 392-164-340, filed 6/20/88.]

WAC 392-164-345 Preschool services. Preschool services for eligible migratory children may be provided under this part as a service to preschool children upon specific application to the superintendent of public instruction with sufficient information to enable him to determine that such care as described in the application:

(1) Serves eligible students who are currently migratory children ages three to school age;

(2) Supplements services available from other public or private agencies;

(3) Is not extravagant in view of the cost and the number of children involved;

(4) Does not prevent participation of school age migratory children or detract from the operation of projects for school age children;

(5) Is developed based on 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 392-164-360 Notification of parents. Each school district shall notify parents of participating children of their child's involvement in the Chapter 1 Migrant program and shall issue periodic reports of the child's progress in the program. Such notification and reports shall be provided in the primary language of the parent if necessary for communication unless it is clearly not feasible to do so.

[Statutory Authority: RCW 28A.02.100. 88-13-089 (Order 88-16), § 392-164-360, filed 6/20/88.]

WAC 392-164-365 Local parent advisory councils—Composition and procedures. A parent advisory council shall be established in each local school district or subgrantee which receives a subgrant under this chapter. Such parent advisory council shall:

(1) Be composed of parents of children eligible to be served, who shall constitute at least a simple majority of said council, and other persons knowledgeable in the needs of migratory children.

(2) Assist the district in the planning, implementation, operation, and evaluation of the present local project and in the planning of future projects.

(3) Have parent members selected from among the parent group by the parents themselves. The balance of the parent advisory council membership may be appointed by the district and shall consist of representatives of social, health service, local business and industry, and other such community agencies.

(4) Elect its own chair and such other officers as the membership deems appropriate.

(5) Formulate bylaws and a procedure by which parents may present grievances to the local school district or other subgrantee.

[Statutory Authority: RCW 28A.02.100. 88-13-089 (Order 88-16), § 392-164-365, filed 6/20/88.]

WAC 392-164-368 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 392-164-370 Annual meeting of parents. An operating agency that receives Chapter 1 Migrant funds shall convene annually a public meeting, to which all parents of eligible children must be invited, to discuss with those parents the programs and activities provided with Chapter 1 Migrant funds.

(1) The meeting agenda shall include:

(a) Informing parents of their right to consult in the design and implementation of the agency's Chapter 1 Migrant project;

(b) Soliciting parents' input; and

(c) Providing parents an opportunity to establish mechanisms for maintaining ongoing communication among parents, teachers, and agency officials.

(2) An operating agency may hold one or more meetings at sites convenient to such agency to meet the requirement in subsection (1) of this section.

(3) If parents of eligible children desire further activities, the operating agency may, upon request, provide reasonable support for these activities. This support may include, but is not limited to:

(a) Reasonable access to meeting space and materials;

(b) Provision of information concerning the Chapter 1 Migrant law, regulations, and instructional programs;

(c) Training programs for parents; and

(d) Other resources, as appropriate.

[Statutory Authority: RCW 28A.02.100. 88-13-089 (Order 88-16), § 392-164-370, filed 6/20/88.]

WAC 392-164-375 State advisory committee. The purpose of the state advisory committee shall be to advise the superintendent of public instruction in planning, developing, operating, and evaluating the state Chapter 1 Migrant program; and to facilitate communication among local parent advisory councils and between the state advisory committee and local councils.

(1) Membership of the state advisory committee shall be as follows:

(a) The superintendent of public instruction shall select parent members from nominations submitted by local parent advisory committees, current state advisory committee members, or migrant education staff;

(b) The majority of the state advisory committee shall consist of such parents, selected from nominees; and

(c) The balance of the state advisory committee shall be selected by the superintendent of public instruction and shall consist of representatives of local 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 392-164-380 Report of services—Annual requirement. Each local school district or other subgrantee that receives a subgrant under Chapter 1 Migrant shall submit to the superintendent of public instruction each year a report of services compiled and verified by such entity or compiled by the migrant student records transfer system and verified by the local school district or other subgrantee. Such verified report shall be received by the superintendent of public instruction no later than the second Friday in July and shall contain all information requested, including data on the race, age, and gender of children served by the Chapter 1 Migrant program and on the number of children served by grade level.

[Statutory Authority: RCW 28A.02.100. 88-13-089 (Order 88-16), § 392-164-380, filed 6/20/88.]

WAC 392-164-385 Report of services—Summer school addendum. Any local school district or other subgrantee which conducts a summer school supported with Chapter 1 Migrant moneys, in addition to the annual report of services, shall submit a separate report of summer school services by the second Friday in September in the form required by the superintendent of public instruction.

[Statutory Authority: RCW 28A.02.100. 88-13-089 (Order 88-16), § 392-164-385, filed 6/20/88.]

WAC 392-164-390 Program evaluation. Each local school district or other subgrantee that receives a subgrant

under Chapter 1 Migrant shall 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 392-164-395 Project program and budget revisions. Program and budget revisions to a migrant project may be initiated by either the local school district or other subgrantee or the superintendent of public instruction.

[Statutory Authority: RCW 28A.02.100. 88-13-089 (Order 88-16), § 392-164-395, filed 6/20/88.]

WAC 392-164-400 Program compliance review. The superintendent of public instruction shall conduct program compliance reviews of all operating agencies receiving Chapter 1 Migrant moneys. Review of each operating agency shall occur at least once every three years. Upon receipt of the compliance review report from the superintendent of public instruction the operating agencies shall have one month to respond to the superintendent of public instruction if there are exceptions noted in the report. Substantial noncompliance or failure by the operating agencies to respond and/or initiate corrective action in a timely manner shall be subject to actions prescribed in WAC 392-164-410 or 392-164-415.

[Statutory Authority: RCW 28A.02.100. 88-13-089 (Order 88-16), § 392-164-400, filed 6/20/88.]

WAC 392-164-405 Subgrantee accountability. Chapter 1 Migrant program accountability and compliance procedures under this chapter shall apply to all operating agencies receiving migrant funds under this chapter.

[Statutory Authority: RCW 28A.02.100. 88-13-089 (Order 88-16), § 392-164-405, filed 6/20/88.]

WAC 392-164-410 Withholding of Chapter 1 Migrant payments. Withholding by the superintendent of public instruction of Chapter 1 Migrant payments shall occur only under the following conditions.

(1) If the superintendent of public instruction determines that an operating agency is not in substantial compliance with federal statute and regulation or with this chapter, the superintendent of public instruction shall have the authority to withhold payment in whole or in part of Chapter 1 Migrant moneys to the offending operating agency. In deciding whether to withhold payments, the superintendent of public instruction shall provide:

(a) Reasonable notice to the operating agency of the reasons for the proposed withholding; and

(b) An opportunity for the operating agency within thirty calendar days of such notice to give reason why the withholding should not be instituted.

(2) Pursuant to the operating agency response, the superintendent of public instruction shall consider the following factors:

(a) The seriousness of the noncompliance;

(b) The amount of Chapter 1 Migrant moneys involved;

(c) The effect of withholding on participating children; and

(d) The need to withhold payments to prevent further misuse of Chapter 1 Migrant moneys.

(3) If, after consideration of these factors and within thirty calendar days, the superintendent of public instruction decides to initiate a withholding procedure, a date shall be specified by which the operating agency shall have achieved compliance, or the moneys withheld shall become subject to repayment procedures specified in 34 CFR 204.11(b), "Access to records and audits, state and local responsibilities."

[Statutory Authority: RCW 28A.02.100. 88-13-089 (Order 88-16), § 392-164-410, filed 6/20/88.]

WAC 392-164-415 Compliance agreement. Notwithstanding any of the actions prescribed by WAC 392-164-410, any operating agency found out of compliance with this chapter may as a substitute for, or in conjunction with, withholding or repayment actions referenced in WAC 392-164-410 be required to enter into a compliance agreement with the superintendent of public instruction to ensure that noncompliant Chapter 1 Migrant program practices are corrected within a period of time specified in that agreement, as a condition to continuous receipt of Chapter 1 Migrant moneys. If an operating agency fails to achieve compliance within the specified period of time, the withholding and/or repayment procedures prescribed by WAC 392-164-410 shall be instituted by the superintendent of public instruction.

[Statutory Authority: RCW 28A.02.100. 88-13-089 (Order 88-16), § 392-164-415, filed 6/20/88.]

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 SPT'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 392-165 WAC

SPECIAL SERVICE PROGRAMS—CHAPTER 2 OF THE EDUCATION CONSOLIDATION AND IMPROVEMENT ACT OF 1981, FINANCIAL ASSISTANCE TO LOCAL SCHOOL DISTRICTS

WAC

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

392-165-240	Definition—Basic skills. [Statutory Authority: RCW 28A.02.100. 84-06-019 (Order 84-6), § 392-165-240, filed 2/29/84.] Repealed by 92-18-067 (Order 92-06), filed 8/31/92, effective 10/1/92. Statutory Authority: RCW 28A.300.070.
392-165-327	Planned expenditures by subchapter program. [Statutory Authority: RCW 28A.02.100. 84-06-019 (Order 84-6), § 392-165-327, filed 2/29/84.] Repealed by 92-18-067 (Order 92-06), filed 8/31/92, effective 10/1/92. Statutory Authority: RCW 28A.300.070.
392-165-332	Board approval—Subchapter A activities. [Statutory Authority: RCW 28A.02.100. 84-06-019 (Order 84-6), § 392-165-332, filed 2/29/84.] Repealed by 92-18-067 (Order 92-06), filed 8/31/92, effective 10/1/92. Statutory Authority: RCW 28A.300.070.
392-165-342	Approved program variance—Twenty percent allowed. [Statutory Authority: RCW 28A.02.100. 88-21-017 (Order 88-22), § 392-165-342, filed 10/7/88.] Repealed by 92-18-067 (Order 92-06), filed 8/31/92, effective 10/1/92. Statutory Authority: RCW 28A.300.070.

WAC 392-165-100 Authority. The authority for this chapter is RCW 28A.300.070 which authorizes the superintendent of public instruction to receive federal funds on behalf of school districts of the state of Washington and to disburse such funds in accordance with federal law and accompanying federal rules and regulations.

[Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-165-100, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.02.100. 84-06-019 (Order 84-6), § 392-165-100, filed 2/29/84.]

WAC 392-165-105 Purpose. The purpose of this chapter is to ensure compliance by the state of Washington, including the superintendent of public instruction and local school districts, with the provisions of Public Law 100-297, Elementary Secondary School Improvement Amendments of 1988, Chapter 2, — and its implementing regulations, particularly 34 CFR Part 298.

[Statutory Authority: RCW 28A.300.070. 92-18-067 (Order 92-06), § 392-165-105, filed 8/31/92, effective 10/1/92. Statutory Authority: RCW 28A.02.100. 84-06-019 (Order 84-6), § 392-165-105, filed 2/29/84.]

WAC 392-165-110 Accountability. Nothing in this chapter shall be construed to relieve a school district of its

responsibility to comply also with all applicable statutes, rules and regulations.

[Statutory Authority: RCW 28A.02.100. 84-06-019 (Order 84-6), § 392-165-110, filed 2/29/84.]

WAC 392-165-115 Definition—Chapter 2. As used in this chapter, the term "Chapter 2" shall mean that part of Public Law 100-297 which is commonly referred to as Chapter 2 of the Elementary and Secondary School Improvement Amendments of 1988.

[Statutory Authority: RCW 28A.300.070. 92-18-067 (Order 92-06), § 392-165-115, filed 8/31/92, effective 10/1/92. Statutory Authority: RCW 28A.02.100. 84-06-019 (Order 84-6), § 392-165-115, filed 2/29/84.]

WAC 392-165-120 Definition—Accounting manual. As used in this chapter, the term Accounting Manual shall mean the *Accounting Manual for Public School Districts* in the state of Washington issued September 1989, by the superintendent of public instruction and the state auditor.

[Statutory Authority: RCW 28A.300.070. 92-18-067 (Order 92-06), § 392-165-120, filed 8/31/92, effective 10/1/92. Statutory Authority: RCW 28A.02.100. 84-06-019 (Order 84-6), § 392-165-120, filed 2/29/84.]

WAC 392-165-125 Definition—Object of expenditure. As used in this chapter the term "object of expenditure" shall be as defined in the *Accounting Manual* glossary of terms (i.e., "the article purchased or the service obtained . . ."). For financial accounting purposes, "object of expenditure" shall be defined further as the third field of uniform expenditure classification established in the *Accounting Manual*.

[Statutory Authority: RCW 28A.02.100. 84-06-019 (Order 84-6), § 392-165-125, filed 2/29/84.]

WAC 392-165-130 Definition—Activity. As used in this chapter, the term "activity(ies)" shall be as defined in the *Accounting Manual* glossary of terms (i.e., a "specific line of work carried on by a school district in order to perform its mission"). For financial accounting purposes "activity" shall be defined further as the second field of uniform expenditure classification established in the *Accounting Manual* for Chapter 2 and shall include all activities listed on Form SPI F-1000B.

[Statutory Authority: RCW 28A.300.070. 92-18-067 (Order 92-06), § 392-165-130, filed 8/31/92, effective 10/1/92. Statutory Authority: RCW 28A.02.100. 84-06-019 (Order 84-6), § 392-165-130, filed 2/29/84.]

WAC 392-165-135 Definition—Program. As used in this chapter, the term "program" shall be as defined in the *Accounting Manual* glossary of terms (i.e., "a plan of activities designed to accomplish a set of objectives"). For financial accounting purposes, "program" shall be defined further as the first field of uniform expenditure classification established in the *Accounting Manual* and for Chapter 2 shall include all approved activities supported by Chapter 2 moneys.

[Statutory Authority: RCW 28A.02.100. 84-06-019 (Order 84-6), § 392-165-135, filed 2/29/84.]

WAC 392-165-140 Definition—Direct expenditure.

As used in this chapter, the term "direct expenditure" shall be as defined for "direct expenditure" in the *Accounting Manual* glossary of terms (i.e., "those elements of cost which can be easily, obviously and conveniently identified with specific programs, . . .").

[Statutory Authority: RCW 28A.02.100. 84-06-019 (Order 84-6), § 392-165-140, filed 2/29/84.]

WAC 392-165-142 Definition—Indirect expenditure.

As used in this chapter, the term "indirect expenditure" shall be as defined in the *Accounting Manual* glossary of terms (i.e., "those expenditure elements that cannot be easily, obviously and conveniently identified with specific programs . . ."). For Chapter 2 each district shall be entitled to the restricted indirect expenditure rate established and disseminated annually to school districts by the superintendent of public instruction.

[Statutory Authority: RCW 28A.02.100. 84-06-019 (Order 84-6), § 392-165-142, filed 2/29/84.]

WAC 392-165-145 Definition—Revenue account.

As used in this chapter, the term "revenue account" shall be as defined in the *Accounting Manual* glossary of terms (i.e., "account" being "a descriptive heading under which are recorded financial transactions . . ." and "revenue" being "additions to the assets of a fund of a school district during a fiscal period that is available to finance the fund's expenditures during the fiscal period." In addition "revenue does not accompany the increase of liabilities or represent refunds of previous disbursements").

[Statutory Authority: RCW 28A.02.100. 84-06-019 (Order 84-6), § 392-165-145, filed 2/29/84.]

WAC 392-165-170 Definition—Project.

As used in this chapter, the term "project" shall mean all activities supported with Chapter 2 moneys in either a particular school building or combination of school buildings.

[Statutory Authority: RCW 28A.300.070. 92-18-067 (Order 92-06), § 392-165-170, filed 8/31/92, effective 10/1/92. Statutory Authority: RCW 28A.02.100. 84-06-019 (Order 84-6), § 392-165-170, filed 2/29/84.]

WAC 392-165-180 Definition—Children.

As used in this chapter, the term "children" shall mean persons up to age twenty-one as defined in WAC 392-121-170 and persons who are of preschool age.

[Statutory Authority: RCW 28A.02.100. 84-06-019 (Order 84-6), § 392-165-180, filed 2/29/84.]

WAC 392-165-210 Definition—Instructional staff.

As used in this chapter, the term "instructional staff" shall mean certificated and classified persons whose services deal directly with or aid in the teaching of students or in improving teaching learning activities, and who are identified in the *Accounting Manual* under Activity 22, Learning Resources; Activity 23, Principals; Activity 24, Guidance and Counseling; Activity 25, Psychological, Speech and Hearing Services; and Activity 27, Teaching.

[Statutory Authority: RCW 28A.02.100. 84-06-019 (Order 84-6), § 392-165-210, filed 2/29/84.]

WAC 392-165-245 Definition—Supplement. As used in this chapter, the term "supplement" shall mean an increase in the level of expenditures for a project as a result of the expenditure of Chapter 2 moneys.

[Statutory Authority: RCW 28A.02.100. 84-06-019 (Order 84-6), § 392-165-245, filed 2/29/84.]

WAC 392-165-260 Definition—Consultation with parents and educators and others.

As used in this chapter, the term "consultation with parents and educators and others" shall mean planned, systematic contact two or more times a year with parents, teachers, and administrators of children being served by Chapter 2, — including parents, teachers, and administrators of served private school children, — other interested parents, teachers, administrators, librarians, school counselors, social workers, psychologists, and other pupil personnel deemed appropriate. All of these must be consulted in the allocation of funds for programs authorized by Chapter 2 and in the design, planning, and implementation of these programs.

[Statutory Authority: RCW 28A.300.070. 92-18-067 (Order 92-06), § 392-165-260, filed 8/31/92, effective 10/1/92. Statutory Authority: RCW 28A.02.100. 84-06-019 (Order 84-6), § 392-165-260, filed 2/29/84.]

WAC 392-165-265 Definition—Private schools.

As used in this chapter, the term "private schools" shall mean schools approved by the state board of education pursuant to chapter 180-90 WAC.

[Statutory Authority: RCW 28A.02.100. 84-06-019 (Order 84-6), § 392-165-265, filed 2/29/84.]

WAC 392-165-302 Private school participation in Chapter 2—Program requirement.

Each school district that receives Chapter 2 moneys shall make available for expenditure in the private schools within the district, an amount equal to the private school enrollment within the district times the average allotment per student (combined public and private enrollment) from Chapter 2 moneys.

[Statutory Authority: RCW 28A.02.100. 84-06-019 (Order 84-6), § 392-165-302, filed 2/29/84.]

WAC 392-165-304 Private school Chapter 2 equipment—Program requirement.

Each school district that provides equipment and materials which is purchased with Chapter 2 moneys to a private school shall retain title to all such equipment and materials and keep on file an inventory supplied by the private school which indicates the location and use of such equipment and materials. The school district will monitor each private school every year to ensure that inventories are maintained according to EDGAR, 34 C.F.R. Subtitle A, section 74.137-74.140.

[Statutory Authority: RCW 28A.300.070. 92-18-067 (Order 92-06), § 392-165-304, filed 8/31/92, effective 10/1/92. Statutory Authority: RCW 28A.02.100. 84-06-019 (Order 84-6), § 392-165-304, filed 2/29/84.]

WAC 392-165-310 Parent, educator, and community involvement in program planning—Program requirement.

Each school district that seeks an allocation of funds under Chapter 2 shall provide for systematic consultation two or more times during the year with parents, teachers,

administrators, and educators and other groups involved including librarians, school counselors, social workers, etc., in the design, planning, implementation, and allocation of funds for programs authorized under Chapter 2. The designated local administrator will submit these program plans and budget to the school district board of directors for approval. Such consultation shall be documented to demonstrate compliance with this section.

[Statutory Authority: RCW 28A.300.070. 92-18-067 (Order 92-06), § 392-165-310, filed 8/31/92, effective 10/1/92. Statutory Authority: RCW 28A.02.100. 84-06-019 (Order 84-6), § 392-165-310, filed 2/29/84.]

WAC 392-165-315 School district application required. Each school district that seeks an allocation of federal funds under Chapter 2 from the state shall submit an annual application on forms provided by the superintendent of public instruction.

[Statutory Authority: RCW 28A.02.100. 84-06-019 (Order 84-6), § 392-165-315, filed 2/29/84.]

WAC 392-165-320 Substance of annual school district application. The school district's annual application, required by WAC 392-165-315, shall contain the following:

- (1) Assurances as required by WAC 392-165-322.
- (2) Planned Chapter 2 expenditures by program object and activity in each targeted assistance area as required by WAC 392-165-325.
- (3) Description of the projects, and activities the district has designed to carry out programs under one or more of the following seven targeted assistance areas:
 - (a) Meeting needs of students at risk;
 - (b) Acquisition and use of instructional and educational materials;
 - (c) Innovative programs designed to carry out school-wide improvements and effective schools programs;
 - (d) Training and professional staff development;
 - (e) Programs of training to enhance ability of teachers and counselors to identify students with reading problems that place them at risk for illiteracy in their adult years;
 - (f) Programs to enhance personal excellence of students and student achievement; and
 - (g) Other innovative projects which would enhance the educational program and climate of a school.
- (4) The reasons for selection of such programs, projects, and activities.
- (5) Description of how assistance with Chapter 2 dollars will contribute to goals of the program of improving student achievement or improving quality of education for students.

[Statutory Authority: RCW 28A.300.070. 92-18-067 (Order 92-06), § 392-165-320, filed 8/31/92, effective 10/1/92. Statutory Authority: RCW 28A.02.100. 84-06-019 (Order 84-6), § 392-165-320, filed 2/29/84.]

WAC 392-165-322 One year assurances. Each school district that receives an allocation of federal funds under Chapter 2 shall submit to the superintendent of public instruction once a year the following:

- (1) An assurance of school district compliance with chapter 392-165 WAC.

(2) An assurance that funds received under Chapter 2 shall supplement and not supplant funds available from nonfederal sources.

(3) An assurance that children enrolled in eligible private, nonprofit schools which have submitted a statement of intention to participate in Chapter 2 programs within the district shall be provided equitable participation in benefits of funds received from Chapter 2.

(4) An assurance that the school district shall keep records and provide information to the superintendent of public instruction regarding Chapter 2 programs in such manner as required by the superintendent of public instruction.

[Statutory Authority: RCW 28A.300.070. 92-18-067 (Order 92-06), § 392-165-322, filed 8/31/92, effective 10/1/92. Statutory Authority: RCW 28A.02.100. 84-06-019 (Order 84-6), § 392-165-322, filed 2/29/84.]

WAC 392-165-325 Planned expenditures by program object and activity. Each school district's planned expenditures shall be summarized for all Chapter 2 expenditures in each of the seven targeted assistance areas selected by program object and activity on forms provided by the superintendent of public instruction.

[Statutory Authority: RCW 28A.300.070. 92-18-067 (Order 92-06), § 392-165-325, filed 8/31/92, effective 10/1/92. Statutory Authority: RCW 28A.02.100. 84-06-019 (Order 84-6), § 392-165-325, filed 2/29/84.]

WAC 392-165-330 Board approval. The local board of directors shall review and approve the annual application before submitting it to the office of the superintendent of public instruction.

[Statutory Authority: RCW 28A.300.070. 92-18-067 (Order 92-06), § 392-165-330, filed 8/31/92, effective 10/1/92. Statutory Authority: RCW 28A.02.100. 84-06-019 (Order 84-6), § 392-165-330, filed 2/29/84.]

WAC 392-165-340 Approved budget variance—Ten percent allowed. School districts may make annual expenditure adjustments on Form SPI F-1000B by increasing some approved activity-object cell amounts of up to ten percent of and decreasing others without filing a request for a budget revision with the superintendent of public instruction provided the increases, in total, do not exceed ten percent of the grand subtotal, (i.e., the sum of all objects of expenditure shown on the subtotal line of the approved Federal Project Budget, Form SPI F-1000B) and do not increase the amount of the grand subtotal.

[Statutory Authority: RCW 28A.300.070. 92-18-067 (Order 92-06), § 392-165-340, filed 8/31/92, effective 10/1/92. Statutory Authority: RCW 28A.02.100. 88-21-017 (Order 88-22), § 392-165-340, filed 10/7/88; 84-06-019 (Order 84-6), § 392-165-340, filed 2/29/84.]

WAC 392-165-345 Budget revisions—Updating planned expenditures. Except as provided in WAC 392-165-340, each school district shall expend Chapter 2 moneys in accordance with the budget documentation and program description included in the application submitted to and approved by the superintendent of public instruction. A school district shall be required to file a request for a revision to its approved budget whenever one of the following circumstances apply:

(1) The district intends to increase expenditure beyond the approved amount;

(2) The district intends to change by more than ten percent of the grand subtotal;

(3) The district intends to expend moneys in any activity or object where no moneys were previously budgeted.

[Statutory Authority: RCW 28A.300.070. 92-18-067 (Order 92-06), § 392-165-345, filed 8/31/92, effective 10/1/92. Statutory Authority: RCW 28A.02.100. 88-21-017 (Order 88-22), § 392-165-345, filed 10/7/88; 84-06-019 (Order 84-6), § 392-165-345, filed 2/29/84.]

WAC 392-165-347 Chapter 2 carryover provisions.

Local school districts may carry over unobligated Chapter 2 funds to the fiscal year succeeding the year for which they were appropriated. However, local districts are not allowed to do the following:

(1) Carry over a large amount of funds that preclude the district from operating its current Chapter 2 projects successfully; or

(2) Designing current projects to use only a small amount of the allocation to carry over a large amount of funds.

A school district that wishes to carry over fifty percent or more of the allocation shall submit a written plan to the superintendent of public instruction for prior approval by April 30.

[Statutory Authority: RCW 28A.300.070. 92-18-067 (Order 92-06), § 392-165-347, filed 8/31/92, effective 10/1/92.]

WAC 392-165-350 Budget revision—Approval.

Approval of budget revisions by the superintendent of public instruction shall be in accordance with the provisions of WAC 392-165-460 for approval by the superintendent of public instruction of the annual application.

[Statutory Authority: RCW 28A.02.100. 84-06-019 (Order 84-6), § 392-165-350, filed 2/29/84.]

WAC 392-165-360 Supervisory expenditures.

A school district that charges any portion of supervisory expenditures as a direct expenditure to the Chapter 2 program shall document such expenditures, including the proportion of supervisory FTE so designated and will keep time and effort documentation on all staff paid in part or full time with Chapter 2 funds.

[Statutory Authority: RCW 28A.300.070. 92-18-067 (Order 92-06), § 392-165-360, filed 8/31/92, effective 10/1/92. Statutory Authority: RCW 28A.02.100. 84-06-019 (Order 84-6), § 392-165-360, filed 2/29/84.]

WAC 392-165-362 Reallocation of Chapter 2 funds.

The superintendent of public instruction may reallocate funds to other local districts from a district that does not choose to participate in the Chapter 2 program, a district that has Chapter 2 funds that exceeds the amount required to run a program, or that are recovered by the superintendent of public instruction based on a determination by the state that the local district has failed to spend local Chapter 2 funds in accordance with applicable law. Reallocation of funds may be made only during the fiscal year for which funds were appropriated or during the succeeding fiscal year; must be made in accordance with the purpose of Chapter 2; and must

be spent in accordance with the requirements in Chapter 2 federal regulations.

[Statutory Authority: RCW 28A.300.070. 92-18-067 (Order 92-06), § 392-165-362, filed 8/31/92, effective 10/1/92.]

WAC 392-165-365 End-of-year report—Annual requirement. Each school district that receives an allocation of funds under Chapter 2 shall submit to the superintendent of public instruction each year an end-of-year report on forms provided by the superintendent of public instruction. The end-of-year report shall be received by the superintendent of public instruction no later than July 20, or in the event such date is a Saturday, Sunday, or holiday, the working day immediately following such date, and shall contain all information requested.

The evaluation information shall include but not be limited to:

(1) The number of students served in related Chapter 2 program areas;

(2) The number of staff served through staff development activities;

(3) The number of full-time equivalent staff funded by Chapter 2;

(4) Fiscal information as related to planned expenditures; and

(5) Other information as required consistent with the responsibilities of the superintendent of public instruction under Chapter 2. In addition, selected districts may be requested to participate in the preparation of descriptive case studies.

[Statutory Authority: RCW 28A.02.100. 84-06-019 (Order 84-6), § 392-165-365, filed 2/29/84.]

WAC 392-165-415 Budget revision requirements—Two revisions limitation. Districts may request no more than two budget revisions per school fiscal year.

[Statutory Authority: RCW 28A.300.070. 92-18-067 (Order 92-06), § 392-165-415, filed 8/31/92, effective 10/1/92.]

WAC 392-165-420 Budget revision requirements—Final approval date. No budget revisions will be approved after August 31.

[Statutory Authority: RCW 28A.300.070. 92-18-067 (Order 92-06), § 392-165-420, filed 8/31/92, effective 10/1/92.]

WAC 392-165-425 Construction. No Chapter 2 funds may be used to perform repairs, minor remodeling, or construction of private school facilities. A local school district may use Chapter 2 funds to perform repairs, minor remodeling, or construction of public facilities as may be necessary to carry out its responsibility under this part.

[Statutory Authority: RCW 28A.300.070. 92-18-067 (Order 92-06), § 392-165-425, filed 8/31/92, effective 10/1/92. Statutory Authority: RCW 28A.02.100. 84-06-019 (Order 84-6), § 392-165-425, filed 2/29/84.]

WAC 392-165-430 Acquisition, control and disposition of equipment. Except to purchase computer hardware for instructional purposes listed in WAC 392-165-325 Chapter 2 funds may not be used to purchase general classroom instructional equipment unless that instructional

equipment is used only as a part of a specific program under one of the seven targeted assistance areas and has prior approval on the Chapter 2 application. All equipment purchased from Chapter 2 funds must be labeled "Chapter 2." Inventories must be maintained and updated every two years. Districts will follow all procedures for usage, inventory, and disposition listed in the Education Department General Administration Regulations (EDGAR) 34 C.F.R. 80.32.

[Statutory Authority: RCW 28A.300.070. 92-18-067 (Order 92-06), § 392-165-430, filed 8/31/92, effective 10/1/92. Statutory Authority: RCW 28A.02.100. 84-06-019 (Order 84-6), § 392-165-430, filed 2/29/84.]

WAC 392-165-440 Chapter 2 audit. Audit of Chapter 2 programs shall be conducted in compliance with 34 CFR 298.17.

[Statutory Authority: RCW 28A.02.100. 84-06-019 (Order 84-6), § 392-165-440, filed 2/29/84.]

WAC 392-165-445 Sanctions. Any school district found not in compliance with applicable federal and state statute and regulations shall be subject to the actions prescribed in WAC 392-165-455 and 34 CFR 298.17 Part 298.

[Statutory Authority: RCW 28A.02.100. 84-06-019 (Order 84-6), § 392-165-445, filed 2/29/84.]

WAC 392-165-450 Compliance agreement. Notwithstanding any of the actions prescribed by WAC 392-165-445, any school district found out of compliance with this chapter may, as a substitute for withholding or repayment actions referenced in WAC 392-165-455, be required to enter into a compliance agreement with the superintendent of public instruction to ensure that noncompliant Chapter 2 program practices are corrected within a period of time specified in that agreement, as a condition to continuous receipt of Chapter 2 moneys. If a district fails to achieve compliance within the specified time, the withholding and/or repayment procedures prescribed by WAC 392-165-455 and 34 CFR 298.17(d) shall be instituted by the superintendent of public instruction.

[Statutory Authority: RCW 28A.02.100. 84-06-019 (Order 84-6), § 392-165-450, filed 2/29/84.]

WAC 392-165-455 Withholding of Chapter 2 payments. (1) If the superintendent of public instruction determines that a school district is not in substantial compliance with federal statute and regulation or with this chapter, the superintendent of public instruction shall have the authority to withhold payment in whole or in part of Chapter 2 moneys to the offending district. In deciding whether to withhold payments, the superintendent of public instruction shall provide:

(a) Reasonable notice to the school district of the reasons for the proposed withholding; and

(b) An opportunity for the school district within thirty calendar days of such notice to give reason why the withholding should not be instituted.

(2) Pursuant to the school district response, the superintendent of public instruction shall consider the following factors:

- (a) The seriousness of the noncompliance;
- (b) The amount of Chapter 2 moneys involved;
- (c) The effect of withholding on participating children; and
- (d) The need to withhold payments to prevent further misuse of Chapter 2 moneys.

(3) If, after consideration of these factors and within thirty calendar days, the superintendent of public instruction decides to initiate a withholding procedure, a date shall be specified by which the school district shall have achieved compliance, or the moneys withheld shall become subject to repayment procedures specified in 34 CFR 298.16.

[Statutory Authority: RCW 28A.02.100. 84-06-019 (Order 84-6), § 392-165-455, filed 2/29/84.]

WAC 392-165-460 Approval of Chapter 2 program application by the office of the superintendent of public instruction. (1) Final approval of a Chapter 2 program shall be given to a school district when the superintendent of public instruction has received a completed application in accordance with WAC 392-165-320 through 392-165-327 and 34 CFR 298.6, 298.11, 298.12-298.14 and is assured that the school district has satisfied all yearly reporting requirements and compliance agreements from the previous year.

(2) Programs shall not be implemented without approval from the superintendent of public instruction. The effective approval date shall be July 1, of each year for applications received prior to July 1, or the subsequent date on which the complete application is received by the superintendent of public instruction.

(3) Fiscal expenditures made prior to the effective approval date indicated on an application or a request for budget revision shall not be allowed.

(4) Consistent with P.L. 100.297, any school district shall have an opportunity to appeal a decision of the superintendent of public instruction, first to the superintendent of public instruction and then to the United States Secretary of Education.

(5) All districts with approved, nonprofit, private schools within their boundaries must return to the office of the superintendent of public instruction "Participation in Federal Programs" Form 829 for each school by the end of February, as part of their application. Reimbursement and approval will be withheld until all forms are received.

(6) Applications received after November 30 will not be processed and the funds will be reallocated.

[Statutory Authority: RCW 28A.300.070. 92-18-067 (Order 92-06), § 392-165-460, filed 8/31/92, effective 10/1/92. Statutory Authority: RCW 28A.02.100. 84-06-019 (Order 84-6), § 392-165-460, filed 2/29/84.]

WAC 392-165-500 Allocation formula for distribution of eighty percent Chapter 2 moneys to local school districts. For the purpose of this section, the term:

(1) "Student enrollment" shall mean the head count for public and private schools submitted by the school districts to the office of the superintendent of public instruction on October 1 of each prior year.

(2) "Low income student enrollment" shall mean those students who are eligible for a free or reduced price lunch.

The eighty percent allocation formula to all school districts is based on sixty-seven percent enrollment and

thirty-three percent low income based on the number of free and reduced price lunches served.

[Statutory Authority: RCW 28A.300.070. 92-18-067 (Order 92-06), § 392-165-500, filed 8/31/92, effective 10/1/92. Statutory Authority: RCW 28A.02.100. 86-15-048 (Order 86-6), § 392-165-500, filed 7/18/86; 84-06-019 (Order 84-6), § 392-165-500, filed 2/29/84.]

WAC 392-165-510 Program compliance review.

The superintendent of public instruction shall conduct program compliance review of all school districts receiving Chapter 2 funds. Reviews shall occur at least once within a four-year plan as established by the superintendent of public instruction. If a school district is not reviewed due to exceptional or uncontrollable circumstances, these districts will have first priority for review the following year.

Following the review the school district will have thirty days to respond to the superintendent of public instruction if there are exceptions. Substantial noncompliance or failure by the school district to respond and/or initiate corrective action in a timely manner shall be subject to actions prescribed in WAC 392-165-440, 392-165-445, and 392-165-450.

[Statutory Authority: RCW 28A.300.070. 92-18-067 (Order 92-06), § 392-165-510, filed 8/31/92, effective 10/1/92.]

Chapter 392-166 WAC

SPECIAL SERVICES PROGRAM—STUDENT RETENTION AND RETRIEVAL PROGRAM

WAC

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WAC 392-166-100 Authority. The authority for this chapter is section 217, chapter 518, Laws of 1987 which authorizes the superintendent of public instruction to promulgate rules to carry out the purposes of sections 214 through 219 of the act.

[Statutory Authority: 1987 c 518 § 217. 87-23-011 (Order 87-12), § 392-166-100, filed 11/9/87.]

WAC 392-166-105 Purpose. The purpose of this chapter is to set forth policies and procedures for implementation of educational programs designed to motivate, retain, and retrieve students.

[Statutory Authority: 1987 c 518 § 217. 87-23-011 (Order 87-12), § 392-166-105, filed 11/9/87.]

WAC 392-166-110 Student retention and retrieval program—Definition. As used in this chapter, the term "student retention and retrieval program" means a program in qualifying school districts planned, developed, and implemented to identify, motivate, retain, and retrieve students who are at risk of dropping out of school or who have dropped out of school.

[Statutory Authority: 1987 c 518 § 217. 87-23-011 (Order 87-12), § 392-166-110, filed 11/9/87.]

WAC 392-166-115 Qualifying school districts—Definition. As used in this chapter, the term "qualifying school districts" means those school districts, based on drop-out statistics submitted to the superintendent of public instruction pursuant to RCW 28A.175.010, with a drop-out rate in the top twenty-five percent of all districts reporting such information: *Provided*, That the rate may be an average of such data available for a period not to exceed the immediately preceding five school years.

[Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-166-115, filed 7/19/90, effective 8/19/90. Statutory Authority: 1987 c 518 § 217. 87-23-011 (Order 87-12), § 392-166-115, filed 11/9/87.]

WAC 392-166-120 Students at risk—Definition. As used in this chapter, the term "students at risk" means those students in elementary, middle or secondary school who are identified using the criteria outlined in WAC 392-166-180 as not succeeding in school, considering dropping out of school, or who have dropped out of school.

[Statutory Authority: 1987 c 518 § 217. 87-23-011 (Order 87-12), § 392-166-120, filed 11/9/87.]

WAC 392-166-125 Supplant—Definition. As used in this chapter, the term "supplant" means using funds made available under this chapter to replace funds currently supporting a particular program or activity intended to address the student drop out problem.

[Statutory Authority: 1987 c 518 § 217. 87-23-011 (Order 87-12), § 392-166-125, filed 11/9/87.]

WAC 392-166-130 Definition—Direct expenditure. As used in this chapter the term "direct expenditure" means that part of program-allowed expenditures that appear on the

program-approved budget matrix under allowed combinations of activities and objects of expenditure.

[Statutory Authority: 1987 c 518 § 217. 87-23-011 (Order 87-12), § 392-166-130, filed 11/9/87.]

WAC 392-166-135 Applicable financial rules. Moneys granted under this chapter shall be subject to chapter 392-122 WAC, Finance—Categorical apportionment.

[Statutory Authority: 1987 c 518 § 217. 87-23-011 (Order 87-12), § 392-166-135, filed 11/9/87.]

WAC 392-166-140 Qualifying school district—Option to participate. A qualifying school district shall not be required to apply for a grant under the student retention and retrieval program: *Provided*, That if such district does apply and receive moneys appropriated for such purposes, the receiving district shall comply with this chapter.

[Statutory Authority: 1987 c 518 § 217. 87-23-011 (Order 87-12), § 392-166-140, filed 11/9/87.]

WAC 392-166-145 Priority for funding. Priority for awarding grant funds made available under this chapter shall be as follows:

(1) The superintendent of public instruction shall give first priority to qualifying school districts where no student motivation, retention, and/or retrieval programs currently exist;

(2) Second priority shall be those qualifying school districts which currently have a student motivation, retention, and/or retrieval program and who apply for funds made available under this chapter to expand the existing program to additional grade levels, or to another school, or to initiate a new student motivation, retention, and/or retrieval program; and

(3) Third priority shall be those school district cooperatives which include at least one qualifying district among the members of the cooperative.

[Statutory Authority: 1987 c 518 § 217. 87-23-011 (Order 87-12), § 392-166-145, filed 11/9/87.]

WAC 392-166-150 District application required. Each school district that seeks a grant of state funds for a student retention and retrieval program must submit a biennial application on forms provided by the superintendent of public instruction within sixty days of the date such forms are mailed by the superintendent of public instruction. No expenditures for program costs shall be made until the application has been approved by the superintendent of public instruction.

[Statutory Authority: 1987 c 518 § 217. 87-23-011 (Order 87-12), § 392-166-150, filed 11/9/87.]

WAC 392-166-155 Cooperative applications. Cooperatives of districts may apply for grant funds if one or more districts in the cooperative are qualifying districts. Application may be submitted by any member of the cooperative: *Provided*, That the signature of the superintendent of each school district in the cooperative shall be included on the application forms: *Provided further*, That the maximum grant for which a cooperative is eligible shall

be the sum of the maximum amount for which qualifying district(s) within the cooperative are eligible.

[Statutory Authority: 1987 c 518 § 217. 87-23-011 (Order 87-12), § 392-166-155, filed 11/9/87.]

WAC 392-166-160 Substance of school district application. The school district's biennial application shall contain the following information on forms provided by the superintendent of public instruction:

(1) Description of proposed year one and year two activities for initial planning, development, and/or implementation of educational programs designed to motivate, retain, and/or retrieve students;

(2) Summary of district need for such program(s);

(3) Procedure for identifying and selecting students to participate in the program;

(4) Program goals and objectives;

(5) Areas of proposed direct expenditures by object and activity on SPI Form 1000-B, listed separately for year one and year two for (a) elementary and middle schools, if appropriate, and (b) secondary schools, if appropriate;

(6) Description of annual evaluation method;

(7) Assurances pursuant to WAC 392-166-165 signed by the school district's authorized representative: *Provided*, That applications for planning and development grants shall not include numbers three and six above.

[Statutory Authority: 1987 c 518 § 217. 87-23-011 (Order 87-12), § 392-166-160, filed 11/9/87.]

WAC 392-166-165 Assurances. Each school district that applies for a grant under this chapter shall assure the superintendent of public instruction that:

(1) The school district shall comply with chapter 518, Laws of 1987 and with chapter 392-166 WAC;

(2) Funds received under the student retention and retrieval program shall not supplant funds of an existing motivation, retention, or retrieval program;

(3) The school district shall keep records and provide information to the superintendent of public instruction regarding the student retention and retrieval program in such manner as required by the superintendent of public instruction.

[Statutory Authority: 1987 c 518 § 217. 87-23-011 (Order 87-12), § 392-166-165, filed 11/9/87.]

WAC 392-166-170 Board approval. The school district's application shall be reviewed and approved by formal action of the district's board of directors.

[Statutory Authority: 1987 c 518 § 217. 87-23-011 (Order 87-12), § 392-166-170, filed 11/9/87.]

WAC 392-166-175 Application update. A district requesting approval to change its student retention and retrieval program for the second year of the biennium, including moving from a planning and development phase to actual program implementation, shall submit an application update to the superintendent of public instruction for approval.

[Statutory Authority: 1987 c 518 § 217. 87-23-011 (Order 87-12), § 392-166-175, filed 11/9/87.]

WAC 392-166-180 Criteria for identifying students at risk. School district criteria for identifying students at risk shall include, at a minimum:

(1) Poor, irregular and/or deteriorating attendance patterns;

(2) Poor, irregular, and/or deteriorating work habits and achievement as indicated on periodic reports to parents;

(3) Frequent, regular, or increasing conflict with peers, teachers, or other school authorities;

(4) Other behavior or indicators apparent in an elementary school child who is not succeeding in school, e.g., withdrawal from normal, daily academic and social activities; apathy toward the school environment and so forth.

[Statutory Authority: 1987 c 518 § 217. 87-23-011 (Order 87-12), § 392-166-180, filed 11/9/87.]

WAC 392-166-185 Distribution of funds. Funds made available under this chapter shall be distributed on a per pupil basis among qualifying school districts. The per pupil amount shall be determined by dividing the total available appropriation by the total K-12 student population of all qualifying districts as determined on October 1, 1987. The maximum amount any district shall be eligible to receive shall be such per pupil amount multiplied by the total student population of the school district: *Provided*, That no district shall receive more than is required for planning and implementation activities outlined in the district's grant application.

[Statutory Authority: 1987 c 518 § 217. 87-23-011 (Order 87-12), § 392-166-185, filed 11/9/87.]

WAC 392-166-190 Issuance of grant award. Funds made available under this chapter shall be granted separately for each year of the biennium, based on the amount for which the district has applied for each year: *Provided*, That such amount shall in no case exceed the maximum amount for which a district is eligible under the statute.

[Statutory Authority: 1987 c 518 § 217. 87-23-011 (Order 87-12), § 392-166-190, filed 11/9/87.]

WAC 392-166-195 Supplant prohibition. Grants may not supplant funds of existing motivation, retention, and/or retrieval programs.

[Statutory Authority: 1987 c 518 § 217. 87-23-011 (Order 87-12), § 392-166-195, filed 11/9/87.]

WAC 392-166-200 Twenty percent requirement for elementary and middle schools. No less than twenty percent of the funds granted under this chapter shall be used for identification and intervention programs in elementary and middle schools.

[Statutory Authority: 1987 c 518 § 217. 87-23-011 (Order 87-12), § 392-166-200, filed 11/9/87.]

WAC 392-166-205 Supervisory expenditures. A school district that charges any portion of supervisory time as a direct expenditure against the student retention and retrieval program shall maintain records documenting the amount of supervisory FTE funded by such program.

[Statutory Authority: 1987 c 518 § 217. 87-23-011 (Order 87-12), § 392-166-205, filed 11/9/87.]

WAC 392-166-210 Program requirement—Allowable expenditures. Funds granted to school districts pursuant to this chapter shall be used only for expenditures approved on the program budget document included in the approved application. If a district incurs an expenditure with state moneys for a student retention and retrieval program in a nonallowable object(s) or activity(ies), the amount of such nonallowable expenditure shall be recovered by the superintendent of public instruction after the end of the school fiscal year. Allowable expenditures shall include direct and indirect expenditures included on the approved program budget: *Provided*, That beginning September 1, 1988, the allowed indirect expenditure rate for each school district shall not exceed the rate calculated for Program 54 "Student Retention and Retrieval" for the fiscal year using the federal restrictive rate methodology.

[Statutory Authority: RCW 28A.120.068. 88-21-018 (Order 88-23), § 392-166-210, filed 10/7/88. Statutory Authority: 1987 c 518 § 217. 87-23-011 (Order 87-12), § 392-166-210, filed 11/9/87.]

WAC 392-166-215 Budget revisions—Twenty percent allowed. Using the subtotal from Form SPI F-1000-B as a base, school districts may make annual expenditure adjustments not to exceed twenty percent of that total in any of the previously budgeted activities within the approved elementary and middle school budget or secondary budget without filing a request for budget revision with the superintendent of public instruction.

[Statutory Authority: 1987 c 518 § 217. 87-23-011 (Order 87-12), § 392-166-215, filed 11/9/87.]

WAC 392-166-220 Budget revisions—Updating planned expenditures. Except as provided in WAC 392-166-215, each school district shall expend the student retention and retrieval program moneys in accordance with planned expenditures and program description included in the application submitted to and approved by the superintendent of public instruction. A school district shall be required to file a request for a budget revision whenever necessary with the superintendent of public instruction in order to:

(1) Change by more than twenty percent of the subtotal identified in WAC 392-166-215 the expenditures among activity or object totals; or

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

[Statutory Authority: 1987 c 518 § 217. 87-23-011 (Order 87-12), § 392-166-220, filed 11/9/87.]

WAC 392-166-225 Budget revision—Approval. Approval of budget revisions by the superintendent of public instruction shall be in accordance with the provisions in WAC 392-166-150 for approval by the superintendent of public instruction of the biennial application.

[Statutory Authority: 1987 c 518 § 217. 87-23-011 (Order 87-12), § 392-166-225, filed 11/9/87.]

WAC 392-166-230 Acquisition, control and disposition of property. Acquisition, control and disposition of

property purchased with student retention and retrieval program moneys shall be consistent with state school accounting procedures.

[Statutory Authority: 1987 c 518 § 217. 87-23-011 (Order 87-12), § 392-166-230, filed 11/9/87.]

WAC 392-166-235 District records. School districts receiving funds under this chapter shall keep such records as are necessary to demonstrate compliance with this chapter and shall make such records available to authorized state personnel upon request.

[Statutory Authority: 1987 c 518 § 217. 87-23-011 (Order 87-12), § 392-166-235, filed 11/9/87.]

WAC 392-166-240 End of year report. Participating school districts shall submit an end of year report on forms provided by the superintendent of public instruction. Such report shall include the number and grade level of students served, gender and ethnicity of such students, number of certificated and classified staff involved, actual expenditures by object and activity, and other information required by the superintendent of public instruction consistent with his responsibility for administering the student retention and retrieval program.

[Statutory Authority: 1987 c 518 § 217. 87-23-011 (Order 87-12), § 392-166-240, filed 11/9/87.]

WAC 392-166-245 End of year evaluation. Participating school districts shall provide an annual evaluation of the effectiveness of the student retention and retrieval program, including the degree to which goals and objectives were met and, as applicable, former and current absentee rates, subjects passed, and improved achievement, on forms provided by the superintendent of public instruction.

[Statutory Authority: 1987 c 518 § 217. 87-23-011 (Order 87-12), § 392-166-245, filed 11/9/87.]

WAC 392-166-250 Basic education allocation. Districts may claim basic education allocation funds for students attending programs conducted pursuant to this chapter outside the regular school year calendar, to the extent such attendance is in lieu of attendance within the regular school year calendar as specified in WAC 392-121-123.

[Statutory Authority: 1987 c 518 § 217. 87-23-011 (Order 87-12), § 392-166-250, filed 11/9/87.]

WAC 392-166-255 Program audit. Audit of student retention and retrieval programs shall be conducted in compliance with state audit requirements for school districts.

[Statutory Authority: 1987 c 518 § 217. 87-23-011 (Order 87-12), § 392-166-255, filed 11/9/87.]

WAC 392-166-260 Dissemination. The superintendent of public instruction shall collect and disseminate to all school districts and interested parties information about effective motivation, retention, and retrieval programs through the clearinghouse for education information and other appropriate channels.

[Statutory Authority: 1987 c 518 § 217. 87-23-011 (Order 87-12), § 392-166-260, filed 11/9/87.]

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WAC 392-166-265 Notification of parents. Each participating district shall notify parents of participating children of their child's involvement in the district's program for student retention and retrieval.

[Statutory Authority: 1987 c 518 § 217. 87-23-011 (Order 87-12), § 392-166-265, filed 11/9/87.]

WAC 392-166-270 Encumbrance period. Grant funds not expended in the first year of the biennium shall remain available to be granted to qualifying school districts for the second year of the biennium: *Provided*, That any grant funds not expended by June 30 of the second year of the biennium shall revert to the state treasury.

[Statutory Authority: 1987 c 518 § 217. 87-23-011 (Order 87-12), § 392-166-270, filed 11/9/87.]

WAC 392-166-275 Subsequent grants. If funds are available for purposes of this chapter in future bienniums, subsequent implementation grants shall be awarded to school districts by the superintendent of public instruction only if those grants expand the existing program to additional grades, another school, or initiate a new student retention and/or retrieval program: *Provided*, That the superintendent shall give priority to plans and programs of proven effectiveness.

[Statutory Authority: 1987 c 518 § 217. 87-23-011 (Order 87-12), § 392-166-275, filed 11/9/87.]

Chapter 392-167A 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.
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392-167A-055	Applications for funding—Required information.
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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 implemen-

tation 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 administrators, 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

- 392-168-105 Authority.
- 392-168-110 Purpose.

- 392-168-115 Applicability.
- 392-168-120 Definition—Hatch amendment.
- 392-168-125 Definition—Complaint.
- 392-168-130 Definition—Other subgrantee.
- 392-168-132 Informing citizens about complaint procedures.
- 392-168-135 Right to register a complaint.
- 392-168-140 Contents of complaint.
- 392-168-145 Procedure for filing a complaint.
- 392-168-150 Complaint directed to a school district, an educational service district, or other subgrantee and designation of responsible employee.
- 392-168-155 Investigation of and response to complaints against a school district, educational service district, or other subgrantee.
- 392-168-160 Appeal to the superintendent of public instruction of a local school district, educational service district, or other subgrantee decision.
- 392-168-165 Content of appeal notice.
- 392-168-167 General responsibilities of superintendent of public instruction.
- 392-168-170 Actions by superintendent of public instruction in response to notices of appeal and notices registering complaints.
- 392-168-175 Complaints against the superintendent of public instruction—Designation of responsible employee(s).
- 392-168-180 Complaints against the superintendent of public instruction—Investigation of and response to complaints.
- 392-168-185 Waiver of timelines.
- 392-168-190 Appeal to the secretary of education in complaints against the superintendent of public instruction.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 392-168-005 Authority. [Order 12-76, § 392-168-005, filed 12/21/76.] Repealed by 88-09-042 (Order 88-13), filed 4/18/88. Statutory Authority: RCW 28A.02.100.
- 392-168-010 Purpose. [Order 12-76, § 392-168-010, filed 12/21/76.] Repealed by 82-20-035 (Order 82-15), filed 9/30/82. Statutory Authority: RCW 28A.02.100.
- 392-168-015 Definitions. [Order 12-76, § 392-168-015, filed 12/21/76.] Repealed by 82-20-035 (Order 82-15), filed 9/30/82. Statutory Authority: RCW 28A.02.100.
- 392-168-020 Advisory council. [Order 12-76, § 392-168-020, filed 12/21/76.] Repealed by 82-20-035 (Order 82-15), filed 9/30/82. Statutory Authority: RCW 28A.02.100.
- 392-168-025 Evaluation criteria for approving applications. [Order 12-76, § 392-168-025, filed 12/21/76.] Repealed by 82-20-035 (Order 82-15), filed 9/30/82. Statutory Authority: RCW 28A.02.100.
- 392-168-030 Additional criteria for approving applications. [Order 12-76, § 392-168-030, filed 12/21/76.] Repealed by 82-20-035 (Order 82-15), filed 9/30/82. Statutory Authority: RCW 28A.02.100.
- 392-168-035 Provisions for assuring fifteen percent for special needs of handicapped children. [Order 12-76, § 392-168-035, filed 12/21/76.] Repealed by 82-20-035 (Order 82-15), filed 9/30/82. Statutory Authority: RCW 28A.02.100.
- 392-168-040 Criteria for achieving equitable distribution of assistance. [Order 12-76, § 392-168-040, filed 12/21/76.] Repealed by 82-20-035 (Order 82-15), filed 9/30/82. Statutory Authority: RCW 28A.02.100.
- 392-168-045 Provision for private nonprofit school participation. [Order 12-76, § 392-168-045, filed 12/21/76.] Repealed by 82-20-035 (Order 82-15), filed 9/30/82. Statutory Authority: RCW 28A.02.100.
- 392-168-050 Length of project period. [Order 12-76, § 392-168-050, filed 12/21/76.] Repealed by 82-20-035 (Order 82-15), filed 9/30/82. Statutory Authority: RCW 28A.02.100.
- 392-168-055 Provisions for hearings. (Part C) [Order 12-76, § 392-168-055, filed 12/21/76.] Repealed by 82-20-035 (Order 82-15), filed 9/30/82. Statutory Authority: RCW 28A.02.100.

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

WAC 392-168-105 Authority. The authority for this chapter is RCW 28A.300.070 which authorizes the superintendent of public instruction to receive and administer federal funds on behalf of school districts of the state of Washington in compliance with applicable rules and regulations.

[Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-168-105, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-168-105, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.02.100. 88-09-042 (Order 88-13), § 392-168-105, filed 4/18/88.]

WAC 392-168-110 Purpose. The purpose of this chapter is to ensure compliance by the state of Washington with 34 CFR 76.780 through 782, Department of Education regulations governing state-administered federal grant programs, 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 Immigration 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 Pro-

grams 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 392-168-120 Definition—Hatch amendment. As used in this chapter, the term the "Hatch amendment" means section 439 of the General Education Provisions Act (GEPA), "Protection of Pupil Rights" which provides that:

(1) Parents or guardians of children involved in a research or experimentation project supported with federal funds shall have a right to inspect instructional materials used in connection with the project; and

(2) No student in such a project shall be required to submit to psychiatric or psychological examination, testing, or treatment which might reveal specified personal information without the consent of an adult or emancipated minor student or, for other minor students, without prior written parental consent.

[Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-168-120, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.02.100. 88-09-042 (Order 88-13), § 392-168-120, filed 4/18/88.]

WAC 392-168-125 Definition—Complaint. As used in this chapter, the term "complaint" means an allegation, by the complainant, that the state, a local school district, an educational service district, or other subgrantee receiving federal funds has violated a federal statute or regulation or a state regulation that applies to a federal program covered under this chapter.

[Statutory Authority: RCW 28A.02.100. 90-23-062 (Order 43), § 392-168-125, filed 11/20/90, effective 12/21/90; 90-11-029 (Order 90-09), § 392-168-125, filed 5/9/90, effective 6/9/90. Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-168-125, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.02.100. 88-09-042 (Order 88-13), § 392-168-125, filed 4/18/88.]

WAC 392-168-130 Definition—Other subgrantee. As used in this chapter, the term "other subgrantee" means the government, nonprofit, or other legal entity to which the state as grantee awards a subgrant, and which is accountable to the state for the use of the funds provided. The subgrantee is the entire legal entity even if only a particular component of the entity is designated in the subgrant award document.

[Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-168-130, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.02.100. 88-09-042 (Order 88-13), § 392-168-130, 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 392-168-135 Right to register a complaint.

Any individual, entity, or organization may register a complaint: *Provided*, That a complaint filed pursuant to the Hatch Amendment may be filed only by a student or parent or guardian of a student directly affected by the alleged violation: *Provided further*, That if a parent or adult student has also filed a request for a due process special education hearing pursuant to WAC 392-171-531, regarding the same issues, a citizen complaint by such person regarding non-compliance shall be held in abeyance until the hearing has been concluded.

[Statutory Authority: RCW 28A.02.100. 90-11-029 (Order 90-09), § 392-168-135, filed 5/9/90, effective 6/9/90. Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-168-135, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.02.100. 88-09-042 (Order 88-13), § 392-168-135, filed 4/18/88.]

WAC 392-168-140 Contents of complaint. A complaint filed under this chapter shall include:

- (1) A statement that the state, a local school district, an educational service district, or other subgrantee has violated one or more requirements of federal statutes or regulations or state regulations that apply to a federal program;
- (2) The facts on which the statement is based;
- (3) The name and address of the complainant; and
- (4) In the case of a complaint alleging a violation by an entity other than the state and filed directly with the superintendent of public instruction, the name and address of the allegedly offending entity.

[Statutory Authority: RCW 28A.02.100. 90-11-029 (Order 90-09), § 392-168-140, filed 5/9/90, effective 6/9/90. Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-168-140, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.02.100. 88-09-042 (Order 88-13), § 392-168-140, filed 4/18/88.]

WAC 392-168-145 Procedure for filing a complaint.

The procedure for filing a complaint shall be as follows:

- (1) A complaint alleging a violation by a local school district, an educational service district, or other subgrantee shall be filed directly with a responsible official of the local school district, an educational service district, or other subgrantee: *Provided*, That a complaint alleging a violation by an entity other than the state may be filed directly with the superintendent of public instruction at the complainant's discretion.

- (2) A complaint against a local school district, an educational service district, or other subgrantee filed directly with the superintendent of public instruction shall be referred back to the allegedly offending entity for action pursuant to this chapter.

[Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-168-145, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.02.100. 88-09-042 (Order 88-13), § 392-168-145, filed 4/18/88.]

WAC 392-168-150 Complaint directed to a school district, an educational service district, or other subgrantee and designation of responsible employee. The chief officer of each local school district, an educational service district, or other subgrantee shall designate at least one employee to monitor and coordinate the entity's compliance with this chapter. Such employee shall also be charged with the responsibility for investigating any complaint(s) communicated to the entity pursuant to WAC 392-168-145.

[Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-168-150, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.02.100. 88-09-042 (Order 88-13), § 392-168-150, filed 4/18/88.]

WAC 392-168-155 Investigation of and response to complaints against a school district, educational service district, or other subgrantee. Investigation of and response to a complaint shall be as follows:

- (1) Upon receipt of a properly filed complaint, the employee(s) designated pursuant to WAC 392-168-150 shall investigate the alleged violations.

- (2) Upon completion of the investigation, the designated employee(s) shall provide the responsible official of the entity with a written report of the results of the investigation. Said officials shall respond in writing to the complainant no later than twenty calendar days after the date of receipt by the entity of such complaint.

- (3) The response to the complainant shall clearly state either:

(a) That the entity denies the allegations contained in the complaint and the basis for such denial; or

(b) The reasonable corrective action deemed necessary to correct the violation: *Provided*, That any such corrective measures shall be instituted as expeditiously as possible but in no event later than thirty calendar days following the date of the response to the complainant.

[Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-168-155, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.02.100. 88-09-042 (Order 88-13), § 392-168-155, filed 4/18/88.]

WAC 392-168-160 Appeal to the superintendent of public instruction of a local school district, educational service district, or other subgrantee decision. The complainant shall have the following right of appeal:

- (1) In the event a complainant remains aggrieved with the written decision of a local school district, an educational service district, or other subgrantee, or upon failure or refusal of such entity to respond to a properly filed complaint, the complainant may, in writing, appeal the decision to the superintendent of public instruction or, in the case of a failure or refusal to respond, may register the complaint directly with the superintendent: *Provided*, That upon the refusal of the local school district, educational service district, or other subgrantee to grant a request of the parent (or adult student) for a due process special education hearing made in conformance with WAC 392-171-531, the parent (or adult student) may register the complaint with the superintendent of public instruction.

(2) The notice of appeal must be received by the superintendent of public instruction on or before the fifteenth day after the date the complainant received the written response of the local school district, educational service district, or other subgrantee pursuant to WAC 392-168-155; or in the case of a failure or refusal to respond to a complaint, a notice registering the complaint must be received by the superintendent of public instruction on or before the thirty-fifth day after the citizen registered the complaint with the entity.

(3) In the case of a local school district, an educational service district, or other subgrantee's refusal to grant a request of a parent (or adult student) for a special education hearing made in conformance with WAC 392-171-531, a notice registering the complaint must be received by the superintendent of public instruction on or before either the fifteenth day after the date the parent (or adult student) received notice of such entity's refusal to grant a hearing or on or before the fifteenth day after the expiration of the time period for rendering a final decision pursuant to a request for a hearing (i.e., forty-five days after the date of receipt of a request for a hearing), whichever occurs first.

[Statutory Authority: RCW 28A.02.100. 90-11-029 (Order 90-09), § 392-168-160, filed 5/9/90, effective 6/9/90. Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-168-160, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.02.100. 88-09-042 (Order 88-13), § 392-168-160, filed 4/18/88.]

WAC 392-168-165 Content of appeal notice. The appeal notice shall set forth:

(1) A statement of the portion(s) of the local school district, educational service district, or other subgrantee's decision which is appealed or, in the case of a failure or refusal to respond, a statement so indicating; and

(2) The relief or remedy requested by the complainant/appellant.

[Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-168-165, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.02.100. 88-09-042 (Order 88-13), § 392-168-165, filed 4/18/88.]

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.]

WAC 392-168-170 Actions by superintendent of public instruction in response to notices of appeal and notices registering complaints. The superintendent of public instruction shall respond in the following manner to appeals and direct complaints:

(1) The superintendent of public instruction shall investigate the allegation(s) contained in a notice of appeal or a notice registering the complaint and make a decision no later than fifteen calendar days after the receipt of an appeal or no later than sixty calendar days after receipt of a complaint registered directly with the superintendent of public instruction by a citizen. Investigations carried out pursuant to this section may be performed on-site as necessary.

(2) If the investigation reveals that there is merit to the allegation(s), the superintendent of public instruction shall provide for negotiations, or technical advice and assistance, or other remedial action in an attempt to ensure compliance with this chapter and/or state and/or federal laws and regulations: *Provided*, That any corrective measures deemed necessary shall be instituted no later than ten calendar days following the decision of the superintendent of public instruction.

(3) If compliance by a local school district, educational service district, or other subgrantee is not achieved pursuant to subsection (2) of this section, the superintendent of public instruction shall initiate funding withholding, fund recovery, or any other sanction deemed appropriate.

(4) In the event a complainant, local school district, educational service district, or other subgrantee remains aggrieved with the decision of the superintendent of public instruction, either party may appeal the decision to the secretary, department of education.

[Statutory Authority: RCW 28A.02.100. 90-11-029 (Order 90-09), § 392-168-170, filed 5/9/90, effective 6/9/90. Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-168-170, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.02.100. 88-09-042 (Order 88-13), § 392-168-170, filed 4/18/88.]

WAC 392-168-175 Complaints against the superintendent of public instruction—Designation of responsible employee(s). (1) A complaint alleging a violation by the superintendent of public instruction shall be filed directly with the superintendent of public instruction in the form specified in WAC 392-168-140.

(2) The superintendent of public instruction shall designate at least one office of the agency to monitor and coordinate the agency's compliance with this chapter, which shall include ensuring that investigation of any complaint is conducted expeditiously and thoroughly.

[Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-168-175, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.02.100. 88-09-042 (Order 88-13), § 392-168-175, filed 4/18/88.]

WAC 392-168-180 Complaints against the superintendent of public instruction—Investigation of and response to complaints. (1) The staff responsible for investigating the alleged violation shall commence investigation within ten days of receipt of the complaint by the superintendent of public instruction.

(2) Investigation by the superintendent of public instruction may include on-site investigations as appropriate.

(3) Upon completion of the investigation, investigating staff shall provide the superintendent of public instruction with a written report on the results of the investigation.

(4) The superintendent of public instruction shall respond in writing to the complainant as expeditiously as possible but in no event later than sixty calendar days after the date of receipt of such complaint by the superintendent of public instruction.

(5) The response shall clearly state either:

(a) That the complaint is without merit, the allegations are denied, and the basis for such denial; or

(b) The reasonable corrective measures deemed necessary to correct any violation: *Provided*, That any such corrective measures deemed necessary shall be instituted as expeditiously as possible but in no event later than thirty calendar days following the date of the response to the complainant.

[Statutory Authority: RCW 34.05.220 [(1)](a), 89-23-001 (Order 15), § 392-168-180, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.02.100, 88-09-042 (Order 88-13), § 392-168-180, filed 4/18/88.]

WAC 392-168-185 Waiver of timelines. (1)

Timelines established in this chapter may be waived by mutual consent in writing of both complainant and local school district or other subgrantee. Such waiver of timelines shall be communicated within ten days to the appropriate division, superintendent of public instruction, by the entity named in the complaint.

(2) An extension of time limits applicable to actions by the superintendent of public instruction shall be waived by mutual consent of the complainant and the superintendent of public instruction: *Provided*, That if exceptional circumstances exist with respect to a particular complaint, the superintendent of public instruction may unilaterally extend the timelines for cause upon written notice to the parties.

[Statutory Authority: RCW 34.05.220 [(1)](a), 89-23-001 (Order 15), § 392-168-185, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.02.100, 88-09-042 (Order 88-13), § 392-168-185, filed 4/18/88.]

WAC 392-168-190 Appeal to the secretary of education in complaints against the superintendent of public instruction. In the event that a complainant remains aggrieved with the response of the superintendent of public instruction, the complainant may file an appeal directly with the secretary, department of education.

[Statutory Authority: RCW 34.05.220 [(1)](a), 89-23-001 (Order 15), § 392-168-190, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.02.100, 88-09-042 (Order 88-13), § 392-168-190, filed 4/18/88.]

Chapter 392-169 WAC

SPECIAL SERVICE PROGRAMS RUNNING START PROGRAM

WAC

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392-169-125 Current and future community college and technical college enrollment alternatives not affected.

WAC 392-169-005 Authority. The authority for this chapter is RCW 28A.600.390, which authorizes the superintendent of public instruction, the state board for community and technical colleges, and the higher education coordinating board to jointly develop and adopt rules governing RCW 28A.600.300 through 28A.600.380, 28A.150.260 and 28A.150.290 which authorize the superintendent of public instruction to adopt rules governing basic education allocation moneys. The rules set forth in this chapter have been jointly developed and agreed upon by the three agencies, and adopted and codified in separate chapters of the Washington Administrative Code by each of the three agencies. The rules may be modified only by agreement of all three agencies.

[Statutory Authority: RCW 28A.600.390, 28A.150.260 and [28A.150.]290, 94-04-095 (Order 94-01), § 392-169-005, filed 2/1/94, effective 3/4/94.]

WAC 392-169-010 Purpose. The purpose of this chapter is to set forth policies and procedures governing the running start program.

[Statutory Authority: RCW 28A.600.390, 28A.150.260 and [28A.150.]290, 94-04-095 (Order 94-01), § 392-169-010, filed 2/1/94, effective 3/4/94.]

DEFINITIONS OF TERMS

WAC 392-169-015 Running start program—Definition. As used in this chapter, the terms "running start" and "running start program" mean the part-time to full-time equivalent enrollment of eligible eleventh and twelfth grade high school students in a community college or technical college for the purpose of earning at least high school credit to be awarded by a school district, and such additional college level academic and college level vocational credit as may be awarded by the community college or technical college.

[Statutory Authority: RCW 28A.600.390, 28A.150.260 and [28A.150.]290. 94-04-095 (Order 94-01), § 392-169-015, filed 2/1/94, effective 3/4/94.]

WAC 392-169-020 Eligible student—Definition. As used in this chapter, the term "eligible student" means any person, including a person who is otherwise attending a private school or receiving home-based instruction, who meets each of the following conditions:

(1) The person is under the age of twenty-one years of age as of September 1 of the school year.

(2) The person is eligible by reason of his or her residence or other criterion established by law to enroll in the school district through which the person seeks to obtain the award of running start program high school credit. See RCW 28A.175.090 ("at risk" students), RCW 28A.225.160 (residents of a school district), RCW 28A.225.170 (residents of the United States and Indian Reservations), RCW 28A.225.210 (residents of "nonhigh" school districts), and RCW 28A.225.220 ("choice" students). Note: A running start student who changes his or her school district of residence, following enrollment in running start, solely for the purpose of attending college under this chapter shall be deemed to have retained his or her residence in the school district of initial running start enrollment for high school graduation, funding and other purposes under this chapter.

(3) The person is eligible under the grade placement policies of the school district through which the person seeks to obtain running start program high school credit to be in the eleventh or the twelfth grade.

(4) The person has not as of the beginning of the school year earned the credits required for the award of a high school diploma by the school district through which the person seeks to obtain the award of running start program high school credit.

(5) The person has not as of the beginning of the school year received a high school diploma or its equivalent. Note: A general education development certificate is not considered to be the equivalent of a high school diploma for purposes of this subsection.

(6) The person's running start program enrollment to date is below the applicable eleventh or twelfth grade running start enrollment limitations established under WAC 392-169-055.

[Statutory Authority: RCW 28A.600.390, 28A.150.260 and [28A.150.]290. 94-04-095 (Order 94-01), § 392-169-020, filed 2/1/94, effective 3/4/94.]

WAC 392-169-022 Running start student—Definition. For the purposes of this chapter and chapter 392-121

WAC, the term "running start student" means an eligible student:

(1) Who is enrolled in the running start program in accordance with this chapter;

(2) Whose enrollment has not been suspended or terminated by withdrawal, transfer, suspension or expulsion; and

(3) Who has participated in one or more instructional activities conducted by college staff (e.g., classroom or laboratory instruction, course work testing, post enrollment/registration academic counseling, and similar other instructional activities) on at least one college day during the current college quarter since the last enrollment count date.

[Statutory Authority: RCW 28A.600.390, 28A.150.260 and [28A.150.]290. 94-04-095 (Order 94-01), § 392-169-022, filed 2/1/94, effective 3/4/94.]

WAC 392-169-023 College day—Definition. For the purposes of this chapter, the term "college day" means a day on which running start students are afforded the opportunity to be engaged in instructional activity which is planned and conducted by or under the supervision of college instructional staff, and on which day all or any portion of the enrolled running start students actually participate in such instructional activity.

[Statutory Authority: RCW 28A.600.390, 28A.150.260 and [28A.150.]290. 94-04-095 (Order 94-01), § 392-169-023, filed 2/1/94, effective 3/4/94.]

WAC 392-169-025 Full-time equivalent (FTE) running start enrollment—Definition. For the purposes of this chapter and chapter 392-121 WAC, "full-time equivalent (FTE) running start enrollment" (i.e., college enrollment) means the FTE of running start students on an enrollment count date when each student's FTE is determined subject to the limitations of WAC 392-169-022, 392-169-055 and 392-169-115 as follows:

(1) For college courses denominated in college quarter credits, the quotient of an eligible student's quarter credits of running start enrollment divided by fifteen up to a maximum of 1.00 FTE.

(2) For college courses not denominated in college quarter credits, the quotient of an eligible student's average hours of running start enrollment per week divided by twenty-five up to a maximum of 1.00 FTE. Hours of enrollment shall be determined pursuant to WAC 392-121-106 through 392-121-183.

[Statutory Authority: RCW 28A.600.390, 28A.150.260 and [28A.150.]290. 94-04-095 (Order 94-01), § 392-169-025, filed 2/1/94, effective 3/4/94.]

WAC 392-169-030 Annual average full-time equivalent (AAFTE) running start enrollment—Definition. For purposes of this chapter and chapter 392-121 WAC, "annual average full-time equivalent (AAFTE) running start enrollment" means the sum of the AAFTE of all running start students for a school year when each running start student's AAFTE equals the sum of the student's running start FTE enrollment on the nine running start count dates divided by nine.

[Statutory Authority: RCW 28A.600.390, 28A.150.260 and [28A.150.]290. 94-04-095 (Order 94-01), § 392-169-030, filed 2/1/94, effective 3/4/94.]

WAC 392-169-035 Community and technical colleges—Definition. As used in this chapter, the terms "community college" and "technical college" means a Washington public two-year institution of higher education established under chapter 28B.50 RCW.

[Statutory Authority: RCW 28A.600.390, 28A.150.260 and [28A.150.]290. 94-04-095 (Order 94-01), § 392-169-035, filed 2/1/94, effective 3/4/94.]

WAC 392-169-040 School district—Definition. As used in this chapter, the term "school district" means a Washington public school district established under Title 28A RCW.

[Statutory Authority: RCW 28A.600.390, 28A.150.260 and [28A.150.]290. 94-04-095 (Order 94-01), § 392-169-040, filed 2/1/94, effective 3/4/94.]

ENROLLMENT RIGHTS, REQUIREMENTS AND LIMITATIONS

WAC 392-169-045 Enrollment—General requirements and conditions. The enrollment of an eligible student in the running start program shall be governed as follows:

(1) An eligible student is responsible for applying for and pursuing admission to a community college or technical college on or before the deadline for enrollment established by the college.

(2) It shall not be necessary for an eligible student to obtain a release of attendance from his or her resident school district in order for the student to enroll in any community college or technical college.

(3) An eligible student is entitled to enroll in any community college and any technical college in the state for running start program purposes subject to each of the following conditions and limitations:

(a) Enrollment is limited to college level academic and college level vocational courses.

(b) Prior confirmation pursuant to WAC 392-169-050 by the school district through which the student seeks to obtain the award of running start program high school credit of the amount of high school credit to be awarded on or before the deadline for enrollment established by the college.

(c) Acceptance of the student by the community college or technical college subject to generally applicable admission and enrollment requirements and limitations established by the community college or technical college, including a determination that the student is competent to profit from the college level academic or vocational course(s) the student seeks to enroll in: *Provided*, That a technical college shall not deny admission or continued attendance to a person under twenty-two years of age with a disability based upon impaired competency or the creation of a disruptive atmosphere associated with the person's disability.

(d) The limitations upon the duration and extent of community college and technical college course enrollment set forth in WAC 392-169-055 and 392-169-057.

[Statutory Authority: RCW 28A.600.390, 28A.150.260 and [28A.150.]290. 94-04-095 (Order 94-01), § 392-169-045, filed 2/1/94, effective 3/4/94.]

WAC 392-169-050 Enrollment—High school credit—Prior confirmation. As a condition to an eligible

student's enrollment in community college or technical college courses under this chapter, the eligibility of the courses which the student intends to take for the award of high school credit and the amount of such credit shall first be established, as follows:

(1) The student shall notify the school district through which the student seeks to obtain the award of running start program high school credit of the specific community college and technical college courses he or she intends to take and shall request confirmation of the amount of high school credit that will be awarded upon successful completion of the courses.

(2) The school district shall establish on a course by course basis the amount of high school required or elective credit, or combination thereof, that shall be awarded for each college course successfully completed by the student based upon the conversion rate set forth in WAC 180-51-050.

(3) If a college course is not comparable to a school district course required for high school graduation, the school district superintendent shall determine the amount of required high school credit which shall be awarded following consultation with a community college or technical college representative designated for that purpose. The difference between the amount of required credit and the amount of credit earned at the conversion rate set forth in WAC 180-51-050 shall be awarded as elective credit.

(4) Within twenty school district business days of a student's request for confirmation of credit the school district superintendent or other designated school district representative shall confirm in writing the amount of high school required or elective credit, or combination thereof, which shall be awarded upon successful completion of the courses.

[Statutory Authority: RCW 28A.600.390, 28A.150.260 and [28A.150.]290. 94-04-095 (Order 94-01), § 392-169-050, filed 2/1/94, effective 3/4/94.]

WAC 392-169-055 Enrollment—Extent and duration of running start enrollment. Running start program enrollment under this chapter is limited as follows (and as may be further limited for academic reasons under WAC 392-169-057):

(1) An eligible student who enrolls in grade eleven may enroll in a community or technical college while in the eleventh grade for no more than the course work equivalent to one academic year of enrollment as an annual average full-time equivalent running start student (i.e., three college quarters as a full-time equivalent community college student or nine months as a full-time equivalent technical college student).

(2) An eligible student who enrolls in grade twelve may enroll in a community or technical college while in the twelfth grade for no more than the course work equivalent to one academic year of enrollment as an annual average full-time equivalent running start student (i.e., three college quarters as a full-time equivalent community college student or nine months as a full-time technical college student).

(3) Enrollment in a community college or technical college is limited to the fall, winter and spring quarters.

(4) As a general rule a student's eligibility for running start program enrollment terminates at the end of the student's twelfth grade regular academic year, notwithstanding the student's failure to have enrolled in a community

college or technical college to the full extent permitted by subsections (1) and (2) of this section: *Provided*, That a student who has failed to meet high school graduation requirements as of the end of the student's twelfth grade regular academic year (September-June) due to the student's absence, the student's failure of one or more courses, or another similar reason may continue running start program enrollment for the sole and exclusive purpose of completing the particular course or courses required to meet high school graduation requirements, subject to the enrollment limitation established by subsection (2) of this section.

[Statutory Authority: RCW 28A.600.390, 28A.150.260 and [28A.150.]290. 94-04-095 (Order 94-01), § 392-169-055, filed 2/1/94, effective 3/4/94.]

WAC 392-169-057 Enrollment—Extent and duration of combined high school and running start enrollment. Concurrent or combined regular high school program and running start program enrollment is governed as follows:

(1) An eligible student's concurrent enrollment in the regular high school program, and running start or college under this chapter, may exceed the equivalent of full-time enrollment: *Provided*, That a designated school district representative and a designated college representative may jointly limit a student's concurrent high school and college enrollment to not less than the equivalent of full-time enrollment for bona fide academic reasons based upon a joint evaluation of the student's capabilities and the total course work the student seeks to enroll in.

(2) For purposes of this section thirty hours per week shall constitute full-time high school or technical college enrollment, and fifteen quarter credit hours shall constitute full-time community college enrollment. Thus, for example, a student enrolled in the regular high school program for ten hours per week (one-third FTE) and in a community college for ten quarter credit hours (two-thirds FTE) is enrolled the equivalent of full-time.

[Statutory Authority: RCW 28A.600.390, 28A.150.260 and [28A.150.]290. 94-04-095 (Order 94-01), § 392-169-057, filed 2/1/94, effective 3/4/94.]

WAC 392-169-060 Enrollment—Exception from tuition and fees. A running start student shall not be required by a community college or technical college to pay any tuition or other fee as a condition to the student's full participation in running start community college and technical college course work and related activities, or as a condition to the award of credit therefore: *Provided*, That requiring a running start student to provide and pay for consumable supplies, textbooks, and other materials to be retained by the student does not constitute the assessment of tuition or a fee for purposes of this subsection: *Provided further*, That this limitation on the assessment of tuition and fees does not apply to a student's college enrollment above and beyond running start program enrollment under this chapter (i.e., college enrollment in excess of one FTE and college summer quarter enrollment may be conditioned upon the payment of regular tuition and fees).

[Statutory Authority: RCW 28A.600.390, 28A.150.260 and [28A.150.]290. 94-04-095 (Order 94-01), § 392-169-060, filed 2/1/94, effective 3/4/94.]

WAC 392-169-065 Enrollment—Continuing eligibility. Once an eligible student has been enrolled in a commu-

nity college or technical college course or program, the student shall not be displaced by another student: *Provided*, That a student's continued enrollment in a course or program and enrollment in other courses or programs shall be subject to generally applicable enrollment requirements and limitations established by the community college or technical college: *Provided further*, That a technical college shall not deny continued attendance to a person under twenty-two years of age with a disability based upon impaired competency or the creation of a disruptive atmosphere associated with the person's disability.

[Statutory Authority: RCW 28A.600.390, 28A.150.260 and [28A.150.]290. 94-04-095 (Order 94-01), § 392-169-065, filed 2/1/94, effective 3/4/94.]

MISCELLANEOUS REQUIREMENTS

WAC 392-169-070 Annual notice to students and parents. Each school district shall annually provide general information respecting the running start program to all tenth and eleventh grade students of the school district and their parents or guardians.

[Statutory Authority: RCW 28A.600.390, 28A.150.260 and [28A.150.]290. 94-04-095 (Order 94-01), § 392-169-070, filed 2/1/94, effective 3/4/94.]

WAC 392-169-075 Academic standards and discipline—Jurisdiction of educational agencies. Each school district, community college district, and technical college district shall have and exercise exclusive jurisdiction over academic and discipline matters involving a student's enrollment and participation in courses of, and the receipt of services and benefits from, the school district, the community college district, or the technical college district.

[Statutory Authority: RCW 28A.600.390, 28A.150.260 and [28A.150.]290. 94-04-095 (Order 94-01), § 392-169-075, filed 2/1/94, effective 3/4/94.]

WAC 392-169-080 Compliance with federal and state requirements of law—Special education program requirements—Necessary cooperative agreements. As a general rule, a school district, a community college district, and a technical college district are independently responsible for assuring compliance with federal and state requirements of law which are applicable to the provision of services and benefits by the school district, community college district, or technical college district under this chapter. If, however, the individualized education program of a student established under chapter 392-171 WAC provides for such enrollment in a community college or a technical college, the school district which established the individualized education program shall also be responsible for assuring compliance with chapter 392-171 WAC in connection with the student's enrollment in the community college or technical college. School districts, community college districts, and technical college districts shall enter into cooperative agreements as necessary to assure compliance with their respective duties under federal and state law, including agreements which substantiate a school district's claim to necessary federal and state special education funding.

[Statutory Authority: RCW 28A.600.390, 28A.150.260 and [28A.150.]290. 94-04-095 (Order 94-01), § 392-169-080, filed 2/1/94, effective 3/4/94.]

WAC 392-169-085 High school credit—Award by school districts. Upon confirmation by a community college or technical college of a student's successful completion of running start program courses under this chapter, the school district shall record on the student's secondary school records and transcript the high school credit previously confirmed under WAC 392-169-050, together with a notation that the courses were taken at a community college or technical college.

[Statutory Authority: RCW 28A.600.390, 28A.150.260 and [28A.150.]290. 94-04-095 (Order 94-01), § 392-169-085, filed 2/1/94, effective 3/4/94.]

FINANCIAL REPORTS, CLAIMS AND PAYMENTS

WAC 392-169-090 Finance—Generation and apportionment of state basic education moneys. (1) Each running start student shall generate state running start basic education moneys based upon the student's enrollment under this chapter in community college or technical college courses or programs, or any combination thereof, in accordance with the definitions of FTE and AAFTE students set forth in WAC 392-169-025 and 392-169-030, the enrollment and enrollment count limitations set forth in WAC 392-169-055 and 392-169-115, rules of the superintendent of public instruction set forth in Title 392 WAC which supplement and do not conflict with this chapter, and the Biennial Operating Appropriations Act.

(2) The superintendent of public instruction shall apportion running start basic education moneys to school districts reporting running start enrollments based upon AAFTE nonvocational and vocational running start enrollments and uniform state-wide rates for nonvocational and vocational students as determined pursuant to WAC 392-169-095.

(3) School districts may retain and expend for running start program counseling or other school district purposes up to seven percent of the running start basic education moneys apportioned by the superintendent of public instruction.

(4) School districts shall apportion each community and technical college district's share of running start basic education moneys received under this chapter to each college district on at least a modified quarterly basis on or before December 31, March 31, June 30, and August 31 each school year.

[Statutory Authority: RCW 28A.600.390, 28A.150.260 and [28A.150.]290. 94-04-095 (Order 94-01), § 392-169-090, filed 2/1/94, effective 3/4/94.]

WAC 392-169-095 Determination of uniform state-wide rates for nonvocational and vocational students. Prior to September 1 of each school year, the superintendent of public instruction shall calculate estimated uniform state-wide rates for allocating state basic education moneys for nonvocational and vocational running start student enrollment in consultation with state board for community and technical college staff. Calculations shall be based on assumptions used in the state Operating Appropriations Act for the school year. Rates shall equal the estimated average basic education formula generated amount per nonvocational and vocational AAFTE ninth through twelfth grade student for the school year excluding enhancements provided for small schools.

(1995 Ed.)

[Statutory Authority: RCW 28A.600.390, 28A.150.260 and [28A.150.]290. 94-04-095 (Order 94-01), § 392-169-095, filed 2/1/94, effective 3/4/94.]

WAC 392-169-100 Running start enrollment count dates. Enrollment count dates for the running start program shall be the first college day of each of the months of October through June.

[Statutory Authority: RCW 28A.600.390, 28A.150.260 and [28A.150.]290. 94-04-095 (Order 94-01), § 392-169-100, filed 2/1/94, effective 3/4/94.]

WAC 392-169-105 Finance—Community college and technical college reporting requirements. Each community college and technical college that enrolls an eligible student under this chapter shall periodically report enrollment information as follows:

(1) Within ten calendar days of enrollment of the student, provide written notice to the student, and the school district through which the student seeks to obtain running start program high school credit of the courses and the credit hours or instructional/clock hours of enrollment.

(2) After each monthly count date the college shall report running start student enrollments by the eighth day of the month to the school district through which the student seeks to obtain the award of running start program high school credit as is necessary for the school district to claim state running start basic education program moneys under this chapter and chapter 392-121 WAC.

(3) The monthly report shall be prepared in accordance with instructions provided by the superintendent of public instruction, and shall include, but not necessarily be limited to, the following:

(a) The total number of enrolled running start students on the count date (see the definition of a "running start student" in WAC 392-169-023);

(b) Total nonvocational running start FTE enrollment;

(c) Total vocational running start FTE enrollment; and

(d) The name of each running start student and the nonvocational and vocational running start FTE reported for the student.

[Statutory Authority: RCW 28A.600.390, 28A.150.260 and [28A.150.]290. 94-04-095 (Order 94-01), § 392-169-105, filed 2/1/94, effective 3/4/94.]

WAC 392-169-110 Finance—School district reporting requirements. Each student district through which a running start student seeks to obtain running start program high school credit shall make all reports to the superintendent of public instruction in accordance with this chapter and chapter 392-121 WAC as are necessary to substantiate the district's entitlement to the receipt of moneys based upon the student's community college and technical college enrollment under this chapter. Running start students shall be so reported as full-time equivalent vocational and nonvocational students, or fractions thereof, in accordance with the definition of full-time equivalent students set forth in WAC 392-169-025.

[Statutory Authority: RCW 28A.600.390, 28A.150.260 and [28A.150.]290. 94-04-095 (Order 94-01), § 392-169-110, filed 2/1/94, effective 3/4/94.]

WAC 392-169-115 Finance—Limitations on enrollment counts. No running start student enrolled in a community college or technical college, or any combination

thereof, reported under WAC 392-169-105 and 392-169-110 shall exceed one full-time equivalent running start student on any enrollment count date or more than one annual average full-time equivalent student in any school year.

[Statutory Authority: RCW 28A.600.390, 28A.150.260 and [28A.150.]290, 94-04-095 (Order 94-01), § 392-169-115, filed 2/1/94, effective 3/4/94.]

WAC 392-169-120 Finance—Documentation requirements. School districts and colleges shall maintain documentation supporting running start student enrollment and state funding claims, including the following:

(1) Colleges documentation shall show each student's college enrollment status on each enrollment count date and evidence of the student's participation in college instructional activities conducted by college staff on at least one college day since the last enrollment count date. See WAC 392-169-022(3) for a description of required "instructional activities."

(2) School district documentation shall show each student's school district enrollment status on each enrollment count date and evidence that the student is earning high school graduation credit for running start enrollment reported for state funding.

[Statutory Authority: RCW 28A.600.390, 28A.150.260 and [28A.150.]290, 94-04-095 (Order 94-01), § 392-169-120, filed 2/1/94, effective 3/4/94.]

ALTERNATIVE CONTRACTUAL ARRANGEMENTS

WAC 392-169-125 Current and future community college and technical college enrollment alternatives not affected. This chapter shall not affect the alternative enrollment, and arrangements, therefor, of a secondary student in a community college or technical college pursuant to a contractual agreement entered into pursuant to RCW 28B.50.530 (interschool district/college district cooperative programs) and chapter 39.34 RCW (the Interlocal Cooperation Act). See WAC 392-121-183 (Contracting with an educational institution other than a school district).

[Statutory Authority: RCW 28A.600.390, 28A.150.260 and [28A.150.]290, 94-04-095 (Order 94-01), § 392-169-125, filed 2/1/94, effective 3/4/94.]

Chapter 392-170 WAC SPECIAL SERVICE PROGRAM—HIGHLY CAPABLE STUDENTS

WAC

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392-170-095	District records.

WAC 392-170-005 Authority. The authority for this chapter is chapter 28A.185 RCW—which authorizes the superintendent of public instruction to adopt rules and regulations for the administration of a program for highly capable students, including the nomination, assessment, and selection of such students.

[Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-170-005, filed 7/19/90, effective 8/19/90. Statutory Authority: Chapter 28A.16 RCW. 84-14-037 (Order 84-20), § 392-170-005, filed 6/28/84.]

WAC 392-170-010 Purpose. The purpose of this chapter is to establish policies and procedures for administration of a program for the education of students who are highly capable.

[Statutory Authority: Chapter 28A.16 RCW. 84-14-037 (Order 84-20), § 392-170-010, filed 6/28/84.]

WAC 392-170-015 Local option. The offering of a program by a school district to serve highly capable students with categorical state funds is optional. However, if the school district accepts categorical state moneys for this purpose, compliance with this chapter is mandatory.

[Statutory Authority: Chapter 28A.16 RCW. 84-14-037 (Order 84-20), § 392-170-015, filed 6/28/84.]

WAC 392-170-020 District application. Each district that seeks an allocation of state funds for a program for highly capable students shall submit an annual application on forms provided by the superintendent of public instruction for approval.

[Statutory Authority: Chapter 28A.16 RCW. 84-14-037 (Order 84-20), § 392-170-020, filed 6/28/84.]

WAC 392-170-025 Board approval. The district's annual application shall be approved by formal action of the district's board of directors.

[Statutory Authority: Chapter 28A.16 RCW. 84-14-037 (Order 84-20), § 392-170-025, filed 6/28/84.]

WAC 392-170-030 Substance of annual school district application. The school district's annual application shall contain the following:

- (1) Number of students to be served by grade level;
- (2) Brief description of plan to identify students;
- (3) Program goals;
- (4) Instructional program description; and
- (5) Assurances signed by the school district's authorized representative that the district shall comply with all applicable statutes and regulations.

[Statutory Authority: Chapter 28A.16 RCW. 84-14-037 (Order 84-20), § 392-170-030, filed 6/28/84.]

WAC 392-170-035 Definition—Highly capable students. As used in this chapter, the term highly capable student shall mean a student who has been assessed to have

superior intellectual ability as demonstrated by one or more of the multiple criteria specified in WAC 392-170-040.

[Statutory Authority: Chapter 28A.16 RCW. 84-14-037 (Order 84-20), § 392-170-035, filed 6/28/84.]

WAC 392-170-040 Multiple criteria for determination of superior intellectual ability—Definitions. The multiple criteria for the determination of students with superior intellectual ability shall include the following:

(1) "Cognitive ability" which for the purpose of this chapter shall be defined as the complete range of intellectual functions referred to as intellect, intelligence, or mental abilities and includes such psychological concepts as thinking, abstract reasoning, problem solving, verbal comprehension, and numerical facility.

(2) "Specific academic achievement in one or more major content areas" which for the purpose of this chapter shall be defined as obtained results on an achievement test appropriate to discriminate academic performance at high levels of achievement in one or more of the following content areas:

- (a) Reading;
- (b) Mathematics;
- (c) Social studies;
- (d) Language arts; and
- (e) Science.

(3) "Exceptional creativity" which for the purpose of this chapter shall mean the demonstration of unique or outstanding creative products and/or the demonstration of unusual problem solving ability or other learning characteristics which indicate to teachers, parents, or classmates that the student has the intellectual potential to perform academically at a level significantly higher than the norm for the chronological grade level.

[Statutory Authority: Chapter 28A.16 RCW. 84-14-037 (Order 84-20), § 392-170-040, filed 6/28/84.]

WAC 392-170-045 Nomination process for highly capable students. Each school district shall adopt procedures for the nomination of students to participate in programs for highly capable students. Such procedures shall permit nominations from any source, including teachers, other staff, parents, students, and members of the community.

[Statutory Authority: Chapter 28A.16 RCW. 84-14-037 (Order 84-20), § 392-170-045, filed 6/28/84.]

WAC 392-170-050 Screening of nominees. Students nominated for consideration as highly capable students may be screened for eligibility according to district procedures. Such procedures shall be applied equitably and systematically to all nominated students. Screening procedures may eliminate students for whom there exists clear, current evidence that the student will not qualify for eligibility under WAC 392-170-055.

[Statutory Authority: Chapter 28A.16 RCW. 84-14-037 (Order 84-20), § 392-170-050, filed 6/28/84.]

WAC 392-170-055 Assessment process for selection as highly capable student. Students nominated for selection

as a highly capable student, unless eliminated through screening as provided in WAC 392-170-050, shall be assessed by qualified district personnel using a minimum of one measure for each of the multiple criteria in WAC 392-170-040. In order to be considered for final selection as among the most highly capable by the multidisciplinary selection committee following assessment, there shall exist evidence of one or more of the following characteristics:

(1) Evidence that the student scores in the top ten percent in cognitive ability as demonstrated by a standardized ability test;

(2) Evidence that the student scores in the top five percent in one or more specific academic achievement area; and/or

(3) Evidence that the student demonstrates behavioral characteristics for exceptional creativity.

[Statutory Authority: Chapter 28A.16 RCW. 84-14-037 (Order 84-20), § 392-170-055, filed 6/28/84.]

WAC 392-170-060 Nondiscrimination in the use of tests. All tests and other evaluation materials used in the assessment shall have been validated for the specific purpose for which they are used and shall accurately reflect whatever factors the test purport to measure. If properly validated tests are not available, the professional judgment of the qualified district personnel shall determine eligibility of the student based upon other evidence of cognitive ability or academic achievement. This professional judgment shall be documented in writing.

[Statutory Authority: Chapter 28A.16 RCW. 84-14-037 (Order 84-20), § 392-170-060, filed 6/28/84.]

WAC 392-170-065 Nondiscrimination in the review of testing results. Test results used in the assessment of any nominated student shall be reviewed by a psychologist or other qualified practitioner with training to interpret cognitive and achievement tests. Where specific test results obtained in any assessment do not appear to the qualified district personnel to accurately reflect a student's cognitive ability or specific academic achievement, due to such reasons as test measurement error or environmental, cultural, or economic factor, the qualified district personnel shall apply professional judgment to a determination of cognitive ability or specific academic achievement. In such event, the qualified district personnel shall document in a written narrative the basis for such determination, the instruments used, if any, and the data collected for a determination of cognitive ability or specific academic achievement.

[Statutory Authority: Chapter 28A.16 RCW. 84-14-037 (Order 84-20), § 392-170-065, filed 6/28/84.]

WAC 392-170-070 Multidisciplinary selection committee. The multidisciplinary selection committee for the final selection of the most highly capable students for participation in the district's program for highly capable students shall consist of the following professionals:

(1) A classroom teacher with training and experience in teaching highly capable students: *Provided*, That if such a classroom teacher is not available, a classroom teacher shall be appointed;

(2) A psychologist or other qualified practitioner with the training to interpret cognitive and achievement test results;

(3) A district administrator with responsibility for the supervision of the district's program for highly capable students; and

(4) Such additional professionals, if any, the district deems desirable.

[Statutory Authority: Chapter 28A.16 RCW. 84-14-037 (Order 84-20), § 392-170-070, filed 6/28/84.]

WAC 392-170-075 Selection of most highly capable.

Each school district's board of directors shall adopt policies and procedures for the selection of the most highly capable students by the multidisciplinary selection committee. Such policies and selection procedures:

(1) Shall be consistent with the state board of education's prohibition against unlawful discrimination as defined in WAC 180-40-215(1);

(2) Shall be based on professional judgment as to which students will benefit the most from inclusion in the district's program, including such additional factors as the student's desire to be included in the program options provided by the district; and

(3) Shall be based on a selection system that determines which students are the most highly capable and which considers the multiple criteria in WAC 392-170-040, the assessment criteria in WAC 392-170-055, and other data collected in the assessment process: *Provided*, That for students whose cognitive ability score or achievement test results are not available for inclusion in the assessment because of the provision of WAC 392-170-060, the final selection ranking system shall provide an equal opportunity for such students to be included as most highly capable in spite of the fact that one or more of these scores were not available for inclusion in the assessment of such students.

[Statutory Authority: Chapter 28A.16 RCW. 84-14-037 (Order 84-20), § 392-170-075, filed 6/28/84.]

WAC 392-170-080 Educational program for highly capable students. Each student selected as a highly capable student shall be provided an educational opportunity which takes into account such students unique needs and capabilities. Such program shall recognize the limits of the resources provided by the state and the program options available to the district, including programs in adjoining districts and public institutions of higher education. Districts shall keep on file a description of the educational program provided for each student selected.

[Statutory Authority: Chapter 28A.16 RCW. 84-14-037 (Order 84-20), § 392-170-080, filed 6/28/84.]

WAC 392-170-085 Notification of parents. Each district shall notify parents of participating children of the involvement of their child in the district's program for highly gifted students.

[Statutory Authority: Chapter 28A.16 RCW. 84-14-037 (Order 84-20), § 392-170-085, filed 6/28/84.]

WAC 392-170-090 End of year report. Districts shall submit to the superintendent of public instruction at the close of fiscal year an end of the year report on forms provided by the superintendent of public instruction which includes number of students served by grade level and the ethnicity and gender of such students.

[Statutory Authority: Chapter 28A.16 RCW. 84-14-037 (Order 84-20), § 392-170-090, filed 6/28/84.]

WAC 392-170-095 District records. Districts shall keep such records as are necessary to demonstrate compliance with this chapter and shall make such records available to authorized state personnel.

[Statutory Authority: Chapter 28A.16 RCW. 84-14-037 (Order 84-20), § 392-170-095, filed 6/28/84.]

Chapter 392-171 WAC

SPECIAL EDUCATION PROGRAMS—EDUCATION FOR ALL HANDICAPPED CHILDREN

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	CITIZEN COMPLAINT PROCESS	392-171-045	Parent decision. [Order 11-76, § 392-171-045, filed 11/1/76; Order 7-75, § 392-171-045, filed 12/22/75. Formerly WAC 392-45-050.] Repealed by 78-11-074 (Order 11-78), filed 10/31/78. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7).
392-171-761	Right to register and process complaints.		
392-171-800	Aversive therapy—Purpose.		
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392-171-810	Aversive therapy—Definition of student with a handicapping condition.	392-171-050	Decision to terminate. [Order 11-76, § 392-171-050, filed 11/1/76; Order 7-75, § 392-171-050, filed 12/22/75. Formerly WAC 392-45-055.] Repealed by 78-11-074 (Order 11-78), filed 10/31/78. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7).
392-171-815	Aversive therapy—Prohibited forms.		
392-171-820	Aversive therapy—Other forms—Conditions.		
392-171-825	Aversive therapy—Individualized education program requirements.	392-171-055	Assessment procedures. [Order 11-76, § 392-171-055, filed 11/1/76; Order 7-75, § 392-171-055, filed 12/22/75. Formerly WAC 392-45-060.] Repealed by 78-11-074 (Order 11-78), filed 10/31/78. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7).
392-171-830	Aversive therapy—Parent complaint process.		
392-171-835	Transition to preschool program.		
392-171-900	Comprehensive system of personnel development.		
392-171-901	Definitions.		
392-171-905	Scope of system.	392-171-060	Collection of descriptions of child performance. [Order 11-76, § 392-171-060, filed 11/1/76; Order 7-75, § 392-171-060, filed 12/22/75. Formerly WAC 392-45-065.] Repealed by 78-11-074 (Order 11-78), filed 10/31/78. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7).
392-171-910	Establishment of a comprehensive system of personnel development advisory subcommittee.		
392-171-915	Annual needs assessment.		
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.	392-171-065	Assessment or needed consultation by professional resources not employed by school district. [Order 11-76, § 392-171-065, filed 11/1/76; Order 7-75, § 392-171-065, filed 12/22/75. Formerly WAC 392-45-070.] Repealed by 78-11-074 (Order 11-78), filed 10/31/78. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7).
392-171-940	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.	392-171-070	Assessment. [Order 11-76, § 392-171-070, filed 11/1/76; Order 7-75, § 392-171-070, filed 12/22/75. Formerly WAC 392-45-075.] Repealed by 78-11-074 (Order 11-78), filed 10/31/78. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7).
	DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER		
392-171-005	Purposes. [Order 11-76, § 392-171-005, filed 11/1/76; Order 7-75, § 392-171-005, filed 12/22/75. Formerly WAC 392-45-005.] Repealed by 78-11-074 (Order 11-78), filed 10/31/78. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7).	392-171-075	Assessment personnel. [Order 11-76, § 392-171-075, filed 11/1/76; Order 7-75, § 392-171-075, filed 12/22/75. Formerly WAC 392-45-080.] Repealed by 78-11-074 (Order 11-78), filed 10/31/78. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7).
392-171-010	Special education advisory council. [Order 11-76, § 392-171-010, filed 11/1/76; Order 7-75, § 392-171-010, filed 12/22/75. Formerly WAC 392-45-015.] Repealed by 78-11-074 (Order 11-78), filed 10/31/78. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7).	392-171-080	Analysis of assessment data. [Order 11-76, § 392-171-080, filed 11/1/76; Order 7-75, § 392-171-080, filed 12/22/75. Formerly WAC 392-45-085.] Repealed by 78-11-074 (Order 11-78), filed 10/31/78. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7).
392-171-015	Special education advisory council authority. [Order 11-76, § 392-171-015, filed 11/1/76; Order 7-75, § 392-171-015, filed 12/22/75. Formerly WAC 392-45-020.] Repealed by 78-11-074 (Order 11-78), filed 10/31/78. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7).	392-171-085	Goals and objectives. [Order 7-75, § 392-171-085, filed 12/22/75. Formerly WAC 392-45-090.] Repealed by Emergency and Permanent Order 11-76, filed 11/1/76, and by Order 15-76, filed 12/21/76. Later promulgation, see WAC 392-171-090.
392-171-020	Common school age—Child eligibility. [Order 9-77, § 392-171-020, filed 10/11/77, effective 11/11/77; Order 11-76, § 392-171-020, filed 11/1/76; Order 7-75, § 392-171-020, filed 12/22/75. Formerly WAC 392-45-030.] Repealed by 78-11-074 (Order 11-78), filed 10/31/78. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7).	392-171-090	Goals. [Order 11-76, § 392-171-090, filed 11/1/76; Order 7-75, § 392-171-090, filed 12/22/75. Formerly WAC 392-45-095.] Repealed by 78-11-074 (Order 11-78), filed 10/31/78. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7).
392-171-025	Procedures for functionally defining handicapping conditions. [Order 11-76, § 392-171-025, filed 11/1/76; Order 7-75, § 392-171-025, filed 12/22/75. Formerly WAC 392-45-035 (part).] Repealed by 78-11-074 (Order 11-78), filed 10/31/78. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7).	392-171-095	Placement options. [Order 11-76, § 392-171-095, filed 11/1/76; Order 7-75, § 392-171-095, filed 12/22/75. Formerly WAC 392-45-100 (part).] Repealed by 78-11-074 (Order 11-78), filed 10/31/78. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7).
392-171-030	Flow chart for procedures for functionally defining handicapping conditions. [Order 11-76, § 392-171-030, filed 11/1/76; Order 7-75, § 392-171-030, filed 12/22/75. Formerly WAC 392-45-035 (part).] Repealed by 78-11-074 (Order 11-78), filed 10/31/78. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7).	392-171-097	Materials and equipment. [Order 11-76, § 392-171-097, filed 11/1/76.] Repealed by 78-11-074 (Order 11-78), filed 10/31/78. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7).
392-171-035	Child as focus of concern. [Order 11-76, § 392-171-035, filed 11/1/76; Order 7-75, § 392-171-035, filed 12/22/75. Formerly WAC 392-45-040.] Repealed by 78-11-074 (Order 11-78), filed 10/31/78. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7).	392-171-100	Regular classroom placement options. [Order 11-76, § 392-171-100, filed 11/1/76; Order 7-75, § 392-171-100, filed 12/22/75. Formerly WAC 392-45-100 (part).] Repealed by 78-11-074 (Order 11-78), filed 10/31/78. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7).
392-171-040	Referral procedure. [Order 11-76, § 392-171-040, filed 11/1/76; Order 7-75, § 392-171-040, filed 12/22/75. Formerly WAC 392-45-045.] Repealed by 78-11-074 (Order 11-78), filed 10/31/78. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7).	392-171-105	Self-contained placement options. [Order 11-76, § 392-171-105, filed 11/1/76; Order 7-75, § 392-171-105, filed 12/22/75. Formerly WAC 392-45-100 (part).] Repealed by 78-11-074 (Order 11-78), filed 10/31/78. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7).
		392-171-110	Other placement options. [Order 11-76, § 392-171-110, filed 11/1/76; Order 7-75, § 392-171-110, filed 12/22/75. Formerly WAC 392-45-100 (part).] Repealed by 78-11-

- 074 (Order 11-78), filed 10/31/78. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7).
- 392-171-113 Decision that child will not be placed. [Order 11-76, § 392-171-113, filed 11/1/76.] Repealed by 78-11-074 (Order 11-78), filed 10/31/78. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7).
- 392-171-115 Program criteria necessary for eligibility. [Order 11-76, § 392-171-115, filed 11/1/76; Order 7-75, § 392-171-115, filed 12/22/75. Formerly WAC 392-45-105.] Repealed by 78-11-074 (Order 11-78), filed 10/31/78. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7).
- 392-171-120 Definitions and criteria for child eligibility. [Order 7-75, § 392-171-120, filed 12/22/75. Formerly WAC 392-45-110 (part).] Repealed by Emergency and Permanent Order 11-76, filed 11/1/76, and by Order 15-76, filed 12/21/76. Later promulgation, see WAC 392-171-020(2).
- 392-171-125 Definition of and eligibility criteria for mental retardation—Mildly retarded. [Order 11-76, § 392-171-125, filed 11/1/76; Order 7-75, § 392-171-125, filed 12/22/75. Formerly WAC 392-45-110 (part).] Repealed by 78-11-074 (Order 11-78), filed 10/31/78. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7).
- 392-171-130 Definition of and eligibility criteria for mental retardation—Moderately retarded. [Order 11-76, § 392-171-130, filed 11/1/76; Order 7-75, § 392-171-130, filed 12/22/75. Formerly WAC 392-45-110 (part).] Repealed by 78-11-074 (Order 11-78), filed 10/31/78. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7).
- 392-171-135 Definition of and eligibility criteria for mental retardation—Severely and profoundly retarded. [Order 11-76, § 392-171-135, filed 11/1/76; Order 7-75, § 392-171-135, filed 12/22/75. Formerly WAC 392-45-110 (part).] Repealed by 78-11-074 (Order 11-78), filed 10/31/78. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7).
- 392-171-137 IQ eligibility range variation. [Order 11-76, § 392-171-137, filed 11/1/76.] Repealed by 78-11-074 (Order 11-78), filed 10/31/78. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7).
- 392-171-140 Definition of and eligibility criteria for sensory handicapped. [Order 11-76, § 392-171-140, filed 11/1/76; Order 7-75, § 392-171-140, filed 12/22/75. Formerly WAC 392-45-110 (part).] Repealed by 78-11-074 (Order 11-78), filed 10/31/78. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7).
- 392-171-145 Definition of and eligibility criteria for gross motor and orthopedically handicapped. [Order 11-76, § 392-171-145, filed 11/1/76; Order 7-75, § 392-171-145, filed 12/22/75. Formerly WAC 392-45-110 (part).] Repealed by 78-11-074 (Order 11-78), filed 10/31/78. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7).
- 392-171-150 Definition of and eligibility criteria for behavioral disability. [Order 11-76, § 392-171-150, filed 11/1/76; Order 7-75, § 392-171-150, filed 12/22/75. Formerly WAC 392-45-110 (part).] Repealed by 78-11-074 (Order 11-78), filed 10/31/78. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7).
- 392-171-155 Definition of and eligibility criteria for neurological impairment. [Order 11-76, § 392-171-155, filed 11/1/76; Order 7-75, § 392-171-155, filed 12/22/75. Formerly WAC 392-45-110 (part).] Repealed by 78-11-074 (Order 11-78), filed 10/31/78. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7).
- 392-171-160 Definition of learning/language disability. [Order 11-76, § 392-171-160, filed 11/1/76; Order 7-75, § 392-171-160, filed 12/22/75. Formerly WAC 392-45-110 (part).] Repealed by 78-11-074 (Order 11-78), filed 10/31/78. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7).
- 392-171-165 Eligibility criteria for learning/language disability. [Order 11-76, § 392-171-165, filed 11/1/76; Order 7-75, § 392-171-165, filed 12/22/75. Formerly WAC 392-45-110 (part).] Repealed by 78-11-074 (Order 11-78), filed 10/31/78. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7).
- 392-171-170 Definition of and eligibility criteria for health impaired. [Order 11-76, § 392-171-170, filed 11/1/76; Order 7-75, § 392-171-170, filed 12/22/75. Formerly WAC 392-45-110 (part).] Repealed by 78-11-074 (Order 11-78), filed 10/31/78. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7).
- 392-171-175 Definition of and eligibility criteria for multiple handicapped. [Order 11-76, § 392-171-175, filed 11/1/76; Order 7-75, § 392-171-175, filed 12/22/75. Formerly WAC 392-45-110 (part).] Repealed by 78-11-074 (Order 11-78), filed 10/31/78. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7).
- 392-171-180 Definition of and eligibility criteria for communication disorders. [Order 11-76, § 392-171-180, filed 11/1/76; Order 7-75, § 392-171-180, filed 12/22/75. Formerly WAC 392-45-110 (part).] Repealed by 78-11-074 (Order 11-78), filed 10/31/78. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7).
- 392-171-185 School district decision. [Order 11-76, § 392-171-185, filed 11/1/76; Order 7-75, § 392-171-185, filed 12/22/75. Formerly WAC 392-45-115.] Repealed by 78-11-074 (Order 11-78), filed 10/31/78. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7).
- 392-171-190 Parent decision. [Order 11-76, § 392-171-190, filed 11/1/76; Order 7-75, § 392-171-190, filed 12/22/75. Formerly WAC 392-45-120.] Repealed by 78-11-074 (Order 11-78), filed 10/31/78. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7).
- 392-171-195 Objectives relating to instructional programs (short term). [Order 11-76, § 392-171-195, filed 11/1/76; Order 7-75, § 392-171-195, filed 12/22/75. Formerly WAC 392-45-125.] Repealed by 78-11-074 (Order 11-78), filed 10/31/78. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7).
- 392-171-200 Evaluation and program improvement. [Order 11-76, § 392-171-200, filed 11/1/76; Order 7-75, § 392-171-200, filed 12/22/75. Formerly WAC 392-45-130.] Repealed by 78-11-074 (Order 11-78), filed 10/31/78. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7).
- 392-171-203 Administration of medication. [Order 11-76, § 392-171-203, filed 11/1/76.] Repealed by 78-11-074 (Order 11-78), filed 10/31/78. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7).
- 392-171-205 Contractual services. [Order 11-76, § 392-171-205, filed 11/1/76; Order 7-75, § 392-171-205, filed 12/22/75. Formerly WAC 392-45-135.] Repealed by 78-11-074 (Order 11-78), filed 10/31/78. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7).
- 392-171-210 Approval of agencies and individuals for contractual arrangements. [Order 11-76, § 392-171-210, filed 11/1/76; Order 7-75, § 392-171-210, filed 12/22/75. Formerly WAC 392-45-140.] Repealed by 78-11-074 (Order 11-78), filed 10/31/78. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7).
- 392-171-215 Determining eligibility of nonpublic school agencies and individuals to provide special education services through contractual arrangements with school districts. [Order 7-75, § 392-171-215, filed 12/22/75. Formerly WAC 392-45-145.] Repealed by Emergency and Permanent Order 11-76, filed 11/1/76, and by Order 15-76, filed 12/21/76.
- 392-171-220 Responsibilities of school districts. [Order 11-76, § 392-171-220, filed 11/1/76; Order 7-75, § 392-171-220, filed 12/22/75. Formerly WAC 392-45-150.] Repealed by 78-11-074 (Order 11-78), filed 10/31/78. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7).
- 392-171-225 Compliance with federal, state and local law. [Order 11-76, § 392-171-225, filed 11/1/76; Order 7-75, § 392-171-225, filed 12/22/75. Formerly WAC 392-45-155.] Repealed by 78-11-074 (Order 11-78), filed 10/31/78. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7).
- 392-171-230 Written policies. [Order 7-75, § 392-171-230, filed 12/22/75. Formerly WAC 392-45-160.] Repealed by Order 15-76, filed 12/21/76. Later promulgation, see WAC 392-171-225(3).

- 392-171-235 Coordination of services. [Order 11-76, § 392-171-235, filed 11/1/76; Order 7-75, § 392-171-235, filed 12/22/75. Formerly WAC 392-45-165.] Repealed by 78-11-074 (Order 11-78), filed 10/31/78. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7).
- 392-171-240 Written contracts. [Order 11-76, § 392-171-240, filed 11/1/76; Order 7-75, § 392-171-240, filed 12/22/75. Formerly WAC 392-45-170.] Repealed by 78-11-074 (Order 11-78), filed 10/31/78. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7).
- 392-171-245 Special placement and parent appeal concerning contractual arrangements. [Order 11-76, § 392-171-245, filed 11/1/76; Order 7-75, § 392-171-245, filed 12/22/75. Formerly WAC 392-45-175.] Repealed by 78-11-074 (Order 11-78), filed 10/31/78. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7).
- 392-171-250 Interdistrict arrangements. [Order 11-76, § 392-171-250, filed 11/1/76; Order 7-75, § 392-171-250, filed 12/22/75. Formerly WAC 392-45-180.] Repealed by 78-11-074 (Order 11-78), filed 10/31/78. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7).
- 392-171-255 Appeals to school boards—Time periods—Court appointed representatives. [Order 11-76, § 392-171-255, filed 11/1/76; Order 7-75, § 392-171-255, filed 12/22/75. Formerly WAC 392-45-185 (part).] Repealed by 78-11-074 (Order 11-78), filed 10/31/78. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7).
- 392-171-260 Appeals and sanction procedures—Procedure at the hearing. [Order 11-76, § 392-171-260, filed 11/1/76; Order 7-75, § 392-171-260, filed 12/22/75. Formerly WAC 392-45-185 (part).] Repealed by 78-11-074 (Order 11-78), filed 10/31/78. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7).
- 392-171-265 Appeal from board's decision to superintendent of public instruction—Time periods. [Order 11-76, § 392-171-265, filed 11/1/76; Order 7-75, § 392-171-265, filed 12/22/75. Formerly WAC 392-45-185 (part).] Repealed by 78-11-074 (Order 11-78), filed 10/31/78. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7).
- 392-171-270 Appeals and sanction procedure—Child's continued attendance. [Order 11-76, § 392-171-270, filed 11/1/76; Order 7-75, § 392-171-270, filed 12/22/75. Formerly WAC 392-45-185 (part).] Repealed by 78-11-074 (Order 11-78), filed 10/31/78. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7).
- 392-171-275 Sanctions upon noncomplying school districts. [Order 11-76, § 392-171-275, filed 11/1/76; Order 7-75, § 392-171-275, filed 12/22/75. Formerly WAC 392-45-185 (part).] Repealed by 78-11-074 (Order 11-78), filed 10/31/78. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7).
- 392-171-280 Transportation. [Order 11-76, § 392-171-280, filed 11/1/76; Order 7-75, § 392-171-280, filed 12/22/75. Formerly WAC 392-45-190.] Repealed by 78-11-074 (Order 11-78), filed 10/31/78. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7).
- 392-171-285 Facilities. [Order 11-76, § 392-171-285, filed 11/1/76; Order 7-75, § 392-171-285, filed 12/22/75. Formerly WAC 392-45-195.] Repealed by 78-11-074 (Order 11-78), filed 10/31/78. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7).
- 392-171-330 Behavioral disability—Definition—Eligibility criteria. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-330, filed 10/31/78.] Repealed by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7).
- 392-171-335 Communication disorders—Definition—Eligibility criteria. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-335, filed 10/31/78.] Repealed by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7).
- 392-171-340 Gross motor and orthopedically handicapped—Definition—Eligibility criteria. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-340, filed 10/31/78.] Repealed by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7).
- 392-171-345 Health impaired—Definition—Eligibility criteria. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-345, filed 10/31/78.] Repealed by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7).
- 392-171-350 Specific learning disability—Definition. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 79-12-008 (Order 12-79), § 392-171-350, filed 11/9/79, effective 1/1/80; 78-11-074 (Order 11-78), § 392-171-350, filed 10/31/78.] Decodified by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7). Later promulgation, see WAC 392-171-406.
- 392-171-355 Specific learning disability—Eligibility criteria. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 79-12-008 (Order 12-79), § 392-171-355, filed 11/9/79, effective 1/1/80; 78-11-074 (Order 11-78), § 392-171-355, filed 10/31/78.] Decodified by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7). Later promulgation, see WAC 392-171-411.
- 392-171-356 Specific learning disability—Exceptions to general eligibility criteria. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 79-12-008 (Order 12-79), § 392-171-356, filed 11/9/79, effective 1/1/80.] Decodified by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7). Later promulgation, see WAC 392-171-416.
- 392-171-360 Mental retardation—Mildly retarded—Definition—Eligibility criteria. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-360, filed 10/31/78.] Repealed by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7).
- 392-171-365 Mental retardation—Moderately retarded—Definition—Eligibility criteria. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-365, filed 10/31/78.] Repealed by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7).
- 392-171-370 Mental retardation—Severely and profoundly retarded—Definition—Eligibility criteria. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-370, filed 10/31/78.] Repealed by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7).
- 392-171-375 Mental retardation—I.Q. eligibility range variation. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-375, filed 10/31/78.] Decodified by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7). Later promulgation, see WAC 392-171-426.
- 392-171-380 Multiple handicapped—Definition—Eligibility criteria. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-380, filed 10/31/78.] Decodified by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7). Later promulgation, see WAC 392-171-431.
- 392-171-384 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.
- 392-171-385 Neurological impairment—Definition—Eligibility criteria. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-385, filed 10/31/78.] Repealed by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7).
- 392-171-390 Sensory handicapped—Definition—Eligibility criteria. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-390,

- filed 10/31/78.] Repealed by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7).
- 392-171-395 Student as focus of concern—Preassessment procedures—Timeline. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-395, filed 10/31/78.] Decodified by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7). Later promulgation, see WAC 392-171-341.
- 392-171-400 General areas of assessment. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-400, filed 10/31/78.] Decodified by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7). Later promulgation, see WAC 392-171-346.
- 392-171-405 General assessment personnel, materials and report requirements. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-405, filed 10/31/78.] Decodified by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7). Later promulgation, see WAC 392-171-351.
- 392-171-410 Learning/language disabled students—Additional assessment team members—Classroom observation. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-410, filed 10/31/78.] Repealed by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7).
- 392-171-415 Learning/language disabled students—Written report of assessment team. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-415, filed 10/31/78.] Repealed by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7).
- 392-171-416 Specific learning disability—Exceptions to general eligibility criteria. [Statutory Authority: RCW 28A.13.070(7). 80-11-054 (Order 80-31), § 392-171-416, filed 8/19/80. Formerly WAC 392-171-356. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 79-12-008 (Order 12-79), § 392-171-356, filed 11/9/79, effective 1/1/80.] Repealed by 84-14-036 (Order 84-19), filed 6/28/84. Statutory Authority: RCW 28A.13.070(7).
- 392-171-420 Speech impaired students—Assessment. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-420, filed 10/31/78.] Decodified by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7). Later promulgation, see WAC 392-171-358.
- 392-171-425 Medical evaluation. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-425, filed 10/31/78.] Decodified by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7). Later promulgation, see WAC 392-171-361.
- 392-171-426 Mental retardation—I.Q. eligibility range variation. [Statutory Authority: RCW 28A.13.070(7). 80-11-054 (Order 80-31), § 392-171-426, filed 8/19/80. Formerly WAC 392-171-375. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-375, filed 10/31/78.] Repealed by 84-14-036 (Order 84-19), filed 6/28/84. Statutory Authority: RCW 28A.13.070(7).
- 392-171-430 Analysis of assessment data. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-430, filed 10/31/78.] Decodified by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7). Later promulgation, see WAC 392-171-366.
- 392-171-435 Independent educational assessment. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-435, filed 10/31/78.] Decodified by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7). Later promulgation, see WAC 392-171-371.
- 392-171-440 Meetings. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-440, filed 10/31/78.] Decodified by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7). Later promulgation, see WAC 392-171-456.
- 392-171-445 Individualized education program. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-445, filed 10/31/78.] Decodified by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7). Later promulgation, see WAC 392-171-461.
- 392-171-450 Initial educational placement—Notice—Consent. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-450, filed 10/31/78.] Decodified by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7). Later promulgation, see WAC 392-171-466.
- 392-171-455 Least restrictive environment. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-455, filed 10/31/78.] Repealed by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7).
- 392-171-460 Placement options—Selection—Required considerations. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-460, filed 10/31/78.] Decodified by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7). Later promulgation, see WAC 392-171-481.
- 392-171-465 Regular education program option. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-465, filed 10/31/78.] Repealed by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7).
- 392-171-470 Resource program option. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-470, filed 10/31/78.] Repealed by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7).
- 392-171-475 Self-contained program options. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-475, filed 10/31/78.] Repealed by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7).
- 392-171-480 Other program placement options. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-480, filed 10/31/78.] Decodified by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7). Later promulgation, see WAC 392-171-486.
- 392-171-485 Annual placement evaluation—Periodic reassessments—Program improvement. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-485, filed 10/31/78.] Decodified by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7). Later promulgation, see WAC 392-171-511.
- 392-171-490 When notice must be given. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-490, filed 10/31/78.] Decodified by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7). Later promulgation, see WAC 392-171-521.
- 392-171-495 Contents of notice. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-495, filed 10/31/78.] Decodified by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7). Later promulgation, see WAC 392-171-526.
- 392-171-500 Right to initiate—Purposes. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-500, filed 10/31/78.] Decodified by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7). Later promulgation, see WAC 392-171-531.
- 392-171-505 Hearing officers—Selection and expenses of—Parent assistance. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-505, filed 10/31/78.] Decodified by 80-11-054 (Order 80-31),

- filed 8/19/80. Statutory Authority: RCW 28A.13.070(7). Later promulgation, see WAC 392-171-536.
- 392-171-510 Hearing rights. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-510, filed 10/31/78.] Decodified by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7). Later promulgation, see WAC 392-171-551.
- 392-171-515 Timeline for hearing officer's decision—Time and place of hearing. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-515, filed 10/31/78.] Decodified by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7). Later promulgation, see WAC 392-171-556.
- 392-171-520 Final decision—Appeal. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-520, filed 10/31/78.] Decodified by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7). Later promulgation, see WAC 392-171-561.
- 392-171-525 Appeals to the superintendent of public instruction. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-525, filed 10/31/78.] Decodified by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7). Later promulgation, see WAC 392-171-566.
- 392-171-530 Timeline for reviewing officer's decision—Time and place of hearings—Final decision. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-530, filed 10/31/78.] Repealed by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7).
- 392-171-535 Student's status during hearing and state or judicial review processes. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-535, filed 10/31/78.] Decodified by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7). Later promulgation, see WAC 392-171-576.
- 392-171-540 Surrogate parents. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-540, filed 10/31/78.] Repealed by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7).
- 392-171-541 Hearing officers—Scheduling and conduct of hearings. [Statutory Authority: RCW 28A.13.070(7). 80-11-054 (Order 80-31), § 392-171-541, filed 8/19/80.] Repealed by 84-19-001 (Order 84-33), filed 9/6/84. Statutory Authority: RCW 28A.13.070(7).
- 392-171-545 Definition of "education records" as used in records rules. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-545, filed 10/31/78.] Decodified by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7). Later promulgation, see WAC 392-171-586.
- 392-171-546 Evidence. [Statutory Authority: RCW 28A.13.070(7). 80-11-054 (Order 80-31), § 392-171-546, filed 8/19/80.] Repealed by 84-19-001 (Order 84-33), filed 9/6/84. Statutory Authority: RCW 28A.13.070(7).
- 392-171-550 Definitions used in records rules—"Destruction"—"Native language"—And "participating agency." [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-550, filed 10/31/78.] Decodified by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7). Later promulgation, see WAC 392-171-591.
- 392-171-555 Access rights. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-555, filed 10/31/78.] Repealed by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7).
- 392-171-560 Record or access. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-560, filed 10/31/78.] Repealed by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7).
- 392-171-565 Records on more than one student. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-565, filed 10/31/78.] Repealed by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7).
- 392-171-566 Appeals to the superintendent of public instruction. [Statutory Authority: RCW 28A.13.070(7). 84-11-037 (Order 84-7), § 392-171-566, filed 5/15/84; 80-11-054 (Order 80-31), § 392-171-566, filed 8/19/80. Formerly WAC 392-171-525.] Repealed by 84-19-001 (Order 84-33), filed 9/6/84. Statutory Authority: RCW 28A.13.070(7).
- 392-171-570 List of types and locations of information. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-570, filed 10/31/78.] Repealed by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7).
- 392-171-571 Timeline for reviewing officer's decision—Time and place of hearings—Final decision. [Statutory Authority: RCW 28A.13.070(7). 80-11-054 (Order 80-31), § 392-171-571, filed 8/19/80.] Repealed by 84-19-001 (Order 84-33), filed 9/6/84. Statutory Authority: RCW 28A.13.070(7).
- 392-171-575 Fees. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-575, filed 10/31/78.] Repealed by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7).
- 392-171-580 Amendment of records at the request of a parent or adult student. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-580, filed 10/31/78.] Repealed by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7).
- 392-171-585 Hearing procedures regarding records. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-585, filed 10/31/78.] Repealed by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7).
- 392-171-590 Consent. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-590, filed 10/31/78.] Repealed by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7).
- 392-171-595 Safeguards. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-595, filed 10/31/78.] Repealed by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7).
- 392-171-600 Destruction of information. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-600, filed 10/31/78.] Repealed by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7).
- 392-171-605 Contractual services. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-605, filed 10/31/78.] Decodified by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7). Later promulgation, see WAC 392-171-491.
- 392-171-610 Approval of nonpublic school agencies. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-610, filed 10/31/78.] Decodified by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7). Later promulgation, see WAC 392-171-496.
- 392-171-615 School district responsibility when contracting for placement in a nonpublic school agency. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-615, filed 10/31/78.] Decodified by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7). Later promulgation, see WAC 392-171-501.
- 392-171-620 Out-of-state agencies. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-620, filed 10/31/78.] Decodified by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7). Later promulgation, see WAC 392-171-506.
- 392-171-625 Definition—"Private school handicapped student(s)." [Statutory Authority: RCW 28A.13.010 and

- 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-625, filed 10/31/78.] Decodified by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7). Later promulgation, see WAC 392-171-646.
- 392-171-630 School district responsibility for private school handicapped students. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-630, filed 10/31/78.] Decodified by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7). Later promulgation, see WAC 392-171-651.
- 392-171-635 Determination of needs, numbers of students and types of services. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-635, filed 10/31/78.] Repealed by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7).
- 392-171-640 Service arrangements. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-640, filed 10/31/78.] Repealed by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7).
- 392-171-645 Personnel in private schools and agencies. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-645, filed 10/31/78.] Repealed by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7).
- 392-171-650 Equipment—Construction. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-650, filed 10/31/78.] Repealed by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7).
- 392-171-655 Prohibition of segregation. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-655, filed 10/31/78.] Repealed by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7).
- 392-171-660 Funds and property not to benefit private schools. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-660, filed 10/31/78.] Decodified by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7). Later promulgation, see WAC 392-171-681.
- 392-171-665 Existing level of instruction. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-665, filed 10/31/78.] Repealed by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7).
- 392-171-670 Annual applications—Contents. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-670, filed 10/31/78.] Decodified by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7). Later promulgation, see WAC 392-171-691.
- 392-171-675 Denial of applications—Opportunity for hearing. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-675, filed 10/31/78.] Decodified by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7). Later promulgation, see WAC 392-171-696.
- 392-171-680 Monitoring. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-680, filed 10/31/78.] Repealed by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7).
- 392-171-685 Staff qualifications. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-685, filed 10/31/78.] Repealed by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7).
- 392-171-690 Transportation. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-690, filed 10/31/78.] Decodified by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7). Later promulgation, see WAC 392-171-706.
- 392-171-695 Facilities. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-695, filed 10/31/78.] Decodified by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7). Later promulgation, see WAC 392-171-711.
- 392-171-700 Comparable facilities. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-700, filed 10/31/78.] Repealed by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7).
- 392-171-705 Program length. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-705, filed 10/31/78.] Decodified by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7). Later promulgation, see WAC 392-171-721.
- 392-171-710 Administration of medication. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-710, filed 10/31/78.] Repealed by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7).
- 392-171-715 Definition of "unlawfully received or expended funds." [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-715, filed 10/31/78.] Decodified by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7). Later promulgation, see WAC 392-171-736.
- 392-171-720 Audits. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-720, filed 10/31/78.] Decodified by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7). Later promulgation, see WAC 392-171-741.
- 392-171-725 Fund withholding. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-725, filed 10/31/78.] Decodified by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7). Later promulgation, see WAC 392-171-746.
- 392-171-730 Recovery of funds. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-730, filed 10/31/78.] Decodified by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7). Later promulgation, see WAC 392-171-751.
- 392-171-735 Fund withholdings to enforce parent appeal decisions. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-735, filed 10/31/78.] Decodified by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7). Later promulgation, see WAC 392-171-756.
- 392-171-740 Right to register and process complaints. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-740, filed 10/31/78.] Decodified by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7). Later promulgation, see WAC 392-171-761.
- 392-171-745 Designation of responsible school district employee. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-745, filed 10/31/78.] Decodified by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7). Later promulgation, see WAC 392-171-766.
- 392-171-750 School district investigation of and response to complaints. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-750, filed 10/31/78.] Decodified by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7). Later promulgation, see WAC 392-171-771.
- 392-171-755 Appeal to the superintendent of public instruction. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-755, filed 10/31/78.] Decodified by 80-11-054 (Order 80-31), filed 8/19/80. Statutory Authority: RCW 28A.13.070(7). Later promulgation, see WAC 392-171-776.
- 392-171-760 Actions in response to notices of appeal. [Statutory Authority: RCW 28A.13.010 and 28A.13.070(7). 78-11-074 (Order 11-78), § 392-171-760, filed 10/31/78.] Decodified by 80-11-054 (Order 80-31), filed 8/19/80.

- Statutory Authority: RCW 28A.13.070(7). Later promulgation, see WAC 392-171-781.
- 392-171-766 Complaint directed to school district and designation of responsible school district employee. [Statutory Authority: RCW 28A.13.070(7). 83-08-029 (Order 83-1), § 392-171-766, filed 3/30/83; 80-11-054 (Order 80-31), § 392-171-766, filed 8/19/80. Formerly WAC 392-171-745.] Repealed by 88-12-017 (Order 88-14), filed 5/23/88. Statutory Authority: RCW 28A.13.070(7).
- 392-171-771 School district investigation of and response to complaints directed to the school district. [Statutory Authority: RCW 28A.13.070(7). 83-08-029 (Order 83-1), § 392-171-771, filed 3/30/83; 80-11-054 (Order 80-31), § 392-171-771, filed 8/19/80. Formerly WAC 392-171-750.] Repealed by 88-12-017 (Order 88-14), filed 5/23/88. Statutory Authority: RCW 28A.13.070(7).
- 392-171-776 Appeal to the superintendent of public instruction. [Statutory Authority: RCW 28A.13.070(7). 83-08-029 (Order 83-1), § 392-171-776, filed 3/30/83; 80-11-054 (Order 80-31), § 392-171-776, filed 8/19/80. Formerly WAC 392-171-755.] Repealed by 88-12-017 (Order 88-14), filed 5/23/88. Statutory Authority: RCW 28A.13.070(7).
- 392-171-781 Actions in response to notices of appeal and notices registering complaints. [Statutory Authority: RCW 28A.13.070(7). 83-08-029 (Order 83-1), § 392-171-781, filed 3/30/83; 80-11-054 (Order 80-31), § 392-171-781, filed 8/19/80. Formerly WAC 392-171-760.] Repealed by 88-12-017 (Order 88-14), filed 5/23/88. Statutory Authority: RCW 28A.13.070(7).
- 392-171-786 Special education program funding and reporting criteria for the 1980-81 school year. [Statutory Authority: RCW 28A.13.070(7). 80-11-054 (Order 80-31), § 392-171-786, filed 8/19/80.] Repealed by 81-20-003 (Order 81-29), filed 9/24/81. Statutory Authority: RCW 28A.41.170.

WAC 392-171-295 Authority. The authority for this chapter is RCW 28A.155.090(7) which authorizes the superintendent of public instruction to promulgate rules and regulations to implement chapter 28A.155 RCW. Such authority is supplemented by RCW 28A.300.070 which authorizes the superintendent of public instruction to receive federal funds in accordance with the provisions of federal law.

[Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-171-295, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-171-295, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.13.070(7). 84-14-036 (Order 84-19), § 392-171-295, filed 6/28/84.]

PURPOSES

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.]

STATE ADVISORY COUNCIL

WAC 392-171-305 Advisory council. (1) Council established—The special education state advisory council is hereby established in order to help facilitate the provision of special education and related services to meet 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.]

DEFINITIONS OF GENERAL APPLICATION

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 392-171-311 Definitions of "assessment," "current assessment," "reassessment," and "consent." As used in this chapter:

(1) "Assessment" means procedures used in accordance with WAC 392-171-346 through 392-171-366 and 392-171-516 to determine whether a student is handicapped and/or the nature and extent of the special education and related services that the student needs. The term means procedures used selectively with an individual student and does not include basic tests administered to or procedures used with all students in a school, grade, or class.

The purposes of assessment are to:

(a) Measure the student's present level of educational performance to identify the student's unique needs, abilities and limitations;

(b) Draw conclusions regarding the significance of the findings as related to the student's instructional program;

(c) Provide appropriate personnel with information for determining appropriate placement and developing the individualized education program in accordance with WAC 392-171-461;

(d) Assure appropriate identification of the handicapping condition; and

(e) Determine the student's eligibility for funding for special education and related services.

(2) "Current assessment" means:

(a) Intellectual assessment data shall be considered current if obtained during a one calendar year period prior to the formal assessment or if obtained during the formal assessment period.

(b) Academic assessment data, including perceptual assessment data, shall be considered "current" if obtained

during a ninety calendar day period prior to formal assessment or if obtained during the formal assessment period.

(c) Psychological and social assessment data shall be considered "current" if obtained during a thirty calendar day period prior to formal assessment or if obtained during the formal assessment period.

(d) Adaptive behavior assessment data, including vocational and career assessment data, shall be considered "current" if obtained during a ninety calendar day period prior to formal assessment or if obtained during the formal assessment period.

(e) Speech/language (communication skills) assessment data shall be considered "current" if obtained during a ninety calendar day period prior to formal assessment or if obtained during the formal assessment period.

(f) Vision/hearing screening data shall be considered "current" if obtained during a one calendar year period prior to formal assessment or if obtained during the formal assessment period.

(g) Medical assessment data shall be considered "current" if obtained during a one hundred eighty calendar day period prior to formal assessment or if obtained during the formal assessment period.

(3) "Reassessment" means procedures used in accordance with WAC 392-171-346 through 392-171-366 to determine the student's eligibility for and need for continuing special education and related services pursuant to WAC 392-171-516.

(4) "Consent" means that:

(a) The parent (or the adult student) has been fully informed of all information relevant to the activity for which consent is sought in his or her native language or other mode of communication, including being informed of existing assessment data to be used within the definitions of current assessment;

(b) The parent (or the adult student) understands and agrees in writing to the carrying out of the activity for which his or her consent is sought, and the consent describes that activity and lists the records (if any) which will be released and to whom; and

(c) The parent (or the adult student) understands that the granting of consent is voluntary on the part of the parent (or the adult student) and may be revoked at any time.

[Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-171-311, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.13.070(7). 80-11-054 (Order 80-31), § 392-171-311, filed 8/19/80.]

WAC 392-171-315 Definition of "special education." As used in this chapter "special education" means specially designed instruction, at no cost to the parent or the student, to meet the unique needs, abilities, and limitations of a 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 post-school 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 392-171-322 Definition—Supplementary services. As used in this chapter, the term "supplementary services" means any of the following:

(1) Resource rooms or any other instructional setting or program outside the regular class where specially designed instruction is provided.

(2) Specially designed instruction provided in the regular class by itinerant personnel qualified pursuant to WAC 392-171-701.

(3) Any other special instructional service provided in conjunction with regular class placement which permits the delivery of specially designed instruction in order to enable a handicapped student to achieve satisfactorily in regular classes. Such instructional services must be designed, monitored, and evaluated by special education personnel certificated and/or licensed pursuant to WAC 392-171-701 in cooperation with the regular class teacher.

[Statutory Authority: RCW 28A.13.070(7) and chapter 28A.13 RCW. 90-16-045 (Order 17), § 392-171-322, filed 7/25/90, effective 7/25/90.]

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.]

STUDENTS' RIGHTS TO SPECIAL EDUCATION

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 392-171-331 Continuing eligibility. (1) Any student whose eligibility was established pursuant to rules in effect at a time of prior assessment but before September 1, 1984, shall continue to remain eligible for special education and related services under the authority and provisions of such prior rules unless:

(a) The student has met high school graduation requirements established by the school district pursuant to the rules of the state board of education; or

(b) The student reaches age twenty-one; or

(c) The student is no longer in need of special education and related services: *Provided*, That the determination that the student needs to receive special education and related services is based on a reassessment of the student which concludes that, notwithstanding the fact that the student no longer meets the initial eligibility criteria, the student's performance is or will be adversely affected if he or she is terminated from special education. Any such student shall

be reassessed pursuant to WAC 392-171-346 through 392-171-366 and the applicable section(s) of WAC 392-171-381 through 392-171-451.

(2) Any student made a focus of concern for the first time and/or assessed for the first time after September 1, 1984, shall be assessed and determined eligible pursuant to WAC 392-171-346 through 392-171-366 and the applicable section(s) of WAC 392-171-381 through 392-171-451.

(3) Effective September 1, 1984, and thereafter, every handicapped student shall remain eligible for special education and related services only so long as the student has not yet met high school graduation requirements established by the school district pursuant to rules of the state board of education or the student has not reached age twenty-one, or the student no longer requires special education and related services as judged by the student's multidisciplinary team based on a reassessment of the student.

(4) The student whose twenty-first birthday occurs during the school year shall continue to be eligible for special education and related services for the remainder of the school year.

[Statutory Authority: RCW 34.05.220 [(1)](a), 89-23-001 (Order 15), § 392-171-331, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.13.070(7), 84-14-036 (Order 84-19), § 392-171-331, filed 6/28/84; 80-11-054 (Order 80-31), § 392-171-331, filed 8/19/80.]

IDENTIFICATION AND ASSESSMENT PROCEDURES

WAC 392-171-336 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 392-171-346 General areas of assessment.

The assessment of a student shall be in all areas related to the suspected disability. The assessment procedures outlined in WAC 392-171-381 through 392-171-451 are to be considered minimal, required procedures. Where concerns are indicated, as judged by the multidisciplinary team, additional or more in depth assessment in each of the following areas shall be conducted.

(1) Scholastic assessment. This area may include assessment of the intellectual, language and communication, academic and cognitive development of the student and any other scholastic area as deemed appropriate by the multidisciplinary team.

(2) Physical assessment. This area may include a review of the general health status of the student, vision and hearing screening, oral-peripheral examination, evaluation of musculo-skeletal, neurological, and developmental modalities, and any other physical area as deemed necessary by the multidisciplinary team.

(3) Adjustment assessment. This area may include assessment of the social skills and emotional status of the student, career and vocational assessment, and assessment of adaptive behaviors (e.g., self-help, interpersonal communication, survival skills, and practical application of academic skills).

[Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-171-346, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.13.070(7). 80-11-054 (Order 80-31), § 392-171-346, filed 8/19/80. Formerly WAC 392-171-400.]

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:

(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 392-171-358 Communication disordered students—Assessment. Students who are suspected of having a communication disorder as their only handicap shall be assessed by a qualified communication disorder specialist who shall use procedures appropriate for the diagnosis and appraisal of communication disorders. The student shall be referred for additional assessment needs for appropriate placement. The assessment results required in this section shall be summarized as provided in WAC 392-171-351(8).

[Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-171-358, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.13.070(7). 86-06-007 (Order 86-1), § 392-171-358, filed 2/21/86; 80-11-054 (Order 80-31), § 392-171-358, filed 8/19/80. Formerly WAC 392-171-420.]

WAC 392-171-361 Medical evaluation. (1) A medical evaluation is required when:

(a) It is necessary to meet the eligibility criteria for funding; or

(b) Voice training is being considered in the presence of hoarseness; or

(c) Whenever a qualified health professional suspects a student under consideration as a possible handicapped student of having a health problem which may affect his or her educational program.

(2) Medical evaluations at the expense or otherwise in behalf of a school district shall be obtained only:

(a) At the direction of or with the prior approval of the school district superintendent or his or her designee (except in the case of an independent assessment pursuant to WAC 392-171-371);

(b) In accordance with criteria established by the school district including, but not limited to, the location of the evaluation and the report required; and

(c) When the student's parent(s) (or the adult student) agrees in advance to the type of examination and the choice of medical examiner;

(d) When, except in the case of an adult student, the student's parent(s) is present at the time of the examination or has agreed that his or her presence is not required; and

(e) When the evaluation is conducted by the student's personal physician or if conducted by another physician, when the student's personal physician has been involved in the planning with the permission of the student's parent(s) (or the adult student).

(4) Medical evaluation services necessary to a determination of the educational needs of residential school students, shall be the responsibility of the department of social and health services pursuant to RCW 28A.190.040.

[Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-171-361, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-171-361, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.13.070(7). 80-11-054 (Order 80-31), § 392-171-361, filed 8/19/80. Formerly WAC 392-171-425.]

WAC 392-171-366 Summary analysis of assessment data.

(1) The leader of a student's assessment team shall review and analyze the summaries of assessment data provided for in WAC 392-171-351(8) and any other available data in each of the areas assessed. The conclusions, recommendations, and the facts and/or reasons resulting in the eligibility decision pursuant to WAC 392-171-376 shall:

(a) Describe the discrepancy which exists between the student's actual performance and his or her expected performance;

(b) Identify the handicapping condition(s), if any, that qualifies the student as a handicapped student;

(c) Set forth the nature and extent of the special education and related services that the student needs, if any;

(d) Reconcile any inconsistent or contradictory information and/or opinions evidenced in the assessment data, if any, supporting conclusion(s) with appropriate data;

(e) Relate the apparent significance, as appropriate, of such factors as test measurement error or cultural, environmental, economic, and behavioral factors to the assessment results.

Where specific test results obtained in any assessment do not appear to the multidisciplinary team to accurately reflect a student's expected performance the multidisciplinary team shall apply professional judgment to determine eligibility for special education and related services. In such event, the multidisciplinary team shall document in a written narrative the basis for such determination, the instruments used, and the data used for a determination of eligibility.

(f) Make recommendations to the individualized education program committee regarding placement, special education and related services needed (including the need, if appropriate, of scheduling such services over a period of time that exceeds the regular one hundred eighty school days), needs for specialized materials or equipment, learning modalities (e.g., auditory), and student management strategies (e.g., reinforcement schedules, etc.), as determined by the multidisciplinary team to be significant to the student's

program. If the multidisciplinary team at the time of the student's initial assessment by the district for professionally sound reasons is unable to make a recommendation regarding the need for an extended school year for a particular student, the multidisciplinary team shall make its recommendation regarding an extended school year prior to the May following initial assessment; and

(g) Provide any necessary professional judgment(s) and the facts or reasons in support of the judgment(s).

(2) The summary analysis shall be signed and dated by both the team leader and the school district's special education director or his or her designee.

(3) Provided that, in the case of a student suspected of having a specific learning disability, the summary analysis shall also include a statement of:

(a) The relevant behavior noted during observation(s) of the student, including the relationship of that behavior to the student's academic problem(s) in the regular education program;

(b) A summary, if applicable, of previous intervention attempts and results; and

(c) The educationally relevant medical findings, if any, including the results of a current vision and hearing screening.

(4) Each multidisciplinary team member shall certify in writing whether the summary analysis reflects his or her conclusion. If it does not reflect his or her conclusion, the team member must submit a separate statement presenting his or her conclusion(s) and the reasons therefor.

[Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-171-366, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.13.070(7). 86-06-007 (Order 86-1), § 392-171-366, filed 2/21/86; 84-14-036 (Order 84-19), § 392-171-366, filed 6/28/84; 80-11-054 (Order 80-31), § 392-171-366, filed 8/19/80. Formerly WAC 392-171-430.]

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 392-171-376 School district decision. The school district superintendent or his/her designee shall, based on the preceding procedures (WAC 392-171-341 through 392-171-366), arrive at one of the following decisions.

(1) The student does not have a handicapping condition(s); or

(2) The student does have a handicapping condition(s) and is in need of special education and related services.

The school district superintendent or his or her designee shall duly record in writing the decision as to the handicapping condition(s) of a student brought to the school's attention. Whatever decision is made, the information from the procedures for making the determination shall be filed in school district records. Within ten calendar days of the decision that the student does not have a handicapping condition, the parents or legal guardian of the student shall be informed in writing of the assessment findings in compliance with notice requirements of WAC 392-171-521. If the

decision is that the student has a handicapping condition(s), the school district shall request the parent(s) to participate in the IEP conference (individualized education program) pursuant to WAC 392-171-456. Upon the request of the parent (or the adult student) the school district shall provide the parent (or the adult student) a copy of the summary analysis prior to the IEP meeting: *Provided*, That the parent (or the adult student) may request a meeting with the school district to explain the summary analysis.

[Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-171-376, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.13.070(7). 80-11-054 (Order 80-31), § 392-171-376, filed 8/19/80.]

ELIGIBILITY CRITERIA FOR STUDENTS WITH DISABILITIES

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 392-171-386 Definition and eligibility criteria for seriously behaviorally disabled. (1) Seriously behaviorally disabled students are those who exhibit one or more of the following characteristics over a long period of time and to a marked degree, which adversely affects their own educational performance:

- (a) An inability to learn which cannot be explained by intellectual, sensory, or health factors;
- (b) An inability to build or maintain satisfactory interpersonal relationships with peers and teachers;
- (c) Inappropriate types of behavior or feelings under normal circumstances;
- (d) A general pervasive mood of unhappiness or depression; or
- (e) A tendency to develop physical symptoms or fears associated with personal or school problems.

(2) The term includes students who are schizophrenic. The term does not include students who are socially maladjusted, unless it is determined that they are also seriously behaviorally disabled. Students whose primary disability is identified in another handicapping category do not qualify as seriously behaviorally disabled.

(3) All students considered for initial placement in special education as seriously behaviorally disabled shall be assessed by a multidisciplinary team including at least one school psychologist or school social worker and determined as eligible for special education and related services according to the following:

(a) A current school district evaluation which concludes that the student has a serious behavioral disability and which considers and describes the student's social and emotional behaviors and provides any implications for educational planning.

(b) For the purposes of establishing that the student has a behavioral disability, the evaluation shall describe behaviors which distinguish between common disciplinary problem behaviors and serious behavioral disabilities. Common disciplinary problem behaviors (e.g., truancy, smoking, breaking school conduct rules) may exist in conjunction with serious behavioral disabilities, but cannot be used as the sole criteria for recommending special education and related services.

The evaluation shall include:

(i) Dated and signed documented anecdotal records of behavioral observations made by two or more persons at separate times and places, each of which cite and corroborate specific behaviors which, in the aggregate, provide foundation for probable concern for serious behavioral disability. Multiple settings are required (e.g., in addition to the classroom setting consider playground, cafeteria, school bus, hallway, etc.); and

(ii) Dated and signed documented evidence of at least two intervention techniques that have been tried and the effect of each. These interventions may include, but are not limited to, changes in student's regular class schedule, curriculum, and/or teacher, school counseling, community agency therapy, or counseling; and

(iii) A social or developmental history compiled directly from the parent(s) and/or records, when parents are not available.

(c) Current assessment of level of academic or cognitive achievement as measured by standardized tests appropriate to age level and administered individually.

(d) A current vision and hearing screening report.

(e) In the event that the required academic assessment and vision and hearing screening are completed and there are documented and dated anecdotal records of behavioral observations showing that the student's disability is evident in the school environment, the following evaluation reports may be substituted for the school district's evaluation:

(i) A current psychiatric evaluation which considers and describes the student's social and emotional behaviors, which concludes and describes a serious behavioral disability and where implications for educational planning are provided. The multidisciplinary team shall consider these implications in planning and implementing the student's educational program; or

(ii) A current psychological evaluation by a nonpublic school mental health professional who holds a graduate degree in a recognized mental health specialty that considers and describes the student's social and emotional behaviors, which concludes that the student has a serious behavioral disability, the consequences of which entail the necessity for active, on-going therapy and/or counseling, and where implications for educational planning are provided. The multidisciplinary team shall consider these implications in planning and implementing the student's educational program.

[Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-171-386, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.13.070(7). 84-14-036 (Order 84-19), § 392-171-386, filed 6/28/84; 83-08-029 (Order 83-1), § 392-171-386, filed 3/30/83; 80-11-054 (Order 80-31), § 392-171-386, filed 8/19/80.]

WAC 392-171-391 Definition and eligibility criteria for communication disordered. A student shall be considered to have a communication disorder if there is present a documented communication disorder such as stuttering, voice disorder, language impairment, and/or impaired articulation which adversely affects a student's educational performance. The assessment procedures and eligibility standards outlined in this section apply to those students whose only handicapping condition is a communication disorder.

All students considered for initial placement in special education as communication disordered shall be assessed and determined eligible for special education and related services according to the following:

(1) A current hearing screening report;

(2) A current description of the level of educational or cognitive development as provided by the classroom teacher, or where available, by standardized tests in those areas affected by the speech and/or communication problem(s) including discussion of the existing or potential impact of the problem(s) on educational performance; and

(3) A current assessment of the level of speech and/or language development as measured by standardized tests or professionally recognized procedures, scales, or checklists appropriate to the student's age level and mode of communication, individually administered, and which considers the student's sex, dialect norms, social-cultural environment, and behaviors: *Provided*, That for children under the age of eligibility for entry to the first grade the assessment shall

include development acquisition of speech and language. Such measures shall result in one or more of the following findings that the student:

(a) Achieves a rating of moderate or severe on a standardized articulation test that yields a severity rating and/or misarticulates in comparison to developmental norms five or more unrelated phonemes each in two or more positions (initial, medial, or final) for children under the age of eligibility for entry to the first grade, three or more unrelated phonemes for students age six through age seven, or one or more for students over age seven, with consideration given to the student's speech intelligibility, physical ability, and/or therapy history.

(b) Has a delay in receptive and/or expressive language such that functioning is one year or more below chronological age for students up through age eight or functioning is two-thirds of chronological age or below for students over age eight.

(c) Has interruptions or dysfluencies in more than one speaking situation such as repetitions, prolongations, blockage in flow of speech, struggle, or avoidance behaviors which interfere with communication or are inconsistent with age or development.

(d) Has a deviation in voice quality, pitch, or loudness characterized by abusive vocal habits, or interference with communication, or is inconsistent with age or development, or demonstrates chronic hoarseness of duration of three weeks or more.

Whenever appropriate, referral for medical and/or psychological and/or other evaluations shall be made and the results considered in the assessment of the student's suspected handicapping condition.

[Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-171-391, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.13.070(7). 84-14-036 (Order 84-19), § 392-171-391, filed 6/28/84; 80-11-054 (Order 80-31), § 392-171-391, filed 8/19/80.]

WAC 392-171-396 Definition and eligibility criteria for orthopedically impaired. Orthopedically impaired students are those who lack normal function of muscles, joints or bones due to congenital anomaly, disease or permanent injury, and such condition adversely affects their educational performance.

All students considered for initial placement in special education as orthopedically impaired shall be assessed and determined eligible for special education and related services according to the following:

(1) A current medical evaluation by a qualified medical practitioner which describes and confirms the student's health circumstances and which provides any medical implications for educational planning;

(2) Current assessment of level of academic achievement as measured by standardized tests appropriate to age level and administered individually;

(3) A current evaluation which considers and describes the student's social and emotional behaviors and which provides any implications for educational planning, including an evaluation of adaptive behavior as measured by standardized instrument(s) or professionally recognized scales where there are no known standardized measures, which addresses the student's self-help and interpersonal communication skills in relation to chronological age/grade peers;

(4) A current physical therapy and/or occupational therapy evaluation which considers and describes implications for therapy as a part of educational planning; and

(5) A current vision and hearing screening report.

[Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-171-396, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.13.070(7). 80-11-054 (Order 80-31), § 392-171-396, filed 8/19/80.]

WAC 392-171-401 Definition and eligibility criteria for health impaired. 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 392-171-406 Specific learning disability—Definition. Specific learning disability is a disorder in one or more of the basic psychological processes involved in understanding or using spoken or written language. Such disorder may include problems in visual and auditory perception and integration and may manifest itself in an impaired ability to think, speak or communicate clearly, read with comprehension, write legibly and with meaning, and to accurately perform mathematical calculations, including those involving reading. Spelling shall not stand alone as a qualifying academic achievement area. The presence of a specific learning disability is indicated by intellectual functioning above that specified in this chapter for eligibility as mentally retarded and by a severe discrepancy between the student's intellectual ability and academic achievement in one or more of the following areas:

- (1) Oral expression;
- (2) Listening comprehension;
- (3) Written expression;
- (4) Basic reading skill;
- (5) Reading comprehension;
- (6) Mathematics calculations; and
- (7) Mathematics reasoning;

Provided, That such a performance deficit cannot be explained by visual or hearing problems, motor handicaps, mental retardation, behavioral disability, or environmental, cultural, or economic factors.

A specific learning disability includes conditions described as perceptual handicap, minimal brain dysfunction, dyslexia, and developmental aphasia: *Provided*, That the student meets the eligibility criteria set forth in WAC 392-171-411, including documentation of severe discrepancy as required by WAC 392-171-413 and 392-171-418.

[Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-171-406, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.13.070(7). 84-14-036 (Order 84-19), § 392-171-406, filed 6/28/84; 80-11-054 (Order 80-31), § 392-171-406, filed 8/19/80. Formerly WAC 392-171-350.]

WAC 392-171-411 Specific learning disability—Assessment procedures and eligibility criteria. Assessment procedures and eligibility standards: All students considered for initial placement in special education as specific learning disabled shall be assessed and determined eligible for special education and related services according to the following:

(1) A current assessment of sufficient scope to rule out eligibility for any other handicapping condition and to rule out environmental, cultural, or economic factors as an explanation for the specific academic problem;

(2) A current vision and hearing screening report shall be obtained and shall be of sufficient scope to rule out vision or hearing acuity as an explanation for the specific academic problem;

(3) A written record of observation of the student's learning behaviors in the regular education program and the relationships of these behaviors to the specific academic problem shall be completed by a member of the assessment team other than the student's regular education teacher; and

(4) Written documentation that the student has an academic achievement problem in the regular education program shall be available. Such documentation shall include, if applicable, previous intervention attempts and the results obtained. Examples of data used for documentation may include:

- (a) Student performance on daily classroom work and/or criterion-referenced tests;
- (b) Summary of past student performance;
- (c) Group test results;
- (d) Teacher observation and judgments; and
- (e) Performance on student learning objectives.

(5) Documentation of the existence of a severe discrepancy between the student's intellectual ability and academic achievement in one or more of the seven areas specified in WAC 392-171-406 shall be recorded. Such documentation shall conform to the requirements of WAC 392-171-413 or 392-171-418, whichever is applicable.

(6) Tests used to assess the student's intellectual ability and academic achievement shall be:

- (a) Current;
- (b) Reliable as demonstrated by a reliability coefficient of .85 or above;
- (c) Normed on representative national samples;
- (d) Selected and administered in accordance with the general requirements of WAC 392-171-351; and
- (e) Individually administered and interpreted by a qualified person (defined in WAC 392-171-351) in accordance with the standardized procedures described in the test manuals.

[Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-171-411, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.13.070(7). 84-14-036 (Order 84-19), § 392-171-411, filed 6/28/84; 80-11-054 (Order 80-31), § 392-171-411, filed 8/19/80. Formerly WAC 392-171-355.]

WAC 392-171-412 Discrepancy tables for determining severe discrepancy under WAC 392-171-413. The superintendent of public instruction shall develop and publish discrepancy tables for the purpose of determining a severe discrepancy between intellectual ability and academic achievement pursuant to WAC 392-171-413. Such tables shall be developed on the basis of a regressed standard score discrepancy method which shall consider the following variables:

- (1) The reliability coefficient of the intellectual ability test;
- (2) The reliability coefficient of the academic achievement test; and
- (3) An appropriate correlation between the intellectual ability and the academic achievement tests.

The regressed standard score discrepancy method shall be applied at a criterion level of 1.55.

[Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-171-412, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.13.070(7). 84-14-036 (Order 84-19), § 392-171-412, filed 6/28/84.]

WAC 392-171-413 Method for documenting severe discrepancy—Grades one and above. (1) For students in grades one and above, a severe discrepancy shall be determined and documented from tables developed pursuant to WAC 392-171-412.

(2) For the purposes of applying the severe discrepancy tables, the following scores shall be used:

- (a) A total or full scale intellectual ability score; and
- (b) An academic achievement test score which can be converted into a standard score with a mean of one hundred and a standard deviation of fifteen.

(c) A severe discrepancy between the student's intellectual ability and academic achievement in one or more of the seven areas provided for in WAC 392-171-406 shall be determined by applying the regressed standard score discrepancy method to the obtained intellectual ability and achievement test scores using the tables referenced above: *Provided*, That where the assessment results do not appear to accurately represent the student's intellectual ability and where the discrepancy between the student's intellectual ability and academic achievement does not initially appear to be severe upon application of the discrepancy tables, WAC 392-171-412, the multidisciplinary team shall apply

professional judgment in order to determine the presence of a severe discrepancy. In this event, the multidisciplinary team shall document in writing a narrative explanation as to why the student has a severe discrepancy. The multidisciplinary team must provide supportive evidence, including the procedures used to determine that a severe discrepancy exists between the student's intellectual ability and academic achievement: *Provided further*, That if the prohibition against the use of specific tests or test results as provided in WAC 392-171-351(4) shall preclude the use of any of the tests referenced above, the multidisciplinary team shall document in a written narrative the basis upon which the members decided that there exists a severe discrepancy between intellectual ability and achievement.

[Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-171-413, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.13.070(7). 84-14-036 (Order 84-19), § 392-171-413, filed 6/28/84.]

WAC 392-171-418 Additional method for documenting severe discrepancy—Grades seven and above. For a student in grades seven and above not found eligible under WAC 392-171-413 as a specific learning disabled student, the existence of a severe discrepancy between that student's intellectual ability and academic achievement shall be determined and documented as follows:

- (1) An intellectual ability test shall be administered.
- (2) An academic achievement test in one or more of the seven areas described in WAC 392-171-406 shall be administered.
- (3) The student's chronological age/grade (CAG) performance in one or more of the academic achievement areas provided for in the definition shall be adjusted for expectations due to variance in intellectual functioning. The expected performance adjusted for intellectual functioning shall then be compared to the results of the actual achievement measures, the results of which must yield:
 - (a) A functioning level of two-thirds or below of expected performance; and
 - (b) A functioning level below chronological age/grade.
- (4) If the results of the above comparison for a particular student indicate a functioning level of two-thirds or below of expected performance and a functioning level below chronological age/grade level in one or more of the seven areas described in WAC 392-171-406, a severe discrepancy has been documented.

[Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-171-418, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.13.070(7). 84-14-036 (Order 84-19), § 392-171-418, filed 6/28/84.]

WAC 392-171-421 Definition and eligibility criteria for mental retardation. Mentally retarded students are those who demonstrate significantly subaverage general intellectual functioning existing concurrently with deficits in adaptive behavior and manifested during the developmental period, which adversely affects their educational performance.

- (1) Assessment procedures. All students considered for initial placement in special education as mentally retarded shall be assessed and determined eligible for special education and related services according to the following:

- (a) A current assessment of intellectual functioning obtained from a standardized individual test designed to measure intellectual functioning, individually administered by a qualified psychologist and interpreted and attested to as to validity by a qualified psychologist; and

- (b) A current evaluation which considers and describes adaptive behavior as measured by standardized instrument(s), or professionally recognized scales where there are no known standardized measures, which discusses any implications for educational planning; and

- (c) Current assessment of level of academic achievement as measured by standardized tests appropriate to age level and administered individually; and

- (d) A developmental history compiled directly from the parent(s), or records, when parents are not available; and

- (e) A current vision and hearing screening report.

(2) Eligibility standards. The measured level of functioning is to be classified as follows:

- (a) Mild mental retardation. Intellectual functioning (IQ) range from approximately 51 through 75 and the following conditions:

- (i) Academic functioning equal to three-fourths or less of chronological age/grade; and

- (ii) Adaptive behavior equal to three-fourths or less chronological age/grade.

- (b) Moderate mental retardation. Intellectual functioning (IQ) range from 30 to 50 and the following conditions:

- (i) Academic functioning equal to one-half or less of chronological age/grade; and

- (ii) Adaptive behavior equal to one-half or less of chronological age/grade.

- (c) Severe/profound mental retardation. Intellectual functioning (IQ) range under 30 and the following:

- (i) Academic functioning equal to one-third or less of chronological age/grade; and

- (ii) Adaptive behavior equal to one-third or less of chronological age/grade.

[Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-171-421, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.13.070(7). 80-11-054 (Order 80-31), § 392-171-421, filed 8/19/80.]

WAC 392-171-431 Definition and eligibility criteria for multihandicapped. A student shall be considered multihandicapped when there are present and documented two or more handicapping conditions, each of which is so severe as to warrant a special program were that handicapping condition to appear in isolation, and the combination of which causes such severe educational problems that the student requires intensive programming cannot be accommodated in special education programs solely for one of the impairments. Students who are deaf-blind are not included as multihandicapped. (See WAC 392-171-451.) Students who are classified as specific learning disability in combination with another handicapping condition shall not be eligible to be counted for state funding purposes as multihandicapped.

Assessment procedures and eligibility standards: All students considered for initial placement in special education as multihandicapped shall be assessed and determined eligible for special education and related services according to the following:

(1) Assessment procedures for each handicapping condition have been followed, the results of which document eligibility for inclusion in special education were each handicap to appear in isolation; and

(2) Summary statements in the assessment analysis report document that the effect of the multiplicity of handicaps is so severe that the student cannot be accommodated in special education programs solely for one of the impairments.

[Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-171-431, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.13.070(7). 84-14-036 (Order 84-19), § 392-171-431, filed 6/28/84; 80-11-054 (Order 80-31), § 392-171-431, filed 8/19/80. Formerly WAC 392-171-380.]

WAC 392-171-436 Definition and eligibility criteria for deaf. Deaf student are those students who have a documented hearing impairment which is so severe that the student is impaired in processing linguistic information through hearing, with or without amplification, which adversely affects educational performance.

All students considered for initial placement in special education as deaf shall be assessed and determined eligible for special education and related services according to the following:

(1) A current evaluation by a qualified audiologist which describes and confirms that the hearing impairment is so severe that student is impaired in processing linguistic information through hearing, with or without amplification and which prevents the auditory channel from being the primary mode of learning speech and language and adversely affects educational performance;

(2) Current assessment of level of academic achievement as measured by standardized tests appropriate to age level and administered individually;

(3) A current evaluation which considers and describes the student's social and emotional behaviors and which provides any implications for educational planning;

(4) A current assessment of language development as measured by standardized tests or professionally recognized scales appropriate to age level and administered individually; and

(5) A current vision screening report.

[Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-171-436, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.13.070(7). 80-11-054 (Order 80-31), § 392-171-436, filed 8/19/80.]

WAC 392-171-441 Definition and eligibility criteria for hard of hearing. Hard of hearing students are those students who have a hearing impairment, whether permanent or fluctuating, which adversely affects the student's educational performance.

All students considered for initial placement in special education as hard of hearing shall be assessed and determined eligible for special education and related services according to the following:

(1) A current evaluation by a qualified audiologist which describes and confirms that the student:

(a) Has an organic hearing loss in excess of 20 dB better ear average in the speech range (500, 1,000, 2,000 Hz), unaided; or

(b) Has a history of fluctuating hearing loss which has interrupted the normal acquisition of speech and language and continues to be a part of educational planning.

(2) A current assessment of level of academic achievement as measured by standardized tests appropriate to age level and administered individually.

(3) A current evaluation which describes and confirms the student's social and emotional behaviors and which provides any implications for educational planning.

(4) A current assessment of language development as measured by standardized tests or professionally recognized scales appropriate to age level and administered individually.

(5) A current vision screening report.

Each school district shall ensure that the hearing aids worn by deaf and hearing impaired students in school are functioning properly.

[Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-171-441, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.13.070(7). 80-11-054 (Order 80-31), § 392-171-441, filed 8/19/80.]

WAC 392-171-446 Definition and eligibility criteria for visually handicapped. Visually handicapped students are those students who have a visual impairment which, even with correction, adversely affects the student's educational performance. The term includes both partially sighted and blind students.

All students considered for initial placement in special education as visually handicapped shall be assessed and determined eligible for special education and related services according to the following:

(1) A current evaluation by a qualified vision specialist or physician which describes and confirms that the student:

(a) Has visual acuity of 20/70 or less in the better eye with correction; or

(b) Has a field of vision which at its widest diameter subtends an angle of no greater than twenty degrees in the better eye with correction.

(2) Current assessment of level of academic achievement as measured by standardized tests appropriate to age level and administered individually.

(3) A current evaluation which considers and describes the student's social and emotional behaviors and which provides any implications for educational planning.

[Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-171-446, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.13.070(7). 80-11-054 (Order 80-31), § 392-171-446, filed 8/19/80.]

WAC 392-171-451 Definition and eligibility criteria for deaf-blind. Deaf-blind students are those whose hearing and vision impairments, in combination, cause such severe communication and other developmental and educational problems that they cannot be accommodated in special education programs solely for deaf or blind students.

All students considered for initial placement in special education as deaf-blind shall be assessed and determined eligible for special education and related services according to the following:

(1) A current evaluation by a qualified audiologist and vision specialist or physician which describes and confirms that the vision and hearing impairments, in combination, cause such severe communication and other developmental

and educational problems that the students cannot be accommodated in special education programs solely for deaf or blind students.

(2) Current assessment of level of academic achievement as measured by standardized tests appropriate to age level and administered individually.

(3) A current evaluation which considers and describes the student's social and emotional behaviors and which provides any implications for educational planning; and

(4) A current assessment of language development as measured by standardized tests or professionally recognized scales appropriate to age level and administered individually.

[Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-171-451, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.13.070(7). 80-11-054 (Order 80-31), § 392-171-451, 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.]

INDIVIDUALIZED EDUCATION PROGRAMS

WAC 392-171-456 Meetings. (1) A meeting shall be held within thirty calendar days after the date upon which a student's assessment is completed for the purpose of developing the student's individualized education program. The

school district shall initiate and conduct the meeting and shall include the following participants:

(a) A representative of the school district other than the student's teacher who is qualified to provide or supervise the provision of special education and related services;

(b) The student's regular classroom teacher or special education teacher or therapist: *Provided*, That either the representative of the school district or the teacher or therapist is qualified in the area of the student's suspected disability;

(c) One or both of the parents (in the case of a 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.]

PLACEMENTS

WAC 392-171-466 Initial educational placement—Notice—Consent. (1) Each school district shall provide written notice of a student's proposed, initial special education placement, or of the district's inability or refusal to make a special education placement, at the initial meeting or within ten calendar days after the initial meeting provided for in WAC 392-171-456. The notice shall comply with the notice requirements of WAC 392-171-526. Provided that 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 392-171-486 Home/hospital instruction.

Home or hospital instruction shall be provided to both handicapped students and other students who are unable to attend school for an estimated period of four weeks or more because of physical disability or illness. As conditions to such services, the parent(s) of a student (or the adult student) shall request the services and provide a written statement to the school district from a qualified medical practitioner that states the student will not be able to attend school for an estimated period of at least four weeks. A student who is not otherwise handicapped pursuant to WAC 392-171-310 who qualifies pursuant to this subsection shall be deemed "handicapped" only for the purpose of home/hospital instructional services and funding and may not otherwise qualify as a handicapped student for the purposes of generating state or federal special education funds. A school district shall not pay the cost of the statement from a qualified medical practitioner for the purposes of qualifying a student for home/hospital instructional services pursuant to this section.

Home-hospital instructional services funded in accordance with the provisions of this section shall not be used for initial or on-going placement of otherwise handicapped students. It shall be limited to placement as is deemed necessary to provide temporary intervention as a result of a physical disability or illness.

[Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-171-486, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.13.070(7). 80-11-054 (Order 80-31), § 392-171-486, filed 8/19/80. Formerly WAC 392-171-480.]

WAC 392-171-491 Contractual services. (1) School districts, severally or jointly, shall be authorized to:

(a) Enter into interdistrict agreements with another school district(s) pursuant to RCW 28A.335.160, 28A.225.250, 28A.225.260, and chapter 392-135 WAC; and

(b) Contract with nonpublic and public school agencies for special education and related services for handicapped students: *Provided*, That the school district establishes that it cannot provide an appropriate education for the handicapped student within the district or another school district: *Provided further*, That in the case of a cooperative placement by a school district of a handicapped student at a center for the furtherance of research and training in handicapping conditions as established pursuant to RCW 28B.20.410 through 28B.20.414, as now or hereafter amended, or other such centers as may be established at other public institutions of higher education, as defined in RCW 28B.10.016, the school districts shall establish that the parent (or adult student) has given written approval for placement of the handicapped student at such center despite the existence of an appropriate education for the handicapped student within the district or another school district and has agreed that such placement would equal or substantially equal the placement available in the school district.

(2) If a handicapped student has special education and related services available in his or her public school district of residence and the child is placed in another public school district or in a public or private school or facility other than pursuant to a contractual arrangement between the student's district of (initial) residence and the entity of placement, the district of (initial) residence shall not be required to pay for the student's education or otherwise be responsible for the education of the student, except to the extent the student may qualify for services as a private school student pursuant to WAC 392-171-646 et seq.

[Statutory Authority: 1990 c 33, 90-16-002 (Order 18), § 392-171-491, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 34.05.220 [(1)](a), 89-23-001 (Order 15), § 392-171-491, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.13.070(7), 80-11-054 (Order 80-31), § 392-171-491, filed 8/19/80. Formerly WAC 392-171-605.]

WAC 392-171-496 Approval of nonpublic and public school agencies. A school district shall not either place a student in a nonpublic or public school agency or award a contract to a nonpublic or public school agency until the nonpublic or public school agency has been approved by the state board of education. Approval of such agencies shall be made in accordance with the following procedures:

(1) The school district shall establish that all requirements imposed by this chapter for contracting with a nonpublic or public school agency can be met and shall forward the nonpublic or public school agency's application to the superintendent of public instruction or his or her designee;

(2) The superintendent of public instruction or his or her designee shall recommend approval or disapproval of the agency to the state board of education; and

(3) The superintendent of public instruction or his or her designee shall notify the requesting school district and nonpublic or public school agency of approval or disapproval.

[Statutory Authority: RCW 34.05.220 [(1)](a), 89-23-001 (Order 15), § 392-171-496, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW

28A.13.070(7), 80-11-054 (Order 80-31), § 392-171-496, filed 8/19/80. Formerly WAC 392-171-610.]

WAC 392-171-501 School district responsibility when contracting for placement in a nonpublic or public school agency. Any school district contracting with an approved nonpublic or public school agency for special education and/or related services in behalf of a handicapped student shall:

(1) Initiate and conduct a meeting with appropriate personnel and the student's parent(s) for the purpose of developing the student's individualized education program. The district shall assure that a representative of the nonpublic or public school agency attends the meeting or in some other way assure participation by the nonpublic school agency. Meetings to review or revise the student's individualized education program after the student has been placed shall be initiated and conducted by the nonpublic or public school agency at the discretion of the school district. The district shall assure that both the parent(s) (or the adult student) and the nonpublic school agency are represented in any decision concerning the student's individualized education program and agree to proposed changes in the program before those changes are implemented. The responsibility for compliance with this section lies with the school district.

(2) Develop a written contract which shall include, but not necessarily be limited to, the following elements:

- (a) Names of the parties involved;
- (b) The name of the handicapped student(s) for whom the contract is drawn;
- (c) Location and setting;
- (d) Description of program administration and supervision;
- (e) Designation of coordinator of the services to be provided by the school district and the contractor;
- (f) Assurance of compliance with staff licensing/certification requirements;
- (g) Periodic student report requirements;
- (h) Annual program monitoring procedures and requirements;
- (i) Starting date and duration of contract;
- (j) Program day and description of student's program;
- (k) Charges and reimbursement—Billing and payment procedures;
- (l) Total contract cost;
- (m) Contract review;
- (n) Disposition of materials and equipment upon termination;
- (o) School district's responsibility for compliance with due process, individualized education program, and yearly review and determination of placement requirements;
- (p) Contractor's policies and procedures covering:
 - (i) Care of student(s) in emergencies;
 - (ii) Fire drills;
 - (iii) Personnel policies;
 - (iv) Staff duties; and
 - (v) Board of directors' duties and functions;
- (q) Other contractual elements that may be necessary to assure compliance with state and federal rules and clearly define each party's role and functions; and
- (r) Signatures of authorized school and contractor officials.

[Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-171-501, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.13.070(7). 80-11-054 (Order 80-31), § 392-171-501, filed 8/19/80. Formerly WAC 392-171-615.]

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 392-171-506 Out-of-state agencies. In the event the school district within which a handicapped student resides is unable to contract with another district, or a nonpublic or public school agency, or an appropriate state agency, the parent (or adult student) and district may jointly petition the superintendent of public instruction or his or her designee for state and federal special education funds to provide an educational program with an agency in another state or Canada.

Contractual arrangements for an out-of-state educational program shall be approved by the superintendent of public instruction or his or her designee prior to the student's placement in that program. The school district shall be responsible for:

- (1) Determining that no appropriate in-state placement option is available and for making the decision that the student should be placed in an out-of-state program;
- (2) Determining that the out-of-state educational program is appropriately licensed or approved by that state's authorities and that placement will result in an appropriate education for the student; and
- (3) Contracting with the out-of-state agency pursuant to the requirements of WAC 392-171-491 through 392-171-501.

[Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-171-506, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.13.070(7). 80-11-054 (Order 80-31), § 392-171-506, filed 8/19/80. Formerly WAC 392-171-620.]

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.]

ANNUAL REVIEW OF PLACEMENTS AND STUDENT PROGRESS—REASSESSMENTS

WAC 392-171-511 Annual review of placement and student progress—Program improvement. (1) Annual placement review—The educational placement of each 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 392-171-513 Reassessment—Notice requirement. Ten calendar days prior to conducting the reassessment, the district shall provide written notice to parents (or adult student). Such notice for reassessment, shall include:

(1) The procedural safeguard requirements provided in WAC 392-171-526 (1)(a) and also shall be issued in compliance with the provisions of WAC 392-171-526 (2) and (3);

(2) The reasons for reassessment i.e., required three-year reassessment or reassessment upon request. If the reassessment is upon request, the notice shall include the source of and reasons for such request;

(3) A statement that the student's records will be reviewed as a part of the reassessment and that the parents (or adult student) have the right to submit to the multidisciplinary team any information they deem important to the reassessment;

(4) A statement that the multidisciplinary team will determine the need, if any, for replication of previous assessment procedures and the need, if any, for additional assessment procedures;

(5) A list of the disciplines to be represented on the multidisciplinary team as required by WAC 392-171-351.

[Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-171-513, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.13.070(7). 86-06-007 (Order 86-1), § 392-171-513, filed 2/21/86.]

WAC 392-171-514 Reassessment—Purposes. The purposes of reassessment of identified students having a handicapping condition are to determine one or more of the following:

(1) Whether the student is appropriately identified as handicapped—i.e., having or not having a handicapping

condition—or appropriately classified—i.e., having one or more particular handicapping conditions specified in WAC 392-171-381 through 392-171-451;

(2) Whether the program designed for the student is appropriate to meet the student's unique needs, abilities, and limitations; and

(3) Whether the student meets the continuing eligibility requirement of WAC 392-171-325(3) or 392-171-331.

[Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-171-514, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.13.070(7). 86-06-007 (Order 86-1), § 392-171-514, filed 2/21/86.]

WAC 392-171-516 Reassessment—Notice of results.

Following the completion of the reassessment and based on the reassessment results, the district superintendent or his or her designee shall record in writing one or more of the following decisions:

(1) Whether the student is appropriately identified as handicapped.

(2) Whether the student is appropriately classified as having a particular handicapping condition and is in need of special education services.

(3) Whether the program designed for the student is appropriate to the student's unique needs, abilities, and limitations.

(4) Whether the student meets the continuing eligibility requirement of WAC 392-171-325(3) or 392-171-331.

In accordance with WAC 392-171-521, the parent (or adult student) shall be notified pursuant to the content of notice prescribed in WAC 392-171-526 of the school district's decision within ten calendar days following the completion of the reassessment. When a determination is made that the program is inappropriate, an individualized education program committee meeting shall be convened in accordance with WAC 392-171-456 through 392-171-466. When special education services are to be discontinued, notice shall be given the parent(s) pursuant to WAC 392-171-521.

[Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-171-516, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.13.070(7). 86-06-007 (Order 86-1), § 392-171-516, filed 2/21/86; 84-14-036 (Order 84-19), § 392-171-516, filed 6/28/84; 80-11-054 (Order 80-31), § 392-171-516, filed 8/19/80.]

WAC 392-171-517 Reassessment—Three-year requirement. If the reassessment is the result of the three-year reassessment requirement, the multidisciplinary team based on the professional judgment of the members thereof—i.e., a reasonable degree of professional certainty—shall determine and document the following:

(1) Whether the student is appropriately identified or appropriately classified. If not, the multidisciplinary team shall follow the procedures specified in WAC 392-171-518.

(2) Whether the current program is appropriate to the student's unique needs, abilities, and limitations. If not, the multidisciplinary team shall follow the procedures specified in WAC 392-171-519.

(3) Whether the student meets the continuing eligibility requirement of WAC 392-171-325(3) or 392-171-331. In making such determination, the multidisciplinary team shall document in a written narrative the basis for such determina-

tion, including any relevant data or assessment process used for the determination of continuing eligibility.

(4) Whether assessment procedures should be replicated or conducted by members of the multidisciplinary team or other professionals not represented on the multidisciplinary team to provide reasonable professional certainty that the reassessment results are accurate. In making such determination, members of the multidisciplinary team shall be governed by the generally recognized professional practice standards of their respective disciplines. Members of the multidisciplinary team shall defer to the professional judgment of a team member who requests the replication or conduction of a particular assessment procedure.

[Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-171-517, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.13.070(7). 86-06-007 (Order 86-1), § 392-171-517, filed 2/21/86.]

WAC 392-171-518 Reassessment—Appropriate identification or classification. If the reassessment is upon request of the student's parent (or adult student), teacher, or individualized education program committee and concern is stated that the student is or may be inappropriately identified as handicapped or inappropriately classified as having a particular handicapping condition, the reassessment process shall address each component of the eligibility criteria for the identified or suspected handicapping condition pursuant to WAC 392-171-381 through 392-171-451. The assessment procedures stated therein shall be conducted unless the multidisciplinary team based on a reasonable degree of professional certainty determines that the replication of a particular assessment procedure is not necessary for one or more of the following reasons:

(1) That previous assessment procedures were conducted accurately;

(2) That a particular assessment procedure is unnecessary to determine the accuracy of the identification or classification;

(3) That an alternative assessment procedure is more or equally appropriate to determine the accuracy of the identification or classification.

[Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-171-518, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.13.070(7). 86-06-007 (Order 86-1), § 392-171-518, filed 2/21/86.]

WAC 392-171-519 Reassessment—Appropriateness of program. If the reassessment is upon the request of the student's parent (or adult student), teacher, or individualized education program committee and concern is stated that the current program is or may be inappropriate to the student's unique needs, abilities, and limitations, then the assessment procedures utilized to determine the appropriateness of the student's special education and related services program, including recommendations for changes therein, shall be determined by the multidisciplinary team. In making such determination the multidisciplinary team shall document in a written narrative the basis for such determination, including any relevant data or assessment procedures utilized.

[Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-171-519, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.13.070(7). 86-06-007 (Order 86-1), § 392-171-519, filed 2/21/86.]

NOTICE REQUIREMENTS—GENERAL

WAC 392-171-521 When notice must be given.

Written notice in accordance with WAC 392-171-526 shall be given by a school district to the parent(s) of a student (or to the adult student) a reasonable time before the school district:

(1) Proposes to initiate or change the identification, assessment, or educational placement of the student or the provision of special education and related services to the student pursuant to this chapter; or

(2) Refuses to initiate or change the identification, assessment, or educational placement of the student or the provision of special education and related services to the student pursuant to this chapter.

[Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-171-521, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.13.070(7). 80-11-054 (Order 80-31), § 392-171-521, filed 8/19/80. Formerly WAC 392-171-490.]

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.]

HEARINGS—GENERAL

WAC 392-171-531 Right to initiate—Purposes. (1) Hearings conducted in accordance with WAC 392-171-521 through 392-171-556 may be initiated in the following cases for the purposes stated:

(a) The parent(s) of a student (or an adult student) or a school district may initiate a hearing to challenge or to show (as the case may be) the appropriateness of a proposal by the school district to initiate or change:

- (i) The identification of the student;
- (ii) The assessment of the student;
- (iii) The educational placement of the student; or
- (iv) The provision of special education and related services to the student pursuant to this chapter;

(b) The parent(s) of a student (or an adult student) or a school district may initiate a hearing to challenge or to show (as the case may be) the appropriateness of the school district's refusal of the parent(s) (or adult student's) request to initiate or change:

- (i) The identification of the student;
- (ii) The assessment of the student;
- (iii) The educational placement of the student; or
- (iv) The provision of special education and related services to the student pursuant to this chapter;

(c) A school district may initiate a hearing to show that its assessment of a student is appropriate if the student's parent(s) (or adult student) disagrees with the assessment results.

(2) A request by a student's parent(s) (or adult student) for a hearing pursuant to this section shall:

- (a) Be in writing;
- (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 392-171-533 Transmittal of complaint by school district to superintendent of public instruction.

Unless the complaint filed with the school district superintendent pursuant to WAC 392-171-531(2) is withdrawn by the complainant in writing within five calendar days from the date of receipt, the school district superintendent shall transmit the complaint to the office of Superintendent of Public Instruction, Office of Legal Services, Old Capitol Building, Olympia, Washington 98504 prior to midnight of such fifth calendar day by depositing such complaint in the United States mail.

[Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-171-533, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.13.070(7). 84-19-001 (Order 84-33), § 392-171-533, filed 9/6/84.]

WAC 392-171-536 Hearing officers—Selection and expenses of—Parent assistance. (1) If a hearing is initiated pursuant to WAC 392-171-531:

(a) The hearing shall be conducted by and at the expense of the superintendent of public instruction.

(b) The superintendent of public instruction shall provide for a court reporter's stenographic record of all testimony and other oral hearing proceedings at the expense of the superintendent of public instruction: *Provided*, That a court reporter's stenographic record need not be transcribed for any purpose except as provided or required in WAC 392-171-551(e).

(c) The superintendent of public instruction shall inform the parent(s) (or adult student) of any free or low-cost legal and other relevant services available in the area if:

- (i) The parent (or adult student) requests the information; or

(ii) The school district or the parent (or adult student) initiates a hearing;

(d) The hearing shall be conducted by a qualified person selected and appointed by the chief administrative law judge in the office of administrative hearings pursuant to chapter 10-08 WAC and shall be a person who:

(i) Is not an employee of a 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 392-171-559 Prospective application to amendments in Washington Administrative Code affecting hearings. Amendments to the Washington Administrative Code affecting special education hearings and appeals pursuant to chapter 392-171 WAC shall apply prospectively. Complaints filed pursuant to WAC 392-171-531 shall be governed by the chapter 392-171 WAC regulations in effect at the time the complaint is filed.

[Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-171-559, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.13.070(7). 84-19-001 (Order 84-33), § 392-171-559, filed 9/6/84.]

WAC 392-171-561 Final decision—Appeal to court of law. A decision made in a hearing initiated pursuant to WAC 392-171-531 is final, unless modified or overturned by a court of law. 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.]

PLACEMENT OF STUDENT DURING ADMINISTRATIVE/JUDICIAL PROCEEDINGS

WAC 392-171-576 Student's status during hearing and judicial review processes. (1) During the pendency of any administrative or judicial proceeding regarding a complaint initiated pursuant to WAC 392-171-531, unless the school district and the parent(s) of the student (or the adult student) agree otherwise, the student involved in the complaint shall remain in the educational placement he or she was in at the time the complaint was made.

(2) The student, with the consent of the parent(s) (or the adult student), shall be placed in the regular school program until the completion of all such proceedings if the complaint involves an application for initial admission to the school.

[Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-171-576, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.13.070(7). 84-19-001 (Order 84-33), § 392-171-576, filed 9/6/84; 80-11-054 (Order 80-31), § 392-171-576, filed 8/19/80. Formerly WAC 392-171-535.]

SURROGATE PARENTS

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.]

RECORDS

WAC 392-171-586 Definition of "education records" as used in records rules. (1) For the purpose of WAC 392-171-596 through 392-171-641 governing handicapped student records, the term "education records" shall mean those records that:

(a) Are directly related to a student; and

(b) Are maintained by a school district or by a party acting for the school district.

(2) The term "education records" does not include:

(a) Records of instructional, supervisory, and administrative personnel and educational personnel ancillary thereto which:

(i) Are in the sole possession of the maker thereof; and

(ii) Are not accessible or revealed to any other individual except a substitute. For the purpose of this definition, a "substitute" means an individual who performs on a temporary basis the duties of the individual who made the record and does not refer to an individual who permanently succeeds the maker of the record in his or her position;

(b) Records of a law enforcement unit of a school district which are:

(i) Maintained apart from the records described in subsection (1) of this section;

(ii) Maintained solely for law enforcement purposes; and

(iii) Not disclosed to individuals other than law enforcement officials of the same jurisdiction: *Provided*, That education records maintained by the school district are not disclosed to the personnel of the law enforcement unit;

(c) Records relating to an individual who is employed by a school district which:

(i) Are made and maintained in the normal course of business;

(ii) Relate exclusively to the individual in that individual's capacity as an employee; and

(iii) Are not available for use for any other purpose: *Provided*, That this exception from the definition of "education records" does not apply to records relating to an individual in attendance at the school district who is employed as a result of his or her status as a student;

(d) Records relating to an adult student which are:

(i) Created or maintained by a physician, psychiatrist, psychologist, or other recognized professional acting in his or her professional or paraprofessional capacity;

(ii) Created, maintained, or used only in connection with the provision of treatment to the student; and

(iii) Not disclosed to anyone other than individuals providing the treatment: *Provided*, That the records can be personally reviewed by a physician or other appropriate professional of the student's choice. For the purpose of this definition, "treatment" does not include remedial educational activities or activities which are part of the program of instruction at the school district;

(e) Records of a school district which contain only information relating to a person after that person was no longer a student at the school district. An example would be information collected by a school district pertaining to the accomplishments of its alumni.

[Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-171-586, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.13.070(7). 80-11-054 (Order 80-31), § 392-171-586, filed 8/19/80. Formerly WAC 392-171-545.]

WAC 392-171-591 Definitions used in records rules—"Destruction"—"Native language"—And "Participating agency." For the purpose of WAC 392-171-596 through 392-171-641 governing handicapped student records:

(1) "Destruction" shall mean physical destruction or removal of personal identifiers from information so that the information is no longer personally identifiable.

(2) "Native language" has the meaning given that term by section 703 (a)(2) of the Bilingual Education Act, which provides essentially as follows:

The term "native language," when used with reference to a person of limited English-speaking ability, means the language normally used by that person, or in the case of a nonadult student, the language normally used by the parents of the student.

(3) "Participating agency" means any agency or institution which collects, maintains, or uses personally identifiable information or from which information is obtained pursuant to this chapter.

[Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-171-591, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.13.070(7). 80-11-054 (Order 80-31), § 392-171-591, filed 8/19/80. Formerly WAC 392-171-550.]

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 392-171-601 Record of access. Each participating agency shall keep a record of parties obtaining access to education records collected, maintained, or used under this chapter (except access by parents, adult students, and authorized employees of the participating agency), including the name of the party, the date access was given, and the purpose for which the party is authorized to use the records.

[Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-171-601, 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), § 392-171-601, filed 10/2/84. Statutory Authority: RCW 28A.13.070(7). 80-11-054 (Order 80-31), § 392-171-601, filed 8/19/80.]

WAC 392-171-606 Records on more than one student. If any education record includes information on more than one student, the parent(s) of those students (and/or adult students) shall have the right to inspect and review only the information relating to their child or ward (or themselves) or to be informed of that specific information.

[Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-171-606, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.13.070(7). 80-11-054 (Order 80-31), § 392-171-606, filed 8/19/80.]

WAC 392-171-611 List of types and locations of information. Each participating agency shall provide parents (and adult students) on request a list of the types and locations of education records collected, maintained, or used by the agency.

[Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-171-611, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.13.070(7). 80-11-054 (Order 80-31), § 392-171-611, filed 8/19/80.]

WAC 392-171-616 Fees. (1) A participating education agency may charge a fee for copies of records which are made for parents (or adult students) under this chapter if the fee does not effectively prevent the parents (or adult students) from exercising their right to inspect and review those records.

(2) A participating agency may not charge a fee to search for or to retrieve information under this chapter.

[Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-171-616, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.13.070(7). 80-11-054 (Order 80-31), § 392-171-616, filed 8/19/80.]

WAC 392-171-621 Amendment of records at the request of a parent or adult student. (1) A parent of a handicapped student (or an adult student) who believes that information in education records collected, maintained, or used under this chapter is inaccurate or misleading or violates the privacy or other rights of the student may request the participating agency which maintains the information to amend the information.

(2) The agency shall decide whether to amend the information in accordance with the request within a reasonable period of time after receipt of the request.

(3) If the agency decides to refuse to amend the information in accordance with the request it shall inform the parent (or adult student) of the refusal and advise the parent (or adult student) of the right to a hearing pursuant to WAC 392-171-626.

(4) The participating agency, on request, shall provide the parent (or adult student) an opportunity for a hearing to challenge information in education records to insure that it is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student.

(5) If, as a result of the hearing, the participating agency decides that the information is inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student, it shall amend the information accordingly and so inform the parent (or adult student) in writing.

(6) If, as a result of the hearing, the participating agency decides that the information is not inaccurate, misleading or otherwise in violation of the privacy or other rights of the student, it shall inform the parent(s) (or adult student) of the

right to place in the records it maintains on the student a statement commenting on the information or setting forth any reasons for disagreeing with the decision of the agency.

(7) Any explanation placed in the records of the student pursuant to this section shall:

(a) Be maintained by the participating agency as part of the records of the student as long as the record or contested portion is maintained by the participating agency; and

(b) Also be disclosed to any party to whom the records of the student (or the contested portion thereof) are disclosed.

[Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-171-621, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.13.070(7). 80-11-054 (Order 80-31), § 392-171-621, filed 8/19/80.]

WAC 392-171-626 Hearing procedures regarding records. A hearing initiated pursuant to WAC 392-171-621 to challenge information in education records shall be conducted according to procedures which include at least the following elements:

(1) The hearing shall be held within a reasonable period of time after the participating agency has received the request;

(2) The parent (or adult student) shall be given notice of the date, place, and time reasonably in advance of the hearing;

(3) The hearing may be conducted by any party, including an official of the participating agency, who does not have a direct interest in the outcome of the hearing;

(4) The parent (or adult student) shall be afforded a full and fair opportunity to present evidence relevant to the issues raised pursuant to WAC 392-171-621 and may be assisted or represented by individuals of his or her choice at his or her own expense, including an attorney;

(5) The participating agency shall provide a written decision to the parent (or adult student) within a reasonable period of time after the conclusion of the hearing; and

(6) The decision of the participating agency shall:

(a) Be based solely upon the evidence presented at the hearing; and

(b) Include a summary of the evidence and the reasons for the decision.

[Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-171-626, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.13.070(7). 80-11-054 (Order 80-31), § 392-171-626, filed 8/19/80.]

WAC 392-171-631 Consent. (1) Consent of a parent (or adult student) shall be obtained before personally identifiable information is:

(a) Disclosed to anyone other than officials of participating agencies collecting or using the information under this chapter subject to subsection (2) of this section; or

(b) Used for any purpose other than meeting a requirement imposed by this chapter.

(2) No school district shall release information from education records to participating agencies without the consent of a parent (or adult student) except in those cases in which a release of information without consent is permitted by the rules that implement the federal Privacy Rights of Parents and Students Part 99 of 34 Code of Federal Regulations (CFR) 34 sections 99.1 et seq. See 34 CFR 99.31

(when prior consent not required), 34 CFR 99.35 (disclosure to state and federal officials) and 34 CFR 99.37 (directory information).

[Statutory Authority: RCW 34.05.220 [(1)](a), 89-23-001 (Order 15), § 392-171-631, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.13.070(7), 83-08-029 (Order 83-1), § 392-171-631, filed 3/30/83; 80-11-054 (Order 80-31), § 392-171-631, filed 8/19/80.]

WAC 392-171-636 Safeguards. (1) Each participating agency shall protect the confidentiality of personally identifiable information at the collection, storage, disclosure, and destruction stages. The same privacy provisions provided to parents are extended to students with consideration given to the type and severity of a student's disability.

(2) One official at each participating agency shall be designated as the individual responsible for assuring the confidentiality of any personally identifiable information.

(3) All persons collecting or using personally identifiable information shall receive training or instruction regarding:

(a) The policies and procedures on protection of the confidentiality of personally identifiable information set forth in the state's annual program plan; and

(b) 45 CFR 99.1 et seq. (the "Buckley Amendment" rules).

(4) Each participating agency shall maintain, for public inspection, a current listing of the names and positions of those employees within the agency who may have access to personally identifiable information.

[Statutory Authority: RCW 28A.155.090 and 28A.155.030, 90-19-054 (Order 31), § 392-171-636, filed 9/14/90, effective 10/15/90. Statutory Authority: RCW 34.05.220 [(1)](a), 89-23-001 (Order 15), § 392-171-636, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.13.070(7), 80-11-054 (Order 80-31), § 392-171-636, filed 8/19/80.]

WAC 392-171-641 Destruction of information. Each school district shall inform parents (and adult students) when personally identifiable information collected, maintained, or used pursuant to this chapter is no longer needed to provide educational services to the student. The information shall thereafter be destroyed at the request of the parent(s) (or adult student). However, a permanent record of a student's name, address, and phone number, his or her grades, attendance record, classes attended, grade level completed and year completed may be maintained without time limitation.

[Statutory Authority: RCW 34.05.220 [(1)](a), 89-23-001 (Order 15), § 392-171-641, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.13.070(7), 80-11-054 (Order 80-31), § 392-171-641, filed 8/19/80.]

PRIVATE SCHOOL STUDENTS

WAC 392-171-646 Definition—"Private school 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 392-171-656 Determination of needs, numbers of students and types of services. The needs of private school handicapped students, the number who will participate, and the types of special education and related services which the school district will provide them shall be determined after consultation with persons knowledgeable of the needs of these students on a basis comparable to that used in providing for the participation under this chapter of handicapped students enrolled in public schools.

[Statutory Authority: RCW 34.05.220 [(1)](a), 89-23-001 (Order 15), § 392-171-656, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.13.070(7), 80-11-054 (Order 80-31), § 392-171-656, filed 8/19/80.]

WAC 392-171-661 Service arrangements. (1) Special education and related services to private school handicapped students may be provided through such arrangements as dual enrollment pursuant to chapter 392-134 WAC, educational radio and television, and the provision of mobile educational services and equipment.

(2) No services, material, or equipment of any nature shall be provided to or on the site of any private school or agency subject to sectarian (i.e., religious) control or influence.

(3) Handicapped students enrolled in any private school or agency subject to sectarian control or influence shall be provided services in a manner that:

(a) Maintains a physical and administrative separation between the private and the public school programs; and

(b) Does not benefit the private school at public expense, e.g., pursuant to dual enrollment or shared time arrangements in accordance with chapter 392-134 WAC.

[Statutory Authority: RCW 34.05.220 [(1)](a), 89-23-001 (Order 15), § 392-171-661, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.13.070(7), 83-08-029 (Order 83-1), § 392-171-661, filed 3/30/83; 80-11-054 (Order 80-31), § 392-171-661, filed 8/19/80.]

WAC 392-171-666 Personnel in private schools and agencies. (1) School district personnel may be made available to nonsectarian private schools and agencies only to the extent necessary to provide services required by the handicapped student for whose needs those services were

designed and only when those services are not normally provided by the nonsectarian private school or agency.

(2) Each school district providing services to students enrolled in nonsectarian private schools or agencies shall maintain continuing administrative control and direction over those services.

(3) Services to private school handicapped students shall not include the payment of salaries of teachers or other employees of private schools or agencies, except for services performed outside regular hours of the school day and under public supervision and control.

[Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-171-666, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.13.070(7). 80-11-054 (Order 80-31), § 392-171-666, filed 8/19/80.]

WAC 392-171-671 Equipment—Construction. (1) Equipment used in the care of students with handicapping conditions in a private school or agency may be placed on nonsectarian private school or agency premises for a limited time, but title to and administrative control over all equipment must be retained and exercised by the school district.

(2) Records shall be kept of equipment and an accounting made of the equipment which shall assure that the equipment is used solely for the purposes of the program.

(3) The equipment shall be removed from the private school or agency if necessary to avoid its being used for other purposes or if it is no longer needed for the purposes of the program or project.

(4) Funds shall not be used to construct facilities for private schools or agencies.

[Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-171-671, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.13.070(7). 80-11-054 (Order 80-31), § 392-171-671, filed 8/19/80.]

WAC 392-171-676 Prohibition of segregation. Programs or projects carried out in public facilities, and involving joint participation by handicapped students otherwise enrolled in private schools or agencies and handicapped students enrolled in public schools, shall not include classes that are separated on the basis of school enrollment or the religious affiliations of the students.

[Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-171-676, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.13.070(7). 80-11-054 (Order 80-31), § 392-171-676, filed 8/19/80.]

WAC 392-171-681 Funds and property not to benefit private schools. Public funds provided and property derived from those funds shall not inure to the benefit of any private school or agency.

[Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-171-681, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.13.070(7). 80-11-054 (Order 80-31), § 392-171-681, filed 8/19/80. Formerly WAC 392-171-660.]

WAC 392-171-686 Existing level of instruction. Provisions for serving private school handicapped students shall not include the financing of the existing level of instruction in a private school or agency.

[Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-171-686, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.13.070(7). 80-11-054 (Order 80-31), § 392-171-686, filed 8/19/80.]

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.]

ANNUAL SCHOOL DISTRICT APPLICATION— REQUIREMENTS

WAC 392-171-691 Annual applications—Contents. As a condition to the receipt and expenditure of federal special education funds, a school district shall annually submit an application to the superintendent of public instruction or his or her designee on or before such date is announced and conduct its special education and related services program in compliance therewith. The applications shall be made pursuant to forms developed and distributed by the superintendent or his or her designee. Application forms shall include, but not necessarily be limited to, the following assurance(s) and types of information:

(1) An assurance that:

(a) The school district is in compliance with the provisions of this chapter and the rules implementing PL 94-142 (34 CFR 300.1 et seq.) that may supplement this chapter;

(b) That the district shall remain in compliance with this chapter and any such supplemental rules for the entire school year; and

(c) That the funds applied for shall be expended in compliance with the application, this chapter, and any such supplemental federal rules;

(2) The information and assurances required by 34 CFR 300.220 through 34 CFR 300.240 and any other pertinent federal rules;

(3) Identification of the local district designee responsible for child identification activities and confidentiality of information;

(4) A description of the procedures and/or activities to be implemented or continued to provide for:

(a) Identification, location and evaluation of 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.]

MISCELLANEOUS PROGRAM REQUIREMENTS

WAC 392-171-701 Staff qualifications. All employees of a school district funded in whole or part with state or federal excess cost funds shall be qualified, as follows:

(1) All employees shall hold such credentials, certificates or permits as are now or hereafter required by the state board of education for the particular position of employment and shall meet such supplemental standards as may be established by the school district of employment. Supplemental standards established by a district may exceed, but not be less than, those established by this section.

(2) In addition to the requirement of subsection (1) of this section, all teachers shall possess "substantial professional training" and/or "successful prior experience" and support personnel shall meet standards established under the educational staff associate rules of the state board of education, as now or hereafter amended.

(a) "Successful prior professional experience" as used in this section shall mean at least three full school years of employment as a professional staff member in an approved special education program within the five-year period immediately preceding the school year of employment in a position supported in whole or part by excess cost apportionment funds.

(b) "Substantial professional training" as used in this section shall mean and be evidenced by either an appropriate special education endorsement or recommended placement upon the teaching certificate of an employee issued by the superintendent of public instruction or completion of teacher education program designed to prepare teachers of students with handicapping conditions offered by an institution approved by the state board of education for teacher certification purposes.

(3) Classified staff shall present evidence of either formal and/or adequate in-service training or successful experience in working with handicapped students.

(4) The assignment of personnel shall be consistent with training and experience appropriate to the age level (pre-school, elementary, secondary) and type of program in which teaching will be performed. District reorganization, reductions in force, and reassignments shall be made in a manner consistent with the requirements of this section.

(5) The superintendent of public instruction or his or her designee may grant an exception to compliance with any of the staff qualifications imposed by this section which are above and beyond certification requirements imposed by the state board of education, only upon the request of a school district and the provision of satisfactory assurances by the district that noncompliance:

(a) Is unavoidable;

(b) Will be temporary and not extend beyond the school year for which the exception is requested; and

(c) Will not likely result in a significant reduction in the quality of the district's special education program.

(6) Notwithstanding any staff qualification requirement of this section to the contrary, employees of a school district which possess credentials as required by the state board of

education and who were employed during and serving as of termination of the 1974-75 school year in the special education program of the district shall be deemed qualified for purposes of state program approval so long as they continue in such employment with that particular district.

[Statutory Authority: RCW 34.05.220 [(1)](a), 89-23-001 (Order 15), § 392-171-701, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.13.070(7), 80-11-054 (Order 80-31), § 392-171-701, filed 8/19/80.]

WAC 392-171-706 Transportation. (1) Methods. Transportation options for handicapped students shall include the following categories and shall be exercised in the following sequence:

- (a) A scheduled school bus;
- (b) Contracted transportation, including public transportation; and
- (c) Other transportation arrangements, including that provided by parents: *Provided*, That board and room cost in lieu of transportation may be provided whenever the above stated transportation options are not feasible because of the need(s) of a handicapped student or because of the unavailability of adequate means of transportation, in accordance with rules of the superintendent of public instruction.

(2) Welfare of the student. The transportation of a handicapped student shall be in accordance with rules of the superintendent of public instruction governing transportation by public school districts.

(3) Bus aides and drivers. Training and supervision of bus aides and drivers shall be the responsibility of the school district superintendent or his or her designee.

(4) Special equipment. Special equipment may include lifts, wheel chair holders, restrainers, and two-way radios. All such special equipment shall comply with specifications contained in the specifications for school buses as now or hereafter established by the superintendent of public instruction.

(5) Transportation time on bus. Wherever reasonably possible, no student should be required to ride more than sixty minutes one way.

(6) Discipline of handicapped students during transportation. The discipline of a handicapped student during his or her transportation shall be the responsibility of the transporting district.

(7) Transportation for state residential school students to and from the residential school and the sites of the educational program shall be the responsibility of the department of social and health services and each state residential school pursuant to law.

(8) Transportation for a state residential school student, including students attending the state school for the deaf and the state school for the blind, to and from such school and the residency of such student shall be the responsibility of the district of residency only if the student's placement was made by such district—i.e., an appropriate placement in the least restrictive environment.

[Statutory Authority: RCW 34.05.220 [(1)](a), 89-23-001 (Order 15), § 392-171-706, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.13.070(7), 86-06-007 (Order 86-1), § 392-171-706, filed 2/21/86; 80-11-054 (Order 80-31), § 392-171-706, filed 8/19/80. Formerly WAC 392-171-690.]

WAC 392-171-711 Facilities. Construction of special facilities or the remodeling of present facilities in order to meet the special education and related services needs of any handicapped student shall be provided in accordance with rules of the superintendent of public instruction and the state board of education which govern the construction and/or financing of school district facilities: *Provided*, That all educational facilities required for handicapped students in residential school programs shall be the responsibility of department of social and health services as provided by RCW 28A.190.040.

[Statutory Authority: 1990 c 33, 90-16-002 (Order 18), § 392-171-711, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 34.05.220 [(1)](a), 89-23-001 (Order 15), § 392-171-711, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.13.070(7), 80-11-054 (Order 80-31), § 392-171-711, filed 8/19/80. Formerly WAC 392-171-695.]

WAC 392-171-716 Comparable facilities. If a school district, in compliance with this chapter, operates a facility that is identifiable as being for handicapped students, the district shall assure that the facility and the services and activities provided therein are comparable in quality to the district's facilities, services, and activities for nonhandicapped students.

[Statutory Authority: RCW 34.05.220 [(1)](a), 89-23-001 (Order 15), § 392-171-716, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.13.070(7), 80-11-054 (Order 80-31), § 392-171-716, filed 8/19/80.]

WAC 392-171-721 Program length. The length of the education program for handicapped students shall be at least as long as the education program for nonhandicapped students in terms of both the number of school days in the regular school year and the average number of hours per school day. If a handicapped student cannot attend school a full school day, the reason shall be documented in his or her education or medical records.

[Statutory Authority: RCW 34.05.220 [(1)](a), 89-23-001 (Order 15), § 392-171-721, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.13.070(7), 80-11-054 (Order 80-31), § 392-171-721, filed 8/19/80. Formerly WAC 392-171-705.]

WAC 392-171-726 Administration of medication. (1) Medication may be administered to a handicapped student by school district personnel subject to the state professional licensing laws and the following conditions:

(a) The medication shall be administered pursuant to a written order and written instruction from the student's physician; and

(b) The medication shall be supplied by the student's parent(s) (or the adult student).

(2) The orders and instructions shall be current, obtained at least yearly, and reviewed and updated whenever there is a significant change in the student's school activity program, in accordance with policies adopted by the school district.

[Statutory Authority: RCW 34.05.220 [(1)](a), 89-23-001 (Order 15), § 392-171-726, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.13.070(7), 80-11-054 (Order 80-31), § 392-171-726, filed 8/19/80.]

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.]

MONITORING/AUDITS—WITHHOLDING AND RECOVERY OF FUNDS

WAC 392-171-731 Monitoring. (1) The superintendent of public instruction or his or her designee shall annually monitor selected local school district special education programs. The purposes of monitoring shall be:

(a) To determine the school district's compliance with this chapter and the federal regulations implementing 20 USC Section 1401 et seq. (PL 94-142) and federal and state handicapped laws including validation of information included in school district applications for federal funds;

(b) To provide the school district with technical assistance for improving the quality of its special education program.

(2) The superintendent of public instruction or his or her designee shall develop procedures (including specific timelines) for monitoring school districts. These procedures shall include:

(a) Collection of data and reports;

(b) Conduct of on-site visits;

(c) A review of state and federal special education fund utilization; and

(d) Comparison of a sampling of individualized education programs with the programs actually provided.

(3) Following a monitoring visit, a written monitoring report shall be submitted to the school district. The monitoring report shall include, but not be limited to:

(a) Findings of noncompliance, if any; and

(b) Required corrective actions for remediation of any such instance(s) of noncompliance.

(4) The school district shall have thirty calendar days after the date of its receipt of the monitoring report to provide the office of superintendent of public instruction with:

(a) Supplemental arguments and/or facts which may serve as a basis for alteration of the monitoring report;

(b) A written action plan which sets forth the measures the district shall take and time period(s) within which the district shall act in order to remediate the instance(s) of noncompliance;

(c) In the event that the district submits supplemental arguments and/or facts which may serve as a basis for alteration of the monitoring report, the office of superintendent of public instruction shall within thirty calendar days provide the district with a determination as to the alteration of the monitoring report. The school district shall, within thirty calendar days of receipt of the determination, provide the office of superintendent of public instruction a written action plan, if any, pursuant to that determination.

(5) The superintendent of public instruction or his or her designee either shall approve the plan as submitted or shall request the school district to make such modifications as are considered necessary. Once an approvable plan has been submitted, the district shall be provided written notice of:

(a) Approval;

(b) The performance expected of the district; and

(c) The schedule for periodic review or verification of the district's progress toward remediation of the instance(s) of noncompliance.

(6) If the school district fails to submit an approvable corrective action plan pursuant to WAC 392-171-731(4) or fails to comply with a corrective action plan approved pursuant to WAC 392-171-731(5), the superintendent of public instruction or his or her designee shall institute procedures to insure corrective action or prompt response to a monitoring report. Such procedures may include one or more of the following:

(a) Verification visits by OSPI staff to:

(i) Determine whether the school district is taking the required corrective action;

(ii) Expedite the school district's response to a monitoring report;

(iii) Provide any necessary technical assistance to the school district in its efforts to comply.

(b) Withhold, in whole or part, a specified amount of state and/or federal special education funds, pursuant to WAC 392-171-696 and 392-171-746.

(c) Initiate request for OSPI audit pursuant to WAC 392-171-736 through 392-171-756 which may result in the recovery of unlawfully received or expended of state and/or federal special education funds.

[Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-171-731, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.13.070(7). 84-14-036 (Order 84-19), § 392-171-731, filed 6/28/84; 80-11-054 (Order 80-31), § 392-171-731, filed 8/19/80.]

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 392-171-741 Audits. (1) The superintendent of public instruction or his or her designee shall conduct fiscal/program audits of school district special education programs. The purposes of such audits shall be:

(a) To determine compliance or noncompliance with:

(i) A school district's application(s) for state and federal excess cost funds;

(ii) The provisions of this chapter; and

(iii) Any supplemental federal conditions to funding as may now or hereafter exist.

(b) To establish a factual basis for:

(i) The recovery of unlawfully received or expended state or federal special education funds; or

(ii) The initiation of fund withholding proceedings;

(2) Preliminary audit report—Following an audit, a preliminary written audit report shall be submitted to the school district for review and comment. The preliminary audit report shall include, but not be limited to:

(a) Findings of noncompliance which could include comparisons to findings of noncompliance as a result of monitoring, if any; and

(b) Recommendations for remediation of any such instance(s) of noncompliance.

(3) The school district shall have fifteen days after the date of its receipt of the preliminary audit report to provide the superintendent of public instruction or his or her designee a written reply setting forth any supplemental arguments and/or facts that may serve as a basis for alteration of the preliminary finding(s) of noncompliance.

(4) Final audit report—A final written audit report shall be provided to the school district after review of the supplemental arguments and/or facts submitted by the district. The final audit report shall include, but not necessarily be limited to:

(a) Findings of noncompliance, if any; and

(b) Recommendations for remediation of any such instance(s) of noncompliance.

(5) The school district shall have fifteen days after the date of its receipt of the final audit report to provide the superintendent of public instruction or his or her designee a written plan which sets forth the measures the district shall

take and time period(s) within which the district shall act in order to remedy the instance(s) of noncompliance.

(6) The superintendent of public instruction or his or her designee shall either approve the plan as submitted or request the school district to make such modifications as are considered necessary. Once an approvable plan has been submitted the district shall be provided written notice of:

(a) Approval;

(b) The performance expected of the district; and

(c) The schedule for periodic review or audit of the district's progress toward remediation of the instance(s) of noncompliance.

[Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-171-741, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.13.070(7). 80-11-054 (Order 80-31), § 392-171-741, filed 8/19/80. Formerly WAC 392-171-720.]

WAC 392-171-746 Fund withholding. (1) In the event a school district fails to submit an approvable remediation plan pursuant to WAC 392-171-741 or fails to submit an approvable corrective action plan pursuant to WAC 392-171-731 or fails to comply with a remediation plan approved pursuant to WAC 392-171-741 or fails to comply with a corrective action plan pursuant to WAC 392-171-731, the superintendent or his or her designee shall provide the school district notice pursuant to RCW 34.04.090 of:

(a) Intent to withhold a specified amount of state and/or federal special education funds; and

(b) The district's opportunity for a hearing before the superintendent of public instruction or his or her designee prior to commencement of the withholding.

(2) Funds may be withheld in whole or part in the event the district fails to request a hearing or the hearing decision upholds the final audit or monitoring in whole or part.

[Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-171-746, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.13.070(7). 80-11-054 (Order 80-31), § 392-171-746, filed 8/19/80. Formerly WAC 392-171-725.]

WAC 392-171-751 Recovery of funds. (1) If a preliminary audit conducted pursuant to WAC 392-171-741 indicates that a district has unlawfully received and/or expended either state or federal special education funds, the superintendent of public instruction or his or her designee shall provide the school district with an opportunity for an informal conference prior to the final audit report.

(2) If the final audit report sets forth one or more instances of unlawful receipt or expenditure of either state or federal special education funds, the superintendent of public instruction or his or her designee shall take such action as he or she deems necessary to recover the funds including, but not limited to, a reduction in future allocations of any amount of any state funds and/or any amount of federal special education funds to the district.

(3) No right to a hearing in connection with the recovery of funds unlawfully received and/or expended is granted by this chapter.

[Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-171-751, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.13.070(7). 80-11-054 (Order 80-31), § 392-171-751, filed 8/19/80. Formerly WAC 392-171-730.]

WAC 392-171-756 Fund withholdings to enforce parent appeal decisions. The superintendent of public instruction or his or her designee may withhold any amount of state funds and/or any amount of federal special education funds as he or she deems necessary to enforce a decision made on appeal pursuant to WAC 392-171-566 and 392-171-571 without any necessity of a further hearing on the matter.

[Statutory Authority: RCW 34.05.220 [(1)](a), 89-23-001 (Order 15), § 392-171-756, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.13.070(7), 80-11-054 (Order 80-31), § 392-171-756, filed 8/19/80. Formerly WAC 392-171-735.]

CITIZEN COMPLAINT PROCESS

WAC 392-171-761 Right to register and process complaints. (1) Any person, entity, or organization may register and process complaints alleging one or more violations of this chapter as provided for in chapter 392-168 WAC.

[Statutory Authority: RCW 34.05.220 [(1)](a), 89-23-001 (Order 15), § 392-171-761, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.13.070(7), 88-15-020 (Order 88-18), § 392-171-761, filed 7/11/88; 83-08-029 (Order 83-1), § 392-171-761, filed 3/30/83; 80-11-054 (Order 80-31), § 392-171-761, filed 8/19/80. Formerly WAC 392-171-740.]

WAC 392-171-800 Aversive therapy—Purpose. The purpose of WAC 392-171-800 through 392-171-830 is to assure that students with a handicapping condition are safeguarded against the use and misuse of various forms of aversive therapy. Each school district and educational service district shall take steps to assure that each employee, volunteer, contractor, and other agent of the district responsible for the education, care, or custody of a student with a handicapping condition is aware of WAC 392-171-800 through 392-171-830. No school district and no educational service district shall authorize, permit, or condone the use of aversive therapy which violates WAC 392-171-805 through 392-171-825 by any employee, volunteer, contractor or other agent of the district responsible for the education, care, or custody of a student with a handicapping condition.

[Statutory Authority: RCW 28A.03.030, 28A.13.010 and 28A.13.070(7), 90-10-096 (Order 90-04), § 392-171-800, filed 5/2/90, effective 6/2/90.]

WAC 392-171-805 Aversive therapy—Definition. For the purpose of WAC 392-171-800 through 392-171-830, the term "aversive therapy" means the systematic use of stimuli or other treatment which a student is known to find painful or unpleasant for the purpose of discouraging undesirable behavior on the part of the student. The term does not include the use of reasonable force, restraint, or other treatment to control unpredicted spontaneous behavior which poses one of the following dangers:

- (1) A clear and present danger of serious harm to the student or another person.
- (2) A clear and present danger of serious harm to property.
- (3) A clear and present danger of seriously disrupting the educational process.

[Statutory Authority: RCW 28A.03.030, 28A.13.010 and 28A.13.070(7), 90-10-096 (Order 90-04), § 392-171-805, filed 5/2/90, effective 6/2/90.]

WAC 392-171-810 Aversive therapy—Definition of student with a handicapping condition. The terms "student with a handicapping condition" and "student" as used in WAC 392-171-800 through 392-171-830 mean the same as "handicapped student" and "student" as defined in WAC 392-171-310(3).

[Statutory Authority: RCW 28A.03.030, 28A.13.010 and 28A.13.070(7), 90-10-096 (Order 90-04), § 392-171-810, filed 5/2/90, effective 6/2/90.]

WAC 392-171-815 Aversive therapy—Prohibited forms. There are certain forms of aversive therapy that are manifestly inappropriate by reason of their offensive nature or their potential negative physical consequences, or both. The purpose of this section is to uniformly prohibit their use respecting students with a handicapping condition, as follows:

(1) Electric current. No student may be stimulated by contact with electric current as a means of aversive therapy.

(2) Food services. No student who is willing to consume subsistence food or liquid when the food or liquid is customarily served may be denied or subjected to an unreasonable delay in the provision of the food or liquid as a means of aversive therapy.

(3) Force and restraint in general. No force or restraint which is either unreasonable under the circumstances or deemed to be an unreasonable form of corporal punishment as a matter of state law may be used as a means of aversive therapy. See RCW 9A.16.100 which cites the following uses of force or restraint as uses which are presumed to be unreasonable and therefore unlawful:

- (a) Kicking, burning, or cutting a student.
- (b) Striking a student with a closed fist.
- (c) Shaking a student under age three.
- (d) Interfering with a student's breathing.
- (e) Threatening a student with a deadly weapon.

(f) Doing any other act that is likely to cause and which does cause bodily harm to a student greater than transient pain or minor temporary marks. Note: This statutory listing of worst case uses of force or restraint may not be read as implying that all unlisted uses (e.g., shaking a four year old) are permissible. Whether or not an unlisted use of force or restraint is permissible depends upon such considerations as the balance of these rules, and whether the use is reasonable under the circumstances.

(4) Hygiene care. No student may be denied or subjected to an unreasonable delay in the provision of common hygiene care as a means of aversive therapy.

(5) Isolation. No student may be excluded from his or her regular instructional or service area and isolated within a room or any other form of enclosure as a means of aversive therapy, except under the conditions set forth in WAC 392-171-820.

(6) Medication. No student may be denied or subjected to an unreasonable delay in the provision of oral medication as a means of aversive therapy.

(7) Noise. No student may be forced to listen to noise or sound which the student obviously finds painful as a means of aversive therapy.

(8) Noxious sprays. No student may be forced to smell or be sprayed in the face with a noxious or potentially harmful substance as a means of aversive therapy.

(9) Physical restraints. No student may be physically restrained or immobilized by binding or otherwise attaching the student's limbs together or by binding or otherwise attaching any part of the student's body to an object as a means of aversive therapy, except under the conditions set forth in WAC 392-171-820.

(10) Taste treatment. No student may be forced to taste or ingest a substance which is not commonly consumed or which is not commonly consumed in its existing form or concentration as a means of aversive therapy.

(11) Water treatment. No student's head may be partially or wholly submerged in water or any other liquid as a means of aversive therapy.

[Statutory Authority: RCW 28A.03.030, 28A.13.010 and 28A.13.070(7), 90-10-096 (Order 90-04), § 392-171-815, filed 5/2/90, effective 6/2/90.]

WAC 392-171-820 Aversive therapy—Other forms—Conditions. Various forms of aversive therapy which are not prohibited by WAC 392-171-815 nevertheless warrant close scrutiny. Accordingly, the use of aversive therapy involving bodily contact, isolation, or physical restraint not prohibited by WAC 392-171-815 is conditioned upon compliance with certain procedural and substantive safeguards, as follows:

(1) Bodily contact. The use of any form of aversive therapy not prohibited by WAC 392-171-815 which involves contacting the body of a student with a handicapping condition shall be provided for by the terms of the student's individualized education program established in accordance with the requirements of WAC 392-171-825.

(2) Isolation. The use of aversive therapy which involves excluding a student with a handicapping condition from his or her regular instructional area and isolation of the student within a room or any other form of enclosure is subject to each of the following conditions:

(a) The isolation, including the duration of its use, shall be provided for by the terms of the student's individualized education program established in accordance with the requirements of WAC 392-171-825.

(b) The enclosure shall be ventilated, lighted, and temperature controlled from inside or outside for purposes of human occupancy.

(c) The enclosure shall permit continuous visual monitoring of the student from outside the enclosure.

(d) An adult responsible for supervising the student shall remain in close proximity.

(e) Either the student shall be capable of releasing himself or herself from the enclosure or the student shall continuously remain within view of an adult responsible for supervising the student.

(3) Physical restraint. The use of aversive therapy which involves physically restraining or immobilizing a student with a handicapping condition by binding or otherwise attaching the student's limbs together or by binding or otherwise attaching any part of the student's body to an object is subject to each of the following conditions:

(a) The restraint shall only be used when and to the extent it is reasonably necessary to protect the student, other persons, or property from serious harm.

(b) The restraint, including the duration of its use, shall be provided for by the terms of the student's individualized education program established in accordance with the requirements of WAC 392-171-825.

(c) The restraint shall not interfere with the student's breathing.

(d) An adult responsible for supervising the student shall remain in close proximity.

(e) Either the student shall be capable of releasing himself or herself from the restraint or the student shall continuously remain within view of an adult responsible for supervising the student.

[Statutory Authority: RCW 28A.03.030, 28A.13.010 and 28A.13.070(7), 90-10-096 (Order 90-04), § 392-171-820, filed 5/2/90, effective 6/2/90.]

WAC 392-171-825 Aversive therapy—Individualized education program requirements. The terms of a student's individualized education program (hereafter IEP) respecting the use of an aversive therapy involving bodily contact, isolation, or physical restraint shall meet each of the following requirements:

(1) The IEP shall be based upon and consistent with the recommendations of a multidisciplinary team which includes a school psychologist or other certificated employee who understands the appropriate use of the aversive therapy and who concurs with the recommended use of the aversive therapy.

(2) The IEP shall specify the aversive therapy that may be used.

(3) The IEP shall state the reason the aversive therapy is judged to be appropriate and the behavioral objective sought to be achieved by its use.

(4) The IEP shall describe the circumstances under which the aversive therapy may be used.

(5) The IEP shall describe or specify the maximum duration of any isolation or restraint.

(6) The IEP shall specify any special precautions that must be taken in connection with the use of the aversive therapy technique.

(7) The IEP shall specify the person or persons permitted to use the aversive therapy or the qualifications of the personnel permitted to use the aversive therapy.

(8) The IEP shall establish a means of evaluating the effects of the use of the aversive therapy and a schedule for periodically conducting the evaluation.

[Statutory Authority: RCW 28A.03.030, 28A.13.010 and 28A.13.070(7), 90-10-096 (Order 90-04), § 392-171-825, filed 5/2/90, effective 6/2/90.]

WAC 392-171-830 Aversive therapy—Parent complaint process. A parent of a student with a handicapping condition may file a complaint alleging a violation of WAC 392-171-815, 392-171-820, or 392-171-825 involving the student. Each such complaint shall be investigated and addressed by a school district, educational service district, and the superintendent of public instruction in accordance with the terms of chapter 392-168 WAC respecting citizen complaints. The terms of chapter 392-168 WAC are hereby incorporated into this section for such purposes.

[Statutory Authority: RCW 28A.03.030, 28A.13.010 and 28A.13.070(7). 90-10-096 (Order 90-04), § 392-171-830, filed 5/2/90, effective 6/2/90.]

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

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

392-173-060	Program evaluation and revision. [Order 16-76, § 392-173-060, filed 12/21/76.] Repealed by 80-11-038 (Order 80-30), filed 8/15/80. Statutory Authority: RCW 72.05.140(2) and Art. III, § 22 of the state Constitution.
392-173-070	Staff qualifications and ratios. [Order 16-76, § 392-173-070, filed 12/21/76.] Repealed by 80-11-038 (Order 80-30), filed 8/15/80. Statutory Authority: RCW 72.05.140(2) and Art. III, § 22 of the state Constitution.

WAC 392-173-003 Authority. The authority for this chapter is RCW 72.05.140 which requires educational programs operated by the department of social and health services to conform to standards defined by the state board of education or the office of superintendent of public instruction. Such authority is buttressed by RCW 28A.300.070 which authorizes the superintendent of public instruction to accept federal conditions upon the receipt of federal funds for educational programs operated by the department of social and health services and by Article III, section 22 of the state Constitution which requires the superintendent of public instruction to have supervision over all matters pertaining to the public schools.

[Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-173-003, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.02.100. 84-20-086 (Order 84-46), § 392-173-003, filed 10/2/84.]

WAC 392-173-005 Purpose. The purpose of this chapter is to accommodate the unique goals and student population of the state schools for the deaf and the blind and the early childhood developmental centers operated by the department of social and health services by establishing the standards governing the development and implementation of special education and related services for 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 392-173-020 Referral and admission to a residential school—Eligibility for immediate placement. Students admitted to the state school for the blind and the deaf shall be enrolled in an educational program within ten days of admittance. Students placed in an early childhood developmental center shall be immediately eligible for an educational program.

[Statutory Authority: RCW 28A.02.100. 84-20-086 (Order 84-46), § 392-173-020, filed 10/2/84. Statutory Authority: RCW 72.05.140(2) and Art. III, § 22 of the state Constitution. 80-11-038 (Order 80-30), § 392-173-020, filed 8/15/80; Order 16-76, § 392-173-020, filed 12/21/76.]

WAC 392-173-025 Assessment, individual education plan, least restrictive environment, placement options, annual review of placement, and notice. The following provisions from chapter 392-171 WAC shall be applicable to students in such schools: WAC 392-171-346, 392-171-351, 392-171-366, 392-171-371, 392-171-456, 392-171-461, 392-171-471, 392-171-481, 392-171-511, 392-171-516, 392-171-521, and 392-171-526.

[Statutory Authority: RCW 72.05.140 and 28A.300.070. 90-19-069 (Order 30), § 392-173-025, filed 9/17/90, effective 10/18/90. Statutory Authority: RCW 28A.02.100. 84-20-086 (Order 84-46), § 392-173-025, filed 10/2/84. Statutory Authority: RCW 72.05.140(2) and Art. III, § 22 of the state Constitution. 80-11-038 (Order 80-30), § 392-173-025, filed 8/15/80; Order 16-76, § 392-173-025, filed 12/21/76.]

WAC 392-173-030 Medical evaluation. Medical evaluation shall be the responsibility of the department whenever a 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 392-173-035 Education records. In addition to applicable laws on records and privacy for persons admitted to the state schools for the blind and the deaf and early childhood developmental centers and the procedures, rules, and criteria of the department implementing such laws, the following provisions of chapter 392-171 WAC on education records shall be applicable to students admitted to these schools: WAC 392-171-591, 392-171-596, 392-171-601, 392-171-606, 392-171-611, 392-171-616, 392-171-621, 392-171-636, and 392-171-641. Hearings initiated to challenge information contained in the education record shall be conducted according to applicable state and federal laws and department procedures, rules, and criteria implementing such laws.

[Statutory Authority: RCW 28A.02.100. 84-20-086 (Order 84-46), § 392-173-035, filed 10/2/84. Statutory Authority: RCW 72.05.140(2) and Art. III, § 22 of the state Constitution. 80-11-038 (Order 80-30), § 392-173-035, filed 8/15/80; Order 16-76, § 392-173-035, filed 12/21/76.]

WAC 392-173-040 Annual application. The following provision from chapter 392-171 WAC shall be applicable

as they relate to ESEA Title I, P.L. 89-313 funds: WAC 392-171-691, and 392-171-696.

[Statutory Authority: RCW 28A.02.100. 84-20-086 (Order 84-46), § 392-173-040, filed 10/2/84. Statutory Authority: RCW 72.05.140(2) and Art. III, § 22 of the state Constitution. 80-11-038 (Order 80-30), § 392-173-040, filed 8/15/80; Order 16-76, § 392-173-040, filed 12/21/76.]

WAC 392-173-045 Staff qualifications. WAC 392-171-701 shall be applicable to all employees of the state schools for the blind and the deaf and early childhood developmental disabilities centers.

[Statutory Authority: RCW 28A.02.100. 84-20-086 (Order 84-46), § 392-173-045, filed 10/2/84. Statutory Authority: RCW 72.05.140(2) and Art. III, § 22 of the state Constitution. 80-11-038 (Order 80-30), § 392-173-045, filed 8/15/80; Order 16-76, § 392-173-045, filed 12/21/76.]

WAC 392-173-047 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 392-173-050 Monitoring. WAC 392-171-731 shall be applicable for programs in the state schools for the blind and the deaf and early childhood developmental centers.

[Statutory Authority: RCW 28A.02.100. 84-20-086 (Order 84-46), § 392-173-050, filed 10/2/84. Statutory Authority: RCW 72.05.140(2) and Art. III, § 22 of the state Constitution. 80-11-038 (Order 80-30), § 392-173-050, filed 8/15/80; Order 16-76, § 392-173-050, filed 12/21/76.]

WAC 392-173-055 Audits. WAC 392-171-736, 392-171-741, 392-171-746, 392-171-751, and 392-171-756 shall be applicable for programs in the state schools for the blind and the deaf and early childhood developmental centers: *Provided*, That audits and recovery of funds distributed to such schools shall be limited to federal ESEA Title I, P.L. 89-313 funds.

[Statutory Authority: RCW 28A.02.100. 84-20-086 (Order 84-46), § 392-173-055, filed 10/2/84. Statutory Authority: RCW 72.05.140(2) and Art. III, § 22 of the state Constitution. 80-11-038 (Order 80-30), § 392-173-055, filed 8/15/80; Order 16-76, § 392-173-055, filed 12/21/76.]

WAC 392-173-065 Program length. WAC 392-171-721 shall be applicable to all students provided for by this chapter.

[Statutory Authority: RCW 28A.02.100. 84-20-086 (Order 84-46), § 392-173-065, filed 10/2/84. Statutory Authority: RCW 72.05.140(2) and Art. III, § 22 of the state Constitution. 80-11-038 (Order 80-30), § 392-173-065, filed 8/15/80; Order 16-76, § 392-173-065, filed 12/21/76.]

WAC 392-173-075 Transportation and facilities. The department shall provide or make arrangements for the provision of transportation and facilities necessary or appropriate to the conduct of its educational program. All such service or physical elements in support of an educational program shall be provided in a manner and condition which reasonably assures the safety, health, and attainment of educational goals and objectives for each student.

[Statutory Authority: RCW 28A.02.100. 84-20-086 (Order 84-46), § 392-173-075, filed 10/2/84. Statutory Authority: RCW 72.05.140(2) and Art. III, § 22 of the state Constitution. 80-11-038 (Order 80-30), § 392-173-075, filed 8/15/80; Order 16-76, § 392-173-075, filed 12/21/76.]

WAC 392-173-080 Decisions, appeals and citizen complaints regarding educational programming and exclusion from an educational program. (1) Decisions made by the state school for the deaf and the blind and early childhood developmental centers regarding the educational program of a student or the student's total or partial exclusion therefrom shall be the responsibility of the department, as shall be complaints registered by any person, entity, or organization alleging one or more violations of this chapter: *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 392-175 WAC

WAIVER OF REGULATIONS PERTAINING TO SPECIAL EDUCATION, CHAPTER 1, AND LEARNING ASSISTANCE PROGRAMS

WAC

392-175-001	Authority.
392-175-005	Purpose.
392-175-010	Standards for the modification or waiver of the superintendent of public instruction's rules.
392-175-015	Waiver of state statutes.
392-175-025	Rules waiver procedures.

WAC 392-175-001 Authority. The authority for this chapter is RCW 28A.155.090(7) which authorizes the superintendent of public instruction to promulgate rules and regulations to implement chapter 28A.155 RCW. Such authority is supplemented by RCW 28A.300.070 which authorizes the superintendent of public instruction to receive federal funds in accordance with the provisions of federal law. Inherent in the authority granted by RCW 28A.155.090(7), is the authority to waive, pursuant to chapter 34.05 RCW, any rule or regulation promulgated by the superintendent of public instruction.

[Statutory Authority: Chapters 28A.155 and 34.05 RCW. 92-15-071 (Order 92-05), § 392-175-001, filed 7/14/92, effective 8/14/92.]

WAC 392-175-005 Purpose. The purpose of this section is to establish procedures for the waiver of rules and

regulations promulgated to govern special education, Chapter 1, and learning assistance programs to the extent requested by local school districts to provide improved programs for educationally at-risk students.

[Statutory Authority: Chapters 28A.155 and 34.05 RCW. 92-15-071 (Order 92-05), § 392-175-005, filed 7/14/92, effective 8/14/92.]

WAC 392-175-010 Standards for the modification or waiver of the superintendent of public instruction's rules. The superintendent of public instruction shall grant a request of the modification or waiver of a special education, Chapter 1, or learning assistance program rule which the superintendent determines meets each of the following standards:

(1) The rule does not deal with public health, safety, or civil rights.

(2) The school district has presented satisfactory reasons for the modification or waiver of the rule.

(3) The rule is not required by federal statute or regulation which has not been waived by the United States Department of Education.

[Statutory Authority: Chapters 28A.155 and 34.05 RCW. 92-15-071 (Order 92-05), § 392-175-010, filed 7/14/92, effective 8/14/92.]

WAC 392-175-015 Waiver of state statutes. Statutory provisions that correspond to state administrative rule provisions which are modified or waived at the request of a school district pursuant to this chapter shall also be deemed to have been modified or waived to the same extent.

[Statutory Authority: Chapters 28A.155 and 34.05 RCW. 92-15-071 (Order 92-05), § 392-175-015, filed 7/14/92, effective 8/14/92.]

WAC 392-175-025 Rules waiver procedures. Any local school district, governed by the regulations in this chapter, may request from the superintendent of public instruction, waiver of any regulation governed by this chapter. Such request for waiver will be transmitted to the superintendent of public instruction in writing and shall clearly state the regulation to be waived, and, as appropriate, the duration of the waiver, the section or sections of the district's educational program to be covered by the waiver, and anticipated effect of the waiver on the district's operations. The district's application for waiver must demonstrate the method the district has employed to seek public input from parents and families regarding the development of the program innovation.

The superintendent shall respond in writing to the applicant district, granting or denying the waiver, and, if denying the waiver, reasons for such denial. If granted, the waiver shall state the duration of the waiver, and any limitations on the extent of the waiver. Should the superintendent's denial of a waiver be based on federal or other state agency regulations, the superintendent may request clarification of the intent of federal or other state agency regulations from the promulgating agency.

The superintendent shall design a system of evaluation of the effect of the waiver on the school district's educational program, including a system of review of the appropriateness of the waiver by other districts and families, students, teachers, and administrators, program evaluation, and a schedule for review of the appropriateness of the waiver.

(1995 Ed.)

Each district receiving a waiver from these regulations shall be subject to any program review requirements which pertain to the programs subject to regulations being waived.

Should any waiver granted by the superintendent of public instruction be determined to be in conflict with federal or state statute or regulation, the superintendent shall give immediate notice to the district of revocation or revision of the waiver.

[Statutory Authority: Chapters 28A.155 and 34.05 RCW. 92-15-071 (Order 92-05), § 392-175-025, filed 7/14/92, effective 8/14/92.]

Chapter 392-182 WAC STUDENT—HEALTH RECORDS

WAC

392-182-005	Authority.
392-182-010	Purpose.
392-182-015	Supplement to chapter 180-38 WAC.
392-182-020	Quick verification of immunization records.

WAC 392-182-005 Authority. The authority for this chapter is RCW 28A.210.150 which requires the superintendent of public instruction to "provide procedures for schools to quickly verify the immunization of records of students transferring from one school to another before the immunization records are received."

[Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-182-005, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.31.117. 86-15-050 (Order 86-8), § 392-182-005, filed 7/18/86. Statutory Authority: 1985 c 50 § 5. 85-21-077 (Order 85-10), § 392-182-005, filed 10/21/85.]

WAC 392-182-010 Purpose. The purpose of this chapter is to implement RCW 28A.210.150 and provide for quick verification of immunization records of students transferring from one school to another before the immunization records are received.

[Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-182-010, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.31.117. 86-15-050 (Order 86-8), § 392-182-010, filed 7/18/86. Statutory Authority: 1985 c 50 § 5. 85-21-077 (Order 85-10), § 392-182-010, filed 10/21/85.]

WAC 392-182-015 Supplement to chapter 180-38 WAC. This chapter is intended to supplement rules of the state board of education in chapter 180-38 WAC. Definitions within chapter 180-38 WAC are incorporated herein by reference.

[Statutory Authority: 1985 c 50 § 5. 85-21-077 (Order 85-10), § 392-182-015, filed 10/21/85.]

WAC 392-182-020 Quick verification of immunization records. In the event the records of a student transferring from one school to another have not been received before or on the student's first day of attendance at the new school, the chief administrator of the new school shall attempt to verify the immunization status of the student prior to excluding such student pursuant to the provision of chapter 180-38 WAC. Such verification of full immunization, commencement of a schedule of immunization, or a statement of exemption may rely upon telephonic or electronic communication with the chief administrator or other appropriate official at the previous school that indicates

which of the specifically required vaccines the student has received and the month and year in which they were administered.

[Statutory Authority: 1985 c 50 § 5. 85-21-077 (Order 85-10), § 392-182-020, filed 10/21/85.]

Chapter 392-183A WAC

LOSS OF ELIGIBILITY—STUDENT ATHLETIC PARTICIPATION

WAC

392-183A-005	Authority.
392-183A-010	Purpose.
392-183A-015	Grounds for ineligibility.
392-183A-020	Due process.
392-183A-025	Discipline.
392-183A-030	State board of education approval.

WAC 392-183A-005 Authority. The authority for this chapter is RCW 69.41.340 which authorizes the superintendent of public instruction, in consultation with the Washington Interscholastic Activity Association to adopt rules and regulations regarding loss of eligibility to participate in school-sponsored athletic events for any student athlete found to have violated chapter 69.41 RCW, Legend drugs—Prescription drugs.

[Statutory Authority: RCW 69.41.340. 90-09-039 (Order 90-05), § 392-183A-005, filed 4/12/90, effective 5/13/90.]

WAC 392-183A-010 Purpose. The purpose of this chapter is to set forth policies and procedures to implement due process procedures and discipline relating to violations of chapter 69.41 RCW.

[Statutory Authority: RCW 69.41.340. 90-09-039 (Order 90-05), § 392-183A-010, filed 4/12/90, effective 5/13/90.]

WAC 392-183A-015 Grounds for ineligibility. Any student found by the school district to have violated chapter 69.41 RCW by virtue of a criminal conviction or otherwise insofar as it prohibits the possession, use or sale of legend drugs, including anabolic steroids, will be disqualified from participation in WIAA sponsored school sports programs.

[Statutory Authority: RCW 69.41.340. 90-09-039 (Order 90-05), § 392-183A-015, filed 4/12/90, effective 5/13/90.]

WAC 392-183A-020 Due process. The Washington Interscholastic Activity Association shall adopt, publish, and make available to all students and parents, written rules which state with reasonable clarity the types of misconduct for which loss of eligibility may occur under the provisions of this chapter. In addition, written procedures for imposing loss of eligibility and a method of appeal to assert innocence or present mitigating circumstances shall be developed. Such procedures shall be consistent with rules developed by the WIAA to govern all student eligibility appeals. Such rules shall:

(1) Specify the reason(s) for their alleged ineligibility, the rule being violated, and provide written notice of applicable procedures and timelines.

(2) Specify that the student may represent himself/herself or be represented by a person of choice. The student

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shall also have the opportunity to testify, present, and cross-examine witnesses and introduce relevant evidence.

(3) Specify that any decision shall be rendered within five calendar days following the date of the hearing.

(4) Specify that the student is entitled to an appeal and set forth guidelines for a proposed resolution.

[Statutory Authority: RCW 69.41.340. 90-09-039 (Order 90-05), § 392-183A-020, filed 4/12/90, effective 5/13/90.]

WAC 392-183A-025 Discipline. The Washington Interscholastic Authority Association shall adopt, publish, and make available to all students and parents, written rules which state with reasonable clarity the form of discipline imposed for violation of this chapter. Such rules shall include the following:

(1) The penalty for a first violation of this chapter shall be immediate ineligibility for interscholastic competition in the current interscholastic sports program for the remainder of the season.

(2) The penalty for a second violation of this chapter shall be ineligibility and prohibition from participating in any WIAA member school sports program for a period of one calendar year from the date of the second violation.

(3) The penalty for a third violation of this chapter shall be permanent prohibition from participating in any WIAA member school athletic program.

[Statutory Authority: RCW 69.41.340. 90-09-039 (Order 90-05), § 392-183A-025, filed 4/12/90, effective 5/13/90.]

WAC 392-183A-030 State board of education approval. The WIAA shall present any policies or procedures developed as a result of this chapter for the approval of the state board of education prior to their adoption and implementation by the WIAA.

[Statutory Authority: RCW 69.41.340. 90-09-039 (Order 90-05), § 392-183A-030, filed 4/12/90, effective 5/13/90.]

Chapter 392-184 WAC

REENTRY TO COMMON SCHOOLS— EDUCATIONAL CLINIC AND OTHER STUDENTS

WAC

392-184-003	Authority.
392-184-005	Purpose.
392-184-010	Definition—Common school dropout.
392-184-015	Reentry to common schools—General provision— Grade level.
392-184-020	Reentry to common schools—Education center student.
392-184-025	Determination of grade level upon reentry—Education center student.

WAC 392-184-003 Authority. The authority for this chapter is RCW 28A.205.030 which authorizes the superintendent of public instruction to adopt rules relating to the grade level standing of a prior common school dropout who reenters the common school system.

[Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-184-003, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.97.030. 84-05-026 (Order 84-5), § 392-184-003, filed 2/14/84.]

WAC 392-184-005 Purpose. The purpose of this chapter is to establish policies and procedures governing the reentry to the common school system of a prior common school dropout.

[Statutory Authority: RCW 28A.97.030. 84-05-026 (Order 84-5), § 392-184-005, filed 2/14/84.]

WAC 392-184-010 Definition—Common school dropout. As used in this chapter, the term common school dropout includes all students who leave school for reasons other than a lawfully imposed expulsion, including the period of time a student is subject to a lawfully imposed suspension.

[Statutory Authority: RCW 28A.97.030. 84-05-026 (Order 84-5), § 392-184-010, filed 2/14/84.]

WAC 392-184-015 Reentry to common schools—General provision—Grade level. A common school dropout of common school age shall be entitled to reenter the common school system at the grade level appropriate to such individual's ability and, in the case of a high school student, with the credits previously earned toward graduation.

[Statutory Authority: RCW 28A.97.030. 84-05-026 (Order 84-5), § 392-184-015, filed 2/14/84.]

WAC 392-184-020 Reentry to common schools—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 determination pursuant to WAC 392-184-020 of a student's level of academic ability and grade level of placement at the time of a former 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.
392-185-090	Enrollment and absences.
392-185-100	Tuition—Limitations.
392-185-110	On-site monitoring.
392-185-120	State audit review.
392-185-130	Fund reallocation.
392-185-150	Eligibility to take the general educational development (GED) tests.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

392-185-140	Return to regular school program. [Statutory Authority: RCW 28A.97.050 and 1977 ex.s. c 339 § 95 (uncodified). 78-03-008 (Order 1-78), § 392-185-140, filed 2/6/78, effective 3/9/78.] Repealed by 84-05-016 (Order 84-3), filed 2/9/84. Statutory Authority: RCW 28A.97.050.
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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 392-185-090 Enrollment and absences. Student records shall include entry and withdrawal dates. No reimbursement shall be made for students who are absent: *Provided*, That students may be reenrolled at any time.

[Statutory Authority: RCW 28A.97.050. 79-12-004 (Order 8-79), § 392-185-090, filed 11/9/79. Statutory Authority: RCW 28A.97.050 and 1977 ex.s. c 339 § 95 (uncodified). 78-03-008 (Order 1-78), § 392-185-090, filed 2/6/78, effective 3/9/78.]

WAC 392-185-100 Tuition—Limitations. No certified 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 392-185-110 On-site monitoring. The instructional program activities and procedures and records of students for whom fees are paid shall be monitored on-site on a schedule established by the superintendent of public instruction.

[Statutory Authority: RCW 28A.97.050 and 1977 ex.s. c 339 § 95 (uncodified). 78-03-008 (Order 1-78), § 392-185-110, filed 2/6/78, effective 3/9/78.]

WAC 392-185-120 State audit review. Any certified 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 392-185-130 Fund reallocation. Any fund balances remaining in a contract which is not fully performed shall revert to the original fund for reallocation by the superintendent of public instruction.

[Statutory Authority: RCW 28A.97.050 and 1977 ex.s. c 339 § 95 (uncodified). 78-03-008 (Order 1-78), § 392-185-130, filed 2/6/78, effective 3/9/78.]

WAC 392-185-150 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 392-190 WAC

EQUAL EDUCATIONAL OPPORTUNITY—SEX DISCRIMINATION PROHIBITED

WAC

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WAC 392-190-005 Purpose—Elimination of sex discrimination. The purpose of this chapter is to establish rules and regulations which implement chapter 28A.640 RCW. The referenced enactment prohibits discrimination on the basis of sex in grades K-12 of the Washington public schools. Broad federal regulations implementing Title IX of the Education Amendments of 1972 similarly prohibit sex discrimination in federally-assisted education programs or activities. As a result, several substantive areas have been similarly identified and addressed by both state and federal enactments.

It is the intent of this chapter to encompass those similar substantive areas addressed by the Title IX regulations and in some aspects extend beyond the Title IX regulations. Accordingly, compliance with this chapter should constitute compliance with those similar substantive areas treated in the Title IX regulations, but school districts should be aware that compliance with the Title IX regulations alone may not constitute compliance with this chapter.

Although chapter 28A.640 RCW and the balance of this chapter prohibit sex discrimination in grades K-12 only, the superintendent of public instruction hereby declares pursuant to the authority vested in the superintendent by Article 3, section 22 of the state Constitution that it shall be unlawful for any public school district to discriminate on the basis of sex with regard to any activity conducted by or in behalf of a school district including, but not limited to, preschool, adult education, community education and vocational-technical program activities.

[Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-190-005, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-190-005, filed 11/2/89, effective 12/3/89; Order 6-76, § 392-190-005, filed 5/17/76.]

WAC 392-190-010 Counseling and guidance services—Career opportunities—Internal procedures. (1) No school district shall engage in discrimination against any person on the basis of sex in the counseling or guidance of students in grades K-12.

(2) Each school district shall devise and use materials, orientation programs, and counseling techniques that will encourage participation in all school programs and courses

of study based on factors other than sex and that encourage students to explore subjects and activities not heretofore traditional for their sex.

(3) Each school district which uses testing and other materials for appraising or counseling students shall not use different materials for students on the basis of their sex or use materials which permit or require different treatment of students on such basis unless (a) such different materials cover the same occupations and interest areas and (b) the use of such different materials is demonstrated to be essential to eliminate sex bias.

(4) Each school district shall develop and use internal procedures for ensuring that all tests and appraisal instruments, career and vocational guidance materials, work/study programs and opportunities, and educational scheduling and/or placement do not discriminate on the basis of sex: *Provided*, That where the use of such instruments or materials or such programs or activities results in a substantially disproportionate number of members of one sex in any particular course of study or classification, the school district shall take such immediate action as is necessary to assure itself that such disproportion is not the result of discrimination in the program or activity or in the instrument or material or its application: *Provided further*, That where a school district finds that a particular class contains a substantially disproportionate number of individuals of one sex, the district shall take such immediate action as is necessary to assure itself that such disproportion is not the result of discrimination on the basis of sex in tests and appraisal instruments, career and vocational guidance materials, work/study programs and opportunities, and educational scheduling and/or placement or by counselors.

[Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-190-010, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.85.020, 28A.85.030 and 28A.85.050. 80-09-017 (Order 80-26), § 392-190-010, filed 7/9/80; Order 6-76, § 392-190-010, filed 5/17/76.]

WAC 392-190-015 Counseling and guidance—Duty of certificated and classroom personnel—Coordination of effort. (1) All certificated and classroom personnel shall encourage students to explore and develop their individual interests in career and vocational technical programs and employment opportunities without regard to sex, including reasonable efforts encouraging students to consider and explore "nontraditional" occupations for men and women: *Provided*, That all certificated and classroom personnel within each local school district shall have access to an educational staff associate (ESA) certificated school counselor(s) or such other appropriate person(s), designated by the school district superintendent to coordinate compliance with the requirements of this section.

(2) All certificated and classroom personnel shall comply fully and immediately with the requirements of this section. The superintendent of each school district shall make the designation(s) required by this section immediately.

[Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-190-015, filed 11/2/89, effective 12/3/89; Order 6-76, § 392-190-015, filed 5/17/76.]

WAC 392-190-020 Inservice training—Sex bias awareness. Each school district should include sex bias awareness and sex bias elimination training sessions in such

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inservice training programs as are conducted or provided for certificated and/or classroom personnel.

[Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-190-020, filed 11/2/89, effective 12/3/89; Order 6-76, § 392-190-020, filed 5/17/76.]

WAC 392-190-025 Recreational and athletic activities—Equal opportunity—Separate teams. (1) No person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, be treated differently from another person or otherwise be discriminated against in any interscholastic, club or intramural athletics or recreational activity offered by a school district, and no school district shall provide any such athletics or recreational activity separately on such basis. Sports teams and programs offered by a school district shall, regardless of their nature, be equally open to participation by qualified members of both sexes: *Provided*, That in the case of sports and recreational activities offered for students in grades 7 through 12, a school district may maintain separate teams for members of each sex if (a) it can clearly be shown, under the factual circumstances involved in the particular case, that the maintenance of separate teams for boys and girls truly constitutes the best method of providing both sexes, as a whole, with an equal opportunity to participate in the sports or games of their choice and (b) at the same time, a test of substantial equality between the two programs can be found to have been met.

(2) For the purpose of this section and WAC 392-190-050(2) "substantial equality" shall be determined by considering factors including but not limited to the following:

- (a) The relationship between the skill and compensation of coaching staffs;
- (b) The size of their budgets;
- (c) The quality of competition and game schedules;
- (d) Uniforms;
- (e) Equipment and facilities; and
- (f) Sufficient numbers of participants to warrant separate teams.

[Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-190-025, filed 11/2/89, effective 12/3/89; Order 6-76, § 392-190-025, filed 5/17/76.]

WAC 392-190-030 General—Recreational and athletic activities—Equal opportunity factors considered. Each school district shall evaluate its recreational and athletic program at least once each year to ensure that equal opportunities are available to members of both sexes with respect to interscholastic, club or intramural athletics which are operated, sponsored, or otherwise provided by the school district.

In determining whether equal opportunities are available to members of both sexes with respect to interscholastic, club or intramural athletics, each school district conducting an evaluation required by this section, and the office of superintendent of public instruction upon receipt of a complaint pursuant to WAC 392-190-075, shall consider several factors, including but not limited to the following where provided by a school district:

(1) Whether the selection of sports and levels of competition effectively accommodates the interests and abilities of members of both sexes;

(2) The provision of equipment and supplies;

(3) The scheduling of games and practice times including the use of playfields, courts, gyms, and pools;

(4) Transportation and per diem allowances, if any;

(5) The opportunity to receive coaching and academic tutoring;

(6) The assignment and compensation of coaches, tutors, and game officials;

(7) The provision of medical and training facilities and services including the availability of insurance;

(8) The provision of housing, laundry, and dining facilities and services, if any; and

(9) Publicity and awards.

Unequal aggregate expenditures within a school district for members of each sex or unequal expenditures for separate male and female teams will not alone constitute noncompliance with this chapter, but the failure to provide the necessary funds for recreational and athletic activities for members of one sex may be considered in assessing the equality of opportunity for members of each sex.

[Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-190-030, filed 11/2/89, effective 12/3/89; Order 6-76, § 392-190-030, filed 5/17/76.]

WAC 392-190-035 Recreational and athletic activities—Compliance timetable—Elementary and secondary level. (1) Each school district which operates, sponsors, or otherwise provides interscholastic, club or intramural athletics at the elementary school level (K-6) shall provide equal opportunity and encouragement for physical and skill development to all students in the elementary grades consistent with this chapter.

(2) Each school district which operates, sponsors, or otherwise provides interscholastic, club or intramural athletics at the secondary school level (7-12) shall provide equal opportunity and encouragement for physical and skill development to all students in the secondary grades consistent with this chapter.

[Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-190-035, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.85.020, 28A.85.030 and 28A.85.050. 80-09-017 (Order 80-26), § 392-190-035, filed 7/9/80; Order 6-76, § 392-190-035, filed 5/17/76.]

WAC 392-190-040 Recreational and athletic activities—Student interest—Required survey instrument.

(1) The superintendent of public instruction shall develop a survey instrument to assist each school district in the determination of student interest for male/female participation in specific sports.

(2) A survey instrument shall be administered by each school district at all grade levels where interscholastic, intramural and other sports and recreational activities are conducted. The results of the survey shall be considered in the program planning and development in the area of recreational and athletic activities offered within the school district.

(3) A survey instrument developed pursuant to this section shall be administered at least once every three years within each school district: *Provided*, That the content of

the survey instrument may be modified or amended as deemed appropriate to clarify and assist in the evaluation of student interest.

[Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-190-040, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.85.020, 28A.85.030 and 28A.85.050. 80-09-017 (Order 80-26), § 392-190-040, filed 7/9/80; Order 6-76, § 392-190-040, filed 5/17/76.]

WAC 392-190-045 Recreational and athletic activities—Facilities. A school district which provides athletic facilities for members of one sex including showers, toilets, and training room facilities for athletic purposes shall provide comparable facilities for members of the opposite sex: *Provided*, That such facilities may be provided as either separate facilities or shall be scheduled and used separately by members of each sex: *Provided further*, That this section shall not be interpreted to require the construction of additional facilities.

[Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-190-045, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.85.020, 28A.85.030 and 28A.85.050. 80-09-017 (Order 80-26), § 392-190-045, filed 7/9/80; Order 6-76, § 392-190-045, filed 5/17/76.]

WAC 392-190-050 Course offerings—Generally—Separate sessions or groups permissible. No school district shall provide any course or otherwise carry out any of its education programs or activities separately on the basis of sex, or require or refuse participation therein by any of its students on such basis, including but not limited to health, physical education, industrial arts, business, vocational-technical, and home economics courses: *Provided*, That this section shall not be construed to prohibit:

(1) The grouping of students in physical education classes and activities by demonstrated ability as assessed by objective standards of individual performance developed and applied without regard to sex: *Provided*, That where use of a single standard of measuring skill or progress in a physical education class has an adverse effect on members of one sex, the school district shall immediately implement appropriate standards which do not have such effect;

(2) The separation of students by sex within physical education classes or activities offered for students in grades 7 through 12 if (a) it can clearly be shown under the factual circumstances involved in the particular case, that the maintenance of a separate physical education class or activity for boys and girls truly constitutes the best method of providing both sexes, as a whole, with an equal opportunity to participate in such class or activity and (b) at the same time, a test of substantial equality between the two classes or activities can be found to have been met;

(3) The conduct of separate sessions for boys and girls with respect to those portions of classes which deal exclusively with human sexuality; and

(4) The conduct of classes and/or activities within which a school district may establish or maintain requirements based on vocal range or quality which may result in a chorus or choruses of one or predominantly one sex.

[Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-190-050, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.85.020, 28A.85.030 and 28A.85.050. 80-09-017 (Order 80-26), § 392-190-050, filed 7/9/80; Order 6-76, § 392-190-050, filed 5/17/76.]

WAC 392-190-055 Textbooks and instructional materials—Scope—Elimination of sex bias—Compliance timetable. (1) It is the intent of this section to eliminate sex bias in connection with any form of instruction provided by a school district.

(2) The instructional materials policy of each school district required by RCW 28A.320.230 shall incorporate therein, as part of the selection criteria, a specific statement requiring the elimination of sex bias in all textbooks and instructional materials including reference materials and audio-visual materials.

(3) The instructional materials committee of each school district shall establish and maintain appropriate screening criteria designed to identify and eliminate sex bias in all textbooks and instructional materials including reference materials and audio-visual materials: *Provided*, That such selection criteria shall be consistent with the selection criteria endorsed by the state board of education dated December 6, 1974, WAC 180-48-010, as now or hereafter amended, and WAC 180-46-005 through 180-46-060, as now or hereafter amended. One of the aids to identification of sex bias in instructional materials consists of the *Washington Models for the Evaluation of Bias Content in Instructional Materials* published by the superintendent of public instruction.

(4) In recognition of the fact that current instructional materials which contain sex bias may not be replaced immediately, each school district should acquire supplemental instructional materials or aids to be used concurrent with existing materials for the purpose of countering the sex bias content thereof.

(5) Nothing in this section is intended to prohibit the use or assignment of supplemental instructional materials such as classic and contemporary literary works, periodicals and technical journals which, although they contain sex bias, are educationally necessary or advisable.

[Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-190-055, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-190-055, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.85.020, 28A.85.030 and 28A.85.050. 80-09-017 (Order 80-26), § 392-190-055, filed 7/9/80; Order 6-76, § 392-190-055, filed 5/17/76.]

WAC 392-190-056 Sexual harassment—Definitions.

(1) As used in this chapter, "sexual harassment" means unwelcome sexual advances, requests for sexual favors, sexually motivated physical contact, or other verbal or physical conduct or communication of a sexual nature between two or more individuals if:

(a) Submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining an education or employment;

(b) Submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's education or employment; or

(c) That conduct or communication has the purpose or effect of substantially interfering with an individual's educational or work performance, or of creating an intimidating, hostile, or offensive educational or work environment.

(2) For the purpose of this definition, sexual harassment may include conduct or communication that involves adult to student, student to adult, student to student, adult to adult,

male to female, female to male, male to male, and female to female.

Note: School districts must be guided by federal and state case law in their interpretation of sexual harassment complaints and will need to determine sexual harassment on a case-by-case basis.

[Statutory Authority: 1994 c 213. 94-23-043 (Order 94-14), § 392-190-056, filed 11/10/94, effective 12/11/94.]

WAC 392-190-057 Sexual harassment policy—Adoption date—Required criteria. In order to eliminate sexual harassment in connection with any responsibility, function or activity within the jurisdiction of a school district, a sexual harassment policy shall be adopted and implemented by each district no later than June 30, 1995. This policy shall apply to all school district employees, volunteers, parents, and students, including but not limited to, conduct between students. This policy shall incorporate the following criteria:

(1) Definitions consistent with the categories in RCW 28A.640.020 (2)(f);

(2) District and staff responsibilities;

(3) Informal grievance procedures;

(4) Grievance procedures consistent with WAC 392-190-065 through 392-190-075 of this chapter;

(5) Investigative procedures and reasonable and prompt timelines;

(6) Remedies available to victims of sexual harassment;

(7) Disciplinary actions against violators which must conform with collective bargaining agreements and state and federal laws;

(8) Reprisal, retaliation and false accusations prohibition;

(9) Dissemination and implementation; and

(10) Internal review.

[Statutory Authority: 1994 c 213. 94-23-043 (Order 94-14), § 392-190-057, filed 11/10/94, effective 12/11/94.]

WAC 392-190-058 Sexual harassment—Procedures.

(1) School district policies on sexual harassment shall be reviewed by the superintendent of public instruction considering the criteria established under WAC 392-190-057 as part of the monitoring process established in RCW 28A.640.030. The superintendent of public instruction shall supply upon request sample sexual harassment policies to school districts.

(2) The school district's sexual harassment policy shall be easily understood and conspicuously posted throughout each school building, and provided to each employee, volunteer and student.

(3) Reasonable efforts shall be made to inform all students and their parents about the district's sexual harassment policy and procedures.

(4) A copy of the policy shall appear in any publication of the school or school district setting forth the rules, regulations, procedures, and standards of conduct for the school or school district.

(5) Each school shall develop a process for discussing the district's sexual harassment policy. The process shall ensure the discussion addresses the definition of sexual harassment and issues covered in the sexual harassment policy.

[Statutory Authority: 1994 c 213. 94-23-043 (Order 94-14), § 392-190-058, filed 11/10/94, effective 12/11/94.]

WAC 392-190-060 Compliance—Local school district—Designation of responsible employee—Notification. (1) The superintendent of each school district shall immediately designate at least one employee who shall be responsible directly to the superintendent for monitoring and coordinating the district's compliance with this chapter. The employee designated pursuant to this section shall also be charged with the responsibility to investigate any complaint(s) communicated to the school district pursuant to WAC 392-190-065.

(2) Each school district shall, once each year or more often as deemed necessary, publish notice in a manner which is reasonably calculated to inform all students, students' parents, and employees of the name, office address and telephone number of the employee or employees appointed pursuant to this section and the appeal procedure set forth in WAC 392-190-065, WAC 392-190-070 and WAC 392-190-075 as now or hereafter amended.

[Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-190-060, filed 11/2/89, effective 12/3/89; Order 6-76, § 392-190-060, filed 5/17/76.]

WAC 392-190-065 Compliance—Complaint procedure—District superintendent. (1) Upon receipt of a complaint by a school district in the manner herein described, the employee or employees designated pursuant to WAC 392-190-060 shall investigate the allegations set forth and shall institute such other reasonable procedures to effect a prompt resolution of the complaint: *Provided*, That each complaint communicated to the school district shall be (a) written, (b) signed by the complaining party, and (c) set forth specific acts, conditions, or circumstances alleged to be violative of this chapter or the specific acts, conditions, or circumstances that would be prohibited by this chapter.

(2) Upon completion of the investigation required by this section in connection with a complaint communicated to the school district, the designated employee or employees shall provide the district superintendent with a full written report of the complaint and the results of the investigation. The district superintendent shall respond in writing to the complaining party as expeditiously as possible but in no event later than thirty calendar days following receipt of such complaint by the school district.

(3) The response of the school district superintendent required by this section shall clearly state either (a) that the school district denies the allegations contained in the complaint received pursuant to this section, or (b) the nature of such reasonable corrective measures deemed necessary to eliminate any such act, condition, or circumstance within the school district: *Provided*, That any such corrective measures deemed necessary shall be instituted as expeditiously as possible but in no event later than thirty calendar days following the school district superintendent's mailing of a written response to the complaining party required by this section.

(4) The complaint procedure required by this section shall not prohibit the processing of grievances by an employee bargaining representative and/or a member of a bargaining

unit pursuant to grievance procedures established at the school district level by local bargaining agreement.

[Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-190-065, filed 11/2/89, effective 12/3/89; Order 6-76, § 392-190-065, filed 5/17/76.]

WAC 392-190-070 Compliance—Appeal procedure—Local school board. (1) In the event a complainant remains aggrieved as a result of the action or inaction of the superintendent in resolving a complaint as provided in WAC 392-190-065, said complainant may appeal to the school district board of directors by filing a written notice of appeal with the secretary of the school board on or before the tenth day following (a) the date upon which the complainant received the superintendent's response or (b) the expiration of the thirty day response period provided by WAC 392-190-065, whichever occurs first.

(2) An appeal to the board of directors pursuant to this section shall require the board of directors to schedule a hearing to commence on or before the twentieth day following the filing of the written notice of appeal. Both parties shall be allowed to present such witnesses and testimony as the board deems relevant and material. The board of directors shall render a written decision on or before the tenth day following the termination of the hearing, and shall provide a copy to all parties involved.

[Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-190-070, filed 11/2/89, effective 12/3/89; Order 6-76, § 392-190-070, filed 5/17/76.]

WAC 392-190-075 Compliance—Contested case—Duty of the superintendent of public instruction. (1) In the event a complainant remains aggrieved with the decision of a school district board of directors rendered pursuant to WAC 392-190-070, the complainant may appeal the board's decision to the superintendent of public instruction. Upon the receipt of a notice of appeal filed in compliance with this section, the superintendent of public instruction shall schedule a hearing to commence on or before the fortieth day thereafter.

(2) A notice of appeal must be received by the superintendent on or before the tenth day following the date upon which the complainant received written notice of the school board's decision. Furthermore, the notice must be in writing and must set forth (a) a concise statement of the portion or portions of the school board's decision which is appealed from, and (b) the relief requested by the complainant/appellant.

(3) Appeals to the superintendent shall be conducted de novo pursuant to the state Administrative Procedure Act (chapter 34.04 RCW). The complainant/appellant shall have the responsibility for prosecuting his or her case and the school district/respondent shall have the duty of defending the decision or portion thereof appealed.

[Statutory Authority: RCW 34.05.220 [(1)](a). 89-23-001 (Order 15), § 392-190-075, filed 11/2/89, effective 12/3/89. Statutory Authority: RCW 28A.85.020, 28A.85.030 and 28A.85.050. 80-09-017 (Order 80-26), § 392-190-075, filed 7/9/80; Order 6-76, § 392-190-075, filed 5/17/76.]

WAC 392-190-080 Compliance—Violations—Permissible sanctions. In the event a school district is

found to be in violation of the requirements of this chapter, the superintendent of public instruction may, by appropriate order pursuant to chapter 34.04 RCW, impose an appropriate sanction or institute appropriate corrective measures, including but not limited to (a) the termination of all or part of state apportionment or categorical moneys to the offending school district, (b) the termination of specified programs wherein such violation or violations are found to be flagrant in nature, (c) the institution of a mandatory affirmative action program within the offending school district, and (d) the placement of the offending school district on probation with appropriate sanctions until such time as compliance is achieved or is assured, whichever is deemed appropriate in the particular case by the superintendent of public instruction.

[Statutory Authority: RCW 34.05.220 [(1)](a), 89-23-001 (Order 15), § 392-190-080, filed 11/2/89, effective 12/3/89; Order 6-76, § 392-190-080, filed 5/17/76.]

Chapter 392-191 WAC

SCHOOL PERSONNEL—EVALUATION OF THE PROFESSIONAL PERFORMANCE CAPABILITIES

WAC

- 392-191-001 Authority.
- 392-191-005 Purpose.
- 392-191-007 Evaluation requirements.
- 392-191-010 Minimum evaluation criteria—Certificated classroom teachers.
- 392-191-020 Minimum evaluation criteria—Certificated support personnel.
- 392-191-025 Minimum procedural standards—Purposes of evaluation.
- 392-191-030 Minimum procedural standards—Frequency of evaluation.
- 392-191-035 Minimum procedural standards—Conduct of the evaluation.
- 392-191-040 Minimum procedural standards—Procedures to be used in making evaluations.
- 392-191-045 Minimum procedural standards—Use of evaluation results.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 392-191-060 Professional growth component. [Statutory Authority: RCW 28A.67.065 and 28A.67.225. 90-02-078 (Order 20), § 392-191-060, filed 1/2/90, effective 2/2/90.] Repealed by 91-16-026 (Order 91-13), filed 7/26/91, effective 8/26/91. Statutory Authority: RCW 28A.67.065.
- 392-191-065 Professional growth component—Purpose. [Statutory Authority: RCW 28A.67.065 and 28A.67.225. 90-02-078 (Order 20), § 392-191-065, filed 1/2/90, effective 2/2/90.] Repealed by 91-16-026 (Order 91-13), filed 7/26/91, effective 8/26/91. Statutory Authority: RCW 28A.67.065.
- 392-191-070 Professional growth component—Implementation. [Statutory Authority: RCW 28A.67.065 and 28A.67.225. 90-02-078 (Order 20), § 392-191-070, filed 1/2/90, effective 2/2/90.] Repealed by 91-16-026 (Order 91-13), filed 7/26/91, effective 8/26/91. Statutory Authority: RCW 28A.67.065.
- 392-191-075 Professional growth component—Committee membership. [Statutory Authority: 1990 c 33. 91-16-011 (Order 91-12) § 392-191-075, filed 7/26/91, effective 8/26/91. Statutory Authority: RCW 28A.67.065 and 28A.67.225. 90-02-078 (Order 20), § 392-191-075, filed 1/2/90, effective 2/2/90.] Repealed by 91-16-026 (Order 91-13), filed 7/26/91, effective 8/26/91. Statutory Authority: RCW 28A.67.065.

- 392-191-080 Professional growth component—Sources of information. [Statutory Authority: RCW 28A.67.065 and 28A.67.225. 90-02-078 (Order 20), § 392-191-080, filed 1/2/90, effective 2/2/90.] Repealed by 91-16-026 (Order 91-13), filed 7/26/91, effective 8/26/91. Statutory Authority: RCW 28A.67.065.
- 392-191-085 Professional growth component—Short form of evaluation. [Statutory Authority: 1990 c 33. 91-16-011 (Order 91-12), § 392-191-085, filed 7/26/91, effective 8/26/91. Statutory Authority: RCW 28A.67.065 and 28A.67.225. 90-02-078 (Order 20), § 392-191-085, filed 1/2/90, effective 2/2/90.] Repealed by 91-16-026 (Order 91-13), filed 7/26/91, effective 8/26/91. Statutory Authority: RCW 28A.67.065.
- 392-191-090 Professional growth component—Records. [Statutory Authority: RCW 28A.67.065 and 28A.67.225. 90-02-078 (Order 20), § 392-191-090, filed 1/2/90, effective 2/2/90.] Repealed by 91-16-026 (Order 91-13), filed 7/26/91, effective 8/26/91. Statutory Authority: RCW 28A.67.065.
- 392-191-095 Professional growth component—Timeline. [Statutory Authority: RCW 28A.67.065 and 28A.67.225. 90-02-078 (Order 20), § 392-191-095, filed 1/2/90, effective 2/2/90.] Repealed by 91-16-026 (Order 91-13), filed 7/26/91, effective 8/26/91. Statutory Authority: RCW 28A.67.065.

WAC 392-191-001 Authority. The general authority for this chapter is RCW 28A.405.100 which authorizes the superintendent of public instruction to adopt minimum criteria for the evaluation by districts of the professional performance capabilities and development of certificated classroom teachers and certificated support personnel. This general authority is supplemented by RCW 28A.405.150 which authorizes the superintendent of public instruction to develop minimum procedural standards for evaluation of certificated classroom teachers and certificated support personnel conducted pursuant to RCW 28A.405.100.

[Statutory Authority: 1990 c 33. 91-16-011 (Order 91-12), § 392-191-001, filed 7/26/91, effective 8/26/91. Statutory Authority: RCW 28A.67.065 and 28A.67.225. 90-02-078 (Order 20), § 392-191-001, filed 1/2/90, effective 2/2/90. Statutory Authority: RCW 28A.67.065. 84-20-085 (Order 84-45), § 392-191-001, filed 10/2/84.]

WAC 392-191-005 Purpose. The purpose of this chapter is to establish the minimum criteria and minimum procedural standards to be adopted in accordance with chapter 41.59 RCW by districts for the evaluation of the professional performance capabilities and development of certificated classroom teachers and certificated support personnel.

[Statutory Authority: RCW 28A.67.065 and 28A.67.225. 90-02-078 (Order 20), § 392-191-005, filed 1/2/90, effective 2/2/90. Statutory Authority: RCW 28A.67.065. 84-20-085 (Order 84-45), § 392-191-005, filed 10/2/84; Order 20-76, § 392-191-005, filed 1/11/77.]

WAC 392-191-007 Evaluation requirements. Local school districts shall establish and implement on or before September 1, 1991, an evaluation program consisting of the following:

- (1) Evaluation criteria meeting the minimum standards specified in WAC 392-191-010 and 392-191-020;
- (2) Evaluation procedures meeting the minimum standards specified in WAC 392-191-025 through 392-191-045;
- (3) Evaluation criteria and procedures as specified in RCW 28A.405.100 and 28A.405.150;

(4) Additional criteria and procedural standards as may be established pursuant to the bargaining process set forth in chapter 41.59 RCW.

[Statutory Authority: 1990 c 33, 91-16-011 (Order 91-12), § 392-191-007, filed 7/26/91, effective 8/26/91. Statutory Authority: RCW 28A.67.065, 90-22-045 (Order 41), § 392-191-007, filed 11/2/90, effective 12/3/90.]

WAC 392-191-010 Minimum evaluation criteria—Certificated classroom teachers. The following are the minimum criteria for certificated classroom teachers:

(1) Instructional skill. The certificated classroom teacher demonstrates, in his or her performance, a competent level of knowledge and skill in designing and conducting an instructional experience.

(2) Classroom management. The certificated classroom teacher demonstrates, in his or her performance, a competent level of knowledge and skill in organizing the physical and human elements in the educational setting.

(3) Professional preparation and scholarship. The certificated classroom teacher exhibits, in his or her performance, evidence of having a theoretical background and knowledge of the principles and methods of teaching, and a commitment to education as a profession.

(4) Effort toward improvement when needed. The certificated classroom teacher demonstrates an awareness of his or her limitations and strengths, and demonstrates continued professional growth.

(5) The handling of student discipline and attendant problems. The certificated classroom teacher demonstrates the ability to manage the noninstructional, human dynamics in the educational setting.

(6) Interest in teaching pupils. The certificated classroom teacher demonstrates an understanding of and commitment to each pupil, taking into account each individual's unique background and characteristics. The certificated classroom teacher demonstrates enthusiasm for or enjoyment in working with pupils.

(7) Knowledge of subject matter. The teacher demonstrates a depth and breadth of knowledge of theory and content in general education and subject matter specialization(s) appropriate to the elementary and/or secondary level(s).

[Statutory Authority: RCW 28A.67.065 and 28A.67.225. 90-02-078 (Order 20), § 392-191-010, filed 1/2/90, effective 2/2/90; Order 20-76, § 392-191-010, filed 1/11/77.]

WAC 392-191-020 Minimum evaluation criteria—Certificated support personnel. The following are the minimum criteria for certificated support personnel:

(1) Knowledge and scholarship in special field. Each certificated support person demonstrates a depth and breadth of knowledge of theory and content in the special field. He/she demonstrates an understanding of and knowledge about common school education and the educational milieu grades K-12, and demonstrates the ability to integrate the area of specialty into the total school milieu.

(2) Specialized skills. Each certificated support person demonstrates in his/her performance a competent level of skill and knowledge in designing and conducting specialized programs of prevention, instruction, remediation and evaluation.

(3) Management of special and technical environment. Each certificated support person demonstrates an acceptable level of performance in managing and organizing the special materials, equipment and environment essential to the specialized programs.

(4) The support person as a professional. Each certificated support person demonstrates awareness of his/her limitations and strengths and demonstrates continued professional growth.

(5) Involvement in assisting pupils, parents, and educational personnel. Each certificated support person demonstrates an acceptable level of performance in offering specialized assistance in identifying those needing specialized programs.

[Statutory Authority: RCW 28A.67.065 and 28A.67.225. 90-02-078 (Order 20), § 392-191-020, filed 1/2/90, effective 2/2/90; Order 20-76, § 392-191-020, filed 1/11/77.]

WAC 392-191-025 Minimum procedural standards—Purposes of evaluation. The purposes of evaluations of certificated classroom teachers and certificated support personnel shall be, at a minimum:

(1) To identify in consultation with classroom teachers and certificated support personnel observed, particular areas in which their professional performance is satisfactory or outstanding, and particular areas in which the classroom teacher or support person needs to improve his or her performance.

(2) To assist classroom teachers and certificated support personnel, who have identified areas needing improvement, in making those improvements.

(3) To identify classroom teachers or certificated support personnel whose professional performance is unsatisfactory and for whom remediation is needed.

[Statutory Authority: RCW 28A.67.065 and 28A.67.225. 90-02-078 (Order 20), § 392-191-025, filed 1/2/90, effective 2/2/90.]

WAC 392-191-030 Minimum procedural standards—Frequency of evaluation. Each school year the frequency of evaluation shall be:

(1) All classroom teachers and certificated support personnel shall be observed for the purposes of evaluation at least twice in the performance of their assigned duties.

(2) At least one observation shall be a minimum of thirty minutes.

(3) New employees shall be observed at least once for a total observation time of thirty minutes during the first ninety calendar days of their employment period.

(4) Total observation time for each employee for each school year shall be not less than sixty minutes: *Provided*, That after an employee has four years of satisfactory evaluations, a school district may use a short form of evaluation pursuant to RCW 28A.405.100(5).

[Statutory Authority: 1990 c 33, 91-16-011 (Order 91-12), § 392-191-030, filed 7/26/91, effective 8/26/91. Statutory Authority: RCW 28A.67.065, 90-22-045 (Order 41), § 392-191-030, filed 11/2/90, effective 12/3/90. Statutory Authority: RCW 28A.67.065 and 28A.67.225. 90-02-078 (Order 20), § 392-191-030, filed 1/2/90, effective 2/2/90.]

WAC 392-191-035 Minimum procedural standards—Conduct of the evaluation. The conduct of the

evaluation of classroom teachers and certificated support personnel shall include, at a minimum, the following:

(1) Observation and written comment pursuant to RCW 28A.405.100 by the principal or his/her designee at the school to which the certificated employee is assigned.

(2) The opportunity for the employee to attach written comments to his/her evaluation report.

(3) For certificated classroom teachers, the minimum criteria set forth in WAC 392-191-010; and for certificated support personnel the minimum criteria set forth in WAC 392-191-020. Nothing in this chapter shall be construed to prohibit a local school district from developing an evaluation instrument which contains criteria in excess of those established by the superintendent of public instruction.

(4) When appropriate, suggestions for improvement should be part of the principal's or his/her designee's comments.

[Statutory Authority: 1990 c 33, 91-16-011 (Order 91-12), § 392-191-035, filed 7/26/91, effective 8/26/91. Statutory Authority: RCW 28A.67.065, 90-22-045 (Order 41), § 392-191-035, filed 11/2/90, effective 12/3/90. Statutory Authority: RCW 28A.67.065 and 28A.67.225. 90-02-078 (Order 20), § 392-191-035, filed 1/2/90, effective 2/2/90.]

WAC 392-191-040 Minimum procedural standards—Procedures to be used in making evaluations. The following procedures shall be used in making evaluations:

(1) The procedures stipulated in RCW 28A.405.100 shall be used by principals or their designees conducting evaluations of certificated classroom teachers and certificated support personnel.

(2) Following each observation, or series of observations, the principal or his/her designee shall promptly document the results of the evaluation in writing, and shall provide the employee with a copy thereof within three days after such report is prepared.

(3) Each classroom teacher and each certificated support person shall have the opportunity for a minimum of two confidential conferences during each school year with his/her principal or principal's designee either following receipt of the written evaluation results, or at a time mutually satisfactory to the participants. The sole purpose of each such conference shall be to provide additional information to aid the principal or his or her designee in evaluating the teacher or certificated support person (e.g., providing direction, assistance, guidance, encouragement to the employee).

(4) If other evaluators are used, additional procedures may be adopted pursuant to local policy.

[Statutory Authority: 1990 c 33, 91-16-011 (Order 91-12), § 392-191-040, filed 7/26/91, effective 8/26/91. Statutory Authority: RCW 28A.67.065, 90-22-045 (Order 41), § 392-191-040, filed 11/2/90, effective 12/3/90. Statutory Authority: RCW 28A.67.065 and 28A.67.225. 90-02-078 (Order 20), § 392-191-040, filed 1/2/90, effective 2/2/90.]

WAC 392-191-045 Minimum procedural standards—Use of evaluation results. Evaluation results shall be used:

(1) To acknowledge, recognize, and encourage excellence in professional performance.

(2) To document the satisfactory performance by an employee of his/her assigned duties.

(3) To identify discrete areas according to the criteria included on the evaluation instrument in which the employee may need improvement.

(4) To document performance by an employee judged unsatisfactory based on the district evaluation criteria.

[Statutory Authority: RCW 28A.67.065 and 28A.67.225. 90-02-078 (Order 20), § 392-191-045, filed 1/2/90, effective 2/2/90.]

Chapter 392-192 WAC

PROFESSIONAL DEVELOPMENT PROGRAMS

WAC

392-192-005	Authority.
392-192-010	Definition of terms.
392-192-020	Professional growth component—Purpose.
392-192-030	Professional growth program.
392-192-040	Professional growth program—Committee.
392-192-050	Professional growth program—Sources of information.
392-192-060	Professional growth program—Records.
392-192-070	Professional growth program—Timeline.

WAC 392-192-005 Authority. The authority for these standards is RCW 28A.405.150 which authorizes the superintendent of public instruction to develop minimum procedural standards for evaluation of certificated classroom teachers and certified support personnel conducted pursuant to RCW 28A.405.100.

[Statutory Authority: 1990 c 33, 91-16-011 (Order 91-12), § 392-192-005, filed 7/26/91, effective 8/26/91. Statutory Authority: RCW 28A.67.225, 90-22-046 (Order 42), § 392-192-005, filed 11/2/90, effective 12/3/90.]

WAC 392-192-010 Definition of terms. Professional development programs are a form of personnel evaluation in which the emphasis is on growth and improvement rather than on decisions related to probation, nonrenewal, and discharge.

[Statutory Authority: RCW 28A.67.225. 90-22-046 (Order 42), § 392-192-010, filed 11/2/90, effective 12/3/90.]

WAC 392-192-020 Professional growth component—Purpose. The purpose of this chapter is to establish procedures to be adopted by districts for the professional development of certificated classroom teachers and certificated support personnel. Professional development procedures shall be used:

(1) To encourage employee self-assessment and goal setting;

(2) To provide opportunities for and encourage sharing among teaching and support staff of personal professional experience and expertise;

(3) To aid employees in planning personal professional growth plans;

(4) To provide opportunities for parents, students, and other interested community members to offer meaningful input to their schools through their observations of instructional effectiveness;

(5) To link identified professional needs with appropriate in-service, staff development, and other appropriate professional growth and instructional improvement opportunities.

[Statutory Authority: RCW 28A.67.225. 90-22-046 (Order 42), § 392-192-020, filed 11/2/90, effective 12/3/90.]

WAC 392-192-030 Professional growth program. Local school districts shall adopt a professional growth program for certificated classroom teachers and certificated support personnel as specified in Title 392 WAC unless a collective bargaining agreement provides otherwise.

[Statutory Authority: RCW 28A.67.225. 90-22-046 (Order 42), § 392-192-030, filed 11/2/90, effective 12/3/90.]

WAC 392-192-040 Professional growth program—Committee. Each district shall establish a professional growth committee which shall develop the district's professional growth program in accordance with the procedures in this chapter. The professional growth committee shall include, at a minimum, representatives of the following groups:

(1) Certificated classroom teachers. A minimum of one teacher from the K-8 level and one teacher from the high school level if the local school district provides education services to students K-12.

(2) Certificated support personnel. A minimum of one itinerant staff person, if the school district employs itinerant personnel, and a minimum of one other representative of counseling, assessment, library and/or other certificated support staff, if the school district employs nonitinerant certificated support staff.

(3) Central office administrators. A minimum of one representative.

(4) Building level administrators. A minimum of one administrator from the K-8 level and one administrator from the high school level if the local school district provides education services to students K-12.

(5) Additional persons, if the local school district so desires.

(6) *Provided*, That the local school district committee established under the In-Service Training Act, RCW 28A.415.040, may be used by the school district as the professional growth committee.

[Statutory Authority: 1990 c 33. 91-16-011 (Order 91-12), § 392-192-040, filed 7/26/91, effective 8/26/91. Statutory Authority: RCW 28A.67.225. 90-22-046 (Order 42), § 392-192-040, filed 11/2/90, effective 12/3/90.]

WAC 392-192-050 Professional growth program—Sources of information. One or more of the following sources of information shall be used by certificated classroom teachers and certificated support personnel in developing professional growth plans: (1) Peer review and evaluation, (2) input by parents, (3) input by students, (4) personal and/or professional goals, (5) school district goals, (6) building goals, (7) self-assessment, (8) personal academic records, and (9) school district evaluations.

[Statutory Authority: RCW 28A.67.225. 90-22-046 (Order 42), § 392-192-050, filed 11/2/90, effective 12/3/90.]

WAC 392-192-060 Professional growth program—Records. Materials/records/portfolios expressly developed as a result of the individual's participation in the professional growth program shall be the property of the certified staff member participating in the program and shall not be

retained in the employee's personnel file or used by the district in its formal evaluation criteria.

[Statutory Authority: RCW 28A.67.225. 90-22-046 (Order 42), § 392-192-060, filed 11/2/90, effective 12/3/90.]

WAC 392-192-070 Professional growth program—Timeline. Districts shall:

(1) Establish a professional growth committee, pursuant to Title 392 WAC during, if not before, the 1990-91 school year.

(2) Adopt a professional growth program in the school district by the 1992-93 school year.

[Statutory Authority: RCW 28A.67.225. 90-22-046 (Order 42), § 392-192-070, filed 11/2/90, effective 12/3/90.]

Chapter 392-193 WAC

SCHOOL PERSONNEL—PERMITS FOR ALIENS

WAC

392-193-005	Authority.
392-193-010	Purpose.
392-193-020	Applicability to teachers only.
392-193-025	Teacher—Defined.
392-193-030	Alien—Defined.
392-193-035	Alien permits required.
392-193-045	Immigrant alien permits—Requirements.
392-193-050	Conversion of immigrant alien permit to regular certificate.
392-193-055	Nonimmigrant alien permits—Requirements.
392-193-060	Alien permits—Revocation—Hearing rights.

WAC 392-193-005 Authority. The authority for this chapter is RCW 28A.405.020 which permits the superintendent of public instruction to grant alien permits authorizing an alien to teach in the common schools of this state and to convert certain alien permits to a regular teaching certificate.

[Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-193-005, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.67.020. 85-21-043 (Order 85-11), § 392-193-005, filed 10/11/85.]

WAC 392-193-010 Purpose. The purpose of this chapter is to establish policies and procedures for the issuance of an alien permit and the conversion of certain alien permits to a regular teaching certificate.

[Statutory Authority: RCW 28A.67.020. 85-21-043 (Order 85-11), § 392-193-010, filed 10/11/85.]

WAC 392-193-020 Applicability to teachers only. The alien permit requirement of RCW 28A.405.020 applies only to teachers.

[Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-193-020, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.67.020. 85-21-043 (Order 85-11), § 392-193-020, filed 10/11/85.]

WAC 392-193-025 Teacher—Defined. For the purposes of this chapter, "teacher" shall be defined as a person with classroom instructional responsibilities and who is not under the supervision of another certificated employee assigned primary instructional responsibilities in the same classroom(s).

[Statutory Authority: RCW 28A.67.020. 85-21-043 (Order 85-11), § 392-193-025, filed 10/11/85.]

WAC 392-193-030 Alien—Defined. For the purposes of this chapter, "alien" shall be defined as a person who is not a citizen of the United States of America.

[Statutory Authority: RCW 28A.67.020. 85-21-043 (Order 85-11), § 392-193-030, filed 10/11/85.]

WAC 392-193-035 Alien permits required. Except as provided in WAC 392-193-050, no alien shall be permitted to serve as a teacher in the common schools of this state without an alien permit.

[Statutory Authority: RCW 28A.67.020. 85-21-043 (Order 85-11), § 392-193-035, filed 10/11/85.]

WAC 392-193-045 Immigrant alien permits—Requirements. The superintendent of public instruction shall grant an immigrant alien permit to each applicant who is otherwise qualified to teach in the common schools of the state under regulations established by the state board of education and who offers sufficient proof that such applicant has declared officially an intention to become a citizen of the United States by filing such declaration with the United States immigration and naturalization service.

[Statutory Authority: RCW 28A.67.020. 85-21-043 (Order 85-11), § 392-193-045, filed 10/11/85.]

WAC 392-193-050 Conversion of immigrant alien permit to regular certificate. Any alien who possesses an immigrant alien permit who has completed a probationary period of one school year of teaching in the common schools, upon recommendation of the superintendent of the district in which such teaching took place, shall be eligible for regular certification singularly under the provisions established by the state board of education; and, if such certification is issued, the alien teacher will be permitted to teach in the common schools of the state without an alien permit.

[Statutory Authority: RCW 28A.67.020. 85-21-043 (Order 85-11), § 392-193-050, filed 10/11/85.]

WAC 392-193-055 Nonimmigrant alien permits—Requirements. The superintendent of public instruction shall grant a nonimmigrant alien permit to each nonimmigrant alien applicant who is qualified to teach in the common schools of the state under regulations established by the state board of education, and who offers sufficient proof that such applicant has been:

- (1) Admitted to the United States for purpose of serving as an exchange teacher. Such nonimmigrant permit for exchange teachers shall be valid for one school year and may be renewed; or
- (2) Employed for the sole purpose of serving as a foreign language teacher. Such nonimmigrant permit for a foreign language teacher shall be valid for the same period of time as would be the case if the applicant sought certification solely under the applicable regulations established by the state board of education.

[Statutory Authority: RCW 28A.67.020. 90-20-015 (Order 24), § 392-193-055, filed 9/21/90, effective 10/22/90. Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-193-055, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.67.020. 85-21-043 (Order 85-11), § 392-193-055, filed 10/11/85.]

WAC 392-193-060 Alien permits—Revocation—Hearing rights. Alien permits may be revoked by the superintendent of public instruction in accordance with the procedures for revocation of certificates in chapter 180-75 WAC. Prior to revocation of an alien permit, the superintendent of public instruction shall notify the holder of the reasons for revocation and shall afford such holder an opportunity to contest the revocation action in administrative hearing conducted in accordance with contested cases under the state Administrative Procedure Act, chapter 34.04 RCW.

[Statutory Authority: RCW 28A.67.020. 85-21-043 (Order 85-11), § 392-193-060, filed 10/11/85.]

Chapter 392-195 WAC

SCHOOL PERSONNEL—IN-SERVICE TRAINING PROGRAM

WAC

392-195-003	Authority.
392-195-005	Purpose.
392-195-010	Definitions.
392-195-015	Application to SPI for funding.
392-195-020	Allocation of funds by SPI.
392-195-025	Program reports to SPI.

WAC 392-195-003 Authority. The authority for this chapter is RCW 28A.415.040 which authorizes the superintendent of public instruction to adopt rules and regulations for the allocation of funds to common school districts and educational service districts for in-service training programs for certificated and classified personnel.

[Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-195-003, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.71.210. 84-20-084 (Order 84-44), § 392-195-003, filed 10/2/84.]

WAC 392-195-005 Purpose. The purpose of this chapter is to set forth policies and procedures for the allocation of state funds to school districts and educational service districts for in-service training programs.

[Statutory Authority: RCW 28A.71.210. 84-20-084 (Order 84-44), § 392-195-005, filed 10/2/84; 78-09-115 (Order 78-7), § 392-195-005, filed 9/6/78.]

WAC 392-195-010 Definitions. As used in this chapter:

- (1) "Applicants" shall mean common school districts and educational service districts.
- (2) "In-service training" shall mean a cooperatively planned program of training for job-related activities designed to increase the competencies of common school certificated and classified employees in the performance of their assigned responsibilities.
- (3) "Needs assessment" shall mean a systematic study to determine strengths and weaknesses of certificated and classified personnel related to the educational needs of the community and students to be served.
- (4) "Funds" shall mean those funds appropriated by the legislature and available for the conduct and evaluation of in-service training programs.

[Statutory Authority: RCW 28A.71.210. 88-03-006 (Order 88-5), § 392-195-010, filed 1/8/88; 84-20-084 (Order 84-44), § 392-195-010, filed 10/2/84; 78-09-115 (Order 78-7), § 392-195-010, filed 9/6/78.]

WAC 392-195-015 Application to SPI for funding.
Applicants shall request funds from the superintendent of public instruction in accordance with the provisions set forth below:

- (1) Applicants shall conduct a needs assessment.
- (2) The board of an applicant shall appoint an advisory in-service training task force of members comprised of representatives from administrators, building principals, teachers, classified and support personnel employed by the applicant, an institution of higher education, and the general public in such numbers as shall be established by the applicant board of directors.
- (3) The applicant shall establish written goals and objectives, identify training activities relevant thereto and design evaluation procedures and criteria which assess the degree and level of attainment of the goals and objectives.
- (4) The task force shall participate in identifying the in-service training needs and goals pursuant to this chapter and suggest changes, if any, in direction, focus, or evaluation methods. No application will be accepted which is not approved by a majority vote of the task force.
- (5) Nonpublic school personnel may be invited to participate in continuing professional development activities by the applicant.
- (6) The applicant shall demonstrate with a signed statement of assurance to the superintendent of public instruction its intention to implement the recommendations of the needs assessment.
- (7) Funds shall supplement, not supplant, the existing staff development and in-service activities of an applicant.

[Statutory Authority: RCW 28A.71.210. 88-03-006 (Order 88-5), § 392-195-015, filed 1/8/88; 84-20-084 (Order 84-44), § 392-195-015, filed 10/2/84; 79-12-007 (Order 11-79), § 392-195-015, filed 11/9/79; 78-09-115 (Order 78-7), § 392-195-015, filed 9/6/78.]

WAC 392-195-020 Allocation of funds by SPI. The superintendent of public instruction shall evaluate each application approved by the applicant's task force and award funds to those programs which he or she deems to be in the best interest of the public school system. Consideration shall be given to:

- (1) The potential of the proposed training activities for accomplishing the stated objectives;
- (2) The extent to which the objectives are clearly defined and stated; and
- (3) The appropriateness of the evaluation design.

[Statutory Authority: RCW 28A.71.210. 84-20-084 (Order 84-44), § 392-195-020, filed 10/2/84; 78-09-115 (Order 78-7), § 392-195-020, filed 9/6/78.]

WAC 392-195-025 Program reports to SPI. Grantees shall report the results of their programs to the superintendent of public instruction. A financial report that sets forth the objects of expenditure, such as released time, contractual services, materials and supplies, and travel shall also be submitted to the superintendent of public instruction.

[Statutory Authority: RCW 28A.71.210. 84-20-084 (Order 84-44), § 392-195-025, filed 10/2/84; 78-09-115 (Order 78-7), § 392-195-025, filed 9/6/78.]

Chapter 392-196 WAC
SCHOOL PERSONNEL—TEACHER ASSISTANCE PROGRAM

WAC	
392-196-005	Authority.
392-196-010	Purpose.
392-196-011	Definition—Teacher.
392-196-020	Definition—Teacher stipend.
392-196-055	Mentor teacher—Qualifications for nomination.
392-196-060	Mentor teacher—Selection process.
392-196-077	Conditions of the program.
392-196-086	Coordination.
392-196-089	Program accountability.
392-196-100	Distribution of state moneys for the teacher assistance program.
392-196-110	Maximum control factor—Proration.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

392-196-015	Definition—Mentor teacher. [Statutory Authority: RCW 28A.67.240. 89-22-004 (Order 17), § 392-196-015, filed 10/20/89, effective 11/20/89. Statutory Authority: RCW 28A.58.842. 85-21-052 (Order 85-12), § 392-196-015, filed 10/15/85.] Repealed by 94-16-019, filed 7/22/94, effective 8/22/94. Statutory Authority: RCW 28A.415.250 and 28A.415.010.
392-196-025	Definition—Beginning teacher. [Statutory Authority: RCW 28A.67.240. 89-22-004 (Order 17), § 392-196-025, filed 10/20/89, effective 11/20/89. Statutory Authority: RCW 28A.58.842. 85-21-052 (Order 85-12), § 392-196-025, filed 10/15/85.] Repealed by 94-16-019, filed 7/22/94, effective 8/22/94. Statutory Authority: RCW 28A.415.250 and 28A.415.010.
392-196-030	Definition—Beginning teacher stipend. [Statutory Authority: RCW 28A.415.250 and 28A.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.] Repealed by 94-16-019, filed 7/22/94, effective 8/22/94. Statutory Authority: RCW 28A.415.250 and 28A.415.010.
392-196-035	Definition—Experienced teacher. [Statutory Authority: RCW 28A.67.240. 89-22-004 (Order 17), § 392-196-035, filed 10/20/89, effective 11/20/89. Statutory Authority: RCW 28A.58.842. 85-21-052 (Order 85-12), § 392-196-035, filed 10/15/85.] Repealed by 94-16-019, filed 7/22/94, effective 8/22/94. Statutory Authority: RCW 28A.415.250 and 28A.415.010.
392-196-037	Experienced teacher participation. [Statutory Authority: RCW 28A.67.240. 90-14-093 (Order 16), § 392-196-037, filed 7/3/90, effective 8/3/90.] Repealed by 94-16-019, filed 7/22/94, effective 8/22/94. Statutory Authority: RCW 28A.415.250 and 28A.415.010.
392-196-040	Definition—Educational service district sponsored workshop. [Statutory Authority: RCW 28A.67.240. 90-14-093 (Order 16), § 392-196-040, filed 7/3/90, effective 8/3/90; 89-22-004 (Order 17), § 392-196-040, filed 10/20/89, effective 11/20/89. Statutory Authority: 1987 c 507. 87-23-004 (Order 87-13), § 392-196-040, filed 11/5/87. Statutory Authority: RCW 28A.58.842. 85-21-

- 052 (Order 85-12), § 392-196-040, filed 10/15/85.] Repealed by 94-16-019, filed 7/22/94, effective 8/22/94. Statutory Authority: RCW 28A.415.250 and 28A.415.010.
- 392-196-045 Definition—School district workshops. [Statutory Authority: RCW 28A.405.450 [28A.415.250] and 28A.415.010. 92-05-068 (Order 92-02), § 392-196-045, filed 2/18/92, effective 3/20/92. Statutory Authority: RCW 28A.67.240. 90-14-093 (Order 16), § 392-196-045, filed 7/3/90, effective 8/3/90; 89-22-004 (Order 17), § 392-196-045, filed 10/20/89, effective 11/20/89; 88-18-038 (Order 88-20), § 392-196-045, filed 8/31/88. Statutory Authority: 1987 c 507. 87-23-004 (Order 87-13), § 392-196-045, filed 11/5/87. Statutory Authority: RCW 28A.58.842. 85-21-052 (Order 85-12), § 392-196-045, filed 10/15/85.] Repealed by 94-16-019, filed 7/22/94, effective 8/22/94. Statutory Authority: RCW 28A.415.250 and 28A.415.010.
- 392-196-050 Mentor teacher stipend—Minimum amount. [Statutory Authority: RCW 28A.67.240. 89-22-004 (Order 17), § 392-196-050, filed 10/20/89, effective 11/20/89; 88-18-038 (Order 88-20), § 392-196-050, filed 8/31/88. Statutory Authority: 1987 c 507. 87-23-004 (Order 87-13), § 392-196-050, filed 11/5/87. Statutory Authority: RCW 28A.58.842. 85-21-052 (Order 85-12), § 392-196-050, filed 10/15/85.] Repealed by 94-16-019, filed 7/22/94, effective 8/22/94. Statutory Authority: RCW 28A.415.250 and 28A.415.010.
- 392-196-051 Experienced teacher—Definition. [Statutory Authority: 1987 c 507. 87-23-004 (Order 87-13), § 392-196-051, filed 11/5/87.] Repealed by 90-14-093 (Order 16), filed 7/3/90, effective 8/3/90. Statutory Authority: RCW 28A.67.240.
- 392-196-052 Experienced teacher participation. [Statutory Authority: RCW 28A.67.240. 88-18-038 (Order 88-20), § 392-196-052, filed 8/31/88. Statutory Authority: 1987 c 507. 87-23-004 (Order 87-13), § 392-196-052, filed 11/5/87.] Repealed by 90-14-093 (Order 16), filed 7/3/90, effective 8/3/90. Statutory Authority: RCW 28A.67.240.
- 392-196-065 1985-86 pilot project—Building selection process. [Statutory Authority: RCW 28A.58.842. 85-21-052 (Order 85-12), § 392-196-065, filed 10/15/85.] Repealed by 86-20-069 (Order 86-15), filed 9/30/86. Statutory Authority: RCW 28A.58.842.
- 392-196-066 Beginning teacher stipend—Minimum amount. [Statutory Authority: RCW 28A.67.240. 90-14-093 (Order 16), § 392-196-066, filed 7/3/90, effective 8/3/90; 89-22-004 (Order 17), § 392-196-066, filed 10/20/89, effective 11/20/89.] Repealed by 94-16-019, filed 7/22/94, effective 8/22/94. Statutory Authority: RCW 28A.415.250 and 28A.415.010.
- 392-196-070 Experienced teacher participation. [Statutory Authority: RCW 28A.67.240. 89-22-004 (Order 17), § 392-196-070, filed 10/20/89, effective 11/20/89; 88-18-038 (Order 88-20), § 392-196-070, filed 8/31/88. Statutory Authority: 1987 c 507. 87-23-004 (Order 87-13), § 392-196-070, filed 11/5/87. Statutory Authority: RCW 28A.58.842. 85-21-052 (Order 85-12), § 392-196-070, filed 10/15/85.] Repealed by 90-14-093 (Order 16), filed 7/3/90, effective 8/3/90. Statutory Authority: RCW 28A.67.240.
- 392-196-072 Superintendent of public instruction consultation. [Statutory Authority: RCW 28A.67.240. 88-18-038 (Order 88-20), § 392-196-072, filed 8/31/88. Statutory Authority: 1987 c 507. 87-23-004 (Order 87-13), § 392-196-072, filed 11/5/87.] Repealed by 90-14-093 (Order 16), filed 7/3/90, effective 8/3/90. Statutory Authority: RCW 28A.67.240.
- 392-196-075 Experienced teacher—Selection criteria. [Statutory Authority: RCW 28A.67.240. 89-22-004 (Order 17), § 392-196-075, filed 10/20/89, effective 11/20/89; 88-18-038 (Order 88-20), § 392-196-075, filed 8/31/88. Statutory Authority: 1987 c 507. 87-23-004 (Order 87-13), § 392-196-075, filed 11/5/87. Statutory Authority: RCW 28A.58.842. 85-21-052 (Order 85-12), § 392-196-075, filed 10/15/85.] Repealed by 90-14-093 (Order 16), filed 7/3/90, effective 8/3/90. Statutory Authority: RCW 28A.67.240.
- 392-196-080 School district application to ESD for participation in the teacher assistance program. [Statutory Authority: RCW 28A.415.250 and 23A.415.010 [28A.415.010]. 93-07-037 (Order 93-04), § 392-196-080, 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.] Repealed by 94-16-019, filed 7/22/94, effective 8/22/94. Statutory Authority: RCW 28A.415.250 and 28A.415.010.
- 392-196-085 Selection process. [Statutory Authority: RCW 28A.405.450 [28A.415.250] and 28A.415.010. 92-05-068 (Order 92-02), § 392-196-085, filed 2/18/92, effective 3/20/92. Statutory Authority: RCW 28A.405.450. 90-22-042 (Order 37), § 392-196-085, filed 11/2/90, effective 12/3/90. Statutory Authority: RCW 28A.67.240. 90-14-093 (Order 16), § 392-196-085, filed 7/3/90, effective 8/3/90; 89-22-004 (Order 17), § 392-196-085, filed 10/20/89, effective 11/20/89. Statutory Authority: 1987 c 507. 87-23-004 (Order 87-13), § 392-196-085, filed 11/5/87. Statutory Authority: RCW 28A.58.842. 85-21-052 (Order 85-12), § 392-196-085, filed 10/15/85.] Repealed by 94-16-019, filed 7/22/94, effective 8/22/94. Statutory Authority: RCW 28A.415.250 and 28A.415.010.
- 392-196-090 Superintendent of public instruction consultation. [Statutory Authority: RCW 28A.67.240. 89-22-004 (Order 17), § 392-196-090, filed 10/20/89, effective 11/20/89. Statutory Authority: 1987 c 507. 87-23-004 (Order 87-13), § 392-196-090, filed 11/5/87. Statutory Authority: RCW 28A.58.842. 85-21-052 (Order 85-12), § 392-196-090, filed 10/15/85.] Repealed by 92-05-068 (Order 92-02), filed 2/18/92, effective 3/20/92. Statutory Authority: RCW 28A.405.450 [28A.415.250] and 28A.415.010.
- 392-196-095 Annual amount for distribution to participating school districts. [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.] Repealed by 94-16-019, filed 7/22/94, effective 8/22/94. Statutory Authority: RCW 28A.415.250 and 28A.415.010.
- 392-196-105 Carryover prohibition. [Statutory Authority: RCW 28A.67.240. 89-22-004 (Order 17), § 392-196-105, filed 10/20/89, effective 11/20/89.] Repealed by 94-16-019, filed 7/22/94, effective 8/22/94. Statutory Authority: RCW 28A.415.250 and 28A.415.010.

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 392-196-010 Purpose. The purpose of this chapter is to set forth policies and procedures for the operation of a teacher assistance program, including the conditions for the receipt of state moneys for such purpose by school districts of the state.

[Statutory Authority: 1987 c 507. 87-23-004 (Order 87-13), § 392-196-010, filed 11/5/87. Statutory Authority: RCW 28A.58.842. 85-21-052 (Order 85-12), § 392-196-010, filed 10/15/85.]

WAC 392-196-011 Definition—Teacher. As used in this chapter the term "teacher" means any school employee possessing any one of the certificates issued by the superintendent of public instruction under RCW 28A.410.010: *Provided*, That such employees who hold administrator credentials and are employed as administrators shall not be included for purposes of this chapter.

[Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-196-011, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.67.240. 89-22-004 (Order 17), § 392-196-011, filed 10/20/89, effective 11/20/89. Statutory Authority: 1987 c 507. 87-23-004 (Order 87-13), § 392-196-011, filed 11/5/87.]

WAC 392-196-020 Definition—Teacher stipend. As used in this chapter, the term "teacher stipend" shall mean an amount paid by a school district to a teacher for participation in a teacher assistance program.

[Statutory Authority: RCW 28A.415.250 and 28A.415.010. 94-16-019, § 392-196-020, filed 7/22/94, effective 8/22/94. Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-196-020, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.67.240. 89-22-004 (Order 17), § 392-196-020, filed 10/20/89, effective 11/20/89; 88-18-038 (Order 88-20), § 392-196-020, filed 8/31/88. Statutory Authority: 1987 c 507. 87-23-004 (Order 87-13), § 392-196-020, filed 11/5/87. Statutory Authority: RCW 28A.58.842. 85-21-052 (Order 85-12), § 392-196-020, filed 10/15/85.]

WAC 392-196-055 Mentor teacher—Qualifications for nomination. In order to be nominated to serve as a mentor teacher, the teacher shall meet the following minimum qualifications:

(1) The individual shall be a superior teacher based on his or her evaluations.

(2) The individual shall hold a valid continuing or standard certificate issued pursuant to chapter 180-79 WAC.

[Statutory Authority: RCW 28A.415.250 and 28A.415.010. 94-16-019, § 392-196-055, filed 7/22/94, effective 8/22/94. Statutory Authority: RCW 28A.67.240. 89-22-004 (Order 17), § 392-196-055, filed 10/20/89, effective 11/20/89; 88-18-038 (Order 88-20), § 392-196-055, filed 8/31/88. Statutory Authority: 1987 c 507. 87-23-004 (Order 87-13), § 392-196-055, filed 11/5/87. Statutory Authority: RCW 28A.58.842. 85-21-052 (Order 85-12), § 392-196-055, filed 10/15/85.]

WAC 392-196-060 Mentor teacher—Selection process. Mentor teachers shall be selected by the district and may serve as mentors up to and including full time. If a bargaining unit, certified pursuant to RCW 41.59.090 exists within the district, classroom teachers representing the bargaining unit shall participate in the mentor teacher selection process.

[Statutory Authority: RCW 28A.415.250 and 28A.415.010. 94-16-019, § 392-196-060, filed 7/22/94, effective 8/22/94. Statutory Authority: RCW

28A.67.240. 89-22-004 (Order 17), § 392-196-060, filed 10/20/89, effective 11/20/89; 88-18-038 (Order 88-20), § 392-196-060, filed 8/31/88. Statutory Authority: 1987 c 507. 87-23-004 (Order 87-13), § 392-196-060, filed 11/5/87. Statutory Authority: RCW 28A.58.842. 85-21-052 (Order 85-12), § 392-196-060, filed 10/15/85.]

WAC 392-196-077 Conditions of the program. Each teacher assistance program shall meet the following conditions:

(1) The program shall provide for:

(a) Assistance by mentor teachers who will provide a source of continuing and sustained support to beginning teachers, or experienced teachers who are having difficulties, or both, in and outside the classroom.

(b) Stipends for mentor, beginning and experienced teachers, which shall not be deemed compensation for the purposes of salary lid compliance under RCW 28A.400.200.

(c) Workshops for the training of mentor and beginning teachers.

(d) The use of substitutes to give mentor, beginning teachers, and experienced teachers opportunities to jointly observe and evaluate teaching situations and to give mentor teachers opportunities to observe and assist beginning and experienced teachers in the classroom.

(2) Mentor teachers shall not be involved in evaluations of their beginning and experienced teachers conducted pursuant to RCW 28A.405.100.

(3) Mentor teachers shall periodically inform their principals respecting the contents of training sessions and other program activities.

[Statutory Authority: RCW 28A.415.250 and 28A.415.010. 94-16-019, § 392-196-077, filed 7/22/94, effective 8/22/94.]

WAC 392-196-086 Coordination. Each ESD shall coordinate the teacher assistance program within its region, pursuant to RCW 28A.415.010.

[Statutory Authority: RCW 28A.415.250 and 28A.415.010. 94-16-019, § 392-196-086, filed 7/22/94, effective 8/22/94.]

WAC 392-196-089 Program accountability. (1) The superintendent of each school 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 program design and evaluations.

(2) Each educational service district shall submit to the superintendent of public instruction, at times specified by the superintendent of public instruction, information as requested regarding the teacher assistance program, including demographic data.

[Statutory Authority: RCW 28A.415.250 and 28A.415.010. 94-16-019, § 392-196-089, filed 7/22/94, effective 8/22/94.]

WAC 392-196-100 Distribution of state moneys for the teacher assistance program. The superintendent of public instruction shall issue grant awards to the educational service districts. The ESD shall, in turn, provide funds to the school districts which participate in the program.

[Statutory Authority: RCW 28A.415.250 and 28A.415.010. 94-16-019, § 392-196-100, filed 7/22/94, effective 8/22/94. Statutory Authority: RCW 28A.405.450 [28A.415.250] and 28A.415.010. 92-05-068 (Order 92-02), § 392-196-100, filed 2/18/92, effective 3/20/92. Statutory Authority: RCW

28A.67.240. 90-14-093 (Order 16), § 392-196-100, filed 7/3/90, effective 8/3/90; 89-22-004 (Order 17), § 392-196-100, filed 10/20/89, effective 11/20/89.]

[Statutory Authority: RCW 70.24.290. 91-18-006 (Order 91-16), § 392-198-015, filed 8/23/91, effective 9/23/91.]

WAC 392-196-110 Maximum control factor—Proration. State moneys distributed to districts for the teacher assistance program shall be subject to the proration provision of WAC 392-122-905 if the current appropriation to the superintendent of public instruction for the beginning teacher assistance program is adversely affected by action of the legislature after the commencement of the ensuing school year.

[Statutory Authority: RCW 28A.67.240. 89-22-004 (Order 17), § 392-196-110, filed 10/20/89, effective 11/20/89.]

WAC 392-198-020 Course content requirements for HIV/AIDS inservice training—Supplemental. Pursuant to RCW 70.24.250 and 70.24.290 the HIV/AIDS training may include:

- (1) Federal, state, and local resources for HIV/AIDS;
- (2) Impact of HIV/AIDS on infected individuals and their families;
- (3) Global impact of HIV/AIDS;
- (4) Anonymous and confidential testing for HIV antibodies.

[Statutory Authority: RCW 70.24.290. 91-18-006 (Order 91-16), § 392-198-020, filed 8/23/91, effective 9/23/91.]

Chapter 392-198 WAC

TRAINING—SCHOOL EMPLOYEES—HIV/AIDS

WAC

392-198-005	Authority.
392-198-010	Purposes.
392-198-015	Course content requirements for HIV/AIDS inservice training—Mandatory.
392-198-020	Course content requirements for HIV/AIDS inservice training—Supplemental.
392-198-025	Continuing inservice.
392-198-030	New employee training.

WAC 392-198-005 Authority. The authority for this chapter is RCW 70.24.290 which authorizes the superintendent of public instruction to adopt rules that require appropriate education and training of public school employees about the transmission, prevention, and treatment of HIV/AIDS. The superintendent of public instruction is further required to develop the course content in consultation with the department of health under RCW 70.24.250.

[Statutory Authority: RCW 70.24.290. 91-18-006 (Order 91-16), § 392-198-005, filed 8/23/91, effective 9/23/91.]

WAC 392-198-010 Purposes. The purpose of this chapter is to provide public school districts with the mandatory and supplemental course content requirements for training school district employees regarding the transmission, prevention, and treatment of HIV/AIDS.

[Statutory Authority: RCW 70.24.290. 91-18-006 (Order 91-16), § 392-198-010, filed 8/23/91, effective 9/23/91.]

WAC 392-198-015 Course content requirements for HIV/AIDS inservice training—Mandatory. Pursuant to RCW 70.24.250 and 70.24.290 the HIV/AIDS training provided by public school districts shall include:

- (1) History and epidemiology of HIV/AIDS;
- (2) Methods of transmission of HIV;
- (3) Methods of prevention of HIV including universal precautions for handling of body fluids;
- (4) Current treatment for symptoms of HIV and prognosis of disease progression;
- (5) State and federal laws governing discrimination of persons with HIV/AIDS;
- (6) State and federal laws regulating confidentiality of a person's HIV antibody status.

WAC 392-198-025 Continuing inservice. Pursuant to RCW 70.24.250, all local school districts shall ensure that significant new discoveries or changes in accepted knowledge of transmission, prevention, and treatment for HIV/AIDS are provided to all public school employees within one calendar year of the date of notification by the superintendent of public instruction as advised by the office on HIV/AIDS, department of health, unless the department of health notifies the districts that the information is of such an emergent nature that a prompter response is required.

[Statutory Authority: RCW 70.24.290. 91-18-006 (Order 91-16), § 392-198-025, filed 8/23/91, effective 9/23/91.]

WAC 392-198-030 New employee training. Each school district shall ensure that newly hired school district employees shall receive the HIV/AIDS training prescribed in WAC 392-198-015 within six months from the first day of employment in the district.

[Statutory Authority: RCW 70.24.290. 91-18-006 (Order 91-16), § 392-198-030, filed 8/23/91, effective 9/23/91.]

Chapter 392-200 WAC

SCHOOL PERSONNEL—EMPLOYMENT DISCRIMINATION

WAC

392-200-003	Authority.
392-200-005	Purpose.
392-200-010	Public school employment and contract practices—Sex discrimination.
392-200-015	Public school employment—Affirmative action program.
392-200-020	Public school employment—Affirmative action program—General.

WAC 392-200-003 Authority. Partial authority for this chapter is RCW 28A.640.020 which authorizes the superintendent of public instruction to adopt rules and regulations for the elimination of sex discrimination in the common schools. Such authority is supplemented by RCW 28A.300.070 which authorizes the superintendent of public instruction to receive federal funds and distribute such funds in accordance with federal law and accompanying federal rules and regulations and by Article III, section 22 of the Washington state Constitution which authorizes the superin-

tendent of public instruction to have supervision over the common schools.

[Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-200-003, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.85.020. 84-20-090 (Order 84-43), § 392-200-003, filed 10/2/84.]

WAC 392-200-005 Purpose. The purpose of this chapter is to require each public school district to establish and implement affirmative action employment policies and programs to eliminate discrimination on the basis of sex, race, creed, color, national origin, marital status, age, or the presence of any sensory, mental, or physical handicap.

[Statutory Authority: RCW 28A.85.020. 84-20-090 (Order 84-43), § 392-200-005, filed 10/2/84; Order 6-76, § 392-200-005, filed 5/17/76.]

WAC 392-200-010 Public school employment and contract practices—Sex discrimination. (1) No school district shall, on the basis of sex, exclude any person from participation in, deny any person the benefits of, or subject any person to discrimination in employment, recruitment, promotion or advancement, consideration or selection therefor, whether full time or part time, in connection with employment by a school district.

(2) Each school district shall make all employment decisions in a nondiscriminatory manner and shall not limit, segregate, or classify any person in any way which could adversely affect a person's employment opportunities or status on the basis of sex.

(3) No school district shall enter into any contractual or other relationship that directly or indirectly has the effect of subjecting any person to discrimination in connection with employment on the basis of sex, including but not limited to relationships with employment and referral agencies, with labor unions, and with organizations providing or administering fringe benefits to employees.

(4) No school district shall grant preferences to applicants for employment on the basis of attendance at any educational institution or entity which admits as students only or predominantly members of one sex, if the giving of such preferences has the effect of discriminating on the basis of sex.

[Order 6-76, § 392-200-010, filed 5/17/76.]

WAC 392-200-015 Public school employment—Affirmative action program. (1) Each school district shall develop and/or incorporate within any existing affirmative action employment program appropriate provisions which are consistent with the intent of chapter 28A.640 RCW and such guidelines as are hereafter developed and distributed to each school district by the office of superintendent of public instruction to eliminate discrimination on the basis of sex, in connection with employment by the school district: *Provided*, That each school district's affirmative action employment program shall include at least the following provisions respecting discrimination on the basis of sex.

(a) Maintain credential requirements for all personnel;

(b) Make no differentiation in pay scale;

(c) Make no differentiation in the assignment of school duties except where such assignment would involve duty in areas or situations, such as but not limited to a shower room, where persons might be disrobed;

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(d) Provide the same opportunities for advancement;

(e) Make no difference in conditions of employment including, but not limited to, hiring practices, leaves of absence, hours of employment and assignment of, or pay for, instructional and noninstructional duties; and

(f) Such other provisions as may be required by the superintendent of public instruction designed to facilitate the effective achievement of all reasonable affirmative action goals and objectives in public school employment respecting the elimination of discrimination on the basis of sex.

(2) Each affirmative action employment program of a school district shall be filed with the office of the superintendent of public instruction.

(3) The board of directors of each school district shall adopt and implement an approved affirmative action employment program required by this section as expeditiously as possible but in no event later than July 1, 1976.

[Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-200-015, filed 7/19/90, effective 8/19/90; Order 6-76, § 392-200-015, filed 5/17/76.]

WAC 392-200-020 Public school employment—Affirmative action program—General. (1) Notwithstanding the requirements of this chapter respecting discrimination on the basis of sex, each school district shall develop and/or incorporate within any existing affirmative action employment program appropriate provisions to eliminate discrimination on the basis of race, creed, color, national origin, marital status, age, or the presence of any sensory, mental, or physical handicap.

(2) Each affirmative action employment program of a school district shall be filed with the office of the superintendent of public instruction.

(3) The board of directors of each school district shall adopt and implement an approved affirmative action employment program required by this section as expeditiously as possible but in no event later than July 1, 1976.

[Order 6-76, § 392-200-020, filed 5/17/76.]

Chapter 392-202 WAC

SCHOOL PERSONNEL—EXCELLENCE IN EDUCATION AWARDS

WAC

392-202-003	Authority.
392-202-005	Purpose.
392-202-010	Teacher—Definition.
392-202-015	Principal/administrator—Definition.
392-202-020	Superintendent—Definition.
392-202-025	School board—Definition.
392-202-027	Classified staff—Definition.
392-202-030	Congressional district—Definition.
392-202-035	Elementary level—Definition.
392-202-040	Junior high level—Definition.
392-202-045	Middle school level—Definition.
392-202-050	Secondary level—Definition.
392-202-055	Educational grant—Definition.
392-202-060	Educational purpose—Definition.
392-202-065	One full academic year.
392-202-070	Selection of recipients—Annual recognition.
392-202-075	Selection of recipients—Nomination.
392-202-080	Selection of recipients—Application.
392-202-085	Selection of recipients—Review committee.
392-202-087	Selection criteria—Classified staff members.
392-202-090	Selection criteria—Teachers.

392-202-095	Selection criteria—Principals or administrators.
392-202-100	Selection criteria—Superintendent.
392-202-105	Selection criteria—School board.
392-202-110	Awards for teachers, principals, administrators, and classified staff.
392-202-113	Award for classified staff.
392-202-115	Notification and application for award—Teachers and principals/administrators.
392-202-120	Award for superintendent.
392-202-125	Application—Superintendent.
392-202-130	Award for school board.
392-202-135	Application—School board.
392-202-140	Expenditure period for educational grants.

WAC 392-202-003 Authority. The authority for this chapter is RCW 28A.625.050 which authorizes the superintendent of public instruction to adopt rules relating to administration of a Washington award for excellence in education for teachers, principals, administrators, superintendents, school boards, and classified staff.

[Statutory Authority: RCW 28A.625.050. 91-03-119 (Order 91-03), § 392-202-003, filed 1/23/91, effective 2/23/91. Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-202-003, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.03.532. 89-19-032 (Order 14), § 392-202-003, filed 9/14/89, effective 10/15/89; 87-23-005 (Order 87-15), § 392-202-003, filed 11/5/87.]

WAC 392-202-005 Purpose. The purpose of this chapter is to set forth policies, selection, criteria, and administrative procedures for establishing an annual Washington award for excellence in education to teachers, principals, administrators, superintendents, school boards, and classified staff.

[Statutory Authority: RCW 28A.03.532. 90-19-041 (Order 29), § 392-202-005, filed 9/13/90, effective 10/14/90; 89-19-032 (Order 14), § 392-202-005, filed 9/14/89, effective 10/15/89; 87-23-005 (Order 87-15), § 392-202-005, filed 11/5/87.]

WAC 392-202-010 Teacher—Definition. As used in this chapter, the term "teacher" means one of the following:

- (1) A person certified under chapter 180-75 WAC; or
- (2) An educational staff associate certified under chapter 180-75 WAC.

[Statutory Authority: RCW 28A.03.532. 89-19-032 (Order 14), § 392-202-010, filed 9/14/89, effective 10/15/89; 87-23-005 (Order 87-15), § 392-202-010, filed 11/5/87.]

WAC 392-202-015 Principal/administrator—Definition. As used in this chapter, the term "principal/administrator" means one of the following:

- (1) A person certified under chapter 180-75 WAC; or
- (2) A person with supervisory responsibilities at the school building/central office level.

[Statutory Authority: RCW 28A.03.532. 89-19-032 (Order 14), § 392-202-015, filed 9/14/89, effective 10/15/89; 87-23-005 (Order 87-15), § 392-202-015, filed 11/5/87.]

WAC 392-202-020 Superintendent—Definition. As used in this chapter, the term "superintendent" means the chief school district administrator.

[Statutory Authority: RCW 28A.03.532. 87-23-005 (Order 87-15), § 392-202-020, filed 11/5/87.]

WAC 392-202-025 School board—Definition. As used in this chapter, the term "school board" means the governing board of directors of a local school district.

[Statutory Authority: RCW 28A.03.532. 87-23-005 (Order 87-15), § 392-202-025, filed 11/5/87.]

WAC 392-202-027 Classified staff—Definition. Reserved.

[Statutory Authority: RCW 28A.03.532. 90-19-041 (Order 29), § 392-202-027, filed 9/13/90, effective 10/14/90.]

WAC 392-202-030 Congressional district—Definition. As used in this chapter, the term "congressional district" means the eight United States congressional districts in the state of Washington.

[Statutory Authority: RCW 28A.03.532. 87-23-005 (Order 87-15), § 392-202-030, filed 11/5/87.]

WAC 392-202-035 Elementary level—Definition. As used in this chapter, the term "elementary level" means grades K-6: *Provided*, That in districts with middle schools beginning at grades 5 or 6, grades K-4 or 5 shall be considered elementary.

[Statutory Authority: RCW 28A.03.532. 87-23-005 (Order 87-15), § 392-202-035, filed 11/5/87.]

WAC 392-202-040 Junior high level—Definition. As used in this chapter, the term "junior high level" means grades 7-9: *Provided*, That it may mean grades 7 and 8 in a school district where high school encompasses grades 9-12, or grades 8 and 9 in a district which chooses to include grade seven in a middle school.

[Statutory Authority: RCW 28A.03.532. 87-23-005 (Order 87-15), § 392-202-040, filed 11/5/87.]

WAC 392-202-045 Middle school level—Definition. As used in this chapter, the term "middle school level" means grades 5 or 6 through grade 8 in a district operating with a middle school rather than junior high configuration.

[Statutory Authority: RCW 28A.03.532. 87-23-005 (Order 87-15), § 392-202-045, filed 11/5/87.]

WAC 392-202-050 Secondary level—Definition. As used in this chapter, the term "secondary level" means grades 10-12: *Provided*, That if a building houses grades 7, 8, and/or 9, those grades may also be included, depending on the grade configuration served in a particular school building.

[Statutory Authority: RCW 28A.03.532. 87-23-005 (Order 87-15), § 392-202-050, filed 11/5/87.]

WAC 392-202-055 Educational grant—Definition. As used in this chapter, the term "educational grant" means an amount not exceeding one thousand dollars for individuals or two thousand five hundred dollars for a school board which shall be awarded by the superintendent of public instruction upon receipt of a grant application identifying the educational purpose for which the grant will be used, submitted pursuant to WAC 392-202-115, 392-202-125, and 392-202-135.

[Statutory Authority: RCW 28A.03.532. 87-23-005 (Order 87-15), § 392-202-055, filed 11/5/87.]

WAC 392-202-060 Educational purpose—Definition. As used in this chapter, the term "educational purpose" means for education to benefit the recipient of the educational grant award or for educational activities or materials to benefit other educators or children.

[Statutory Authority: RCW 28A.03.532. 87-23-005 (Order 87-15), § 392-202-060, filed 11/5/87.]

WAC 392-202-065 One full academic year. As used in this chapter, the term "one full academic year" means forty-five quarter or thirty semester hours of study at any state institution of higher education.

[Statutory Authority: RCW 28A.03.532. 87-23-005 (Order 87-15), § 392-202-065, filed 11/5/87.]

WAC 392-202-070 Selection of recipients—Annual recognition. Annual recognition criteria are as follows:

- (1) Five teachers from each congressional district of the state. One individual must be an elementary teacher, one must be a junior high or middle school level teacher, and one must be a secondary teacher;
- (2) Five principals or administrators from each congressional district of the state;
- (3) One school district superintendent from the state;
- (4) One school district board of directors from the state; and
- (5) Three classified staff from each congressional district of the state.

Not more than five teachers, five principals or administrators, and three classified staff from each congressional district and one superintendent and one school board from the state may be recognized and receive awards in any school year.

[Statutory Authority: RCW 28A.03.532. 90-19-041 (Order 29), § 392-202-070, filed 9/13/90, effective 10/14/90; 89-19-032 (Order 14), § 392-202-070, filed 9/14/89, effective 10/15/89; 87-23-005 (Order 87-15), § 392-202-070, filed 11/5/87.]

WAC 392-202-075 Selection of recipients—Nomination. Nomination of persons shall be as follows:

- (1) Any person may nominate a classified staff member, teacher, principal, administrator, superintendent, or school board for the award by submitting the form provided by the superintendent of public instruction for that purpose. The nomination form and information about the awards program shall be disseminated to the public, to educators, and to members of professional education associations through newsletters, bulletins, and other media which the superintendent of public instruction may deem appropriate.
- (2) The nomination form shall include at a minimum:
 - (a) The name of the person/board nominated.
 - (b) The school building/district name and address where the person works.
 - (c) The congressional district in which the district is located.
 - (d) The grade level and category, where appropriate, for which the nomination is made.

(e) The address to which the form should be returned and the date by which it must be received.

[Statutory Authority: RCW 28A.03.532. 90-19-041 (Order 29), § 392-202-075, filed 9/13/90, effective 10/14/90; 89-19-032 (Order 14), § 392-202-075, filed 9/14/89, effective 10/15/89; 87-23-005 (Order 87-15), § 392-202-075, filed 11/5/87.]

WAC 392-202-080 Selection of recipients—Application. Selection of recipients shall require submission of an application as follows:

(1) Candidates nominated on forms provided by and returned to the superintendent of public instruction shall receive an application form from the superintendent of public instruction to be completed and returned if the candidate wishes to be considered for the award. The application shall be adapted to each category of award, — i.e., classified staff member, teacher, principal, or administrator, superintendent, and school board, — and shall require that the candidate provide evidence of leadership in, and contributions and commitment to educational excellence.

(2) Classified staff member applications shall include recommendations from a building administrator, teacher, and a student or parent/guardian.

(3) Teacher award applications shall include recommendations from a superintendent, a community member, and a student or parent/guardian.

(4) Principal or administrator award applications shall include recommendations from a member of the staff in his or her building, a superintendent, and a student or parent or guardian.

(5) Superintendent award applications shall include recommendations from a community representative, chair of the school board, and a member of the school district staff.

(6) School board award applications shall include recommendations from the local education association president, the superintendent, and a representative of a parent support group.

[Statutory Authority: RCW 28A.03.532. 90-19-041 (Order 29), § 392-202-080, filed 9/13/90, effective 10/14/90; 89-19-032 (Order 14), § 392-202-080, filed 9/14/89, effective 10/15/89; 87-23-005 (Order 87-15), § 392-202-080, filed 11/5/87.]

WAC 392-202-085 Selection of recipients—Review committee. Recipients shall be selected as follows:

(1) A committee composed of eighteen members representative of the eight congressional districts shall be appointed by the superintendent of public instruction to review applications and select the recipients for each category, grade level and congressional district using the criteria established in WAC 392-202-090. Committee members shall be:

- (a) Six teachers, including representatives.
- (b) Three principals or administrators including representatives of elementary, middle school or junior high, and senior high school.
- (c) Three superintendents.
- (d) Three school board members.
- (e) Three currently active members of parent-teacher-student organizations.

(2) Prior to receipt of applications pursuant to WAC 392-202-080, the review committee shall establish a final selection procedure consistent with this chapter that is fair,

timely and provides for breaking ties in a predetermined, objective manner.

(3) Recipients shall be selected and awards presented no later than June 1 of each year.

[Statutory Authority: RCW 28A.03.532. 89-19-032 (Order 14), § 392-202-085, filed 9/14/89, effective 10/15/89; 87-23-005 (Order 87-15), § 392-202-085, filed 11/5/87.]

WAC 392-202-087 Selection criteria—Classified staff members. The three broad criteria of leadership, commitment, and contribution to excellence shall be adapted to classified staff as follows:

(1) Leadership among classified staff and with students or community;

(2) Commitment evidenced by special efforts to foster student success;

(3) Contributions to the staff, school, or community.

[Statutory Authority: RCW 28A.03.532. 90-19-041 (Order 29), § 392-202-087, filed 9/13/90, effective 10/14/90.]

WAC 392-202-090 Selection criteria—Teachers. The three broad criteria of leadership, commitment, and contribution to educational excellence shall be adapted to teachers as follows:

The Christa McAuliffe Award for teachers shall require:

(1) Leadership among professional colleagues and with students or the community;

(2) Commitment evidenced by special efforts to foster student morale or achievement and to improve personal effectiveness as an educator;

(3) Contributions to the field such as education-related methods, materials, or programs and unusually great contributions to the education of some students.

[Statutory Authority: RCW 28A.03.532. 87-23-005 (Order 87-15), § 392-202-090, filed 11/5/87.]

WAC 392-202-095 Selection criteria—Principals or administrators. The three broad criteria of leadership, commitment, and contribution to educational excellence shall be adapted to principals as follows:

The Excellence in Education Award to principals shall require:

(1) Leadership evidenced by clear understanding of the wishes and needs of building staff, students, and community, and by fostering the progress of the school's educational program;

(2) Commitment evidenced by recent efforts to increase personal and professional effectiveness and to promote educational excellence in the community, state or nation; and

(3) Contributions such as curriculum development within the school and significant staff achievements fostered by the principal's or administrator's leadership.

[Statutory Authority: RCW 28A.03.532. 89-19-032 (Order 14), § 392-202-095, filed 9/14/89, effective 10/15/89; 87-23-005 (Order 87-15), § 392-202-095, filed 11/5/87.]

WAC 392-202-100 Selection criteria—Superintendent. The three broad criteria of leadership, commitment, and contribution to educational excellence shall be adapted to a superintendent as follows:

The Excellence in Education Award to a superintendent shall require:

(1) Leadership in board implementation of community wishes or community acceptance of educational improvements, and enhancement of employee effectiveness in implementing the wishes of the board and community;

(2) Commitment evidenced by special effort(s) to carry out wishes of the board and promote educational excellence; and

(3) Contributions such as new programs or developments initiated and brought to fruition within the district and efforts that have demonstrably and substantially enhanced the attitude toward schools or the professional growth of educators.

[Statutory Authority: RCW 28A.03.532. 87-23-005 (Order 87-15), § 392-202-100, filed 11/5/87.]

WAC 392-202-105 Selection criteria—School board. The three broad criteria of leadership, commitment, and contribution to educational excellence shall be adapted to a school board as follows:

The Excellence in Education Award to a school board shall require:

(1) Leadership evidenced by board philosophy and goals which reflect the community's wishes and assurance that district employees know, understand, and implement that philosophy;

(2) Commitment evidenced by special efforts to access community input and provide interpretation of the board's actions and to maintain current knowledge of educational developments and implement appropriate innovations; and

(3) Contributions such as mechanisms to assure community interaction and teamwork and to promote maximum professional development by district employees.

[Statutory Authority: RCW 28A.03.532. 87-23-005 (Order 87-15), § 392-202-105, filed 11/5/87.]

WAC 392-202-110 Awards for teachers, 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 recipient shall receive a recognition award of at least two thousand five hundred dollars.

[Statutory Authority: RCW 28A.03.532. 94-20-008 (Order 94-12), § 392-202-110, filed 9/22/94, effective 10/23/94. 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.]

WAC 392-202-113 Award for classified staff. The award for educational excellence for classified staff shall include a certificate presented by the governor and superintendent of public instruction in public ceremony(ies).

[Statutory Authority: RCW 28A.03.532. 90-19-041 (Order 29), § 392-202-113, filed 9/13/90, effective 10/14/90.]

WAC 392-202-115 Notification and application for award—Teachers and principals/administrators. (1) The superintendent of public instruction shall notify the recipients that an election must be made in a timely fashion, including appropriate forms for making the election; and recipients shall notify the superintendent of public instruction in writing within one year of receipt of the award of the option they have chosen.

(2) Recipients shall apply for the educational grant within one year after receipt of the award and shall expend the funds provided under the grant within one year after submission of the application.

(3) Recipients choosing waiver after January 1989 shall apply for the waiver and stipend within one year after receipt of the award and shall expend the funds provided under the waiver and stipend within three years after the receipt of the award.

[Statutory Authority: RCW 28A.03.532. 89-19-032 (Order 14), § 392-202-115, filed 9/14/89, effective 10/15/89; 87-23-005 (Order 87-15), § 392-202-115, filed 11/5/87.]

WAC 392-202-120 Award for superintendent. The awards for superintendent shall include:

(1) A certificate presented by the superintendent of public instruction and the governor at a public ceremony(ies); and

(2) The amount of the recognition award shall be at least one thousand dollars for superintendents employed in first class school districts. The award for superintendents employed in second class school districts shall be at least two thousand five hundred dollars.

[Statutory Authority: RCW 28A.03.532. 94-20-008 (Order 94-12), § 392-202-120, filed 9/22/94, effective 10/23/94; 87-23-005 (Order 87-15), § 392-202-120, filed 11/5/87.]

WAC 392-202-125 Application—Superintendent. The superintendent shall submit a written application to the superintendent of public instruction within one year of receiving the award and shall expend the funds provided under the grant within one year after submission of the application. Such application shall include the educational purpose(s) toward which the grant shall be used.

[Statutory Authority: RCW 28A.03.532. 87-23-005 (Order 87-15), § 392-202-125, filed 11/5/87.]

WAC 392-202-130 Award for school board. The awards for school boards shall include:

(1) A certificate presented by the superintendent of public instruction and the governor at a public ceremony(ies); and

(2) A grant not to exceed two thousand five hundred dollars, which shall be used for educational purposes.

[Statutory Authority: RCW 28A.03.532. 87-23-005 (Order 87-15), § 392-202-130, filed 11/5/87.]

WAC 392-202-135 Application—School board. The school board shall submit a written application to the superintendent of public instruction within one year of receiving the award and shall expend the funds provided under the grant within one year after submission of the

application. Such application shall include the educational purpose(s) toward which the grant shall be used.

[Statutory Authority: RCW 28A.03.532. 87-23-005 (Order 87-15), § 392-202-135, filed 11/5/87.]

WAC 392-202-140 Expenditure period for educational grants. Educational grants to any award recipient shall be expended within the current and ensuing year in which they are issued: *Provided*, That such grant funds shall not be carried over from one biennium to a subsequent biennium.

[Statutory Authority: RCW 28A.03.532. 87-23-005 (Order 87-15), § 392-202-140, filed 11/5/87.]

Chapter 392-210 WAC

STUDENT TESTING AND EVALUATION— WASHINGTON STATE HONORS AWARD PROGRAM

WAC

392-210-005	Authority.
392-210-010	Purpose.
392-210-015	Criteria for the selection of Washington state honors award students.
392-210-020	Determination of the Washington state honors award academic achievement index.
392-210-025	Credits earned in academic core subjects.
392-210-030	Enrollment in academic core subjects during grade twelve required.
392-210-035	Notification of students eligible for honors award.
392-210-040	Notification of Washington honors award recipients.
392-210-045	Washington honors award certificate.
392-210-050	Notification to local business and community representatives.
392-210-055	Special consideration for 1985-86 school year.

WAC 392-210-005 Authority. The authority for this chapter is RCW 28A.600.070 which authorizes the superintendent of public instruction to develop rules and regulations for the establishment and administration of the Washington state honors award program.

[Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-210-005, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.03.044 [28A.03.444]. 86-15-051 (Order 86-9), § 392-210-005, filed 7/18/86. Statutory Authority: Chapter 28A.03 RCW. 86-01-018 (Order 85-13), § 392-210-005, filed 12/9/85.]

WAC 392-210-010 Purpose. The purpose of this chapter is to set forth the policies and procedures for the administration of the Washington state honors award program.

[Statutory Authority: Chapter 28A.03 RCW. 86-01-018 (Order 85-13), § 392-210-010, filed 12/9/85.]

WAC 392-210-015 Criteria for the selection of Washington state honors award students. The Washington state honors award program shall recognize the top ten percent of the students in the state in each year's high school graduating class who have demonstrated outstanding academic achievement. Outstanding academic achievement shall be determined by the following criteria:

(1) An academic achievement index based upon a combination of the combined high school grade point

average (calculated as provided in WAC 180-57-055) in the academic core subjects of English, mathematics, science, social studies, and 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 392-210-020 Determination of the Washington state honors award academic achievement index. The superintendent of public instruction shall calculate the academic achievement index based upon an equivalent numeric weighting of the combined high school grade point average in academic core subjects and the combined verbal and quantitative composite scores on the Washington precollege test. The superintendent of public instruction shall determine the top ten percent of each year's graduating class based upon a ranking of all participating students on the academic achievement index.

[Statutory Authority: Chapter 28A.03 RCW. 86-01-018 (Order 85-13), § 392-210-020, filed 12/9/85.]

WAC 392-210-025 Credits earned in academic core subjects. To be considered for a Washington state honors award, a student must have earned, during grades nine through eleven, at least seventy-five percent of the credits required for graduation from his or her high school including a minimum of ten credits in the academic core subjects of English, mathematics, science, social studies, and foreign language.

Each participating high school principal shall verify, on forms provided by the superintendent of public instruction, that each candidate has completed at least seventy-five percent of the school's total graduation credit requirements. The superintendent of public instruction shall require each student's high school transcript to be verified to assure that each student has earned the minimum credits in each of the academic core subjects. All participating high schools shall make available the grades nine through eleven transcripts for all participating students on or before August 15 of each year.

[Statutory Authority: RCW 28A.03.044 [28A.03.444]. 86-15-051 (Order 86-9), § 392-210-025, filed 7/18/86. Statutory Authority: Chapter 28A.03 RCW. 86-01-018 (Order 85-13), § 392-210-025, filed 12/9/85.]

WAC 392-210-030 Enrollment in academic core subjects during grade twelve required. To be considered for a Washington state honors award, a student must be enrolled in at least three of the academic core subjects of English, mathematics, science, social studies, and 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.]

WAC 392-210-035 Notification of students eligible for honors award. Commencing with the ninth grade, and each year thereafter, each participating high school shall provide, no later than October 1, each enrolled student with a copy of the eligibility criteria for the Washington state honors award. The superintendent of public instruction shall provide schools with a suggested format that may be used to notify students.

[Statutory Authority: Chapter 28A.03 RCW. 86-01-018 (Order 85-13), § 392-210-035, filed 12/9/85.]

WAC 392-210-040 Notification of Washington honors award recipients. On or before December 15 of each school year the superintendent of public instruction shall provide to each participating school principal the names of those enrolled students who have been selected for a Washington honors award.

[Statutory Authority: Chapter 28A.03 RCW. 86-01-018 (Order 85-13), § 392-210-040, filed 12/9/85.]

WAC 392-210-045 Washington honors award certificate. The superintendent of public instruction shall prepare annually for each honors award recipient a suitable printed certificate which shall describe the purposes of the award, indicate the year in which the award was given, identify the student and his or her high school, and be signed by the superintendent of public instruction. The certificate for each honors award recipient shall be delivered to the participating high school principal on or before April 1 of each school year. Each participating principal shall provide for issuing the certificate to each recipient at the regular high school commencement or other appropriate time prior to high school commencement.

[Statutory Authority: Chapter 28A.03 RCW. 86-01-018 (Order 85-13), § 392-210-045, filed 12/9/85.]

WAC 392-210-050 Notification to local business and community representatives. The principal of each participating school shall encourage local businesses and community organizations to recognize the accomplishments of the Washington honors award recipients.

[Statutory Authority: Chapter 28A.03 RCW. 86-01-018 (Order 85-13), § 392-210-050, filed 12/9/85.]

WAC 392-210-055 Special consideration for 1985-86 school year. The provisions of WAC 392-210-020 and 392-

210-030 through 392-210-045 notwithstanding, for the 1985-86 school year the timelines for notification of students and schools and other program requirements may be adjusted by the superintendent of public instruction as required to initiate the Washington honors award program.

[Statutory Authority: Chapter 28A.03 RCW. 86-01-018 (Order 85-13), § 392-210-055, filed 12/9/85.]

Chapter 392-310 WAC GRANT PROGRAM—SCHOOLS FOR THE TWENTY-FIRST CENTURY

WAC

392-310-010	Authority.
392-310-015	Purpose.
392-310-020	Administrative functions of the superintendent of public instruction.
392-310-025	Incorporation by reference of state board of education rules.

WAC 392-310-010 Authority. The authority for this chapter is RCW 28A.630.210 which authorizes the superintendent of public instruction to adopt rules to implement the superintendent of public instruction's duties related to the schools for the twenty-first century pilot projects program.

[Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-310-010, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.100.054. 88-06-042 (Order 88-10), § 392-310-010, filed 3/1/88.]

WAC 392-310-015 Purpose. The purpose of this chapter is to establish policies and procedures implementing the schools for the twenty-first century pilot projects program.

[Statutory Authority: RCW 28A.100.054. 88-06-042 (Order 88-10), § 392-310-015, filed 3/1/88.]

WAC 392-310-020 Administrative functions of the superintendent of public instruction. The administrative responsibilities of the superintendent of public instruction respecting the schools for the twenty-first century pilot projects program include each of the following activities:

(1) Administration of the policies and procedures established by the state board of education at chapter 180-110 WAC.

(2) Receipt and disbursement of public and private moneys made available for the support of the pilot projects program.

(3) Collection and dissemination of information respecting the pilot projects program through the state clearinghouse for education information.

[Statutory Authority: RCW 28A.100.054. 88-06-042 (Order 88-10), § 392-310-020, filed 3/1/88.]

WAC 392-310-025 Incorporation by reference of state board of education rules. The rules of the state board of education set forth at chapter 180-110 WAC are hereby incorporated into and made a part of this chapter including, but not limited to, WAC 180-110-050 which shall likewise govern the modification or waiver of a rule of the superintendent of public instruction by the superintendent of public instruction.

[Statutory Authority: RCW 28A.100.054. 88-06-042 (Order 88-10), § 392-310-025, filed 3/1/88.]

Chapter 392-320 WAC SCHOOL PERSONNEL—ADMINISTRATOR INTERNSHIP PROGRAM

WAC

392-320-005	Authority.
392-320-010	Purpose.
392-320-015	Definition—Administrator intern.
392-320-020	Definition—Mentor administrator.
392-320-025	Definition—Replacement substitute teacher cost.
392-320-030	Definition—Educational service district internship advisory board.
392-320-035	Incorporation by reference of state board of education rules.
392-320-040	Administrator intern selection process.
392-320-045	Administrator internship allocation.
392-320-050	Annual report.
392-320-055	Carryover prohibition.
392-320-060	Maximum control factor—Proration.

WAC 392-320-005 Authority. The authority for this chapter is RCW 28A.415.250 which authorizes the superintendent of public instruction to develop rules and regulations for the establishment and administration of the administrator internship program.

[Statutory Authority: RCW 28A.415.300. 94-07-102 (Order 94-03), § 392-320-005, filed 3/18/94, effective 4/18/94.]

WAC 392-320-010 Purpose. The purpose of this chapter is to set forth policies and procedures for the operation of the administrator internship program, including the conditions for the use of state moneys for such purpose by educational service districts and school districts of the state.

[Statutory Authority: RCW 28A.415.300. 94-07-102 (Order 94-03), § 392-320-010, filed 3/18/94, effective 4/18/94.]

WAC 392-320-015 Definition—Administrator intern. As used in this chapter, the term "administrator intern" means a school employee selected for a principal or superintendent certification internship of at least forty-five school days, as defined in WAC 392-121-033, and who is enrolled in a state board of education approved administrator preparation program, pursuant to chapter 180-78 WAC.

[Statutory Authority: RCW 28A.415.300. 94-07-102 (Order 94-03), § 392-320-015, filed 3/18/94, effective 4/18/94.]

WAC 392-320-020 Definition—Mentor administrator. As used in this chapter, the term "mentor administrator" means a school district administrator in a like-role selected by a school district to provide supervision of an administrator intern.

[Statutory Authority: RCW 28A.415.300. 94-07-102 (Order 94-03), § 392-320-020, filed 3/18/94, effective 4/18/94.]

WAC 392-320-025 Definition—Replacement substitute teacher cost. As used in this chapter, the term "replacement substitute teacher cost" shall mean an amount paid by a school district to employ a substitute to replace an

administrator intern completing an administrator certification field experience. The maximum daily amount shall be the estimated state-wide average substitute teacher cost, to include salary and benefits, as determined by the superintendent of public instruction.

[Statutory Authority: RCW 28A.415.300. 94-07-102 (Order 94-03), § 392-320-025, filed 3/18/94, effective 4/18/94.]

WAC 392-320-030 Definition—Educational service district internship advisory board. As used in this chapter, the term educational service district advisory board means a board or committee composed of representatives of the public, school district administrators, principals, teachers, and colleges having state board of education approved administrator programs. The advisory board shall advise in the establishment of the educational service district intern selection criteria and process. An existing educational service district in-service committee or task force may serve as the educational service district internship advisory board provided it includes the membership described herein.

[Statutory Authority: RCW 28A.415.300. 94-07-102 (Order 94-03), § 392-320-030, filed 3/18/94, effective 4/18/94.]

WAC 392-320-035 Incorporation by reference of state board of education rules. The rules of the state board of education set forth in WAC 180-78-266 which consist of the administrator internship standards shall likewise govern the administrator internship program administered by the superintendent of public instruction.

[Statutory Authority: RCW 28A.415.300. 94-07-102 (Order 94-03), § 392-320-035, filed 3/18/94, effective 4/18/94.]

WAC 392-320-040 Administrator intern selection process. The process for selecting administrator interns shall be as follows:

(1) Any school district employee eligible for this program may apply in writing to the school district superintendent, or his/her designee to be an administrator intern.

(2) Each school district shall determine which applicants meet its internship criteria, provided that applicants must be enrolled in and recommended by a state board of education program approved for principal or superintendent certification.

(3) The school district shall agree to provide each intern at least forty-five school days of released time, name a mentor administrator to supervise each intern, and to employ a substitute to replace the intern.

(4) The school district shall send the regional educational service district superintendent the following: School district criteria for intern selection, nominee name, position title, address, college/university in which the nominee is enrolled in, intern role (i.e., principal or superintendent), proposed internship site, minority and gender status, the actual, daily replacement substitute teacher cost, agreement to comply with state board of education internship standards requirement, agreement to comply with administrator internship program rules (chapter 392-320 WAC), mentor administrator name, title and position, and other information requested by the educational service district.

(5) The educational service district internship advisory board shall review the school district intern nominee applica-

tions for compliance with the educational service district internship criteria and make recommendations for approval to the educational service district superintendent. Provided: The interns should reflect the percentage of minorities of the public school student population in the educational service district region, and to the extent practicable, represent an equal number of males and females. If it is not possible to find qualified principal intern candidates reflecting the percentage of minorities of the public school student population of the educational service district, the educational service district shall select those qualified principal intern candidates who meet these criteria and leave the remaining principal intern positions unfilled. If it is not possible to find qualified superintendent candidates reflecting the percentage of minorities of public school student population of the educational service district, the educational service district shall select those qualified superintendent intern candidates who meet these criteria and may fill the remaining superintendent intern positions with qualified candidates without regard to minority or gender status.

(6) The educational service district superintendent shall notify the local district, the respective college or university, and the applicant of their selection status and forward a copy of the information cited in subsection (4) of this section for each selected intern to the superintendent of public instruction.

[Statutory Authority: RCW 28A.415.300. 94-07-102 (Order 94-03), § 392-320-040, filed 3/18/94, effective 4/18/94.]

WAC 392-320-045 Administrator internship allocation. Internship funds shall be allocated as follows:

(1) The superintendent of public instruction shall allocate administrator internship funds after the state board of education adopts internship standards in accordance with WAC 392-320-035.

(2) The superintendent of public instruction shall allocate administrator internship funding to each educational service district based on the percentage of public school students enrolled in each educational service district.

(3) The superintendent of public instruction shall annually calculate the estimated state-wide average substitute teacher cost to include salary and benefits.

(4) Prior to allocating funding to a school district, the educational service district may retain sufficient moneys needed to implement the administrator internship program, including costs of the educational service district internship advisory board. The superintendent of public instruction shall determine the maximum dollar amount each educational service district may retain. In accordance with superintendent of public instruction memorandum No. 1-92M, each educational service district shall retain up to nine percent of their allocation to carry out their internship program responsibilities.

(5) After selecting the interns, the educational service district shall allocate the administrator internship funding to the employing school district based on the actual replacement substitute teacher cost for forty-five days, provided that the allocation shall not exceed the estimated state-wide average substitute teacher cost, as determined by the superintendent of public instruction.

(6) Administrator internship allocations to each school district shall be used solely for replacement substitute teacher costs, as defined in WAC 392-320-025. Participating school districts shall receive allocations for a maximum of forty-five school days. Local districts shall not be reimbursed for other costs associated with implementing this program.

(7) Unexpended administrator intern funds shall revert to the state general fund.

[Statutory Authority: RCW 28A.415.300. 94-07-102 (Order 94-03), § 392-320-045, filed 3/18/94, effective 4/18/94.]

WAC 392-320-050 Annual report. The superintendent of public instruction shall prepare an annual report on the administrator internship program based on the following information which shall be provided by each educational service district:

(1) Educational service district criteria for selecting interns.

(2) Data and information for each selected intern cited in WAC 392-320-040(4).

(3) Fiscal report, including allocations to participating districts for replacement substitute teachers.

(4) Composition of educational service district internship advisory board.

(5) Recommendations, if any, for program revisions.

(6) Other information deemed necessary by the superintendent of public instruction.

[Statutory Authority: RCW 28A.415.300. 94-07-102 (Order 94-03), § 392-320-050, filed 3/18/94, effective 4/18/94.]

WAC 392-320-055 Carryover prohibition. State moneys allocated to educational service districts and districts for the administrator internship program shall be subject to the carryover prohibition of WAC 392-122-900.

[Statutory Authority: RCW 28A.415.300. 94-07-102 (Order 94-03), § 392-320-055, filed 3/18/94, effective 4/18/94.]

WAC 392-320-060 Maximum control factor—Proration. State moneys distributed to educational service districts and districts for the administrator internship program shall be subject to the proration provision of WAC 392-122-905 if the current program appropriation to the superintendent of public instruction is adversely affected by action of the legislature after the commencement of the ensuing school year.

[Statutory Authority: RCW 28A.415.300. 94-07-102 (Order 94-03), § 392-320-060, filed 3/18/94, effective 4/18/94.]

Chapter 392-330 WAC

STATE MAGNET SCHOOL PROGRAM

WAC

392-330-010	Authority.
392-330-020	Purpose.
392-330-030	Definitions.
392-330-040	Policy.
392-330-050	Eligibility.
392-330-060	Information—Forms.
392-330-070	Annual report.
392-330-080	Advisory committee.

WAC 392-330-010 Authority. The authority for this chapter is RCW 28A.150.290 which together with RCW 28A.150.370 authorizes the superintendent of public instruction to adopt rules for the establishment and administration of compensatory programs and other special programs.

[Statutory Authority: RCW 28A.150.290 and 28A.150.370. 94-12-019 (Order 94-06), § 392-330-010, filed 5/23/94, effective 6/23/94.]

WAC 392-330-020 Purpose. The purpose of this chapter is to set forth policies and procedures for the administration of the magnet school projects program, including the establishment of criteria for the award of grants to an eligible school district.

[Statutory Authority: RCW 28A.150.290 and 28A.150.370. 94-12-019 (Order 94-06), § 392-330-020, filed 5/23/94, effective 6/23/94.]

WAC 392-330-030 Definitions. The following terms are defined for purposes of this program as follows:

(1) "Minority" refers to those racial/ethnic categories as defined on the School Enrollment Report Form SPI P-105.

(2) "Eligible school district" means a school district which can demonstrate racial imbalance based on WAC 180-26-025 or is implementing a plan undertaken pursuant to a final order issued by a court of the United States, or a court of the state of Washington, or any other state agency or official of competent jurisdiction, and that requires the desegregation of children or faculty in the elementary and secondary schools of such agency; or without having been required to do so, has adopted and is implementing or will implement such a plan for the desegregation of children or faculty in such schools.

(3) "Feeder school" refers to a school from which students are drawn to attend a magnet school program.

(4) "Magnet school program" means a school, education center or program that offers a special curriculum capable of attracting substantial numbers of students of different racial backgrounds and increasing the interaction among students or different social, economic, ethnic and racial backgrounds.

[Statutory Authority: RCW 28A.150.290 and 28A.150.370. 94-12-019 (Order 94-06), § 392-330-030, filed 5/23/94, effective 6/23/94.]

WAC 392-330-040 Policy. The public policy goals of the magnet school projects are to:

(1) Reduce, eliminate, continue to assist in preventing racial imbalance or prevent minority group isolation within the period of the grant award or allocation period either in the magnet school or in a feeder school, as appropriate;

(2) Preclude increases in the minority enrollment, at the magnet school or at any feeder school, above the district-wide percentage of minority students at the grade levels corresponding to those served by that magnet school;

(3) Foster interaction among students of different social, economic, ethnic and racial backgrounds in classroom activities, extracurricular activities, or other activities in the magnet schools;

(4) Address the educational needs of the students who will be enrolled in the magnet schools;

(5) Encourage greater parental teacher and community involvement and decision making;

(6) Evaluate the effectiveness of the magnet school pilot project and whether funding should be continued, expanded or discontinued.

[Statutory Authority: RCW 28A.150.290 and 28A.150.370. 94-12-019 (Order 94-06), § 392-330-040, filed 5/23/94, effective 6/23/94.]

WAC 392-330-050 Eligibility. (1) Applicant eligibility for magnet school project funding shall be based on magnet program enrollment numbers and percentages for minority and nonminority group students, for each magnet school/program for which funding is sought and each feeder school for the:

(a) School year prior to the creation of each magnet school;

(b) School year in which the application is submitted and for each of the school years of the proposed grant cycle;

(c) District-wide enrollment numbers and percentages for minority group students in the local school district's schools, for grade levels involved in the applicants' magnet schools; and

(d) Calculation that, but for the establishment of a magnet pilot program, or for the continuation of a magnet pilot program or other student assignment efforts the enrollment of the school/program would be racially imbalanced as defined in WAC 180-26-025.

(2) Funds shall be awarded by the superintendent of public instruction or designee based on the ranking of the applicant districts evaluated on the following criteria:

(a) Degree of racial imbalance in the proposed project school, or for racial imbalance but for magnet and other student assignment efforts - fifteen points;

(b) Nature of the proposed program and extent to which it meets goals set forth in WAC 392-330-040 - forty-five points;

(c) Elements of the proposed program which support interaction among students of diverse minority and ethnic groups - twenty-five points;

(d) Strength of the evaluation component for the pilot project - ten points;

(e) Nature and extent of local resources committed to the project - five points.

A district must receive a minimum of sixty-five points to be eligible for funding consideration.

[Statutory Authority: RCW 28A.150.290 and 28A.150.370. 94-12-019 (Order 94-06), § 392-330-050, filed 5/23/94, effective 6/23/94.]

WAC 392-330-060 Information—Forms. An eligible district's application shall be on forms provided by the superintendent of public instruction and shall contain at a minimum the following information:

(1)(a) Degree of racial imbalance in the proposed project school or for racial imbalance but for magnet and other student assignment efforts;

(b) Nature of the proposed program and the extent to which it meets the goals set forth in WAC 392-330-040; and

(c) Elements of the proposed program which support interaction among students of diverse minority and ethnic groups.

(2) The desired outcomes for each magnet program, including but not limited to, increased student achievement and desegregation of students;

(3) The design of the evaluation of the project that will produce quantifiable results which will be used to determine the success of the project in meeting the intended outcomes including but not limited to increased student achievement and desegregation of students;

(4) Identify efforts of the school district to collaborate with institutions of higher education, community-based organizations, civic organizations, municipal agencies and appropriate state agencies;

(5) Set forth the personnel plan including how personnel assigned to the magnet school program will be utilized to complete the tasks and achieve the project objectives;

(6) The district's expenditure plan for the application of funds allocated pursuant to this chapter; and

(7) Identify resources which the district may use to continue support for the magnet school activities when assistance under this program is no longer available.

[Statutory Authority: RCW 28A.150.290 and 28A.150.370. 94-12-019 (Order 94-06), § 392-330-060, filed 5/23/94, effective 6/23/94.]

WAC 392-330-070 Annual report. Each school district awarded magnet school funds shall submit an annual report to the superintendent of public instruction on or before July 1st. The report shall evaluate the components set forth in WAC 392-330-050 and include an assessment of how well the outcomes were achieved and the impact of the project on student desegregation. The report also shall provide an accounting of how the magnet school project funds were expended.

Failure to submit an annual report which evaluates the components set forth in WAC 392-330-050 shall disqualify the participating school district from receiving magnet school funds for the next school year.

[Statutory Authority: RCW 28A.150.290 and 28A.150.370. 94-12-019 (Order 94-06), § 392-330-070, filed 5/23/94, effective 6/23/94.]

WAC 392-330-080 Advisory committee. Each school district participating in the magnet school project shall organize a local advisory committee. The purpose of the committee is to advise the school district in the development and operation of its magnet school program. The committee shall be comprised of not less than thirteen members and is to include representatives from the following groups: School principals, teachers, parents, municipal and community representatives, and students. This committee is to be representative of the local community and its gender and ethnic composition.

[Statutory Authority: RCW 28A.150.290 and 28A.150.370. 94-12-019 (Order 94-06), § 392-330-080, filed 5/23/94, effective 6/23/94.]