

Title 392 WAC

PUBLIC INSTRUCTION, SUPERINTENDENT OF

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DISPOSITION OF CHAPTERS FORMERLY
CODIFIED IN THIS TITLEChapter 392-08
PRACTICE AND PROCEDURE

392-08-010 Appearance and practice before the state superintendent of public instruction—Who may appear. [Regulation .08.010, filed 3/22/60.] Repealed by Order 7-75, filed 12/22/75.

392-08-020 Appearance in certain proceedings may be limited to attorneys. [Regulation .08.020, filed 3/22/60.] Repealed by Order 7-75, filed 12/22/75.

392-08-030 Solicitation of business unethical. [Regulation .08.030, filed 3/22/60.] Repealed by Order 7-75, filed 12/22/75.

392-08-040 Standards of ethical conduct. [Regulation .08.040, filed 3/22/60.] Repealed by Order 7-75, filed 12/22/75.

392-08-050 Appearance by former employee of state superintendent or former member of attorney general's staff. [Regulation .08.050, filed 3/22/60.] Repealed by Order 7-75, filed 12/22/75.

392-08-060 Former employee as an expert witness. [Regulation .08.060, filed 3/22/60.] Repealed by Order 1-75, filed 1/21/75.

392-08-070 Computation of time. [Regulation .08.070, filed 3/22/60.] Repealed by Order 1-75, filed 1/21/75.

392-08-080 Notice and opportunity for hearing in contested cases. [Regulation .08.080, filed 3/22/60.] Repealed by Order 1-75, filed 1/21/75.

392-08-090 Service of process—By whom served. [Regulation .08.090, filed 3/22/60.] Repealed by Order 1-75, filed 1/21/75.

392-08-100 Upon whom served. [Regulation .08.100, filed 3/22/60.] Repealed by Order 1-75, filed 1/21/75.

392-08-110 Service upon parties. [Regulation .08.110, filed 3/22/60.] Repealed by Order 1-75, filed 1/21/75.

392-08-120 Method of service. [Regulation .08.120, filed 3/22/60.] Repealed by Order 1-75, filed 1/21/75.

392-08-130 When service complete. [Regulation .08.130, filed 3/22/60.] Repealed by Order 1-75, filed 1/21/75.

392-08-140 Filing with agency. [Regulation .08.140, filed 3/22/60.] Repealed by Order 1-75, filed 1/21/75.

392-08-230 Depositions and interrogatories in contested cases—Right to take. [Regulation .08.230, filed 3/22/60.] Repealed by Order 1-75, filed 1/21/75.

392-08-240 Scope. [Regulation .08.240, filed 3/22/60.] Repealed by Order 1-75, filed 1/21/75.

392-08-250 Officer before whom taken. [Regulation .08.250, filed 3/22/60.] Repealed by Order 1-75, filed 1/21/75.

392-08-260 Authorization. [Regulation .08.260, filed 3/22/60.] Repealed by Order 1-75, filed 1/21/75.

392-08-270 Protection of parties and deponents. [Regulation .08.270, filed 3/22/60.] Repealed by Order 1-75, filed 1/21/75.

392-08-280 Oral examination and cross-examination. [Regulation .08.280, filed 3/22/60.] Repealed by Order 1-75, filed 1/21/75.

392-08-290 Recordation. [Regulation .08.290, filed 3/22/60.] Repealed by Order 1-75, filed 1/21/75.

392-08-300 Signing attestation and return. [Regulation .08.300, filed 3/22/60.] Repealed by Order 1-75, filed 1/21/75.

392-08-310 Use and effect. [Regulation .08.310, filed 3/22/60.] Repealed by Order 1-75, filed 1/21/75.

392-08-320 Fees of officers and deponents. [Regulation .08.320, filed 3/22/60.] Repealed by Order 1-75, filed 1/21/75.

392-08-330 Depositions upon interrogatories—Submission of interrogatories. [Regulation .08.330, filed 3/22/60.] Repealed by Order 1-75, filed 1/21/75.

392-08-340 Interrogation. [Regulation .08.340, filed 3/22/60.] Repealed by Order 1-75, filed 1/21/75.

392-08-350 Attestation and return. [Regulation .08.350, filed 3/22/60.] Repealed by Order 1-75, filed 1/21/75.

392-08-360 Provisions of deposition rule. [Regulation .08.360, filed 3/22/60.] Repealed by Order 1-75, filed 1/21/75.

392-08-370 Official notice—Matters of law. [Regulation .08.370, filed 3/22/60.] Repealed by Order 1-75, filed 1/21/75.

392-08-380 Material facts. [Regulation .08.380, filed 3/22/60.] Repealed by Order 1-75, filed 1/21/75.

392-08-390 Presumptions. [Regulation .08.390, filed 3/22/60.] Repealed by Order 1-75, filed 1/21/75.

392-08-400 Stipulations and admissions of record. [Regulation .08.400, filed 3/22/60.] Repealed by Order 1-75, filed 1/21/75.

392-08-410 Form and content of decisions in contested cases. [Regulation .08.410, filed 3/22/60.] Repealed by Order 1-75, filed 1/21/75.

392-08-420 Definition of issues before hearing. [Regulation .08.420, filed 3/22/60.] Repealed by Order 1-75, filed 1/21/75.

392-08-430 Prehearing conference rule—Authorized. [Regulation .08.430, filed 3/22/60.] Repealed by Order 1-75, filed 1/21/75.

392-08-440 Record of conference action. [Regulation .08.440, filed 3/22/60.] Repealed by Order 1-75, filed 1/21/75.

392-08-450 Submission of documentary evidence in advance. [Regulation .08.450, filed 3/22/60.] Repealed by Order 1-75, filed 1/21/75.

392-08-460 Excerpts from documentary evidence. [Regulation .08.460, filed 3/22/60.] Repealed by Order 1-75, filed 1/21/75.

392-08-470 Expert or opinion testimony and testimony based on economic and statistical data—Number and qualifications of witnesses. [Regulation .08.470, filed 3/22/60.] Repealed by Order 1-75, filed 1/21/75.

392-08-480 Written sworn statements. [Regulation .08.480, filed 3/22/60.] Repealed by Order 1-75, filed 1/21/75.

392-08-490 Supporting data. [Regulation .08.490, filed 3/22/60.] Repealed by Order 1-75, filed 1/21/75.

392-08-500 Effect of noncompliance with 392-08-470 or 392-08-480. [Regulation .08.500, filed 3/22/60.] Repealed by Order 1-75, filed 1/21/75.

392-08-510 Continuances. [Regulation .08.510, filed 3/22/60.] Repealed by Order 1-75, filed 1/21/75.

392-08-520 Rules of evidence—Admissibility criteria. [Regulation .08.520, filed 3/22/60.] Repealed by Order 1-75, filed 1/21/75.

392-08-530 Tentative admission—Exclusion—Discontinuance—Objections. [Regulation .08.530, filed 3/22/60.] Repealed by Order 1-75, filed 1/21/75.

392-08-540 Petitions for rule making, amendment or repeal—Who may petition. [Regulation .08.540, filed 3/22/60.] Repealed by Order 1-75, filed 1/21/75.

392-08-550 Requisites. [Regulation .08.550, filed 3/22/60.] Repealed by Order 1-75, filed 1/21/75.

392-08-560 Agency must consider. [Regulation .08.560, filed 3/22/60.] Repealed by Order 1-75, filed 1/21/75.

392-08-570 Notice of disposition. [Regulation .08.570, filed 3/22/60.] Repealed by Order 1-75, filed 1/21/75.

392-08-580 Declaratory rulings. [Regulation .08.580, filed 3/22/60.] Repealed by Order 1-75, filed 1/21/75.

392-08-590 Forms. [Regulation .08.590, filed 3/22/60.] Repealed by Order 1-75, filed 1/21/75.

392-08-600 Administrative practices regarding hearings and rule proceedings. [Order 1-75, § 392-08-600, filed 1/21/75.] Repealed by Order 7-75, filed 12/22/75.

Chapter 392-10
CONFLICT OF INTEREST

392-10-010 Purpose and effect. [Order 73, § 392-10-010, filed 5/13/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-103-005.

392-10-020 Prohibited practices in general. [Order 73, § 392-10-020, filed 5/13/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-103-010, 392-103-015 and 392-103-020.

392-10-030 Disqualification. [Order 73, § 392-10-030, filed 5/13/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-103-025.

392-10-040 Permissible transactions. [Order 73, § 392-10-040, filed 5/13/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-103-040.

- 392-10-050 Permissible outside employment. [Order 73, § 392-10-050, filed 5/13/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-103-045.
- 392-10-060 Former employees—Prohibited practices. [Order 73, § 392-10-060, filed 5/13/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-103-035.
- 392-10-070 Appointed advisory committee members. [Order 82, § 392-10-070, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-103-030.
- Chapter 392-12**
ACCESS TO PUBLIC RECORDS
- 392-12-010 Access to public records. [Order 81, § 392-12-010, filed 9/10/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-105-010, 392-105-015, 392-105-020, 392-105-025 and 392-105-030.
- Chapter 392-13**
WORK STOPPAGE—STRIKES—
PROCEDURES FOR APPROVAL/DISAPPROVAL—
STATE EQUALIZATION APPORTIONMENT
- 392-13-010 Purpose. [Order 75, § 392-13-010, filed 6/10/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-131-005.
- 392-13-020 Presumption of approved program operation—Strikes—Exception—Approval/disapproval of program during strike period. [Order 75, § 392-13-020, filed 6/10/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-131-015.
- 392-13-030 Strike defined. [Order 75, § 392-13-030, filed 6/10/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-131-010.
- 392-13-040 Work stoppages and maintenance of approved programs for less than 180 days not condoned. [Order 75, § 392-13-040, filed 6/10/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-131-020.
- 392-13-050 Kindergarten and grade one through twelve programs considered collectively—Failure to operate an approved program—Denial of apportionment. [Order 75, § 392-13-050, filed 6/10/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-131-025.
- Chapter 392-14**
EMERGENCY SCHOOL CLOSURES—APPORTIONMENT
- 392-14-010 Purpose and construction. [Order 69, § 392-14-010, filed 4/18/74; Order 14, filed 5/23/69.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-129-005.
- 392-14-020 Definitions. [Order 69, § 392-14-020, filed 4/18/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-129-010.
- 392-14-030 Superintendent's determination of eligibility. [Order 69, § 392-14-030, filed 4/18/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-129-015.
- 392-14-040 Kindergarten and grade one through twelve programs considered separately. [Order 69, § 392-14-040, filed 4/18/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-129-020.
- Chapter 392-15**
INTERDISTRICT COOPERATION
- 392-15-715 Authority. [Order 21, § 392-15-715, filed 12/30/69.] Repealed by Order 90, filed 3/6/75.
- 392-15-720 Additional weighting support. [Order 32, § 392-15-720, filed 10/13/70; Order 21, § 392-15-720, filed 12/30/69.] Repealed by Order 90, filed 3/6/75. Later promulgation, see WAC 392-15-925 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.
- 392-15-845 State apportionment credit—Grades one through eight—Grades nine through twelve. [Order 78, § 392-15-845, filed 8/28/74.] Repealed by Order 7-75, filed 12/22/75.
- 392-15-850 Procedure for obtaining nonresident attendance credit—Notices—Forfeiture of state apportionment. [Order 78, § 392-15-850, filed 8/28/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-137-045.
- 392-15-855 Agreements and policies deemed approved—Retention and filing of. [Order 78, § 392-15-855, filed 8/28/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-137-050.
- 392-15-900 Purpose. [Order 90, § 392-15-900, filed 3/6/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-135-005.

- 392-15-905 Definitions. [Order 90, § 392-15-905, filed 3/6/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-135-010.
- 392-15-910 Program types. [Order 90, § 392-15-910, filed 3/6/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-135-015.
- 392-15-915 Application—Requirements for approval. [Order 90, § 392-15-915, filed 3/6/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-135-020.
- 392-15-920 Approval by superintendent of public instruction prerequisite for state funds. [Order 90, § 392-15-920, filed 3/6/75.] Repealed by Order 7-75, filed 12/22/75.
- 392-15-925 Additional weighting support. [Order 90, § 392-15-925, filed 3/6/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-135-025.
- 392-15-930 Vocational-technical schools. [Order 90, § 392-15-930, filed 3/6/75.] Repealed by Order 7-75, filed 12/22/75.
- 392-15-935 Duties of intermediate district superintendent. [Order 90, § 392-15-935, filed 3/6/75.] Repealed by Order 7-75, filed 12/22/75.
- 392-15-940 Attendance reports by resident districts. [Order 90, § 392-15-940, filed 3/6/75.] Repealed by Order 7-75, filed 12/22/75.
- 392-15-945 Cooperative financing of construction. [Order 90, § 392-15-945, filed 3/6/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-135-030.
- Chapter 392-20**
APPROVED SCHOOL TRANSPORTATION GUIDE
- 392-20-010 School districts—General authority to provide transportation. [Rules (part), filed 8/31/65; Rules (part), filed 3/22/60.] Repealed by Order 7-75, filed 12/22/75.
- 392-20-020 Applications for exceptions. [Rules (part), filed 8/31/65.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-141-035.
- 392-20-030 Transportation routes. [Rules (part), filed 8/31/65; Rules (part), filed 3/22/60.] Repealed by Order 7-75, filed 12/22/75.
- 392-20-040 Age of pupils. [Rules (part), filed 8/31/65; Rules (part), filed 3/22/60.] Repealed by Order 7-75, filed 12/22/75.
- 392-20-050 Cost reimbursement. [Rules (part), filed 8/31/65; Rules (part), filed 3/22/60.] Repealed by Order 7-75, filed 12/22/75.
- Chapter 392-21**
SPECIFICATIONS FOR SCHOOL BUSES
- 392-21-005 Applicable statutes. [Order 53, § 392-21-005, filed 9/6/72; Reference to statutes, filed 9/10/65.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-010 School bus specifications. [Specifications for school buses (part), filed 9/10/65; Rules (part), filed 7/23/64, effective 1/1/65; Rules (part), filed 3/22/60.] Repealed by Order 53, filed 9/6/72.
- 392-21-012 School bus chassis. [Specification rules (part), filed 9/10/65; Rules (part), filed 7/23/64, effective 1/1/65; Rules (part), filed 3/22/60.] Repealed by Order 53, filed 9/6/72.
- 392-21-014 School bus body. [Specifications for school buses (part), filed 9/10/65; Specifications (part), filed 7/23/64, effective 1/1/65; Section 1, filed 2/14/63; Rules (part), filed 3/22/60.] Repealed by Order 53, filed 9/6/72.
- 392-21-016 Conversion vehicles. [Specification rules (part), filed 9/10/65; Rules (part), filed 7/23/64, effective 1/1/65; Rules (part), filed 3/22/60.] Repealed by Order 53, filed 9/6/72.
- 392-21-018 Specification illustrations. [Specification rules (part), filed 9/10/65; Rules (part), filed 7/23/64, effective 1/1/65; Rules (part), filed 3/22/60.] Repealed by Order 53, filed 9/6/72.
- 392-21-040 List of chassis models approved to date for use under bus bodies of maximum capacities indicated, providing they comply with other school bus specifications. [Approved chassis list, dated March 1958 and filed 3/22/60.] Repealed by Order 53, filed 9/6/72.
- 392-21-050 Forms—School bus chassis weight and body dimensions information. [Form, filed 3/22/60.] Repealed by Order 53, filed 9/6/72.
- 392-21-055 Forms—School bus purchase information. [Form T-5, filed 6/17/63; Form T-5, filed 3/22/60.] Repealed by Order 53, filed 9/6/72.
- 392-21-060 Forms—School bus rebuilding information. [Form T-10, filed 6/17/63; Form T-10, filed 2/14/63.]
- 392-21-100 Authority for minimum standards for public school buses. [Order 53, § 392-21-100, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-143-005.
- 392-21-105 Authority of district boards. [Order 53, § 392-21-105, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-143-025.
- 392-21-110 Definition of school bus. [Order 59, § 392-21-110, filed 4/19/73, effective 6/30/73; Order 53, § 392-21-110, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-143-010.
- 392-21-115 School bus operation permit, inspection and license. [Order 53, § 392-21-115, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-143-030.
- 392-21-120 Inspections. [Order 53, § 392-21-120, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-143-035.
- 392-21-125 Inspection of rebuilt school buses. [Order 53, § 392-21-125, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-143-040.
- 392-21-130 Compliance with federal motor vehicle safety standards. [Order 59, § 392-21-130, filed 4/19/73, effective 6/30/73; Order 53, § 392-21-130, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-143-020 (part).
- 392-21-135 Compliance with Washington specifications. [Order 59, § 392-21-135, filed 4/19/73, effective 6/30/73; Order 53, § 392-21-135, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-143-020 (part).
- 392-21-140 Types of vehicles. [Order 59, § 392-21-140, filed 4/19/73, effective 6/30/73; Order 53, § 392-21-140, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-145 Appeal for exception vehicles. [Order 53, § 392-21-145, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-143-045.
- 392-21-150 Regulations for resold school buses. [Order 53, § 392-21-150, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-143-050.
- 392-21-155 Responsibility of dealers and manufacturers. [Order 53, § 392-21-155, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-143-055.
- 392-21-160 Amendment of specifications. [Order 53, § 392-21-160, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-165 Effective date of specifications. [Order 59, § 392-21-165, filed 4/19/73, effective 6/30/73; Order 53, § 392-21-165, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-170 School bus chassis specifications. [Order 59, § 392-21-170, filed 4/19/73, effective 6/30/73; Order 53, § 392-21-170, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-175 Air cleaner. [Order 53, § 392-21-175, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-180 Axles. [Order 53, § 392-21-180, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-185 Battery. [Order 53, § 392-21-185, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-190 Brakes. [Order 53, § 392-21-190, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-195 Bumper, front. [Order 53, § 392-21-195, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-200 Certification. [Order 53, § 392-21-200, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-205 Clutch assemblies. [Order 53, § 392-21-205, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-210 Color. [Order 53, § 392-21-210, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-215 Drive shaft. [Order 53, § 392-21-215, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.

392-21-220	Electrical system. [Order 53, § 392-21-220, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.	392-21-455	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.
392-21-420	Bumper, front. [Order 53, § 392-21-420, 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.
392-21-425	Bumper, rear. [Order 53, § 392-21-425, 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.
392-21-430	Ceiling. [Order 53, § 392-21-430, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.	392-21-620	Storage compartment. [Order 53, § 392-21-620, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
392-21-435	Chains. [Order 53, § 392-21-435, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.	392-21-625	Sun visor. [Order 53, § 392-21-625, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
392-21-440	Color. [Order 53, § 392-21-440, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.	392-21-630	Tailpipe. [Order 53, § 392-21-630, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
392-21-445	Construction. [Order 53, § 392-21-445, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.	392-21-635	Tow hook, rear. [Order 53, § 392-21-635, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
392-21-450	Defrosters. [Order 53, § 392-21-450, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.	392-21-640	Undercoating. [Order 53, § 392-21-640, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
		392-21-645	Ventilation. [Order 53, § 392-21-645, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
		392-21-650	Wheel housings. [Order 53, § 392-21-650, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.

- 392-21-655 Windshields. [Order 53, § 392-21-655, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-660 Windshield washer. [Order 53, § 392-21-660, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-665 Windshield wipers. [Order 53, § 392-21-665, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-670 Wiring. [Order 53, § 392-21-670, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-700 Diagrams of body plan and body elevation. [Order 53, § 392-21-700, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-750 Specifications for conversion vehicles. [Order 59, § 392-21-750, filed 4/19/73, effective 6/30/73; Order 53, § 392-21-750, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-755 Conversion vehicles—Body. [Order 59, § 392-21-755, filed 4/19/73, effective 6/30/73.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-760 Conversion vehicles—Chassis. [Order 59, § 392-21-760, filed 4/19/73, effective 6/30/73.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-765 Vehicles for transporting handicapped children. [Order 59, § 392-21-765, filed 4/19/73, effective 6/30/73.] Repealed by Order 7-75, filed 12/22/75.
- 392-21-800 Appendix. [Order 53, § 392-21-800, filed 9/6/72.] Repealed by Order 7-75, filed 12/22/75.
- Chapter 392-22**
OPERATION RULES FOR SCHOOL BUS DRIVERS
- 392-22-005 Objectives of school bus transportation. [Order 24, § 392-22-005, filed 7/1/70.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-145-010.
- 392-22-010 General operation regulations. [Order 24, § 392-22-010, filed 7/1/70; General Operation Regulations, filed 8/31/65; General Operation Regulations, filed 3/22/60.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-145-015, 392-145-020, 392-145-025 and 392-145-030.
- 392-22-100 Rules for school bus drivers. [Order 24, § 392-22-100, filed 7/1/70; Rules for school bus drivers, filed 8/31/65; Rules for school bus drivers, filed 3/22/60.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-145-015, 392-145-020, 392-145-025 and 392-145-030.
- Chapter 392-23**
RULES FOR STUDENTS RIDING BUSES
- 392-23-005 Applicability of rules. [Rules (part), filed 8/31/65; Rules (part), filed 3/22/60.] Repealed by Order 7-75, filed 12/22/75.
- 392-23-010 Rules for students riding school buses. [Order 24, § 392-23-010, filed 7/1/70; Regulations (part), filed 8/31/65; Rules (part), filed 3/22/60.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-145-035.
- Chapter 392-24**
SCHOOL SAFETY PATROL
- 392-24-006 School patrol appointment, authority, finance, insurance. [Order 54, § 392-24-006, filed 11/24/72; Safety Patrol Manual (part), filed 3/22/60.] Repealed by Order 7-75, filed 12/22/75.
- 392-24-007 Washington's school safety patrol—General. [Order 54, § 392-24-007, filed 11/24/72; Safety Patrol Manual (part), filed 3/22/60.] Repealed by Order 7-75, filed 12/22/75.
- 392-24-010 Washington's school safety patrol—Purpose and function. [Order 54, § 392-24-010, filed 11/24/72; Safety Patrol Manual (part), filed 3/22/60.] Repealed by Order 7-75, filed 12/22/75.
- 392-24-011 Rules for operation of school safety patrol—General. [Order 54, § 392-24-011, filed 11/24/72; Safety Patrol Manual (part), filed 3/22/60.] Repealed by Order 7-75, filed 12/22/75.
- 392-24-015 Rules for operation of school safety patrol—Establishment and support—Administration—Community support. [Order 54, § 392-24-015, filed 11/24/72; Safety Patrol Manual (part), filed 3/22/60.] Repealed by Order 7-75, filed 12/22/75.
- 392-24-020 Rules for operation of school safety patrol—Instruction and supervision. [Order 54, § 392-24-020, filed 11/24/72; Safety Patrol Manual (part), filed 3/22/60.] Repealed by Order 7-75, filed 12/22/75.
- 392-24-025 Rules for operation of school safety patrol—Selection and appointment. [Order 54, § 392-24-025, filed 11/24/72; Safety Patrol Manual (part), filed 3/22/60.] Repealed by Order 7-75, filed 12/22/75.
- 392-24-026 Rules for operation of school safety patrol—Suggested application form. [Order 54, § 392-24-026, filed 11/24/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-24-027 Rules for operation of school safety patrol—Suggested parental endorsement letter. [Order 54, § 392-24-027, filed 11/24/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-24-030 Rules for operation of school safety patrol—Size of patrol and officers needed. [Order 54, § 392-24-030, filed 11/24/72; Safety Patrol Manual (part), filed 3/22/60.] Repealed by Order 7-75, filed 12/22/75.
- 392-24-035 Rules for operation of school safety patrol—Standard uniforms. [Order 54, § 392-24-035, filed 11/24/72; Safety Patrol Manual (part), filed 3/22/60.] Repealed by Order 7-75, filed 12/22/75.
- 392-24-040 Standard school patrol procedure. [Safety Patrol Manual (part), filed 3/22/60.] Repealed by Order 54, filed 11/24/72.
- 392-24-045 Placement of signs. [Safety Patrol Manual (part), filed 3/22/60.] Repealed by Order 54, filed 11/24/72.
- 392-24-050 Rules for operation of school safety patrol—Equipment. [Order 54, § 392-24-050, filed 11/24/72; Safety Patrol Manual (part), filed 3/22/60.] Repealed by Order 7-75, filed 12/22/75.
- 392-24-055 Rules for operation of school safety patrol—Care of equipment. [Order 54, § 392-24-055, filed 11/24/72; Safety Patrol Manual (part), filed 3/22/60.] Repealed by Order 7-75, filed 12/22/75.
- 392-24-060 Increasing visibility. [Safety Patrol Manual (part), filed 3/22/60.] Repealed by Order 54, filed 11/24/72.
- 392-24-065 Rules for operation of school safety patrol—Controlled crossings. [Order 54, § 392-24-065, filed 11/24/72; Safety Patrol Manual (part), filed 3/22/60.] Repealed by Order 7-75, filed 12/22/75.
- 392-24-067 Rules for operation of school safety patrol—Location of school patrol crossings. [Order 54, § 392-24-067, filed 11/24/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-24-070 Rules for operation of school safety patrol—Positions at crosswalks. [Order 54, § 392-24-070, filed 11/24/72; Safety Patrol Manual (part), filed 3/22/60.] Repealed by Order 7-75, filed 12/22/75.
- 392-24-075 Rules for operation of school safety patrol—Hours of duty. [Order 54, § 392-24-075, filed 11/24/72; Safety Patrol Manual (part), filed 3/22/60.] Repealed by Order 7-75, filed 12/22/75.
- 392-24-080 Rules for operation of school safety patrol—Bus duty. [Order 54, § 392-24-080, filed 11/24/72; Safety Patrol Manual (part), filed 3/22/60.] Repealed by Order 7-75, filed 12/22/75.
- 392-24-085 Rules for operation of school safety patrol—School bus stop sign violations. [Order 54, § 392-24-085, filed 11/24/72; Safety Patrol Manual (part), filed 3/22/60.] Repealed by Order 7-75, filed 12/22/75.
- 392-24-090 Rules for operation of school safety patrol—Installing the school safety patrol—Pledge—Motivation, recognition, morale. [Order 54, § 392-24-090, filed 11/24/72; Safety Patrol Manual (part), filed 3/22/60.] Repealed by Order 7-75, filed 12/22/75.
- 392-24-100 Rules for operation of school safety patrol—Suggested evaluation form. [Order 54, § 392-24-100, filed 11/24/72.] Repealed by Order 7-75, filed 12/22/75.
- 392-24-205 Function of the school patrol. [Order 85, § 392-24-205, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-151-010.
- 392-24-210 Administration and support. [Order 85, § 392-24-210, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-151-015.

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

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

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

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

- 392-26-010 Reimbursement by the state. [Order 29, § 392-26-010, filed 8/5/70; Rules (part), filed 8/29/67.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-147-010.
- 392-26-020 Prior approval by county transportation commission required. [Rules (part), filed 8/29/67.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-147-015.
- 392-26-030 Report of transportation commission. [Order 29, § 392-26-030, filed 8/5/70; Rules (part), filed 8/29/67.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-147-020.
- 392-26-040 Information required by state superintendent. [Order 29, § 392-26-040, filed 8/5/70; Rules (part), filed 8/29/67.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-147-025 and 392-147-030.
- 392-26-050 Application for state reimbursement for safe 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.
- Chapter 392-29**
DISTRIBUTION OF FUNDS APPROPRIATED FOR
APPORTIONMENT TO THE COMMON SCHOOLS
- 392-29-010 Authority. [Order 52, § 392-29-010, filed 8/15/72.] Repealed by Order 89, filed 3/6/75.
- 392-29-020 Purpose. [Order 52, § 392-29-020, filed 8/15/72.] Repealed by Order 89, filed 3/6/75.
- 392-29-030 Policy. [Order 52, § 392-29-030, filed 8/15/72.] Repealed by Order 89, filed 3/6/75.
- 392-29-100 Procedures. [Order 52, § 392-29-100, filed 8/15/72.] Repealed by Order 89, filed 3/6/75.
- 392-29-110 Authority and purpose. [Order 89, § 392-29-110, filed 3/6/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-121-005.
- 392-29-120 Intent of equalization apportionment. [Order 89, § 392-29-120, filed 3/6/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-121-005.
- 392-29-130 Definitions—Terms. [Order 89, § 392-29-130, filed 3/6/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-121-010 and 392-121-015.
- 392-29-140 Definitions—School year—Day. [Order 89, § 392-29-140, filed 3/6/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-121-015.
- 392-29-150 Annual distribution of apportionment funds. [Order 89, § 392-29-150, filed 3/6/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-121-020.
- 392-29-160 Apportionment credit, resident and nonresident districts. [Order 89, § 392-29-160, filed 3/6/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-121-030.
- 392-29-170 Apportionment credit—Preschool handicapped and kindergarten. [Order 89, § 392-29-170, filed 3/6/75.]
- 392-29-180 Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-121-030.
- 392-29-190 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.
- 392-29-200 Pupil weighting—Weighting schedule—Weighted pupil enrollment. [Order 89, § 392-29-190, filed 3/6/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-121-040.
- 392-29-200 Per weighted pupil guarantee—Method of computation. [Order 89, § 392-29-200, filed 3/6/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-121-050.
- 392-29-210 Proportional district entitlement—Computation of. [Order 89, § 392-29-210, filed 3/6/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-121-055.
- 392-29-220 Full-time equivalent pupil. [Order 89, § 392-29-220, filed 3/6/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-121-055.
- 392-29-230 Enrollment time credit—Off-campus, educational institution. [Order 89, § 392-29-230, filed 3/6/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-121-045.
- 392-29-240 Part-time student. [Order 89, § 392-29-240, filed 3/6/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-121-045.
- 392-29-250 Reporting requirements. [Order 89, § 392-29-250, filed 3/6/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-121-065.
- 392-29-260 Payment schedule. [Order 89, § 392-29-260, filed 3/6/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-121-025.
- 392-29-270 Advance payments—Emergency. [Order 89, § 392-29-270, filed 3/6/75.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-121-060.
- Chapter 392-30**
SCHOOL DISTRICT BUDGETING
- 392-30-010 Authority. [Order 83, § 392-30-010, filed 10/3/74; Order 38, § 392-30-010, filed 2/5/71.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-123-005.
- 392-30-020 The accounting manual. [Order 83, § 392-30-020, filed 10/3/74; Order 38, § 392-30-020, filed 2/5/71.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-123-010.
- 392-30-030 Preliminary and final budgets required. [Order 83, § 392-30-030, filed 10/3/74; Order 38, § 392-30-030, filed 2/5/71.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-123-015.
- 392-30-035 Petition to stipulate that preliminary budget shall become final budget. [Order 83, § 392-30-035, filed 10/3/74.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-123-020.
- 392-30-040 Preliminary and final budget forms provided by state superintendent. [Order 83, § 392-30-040, filed 10/3/74; Order 38, § 392-30-040, filed 2/5/71.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-123-025.
- 392-30-050 Preliminary and final budget preparation. [Order 83, § 392-30-050, filed 10/3/74; Order 38, § 392-30-050, filed 2/5/71.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-123-030.
- 392-30-060 Budget required to be developed on accrual basis. [Order 83, § 392-30-060, filed 10/3/74; Order 38, § 392-30-060, filed 2/5/71.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-123-035.
- 392-30-070 The time schedule for the preliminary budget process. [Order 83, § 392-30-070, filed 10/3/74; Order 38, § 392-30-070, filed 2/5/71.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-123-040 and 392-123-045.
- 392-30-080 The time schedule for the final budget process. [Order 83, § 392-30-080, filed 10/3/74; Order 38, § 392-30-080, filed

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

Chapter 392-31

INTERMEDIATE SCHOOL DISTRICT BUDGETING

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

- 392-31-140 Approval of the budget by the superintendent of public instruction. [Order 41, § 392-31-140, filed 10/20/71.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-125-070.
- 392-31-150 Distribution of county funds when county contains parts of two or more intermediate school districts. [Order 41, § 392-31-150, filed 10/20/71.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-125-075.

Chapter 392-32

STATE PLANS ADOPTED PURSUANT TO FEDERAL LAWS

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

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

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

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

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

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

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

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

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

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

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

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

Title VI A amendments to state plan for the operation of Title VI A, Elementary and Secondary Education Act. [Public Law 89-10, as amended;

6/27/67.] Repealed by 79-07-006 (Order 3-79), filed 6/7/79. Statutory Authority: RCW 28A.03.030 (1) and (3).

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

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

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

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

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

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

Chapter 392-35

PRINCIPALS—EMPLOYEE ORGANIZATION— ELECTION PROCEDURE

- 392-35-010 Purpose. [Order 67, § 392-35-010, filed 9/21/73.] Repealed by Order 7-75, filed 12/22/75.
- 392-35-020 Definitions. [Order 67, § 392-35-020, filed 9/21/73.] Repealed by Order 7-75, filed 12/22/75.
- 392-35-030 Request for election. [Order 67, § 392-35-030, filed 9/21/73.] Repealed by Order 7-75, filed 12/22/75.
- 392-35-040 Notice of election. [Order 67, § 392-35-040, filed 9/21/73.] Repealed by Order 7-75, filed 12/22/75.
- 392-35-050 Contents of notice of election—Designation of chief election officer—Duties. [Order 67, § 392-35-050, filed 9/21/73.] Repealed by Order 7-75, filed 12/22/75.
- 392-35-060 List of principals—Posting of list. [Order 67, § 392-35-060, filed 9/21/73.] Repealed by Order 7-75, filed 12/22/75.
- 392-35-070 Election inspectors—Duties—Right to challenge voter—Improper conduct. [Order 67, § 392-35-070, filed 9/21/73.] Repealed by Order 7-75, filed 12/22/75.
- 392-35-080 Ballots. [Order 67, § 392-35-080, filed 9/21/73.] Repealed by Order 7-75, filed 12/22/75.
- 392-35-090 Record of vote—Signature—Challenge. [Order 67, § 392-35-090, filed 9/21/73.] Repealed by Order 7-75, filed 12/22/75.
- 392-35-100 Incorrectly marked ballot. [Order 67, § 392-35-100, filed 9/21/73.] Repealed by Order 7-75, filed 12/22/75.
- 392-35-110 Privacy for voter—Equipment. [Order 67, § 392-35-110, filed 9/21/73.] Repealed by Order 7-75, filed 12/22/75.
- 392-35-120 Folding ballot—Ballot box. [Order 67, § 392-35-120, filed 9/21/73.] Repealed by Order 7-75, filed 12/22/75.
- 392-35-130 Challenged ballot—Procedure. [Order 67, § 392-35-130, filed 9/21/73.] Repealed by Order 7-75, filed 12/22/75.
- 392-35-140 Employees present entitled to vote—Sealing ballot box—Unused ballots. [Order 67, § 392-35-140, filed 9/21/73.] Repealed by Order 7-75, filed 12/22/75.
- 392-35-150 Election inspectors' duties after voting has terminated. [Order 67, § 392-35-150, filed 9/21/73.] Repealed by Order 7-75, filed 12/22/75.
- 392-35-160 Disposition of challenged ballots—Tally sheets—Investigation by chief election officer. [Order 67, § 392-35-160, filed 9/21/73.] Repealed by Order 7-75, filed 12/22/75.
- 392-35-170 Counting of ballots—Procedure—Certification of results of election—Retention of ballots—Signed voting lists. [Order 67, § 392-35-170, filed 9/21/73.] Repealed by Order 7-75, filed 12/22/75.

- 392-35-180 Electioneering within the polls forbidden. [Order 67, § 392-35-180, filed 9/21/73.] Repealed by Order 7-75, filed 12/22/75.
- 392-35-190 Contest of election—Time for filing objections—Investigation of objections. [Order 67, § 392-35-190, filed 9/21/73.] Repealed by Order 7-75, filed 12/22/75.
- 392-35-200 Election determined by majority of valid votes cast—Runoff election. [Order 67, § 392-35-200, filed 9/21/73.] Repealed by Order 7-75, filed 12/22/75.
- 392-35-210 Time lapse for new election. [Order 67, § 392-35-210, filed 9/21/73.] Repealed by Order 7-75, filed 12/22/75.
- Chapter 392-40**
CERTIFICATES OF EDUCATIONAL COMPETENCE
- 392-40-005 Purpose of rules. [Rules (part), filed 1/20/66.] Repealed by 79-07-004 (Order 2-79), filed 6/7/79. Statutory Authority: RCW 28A.03.030 (1) and (3).
- 392-40-010 The rules. [Rules (part), filed 1/20/66.] Repealed by 79-07-004 (Order 2-79), filed 6/7/79. Statutory Authority: RCW 28A.03.030 (1) and (3).
- 392-40-990 Appendix—Instructions for the administration of the program for the certificate of educational competence. [Instructions for the administration of program (codified as WAC 392-40-990), filed 1/20/66.] Repealed by 79-07-004 (Order 2-79), filed 6/7/79. Statutory Authority: RCW 28A.03.030 (1) and (3).
- Chapter 392-45**
WASHINGTON STATE SPECIAL EDUCATION PROGRAM FOR CHILDREN WITH HANDICAPPING CONDITIONS
- 392-45-005 Purpose. [Order 66, § 392-45-005, filed 8/27/73.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-171-005.
- 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.
- 392-45-050 Procedures for functionally defining handicapping conditions (RCW 28A.13.070)—Parent decision. [Order 66, § 392-45-050, filed 8/27/73.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-171-045.
- 392-45-055 Procedures for functionally defining handicapping conditions (RCW 28A.13.070)—Decision to terminate. [Order 66, § 392-45-055, filed 8/27/73.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-171-050.
- 392-45-060 Procedures for functionally defining handicapping conditions (RCW 28A.13.070)—Assessment procedures. [Order 66, § 392-45-060, filed 8/27/73.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-171-055.
- 392-45-065 Procedures for functionally defining handicapping conditions (RCW 28A.13.070)—Collection of descriptions of child performance. [Order 66, § 392-45-065, filed 8/27/73.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-171-060.
- 392-45-070 Procedures for functionally defining handicapping conditions (RCW 28A.13.070)—Assessment or needed consultation by professional resources not employed by school district. [Order 66, § 392-45-070, filed 8/27/73.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-171-065.
- 392-45-075 Procedures for functionally defining handicapping conditions (RCW 28A.13.070)—Assessment areas. [Order 66, § 392-45-075, filed 8/27/73.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-171-070.
- 392-45-080 Procedures for functionally defining handicapping conditions (RCW 28A.13.070)—Assessment personnel. [Order 66, § 392-45-080, filed 8/27/73.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-171-075.
- 392-45-085 Procedures for functionally defining handicapping conditions (RCW 28A.13.070)—Analysis of assessment data. [Order 66, § 392-45-085, filed 8/27/73.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-171-080.
- 392-45-090 Procedures for functionally defining handicapping conditions (RCW 28A.13.070)—Goals and objectives. [Order 66, § 392-45-090, filed 8/27/73.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-171-085.
- 392-45-095 Procedures for functionally defining handicapping conditions (RCW 28A.13.070)—Goals relating to placement (long range). [Order 66, § 392-45-095, filed 8/27/73.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-171-090.
- 392-45-100 Procedures for functionally defining handicapping conditions (RCW 28A.13.070)—Placement options. [Order 66, § 392-45-100, filed 8/27/73.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-171-095, 392-171-100, 392-171-105 and 392-171-110.
- 392-45-105 Procedures for functionally defining handicapping conditions (RCW 28A.13.070)—Program criteria necessary for eligibility. [Order 5-75, § 392-45-105, filed 6/9/75; Order 66, § 392-45-105, filed 8/27/73.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-171-115.
- 392-45-110 Procedures for functionally defining handicapping conditions (RCW 28A.13.070)—Definitions and criteria for child eligibility. [Order 76, § 392-45-110, filed 7/11/74; Order 66, § 392-45-110, filed 8/27/73.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-171-120, 392-171-125, 392-171-130, 392-171-135, 392-171-140, 392-171-145, 392-171-150, 392-171-155, 392-171-160, 392-171-165, 392-171-170, 392-171-175 and 392-171-180.
- 392-45-115 Procedures for functionally defining handicapping conditions (RCW 28A.13.070)—School district decision. [Order 66, § 392-45-115, filed 8/27/73.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-171-185.
- 392-45-120 Procedures for functionally defining handicapping conditions (RCW 28A.13.070)—Parent decision. [Order 66, § 392-45-120, filed 8/27/73.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-171-190.
- 392-45-125 Procedures for functionally defining handicapping conditions (RCW 28A.13.070)—Objectives relating to instructional programs (short term). [Order 66, § 392-45-125, filed 8/27/73.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-171-195.
- 392-45-130 Procedures for functionally defining handicapping conditions (RCW 28A.13.070)—Evaluation and program improvement. [Order 66, § 392-45-130, filed 8/27/73.]

- Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-171-200.
- 392-45-135 Contractual services (RCW 28A.13.030). [Order 66, § 392-45-135, filed 8/27/73.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-171-205.
- 392-45-140 Contractual services (RCW 28A.13.030)—Approval of agencies and individuals for contractual arrangements. [Order 66, § 392-45-140, filed 8/27/73.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-171-210.
- 392-45-145 Contractual services (RCW 28A.13.030)—Determining eligibility of nonpublic school agencies and individuals to provide special education services through contractual arrangements with school districts. [Order 66, § 392-45-145, filed 8/27/73.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-171-215.
- 392-45-150 Contractual services (RCW 28A.13.030)—Responsibilities of school districts. [Order 66, § 392-45-150, filed 8/27/73.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-171-220.
- 392-45-155 Contractual services (RCW 28A.13.030)—Compliance with federal, state and local laws. [Order 66, § 392-45-155, filed 8/27/73.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-171-225.
- 392-45-160 Contractual services (RCW 28A.13.030)—Written policies. [Order 66, § 392-45-160, filed 8/27/73.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-171-230.
- 392-45-165 Contractual services (RCW 28A.13.030)—Coordination of services. [Order 66, § 392-45-165, filed 8/27/73.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-171-235.
- 392-45-170 Contractual services (RCW 28A.13.030)—Written contracts. [Order 66, § 392-45-170, filed 8/27/73.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-171-240.
- 392-45-175 Contractual services (RCW 28A.13.030)—Special placement and parent appeal concerning contractual arrangements. [Order 66, § 392-45-175, filed 8/27/73.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-171-245.
- 392-45-180 Interdistrict arrangements (RCW 28A.13.030). [Order 66, § 392-45-180, filed 8/27/73.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-171-250.
- 392-45-185 Appeals and sanctions procedures (RCW 28A.13.060 through 28A.13.080). [Order 66, § 392-45-185, filed 8/27/73.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-171-255, 392-171-260, 392-171-265, 392-171-270 and 392-171-275.
- 392-45-190 Transportation. [Order 66, § 392-45-190, filed 8/27/73.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-171-280.
- 392-45-195 Facilities. [Order 66, § 392-45-195, filed 8/27/73.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-171-285.
- Chapter 392-50**
TRAFFIC SAFETY EDUCATION
- 392-50-010 Definitions. [Order 65, § 392-50-010, filed 8/10/73; Rules (part), filed 11/1/63.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-153-010.
- 392-50-020 Reimbursement to school districts. [Order 65, § 392-50-020, filed 8/10/73; Rules (part), filed 11/1/63.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-153-015.
- 392-50-030 Teacher certification. [Order 65, § 392-50-030, filed 8/10/73.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-153-020.
- 392-50-040 Traffic safety education vehicles. [Order 65, § 392-50-040, filed 8/10/73.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-153-025.
- 392-50-050 Local curriculum guides. [Order 65, § 392-50-050, filed 8/10/73.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-153-030.
- 392-50-060 Scheduling. [Order 65, § 392-50-060, filed 8/10/73.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-153-035.
- 392-50-070 Administration. [Order 65, § 392-50-070, filed 8/10/73.] Repealed by Order 7-75, filed 12/22/75. Later promulgation, see WAC 392-153-040.
- Chapter 392-60**
ACCUMULATED SICK LEAVE
- 392-60-010 Contributions of school districts. [Rules (part), filed 8/16/66, effective 11/14/66.] Repealed by Order 7-75, filed 12/22/75.
- 392-60-020 Reimbursement to districts. [Rules (part), filed 8/16/66, effective 11/14/66.] Repealed by Order 7-75, filed 12/22/75.
- Chapter 392-65**
EMPLOYEE HEALTH AND INSURANCE BENEFITS
- 392-65-020 Authority. [Order 26, § 392-65-020, filed 7/9/70.] Repealed by Order 42, filed 10/29/71.
- 392-65-025 Authority. [Order 49, § 392-65-025, filed 6/28/72; Order 42, § 392-65-025, filed 10/29/71.] Repealed by Order 7-75, filed 12/22/75.
- 392-65-030 Salary improvement funds separate allotment (not equalized). [Order 26, § 392-65-030, filed 7/9/70.] Repealed by Order 42, filed 10/29/71.
- 392-65-035 Salary increase maintenance funds separate appropriations. [Order 49, § 392-65-035, filed 6/28/72; Order 42, § 392-65-035, filed 10/29/71.] Repealed by Order 7-75, filed 12/22/75.
- 392-65-040 Calculation of amount of distributable funds by employee categories—Certificated—Classified. [Order 26, § 392-65-040, filed 7/9/70.] Repealed by Order 42, filed 10/29/71.
- 392-65-045 Preliminary payments—Adjustments. [Order 49, § 392-65-045, filed 6/28/72; Order 42, § 392-65-045, filed 10/29/71.] Repealed by Order 7-75, filed 12/22/75.
- 392-65-050 Base year and average district salary stipulated. [Order 26, § 392-65-050, filed 7/9/70.] Repealed by Order 42, filed 10/29/71.
- 392-65-055 Calculation of funds distributable for salary increase and related benefits maintenance—General provisions—Exclusion. [Order 49, § 392-65-055, filed 6/28/72; Order 42, § 392-65-055, filed 10/29/71.] Repealed by Order 7-75, filed 12/22/75.
- 392-65-060 Exclusion—Extra stipends—Definition. [Order 26, § 392-65-060, filed 7/9/70.] Repealed by Order 42, filed 10/29/71.
- 392-65-065 Lunchroom personnel—Salary increase and related benefits maintenance. [Order 49, § 392-65-065, filed 6/28/72; Order 42, § 392-65-065, filed 10/29/71.] Repealed by Order 7-75, filed 12/22/75.
- 392-65-070 Identification of extra stipends. [Order 26, § 392-65-070, filed 7/9/70.] Repealed by Order 42, filed 10/29/71.
- 392-65-075 Employee health benefits—Appropriations—Regulations governing. [Order 49, § 392-65-075, filed 6/28/72; Order 42, § 392-65-075, filed 10/29/71.] Repealed by Order 7-75, filed 12/22/75.
- 392-65-080 Certain programs paid from specific budget categories. [Order 26, § 392-65-080, filed 7/9/70.] Repealed by Order 42, filed 10/29/71.
- 392-65-085 Employee insurance benefits—Appropriations to superintendent of public instruction. [Order 88, § 392-65-085, filed 3/6/75.] Repealed by Order 7-75, filed 12/22/75.
- 392-65-090 Salary improvements specified by year and percentage. [Order 26, § 392-65-090, filed 7/9/70.] Repealed by Order 42, filed 10/29/71.
- 392-65-095 Governor's special appropriation. [Order 88, § 392-65-095, filed 3/6/75.] Repealed by Order 7-75, filed 12/22/75.
- 392-65-100 Continuing employment requisite to average salary computation. [Order 26, § 392-65-100, filed 7/9/70.] Repealed by Order 42, filed 10/29/71.
- 392-65-105 Basic precepts of distribution. [Order 88, § 392-65-105, filed 3/6/75.] Repealed by Order 7-75, filed 12/22/75.
- 392-65-110 Maintenance of pupil-teacher ratio as of 1968-69 school year. [Order 35, § 392-65-110, filed 12/8/70; Order 26, §

- 392-65-110, filed 7/9/70.] Repealed by Order 42, filed 10/29/71.
- 392-65-115 Reimbursement rates. [Order 88, § 392-65-115, filed 3/6/75.] Repealed by Order 7-75, filed 12/22/75.
- 392-65-120 Staff replacements and staff additions. [Order 26, § 392-65-120, filed 7/9/70.] Repealed by Order 42, filed 10/29/71.
- 392-65-125 Computation of full-time equivalent employee. [Order 88, § 392-65-125, filed 3/6/75.] Repealed by Order 7-75, filed 12/22/75.
- 392-65-130 Funds to be expended for limited purpose—Otherwise reallocated. [Order 26, § 392-65-130, filed 7/9/70.] Repealed by Order 42, filed 10/29/71.
- 392-65-135 Benefits allowable. [Order 88, § 392-65-135, filed 3/6/75.] Repealed by Order 7-75, filed 12/22/75.
- 392-65-140 Annual increment—Negotiable item. [Order 26, § 392-65-140, filed 7/9/70.] Repealed by Order 42, filed 10/29/71.
- 392-65-145 Reports—Basis of computations. [Order 88, § 392-65-145, filed 3/6/75.] Repealed by Order 7-75, filed 12/22/75.
- 392-65-150 Schedule for employee benefits. [Order 26, § 392-65-150, filed 7/9/70.] Repealed by Order 42, filed 10/29/71.
- 392-65-160 Preliminary payments—Basis. [Order 26, § 392-65-160, filed 7/9/70.] Repealed by Order 42, filed 10/29/71.
- 392-65-170 Adjusted payments—Basis. [Order 26, § 392-65-170, filed 7/9/70.] Repealed by Order 42, filed 10/29/71.
- 392-65-180 District qualification—Health benefits. [Order 26, § 392-65-180, filed 7/9/70.] Repealed by Order 42, filed 10/29/71.
- 392-65-190 Monthly rate (1969-70). [Order 26, § 392-65-190, filed 7/9/70.] Repealed by Order 42, filed 10/29/71.
- 392-65-200 Monthly rate determined by residue (1970-71). [Order 26, § 392-65-200, filed 7/9/70.] Repealed by Order 42, filed 10/29/71.
- 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.
- 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.

**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.
- 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 392-103

SUPERINTENDENT OF PUBLIC INSTRUCTION—CONFLICT OF INTEREST

- 392-103-005 Purpose and effect. [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.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-103-010 Prohibited practices—Direct and indirect receipt of benefits prohibited. [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).] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-103-015 Prohibited practices—Certain assistance, gifts and sharing in compensation prohibited. [Order 7-75, § 392-103-015, filed 12/22/75. Formerly WAC 392-10-020 (part).] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-103-020 Prohibited practices—Gifts and use of office to induce provision of economic benefits prohibited. [Order 7-75, § 392-103-020, filed 12/22/75. Formerly WAC 392-10-020 (part).] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-103-025 Disqualification. [Order 7-75, § 392-103-025, filed 12/22/75. Formerly WAC 392-10-030.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-103-030 Appointed advisory committee members. [Order 7-75, § 392-103-030, filed 12/22/75. Formerly WAC 392-10-070.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-103-035 Former employees—Prohibited practices. [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.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-103-040 Permissible transactions. [Order 7-75, § 392-103-040, filed 12/22/75. Formerly WAC 392-10-040.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-103-045 Permissible outside employment. [Order 7-75, § 392-103-045, filed 12/22/75. Formerly WAC 392-10-050.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.

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.		(Order 87-12), § 392-166-110, filed 11/9/87.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
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.	392-166-115	Qualifying school districts—Definition. [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.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
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.	392-166-120	Students at risk—Definition. [Statutory Authority: 1987 c 518 § 217. 87-23-011 (Order 87-12), § 392-166-120, filed 11/9/87.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
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.	392-166-125	Supplant—Definition. [Statutory Authority: 1987 c 518 § 217. 87-23-011 (Order 87-12), § 392-166-125, filed 11/9/87.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
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.	392-166-130	Definition—Direct expenditure. [Statutory Authority: 1987 c 518 § 217. 87-23-011 (Order 87-12), § 392-166-130, filed 11/9/87.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
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.	392-166-135	Applicable financial rules. [Statutory Authority: 1987 c 518 § 217. 87-23-011 (Order 87-12), § 392-166-135, filed 11/9/87.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
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.	392-166-140	Qualifying school district—Option to participate. [Statutory Authority: 1987 c 518 § 217. 87-23-011 (Order 87-12), § 392-166-140, filed 11/9/87.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
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.	392-166-145	Priority for funding. [Statutory Authority: 1987 c 518 § 217. 87-23-011 (Order 87-12), § 392-166-145, filed 11/9/87.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
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.	392-166-150	District application required. [Statutory Authority: 1987 c 518 § 217. 87-23-011 (Order 87-12), § 392-166-150, filed 11/9/87.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
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.	392-166-155	Cooperative applications. [Statutory Authority: 1987 c 518 § 217. 87-23-011 (Order 87-12), § 392-166-155, filed 11/9/87.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
392-161-185	Remedial assistance program (RAP)—Funding adjustments to state allocations of RAP appropriations. [Statutory Authority: RCW 28A.41.280 and 28A.41.408. 80-09-016 (Order 80-25), § 392-161-185, filed 7/9/80.] Repealed by 81-15-088 (Order 81-3), filed 7/22/81. Statutory Authority: RCW 28A.41.250 through 28A.41.414.	392-166-160	Substance of school district application. [Statutory Authority: 1987 c 518 § 217. 87-23-011 (Order 87-12), § 392-166-160, filed 11/9/87.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
	Chapter 392-166	392-166-165	Assurances. [Statutory Authority: 1987 c 518 § 217. 87-23-011 (Order 87-12), § 392-166-165, filed 11/9/87.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
	SPECIAL SERVICES PROGRAM—STUDENT RETENTION AND RETRIEVAL PROGRAM	392-166-170	Board approval. [Statutory Authority: 1987 c 518 § 217. 87-23-011 (Order 87-12), § 392-166-170, filed 11/9/87.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
392-166-100	Authority. [Statutory Authority: 1987 c 518 § 217. 87-23-011 (Order 87-12), § 392-166-100, filed 11/9/87.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.	392-166-175	Application update. [Statutory Authority: 1987 c 518 § 217. 87-23-011 (Order 87-12), § 392-166-175, filed 11/9/87.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
392-166-105	Purpose. [Statutory Authority: 1987 c 518 § 217. 87-23-011 (Order 87-12), § 392-166-105, filed 11/9/87.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.	392-166-180	Criteria for identifying students at risk. [Statutory Authority: 1987 c 518 § 217. 87-23-011 (Order 87-12), § 392-166-180, filed 11/9/87.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
392-166-110	Student retention and retrieval program—Definition. [Statutory Authority: 1987 c 518 § 217. 87-23-011	392-166-185	Distribution of funds. [Statutory Authority: 1987 c 518 § 217. 87-23-011 (Order 87-12), § 392-166-185, filed 11/9/87.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
		392-166-190	Issuance of grant award. [Statutory Authority: 1987 c 518 § 217. 87-23-011 (Order 87-12), § 392-166-190, filed 11/9/87.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
		392-166-195	Supplant prohibition. [Statutory Authority: 1987 c 518 § 217. 87-23-011 (Order 87-12), § 392-166-195, filed 11/9/87.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
		392-166-200	Twenty percent requirement for elementary and middle schools. [Statutory Authority: 1987 c 518 § 217. 87-23-011 (Order 87-12), § 392-166-200, filed 11/9/87.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
		392-166-205	Supervisory expenditures. [Statutory Authority: 1987 c 518 § 217. 87-23-011 (Order 87-12), § 392-166-205, filed

- 11/9/87.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-166-210 Program requirement—Allowable expenditures. [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.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-166-215 Budget revisions—Twenty percent allowed. [Statutory Authority: 1987 c 518 § 217. 87-23-011 (Order 87-12), § 392-166-215, filed 11/9/87.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-166-220 Budget revisions—Updating planned expenditures. [Statutory Authority: 1987 c 518 § 217. 87-23-011 (Order 87-12), § 392-166-220, filed 11/9/87.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-166-225 Budget revision—Approval. [Statutory Authority: 1987 c 518 § 217. 87-23-011 (Order 87-12), § 392-166-225, filed 11/9/87.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-166-230 Acquisition, control and disposition of property. [Statutory Authority: 1987 c 518 § 217. 87-23-011 (Order 87-12), § 392-166-230, filed 11/9/87.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-166-235 District records. [Statutory Authority: 1987 c 518 § 217. 87-23-011 (Order 87-12), § 392-166-235, filed 11/9/87.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-166-240 End of year report. [Statutory Authority: 1987 c 518 § 217. 87-23-011 (Order 87-12), § 392-166-240, filed 11/9/87.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-166-245 End of year evaluation. [Statutory Authority: 1987 c 518 § 217. 87-23-011 (Order 87-12), § 392-166-245, filed 11/9/87.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-166-250 Basic education allocation. [Statutory Authority: 1987 c 518 § 217. 87-23-011 (Order 87-12), § 392-166-250, filed 11/9/87.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-166-255 Program audit. [Statutory Authority: 1987 c 518 § 217. 87-23-011 (Order 87-12), § 392-166-255, filed 11/9/87.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-166-260 Dissemination. [Statutory Authority: 1987 c 518 § 217. 87-23-011 (Order 87-12), § 392-166-260, filed 11/9/87.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-166-265 Notification of parents. [Statutory Authority: 1987 c 518 § 217. 87-23-011 (Order 87-12), § 392-166-265, filed 11/9/87.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-166-270 Encumbrance period. [Statutory Authority: 1987 c 518 § 217. 87-23-011 (Order 87-12), § 392-166-270, filed 11/9/87.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-166-275 Subsequent grants. [Statutory Authority: 1987 c 518 § 217. 87-23-011 (Order 87-12), § 392-166-275, filed 11/9/87.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 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 392-167A**
SPECIAL SERVICES—FAIR START EARLY PREVENTION AND INTERVENTION
- 392-167A-005 Authority. [Statutory Authority: RCW 28A.600.425. 93-12-016 (Order 93-08), § 392-167A-005, filed 5/21/93, effective 6/21/93.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-167A-010 Purpose. [Statutory Authority: RCW 28A.600.425. 93-12-016 (Order 93-08), § 392-167A-010, filed 5/21/93, effective 6/21/93.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-167A-015 Definition—Fair start program. [Statutory Authority: RCW 28A.600.425. 93-12-016 (Order 93-08), § 392-167A-015, filed 5/21/93, effective 6/21/93.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-167A-020 Definition—Child intervention specialists or community based human service provider. [Statutory Authority: RCW 28A.600.425. 93-12-016 (Order 93-08), § 392-167A-020, filed 5/21/93, effective 6/21/93.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-167A-025 Definition—Elementary level. [Statutory Authority: RCW 28A.600.425. 93-12-016 (Order 93-08), § 392-167A-025, filed 5/21/93, effective 6/21/93.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-167A-030 Definition—Early intervention services. [Statutory Authority: RCW 28A.600.425. 93-12-016 (Order 93-08),

- § 392-167A-030, filed 5/21/93, effective 6/21/93.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-167A-035 Definition—Prevention services. [Statutory Authority: RCW 28A.600.425. 93-12-016 (Order 93-08), § 392-167A-035, filed 5/21/93, effective 6/21/93.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-167A-040 Definition—Supplant. [Statutory Authority: RCW 28A.600.425. 93-12-016 (Order 93-08), § 392-167A-040, filed 5/21/93, effective 6/21/93.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-167A-045 Applications for funding—Qualified applicants. [Statutory Authority: RCW 28A.600.425. 93-12-016 (Order 93-08), § 392-167A-045, filed 5/21/93, effective 6/21/93.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-167A-050 Applications for funding—Annual deadline and required contents. [Statutory Authority: RCW 28A.600.425. 93-12-016 (Order 93-08), § 392-167A-050, filed 5/21/93, effective 6/21/93.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-167A-055 Applications for funding—Required information. [Statutory Authority: RCW 28A.600.425. 93-12-016 (Order 93-08), § 392-167A-055, filed 5/21/93, effective 6/21/93.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-167A-060 Applications for funding—Required assurances. [Statutory Authority: RCW 28A.600.425. 93-12-016 (Order 93-08), § 392-167A-060, filed 5/21/93, effective 6/21/93.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-167A-065 Applications for funding—Approval or disapproval. [Statutory Authority: RCW 28A.600.425. 93-12-016 (Order 93-08), § 392-167A-065, filed 5/21/93, effective 6/21/93.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-167A-070 Apportionment 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.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-167A-075 Allowable expenditures. [Statutory Authority: RCW 28A.600.425. 93-12-016 (Order 93-08), § 392-167A-075, filed 5/21/93, effective 6/21/93.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-167A-080 Application revisions. [Statutory Authority: RCW 28A.600.425. 93-12-016 (Order 93-08), § 392-167A-080, filed 5/21/93, effective 6/21/93.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-167A-085 Expenditures and accounting. [Statutory Authority: RCW 28A.600.425. 93-12-016 (Order 93-08), § 392-167A-085, filed 5/21/93, effective 6/21/93.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-167A-090 End of year report. [Statutory Authority: RCW 28A.600.425. 93-12-016 (Order 93-08), § 392-167A-090, filed 5/21/93, effective 6/21/93.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- Chapter 392-171**
SPECIAL EDUCATION PROGRAMS—EDUCATION FOR ALL HANDICAPPED CHILDREN
- 392-171-005 Purposes. [Order 11-76, § 392-171-005, filed 11/1/76; Order 7-75, § 392-171-005, filed 12/22/75. Formerly WAC 392-45-005.] Repealed by 78-11-074 (Order 11-78), filed 10/31/78. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7).
- 392-171-010 Special education advisory council. [Order 11-76, § 392-171-010, filed 11/1/76; Order 7-75, § 392-171-010, filed 12/22/75. Formerly WAC 392-45-015.] Repealed by 78-11-074 (Order 11-78), filed 10/31/78. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7).
- 392-171-015 Special education advisory council authority. [Order 11-76, § 392-171-015, filed 11/1/76; Order 7-75, § 392-171-015, filed 12/22/75. Formerly WAC 392-45-020.] Repealed by 78-11-074 (Order 11-78), filed 10/31/78. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7).
- 392-171-020 Common school age—Child eligibility. [Order 9-77, § 392-171-020, filed 10/11/77, effective 11/11/77; Order 11-76, § 392-171-020, filed 11/1/76; Order 7-75, § 392-171-020, filed 12/22/75. Formerly WAC 392-45-030.] Repealed by 78-11-074 (Order 11-78), filed 10/31/78. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7).
- 392-171-025 Procedures for functionally defining handicapping conditions. [Order 11-76, § 392-171-025, filed 11/1/76; Order 7-75, § 392-171-025, filed 12/22/75. Formerly WAC 392-45-035 (part).] Repealed by 78-11-074 (Order 11-78), filed 10/31/78. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7).
- 392-171-030 Flow chart for procedures for functionally defining handicapping conditions. [Order 11-76, § 392-171-030, filed 11/1/76; Order 7-75, § 392-171-030, filed 12/22/75. Formerly WAC 392-45-035 (part).] Repealed by 78-11-074 (Order 11-78), filed 10/31/78. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7).
- 392-171-035 Child as focus of concern. [Order 11-76, § 392-171-035, filed 11/1/76; Order 7-75, § 392-171-035, filed 12/22/75. Formerly WAC 392-45-040.] Repealed by 78-11-074 (Order 11-78), filed 10/31/78. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7).
- 392-171-040 Referral procedure. [Order 11-76, § 392-171-040, filed 11/1/76; Order 7-75, § 392-171-040, filed 12/22/75. Formerly WAC 392-45-045.] Repealed by 78-11-074 (Order 11-78), filed 10/31/78. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7).
- 392-171-045 Parent decision. [Order 11-76, § 392-171-045, filed 11/1/76; Order 7-75, § 392-171-045, filed 12/22/75. Formerly WAC 392-45-050.] Repealed by 78-11-074 (Order 11-78), filed 10/31/78. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7).
- 392-171-050 Decision to terminate. [Order 11-76, § 392-171-050, filed 11/1/76; Order 7-75, § 392-171-050, filed 12/22/75. Formerly WAC 392-45-055.] Repealed by 78-11-074 (Order 11-78), filed 10/31/78. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7).
- 392-171-055 Assessment procedures. [Order 11-76, § 392-171-055, filed 11/1/76; Order 7-75, § 392-171-055, filed 12/22/75. Formerly WAC 392-45-060.] Repealed by 78-11-074 (Order 11-78), filed 10/31/78. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7).
- 392-171-060 Collection of descriptions of child performance. [Order 11-76, § 392-171-060, filed 11/1/76; Order 7-75, § 392-171-060, filed 12/22/75. Formerly WAC 392-45-065.] Repealed by 78-11-074 (Order 11-78), filed 10/31/78. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7).
- 392-171-065 Assessment or needed consultation by professional resources not employed by school district. [Order 11-76, § 392-171-065, filed 11/1/76; Order 7-75, § 392-171-065, filed 12/22/75. Formerly WAC 392-45-070.] Repealed by 78-11-074 (Order 11-78), filed 10/31/78. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7).
- 392-171-070 Assessment. [Order 11-76, § 392-171-070, filed 11/1/76; Order 7-75, § 392-171-070, filed 12/22/75. Formerly WAC 392-45-075.] Repealed by 78-11-074 (Order 11-78), filed 10/31/78. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7).
- 392-171-075 Assessment personnel. [Order 11-76, § 392-171-075, filed 11/1/76; Order 7-75, § 392-171-075, filed 12/22/75. Formerly WAC 392-45-080.] Repealed by 78-11-074 (Order 11-78), filed 10/31/78. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7).
- 392-171-080 Analysis of assessment data. [Order 11-76, § 392-171-080, filed 11/1/76; Order 7-75, § 392-171-080, filed 12/22/75. Formerly WAC 392-45-085.] Repealed by 78-11-074 (Order 11-78), filed 10/31/78. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7).
- 392-171-085 Goals and objectives. [Order 7-75, § 392-171-085, filed 12/22/75. Formerly WAC 392-45-090.] Repealed by Emergency and Permanent Order 11-76, filed 11/1/76, and by Order 15-76, filed 12/21/76. Later promulgation, see WAC 392-171-090.
- 392-171-090 Goals. [Order 11-76, § 392-171-090, filed 11/1/76; Order 7-75, § 392-171-090, filed 12/22/75. Formerly WAC 392-45-095.] Repealed by 78-11-074 (Order 11-78), filed 10/31/78. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7).

- 10/31/78. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7).
- 392-171-095 Placement options. [Order 11-76, § 392-171-095, filed 11/1/76; Order 7-75, § 392-171-095, filed 12/22/75. Formerly WAC 392-45-100 (part).] Repealed by 78-11-074 (Order 11-78), filed 10/31/78. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7).
- 392-171-097 Materials and equipment. [Order 11-76, § 392-171-097, filed 11/1/76.] Repealed by 78-11-074 (Order 11-78), filed 10/31/78. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7).
- 392-171-100 Regular classroom placement options. [Order 11-76, § 392-171-100, filed 11/1/76; Order 7-75, § 392-171-100, filed 12/22/75. Formerly WAC 392-45-100 (part).] Repealed by 78-11-074 (Order 11-78), filed 10/31/78. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7).
- 392-171-105 Self-contained placement options. [Order 11-76, § 392-171-105, filed 11/1/76; Order 7-75, § 392-171-105, filed 12/22/75. Formerly WAC 392-45-100 (part).] Repealed by 78-11-074 (Order 11-78), filed 10/31/78. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7).
- 392-171-110 Other placement options. [Order 11-76, § 392-171-110, filed 11/1/76; Order 7-75, § 392-171-110, filed 12/22/75. Formerly WAC 392-45-100 (part).] Repealed by 78-11-074 (Order 11-78), filed 10/31/78. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7).
- 392-171-113 Decision that child will not be placed. [Order 11-76, § 392-171-113, filed 11/1/76.] Repealed by 78-11-074 (Order 11-78), filed 10/31/78. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7).
- 392-171-115 Program criteria necessary for eligibility. [Order 11-76, § 392-171-115, filed 11/1/76; Order 7-75, § 392-171-115, filed 12/22/75. Formerly WAC 392-45-105.] Repealed by 78-11-074 (Order 11-78), filed 10/31/78. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7).
- 392-171-120 Definitions and criteria for child eligibility. [Order 7-75, § 392-171-120, filed 12/22/75. Formerly WAC 392-45-110 (part).] Repealed by Emergency and Permanent Order 11-76, filed 11/1/76, and by Order 15-76, filed 12/21/76. Later promulgation, see WAC 392-171-020(2).
- 392-171-125 Definition of and eligibility criteria for mental retardation—Mildly retarded. [Order 11-76, § 392-171-125, filed 11/1/76; Order 7-75, § 392-171-125, filed 12/22/75. Formerly WAC 392-45-110 (part).] Repealed by 78-11-074 (Order 11-78), filed 10/31/78. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7).
- 392-171-130 Definition of and eligibility criteria for mental retardation—Moderately retarded. [Order 11-76, § 392-171-130, filed 11/1/76; Order 7-75, § 392-171-130, filed 12/22/75. Formerly WAC 392-45-110 (part).] Repealed by 78-11-074 (Order 11-78), filed 10/31/78. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7).
- 392-171-135 Definition of and eligibility criteria for mental retardation—Severely and profoundly retarded. [Order 11-76, § 392-171-135, filed 11/1/76; Order 7-75, § 392-171-135, filed 12/22/75. Formerly WAC 392-45-110 (part).] Repealed by 78-11-074 (Order 11-78), filed 10/31/78. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7).
- 392-171-137 IQ eligibility range variation. [Order 11-76, § 392-171-137, filed 11/1/76.] Repealed by 78-11-074 (Order 11-78), filed 10/31/78. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7).
- 392-171-140 Definition of and eligibility criteria for sensory handicapped. [Order 11-76, § 392-171-140, filed 11/1/76; Order 7-75, § 392-171-140, filed 12/22/75. Formerly WAC 392-45-110 (part).] Repealed by 78-11-074 (Order 11-78), filed 10/31/78. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7).
- 392-171-145 Definition of and eligibility criteria for gross motor and orthopedically handicapped. [Order 11-76, § 392-171-145, filed 11/1/76; Order 7-75, § 392-171-145, filed 12/22/75. Formerly WAC 392-45-110 (part).] Repealed by 78-11-074 (Order 11-78), filed 10/31/78. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7).
- 392-171-150 Definition of and eligibility criteria for behavioral disability. [Order 11-76, § 392-171-150, filed 11/1/76; Order 7-75, § 392-171-150, filed 12/22/75. Formerly WAC 392-45-110 (part).] Repealed by 78-11-074 (Order 11-78), filed 10/31/78. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7).
- 392-171-155 Definition of and eligibility criteria for neurological impairment. [Order 11-76, § 392-171-155, filed 11/1/76; Order 7-75, § 392-171-155, filed 12/22/75. Formerly WAC 392-45-110 (part).] Repealed by 78-11-074 (Order 11-78), filed 10/31/78. Statutory Authority: RCW 28A.13.010 and 28A.13.070(7).
- 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).
- 392-171-295 Authority. [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.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.
- 392-171-300 Purposes. [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.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.
- 392-171-305 Advisory council. [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.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.
- 392-171-310 Definitions of "free appropriate, public education," "adult student," "student with disabilities," "parent," and "school district." [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.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.
- 392-171-311 Definitions of "assessment," "current assessment," "reassessment," and "consent." [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.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.
- 392-171-315 Definition of "special education." [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.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.
- 392-171-320 Definition of "related services." [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.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.
- 392-171-321 Definition—Transition services. [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.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.
- 392-171-322 Definition—Supplementary services. [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.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.
- 392-171-323 Definition—Assistive technology device and service. [Statutory Authority: Chapter 28A.155 RCW. 93-19-063 (Order 93-13), § 392-171-323, filed 9/13/93, effective 10/14/93.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.
- 392-171-324 Definition—Availability of assistive technology. [Statutory Authority: Chapter 28A.155 RCW. 93-19-063 (Order 93-13), § 392-171-324, filed 9/13/93, effective 10/14/93.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.
- 392-171-325 Students' rights to special education programs. [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.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.
- 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).
- 392-171-331 Continuing eligibility. [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.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.
- 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).
- 392-171-336 Childfind. [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.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.
- 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).
- 392-171-341 Student as focus of concern—Preassessment procedures—Timeline. [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.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.
- 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).
- 392-171-346 General areas of assessment. [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.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.
- 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.
- 392-171-351 General assessment safeguards—Personnel, materials and procedures. [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.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.
- 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.
- 392-171-358 Communication disordered students—Assessment. [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.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.

- 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).
- 392-171-361 Medical evaluation. [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.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.
- 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).
- 392-171-366 Summary analysis of assessment data. [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.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.
- 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).
- 392-171-371 Independent educational assessment. [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.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.
- 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.
- 392-171-376 School district decision. [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.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.
- 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.
- 392-171-381 Definition and eligibility criteria for developmentally disabled. [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.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.
- 392-171-382 Definition and eligibility criteria for developmentally delayed. [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.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.
- 392-171-383 Areas of developmental delay—Definitions. [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.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.
- 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).
- 392-171-386 Definition and eligibility criteria for seriously behaviorally disabled. [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.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.
- 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).
- 392-171-391 Definition and eligibility criteria for communication disordered. [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.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.
- 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.
- 392-171-396 Definition and eligibility criteria for orthopedically impaired. [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.] Repealed by 95-21-055 (Order 95-11),

- filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.
- 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.
- 392-171-401 Definition and eligibility criteria for health impaired. [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.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.
- 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.
- 392-171-406 Specific learning disability—Definition. [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.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.
- 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).
- 392-171-411 Specific learning disability—Assessment procedures and eligibility criteria. [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.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.
- 392-171-412 Discrepancy tables for determining severe discrepancy under WAC 392-171-413. [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.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.
- 392-171-413 Method for documenting severe discrepancy—Grades one and above. [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.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.
- 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).
- 392-171-418 Additional method for documenting severe discrepancy—Grades seven and above. [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.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.
- 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.
- 392-171-421 Definition and eligibility criteria for mental retardation. [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.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.
- 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.
- 392-171-431 Definition and eligibility criteria for multihandicapped. [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.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.
- 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.
- 392-171-436 Definition and eligibility criteria for deaf. [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.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.
- 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.
- 392-171-441 Definition and eligibility criteria for hard of hearing. [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.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.
- 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.
- 392-171-446 Definition and eligibility criteria for visually handicapped. [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.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.
- 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.
- 392-171-451 Definition and eligibility criteria for deaf-blind. [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.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.
- 392-171-452 Definition and eligibility criteria for autism. [Statutory Authority: Chapter 28A.155 RCW. 93-19-063 (Order 93-13), § 392-171-452, filed 9/13/93, effective 10/14/93.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.
- 392-171-454 Definition and eligibility criteria for traumatic brain injury. [Statutory Authority: Chapter 28A.155 RCW. 93-19-063 (Order 93-13), § 392-171-454, filed 9/13/93, effective 10/14/93.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.
- 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).
- 392-171-456 Meetings. [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 12/1/90, 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.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.
- 392-171-457 Individual education plan to be in effect. [Statutory Authority: Chapter 28A.155 RCW. 93-19-063 (Order 93-13), § 392-171-457, filed 9/13/93, effective 10/14/93.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.
- 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.
- 392-171-461 Individualized education program. [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.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.
- 392-171-462 Parent notice—Transition services. [Statutory Authority: Chapter 28A.155 RCW. 93-19-063 (Order 93-13), § 392-171-462, filed 9/13/93, effective 10/14/93.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.
- 392-171-463 Transition services participants. [Statutory Authority: Chapter 28A.155 RCW. 93-19-063 (Order 93-13), § 392-171-463, filed 9/13/93, effective 10/14/93.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.
- 392-171-464 Required student participation—Transition. [Statutory Authority: Chapter 28A.155 RCW. 93-19-063 (Order 93-13), § 392-171-464, filed 9/13/93, effective 10/14/93.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.
- 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).
- 392-171-466 Initial educational placement—Notice—Consent. [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.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.
- 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).
- 392-171-471 Least restrictive environment. [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.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.
- 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).
- 392-171-476 Continuum of alternative placements. [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.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.
- 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.

- 392-171-481 Placement options—Selection—Required considerations. [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.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.
- 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.
- 392-171-486 Home/hospital instruction. [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.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.
- 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.
- 392-171-491 Contractual services. [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.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.
- 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.
- 392-171-496 Approval of nonpublic and public school agencies. [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.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.
- 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.
- 392-171-501 School district responsibility when contracting for placement in a nonpublic or public school agency. [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.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.
- 392-171-504 Implementation by state. [Statutory Authority: Chapter 28A.155 RCW. 93-19-063 (Order 93-13), § 392-171-504, filed 9/13/93, effective 10/14/93.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.
- 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.
- 392-171-506 Out-of-state agencies. [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.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.
- 392-171-507 Placement of students by parents. [Statutory Authority: Chapter 28A.155 RCW. 93-19-063 (Order 93-13), § 392-171-507, filed 9/13/93, effective 10/14/93.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.
- 392-171-508 Students in public or private institutions. [Statutory Authority: Chapter 28A.155 RCW. 93-19-063 (Order 93-13), § 392-171-508, filed 9/13/93, effective 10/14/93.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.
- 392-171-509 Technical assistance training and monitoring activities. [Statutory Authority: Chapter 28A.155 RCW. 93-19-063 (Order 93-13), § 392-171-509, filed 9/13/93, effective 10/14/93.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.
- 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.
- 392-171-511 Annual review of placement and student progress—Program improvement. [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.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.
- 392-171-512 Reassessment—Requirement. [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.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.
- 392-171-513 Reassessment—Notice requirement. [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.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.
- 392-171-514 Reassessment—Purposes. [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.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.
- 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.

- 392-171-516 Reassessment—Notice of results. [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.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.
- 392-171-517 Reassessment—Three-year requirement. [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.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.
- 392-171-518 Reassessment—Appropriate 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.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.
- 392-171-519 Reassessment—Appropriateness of program. [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.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.
- 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.
- 392-171-521 When notice must be given. [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.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.
- 392-171-522 General responsibility of public agencies. [Statutory Authority: Chapter 28A.155 RCW. 93-19-063 (Order 93-13), § 392-171-522, filed 9/13/93, effective 10/14/93.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.
- 392-171-524 Parent consent. [Statutory Authority: Chapter 28A.155 RCW. 93-19-063 (Order 93-13), § 392-171-524, filed 9/13/93, effective 10/14/93.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.
- 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.
- 392-171-526 Contents of notice. [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.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.
- 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).
- 392-171-531 Right to initiate—Purposes. [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.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.
- 392-171-533 Transmittal of complaint by school district to superintendent of public instruction. [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.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.
- 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.
- 392-171-536 Hearing officers—Selection and expenses of—Parent assistance. [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.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.
- 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.
- 392-171-551 Hearing rights. [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.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.

- 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).
- 392-171-556 Timeline for hearing officer's decision—Time and place of hearing. [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.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.
- 392-171-559 Prospective application to amendments in Washington Administrative Code affecting hearings. [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.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.
- 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).
- 392-171-561 Final decision—Appeal to court of law. [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.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.
- 392-171-564 Attorneys' fees. [Statutory Authority: Chapter 28A.155 RCW. 93-19-063 (Order 93-13), § 392-171-564, filed 9/13/93, effective 10/14/93.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.
- 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).
- 392-171-576 Student's status during hearing and judicial review processes. [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.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.
- 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).
- 392-171-581 Surrogate parents. [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.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.
- 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).
- 392-171-586 Definition of "education records" as used in records rules. [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.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.
- 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).
- 392-171-591 Definitions used in records rules—"Destruction"—"Native language"—And "Participating agency." [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.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.
- 392-171-593 Notice to parents. [Statutory Authority: Chapter 28A.155 RCW. 93-19-063 (Order 93-13), § 392-171-593, filed 9/13/93, effective 10/14/93.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.
- 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).
- 392-171-596 Access rights. [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.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.
- 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).
- 392-171-601 Record of access. [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.] Repealed by 95-21-055 (Order 95-11),

- filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.
- 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.
- 392-171-606 Records on more than one student. [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.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.
- 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.
- 392-171-611 List of types and locations of information. [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.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.
- 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.
- 392-171-616 Fees. [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.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.
- 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.
- 392-171-621 Amendment of records at the request of a parent or adult student. [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.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.
- 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.
- 392-171-626 Hearing procedures regarding records. [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.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.
- 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.
- 392-171-631 Consent. [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.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.
- 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).
- 392-171-636 Safeguards. [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.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.
- 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).
- 392-171-641 Destruction of information. [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.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.
- 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).
- 392-171-646 Definition—"Private school student(s) with disabilities." [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.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.
- 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).
- 392-171-651 School district responsibility for private school students with disabilities. [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.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.
- 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).
- 392-171-656 Determination of needs, numbers of students and types of services. [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.] Repealed by 95-21-055 (Order 95-11),

- filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.
- 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.
- 392-171-661 Service arrangements. [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.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.
- 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).
- 392-171-666 Personnel in private schools and agencies. [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.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.
- 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.
- 392-171-671 Equipment—Construction. [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.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.
- 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.
- 392-171-676 Prohibition of segregation. [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.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.
- 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).
- 392-171-681 Funds and property not to benefit private schools. [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.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.
- 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).
- 392-171-686 Existing level of instruction. [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.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.
- 392-171-688 State responsibility. [Statutory Authority: Chapter 28A.155 RCW. 93-19-063 (Order 93-13), § 392-171-688, filed 9/13/93, effective 10/14/93.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.
- 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.
- 392-171-691 Annual applications—Contents. [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.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.
- 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.
- 392-171-696 Denial of applications—Opportunity for hearing. [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.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.
- 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).
- 392-171-701 Staff qualifications. [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.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.
- 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.
- 392-171-706 Transportation. [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.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.
- 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).
- 392-171-711 Facilities. [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.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.
- 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.
- 392-171-716 Comparable facilities. [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.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.
- 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.
- 392-171-721 Program length. [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.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.
- 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.
- 392-171-726 Administration of medication. [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.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.
- 392-171-728 Interagency agreements. [Statutory Authority: Chapter 28A.155 RCW. 93-19-063 (Order 93-13), § 392-171-728, filed 9/13/93, effective 10/14/93.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.
- 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.
- 392-171-731 Monitoring. [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.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.
- 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.
- 392-171-736 Definition of "unlawfully received or expended funds." [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.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.
- 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.
- 392-171-741 Audits. [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.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.
- 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.
- 392-171-746 Fund withholding. [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.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.
- 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.
- 392-171-751 Recovery of funds. [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.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.
- 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.
- 392-171-756 Fund withholdings to enforce parent appeal decisions. [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.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.
- 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.
- 392-171-761 Right to register and process complaints. [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.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.
- 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.
- 392-171-800 Aversive therapy—Purpose. [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.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.
- 392-171-805 Aversive therapy—Definition. [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.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.
- 392-171-810 Aversive therapy—Definition of 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), § 392-171-810, filed 5/2/90, effective 6/2/90.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.
- 392-171-815 Aversive therapy—Prohibited forms. [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.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.
- 392-171-820 Aversive therapy—Other forms—Conditions. [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.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.
- 392-171-825 Aversive therapy—Individualized education program requirements. [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.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.
- 392-171-830 Aversive therapy—Parent complaint process. [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.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.
- 392-171-835 Transition to preschool program. [Statutory Authority: Chapter 28A.155 RCW. 93-19-063 (Order 93-13), § 392-171-835, filed 9/13/93, effective 10/14/93.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.
- 392-171-900 Comprehensive system of personnel development. [Statutory Authority: Chapter 28A.155 RCW. 93-19-063 (Order 93-13), § 392-171-900, filed 9/13/93, effective 10/14/93.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.
- 392-171-901 Definitions. [Statutory Authority: Chapter 28A.155 RCW. 93-19-063 (Order 93-13), § 392-171-901, filed 9/13/93, effective 10/14/93.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.
- 392-171-905 Scope of system. [Statutory Authority: Chapter 28A.155 RCW. 93-19-063 (Order 93-13), § 392-171-905, filed 9/13/93, effective 10/14/93.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.
- 392-171-910 Establishment of a comprehensive system of personnel development advisory subcommittee. [Statutory Authority: Chapter 28A.155 RCW. 93-19-063 (Order 93-13), § 392-171-910, filed 9/13/93, effective 10/14/93.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.
- 392-171-915 Annual needs assessment. [Statutory Authority: Chapter 28A.155 RCW. 93-19-063 (Order 93-13), § 392-171-915, filed 9/13/93, effective 10/14/93.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.
- 392-171-925 Data system on personnel and personnel development. [Statutory Authority: Chapter 28A.155 RCW. 93-19-063 (Order 93-13), § 392-171-925, filed 9/13/93, effective 10/14/93.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.
- 392-171-930 Other sources of annual needs assessment data. [Statutory Authority: Chapter 28A.155 RCW. 93-19-063 (Order 93-13), § 392-171-930, filed 9/13/93, effective 10/14/93.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.
- 392-171-935 Report of current and projected personnel needs. [Statutory Authority: Chapter 28A.155 RCW. 93-19-063 (Order 93-13), § 392-171-935, filed 9/13/93, effective 10/14/93.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.
- 392-171-940 Administration of continuing education. [Statutory Authority: Chapter 28A.155 RCW. 93-19-063 (Order 93-13), § 392-171-940, filed 9/13/93, effective 10/14/93.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.
- 392-171-945 Personnel development plan. [Statutory Authority: Chapter 28A.155 RCW. 93-19-063 (Order 93-13), § 392-171-945, filed 9/13/93, effective 10/14/93.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.
- 392-171-950 Provision of technical assistance. [Statutory Authority: Chapter 28A.155 RCW. 93-19-063 (Order 93-13), § 392-171-950, filed 9/13/93, effective 10/14/93.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.
- 392-171-955 Personnel standards. [Statutory Authority: Chapter 28A.155 RCW. 93-19-063 (Order 93-13), § 392-171-955, filed 9/13/93, effective 10/14/93.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.
- 392-171-960 Professional standards review. [Statutory Authority: Chapter 28A.155 RCW. 93-19-063 (Order 93-13), § 392-171-960, filed 9/13/93, effective 10/14/93.] Repealed by 95-21-055 (Order 95-11), filed 10/11/95, effective 11/11/95. Statutory Authority: Chapter 28A.155 RCW.

Reviser's note: Later promulgation, see chapter 392-172 WAC.

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 392-193

SCHOOL PERSONNEL—PERMITS FOR ALIENS

- 392-193-005 Authority. [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.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-193-010 Purpose. [Statutory Authority: RCW 28A.67.020. 85-21-043 (Order 85-11), § 392-193-010, filed 10/11/85.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-193-020 Applicability to teachers only. [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.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-193-025 Teacher—Defined. [Statutory Authority: RCW 28A.67.020. 85-21-043 (Order 85-11), § 392-193-025,

filed 10/11/85.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.

- 392-193-030 Alien—Defined. [Statutory Authority: RCW 28A.67.020. 85-21-043 (Order 85-11), § 392-193-030, filed 10/11/85.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-193-035 Alien permits required. [Statutory Authority: RCW 28A.67.020. 85-21-043 (Order 85-11), § 392-193-035, filed 10/11/85.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-193-045 Immigrant alien permits—Requirements. [Statutory Authority: RCW 28A.67.020. 85-21-043 (Order 85-11), § 392-193-045, filed 10/11/85.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-193-050 Conversion of immigrant alien permit to regular certificate. [Statutory Authority: RCW 28A.67.020. 85-21-043 (Order 85-11), § 392-193-050, filed 10/11/85.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-193-055 Nonimmigrant alien permits—Requirements. [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.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-193-060 Alien permits—Revocation—Hearing rights. [Statutory Authority: RCW 28A.67.020. 85-21-043 (Order 85-11), § 392-193-060, filed 10/11/85.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.

Chapter 392-310

GRANT PROGRAM—SCHOOLS FOR THE TWENTY-FIRST CENTURY

- 392-310-010 Authority. [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.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-310-015 Purpose. [Statutory Authority: RCW 28A.100.054. 88-06-042 (Order 88-10), § 392-310-015, filed 3/1/88.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-310-020 Administrative functions of the superintendent of public instruction. [Statutory Authority: RCW 28A.100.054. 88-06-042 (Order 88-10), § 392-310-020, filed 3/1/88.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-310-025 Incorporation by reference of state board of education rules. [Statutory Authority: RCW 28A.100.054. 88-06-042 (Order 88-10), § 392-310-025, filed 3/1/88.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.

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.
- 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.

 <p>SPI STATE OF WASHINGTON Superintendent of Public Instruction</p>	<p>ADMINISTRATIVE SERVICES Legal Services Old Capitol Building, FG-11 Olympia, WA 98504-3211</p> <h2 style="margin: 0;">DETERMINATION OF INDIGENCY</h2>
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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 _____

 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 Veterans 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 392-105 WAC

SUPERINTENDENT OF PUBLIC INSTRUCTION—
ACCESS TO PUBLIC RECORDS

WAC

392-105-001	Purpose.
392-105-003	Description of organization.
392-105-005	Operations and procedures.
392-105-007	Definitions.
392-105-010	Access to public records.
392-105-015	Public records officer.
392-105-020	Office hours.
392-105-025	Requests for public records.
392-105-030	Copying.
392-105-035	Determination regarding exempt records.
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.]

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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

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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 nine members elected by the members of public school boards of directors, one member elected by private school boards of directors and the superintendent of public instruction who is an ex officio member of the board. 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.305.020. 96-08-001 (Order 96-05), § 392-109-040, filed 3/21/96, effective 4/21/96. 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 each year preceding the year in which the term of one or more members expires, and as required by RCW 28A.305.090 following a vacancy on the board.

[Statutory Authority: RCW 28A.305.020. 96-08-001 (Order 96-05), § 392-109-047, filed 3/21/96, effective 4/21/96. Statutory Authority: RCW 28A.04.020. 84-11-038 (Order 84-8), § 392-109-047, filed 5/15/84.]

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

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

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

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

WAC 392-109-055 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 or before August twenty-first of each year or if such date is a Saturday, Sunday, or holiday, on or before 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.305.020. 96-08-001 (Order 96-05), § 392-109-058, filed 3/21/96, effective 4/21/96. 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 nine positions on the state board elected by members of public school boards of directors 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 position on the state board elected by private school boards of directors 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: RCW 28A.305.020. 96-08-001 (Order 96-05), § 392-109-065, filed 3/21/96, effective 4/21/96. 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 position elected by members of public school boards of directors) I reside in the Congressional District of the state of Washington or (if filing for the position elected by private school boards of directors) 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.

(Signature)

Address:

Telephone number

State of Washington

County of

Signed and sworn to (or affirmed) before me on (date)
 by (name of person making statement).

(Seal or stamp)

(Signature)
Notary Public
My appointment
expires

[Statutory Authority: RCW 28A.305.020. 96-08-001 (Order 96-05), § 392-109-070, filed 3/21/96, effective 4/21/96. 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 following the creation of a new congressional district, one position shall be elected to serve a four-year term.

[Statutory Authority: RCW 28A.305.020. 96-08-001 (Order 96-05), § 392-109-072, filed 3/21/96, effective 4/21/96. 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 return envelope) shall:

(a) Be labeled "official ballot return envelope";

(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.305.020, 96-08-001 (Order 96-05), § 392-109-085, filed 3/21/96, effective 4/21/96. 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 return envelope" and sealing the same;

(c) If not already designated, completing the following information on the face of the official ballot return 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 return envelope in the United States mail or otherwise delivering the envelope to the superintendent of public instruction.

[Statutory Authority: RCW 28A.305.020, 96-08-001 (Order 96-05), § 392-109-090, filed 3/21/96, effective 4/21/96. 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 return 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 return envelopes not submitted in compliance with this chapter and other envelopes containing ballots shall be set aside for a final review and acceptance or rejection by the election board.

(2) The election board shall convene for the purpose of counting votes on or before October 25 or if such date is a Saturday, Sunday, or holiday, on or before the state working day immediately preceding such date at a date, time and place designated by the superintendent of public instruction. Official ballot return 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.305.020. 96-08-001 (Order 96-05), § 392-109-100, filed 3/21/96, effective 4/21/96. 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 return envelope provided pursuant to this chapter;
- (5) Ballots contained in an official ballot return envelope upon which the voter is not designated by name;
- (6) Ballots received after 5:00 p.m. October 16: *Provided*, That any official ballot return envelope that is postmarked on or before midnight October 16 and received pursuant to the United States mail prior to the initial counting of votes by the election board shall be accepted: *Provided further*, That any official ballot return envelope 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.305.020. 96-08-001 (Order 96-05), § 392-109-105, filed 3/21/96, effective 4/21/96. 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.305.090 (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: RCW 28A.305.020. 96-08-001 (Order 96-05), § 392-109-120, filed 3/21/96, effective 4/21/96. 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

392-115-005	Authority.
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392-115-145	SPI develops management decision letter.
392-115-150	Subrecipient appeal of management decision letter.
392-115-155	Modification of management decision letter.

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.]

(1997 Ed.)

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 suprecipient 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.

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[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

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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 first four school days of the current school term (semester or quarter), or on a school day during the current school term on or prior to the date being counted, 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. 95-10-011 (Order 95-03), § 392-121-106, filed 4/25/95, effective 5/26/95; 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 392-121-188.

(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. 95-18-097, § 392-121-107, filed 9/6/95, effective 10/7/95; 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 kindergarten 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 experience may be counted as a course of study. An alternative learning experience is an individualized course of study for a student who is not home-based pursuant to RCW 28A.225.010(4), a private school student pursuant to RCW 28A.225.010 (1)(a), or an adult education student. The alternative learning experience is provided in accordance with a written alternative learning experience plan that is implemented pursuant to the school district board's policy for alternative learning experiences. The school district board policy must have been adopted in a public meeting. The alternative learning experience is provided by the school district and may be conducted in part outside of the regular classroom. A portion of the alternative learning experience may be provided by the student's parent(s) or guardian under supervision by the school district. Such alternative learning experience may be counted as a course of study pursuant to WAC 392-121-107 if the following requirements are met:

(1) School district board policies for alternative learning experiences — Effective January 1, 1996, each school district claiming basic education funding for alternative learning experiences shall have written policies on file that:

(a) Require a written plan for each student participating in an alternative learning experience that meets the minimum criteria pursuant to subsection (2) of this section;

(b) Require that all alternative learning experience curriculum and course requirements be approved by the school district;

(c) Describe how student performance will be supervised, evaluated, and recorded by school district staff;

(d) Require that each student's educational progress will be reviewed at least once during the first twenty school days and afterwards at least once every forty-five school days and that the results of each evaluation shall be communicated to the student and if the student is in grades K-8, the student's parent or guardian. If the school district determines that a student is not substantially successful in completing the learning activities described in the written alternative

learning experience plan, a revised written plan may be implemented. Any revised written plan shall be designed to enable the student to be substantially successful in completing the learning activities described in the revised written plan within ninety school days from the date that the district first determines that the student is not substantially successful in completing the assigned learning activities included in the original written plan. If the school district determines that the student is still not substantially successful in completing their assigned learning activities after ninety school days from the date that the district first determines that the student is not substantially successful in completing the learning activities included in the original written plan, or sooner at the discretion of the school district, a plan to remove the student from the alternative program shall be devised. Such plan shall specify that the student shall be removed from the alternative program no later than the end of the current school year for a period of at least one school term. Students removed from the alternative program shall be offered the opportunity to enroll in another course of study as defined in WAC 392-121-107;

(e) A requirement that the alternative learning experience plan for each student and all records of enrollment, attendance, and total hours of participation in educational activities for the student are maintained and available for audit in the appropriate school building; and

(f) At the discretion of the school district board, the policy may describe responsibilities of the student's parent(s) or guardian including, but not limited to:

(i) Approval of the written alternative learning experience plan;

(ii) Responsibility for the parent(s) or guardian to provide or supervise a portion of the student's alternative learning experience if the parent(s) or guardian agrees; and

(iii) Requirements to meet with district staff for purposes of evaluating the student's performance and/or receiving instructions on assisting with the student's alternative learning experience. The school district board may also prescribe requirements for appointing a person to provide or supervise a portion of the student's alternative learning experience in the event the student's parent(s) or guardian will not or can not be a participant in the student's alternative learning experience;

(2) A written alternative learning experience plan is developed — Effective January 1, 1996, the alternative learning experience plan for a student shall be a written plan of instruction designed to meet the individual needs of the student, and shall be approved by a school district official and any other person(s) as required or allowed by school district policy. The written plan shall include, but not be limited to, the following elements:

(a) A schedule of the duration of the program, including beginning and ending dates;

(b) A description of the learning activities the student is expected to successfully complete. Such description shall be sufficient in detail to guide and advise the student of the expectations;

(c) A description of the teaching component(s) of the program, including where and when teaching activities will be conducted by school district staff;

(d) A description of the responsibilities of the student including a requirement that if, on average, the student

attends school less than five hours a week, the student shall meet one-on-one with qualified district staff for an average minimum of sixty minutes every five school days for instruction, review of the student's assignments, testing, and/or other learning activities. If more than one student meets with a qualified district staff member at one time, the required time is increased proportionately, for example, the requirement becomes one hundred twenty minutes if two 1.0 full-time equivalent students meet with the staff member at one time; and

(e) A reasonably accurate estimate of the average number of hours per month that the student will be engaged in learning activities to meet the requirements of the alternative learning experience plan. This estimate may be used in reporting enrollment in compliance with subsection (3) of this section and must be based upon the criteria in subsection (3)(a)(i) of this section;

(3) Reporting enrollment — Effective beginning with the 1995-96 school year the full-time equivalency of students enrolled in alternative learning experiences shall be determined based upon both (a) and (b) of this subsection as follows:

(a) Using the definition of a full-time equivalent student in WAC 392-121-122 and the number of hours that each student engages in learning activities as determined by either (a)(i) or (ii) of this subsection as follows:

(i) The total number of hours that the student engages in learning activities pursuant to the written alternative learning experience plan including:

(A) Those hours that meet the criteria in WAC 392-121-107 (1)(a);

(B) Those hours of work based learning calculated in accordance with WAC 392-121-107 (1)(f);

(C) Those hours of learning activity other than those specified in (a)(i)(A), (B) and (D) of this subsection that are provided by the student's parent(s) or guardian, or other person as designated by the written plan, under the direct supervision of the district's qualified instructional staff; and

(D) Those hours that the student participates in learning activities other than those specified in (a)(i)(A), (B) and (C) of this subsection. Such learning activity shall be pursuant to the student's alternative learning experience plan and if the student is in grades K-8, only includes those hours the student is supervised by the student's parent(s) or guardian or other person designated by the written alternative learning experience plan;

(ii) The district may use the estimated average hours per month the student is engaged in learning activities as stated in the alternative learning experience plan which meet the requirements of (a)(i) of this subsection: *Provided*, That for any count date on which the student has averaged, for the immediate two prior months during the current school year, a number of hours engaged in learning activities that differ by more than five hours a week from the alternative learning experience plan estimate pursuant to subsection (2)(e) of this section, the district shall adjust the full-time equivalency of the student for such count date to the lesser of 1.0 or the full-time equivalency calculated using the two-month average;

(b) The district shall exclude students meeting the definition of enrollment exclusions in WAC 392-121-108 or students who have not met with appropriate district staff for

twenty consecutive school days. Any such student shall not be counted as an enrolled student until the student has met with appropriate district staff and resumed participation in their alternative learning experience or participated in another course of study as defined in WAC 392-121-107;

(4) Documentation required — Effective with the 1995-96 school year the district shall keep on file in the appropriate school building and have available for audit, documentation of all hours of learning activities used to determine the student's full-time equivalency including documentation of the following:

(a) For students in grades K-8, written statements from the student's parent(s) or guardian or other person as designated by the written alternative learning experience plan. Such statements shall be submitted to the district on a monthly basis or more often at the discretion of the district and shall list those hours that the student has engaged in planned learning activities while not in the presence of district staff. Reported hours shall be used to determine the full-time equivalency of the student pursuant to subsection (3) of this section; and

(b) For students in grades 9-12, the student shall submit to the district written statements on a monthly basis or more often at the discretion of the district. Such statements shall list those hours that the student has engaged in planned learning activities while not in the presence of district staff. Reported hours shall be used to determine the full-time equivalency of the student pursuant to subsection (3) of this section;

(5) Effective with the 1995-96 school year the school district shall either:

(a) 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 band of the students being reported for basic education funding pursuant to this section; or

(b) Separately account for, document, and have available for audit, evidence that the district expends during the school year at least seventy percent of the basic education entitlement claimed for students enrolled in alternative learning experiences during the school year. Such expenditures shall be direct expenditures in the following programs as defined in the *Accounting Manual for Public School Districts in Washington State* for the school year:

(i) Program 01, Basic Education; and/or

(ii) Program 31, Vocational, Basic, State; and/or

(iii) Program 45, Skills Center, Basic, State.

[Statutory Authority: RCW 28A.150.290, 95-18-097, § 392-121-182, filed 9/6/95, effective 10/7/95; 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) There is a requirement that the curriculum for the student shall be approved by the district;

(7) The agency provides enrollment reports to the school district that comply with the definition of a full-time equivalent student in WAC 392-121-122, work based learning in WAC 392-121-107 (1)(f), limitations on enrollment counts in WAC 392-121-136, and enrollment exclusions in WAC 392-121-108;

(8) The agency maintains and has available for audit or review by the school district, state, or federal authorities documentation of enrollment, hours of instructional activity participated in by the students, personnel data, and financial data including all revenues and expenditures pertaining to the contract with the school district;

(9) 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 certificated instructional employees of the agency funded with any state moneys or federal moneys that flow through the school district as required by the SPI annual personnel reporting system for calculation of state funding, staff ratios and statistics;

(10) 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;

(11) 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

(12) 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, 95-18-097, § 392-121-188, filed 9/6/95, effective 10/7/95; 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 392-121-201 Definition—Agency certificated employee. As used in this chapter, "agency certificated employee" means a person who holds a professional education certificate issued by the superintendent of public instruction and who is employed by an agency in a position for which such certificate is required.

[Statutory Authority: RCW 28A.150.290, 95-21-096 (Order 95-09), § 392-121-201, filed 10/18/95, effective 11/18/95.]

WAC 392-121-205 Definition—District certificated instructional employee. As used in this chapter, "district 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.150.290, 95-21-096 (Order 95-09), § 392-121-205, filed 10/18/95, effective 11/18/95. Statutory Authority: RCW 28A.41.055 and 28A.41.170, 88-03-013 (Order 88-8), § 392-121-205, filed 1/11/88.]

WAC 392-121-206 Definition—Agency certificated instructional employee. As used in this chapter, "agency certificated instructional employee" means any agency certificated employee where:

(1) The agency, pursuant to WAC 392-121-288, 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; and

(2) The employee provides services to such students solely as one or both of the following:

(a) An elementary, secondary or other teacher who instructs pupils in classes or courses; or

(b) An educational staff associate who assists, evaluates, counsels, or instructs students in a manner consistent with the employee's educational staff associate certificate.

[Statutory Authority: RCW 28A.150.290. 95-21-096 (Order 95-09), § 392-121-206, filed 10/18/95, effective 11/18/95.]

WAC 392-121-210 Definition—Basic education certificated instructional employee. As used in this chapter, "basic education certificated instructional employee" means a district certificated instructional employee or an agency 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. 95-21-096 (Order 95-09), § 392-121-210, filed 10/18/95, effective 11/18/95; 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

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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.

(7) As used in this section, contracts to provide services as a basic education certificated instructional employee shall exclude supplemental contract services as defined under RCW 28A.400.200(4).

[Statutory Authority: RCW 28A.150.290. 95-21-096 (Order 95-09), § 392-121-215, filed 10/18/95, effective 11/18/95. 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—S-275 reporting process. As used in this chapter, "S-275 reporting process" means the electronic personnel reporting process which is defined annually by the superintendent of public instruction.

(1) For the 1994-95 school year, this reporting process shall include only certificated individuals employed by the district as of October 1 of the school year.

(2) For the 1995-96 school year and thereafter this reporting process shall include individuals who are known as of October 1 to be:

(a) District employees with a contract for certificated employment to provide services during the period September 1 through August 31;

(b) Classified employees, employed by the district to provide services during the period September 1 through August 31; and

(c) Agency certificated instructional employees, contracted to provide services during the period September 1 through August 31.

[Statutory Authority: RCW 28A.150.290. 95-21-096 (Order 95-09), § 392-121-220, filed 10/18/95, effective 11/18/95. 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-275. As used in this chapter, "Report S-275" 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 through the S-275 reporting process for the school year.

[Statutory Authority: RCW 28A.150.290. 95-21-096 (Order 95-09), § 392-121-225, filed 10/18/95, effective 11/18/95. 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 "certificated years of experi-

ence" 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. School districts shall report all certificated years of experience including those beyond the experience limit of the school district's salary schedule.

(1) Professional education employment shall be limited to the following:

(a) Employment in public or private preschools or elementary and secondary schools in positions which require certification where:

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

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

(b) 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;

(c) 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;

(d) Experience in the following areas:

(i) Military, Peace Corps, or Vista service which interrupted professional employment included in (a), (b), or (c) of this subsection; and

(ii) Sabbatical leave.

(e) 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 Report S-275 prior to the awarding of the degree shall continue to be reported but shall not increase.

(2) Years of full-time and part-time professional education employment prior to the current reporting school year are accumulated as follows:

(a) For each professional education employment which is not employment as a casual substitute pursuant to subsection (1)(a) of this section;

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

(ii) Determine the number of hours per year with each employer excluding unpaid leave;

(iii) Calculate 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.

(b) For professional education employment as a casual substitute pursuant to subsection (1)(a) of this section:

(i) Determine the total number of full-time equivalent substitute days per year;

(ii) Calculate the quotient of full-time equivalent days determined in (b)(i) of this subsection divided by 180 to two decimals for each year.

(c) No more than 1.0 year may be accumulated in any traditional nine-month academic year or any twelve-month period.

(i) Accumulate, for each year, professional education employment calculated in (a)(iii) and (b)(ii) of this subsection.

(ii) Determine the smaller of the result in (c)(i) of this subsection or 1.00 for each year.

(d) Determine certificated years of experience as the accumulation of all years of professional education employment calculated in (c)(ii) of this subsection and report such years to the nearest tenth.

[Statutory Authority: RCW 28A.150.290, 95-21-096 (Order 95-09), § 392-121-245, filed 10/18/95, effective 11/18/95. Statutory Authority: RCW 28A.150.290, 28A.150.400 and the Biennial Operating Appropriations Act. 94-01-190, § 392-121-245, filed 12/22/93, effective 1/22/94. Statutory Authority: RCW 28A.41.055 and 28A.41.170. 88-03-013 (Order 88-8), § 392-121-245, filed 1/11/88.]

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

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

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

(1) The highest degree earned by the employee from a regionally accredited institution of higher education;

(2) "Nondegreed" for a certificated instructional employee who holds no bachelor's or higher level degree; or

(3) "Nondegreed" for a certificated instructional employee who holds a valid vocational certificate acquired as the result of industrial experience rather than college training, and who has a degree earned from a regionally accredited institution of higher education prior to the issue of the initial vocational certificate, which is incidental to or not related to the vocational certificate.

[Statutory Authority: RCW 28A.150.290, 28A.150.400 and the Biennial Operating Appropriations Act. 94-01-190, § 392-121-250, filed 12/22/93, effective 1/22/94. Statutory Authority: RCW 28A.41.055 and 28A.41.170. 88-03-013 (Order 88-8), § 392-121-250, filed 1/11/88.]

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

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

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

(3) Credits are earned from a regionally accredited institution of higher education: *Provided*, That credits, determined eligible pursuant to subsections (1), (2), (4) and (6) 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 earned after September 1, 1995, must satisfy the additional requirements of WAC 392-121-262;

(6) Credits are not counted as in-service credits pursuant to WAC 392-121-257 or nondegree credits pursuant to WAC 392-121-259;

(7) 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

(8) Accumulate credits to the nearest tenth.

[Statutory Authority: RCW 28A.150.290, 95-21-096 (Order 95-09), § 392-121-255, filed 10/18/95, effective 11/18/95. 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:

(a) After August 31, 1987; and

(b) 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 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 earned for the purpose of satisfying the requirements of the employee's next highest degree.

(5) Credits earned after September 1, 1995, must satisfy the additional requirements of WAC 392-121-262.

(6) Credits are not counted as academic credits pursuant to WAC 392-121-255 or nondegree credits pursuant to WAC 392-121-259.

(7) Ten locally approved in-service or state approved continuing education credit hours defined in WAC 180-85-030 equal one in-service credit.

(8) Accumulate credits to the nearest tenth.

[Statutory Authority: RCW 28A.150.290, 95-21-096 (Order 95-09), § 392-121-257, filed 10/18/95, effective 11/18/95. 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,

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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 certificate other than a certificate included in subsection (2) or (3) of this section.

(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 vocational educator training meeting the requirements of WAC 180-77-003 (2), (9), or (11).

(b) One credit for each one hundred clock hours of occupational experience as defined in WAC 180-77-003(7) 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 180-77-041(1).

(4) Credits earned after September 1, 1995, must satisfy the additional requirements of WAC 392-121-262.

(5) Accumulate credits to the nearest tenth.

[Statutory Authority: RCW 28A.150.290, 95-21-096 (Order 95-09), § 392-121-259, filed 10/18/95, effective 11/18/95. 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 Report 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) For a nondegreed employee sum only nondegree credits.

[Statutory Authority: RCW 28A.150.290, 95-21-096 (Order 95-09), § 392-121-261, filed 10/18/95, effective 11/18/95. 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 392-121-262 Definition—Additional criteria for all credits. Credits earned after September 1, 1995, must satisfy the following criteria in addition to those found in WAC 392-121-255, 392-121-257, and 392-121-259:

(1) At the time credits are recognized by the school district the content of the course must meet at least one of the following:

(a) It is consistent with the school district's strategic plan for improving student learning;

(b) It is consistent with a school-based plan for improving student learning developed under student learning improvement block grants for the school in which the individual is assigned;

(c) It pertains to the individual's current assignment or expected assignment for the following school year;

(d) It is necessary for obtaining endorsement as prescribed by the state board of education;

(e) It is specifically required for obtaining advanced levels of certification; or

(f) It is included in a college or university degree program that pertains to the individual's current assignment or potential future assignment as a certificated instructional staff of the school district, where the potential of the future assignment is agreed upon by the school district and the individual;

(2) Credits which have been determined to meet one or more of the criteria in subsection (1) of this section shall continue to be recognized in subsequent school years and by subsequent school district employers; and

(3) Credits not recognized in a school year may be recognized in a subsequent school year if there is a change in the qualifying criteria such as a change in state board of education rules, a change in the district's strategic plan, a change in the school-based plan for the school in which the individual is assigned, a change in the individual's assignment, or a change in the individual's employer.

[Statutory Authority: RCW 28A.150.290, 95-21-096 (Order 95-09), § 392-121-262, filed 10/18/95, effective 11/18/95.]

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 nondegreed shall be placed on the BA columns except that such persons holding valid vocational certificates with one hundred thirty-five or more eligible credits shall be placed on the MA + 0 column.

(4) A vocational instructor who obtains a bachelor's degree while employed in the state of Washington as a nondegreed vocational instructor and for whom one hundred thirty-five or more eligible credits determined pursuant to WAC 392-121-259 were reported on Report 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, 95-21-096 (Order 95-09), § 392-121-270, filed 10/18/95, effective 11/18/95. 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(4) subject to the limitations of that same subsection;

(c) Credits are not deemed "earned" at an institution of higher education which transfers-in credits. Such credits must be documented using a transcript from the initial granting institution and are subject to all the limitations of WAC 392-121-255; and

(d) For credits earned after September 1, 1995, districts shall document that the course content meets one or more of the criteria of WAC 392-121-262(1). At a minimum, such documentation must include a dated signature of the immediate principal, supervisor, or other authorized school district representative and must be available to the employee's future employers.

(3) Districts shall document in-service credits;

(a) By having on file a document meeting standards established in WAC 180-85-107; and

(b) For credits earned after September 1, 1995, districts shall document that the course content meets one or more of the criteria of WAC 392-121-262(1). At a minimum, such documentation must include a dated signature of the immediate principal, supervisor, or other authorized school district representative and must be available to the employee's future employers.

(4) Districts shall document nondegree credits.

(a) For vocational educator 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 180-77-003 (2), (9), or (11).

(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(7);

(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).

(c) For credits earned after September 1, 1995, districts shall document that the course content meets one or more of the criteria of WAC 392-121-262(1). At a minimum, such documentation must include a dated signature of the immediate principal, supervisor, or other authorized school district representative and must be available to the employee's future employers.

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

(a) For certificated years of experience obtained and reported on Report 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 Report 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).

(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. 95-21-096 (Order 95-09), § 392-121-280, filed 10/18/95, effective 11/18/95. 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 Report S-275.

[Statutory Authority: RCW 28A.150.290, 95-21-096 (Order 95-09), § 392-121-295, filed 10/18/95, effective 11/18/95. 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.]

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

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

WAC 392-121-435 Transfer of basic education allocation. The board of directors of a school district may request the superintendent of public instruction to pay a portion of the district's basic education allocation to another school district or an educational service district. The request must be submitted on Form 1324 and must state the dollar amount of the transfer. The board can modify the dollar amount of the transfer by submitting another Form 1324 to the superintendent of public instruction. Unless the form requesting a transfer states a timeline for making the transfer, the superintendent of public instruction shall execute the transfer pursuant to the provisions of WAC 392-121-400.

[Statutory Authority: RCW 28A.150.290. 96-03-001, § 392-121-435, filed 1/3/96, effective 2/3/96.]

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 anticipated 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 appor-

tionment 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.

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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 superinten-

dent 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.]

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

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392-122-213	Definition—State institutional education program—Excused absence.	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.
392-122-220	Definition—State institutional education program—Enrolled institutional education program student.		
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392-122-225	Definition—State institutional education program—Institutional education full-time equivalent (FTE) students.		
392-122-230	Definition—State institutional education program—Annual average full-time equivalent (AAFTE) institutional education 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.
392-122-235	State institutional education program—Determination of district average state institutional program certificated instructional staff salary for the purpose of apportionment.		
392-122-255	State institutional education program—Institutional program indirect cost.	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: RCW 28A.150.290, 1989 1st ex.s. c 19 and 1990 1st ex.s. c 16.
392-122-265	State institutional education program—Institutional program traffic safety allocation.		
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392-122-301	Traffic safety education—Definition—Completing student.		
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392-122-303	Traffic safety education—Low-income eligibility—Documentation and confidentiality.		
392-122-304	Traffic safety education—Definition—Low-income tuition assistance.	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.
392-122-320	Traffic safety education—Apportionment of state moneys.		
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392-122-322	Traffic safety education—Recovery of moneys.		
392-122-600	State learning assistance program—Applicable code provisions.	392-122-260	State institutional education program—Basic education funding for state learning centers. [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.] Repealed by 95-08-025, filed 3/29/95, effective 4/29/95. Statutory Authority: RCW 28A.150.290.
392-122-605	Apportionment of state moneys for the state learning assistance program.		
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392-122-700	State transitional bilingual program—Applicable code provisions.		
392-122-705	Formula for the distribution of state moneys for the state transitional bilingual program.	392-122-400	Fair start program—Applicable provisions. [Statutory Authority: RCW 28A.600.445. 93-12-017 (Order 93-09), § 392-122-400, filed 5/21/93, effective 6/21/93.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
392-122-710	Distribution of state moneys for the transitional bilingual program.		
392-122-800	State highly capable students education program—Applicable code provisions.	392-122-401	Fair start program—Timely reporting. [Statutory Authority: RCW 28A.600.445. 93-12-017 (Order 93-09), § 392-122-401, filed 5/21/93, effective 6/21/93.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
392-122-805	Formula for distribution of state moneys for the state highly capable students education program.		
392-122-810	Distribution of state moneys for the state highly capable students education program.	392-122-405	Fair start program—Definition—Kindergarten through sixth grade annual average full-time equivalent students. [Statutory Authority: RCW 28A.600.445. 93-12-017 (Order 93-09), § 392-122-405, filed 5/21/93, effective 6/21/93.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
392-122-900	General provision—Carryover prohibition.		
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**DISPOSITION OF SECTIONS FORMERLY
CODIFIED IN THIS CHAPTER**

- 392-122-410 Fair start program—Definition—Approved fair start program. [Statutory Authority: RCW 28A.600.445. 93-12-017 (Order 93-09), § 392-122-410, filed 5/21/93, effective 6/21/93.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-122-415 Fair start program—Apportionment of moneys to school districts and educational service districts. [Statutory Authority: RCW 28A.600.445. 93-12-017 (Order 93-09), § 392-122-415, filed 5/21/93, effective 6/21/93.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.

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 special education program—Applicable code provisions. The following sections of this chapter are applicable to the distribution of state moneys for the state education program for special education students:

- (1) WAC 392-122-100 through 392-122-166; and
- (2) WAC 392-122-900 through 392-122-910.

[Statutory Authority: RCW 28A.150.290. 96-03-002, § 392-122-100, filed 1/3/96, effective 2/3/96. 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 special education program allocation. "LEAP document for state special education program allocation" means the formula unit worksheet establishing the ratios and percentage distribution of specified disability conditions cited in the State Operating Appropriations Act in effect for the purpose of distributing special education program allocations for the 1994-95 school year.

[Statutory Authority: RCW 28A.150.290. 96-03-002, § 392-122-105, filed 1/3/96, effective 2/3/96. 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 special education headcount enrollment for eligible special education 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 special education program allocations.

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

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

[Statutory Authority: RCW 28A.150.290. 96-03-002, § 392-122-106, filed 1/3/96, effective 2/3/96. 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 special education 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 for the 1994-95 school year the ratios and percentages established in the LEAP document for state special education program allocation as defined in WAC 392-122-105. For the purpose of special education allocations, the district's eight-month average annual headcount enrollment shall be the average of the enrollments for the first school day of the second reporting month and the subsequent seven months.

[Statutory Authority: RCW 28A.150.290. 96-03-002, § 392-122-107, filed 1/3/96, effective 2/3/96. 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 special education program—Special education program certificated instructional staff salary and mix factor variables for the allocation formula for the 1994-95 school year. Special education program certificated instructional staff salary and mix factor variables used in the special education allocation formula for the 1994-95 school year shall be defined the same as those defined in WAC 392-121-200 through 392-121-299: *Provided*, That the words "state special education program" shall be substituted for "basic education" throughout those definitions.

[Statutory Authority: RCW 28A.150.290. 96-03-002, § 392-122-110, filed 1/3/96, effective 2/3/96. 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 special education program—Determination of district average state special education program certificated instructional staff salary for the purpose of apportionment. For the 1994-95 school year the determination of district average special education program certificated instructional staff salary used in the special education allocation formula for the purposes of apportionment shall be the same as specified in WAC 392-121-299: *Provided*, That the words "state special education program" shall be substituted for "basic education" throughout that section.

[Statutory Authority: RCW 28A.150.290. 96-03-002, § 392-122-120, filed 1/3/96, effective 2/3/96. 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 special education program—Nonemployee related cost. For the 1994-95 school year state special education program moneys for nonemployee related costs (NERC) shall be allocated to school districts for eligible special education students served at the maximum rate established in the LEAP document for state special education programs.

[Statutory Authority: RCW 28A.150.290. 96-03-002, § 392-122-130, filed 1/3/96, effective 2/3/96. Statutory Authority: RCW 28A.41.170. 84-20-078 (Order 84-36), § 392-122-130, filed 10/2/84.]

WAC 392-122-131 State special education program—Basic education backout. For the 1994-95 school year the district's basic education backout shall be calculated based on the percentages established in the LEAP document for state special education program allocations as defined in WAC 392-122-105.

[Statutory Authority: RCW 28A.150.290. 96-03-002, § 392-122-131, filed 1/3/96, effective 2/3/96. Statutory Authority: RCW 28A.41.170. 86-01-021 (Order 85-16), § 392-122-131, filed 12/9/85.]

WAC 392-122-132 State special education program—Substitute teacher pay allocations. For the 1994-95 school year state special education 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 special education program allocations as defined in WAC 392-122-105.

[Statutory Authority: RCW 28A.150.290. 96-03-002, § 392-122-132, filed 1/3/96, effective 2/3/96. Statutory Authority: RCW 28A.41.170. 86-01-021 (Order 85-16), § 392-122-132, filed 12/9/85.]

WAC 392-122-135 State special education program—Eligible special education students. Eligible special education students are those students:

- (1) For the 1994-95 school year as defined in:
 - (a) WAC 392-171-381 (developmentally disabled preschool students);
 - (b) WAC 392-171-386 (seriously behaviorally disabled students);
 - (c) WAC 392-171-391 (communication disordered students);
 - (d) WAC 392-171-396 (orthopedically impaired students);
 - (e) WAC 392-171-401 (health impaired students);
 - (f) WAC 392-171-406 (specific learning disabled students);
 - (g) WAC 392-171-421 (mentally retarded students);
 - (h) WAC 392-171-431 (multidisability students);
 - (i) WAC 392-171-436 (deaf students);
 - (j) WAC 392-171-441 (hard of hearing students);
 - (k) WAC 392-171-446 (visually impaired students); and
 - (l) WAC 392-171-451 (deaf-blind students); and
- (2) For the 1995-96 school year and thereafter:
 - (a) Meeting the definition of enrolled student in WAC 392-121-106, enrolled in a course of study pursuant to WAC 392-121-107 and who qualify and are receiving special education services pursuant to chapter 392-172 WAC; or

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(b) Who are under six years of age, qualify as developmentally delayed pursuant to WAC 392-172-114 and are receiving special education services pursuant to chapter 392-172 WAC; or

(c) Who are under six years of age, qualify as communication disordered pursuant to WAC 392-172-120 and are receiving special education services pursuant to chapter 392-172 WAC.

[Statutory Authority: RCW 28A.150.290. 96-03-002, § 392-122-135, filed 1/3/96, effective 2/3/96. Statutory Authority: RCW 28A.41.170. 84-20-078 (Order 84-36), § 392-122-135, filed 10/2/84.]

WAC 392-122-140 State special education program—Home and/or hospital care. State special education program moneys shall be allocated to school districts for students eligible under WAC 392-172-218 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.150.290. 96-03-002, § 392-122-140, filed 1/3/96, effective 2/3/96. Statutory Authority: RCW 28A.41.170. 84-20-078 (Order 84-36), § 392-122-140, filed 10/2/84.]

WAC 392-122-145 State special education 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 special education 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 special education 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. 96-03-002, § 392-122-145, filed 1/3/96, effective 2/3/96. 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 special education program—Hospital educational program. State special education 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.150.290. 96-03-002, § 392-122-150, filed 1/3/96, effective 2/3/96. Statutory Authority: RCW 28A.41.170. 84-20-078 (Order 84-36), § 392-122-150, filed 10/2/84.]

WAC 392-122-155 State special education program—Board and room cost. State special education 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. These moneys are in lieu of transportation costs. School districts shall be allocated moneys for board and room of eligible special education 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.150.290. 96-03-002, § 392-122-155, filed 1/3/96, effective 2/3/96. Statutory Authority: RCW 28A.41.170. 84-20-078 (Order 84-36), § 392-122-155, filed 10/2/84.]

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

(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 special education moneys.

[Statutory Authority: RCW 28A.150.290. 96-03-002, § 392-122-160, filed 1/3/96, effective 2/3/96. Statutory Authority: RCW 28A.41.170. 84-20-078 (Order 84-36), § 392-122-160, filed 10/2/84.]

WAC 392-122-165 State special education program—Apportionment of state special education program moneys. From moneys appropriated by the legislature, the superintendent of public instruction shall apportion state special education program moneys to each school district based on the criteria cited in the State Operating Appropriations Act for the respective school year for state special education program allocation and on the provisions of WAC 392-122-100 through 392-122-166. 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. 96-03-002, § 392-122-165, filed 1/3/96, effective 2/3/96. 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 392-122-166 State special education program allocation. The board of directors of a school district may request the superintendent of public instruction to pay a portion of the district's special education allocation to another school district or an educational service district. The request must be submitted on Form 1324 and must state the

dollar amount of the transfer. The board can modify the dollar amount of the transfer by submitting another Form 1324 to the superintendent of public instruction. Unless the form requesting a transfer states a timeline for making the transfer, the superintendent of public instruction shall execute the transfer pursuant to the provisions of WAC 392-121-400.

[Statutory Authority: RCW 28A.150.290. 96-03-002, § 392-122-166, filed 1/3/96, effective 2/3/96.]

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 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.

(3) 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.

(4) 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. 95-08-025, § 392-122-205, filed 3/29/95, effective 4/29/95; 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.

tion 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 392-122-220 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.

[Statutory Authority: RCW 28A.150.290. 95-08-025, § 392-122-221, filed 3/29/95, effective 4/29/95; 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 the average institutional education FTE students on the eleven institution enrollment count dates of the school year.

[Statutory Authority: RCW 28A.150.290. 95-08-025, § 392-122-230, filed 3/29/95, effective 4/29/95; 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 392-122-265 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) 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.

(4) School district reporting shall be subject to chapter 392-117 WAC, Timely reporting.

[Statutory Authority: RCW 28A.150.290. 95-08-025, § 392-122-275, filed 3/29/95, effective 4/29/95; 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.]

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. For the purpose of transitional bilingual allocations, the district's eight-month average annual headcount enrollment of eligible students as defined in WAC 392-160-005 (1)(c) shall be the average of such enrollment for the first school day of the second reporting month and the subsequent seven months.

[Statutory Authority: RCW 28A.150.290. 96-03-002, § 392-122-710, filed 1/3/96, effective 2/3/96. 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 and one-half 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. 96-03-002, § 392-122-805, filed 1/3/96, effective 2/3/96. 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, except for learning assistance program moneys as provided in subsection (4) of this section.

(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.

(4) Commencing with the 1994-95 school year allocation and notwithstanding other provisions of this section to the contrary, a school district may carry over from one school district fiscal year to the next school year up to ten percent of the preceding fiscal year's learning assistance program state allocation. Carryover moneys shall be expended solely for learning assistance program purposes.

[Statutory Authority: RCW 28A.150.290. 96-03-002, § 392-122-900, filed 1/3/96, effective 2/3/96. Statutory Authority: 1995 2nd sp.s. c 18 § 519. 95-18-074, § 392-122-900, filed 9/1/95, effective 10/2/95. 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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- 392-123-047 Definitions—Revenue, accrual basis expenditures, cash basis expenditures, appropriation, and disbursements.
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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-

- 392-123-051 30-080.] Repealed by 80-06-043 (Order 80-16), filed 5/13/80. Statutory Authority: RCW 28A.65.465.
- 392-123-051 Basis of budgeting and accounting. [Statutory Authority: RCW 28A.41.170, 28A.41.055 and 28A.65.465. 81-20-007 (Order 81-18), § 392-123-051, filed 9/24/81. Statutory Authority: RCW 28A.65.465. 80-06-043 (Order 80-16), § 392-123-051, filed 5/13/80; Order 8-76, § 392-123-051, filed 7/23/76.] Repealed by 82-19-048 (Order 82-13), filed 9/14/82. Statutory Authority: RCW 28A.65.465.
- 392-123-0511 July and August 1977 budget. [Order 8-76, § 392-123-0511, filed 7/23/76.] Repealed by 80-06-043 (Order 80-16), filed 5/13/80. Statutory Authority: RCW 28A.65.465.
- 392-123-052 Time schedule for July and August 1977 budget process. [Order 8-76, § 392-123-052, filed 7/23/76.] Repealed by 80-06-043 (Order 80-16), filed 5/13/80. Statutory Authority: RCW 28A.65.465.
- 392-123-075 Identification of a balanced budget for fiscal year 1976-77. [Order 8-76, § 392-123-075, filed 7/23/76; Order 7-75, § 392-123-075, filed 12/22/75. Formerly WAC 392-30-140.] Repealed by 80-06-043 (Order 80-16), filed 5/13/80. Statutory Authority: RCW 28A.65.465.
- 392-123-085 Meeting to review budget after determined unsound—Findings issued. [Order 8-76, § 392-123-085, filed 7/23/76; Order 7-75, § 392-123-085, filed 12/22/75. Formerly WAC 392-30-160.] Repealed by 83-21-027 (Order 83-12), filed 10/10/83. Statutory Authority: 28A.65.465.
- 392-123-090 Preliminary budget for fiscal year 1976-77 as 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.
- 392-123-130 Monthly cash and investment status report for funds other than the general fund. [Order 8-76, § 392-123-130, filed 7/23/76; Order 7-75, § 392-123-130, filed 12/22/75. Formerly WAC 392-30-250.] Repealed by 81-20-007 (Order 81-18), filed 9/24/81. Statutory Authority: RCW 28A.41.170, 28A.41.055 and 28A.65.465.

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 budgets, every school district shall publish a notice stating that the district has completed the budget, placed it on file in the school district administration office, that a copy thereof will be furnished to any person who calls upon the district for it, and that the board of directors will meet for the purpose of fixing and adopting the budget of the district for the ensuing fiscal year. Such notice shall designate the date, time, and place of said meeting. The notice shall also state that any person may appear thereat and be heard for or against any part of such budget. Said notice shall be published at least once each week for two consecutive weeks in a newspaper of general circulation in the district, or, if there be none, in a newspaper of general circulation in the county or counties in which such district is a part. The last notice shall be published no later than seven days immediately prior to the hearing.	Same as first-class.
August 1	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. The July 10 date may be delayed by the superintendent of public instruction if the state's operating budget is not finally approved by the legislature until after June 1st.	Same as first-class
		Final date for board directors to meet in public hearing and fix and adopt said budget.

Such hearing may be continued not to exceed a total of two days: *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 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 retained by the superintendent of public instruction. 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 10

Final date for educational service district to file the adopted budgets with the superintendent of public instruction.

Final date for the superintendent of public instruction to return a copy of the approved budget to the local school district.

[Statutory Authority: RCW 28A.505.040. 96-08-058 (Order 96-06), § 392-123-054, filed 4/2/96, effective 5/3/96. 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.]

August 3

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 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.

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.]

September 3

Final date for district to file the adopted budget with their educational service district.

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 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 expendi-

tures 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.

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.505.040, 96-09-001 (Order 96-06), § 392-123-078, filed 4/3/96, effective 5/4/96. 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.

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.505.040, 96-09-001 (Order 96-06), § 392-123-079, filed 4/3/96, effective 5/4/96. 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.

[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

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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 89-10), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.

392-126-130 Definition—New position. [Statutory Authority: RCW 28A.58.095, 84-17-053 (Order 84-32), § 392-126-130, 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.

392-126-135 Definition—Report 1191. [Statutory Authority: RCW 28A.58.095, 84-17-053 (Order 84-32), § 392-126-135, 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.

392-126-200 Definition—Certificated employee. [Statutory Authority: RCW 28A.58.095, 84-17-053 (Order 84-32), § 392-126-200, 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.

392-126-205 Definition—Full-time equivalent certificated employee. [Statutory Authority: RCW 28A.58.095, 84-17-053 (Order 84-32), § 392-126-205, 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.

392-126-210 Definition—Form S-275. [Statutory Authority: RCW 28A.58.095, 84-17-053 (Order 84-32), § 392-126-210, 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.

392-126-215 Definition—Report S-727. [Statutory Authority: RCW 28A.58.095, 84-17-053 (Order 84-32), § 392-126-215, 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.

392-126-220 Definition—Basic education certificated staff. [Statutory Authority: RCW 28A.58.095, 84-17-053 (Order 84-32), § 392-126-220, 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.

392-126-225 Definition—Certificated staff salaries. [Statutory Authority: RCW 28A.58.095, 86-21-091 (Order 86-16), § 392-126-225, filed 10/17/86; 84-17-053 (Order 84-32), § 392-126-225, 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.

392-126-230 Definition—Current school year certificated staff highest annual salaries. [Statutory Authority: RCW 28A.58.095, 86-21-091 (Order 86-16), § 392-126-230, filed 10/17/86; 84-17-053 (Order 84-32), § 392-126-230, 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.

392-126-235 Definition—Certificated insurance benefits. [Statutory Authority: RCW 28A.58.095, 84-17-053 (Order 84-32), § 392-126-235, 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.

392-126-240 Definition—LEAP Document 1. [Statutory Authority: RCW 28A.58.095, 84-17-053 (Order 84-32), § 392-126-240, 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.

392-126-245 Definition—Certificated staff mix factor. [Statutory Authority: RCW 28A.58.095, 86-01-023 (Order 85-18), § 392-126-245, filed 12/9/85; 84-17-053 (Order 84-32), § 392-126-245, filed 8/13/84.] Repealed by 89-17-069 (Order 89-10), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.

392-126-250 Definition—District certificated staff mix factor. [Statutory Authority: RCW 28A.58.095, 86-01-023 (Order 85-18), § 392-126-250, filed 12/9/85; 84-17-053 (Order 84-

- 32), § 392-126-250, filed 8/13/84.] Repealed by 89-17-069 (Order 89-10), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.
- 392-126-255 Definition—Current school year district certificated derived base salary. [Statutory Authority: RCW 28A.58.095. 86-21-091 (Order 86-16), § 392-126-255, filed 10/17/86; 86-01-023 (Order 85-18), § 392-126-255, filed 12/9/85; 84-17-053 (Order 84-32), § 392-126-255, filed 8/13/84.] Repealed by 89-17-069 (Order 89-10), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.
- 392-126-260 Definition—Maximum allowed basic education certificated derived base salary. [Statutory Authority: RCW 28A.58.095. 86-21-091 (Order 86-16), § 392-126-260, filed 10/17/86; 86-01-023 (Order 85-18), § 392-126-260, filed 12/9/85; 84-17-053 (Order 84-32), § 392-126-260, filed 8/13/84.] Repealed by 89-17-069 (Order 89-10), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.
- 392-126-265 Definition—Maximum allowed certificated insurance benefits. [Statutory Authority: RCW 28A.58.095. 86-01-023 (Order 85-18), § 392-126-265, filed 12/9/85; 84-17-053 (Order 84-32), § 392-126-265, filed 8/13/84.] Repealed by 89-17-069 (Order 89-10), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.
- 392-126-270 Definition—Form 1040. [Statutory Authority: RCW 28A.58.095. 84-17-053 (Order 84-32), § 392-126-270, 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.
- 392-126-275 Definition—Form 1041. [Statutory Authority: RCW 28A.58.095. 84-17-053 (Order 84-32), § 392-126-275, 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.
- 392-126-280 Definition—Form 1042. [Statutory Authority: RCW 28A.58.095. 84-17-053 (Order 84-32), § 392-126-280, 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.
- 392-126-285 Definition—Form 1043. [Statutory Authority: RCW 28A.58.095. 86-21-091 (Order 86-16), § 392-126-285, filed 10/17/86; 86-01-023 (Order 85-18), § 392-126-285, filed 12/9/85; 84-17-053 (Order 84-32), § 392-126-285, filed 8/13/84.] Repealed by 89-17-069 (Order 89-10), filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 28A.58.095.
- 392-126-290 Definition—Prior school year certificated staff highest annual salaries. [Statutory Authority: RCW 28A.58.095. 86-21-091 (Order 86-16), § 392-126-290, 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.
- 392-126-291 Definition—Prior school year district certificated derived base salary. [Statutory Authority: RCW 28A.58.095. 86-21-091 (Order 86-16), § 392-126-291, 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.
- 392-126-300 Definition—Classified employee. [Statutory Authority: RCW 28A.58.095. 84-17-053 (Order 84-32), § 392-126-300, 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.
- 392-126-305 Definition—Full-time equivalent classified employee. [Statutory Authority: RCW 28A.58.095. 84-17-053 (Order 84-32), § 392-126-305, 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.
- 392-126-310 Definition—Form S-277. [Statutory Authority: RCW 28A.58.095. 84-17-053 (Order 84-32), § 392-126-310, 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.
- 392-126-315 Definition—Report S-730. [Statutory Authority: RCW 28A.58.095. 84-17-053 (Order 84-32), § 392-126-315, 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.
- 392-126-320 Definition—Basic education classified staff. [Statutory Authority: RCW 28A.58.095. 84-17-053 (Order 84-32), § 392-126-320, 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.
- 392-126-325 Definition—Classified staff salaries. [Statutory Authority: RCW 28A.58.095. 86-21-091 (Order 86-16), § 392-126-325, 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

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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

AUTHORITY AND PURPOSE

- 392-127-004 Authority.
392-127-006 Purpose.
392-127-011 Other ratio requirements.

DEFINITIONS

- 392-127-015 FTE enrollment—Definition.
392-127-020 S-275—Definition.
392-127-025 School year—Definition.
392-127-030 Current school year—Definition.
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392-127-040 Academic year—Definition.
392-127-045 FTE basic education certificated instructional employee—Definition.
392-127-050 Addition FTE—Definition.
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OPERATIVE PROVISIONS

- 392-127-075 General provisions.
392-127-080 School district reporting—Required reports.
392-127-085 School district reporting—Optional report—Staff changes.
392-127-090 School district reporting—Optional report—Enrollment changes.
392-127-095 Initial report by the superintendent of public instruction.
392-127-101 Interim report by the superintendent of public instruction.
392-127-106 Final report by the superintendent of public instruction.
392-127-111 Calculation of penalty for failure to maintain staffing ratio.
392-127-810 Finance—Limitations on enrollment counts.

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.		Repealed by 86-21-092 (Order 86-17), filed 10/17/86. 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.	392-127-615	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.
392-127-565	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.	392-127-620	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.
392-127-570	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.	392-127-625	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.
392-127-575	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.	392-127-630	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.
392-127-576	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.	392-127-635	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.
392-127-577	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.	392-127-640	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.
392-127-578	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.	392-127-645	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.
392-127-579	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.	392-127-650	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.
392-127-580	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.	392-127-651	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.
392-127-600	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.	392-127-655	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.
392-127-605	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.	392-127-660	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.
392-127-610	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.]	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. 86-21-052 (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) The Biennial Operating 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: RCW 28A.150.290. 96-05-022 (Order 96-03), § 392-127-011, filed 2/13/96, effective 3/15/96. 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 (1) and (2) and for school years through 1994-95 minus:

Special education 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.

[Statutory Authority: RCW 28A.150.290. 96-05-022 (Order 96-03), § 392-127-015, filed 2/13/96, effective 3/15/96. 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 S-275—Definition. As used in this chapter, "S-275" means the S-275 reporting process defined in WAC 392-121-220.

[Statutory Authority: RCW 28A.150.290. 96-05-022 (Order 96-03), § 392-127-020, filed 2/13/96, effective 3/15/96. 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 the 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 the 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 the 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.150.290. 96-05-022 (Order 96-03), § 392-127-050, filed 2/13/96, effective 3/15/96. 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 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 the 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 the 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.150.290. 96-05-022 (Order 96-03), § 392-127-055, filed 2/13/96, effective 3/15/96. 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 the 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 the 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.150.290. 96-05-022 (Order 96-03), § 392-127-060, filed 2/13/96, effective 3/15/96. 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.

[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 the 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.150.290. 96-05-022 (Order 96-03), § 392-127-070, filed 2/13/96, effective 3/15/96. 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 the S-275 the school district's full-time equivalent basic education certificated instructional staff for the current school year.

[Statutory Authority: RCW 28A.150.290. 96-05-022 (Order 96-03), § 392-127-080, filed 2/13/96, effective 3/15/96. 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 30 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.150.290. 96-05-022 (Order 96-03), § 392-127-090, filed 2/13/96, effective 3/15/96. 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

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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

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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

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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 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.]

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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 28A.41.140 [28A.41.140] and 28A.41.145.

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 28A.41.140 [28A.41.140] and 28A.41.145. 86-01-020 (Order 85-15), § 392-134-002, filed 12/9/85.]

WAC 392-134-003 Purpose. The purpose of this chapter is to implement the part-time public school attendance law.

[Statutory Authority: RCW 28A.41.140 [28A.41.140] and 28A.41.145. 86-01-020 (Order 85-15), § 392-134-003, filed 12/9/85.]

WAC 392-134-005 Definitions. As used in this chapter the term:

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

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

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

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

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

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

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

(5) "Private school student" shall mean a student who is enrolled in a private school "full time" as defined by the private school of attendance; and

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

WAC 392-134-010 Attendance rights of part-time public school students. An eligible part-time public school student who qualifies as a resident of a public school district pursuant to the definition of a "resident student" set forth in chapter 392-137 WAC, as now or hereafter amended, shall be entitled to attend the schools of the district within his or her attendance area tuition free on a part-time basis. An eligible part-time public school student shall be entitled to take any course, receive any ancillary service, and take or receive any combination of courses and ancillary services which is made available by a public school to full-time students. Eligible nonresident part-time public school students may be enrolled at the discretion of a public school district pursuant to the terms and procedures established for nonresident student attendance in chapter 392-137 WAC, as now or hereafter amended.

[Statutory Authority: RCW 28A.41.145. 80-05-035 (Order 80-6), § 392-134-010, filed 4/15/80.]

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

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

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

(2) The course and/or ancillary service for which enrollment is requested is not available at the private school of attendance.

[Statutory Authority: RCW 28A.41.140 [28A.41.140] and 28A.41.145. 86-01-020 (Order 85-15), § 392-134-015, filed 12/9/85. Statutory Authority: RCW 28A.41.145. 80-05-035 (Order 80-6), § 392-134-015, filed 4/15/80.]

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

(2) Courses, ancillary services, and any combination of courses and ancillary services shall be provided to part-time public school students upon public school grounds or on sites which are controlled by a public school district and at the home or hospital where the student may be confined by reason of a physician [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.
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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.]

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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.

[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.
392-137-125	Nonresident district—Definition.
392-137-130	Release of students to nonresident districts.
392-137-135	Affecting condition—Ground for release.
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	Special condition—Ground for release.
392-137-145	Desegregation—Ground for denial of release.
392-137-150	Appeal to SPI—Denial of release.
392-137-155	Admission by nonresident district—Released students.
392-137-160	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.
392-137-240	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).
392-137-002	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).
392-137-003	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).
392-137-005	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.

- 392-137-010 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 12/3/89. 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).
- 392-137-015 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).
- 392-137-020 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).
- 392-137-025 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).
- 392-137-030 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).
- 392-137-035 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).
- 392-137-040 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).
- 392-137-045 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 392-15-850.] 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).
- 392-137-050 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.
- 392-137-051 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:

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(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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392-139-010	Establishment of the maximum dollar amount of school district levies—General. [Statutory Authority: RCW 84.52.053(7) [84.52.0531(7)]. 83-23-039 (Order 83-18), § 392-139-010, filed 11/9/83. Statutory Authority: RCW 84.52.0531. 81-20-023 (Order 81-31), § 392-139-010, filed 9/29/81, effective 12/27/81; 80-18-020 (Order 80-38), § 392-139-010, filed 11/26/80; 79-01-006 (Order 13-78), § 392-139-010, filed 12/8/78.] Repealed by 88-03-007 (Order 88-6), filed 1/8/88. Statutory Authority: RCW 84.52.0531(10) and 28A.41.170.
392-139-015	Definitions. [Statutory Authority: RCW 84.52.0531. 79-01-006 (Order 13-78), § 392-139-015, filed 12/8/78.] Repealed by 80-18-020 (Order 80-38), filed 11/26/80. Statutory Authority: RCW 84.52.0531.
392-139-016	Definitions. [Statutory Authority: RCW 84.52.053(7) [84.52.0531(7)]. 83-23-039 (Order 83-18), § 392-139-016, filed 11/9/83. Statutory Authority: RCW 84.52.0531(7). 83-17-058 (Order 83-6), § 392-139-016, filed 8/17/83. Statutory Authority: RCW 84.52.0531. 81-20-023 (Order 81-31), § 392-139-016, filed 9/29/81, effective 12/27/81; 80-18-020 (Order 80-38), § 392-139-016, filed 11/26/80.] Repealed by 88-03-007 (Order 88-6), filed 1/8/88. Statutory Authority: RCW 84.52.0531(10) and 28A.41.170.
392-139-017	Additional definitions. [Statutory Authority: RCW 84.52.053(7) [84.52.0531(7)]. 83-23-039 (Order 83-18),

- § 392-139-017, filed 11/9/83. Statutory Authority: RCW 84.52.0531. 81-20-023 (Order 81-31), § 392-139-017, filed 9/29/81, effective 12/27/81; 80-18-020 (Order 80-38), § 392-139-017, filed 11/26/80.] Repealed by 88-03-007 (Order 88-6), filed 1/8/88. Statutory Authority: RCW 84.52.0531(10) and 28A.41.170.
- 392-139-018 Additional definitions. [Statutory Authority: RCW 84.52.053(7) [84.52.0531(7)]. 83-23-039 (Order 83-18), § 392-139-018, filed 11/9/83. Statutory Authority: RCW 84.52.0531. 81-20-023 (Order 81-31), § 392-139-018, filed 9/29/81, effective 12/27/81; 80-18-020 (Order 80-38), § 392-139-018, filed 11/26/80.] Repealed by 88-03-007 (Order 88-6), filed 1/8/88. Statutory Authority: RCW 84.52.0531(10) and 28A.41.170.
- 392-139-019 Determination of total general funding capacity for 1983 tax collections. [Statutory Authority: RCW 84.52.0531(7). 83-17-058 (Order 83-6), § 392-139-019, filed 8/17/83.] Repealed by 83-23-039 (Order 83-18), filed 11/9/83. Statutory Authority: RCW 84.52.053(7) [84.52.0531(7)].
- 392-139-020 Schedule I—Calculation of basic levy limitation for calendar year 19—. [Statutory Authority: RCW 84.52.0531. 79-01-006 (Order 13-78), § 392-139-020, filed 12/8/78.] Repealed by 80-18-020 (Order 80-38), filed 11/26/80. Statutory Authority: RCW 84.52.0531.
- 392-139-021 Determination of excess general fund levy capacity attributable to basic education allocation. [Statutory Authority: RCW 84.52.0531(7). 83-17-058 (Order 83-6), § 392-139-021, filed 8/17/83. Statutory Authority: RCW 84.52.0531. 82-05-025 (Order 82-3), § 293-139-021, filed 2/11/82, effective 4/6/82; 80-18-020 (Order 80-38), § 392-139-021, filed 11/26/80.] Repealed by 88-03-007 (Order 88-6), filed 1/8/88. Statutory Authority: RCW 84.52.0531(10) and 28A.41.170.
- 392-139-022 Determination of excess general fund levy capacity attributable to less than one hundred percent funding of the basic education allocation formula. [Statutory Authority: RCW 84.52.053(7) [84.52.0531(7)]. 83-23-039 (Order 83-18), § 392-139-022, filed 11/9/83. Statutory Authority: RCW 84.52.0531(7). 83-17-058 (Order 83-6), § 392-139-022, filed 8/17/83.] Repealed by 88-03-007 (Order 88-6), filed 1/8/88. Statutory Authority: RCW 84.52.0531(10) and 28A.41.170.
- 392-139-025 Schedule II—Calculation of additional levy authority (exceeding basic levy limitation for 19— calendar year). [Statutory Authority: RCW 84.52.0531. 79-01-006 (Order 13-78), § 392-139-025, filed 12/8/78.] Repealed by 80-18-020 (Order 80-38), filed 11/26/80. Statutory Authority: RCW 84.52.0531.
- 392-139-026 Determination of additional excess general fund levy capacity. [Statutory Authority: RCW 84.52.053(7) [84.52.0531(7)]. 83-23-039 (Order 83-18), § 392-139-026, filed 11/9/83. Statutory Authority: RCW 84.52.0531. 81-20-023 (Order 81-31), § 392-139-026, filed 9/29/81, effective 12/27/81; 80-18-020 (Order 80-38), § 392-139-026, filed 11/26/80.] Repealed by 88-03-007 (Order 88-6), filed 1/8/88. Statutory Authority: RCW 84.52.0531(10) and 28A.41.170.
- 392-139-027 Determination of additional excess general fund levy capacity for 1983 collections. [Statutory Authority: RCW 84.52.0531. 81-20-023 (Order 81-31), § 392-139-027, filed 9/29/81, effective 12/27/81.] Repealed by 83-23-039 (Order 83-18), filed 11/9/83. Statutory Authority: RCW 84.52.053(7) [84.52.0531(7)].
- 392-139-030 Schedule III—Prior year 100% formula funding. [Statutory Authority: RCW 84.52.0531. 79-01-006 (Order 13-78), § 392-139-030, filed 12/8/78.] Repealed by 80-18-020 (Order 80-38), filed 11/26/80. Statutory Authority: RCW 84.52.0531.
- 392-139-031 Determination of excess general fund levy capacity attributable to state-funded categorical programs. [Statutory Authority: RCW 84.52.053(7) [84.52.0531(7)]. 83-23-039 (Order 83-18), § 392-139-031, filed 11/9/83. Statutory Authority: RCW 84.52.0531. 81-20-023 (Order 81-31), § 392-139-031, filed 9/29/81, effective 12/27/81; 80-18-020 (Order 80-38), § 392-139-031, filed 11/26/80.]
- Repealed by 88-03-007 (Order 88-6), filed 1/8/88. Statutory Authority: RCW 84.52.0531(10) and 28A.41.170.
- 392-139-035 Schedule IV—Estimated current year basic education funding. [Statutory Authority: RCW 84.52.0531. 79-01-006 (Order 13-78), § 392-139-035, filed 12/8/78.] Repealed by 80-18-020 (Order 80-38), filed 11/26/80. Statutory Authority: RCW 84.52.0531.
- 392-139-036 Determination of excess general fund levy capacity to be transferred from the nonresident school district to the resident school district for interdistrict cooperation programs. [Statutory Authority: RCW 84.52.053(7) [84.52.0531(7)]. 83-23-039 (Order 83-18), § 392-139-036, filed 11/9/83. Statutory Authority: RCW 84.52.0531(7). 83-17-058 (Order 83-6), § 392-139-036, filed 8/17/83. Statutory Authority: RCW 84.52.0531. 81-20-023 (Order 81-31), § 392-139-036, filed 9/29/81, effective 12/27/81; 80-18-020 (Order 80-38), § 392-139-036, filed 11/26/80.] Repealed by 88-03-007 (Order 88-6), filed 1/8/88. Statutory Authority: RCW 84.52.0531(10) and 28A.41.170.
- 392-139-037 Determination of excess general fund levy capacity to be transferred from the high school district to the nonhigh school district. [Statutory Authority: RCW 84.52.053(7) [84.52.0531(7)]. 83-23-039 (Order 83-18), § 392-139-037, filed 11/9/83. Statutory Authority: RCW 84.52.0531. 81-20-023 (Order 81-31), § 392-139-037, filed 9/29/81, effective 12/27/81.] Repealed by 88-03-007 (Order 88-6), filed 1/8/88. Statutory Authority: RCW 84.52.0531(10) and 28A.41.170.
- 392-139-038 Notification of maximum levy collection amounts. [Statutory Authority: RCW 84.52.053(7) [84.52.0531(7)]. 83-23-039 (Order 83-18), § 392-139-038, filed 11/9/83. Statutory Authority: RCW 84.52.0531. 81-20-023 (Order 81-31), § 392-139-038, filed 9/29/81, effective 12/27/81.] Repealed by 88-03-007 (Order 88-6), filed 1/8/88. Statutory Authority: RCW 84.52.0531(10) and 28A.41.170.
- 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).
- 392-139-166 Definition—6162 Refugee, P.L. 96-212. [Statutory Authority: RCW 84.52.0531(10) and 28A.41.170. 88-03-007 (Order 88-6), § 392-139-166, filed 1/8/88.] Repealed by 96-19-037 (Order 96-13), filed 9/11/96, effective 10/12/96. Statutory Authority: RCW 84.52.0531(10) and 28A.150.290.
- 392-139-220 Definition—P-223NR. [Statutory Authority: RCW 84.52.0531(10) and 28A.41.170. 88-03-007 (Order 88-6), § 392-139-220, filed 1/8/88.] Repealed by 96-19-037 (Order 96-13), filed 9/11/96, effective 10/12/96. Statutory Authority: RCW 84.52.0531(10) and 28A.150.290.
- 392-139-225 Definition—Form 1067. [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.] Repealed by 96-19-037 (Order 96-13), filed 9/11/96, effective 10/12/96.

- 392-139-240 Statutory Authority: RCW 84.52.0531(10) and 28A.150.290.
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.

[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 Special education. As used in this chapter, "4121 Special education" means the school district general fund revenue account in which is recorded revenue for a program for education of children pursuant to chapter 28A.155 RCW, RCW 28A.150.390, chapter 392-172 WAC and the Biennial Operating Appropriations Act.

[Statutory Authority: RCW 84.52.0531(10) and 28A.150.290. 96-19-037 (Order 96-13), § 392-139-120, filed 9/11/96, effective 10/12/96. 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. Beginning with the 1995-96 school year, local education program enhancement includes student learning improvement revenue funded in revenue account 4175.

[Statutory Authority: RCW 84.52.0531(10) and 28A.150.290. 96-19-037 (Order 96-13), § 392-139-129, filed 9/11/96, effective 10/12/96. 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 federal grants, unassigned. As used in this chapter, "5200 General purpose direct federal 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.150.290. 96-19-037 (Order 96-13), § 392-139-150, filed 9/11/96, effective 10/12/96. 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, OSPI, unassigned. As used in this chapter, "6100 Special purpose, OSPI, 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.150.290. 96-19-037 (Order 96-13), § 392-139-152, filed 9/11/96, effective 10/12/96. 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 Special education, supplemental Part B. As used in this chapter, "6124 Special education, supplemental" 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 special education students.

[Statutory Authority: RCW 84.52.0531(10) and 28A.150.290. 96-19-037 (Order 96-13), § 392-139-154, filed 9/11/96, effective 10/12/96. 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 Special education, deinstitutionalized. As used in this chapter, "6127 Special education, deinstitutionalized" means the school district general fund revenue account in which is recorded revenue from federal supplemental funds for special education deinstitutionalized children.

[Statutory Authority: RCW 84.52.0531(10) and 28A.150.290. 96-19-037 (Order 96-13), § 392-139-156, filed 9/11/96, effective 10/12/96. 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. As used in this chapter, "6138 Secondary vocational education" means the school district general fund revenue account in which are recorded grants for school district secondary vocational education programs.

[Statutory Authority: RCW 84.52.0531(10) and 28A.150.290. 96-19-037 (Order 96-13), § 392-139-158, filed 9/11/96, effective 10/12/96. 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, ESEA, Chapter 1. As used in this chapter, "6151 Remediation, ESEA, 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 Act (ESEA) for remedial education received through the apportionment process for the reimbursement of expenditure claims for expenditures for the educational needs of disadvantaged children pursuant to chapter 392-163 WAC.

[Statutory Authority: RCW 84.52.0531(10) and 28A.150.290. 96-19-037 (Order 96-13), § 392-139-162, filed 9/11/96, effective 10/12/96. 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, ESEA, Chapter 1. As used in this chapter, "6153 Migrant, ESEA, 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 Act (ESEA) arising from claims filed for expenditures of educational remediation programs for the children of migratory agricultural workers or fishers pursuant to chapter 392-164 WAC.

[Statutory Authority: RCW 84.52.0531(10) and 28A.150.290. 96-19-037 (Order 96-13), § 392-139-164, filed 9/11/96, effective 10/12/96. 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 392-139-168 Definition—6164 Bilingual, P.L. 93-380. As used in this chapter, "6164 Bilingual, P.L. 93-380" means the school district general fund revenue account in which are recorded federal revenues pursuant to P.L. 93-380 distributed by the superintendent of public instruction.

[Statutory Authority: RCW 84.52.0531(10) and 28A.150.290. 96-19-037 (Order 96-13), § 392-139-168, filed 9/11/96, effective 10/12/96. 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 ESEA, Chapter 2, P.L. 100-297. As used in this chapter, "6176 ESEA, Chapter 2" means the school district general fund revenue account in which are recorded federal revenues authorized under Chapter 2 of the Elementary and Secondary Education Act and distributed by the superintendent of public instruction pursuant to chapter 392-165 WAC.

[Statutory Authority: RCW 84.52.0531(10) and 28A.150.290. 96-19-037 (Order 96-13), § 392-139-172, filed 9/11/96, effective 10/12/96. 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, P.L. 93-380. As used in this chapter, "6264 Bilingual, P.L. 93-380" means the school district general fund revenue account in which are recorded direct grants from the federal government pursuant to P.L. 93-380.

[Statutory Authority: RCW 84.52.0531(10) and 28A.150.290. 96-19-037 (Order 96-13), § 392-139-182, filed 9/11/96, effective 10/12/96. 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, ED. As used in this chapter, "6268 Indian education, ED" means the school district general fund revenue account in which are recorded direct grants from the federal government for education of Indian youth.

[Statutory Authority: RCW 84.52.0531(10) and 28A.150.290. 96-19-037 (Order 96-13), § 392-139-184, filed 9/11/96, effective 10/12/96. 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 392-139-230 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) Special education. Allocations for special education include allocations for the following accounts:

4121 Special education of children;

6124 Special education supplemental, EHA, Part B; and

6127 Special education 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, ESEA, Chapter 1;

6153 Migrant, ESEA, Chapter 1;

6164 Bilingual, P.L. 93-380 (SPI);

6167 Indian education, JOM;

6264 Bilingual, P.L. 93-380 (direct); and

6268 Indian education, ED.

(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 ESEA, Chapter 2.

(c) General federal programs. Allocations for general federal programs identified by the following accounts:

5200 General purpose direct federal grants, unassigned;

6100 Special purpose, OSPI, unassigned;

6138 Secondary vocational education;

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 accounting manual for public school districts in the state of Washington, revised 1996.

(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 Special education;

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 Special education supplemental;

6127 Special education deinstitutionalized;

6138 Secondary vocational education;

6146 Skills center;

6151 Remediation, ESEA, Chapter 1;

6153 Migrant, ESEA, Chapter 1;

6176 ESEA, Chapter 2;

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 federal grants, unassigned;

6100 Special purpose, SPI, unassigned;

6164 Bilingual, P.L. 93-380 (SPI);

6167 Indian education, JOM;
 6200 Direct special purpose grants;
 6246 Skills center, direct federal grant;
 6264 Bilingual, P.L. 93-380 (direct);
 6268 Indian education, ED; and
 6998 USDA commodities.

[Statutory Authority: RCW 84.52.0531(10) and 28A.150.290. 96-19-037 (Order 96-13), § 392-139-310, filed 9/11/96, effective 10/12/96. 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, 1995, 1996 and 1997, 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, 1998 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, 1999 and thereafter, the school district's maximum excess levy percentage for the prior calendar year;

(ii) For 1998, 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 84.52.0531(10) and 28A.150.290. 96-19-037 (Order 96-13), § 392-139-320, filed 9/11/96, effective 10/12/96. 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 basic education allocation that is included in the excess levy base pursuant to WAC 392-139-310;

(2) Divide the result in subsection (1) of this section by the total AAFTE students enrolled in the serving district in

the prior school year as reported on the district's August Report 1191;

(3) Multiply the result in subsection (2) of this section 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 form P-223;

(4) Determine the percentage increase per full-time equivalent student between the prior school year and the current school year as stated in the state basic education appropriation in the state Operating Appropriations Act;

(5) Increase the percentage in subsection (4) of this section by dividing the percentage in subsection (4) of this section by 0.55;

(6) Increase the result in subsection (3) of this section by the percentage increase calculated in subsection (5) of this section; and

(7) Multiply the result in subsection (6) of this section by the maximum excess levy percentage for the serving district pursuant to WAC 392-139-320.

[Statutory Authority: RCW 84.52.0531(10) and 28A.150.290. 96-19-037 (Order 96-13), § 392-139-330, filed 9/11/96, effective 10/12/96. 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 and P-223; 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: RCW 84.52.0531(10) and 28A.150.290. 96-19-037 (Order 96-13), § 392-139-340, filed 9/11/96, effective 10/12/96. 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:

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.

[Statutory Authority: RCW 84.52.0531(10) and 28A.150.290. 96-19-037 (Order 96-13), § 392-139-901, filed 9/11/96, effective 10/12/96. 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

392-140-001 Purpose.

GENERAL PROVISIONS AND DEFINITIONS

- 392-140-067 General provisions.
- 392-140-068 Timely reporting.
- 392-140-069 Definition—School district.
- 392-140-070 Definition—School year.
- 392-140-071 Definition—Following school year.
- 392-140-072 Definition—Annual average full-time equivalent (FTE) students.
- 392-140-073 Prior school year.

**1995-97 LOCAL ENHANCEMENT FUNDING INCLUDING THE
STUDENT LEARNING IMPROVEMENT BLOCK GRANT**

- 392-140-570 1995-97 Local enhancement funding—Applicable provisions.
- 392-140-571 1995-97 Local enhancement funding—Definition—Student learning improvement block grants.
- 392-140-572 1995-97 Local enhancement funding—Definition—Other activities to improve student learning.
- 392-140-573 1995-97 Local enhancement funding—Definition—Local program enhancement block grants.
- 392-140-574 1995-97 Local enhancement funding—Definition—Essential academic learning requirements.
- 392-140-575 1995-97 Local enhancement funding—Definition—Assessment system.
- 392-140-576 1995-97 Local enhancement funding—Definition—Fiscal year.
- 392-140-577 1995-97 Local enhancement funding—Definition—School year.
- 392-140-578 1995-97 Local enhancement funding—Definition—School district.
- 392-140-580 1995-97 Local enhancement funding—Definition—Building plan.
- 392-140-581 1995-97 Local enhancement funding—Definition—Annual performance report.
- 392-140-582 1995-97 Local enhancement funding—Definition—Allocation enrollment.
- 392-140-583 1995-97 Local enhancement funding—Definition—Form SPI 1129.
- 392-140-584 1995-97 Local enhancement funding—Definition—Enrolled as a Medicaid service provider.
- 392-140-585 1995-97 Local enhancement funding—Actively pursuing federal matching funds for medical services provided through special education programs.
- 392-140-586 1995-97 Local enhancement funding—Conditions of receipt of moneys.
- 392-140-588 1995-97 Local enhancement funding—Allocation of moneys.
- 392-140-590 1995-97 Local enhancement funding—Conditions and limitations on expenditures.
- 392-140-592 1995-97 Local enhancement funding—School district reporting.
- 392-140-594 1995-97 Local enhancement funding—Recovery of moneys.
- 392-140-600 Special education safety net—Applicable provisions.
- 392-140-601 Special education safety net—Authority.
- 392-140-602 Special education safety net—Eligible applicants.
- 392-140-605 Special education safety net—Safety net application—Basis, certification, worksheets.
- 392-140-608 Special education safety net—Safety net application—Timing.
- 392-140-609 Special education safety net—Standard—Appropriate and properly and efficiently prepared and formulated IEPs.
- 392-140-610 Special education safety net—Standards—MOESR applications.

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:

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.

[Statutory Authority: RCW 84.52.0531(10) and 28A.150.290. 96-19-037 (Order 96-13), § 392-139-901, filed 9/11/96, effective 10/12/96. 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

392-140-001 Purpose.

GENERAL PROVISIONS AND DEFINITIONS

392-140-067	General provisions.
392-140-068	Timely reporting.
392-140-069	Definition—School district.
392-140-070	Definition—School year.
392-140-071	Definition—Following school year.
392-140-072	Definition—Annual average full-time equivalent (FTE) students.
392-140-073	Prior school year.

1995-97 LOCAL ENHANCEMENT FUNDING INCLUDING THE STUDENT LEARNING IMPROVEMENT BLOCK GRANT

392-140-570	1995-97 Local enhancement funding—Applicable provisions.
392-140-571	1995-97 Local enhancement funding—Definition—Student learning improvement block grants.
392-140-572	1995-97 Local enhancement funding—Definition—Other activities to improve student learning.
392-140-573	1995-97 Local enhancement funding—Definition—Local program enhancement block grants.
392-140-574	1995-97 Local enhancement funding—Definition—Essential academic learning requirements.
392-140-575	1995-97 Local enhancement funding—Definition—Assessment system.
392-140-576	1995-97 Local enhancement funding—Definition—Fiscal year.
392-140-577	1995-97 Local enhancement funding—Definition—School year.
392-140-578	1995-97 Local enhancement funding—Definition—School district.
392-140-580	1995-97 Local enhancement funding—Definition—Building plan.
392-140-581	1995-97 Local enhancement funding—Definition—Annual performance report.
392-140-582	1995-97 Local enhancement funding—Definition—Allocation enrollment.
392-140-583	1995-97 Local enhancement funding—Definition—Form SPI 1129.
392-140-584	1995-97 Local enhancement funding—Definition—Enrolled as a Medicaid service provider.
392-140-585	1995-97 Local enhancement funding—Actively pursuing federal matching funds for medical services provided through special education programs.
392-140-586	1995-97 Local enhancement funding—Conditions of receipt of moneys.
392-140-588	1995-97 Local enhancement funding—Allocation of moneys.
392-140-590	1995-97 Local enhancement funding—Conditions and limitations on expenditures.
392-140-592	1995-97 Local enhancement funding—School district reporting.
392-140-594	1995-97 Local enhancement funding—Recovery of moneys.
392-140-600	Special education safety net—Applicable provisions.
392-140-601	Special education safety net—Authority.
392-140-602	Special education safety net—Eligible applicants.
392-140-605	Special education safety net—Safety net application—Basis, certification, worksheets.
392-140-608	Special education safety net—Safety net application—Timing.
392-140-609	Special education safety net—Standard—Appropriate and properly and efficiently prepared and formulated IEPs.
392-140-610	Special education safety net—Standards—MOESR applications.

392-140-613	Special education safety net—Standards—Special characteristics and costs applications.		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.
392-140-616	Special education safety net—Standards—High-cost individual student applications.		
392-140-620	Special education safety net—Calculation of MOESR.		
392-140-625	Special education safety net—Demonstration of special characteristics and costs.	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.
392-140-640	Special education safety net—Definition—State oversight committee—Membership, structure.		
392-140-643	Special education safety net—Definition—State oversight committee—Procedures.		
392-140-646	Special education safety net—State oversight committee actions.	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.
392-140-650	Special education safety net—Withdrawal of application.		
392-140-653	Special education safety net—Reapplication.		
392-140-656	Special education safety net—Safety net appeal—Procedures.		
392-140-660	Special education safety net—Approved application—Initial state special education safety net allocation.	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.
392-140-665	Special education safety net—Approved application—Initial federal special education safety net allocation.		
392-140-670	Special education safety net—Distribution of state moneys.		
392-140-675	Special education safety net—Adjusted special education safety net allocation.		
392-140-680	Special education safety net—Recovery of state allocations to school districts.		
392-140-685	Special education safety net—Recovery of federal allocations to school districts.	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.
DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER			
392-140-002	1976 Levy relief funds—Entitlement of districts which submitted no excess levy propositions—Payments. [Order 7-75, § 392-140-002, filed 12/22/75.] Repealed by 80-05-038 (Order 80-9), filed 4/15/80. Statutory Authority: RCW 28A.03.030(3).		
392-140-003	1976 Levy relief funds—Entitlement of districts which submitted and passed an excess levy proposition—Payment. [Order 7-75, § 392-140-003, filed 12/22/75.] Repealed by 80-05-038 (Order 80-9), filed 4/15/80. Statutory Authority: RCW 28A.03.030(3).		
392-140-004	1976 Levy relief funds—Entitlement of districts which submitted and failed excess levy propositions—Payment. [Order 7-75, § 392-140-004, filed 12/22/75.] Repealed by 80-05-038 (Order 80-9), filed 4/15/80. Statutory Authority: RCW 28A.03.030(3).	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.
392-140-005	1976 Levy relief funds—Additional special funds—Eligibility—Purpose—Payment. [Order 7-75, § 392-140-005, filed 12/22/75.] Repealed by 80-05-038 (Order 80-9), filed 4/15/80. Statutory Authority: RCW 28A.03.030(3).	392-140-017	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.
392-140-006	1976 Levy relief funds—Reduction in excess levy required. [Order 7-75, § 392-140-006, filed 12/22/75.] Repealed by 80-05-038 (Order 80-9), filed 4/15/80. Statutory Authority: RCW 28A.03.030(3).	392-140-018	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.
392-140-007	1976-77 Levy relief funds—Special funds—Eligibility—Purpose—Payment. [Order 9-76, § 392-140-007, filed 9/8/76.] Repealed by 80-05-038 (Order 80-9), filed 4/15/80. Statutory Authority: RCW 28A.03.030(3).	392-140-019	1981-83 Salary-compensation lid compliance—Compliance of average certificated salaries. [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.
392-140-008	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).	392-140-020	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.
392-140-010	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.		

- 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), filed 9/6/89, 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 12/9/85; 84-20-080 (Order 84-38), § 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), § 392-140-092, 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.
- 392-140-093 1986-87 Certificated staff salary enhancement allocation and salary compliance—Definition—District certificated derived base salary. [Statutory Authority: RCW 28A.58.095. 86-21-093 (Order 86-18), § 392-140-093, 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.
- 392-140-094 1986-87 Certificated staff salary enhancement allocations and salary compliance—Definition—Prior school year certificated staff adjusted salary. [Statutory Authority: RCW 28A.58.095. 86-21-093 (Order 86-18), § 392-140-094, 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.
- 392-140-095 1986-87 Certificated staff salary enhancement allocations and salary compliance—Definition—Form SS-279. [Statutory Authority: RCW 28A.58.095. 86-21-093 (Order 86-18), § 392-140-095, 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.
- 392-140-096 1986-87 Certificated staff salary enhancement allocations and salary compliance for Category A district—Reporting requirements. [Statutory Authority: RCW 28A.58.095. 86-21-093 (Order 86-18), § 392-140-096, 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.
- 392-140-097 1986-87 Certificated staff salary enhancement allocations and salary compliance for Category A district—Modification of revised LEAP Document 7. [Statutory Authority: RCW 28A.58.095. 86-21-093 (Order 86-18), § 392-140-097, 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.
- 392-140-098 1986-87 Certificated staff salary enhancement allocations and salary compliance for Category A district—Certificated salary enhancement allocation. [Statutory Authority: RCW 28A.58.095. 86-21-093 (Order 86-18), § 392-140-098, 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.
- 392-140-099 1986-87 Certificated staff salary enhancement allocations and salary compliance for Category A district—Maximum allowed certificated derived base salary. [Statutory Authority: RCW 28A.58.095. 86-21-093 (Order 86-18), § 392-140-099, 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.
- 392-140-100 1986-87 Certificated staff salary enhancement allocation and salary compliance for Category B district—Reporting requirements. [Statutory Authority: RCW 28A.58.095. 86-21-093 (Order 86-18), § 392-140-100, 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.
- 392-140-101 1986-87 Certificated staff salary enhancement allocations and salary compliance for Category B district—Modification of revised LEAP Document 7. [Statutory Authority: RCW 28A.58.095. 86-21-093 (Order 86-18), § 392-140-101, 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.
- 392-140-102 1986-87 Certificated staff salary enhancement allocations and salary compliance for Category B district—Certificated salary enhancement allocation. [Statutory Authority: RCW 28A.58.095. 86-21-093 (Order 86-18), § 392-140-102, 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.
- 392-140-103 1986-87 Certificated staff salary enhancement allocations and salary compliance for Category B district—Maximum allowed certificated derived base salary. [Statutory Authority: RCW 28A.58.095. 86-21-093 (Order 86-18), § 392-140-103, 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.
- 392-140-104 1986-87 Certificated staff salary enhancement allocations and salary compliance for Category C district—Reporting requirements. [Statutory Authority: RCW 28A.58.095. 86-21-093 (Order 86-18), § 392-140-104, 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.
- 392-140-105 1986-87 Certificated staff salary enhancement allocations and salary compliance for Category C district—Modification of revised LEAP Document 7. [Statutory Authority: RCW 28A.58.095. 86-21-093 (Order 86-18), § 392-140-105, 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.
- 392-140-106 1986-87 Certificated staff salary enhancement allocations and salary compliance for Category C district—Certificated salary enhancement allocation by modifying revised LEAP Document 7 to \$16,500. [Statutory Authority: RCW 28A.58.095. 86-21-093 (Order 86-18), § 392-140-106, 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.
- 392-140-107 1986-87 Certificated staff salary enhancement allocations and salary compliance for Category C district—Additional certificated salary enhancement allocation. [Statutory Authority: RCW 28A.58.095. 86-21-093 (Order 86-18), § 392-140-107, 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.
- 392-140-108 1986-87 Certificated staff salary enhancement allocations and salary compliance for Category C district—Maximum allowed certificated derived base salary. [Statutory Authority: RCW 28A.58.095. 86-21-093 (Order 86-18), § 392-140-108, 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.
- 392-140-109 1986-87 Certificated staff salary enhancement allocations and salary compliance for Category D district—Reporting requirements. [Statutory Authority: RCW 28A.58.095. 86-21-093 (Order 86-18), § 392-140-109, 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.
- 392-140-110 1986-87 Certificated staff salary enhancement allocation and salary compliance for Category D district—Modification of revised LEAP Document 7. [Statutory Authority: RCW 28A.58.095. 86-21-093 (Order 86-18), § 392-140-110, 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.
- 392-140-111 1986-87 Certificated staff salary enhancement allocations and salary compliance for Category D district—Additional certificated salary enhancement allocation. [Statutory Authority: RCW 28A.58.095. 86-21-093 (Order 86-18), § 392-140-111, 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.
- 392-140-112 1986-87 Certificated staff salary enhancement allocations and salary compliance for Category D district—Maximum allowed certificated derived base salary. [Statutory Authority: RCW 28A.58.095. 86-21-093 (Order 86-18), § 392-140-112, 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.
- 392-140-113 1986-87 Certificated staff salary enhancement allocations and salary compliance for all eligible districts—Fringe benefit allocation for salary enhancement allocations. [Statutory Authority: RCW 28A.58.095. 86-21-093 (Order 86-18), § 392-140-113, 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.
- 392-140-114 1986-87 Certificated staff salary enhancement allocations and salary compliance—Other state-supported program allocations. [Statutory Authority: RCW 28A.58.095. 86-21-093 (Order 86-18), § 392-140-114, 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.
- 392-140-115 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 staff 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 1987-89 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 1. [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 11. [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).
- 392-140-175 1989-91 Vocational equipment allocation—Applicable provisions. [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.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-140-176 1989-91 Vocational equipment allocation—Definition—Annual average full-time equivalent students. [Statutory Authority: RCW 28A.41.170(1). 90-01-143 (Order 24), § 392-140-176, filed 12/20/89, effective 1/20/90.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-140-177 1989-91 Vocational equipment allocation—Definition—Vocational annual average full-time equivalent students. [Statutory Authority: RCW 28A.41.170(1). 90-01-143 (Order 24), § 392-140-177, filed 12/20/89, effective 1/20/90.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-140-178 1989-91 Vocational equipment allocation—Definition—School year. [Statutory Authority: RCW 28A.41.170(1). 90-01-143 (Order 24), § 392-140-178, filed 12/20/89, effective 1/20/90.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-140-179 1989-91 Vocational equipment allocation—Definition—Eligible school district. [Statutory Authority: RCW 28A.41.170(1). 90-01-143 (Order 24), § 392-140-179, filed 12/20/89, effective 1/20/90.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-140-180 1989-91 Vocational equipment allocation—Definition—Form SPI 1154. [Statutory Authority: RCW 28A.41.170(1). 90-01-143 (Order 24), § 392-140-180, filed 12/20/89, effective 1/20/90.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-140-181 1989-91 Vocational equipment allocation—Limitations and conditions. [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.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-140-182 1989-91 Vocational equipment allocation—Apportionment of moneys. [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.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-140-183 1989-91 Vocational equipment allocation—Reporting of 1989-90 and 1990-91 vocational annual average full-time equivalent students. [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.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.

- 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.
- 392-140-185 1989-91 Vocational equipment allocation—Reporting of expenditures by eligible school districts. [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.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-140-186 1989-91 Vocational equipment allocation—Recovery of unspent funds. [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.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 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, 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, 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, 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.
- 392-140-220 1990-91 Supplies, materials, and equipment allocation—Applicable provisions. [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.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-140-221 1990-91 Supplies, materials, and equipment allocation—Definition—School year. [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.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-140-222 1990-91 Supplies, materials, and equipment allocation—Definition—Nonconsumable. [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.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-140-223 1990-91 Supplies, materials, and equipment allocation—Definition—Annual average full-time equivalent students. [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.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-140-224 1990-91 Supplies, materials, and equipment allocation—Definition—Specified objects of expenditure. [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.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-140-225 1990-91 Supplies, materials, and equipment allocation—Definition—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), § 392-140-225, filed 11/15/90 and 11/21/90, effective 12/16/90 and 12/22/90.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.

- 392-140-226 1990-91 Supplies, materials, and equipment allocation—Definition—Supplanting. [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.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-140-230 1990-91 Supplies, materials, and equipment allocation—Allocations to school districts. [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.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-140-231 1990-91 Supplies, materials, and equipment allocation—Allowed and unallowed expenditures. [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.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-140-232 1990-91 Supplies, materials, and equipment allocation—Reporting of extenuating circumstances. [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.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-140-233 1990-91 Supplies, materials, and equipment allocation—Recovery of moneys due to supplanting. [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.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-140-234 1990-91 Supplies, materials, and equipment allocation—Determination of recovery amount. [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.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 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, 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 enrollment. [Statutory Authority: RCW 28A.41.170(1). 90-01-142 (Order 25), § 392-140-305, filed 12/20/89, effective 1/20/90.] Repealed by 93-21-091 (Order 93-21), filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.150.290 and the Biennial Operating Appropriations Act.
- 392-140-306 1989-91 Certificated instructional staff enhancement moneys—Definition—Full-time equivalent kindergarten through third grade basic education enrollment. [Statutory Authority: RCW 28A.41.170(1). 90-01-142 (Order 25), § 392-140-306, filed 12/20/89, effective 1/20/90.] Repealed by 93-21-091 (Order 93-21), filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.150.290 and the Biennial Operating Appropriations Act.
- 392-140-307 1989-91 Certificated instructional staff enhancement moneys—Definition—Full-time equivalent kindergarten through third grade basic education enrollment including handicapped enrollment. [Statutory Authority: RCW 28A.41.170(1). 90-01-142 (Order 25), § 392-140-307, filed 12/20/89, effective 1/20/90.] Repealed by 93-21-091 (Order 93-21), filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.150.290 and the Biennial Operating Appropriations Act.
- 392-140-308 1989-91 Certificated instructional staff enhancement moneys—Definition—SPI Form S-275. [Statutory Authority: RCW 28A.41.170(1). 90-01-142 (Order 25), § 392-140-308, filed 12/20/89, effective 1/20/90.] Repealed by 93-21-091 (Order 93-21), filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.150.290 and the Biennial Operating Appropriations Act.
- 392-140-309 1989-91 Certificated instructional staff enhancement moneys—Definition—School year. [Statutory Authority: RCW 28A.41.170(1). 90-01-142 (Order 25), § 392-140-309, 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.
- 392-140-310 1989-91 Certificated instructional staff enhancement moneys—Definition—Current school year. [Statutory Authority: RCW 28A.41.170(1). 90-01-142 (Order 25), § 392-140-310, 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.
- 392-140-311 1989-91 Certificated instructional staff enhancement moneys—Definition—Following school year. [Statutory Authority: RCW 28A.41.170(1). 90-01-142 (Order 25), § 392-140-311, 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.
- 392-140-312 1989-91 Certificated instructional staff enhancement moneys—Definition—Academic year. [Statutory Authority: RCW 28A.41.170(1). 90-01-142 (Order 25), § 392-140-312, 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.
- 392-140-313 1989-91 Certificated instructional staff enhancement moneys—Definition—Full-time equivalent basic education certificated instructional employee. [Statutory Authority: RCW 28A.41.170(1). 90-01-142 (Order 25), § 392-140-313, 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.
- 392-140-314 1989-91 Certificated instructional staff enhancement moneys—Definition—Full-time equivalent kindergarten through third grade basic education certificated instructional employee. [Statutory Authority: RCW 28A.41.170(1). 90-01-142 (Order 25), § 392-140-314, 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.
- 392-140-315 1989-91 Certificated instructional staff enhancement moneys—Definition—Full-time equivalent kindergarten through third grade basic education certificated instructional staff. [Statutory Authority: RCW 28A.41.170(1). 90-01-142 (Order 25), § 392-140-315, 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.
- 392-140-316 1989-91 Certificated instructional staff enhancement moneys—Definition—Addition full-time equivalent. [Statutory Authority: RCW 28A.41.170(1). 90-01-142 (Order 25), § 392-140-316, 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.
- 392-140-317 1989-91 Certificated instructional staff enhancement moneys—Definition—Reduction full-time equivalent. [Statutory Authority: RCW 28A.41.170(1). 90-01-142 (Order 25), § 392-140-317, 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.

- 392-140-318 1989-91 Certificated instructional staff enhancement moneys—Definition—Reassignment full-time equivalent. [Statutory Authority: RCW 28A.41.170(1). 90-01-142 (Order 25), § 392-140-318, 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.
- 392-140-319 1989-91 Certificated instructional staff enhancement moneys—Definition—Supplemental full-time equivalent staff. [Statutory Authority: RCW 28A.41.170(1). 90-01-142 (Order 25), § 392-140-319, 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.
- 392-140-320 1989-91 Certificated instructional staff enhancement moneys—Definition—Supplemental full-time equivalent kindergarten through third grade staff. [Statutory Authority: RCW 28A.41.170(1). 90-01-142 (Order 25), § 392-140-320, 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.
- 392-140-321 1989-91 Certificated instructional staff enhancement moneys—Definition—Kindergarten through third grade staffing ratio. [Statutory Authority: RCW 28A.41.170(1). 90-01-142 (Order 25), § 392-140-321, 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.
- 392-140-322 1989-91 Certificated instructional staff enhancement moneys—Definition—Kindergarten through twelfth grade staffing ratio. [Statutory Authority: RCW 28A.41.170(1). 90-01-142 (Order 25), § 392-140-322, 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.
- 392-140-323 1989-91 Certificated instructional staff enhancement moneys—Definition—SPI Form 1157. [Statutory Authority: RCW 28A.41.170(1). 90-01-142 (Order 25), § 392-140-323, 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.
- 392-140-324 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.
- 392-140-336 1989-90 through 1993-94 School year enrollment of returning high school students—Applicable provisions and authority. [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.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.

- 392-140-337 1989-90 through 1993-94 School year enrollment of returning high school students—Authority to report for apportionment purposes. [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.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-140-338 1989-90 through 1993-94 School year enrollment of returning high school students—Special enrollment reporting by school districts. [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.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 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 (Order 48), § 392-140-348, filed 1/2/91, effective 2/2/91.] Repealed by 93-21-091 (Order 93-21), filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.150.290 and the Biennial Operating Appropriations Act.
- 392-140-349 1990-91 additional 1.3 staff units—Definition—Full-time equivalent basic education certificated instructional staff. [Statutory Authority: RCW 28A.150.290 and 1990 1st ex.s. c 16 § 502 (2)(b) and (11), 91-02-094 (Order 48), § 392-140-349, filed 1/2/91, effective 2/2/91.] Repealed by 93-21-091 (Order 93-21), filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.150.290 and the Biennial Operating Appropriations Act.
- 392-140-350 1990-91 additional 1.3 staff units—Definition—Full-time equivalent kindergarten through third grade basic education certificated instructional staff. [Statutory Authority: RCW 28A.150.290 and 1990 1st ex.s. c 16 § 502 (2)(b) and (11), 91-02-094 (Order 48), § 392-140-350, filed 1/2/91, effective 2/2/91.] Repealed by 93-21-091 (Order 93-21), filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.150.290 and the Biennial Operating Appropriations Act.
- 392-140-351 1990-91 additional 1.3 staff units—Definition—SPI form S-275. [Statutory Authority: RCW 28A.150.290 and 1990 1st ex.s. c 16 § 502 (2)(b) and (11), 91-02-094 (Order 48), § 392-140-351, filed 1/2/91, effective 2/2/91.] Repealed by 93-21-091 (Order 93-21), filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.150.290 and the Biennial Operating Appropriations Act.
- 392-140-352 1990-91 additional 1.3 staff units—Definition—SPI form 1158. [Statutory Authority: RCW 28A.150.290 and 1990 1st ex.s. c 16 § 502 (2)(b) and (11), 91-02-094 (Order 48), § 392-140-352, filed 1/2/91, effective 2/2/91.] 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.
- 392-140-353 1990-91 additional 1.3 staff units—Definition—Supplemental basic education certificated instructional staff. [Statutory Authority: RCW 28A.150.290 and 1990 1st ex.s. c 16 § 502 (2)(b) and (11), 91-02-094 (Order 48), § 392-140-353, 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.
- 392-140-354 1990-91 additional 1.3 staff units—Definition—Supplemental full-time equivalent kindergarten through third grade staff. [Statutory Authority: RCW 28A.150.290 and 1990 1st ex.s. c 16 § 502 (2)(b) and (11), 91-02-094 (Order 48), § 392-140-354, 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.
- 392-140-355 1990-91 additional 1.3 staff units—Definition—Kindergarten through third grade basic education certificated instructional staffing ratio. [Statutory Authority: RCW 28A.150.290 and 1990 1st ex.s. c 16 § 502 (2)(b) and (11), 91-02-094 (Order 48), § 392-140-355, 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.
- 392-140-356 1990-91 additional 1.3 staff units—Definition—1990-91 average basic education certificated instructional staff salary for the purpose of apportionment. [Statutory Authority: RCW 28A.150.290 and 1990 1st ex.s. c 16 § 502 (2)(b) and (11), 91-02-094 (Order 48), § 392-140-356, 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.
- 392-140-357 1990-91 additional 1.3 staff units—Definition—SPI form S-277. [Statutory Authority: RCW 28A.150.290 and 1990 1st ex.s. c 16 § 502 (2)(b) and (11), 91-02-094 (Order 48), § 392-140-357, 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

- 392-140-375 1990-91 additional 1.3 staff units—Definition—Certificated instructional staff ratio equivalent of the change in kindergarten through third grade basic education classified instructional assistant staffing ratios from 1989-90 to 1990-91. [Statutory Authority: RCW 28A.150.290 and 1990 1st ex.s. c 16 § 502 (2)(b) and (11). 91-02-094 (Order 48), § 392-140-375, filed 1/2/91, effective 2/2/91.] Repealed by 93-21-091 (Order 93-21), filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.150.290 and the Biennial Operating Appropriations Act.
- 392-140-376 1990-91 additional 1.3 staff units—Definition—Recognized change in kindergarten through third grade basic education certificated instructional staffing ratio from 1989-90 to 1990-91. [Statutory Authority: RCW 28A.150.290 and 1990 1st ex.s. c 16 § 502 (2)(b) and (11). 91-02-094 (Order 48), § 392-140-376, filed 1/2/91, effective 2/2/91.] Repealed by 93-21-091 (Order 93-21), filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.150.290 and the Biennial Operating Appropriations Act.
- 392-140-377 1990-91 additional 1.3 staff units—Definition—Combined change in kindergarten through third grade basic education instructional staffing ratios from 1989-90 to 1990-91. [Statutory Authority: RCW 28A.150.290 and 1990 1st ex.s. c 16 § 502 (2)(b) and (11). 91-02-094 (Order 48), § 392-140-377, filed 1/2/91, effective 2/2/91.] Repealed by 93-21-091 (Order 93-21), filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.150.290 and the Biennial Operating Appropriations Act.
- 392-140-378 1990-91 additional 1.3 staff units—Definition—Change in fourth through twelfth grade basic education certificated instructional staff from 1989-90 to 1990-91. [Statutory Authority: RCW 28A.150.290 and 1990 1st ex.s. c 16 § 502 (2)(b) and (11). 91-02-094 (Order 48), § 392-140-378, filed 1/2/91, effective 2/2/91.] Repealed by 93-21-091 (Order 93-21), filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.150.290 and the Biennial Operating Appropriations Act.
- 392-140-379 1990-91 additional 1.3 staff units—Definition—Change in fourth through twelfth grade basic education classified instructional assistants from 1989-90 to 1990-91. [Statutory Authority: RCW 28A.150.290 and 1990 1st ex.s. c 16 § 502 (2)(b) and (11). 91-02-094 (Order 48), § 392-140-379, filed 1/2/91, effective 2/2/91.] Repealed by 93-21-091 (Order 93-21), filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.150.290 and the Biennial Operating Appropriations Act.
- 392-140-380 1990-91 additional 1.3 staff units—Definition—Certificated instructional staff equivalent of the change in fourth through twelfth grade basic education classified instructional assistants from 1989-90 to 1990-91. [Statutory Authority: RCW 28A.150.290 and 1990 1st ex.s. c 16 § 502 (2)(b) and (11). 91-02-094 (Order 48), § 392-140-380, filed 1/2/91, effective 2/2/91.] Repealed by 93-21-091 (Order 93-21), filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.150.290 and the Biennial Operating Appropriations Act.
- 392-140-381 1990-91 additional 1.3 staff units—Definition—Kindergarten through third grade certificated instructional staffing ratio equivalent of fourth through twelfth grade basic education instructional staff changes from 1989-90 to 1990-91. [Statutory Authority: RCW 28A.150.290 and 1990 1st ex.s. c 16 § 502 (2)(b) and (11). 91-02-094 (Order 48), § 392-140-381, filed 1/2/91, effective 2/2/91.] Repealed by 93-21-091 (Order 93-21), filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.150.290 and the Biennial Operating Appropriations Act.
- 392-140-390 1990-91 additional 1.3 staff units—School district reporting of basic education classified instructional assistants. [Statutory Authority: RCW 28A.150.290 and 1990 1st ex.s. c 16 § 502 (2)(b) and (11). 91-02-094 (Order 48), § 392-140-390, filed 1/2/91, effective 2/2/91.] Repealed by 93-21-091 (Order 93-21), filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.150.290 and the Biennial Operating Appropriations Act.
- 392-140-391 1990-91 additional 1.3 staff units—Reporting by the superintendent of public instruction. [Statutory Authority: RCW 28A.150.290 and 1990 1st ex.s. c 16 § 502 (2)(b) and (11). 91-02-094 (Order 48), § 392-140-391, filed 1/2/91, effective 2/2/91.] Repealed by 93-21-091 (Order 93-21), filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.150.290 and the Biennial Operating Appropriations Act.
- 392-140-392 1990-91 additional 1.3 staff units—Determination of school district additional kindergarten through third grade staffing ratio enhancements. [Statutory Authority: RCW 28A.150.290 and 1990 1st ex.s. c 16 § 502 (2)(b) and (11). 91-02-094 (Order 48), § 392-140-392, filed 1/2/91, effective 2/2/91.] Repealed by 93-21-091 (Order 93-21), filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.150.290 and the Biennial Operating Appropriations Act.
- 392-140-393 1990-91 additional 1.3 staff units—Determination of credit for fourth through twelfth grade staff increases. [Statutory Authority: RCW 28A.150.290 and 1990 1st ex.s. c 16 §§ 502 (2)(b) and 502(11). 91-02-094 (Order 48), § 392-140-393, filed 1/2/91, effective 2/2/91.] Repealed by 93-21-091 (Order 93-21), filed 10/20/93, effective 11/20/93. Statutory Authority: RCW 28A.150.290 and the Biennial Operating Appropriations Act.
- 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).
- 392-140-431 1991-93 Vocational equipment allocation—Applicable provisions. [Statutory Authority: RCW 28A.150.290(1). 92-03-023 (Order 92-01), § 392-140-431, filed 1/7/92, effective 2/7/92.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-140-432 1991-93 Vocational equipment allocation—Definition—Vocational annual average full-time equivalent (FTE) students. [Statutory Authority: RCW 28A.150.290(1). 92-03-023 (Order 92-01), § 392-140-432, filed 1/7/92, effective 2/7/92.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-140-433 1991-93 Vocational equipment allocation—Definition—Eligible school district. [Statutory Authority: RCW 28A.150.290(1). 92-03-023 (Order 92-01), § 392-140-433, filed 1/7/92, effective 2/7/92.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-140-434 1991-93 Vocational equipment allocation—Definition—Form SPI 1154. [Statutory Authority: RCW 28A.150.290(1). 92-03-023 (Order 92-01), § 392-140-434, filed 1/7/92, effective 2/7/92.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-140-435 1991-93 Vocational equipment allocation—Limitations and conditions. [Statutory Authority: RCW 28A.150.290(1). 92-03-023 (Order 92-01), § 392-140-435, filed 1/7/92, effective 2/7/92.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-140-436 1991-93 Vocational equipment allocation—School district 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.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-140-437 1991-93 Vocational equipment allocation—Apportionment of moneys. [Statutory Authority: RCW 28A.150.290(1). 92-03-023 (Order 92-01), § 392-140-437, filed 1/7/92, effective 2/7/92.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-140-438 1991-93 Vocational equipment allocation—Reporting by the superintendent of public instruction. [Statutory Authority: RCW 28A.150.290(1). 92-03-023 (Order 92-01), § 392-140-438, filed 1/7/92, effective 2/7/92.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-140-439 1991-93 Vocational equipment allocation—Recovery of moneys. [Statutory Authority: RCW 28A.150.290(1).

- 392-140-474 K-3 Staff enhancement—Definition—Average basic education certificated instructional staff salary for the purpose of apportionment. [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.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-140-475 K-3 Staff enhancement—Definition—Basic education classified instructional assistant. [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.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-140-476 K-3 Staff enhancement—Definition—Basic education classified instructional assistant FTE. [Statutory Authority: Biennial Operating Appropriations Act and RCW 28A.150.290. 96-05-021 (Order 96-04), § 392-140-476, filed 2/13/96, effective 3/15/96; 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.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-140-477 K-3 Staff enhancement—Definition—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), § 392-140-477, 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.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-140-478 K-3 Staff enhancement—Definition—Instructional FTE. [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.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-140-480 K-3 Staff enhancement—Definition—K-3 addition FTE. [Statutory Authority: Biennial Operating Appropriations Act and RCW 28A.150.290. 96-05-021 (Order 96-04), § 392-140-480, filed 2/13/96, effective 3/15/96; 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.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-140-481 K-3 Staff enhancement—Definition—K-3 reduction FTE. [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.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-140-482 K-3 Staff enhancement—Definition—K-3 reassignment FTE. [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.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-140-483 K-3 Staff enhancement—Calculation of addition, reduction, and reassignment FTE. [Statutory Authority: Biennial Operating Appropriations Act and RCW 28A.150.290. 96-05-021 (Order 96-04), § 392-140-483, filed 2/13/96, effective 3/15/96; 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.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-140-485 K-3 Staff enhancement—Definition—Supplemental FTE 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.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-140-486 K-3 Staff enhancement—Definition—Supplemental 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), § 392-140-486, 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.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-140-490 K-3 Staff enhancement—Definition—K-3 certificated instructional staffing ratio. [Statutory Authority: Biennial Operating Appropriations Act and RCW 28A.150.290. 96-05-021 (Order 96-04), § 392-140-490, filed 2/13/96, effective 3/15/96; 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.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-140-491 K-3 Staff enhancement—Definition—Actual average salary for basic education classified instructional assistants. [Statutory Authority: Biennial Operating Appropriations Act and RCW 28A.150.290. 96-05-021 (Order 96-04), § 392-140-491, filed 2/13/96, effective 3/15/96; 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.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-140-492 K-3 Staff enhancement—Definition—Increase in K-3 basic education classified instructional assistants from 1989-90. [Statutory Authority: Biennial Operating Appropriations Act and RCW 28A.150.290. 96-05-021 (Order 96-04), § 392-140-492, filed 2/13/96, effective 3/15/96; 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.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-140-493 K-3 Staff enhancement—Definition—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.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-140-494 K-3 Staff enhancement—School district reporting—Required reports. [Statutory Authority: Biennial Operating Appropriations Act and RCW 28A.150.290. 96-05-021 (Order 96-04), § 392-140-494, filed 2/13/96, effective 3/15/96; 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.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-140-495 K-3 Staff enhancement—School district reporting—Optional reports. [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.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.

- 392-140-496 K-3 Staff enhancement—Calculation of K-3 apportionment ratios. [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.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-140-497 K-3 Staff enhancement—Reporting by the superintendent of public instruction. [Statutory Authority: Biennial Operating Appropriations Act and RCW 28A.150.290. 96-05-021 (Order 96-04), § 392-140-497, filed 2/13/96, effective 3/15/96; 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.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-140-500 1994-95 Student learning improvement grants—Applicable provisions—Statutory authority. [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.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-140-501 1994-95 Student learning improvement grants—Purpose of student learning improvement grant. [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.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-140-503 1994-95 Student learning improvement grants—Definition—School district. [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.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-140-504 1994-95 Student learning improvement grants—Definition—Eligible school district. [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.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-140-505 1994-95 Student learning improvement grants—Definition—School. [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.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-140-506 1994-95 Student learning improvement grants—Definition—Eligible school-based application. [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.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-140-507 1994-95 Student learning improvement grants—Definition—Approved application. [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.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-140-508 1994-95 Student learning improvement grants—Definition—Certificated employee. [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.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-140-509 1994-95 Student learning improvement grants—Definition—Full-time equivalent (FTE) certificated staff. [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.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-140-510 1994-95 Student learning improvement grants—Definition—Form S-275. [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.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-140-511 1994-95 Student learning improvement grants—Definition—FTE certificated staff employed in a school. [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.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-140-512 1994-95 Student learning improvement grants—Definition—Allocation rate. [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.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-140-516 1994-95 Student learning improvement grants—Allocation of moneys. [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.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-140-517 1994-95 Student learning improvement grants—Conditions and limitations on expenditures. [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.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-140-518 1994-95 Student learning improvement grants—School district reporting. [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.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-140-519 1994-95 Student learning improvement grants—Recovery of unexpended grants. [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.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-140-525 1993-95 Local enhancement funding—Applicable provisions. [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.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-140-527 1993-95 Local enhancement funding—Definition—Allocation enrollment. [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.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-140-529 1993-95 Local enhancement funding—Definition—Form SPI 1129. [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.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-140-530 1993-95 Local enhancement funding—Definition—Enrolled as a Medicaid service provider. [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.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-140-531 1993-95 Local enhancement funding—Actively pursuing federal matching funds for medical services provided through special education programs. [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.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-140-533 1993-95 Local enhancement funding—Condition of receipt of moneys. [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.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-140-535 1993-95 Local enhancement funding—Conditions and limitations on expenditures. [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.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-140-536 1993-95 Local enhancement funding—Apportionment of moneys. [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.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-140-537 1993-95 Local enhancement funding—School district reporting. [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.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-140-538 1993-95 Local enhancement funding—Recovery of moneys. [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.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-140-540 1994-95 Allocation for instructional materials and technology related investments—Applicable provisions—Statutory authority. [Statutory Authority: RCW 28A.150.290. 94-17-131 (Order 94-11), § 392-140-540, filed 8/22/94, effective 9/22/94.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-140-542 1994-95 Allocation for instructional materials and technology related investments—Definition—School district. [Statutory Authority: RCW 28A.150.290. 94-17-131 (Order 94-11), § 392-140-542, filed 8/22/94, effective 9/22/94.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-140-543 1994-95 Allocation for instructional materials and technology related investments—Definition—School year. [Statutory Authority: RCW 28A.150.290. 94-17-131 (Order 94-11), § 392-140-543, filed 8/22/94, effective 9/22/94.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-140-544 1994-95 Allocation for instructional materials and technology related investments—Definition—Instructional materials. [Statutory Authority: RCW 28A.150.290. 94-17-131 (Order 94-11), § 392-140-544, filed 8/22/94, effective 9/22/94.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-140-545 1994-95 Allocation for instructional materials and technology related investments—Definition—Technology related investments. [Statutory Authority: RCW 28A.150.290. 94-17-131 (Order 94-11), § 392-140-545, filed 8/22/94, effective 9/22/94.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-140-548 1994-95 Allocation for instructional materials and technology related investments—Definition—School district application. [Statutory Authority: RCW 28A.150.290. 94-17-131 (Order 94-11), § 392-140-548, filed 8/22/94, effective 9/22/94.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-140-549 1994-95 Allocation for instructional materials and technology related investments—Definition—Approved application. [Statutory Authority: RCW 28A.150.290. 94-17-131 (Order 94-11), § 392-140-549, filed 8/22/94, effective 9/22/94.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-140-551 1994-95 Allocation for instructional materials and technology related investments—Definition—Allocation enrollment. [Statutory Authority: RCW 28A.150.290. 94-17-131 (Order 94-11), § 392-140-551, filed 8/22/94, effective 9/22/94.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-140-552 1994-95 Allocation for instructional materials and technology related investments—Definition—Allocation rate. [Statutory Authority: RCW 28A.150.290. 94-17-131 (Order 94-11), § 392-140-552, filed 8/22/94, effective 9/22/94.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-140-553 1994-95 Allocation for instructional materials and technology related investments—Allocation of moneys. [Statutory Authority: RCW 28A.150.290. 94-17-131 (Order 94-11), § 392-140-553, filed 8/22/94, effective 9/22/94.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-140-555 1994-95 Allocation for instructional materials and technology related investments—Conditions and limitations on expenditures. [Statutory Authority: RCW 28A.150.290. 94-17-131 (Order 94-11), § 392-140-555, filed 8/22/94, effective 9/22/94.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-140-557 1994-95 Allocation for instructional materials and technology related investments—School district reporting. [Statutory Authority: RCW 28A.150.290. 94-17-131 (Order 94-11), § 392-140-557, filed 8/22/94, effective 9/22/94.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-140-559 1994-95 Allocation for instructional materials and technology related investments—Recovery of unexpected grants. [Statutory Authority: RCW 28A.150.290. 94-17-131 (Order 94-11), § 392-140-559, filed 8/22/94, effective 9/22/94.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.

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 392-140-073 Prior school year. As used in this chapter, "prior school year" means the school year immediately preceding the school year for which calculations are being made pursuant to this chapter.

[Statutory Authority: RCW 28A.150.290 and 1995 2nd sp.s. c 18 as modified by 1996 c 283. 96-19-095 (Order 96-15), § 392-140-073, filed 9/18/96, effective 10/19/96.]

1995-97 LOCAL ENHANCEMENT FUNDING INCLUDING THE STUDENT LEARNING IMPROVEMENT BLOCK GRANT

WAC 392-140-570 1995-97 Local enhancement funding—Applicable provisions. WAC 392-140-570 through 392-140-594 apply to the distribution of moneys to school districts for student learning improvement block grants and local program enhancement block grants pursuant to the 1995-97 State Operating Appropriations Act.

[Statutory Authority: RCW 28A.150.400. 95-18-051 (Order 95-05), § 392-140-570, filed 8/30/95, effective 9/30/95.]

WAC 392-140-571 1995-97 Local enhancement funding—Definition—Student learning improvement block grants. As used in WAC 392-140-570 through 392-140-594 student learning improvement block grants means that portion of total local enhancement funding which is allocated to school districts for distribution to school buildings for building based planning, staff development, and other activities to improve student learning, consistent with the student learning goals in RCW 28A.150.210 and 28A.630.885.

[Statutory Authority: RCW 28A.150.400. 95-18-051 (Order 95-05), § 392-140-571, filed 8/30/95, effective 9/30/95.]

WAC 392-140-572 1995-97 Local enhancement funding—Definition—Other activities to improve student learning. As used in WAC 392-140-570 through 392-140-594, "other activities to improve student learning" means those activities such as program design and curriculum alignment which directly relate to the building plan to attain the student learning goals as set forth in RCW 28A.150.210, the essential academic learning requirements and the state assessment system as set forth in RCW 28A.630.885.

[Statutory Authority: RCW 28A.150.400. 95-18-051 (Order 95-05), § 392-140-572, filed 8/30/95, effective 9/30/95.]

WAC 392-140-573 1995-97 Local enhancement funding—Definition—Local program enhancement block grants. As used in WAC 392-140-570 through 392-140-594 local program enhancement block grants means that portion of total local enhancement funding which is allocated to school districts for meeting other educational needs as identified by the school district.

[Statutory Authority: RCW 28A.150.400. 95-18-051 (Order 95-05), § 392-140-573, filed 8/30/95, effective 9/30/95.]

WAC 392-140-574 1995-97 Local enhancement funding—Definition—Essential academic learning requirements. As used in WAC 392-140-570 through 392-140-594, the essential academic learning requirements means those specific academic and technical skills and knowledge based on the student learning goals set forth in RCW 28A.630.885 (3)(a) and adopted by the commission on student learning. Such requirements shall not limit the instructional strategies used by schools or school districts or require the use of specific curricula.

[Statutory Authority: RCW 28A.150.400. 95-18-051 (Order 95-05), § 392-140-574, filed 8/30/95, effective 9/30/95.]

WAC 392-140-575 1995-97 Local enhancement funding—Definition—Assessment system. As used in WAC 392-140-570 through 392-140-594, assessment system means a series of assessments pursuant to RCW 28A.630.885 used to determine if students have successfully learned the essential academic learning requirements as developed by the commission on student learning.

[Statutory Authority: RCW 28A.150.400. 95-18-051 (Order 95-05), § 392-140-575, filed 8/30/95, effective 9/30/95.]

WAC 392-140-576 1995-97 Local enhancement funding—Definition—Fiscal year. As used in WAC 392-

140-570 through 392-140-594 "fiscal year" means the period beginning July 1 and ending the following June 30.

[Statutory Authority: RCW 28A.150.400. 95-18-051 (Order 95-05), § 392-140-576, filed 8/30/95, effective 9/30/95.]

WAC 392-140-577 1995-97 Local enhancement funding—Definition—School year. As used in WAC 392-140-570 through 392-140-594 "school year" means the period beginning September 1 and ending the following August 31.

[Statutory Authority: RCW 28A.150.400. 95-18-051 (Order 95-05), § 392-140-577, filed 8/30/95, effective 9/30/95.]

WAC 392-140-578 1995-97 Local enhancement funding—Definition—School district. As used in WAC 392-140-570 through 392-140-594 "school district" means the following:

(1) For purposes of student learning improvement block grants, "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; and

(2) For purposes of local program enhancement block grants "school district" means the same as defined in WAC 392-140-069.

[Statutory Authority: RCW 28A.150.400. 95-18-051 (Order 95-05), § 392-140-578, filed 8/30/95, effective 9/30/95.]

WAC 392-140-580 1995-97 Local enhancement funding—Definition—Building plan. As used in WAC 392-140-570 through 392-140-594, building plan means a written document developed by the school building for a multiyear period which sets forth the goals, objectives, procedures, tasks, and timelines for attaining the student learning goals, as set forth in RCW 28A.150.210, the essential academic learning requirements, and the state assessment system as it is developed pursuant to RCW 28A.630.885. Such building plan shall be developed and kept on file by the end of the 1995-96 school year.

[Statutory Authority: RCW 28A.150.400. 95-18-051 (Order 95-05), § 392-140-580, filed 8/30/95, effective 9/30/95.]

WAC 392-140-581 1995-97 Local enhancement funding—Definition—Annual performance report. As used in WAC 392-140-570 through 392-140-594, the annual performance report means that report referenced in RCW 28A.320.205 which requires each school to annually publish and deliver such report to each parent with children enrolled in the school and to make the report available to the community served by the school.

[Statutory Authority: RCW 28A.150.400. 95-18-051 (Order 95-05), § 392-140-581, filed 8/30/95, effective 9/30/95.]

WAC 392-140-582 1995-97 Local enhancement funding—Definition—Allocation enrollment. As used in WAC 392-140-570 through 392-140-588, "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 as defined in WAC 392-121-133 plus running start enrollment minus 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.

(3) For student learning improvement block grants only, the allocation enrollment for the Washington state school for the deaf and the Washington state school for the blind shall be the annual average September through May full-time equivalent enrollment reported by those schools to the superintendent of public instruction.

[Statutory Authority: RCW 28A.150.400. 95-18-051 (Order 95-05), § 392-140-582, filed 8/30/95, effective 9/30/95.]

WAC 392-140-583 1995-97 Local enhancement funding—Definition—Form SPI 1129. "Form SPI 1129" means the various forms provided by the superintendent of public instruction on which school districts report expenditures of local education enhancement funding and provide a narrative of results and benefits for the school year.

[Statutory Authority: RCW 28A.150.400. 95-18-051 (Order 95-05), § 392-140-583, filed 8/30/95, effective 9/30/95.]

WAC 392-140-584 1995-97 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.150.400. 95-18-051 (Order 95-05), § 392-140-584, filed 8/30/95, effective 9/30/95.]

WAC 392-140-585 1995-97 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 is enrolled as a Medicaid service provider, 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; 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; 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.150.400. 95-18-051 (Order 95-05), § 392-140-585, filed 8/30/95, effective 9/30/95.]

WAC 392-140-586 1995-97 Local enhancement funding—Conditions of receipt of moneys. School districts shall comply with the following conditions in order to receive local enhancement funding:

(1) 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:

(a) The school district is enrolled as a Medicaid service provider;

(b) The school district is actively pursuing federal matching funds for medical services provided through special education programs, pursuant to chapter 149, Laws of 1993, during the school year in which local enhancement funding is received.

(2) Receipt by a school district of student learning improvement block grant funding shall be conditioned on the school district having adopted a policy regarding the involvement of school staff, parents and community members in instructional decisions.

[Statutory Authority: RCW 28A.150.400. 95-18-051 (Order 95-05), § 392-140-586, filed 8/30/95, effective 9/30/95.]

WAC 392-140-588 1995-97 Local enhancement funding—Allocation 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 student learning improvement block grant allocation for a fiscal year shall equal the school district's allocation enrollment times a uniform state-wide rate of up to either \$36.69 for school districts meeting the conditions of receipt of moneys in WAC 392-140-586(1) or \$27.52 for districts not meeting the conditions of receipt of moneys in WAC 392-140-586(1); and

(2) The school district's local program enhancement block grant allocation for a school year shall equal the school district's allocation enrollment times a uniform state-wide rate of up to either \$26.30 for school districts meeting the conditions of receipt of moneys in WAC 392-140-586(1)

or \$19.73 for districts not meeting the conditions of receipt of moneys in WAC 392-140-586(1).

(3) The school district's student learning improvement block grant allocation shall be paid to the school district in the same manner as provided in WAC 392-121-400 except that payments shall be made according to the following schedule:

September	24%
October through May	8% each month
June	12%

(4) The school district's local program enhancement block grant allocation shall be paid to the school district in the same manner as provided in WAC 392-121-400.

(5) In January of the following year or thereafter, the school district's student learning improvement block grant allocation and the school district's local program enhancement block grant allocation shall be adjusted to reflect any recovery made pursuant to WAC 392-140-594.

[Statutory Authority: RCW 28A.150.400. 95-18-051 (Order 95-05), § 392-140-588, filed 8/30/95, effective 9/30/95.]

WAC 392-140-590 1995-97 Local enhancement funding—Conditions and limitations on expenditures. Expenditure of moneys allocated pursuant to WAC 392-140-570 through 392-140-594 is subject to the following conditions and limitations:

(1) The student learning improvement block grant allocation pursuant to WAC 392-140-588(1) shall be expended in school buildings for building based planning, staff development and other activities to improve student learning consistent with the student learning goals in RCW 28A.150.210 and 28A.630.885; further, schools shall, by the end of the 1995-96 school year, develop and keep on file a building plan to attain the learning goals and essential academic learning requirements and to implement the assessment system as it is developed.

(2) The local education program enhancement block grant allocation pursuant to WAC 392-140-588(2) may be expended to meet other education needs identified by the district.

(3) The school district shall account for expenditure of the student learning improvement block grant allocation and for expenditure of the local education program enhancement block grant allocation separately in expenditure Program 75, local educational program enhancement.

(4) The student learning improvement block grant allocation shall be expended during the period beginning July 1 of the fiscal year and ending on or before June 30 of the fiscal year.

(5) The local education program enhancement block grant allocation shall be expended during the period beginning September 1 and ending on or before August 31 of the school year.

(6) The school district shall report to the superintendent of public instruction as provided in WAC 392-140-592.

[Statutory Authority: RCW 28A.150.400. 95-18-051 (Order 95-05), § 392-140-590, filed 8/30/95, effective 9/30/95.]

WAC 392-140-592 1995-97 Local enhancement funding—School district reporting. School districts

receiving local enhancement funding shall report to the superintendent of public instruction as follows:

(1) Beginning with the 1995-96 school year each school receiving a student learning improvement block grant shall include information in the annual performance report required in RCW 28A.320.205 on how the grant moneys were spent and what results were achieved. Prior to November 2 of the following school year, each school district shall file the annual performance reports for all such schools with the superintendent of public instruction.

(2) Prior to November 2 of the following school year school districts shall report in the format prescribed by the superintendent of public instruction, the student learning improvement block grant allocation direct expenditures and other necessary information for the fiscal year to the superintendent of public instruction.

(3) Prior to November 2 of the following school year, the school district shall report in the format prescribed by the superintendent of public instruction, the local program enhancement block grant allocation direct expenditures and other necessary information for the school year to the superintendent of public instruction.

[Statutory Authority: RCW 28A.150.400. 95-18-051 (Order 95-05), § 392-140-592, filed 8/30/95, effective 9/30/95.]

WAC 392-140-594 1995-97 Local enhancement funding—Recovery of moneys. In January of the following school year or thereafter, the superintendent of public instruction shall compare:

(1) The school district's student learning improvement block grant allocation enhancement funding allocation made pursuant to WAC 392-140-588(1) and the school district's direct expenditures reported pursuant to WAC 392-140-592(2). If the allocation exceeds expenditures, the difference shall be recovered; and

(2) The school district's local program enhancement block grant allocation made pursuant to WAC 392-140-588(2) and the school district's direct expenditures reported pursuant to WAC 392-140-592(3). If the allocation exceeds expenditures, the difference shall be recovered.

[Statutory Authority: RCW 28A.150.400. 95-18-051 (Order 95-05), § 392-140-594, filed 8/30/95, effective 9/30/95.]

WAC 392-140-600 Special education safety net—Applicable provisions. The provisions of WAC 392-140-600 through 392-140-685 apply to the determination of safety net allocations of state special education moneys and Individuals with Disabilities Education Act (IDEA) federal discretionary moneys for the 1996-97 school year.

[Statutory Authority: RCW 28A.150.290 and 1995 2nd sp.s. c 18 as modified by 1996 c 283. 96-19-095 (Order 96-15), § 392-140-600, filed 9/18/96, effective 10/19/96.]

WAC 392-140-601 Special education safety net—Authority. The authority for WAC 392-140-600 through 392-140-685 is:

(1) Section 508 of the 1995-97 Biennial Operating Appropriations Act; and

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

[Statutory Authority: RCW 28A.150.290 and 1995 2nd sp.s. c 18 as modified by 1996 c 283. 96-19-095 (Order 96-15), § 392-140-601, filed 9/18/96, effective 10/19/96.]

WAC 392-140-602 Special education safety net—Eligible applicants. An individual school district of the state of Washington is eligible to apply for special education safety net moneys on behalf of its resident students. Resident students include those defined as resident pursuant to WAC 392-137-115, those enrolled through choice (RCW 28A.225.225) and those from nonhigh districts (RCW 28A.225.210). Resident students exclude those residing in another district and enrolled as part of an interdistrict cooperative program (RCW 28A.225.250).

[Statutory Authority: RCW 28A.150.290 and 1995 2nd sp.s. c 18 as modified by 1996 c 283. 96-19-095 (Order 96-15), § 392-140-602, filed 9/18/96, effective 10/19/96.]

WAC 392-140-605 Special education safety net—Safety net application—Basis, certification, worksheets. Application for safety net funding shall be made on Form SPI 1381 published by the superintendent of public instruction as follows:

(1) School districts may make application for safety net funding on the basis of one or more of the following:

(a) Maintenance of effort (state revenue only) hereafter referred to as MOESR. State safety net funding may be requested when a district shows a MOESR loss calculated by the superintendent of public instruction pursuant to WAC 392-140-620.

(b) Special characteristics and costs. State safety net funding may be requested by a school district with special education costs of providing services that are reasonable, but differ significantly from the assumptions contained in the state special education funding formula provided that the applicant school district meets the standards of WAC 392-140-613 and can demonstrate, pursuant to WAC 392-140-625 either of the following:

(i) The district's actual resident special education enrollment exceeds the district's funded resident special education enrollment, the district has adopted a plan of action to contain or eliminate any unnecessary, duplicative, or ineffective enrollment practices, and all available funding, including state, federal, and local if provided in the past, is insufficient to meet the expenditure level necessary for special education; or

(ii) The district's resident special education enrollment percentage is equal to the funded special education enrollment percentage and the district has incurred an adverse change in the demographics of its resident special education enrollment since the prior school year, and all available funding, including state, federal, and local if provided in the past, is insufficient to meet the expenditure level necessary for special education.

(c) High-cost individual student. A school district may submit not more than three applications in a school year for federal safety net funding for high-cost individual students meeting the standards in WAC 392-140-616.

(2) The school district making application for safety net funding shall certify that:

(a) The application complies with the respective safety net application standards of WAC 392-140-610, 392-140-613, or 392-140-616;

(b) The application provides true and complete information to the best of the school district's knowledge; and

(c) The district understands that safety net funding is not an entitlement, is subject to adjustment and recovery, may not be available in future years, state safety net funding must be expended in program 21 which impacts the amount that must be maintained for the federal maintenance of effort test, and federal safety net funding must be expended in program 24.

(3) Worksheets included with the application shall demonstrate the need for safety net funding. School districts are encouraged and may be required to submit additional information designed to assist the state oversight committee in analyzing the application.

(a) MOESR applications pursuant to subsection (1)(a) of this section do not require any worksheets.

(b) Special characteristics and costs applications pursuant to subsection (1)(b) of this section require completion of the narrative and worksheets described in WAC 392-140-625.

(c) High-cost individual student applications shall include completed budget forms SPI F-1000B and SPI E-795B, and worksheets "A," "B," and "C" published in the safety net application.

[Statutory Authority: RCW 28A.150.290 and 1995 2nd sp.s. c 18 as modified by 1996 c 283. 96-19-095 (Order 96-15), § 392-140-605, filed 9/18/96, effective 10/19/96.]

WAC 392-140-608 Special education safety net—Safety net application—Timing. Safety net applications shall be submitted and reviewed pursuant to the dates published by the superintendent of public instruction. No applications for the school year will be accepted after the final application due date.

[Statutory Authority: RCW 28A.150.290 and 1995 2nd sp.s. c 18 as modified by 1996 c 283. 96-19-095 (Order 96-15), § 392-140-608, filed 9/18/96, effective 10/19/96.]

WAC 392-140-609 Special education safety net—Standard—Appropriate and properly and efficiently prepared and formulated IEPs. Individualized education programs (IEPs) which are appropriate, properly and efficiently prepared and formulated are those IEPs that meet all of the following criteria:

(1) The IEPs comply with federal and state procedural requirements.

(2) The delivery of specially designed instruction complies with state standards (regularly scheduled teaching or training activities provided or designed by special education qualified staff).

(3) Areas for the provision of special education services conform with areas of need identified in the students evaluation made pursuant to WAC 392-172-152.

(4) The state oversight committee determines:

(a) There are no unresolved state audit examination findings related to special education which are material in nature;

(b) There are no unresolved state child count verification findings which are material in nature; and

(c) All corrections to state enrollment reporting, required for resolution of (a) and (b) of this subsection, are completed.

[Statutory Authority: RCW 28A.150.290 and 1995 2nd sp.s. c 18 as modified by 1996 c 283. 96-19-095 (Order 96-15), § 392-140-609, filed 9/18/96, effective 10/19/96.]

WAC 392-140-610 Special education safety net—Standards—MOESR applications. For districts requesting safety net funding due to MOESR, the district shall demonstrate at a minimum that:

(1) IEPs are appropriate and are properly and efficiently prepared and formulated.

(2) The district is making a reasonable effort to provide appropriate program services for students in need of special education utilizing state funding generated by the basic education apportionment and special education funding formulas.

[Statutory Authority: RCW 28A.150.290 and 1995 2nd sp.s. c 18 as modified by 1996 c 283. 96-19-095 (Order 96-15), § 392-140-610, filed 9/18/96, effective 10/19/96.]

WAC 392-140-613 Special education safety net—Standards—Special characteristics and costs applications. For a school district requesting state safety net funding due to special enrollment characteristics of the district and costs of providing services which differ significantly from the assumptions contained in the state special education funding formula, the district shall demonstrate at a minimum that:

(1) IEPs are appropriate and are properly and efficiently prepared and formulated.

(2) The district is making reasonable effort to provide appropriate services for students in need of special education utilizing state funding generated by the basic education apportionment and special education funding formulas.

(3) The district's special education services are operated in a reasonably efficient manner and the district has adopted a plan of action to contain or eliminate any unnecessary, duplicative, or inefficient practices.

(4) Indirect costs included for purposes of determining safety net allocations do not exceed the allowable percent for the federal special education program.

(5) Any available federal funding is insufficient to address the additional needs.

(6) The costs of any supplemental contracts are not included for purposes of determining safety net allocations. Supplemental contracts are those contracts made pursuant to RCW 28A.400.200(4) excluding extended school year contracts (ESY) required by an IEP.

(7) The costs of any summer school instruction are not included for purposes of making safety net determinations excluding extended school year contracts (ESY) required by an IEP.

[Statutory Authority: RCW 28A.150.290 and 1995 2nd sp.s. c 18 as modified by 1996 c 283. 96-19-095 (Order 96-15), § 392-140-613, filed 9/18/96, effective 10/19/96.]

WAC 392-140-616 Special education safety net—Standards—High-cost individual student applications.

For districts requesting safety net funding to meet the extraordinary needs of an eligible high-cost individual special education student, the district shall demonstrate at a minimum that:

(1) The IEP for the eligible special education student is appropriate, and properly and efficiently prepared and formulated.

(2) All of the following criteria apply to the high-cost individual student:

(a) Costs eligible for safety net consideration must be direct expenditures for services required in the IEP.

(b) In order to deliver appropriate special education to the student, the district must be providing services which incur additional costs which exceed available district annual average per-pupil revenues, including state, federal and local revenues, by seven thousand dollars. This threshold amount shall be adjusted downward by the portion of the year for which the individual student was actually enrolled. For example, for a student served and reported for only one-half the year, the threshold amount shall be reduced by one-half.

(c) The total cost of educational services must exceed the sum of any MOESR gain calculated pursuant to WAC 392-140-620 and any carryover of federal flow-through special education funding as of August 31 of the prior school year.

(d) The cost of providing special education services, as directed in the IEP, for this student would be detrimental to the school district's ability to provide necessary services to the other students being provided special education in the district.

[Statutory Authority: RCW 28A.150.290 and 1995 2nd sp.s. c 18 as modified by 1996 c 283. 96-19-095 (Order 96-15), § 392-140-616, filed 9/18/96, effective 10/19/96.]

WAC 392-140-620 Special education safety net—Calculation of MOESR. MOESR is calculated by the superintendent of public instruction using the process below. Results show either a loss, a gain, or zero (0).

(1) Determine the portion of state special education revenue provided in excess of basic education backout revenue for resident special education enrollment in 1994-95. Basic education backout is calculated pursuant to WAC 392-122-131 and was published by the superintendent of public instruction on June 30, 1995.

(2) Divide the result in subsection (1) of this section by the 1994-95 resident special education enrollment.

(3) Determine the state special education revenue provided for the resident special education enrollment in the current school year.

(4) Determine the funded resident special education enrollment pursuant to WAC 392-122-165 in the current school year.

(5) Divide the state revenue in subsection (3) of this section by the funded resident special education enrollment in subsection (4) of this section.

(6) Determine the aggregate basis difference in state special education revenue by subtracting the 1994-95 amount in subsection (1) of this section from the amount in subsection (3) of this section. If the absolute value of this amount is less than one thousand dollars, the aggregate basis difference shall be rounded to zero (0).

(7) Determine the per-pupil basis difference in state special education revenue by subtracting the 1994-95 result in subsection (2) of this section from the result in subsection (5) of this section and further multiplying this difference by the funded resident special education enrollment in subsection (4) of this section. If the absolute value of this amount is less than one thousand dollars, the per-pupil basis difference shall be rounded to zero (0).

(8) Determine the MOESR by comparing the aggregate basis difference from subsection (6) of this section and the per-pupil basis difference from subsection (7) of this section as follows:

(a) When the mathematical sign of both amounts is negative, the MOESR loss is determined as the amount nearer to zero (0).

(b) When the mathematical sign of both amounts is positive, the MOESR gain is determined as the amount nearer to zero (0).

(c) When the mathematical signs of the amounts are opposite, or either one of the amounts is zero (0), the MOESR gain and loss are zero (0).

[Statutory Authority: RCW 28A.150.290 and 1995 2nd sp.s. c 18 as modified by 1996 c 283. 96-19-095 (Order 96-15), § 392-140-620, filed 9/18/96, effective 10/19/96.]

WAC 392-140-625 Special education safety net—Demonstration of special characteristics and costs. Special characteristics and costs applications pursuant to WAC 392-140-605 (1)(b) must demonstrate adverse impacts. Instructions to the application narrative and worksheets shall be published by the superintendent of public instruction with the safety net application.

(1) Adverse enrollment impacts shall be demonstrated as follows:

(a) Applications from districts with actual enrollment greater than funded enrollment pursuant to WAC 392-140-605 (1)(b)(i) must demonstrate, through the application narrative, that the district has adopted a plan of action to contain or eliminate any unnecessary, duplicative, or ineffective enrollment practices.

(b) Applications from districts with actual enrollment equal to funded enrollment pursuant to WAC 392-140-605 (1)(b)(ii) must demonstrate, through the application narrative and on application worksheet "A," an adverse change in resident special education enrollment characteristics since the prior school year.

(i) The application narrative completed by the school district shall provide any information and explanations related to special enrollment characteristics as required in the published instructions.

(ii) Application worksheet "A" shall use enrollments reported by and/or for the district to the superintendent of public instruction and published by the superintendent of public instruction for this purpose and shall measure the resident special education enrollment difference by disability category. Differences shall be expressed as a headcount difference and as a percent of the district's current school year annual average full-time equivalent resident basic education enrollment calculated pursuant to WAC 392-121-133.

(2) Cost differences between the current and prior school years resulting from the adverse enrollment impacts demonstrated pursuant to subsection (1) of this section shall be demonstrated in the application narrative. The application narrative shall detail cost differences in services to students which occurred between the current school year and the prior school year. Such details shall include costs and savings associated with each change in services.

(3) A fiscal need shall be demonstrated through the application narrative, on application worksheet "B," and other information available to the state oversight committee. Fiscal need shall be demonstrated as follows:

(a) The application narrative shall be completed by the school district and provide information and explanations related to fiscal need pursuant to the published instructions.

(b) Application worksheet "B" shall be completed by the school district and shall demonstrate a fiscal need in excess of the sum of:

(i) All current school year safety net awards to the district for MOESR or special characteristics and costs;

(ii) Any MOESR gain as calculated pursuant to WAC 392-140-620;

(iii) Any previous high cost individual safety net awards for the current school year; and

(iv) All other available revenue for special education including all carryover of federal special education revenue.

(4) The school district shall provide additional information as requested by the state oversight committee.

[Statutory Authority: RCW 28A.150.290 and 1995 2nd sp.s. c 18 as modified by 1996 c 283. 96-19-095 (Order 96-15), § 392-140-625, filed 9/18/96, effective 10/19/96.]

WAC 392-140-640 Special education safety net—Definition—State oversight committee—Membership, structure. Membership of the state oversight committee shall consist of: Staff of the office of superintendent of public instruction, staff of the office of state auditor, staff of the office of financial management, one or more representatives from a school district(s) and one or more representatives from an educational service district.

(1) The state oversight committee members will be appointed by the office of superintendent of public instruction.

(2) The state director of special education shall serve as an ex officio, nonvoting committee member and act as the state oversight committee manager.

(3) Members of the state oversight committee from school districts and/or educational service districts will be appointed based on their knowledge of special education program service delivery and funding, geographical representation, size of district(s) served, and other demographic considerations which will guarantee a representative state committee.

(4) Alternate members shall be appointed. In the event a member is unable to attend a committee meeting, an alternate member shall attend.

(5) Membership appointments shall be made for a period of one year. The oversight committee manager may replace a portion of the committee each year in order to enhance representation.

[Statutory Authority: RCW 28A.150.290 and 1995 2nd sp.s. c 18 as modified by 1996 c 283. 96-19-095 (Order 96-15), § 392-140-640, filed 9/18/96, effective 10/19/96.]

WAC 392-140-643 Special education safety net—Definition—State oversight committee—Procedures. (1) The state oversight committee will review applications as deemed necessary by the superintendent of public instruction pursuant to WAC 392-140-608.

(2) All applications received by the state oversight committee will be reviewed for completeness by the state oversight committee manager or designee. If applications are not complete, they will be returned to the submitting school district.

(3) The state oversight committee manager will forward to the committee members copies of the applications in a timely manner.

(4) The state oversight committee manager will be responsible for presenting each application for consideration to the committee.

(5) Committee members shall question and discuss the application content for completeness, accuracy, and understanding of the reason(s) for the applicant's need for safety net funding.

(6) The committee may request that a submitting school district provide additional information.

(7) Committee members will individually indicate their agreement or disagreement with the action of the committee pursuant to WAC 392-140-646.

(8) A majority vote by the committee members will be sufficient to determine the committee action.

(9) The state oversight committee manager will ensure that notes are taken which summarize the questions and discussion related to each application. A decision summary for each application shall include the amount of the initial request, funding adjustments recommended by the committee, the amount of any award to be made, and the reasons for and against the action taken by the committee.

(10) Committee members shall each sign the decision summary.

(11) The state oversight committee manager, on behalf of the committee, will notify the applicant school district in writing of the determination of the committee. The school district will be provided a copy of the decision summary.

(12) All applications received by the state oversight committee will be retained by the superintendent of public instruction for use in the evaluation of the safety net funding process and to provide the superintendent of public instruction with information with which to make future decisions regarding the safety net process.

[Statutory Authority: RCW 28A.150.290 and 1995 2nd sp.s. c 18 as modified by 1996 c 283. 96-19-095 (Order 96-15), § 392-140-643, filed 9/18/96, effective 10/19/96.]

WAC 392-140-646 Special education safety net—State oversight committee actions. The state oversight committee shall take the following actions:

(1) An application reviewed during an application cycle may be:

(a) Approved;

(b) Disapproved; or

(c) Returned to the submitting school district, for possible resubmission at a later date during the school year, because information contained in the application is insufficient to establish a need for safety net funding.

(2) The amount approved shall be equal to or less than the amount for which application was made.

(3) The approval may be contingent on additional requirements imposed by the committee such as development of an action plan to resolve a specified problem prior to submission of any future safety net application to assure school district compliance with the criteria and standards set forth in these safety net regulations.

(4) The approvals are subject to adjustment and recovery pursuant to WAC 392-140-675 through 392-140-685.

[Statutory Authority: RCW 28A.150.290 and 1995 2nd sp.s. c 18 as modified by 1996 c 283. 96-19-095 (Order 96-15), § 392-140-646, filed 9/18/96, effective 10/19/96.]

WAC 392-140-650 Special education safety net—Withdrawal of application. If at any time a school district wishes to withdraw a submitted application, the school district superintendent should submit a letter requesting withdrawal to the state oversight committee.

[Statutory Authority: RCW 28A.150.290 and 1995 2nd sp.s. c 18 as modified by 1996 c 283. 96-19-095 (Order 96-15), § 392-140-650, filed 9/18/96, effective 10/19/96.]

WAC 392-140-653 Special education safety net—Reapplication. If the applicant school district withdrew an application, or had an incomplete application returned, or is dissatisfied with the results of the state oversight committee's decision with regard to its application, the applicant may reapply for safety net funding in a later application cycle for the school year. All applications must meet the timing requirements of WAC 392-140-608.

[Statutory Authority: RCW 28A.150.290 and 1995 2nd sp.s. c 18 as modified by 1996 c 283. 96-19-095 (Order 96-15), § 392-140-653, filed 9/18/96, effective 10/19/96.]

WAC 392-140-656 Special education safety net—Safety net appeal—Procedures. While special education safety net funding is not an entitlement, an applicant district may appeal an action of the state oversight committee made pursuant to WAC 392-140-646. The district shall appeal in writing to the superintendent of public instruction within thirty days of the date that the state oversight committee's written determination notice is sent to the district pursuant to WAC 392-140-643(11).

[Statutory Authority: RCW 28A.150.290 and 1995 2nd sp.s. c 18 as modified by 1996 c 283. 96-19-095 (Order 96-15), § 392-140-656, filed 9/18/96, effective 10/19/96.]

WAC 392-140-660 Special education safety net—Approved application—Initial state special education safety net allocation. The total amount allocated to school districts may not exceed the authorized appropriation.

(1) The initial special education safety net allocation of state moneys for applicants shall be the smaller of:

(a) The amount requested by the school district; or

(b) The amount authorized by the state oversight committee.

(2) The state oversight committee shall determine what portion, if any, of a special characteristics and costs application amount is to be credited against a MOESR gain determined pursuant to WAC 392-140-620.

(3) The initial special education safety net allocation of state moneys for special characteristics applicants under WAC 392-140-605 (1)(b) shall be prorated if the state total year-to-date allocations for all safety net applications under WAC 392-140-605 (1)(a) and (b) exceed the authorized appropriation for that school year.

[Statutory Authority: RCW 28A.150.290 and 1995 2nd sp.s. c 18 as modified by 1996 c 283. 96-19-095 (Order 96-15), § 392-140-660, filed 9/18/96, effective 10/19/96.]

WAC 392-140-665 Special education safety net—Approved application—Initial federal special education safety net allocation. If documented needs for federal discretionary funds exceed the appropriation the superintendent of public instruction may access additional federal funds.

(1) The state oversight committee shall determine what portion, if any, of a high cost individual application amount is to be credited against the sum of any MOESR gain determined pursuant to WAC 392-140-620 and any carryover of federal flow-through special education funding from the prior school year.

(2) The initial allocation amount of federal special education safety net moneys for a school district is the amount authorized by the state oversight committee and may be prorated if the total year-to-date allocations for such applications exceeds the authorized appropriation.

[Statutory Authority: RCW 28A.150.290 and 1995 2nd sp.s. c 18 as modified by 1996 c 283. 96-19-095 (Order 96-15), § 392-140-665, filed 9/18/96, effective 10/19/96.]

WAC 392-140-670 Special education safety net—Distribution of state moneys. The superintendent of public instruction shall apportion state special education safety net moneys according to the apportionment schedule provided in RCW 28A.510.250.

[Statutory Authority: RCW 28A.150.290 and 1995 2nd sp.s. c 18 as modified by 1996 c 283. 96-19-095 (Order 96-15), § 392-140-670, filed 9/18/96, effective 10/19/96.]

WAC 392-140-675 Special education safety net—Adjusted special education safety net allocation. Safety net allocation amounts for a school district may be adjusted during the school year as follows:

(1) The initial state and federal special education safety net allocation amounts for a school district may be adjusted to reflect changes in factors for which additional or revised information becomes available after the awarding of the initial safety net allocation and such information results in the district being eligible for a lesser allocation. This means:

(a) MOESR awards shall be reduced or nullified when a recalculation pursuant to WAC 392-140-620 results in a loss smaller than any loss previously calculated pursuant to WAC 392-140-620.

(b) Special characteristics and costs awards shall be reduced or nullified when a recalculation pursuant to WAC 392-140-620 results in a gain which is larger than any

previously calculated pursuant to WAC 392-140-620 and against which safety net applications are credited pursuant to WAC 392-140-660(2) and/or 392-140-665(1).

(2) The initial special education safety net allocation of state moneys for special characteristics applicants under WAC 392-140-605 (1)(b) shall be subject to additional proration if total state allocations for all safety net applications under WAC 392-140-605 (1)(a) and (b) exceed the authorized appropriation for that school year.

[Statutory Authority: RCW 28A.150.290 and 1995 2nd sp.s. c 18 as modified by 1996 c 283. 96-19-095 (Order 96-15), § 392-140-675, filed 9/18/96, effective 10/19/96.]

WAC 392-140-680 Special education safety net—Recovery of state allocations to school districts. State safety net funding is provided in revenue account 4121. Safety net funding:

(1) Shall be recovered or reduced for the following reasons:

(a) Unexpended account 4121 revenues are recovered in the subsequent school year pursuant to WAC 392-122-900.

(b) Any necessary adjustments pursuant to WAC 392-140-675 were not previously made.

(c) The periodic and/or final MOESR calculation performed by the superintendent of public instruction determines that a lesser amount is needed for maintenance of effort (state revenue only).

(d) The district did not use or failed to apply for available Medicaid or federal flow-through special education funding.

(e) The application contains a falsification or deliberate misrepresentation, including omission of a material fact.

(2) May be recovered or reduced for the following reasons:

(a) IEPs determined at a later date through state audit or child count verification to be inappropriate or improperly prepared, have impacts material in nature to the justification or amount of need for safety net funding.

(b) The school district has carryover of federal flow-through special education funding from the previous school year.

[Statutory Authority: RCW 28A.150.290 and 1995 2nd sp.s. c 18 as modified by 1996 c 283. 96-19-095 (Order 96-15), § 392-140-680, filed 9/18/96, effective 10/19/96.]

WAC 392-140-685 Special education safety net—Recovery of federal allocations to school districts. High cost individual student federal special education safety net allocations shall be recovered or awards reduced when:

(1) The application contains a falsification or deliberate misrepresentation, including omission of a material fact.

(2) The school district has carryover of federal flow-through special education funding from the prior school year.

(3) The allocation is unexpended for the purpose allocated including but not limited to situations where the student leaves the district or has a change in services. For students who transfer to another Washington public school district, expenditures for specialized equipment purchased with these funds shall not be recovered provided the district transfers the equipment to the other school district.

(4) The IEP is determined at a later date, through state audit or child count verification, to be inappropriate or improperly prepared and impacts the justification or amount of need for safety net funding.

(5) A recalculation pursuant to WAC 392-140-620 results in a gain larger than any previously calculated pursuant to WAC 392-140-620 and against which safety net applications are credited pursuant to WAC 392-140-665(1) and/or 392-140-675 (1)(b). This means MOESR adjustments are made first to state safety net awards and then to federal safety net awards.

Recovery adjustments not made in the current school year shall be added to the amount calculated pursuant to WAC 392-140-616 (2)(c) for the following school year. Such amounts reduce federal safety net awards in the following year.

[Statutory Authority: RCW 28A.150.290 and 1995 2nd sp.s. c 18 as modified by 1996 c 283. 96-19-095 (Order 96-15), § 392-140-685, filed 9/18/96, effective 10/19/96.]

Chapter 392-141 WAC

TRANSPORTATION—STATE ALLOCATION FOR OPERATIONS

WAC

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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.
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- 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.]
- 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.
- 392-141-125 Definition—Hazardous walking conditions. [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.] Repealed by 96-16-010 and 96-18-014 (Order 96-09), filed 7/25/96 and 8/22/96, effective 8/25/96 and 9/22/96. Statutory Authority: 1996 c 279 and RCW 28A.150.290.
- 392-141-145 Definition—Small fleet maintenance allocation rate. [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.] Repealed by 95-18-050 (Order 95-04), filed 8/30/95, effective 9/30/95. Statutory Authority: 1995 2nd sp.s. c 18 and RCW 28A.150.290.
- 392-141-151 Definition—Good faith efforts. [Statutory Authority:

1995 2nd sp.s. c 18 and RCW 28A.150.290. 95-18-050 (Order 95-04), § 392-141-151, filed 8/30/95, effective 9/30/95.] Repealed by 96-16-010 (Order 96-09), filed 7/25/96, effective 8/25/96. Statutory Authority: 1996 c 279 and RCW 28A.150.290.

392-141-175 Hazardous walking conditions. [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.] Repealed by 96-16-010 and 96-18-014 (Order 96-09), filed 7/25/96 and 8/22/96, effective 8/25/96 and 9/22/96. Statutory Authority: 1996 c 279 and RCW 28A.150.290.

392-141-176 Alleviating hazardous walking conditions. [Statutory Authority: 1995 2nd sp.s. c 18 and RCW 28A.150.290. 95-18-050 (Order 95-04), § 392-141-176, filed 8/30/95, effective 9/30/95.] Repealed by 96-16-010 and 96-18-014 (Order 96-09), filed 7/25/96 and 8/22/96, effective 8/25/96 and 9/22/96. Statutory Authority: 1996 c 279 and RCW 28A.150.290.

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; or

(2) 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: 1996 c 279 and RCW 28A.150.290. 96-16-010 (Order 96-09), § 392-141-115, filed 7/25/96, effective 8/25/96. Statutory Authority: 1995 2nd sp.s. c 18 and RCW 28A.150.290. 95-18-050 (Order 95-04), § 392-141-115, filed 8/30/95, effective 9/30/95. 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 392-141-130 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 Definition—Prorated bus. As used in this chapter, "prorated bus" means a whole or fractional bus calculated by dividing the total number of all basic or special to and from routes by the total of all basic and special routes combined for each individual bus.

[Statutory Authority: 1996 c 279 and RCW 28A.150.290. 96-16-010 (Order 96-09), § 392-141-135, filed 7/25/96, effective 8/25/96. Statutory Authority: 1995 2nd sp.s. c 18 and RCW 28A.150.290. 95-18-050 (Order 95-04), § 392-141-135, filed 8/30/95, effective 9/30/95. 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.

[Statutory Authority: 1996 c 279 and RCW 28A.150.290. 96-16-010 (Order 96-09), § 392-141-140, filed 7/25/96, effective 8/25/96. 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 392-141-146 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; except the one radius mile or less basic, transit tripper and midday kindergarten students.

[Statutory Authority: 1996 c 279 and RCW 28A.150.290. 96-16-010 (Order 96-09), § 392-141-155, filed 7/25/96, effective 8/25/96. 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

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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) The number of kindergarten through fifth grade students enrolled during ridership count week and living one radius mile or less from their destination school; 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: 1996 c 279 and RCW 28A.150.290. 96-16-010 (Order 96-09), § 392-141-160, filed 7/25/96, effective 8/25/96. 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

Miles	Basic	Special
1	2.85	4.75
2	3.20	4.89
3	3.55	5.05
4	3.90	5.19
5	4.25	5.34
6	4.60	5.49
7	4.97	5.64
8	5.30	5.78
9	5.65	5.94
10	6.00	6.08
11	6.36	6.23
12	6.71	6.38
13	7.07	6.53
14	7.43	6.67
15	7.79	6.83
16	8.13	6.97
17 and over	8.50	7.13

(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 educa-

tion students by the total number of special education prorated buses;

(7) The number of kindergarten through fifth grade students enrolled during the five consecutive day count and living one radius mile or less from their destination school; 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

From	To	Factor
0.01	1.24	24.42
1.25	1.49	22.94
1.50	1.74	21.46
1.75	1.99	19.98
2.00	2.24	18.50
2.25	2.49	17.89
2.50	2.74	17.27
2.75	2.99	16.67
3.00	3.24	16.04
3.25	3.49	15.73
3.50	3.74	15.42
3.75	3.99	15.11
4.00	4.24	14.80
4.25	4.49	14.43
4.50	4.74	14.06
4.75	4.99	13.69
5.00	5.24	13.32
5.25	5.49	12.92
5.50	5.74	12.52
5.75	5.99	12.11
6.00	6.24	11.71
6.25	6.49	11.32
6.50	6.74	10.93
6.75	6.99	10.55
7.00	7.24	10.14
7.25	7.49	9.85
7.50	7.74	9.56
7.75	7.99	9.26
8.00	8.24	8.97
8.25	8.49	8.74
8.50	8.74	8.51
8.75	8.99	8.28
9.00	9.24	8.05
9.25	9.49	7.87
9.50	9.74	7.69
9.75	9.99	7.50
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
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: 1996 c 279 and RCW 28A.150.290. 96-16-010 (Order 96-09), § 392-141-170, filed 7/25/96, effective 8/25/96. Statutory Authority: 1995 2nd sp.s. c 18 and RCW 28A.150.290. 95-18-050 (Order 95-04), § 392-141-170, filed 8/30/95, effective 9/30/95. 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 392-141-180 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 students defined in WAC 392-141-115 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, 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;

(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;

(13) The one radius mile allocation for basic trippers and midday kindergarten students shall be calculated by the number of kindergarten through fifth grade students enrolled during the five consecutive day count week and living one radius mile or less from their enrollment school less kindergarten through fifth grade special education students living and transported within one mile, multiplied by the allocation rate, and further multiplied by a factor established by the Biennial Appropriations Act;

(14) 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;

(15) The district's annual allocation for transportation operation is the total of the calculations made in subsections (6), (12), (13) and (14) of this section;

(16) The allocation for kindergarten through fifth grade students living one radius mile or less from their school of

enrollment may be used for transporting students, funding crossing guards or local and the state matching funds for capital projects. Projects managed by the federal government are ineligible;

(17) 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: 1996 c 279 and RCW 28A.150.290. 96-16-010 (Order 96-09), § 392-141-185, filed 7/25/96, effective 8/25/96. Statutory Authority: 1995 2nd sp.s. c 18 and RCW 28A.150.290. 95-18-050 (Order 95-04), § 392-141-185, filed 8/30/95, effective 9/30/95. 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:

(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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- 392-142-250 Allocation of state depreciation payment support—School buses purchased after September 1, 1982.
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- 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.
- 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.
- 392-142-045 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.
- 392-142-050 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.
- 392-142-055 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.
- 392-142-060 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.
- 392-142-065 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.
- 392-142-070 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.
- 392-142-175 Definition—Inflation rate. [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.] Repealed by 95-17-011, filed 8/4/95, effective 9/4/95. Statutory Authority: 1995 1st sp.s. c 10, RCW 28A.150.290 and chapter 28A.160 RCW as amended in ESSB 5408, section 1(6).
- 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.
- 392-142-220 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.

WAC 392-142-005 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 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: 1995 1st sp.s. c 10, RCW 28A.150.290 and chapter 28A.160 RCW as amended in ESSB 5408, section 1(6). 95-17-011, § 392-142-005, filed 8/4/95, effective 9/4/95. 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.160.200 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;
- (6) Provisions for the continuation of depreciation allocations to school districts for school buses purchased prior to September 1, 1982; and
- (7) Competitive specifications for each category of school bus.

[Statutory Authority: 1995 1st sp.s. c 10, RCW 28A.150.290 and chapter 28A.160 RCW as amended in ESSB 5408, section 1(6). 95-17-011, § 392-142-010, filed 8/4/95, effective 9/4/95. 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 competitive specifications. As used in this chapter, "state supported competitive specifications," means the specifications developed pursuant to chapter 392-143 WAC (Transportation—Specifications for school buses) plus added equipment, components, or requirements including supported options determined by the superintendent of public instruction, in consultation with the regional transportation coordinators of the educational service districts, to produce minimum long-range operating costs and to accommodate transportation of students with disabling conditions.

[Statutory Authority: 1995 1st sp.s. c 10, RCW 28A.150.290 and chapter 28A.160 RCW as amended in ESSB 5408, section 1(6). 95-17-011, § 392-142-095, filed 8/4/95, effective 9/4/95. 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—Specialized equipment. As used in this chapter, "specialized equipment" means at least wheelchair lifts and may include mobile seating device tiedowns, or occupant restraints designed for the purpose of transporting students with disabling conditions.

[Statutory Authority: 1995 1st sp.s. c 10, RCW 28A.150.290 and chapter 28A.160 RCW as amended in ESSB 5408, section 1(6). 95-17-011, § 392-142-115, filed 8/4/95, effective 9/4/95. 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 number of students designated by the school bus manufacturer that can be seated on a school bus. For school buses equipped with a wheelchair lift, student capacity means the number of students that could be seated in a school bus if the vehicle was not lift equipped and had a maximum complement of seats.

[Statutory Authority: 1995 1st sp.s. c 10, RCW 28A.150.290 and chapter 28A.160 RCW as amended in ESSB 5408, section 1(6). 95-17-011, § 392-142-125, filed 8/4/95, effective 9/4/95. 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, methanol, gasahol, alcohol, or a combination thereof, originally designed as a gasoline engine.

[Statutory Authority: 1995 1st sp.s. c 10, RCW 28A.150.290 and chapter 28A.160 RCW as amended in ESSB 5408, section 1(6). 95-17-011, § 392-142-130, filed 8/4/95, effective 9/4/95. 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, or a spark ignited natural gas, or methanol fueled engine, originally designed as a diesel engine.

[Statutory Authority: 1995 1st sp.s. c 10, RCW 28A.150.290 and chapter 28A.160 RCW as amended in ESSB 5408, section 1(6). 95-17-011, § 392-142-135, filed 8/4/95, effective 9/4/95. 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	Automatic	8
(2)	10 to 22	Diesel	Automatic	8
(3)	10 to 22	Gas	Automatic	8
(4)	10 to 22	Diesel	Automatic	8
(5)	23 to 34	Gas	Automatic	8
(6)	23 to 34	Diesel	Automatic	8
(7)	35 to 48	Diesel	Automatic	13
(8)	35 to 48	Diesel	Automatic	13
(9)	49 to 60	Diesel	Automatic	13
(10)	49 to 60	Diesel	Automatic	13
(11)	61 to 77	Diesel	Automatic	13
(12)	61 to 84	Diesel	Automatic	13
(13)	Heavy 78 to 84	Diesel	Automatic	18
(14)	85 to 90	Diesel	Automatic	18

[Statutory Authority: 1996 c 283. 96-16-011 (Order 96-10), § 392-142-155, filed 7/25/96, effective 8/25/96. Statutory Authority: 1995 1st sp.s. c 10, RCW 28A.150.290 and chapter 28A.160 RCW as amended in ESSB 5408, section 1(6). 95-17-011, § 392-142-155, filed 8/4/95, effective 9/4/95. 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 392-142-162 Definition—Competitive price quote. As used in this chapter, "competitive price quote" means a sealed price quotation for school buses obtained from school bus dealers by using a modified "vendor bid proposal" form supplied by the superintendent of public instruction.

[Statutory Authority: 1995 1st sp.s. c 10, RCW 28A.150.290 and chapter 28A.160 RCW as amended in ESSB 5408, section 1(6). 95-17-011, § 392-142-162, filed 8/4/95, effective 9/4/95.]

WAC 392-142-163 Definition—School bus dealer. As used in this chapter, "school bus dealer" means any firm or person that meets all necessary requirements to sell motor vehicles (school buses) in Washington state and are properly licensed as prescribed by all applicable agencies to sell school buses to school districts in the state of Washington.

[Statutory Authority: 1995 1st sp.s. c 10, RCW 28A.150.290 and chapter 28A.160 RCW as amended in ESSB 5408, section 1(6). 95-17-011, § 392-142-163, filed 8/4/95, effective 9/4/95.]

WAC 392-142-165 Definition—State-determined purchase price. As used in this chapter, "state-determined purchase price" means the state reimbursement rate for school bus replacement which shall be based upon the lowest competitive price quote received from school bus dealers for each category of school buses, documented in modified vendor bid proposals associated with meeting state-supported competitive specifications.

Included in the lowest competitive price quote are:

- (1) Freight to the school district; and
- (2) Cost associated with full payment within thirty days of delivery.

Sales tax is not included as a part of establishing the lowest price quote. Sales tax shall be included in the state-determined purchase price at the highest rate in the state as provided annually by the department of revenue.

[Statutory Authority: 1995 1st sp.s. c 10, RCW 28A.150.290 and chapter 28A.160 RCW as amended in ESSB 5408, section 1(6). 95-17-011, § 392-142-165, filed 8/4/95, effective 9/4/95. 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 specialized equipment price. As used in this chapter, the term "state-determined specialized equipment price" is that amount determined annually by the superintendent of public instruction representing the cost of specialized equipment permanently affixed to a school bus for the purpose of transporting students with disabilities.

Sales tax will be added to the specialized equipment price using the same process described in WAC 392-142-165.

[Statutory Authority: 1995 1st sp.s. c 10, RCW 28A.150.290 and chapter 28A.160 RCW as amended in ESSB 5408, section 1(6). 95-17-011, § 392-142-170, filed 8/4/95, effective 9/4/95. Statutory Authority: RCW

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28A.41.170 and 28A.41.540. 90-02-077 (Order 21), § 392-142-170, filed 1/2/90, effective 2/2/90.]

WAC 392-142-180 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, in consultation with the regional transportation coordinators of the educational service districts, shall annually establish a minimum number of school bus categories considering student capacity and type.

[Statutory Authority: 1995 1st sp.s. c 10, RCW 28A.150.290 and chapter 28A.160 RCW as amended in ESSB 5408, section 1(6). 95-17-011, § 392-142-205, filed 8/4/95, effective 9/4/95. 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 purchase prices by the superintendent of public instruction. The superintendent of public instruction shall annually develop state-determined purchase prices for each school bus category applicable to the current school year. The state-determined purchase price shall be derived from competitive price quotes obtained annually by September 1 and a sales tax calculation as described in WAC 392-142-165. The state-determined purchase price shall be determined from the lowest price quote obtained in a sealed bid from school bus dealers for each category. The lowest price quote in each category shall be valid for one school year.

[Statutory Authority: 1995 1st sp.s. c 10, RCW 28A.150.290 and chapter 28A.160 RCW as amended in ESSB 5408, section 1(6). 95-17-011, § 392-142-210, filed 8/4/95, effective 9/4/95. 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 392-142-212 Obtaining competitive price quotes. The superintendent of public instruction shall annually request competitive price quotations from school bus dealers for state-supported specifications for all school bus categories. The lowest price quote will be determined using only the base quote price as stated for the state-supported base bus without options. The request for price quotes will at least include:

(1) A modified vendor bid proposal for one representative state-supported school bus in each category as defined in WAC 392-142-155.

(a) A list of selected state-supported options; and
(b) A list of school district options which may be purchased at the school district's discretion and expense.

(2) A requirement that each school bus dealer submit a statement of assurance that school districts may purchase school buses at the quoted price for a period of one year.

[Statutory Authority: 1995 1st sp.s. c 10, RCW 28A.150.290 and chapter 28A.160 RCW as amended in ESSB 5408, section 1(6). 95-17-011, § 392-142-212, filed 8/4/95, effective 9/4/95.]

WAC 392-142-213 Purchase of school buses by school districts. (1) School districts may purchase school buses directly from the school bus dealer who has provided the lowest competitive price quote in each school bus category without regard to RCW 28A.335.190 (competitive bid law).

(2) School districts that do not purchase school buses in accordance with subsection (1) of this section may conduct their own competitive bid process in accordance with RCW 28A.335.190. School districts that choose to conduct their own bid shall:

(a) Use vendor bid proposal forms provided by the superintendent of public instruction.

(b) Prepare a summary of all bids received for retention in school district files and submission to the superintendent of public instruction.

(3) School buses which have been acquired by school districts or educational service districts, in accordance with subsection (1) or (2) of this section, are entitled to reimbursement payments for school bus replacement in accordance with this chapter.

[Statutory Authority: 1995 1st sp.s. c 10, RCW 28A.150.290 and chapter 28A.160 RCW as amended in ESSB 5408, section 1(6). 95-17-011, § 392-

(1997 Ed.)

142-213, filed 8/4/95, effective 9/4/95.]

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 purchase price for the appropriate school bus category determined in (a) of this subsection to the state-determined specialized 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 purchase price for the appropriate school bus category determined in (a) of this subsection to the state-determined specialized 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: 1995 1st sp.s. c 10, RCW 28A.150.290 and chapter 28A.160 RCW as amended in ESSB 5408, section 1(6). 95-17-011, § 392-142-240, filed 8/4/95, effective 9/4/95. 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 or disposes of a bus prior to the end of its useful life time as set forth in WAC 392-142-155, 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: 1995 1st sp.s. c 10, RCW 28A.150.290 and chapter 28A.160 RCW as amended in ESSB 5408, section 1(6). 95-17-011, § 392-142-265, filed 8/4/95, effective 9/4/95. 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

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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 or cutaway front-section vehicle with a left side driver's door designed for carrying more than ten persons. This definition shall include: Type A-I, with a gross vehicle weight rating over 10,000 pounds; and Type A-II, with a gross vehicle weight rating of 10,000 pounds and under.

(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. 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.

(4) A Type "C" school bus shall mean a body installed upon a flat back cowl chassis with a gross vehicle weight rating of more than 10,000 pounds, designed for carrying more than ten persons. All of the engine is in front of the windshield and the entrance door is behind the front wheels. A Type "C" school bus 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. The engine may be behind the windshield and beside the driver's seat, at the rear of the bus behind the rear wheels, or midship between the front and rear axles. The entrance door is ahead of the front wheels.

(6) A school bus designed to transport students with special needs shall mean any Type A, B, C, or D school bus as defined in this section which has been modified to transport students with special needs.

[Statutory Authority: RCW 46.61.380. 96-16-012 (Order 96-11), § 392-143-010, filed 7/25/96, effective 8/25/96; 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 seller's 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.

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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.]

(1997 Ed.)

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;

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(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

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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 route to school plan shall be distributed to all students with instructions that it be taken home and discussed with the parents.

[Statutory Authority: RCW 46.61.385, 96-22-057 (Order 96-17), § 392-151-025, filed 11/1/96, effective 12/2/96; Order 7-75, § 392-151-025, filed 12/22/75. Formerly WAC 392-24-220.]

WAC 392-151-030 Controlled crossings. "School patrol controlled" crosswalks are defined as any crosswalk which is attended by a student or adult guard, and which is not controlled by a traffic signal or stop sign. School patrol controlled crossings shall not be operated unless proper traffic control devices are in place as depicted in Washington state department of transportation, *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

"School patrol assisted" crosswalks are defined as any crosswalk which is attended by a student or adult crossing guard and controlled by a stop sign, traffic signal or law enforcement officer. When crossings are controlled by stop signs, the S2-1 may be omitted. When crossings are controlled by a traffic signal or by a stop sign, the use of the school speed limit sign may be necessary following an engineering study.

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 transportation 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 22,500 or less. On state highways within the incorporated limits of cities with a population of 22,500 or more, the city public works department shall be contacted.

The county highway department shall be contacted regarding all county roads. On city and town streets, which are not state highways, within the incorporated limits of cities and towns, the city or town street or public works department shall be contacted.

When school officials and/or the safety advisory committee determines that 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 issues, shall be evaluated cooperatively with the traffic engineering authorities having jurisdiction in order that necessary studies can be conducted for the purpose of developing possible alternative 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) Cooperatively evaluate the condition with traffic authorities having jurisdiction for the purpose of developing possible alternative measures.

[Statutory Authority: RCW 46.61.385. 96-22-057 (Order 96-17), § 392-151-030, filed 11/1/96, effective 12/2/96; 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.



S2-1

SCHOOL CROSSING



S1-1

SCHOOL AHEAD



S4-3



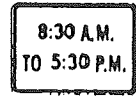
S4-3



R2-1



R2-1



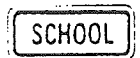
S4-1A



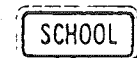
S4-2A

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.



S4-3



S4-3



R2-1



R2-1



S4-5



S4-4A

[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.]

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.]

Chapter 392-153 WAC

TRAFFIC SAFETY—DRIVER EDUCATION

WAC

392-153-005	Purposes.
392-153-010	Definitions.
392-153-014	State approval of traffic safety education program.
392-153-015	State reimbursement to school districts.
392-153-020	Teacher and instructor qualifications.
392-153-025	Traffic safety education vehicles.
392-153-032	Realistic level of effort.
392-153-035	Scheduling.
392-153-040	Administration.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

392-153-030	District curriculum guides. [Order 13-76, § 392-153-030, filed 12/21/76; Order 7-75, § 392-153-030, filed 12/22/75. Formerly WAC 392-50-050.] Repealed by Order 6-77, filed 7/27/77, effective 9/11/77.
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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.

[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 7/27/77, effective 9/11/77; Order 13-76, § 392-153-005, filed 12/21/76; Order 7-75, § 392-153-005, filed 12/22/75.]

WAC 392-153-010 Definitions. (1) A "traffic safety education course" shall mean an accredited course of instruction in traffic safety education approved by the superintendent of public instruction which shall consist of two phases: Classroom instruction and laboratory experience.

(2) "Classroom instruction" shall mean that portion of a traffic safety education course, based in a classroom environment, which is characterized by student learning under the management of a qualified teacher or teachers.

(3) "Laboratory experience" shall mean that portion of a traffic safety education course, covering motor vehicle operation under real or simulated conditions, characterized by student learning experiences arising from use of simulation equipment, an off-street multiple car driving range, and/or on-street driving practice in a dual controlled car under the direction of a teacher.

(4) A "qualified teacher of traffic safety education" shall mean an instructor certificated under the provisions of chapter 28A.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.]

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 392-153-015 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.]

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 or a valid license issued by an adjacent state provided the person is a legal resident of the adjacent state and is employed by a Washington school district.

(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 one moving traffic violation within the preceding 12 months or more than two 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 the equivalent of four 3-quarter credit hour courses 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 conditional certificate but does not hold a valid teaching certificate required by WAC 392-153-010 (4), 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 conditional certificate on a two-year 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 46.82.330 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 designee, 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 may issue the conditional 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 two years or less and only for the activity specified. 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;
- (c) Verification of having completed 60 clock hours of

course work since the issuance of the most recent certificate as approved by the employing school district or employing driving school.

(6) The fee for the conditional certificate shall be \$10.00 which shall be remitted to an educational service district.

(7) When no person with regular certification endorsed in traffic safety education is available as verified by the school district or education service district or commercial school the classroom phase may be taught by an instructor licensed by the department of licensing and holds or has held a conditional certificate from the superintendent of public instruction and 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 or records 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 in subsection (1)(b) of this section.

(f) Provides evidence of the following:

(i) Completion of at least 1,000 hours of behind the wheel teaching experience.

(ii) Completion of an 80-hour instructor training program approved by the office of the superintendent of public instruction.

(iii) The 80-hour instructor training course shall consist of not less than the following content areas: Teaching techniques, classroom management, use of technology and media, course content covering WAC 392-153-032, student evaluation and classroom teaching experience.

(iv) A recommendation for a classroom conditional certificate from the district superintendent or designee or the commercial school owner.

(8) Certificates issued to teach the classroom phase of traffic safety education under provisions of chapter 392-153 WAC shall be valid for two years or less and only for the activity specified. Reissuing 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.
- (c) Verification of having completed 60 hours of course

work since the issuance of the most recent certificate as

approved by the employing school district or employing commercial driving school.

[Statutory Authority: RCW 46.20.100(2), 28A.220.020 (2), (3), (4), and 28A.220.030(1). 96-24-044 (Order 96-18), § 392-153-020, filed 11/27/96, effective 12/28/96. 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.]

WAC 392-153-025 Traffic safety education vehicles.

All vehicles loaned by an automobile dealer shall comply with subsections (1), (2), (3) and (4) of this section. District-owned vehicles shall comply with subsections (1), (2) and (4) of this section only.

(1) Equipment. Every vehicle used in on-street instruction shall be equipped with a dual control brake, rear view mirror for the instructor, and seat belts for each occupant.

(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.

(4) Inspection. Every vehicle used in the traffic safety education program shall pass the safety inspection requirement pursuant to WAC 392-143-070 and 392-153-025.

[Statutory Authority: RCW 46.20.100(2), 28A.220.020 (2), (3), (4), and 28A.220.030(1). 96-24-044 (Order 96-18), § 392-153-025, filed 11/27/96, effective 12/28/96; 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. (1) 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; management of time and space; 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:

(a) The performance objectives appropriate for the area of instruction.

(b) The methods of instruction used by the teacher in presenting the material.

(c) The student activities that will enable a student to accomplish the objectives and to the extent possible allow for individual differences.

(d) The level of competency each student is to successfully complete for each objective.

(e) The evaluation criteria for the classroom and laboratory phase.

(f) A flow chart that indicates how the classroom and laboratory lessons are sequenced and integrated.

(2) 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:

(a) Has completed all the program objectives as required by the school district and approved by the state superintendent of public instruction and has received a passing grade; or

(b) 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

(c) Has officially withdrawn, dropped, or transferred after attending more than fifty percent of the program's scheduled classes.

(3) 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 course of instruction is defined as not less than thirty 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. When simulation instruction is used, four hours of instruction equates to one hour of actual driving. When multiple car off-street driving ranges are used for instruction, two hours of instruction equates to one hour of actual driving. In addition, the traffic safety education course shall:

(a) 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.

(b) Provide laboratory instruction only to students who are currently participating in classroom instruction.

[Statutory Authority: RCW 46.20.100(2), 28A.220.020 (2), (3), (4), and 28A.220.030(1), 96-24-044 (Order 96-18), § 392-153-032, filed 11/27/96, effective 12/28/96. 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

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STATE GRANTS FOR SCHOOL LUNCH AND BREAKFAST PRO-
GRAMS

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STATE GRANTS FOR SUMMER FOOD SERVICE PROGRAMS

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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

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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

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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

392-162-005	Authority.
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392-162-095	Program requirement—Allowable expenditures.
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392-162-105	Program requirement—Program evaluation.
392-162-110	Program requirement—End of year report.
392-162-115	Monitoring of districts.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

392-162-042	Definition—Program options. [Statutory Authority: 1987 c 478. 87-22-001 (Order 87-14), § 392-162-042, filed 10/22/87.] Repealed by 95-19-031 (Order 95-08), filed 9/12/95, effective 10/13/95. Statutory Authority: 1987 c 478.
392-162-044	Definition—Program plan. [Statutory Authority: 1987 c 478. 87-22-001 (Order 87-14), § 392-162-044, filed 10/22/87.] Repealed by 95-19-031 (Order 95-08), filed 9/12/95, effective 10/13/95. Statutory Authority: 1987 c 478.
392-162-055	Definition—Direct expenditure. [Statutory Authority: RCW 28A.41.408. 84-14-038 (Order 84-21), § 392-162-055, filed 6/28/84.] Repealed by 95-19-031 (Order 95-08), filed 9/12/95, effective 10/13/95. Statutory Authority: 1987 c 478.
392-162-070	Program requirement—District program plan. [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.] Repealed by 95-19-031 (Order 95-08), filed 9/12/95, effective 10/13/95. Statutory Authority: 1987 c 478.

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 392-162-043 Definition—School-wide project.

As used in this chapter, the term "school-wide project" means a school where all children are eligible to receive services depending on their needs.

[Statutory Authority: 1987 c 478. 95-19-031 (Order 95-08), § 392-162-043, filed 9/12/95, effective 10/13/95.]

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.]

WAC 392-162-049 Definition—Needs assessment.

As used in this chapter, the term, "needs assessment" means an analysis of the educational needs of an entire school that is based on the performance of children in relation to the state's challenging content standards and challenging student performance standards.

[Statutory Authority: 1987 c 478. 95-19-031 (Order 95-08), § 392-162-049, filed 9/12/95, effective 10/13/95; 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.

[Statutory Authority: 1987 c 478. 95-19-031 (Order 95-08), § 392-162-052, filed 9/12/95, effective 10/13/95; 87-22-001 (Order 87-14), § 392-162-

052, filed 10/22/87.]

WAC 392-162-053 Definition—Direct expenditures.

As used in this chapter, the term "direct expenditures" means that part of program-allowed total expenditures that appear on the program approved budget matrix under allowed combinations of activities and objects of expenditures.

[Statutory Authority: 1987 c 478. 87-22-001 (Order 87-14), § 392-162-053, filed 10/22/87.]

WAC 392-162-057 Definition—Advisory committee.

As used in this chapter, the term "advisory committee" means a consultant group with membership including, but not limited to, representatives of the following groups: Parents—including parents of students served by program—teachers, principals, administrators, and school directors. This group can also be defined as the site-based planning team: *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. 95-19-031 (Order 95-08), § 392-162-057, filed 9/12/95, effective 10/13/95; 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 Program plan revision. A district may make periodic change(s) to the planning document during the school year if such change(s) are made with the "advisory committee" and are submitted to the superintendent of public instruction on forms provided for that purpose.

[Statutory Authority: 1987 c 478. 95-19-031 (Order 95-08), § 392-162-062, filed 9/12/95, effective 10/13/95; 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. Any school district with a school-wide project must ensure that the school-wide project school conducts a needs assessment of the entire school that is based on the performance of children in relation to the state's challenging

content standards and challenging student performance standards.

[Statutory Authority: 1987 c 478. 95-19-031 (Order 95-08), § 392-162-067, filed 9/12/95, effective 10/13/95; 87-22-001 (Order 87-14), § 392-162-067, filed 10/22/87.]

WAC 392-162-075 Program approval. The superintendent of public instruction shall review and approve each district's planning document. A district's learning assistance program shall not be implemented prior to planning document approval.

[Statutory Authority: 1987 c 478. 95-19-031 (Order 95-08), § 392-162-075, filed 9/12/95, effective 10/13/95; 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; provided, that all students in school-wide project schools will be eligible for services based on academic need;
- (3) Have been selected using multiple measures; and
- (4) Have been determined to have the greatest risk of not meeting the state's challenging content and performance standards.

[Statutory Authority: 1987 c 478. 95-19-031 (Order 95-08), § 392-162-080, filed 9/12/95, effective 10/13/95; 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 program 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. 95-19-031 (Order 95-08), § 392-162-085, filed 9/12/95, effective 10/13/95; 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 as specified on the approved program budget.

[Statutory Authority: 1987 c 478. 95-19-031 (Order 95-08), § 392-162-095, filed 9/12/95, effective 10/13/95; 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 Title I evaluation requirements shall be used annually by districts to evaluate the educational achievement of students receiving recommended services in the learning assistance program. Evaluation results shall be collected annually by the superintendent of public instruction.

[Statutory Authority: 1987 c 478. 95-19-032 (Order 95-09), § 392-162-105, filed 9/12/95, effective 10/13/95; 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.

[Statutory Authority: 1987 c 478. 95-19-031 (Order 95-08), § 392-162-110, filed 9/12/95, effective 10/13/95; 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—TITLE I GRANTS FOR IMPROVING LEA BASIC PROGRAMS

WAC

392-163-700	Authority.
392-163-705	Purpose.
392-163-710	Adopting the terms and conditions of federal funding by reference.
392-163-715	Obtaining copies of federal statutes and rules.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

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.
- 392-163-100 Authority. [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.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-163-105 Purpose. [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.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-163-110 Public policy. [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.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-163-115 Accountability. [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.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-163-120 Definition—Academic area of focus. [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.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-163-125 Definition—Accounting manual. [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.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-163-130 Definition—Activity. [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.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-163-135 Definition—Advanced skills. [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.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-163-140 Definition—Aggregate performance. [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.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-163-142 Definition—Indirect expenditure. [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.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-163-145 Definition—School attendance area. [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.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-163-150 Definition—Capital expenses. [Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-150, filed 10/13/92, effective 11/13/92.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-163-155 Definition—Carryover. [Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-155, filed 10/13/92, effective 11/13/92.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-163-160 Definition—Chapter 1 Regular. [Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-160, filed 10/13/92, effective 11/13/92.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-163-165 Definition—Children. [Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-165, filed 10/13/92, effective 11/13/92.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-163-170 Definition—Comparability. [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.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-163-175 Definition—Complaint. [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.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.

- 392-163-180 Definition—Consultation with parents, teachers, and other interested parties. [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.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-163-185 Definition—Continuing 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.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-163-186 Definition—Eligible student. [Statutory Authority: RCW 28A.02.100. 84-20-089 (Order 84-49), § 392-163-186, filed 10/2/84.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-163-190 Definition—Desired outcomes. [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.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-163-195 Definition—Direct expenditure. [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.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-163-200 Definition—Educationally deprived children. [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.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-163-205 Definition—Eligible student. [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.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-163-210 Definition—Equivalence. [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.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-163-215 Definition—Full-time equivalent (FTE) staff. [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.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-163-220 Definition—Full-time equivalent (FTE) student. [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.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-163-225 Definition—Grade span grouping. [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.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-163-230 Definition—Greatest need of special assistance. [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.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-163-235 Definition—Homeless. [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.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-163-236 Definition—Participating children. [Statutory Authority: RCW 28A.02.100. 84-20-089 (Order 84-49), § 392-163-236, filed 10/2/84.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-163-237 Definition—Continuing need of special assistance. [Statutory Authority: RCW 28A.02.100. 84-20-089 (Order 84-49), § 392-163-237, filed 10/2/84.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-163-240 Definition—Indirect expenditure. [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.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-163-245 Definition—Instructional staff. [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.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-163-250 Definition—Low-income children. [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.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-163-255 Definition—Objective measurement. [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.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-163-260 Definition—Object of expenditure. [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.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-163-265 Definition—Parent. [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.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-163-270 Definition—Participating children. [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.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-163-275 Definition—Preschool children. [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.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-163-280 Definition—Program. [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.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 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. [Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-285, filed 10/13/92, effective 11/13/92.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-163-290 Definition—Project. [Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-290, filed 10/13/92, effective 11/13/92.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-163-295 Definition—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.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-163-299 Selection of attendance areas for districts with under one thousand students—Program exemption. [Statutory Authority: RCW 28A.02.100. 84-20-089 (Order 84-49), § 392-163-299, filed 10/2/84.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-163-300 Definition—Revenue account. [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.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-163-305 Definition—Service model. [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.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-163-306 Serving students in greatest need—Program requirement. [Statutory Authority: RCW 28A.02.100. 84-20-089 (Order 84-49), § 392-163-306, filed 10/2/84.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-163-310 Definition—Similar services. [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.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-163-315 Definition—Supplement. [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.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-163-320 Definition—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.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-163-322 Three-year assurances. [Statutory Authority: RCW 28A.02.100. 83-08-030 (Order 83-2), § 392-163-322, filed 3/30/83.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-163-325 Definition—Unforeseen conditions. [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.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-163-330 Board approval. [Statutory Authority: RCW 28A.02.100. 83-08-030 (Order 83-2), § 392-163-330, filed 3/30/83.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-163-335 Board certification. [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.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-163-340 Budget revision—Ten percent allowed. [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.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-163-345 Budget revisions—Updating planned expenditures. [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.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-163-350 Budget revision—Approval. [Statutory Authority: RCW 28A.02.100. 83-08-030 (Order 83-2), § 392-163-350, filed 3/30/83.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-163-355 Program update. [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.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-163-360 Supervisory expenditures. [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.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-163-362 Reallocation of Chapter 1 Regular moneys in excess of a prudent and justifiable reserve. [Statutory Authority: RCW 28A.02.100. 84-20-089 (Order 84-49), § 392-163-362, filed 10/2/84.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-163-363 Reallocation of Chapter 1 Regular moneys—Waiver of limit. [Statutory Authority: RCW 28A.02.100. 84-20-089 (Order 84-49), § 392-163-363, filed 10/2/84.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-163-364 Reallocation of Chapter 1 Regular moneys—Application for available excess carryover. [Statutory Authority: RCW 28A.02.100. 84-20-089 (Order 84-49), § 392-163-364, filed 10/2/84.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-163-365 End-of-year report—Annual requirement. [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.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-163-370 End-of-year report—Summer school addendum. [Statutory Authority: RCW 28A.02.100. 83-08-030 (Order 83-2), § 392-163-370, filed 3/30/83.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-163-375 Program evaluation. [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.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-163-385 Comparability of services—Computation basis. [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.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-163-390 Comparability of services maintained. [Statutory Authority: RCW 28A.02.100. 83-08-030 (Order 83-2), § 392-163-390, filed 3/30/83.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-163-400 Annual needs assessment—Program requirement. [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.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-163-405 Allocation of resources to program areas and schools. [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.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-163-410 Selection of attendance areas for districts with under one thousand students—Program exemption. [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.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-163-415 Selection of attendance areas—Program requirement. [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.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-163-420 Services for homeless children. [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.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-163-425 Parent involvement—Program requirement. [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.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-163-430 Acquisition, control and disposition of property. [Statutory Authority: RCW 28A.02.100. 83-08-030 (Order 83-2), § 392-163-430, filed 3/30/83.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-163-435 Program compliance review. [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.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.

- 392-163-440 Program improvement. [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.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-163-445 Program improvement plan. [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.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-163-450 Program improvement joint plan. [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.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-163-455 Student improvement. [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.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-163-460 Serving students in greatest need—Program requirement. [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.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-163-465 Student needs. [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.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-163-470 Notification of parents. [Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-470, filed 10/13/92, effective 11/13/92.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-163-475 School district application required. [Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-475, filed 10/13/92, effective 11/13/92.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-163-480 Substance of annual school district application. [Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-480, filed 10/13/92, effective 11/13/92.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-163-485 Annual assurances. [Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-485, filed 10/13/92, effective 11/13/92.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-163-490 Planned expenditures by program object and activity. [Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-490, filed 10/13/92, effective 11/13/92.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-163-495 Board approval. [Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-495, filed 10/13/92, effective 11/13/92.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-163-500 Approval of Chapter 1 Regular program application by the office of the superintendent of public instruction. [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.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-163-505 Budget revision—Ten percent allowed. [Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-505, filed 10/13/92, effective 11/13/92.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-163-510 Budget revisions—Updating planned expenditures. [Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-510, filed 10/13/92, effective 11/13/92.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-163-515 Budget revision—Approval. [Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-515, filed 10/13/92, effective 11/13/92.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-163-520 Program update. [Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-520, filed 10/13/92, effective 11/13/92.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-163-525 Supervisory expenditures. [Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-525, filed 10/13/92, effective 11/13/92.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-163-530 Reallocation of Chapter 1 Regular moneys in excess of fifteen percent carryover. [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.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-163-535 Reallocation of Chapter 1 Regular moneys—Waiver of limit. [Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-535, filed 10/13/92, effective 11/13/92.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-163-540 Reallocation of Chapter 1 Regular moneys—Application for available excess carryover. [Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-540, filed 10/13/92, effective 11/13/92.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-163-545 Program evaluation. [Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-545, filed 10/13/92, effective 11/13/92.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-163-550 End-of-year report—Annual requirement. [Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-550, filed 10/13/92, effective 11/13/92.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-163-555 End-of-year report—Summer school addendum. [Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-555, filed 10/13/92, effective 11/13/92.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-163-560 Comparability of services—Computation basis. [Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-560, filed 10/13/92, effective 11/13/92.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-163-565 Comparability of services maintained. [Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-565, filed 10/13/92, effective 11/13/92.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-163-570 Comparability of services—Completed forms on file. [Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-570, filed 10/13/92, effective 11/13/92.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-163-575 Maintenance of effort. [Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-575, filed 10/13/92, effective 11/13/92.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-163-580 Maintenance of effort—Computations. [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.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-163-585 Maintenance of effort—Failure to maintain effort. [Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-585, filed 10/13/92, effective 11/13/92.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-163-590 Acquisition, control, and disposition of property. [Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-590, filed 10/13/92, effective 11/13/92.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-163-595 Construction and portable lease/purchase. [Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-595, filed 10/13/92, effective 11/13/92.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-163-600 Capital expenses for serving private schools. [Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09),

- § 392-163-600, filed 10/13/92, effective 11/13/92.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-163-605 Distribution of Chapter 1 Regular moneys to local school districts. [Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-605, filed 10/13/92, effective 11/13/92.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-163-610 Program compliance review. [Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-610, filed 10/13/92, effective 11/13/92.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-163-615 Chapter 1 Regular audit. [Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-615, filed 10/13/92, effective 11/13/92.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-163-620 Complaint procedure. [Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-620, filed 10/13/92, effective 11/13/92.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-163-625 Sanctions. [Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-625, filed 10/13/92, effective 11/13/92.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-163-630 Compliance agreement. [Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-630, filed 10/13/92, effective 11/13/92.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-163-635 Withholding of Chapter 1 Regular payments. [Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-635, filed 10/13/92, effective 11/13/92.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-163-640 Committee of practitioners. [Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-640, filed 10/13/92, effective 11/13/92.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.
- 392-163-645 State advisory council. [Statutory Authority: RCW 28A.02.100. 92-21-025 (Order 92-09), § 392-163-645, filed 10/13/92, effective 11/13/92.] Repealed by 96-18-014, filed 8/22/96, effective 9/22/96.

WAC 392-163-700 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: RCW 28A.300.070. 96-19-097 (Order 96-16), § 392-163-700, filed 9/18/96, effective 10/19/96.]

WAC 392-163-705 Purpose. The purpose of this chapter is to ensure compliance by the state of Washington with the financial assistance provisions of Title I of the Elementary and Secondary Education Act of 1965, as amended by the Improving America's Schools Act of 1994, for improving basic programs operated by local education agencies (20 U.S.C. sections 6311 through 6338 and 8891 through 8904).

[Statutory Authority: RCW 28A.300.070. 96-19-097 (Order 96-16), § 392-163-705, filed 9/18/96, effective 10/19/96.]

WAC 392-163-710 Adopting the terms and conditions of federal funding by reference. All grants of federal Title I moneys for improving basic programs operated by local educational agencies, including the expenditure of such moneys, shall be subject to the terms and conditions of 20 U.S.C. sections 6311 through 6338 and 8891 through 8904, and the terms and conditions of 34 C.F.R. sections 200.1 through 200.28 and 200.60 through 200.65, which are hereby

adopted by the foregoing references as rules of the superintendent of public instruction.

[Statutory Authority: RCW 28A.300.070. 96-19-097 (Order 96-16), § 392-163-710, filed 9/18/96, effective 10/19/96.]

WAC 392-163-715 Obtaining copies of federal statutes and rules. Copies of the federal Title I statutes and administrative rules referenced by WAC 392-163-710 may be obtained from the office of the superintendent of public instruction, Olympia, Washington.

[Statutory Authority: RCW 28A.300.070. 96-19-097 (Order 96-16), § 392-163-715, filed 9/18/96, effective 10/19/96.]

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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392-164-330	Construction and portable lease/purchase.		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.		
392-164-340	Day care.	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.
392-164-345	Preschool services.		
392-164-350	Fiscal requirements.		
392-164-355	Chapter 1 Migrant audit.		
392-164-360	Notification of parents.	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.
392-164-365	Local parent advisory councils—Composition and procedures.		
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392-164-370	Annual meeting of parents.	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.
392-164-375	State advisory committee.		
392-164-380	Report of services—Annual requirement.		
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392-164-390	Program evaluation.	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.
392-164-395	Project program and budget revisions.		
392-164-400	Program compliance review.		
392-164-405	Subgrantee accountability.		
392-164-410	Withholding of Chapter 1 Migrant payments.	392-164-085	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.
392-164-415	Compliance agreement.		
392-164-420	General requirements for new program.		
392-164-425	Subgrant allocation formula.		
392-164-430	Supply 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.

**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.	392-164-095	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.
392-164-010	Purposes. [Order 7-75, § 392-164-010, filed 12/22/75. Formerly WAC 392-96-010.] Repealed by 88-13-002 (Order 88-15), filed 6/3/88. Statutory Authority: RCW 28A.02.100.		
392-164-015	Definitions. [Statutory Authority: RCW 28A.03.030(1) and (3), 28A.02.100 and PL 89-750. 78-08-037 (Order 6-78), § 392-164-015, filed 7/18/78; Order 7-75, § 392-164-015, filed 12/22/75. Formerly WAC 392-96-015.] Repealed by 88-13-002 (Order 88-15), filed 6/3/88. Statutory Authority: RCW 28A.02.100.		
392-164-020	Eligibility requirements. [Order 7-75, § 392-164-020, filed 12/22/75. Formerly WAC 392-96-020.] Repealed by 88-13-002 (Order 88-15), filed 6/3/88. Statutory Authority: RCW 28A.02.100.		
392-164-025	Formerly migratory children. [Order 7-75, § 392-164-025, filed 12/22/75. Formerly WAC 392-96-025.] Repealed by 88-13-002 (Order 88-15), filed 6/3/88. Statutory Authority: RCW 28A.02.100.		
392-164-030	Bilingual education. [Order 7-75, § 392-164-030, filed 12/22/75. Formerly WAC 392-96-030.] Repealed by 88-13-002 (Order 88-15), filed 6/3/88. Statutory Authority: RCW 28A.02.100.		
392-164-035	Student identification. [Order 7-75, § 392-164-035, filed 12/22/75. Formerly WAC 392-96-035.] Repealed by 88-13-002 (Order 88-15), filed 6/3/88. Statutory Authority: RCW 28A.02.100.		
392-164-040	Student insurance. [Order 7-75, § 392-164-040, filed 12/22/75. Formerly WAC 392-96-040.] Repealed by 88-13-002 (Order 88-15), filed 6/3/88. Statutory Authority: RCW 28A.02.100.		
392-164-045	Property, facilities, and equipment. [Order 7-75, § 392-164-045, filed 12/22/75. Formerly WAC 392-96-045.] Repealed by 88-13-002 (Order 88-15), filed 6/3/88. Statutory Authority: RCW 28A.02.100.		
392-164-050	Project descriptions. [Order 7-75, § 392-164-050, filed 12/22/75. Formerly WAC 392-96-050.] Repealed by 88-13-002 (Order 88-15), filed 6/3/88. Statutory Authority: RCW 28A.02.100.		
392-164-055	Day care. [Order 7-75, § 392-164-055, filed 12/22/75. Formerly WAC 392-96-055.] Repealed by 88-13-002 (Order 88-15), filed 6/3/88. Statutory Authority: RCW 28A.02.100.		
392-164-060	Local parent advisory councils. [Order 7-75, § 392-164-060, filed 12/22/75. Formerly WAC 392-96-060.]		

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.

(1997 Ed.)

[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 grantee 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."

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[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 SPI's prior approval.

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

Chapter 392-165 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 392-168 WAC

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

WAC

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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 Immigrant Education Program;

(3) Title II, Sections 201-206, 208-211, and 213 of the Education for Economic Security Act, State Grants for Strengthening the Skills of Teachers and Instruction in Mathematics, Science, Foreign Languages, and Computer Learning;

(4) Part B of the Individuals with Disabilities Education Act, Assistance to States for Education of Students with Disabilities;

(5) Section 619 of the Individuals with Disabilities Education Act, Incentive Grants;

(6) Part A of Title I of the Vocational Education Act, State Vocational Education Program;

(7) Career Education Incentive Act (except Sections 10, 11, and 12) Career Education—State Allotment Program; and

(8) Adult Education Act (except Sections 309, 314, 317, and 318), State Adult Education Program;

(9) *Provided*, That pursuant to 34 CFR 76.1(c), this chapter shall not apply to programs authorized under Chapter 1 and Chapter 2 of the Education Consolidation and Improvement Act of 1981:

(a) Chapter 1—Financial Assistance to Local Educational Agencies to Meet the Special Educational Needs of Educationally Deprived Children, Grants to State Educational Agencies for Program to Meet the Special Educational Needs of Migratory Children, Grants to State Agencies for Programs to Meet the Special Education Needs of Children in Institutions for Neglected or Delinquent Children, State-operated Programs for Handicapped Children; and

(b) Chapter 2—Consolidation of Federal Programs for Elementary and Secondary Education:

(10) *Provided further*, That any additional complaint procedure requirements of particular programs shall be applicable to those programs in addition to the basic citizen complaint procedure described in this chapter.

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

WAC 392-168-120 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

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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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392-169-035 Community and technical colleges—Definition. [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.] Repealed by 95-09-042 (Order 95-02), filed 4/14/95, effective 5/15/95. Statutory Authority: RCW 28A.300.390, 28A.150.260 and 28A.150.290.

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, and 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.300.390, 28A.150.260 and 28A.150.290, 95-09-042 (Order 95-02), § 392-169-005, filed 4/14/95, effective 5/15/95. 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 under this chapter of eligible eleventh and twelfth grade high school students in an institution of higher education for the purpose of earning at least high school credit to be awarded by a school district, and such additional college level or university level credit as may be awarded by the institution of higher education.

[Statutory Authority: RCW 28A.300.390, 28A.150.260 and 28A.150.290, 95-09-042 (Order 95-02), § 392-169-015, filed 4/14/95, effective 5/15/95. 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.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 an institution of higher education 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.300.390, 28A.150.260 and 28A.150.290. 95-09-042 (Order 95-02), § 392-169-020, filed 4/14/95, effective 5/15/95. 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 or university 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 or university day during the current quarter or semester since the last enrollment count date.

[Statutory Authority: RCW 28A.300.390, 28A.150.260 and 28A.150.290. 95-09-042 (Order 95-02), § 392-169-022, filed 4/14/95, effective 5/15/95. 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 or university day—Definition. For the purposes of this chapter, the term "college or university 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 or university 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.300.390, 28A.150.260 and 28A.150.290. 95-09-042 (Order 95-02), § 392-169-023, filed 4/14/95, effective 5/15/95. 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 or university 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 or university courses denominated in quarter credits, the quotient of an eligible student's quarter credits of running start enrollment divided by fifteen.

(2) For college or university courses denominated in semester credits, the quotient of an eligible student's semester credits of running start enrollment divided by fifteen.

(3) For college or university courses not denominated in quarter or semester credits, the quotient of an eligible student's average hours of running start enrollment per week divided by twenty-five. Hours of enrollment shall be determined pursuant to WAC 392-121-106 through 392-121-183.

(4) The sum of the results of running start enrollment under subsections (1), (2) and (3) of this section shall not exceed 1.00 FTE per student on any count day or in any school year.

[Statutory Authority: RCW 28A.300.390, 28A.150.260 and 28A.150.290. 95-09-042 (Order 95-02), § 392-169-025, filed 4/14/95, effective 5/15/95. 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 392-169-033 Institution of higher education—Definition. As used in this chapter, the term "institution of higher education" means:

(1) A Washington community college established under chapter 28B.50 RCW;

(2) A Washington technical college established under chapter 28B.50 RCW;

(3) Central Washington University, Eastern Washington University and Washington State University if:

(a) The university has decided to participate in the running start program; and

(b) The board of directors of the school district through which an eligible student seeks to obtain running start program high school credit has decided to participate in the universities' running start program.

[Statutory Authority: RCW 28A.300.390, 28A.150.260 and 28A.150.290. 95-09-042 (Order 95-02), § 392-169-033, filed 4/14/95, effective 5/15/95.]

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 an institution of higher education on or before the deadline for enrollment established by the college or university.

(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 an institution of higher education.

(3) An eligible student is entitled to enroll in an institution of higher education for running start program purposes subject to each of the following conditions and limitations:

(a) Enrollment is limited to college and university level 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 institution of higher education.

(c) Acceptance of the student by the institution of higher education subject to generally applicable admission and enrollment requirements and limitations established by the institution, including a determination that the student is competent to profit from the college or university level 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 institution of higher education course enrollment set forth in WAC 392-169-055 and 392-169-057.

[Statutory Authority: RCW 28A.300.390, 28A.150.260 and 28A.150.290. 95-09-042 (Order 95-02), § 392-169-045, filed 4/14/95, effective 5/15/95. 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 college or university 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 college or university 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 or university course successfully completed by the student based upon the conversion rate set forth in WAC 180-51-050.

(3) If a college or university 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 representative of the institution of higher education 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.300.390, 28A.150.260 and 28A.150.290. 95-09-042 (Order 95-02), § 392-169-050, filed 4/14/95, effective 5/15/95. 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 an institution of higher education 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 or university quarters as a full-time equivalent college or university student, or two semesters as a full-time equivalent college or university student or nine months as a full-time equivalent technical college student).

(2) An eligible student who enrolls in grade twelve may enroll in an institution of higher education 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 or university quarters as a full-time equivalent community college or university student, or two semesters as a full-time equivalent college or university student and nine months as a full-time technical college student).

(3) Enrollment in an institution of higher education is limited to the fall, winter and spring quarters, and the fall and spring semesters.

(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 an institution of higher education 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.300.390, 28A.150.260 and 28A.150.290. 95-09-042 (Order 95-02), § 392-169-055, filed 4/14/95, effective 5/15/95. 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 of combined high school and running start enrollment. Concurrent or combined regular high school program and running start program enrollment by a student may exceed the equivalent of full-time enrollment as follows:

(1) An eligible student's concurrent enrollment in both the regular high school program, and in running start or an institution of higher education under this chapter, may exceed the equivalent of full-time enrollment: *Provided*, That a designated school district representative and a designated college or university representative may jointly limit a student's concurrent high school and institution of higher education enrollment, but not to 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 limiting a student's combined regular high school and running start program enrollment for bona fide academic reasons under subsection (1) of this section thirty hours per week shall constitute full-time high school or technical college enrollment, and fifteen quarter credit hours or fifteen semester hours shall constitute full-time college or university enrollment. Thus, for example, a student enrolled in the regular high school program for ten hours per week (one-third FTE) and in a college for ten quarter credit hours (two-thirds FTE) is enrolled the equivalent of full-time.

[Statutory Authority: RCW 28A.300.390, 28A.150.260 and 28A.150.290. 95-09-042 (Order 95-02), § 392-169-057, filed 4/14/95, effective 5/15/95. 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 an institution of higher education to pay any tuition or other fee as a condition to the student's full participation in running start college or university course work and related activities, or as a condition to the award of credit therefor: *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 section: *Provided further*, That this limitation on the assessment of tuition and fees does not apply to a student's enrollment above and beyond running start program enrollment limitations under this chapter (i.e., college and university enrollment in excess of one FTE and college and university summer enrollment may be conditioned upon the payment of regular tuition and fees).

[Statutory Authority: RCW 28A.300.390, 28A.150.260 and 28A.150.290. 95-09-042 (Order 95-02), § 392-169-060, filed 4/14/95, effective 5/15/95. 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 one or more running start or institution of higher education courses under this chapter, 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 institution of higher education: *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.300.390, 28A.150.260 and 28A.150.290. 95-09-042 (Order 95-02), § 392-169-065, filed 4/14/95, effective 5/15/95. 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 and institution of higher education shall independently 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 or the institution of higher education.

[Statutory Authority: RCW 28A.300.390, 28A.150.260 and 28A.150.290. 95-09-042 (Order 95-02), § 392-169-075, filed 4/14/95, effective 5/15/95. 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 and an institution of higher education are independently responsible for assuring compli-

ance with federal and state requirements of law which are applicable to the provision of services and benefits by the school district or the institution of higher education under this chapter. If, however, the individualized education program of a special education student established under chapter 392-171 WAC provides for running start enrollment in an institution of higher education, 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 running start enrollment in the institution of higher education. School districts and institutions of higher education 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 funding.

[Statutory Authority: RCW 28A.300.390, 28A.150.260 and 28A.150.290, 95-09-042 (Order 95-02), § 392-169-080, filed 4/14/95, effective 5/15/95. 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 an institution of higher education 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 an institution of higher education.

[Statutory Authority: RCW 28A.300.390, 28A.150.260 and 28A.150.290, 95-09-042 (Order 95-02), § 392-169-085, filed 4/14/95, effective 5/15/95. 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 institution of higher education courses or programs 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 institution of higher education's share of running start basic education

moneys received under this chapter to each institution 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.300.390, 28A.150.260 and 28A.150.290, 95-09-042 (Order 95-02), § 392-169-090, filed 4/14/95, effective 5/15/95. 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.

[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 as follows:

(1) For community and technical colleges and for Central Washington University and Eastern Washington University, the first college or university day of each of the months of October through June; and

(2) For Washington State University the first university day of each of the months of September through May.

[Statutory Authority: RCW 28A.300.390, 28A.150.260 and 28A.150.290, 95-09-042 (Order 95-02), § 392-169-100, filed 4/14/95, effective 5/15/95. 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—Institution of higher education reporting requirements. Each institution of higher education 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 institution of higher education 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 392-169-022);

(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.300.390, 28A.150.260 and 28A.150.290. 95-09-042 (Order 95-02), § 392-169-105, filed 4/14/95, effective 5/15/95. 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 school 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 institution of higher education 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.300.390, 28A.150.260 and 28A.150.290. 95-09-042 (Order 95-02), § 392-169-110, filed 4/14/95, effective 5/15/95. 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 one or more institutions of higher education 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.300.390, 28A.150.260 and 28A.150.290. 95-09-042 (Order 95-02), § 392-169-115, filed 4/14/95, effective 5/15/95. 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 institutions of higher education shall maintain documentation supporting running start student enrollment and state funding claims, including the following:

(1) Institution of higher education documentation shall show each student's college or university enrollment status on each enrollment count date and evidence of the student's participation in college or university instructional activities conducted by college or university staff on at least one college or university 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.300.390, 28A.150.260 and 28A.150.290. 95-09-042 (Order 95-02), § 392-169-120, filed 4/14/95, effective 5/15/95.]

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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 institution of higher education enrollment alternatives not affected. This chapter shall not affect the alternative enrollment, and arrangements, therefor, of a secondary student in an institution of higher education pursuant to a contractual agreement entered into pursuant to RCW 28B.50.530 (interschool district/college district cooperative programs) or chapter 39.34 RCW (the Interlocal Cooperation Act). See WAC 392-121-183 (Contracting with a higher education institution).

[Statutory Authority: RCW 28A.300.390, 28A.150.260 and 28A.150.290. 95-09-042 (Order 95-02), § 392-169-125, filed 4/14/95, effective 5/15/95. 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

392-170-005	Authority.
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392-170-030	Substance of annual school district application.
392-170-035	Definition—Highly capable students.
392-170-040	Multiple criteria for determination of superior intellectual ability—Definitions.
392-170-045	Nomination process for highly capable students.
392-170-050	Screening of nominees.
392-170-055	Assessment process for selection as highly capable student.
392-170-060	Nondiscrimination in the use of tests.
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392-170-070	Multidisciplinary selection committee.
392-170-075	Selection of most highly capable.
392-170-080	Educational program for highly capable students.
392-170-085	Notification of parents.
392-170-090	End of year report.
392-170-095	District records.

WAC 392-170-005 Authority. The authority for this chapter is chapter 28A.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

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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 392-172 WAC
RULES FOR THE PROVISION OF SPECIAL
EDUCATION TO SPECIAL EDUCATION
STUDENTS
(Formerly Chapter 392-171 WAC)

WAC

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392-172-402	Definitions used in records rules—"Destruction"—"Native language"—And "educational agency."		GENERAL AUTHORITY AND PURPOSE
392-172-404	Notice to parents.		WAC 392-172-010 Authority. The authority for this chapter is RCW 28A.155.090(7) which enables 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.
392-172-406	Opportunity to examine records.		[Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-010, filed 10/11/95, effective 11/11/95.]
392-172-408	Access rights.		
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392-172-416	Fees.		

WAC 392-172-020 Purposes. The purposes of this chapter are to:

(1) Implement chapter 28A.155 RCW consistent with the Individuals with Disabilities Education Act, 20 United States Code section 1401 et seq.;

(2) Assure that all special education students as defined in this chapter have available a free and appropriate public education to meet their unique needs;

(3) Assure that the rights of special education students and their parents are protected;

(4) Assist school districts and other public agencies to provide for special education and related services; and

(5) Establish compliance standards for public agencies responsible for providing special education pursuant to chapter 28A.155 RCW. State residential school programs are established and operated pursuant to RCW 28A.190.020 et seq.

Special education regulations must be implemented by school districts and other public agencies with an awareness that there are additional federal and state civil rights regulations (29 US Code 764, RCW 49.60.030, 43 USC 12101 et seq.) that apply to students who have a disability regardless of the student's eligibility for special education and related services. If a student has a physical, sensory, or mental impairment which substantially limits one or more major life activities, the district or other public agency has an obligation to provide that student appropriate educational services. Such services must be designed to meet the needs of the student with a disability to the same extent the needs of students without disabilities are met. A school district and other public agency's obligation to provide appropriate educational services to meet the needs of a student who has a disability exists separate and apart from the obligation to provide a free and appropriate public education to a student who qualifies for special education and related services under these regulations.

[Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-020, filed 10/11/95, effective 11/11/95.]

STUDENT'S RIGHTS—GENERAL

WAC 392-172-030 Students' rights to special education programs. (1) Each school district or other public agency shall provide every special education student between the age of three and twenty-one years, a free and appropriate educational program. The right to special education for eligible students commences on their third birthday.

(2) School districts or other public agencies may provide special education and related services to students with a disability in the birth through two years age group. If a school district or other public agency provides an education to any student who is not disabled in the birth through two years age group, the district or other public agency shall make special education and related services available pursuant to this chapter to all its special education students of the same age.

(3) Any student referred for special education and related services shall qualify pursuant to eligibility criteria set forth in this chapter.

(4) A special education student shall remain eligible for special education and related services until one of the following occurs:

(a) The multidisciplinary team, based on a reevaluation determines the student is no longer in need of special education; (In this case, while a disability may continue, and individual accommodations in the general education classroom may be necessary for educational benefit, such services would not represent special education services as defined in this chapter.) or

(b) The student has met high school graduation requirements established by the school district or other public agency pursuant to rules of the state board of education; or

(c) The student has reached age twenty-one. The student whose twenty-first birthday occurs on or before August 31 would no longer be eligible for special education. The student whose twenty-first birthday occurs after August 31, shall continue to be eligible for special education and related services for the remainder of the school year.

[Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-030, filed 10/11/95, effective 11/11/95.]

STUDENTS—GENERAL—DEFINITIONS

WAC 392-172-035 Definitions of "free appropriate, public education," "adult student," "special education student," "parent," and "public agency." 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 or other public agency supervision and direction, and without charge to parents;

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

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

(d) Are provided in conformance with individualized education program requirements of this chapter.

(2) "Special education student" and "student" (depending upon the context in which the terms are used) mean:

(a) Any student, enrolled in school or not, whose unique needs cannot be addressed exclusively through education in general education classes with or without individual accommodations and is therefore determined to be in need of special education services; or

(b) For the purpose of due process protections, a person under the age of twenty-one enrolled in school or not, who has been referred and for whom the school district or other public agency has made a decision to evaluate; or

(c) A person under the age of twenty-one who resides in a residential school serving students with a disability in accordance with RCW 28A.190.020 et seq.; who also qualifies pursuant to (a) of this subsection.

(3) "Adult student" means a special education student who is over the age of eighteen and who has not been judged incapacitated by a court of law. 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. The adult

student shall retain and be entitled to exercise the same until he or she has been judged incapable of exercising these rights by a court of law.

(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 this chapter. The term includes a person 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. The term does not include the state if the student is a ward of the state.

(5) As used in this chapter, "public agency" 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 a disability;
- (c) Each state operated program; and
- (d) Each public or private organization or entity or person which provides special education and/or related services to one or more students with a disability on behalf of a public school district or other public agency whether or not the entity receives federal funds made available for purposes of the Individuals with Disabilities Education Act.

[Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-035, filed 10/11/95, effective 11/11/95.]

WAC 392-172-040 Definitions of "evaluation," "current evaluation," "reevaluation," and "consent." As used in this chapter:

(1) "Evaluation" means procedures used to determine:

- (a) Whether a student is disabled; and
- (b) The nature and extent of the special education and related services that the student requires, if any. The term includes 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.

(2) "Current evaluation data" for determination of eligibility means:

(a) Evaluation data obtained during a period of ninety calendar days prior to determining eligibility for students ages birth to six; or

(b) Evaluation data obtained during a period of one hundred eighty calendar days prior to determining eligibility for students ages six through twenty-one.

(3) "Reevaluation" means procedures used to determine the student's continuing need for special education and related services. Reevaluation may also be used to determine the appropriateness of the services being provided to the student.

(4) "Consent" means that the parent or adult student:

(a) 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 evaluation data to be used;

(b) Understands and agrees in writing to the activity for which consent is sought, and the consent describes the activity and lists any records which will be released and to whom; and

(c) Understands that the granting of consent is voluntary and may be revoked at any time.

[Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-040, filed 10/11/95, effective 11/11/95.]

WAC 392-172-045 Definition of "special education." As used in this chapter "special education" means instruction that is specially designed to meet the unique needs of a special education student and provided at no cost to the parent or student. Specially designed instruction includes instruction conducted in the classroom, in the home, in hospitals, institutions, and in other settings as well as physical education, and vocational education. Special education also includes specially designed instruction when it is carried out as part of speech and language services, physical and occupational therapy, orientation and mobility instruction, behavioral intervention, and audiological services.

The following terms are incorporated within the definition of special education:

(1) "Specially designed instruction" means organized and planned instructional activities which are designed by certificated special education and related services personnel. However, specially designed instruction may also be implemented by other than special education and related services personnel pursuant to an individualized education program.

The term does not include individual accommodations in the general education classroom which alone would be sufficient and effective to meet the individual needs of the student.

(2) "At no cost" means that all specially designed instruction is provided without charge. However, the term does not preclude incidental fees which are normally charged to nonspecial education students or their parents as a part of the general 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) "Vocational education" means organized educational programs offering a sequence of courses that are directly related to the preparation of individuals in paid or unpaid employment in current or emerging occupations requiring other than a baccalaureate or advanced degree. Such programs shall include competency-based applied learning that contributes to an individual's academic knowledge, higher-order reasoning, and problem-solving skills, work attitudes, general employability skills, and the occupation-specific skills necessary for economic independence as a productive and contributing member of society. The term also includes applied technology education.

(5) "Audiology" means the provision of habilitative activities related to a hearing impairment.

(6) "Occupational therapy" is instruction designed to improve, develop or restore functions impaired or lost through illness, injury, or deprivation or to prevent further loss.

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

(8) "Physical therapy" means developing or restoring motor function and maintaining appropriate performance commensurate with the student's unique needs.

(9) "Speech and language services" mean the provision of instruction for the habilitation or prevention of communication disorders.

(10) "General education classroom" means instruction provided in a classroom that is generally designed to meet the needs of typically developing students who do not need special education.

[Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-045, filed 10/11/95, effective 11/11/95.]

WAC 392-172-055 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 special education student to benefit from special education. These services include communication disorders services and audiology, psychological services, physical and occupational therapy, recreation, including therapeutic recreation, early identification and evaluation of disabilities in students, counseling services, including rehabilitation counseling, medical services for diagnostic or evaluation 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 the 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) "Classified staff services" includes:

- (a) Services provided by classified staff which provide for the student's safety, personal care, and instructional assistance; and
- (b) Services provided to certificated staff by classified staff which provide assistance for special education students to achieve placement in the least restrictive environment.

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

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

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

(6) "Occupational therapy" includes:

- (a) The identification and evaluation 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.

(7) "Orientation and mobility services" includes:

(a) Identification and evaluation 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.

(8) "Parent counseling and training" means assisting parents in understanding the special needs of their child and providing parents with information about child development.

(9) "Physical therapy" includes:

(a) Identification and evaluation 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.

(10) "Psychological services" includes:

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

(b) Interpreting evaluation results;

(c) Obtaining, integrating, and interpreting information about the student's 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.

(11) "Recreation" includes:

- (a) Assessment of leisure function;
- (b) Therapeutic recreation services;
- (c) Recreation programs in school and community agencies; and
- (d) Leisure education.

(12) "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 special education student. The term also includes vocational rehabilitation services provided to special education students by vocational rehabilitation programs funded under the Rehabilitation Act of 1973, as amended.

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

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

(a) Preparing a social or developmental history on a special education student;

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

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

(d) Mobilizing school and community resources to enable the student to benefit from his or her educational program.

(15) "Speech and language services" include:

(a) Identification of students with specific speech and language disorders;

(b) Diagnosis and appraisal of speech and language disorders;

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

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

(16) "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 special education student. The list of related services is not exhaustive and may include other developmental, corrective, or supportive services, if they are required to assist a special education student to benefit from special education.

[Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-055, filed 10/11/95, effective 11/11/95.]

WAC 392-172-060 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.

[Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-060, filed 10/11/95, effective 11/11/95.]

WAC 392-172-062 Definition of terms related to transition services. The following terms used in the definition of "transition services" are defined as follows:

(1) "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.

(2) "Outcome-oriented process" means a series of activities unique to an individual student's needs which are intended to lead directly to such outcomes as: Integrated employment, supported employment, postsecondary educa-

tion, 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 as defined in this chapter (WAC 392-172-045).

(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 special education students 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 otherwise exited high school.

(9) "Adult services" means health, social, housing, transportation, and/or employment opportunities normally provided for persons beyond age eighteen through public 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 evaluation of occupational interests, aptitudes, and preparation opportunities.

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

[Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-062, filed 10/11/95, effective 11/11/95.]

WAC 392-172-065 Definition—Supplementary aids and services. As used in this chapter, the term "supplementary aids and services" means any of the following:

(1) Specially designed instruction provided in conjunction with the general education classroom by personnel qualified pursuant to WAC 392-172-200.

(2) Any other service, including assistive technology or other assistive device, provided in conjunction with the general education classroom which permits the delivery of specially designed instruction. Such instructional services must be designed, monitored, supervised and evaluated by special education personnel certificated pursuant to WAC 392-172-200 in cooperation with the general education classroom teacher.

[Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-065, filed 10/11/95, effective 11/11/95.]

WAC 392-172-070 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 special education students.

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

- (1) The evaluation of the needs of a special education student, 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 special education students;
- (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 special education student, 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. 95-21-055 (Order 95-11), § 392-172-070, filed 10/11/95, effective 11/11/95.]

WAC 392-172-075 Availability of assistive technology. Each public agency shall ensure that assistive technology devices or assistive technology services, or both, are made available to a special education student if required as a part of the student's individualized education program.

[Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-075, filed 10/11/95, effective 11/11/95.]

STUDENT SPECIFIC PROCEDURES

Identification

WAC 392-172-100 Childfind. The local district or other public agency shall conduct childfind activities for the purpose of locating, evaluating and identifying students with a suspected disability, regardless of the severity of their disability, who are residing within the boundaries of the district or other public agency and who are not currently receiving special education and related services.

Childfind activities shall include written notification to all parents of children in the district or other public agency regarding access to and the use of the school district and other public agency's childfind system. Written notification and posting will be consistent with WAC 392-172-306 (2)(b).

Childfind activities shall apply to students ages birth through twenty-one and may include, but are not limited to: Posting notice in school buildings of the availability of

special education programs, preschool developmental screening, local media informational campaigns, liaison with public health and other medical and social agencies, public or private, a questionnaire for first-time enrolling students, screening of district-wide group standardized test results, in-service education to teaching staff, and cooperation as requested with state childfind programs.

[Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-100, filed 10/11/95, effective 11/11/95.]

Evaluation Procedures

WAC 392-172-102 Preevaluation procedures—Referrals. A referral of a student suspected of having a disability may be originated or transmitted through any source, either in writing or verbally.

A referral may be initiated by any source, including but not limited to parents, medical personnel, school district or other public agency personnel, community agencies, civil authorities, district screening procedures, and other identified, interested persons.

[Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-102, filed 10/11/95, effective 11/11/95.]

WAC 392-172-104 Evaluation procedures—Time line. A school district or other public agency must complete a written referral when a student suspected of having a disabling condition is brought to the attention of any certificated staff member or administrator.

(1) If the referral under WAC 392-172-102 is made to a school district or other public agency certified staff or administrator (other than the special education designee) such staff must notify the school district and other public agency's special education designee at the time of the referral. Within twenty-five school days, the district or other public agency superintendent or designee shall:

(a) Record the circumstance by date, origin, and reason(s) for the referral;

(b) Provide 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 the district or other public agency will determine whether or not there is good reason to believe that the student is a candidate for evaluation;

(c) Review the referral;

(d) Collect and examine existing school, medical and other records in the possession of the school district or other public agency; and

(e) Based on the existing record, make a determination whether or not the student is a candidate for evaluation. This decision shall be recorded in writing and shall set forth the date and the name of the person making the decision. The superintendent or designee shall direct a notice to the student's parent(s) or the adult student that complies with the requirements of WAC 392-172-306.

(2) When the student is a candidate for evaluation, the school district or other public agency shall fully evaluate the student and arrive at a decision pursuant to WAC 392-172-154 within:

(a) Thirty-five school days after the date written consent for an evaluation has been provided by the parent(s) or the adult student; or

(b) Thirty-five school days 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 392-172-350 et seq.; or

(c) Such other time period as may be agreed to by the parent(s) or the adult student and documented by school authorities, including specifying the reasons for extending the time line.

[Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-104, filed 10/11/95, effective 11/11/95.]

WAC 392-172-106 General areas of evaluation.

The evaluation of a student shall be in all areas related to the suspected disability, including, but not limited to health, vision, hearing, social skills, emotional status, general intelligence, academic performance, communication skills, motor abilities, career, vocational, and the need for transition services.

[Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-106, filed 10/11/95, effective 11/11/95.]

WAC 392-172-108 General evaluation safeguards—

Personnel, materials and procedures. (1) Every student who is evaluated or reevaluated shall be evaluated 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 the initial provision of special education and related services to a special education student, a full and individual evaluation of the student's educational needs must be conducted in accordance with this chapter.

(2) The evaluation of a student (except one completed for a communication disordered student) shall be made by a multidisciplinary team. The multidisciplinary team is a group of professionals selected by the district or other public agency and knowledgeable about the student and the area(s) of suspected disability(ies).

(3) If the referral is generated by a general education classroom teacher, the district or other public agency shall invite the referring teacher to serve on the multidisciplinary team.

(4) For a student suspected of having a learning disability, the multidisciplinary team must include:

(a) The student's general education classroom teacher; or

(b) If the child does not have a general education classroom teacher, a general education classroom teacher qualified to teach a child of his or her age; or

(c) For a child of less than school age, an individual qualified by the state to teach a child of his or her age; and

(d) At least one individual qualified to conduct individual diagnostic examinations of children, such as a school psychologist, speech language pathologist, or remedial reading teacher.

(5) 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. If parents request the opportunity to attend a multidisciplinary team meeting, they shall be granted this opportunity. Scheduling of the multidisciplinary team meeting shall be at the discretion of the school district or other public agency. Upon request, the district or other public agency shall notify the parent(s) of the time and place of multidisciplinary team meetings. These provisions apply to all multidisciplinary team meetings conducted by the district or other public agency, including those resulting from initial evaluations and reevaluations.

(6) No single procedure or test 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.

(7) Evaluation materials, procedures, and instruments used for the purpose of identification and programming shall be selected and administered so as not to be racially or culturally discriminatory.

(8) 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 disability and need for special education. This professional judgment shall be documented in a written narrative.

(9) All tests and other evaluation materials shall be administered by qualified personnel in conformance with the instructions of the test producer.

(10) Evaluation 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 and/or unique 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 and/or unique sensory, manual, communication or speaking skills (except where those skills are the factors the test purports to measure). 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.

(11) In conducting evaluation activities, appropriate evaluation 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 evaluation results, health reports, relevant cumulative records and recommendations of related service providers; and

(b) Conduct evaluation activities required by this chapter; 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.

(12) Each person actually performing an evaluation shall complete and sign an evaluation report. Information used to support the evaluation, 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. Each report shall specify:

- (a) The procedures and instruments used;
- (b) The results obtained;
- (c) 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; and
- (d) The need to schedule services over a period of time that exceeds the regular one hundred eighty-day school calendar.

(13) A written summary analysis of the reports shall be developed consistent with the requirements of WAC 392-172-152.

[Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-108, filed 10/11/95, effective 11/11/95.]

WAC 392-172-110 Communication disordered students—Evaluation. Students who are suspected of having a communication disorder shall be evaluated by a qualified speech language pathologist who shall use procedures appropriate to the evaluation of communication disorders. If, during this evaluation, additional areas of disability are suspected, the student shall be referred for additional evaluation. The evaluation results required in this section shall be summarized as provided in WAC 392-172-108.

[Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-110, filed 10/11/95, effective 11/11/95.]

WAC 392-172-112 Medical evaluation. (1) Medical evaluations at the expense of a school district or other public agency shall be obtained subject to the following conditions:

(a) During the evaluation process the multidisciplinary team suspects a student of having a health problem which may affect his or her eligibility and need for special education.

(b) In accordance with criteria established by the school district or other public agency (except in the case of an independent evaluation pursuant to WAC 392-172-150).

(2) Medical evaluation services necessary to make 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: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-112, filed 10/11/95, effective 11/11/95.]

Eligibility Criteria for Students with Disabilities

WAC 392-172-114 Definition and eligibility criteria for developmentally delayed. Definition and eligibility criteria for developmentally delayed are as follows:

(1) As used in this chapter, the term "developmentally delayed, birth to thirty-six months" shall mean those children under thirty-six months of age who:

(a) Demonstrate a 1.5 standard deviation or twenty-five percent delay in the developmental area of cognition (WAC

392-172-116(1)), communication (WAC 392-172-116(2)), fine motor (WAC 392-172-116(3)), gross motor (WAC 392-172-116(4)), or motor which for the purpose of this section shall be a combined delay of fine motor (WAC 392-172-116(3)) and gross motor (WAC 392-172-116(4)); or

(b) Qualify for one of the other eligibility categories specified in this chapter unless otherwise excluded; and

(c) Need special education and related services. Such children in order to continue to be eligible for special education and related services must be reevaluated prior to age three.

(2) As used in this chapter, the term "developmentally delayed, three to six years" shall mean those children between thirty-six months and the age of eligibility for entry to the first grade who demonstrate a delay 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 areas defined in WAC 392-172-116; or

(b) One and one-half standard deviations below the mean in two or more of the six developmental areas defined in WAC 392-172-116; or

(c) Qualify for one of the other eligibility categories specified in this chapter unless otherwise excluded; and

(d) Need special education and related services. Children who qualify for special education as developmentally delayed must be reevaluated 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 special education and related services. The procedural safeguard requirements in this chapter are also applicable to this provision.

(3) The term "developmentally delayed" does not include children under the age of eligibility for entry to the first grade who qualify solely for speech and language services under WAC 392-172-120.

[Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-114, filed 10/11/95, effective 11/11/95.]

WAC 392-172-116 Areas of developmental delay—Definitions. The six developmental 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. 95-21-055 (Order 95-11), § 392-172-116, filed 10/11/95, effective 11/11/95.]

WAC 392-172-118 Definition and eligibility criteria for seriously behaviorally disabled. (1) Students who are seriously behaviorally disabled are those who exhibit over a long period of time and to a marked degree, one or more of the following characteristics, which adversely affects their 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.

(3) The term does not include students who are socially maladjusted, unless it is determined that they are also seriously behaviorally disabled.

(4) All students considered for special education and related services as seriously behaviorally disabled shall be evaluated according to the following:

(a) A current 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 implications for educational planning, if any.

(b) An evaluation which describes 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 also include:

(i) A social or developmental history compiled directly from the parent(s) and/or records, when parents are not available.

(ii) Current academic achievement evaluation as measured by standardized tests appropriate to age level and administered individually.

(c) If the academic evaluation is completed and there is documentation showing that the student's disability is evident in the school environment, the following evaluation reports may be substituted for the school district and other public agency's evaluation.

(d) A current evaluation by a psychiatrist or 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, and provides implications for educational planning, if any. The multidisciplinary team shall consider these

implications in planning and implementing the student's educational program.

[Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-118, filed 10/11/95, effective 11/11/95.]

WAC 392-172-120 Definition and eligibility criteria for communication disorder. A student shall be considered to have a communication disorder if there is present a documented communication disorder such as stuttering, voice disorder, language impairment, and/or impaired articulation which adversely affects a student's educational performance. The evaluation procedures and eligibility standards outlined in this section apply to those students whose only disabling condition is a communication disorder.

All students being considered for special education and related services as communication disorder shall be evaluated 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 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 evaluation 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. For children under the age of eligibility for entry to the first grade, the evaluation shall include developmental 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 evaluation of the student's suspected disabling condition.

[Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-120, filed 10/11/95, effective 11/11/95.]

WAC 392-172-122 Definition and eligibility criteria for orthopedically impaired. Students who are orthopedically impaired 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 being considered for special education and related services as orthopedically impaired shall be evaluated 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 academic achievement evaluation as measured by standardized tests appropriate to age level and administered individually; and

(3) A current physical therapy and/or occupational therapy evaluation which considers and describes implications for therapy as a part of educational planning.

[Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-122, filed 10/11/95, effective 11/11/95.]

WAC 392-172-124 Definition and eligibility criteria for health impaired. Students with health impairments are those who have limited strength, vitality or alertness, due to 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 affects or with a high degree of professional certainty will affect their educational performance.

All students being considered for special education and related services as health impaired shall be evaluated and determined eligible for special education and related services according to the following:

(1) A current evaluation by a qualified practitioner which describes and confirms the student's health circumstances and which provides any implications for educational planning; and

(2) Current academic achievement evaluation as measured by standardized tests appropriate to age level and administered individually.

[Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-124, filed 10/11/95, effective 11/11/95.]

WAC 392-172-126 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 which prevents the student from achieving commensurate with his or her age and ability levels in one or more of the areas

listed in this subsection, when provided with learning experiences appropriate to the student's age and ability levels. Such disorder may include problems in visual and auditory perception and integration and may manifest itself in an impaired ability to listen, think, speak or communicate clearly, read with comprehension, write legibly and with meaning, spell, and to accurately perform mathematical calculations, including those involving reading. 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.

Such a performance deficit cannot be explained by visual, or hearing, or motor disabilities, mental retardation, behavioral disability, or environmental, cultural, or economic disadvantage.

A specific learning disability includes conditions described as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia, when the student meets the eligibility criteria set forth in WAC 392-172-128, including documentation of severe discrepancy as required by WAC 392-172-132.

[Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-126, filed 10/11/95, effective 11/11/95.]

WAC 392-172-128 Specific learning disability—Evaluation procedures. Evaluation procedures and eligibility standards: All students (except those under the age of entry for first grade) considered for initial placement in special education as specific learning disabled shall be evaluated and determined eligible for special education and related services according to the following:

(1) A current evaluation of sufficient scope to rule out eligibility for any other disabling 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 general education program and the relationships of these behaviors to the specific academic problem shall be completed by a member of the evaluation team other than the student's general education teacher. In the case of a student of less than school age or out of school, a team member shall observe the student in an environment appropriate for a student of that age;

(4) Written documentation that the student has an academic achievement problem in the general education program shall be available. 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 392-172-126 shall be recorded. Such documentation shall conform to the requirements of WAC 392-172-132; and
- (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 392-172-108; and
 - (e) Individually administered and interpreted by a qualified person (defined in WAC 392-172-108) in accordance with the standardized procedures described in the test manuals.

[Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-128, filed 10/11/95, effective 11/11/95.]

WAC 392-172-130 Discrepancy tables for determining severe discrepancy under WAC 392-172-132. 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 392-172-132. 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: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-130, filed 10/11/95, effective 11/11/95.]

WAC 392-172-132 Method for documenting severe discrepancy. (1) For students in grades one and above, a severe discrepancy shall be determined and documented from tables developed pursuant to WAC 392-172-130.

(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;
- (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; and
- (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 392-172-126 shall be determined by applying the regressed standard score discrepancy method to the obtained intellectual ability and achieve-

ment test scores using the tables referenced above. Where the evaluation 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 392-172-130, 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 a written narrative an 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. If the prohibition against the use of specific tests or test results as provided in WAC 392-172-108(8) 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: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-132, filed 10/11/95, effective 11/11/95.]

WAC 392-172-134 Definition and eligibility criteria for mental retardation. Students with mental retardation 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) All students being considered for special education and related services as mentally retarded shall be evaluated and determined eligible for special education and related services according to the following:

(a) A current evaluation 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 academic achievement evaluation 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.

(2) Eligibility standards:

(a) Significantly subaverage general intellectual functioning, defined as a full scale intelligence quotient two or more standard deviations below the mean on the respective measure; and

(b) Concurrent deficits in adaptive behavior.

[Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-134, filed 10/11/95, effective 11/11/95.]

WAC 392-172-136 Definition and eligibility criteria for multiple disabilities. A student with multiple disabilities shall be considered eligible for special education services

when there are present and documented two or more disabling conditions, each of which is so severe as to warrant a special program were that disabling condition to appear in isolation, and the combination of which causes such severe educational problems that the student requires intensive programming and cannot be accommodated in special education programs solely for one of the impairments. Students who are deaf/blind are not included in this disability category.

[Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-136, filed 10/11/95, effective 11/11/95.]

WAC 392-172-138 Definition and eligibility criteria for deafness. Students who are deaf 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 being considered for special education and related services as deaf shall be evaluated 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 the 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 academic achievement evaluation as measured by standardized tests appropriate to age level and administered individually; and

(3) A current evaluation of language development as measured by standardized tests or professionally recognized scales appropriate to age level and administered individually. Each school district or other public agency shall ensure that the hearing aids worn by students who are deaf are functioning properly.

[Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-138, filed 10/11/95, effective 11/11/95.]

WAC 392-172-140 Definition and eligibility criteria for hearing impairment. Students with hearing impairment are those students who have a hearing impairment, whether permanent or fluctuating, which adversely affects the student's educational performance but is not included under the definition of deafness. All students being considered for special education and related services as students with hearing impairment shall be evaluated 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 academic achievement evaluation as measured by standardized tests appropriate to age level and administered individually.

(3) A current evaluation of language development as measured by standardized tests or professionally recognized scales appropriate to age level and administered individually.

Each school district or other public agency shall ensure that the hearing aids worn by students with hearing impairment are functioning properly.

[Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-140, filed 10/11/95, effective 11/11/95.]

WAC 392-172-142 Definition and eligibility criteria for visually impaired/blindness. Students with visual impairment/blindness are those students who have a visual impairment which, even with correction, adversely affects the student's educational performance.

All students being considered for special education and related services with visual impairment/blindness shall be evaluated 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 academic achievement evaluation as measured by standardized tests appropriate to age level and administered individually.

[Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-142, filed 10/11/95, effective 11/11/95.]

WAC 392-172-144 Definition and eligibility criteria for deaf/blindness. Students who are deaf/blind 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 students who are deaf or blind.

All students being considered for special education and related services as deaf/blind shall be evaluated 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 students who are deaf or blind;

(2) Current academic achievement evaluation as measured by standardized tests appropriate to age level and administered individually; and

(3) A current evaluation of language development as measured by standardized tests or professionally recognized scales appropriate to age level and administered individually.

[Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-144, filed 10/11/95, effective 11/11/95.]

WAC 392-172-146 Definition and eligibility criteria for autism. "Autism" means a developmental disability significantly affecting verbal and nonverbal communication and social interaction, generally evident before age three, that adversely affects a student's educational performance. If a student manifests characteristics of autism after age three, that student still could be diagnosed as having autism if the criteria in this section are satisfied.

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.

All students being considered for special education and related services under the category of autism shall be evaluated 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, motor and sensory development;

(2) An adaptive behavior evaluation which includes:

(a) A standardized measure of adaptive behavior;

(b) An evaluation of the student's social skills, including interactions with peers, based on a classroom observation; and

(c) An evaluation of the student's self-help and community skills based on classroom and/or home observations and/or standardized evaluation methods;

(3) A communication evaluation which includes evaluations of:

(a) Receptive, expressive, and social communication skills;

(b) The possible contributions of the student's communication impairment to challenging behavior, and their implications for educational planning; and

(c) The potential need for augmentative communication methods;

(4) An evaluation of preacademic or academic strengths and weaknesses, preferred learning modalities, and present levels of functioning;

(5) A hearing and vision screening; and

(6) An evaluation of fine and gross motor skills.

[Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-146, filed 10/11/95, effective 11/11/95.]

WAC 392-172-148 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:

(1) 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.

(2) All students being considered for special education and related services under the category of traumatic brain injury shall be evaluated and determined eligible for special education and related services according to the following:

(a) 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;

(b) Current academic achievement evaluation as measured by standardized tests appropriate to age level and administered individually;

(c) Current evaluation of cognitive functioning, which may include intelligence, memory, attention, reasoning, abstract thought, judgment, problem-solving, and/or information-processing;

(d) Current evaluation of language and communication skills;

(e) Current evaluation of fine and gross motor skills.

[Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-148, filed 10/11/95, effective 11/11/95.]

WAC 392-172-150 Independent educational evaluation. (1) The parent(s) of a student or the adult student referred for special education and related services or any special education student who is to be evaluated or reevaluated has the right to obtain an independent educational evaluation, subject to subsections (2), (3) and (4) of this section.

(2) When requested by the parent, each school district or other public agency shall provide information about where an independent educational evaluation may be obtained.

(3) For the purposes of this section:

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

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

(4) A parent or the adult student has the right to an independent educational evaluation at public expense when the parent or the adult student disagrees with the evaluation results obtained by the school district or other public agency, as follows:

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

(i) Indicates that the parent or the adult student disagrees with the school district and other public agency's evaluation; and

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

(b) The school district or other public agency shall have the opportunity to initiate and conduct a hearing pursuant to

WAC 392-172-350 et seq. to show that its evaluation is appropriate. If the school district or other public agency elects to initiate a hearing the school district or other public agency shall provide the parent(s) or the adult student written notice of the decision to initiate a hearing no later than the fifteenth calendar 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 392-172-350 et seq. is that the school district and other public agency's evaluation is appropriate, the parent or adult student still has the right to an independent educational evaluation, but not at public expense;

(d) If the district or other public agency elects not to hold a hearing or does not receive a favorable decision in the due process hearing, the independent evaluation shall be provided at public expense in accordance with the same criteria which the district or other public agency uses when it initiates an evaluation including, but not limited to, the location of the evaluation and the qualifications of the examiner; and

(e) The school district or other public agency will not deny payment for an independent educational evaluation solely because the parent did not provide prior notification of his or her intent to seek an independent educational evaluation at public expense.

(5) If the parent or adult student obtains an independent educational evaluation at private expense, the results of the evaluation:

(a) Shall be considered by the school district or other public agency and documented 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 392-172-350 et seq.

(6) If a hearing officer requests an independent educational evaluation as part of a hearing, the cost of the evaluation shall be at public expense.

[Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-150, filed 10/11/95, effective 11/11/95.]

Documentation of Evaluation

WAC 392-172-152 Summary analysis of evaluation data. (1) The student's multidisciplinary team shall analyze the reports of evaluation data provided for in WAC 392-172-108 and any other available data in each of the areas evaluated. From these reports a written summary analysis shall be prepared. The conclusions and recommendations resulting in the eligibility decision pursuant to WAC 392-172-154 and contained in the summary analysis shall:

(a) Identify the existence of a disability which requires the provision of special education and related services.

(b) Reconcile any inconsistent or contradictory information that appears in the evaluation data.

(c) Relate the apparent significance, as appropriate, of such factors as test measurement error or cultural, environmental, economic, and behavioral factors to the evaluation results.

Where specific test results obtained in any evaluation do not appear to the multidisciplinary team to accurately reflect

a student's 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.

(d) Make recommendations to the individualized education program team regarding:

(i) Special education and related services needed;

(ii) The need, if appropriate, of providing such services over a period of time that exceeds the school district and other public agency's regular school program;

(iii) Service options, as well as, needs for specialized materials or equipment;

(iv) Instructional and curricular practices and materials, and student management strategies (e.g., reinforcement schedules, etc.), as determined by the multidisciplinary team to be significant to the student's program;

(v) location of services.

(f) Document any necessary professional judgment(s) and the facts or reasons in support of the judgment(s).

(2) 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.

(3) Upon the documented request of the parent or the adult student the school district or other public agency shall provide the parent or the adult student a copy of the summary analysis and/or reports prior to the individualized education program meeting. If the parent or the adult student makes a written request of the district or other public agency to explain the summary analysis, the district or other public agency shall schedule such a meeting prior to the individualized education program meeting.

[Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-152, filed 10/11/95, effective 11/11/95.]

District Decision

WAC 392-172-154 School district or other public agency decision on eligibility. The school district or other public agency superintendent or designee shall record in writing the decision as to the eligibility for special education of a student who has been evaluated. The information used to make the determination shall be filed in school district or other public agency records. If the decision is that the student is not eligible for special education, the parents or legal guardian of the student shall be informed in writing of the evaluation findings in compliance with notice requirements of WAC 392-172-302, within ten school days following the completion of the evaluation. If the decision is that the student is eligible for special education, the school district or other public agency shall initiate and schedule a meeting and request that the parent(s) participate in the individualized education program conference pursuant to WAC 392-172-156.

[Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-154, filed 10/11/95, effective 11/11/95.]

Individual Education Program

WAC 392-172-156 Meetings. (1) A meeting shall be held within thirty calendar days after the date upon which a student's evaluation is completed (and the student determined to be eligible) for the purpose of developing the student's individualized education program. Meetings consistent with this section shall be conducted by the school district or other public agency 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. The school district or other public agency shall initiate and conduct the meeting and shall include the following participants:

(a) A representative of the school district or other public agency other than the student's teacher who is qualified to provide or supervise the provision of special education services, and authorized to commit district or other public agency resources;

(b) The student's general classroom teacher or special education teacher or therapist. Either the representative of the school district or other public agency or the teacher or therapist must be knowledgeable in the area of the student's 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) The student, if transition services are being considered;

(f) A member of the student's multidisciplinary team or a person who is knowledgeable about the evaluation procedures used with the student and is familiar with the results of the evaluation;

(g) A person knowledgeable about the service options; and

(h) Other individuals at the discretion of the district or other public agency or the parent or the adult student, including representatives from the general education program in which the multidisciplinary team has recommended the delivery of services.

(2) Each school district or other public agency shall take steps to assure (in the case of nonadult students) that one or both parents of the special education student are present at each meeting or are afforded the opportunity to participate, including:

(a) Notifying the parent(s) of the meeting early enough to assure his or her participation; and

(b) Scheduling the meeting at a mutually agreed upon place and time.

(3) The notice to the parent(s) shall include the purpose, time, location of the meeting and who will be in attendance. If the purpose of the meeting is the consideration of transition services, the parent(s) will be notified that the student is invited.

(4) If a parent cannot attend, the district or other public agency shall use other methods to assure participation, including individual or conference telephone calls.

(5) If a parent does not attend (in the case of a nonadult student), a meeting may be conducted. In such a case the

school district or other public agency 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 or other public agency 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 or other public agency shall document the parent(s) and other individualized education program participants' presence at the individualized education program meeting.

(8) General education teachers, in whose classes the student is enrolled, shall be invited to, and given the opportunity to participate in, the individualized education program meeting.

[Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-156, filed 10/11/95, effective 11/11/95.]

WAC 392-172-158 Individualized education program—Implementation. At the beginning of each school year, each public agency shall have in effect an individualized education program for every special education student who is receiving special education from that agency. An individualized education program 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 individualized education program of a special education student 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. 95-21-055 (Order 95-11), § 392-172-158, filed 10/11/95, effective 11/11/95.]

WAC 392-172-160 Individualized education program. (1) Each student's individualized education program shall be developed on the basis of the evaluation and parent input, where it is provided, and shall include:

(a) A statement of the student's present levels of educational performance;

(b) A statement of specific annual goals including short-term instructional objectives which are stated in terms that provide for measurement of progress, expected levels of performance, and the schedules for their accomplishments;

(c) A statement of the specific special education and related services to be provided to the student based upon the

individual needs of the student, as determined through the evaluation process, and the extent to which the student will be able to participate in the general educational program, including physical education. If modifications to the general education program are necessary to ensure the child's participation in that program those modifications must be described. If the student is unable to participate in the general physical education program, a description of the specially designed physical education to be provided to the student shall be included;

(d) The individualized education program developed for a special education student shall also include a statement of the needed transition services as defined in WAC 392-172-060 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). The program should include, when appropriate, a statement of the inter-agency 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 individualized education program team, as soon as possible, to identify alternative strategies to meet transition objectives, and, if necessary, to revise the individualized education program, as long as the student is eligible for services;

(e) If the individualized education program team determines that services are not needed in one or more of the areas specified in WAC 392-172-060 (2)(a) through (f), the individualized education program must include a statement to that effect and the basis upon which the determination was made;

(f) The projected dates for the initiation of all special education and related services and the anticipated duration of each service 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. In the event the individualized educational program is the first in the district or other public agency 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 school year;

(g) Appropriate objective criteria and evaluation procedures and schedules for determining, on at least an annual basis, whether the short-term instructional objectives are being met; and

(h) Aversive therapy, if applicable, consistent with WAC 392-172-388 through 392-172-398. The individualized education program shall describe the positive interventions attempted by the district or other public agency prior to the use of aversive therapy.

(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 special education students who meet the eligibility criteria of that agency.

(3) The school district or other public agency 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 special education student in accordance with an individualized education program. 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. 95-21-055 (Order 95-11), § 392-172-160, filed 10/11/95, effective 11/11/95.]

WAC 392-172-162 Physical education required. (1)

Each special education student is afforded the opportunity to participate in the general physical education program available to students who are not disabled unless:

(a) The student is enrolled full time in a separate facility; or

(b) The student needs specially designed physical education, as prescribed in the student's individualized education program.

(2) If specially designed physical education is prescribed in a student's individualized education program, the school district or other public agency shall ensure that the public agency responsible for the education of that student provides the service directly, or makes arrangements for it to be provided through other public or private programs.

(3) The school district or other public agency shall ensure that any special education student who is enrolled in a separate facility will be provided with appropriate physical education services.

[Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-162, filed 10/11/95, effective 11/11/95.]

WAC 392-172-164 Parent notice of individualized education program meeting—Transition services. If a purpose of the individualized education program meeting is the consideration of transition services for a student, the notice required under WAC 392-172-156 of the individualized education program meeting must also:

(1) Indicate this purpose;

(2) Indicate that the district or other public agency will invite the student; and

(3) Identify any other agency that will be invited to send a representative.

[Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-164, filed 10/11/95, effective 11/11/95.]

WAC 392-172-166 Transition services participants.

If a purpose of the individualized education program meeting is the consideration of transition services for a student, the district or other public agency 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 or other public agency shall take other steps to ensure that the student's preferences, and aptitudes and interests are considered; and

If an agency invited to send a representative to an individualized education program meeting does not do so,

the district or other public agency 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. 95-21-055 (Order 95-11), § 392-172-166, filed 10/11/95, effective 11/11/95.]

WAC 392-172-168 Required student participation—Transition. The district or other public agency is required to invite each student to participate in his or her individualized education program 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 individualized education program 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 or other public agency is responsible for ensuring that, before a decision about transition services for the student is made, a subsequent individualized education program meeting is conducted for that purpose, and the student is invited to the meeting.

[Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-168, filed 10/11/95, effective 11/11/95.]

Service Delivery Options

WAC 392-172-170 Initial service delivery—Parental consent for initial placement—Notice required. (1) The written consent of the parent(s) or adult student shall be requested and obtained before initial special education and related services are provided.

(2) Each school district or other public agency shall provide written notice of initial special education services to be provided to the student, or of the school district or other public agency and other public agency's inability or refusal to make special education and related services available, at the initial meeting or within ten calendar days after the initial meeting provided for in WAC 392-172-156. The notice shall comply with the notice requirements of WAC 392-172-306. Students admitted to state residential schools shall be enrolled in an educational program within ten school days of admission.

(3) The student's proposed special education and related services 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 or other public agency pursuant to a hearing (or appeal) conducted in accordance with WAC 392-172-350 et seq.

[Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-170, filed 10/11/95, effective 11/11/95.]

WAC 392-172-172 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 service delivery options included under

this chapter are available to the extent necessary to implement the individualized education program for each student eligible for and in need of special education. The provision of services to each special education student, including students in public or private institutions or other care facilities, shall be in his or her least restrictive environment as follows:

(1) Educational setting—Each special education student shall be provided services:

(a) In the general educational environment with students who are not disabled to the maximum extent appropriate to his or her needs. Special classes, separate schooling or other removal from the general education environment cannot occur unless it is demonstrated by the school district or other public agency that the nature or severity of the student's disability is such that his or her education in general 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 receiving special education and related services, unless his or her individualized education program requires some other arrangement. If some other arrangement is required, the student shall be provided services in the appropriate educational program that is as close to the student's home as possible.

(2) Nonacademic settings—Each special education student shall be provided nonacademic and extracurricular services and activities conducted by the school district or other public agency with students who are not disabled to the maximum extent appropriate to the needs of the student. Nonacademic and extracurricular services and activities may also include counseling services, athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by the district or other public agency, referrals to agencies that provide assistance to individuals with disabilities, and employment of students, including both employment by the district or other public agency and assistance in making outside employment available. Each school district or public agency shall take steps to ensure that its special education students have available to them the variety of educational programs and services available to nonspecial education students in the area served by the school district or public agency, including art, music, industrial arts, consumer and homemaking education, and vocational education.

[Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-172, filed 10/11/95, effective 11/11/95.]

WAC 392-172-174 Continuum of alternative service delivery options. A continuum of alternative service delivery options shall be made available as necessary to meet the needs of special education students including special education and related services in: General classes, special classes, special schools, home, hospitals, institutions, and instruction in other settings, and shall provide for supplementary services in conjunction with the general education classroom.

Specially designed instruction shall be provided as follows:

(1) Provided directly by certificated special education personnel or by general certificated teachers and/or classified

instructional staff who are under the direct supervision of the general certificated teacher. For the purposes of this section, direct supervision includes observation of classified instructional staff at least weekly, during the time they are providing direct services to the student. Direct supervision of classified instructional staff providing related services, including services at off-site locations, shall occur at least monthly.

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

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

[Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-174, filed 10/11/95, effective 11/11/95.]

WAC 392-172-176 Transition to preschool program. Each local school district or other public agency shall develop policies and procedures for the transition of children participating in the early intervention program under Part H of the Individuals with Disabilities Education Act who are eligible for participation in preschool programs under Part B of the Individuals with Disabilities Education Act.

If the child will participate in the school district and other public agency's preschool program under Part B of Individuals with Disabilities Education Act at age three, an individual education program consistent with this chapter must be developed and implemented by the child's third birthday. The district or other public agency must provide the family with information on the eligibility and evaluation requirements under Part B of the Individuals with Disabilities Education Act, including the parent's and school district and other public agency's rights regarding procedural safeguards.

Each school district and other public agency's policies and procedures must include procedures for:

(1) Notifying the agency in which the child is being served, and the family of the need for transitional planning;

(2) Describing how the families will be included in the transitional plans;

(3) Convening, with the approval of the family, a transition conference with the agency, family, and district or other public agency, at least ninety days before the child is eligible for the preschool program under Part B of Individuals with Disabilities Education Act for the purpose of reviewing a child's program options for the remainder of the school year, and establishing a transition plan.

[Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-176, filed 10/11/95, effective 11/11/95.]

WAC 392-172-178 Preschool services. The requirements of this chapter apply to all preschool children with disabilities who are entitled to receive free, appropriate public education. Districts that provide preschool programs for nondisabled preschool children must ensure that the requirements of this chapter are met. Districts that do not operate programs for nondisabled preschool children are not required to initiate such programs solely to satisfy the requirements regarding the provision of services in the least restrictive environment. For these districts some alternative methods for meeting the requirement include:

(1) Providing opportunities for the participation (even part-time) of preschool children with disabilities in other preschool programs operated by public agencies (such as Head Start);

(2) Providing services to children with disabilities in private school programs for nondisabled preschool children or private school preschool programs that integrate children with disabilities and nondisabled children; and

(3) Locating classes for preschool children with disabilities in general elementary schools. In each case the district or other public agency must ensure that the provision of services for each child is in the least restrictive environment in which the unique needs of that child can be met, based upon the child's individualized education program, and meets all of the other requirements of this chapter.

[Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-178, filed 10/11/95, effective 11/11/95.]

WAC 392-172-180 Procedures for establishing educational settings. (1) The educational setting (placement) for each special education student shall be determined at least annually at a meeting conducted pursuant to WAC 392-172-156.

(2) The selection of the appropriate placement for each special education student shall be based upon:

(a) The student's individualized education program;

(b) The least restrictive environment requirements of WAC 392-172-172;

(c) The placement option(s) 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 data gathered through the evaluation 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 and 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. 95-21-055 (Order 95-11), § 392-172-180, filed 10/11/95, effective 11/11/95.]

Evaluation of Progress—Reevaluation**WAC 392-172-182 Reevaluation—Requirement.**

Each special education student shall be reevaluated by the multidisciplinary team in accordance with the evaluation procedures specified in WAC 392-172-100 through 392-172-152, 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 team.

[Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-182, filed 10/11/95, effective 11/11/95.]

WAC 392-172-184 Reevaluation—Notice requirement. A reasonable time prior to conducting the reevaluation, the district or other public agency shall provide written notice to parents or adult student. The notice shall include the procedural safeguard requirements provided in WAC 392-172-306. The parents or adult student have the right to submit to the multidisciplinary team any information they deem important to the reevaluation.

[Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-184, filed 10/11/95, effective 11/11/95.]

WAC 392-172-186 Reevaluation—Purposes. The purposes of reevaluation are to determine the following:

- (1) If the student is appropriately identified as disabled and in need of special education and related services; and
- (2) If the program designed for the student is appropriate to meet the student's unique needs.

[Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-186, filed 10/11/95, effective 11/11/95.]

WAC 392-172-188 Reevaluation general procedures. The multidisciplinary team shall determine if additional evaluation procedures are necessary to confirm the decisions to be made in WAC 392-172-186.

In making the determination, members of the multidisciplinary team shall be governed by the generally recognized professional practice standards of their respective disciplines. The multidisciplinary team shall document in a written narrative the basis for the determination including any relevant data or evaluation procedures utilized.

[Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-188, filed 10/11/95, effective 11/11/95.]

WAC 392-172-190 Reevaluation—Notice of results. Within ten calendar days of the completion of the reevaluation, the district or other public agency superintendent or designee shall notify the parent or adult student, pursuant to WAC 392-172-306, of one or more of the following decisions:

- (1) That the student is eligible and in need of special education;
- (2) That the individualized education program designed for the student is appropriate to the student's unique needs.

When a determination is made that the individualized education program is inappropriate, an individualized education program team meeting shall be convened in

accordance with WAC 392-172-156 through 392-172-168. When special education and related services are to be discontinued, notice shall be given the parent(s) pursuant to WAC 392-172-302.

[Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-190, filed 10/11/95, effective 11/11/95.]

SERVICE DELIVERY STANDARDS**Staff Qualifications**

WAC 392-172-200 Staff qualifications. All employees of a school district or other public agency funded in whole or part with state or federal special education excess cost funds shall be qualified as follows (except as provided for in subsection (4) of this section):

(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 or other public agency of employment. Supplemental standards established by a district or other public agency 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 support personnel shall meet standards established under the educational staff associate rules of the state board of education, as now or hereafter amended. A teacher of special education must hold a valid general teaching certificate for the appropriate level(s). The school district or other public agency is responsible for determining whether or not the teacher has adequate preparation to provide special education services. "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. If the teacher does not have a certificate endorsed in special education, the teacher of special education must hold a valid general teaching certificate for the appropriate level(s), and the school district or other public agency is responsible for determining whether or not the teacher has adequate preparation in special education to teach such classes. Course work focused on the essential areas of study and credits required for endorsement by the state board of education in the area of special education are required.

(3) Classified staff shall present evidence of either formal and/or adequate in-service training or successful experience in working with special education students. The office of superintendent of public instruction, through the special education comprehensive system of personnel development, shall identify the minimum competencies classified staff must possess and develop in-service training strategies to meet staff needs.

(4) General education classroom personnel providing specially designed instruction pursuant to a properly formulated individual education program may be paid from state special education excess cost funds if the district has in place a cost allocation plan which meets the requirements established by the superintendent of public instruction.

[Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-200, filed 10/11/95, effective 11/11/95.]

WAC 392-172-202 Emergency—Temporary out-of-endorsement assignment. In order to temporarily assign a nonspecial education endorsed classroom teacher to a special education position, the district or other public agency must comply with the following:

(1) The district or other public agency must make one or more of the following factual determinations:

(a) The district or other public agency was unable to recruit a teacher with the proper endorsement who was qualified for the position.

(b) The need for a teacher with such an endorsement could not have been reasonably anticipated and the recruitment of such a classroom teacher at the time of assignment was not reasonably practicable.

(c) The reassignment of another teacher within the district or other public agency with the appropriate endorsement to such assignment would be unreasonably disruptive to the current assignments of other classroom teachers or would have an adverse effect on the educational program of the students assigned such other classroom teachers.

(2) The teacher assigned to the special education position must meet the following requirements:

(a) The teacher so assigned must have at least two full school years of classroom teaching experience and must not have been placed on probation pursuant to RCW 28A.405.100 during the last two school years.

(b) The teacher so assigned must have completed six semester hours or nine quarter hours of course work which are applicable to an endorsement in the out-of-endorsement grade level or subject area.

(3) The district or other public agency shall comply with the following condition:

Prior to the assignment, or as soon as reasonably practicable thereafter, but in no event beyond twenty school days after the commencement of the assignment, a designated representative of the district or other public agency and the classroom teacher so assigned shall mutually develop a written plan which provides necessary assistance to the teacher so assigned and which provides for a reasonable amount of planning and study time associated specifically with the assignment.

(4) The district or other public agency shall submit to the office of superintendent of public instruction as part of its annual report required by WAC 180-16-195, a list which indicates all such assignments. Such list shall include:

(a) The name and certification number of each teacher so assigned, the grade levels or subject areas and the number of such periods taught by such teacher, and the dates upon which such assignment(s) commenced and concluded.

(b) The reason for each such assignment.

(c) The reason why the particular teacher was selected for the out-of-endorsement grade level or subject area.

(d) A dated copy of each plan of assistance required pursuant to subsection (3) of this section. Such copy shall not contain any personal information the disclosure of which would violate the named teacher's right to privacy pursuant to RCW 42.17.310 (1)(b).

(5) The district or other public agency adopts a resolution for each proposed out-of-endorsement assignment which

states that the district or other public agency has made good faith efforts to comply with the provision(s) for which it is requesting a waiver. Such resolution must recite the actions that the school district or other public agency has taken to comply. Upon adoption and transmission of such resolution to the superintendent of public instruction, the district or other public agency shall be authorized to assign each such classroom teacher affected to the proposed out-of-endorsement assignment.

(6) An emergency out-of-endorsement assignment by the district or other public agency is only valid for one school year.

[Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-202, filed 10/11/95, effective 11/11/95.]

Program Standards—Transportation—Facilities—Comparability

WAC 392-172-204 Transportation. (1) Methods. Transportation options for special education 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. 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 special education 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 special education student shall be in accordance with rules of the superintendent of public instruction governing transportation by public school districts and other public agencies.

(3) Bus aides and drivers. Training and supervision of bus aides and drivers shall be the responsibility of the school district or other public agency superintendent or designee.

(4) Special equipment. Special equipment may include lifts, wheelchair holders, restraints, 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) 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.

(7) 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 or other public agency pursuant to an interagency agreement—i.e., an appropriate placement in the least restrictive environment.

[Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-204, filed 10/11/95, effective 11/11/95.]

WAC 392-172-206 Facilities. Construction of special facilities or the remodeling of present facilities in order to meet the special education and related services needs of any special education student shall be provided in accordance with rules of the superintendent of public instruction and the state board of education. All educational facilities required for special education students in residential school programs shall be the responsibility of the department of social and health services as provided by RCW 28A.190.040.

[Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-206, filed 10/11/95, effective 11/11/95.]

WAC 392-172-208 Comparable facilities. If a school district or other public agency, in compliance with this chapter, operates a facility that is identifiable as being for special education students, the district or other public agency shall assure that the facility and the services and activities provided in the facility are comparable in quality to the school district and other public agency's facilities, services, and activities for students who are not disabled.

[Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-208, filed 10/11/95, effective 11/11/95.]

WAC 392-172-210 Program length. The length of the education program for special education students shall be at least as long as the education program for students who are not disabled in terms of both the number of school days in the general school year and the average number of hours per school day. If a special education student cannot attend school a full school day, the reason shall be documented in his or her records and addressed in the individualized education program. The program length for a student during an extended school year shall be determined by the student's individualized education program.

[Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-210, filed 10/11/95, effective 11/11/95.]

WAC 392-172-212 Health or safety standards. The superintendent of public instruction and districts shall comply with any federal health or safety requirements that apply to facilities used under Part B of Individuals with Disabilities Education Act.

[Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-212, filed 10/11/95, effective 11/11/95.]

WAC 392-172-214 Administration of medication. (1) Medication may be administered to a special education 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 or other public agency.

[Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-214, filed 10/11/95, effective 11/11/95.]

Service Delivery Settings

WAC 392-172-216 Choice and running start programs. The requirements governing intradistrict and interdistrict choice and the running start program are contained in chapters 28A.225 and 28A.600 RCW, and chapter 392-137 WAC.

[Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-216, filed 10/11/95, effective 11/11/95.]

WAC 392-172-218 Home/hospital instruction. Home or hospital instruction shall be provided to both special education 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 or other public agency 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 disabled pursuant to WAC 392-172-035 who qualifies pursuant to this subsection shall be deemed "disabled" only for the purpose of home/hospital instructional services and funding and may not otherwise qualify as a special education student for the purposes of generating state or federal special education funds. A school district or other public agency 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 the initial or ongoing delivery of services to special education 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: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-218, filed 10/11/95, effective 11/11/95.]

WAC 392-172-220 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 special education students if the school district establishes that it cannot provide an appropriate education for the special education student within the district or another school district.

(2) In the case of a cooperative delivery of services by a school district to a special education student at a center for the furtherance of research and training in disabling 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 and other public agencies shall establish that the parent(s) or adult student has:

(a) Given written approval for delivery of services to the student at such center despite the existence of an appropriate education for the student within the district or another school district; and

(b) Has agreed that such delivery of services would equal or substantially equal the services available in the school district.

[Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-220, filed 10/11/95, effective 11/11/95.]

WAC 392-172-222 Approval of nonpublic and public school agencies. A school district or other public agency shall neither provide a student with services in a nonpublic or public school agency nor 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 or other public agency 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 designee;

(2) The superintendent of public instruction or designee shall recommend approval or disapproval of the agency to the state board of education; and

(3) The superintendent of public instruction or designee shall notify the requesting school district or other public agency and nonpublic or public school agency of approval or disapproval.

[Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-222, filed 10/11/95, effective 11/11/95.]

WAC 392-172-224 School district or other public agency responsibility when contracting for the delivery of services in a nonpublic or public school agency. Any school district or other public agency contracting with an approved nonpublic or public school agency for special education and/or related services on behalf of a special education student shall:

(1) Initiate and conduct a meeting with appropriate personnel and the student's parent(s) to develop the student's individualized education program. The district or other public agency 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 or other public agency. The district or other public agency 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 or other public agency.

(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(s) of the student(s) with disabilities 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 or other public agency and the contractor;

(f) Assurance of compliance with staff 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 and other public agency'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) Nondiscrimination;

(ii) Care of student(s) in emergencies;

(iii) Fire drills;

(iv) Personnel policies;

(v) Staff duties; and

(vi) Board of directors' duties and functions;

(q) Other contractual elements that may be necessary to assure compliance with state and federal rules; and

(r) Signatures of authorized school and contractor officials.

[Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-224, filed 10/11/95, effective 11/11/95.]

WAC 392-172-226 Residential educational services.

If the delivery of services in a public or private residential educational program is necessary to provide special education and related services to a special education student, the program, including nonmedical care and room and board, must be at no cost to the parents of the student. Nothing in this chapter relieves an insurer or similar third party (public or private) from an otherwise valid obligation to provide or to pay for services provided to a special education student. Nothing in this chapter relieves any participating agency of the responsibility to provide or pay for any service that the agency would otherwise provide to any special education student who meets the eligibility criteria of that agency.

[Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-226, filed 10/11/95, effective 11/11/95.]

Private Schools Provisions

WAC 392-172-228 Out-of-state agencies. In the event the resident school district or other public agency is unable to contract with another district or other public agency, or a nonpublic agency, or an appropriate state agency, the district or other public agency may contract with an out-of-state educational program.

Contractual arrangements for an out-of-state educational program must be approved by the superintendent of public instruction or designee prior to the placement of the students in that program. The school district or other public agency shall be responsible for:

(1) Determining that no appropriate in-state service 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 the delivery of services will result in an appropriate education for the student; and

(3) Contracting with the out-of-state agency pursuant to the requirements of WAC 392-172-220 through 392-172-224.

The school district or other public agency may petition the superintendent of public instruction or designee for state and/or federal special education funds to provide an educational program with an out-of-state agency.

[Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-228, filed 10/11/95, effective 11/11/95.]

Private School Students—Placed by Parents or Others

WAC 392-172-230 Placement of students by parents. If a special education student 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 chapter 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 in WAC 392-172-232 through 392-172-248.

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. Disagreements may also be resolved through the mediation process described in this chapter.

[Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-230, filed 10/11/95, effective 11/11/95.]

WAC 392-172-232 Definition—"Private school student(s) with disabilities." For the purpose of WAC 392-172-234 through 392-172-248 "private school student(s) with disabilities" means special education students enrolled in private schools or agencies and whose enrollment is not the result of a contractual arrangement between a public school district or other public agency and the private school or agency.

[Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-232, filed 10/11/95, effective 11/11/95.]

WAC 392-172-234 School district or other public agency responsibility for private school special education students. Subject to the provisions of WAC 392-172-236 through 392-172-248:

(1) Each school district or other public agency shall provide special education and related services designed to meet the needs of private school special education students who attend a private school located within the school district and other public agency's boundaries.

(2) Each school district or other public agency shall provide private school special education students with genuine opportunities to participate in special education and related services consistent with the number of those students and their needs.

(3) If a special education student is enrolled in a parochial or other private school and receives special education or related services from the school district or other public agency, the school district or other public agency shall:

(a) Initiate and conduct meetings to develop, review and revise an individualized education program for the student, in accordance with this chapter; and

(b) Ensure that a representative of the parochial or other private school attends each meeting. If the representative cannot attend, the district or other public agency shall use other methods to ensure participation by the private school, including individual or conference telephone calls.

[Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-234, filed 10/11/95, effective 11/11/95.]

WAC 392-172-236 Determination of needs, numbers of students and types of services. The school district or other public agency shall determine the needs of private school special education students, the number who will participate, and the types of special education and related services which the school district or other public agency will provide. Such determination shall be made 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 special education students enrolled in public schools.

[Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-236, filed 10/11/95, effective 11/11/95.]

WAC 392-172-238 Service arrangements. (1) Special education services to private school students may be provided through such arrangements as dual enrollment pursuant to chapter 392-134 WAC.

(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) Special education 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: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-238, filed 10/11/95, effective 11/11/95.]

WAC 392-172-240 Personnel in private schools and agencies. (1) School district or other public agency personnel may be made available to nonsectarian private schools and agencies only to the extent necessary to provide services required by the special education student.

(2) Each school district or other public agency 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 special education 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: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-240, filed 10/11/95, effective 11/11/95.]

WAC 392-172-242 Equipment—Construction. (1) Equipment used with special education students in a private school or agency may be placed on nonsectarian private school or agency premises for the period of time necessary for the program, but title to and administrative control over all equipment must be retained and exercised by the school district or other public agency.

(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: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-242, filed 10/11/95, effective 11/11/95.]

WAC 392-172-244 Prohibition of segregation. Programs or projects carried out in public facilities, and involving joint participation by special education students otherwise enrolled in private schools or agencies and special education 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: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-244, filed 10/11/95, effective 11/11/95.]

WAC 392-172-246 Funds and property not to benefit private schools. Public funds provided and property derived from those funds shall not benefit any private school or agency.

[Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-246, filed 10/11/95, effective 11/11/95.]

WAC 392-172-248 Existing level of instruction. Provisions for serving private school special education students shall not include the financing of the existing level of instruction in a private school or agency.

[Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-248, filed 10/11/95, effective 11/11/95.]

Procedural Safeguards

WAC 392-172-300 General responsibility of public agencies. The state shall ensure that each school district or public agency establishes and implements procedural safeguards that meet the requirements of 34 CFR 300.500-300.515.

[Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-300, filed 10/11/95, effective 11/11/95.]

Notice Requirements—General

WAC 392-172-302 When notice must be given. Written notice in accordance with WAC 392-172-306 shall be given by a school district or other public agency to the parent(s) of a student (or to the adult student) a reasonable time before the school district or other public agency:

(1) Proposes to initiate or change:

(a) The identification, evaluation, or delivery of educational services to the student;

(b) The individualized education program, including annual goals and short term instructional objectives or the provision of special education and related services to the student pursuant to this chapter; or

(2) Refuses to initiate or change:

(a) The identification, evaluation, or delivery of special education and related services to the student; or

(b) The individualized education program or the provision of special education and related services to the student pursuant to this chapter.

[Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-302, filed 10/11/95, effective 11/11/95.]

WAC 392-172-304 Parent consent. Parental consent must be obtained in writing (or denial of consent overridden by a due process hearing) before:

(1) Conducting an initial evaluation; and

(2) Providing initial special education and related services to a special education student.

A school district or other 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. 95-21-055 (Order 95-11), § 392-172-304, filed 10/11/95, effective 11/11/95.]

WAC 392-172-306 Contents of notice. (1) The notice required by WAC 392-172-302 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 300.515, and 300.562 through 300.569, including the availability of mediation as a dispute resolution process;

(b) A description of the action proposed or refused by the school district or other public agency, an explanation of why the district or other public agency proposes or refuses to take the action, and a description of any options the

district or other public agency considered and the reasons why those options were rejected;

(c) A description of each evaluation procedure, test, record, or report the district or other public agency used as a basis for the proposal or refusal; and

(d) A description of any other factors which are relevant to the school district and other public agency'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 or other public agency 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 (a) and (b) of this subsection have been met.

[Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-306, filed 10/11/95, effective 11/11/95.]

Surrogate Parents

WAC 392-172-308 Surrogate parents. (1) Each school district or other public agency providing a special education program to a nonadult special education student shall assure that the rights of the nonadult student are protected when:

(a) No parent (as defined in WAC 392-172-035(5)) can be identified;

(b) The school district or other public agency, 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 or other public agency. The duty of a school district or other public agency 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 or other public agency 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, evaluation, and the delivery of educational services to the student; and

(b) The provision of free special education and related services to the student.

[Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-308, filed 10/11/95, effective 11/11/95.]

Mediation

WAC 392-172-310 Mediation—Purpose. The purpose of mediation is to offer both the parent and the school district or other public agency an optional alternative to a formal due process hearing. Mediation requires the consent and agreement of both parties. Mediation cannot be used to deny or delay access by a parent to a due process hearing under this chapter. Mediation is used to resolve disagreements concerning the identification, evaluation, delivery of educational services or provision of a free appropriate public education to a special education student. Mediation may be terminated by either party at any time during the process.

[Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-310, filed 10/11/95, effective 11/11/95.]

WAC 392-172-312 Mediation—Definition. Mediation is a dispute resolution process in which an impartial mediator assists both parties in reaching a mutually acceptable agreement on the educational needs of a special education student. The primary participants in the mediation process are the parent(s), school district or other public agency representative(s), and mediator. The process is voluntary, confidential, and informal. It is a collaborative process, conducted in a nonadversarial manner. Mediation services may be provided by the office of superintendent of public instruction at no cost to either party. The office of superintendent of public instruction will attempt to provide mediation services for individuals whose primary language is not English.

[Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-312, filed 10/11/95, effective 11/11/95.]

WAC 392-172-314 Request for mediation services. To access the system of mediation established by the office of superintendent of public instruction, a request for mediation services may be made in writing or verbally to administrative agents for the office of superintendent of public instruction located statewide. Written confirmation of the request shall be provided to both parties by an intake coordinator and a mediator shall be assigned to the case.

[Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-314, filed 10/11/95, effective 11/11/95.]

WAC 392-172-316 Written mediation agreement. Agreements reached through the mediation process shall be documented in writing and signed by both parties. Solutions to the issue(s) raised through the mediation process shall not be in conflict with state and federal laws or regulations. Both parties shall be given a copy of the written mediation agreement. Negotiations, mediation positions, etc., disclosed in a mediation shall not be used as evidence in a due process hearing or other administrative review unless one party to the mediation violates the agreement. A copy shall also be filed by the mediator with the office of superintendent of public instruction in mediations provided by that agency.

[Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-316, filed 10/11/95, effective 11/11/95.]

Citizen Complaint Process

WAC 392-172-320 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 and other public agencies in the state of Washington in compliance with applicable rules and regulations.

[Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-320, filed 10/11/95, effective 11/11/95.]

WAC 392-172-322 Purpose. The purpose of this chapter is to ensure compliance by the state of Washington with 34 CFR 300.660 through 300.662, Individuals with Disabilities Education Act.

[Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-322, filed 10/11/95, effective 11/11/95.]

WAC 392-172-324 Definition—Complaint. As used in this chapter, the term "complaint" means an allegation, by the complainant, that the state, a local school district or other public agency, an educational service district or other public agency, or other subgrantee receiving federal funds (or receiving state funds to carry out a federal requirement), including private schools and facilities where students are placed on a contractual basis, has violated a federal statute or regulation or a state regulation that applies to a federal program covered under this chapter.

[Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-324, filed 10/11/95, effective 11/11/95.]

WAC 392-172-326 Definition—Other subgrantee. As used in this chapter, the term "other subgrantee" means the government, for profit or nonprofit, or other legal entity to which the state as grantee awards a subgrant or the district or public agency grants a contract, 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: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-326, filed 10/11/95, effective 11/11/95.]

WAC 392-172-328 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 in-service 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. 95-21-055 (Order 95-11), § 392-172-328, filed 10/11/95, effective 11/11/95.]

WAC 392-172-330 Right to register a complaint. Any individual, entity, or organization may register a complaint. If a parent or adult student has also filed a request for a due process special education hearing pursuant to WAC 392-172-350, regarding the same issues, a citizen complaint by such person regarding noncompliance shall be held in abeyance until the hearing has been concluded.

[Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-330, filed 10/11/95, effective 11/11/95.]

WAC 392-172-332 Contents of complaint. A complaint filed under this chapter shall include:

- (1) A statement that the state, a local school district or other public agency, 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: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-332, filed 10/11/95, effective 11/11/95.]

WAC 392-172-334 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 or other public agency, an educational service district, or other subgrantee shall be filed directly with the superintendent of public instruction.
- (2) The superintendent of public instruction, upon receipt of a complaint against a local school district or other public agency, an educational service district, or other subgrantee, shall refer the complaint to the allegedly offending entity for action pursuant to this chapter.
- (3) Receipt of a complaint by the superintendent of public instruction activates a time line not to exceed sixty calendar days unless an extension of the time limit is approved by the superintendent of public instruction on the basis of exceptional circumstances relative to a particular complaint.

[Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-334, filed 10/11/95, effective 11/11/95.]

WAC 392-172-336 Designation of responsible employee. The chief officer of each local school district or other public agency, 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 superintendent of public instruction pursuant to WAC 392-172-334.

[Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-336, filed 10/11/95, effective 11/11/95.]

WAC 392-172-338 Investigation of and response to complaints against a school district or other public agency, 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 with the superintendent of public instruction and referred by the superintendent of public instruction to the allegedly offending entity, the employee(s) designated pursuant to WAC 392-172-336 shall investigate the alleged violations.

(2) Upon completion of the investigation by the allegedly offending entity, the designated employee(s) shall provide the responsible official of the entity with a written report, including applicable documentation, of the results of the investigation. Said officials shall respond in writing to the superintendent of public instruction no later than twenty calendar days after the date of receipt by the entity of such complaint.

(3) The response to the superintendent of public instruction shall clearly state either:

(a) That the entity denies the allegations contained in the complaint and the basis for such denial; or

(b) Proposes reasonable corrective action(s) deemed necessary to correct the violation.

(4) The superintendent of public instruction will provide the complainant the opportunity to submit additional information, either orally or in writing, about the allegations in the complaint.

(5) Within thirty calendar days, and upon review of all relevant information including, dependent upon necessity, information obtained through an independent on-site investigation by the superintendent of public instruction, the superintendent of public instruction will 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 chapter.

(6) Consistent with the provisions of WAC 392-172-320 through 392-172-346, issue a written decision to the complainant that addresses each allegation in the complaint including findings of fact and conclusions and the reasons for the state's final decision, and clearly states 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. Any such corrective measures deemed necessary shall be instituted as soon as possible but in no event later than thirty calendar days following the date of the response to the complainant.

(7) When appropriate, technical assistance, negotiations, and corrective action(s) are to be instituted no later than ten days following notice of written decision by the superintendent of public instruction.

(8) If compliance by a local school district or other public agency, educational service district, or other subgrantee is not achieved pursuant to subsection (6) of this section, the superintendent of public instruction shall initiate fund withholding, fund recovery, or any other sanction deemed appropriate.

[Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-338, filed 10/11/95, effective 11/11/95.]

WAC 392-172-340 Complainant right to appeal. In the event a complainant, local school district or other public agency, 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: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-340, filed 10/11/95, effective 11/11/95.]

WAC 392-172-342 Complaints against the superintendent of public instruction—Designation of responsible employee(s). 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 392-172-332.

[Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-342, filed 10/11/95, effective 11/11/95.]

WAC 392-172-344 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 soon 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. Any such corrective measures deemed necessary shall be instituted as soon as possible but in no event later than thirty calendar days following the date of the response to the complainant.

[Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-344, filed 10/11/95, effective 11/11/95.]

WAC 392-172-346 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: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-346, filed 10/11/95, effective 11/11/95.]

Hearings—General

WAC 392-172-350 Right to initiate—Purposes. (1) Hearings conducted in accordance with WAC 392-172-350 through 392-172-360 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 or other public agency may initiate a hearing to challenge or to show (as the case may be) the appropriateness of a proposal by the school district or other public agency to initiate or change:

- (i) The identification of the student;
- (ii) The evaluation of the student;
- (iii) The delivery of educational services to 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 or other public agency may initiate a hearing to challenge or to show (as the case may be) the appropriateness of the school district and other public agency's refusal of the parent(s) (or adult student's) request to initiate or change:

- (i) The identification of the student;
- (ii) The evaluation of the student;
- (iii) The delivery of educational services to the student;

or

(iv) The provision of special education and related services to the student pursuant to this chapter;

(c) A school district or other public agency may initiate a hearing to show that its evaluation of a student is appropriate if the student's parent(s) or adult student disagrees with the evaluation 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 and specify the district or other public agency;

(b) Be mailed or provided directly to the Office of Superintendent of Public Instruction, Office of Legal Services, Old Capitol Building, Olympia, Washington 98504; and

(c) Explain the concerns of the parent(s) or adult student in general or specific terms.

(3) A request by a school district or other public agency 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 392-172-302. If the hearing request by the district or other public

agency is in response to a request for an independent educational evaluation pursuant to WAC 392-172-150, the school district and other public agency's written request for a hearing also shall have attached a copy of the written notice to the district or other public agency required by WAC 392-172-150(2).

(4) A notice of a hearing requested by a student's parent(s) or adult student or initiated by a school district or other public agency 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 392-172-352 through 392-172-364; and

(d) The right of the parent(s) or adult student to seek an independent evaluation at public expense pursuant to WAC 392-172-150.

(5) The forty-five day time line for completing the hearing process shall begin on the day the superintendent receives the written request for a due process hearing.

[Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-350, filed 10/11/95, effective 11/11/95.]

WAC 392-172-352 Hearing officers—Selection and expenses of—Parent assistance. (1) If a hearing is initiated pursuant to WAC 392-172-350:

(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: A court reporter's stenographic record need not be transcribed for any purpose except as provided or required in WAC 392-172-354 (1)(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 other public agency 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) A person who otherwise qualifies to conduct a hearing under this section is not an employee of the public agency solely because he or she is paid by the agency to serve as a hearing officer.

(3) The hearing shall be conducted in accordance with the provisions of WAC 392-101-005 unless modified by this chapter.

(4) 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. 95-21-055 (Order 95-11), § 392-172-352, filed 10/11/95, effective 11/11/95.]

WAC 392-172-354 Hearing rights. (1) Any party to a hearing initiated pursuant to WAC 392-172-350 has the right to:

(a) Be accompanied and advised by persons with special knowledge or training with respect to the problems of special education students;

(b) Be advised and/or represented by an attorney;

(c) Present evidence, including the opinion(s) of qualified experts, confront, cross-examine, and compel the attendance of witnesses;

(d) Prohibit the introduction of any evidence at the hearing that has not been disclosed to that party at least five days before the hearing;

(e) Obtain a written or electronic verbatim record of the hearing at no cost to any party to a hearing. In the event of an appeal to a court of law by the school district or other public agency, the district or other public agency 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 and other public agency'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. 95-21-055 (Order 95-11), § 392-172-354, filed 10/11/95, effective 11/11/95.]

WAC 392-172-356 Time line 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 392-172-350:

(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 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 finding of fact and conclusion; and

(b) Avoids the revelation of personally identifiable information that is unnecessary to reaching and understanding the decision reached.

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(3) A hearing officer may grant specific extensions of time beyond the period set forth in this section at the written or otherwise documented request of the parent(s) or school district or other public agency, as follows:

(a) Continuances only by written order of the administrative law judge, which specifies the expiration date; and

(b) Continuances in instances of good cause and to periods of time that do not unjustifiably infringe on the right of either party to a timely decision.

(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. 95-21-055 (Order 95-11), § 392-172-356, filed 10/11/95, effective 11/11/95.]

WAC 392-172-358 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 392-172 WAC shall apply prospectively. Hearing requests filed pursuant to WAC 392-172-350 shall be governed by the chapter 392-172 WAC regulations in effect at the time the request for a hearing is filed.

[Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-358, filed 10/11/95, effective 11/11/95.]

WAC 392-172-360 Final decision—Appeal to court of law. A decision made in a hearing initiated pursuant to WAC 392-172-350 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. 95-21-055 (Order 95-11), § 392-172-360, filed 10/11/95, effective 11/11/95.]

WAC 392-172-362 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. 95-21-055 (Order 95-11), § 392-172-362, filed 10/11/95, effective 11/11/95.]

WAC 392-172-364 Student's status during hearing and judicial review processes. (1) During the pendency of any administrative or judicial proceeding regarding a hearing request initiated pursuant to WAC 392-172-350 or a written request for mediation, unless the school district or other public agency and the parent(s) of the student or the adult student agree otherwise, the student involved in the hearing or mediation request shall remain in the educational program he or she was in at the time the hearing or mediation request was made.

(2) The student, with the consent of the parent(s) or the adult student, shall be enrolled in the general school program until the completion of all such proceedings if the hearing or

mediation request involves an application for initial admission to the school.

(3) During the pendency of a hearing regarding the disciplinary exclusion of a special education student who brings a firearm (as defined in Section 921 of Title 18 of the U.S.C.), to school, the student can receive services in an alternative educational program for up to forty-five calendar days. This alternative educational program must be developed in an individualized education program meeting conducted pursuant to WAC 392-172-156.

[Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-364, filed 10/11/95, effective 11/11/95.]

Disciplinary Exclusion

WAC 392-172-370 Disciplinary exclusion—Purpose.

The purpose of WAC 392-172-370 through 392-172-382 is to ensure that special education students are not being improperly excluded from school for disciplinary reasons. Each school district or other public agency, educational service district and public agency serving special education students shall take steps to ensure that each employee, contractor, and other agent of the district or other public agency responsible for education or care of a special education student is knowledgeable of WAC 392-172-370 through 392-172-382. No school district or other public agency and no educational service district shall authorize, permit, or condone the use of disciplinary procedures which violate WAC 392-172-370 through 392-172-382 by any employee, contractor, or other agent of the district or other public agency responsible for the education or care of a special education student.

[Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-370, filed 10/11/95, effective 11/11/95.]

WAC 392-172-372 Disciplinary exclusion—Procedures, continuing district or other public agency responsibility. A school district or other public agency cannot implement a disciplinary action which constitutes a change of placement, as defined by WAC 392-172-376 until a multidisciplinary team has determined whether the misconduct for which the student is being excluded from school is a manifestation of the disability and/or due to an inappropriate placement.

If the misconduct is a manifestation of the disability and/or due to an inappropriate placement, the proposed disciplinary action, resulting in a change of placement, may not be implemented. The district or other public agency must convene an individualized education program meeting conducted pursuant to WAC 392-172-156 for the purposes of developing an appropriate program. The school district or other public agency has a continuing obligation to provide special education and related services to the student.

If the misconduct is neither a manifestation of the disability nor due to an inappropriate placement of a special education student, the proposed disciplinary action may be implemented. The district or other public agency must convene an individualized education program meeting conducted pursuant to WAC 392-172-156 for the purposes of developing an alternative educational program for the student during the long-term suspension or expulsion.

(1997 Ed.)

The district or other public agency must provide the parents with written notice consistent with WAC 392-172-302 through 392-172-306 regarding the multidisciplinary team decision as to whether the misconduct for which the student is being excluded from school is a manifestation of the disability or due to an inappropriate placement.

[Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-372, filed 10/11/95, effective 11/11/95.]

WAC 392-172-374 Disciplinary exclusion—Determination of disability relatedness and/or appropriateness of program. Prior to implementing a disciplinary action which constitutes a significant change of placement to a special education student as defined in WAC 392-172-376, a multidisciplinary team meeting must be held to determine:

(1) If the student's misconduct is a manifestation of the disability; the determination of whether the misconduct is a manifestation of the disability must be based on evaluation data related to behavior and must be recent enough to afford an understanding of the student's current behavior. A team may not make a determination that misconduct is or is not a manifestation of the disability based on a student's special education eligibility category. In making such a determination the multidisciplinary team shall document in a written narrative the basis for such determination, including any relevant data or evaluation procedures utilized.

(2) If the student's misconduct is due to an inappropriate program; in determining whether the behavior is due to an inappropriate program, the multidisciplinary team shall follow the procedures specified in WAC 392-172-372.

The district or other public agency must provide the parents with written notice consistent with WAC 392-172-302 through 392-172-306 regarding the multidisciplinary team decision.

[Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-374, filed 10/11/95, effective 11/11/95.]

WAC 392-172-376 Disciplinary exclusion—Definition significant change of placement. For the purposes of WAC 392-172-370 through 392-172-382, the term "significant change of placement of a special education student" means any suspension, in school or out-of-school, or expulsion for disciplinary reasons which excludes a special education student from school for more than ten consecutive school days in a given school year or any series of suspensions that are each of ten days or fewer in duration which create a pattern of exclusion.

[Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-376, filed 10/11/95, effective 11/11/95.]

WAC 392-172-378 Disciplinary exclusion—Determination of what constitutes a pattern of exclusion. The determination of whether a series of suspensions that are each of ten days or fewer in duration creates a pattern of exclusion must be determined by a multidisciplinary team on an individual basis. Among the factors that the multidisciplinary team should consider in determining whether a series of suspensions constitutes a pattern of exclusion are the length of each suspension, the proximity in time of the suspensions to one another, and the total amount of time the student is excluded from the program. In making such a

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determination, the multidisciplinary team shall document in a written narrative the basis for such determination, including any relevant data or evaluation procedures utilized.

The district or other public agency must provide the parents with written notice consistent with WAC 392-172-302 through 392-172-306 regarding the multidisciplinary team decision as to whether the series of suspensions constitutes a pattern of exclusion.

[Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-378, filed 10/11/95, effective 11/11/95.]

WAC 392-172-380 Emergency exclusion—Dangerous students. A special education student whose presence poses an immediate and continuing danger to the student, other students, or school personnel or an immediate and continuing threat of substantial disruption of the educational process, may be expelled pursuant to WAC 180-40-295. Prior to an exclusion exceeding ten school days, the school district or other public agency must complete the procedures defined in WAC 392-172-370 through 392-172-382.

A parent may request a hearing conducted in accordance with WAC 392-172-350 through 392-172-356. Pursuant to WAC 392-172-364, during the pendency of the hearing, unless the parent(s) of the student or the adult student agree to an alternative educational program, the student involved in the complaint shall return to the educational program he or she was in at the time of the expulsion.

A school district or other public agency may obtain a court order (a temporary restraining order or injunction) during pendency of a hearing to extend the exclusion from school for a dangerous student beyond ten school days or to place the student in an alternative setting.

An alternative educational program must be provided during any exclusion.

[Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-380, filed 10/11/95, effective 11/11/95.]

WAC 392-172-382 Disciplinary exclusion—Bringing a firearm to school. A special education student who brings a firearm as defined in Section 921 of Title 18 of the U.S. Code to school, may be placed in an interim alternative educational placement for up to forty-five calendar days. This interim alternative educational placement must be developed in an individualized educational program meeting conducted pursuant to WAC 392-172-156. Prior to the expiration of the interim alternative educational placement, the school district or other public agency must complete the procedures defined in WAC 392-172-370 through 392-172-382.

If the student's parents initiate a due process hearing pursuant to WAC 392-172-350 through 392-172-364, and if the parties cannot agree on another placement, the student must remain in that interim alternative educational placement during the review proceedings.

[Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-382, filed 10/11/95, effective 11/11/95.]

Aversive Therapy—Safeguards

WAC 392-172-388 Aversive therapy. The purpose of WAC 392-172-388 through 392-172-398 is to assure that students with a disabling condition are safeguarded against the use and misuse of various forms of aversive therapy. Each school district or other public agency and educational service district shall take steps to assure that each employee, volunteer, contractor, and other agent of the district or other public agency responsible for the education, care, or custody of a student with a disabling condition is aware of WAC 392-172-388 through 392-172-398. No school district or other public agency and no educational service district shall authorize, permit, or condone the use of aversive therapy which violates WAC 392-172-390 through 392-172-396 by any employee, volunteer, contractor or other agent of the district or other public agency responsible for the education, care, or custody of a student with a disabling condition. Aversive therapy, to the extent permitted, shall only be used as a last resort. Positive interventions shall be attempted by the district or other public agency and educational service district and described in the individualized education program prior to the use of aversive therapy.

[Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-388, filed 10/11/95, effective 11/11/95.]

WAC 392-172-390 Aversive therapy—Definition. For the purpose of WAC 392-172-388 through 392-172-398, 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: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-390, filed 10/11/95, effective 11/11/95.]

WAC 392-172-392 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 disabling condition, as follows:

- (1) Electric current. No student may be stimulated by contact with electric current.
- (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.
- (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. 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.

(5) Isolation. No student may be excluded from his or her general instructional or service area and isolated within a room or any other form of enclosure, except under the conditions set forth in WAC 392-172-394.

(6) Medication. No student may be denied or subjected to an unreasonable delay in the provision of oral medication.

(7) Noise. No student may be forced to listen to noise or sound which the student obviously finds painful.

(8) Noxious sprays. No student may be forced to smell or be sprayed in the face with a noxious or potentially harmful substance.

(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, except under the conditions set forth in WAC 392-172-394.

(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.

(11) Water treatment. No student's head may be partially or wholly submerged in water or any other liquid.

[Statutory Authority: Chapter 28A.155 RCW. '95-21-055 (Order 95-11), § 392-172-392, filed 10/11/95, effective 11/11/95.]

WAC 392-172-394 Aversive therapy—Other forms—Conditions. Various forms of aversive therapy which are not prohibited by WAC 392-172-392 nevertheless warrant close scrutiny. Accordingly, the use of aversive therapy involving bodily contact, isolation, or physical restraint not prohibited by WAC 392-172-392 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 392-172-392 which involves contacting the body of a student with a disabling condition shall be provided for by the terms of the student's individualized education program established in accordance with the requirements of WAC 392-172-396.

(2) Isolation. The use of aversive therapy which involves excluding a student with a disabling condition from his or her general 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 392-172-396.

(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 disabling 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 392-172-396.

(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: Chapter 28A.155 RCW. '95-21-055 (Order 95-11), § 392-172-394, filed 10/11/95, effective 11/11/95.]

WAC 392-172-396 Aversive therapy—Individualized education program requirements. The terms of a student's individualized education program respecting the use of an aversive therapy involving bodily contact, isolation, or physical restraint shall meet each of the following requirements:

(1) The individualized education program be consistent with the recommendations of a multidisciplinary team which includes a school psychologist and/or other certificated employee who understands the appropriate use of the aversive therapy and who concurs with the recommended use of the aversive therapy, and a person who works directly with the student.

(2) The individualized education program shall specify the aversive therapy that may be used.

(3) The individualized education program shall state the reason the aversive therapy is judged to be appropriate and the behavioral objective sought to be achieved by its use, and shall describe the positive interventions attempted and the reasons they failed, if known.

(4) The individualized education program shall describe the circumstances under which the aversive therapy may be used.

(5) The individualized education program shall describe or specify the maximum duration of any isolation or restraint.

(6) The individualized education program shall specify any special precautions that must be taken in connection with the use of the aversive therapy technique.

(7) The individualized education program shall specify the person or persons permitted to use the aversive therapy and the qualifications and required training of the personnel permitted to use the aversive therapy.

(8) The individualized education program 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: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-396, filed 10/11/95, effective 11/11/95.]

WAC 392-172-398 Aversive therapy—Parent complaint process. A parent of a student with a disabling condition may file a complaint alleging a violation of WAC 392-172-392, 392-172-394, or 392-172-396 involving the student. Each such complaint shall be investigated and addressed by a school district or other public agency, educational service district, and the superintendent of public instruction in accordance with the terms of this chapter.

[Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-398, filed 10/11/95, effective 11/11/95.]

Student Records

WAC 392-172-400 Definition of "educational records" as used in records rules. (1) For the purpose of WAC 392-172-400 through 392-172-426 and the Family Educational Rights and Privacy Act of 1974 governing student records, the term "educational records" shall mean those records that:

- (a) Are directly related to a student; and
- (b) Are maintained by a school district or other public agency or by a party acting for the school district or other public agency.

(2) The term "educational 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 security unit of a school district or other public agency which are:

- (i) Maintained apart from the records described in subsection (1) of this section;
- (ii) Maintained solely for district or other public agency security purposes; and

(iii) Not disclosed to individuals other than security officials of the same district or other public agency. This exception from the definition of educational records does not apply if educational records are disclosed to personnel of the school district and other public agency's security unit;

(c) Records relating to an individual who is employed by a school district or other public agency 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: This exception from the definition of "educational records" does not apply to records relating to an individual in attendance at the school district or other public agency 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 their 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. However, 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 or other public agency;

(e) Records of a school district or other public agency which contain only information relating to a person after that person was no longer a student at the school district or other public agency. An example would be information collected by a school district or other public agency pertaining to the accomplishments of its alumni.

[Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-400, filed 10/11/95, effective 11/11/95.]

WAC 392-172-402 Definitions used in records rules—"Destruction"—"Native language"—And "educational agency." For the purpose of WAC 392-172-400 through 392-172-426 governing records of special education students:

(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," when used with reference to an individual of limited English proficiency, means the language normally used by that individual, or in the case of a student, the language normally used by the parents of a student or by the adult student.

(3) "Educational agency" means any agency or institution which collects, maintains, or uses personally identifiable information or from which information is obtained in implementing this chapter.

[Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-402, filed 10/11/95, effective 11/11/95.]

WAC 392-172-404 Notice to parents. The state shall give notice that is adequate to fully inform parents about the requirements of this chapter regarding the identification,

location, and evaluation of eligible special education students, including:

(1) A description of the extent to which notice is given in the native languages of the various population 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 educational 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.

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. 95-21-055 (Order 95-11), § 392-172-404, filed 10/11/95, effective 11/11/95.]

WAC 392-172-406 Opportunity to examine records.

The parents of a special education student, in accordance with the confidentiality procedures in this chapter, shall be afforded an opportunity to inspect and review all educational records which shall include, but not be limited to:

(1) The identification, evaluation, and the delivery of educational services to the student; and

(2) The provision of free, appropriate public education to the student.

[Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-406, filed 10/11/95, effective 11/11/95.]

WAC 392-172-408 Access rights. (1) Each school district or other public agency shall permit parents of special education students (or adult students) to inspect and review during school business hours any educational records relating to their student or the adult student which are collected, maintained, or used by the district or other public agency under this chapter. The district or other public agency shall comply with a request promptly and before any meeting regarding an individualized education program or hearing relating to the identification, evaluation, or delivery of services to 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 educational records under this section includes:

(a) The right to a response from the educational agency to reasonable requests for explanations and interpretations of the records;

(b) The right to request that the school district or other public agency 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.

(1997 Ed.)

(3) A school district or other public agency may presume that a parent has authority to inspect and review records relating to his or her student unless the district or other public agency 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. 95-21-055 (Order 95-11), § 392-172-408, filed 10/11/95, effective 11/11/95.]

WAC 392-172-410 Record of access. Each educational agency shall keep a record of parties obtaining access to educational records collected, maintained, or used under this chapter (except access by parents, adult students, and authorized employees of the educational 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: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-410, filed 10/11/95, effective 11/11/95.]

WAC 392-172-412 Records on more than one student. If any educational 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 student (or themselves) or to be informed of that specific information.

[Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-412, filed 10/11/95, effective 11/11/95.]

WAC 392-172-414 List of types and locations of information. Each educational agency shall provide parents (and adult students) on request a list of the types and locations of educational records collected, maintained, or used by the agency.

[Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-414, filed 10/11/95, effective 11/11/95.]

WAC 392-172-416 Fees. (1) A participating educational 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) An educational agency may not charge a fee to search for or to retrieve information under this chapter.

[Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-416, filed 10/11/95, effective 11/11/95.]

WAC 392-172-418 Amendment of records at the request of a parent or adult student. (1) A parent of a special education student (or an adult student) who believes that information in educational 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 educational 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 refuses 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 provided for in WAC 392-172-420.

(4) The educational agency, on request, shall provide the parent or adult student an opportunity for a hearing to challenge information, in the educational 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 educational 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 educational 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 in compliance with this section shall:

(a) Be maintained by the educational agency as part of the records of the student as long as the records or the contested portion is maintained by the educational 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: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-418, filed 10/11/95, effective 11/11/95.]

WAC 392-172-420 Hearing procedures regarding records. A hearing initiated pursuant to WAC 392-172-418 to challenge information in educational 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 educational 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 educational 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 392-172-418 and may be assisted or represented by individuals of his or her choice at his or her own expense, including an attorney;

(5) The educational 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 educational 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: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-420, filed 10/11/95, effective 11/11/95.]

WAC 392-172-422 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 educational agencies collecting or using the information obtained 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 or other public agency shall release information from educational records to educational 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).

(3) If a parent refuses to provide consent under this section, the school district or other public agency may use the due process hearing procedures in this chapter to override parental refusal.

[Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-422, filed 10/11/95, effective 11/11/95.]

WAC 392-172-424 Safeguards. (1) Each educational 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 special education students with consideration given to the type and severity of the student's disability.

(2) One official at each educational 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) 34 CFR 99.1 et seq. (the Family Educational Rights and Responsibilities Act rules).

(4) Each educational 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: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-424, filed 10/11/95, effective 11/11/95.]

WAC 392-172-426 Destruction of information. Each school district or other public agency shall inform parent(s) (and adult students) when personally identifiable information collected, maintained, or used in compliance with 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: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-426, filed 10/11/95, effective 11/11/95.]

STATE PROCEDURES—REQUIREMENTS—STANDARDS

State Advisory Council

WAC 392-172-500 Advisory council. (1) 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 of special education students.

(2) 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 special education students;
- (c) Parents of special education students;
- (d) Local administrators of special education programs;
- (e) Support services personnel;
- (f) Superintendents;
- (g) Principals;
- (h) Nonpublic schools serving special education students;
- (i) School directors;
- (j) Institutions of higher education;
- (k) Department of social and health services;
- (l) The medical profession; and
- (m) Other individuals or groups as may hereafter be designated and approved by the superintendent of public instruction.

(3) The council's purposes are to:

(a) 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 special education students;

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

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

(4) The council shall conduct its affairs in accordance with bylaws approved by the superintendent of public instruction. To assure that 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. The superintendent of public instruction or designee must give prior approval for such appointments.

(5) Procedures — The council shall follow the procedures noted in this section.

(a) The advisory council shall meet as often as necessary to conduct its business.

(b) By July 1 of each year, the advisory council shall submit an annual report of council activities and suggestions to the superintendent of public instruction. This report must be made available to the public in a manner consistent with other public reporting requirements of this chapter.

(c) Official minutes must be kept on all council meetings and shall be made available to the public on request to the office of superintendent of public instruction.

(d) All advisory council meetings and agenda items must be publicly announced prior to the meeting, and meetings must be open to the public.

(e) Interpreters and other necessary services must be provided at council meetings for council members or participants.

(f) The advisory council shall serve without compensation but the superintendent of public instruction must reimburse the council for reasonable and necessary expenses for attending meetings and performing duties.

[Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-500, filed 10/11/95, effective 11/11/95.]

WAC 392-172-502 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 special education students. Consideration shall be given to preserving existing arrangements between school districts and other public agencies 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 special education students 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 and other public agencies 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. 95-21-055 (Order 95-11), § 392-172-502, filed 10/11/95, effective 11/11/95.]

Monitoring—Funding

WAC 392-172-504 Monitoring. (1) The superintendent of public instruction or designee shall annually monitor selected local school district or other public agency special education programs. The purposes of monitoring shall be:

(a) To determine the school district and other public agency's compliance with this chapter and the federal regulations implementing 20 USC Section 1401, et seq. (Part B of the Individuals with Disabilities Education Act) and federal and state special education laws including validation of information included in school district or other public agency applications for federal funds; and

(b) To provide the school district or other public agency with technical assistance for improving the quality of its special education program.

(2) The superintendent of public instruction or designee shall develop procedures (including specific time lines) for monitoring school districts and other public agencies. 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 or other public agency. 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 or other public agency 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 or other public agency shall take and time period(s) within which the district or other public agency shall act in order to remediate the instance(s) of noncompliance;

(c) In the event that the district or other public agency 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 or other public agency with a determination as to the alteration of the monitoring report. The school district or other public agency shall, within thirty calendar days of receipt of the determination, provide the office of superintendent of public instruction a written action plan, if any, which results from that determination.

(5) The superintendent of public instruction or designee either shall approve the plan as submitted or shall request the school district or other public agency to make such modifications as are considered necessary. Once an approvable plan has been submitted, the district or other public agency shall be provided written notice of:

- (a) Approval;
- (b) The performance expected of the district or other public agency; and
- (c) The schedule for periodic review or verification of the school district and other public agency's progress toward remediation of the instance(s) of noncompliance.

(6) If the school district or other public agency fails to submit an approvable corrective action plan required in WAC 392-172-504(4) or fails to comply with a corrective action plan approved pursuant to WAC 392-172-504(5), the superintendent of public instruction or 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 office of superintendent of public instruction staff to:

- (i) Determine whether the school district or other public agency is taking the required corrective action;
- (ii) Expedite the school district and other public agency's response to a monitoring report; and
- (iii) Provide any necessary technical assistance to the school district or other public agency in its efforts to comply.

(b) Withhold, in whole or part, a specified amount of state and/or federal special education funds, in compliance with the provisions of WAC 392-172-590 and 392-172-514.

(c) Initiate request for office of superintendent of public instruction audit pursuant to WAC 392-172-508 through 392-172-518 which may result in the recovery of unlawfully received or expended state and/or federal special education funds.

[Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-504, filed 10/11/95, effective 11/11/95.]

WAC 392-172-506 Use and allocation of Part B Funds.

(1) The superintendent of public instruction may use five percent of the total state allotment in any fiscal year under Part B of the Individuals with Disabilities Education Act, or four hundred fifty thousand dollars, whichever is greater, for administrative costs related to carrying out sections 612 and 613 of the IDEA. However, this amount cannot be greater than twenty-five percent of the state's total allotment for the fiscal year under Part B of the Individuals with Disabilities Education Act.

(2) Allowable costs for use of the five percent include:

- (a) Administration of the state plan and for planning at the state level, including planning, or assisting in the planning, of programs or projects for the education of special education students;
- (b) Approval, supervision, monitoring, and evaluation of the effectiveness of local programs and projects for the education of special education students;
- (c) Technical assistance to districts with respect to the requirements of this chapter;
- (d) Leadership services for the program supervision and management of special education activities for special education students; and

(e) Other state leadership activities and consultative services.

(3) The office of the superintendent of public instruction may use the portion of its allocation it does not use for administration:

- (a) For support services and direct services in accordance with the priority requirements of Part B; and
- (b) For the administrative costs of the state's monitoring activities and complaint investigations, to the extent that these costs exceed the administrative costs for monitoring and complaint investigations incurred during fiscal year 1985.

(4) For the purposes of this section:

(a) "Direct services" means services provided to a special education student by the state directly, by contract, or through other arrangements; and

(b) "Support services" includes implementing the comprehensive system of personnel development, recruitment

and training of hearing officers and surrogate parents, and public information and parent training activities relating to free, appropriate public education for special education students.

[Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-506, filed 10/11/95, effective 11/11/95.]

WAC 392-172-508 Definition of "unlawfully received or expended funds." For the purpose of WAC 392-172-512 through 392-172-518, "unlawfully received or expended funds" shall mean any state or federal special education funds received and held or expended by a school district or other public agency 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 the 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 public agencies in counting the number of special education students 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. 95-21-055 (Order 95-11), § 392-172-508, filed 10/11/95, effective 11/11/95.]

WAC 392-172-510 Child count procedures. The superintendent of public instruction shall report to the United States Secretary of Education no later than February 1 of each year the number of special education students aged three through twenty-one residing in the state who are receiving special education and related services. The superintendent shall submit the report on forms provided by the United States Secretary of Education.

- (1) Information required in the report includes:
 - (a) The number of special education students receiving special education and related services on December 1 of that school year;
 - (b) The number of special education students aged three through five who are receiving free, appropriate public education;
 - (c) The number of those special education students aged six through twenty-one within each disability category, as defined in the definition of "special education students"; and
 - (d) The number of those special education students aged three through twenty-one for each year of age (three, four, five, etc.).

(2) For the purpose of this part, a student's age is the student's actual age on the date of the child count: December 1.

(3) The superintendent may not report a student aged six through twenty-one under more than one disability category.

(4) If a special education student aged six through twenty-one has more than one disability, the superintendent shall report that student in accordance with the following procedure:

(a) A student with deaf-blindness must be reported under the category "deaf-blindness."

(b) A student who has more than one disability (other than deaf-blindness) must be reported under the category "multiple disabilities."

(5) The office of the superintendent of public instruction shall include in its report a certification signed by an authorized official of the agency that the information provided is an accurate and unduplicated count of special education students receiving special education and related services on the dates in question.

(6) The office of the superintendent of public instruction may include in its report special education students who are enrolled in a school or program that is operated or supported by a public agency, and that either:

(a) Provides them with both special education and related services; or

(b) Provides them only with special education if they do not need related services to assist them in benefiting from that special education.

(7) The superintendent may not include special education students in its reports who:

(a) Are not enrolled in a school or program operated or supported by a public agency;

(b) Are not provided special education that meets state standards;

(c) Are not provided with a related service that they need to assist them in benefiting from special education;

(d) Are counted by the state's lead agency for Part H services; or

(e) Are receiving special education funded solely by the federal government.

[Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-510, filed 10/11/95, effective 11/11/95.]

WAC 392-172-512 Audits. (1) The superintendent of public instruction or designee shall conduct fiscal/program audits of school district or other public agency special education programs. The purposes of such audits shall be:

- (a) To determine compliance or noncompliance with:
 - (i) A school district and other public agency'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 or other public agency for review and com-

ment. 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 or other public agency shall have fifteen days after the date of its receipt of the preliminary audit report to provide the superintendent of public instruction or 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 or other public agency after review of the supplemental arguments and/or facts submitted by the district or other public agency. 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 or other public agency shall have fifteen days after the date of its receipt of the final audit report to provide the superintendent of public instruction or designee a written plan which sets forth the measures the district or other public agency shall take and time period(s) within which the district or other public agency shall act in order to remedy the instance(s) of noncompliance.

(6) The superintendent of public instruction or designee shall either approve the plan as submitted or request the school district or other public agency to make such modifications as are considered necessary. Once an approvable plan has been submitted the district or other public agency shall be provided written notice of:

(a) Approval;

(b) The performance expected of the district or other public agency; and

(c) The schedule for periodic review or audit of the school district and other public agency's progress toward remediation of the instance(s) of noncompliance.

[Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-512, filed 10/11/95, effective 11/11/95.]

WAC 392-172-514 Fund withholding. (1) In the event a school district or other public agency fails to submit an approvable remediation plan required by WAC 392-172-512 or fails to submit an approvable corrective action plan pursuant to WAC 392-172-504 or fails to comply with a remediation plan approved pursuant to WAC 392-172-512 or fails to comply with a corrective action plan pursuant to WAC 392-172-504, the superintendent or designee shall provide the school district or other public agency notice which complies with RCW 34.05.434 of:

(a) Intent to withhold a specified amount of state and/or federal special education funds; and

(b) The school district and other public agency's opportunity for a hearing before the superintendent of public instruction or designee prior to commencement of the withholding.

(2) Funds may be withheld in whole or part in the event the district or other public agency fails to request a hearing

or the hearing decision upholds the final audit or monitoring in whole or part. (RCW 28A.155.100.)

[Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-514, filed 10/11/95, effective 11/11/95.]

WAC 392-172-516 Recovery of funds. (1) If a preliminary audit conducted pursuant to WAC 392-172-512 indicates that a district or other public agency has unlawfully received and/or expended either state or federal special education funds, the superintendent of public instruction or designee shall provide the school district or other public agency 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 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 or other public agency.

(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: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-516, filed 10/11/95, effective 11/11/95.]

WAC 392-172-518 Fund withholdings to enforce parent appeal decisions. The superintendent of public instruction or designee may withhold any amount of state funds and/or any amount of federal special education funds as deemed necessary to enforce a decision made on appeal pursuant to WAC 392-172-360 without any necessity of a further hearing on the matter.

[Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-518, filed 10/11/95, effective 11/11/95.]

Private School Requirements

WAC 392-172-520 Implementation by state. In implementing the private school provisions of this chapter, the state shall:

(1) Monitor compliance through procedures such as written reports, on-site visits, and parent questionnaires;

(2) Disseminate copies of applicable standards to each private school and facility to which a public agency has referred or placed a special education student; and

(3) 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. 95-21-055 (Order 95-11), § 392-172-520, filed 10/11/95, effective 11/11/95.]

WAC 392-172-522 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. 95-21-055 (Order 95-11), § 392-172-522, filed 10/11/95, effective 11/11/95.]

WAC 392-172-524 Technical assistance training and monitoring activities. (1) The state shall carry out activities to ensure that staff members 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 delivers services in locations 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. 95-21-055 (Order 95-11), § 392-172-524, filed 10/11/95, effective 11/11/95.]

WAC 392-172-526 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 special education students 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. 95-21-055 (Order 95-11), § 392-172-526, filed 10/11/95, effective 11/11/95.]

Comprehensive System of Personnel Development

WAC 392-172-550 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 services personnel;

(2) Detailed procedures to assure that all personnel necessary to carry out the purposes of the Individuals with Disabilities Education Act, 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 through 300.383, 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. 95-21-055 (Order 95-11), § 392-172-550, filed 10/11/95, effective 11/11/95.]

WAC 392-172-552 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 392-172 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 392-172 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, 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. 95-21-055 (Order 95-11), § 392-172-552, filed 10/11/95, effective 11/11/95.]

WAC 392-172-554 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 through 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. 95-21-055 (Order 95-11), § 392-172-554, filed 10/11/95, effective 11/11/95.]

WAC 392-172-556 Establishment of a comprehensive system of personnel development advisory committee. Consistent with procedures established at the discretion of the superintendent of public instruction, the superintendent shall appoint members 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 of personnel development advisory committee to:

(1) Advise the superintendent of public instruction, 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 Individuals with Disabilities Education Act and other activities as determined necessary by the superintendent.

[Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-556, filed 10/11/95, effective 11/11/95.]

WAC 392-172-558 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. 95-21-055 (Order 95-11), § 392-172-558, filed 10/11/95, effective 11/11/95.]

WAC 392-172-560 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 noninstructional 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. 95-21-055 (Order 95-11), § 392-172-560, filed 10/11/95, effective 11/11/95.]

WAC 392-172-562 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 392-172-560 (1) through (3)). This information, in written form, shall be made available annually to the comprehensive system of personnel development committee, to institutions of higher education in the state of Washington, and, upon request, to the public.

[Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-562, filed 10/11/95, effective 11/11/95.]

WAC 392-172-564 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 committee 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. 95-21-055 (Order 95-11), § 392-172-564, filed 10/11/95, effective 11/11/95.]

WAC 392-172-566 Administration of continuing education. The personnel development plan for the state of Washington shall provide for the continuing education needs of general and special education and related services personnel to enable these personnel to meet the needs of special education students 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. 95-21-055 (Order 95-11), § 392-172-566, filed 10/11/95, effective 11/11/95.]

WAC 392-172-568 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 (in-service training) programs are available to all personnel who are engaged in the provision of special education, 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, 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. 95-21-055 (Order 95-11), § 392-172-568, filed 10/11/95, effective 11/11/95.]

WAC 392-172-570 Provision of technical assistance. Consistent with the federal requirements contained in 34 CFR 300.380 through 300.383 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 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. 95-21-055 (Order 95-11), § 392-172-570, filed 10/11/95, effective 11/11/95.]

WAC 392-172-572 Personnel standards. In order to ensure that all personnel necessary to carry out the purposes of Part B the Individuals with Disabilities Education Act 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. 95-21-055 (Order 95-11), § 392-172-572, filed 10/11/95, effective 11/11/95.]

WAC 392-172-574 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 special education students, 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 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 time lines 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 392-172-572), 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 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. 95-21-055 (Order 95-11), § 392-172-574, filed 10/11/95, effective 11/11/95.]

FUNDING PROCEDURES, STANDARDS

Annual School District Application—Requirements

WAC 392-172-580 Annual applications—Contents.

As a condition to the receipt and expenditure of federal special education funds, a school district or other public agency shall annually submit an application to the superintendent of public instruction or designee on or before an announced date and conduct its special education and related services program in compliance with the school district and other public agency's state approved plan. The applications shall be made on forms developed and distributed by the superintendent or designee. Application forms shall include, but not limited to, the following assurance(s) and types of information:

(1) Assurance that:

(a) The school district or other public agency is in compliance with the provisions of this chapter and the rules implementing Part B of Individuals with Disabilities Education Act (34 CFR 300.1 et seq.) that may supplement this chapter, including procedural safeguards;

(b) The district or other public agency shall remain in compliance with this chapter and any such supplemental rules for the entire school year; and

(c) The funds applied for shall be expended in compliance with the application, this chapter, and any such supplemental federal rules, including excess cost, nonsupplanting, and comparable services;

(2) The information and assurances required by 34 CFR 300.220 through 34 CFR 300.240 and any other pertinent federal rules including 34 CFR 76.650 through 76.662;

(3) Identification of the local district or other public agency designee responsible for child identification activities and confidentiality of information;

(4) A description of the policies, procedures and/or activities to be implemented or continued to provide for:

(a) Identification, location and evaluation (child find) of special education students not currently receiving special education and related services;

(b) Confidentiality of personally identifiable information;

(c) Implementation of a system for personnel development;

(d) Involvement of parents of special education students, including the participation of non-English speaking parents;

(e) Participation of special education students with students without disabilities;

(f) Delivery of services to special education students in the least restrictive environment;

(g) Development of individualized education programs for each eligible special education student;

(h) Availability of career development and vocational education programs for special education students;

(i) A description of the numbers and types of special education students receiving special education and related services by placement option within the school district and other public agency's continuum of alternative placements;

(j) A goal of providing full educational opportunity to all special education students, aged birth through twenty-one;

(k) A description of the kind of and number of facilities, personnel, and services necessary to meet the school district and other public agency's full educational opportunity goal, including a detailed timetable for reaching that goal;

(l) A description of the use of funds received under Part B of the Individuals with Disabilities Education Act (34 CFR 300.1 et seq.); and

(m) A description of procedures, with parent/family involvement, for annually evaluating program effectiveness, including individualized education programs.

(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. 95-21-055 (Order 95-11), § 392-172-580, filed 10/11/95, effective 11/11/95.]

WAC 392-172-582 Collaborative applications. The superintendent of public instruction may require districts to submit a collaborative application for payments under Part B of the Individuals with Disabilities Education Act if it is determined that a single district or other public agency application would be disapproved because:

(1) The school district and other public agency's entitlement is less than the seven thousand five hundred dollar minimum required; or

(2) The district or other public agency is unable to establish and maintain programs of sufficient size and scope to effectively meet the educational needs of special education students. Districts that apply for Part B funds in a collaborative application must meet the same minimum requirements as a single district or other public agency applicant. The application must be signed by the superintendent of each participating school district or other public agency. The districts are jointly responsible for implementing programs receiving payments under Part B of the Individuals with Disabilities Education Act.

[Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-582, filed 10/11/95, effective 11/11/95.]

WAC 392-172-584 Review and amendment process.

(1) The steps in the review process include:

(a) Submission by the district or other public agency of the application to educational service district special education director;

(b) The educational service district director of special education will review the application using the state checklist; and

(c) The educational service district director of special education will forward the application to office of the superintendent of public instruction for review by program supervisors using state checklist and for final approval by the superintendent's designee.

(2) Prior to making a final decision on an application, office of superintendent of public instruction staff shall consider any decision resulting from a hearing under WAC 392-172-350 that is adverse to the district or other public agency involved in the decision.

(3) If a district or other public agency makes a significant amendment to its application, the district or other public agency must follow the same steps it took for submitting its original application. The review and approval process shall be the same as that used for an initial request for funds under Part B of the Individuals with Disabilities Education Act.

[Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-584, filed 10/11/95, effective 11/11/95.]

WAC 392-172-586 Notification of grant award. The superintendent of public instruction shall notify a district or other public agency in writing of:

(1) The amount of the grant under Part B of the Individuals with Disabilities Education Act;

(2) The period during which the district or other public agency may obligate the Part B funds; and

(3) The federal requirements that apply to the grant.

[Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-586, filed 10/11/95, effective 11/11/95.]

WAC 392-172-588 Availability of application and public participation. Each district or other public agency shall:

(1) Make the application, any evaluations, periodic program plans, and reports relating to the Part B program available for public inspection; and

(2) Provide reasonable opportunities for the participation by teachers, parents, families and other interested agencies, organizations, and individuals in the planning for and operation of the Individuals with Disabilities Education Act Part B program as an integral part of the overall school program; and

(3) At a minimum, a school district and other public agency's procedures must describe the steps taken to:

(a) Make the application and any required evaluations, plans, and reports available to the public; and

(b) Involve the required constituency groups, as noted above, in the planning and operation of the Part B program. Parental participation in the individualized education pro-

gram process does not constitute involvement in the planning and operation of the program.

[Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-588, filed 10/11/95, effective 11/11/95.]

WAC 392-172-590 Denial of applications—Opportunity for hearing. (1) In the event the superintendent of public instruction or designee proposes to deny, in whole or part, the annual application of a district or other public agency for federal special education funds, the district or other public agency shall be provided notice pursuant to RCW 34.05.434 of:

(a) Intent to deny the application of the district or other public agency; and

(b) The school district and other public agency's opportunity for a hearing before the superintendent of public instruction or designee prior to a denial of the application.

(2) The superintendent of public instruction shall provide an opportunity for a hearing before the office of superintendent of public instruction 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 office of superintendent of public instruction shall issue its written ruling, including findings of fact and reasons for the ruling. If supported by substantial evidence, findings of fact by the superintendent of public instruction are final.

(3) If the office of superintendent of public instruction determines that its action was contrary to state or federal statutes or regulations that govern the applicable program, the action shall be rescinded.

(4) 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.

(5) The superintendent of public instruction shall make available at reasonable times and places to each applicant all records pertaining to any review or appeal an applicant is pursuing under this section, including records of other applicants.

(6) The school district and other public agency's application may be denied, in whole or part, if the district or other public agency fails to request a hearing or the hearing decision upholds the proposed basis for denial.

[Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-590, filed 10/11/95, effective 11/11/95.]

Miscellaneous Program Requirements

WAC 392-172-592 Records related to grant funds.

(1) The superintendent of public instruction and districts shall keep records that show:

(a) The amount of funds under the grant;

(b) How the funds were used;

- (c) The total cost of the project;
 (d) The share of that cost provided from other sources;
 and
 (e) Other records to facilitate an effective audit.

(2) Records shall be maintained to show program compliance including, records related to the location, evaluation and placement of special education students and the development and implementation of individualized education programs. Program and fiscal information records shall be available to authorized representatives of the office of superintendent of public instruction for the purpose of compliance monitoring under WAC 392-172-504.

(3) Records shall be retained for seven years after completion of the activities for which grant funds were used.

[Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-592, filed 10/11/95, effective 11/11/95.]

WAC 392-172-594 Program coordination. The superintendent of public instruction and districts shall, to the extent possible, coordinate each of its federal projects with other activities that are in the same geographic area served by the project and that serve similar purposes and target groups.

[Statutory Authority: Chapter 28A.155 RCW. 95-21-055 (Order 95-11), § 392-172-594, filed 10/11/95, effective 11/11/95.]

Chapter 392-173 WAC

SPECIAL EDUCATION PROGRAMS—DSHS STUDENTS

WAC

392-173-003	Authority.
392-173-005	Purpose.
392-173-010	Definitions.
392-173-015	General duties of the department of social and health services and the superintendent of public instruction.
392-173-020	Referral and admission to a residential school— Eligibility for immediate placement.
392-173-025	Assessment, individual education plan, least restrictive environment, placement options, annual review of placement, and notice.
392-173-030	Medical evaluation.
392-173-035	Education records.
392-173-040	Annual application.
392-173-045	Staff qualifications.
392-173-047	Interagency agreements.
392-173-050	Monitoring.
392-173-055	Audits.
392-173-065	Program length.
392-173-075	Transportation and facilities.
392-173-080	Decisions, appeals and citizen complaints regarding educational programming and exclusion from an educational program.

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

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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. 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 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.

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[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

392-190-005	Purpose—Elimination of sex discrimination.
392-190-010	Counseling and guidance services—Career opportunities—Internal procedures.
392-190-015	Counseling and guidance—Duty of certificated and classroom personnel—Coordination of effort.
392-190-020	Inservice training—Sex bias awareness.
392-190-025	Recreational and athletic activities—Equal opportunity—Separate teams.
392-190-030	General—Recreational and athletic activities—Equal opportunity factors considered.
392-190-035	Recreational and athletic activities—Compliance timetable—Elementary and secondary level.
392-190-040	Recreational and athletic activities—Student interest—Required survey instrument.
392-190-045	Recreational and athletic activities—Facilities.
392-190-050	Course offerings—Generally—Separate sessions or groups permissible.

392-190-055	Textbooks and instructional materials—Scope—Elimination of sex bias—Compliance timetable.
392-190-056	Sexual harassment—Definitions.
392-190-057	Sexual harassment policy—Adoption date—Required criteria.
392-190-058	Sexual harassment—Procedures.
392-190-060	Compliance—Local school district—Designation of responsible employee—Notification.
392-190-065	Compliance—Complaint procedure—District superintendent.
392-190-070	Compliance—Appeal procedure—Local school board.
392-190-075	Compliance—Contested case—Duty of the superintendent of public instruction.
392-190-080	Compliance—Violations—Permissible sanctions.

WAC 392-190-005 Purpose—Elimination of sex discrimination. The purpose of this chapter is to establish rules and regulations which implement chapter 28A.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 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.
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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.

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(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 392-195 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 23A.415.010 [28A.415.010]. 93-07-037 (Order 93-04), § 392-196-030, filed 3/10/93, effective 4/10/93. Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-196-030, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.67.240. 90-14-093 (Order 16), § 392-196-030, filed 7/3/90, effective 8/3/90. Statutory Authority: RCW 28A.67.240. 89-22-004 (Order 17), § 392-196-030, filed 10/20/89, effective 11/20/89. Statutory Authority: 1987 c 507. 87-23-004 (Order 87-13), § 392-196-030, filed 11/5/87. Statutory Authority: RCW 28A.58.842. 85-21-052 (Order 85-12), § 392-196-030, filed 10/15/85.] 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 Author

- ity: 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 10/15/85.]

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. A school district may coordinate and administer its own program or, if requested by member school districts, each ESD may coordinate the teacher assistance program for the requesting school districts within its region, pursuant to RCW 28A.415.010 and the Washington state operating budget.

[Statutory Authority: RCW 28A.415.250. 96-19-038 (Order 96-14), § 392-196-086, filed 9/11/96, effective 10/12/96. 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. One of two options shall be used for the distribution of state moneys for the teacher assistance program:

(1) Based on the number of beginning teachers, the superintendent of public instruction shall allocate funds

directly to those school districts administering their own programs; or

(2) Based on the number of beginning teachers, the superintendent of public instruction shall allocate funds to the educational service district for those school districts that have requested program coordination by the educational service district pursuant to WAC 392-196-086.

[Statutory Authority: RCW 28A.415.250. 96-19-038 (Order 96-14), § 392-196-100, filed 9/11/96, effective 10/12/96. 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.]

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.]

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.

[Statutory Authority: RCW 70.24.290. 91-18-006 (Order 91-16), § 392-198-015, filed 8/23/91, effective 9/23/91.]

WAC 392-198-020 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.]

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 superintendent 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;

(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
392-202-005
392-202-010
392-202-015
392-202-020

Authority.
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Principal/administrator—Definition.
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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 392-300 WAC

FINGERPRINT RECORD CHECKS—ACCESS TO RECORDS—PRIVACY

WAC

392-300-001	Purpose.
392-300-005	Definition—Record check information.
392-300-010	Definition—Record check data base.
392-300-015	Definition—District employee.
392-300-020	Definition—Applicant.
392-300-025	Access to record check information by district employee or applicant.
392-300-030	Office hours.
392-300-035	Requests for record check information.
392-300-040	Copying.
392-300-045	Protection of record check information.
392-300-050	Access to record check data base.
392-300-055	Prohibition of redissemination of fingerprint record information by educational service districts or school districts.
392-300-060	Protection of fingerprint record information by educational service districts and school districts.

WAC 392-300-001 Purpose. Rules and regulations hereinafter set forth are established pursuant to RCW 28A.400.303, 28A.400.306, 28A.410.010 and chapter 126, Laws of 1996, SSB 6272, for the purpose of setting forth practices and procedures relating to access and review of record check information and data bases.

[Statutory Authority: RCW 28A.400.303, 38A.400.306, 28A.410.010 and 1996 c 126. 96-17-045 (Order 96-12), § 392-300-001, filed 8/19/96, effective 9/19/96.]

WAC 392-300-005 Definition—Record check information. As used in this chapter, "record check information" includes any record of arrest and prosecution (RAP sheet) provided by the Washington state patrol and/or the Federal Bureau of Investigation and any other information obtained by the superintendent of public instruction or designee as a result of the investigation of any data contained in RAP sheets.

[Statutory Authority: RCW 28A.400.303, 38A.400.306, 28A.410.010 and 1996 c 126. 96-17-045 (Order 96-12), § 392-300-005, filed 8/19/96, effective 9/19/96.]

WAC 392-300-010 Definition—Record check data base. As used in this chapter, "record check data base" means the electronic data base or printed copy equivalent maintained by the superintendent of public instruction or designee that contains:

(1) The names and other identifiable information of individuals checked under RCW 28A.400.303 and 28A.410.090; and

(2) Whether there is any record of arrest and prosecution for the individual.

[Statutory Authority: RCW 28A.400.303, 38A.400.306, 28A.410.010 and 1996 c 126. 96-17-045 (Order 96-12), § 392-300-010, filed 8/19/96, effective 9/19/96.]

WAC 392-300-015 Definition—District employee. As used in this chapter, "district employee" shall mean any individual currently employed by or being considered for employment by a school district, a school district contractor, an educational service district, or an educational service district contractor.

[Statutory Authority: RCW 28A.400.303, 38A.400.306, 28A.410.010 and 1996 c 126. 96-17-045 (Order 96-12), § 392-300-015, filed 8/19/96, effective 9/19/96.]

WAC 392-300-020 Definition—Applicant. As used in this chapter, "applicant" means any individual who is applying for an educational certificate or employment under the rules and regulations of the superintendent of public instruction or the state board of education.

[Statutory Authority: RCW 28A.400.303, 38A.400.306, 28A.410.010 and 1996 c 126. 96-17-045 (Order 96-12), § 392-300-020, filed 8/19/96, effective 9/19/96.]

WAC 392-300-025 Access to record check information by district employee or applicant. All district employees and applicants shall have access to record check information about them maintained by the superintendent of public instruction or designee. Any record of arrest and prosecution (RAP sheet) received from the Washington state patrol or the Federal Bureau of Investigation shall be sent promptly by the superintendent of public instruction to the district employee or applicant undergoing the record check. Any additional information collected by the superintendent of public instruction or designee as a result of the investigation of any data shall be available for inspection and copying by the district employee or applicant to whom it pertains during normal office hours in the office where the information is located. Information that is gathered as part of an ongoing investigation, excluding RAP sheets, shall not be released to the district employee or applicant until the investigation is completed.

[Statutory Authority: RCW 28A.400.303, 38A.400.306, 28A.410.010 and 1996 c 126. 96-17-045 (Order 96-12), § 392-300-025, filed 8/19/96, effective 9/19/96.]

WAC 392-300-030 Office hours. The individual's record check information shall be available to him or her 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

pm. to 4:30 p.m., Monday through Friday, excluding legal holidays.

[Statutory Authority: RCW 28A.400.303, 38A.400.306, 28A.410.010 and 1996 c 126. 96-17-045 (Order 96-12), § 392-300-030, filed 8/19/96, effective 9/19/96.]

WAC 392-300-035 Requests for record check information. 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, record check information is obtainable by district employees or applicants to whom it pertains when they comply with the following procedures:

A request shall be made in writing. The written request shall be presented to the fingerprint records office of the superintendent of public instruction during customary office hours or may be mailed or faxed to the office. The request shall include the following information:

- (1) The name of the person requesting the record;
- (2) The time of day and the calendar date on which the request was made;
- (3) The nature of the request;
- (4) Height, weight and date of birth of individual fingerprinted; and
- (5) Social Security number of individual fingerprinted (optional).

[Statutory Authority: RCW 28A.400.303, 38A.400.306, 28A.410.010 and 1996 c 126. 96-17-045 (Order 96-12), § 392-300-035, filed 8/19/96, effective 9/19/96.]

WAC 392-300-040 Copying. No fee shall be charged for the inspection of record check information. The superintendent of public instruction may impose a reasonable charge for providing copies of records and for the use by any person of agency equipment to copy records; such charges shall not exceed the amount necessary to reimburse SPI for its actual costs incident to such copying. A record so copied shall not be released until and unless the person requesting the copied record has tendered payment for such copying to the appropriate official. All charges must be paid by money order or check.

[Statutory Authority: RCW 28A.400.303, 38A.400.306, 28A.410.010 and 1996 c 126. 96-17-045 (Order 96-12), § 392-300-040, filed 8/19/96, effective 9/19/96.]

WAC 392-300-045 Protection of record check information. Members of the public and agency personnel not processing record check information shall not be permitted access to any criminal record information.

(1) Record check information and a facility for their inspection will be provided by the fingerprint record office. Such records shall not be removed from the place designated. Records may be copied pursuant to the provisions of WAC 392-300-040.

(2) All record check information shall be maintained in a secure and private environment in order to protect the confidentiality of all district employees or applicants.

(3) All employees of the superintendent of public instruction who have access to criminal record information

shall undergo record checks by the Washington state patrol and the Federal Bureau of Investigation.

[Statutory Authority: RCW 28A.400.303, 38A.400.306, 28A.410.010 and 1996 c 126. 96-17-045 (Order 96-12), § 392-300-045, filed 8/19/96, effective 9/19/96.]

WAC 392-300-050 Access to record check data base. School districts, educational service districts, colleges and universities shall establish written policies or procedures to determine which employees are authorized to access the data base. Access to the superintendent of public instruction's record check data base shall be limited to:

(1) Employees of the superintendent of public instruction processing record check information including employees within the fingerprint records section, the office of professional practices, the legal services section, the certification section or their equivalents in case of future agency reorganization.

(2) Authorized employees of school districts.

(3) Authorized employees of educational service districts.

(4) Authorized employees of college or universities with state board of education approved certification programs.

(5) Other authorized individuals as determined by the superintendent of public instruction or designee.

Access to the data base will be controlled by a confidential password issued by the superintendent of public instruction.

[Statutory Authority: RCW 28A.400.303, 38A.400.306, 28A.410.010 and 1996 c 126. 96-17-045 (Order 96-12), § 392-300-050, filed 8/19/96, effective 9/19/96.]

WAC 392-300-055 Prohibition of redissemination of fingerprint record information by educational service districts or school districts. Fingerprint record information is highly confidential and shall not be redisseminated to any organization or individual by any educational service district or school district.

[Statutory Authority: RCW 28A.400.303, 38A.400.306, 28A.410.010 and 1996 c 126. 96-17-045 (Order 96-12), § 392-300-055, filed 8/19/96, effective 9/19/96.]

WAC 392-300-060 Protection of fingerprint record information by educational service districts and school districts. Educational service districts and school districts shall have policies and procedures to:

(1) Protect the confidentiality of fingerprint record information, including the secure location of RAP sheets;

(2) Limit access to authorized personnel processing or requiring fingerprint record information to make employment decisions; and

(3) Prevent the unlawful redissemination of fingerprint record information.

Noncompliance with these provisions may allow for the recovery of civil damages under applicable federal and state statutes.

[Statutory Authority: RCW 28A.400.303, 38A.400.306, 28A.410.010 and 1996 c 126. 96-17-045 (Order 96-12), § 392-300-060, filed 8/19/96, effective 9/19/96.]

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—Release time 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.415.300 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. 96-15-115 (Order 96-08), § 392-320-005, filed 7/23/96, effective 8/23/96; 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 for release time not to exceed the equivalent of 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. 96-15-115 (Order 96-08), § 392-320-015, filed 7/23/96, effective 8/23/96; 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—Release time cost. As used in this chapter, the term "release time cost" shall mean an amount paid by a school district to release an administrator intern completing an administrator certification field experience. The maximum amount shall not exceed the

school district actual daily substitute teacher rate, to include salary and benefits, for the equivalent of forty-five student days.

[Statutory Authority: RCW 28A.415.300. 96-15-115 (Order 96-08), § 392-320-025, filed 7/23/96, effective 8/23/96; 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 release time not to exceed the equivalent of forty-five student days and name a mentor administrator to supervise each 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 substitute teacher rate, agreement to comply with state board of education internship standards requirement, the amount of internship funds requested, 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.

(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. 96-15-115 (Order 96-08), § 392-320-040, filed 7/23/96, effective 8/23/96; 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 funding to each educational service district based on the percentage of public school students enrolled in each educational service district.

(2) 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.

(3) By October 1 of each fiscal year, all educational service districts shall report to the superintendent of public instruction the following:

(a) If they will have unspent internship funding (and the amount of such funding) to reallocate to other educational service districts; or

(b) If they need additional internship funding, including the number of interns and the amount requested for each intern.

The superintendent of public instruction shall reallocate such funding among the requesting educational service districts, provided that if the requests exceed the total amount available, the superintendent of public instruction shall divide the amount available proportionately among the educational service districts needing additional funding.

(4) After selecting the interns, the educational service district shall reimburse the employing school district based on the actual release time cost.

(5) Administrator internship reimbursements to each school district may be used in a variety of ways to accommodate flexible implementation in releasing interns. 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.

(6) Unexpended administrator intern funds shall revert to the state general fund.

[Statutory Authority: RCW 28A.415.300. 96-15-115 (Order 96-08), § 392-320-045, filed 7/23/96, effective 8/23/96; 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 release time costs.

(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. 96-15-115 (Order 96-08), § 392-320-050, filed 7/23/96, effective 8/23/96; 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

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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.]