

[Statutory Authority: RCW 42.17.370 (1) and (11) and 42.17.241 (1)(n). 97-23-020, § 390-24-020, filed 11/10/97, effective 1/1/98. Statutory Authority: RCW 42.17.370(1). 96-09-017, § 390-24-020, filed 4/8/96, effective 5/9/96. Statutory Authority: RCW 42.17.370. 91-24-011, § 390-24-020, filed 11/22/91, effective 12/23/91. Statutory Authority: RCW 42.17.370(1). 86-19-039 (Order 86-06), § 390-24-020, filed 9/12/86; 86-08-030 (Order 86-02), § 390-24-020, filed 3/26/86; 84-01-017 (Order 83-03), § 390-24-020, filed 12/9/83; 79-11-124 (Order 79-07), § 390-24-020, filed 11/6/79; Order 94, § 390-24-020, filed 10/31/77; Order 87, § 390-24-020, filed 11/19/76; Order 62, § 390-24-020, filed 8/26/75; Order 48, § 390-24-020, filed 3/3/75.]

**WAC 390-24-301 Changes in dollar amounts of reporting thresholds and code values.** Pursuant to the commission's authority in RCW 42.17.370(11) to revise the monetary reporting thresholds and code values found in chapter 42.17 RCW to reflect changes in economic conditions, the following revisions are made:

Statutory Section	Subject Matter	Amount Enacted or Last Revised	Revision Effective January 1, 1998
.241(1)(b)	Bank Accounts	\$10,000	\$15,000
.241(1)(b)	Other Intangibles	\$1,000	\$1,500
.241(1)(c)	Creditors	\$1,000	\$1,500
.241(1)(f)	Compensation	\$1,000	\$1,500
.241(1)(g)(ii)	Compensation to		
	Business Entity	\$5,000	\$7,500
.241(1)(g)	Bank Interest Paid	\$1,200	\$1,800
.241(1)(h)	Real Property—		
	Acquired	\$5,000	\$7,500
.241(1)(i)	Real Property—		
	Divested	\$5,000	\$7,500
.241(1)(j)	Real Property—		
	Held	\$5,000	\$7,500
.241(1)(k)	Real Property—		
	Business	\$10,000	\$15,000
.241(1)(l)	Food and Beverages	\$50	\$50
.241(2)	Dollar Code A	Up to \$1,999	Up to \$2,999
	Dollar Code B	\$2,000—\$9,999	\$3,000—\$14,999
	Dollar Code C	\$10,000—\$19,999	\$15,000—\$29,999
	Dollar Code D	\$20,000—\$49,999	\$30,000—\$74,999
	Dollar Code E	\$50,000 and up	\$75,000 and up

[Statutory Authority: RCW 42.17.370 (1) and (11) and 42.17.241 (1)(n). 97-23-020, § 390-24-301, filed 11/10/97, effective 1/1/98.]

## Title 392 WAC PUBLIC INSTRUCTION, SUPERINTENDENT OF

**Chapters**

- 392-120 Finance—University of Washington transition school and early entrance program allocations.**
- 392-121 Finance—General apportionment.**
- 392-130 Finance—Self-funded plans for employee benefits.**

- 392-132 Finance—Nonhigh participatory finance— Including transfer of M and O levy authority from high to nonhigh districts.**
- 392-137 Finance—Nonresident attendance.**
- 392-142 Transportation—Replacement and depreciation allocation.**
- 392-165 Special service programs—Title VI— Innovative Education Program Strategies of the Education Consolidation and Improving America's Schools Act of 1994, financial assistance to local school districts.**

### Chapter 392-120 WAC

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

**WAC**

- 392-120-025 Definition—Full-time equivalent student.
- 392-120-027 Definition—Count date.
- 392-120-028 Definition—Annual average full-time equivalent student.
- 392-120-030 Definition—School year.
- 392-120-055 Responsibilities—University of Washington.
- 392-120-065 Calculation of quarterly allocation.

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

[Statutory Authority: RCW 28A.185.040. 97-20-002 (Order 97-05), § 392-120-025, filed 9/17/97, effective 10/18/97. 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 392-120-027 Definition—Count date.** As used in this chapter "count date" means the first day of transition school or first early entrance program day during the month on which eligible students are counted and their full-time equivalency is determined. Count dates occur in the months of October through June. Eligible students counted during the summer are counted during the months of June through August.

[Statutory Authority: RCW 28A.185.040. 97-20-002 (Order 97-05), § 392-120-027, filed 9/17/97, effective 10/18/97.]

**WAC 392-120-028 Definition—Annual average full-time equivalent student.** As used in this chapter, an "annual average full-time equivalent student" means an eligible student who is a full-time equivalent student on each of the count dates in October through June: *Provided*, That a student electing to attend the summer quarter in lieu of attending the autumn, winter, or spring quarter will be counted during the summer months of June through August. No individual student 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 September 1 through August 31 period for the purposes of claiming and

allocating state and federal kindergarten through twelfth grade moneys to school districts and to the University of Washington.

[Statutory Authority: RCW 28A.185.040. 97-20-002 (Order 97-05), § 392-120-028, filed 9/17/97, effective 10/18/97.]

**WAC 392-120-030 Definition—School year.** As used in this chapter, "school year" means the beginning of autumn quarter through the end of summer quarter.

[Statutory Authority: RCW 28A.185.040. 97-20-002 (Order 97-05), § 392-120-030, filed 9/17/97, effective 10/18/97. Statutory Authority: RCW 28A.58.217. 90-09-038 (Order 90-04), § 392-120-030, filed 4/12/90, effective 5/13/90.]

**WAC 392-120-055 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 for each count date for each eligible student of their:

- (a) Full-time equivalency; 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 for the October count date of each year 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 to the superintendent of public instruction the actual expenditures on allowable activities.

[Statutory Authority: RCW 28A.185.040. 97-20-002 (Order 97-05), § 392-120-055, filed 9/17/97, effective 10/18/97. Statutory Authority: RCW 28A.58.217. 90-09-038 (Order 90-04), § 392-120-055, filed 4/12/90, effective 5/13/90.]

**WAC 392-120-065 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 using information available at the time the calculation is made as follows:

(1) Sum the following for each eligible student:

(a) Determine the revenue per eligible annual average full-time equivalent student; and

(b) Multiply the result obtained in (a) of this subsection by the annual average full-time equivalency of the 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.185.040. 97-20-002 (Order 97-05), § 392-120-065, filed 9/17/97, effective 10/18/97. Statutory Authority: RCW 28A.58.217. 90-09-038 (Order 90-04), § 392-120-065, filed 4/12/90, effective 5/13/90.]

## Chapter 392-121 WAC

### FINANCE—GENERAL APPORTIONMENT

#### WAC

392-121-107	Definition—Course of study.
392-121-108	Definition—Enrollment exclusions.
392-121-119	Definition—Enrollment count dates.
392-121-122	Definition—Full-time equivalent student.
392-121-133	Definition—Annual average full-time equivalent students.
392-121-136	Limitation on enrollment counts.
392-121-137	Full-time equivalent enrollment of students with a disability.
392-121-245	Definition—Certificated years of experience.
392-121-257	Definition—In-service credits.
392-121-259	Definition—Nondegree credits.
392-121-262	Definition—Additional criteria for all credits.
392-121-280	Placement on LEAP salary allocation documents—Documentation required.

**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 - any cocurricular service or activity, any health care service or activity, and any other services or activities, for or in which enrolled students are served by appropriate school district staff. The term shall include, but not be limited to, counseling, psychological services, testing, remedial instruction, speech and hearing therapy, health care services, and if such service is provided by the district, certificated contact time pursuant to RCW 28A.225.010 (4)(a) with students who are in a home-based instruction program. The term shall exclude all extracurricular activities and all other courses of study defined in this section. In conformance with WAC 392-134-025, school districts report the actual number of student contact hours of

ancillary service for part-time, private school, and home-based students 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 392-172-222.

(2) Course of study does not include:

(a) Home-based instruction pursuant to RCW 28A.225.010(4): Education programs provided by a parent which do not meet the requirements of WAC 392-121-182 cannot be claimed for state funding;

(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;

(i) Extracurricular activities including but not limited to before and after school activities such as classes, sports and other activities offered outside the regular curriculum or for which credit is not earned; or

(j) Attendance at universities, colleges, community colleges, or technical colleges of students not earning high school credit.

[Statutory Authority: RCW 28A.150.290, 97-22-013 (Order 97-06), § 392-121-107, filed 10/27/97, effective 11/27/97; 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 392-172-218 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 all school subjects or classes by the school district pursuant to WAC 180-40-275 shall not be counted as an enrolled student; a student who has been partially expelled, such as from a single school subject or class, by the school district pursuant to WAC 180-40-275 may be considered a part-time 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, 97-22-013 (Order 97-06), § 392-121-108, filed 10/27/97, effective 11/27/97; 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 392-121-119 Definition—Enrollment count dates.** As used in this chapter, "enrollment count dates" means the fourth school day of September and the first school day of each of the eight subsequent months of the school year for all school districts including districts which commence basic education programs prior to September 1st. Exceptions are limited to the following:

(1) In school districts where not every school or grade follows the same calendar of school days, the calendar of an individual school or an entire grade level within a school

may determine the monthly enrollment count date for that school or grade level within the school.

(2) The nine count dates for running start enrollment shall be the first school day of each month of October through June.

[Statutory Authority: RCW 28A.150.290. 97-22-013 (Order 97-06), § 392-121-119, filed 10/27/97, effective 11/27/97.]

**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 one of the enrollment count dates 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 each hour counted shall contain at least 50 minutes of instruction or supervised study provided by appropriate instructional staff. The purpose of recognizing "50 minute hours" is to provide flexibility to school districts which utilize block periods of instruction so long as students are ultimately under the jurisdiction of school staff for the equivalent of 60 minute hours: *Provided further*, That the hours set forth below shall be construed as annual average hours for the purposes of compliance with this chapter.

(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. 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.

(5) The full-time equivalent of a student's alternative learning experience shall be determined pursuant to WAC 392-121-182.

[Statutory Authority: RCW 28A.150.290. 97-22-013 (Order 97-06), § 392-121-122, filed 10/27/97, effective 11/27/97; 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 392-121-133 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 part-time, private school, and home-based students reported pursuant to WAC 392-121-107 divided by 900; and

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

[Statutory Authority: RCW 28A.150.290. 97-22-013 (Order 97-06), § 392-121-133, filed 10/27/97, effective 11/27/97. 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.

(5) A student reported as full-time on Form SPI E-672 pursuant to WAC 392-122-275 for institutional education funding shall not be reported by a school district for basic education funding on that enrollment count date.

(6) A student reported as part-time on Form SPI E-672 shall not be reported by a school district for more than part-time basic education funding on that enrollment count date and the total enrollment reported by one or more school districts for basic education and on Form SPI E-672 must not exceed one full-time equivalent.

[Statutory Authority: RCW 28A.150.290, 97-22-013 (Order 97-06), § 392-121-136, filed 10/27/97, effective 11/27/97; 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 392-172 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, 97-22-013 (Order 97-06), § 392-121-137, filed 10/27/97, effective 11/27/97; 95-01-013, § 392-121-137, filed 12/8/94, effective 1/8/95.]

**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 experience" means the number of years of accumulated full-time and part-time professional education employment prior to the current reporting school year in the state of Washington, out-of-state, and a foreign country. 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 nondegree 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 180-77-041 (1)(a). If a degree is obtained while employed in the state of Washington as a nondegree 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 (a)(ii) of this subsection divided by the hours in (a)(i) 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 and chapter 28A.415 RCW, 97-22-106 (Order 97-07), § 392-121-245, filed 11/5/97, effective 12/6/97. 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 392-121-257 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) Each forty hours of participation in an approved internship with a business, industry, or government agency pursuant to chapter 180-83 WAC equals one in-service credit.
  - (a) No more than two in-service credits may be earned as a result of an internship during any calendar-year period.
  - (b) Each individual is limited to a maximum of fifteen in-service credits earned from internships.
  - (c) Accumulate credits to the nearest tenth.

[Statutory Authority: RCW 28A.150.290 and chapter 28A.415 RCW. 97-22-106 (Order 97-07), § 392-121-257, filed 11/5/97, effective 12/6/97. 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, 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 nondegree 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 (12).
- (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 and chapter 28A.415 RCW. 97-22-106 (Order 97-07), § 392-121-259, filed 11/5/97, effective 12/6/97. 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 392-121-262 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 a school-based plan for mastery of student learning goals as referenced in RCW 28A.320.205, the annual school performance report, for the school in which the individual is assigned;
- (b) It pertains to the individual's current assignment or expected assignment for the following school year;
- (c) It is necessary for obtaining endorsement as prescribed by the state board of education;
- (d) It is specifically required for obtaining advanced levels of certification; or
- (e) 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;

(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 and chapter 28A.415 RCW. 97-22-106 (Order 97-07), § 392-121-262, filed 11/5/97, effective 12/6/97. Statutory Authority: RCW 28A.150.290. 95-21-096 (Order 95-09), § 392-121-262, filed 10/18/95, effective 11/18/95.]

**WAC 392-121-280 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.

(c) If the degree program was completed in a country other than the United States documentation must include a written statement of degree equivalency for the appropriate degree from a foreign credentials' evaluation agency approved by the office of superintendent of public instruction.

(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 (12).

(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)(ii) of this subsection divided by the hours in (b)(i) 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)(a), evidence whether or not the position required professional education certification pursuant to WAC 392-121-245 (1)(a)(ii);

(vi) For those counting experience pursuant to WAC 392-121-245(1)(b), 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(1)(e), 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 and chapter 28A.415 RCW. 97-22-106 (Order 97-07), § 392-121-280, filed 11/5/97, effective 12/6/97. 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.]

**Chapter 392-130 WAC**  
**FINANCE—SELF-FUNDED PLANS FOR**  
**EMPLOYEE BENEFITS**

**WAC**

392-130-005 through 392-130-205 Repealed.

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

- |             |  |             |   |
|-------------|--|-------------|---|
| 392-130-005 | Authority. [Statutory Authority: RCW 48.62.030 and 48.62.035. 88-04-001 (Order 88-3), § 392-130-005, filed 1/21/88.] Repealed by 97-19-075 (Order 97-03), filed 9/16/97, effective 10/17/97. Statutory Authority: RCW 48.62.030 and 48.62.035.   | 392-130-050 | Definition—Enterprise fund. [Statutory Authority: RCW 48.62.030 and 48.62.035. 88-04-001 (Order 88-3), § 392-130-050, filed 1/21/88.] Repealed by 97-19-075 (Order 97-03), filed 9/16/97, effective 10/17/97. Statutory Authority: RCW 48.62.030 and 48.62.035.             |
| 392-130-010 | Purposes. [Statutory Authority: RCW 48.62.030 and 48.62.035. 88-04-001 (Order 88-3), § 392-130-010, filed 1/21/88.] Repealed by 97-19-075 (Order 97-03), filed 9/16/97, effective 10/17/97. Statutory Authority: RCW 48.62.030 and 48.62.035.  | 392-130-055 | Definition—Beneficiary. [Statutory Authority: RCW 48.62.030 and 48.62.035. 88-04-001 (Order 88-3), § 392-130-055, filed 1/21/88.] Repealed by 97-19-075 (Order 97-03), filed 9/16/97, effective 10/17/97. Statutory Authority: RCW 48.62.030 and 48.62.035.                 |
| 392-130-015 | Definition—Joint self-funded plan for employee benefits. [Statutory Authority: RCW 48.62.030 and 48.62.035. 88-04-001 (Order 88-3), § 392-130-015, filed 1/21/88.] Repealed by 97-19-075 (Order 97-03), filed 9/16/97, effective 10/17/97. Statutory Authority: RCW 48.62.030 and 48.62.035.               | 392-130-060 | Definition—Member. [Statutory Authority: RCW 48.62.030 and 48.62.035. 88-04-001 (Order 88-3), § 392-130-060, filed 1/21/88.] Repealed by 97-19-075 (Order 97-03), filed 9/16/97, effective 10/17/97. Statutory Authority: RCW 48.62.030 and 48.62.035.                      |
| 392-130-020 | Definition—Individual self-funded plan for employee benefits. [Statutory Authority: RCW 48.62.030 and 48.62.035. 88-04-001 (Order 88-3), § 392-130-020, filed 1/21/88.] Repealed by 97-19-075 (Order 97-03), filed 9/16/97, effective 10/17/97. Statutory Authority: RCW 48.62.030 and 48.62.035.          | 392-130-065 | Definition—Contribution. [Statutory Authority: RCW 48.62.030 and 48.62.035. 88-04-001 (Order 88-3), § 392-130-065, filed 1/21/88.] Repealed by 97-19-075 (Order 97-03), filed 9/16/97, effective 10/17/97. Statutory Authority: RCW 48.62.030 and 48.62.035.                |
| 392-130-025 | Definition—Self-funded employee loss of time and health benefit plans. [Statutory Authority: RCW 48.62.030 and 48.62.035. 88-04-001 (Order 88-3), § 392-130-025, filed 1/21/88.] Repealed by 97-19-075 (Order 97-03), filed 9/16/97, effective 10/17/97. Statutory Authority: RCW 48.62.030 and 48.62.035. | 392-130-070 | Definition—Employer. [Statutory Authority: RCW 48.62.030 and 48.62.035. 88-04-001 (Order 88-3), § 392-130-070, filed 1/21/88.] Repealed by 97-19-075 (Order 97-03), filed 9/16/97, effective 10/17/97. Statutory Authority: RCW 48.62.030 and 48.62.035.                    |
| 392-130-030 | Definition—Self-funded plan or a plan. [Statutory Authority: RCW 48.62.030 and 48.62.035. 88-04-001 (Order 88-3), § 392-130-030, filed 1/21/88.] Repealed by 97-19-075 (Order 97-03), filed 9/16/97, effective 10/17/97. Statutory Authority: RCW 48.62.030 and 48.62.035.                                 | 392-130-075 | Definition—Third party administrator. [Statutory Authority: RCW 48.62.030 and 48.62.035. 88-04-001 (Order 88-3), § 392-130-075, filed 1/21/88.] Repealed by 97-19-075 (Order 97-03), filed 9/16/97, effective 10/17/97. Statutory Authority: RCW 48.62.030 and 48.62.035.   |
| 392-130-035 | Definition—Self-funded plan 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.] Repealed by 97-19-075 (Order 97-03), filed 9/16/97, effective 10/17/97. Statutory Authority: RCW 48.62.030 and 48.62.035.                     | 392-130-080 | Definition—Claim. [Statutory Authority: RCW 48.62.030 and 48.62.035. 88-04-001 (Order 88-3), § 392-130-080, filed 1/21/88.] Repealed by 97-19-075 (Order 97-03), filed 9/16/97, effective 10/17/97. Statutory Authority: RCW 48.62.030 and 48.62.035.                       |
| 392-130-040 | Definition—Joint self-funded plan. [Statutory Authority: RCW 48.62.030 and 48.62.035. 88-04-001 (Order 88-3), § 392-130-040, filed 1/21/88.] Repealed by 97-19-075 (Order 97-03), filed 9/16/97, effective 10/17/97. Statutory Authority: RCW 48.62.030 and 48.62.035.                                     | 392-130-085 | Definition—Life insurance. [Statutory Authority: RCW 48.62.030 and 48.62.035. 88-04-001 (Order 88-3), § 392-130-085, filed 1/21/88.] Repealed by 97-19-075 (Order 97-03), filed 9/16/97, effective 10/17/97. Statutory Authority: RCW 48.62.030 and 48.62.035.              |
| 392-130-045 | Definition—Fund. [Statutory Authority: RCW 48.62.030 and 48.62.035. 88-04-001 (Order 88-3), § 392-130-045, filed 1/21/88.] Repealed by 97-19-075 (Order 97-03),  | 392-130-090 | Definition—Health insurance. [Statutory Authority: RCW 48.62.030 and 48.62.035. 88-04-001 (Order 88-3), § 392-130-090, filed 1/21/88.] Repealed by 97-19-075 (Order 97-03), filed 9/16/97, effective 10/17/97. Statutory Authority: RCW 48.62.030 and 48.62.035.            |
|             |  | 392-130-095 | Definition—Health benefit insurance. [Statutory Authority: RCW 48.62.030 and 48.62.035. 88-04-001 (Order 88-3), § 392-130-095, filed 1/21/88.] Repealed by 97-19-075 (Order 97-03), filed 9/16/97, effective 10/17/97. Statutory Authority: RCW 48.62.030 and 48.62.035.    |
|             |  | 392-130-100 | Definition—Health care insurance. [Statutory Authority: RCW 48.62.030 and 48.62.035. 88-04-001 (Order 88-3), § 392-130-100, filed 1/21/88.] Repealed by 97-19-075 (Order 97-03), filed 9/16/97, effective 10/17/97. Statutory Authority: RCW 48.62.030 and 48.62.035.       |
|             |  | 392-130-105 | Definition—Accident insurance. [Statutory Authority: RCW 48.62.030 and 48.62.035. 88-04-001 (Order 88-3), § 392-130-105, filed 1/21/88.] Repealed by 97-19-075 (Order 97-03), filed 9/16/97, effective 10/17/97. Statutory Authority: RCW 48.62.030 and 48.62.035.          |
|             |  | 392-130-110 | Definition—Disability insurance. [Statutory Authority: RCW 48.62.030 and 48.62.035. 88-04-001 (Order 88-3), § 392-130-110, filed 1/21/88.] Repealed by 97-19-075 (Order 97-03), filed 9/16/97, effective 10/17/97. Statutory Authority: RCW 48.62.030 and 48.62.035.        |
|             |  | 392-130-115 | Definition—Salary protection insurance. [Statutory Authority: RCW 48.62.030 and 48.62.035. 88-04-001 (Order 88-3), § 392-130-115, filed 1/21/88.] Repealed by 97-19-075 (Order 97-03), filed 9/16/97, effective 10/17/97. Statutory Authority: RCW 48.62.030 and 48.62.035. |
|             |  | 392-130-120 | Definition—Loss of time insurance. [Statutory Authority: RCW 48.62.030 and 48.62.035. 88-04-001 (Order 88-3), § 392-130-120, filed 1/21/88.] Repealed by 97-19-075  |



- (Order 97-03), filed 9/16/97, effective 10/17/97. Statutory Authority: RCW 48.62.030 and 48.62.035.
- 392-130-125 Definition—Fiscal year. [Statutory Authority: RCW 48.62.030 and 48.62.035. 88-04-001 (Order 88-3), § 392-130-125, filed 1/21/88.] Repealed by 97-19-075 (Order 97-03), filed 9/16/97, effective 10/17/97. Statutory Authority: RCW 48.62.030 and 48.62.035.
- 392-130-130 Definition—Board of directors of a self-funded plan for employee benefits. [Statutory Authority: RCW 48.62.030 and 48.62.035. 88-04-001 (Order 88-3), § 392-130-130, filed 1/21/88.] Repealed by 97-19-075 (Order 97-03), filed 9/16/97, effective 10/17/97. Statutory Authority: RCW 48.62.030 and 48.62.035.
- 392-130-135 Definition—Excess loss insurance. [Statutory Authority: RCW 48.62.030 and 48.62.035. 88-04-001 (Order 88-3), § 392-130-135, filed 1/21/88.] Repealed by 97-19-075 (Order 97-03), filed 9/16/97, effective 10/17/97. Statutory Authority: RCW 48.62.030 and 48.62.035.
- 392-130-140 Definition—Certificate authorizing an insurer to provide insurance. [Statutory Authority: RCW 48.62.030 and 48.62.035. 88-04-001 (Order 88-3), § 392-130-140, filed 1/21/88.] Repealed by 97-19-075 (Order 97-03), filed 9/16/97, effective 10/17/97. Statutory Authority: RCW 48.62.030 and 48.62.035.
- 392-130-145 Joint self-funded plans for employee benefits to be in accordance with the Interlocal Cooperation Act. [Statutory Authority: RCW 48.62.030 and 48.62.035. 88-04-001 (Order 88-3), § 392-130-145, filed 1/21/88.] Repealed by 97-19-075 (Order 97-03), filed 9/16/97, effective 10/17/97. Statutory Authority: RCW 48.62.030 and 48.62.035.
- 392-130-150 Adoption of an individual self-funded plan for employee benefits by a sponsoring board of directors. [Statutory Authority: RCW 48.62.030 and 48.62.035. 88-04-001 (Order 88-3), § 392-130-150, filed 1/21/88.] Repealed by 97-19-075 (Order 97-03), filed 9/16/97, effective 10/17/97. Statutory Authority: RCW 48.62.030 and 48.62.035.
- 392-130-155 Budgeting and accounting policies for self-funded plans for employee benefits. [Statutory Authority: RCW 48.62.030 and 48.62.035. 88-04-001 (Order 88-3), § 392-130-155, filed 1/21/88.] Repealed by 97-19-075 (Order 97-03), filed 9/16/97, effective 10/17/97. Statutory Authority: RCW 48.62.030 and 48.62.035.
- 392-130-160 Records and accounts of a self-funded plan for employee benefits. [Statutory Authority: RCW 48.62.030 and 48.62.035. 88-04-001 (Order 88-3), § 392-130-160, filed 1/21/88.] Repealed by 97-19-075 (Order 97-03), filed 9/16/97, effective 10/17/97. Statutory Authority: RCW 48.62.030 and 48.62.035.
- 392-130-165 Management and operational standards for self-funded plans for employee benefits—General provisions. [Statutory Authority: RCW 48.62.030 and 48.62.035. 88-04-001 (Order 88-3), § 392-130-165, filed 1/21/88.] Repealed by 97-19-075 (Order 97-03), filed 9/16/97, effective 10/17/97. Statutory Authority: RCW 48.62.030 and 48.62.035.
- 392-130-170 Management and operational standards for self-funded plans for employee benefits—Administrative standards. [Statutory Authority: RCW 48.62.030 and 48.62.035. 88-04-001 (Order 88-3), § 392-130-170, filed 1/21/88.] Repealed by 97-19-075 (Order 97-03), filed 9/16/97, effective 10/17/97. Statutory Authority: RCW 48.62.030 and 48.62.035.
- 392-130-175 Management and operational standards for self-funded plans for employee benefits—Actuarial standards. [Statutory Authority: RCW 48.62.030 and 48.62.035. 88-04-001 (Order 88-3), § 392-130-175, filed 1/21/88.] Repealed by 97-19-075 (Order 97-03), filed 9/16/97, effective 10/17/97. Statutory Authority: RCW 48.62.030 and 48.62.035.
- 392-130-180 Management and operational standards for self-funded plans for employee benefits—Required powers and duties of the sponsoring board of directors. [Statutory Authority: RCW 48.62.030 and 48.62.035. 88-04-001 (Order 88-3), § 392-130-180, filed 1/21/88.] Repealed by 97-19-075 (Order 97-03), filed 9/16/97, effective 10/17/97. Statutory Authority: RCW 48.62.030 and 48.62.035.
- 392-130-185 Management and operational standards for self-funded plans for employee benefits—Optional powers and duties of the sponsoring board of directors. [Statutory Authority: RCW 48.62.030 and 48.62.035. 88-04-001 (Order 88-3), § 392-130-185, filed 1/21/88.] Repealed by 97-19-075 (Order 97-03), filed 9/16/97, effective 10/17/97. Statutory Authority: RCW 48.62.030 and 48.62.035.
- 392-130-190 Management and operational standards for self-funded plans for employee benefits—Liabilities of a self-funded plan for employee benefits. [Statutory Authority: RCW 48.62.030 and 48.62.035. 88-04-001 (Order 88-3), § 392-130-190, filed 1/21/88.] Repealed by 97-19-075 (Order 97-03), filed 9/16/97, effective 10/17/97. Statutory Authority: RCW 48.62.030 and 48.62.035.
- 392-130-195 Management and operational standards for self-funded plans for employee benefits—Plan deposits and investments. [Statutory Authority: RCW 48.62.030 and 48.62.035. 88-04-001 (Order 88-3), § 392-130-195, filed 1/21/88.] Repealed by 97-19-075 (Order 97-03), filed 9/16/97, effective 10/17/97. Statutory Authority: RCW 48.62.030 and 48.62.035.
- 392-130-200 Management and operational standards of a self-funded plan for employee benefits—Bonding of administrators. [Statutory Authority: RCW 48.62.030 and 48.62.035. 88-04-001 (Order 88-3), § 392-130-200, filed 1/21/88.] Repealed by 97-19-075 (Order 97-03), filed 9/16/97, effective 10/17/97. Statutory Authority: RCW 48.62.030 and 48.62.035.
- 392-130-205 Management and operational standards of a self-funded plan for employee benefits—Prohibited pecuniary interests. [Statutory Authority: RCW 48.62.030 and 48.62.035. 88-04-001 (Order 88-3), § 392-130-205, filed 1/21/88.] Repealed by 97-19-075 (Order 97-03), filed 9/16/97, effective 10/17/97. Statutory Authority: RCW 48.62.030 and 48.62.035.

**WAC 392-130-005 through 392-130-205 Repealed.**  
See Disposition Table at beginning of this chapter.

### 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.  
392-132-030 Definitions.  
392-132-040 Determining levy capacity transfer and amount due.

**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(10). 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(10) provides that the superintendent of public instruction shall develop rules and regulations for the calculation of the excess maintenance and operation levy transfer from high school districts to nonhigh school districts.

[Statutory Authority: RCW 28A.545.110. 97-03-044, § 392-132-010, filed 1/10/97, effective 2/10/97. 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 392-132-030 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 total number of AAFTE students served by the high school district reported on the Form P-223 available at the time of the calculation of the nonhigh billing. Subtract from this average the average number of AAFTE students attending the high school district's cooperative programs and reported as nonresident on Form P-223 available at the time of the calculation of the nonhigh bill. Also subtract all the estimated AAFTE nonhigh enrollment served by the nonhigh district as reported on Form P-213. Add the average number of AAFTE students who reside within the high school district who are attending cooperative programs in other school districts as reported on Form P-223 available at the time of the calculation of the nonhigh billing.

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

Subtract from the total AAFTE served by the high school district for a school year as reported on Form P-223 the nonresident AAFTE students served by the high school district for a school year as reported on Form P-223. Also subtract the actual AAFTE nonhigh enrollment served by the high school district as reported on Form P-213. 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 school districts and were reported as nonresident on Form P-223.

(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 392-139-230.

(7) "Average annual full time equivalent students (AAFTE)" shall have the same meaning as this is given in WAC 392-121-133.

(8) "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 392-139-340. [Statutory Authority: RCW 28A.545.110. 97-03-044, § 392-132-030, filed 1/10/97, effective 2/10/97. 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 392-139-340, 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.545.110. 97-03-044, § 392-132-040, filed 1/10/97, effective 2/10/97. Statutory Authority: RCW 28A.44.230 and 84.52.053(7). 84-13-024 (Order 84-14), § 392-132-040, filed 6/13/84.]

## Chapter 392-137 WAC

### FINANCE—NONRESIDENT ATTENDANCE

#### WAC

392-137-160	Admission by nonresident district—Released students.
392-137-195	Filing of notices of appeal.
392-137-220	Repealed.

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

392-137-220	Annual transfer fee. [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.] Repealed by 97-20-003 (Order 97-04), filed 9/17/97, effective 10/18/97. Statutory Authority: RCW 28A.150.290.
-------------	--

**WAC 392-137-160 Admission by nonresident district—Released students.** A nonresident district may admit 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.150.290. 97-20-003 (Order 97-04), § 392-137-160, filed 9/17/97, effective 10/18/97. 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 392-137-195 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  
P.O. Box 47200  
Olympia, Washington 98504-7200

[Statutory Authority: RCW 28A.150.290. 97-20-003 (Order 97-04), § 392-137-195, filed 9/17/97, effective 10/18/97. 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 392-137-220 Repealed.** See Disposition Table at beginning of this chapter.

**Chapter 392-142 WAC**  
**TRANSPORTATION—REPLACEMENT AND**  
**DEPRECIATION ALLOCATION**

**WAC**

392-142-155 Definition—School bus categories for those buses purchased after September 1, 1982.

**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	Bus Type
(1)	10 to 24	Gas	Automatic	8	A-II
(2)	10 to 24	Diesel	Automatic	8	A-II
(3)	10 to 34	Gas	Automatic	8	A-I
(4)	10 to 34	Diesel	Automatic	8	A-I
(5)	10 to 34	Gas	Automatic	8	B
(6)	10 to 34	Diesel	Automatic	8	B
(7)	35 to 48	Diesel	Automatic	13	C
(8)	35 to 48	Diesel	Automatic	13	D
(9)	49 to 60	Diesel	Automatic	13	C
(10)	49 to 60	Diesel	Automatic	13	D
(11)	61 to 77	Diesel	Automatic	13	C
(12)	61 to 84	Diesel	Automatic	13	D
(13)	Heavy 78 to 84	Diesel	Automatic	18	D
(14)	Heavy 85 to 90	Diesel	Automatic	18	D

[Statutory Authority: RCW 28A.150.290. 97-17-042 (Order 97-02), § 392-142-155, filed 8/14/97, effective 9/15/97. 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.]

**Chapter 392-165 WAC**

**SPECIAL SERVICE PROGRAMS—TITLE VI—**  
**INNOVATIVE EDUCATION PROGRAM**  
**STRATEGIES OF THE EDUCATION**  
**CONSOLIDATION AND IMPROVING AMERICA'S**  
**SCHOOLS ACT OF 1994, FINANCIAL ASSISTANCE**  
**TO LOCAL SCHOOL DISTRICTS**

**WAC**

392-165-105 Purpose.  
392-165-115 Definition—Title VI.  
392-165-120 Definition—Accounting manual.  
392-165-130 Definition—Activity.

392-165-135 Definition—Program.  
392-165-140 Definition—Direct expenditure.  
392-165-142 Definition—Indirect expenditure.  
392-165-170 Definition—Project.  
392-165-180 Definition—Students.  
392-165-210 Definition—Instructional staff.  
392-165-245 Definition—Supplement.  
392-165-260 Definition—Consultation with parents and educators and others.  
392-165-302 Private school participation in Title VI—Program requirement.  
392-165-304 Private school Title VI equipment—Program requirement.  
392-165-310 Parent, educator, and community involvement in program planning—Program requirement.  
392-165-315 School district application required.  
392-165-320 Substance of school district application.  
392-165-322 One year assurances.  
392-165-325 Planned expenditures by program object and activity.  
392-165-330 Board approval.  
392-165-340 Approved budget variance allowed.  
392-165-345 Budget revisions—Updating planned expenditures.  
392-165-347 Title VI carryover provisions.  
392-165-360 Supervisory expenditures.  
392-165-362 Reallocation of Title VI funds.  
392-165-365 End-of-year report—Annual requirement.  
392-165-415 Budget revision requirements—Two revisions limitation.  
392-165-425 Construction.  
392-165-430 Acquisition, control and disposition of equipment.  
392-165-440 Title VI audit.  
392-165-450 Compliance agreement.  
392-165-455 Withholding of Title VI payments.  
392-165-460 Approval of Title VI program application by the office of the superintendent of public instruction.  
392-165-490 Allocation to school districts.  
392-165-500 Allocation formula for distribution of eighty-five percent Title VI moneys to local school districts.  
392-165-510 Program compliance review.

**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 103-382, Improving America's Schools Act of 1994, Title VI, — and its implementing regulations.

[Statutory Authority: RCW 28A.300.070. 97-23-011, § 392-165-105, filed 11/7/97, effective 12/8/97; 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 392-165-115 Definition—Title VI.** As used in this chapter, the term "Title VI" shall mean that part of Public Law 100-297 which is commonly referred to as Title VI of the Improving America's Schools Act of 1994.

[Statutory Authority: RCW 28A.300.070. 97-23-011, § 392-165-115, filed 11/7/97, effective 12/8/97; 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 1993, by the superintendent of public instruction and the state auditor.

[Statutory Authority: RCW 28A.300.070. 97-23-011, § 392-165-120, filed 11/7/97, effective 12/8/97; 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 392-165-130 Definition—Activity.** As used in this chapter, the term "activity(ies)" shall be as defined in the *Accounting Manual* glossary of terms. For financial accounting purposes "activity" shall be defined further as the second field of uniform expenditure classification established in the *Accounting Manual* for Title VI and shall include all activities listed on Form SPI F-1000B.

[Statutory Authority: RCW 28A.300.070. 97-23-011, § 392-165-130, filed 11/7/97, effective 12/8/97; 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 (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 Title VI shall include all approved activities supported by Title VI moneys.

[Statutory Authority: RCW 28A.300.070. 97-23-011, § 392-165-135, filed 11/7/97, effective 12/8/97. 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.

[Statutory Authority: RCW 28A.300.070. 97-23-011, § 392-165-140, filed 11/7/97, effective 12/8/97. 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 Title VI 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.300.070. 97-23-011, § 392-165-142, filed 11/7/97, effective 12/8/97. Statutory Authority: RCW 28A.02.100. 84-06-019 (Order 84-6), § 392-165-142, filed 2/29/84.]

**WAC 392-165-170 Definition—Project.** As used in this chapter, the term "project" shall mean all activities supported with Title VI moneys in either a particular school building or combination of school buildings.

[Statutory Authority: RCW 28A.300.070. 97-23-011, § 392-165-170, filed 11/7/97, effective 12/8/97; 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—Students.** As used in this chapter, the term "students" shall mean each enrolled student as defined in WAC 392-121-122.

[Statutory Authority: RCW 28A.300.070. 97-23-011, § 392-165-180, filed 11/7/97, effective 12/8/97. 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*.

[Statutory Authority: RCW 28A.300.070. 97-23-011, § 392-165-210, filed 11/7/97, effective 12/8/97. 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 Title VI moneys.

[Statutory Authority: RCW 28A.300.070. 97-23-011, § 392-165-245, filed 11/7/97, effective 12/8/97. 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 Title VI, — 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 Title VI and in the design, planning, and implementation of these programs.

[Statutory Authority: RCW 28A.300.070. 97-23-011, § 392-165-260, filed 11/7/97, effective 12/8/97; 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 392-165-302 Private school participation in Title VI—Program requirement.** Each school district that receives Title VI moneys shall make available for expenditure by the school district for the benefit of students 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 Title VI moneys.

[Statutory Authority: RCW 28A.300.070. 97-23-011, § 392-165-302, filed 11/7/97, effective 12/8/97. 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 Title VI equipment—Program requirement.** Each school district that provides equipment and materials which is purchased with Title VI 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.

[Statutory Authority: RCW 28A.300.070. 97-23-011, § 392-165-304, filed 11/7/97, effective 12/8/97; 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 Title VI shall provide for systematic consultation two or more times during the year with parents of children attending elementary and secondary schools in the area served by the local educational agency, with teachers and administrative personnel in such schools, and with other groups involved in the implementation of Title VI such as librarians, school counselors, and other pupil services personnel, in the design, planning, implementation, and allocation of funds for programs authorized under Title VI. 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. 97-23-011, § 392-165-310, filed 11/7/97, effective 12/8/97; 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 Title VI from the state shall submit an application that shall be for a period not to exceed three fiscal years, may provide for the allocation of funds to programs for a period of three years, and may be amended annually as may be necessary to reflect changes without filing a new application on forms provided by the superintendent of public instruction.

[Statutory Authority: RCW 28A.300.070. 97-23-011, § 392-165-315, filed 11/7/97, effective 12/8/97. 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 school district application.** The school district's application, required by WAC 392-165-315, shall contain the following:

(1) Assurances as required by WAC 392-165-322.

(2) Planned Title VI expenditures by program object and activity in each targeted use of funds 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 eight targeted use of funds:

(a) Technology related to the implementation of school-based reform programs, including professional development to assist teachers and other school officials regarding how to use effectively such equipment and software.

(b) Programs for the acquisition and use of instructional and educational materials including library services and material (including media materials), assessments, reference materials, computer software and hardware for instructional use, and other curricular material which are tied to high academic standards that will be used to improve student achievement and which are part of an overall education reform program.

(c) Promising education reform projects, including effective schools and magnet schools.

(d) Programs to improve higher order thinking skills of disadvantaged elementary and secondary school students and to prevent students from dropping out of school.

(e) Programs to combat illiteracy in the student and adult population, including parent illiteracy.

(f) Programs to provide for the educational needs of gifted and talented children.

(g) School reform activities that are consistent with the Goals 2000: Educate America Act.

(h) School improvement programs or activities under sections 1116 and 1117 of the ESEA.

(4) The reasons for selection of such programs, projects, and activities.

(5) Description of how assistance with Title VI 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. 97-23-011, § 392-165-320, filed 11/7/97, effective 12/8/97; 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 Title VI 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 Title VI 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 Title VI programs within the district shall be provided equitable participation in benefits of funds received from Title VI.

(4) An assurance that the school district shall keep records and provide information to the superintendent of public instruction regarding Title VI programs in such manner as required by the superintendent of public instruction.

[Statutory Authority: RCW 28A.300.070. 97-23-011, § 392-165-322, filed 11/7/97, effective 12/8/97; 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 Title VI expenditures in each of the eight targeted use of funds selected by program object and activity on forms provided by the superintendent of public instruction.

[Statutory Authority: RCW 28A.300.070. 97-23-011, § 392-165-325, filed 11/7/97, effective 12/8/97; 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 application before submitting it to the office of the superintendent of public instruction.

[Statutory Authority: RCW 28A.300.070. 97-23-011, § 392-165-330, filed 11/7/97, effective 12/8/97; 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 allowed.** School districts may make annual expenditure adjustments as stated in bulletins published by the superintendent of public instruction.

[Statutory Authority: RCW 28A.300.070. 97-23-011, § 392-165-340, filed 11/7/97, effective 12/8/97; 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 Title VI moneys in accordance with the planned expenditures and program description included in the application submitted to and approved by the superintendent of public instruction. A school district shall be required to file a request for a budget revision 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 established amounts as stated in bulletins published by the superintendent of public instruction;
- (3) The district intends to expend moneys in any activity or object where no moneys were previously budgeted.

[Statutory Authority: RCW 28A.300.070. 97-23-011, § 392-165-345, filed 11/7/97, effective 12/8/97; 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 Title VI carryover provisions.** Local school districts may carry over unobligated Title VI 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 Title VI 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 fifteen 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. 97-23-011, § 392-165-347, filed 11/7/97, effective 12/8/97; 92-18-067 (Order 92-06), § 392-165-347, filed 8/31/92, effective 10/1/92.]

**WAC 392-165-360 Supervisory expenditures.** A school district that charges any portion of supervisory expenditures as a direct expenditure to the Title VI 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 Title VI funds.

[Statutory Authority: RCW 28A.300.070. 97-23-011, § 392-165-360, filed 11/7/97, effective 12/8/97; 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 Title VI funds.** The superintendent of public instruction may reallocate funds to other local districts from a district that does not choose to participate in the Title VI program, a district that has Title VI 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 Title VI 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 Title VI; and must be spent in accordance with the requirements in Title VI federal regulations.

[Statutory Authority: RCW 28A.300.070. 97-23-011, § 392-165-362, filed 11/7/97, effective 12/8/97; 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 Title VI 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.

In addition, selected districts may be requested to participate in the preparation of descriptive case studies.

[Statutory Authority: RCW 28A.300.070. 97-23-011, § 392-165-365, filed 11/7/97, effective 12/8/97. 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.** Number of budget revisions allowed will be stated in the annual application procedures.

[Statutory Authority: RCW 28A.300.070. 97-23-011, § 392-165-415, filed 11/7/97, effective 12/8/97; 92-18-067 (Order 92-06), § 392-165-415, filed 8/31/92, effective 10/1/92.]

**WAC 392-165-425 Construction.** No Title VI funds may be used to perform repairs, minor remodeling, or construction of private school facilities. A local school district may use Title VI 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. 97-23-011, § 392-165-425, filed 11/7/97, effective 12/8/97; 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 technology related to the implementation of school-based reform programs and computer hardware for instructional purposes listed in WAC 392-165-325 Title VI 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 eight targeted assistance areas and has prior approval on the Title VI application. All equipment purchased from Title VI funds must be labeled "IASA - Title VI." 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. 97-23-011, § 392-165-430, filed 11/7/97, effective 12/8/97; 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 Title VI audit.** Audit of Title VI programs shall be conducted in accordance with OMB curriculumers A128 or A133, whichever is applicable. Local educational agencies receiving less than an average of five thousand dollars each under this Title VI shall not be audited more frequently than once every five years.

[Statutory Authority: RCW 28A.300.070. 97-23-011, § 392-165-440, filed 11/7/97, effective 12/8/97. Statutory Authority: RCW 28A.02.100. 84-06-019 (Order 84-6), § 392-165-440, 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 Title VI program practices are corrected within a period of time specified in that agreement, as a condition to continuous receipt of Title VI moneys. If a district fails to achieve compliance within the specified time, the withholding and/or repayment procedures prescribed by WAC 392-165-455.

[Statutory Authority: RCW 28A.300.070. 97-23-011, § 392-165-450, filed 11/7/97, effective 12/8/97. 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 Title VI 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 Title VI 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 Title VI moneys involved;

(c) The effect of withholding on participating children; and

(d) The need to withhold payments to prevent further misuse of Title VI 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.

[Statutory Authority: RCW 28A.300.070. 97-23-011, § 392-165-455, filed 11/7/97, effective 12/8/97. 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 Title VI program application by the office of the superintendent of public instruction.** (1) Final approval of a Title VI 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. 103-382, 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. 97-23-011, § 392-165-460, filed 11/7/97, effective 12/8/97; 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 392-165-490 Allocation to school districts.** From the sums made available each year to carry out Title VI, the superintendent of public instruction shall distribute no less than eighty-five percent to school districts according to the relative enrollments in public and private, nonprofit schools within the school districts.

[Statutory Authority: RCW 28A.300.070. 97-23-011, § 392-165-490, filed 11/7/97, effective 12/8/97.]

**WAC 392-165-500 Allocation formula for distribution of eighty-five percent Title VI 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-five 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. 97-23-011, § 392-165-500, filed 11/7/97, effective 12/8/97; 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 Title VI 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. 97-23-011, § 392-165-510, filed 11/7/97, effective 12/8/97; 92-18-067 (Order 92-06), § 392-165-510, filed 8/31/92, effective 10/1/92.]

## **Title 415 WAC RETIREMENT SYSTEMS, DEPARTMENT OF**

### **Chapters**

- 415-108 Public employees' retirement system.**
- 415-112 Teachers' retirement board of trustees.**
- 415-200 Employee retirement benefits board.**
- 415-512 Participation in the plan.**

### **Chapter 415-108 WAC**

#### **PUBLIC EMPLOYEES' RETIREMENT SYSTEM**

#### **WAC**

- 415-108-195 Identification.
- 415-108-300 Decodified.
- 415-108-500 Decodified.
- 415-108-530 Decodified.
- 415-108-540 Decodified.
- 415-108-580 Decodified.
- 415-108-730 Membership for city managers.
- 415-108-810 Calculation of retirement allowance pursuant to *Bowles v. Retirement Systems*—Eligibility—Procedure.
- 415-108-820 Interim retirement allowance—Employer final compensation report—Final computation of retirement allowance—Adjustment of retirement allowance for errors.
- 415-108-830 Actuarial recomputation of retirement allowance upon retirement following reemployment.

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

- 415-108-300 Identification. [Statutory Authority: RCW 41.50.050(6) and 41.50.090. 78-03-023 (Order IV), § 415-108-300, filed 2/15/78. Formerly WAC 184-03-120.] Decodified by 97-19-035, filed 9/9/97, effective 9/9/97. Recodified as Later promulgation, see section 415-108-195
- 415-108-500 Public employees' retirement board. [Statutory Authority: RCW 41.40.120(17). 86-13-023 (Order 86-3), § 415-108-500, filed 6/10/86.] Decodified by 97-19-035, filed 9/9/97, effective 9/9/97. Recodified as WAC 415-108-730.
- 415-108-530 Calculation of retirement allowance pursuant to *Bowles v. Retirement Systems*—Eligibility—Procedure. [Statutory Authority: RCW 41.50.050 and *Bowles v. Retirement Systems*, 121 Wn.2d 52 (1993). 94-11-009, § 415-108-530, filed 5/5/94, effective 6/5/94.] Decodified by 97-19-035, filed 9/9/97, effective 9/9/97. Recodified as WAC 415-108-810.
- 415-108-540 Interim retirement allowance—Employer final compensation report—Final computation of retirement allowance—Adjustment of retirement allowance for errors. [Statutory Authority: RCW 41.50.050 and *Bowles v. Retirement Systems*, 121 Wn.2d 52 (1993). 94-11-009, § 415-108-540, filed 5/5/94, effective 6/5/94.] Decodified by 97-19-035, filed 9/9/97, effective 9/9/97. Recodified as WAC 415-108-820.
- 415-108-580 Actuarial recomputation of retirement allowance upon retirement following reemployment. [Statutory Authority: RCW 41.50.050. 94-09-040, § 415-108-580, filed 4/19/94, effective 5/20/94.] Decodified by 97-19-035, filed 9/9/97, effective 9/9/97. Recodified as WAC 415-108-830.

**WAC 415-108-195 Identification.** Records of members of the retirement system will be filed and identified in part by Social Security number. Each member of the system shall be required to supply his or her Social Security number for such record keeping purposes. Such disclosure shall be voluntary and shall only be used for record keeping and identification purposes. Failure to supply a Social Security number shall not result in the loss of any benefits supplied by this system.

[Recodified as § 415-108-195. 97-19-035, filed 9/9/97, effective 9/9/97. Statutory Authority: RCW 41.50.050(6) and 41.50.090. 78-03-023 (Order IV), § 415-108-300, filed 2/15/78. Formerly WAC 184-03-120.]

**WAC 415-108-300 Decodified.** See Disposition Table at beginning of this chapter.