

**WSR 06-20-032**  
**EXPEDITED RULES**  
**WASHINGTON STATE UNIVERSITY**

[Filed September 25, 2006, 11:32 a.m.]

Title of Rule and Other Identifying Information:  
 Amending WAC 504-04-010 Matters subject to brief adjudication.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Ralph T. Jenks, University Rules Coordinator, Washington State University, Office of Procedures, Records, and Forms, P.O. Box 641225, Pullman, WA 99164-1225, AND RECEIVED BY December 4, 2006.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: This housekeeping revision removes a dead link and replaces it with active links to rules regarding appeals of parking violations.

Reasons Supporting Proposal: See Purpose above.

Statutory Authority for Adoption: RCW 34.05.353.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Washington State University, public.

Name of Agency Personnel Responsible for Drafting: Ralph T. Jenks, Office of Procedures, Records and Forms, (509) 335-2004; Implementation and Enforcement: John Shaheen, Parking and Transportation Services, (509) 335-4911.

September 21, 2006

Ralph T. Jenks, Director

Office of Procedures, Records, and Forms  
 and University Rules Coordinator

**Chapter 504-04 WAC**  
**PRACTICE AND PROCEDURE**

AMENDATORY SECTION (Amending WSR 89-23-117, filed 11/22/89, effective 12/23/89)

**WAC 504-04-010 Matters subject to brief adjudication.** The following proceedings are matters to be treated as brief adjudications pursuant to RCW 34.05.482 through 34.05.491:

(1) Student conduct proceedings. The procedural rules of chapter 504-25 WAC apply to these proceedings.

(2) Appeals of residency determinations. If a hearing is required by law or constitutional right, appeals of residency determinations under RCW 28B.15.013 are brief adjudicative proceedings conducted by the office of admissions.

(3) Appeals of parking violations. Appeals of parking violations are brief adjudicative proceedings conducted pursuant to applicable rules. See WAC ((504-17-240)) 504-14-860, 504-15-860, ((and)) 504-18-170, and 504-19-860.

(4) Hearings on student records. Hearings pursuant to the Family Educational Rights and Privacy Act, 20 U.S.C. §1232g are to be brief adjudicative proceedings conducted pursuant to the rules of chapter 504-21 WAC.

(5) Hearings on denial of financial aid. Any hearings required by state or federal law regarding granting, modification or denial of financial aid are brief adjudicative proceedings conducted by the office of scholarships and financial aid.

(6) Emergency withdrawal of students. Proceedings to disenroll students for medical or psychological reasons are brief adjudicative proceedings conducted by the office of student affairs.

(7) Discipline and termination of student employees. When required by law, hearings for the termination of or imposition of disciplinary measures on student employees shall be brief adjudicative proceedings.

**Reviser's note:** The typographical errors in the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

**WSR 06-20-033**  
**EXPEDITED RULES**  
**WASHINGTON STATE UNIVERSITY**

[Filed September 25, 2006, 11:34 a.m.]

Title of Rule and Other Identifying Information: Repealing WAC 504-15-940 Pedestrians.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Ralph T. Jenks, University Rules Coordinator, Washington State University, Office of Procedures, Records, and Forms, P.O. Box 641225, Pullman, WA 99164-1225, AND RECEIVED BY December 4, 2006.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: This proposal repeals outdated pedestrian regulations. New regulations are not required because traffic and parking requirements are explicitly and specifically dictated by RCW 46.61.235, 46.61.055, and 46.61.060.

Reasons Supporting Proposal: A rule on this topic is no longer necessary because traffic and parking requirements are explicitly and specifically dictated by RCW 46.61.235, 46.61.055, and 46.61.060.

Statutory Authority for Adoption: RCW 34.05.353.

Statute Being Implemented: RCW 46.61.235, 46.61.-055, and 46.61.060.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Washington State University, public.

Name of Agency Personnel Responsible for Drafting: Ralph T. Jenks, Office of Procedures, Records, and Forms, (509) 335-2004; Implementation and Enforcement: Steven Hansen, Public Safety, (509) 335-8548.

September 21, 2006

Ralph T. Jenks, Director  
Office of Procedures, Records, and Forms  
and University Rules Coordinator

### Chapter 504-15 WAC

### CAMPUS TRAFFIC AND PARKING REGULATIONS

#### REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 504-15-940 Pedestrians.

### WSR 06-20-064

#### EXPEDITED RULES

### PROFESSIONAL EDUCATION STANDARDS BOARD

[Filed September 29, 2006, 12:18 p.m.]

Title of Rule and Other Identifying Information: Chapter 181-97 WAC, Excellence in teacher preparation award.

#### NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Nasue Nishida, Professional Educator Standards Board, P.O. Box 47236, Olympia, WA 98504-7236, AND RECEIVED BY December 4, 2006.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The purpose of this proposal is to comply with E2SHB 3098 (section 804) which shifted rule-making authority and governance for the excellence in teacher preparation award from the state board of education to the professional educator standards board. Specifically, the changes replace the phrases "the state board of education" with "the professional educator standards board" and "180" with "181" to align with the PESB's set of WACs.

Reasons Supporting Proposal: Compliance with E2SHB 3098 shifting governance for the excellence in teacher preparation award from the state board of education to the professional educator standards board.

Statutory Authority for Adoption: RCW 28A.410.210.

Statute Being Implemented: E2SHB 3098.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Professional educator standards board, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Nasue Nishida, 600 South Washington Street, Olympia, WA 98504-7236, (360) 725-6238.

September 29, 2006

Nasue Nishida  
Policy and Research Analyst

AMENDATORY SECTION (Amending WSR 02-18-061, filed 8/29/02, effective 9/29/02)

**WAC 180-97-010 Definitions.** (1) The term "teacher educator" means: A person employed by a college or university with a (~~state board of education~~) professional educator standards board approved teacher preparation program who serves as a faculty member or administrator in the approved teacher education program.

(2) The term "professional education advisory board" means: One of the professional education advisory boards approved by the (~~state board of education~~) professional educator standards board as defined in WAC (~~180-78A-075~~) 181-78A-075(1) (Professional education advisory board for teacher preparation programs).

(3) The term "educational grant" means an amount not exceeding two thousand five hundred dollars for a professional education advisory board which shall be awarded by the (~~state board of education~~) professional educator standards board upon receipt of a grant application identifying the educational purpose for which the grant will be used, submitted pursuant to WAC (~~180-97-100~~) 181-97-080. The professional education advisory board shall use the educational grant funds to enhance the recipient's competencies.

AMENDATORY SECTION (Amending WSR 02-18-061, filed 8/29/02, effective 9/29/02)

**WAC 180-97-060 Selection of recipients—Review committee.** (1) The (~~president of the state board of education~~) chair of the professional educator standards board shall appoint annually a committee to review and select the recipient for the Washington award for excellence in teacher preparation. The committee shall include:

(a) The chair or other member of the (~~state board's professional development and certification committee~~) professional educator standards board;

(b) Two members representing higher education teacher preparation programs;

(c) Two teachers; and

(d) The chairs of the legislative education and higher education committees.

(2) No person who represents a higher education teacher education institution from which a nomination has been received, or is a member of that college or university's professional education advisory board, shall be allowed to vote on that individual's nomination.

(3) In making the selection, the committee may give consideration to the nominees' recent contributions to the field and shall be guided by the criteria under WAC ((180-97-040)) 181-97-040.

AMENDATORY SECTION (Amending WSR 02-18-061, filed 8/29/02, effective 9/29/02)

**WAC 180-97-080 Award.** The Washington award for excellence in teacher preparation shall include:

(1) A certificate presented by the governor, the ~~((president of the state board of education))~~ chair of the professional educator standards board, and the superintendent of public instruction at a public ceremony; and

(2)(a) A grant which shall not exceed two thousand five hundred dollars to the professional education advisory board of the institution from which the teacher educator is selected.

(b) The professional education advisory board must submit the grant application within one year after the award is received by the recognized recipient. The grant application shall identify the educational purpose toward which the grant will be used and shall be awarded by the superintendent of public instruction after the ~~((state board of education))~~ professional educator standards board has approved the application.

NEW SECTION

The following chapter of the Washington Administrative Code is decodified as follows:

Old WAC Number	New WAC Number
180-97-003	181-97-003
180-97-010	181-97-010
180-97-040	181-97-040
180-97-060	181-97-060
180-97-080	181-97-080

**WSR 06-20-110**  
**EXPEDITED RULES**  
**DEPARTMENT OF AGRICULTURE**

[Filed October 4, 2006, 9:10 a.m.]

Title of Rule and Other Identifying Information: Chapter 16-470 WAC, Quarantine—Agricultural pests, the department is proposing to repeal sections of rule implementing the citrus longhorned beetle quarantine established in parts of Tukwila.

**NOTICE**

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD

PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Henri Gonzales, Washington State Department of Agriculture, P.O. Box 42560, Olympia, WA 98504-2560, AND RECEIVED BY December 4, 2006.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: This proposal repeals the quarantine provisions for citrus longhorned beetle in effect in parts of Tukwila, established in WAC 16-470-800 through 16-470-870.

Reasons Supporting Proposal: The citrus longhorned beetle is a serious nonnative insect pest that attacks and eventually kills hardwood trees. It is closely related to the Asian longhorned beetle that has caused thousands of trees to be destroyed in New York City and Chicago. In November 2001, as a response to an accidental introduction of a small number of citrus longhorned beetles in nursery stock imported from Korea into a Tukwila nursery, a quarantine was established to help facilitate its eradication and to prevent its spread in Washington. The established quarantine prohibits moving live beetles or any potentially infested plant material out of the quarantine area including certain trees, tree prunings, deadwood, and firewood. Since that time, the department has conducted control and eradication measures and has continued to conduct tree surveys within the quarantine zone. Other than the original introduction, no additional citrus longhorned beetles have been detected as a result of the five-season survey. The survey has demonstrated that the eradication effort appears successful. At this time, there appears to be no need to continue the quarantine, making expedited repeal of its implementation rule appropriate.

Statutory Authority for Adoption: Chapters 17.24 and 34.05 RCW.

Statute Being Implemented: Chapter 17.24 RCW.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Washington state department of agriculture, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Dr. Brad White, 1111 Washington Street, Olympia, WA 98504-2560, (360) 902-2071.

October 4, 2006  
Mary A. Martin Toohey  
Assistant Director

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 16-470-800	Establishing quarantine for longhorned beetles of the genus Anoplophora.
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- WAC 16-470-810 Prohibiting possession, transportation or distribution of living beetles of the genus Anoplophora.
- WAC 16-470-820 What is the area under quarantine for citrus longhorned beetle?
- WAC 16-470-830 Prohibition on moving living plants from the area under quarantine for citrus longhorned beetle.
- WAC 16-470-840 Prohibition on moving wood and prunings from the area under quarantine for citrus longhorned beetle.
- WAC 16-470-850 Exemption for articles in transit.
- WAC 16-470-860 Disposal of articles regulated under longhorned beetle quarantine.
- WAC 16-470-870 Special permits—Longhorned beetle.

provide information that local taxing officials need to value classified farm and agricultural land during assessment year 2007.

Reasons Supporting Proposal: RCW 84.34.065 requires the department to annually determine the rate of interest and property tax component. This information is to be set forth in a rule that is to be published in the state register no later than January 1 each year for use in that assessment year.

Statutory Authority for Adoption: RCW 84.34.065 and 84.34.141.

Statute Being Implemented: RCW 84.34.065.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Department of revenue, governmental.

Name of Agency Personnel Responsible for Drafting: Kim M. Qually, 1025 Union Avenue S.E., Suite #400, Olympia, WA, (360) 570-6113; Implementation and Enforcement: Brad Flaherty, 1025 Union Avenue S.E., Suite #200, Olympia, WA, (360) 570-5860.

October 4, 2006

Alan R. Lynn

Rules Coordinator

**WSR 06-20-115**  
**EXPEDITED RULES**  
**DEPARTMENT OF REVENUE**

[Filed October 4, 2006, 10:45 a.m.]

Title of Rule and Other Identifying Information: Amending section WAC 458-30-262 Agricultural land valuation—Interest rate—Property tax component.

**NOTICE**

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Kim M. Qually, Department of Revenue, P.O. Box 47467, Olympia, WA 98504-7467, fax (360) 664-0693, e-mail kimq@dor.wa.gov, AND RECEIVED BY December 4, 2006.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The purpose of this rule is to provide county assessors with the rate of interest and property tax component used in valuing farm and agricultural land classified under chapter 84.34 RCW (the open space program) during assessment year 2007.

The rule is being amended to update the interest rate and property tax component used to value farm and agricultural land classified under chapter 84.34 RCW. The amendments

AMENDATORY SECTION (Amending WSR 05-24-028, filed 11/30/05, effective 1/1/06)

**WAC 458-30-262 Agricultural land valuation—Interest rate—Property tax component.** For assessment year ~~((2006))~~ 2007, the interest rate and the property tax component that are to be used to value classified farm and agricultural lands are as follows:

- (1) The interest rate is ~~((7.24))~~ 7.18 percent; and
- (2) The property tax component for each county is:

COUNTY	PERCENT	COUNTY	PERCENT
Adams	<del>((1.32))</del> <u>1.28</u>	Lewis	<del>((1.14))</del> <u>1.15</u>
Asotin	<del>((1.44))</del> <u>1.39</u>	Lincoln	<del>((1.32))</del> <u>1.29</u>
Benton	<del>((1.32))</del> <u>1.28</u>	Mason	<del>((1.28))</del> <u>1.24</u>
Chelan	1.33	Okanogan	<del>((1.15))</del> <u>1.18</u>
Clallam	<del>((1.10))</del> <u>0.99</u>	Pacific	<del>((1.44))</del> <u>1.39</u>
Clark	<del>((1.34))</del> <u>1.20</u>	Pend Oreille	<del>((1.24))</del> <u>1.13</u>
Columbia	<del>((1.33))</del> <u>1.30</u>	Pierce	<del>((1.39))</del> <u>1.32</u>
Cowlitz	<del>((1.27))</del> <u>1.25</u>	San Juan	<del>((0.70))</del> <u>0.69</u>
Douglas	<del>((1.38))</del> <u>1.33</u>	Skagit	<del>((1.20))</del> <u>1.12</u>
Ferry	<del>((0.95))</del> <u>0.90</u>	Skamania	<del>((0.98))</del> <u>0.92</u>
Franklin	<del>((1.49))</del> <u>1.38</u>	Snohomish	<del>((1.19))</del> <u>1.11</u>
Garfield	<del>((1.64))</del> <u>1.47</u>	Spokane	<del>((1.54))</del> <u>1.44</u>
Grant	<del>((1.44))</del> <u>1.37</u>	Stevens	<del>((1.12))</del> <u>1.09</u>
Grays Harbor	<del>((1.43))</del> <u>1.38</u>	Thurston	<del>((1.34))</del> <u>1.21</u>
Island	<del>((0.94))</del> <u>0.89</u>	Wahkiakum	<del>((1.05))</del> <u>1.03</u>
Jefferson	<del>((1.09))</del> <u>0.98</u>	Walla Walla	1.46
King	<del>((1.08))</del> <u>1.04</u>	Whatcom	<del>((1.25))</del> <u>1.15</u>
Kitsap	<del>((1.24))</del> <u>1.07</u>	Whitman	<del>((1.58))</del> <u>1.54</u>
Kittitas	<del>((1.04))</del> <u>1.00</u>	Yakima	<del>((1.27))</del> <u>1.22</u>
Klickitat	<del>((1.13))</del> <u>1.08</u>		

## WSR 06-20-116

## EXPEDITED RULES

## DEPARTMENT OF REVENUE

[Filed October 4, 2006, 10:46 a.m.]

Title of Rule and Other Identifying Information: Amending section WAC 458-30-590 Rate of inflation—Publication—Interest rate—Calculation.

## NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Kim M. Qually, Department of Revenue, P.O. Box 47467, Olympia, WA 98504-7467, fax (360) 664-0693, e-mail kimq@dor.wa.gov, AND RECEIVED BY December 4, 2006.

**Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules:** The purpose of this rule is to provide information about the rate of inflation that is used by county officials to calculate interest on deferred special benefit assessments when farm and agricultural or timber land is removed or withdrawn from classification under chapter 84.34 RCW, the open space program.

Special benefit assessments for certain local improvements to farm and agricultural or timber land classified under chapter 84.34 RCW may be deferred by the land owner. If a land owner has chosen to defer these assessments, when the land is subsequently removed or withdrawn from classification the deferred special benefit assessments become due and payable with interest. WAC 458-30-590 provides the rate of inflation used in calculating the interest that is added to the deferred amount of special benefit assessments.

**Reasons Supporting Proposal:** RCW 84.34.310(6) authorizes the department to determine the rate of inflation and to publish this rate no later than January 1 each year for use in that assessment year.

**Statutory Authority for Adoption:** RCW 84.34.360.

**Statute Being Implemented:** RCW 84.34.310.

Rule is not necessitated by federal law, federal or state court decision.

**Name of Proponent:** Department of revenue, governmental.

**Name of Agency Personnel Responsible for Drafting:** Kim M. Qually, 1025 Union Avenue S.E., Suite #400, Olympia, WA, (360) 570-6113; **Implementation and Enforcement:** Brad Flaherty, 1025 Union Avenue S.E., Suite #200, Olympia, WA, (360) 570-5860.

October 4, 2006

Alan R. Lynn  
Rules Coordinator

AMENDATORY SECTION (Amending WSR 05-24-119, filed 12/7/05, effective 1/1/06)

**WAC 458-30-590 Rate of inflation—Publication—Interest rate—Calculation.** (1) **Introduction.** This section sets forth the rates of inflation discussed in WAC 458-30-550. It also explains the department of revenue's obligation to annually publish a rate of inflation and the manner in which this rate is determined.

(2) **General duty of department—Basis for inflation rate.** Each year the department determines and publishes a rule establishing an annual rate of inflation. This rate of inflation is used in computing the interest that is assessed when farm and agricultural or timber land, which are exempt from special benefit assessments, is withdrawn or removed from current use classification.

(a) The rate of inflation is based upon the implicit price deflator for personal consumption expenditures calculated by the United States Department of Commerce. This rate is used to calculate the rate of interest collected on exempt special benefit assessments.

(b) The rate is published by December 31st of each year and applies to all withdrawals or removals from farm and agricultural or timber land classification that occur the following year.

(3) **Assessment of rate of interest.** An owner of classified farm and agricultural or timber land is liable for interest on the exempt special benefit assessment. Interest accrues from the date the local improvement district is created until the land is withdrawn or removed from classification. Interest accrues and is assessed in accordance with WAC 458-30-550.

(a) Interest is assessed only for the time (years and months) the land remains classified under RCW 84.34.020 (2) or (3).

(b) If the classified land is exempt from the special benefit assessment for more than one year, the annual inflation rates are used to calculate an average rate of interest. This average is determined by adding the inflation rate for each year the classified land was exempt from the special benefit assessment after the local improvement district was created. The sum of the inflation rates is then divided by the number of years involved to determine the applicable rate of interest.

(c) **Example.** A local improvement district for a domestic water supply system was created in January 1990 and the owner used the statutory exemption provided in RCW 84.34.320. On July 1, 1997, the land was removed from the farm and agricultural classification. An average interest rate was calculated using the inflation rates for 1990 through 1997. The owner was then notified of the amount of previously exempt special benefit assessment, plus the average interest rate.

(4) **Rates of inflation.** The rates of inflation used to calculate the interest as required by WAC 458-30-550 are as follows:

YEAR	PERCENT	YEAR	PERCENT
1976	5.6	1977	6.5
1978	7.6	1979	11.3
1980	13.5	1981	10.3
1982	6.2	1983	3.2
1984	4.3	1985	3.5
1986	1.9	1987	3.7
1988	4.1	1989	4.8
1990	5.4	1991	4.2
1992	3.3	1993	2.7
1994	2.2	1995	2.3
1996	2.2	1997	2.1
1998	0.85	1999	1.42
2000	2.61	2001	1.89
2002	1.16	2003	1.84
2004	2.39	2005	2.54
<u>2006</u>	<u>3.42</u>		

**WSR 06-20-129**

**EXPEDITED RULES**

**SUPERINTENDENT OF  
PUBLIC INSTRUCTION**

[Filed October 4, 2006, 11:31 a.m.]

Title of Rule and Other Identifying Information: Chapter 392-107 WAC, Educational service districts—Election of board members.

**NOTICE**

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Marcia L. Riggers, Office of Superintendent of Public Instruction, P.O. Box 47200, Olympia, WA 98504-7200, AND RECEIVED BY December 18, 2006.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: These changes are being made as required under E2SHB 2098, sections 909 through 911.

Statutory Authority for Adoption: RCW 28A.310.020.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Office of superintendent of public instruction, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Marcia L. Riggers, Office of Superintendent of Public Instruction, (360) 725-6175.

October 3, 2006

Marty S. Daybell

Deputy Superintendent

**Chapter 392-107 WAC**

**EDUCATIONAL SERVICE DISTRICTS—ELECTION  
OF BOARD MEMBERS**

**~~((EDUCATIONAL SERVICE DISTRICTS ELECTION  
OF BOARD MEMBERS))~~**

AMENDATORY SECTION (Amending WSR 06-14-009, filed 6/22/06, effective 6/22/06)

**WAC 392-107-201 Election of educational service district board members.** (1) The procedures governing the election of members to the boards of directors of educational service districts are set forth under RCW 18A.310.080 through 28A.310.110 and WAC ~~((180-22-205 through 180-22-225))~~ 392-107-205 through 392-107-225.

(2) Elections for members of boards of educational service districts shall be conducted biennially in odd-numbered years.

AMENDATORY SECTION (Amending WSR 06-14-009, filed 6/22/06, effective 6/22/06)

**WAC 392-107-205 Elector provisions.** (1) It shall be the responsibility of the educational service districts to assure that the ~~((secretary to the state board of education))~~ superintendent of public instruction is provided current and correct information necessary to the conduct of the elections provided for in this chapter. Forms published by the ~~((secretary to the state board of education))~~ superintendent of public instruction for the purpose of providing the following essential information shall be obtained, completed and submitted on a current basis:

(a) The name, legal residence, mailing address and board-member district number of persons serving on the educational service district board of directors; and

(b) The position numbers for which appointments have been made to fill unexpired terms.

(2) On August 21st of the year of election or, if such date is a Saturday, Sunday, or holiday, the state working day immediately preceding such date, the ~~((secretary to the state board of education))~~ superintendent of public instruction shall certify a tentative list of electors consisting of all persons eligible to vote if the election were held on that date.

(3) The list of eligible voters shall remain open for changes and deletions until 5:00 p.m. September 26th or, in the event such date is a Saturday, Sunday, or holiday, until 5:00 p.m. the working day immediately following such date. The ~~((secretary to the state board of education))~~ superintendent of public instruction as soon thereafter as is practical shall certify the list of electors.

AMENDATORY SECTION (Amending WSR 06-14-009, filed 6/22/06, effective 6/22/06)

**WAC 392-107-210 Publicity and call of election.** (1)

The (~~secretary to the state board of education~~) superintendent of public instruction shall biennially provide reasonable public information concerning the election of educational service district board members through press and publication releases beginning in May of the year the elections are to be called.

(2) Call of election. See RCW 28A.310.080.

AMENDATORY SECTION (Amending WSR 06-14-009, filed 6/22/06, effective 6/22/06)

**WAC 392-107-220 Balloting.** (1) Ballots shall be prepared by the (~~secretary to the state board of education~~) superintendent of public instruction.

The ballot for each position subject to election shall contain the name of each candidate eligible for the particular position. There shall be a separate listing of the candidates for each board-member district open in the particular educational service district. A board-member district position shall be stricken from the ballot if no candidate files for the position within the timelines specified in RCW 28A.310.080 and WAC 180-22-215.

(2)(a) The (~~secretary to the state board of education~~) superintendent of public instruction shall develop voting instructions which shall accompany the ballots. Biographical forms submitted under WAC 180-22-215(3) shall also accompany the ballots.

(b) On or before October 1st, ballots shall be mailed to voters with two envelopes to be used for voting.

(i) The outer, larger envelope (i.e., official ballot envelope) shall be labeled "official ballot"; be preaddressed with the "~~secretary to the state board of education~~) superintendent of public instruction" as addressee; and have provision for the identification of the voter, mailing address, his or her school district, and his or her educational service district.

(ii) The inner, smaller envelope shall be unlabeled and unmarked.

(3) Marking of ballots. Each member of a public school district board of directors may vote for one of the candidates in each board-member district named on his or her ballot by placing an "X" or other mark in the space provided next to the name of a candidate.

(4) Return of ballots. Each member of a public school district board of directors shall complete voting by placing his or her marked official ballot in the smaller, unmarked envelope and sealing the same; placing the smaller envelope containing the ballot in the larger preaddressed envelope marked "official ballot" and sealing the same; if not already designated, completing the following information on the face of the official ballot envelope: Name, mailing address, identification of school district and educational service district; and placing the official ballot envelope in the United States mail to the secretary to the state board of education.

AMENDATORY SECTION (Amending WSR 06-14-009, filed 6/22/06, effective 6/22/06)

**WAC 392-107-225 Counting—Ineligible votes—Recount—Certification of election—Special election.**

(1)(a) As official ballot envelopes are received by the (~~secretary to the state board of education~~) superintendent of public instruction, a preliminary determination shall be made as to the eligibility of the voter and a record shall be made on the list of eligible voters that the voter has voted.

(b) Official ballot envelopes not submitted in compliance with this chapter and other envelopes containing ballots shall be set aside for a final review and acceptance or rejection by the election board.

(2)(a) The election board shall convene for the purpose of counting votes on October 25th or, if such date is a Saturday, Sunday, or holiday, the state working day immediately preceding **or following** such date at a date, time and place designated by the (~~secretary to the state board of education~~) superintendent of public instruction.

(b) Official ballot envelopes that are accepted by the election board shall be opened and the inner envelopes containing ballots shall be removed and placed aside, still sealed. The inner envelopes shall then be opened and the votes counted by the election board.

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

(3) Ineligible votes. The following ballots and votes shall be declared void and shall not be accepted:

(a) Votes for write-in candidates.

(b) Votes cast on other than an official ballot.

(c) Ballots which contain a vote for more than one candidate in a board-member district.

(d) Ballots contained in other than the official ballot envelope.

(e) Ballots contained in the official ballot envelope upon which the voter's name is not designated.

(f) Ballots received after 5:00 p.m. October 16th. However, any ballot that is postmarked on or before midnight October 16th and received prior to the initial counting of votes by the election board shall be accepted. Any ballot received pursuant to the United States mail on or before 5:00 p.m. on October 21st that is not postmarked or legibly postmarked shall be accepted.

(g) Such other ballots or votes as the election board shall determine to be unidentifiable or unlawful.

(4)(a) Recounts. Automatic. A recount of votes cast shall be automatic if the electoral vote difference between any two candidates for the same position is one vote or less than one percent of electoral votes on a single ballot cast for the position, whichever is greater.

(b) Recounts. Upon request. A recount of votes cast shall be afforded any candidate as a matter of right. The request shall be made in writing and received by the (~~secretary to the state board of education~~) superintendent of public instruction within seven calendar days after the date upon which the votes were counted by the election board.

(5) Certification of election. Within ten calendar days after the date upon which the votes were counted, and no sooner than eight calendar days after the votes are counted by the election board, the (~~secretary to the state board of educa-~~

tion)) superintendent of public instruction shall officially certify to the county auditor of the headquarters county of the educational service district the name or names of candidates elected to membership on the educational service district board of directors.

(6) Special election. See RCW 28A.310.100.

**WSR 06-20-130**  
**EXPEDITED RULES**  
**SUPERINTENDENT OF**  
**PUBLIC INSTRUCTION**

[Filed October 4, 2006, 11:32 a.m.]

Title of Rule and Other Identifying Information: Chapter 392-204 WAC, Library media center.

**NOTICE**

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Marcia L. Riggers, Office of Superintendent of Public Instruction, P.O. Box 47200, Olympia, WA 98504-7200, AND RECEIVED BY December 18, 2006.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: These changes are being made as required under E2SHB 2098, sections 909 through 911.

Statutory Authority for Adoption: RCW 28A.320.240.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Office of superintendent of public instruction, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Marcia L. Riggers, Office of Superintendent of Public Instruction, (360) 725-6175.

October 3, 2006

Marty Daybell  
 Deputy Superintendent

AMENDATORY SECTION (Amending WSR 06-14-009, filed 6/22/06, effective 6/22/06)

**WAC 392-204-009 Definitions.** (1) "Teacher-librarian" means a certified teacher with a library media endorsement under WAC ((180-82A-202 (1)(i), 180-82-344, or 180-82-346)) 181-82A-202 (1)(i), 181-82-344, or 181-82-346.

(2) "School library media program" means a school-based program that is staffed by a certificated teacher-librarian.

**WSR 06-20-131**

**EXPEDITED RULES**  
**SUPERINTENDENT OF**  
**PUBLIC INSTRUCTION**

[Filed October 4, 2006, 11:34 a.m.]

Title of Rule and Other Identifying Information: Chapter 392-335 WAC, Pupils—Uniform entry qualifications.

**NOTICE**

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Marcia L. Riggers, Office of Superintendent of Public Instruction, P.O. Box 47200, Olympia, WA 98504-7200, AND RECEIVED BY December 18, 2006.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: These changes are being made as required under E2SHB 2098, sections 909 through 911.

Statutory Authority for Adoption: RCW 28A.225.160.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Office of superintendent of public instruction, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Marcia L. Riggers, Office of Superintendent of Public Instruction, (360) 725-6175.

October 3, 2006

Marty S. Daybell  
 Deputy Superintendent

AMENDATORY SECTION (Amending WSR 06-14-009, filed 6/22/06, effective 6/22/06)

**WAC 392-335-005 Authority and purpose.** This chapter is adopted pursuant to authority vested in the ((state board of education)) office of superintendent of public instruction by RCW 28A.225.160 which authorizes the ((state board of education)) office of superintendent of public instruction to establish uniform entry qualifications.

AMENDATORY SECTION (Amending WSR 06-14-009, filed 6/22/06, effective 6/22/06)

**WAC 392-335-010 Uniform entry age for kindergarten.** Except as provided in WAC ((180-39-025)) 392-335-025, a child must be five years of age as of midnight August 31 of the year of entry to be entitled to enter kindergarten.



AMENDATORY SECTION (Amending WSR 06-14-009, filed 6/22/06, effective 6/22/06)

**WAC 392-335-015 Uniform entry age for first grade.**

Except as provided in WAC ~~((180-39-020))~~ 392-335-020 and ~~((180-39-025))~~ 392-335-025, a child must be six years of age as of midnight August 31 of the year of entry to be entitled to enter first grade.

AMENDATORY SECTION (Amending WSR 06-14-009, filed 6/22/06, effective 6/22/06)

**WAC 392-335-020 Kindergarten experience qualification for first grade.** Any child not otherwise eligible for entry to first grade who successfully has completed a kindergarten program in a public or private school shall be permitted entry to the school program: Provided, That the kindergarten program standards substantially equaled or exceeded the applicable basic education program requirements of RCW 28A.150.220 and WAC 180-16-200 through 180-16-220, each as now or hereafter amended: Provided further, That if the district of entry has reason to believe that an individual child so qualified may not succeed in the district's first grade program, the district shall have the option of placing the child in either kindergarten or the first grade for evaluation in the areas specified in WAC ~~((180-39-025))~~ 392-335-025 and a final determination of the child's appropriate grade level placement no later than the thirtieth calendar day following the child's first day of attendance.

**WSR 06-20-132**

**EXPEDITED RULES**

**SUPERINTENDENT OF  
PUBLIC INSTRUCTION**

[Filed October 4, 2006, 11:35 a.m.]

Title of Rule and Other Identifying Information: Chapter 392-400 WAC, Pupils.

**NOTICE**

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Marcia L. Riggers, Office of Superintendent of Public Instruction, P.O. Box 47200, Olympia, WA 98504-7200, AND RECEIVED BY December 18, 2006.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: These changes are being made as required under E2SHB 2098, sections 909 through 911.

Statutory Authority for Adoption: RCW 28A.305.160.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Office of superintendent of public instruction, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Marcia L. Riggers, Office of Superintendent of Public Instruction, (360) 725-6175.

October 3, 2006

Marty S. Daybell

Deputy Superintendent

AMENDATORY SECTION (Amending WSR 06-14-009, filed 6/22/06, effective 6/22/06)

**WAC 392-400-200 Purpose and application.** The purpose of this chapter is to implement RCW ~~((28A.305.160))~~ 28A.600.015 by prescribing the substantive and procedural due process rights of students served by any program or activity conducted by or in behalf of a common school district: Provided, That the enforcement of rules promulgated by the Washington interscholastic activity association and like organizations that govern the participation of students in interschool activities, and appeals in connection therewith, shall be governed by rules of the organization that have been adopted pursuant to RCW 28A.600.200 ~~((and approved by the state board of education— not by this chapter))~~. The procedures and standards set forth in this chapter and those adopted by a school district in conformance with this chapter shall govern the imposition of corrective action or punishment (i.e., discipline, suspension, and expulsion) upon any student by a school district and its agents.

The provisions of this chapter are intended to establish the minimum procedural and substantive due process rights of students. School districts are free to establish additional due process requirements and limitations and shall do so as necessary to accommodate the constitutional rights of students as now or hereafter established.

For rules regarding student conduct which supplement this chapter see chapter 392-145 WAC governing the operation of school buses, particularly WAC 392-145-015(4) regarding the responsibility of bus drivers and certificated staff members who accompany students for the behavior of students, and WAC 392-145-035 regarding the duty to adopt and post rules, including rules of conduct, governing school bus passengers.

AMENDATORY SECTION (Amending WSR 06-14-009, filed 6/22/06, effective 6/22/06)

**WAC 392-400-210 Student responsibilities and duties.** The mission of the common school system is to provide learning experience which will assist all students to develop skills, competencies, and attitudes that are fundamental to an individual's achievement as a responsible, contributing citizen. In order to maintain and advance this mission, it shall be the responsibility and duty of each student to pursue his/her course of studies, comply with written rules of a common school district which are adopted pursuant to and in compliance with WAC ~~((180-40-225))~~ 392-400-225 and RCW 28A.600.010, and submit to reasonable corrective

action or punishment imposed by a school district and its agents for violation(s) of such rules. The provisions of this chapter do not lessen the foregoing responsibilities and duties of each student. This chapter is intended to assure that corrective action or punishment is imposed for just cause and in a fair and just manner.

AMENDATORY SECTION (Amending WSR 06-14-009, filed 6/22/06, effective 6/22/06)

**WAC 392-400-227 School district rules defining students religious rights.** It shall be the responsibility and duty of each school district to adopt policies of the district for implementation of students' rights to freedom of religion and to have their schools free from sectarian control or influence while they are participating in any school district conducted or sponsored activity or while they are otherwise subject to school district supervision and control. Such rules shall be adopted (~~(by December 1, 1985)~~) and (~~(shall be)~~) transmitted to the superintendent of public instruction (~~(by December 10, 1985)~~).

AMENDATORY SECTION (Amending WSR 06-14-009, filed 6/22/06, effective 6/22/06)

**WAC 392-400-230 Persons authorized to impose discipline, suspension, expulsion, or emergency removal upon students.** (1) Each certificated teacher, each school administrator, each school bus driver, and any other school employee designated by the board of directors of a school district shall possess the authority to impose discipline upon a student for misconduct which violates rules of the school district established pursuant to WAC (~~(180-40-225)~~) 392-400-225 and to impose an emergency removal from a class, subject, or activity upon a student pursuant to WAC (~~(180-40-290)~~) 392-400-290.

(2) The board of directors of any school district may delegate to the superintendent and/or his or her designee(s) the authority to impose suspensions and expulsions upon students for misconduct which violates rules of the school district established pursuant to WAC (~~(180-40-225)~~) 392-400-225. Each certificated teacher and each administrator shall possess the authority to recommend suspensions and expulsions for such misconduct.

(3) Any board of directors which chooses not to delegate the authority to impose suspensions and/or expulsions, nevertheless, shall be subject to the requirements set forth in this chapter when it imposes a suspension or expulsion.

(4) Notwithstanding any provision of this section to the contrary, each teacher is empowered to exclude any student who creates a disruption of the educational process in violation of the building disciplinary standards while under the teacher's immediate supervision from his or her individual classroom and instructional or activity area for all or any portion of the balance of the school day or until the principal or designee and teacher have conferred, whichever occurs first: Provided, That except in emergency circumstances as provided for in WAC (~~(180-40-290)~~) 392-400-290, the teacher shall have first attempted one or more alternative forms of corrective action: Provided further, That in no event without the consent of the teacher shall an excluded student be

returned during the balance of the particular class or activity period from which the student was initially excluded.

AMENDATORY SECTION (Amending WSR 06-14-009, filed 6/22/06, effective 6/22/06)

**WAC 392-400-235 Discipline—Conditions and limitations.** Discipline may be imposed upon any student for violation of the rules of the school district that have been established pursuant to WAC (~~(180-40-225)~~) 180-400-225, subject to the following limitations and conditions and the grievance procedure set forth in WAC (~~(180-40-240)~~) 392-400-240:

(1) No form of discipline shall be enforced in such a manner as to prevent a student from accomplishing specific academic grade, subject, or graduation requirements.

(2) A student's academic grade or credit in a particular subject or course may be adversely affected by reason of tardiness or absences only to the extent and upon the basis that:

(a) The student's attendance and/or participation is related to the instructional objectives or goals of the particular subject or course, and

(b) The student's attendance and/or participation has been identified by the teacher pursuant to policy of the school district as a basis for grading, in whole or in part, in the particular subject or course.

(3) Corporal punishment which is defined as any act which willfully inflicts or willfully causes the infliction of physical pain on a student is prohibited. (~~(This prohibition shall take effect in all school districts September 1, 1994.)~~)

Corporal punishment does not include:

(a) The use of reasonable physical force by a school administrator, teacher, school employee or volunteer as necessary to maintain order or to prevent a student from harming him/herself, other students and school staff or property;

(b) Physical pain or discomfort resulting from or caused by training for or participation in athletic competition or recreational activity voluntarily engaged in by a student;

(c) Physical exertion shared by all students in a teacher directed class activity, which may include, but is not limited to, physical education exercises, field trips or vocational education projects; or

(d) Physical restraint or the use of aversive therapy as part of a behavior management program in a student's individual education program which has been signed by the parent and is carried out according to district procedures in compliance with WAC 392-171-800, et seq.

AMENDATORY SECTION (Amending WSR 06-14-009, filed 6/22/06, effective 6/22/06)

**WAC 392-400-240 Discipline—Grievance procedure.** Any student, parent, or guardian who is aggrieved by the imposition of discipline shall have the right to an informal conference with the building principal or his or her designee for the purpose of resolving the grievance. The employee whose action is being grieved shall be notified of the initiation of a grievance as soon as reasonably possible. During such conference the student, parent, or guardian shall be subject to questioning by the building principal or his or her designee and shall be entitled to question school personnel

involved in the matter being grieved. Subsequent to the building level grievance meeting, the student, parent, or guardian, upon two school business days' prior notice, shall have the right to present a written and/or oral grievance to the superintendent of the district or his/her designee. If the grievance is not resolved, the student, parent, or guardian, upon two school business days' prior notice, shall have the right to present a written and/or oral grievance to the board of directors during the board's next regular meeting or to the school district disciplinary appeal council if the board has delegated its responsibility to hear and decide such grievances to the council pursuant to WAC ((~~180-40-317~~) 392-400-317). The board or council shall notify the student, parent, or guardian of its response to the grievance within ten school business days after the date of the meeting. The discipline action shall continue notwithstanding the implementation of the grievance procedure set forth in this section unless the principal or his or her designee elects to postpone such action.

**AMENDATORY SECTION** (Amending WSR 06-14-009, filed 6/22/06, effective 6/22/06)

**WAC 392-400-245 Short-term suspension—Conditions and limitations.** A short-term suspension may be imposed upon a student for violation of school district rules adopted pursuant to WAC ((~~180-40-225~~) 392-400-225), subject to the following limitations or conditions, the prior informal conference procedures set forth in WAC ((~~180-40-250~~) 392-400-250), and the grievance procedures set forth in WAC ((~~180-40-255~~) 392-400-255):

(1) The nature and circumstances of the violation must be considered and must reasonably warrant a short-term suspension and the length of the suspension imposed. This requirement does not preclude school districts (that is, the boards of directors of school districts) from establishing the nature and extent of the corrective actions and/or punishments which, as a general rule, must be imposed as a consequence of proscribed misconduct. Such advance notice to students is advisable, and the imposition of such preestablished corrective action and/or punishment is permissible as long as (a) disciplinarians and hearing officers are allowed to grant exceptions in cases involving extenuating and/or exceptional circumstances, and (b) short-term suspension is not established as the corrective action or punishment for a student's first time offense other than for offenses involving exceptional misconduct as defined in subsection (2) of this section.

(2) As a general rule, no student shall be suspended for a short term unless another form of corrective action or punishment reasonably calculated to modify his or her conduct has previously been imposed upon the student as a consequence of misconduct of the same nature. A school district may, however, elect to adopt rules providing for the immediate resort to short-term suspension in cases involving exceptional misconduct as long as disciplinarians and hearing officers may grant exceptions in cases involving extenuating and/or exceptional circumstances, notwithstanding the fact prior alternative corrective action or punishment has not been imposed upon the student(s) involved. For the purpose of this rule, "exceptional misconduct" means misconduct other than absenteeism which a school district has judged following

consultation with an ad hoc citizens committee to (a) be of such frequent occurrence, notwithstanding past attempts of district personnel to control such misconduct through the use of other forms of corrective action and/or punishment, as to warrant an immediate resort to short-term suspension, and/or (b) be so serious in nature and/or so serious in terms of the disruptive effect upon the operation of the school(s) as to warrant an immediate resort to short-term suspension (for example, misconduct judged by a school district to be the same or of the same nature as a violation of the state's drug or controlled substances laws). The ad hoc citizens committee required by this section shall be composed of three or more persons chosen by the school district or the administrative designee(s) of the district, and shall be constituted with the intent and purpose of representing various socioeconomic, minority and majority populations of the school district to the extent deemed practical.

(3) No student subject to compulsory attendance pursuant to chapter 28A.225 RCW, as now or hereafter amended, shall be suspended by reason, in whole or part, of one or more unexcused absences unless the school district has first imposed an alternative corrective action or punishment reasonably calculated to modify his or her conduct and, in addition:

(a) Provided notice to the student's parent(s) or guardian(s) or custodial parent(s) in writing in English or, if different, the primary language of the parent(s), guardian(s) or custodial parent(s) that the student has failed to attend school without valid justification, and by other means reasonably necessary to achieve notice of such fact;

(b) Scheduled a conference or conferences with the parent(s) or guardian(s) or custodial parent(s) and the student at a time and place reasonably convenient to all persons included to analyze the causes for the student's absence, the analysis to determine by appropriate means whether the student should be made a focus of concern for placement in a special education or other special program designed for his/her educational success; and

(c) Taken steps to reduce the student's absence which include, where appropriate in the judgment of local school officials and where possible, discussed with the student, parent(s), guardian(s) or custodial parent(s), adjustments of the student's school program or school or course assignment or assisting the student or parent to obtain supplementary services that might ameliorate the cause(s) for the student's absence from school.

(4) Kindergarten through grade four—No student in grades kindergarten through four shall be subject to short-term suspensions for more than a total of ten school days during any single semester or trimester as the case may be, and no loss of academic grades or credit shall be imposed by reason of the suspension of such a student.

(5) Grade five and above program—No student in the grade five and above program shall be subjected to short-term suspensions for more than a total of fifteen school days during any single semester or ten school days during any single trimester, as the case may be.

(6) Any student subject to a short-term suspension shall be provided the opportunity upon his or her return to make up

assignments and tests missed by reason of the short-term suspension if:

(a) Such assignments or tests have a substantial effect upon the student's semester or trimester grade or grades, or

(b) Failure to complete such assignments or tests would preclude the student from receiving credit for the course or courses.

(7) Any student who has been suspended shall be allowed to make application for readmission at any time. Each school district board of directors shall adopt written rules which provide for such an application for readmission and set forth the procedures to be followed.

AMENDATORY SECTION (Amending WSR 06-14-009, filed 6/22/06, effective 6/22/06)

**WAC 392-400-250 Short-term suspension—Prior conference required—Notice to parent.** (1) Prior to the short-term suspension of any student a conference shall be conducted with the student as follows:

(a) An oral or written notice of the alleged misconduct and violation(s) of school district rules shall be provided to the student,

(b) An oral or written explanation of the evidence in support of the allegation(s) shall be provided to the student,

(c) An oral or written explanation of the corrective action or punishment which may be imposed shall be provided to the student, and

(d) The student shall be provided the opportunity to present his/her explanation.

(2) In the event a short-term suspension is to exceed one calendar day the parent(s) or guardian(s) of the student shall be notified of the reason for the student's suspension and the duration of the suspension orally and/or by letter deposited in the United States mail as soon as reasonably possible. The notice shall also inform the parent or guardian of the right to an informal conference pursuant to WAC ((180-40-255)) 392-400-255 and that the suspension may possibly be reduced as a result of such conference.

(3) All short-term suspensions and the reasons therefor shall be reported in writing to the superintendent of the school district or his or her designee within twenty-four hours after the imposition of the suspension.

AMENDATORY SECTION (Amending WSR 06-14-009, filed 6/22/06, effective 6/22/06)

**WAC 392-400-255 Short-term suspension—Grievance procedure.** Any student, parent, or guardian who is aggrieved by the imposition of a short-term suspension shall have the right to an informal conference with the building principal or his or her designee for the purpose of resolving the grievance. The employee whose action is being grieved shall be notified of the initiation of a grievance as soon as reasonably possible. During such conference the student, parent, or guardian shall be subject to questioning by the building principal or his or her designee and shall be entitled to question school personnel involved in the matter being grieved. Subsequent to the building level grievance meeting, the student, parent, or guardian, upon two school business days' prior notice, shall have the right to present a written and/or

oral grievance to the superintendent of the district or his/her designee. If the grievance is not resolved, the student, parent, or guardian, upon two school business days' prior notice, shall have the right to present a written and/or oral grievance to the board of directors during the board's next regular meeting or to the school district disciplinary appeal council if the board has delegated its responsibility to hear and decide such grievances to the council pursuant to WAC ((180-40-317)) 392-400-317. The board or council shall notify the student, parent, or guardian of its response to the grievance within ten school business days after the date of the meeting. The short-term suspension shall continue notwithstanding the implementation of the grievance procedure set forth in this section unless the principal or his or her designee elects to postpone such action.

AMENDATORY SECTION (Amending WSR 06-14-009, filed 6/22/06, effective 6/22/06)

**WAC 392-400-260 Long-term suspension—Conditions and limitations.** A long-term suspension may be imposed upon a student for violation of school district rules adopted pursuant to WAC ((180-40-225)) 392-400-225, subject to the following limitations or conditions and the notice requirements set forth in WAC ((180-40-265)) 392-400-265 and the hearing requirements set forth in WAC ((180-40-270)) 392-400-270:

(1) The nature and circumstances of the violation must be considered and must reasonably warrant a long-term suspension and the length of the suspension imposed. This requirement does not preclude school districts (that is, the boards of directors of school districts) from establishing the nature and extent of the corrective actions and/or punishments which, as a general rule, must be imposed as a consequence of proscribed misconduct. Such advance notice to students is advisable, and the imposition of such preestablished corrective action and/or punishment is permissible as long as (a) disciplinarians and hearing officers are allowed to grant exceptions in cases involving extenuating and/or exceptional circumstances, and (b) long-term suspension is not established as the corrective action or punishment for a student's first time offense other than for offenses involving exceptional misconduct as defined in subsection (2) of this section.

(2) As a general rule, no student shall be suspended for a long term unless another form of corrective action or punishment reasonably calculated to modify his or her conduct has previously been imposed upon the student as a consequence of misconduct of the same nature. A school district may, however, elect to adopt rules providing for the immediate resort to long-term suspension in cases involving exceptional misconduct as long as disciplinarians and hearing officers are allowed to grant exceptions in cases involving extenuating and/or exceptional circumstances, notwithstanding the fact prior alternative corrective action or punishment has not been imposed upon the student(s) involved. For the purpose of this rule, "exceptional misconduct" means misconduct other than absenteeism which a school district has judged following consultation with an ad hoc citizens committee to (a) be of such frequent occurrence, notwithstanding past attempts of district personnel to control such misconduct through the use

of other forms of corrective action and/or punishment, as to warrant an immediate resort to long-term suspension, and/or (b) be so serious in nature and/or so serious in terms of the disruptive effect upon the operation of the school(s) as to warrant an immediate resort to long-term suspension (for example, misconduct judged by a school district to be the same or of the same nature as a violation of the state's drug or controlled substances laws). The ad hoc citizens committee required by this section shall be composed of three or more persons chosen by the school district or the administrative designee(s) of the district, and shall be constituted with the intent and purpose of representing various socioeconomic, minority and majority populations of the school district to the extent deemed practical.

(3) No student subject to compulsory attendance pursuant to chapter 28A.225 RCW, as now or hereafter amended, shall be suspended by reason, in whole or part, of one or more unexcused absences unless the school district has first imposed an alternative corrective action or punishment reasonably calculated to modify his or her conduct and, in addition:

(a) Provided notice to the student's parent(s) or guardian(s) or custodial parent(s) in writing in English or, if different, the primary language of the parent(s), guardian(s) or custodial parent(s) that the student has failed to attend school without valid justification, and by other means reasonably necessary to achieve notice of such fact;

(b) Scheduled a conference or conferences with the parent(s) or guardian(s) or custodial parent(s) and the student at a time and place reasonably convenient to all persons included to analyze the causes for the student's absence, the analysis to determine by appropriate means whether the student should be made a focus of concern for placement in a special education or other special program designed for his/her educational success; and

(c) Taken steps to reduce the student's absence which include, where appropriate in the judgment of local school officials and, where possible, discussed with the student, parent(s), guardian(s) or custodial parent(s), adjustments of the student's school program or school or course assignment or assisting the student or parent to obtain supplementary services that might ameliorate the cause(s) for the student's absence from school.

(4) Kindergarten through grade four—No student in grades kindergarten through four shall be subject to long-term suspension during any single semester or trimester, as the case may be, and no loss of academic grades or credit shall be imposed by reason of the suspension of such a student.

(5) Grade five and above program—No single long-term suspension shall be imposed upon a student in the grade five and above program in a manner which causes the student to lose academic grades or credit for in excess of one semester or trimester, as the case may be, during the same school year.

(6) Any student who has been suspended shall be allowed to make application for readmission at any time. Each school district board of directors shall adopt written rules which provide for such an application for readmission and set forth the procedures to be followed.

(7) All long-term suspensions and the reasons therefor shall be reported in writing to the superintendent of the school district or his or her designee within twenty-four hours after the imposition of the suspension.

AMENDATORY SECTION (Amending WSR 06-14-009, filed 6/22/06, effective 6/22/06)

**WAC 392-400-275 Expulsion—Conditions and limitations.** A student may be expelled for violation of school district rules adopted pursuant to WAC (~~(180-40-225)~~) 392-400-225, subject to the following limitations or conditions, the notice requirements set forth in WAC (~~(180-40-280)~~) 392-400-280, and the hearing requirements set forth in WAC (~~(180-40-285)~~) 392-400-285:

(1) The nature and circumstances of the violation must reasonably warrant the harshness of expulsion.

(2) No student shall be expelled unless other forms of corrective action or punishment reasonably calculated to modify his or her conduct have failed or unless there is good reason to believe that other forms of corrective action or punishment would fail if employed.

(3) In addition to the alternative corrective action requirement of subsection (2) of this section, no student subject to compulsory attendance pursuant to chapter 28A.225 RCW, as now or hereafter amended, shall be expelled by reason, in whole or part, of one or more unexcused absences unless the school district has also first:

(a) Provided notice to the student's parent(s) or guardian(s) or custodial parent(s) in writing in English or, if different, the primary language of the parent(s), guardian(s) or custodial parent(s) that the student has failed to attend school without valid justification, and by other means reasonably necessary to achieve notice of such fact;

(b) Scheduled a conference or conferences with the parent(s) or guardian(s) or custodial parent(s) and the student at a time and place reasonably convenient to all persons included to analyze the causes for the student's absence, the analysis to determine by appropriate means whether the student should be made a focus of concern for placement in a special education or other special program designed for his/her educational success; and

(c) Taken steps to reduce the student's absence which include, where appropriate in the judgment of local school officials and, where possible, discussed with the student, parent(s), guardian(s) or custodial parent(s), adjustments of the student's school program or school or course assignment or assisting the student or parent to obtain supplementary services that might ameliorate the cause(s) for the student's absence from school.

(4) Once a student has been expelled in compliance with this chapter the expulsion shall be brought to the attention of appropriate local and state authorities including, but not limited to, juvenile authorities acting pursuant to chapter 13.04 RCW in order that such authorities may address the student's educational needs.

(5) Any student who has been expelled shall be allowed to make application for readmission at any time. Each school district board of directors shall adopt written rules which pro-

vide for such an application for readmission and set forth the procedures to be followed.

(6) All expulsions and the reasons therefor shall be reported in writing to the superintendent of the school district or his or her designee within twenty-four hours after the imposition of the expulsion.

**AMENDATORY SECTION** (Amending WSR 06-14-009, filed 6/22/06, effective 6/22/06)

**WAC 392-400-285 Expulsion—Prehearing and hearing process.** (1) If a request for a hearing is received pursuant to WAC ((180-40-280)) 392-400-280 within the required three school business days, the school district shall schedule a hearing to commence within three school business days after the date upon which the request for a hearing was received.

(2) The student and his or her parent(s) or guardian(s) shall have the right to:

(a) Inspect in advance of the hearing any documentary and other physical evidence which the school district intends to introduce at the hearing,

(b) Be represented by legal counsel,

(c) Question and confront witnesses, unless a school district witness does not appear and the nonappearance of the witness is excused by the person(s) hearing the case based upon evidence of good reason for doing so submitted by the school district. The evidence submitted by the school district must at a minimum establish either:

(i) That the district made a reasonable effort to produce the witness and is unable to do so; or,

(ii) That it is not advisable for the student to appear due to an expectation and fear on the part of the responsible district official(s) or the student of retaliation against the student if he or she appears as a witness,

(d) Present his or her explanation of the alleged misconduct, and

(e) Make such relevant showings by way of witnesses and the introduction of documentary and other physical evidence as he or she desires.

(3) The designee(s) of the school district assigned to present the district's case shall have the right to inspect in advance of the hearing any documentary and other physical evidence which the student and his or her parent(s) or guardian(s) intend to introduce at the hearing.

(4) The person(s) hearing the case shall not be a witness and the guilt or innocence of the student shall be determined solely on the basis of the evidence presented at the hearing.

(5) Either a tape-recorded or verbatim record of the hearing shall be made.

(6) A written decision setting forth the findings of fact, conclusions, and the expulsion or lesser form of corrective action or punishment to be imposed, if any, shall be provided to the student's legal counsel or, if none, to the student and his or her parent(s) or guardian(s).

**AMENDATORY SECTION** (Amending WSR 06-14-009, filed 6/22/06, effective 6/22/06)

**WAC 392-400-295 Emergency expulsion—Limitations.** Notwithstanding any other provision of this chapter, a

student may be expelled immediately by a school district superintendent or a designee of the superintendent in emergency situations: Provided, That the superintendent or designee has good and sufficient reason to believe that the student's presence poses an immediate and continuing danger to the student, other students, or school personnel or an immediate and continuing threat of substantial disruption of the educational process. An emergency expulsion shall continue until rescinded by the superintendent or his or her designee, or until modified or reversed pursuant to the hearing provisions set forth in WAC ((180-40-305)) 392-400-305 or the appeal provisions set forth in WAC ((180-40-315)) 392-400-315.

**AMENDATORY SECTION** (Amending WSR 06-14-009, filed 6/22/06, effective 6/22/06)

**WAC 392-400-300 Emergency expulsion—Notice of hearing—Waiver of hearing right.** (1) The student and his or her parent(s) or guardian(s) shall be notified of the emergency expulsion of the student and of their opportunity for a hearing either (a) by hand delivering written notice to the student's parent(s) or guardian(s) within twenty-four hours of the expulsion and documenting delivery by obtaining his or her signature acknowledging receipt or the written certification of the person making the delivery, or (b) by certified letter(s) deposited in the United States mail, within twenty-four hours of the expulsion: Provided, That if the emergency expulsion is based upon a failure to comply with the state immunization law (see chapter ((180-38)) 392-380 WAC), the notice must be received by the student's parent(s) or guardian(s) prior to the emergency expulsion of the student regardless of the method of delivery. In addition, if the notice is by certified letter, reasonable attempts shall be made to notify the student and his or her parent(s) or guardian(s) by telephone or in person as soon as reasonably possible. Such written and oral notice shall:

(a) Be provided in the predominant language of a student and/or a parent(s) or guardian(s) who predominantly speak a language other than English, to the extent feasible,

(b) Specify the alleged reason(s) for the emergency expulsion,

(c) Set forth the corrective action or punishment taken and proposed,

(d) Set forth the right of the student and/or his or her parent(s) or guardian(s) to a hearing for the purpose of contesting the allegation(s) as soon as reasonably possible, and

(e) Set forth the facts that:

(i) A written (or "oral" if provided for by school district policy) request for a hearing must be received by the school district employee designated, or by his or her office, on or before the expiration of the tenth school business day after receipt of the notice of opportunity for a hearing, and

(ii) If such a request is not received within the prescribed period of time, then the right to a hearing may be deemed to have been waived and the emergency expulsion may be continued as deemed necessary by the school district without any further opportunity for the student or his or her parent(s) or guardian(s) to contest the matter. A schedule of "school busi-

ness days" potentially applicable to the exercise of such hearing right should be included with the notice.

(2) The student and/or his or her parent(s) or guardian(s) shall reply to the notice of opportunity for a hearing and request a hearing within ten school business days after the date of receipt of the notice. A request for a hearing shall be provided to the school district employee specified in the notice of opportunity for a hearing, or to his or her office. A request for a hearing shall be accepted if in writing and may be accepted orally if expressly provided for and allowed by rule of the school district.

(3) If a request for a hearing is not received within the required ten school business day period, the school district may deem the student and his or her parent(s) or guardian(s) to have waived the right to a hearing and the emergency expulsion may be continued as deemed necessary by the school district.

AMENDATORY SECTION (Amending WSR 06-14-009, filed 6/22/06, effective 6/22/06)

**WAC 392-400-305 Emergency expulsion—Prehearing and hearing process.** (1) If a request for a hearing within the required ten school business days is received pursuant to WAC ((180-40-300)) 392-400-300, the school district shall immediately schedule and give notice of a hearing to commence as soon as reasonably possible and in no case later than the third school business day after receipt of the request for hearing.

(2) The student and his or her parent(s) or guardian(s) shall have the right to:

(a) Inspect in advance of the hearing any documentary and other physical evidence which the school district intends to introduce at the hearing,

(b) Be represented by legal counsel,

(c) Question and confront witnesses, unless a school district witness does not appear and the nonappearance of the witness is excused by the person(s) hearing the case based upon evidence of good reason for doing so submitted by the school district. The evidence submitted by the school district must at a minimum establish either:

(i) That the district made a reasonable effort to produce the witness and is unable to do so; or,

(ii) That it is not advisable for the student to appear due to an expectation and fear on the part of the responsible district official(s) or the student of retaliation against the student if he or she appears as a witness,

(d) Present his or her explanation of the alleged misconduct, and

(e) Make such relevant showings by way of witnesses and the introduction of documentary and other physical evidence as he or she desires.

(3) The designee(s) of the school district assigned to present the district's case shall have the right to inspect in advance of the hearing any documentary and other physical evidence that the student and his or her parent(s) or guardian(s) intend to introduce at the hearing.

(4) The person(s) hearing the case shall not be a witness and the guilt or innocence of the student shall be determined solely on the basis of the evidence presented at the hearing.

(5) Either a tape-recorded or verbatim record of the hearing shall be made.

(6) Within one school business day after the date upon which the hearing concludes, a decision as to whether or not the expulsion shall be continued shall be rendered, and the student's legal counsel or, if none, the student and his or her parent(s) or guardian(s) shall be notified thereof by depositing a certified letter in the United States mail. The decision shall set forth the findings of fact, the conclusions (including a conclusion as to whether or not the emergency situation giving rise to the emergency expulsion continues), and whether or not the emergency expulsion shall be continued or a lesser form of corrective action or punishment is to be imposed.

(7) An emergency expulsion may be continued following the hearing on the basis that the emergency situation continues and/or as corrective action or punishment for the action(s) giving rise to the emergency expulsion in the first instance.

AMENDATORY SECTION (Amending WSR 06-14-009, filed 6/22/06, effective 6/22/06)

**WAC 392-400-310 Appeals—Long-term suspension and expulsion.** Appeals from decisions rendered pursuant to WAC ((180-40-270, 180-40-285 and 180-40-305)) 392-400-270, 392-400-285 and 392-400-305 which impose either a long-term suspension or an expulsion upon a student shall be governed as follows:

(1) Any school district board of directors may delegate its authority to hear and decide long-term suspension and expulsion appeals to a school district disciplinary appeal council established by the board. School district disciplinary appeal councils shall be appointed by the school district board of directors for fixed terms and shall consist of not less than three persons.

(2) If the case was not heard and decided by the school district board of directors or school district disciplinary appeal council, the student and his or her parent(s) or guardian(s) shall have the right to appeal the decision to the board of directors or the disciplinary appeal council. Notice indicating that the student or his or her parent(s) or guardian(s) desire to appeal the decision shall be provided to either the office of the school district superintendent or to the office of the person who rendered the decision within three school business days after the date of receipt of the decision. The notice of appeal shall be accepted if in writing and may be accepted orally if expressly provided for and allowed by rule or policy of the district.

(3) If an appeal is not taken to the board of directors or disciplinary appeal council within the required three school business day period, the suspension or expulsion decided upon may be imposed as of the calendar day following expiration of the three school business day period.

(4) If a timely appeal is taken to the board of directors or disciplinary appeal council, the suspension or expulsion may be imposed during the appeal period subject to the following conditions and limitations:

(a) A long-term suspension or nonemergency expulsion may be imposed during the appeal period for no more than

ten consecutive school days or until the appeal is decided, whichever is the shortest period;

(b) An emergency expulsion may be continued during the appeal period for so long as the student continues to pose an immediate and continuing danger to the student, other students, or school personnel or an immediate and continuing threat of substantial disruption of the educational process of the student's school;

(c) Any days that a student is temporarily suspended or expelled before the appeal is decided shall be applied to the term of the student's suspension or expulsion and shall not limit or extend the term of the student's suspension or expulsion; and

(d) Any student subjected to a temporary suspension who returns to school before the appeal is decided shall be provided the opportunity upon his or her return to make up assignments and tests missed by reason of the suspension if:

(i) Such assignments or tests have a substantial effect upon the student's semester or trimester grade or grades; or

(ii) Failure to complete such assignments or tests would preclude the student from receiving credit for the course or courses.

(5) An appeal from any decision of a school board or disciplinary appeal council to impose or to affirm the imposition of a long-term suspension or an expulsion shall be to the courts. Whether or not the decision of a school board or disciplinary appeal council shall be postponed pending an appeal to superior court shall be discretionary with the school board or disciplinary appeal council except as ordered otherwise by a court.

**AMENDATORY SECTION** (Amending WSR 06-14-009, filed 6/22/06, effective 6/22/06)

**WAC 392-400-315 Appeals—Hearing before school board or disciplinary appeal council—Procedures.** (1) If a notice of appeal to the school board of directors or school district disciplinary appeal council is received pursuant to WAC ((180-40-310)) 392-400-310(2) within the required three school business days, the board or council shall schedule and hold an informal conference to review the matter within ten school business days after the date of receipt of such appeal notice. The purpose of the meeting shall be to meet and confer with the parties in order to decide upon the most appropriate means of disposing of the appeal as provided for in this section. At that time the student or the student's parent(s) or guardian(s) or legal counsel shall be given the right to be heard and shall be granted the opportunity to present such witnesses and testimony as the board or council deems reasonable. The board or council shall agree to one of the following procedures prior to adjournment or recess:

(a) Study the hearing record or other material submitted and render its decision within ten school business days after the date of the informal conference, or

(b) Schedule and hold a meeting to hear further arguments based on the record before the board or council and render its decision within fifteen school business days after the date of the informal conference, or

(c) Schedule and hold a meeting within ten school business days after the date of the informal conference for the purpose of hearing the case de novo.

(2) In the event the school board of directors or school district disciplinary appeal council elects to hear the appeal de novo, the following rights and procedures shall govern the proceedings:

(a) The student and his or her parent(s) or guardian(s) shall have the right to:

(i) Inspect in advance of the hearing any documentary and other physical evidence which the school district intends to introduce at the hearing,

(ii) Question and confront witnesses, unless a school district witness does not appear and the nonappearance of the witness is excused by the person(s) hearing the case based upon evidence of good reason for doing so submitted by the school district. The evidence submitted by the school district must at a minimum establish either:

(A) That the district made a reasonable effort to produce the witness and is unable to do so; or,

(B) That it is not advisable for the student to appear due to an expectation and fear on the part of the responsible district official(s) or the student of retaliation against the student if he or she appears as a witness,

(iii) Present his or her explanation of the alleged misconduct, and

(iv) Make such relevant showings by way of witnesses and the introduction of documentary and other physical evidence as he or she desires,

(b) The designee(s) of the school district assigned to present the district's case shall have the right to inspect in advance of the hearing any documentary and other physical evidence that the student and his or her parent(s) or guardian(s) intend to introduce at the hearing, and

(c) Either a tape-recorded or verbatim record of the hearing shall be made.

**AMENDATORY SECTION** (Amending WSR 06-14-009, filed 6/22/06, effective 6/22/06)

**WAC 392-400-317 Appeals—Discipline and short-term suspension grievances.** Any school district board of directors may delegate its authority to hear and decide discipline and short-term suspension grievance appeals filed pursuant to WAC ((180-40-240 and 180-40-253)) 392-400-240 and 392-400-253 to a school district disciplinary appeal council established pursuant to WAC ((180-40-310)) 392-400-310(1).

## WSR 06-20-133

### EXPEDITED RULES

### SUPERINTENDENT OF PUBLIC INSTRUCTION

[Filed October 4, 2006, 11:36 a.m.]

Title of Rule and Other Identifying Information: Chapter 392-410 WAC, Course of study and equivalencies.



## NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Marcia L. Riggers, Office of Superintendent of Public Instruction, P.O. Box 47200, Olympia, WA 98504-7200, AND RECEIVED BY December 18, 2006.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: These changes are being made as required under E2SHB 2098, sections 909 through 911.

Statutory Authority for Adoption: RCW 28A.230.090.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Office of superintendent of public instruction, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Marcia L. Riggers, Office of Superintendent of Public Instruction, (360) 725-6175.

October 3, 2006

Marty S. Daybell

Deputy Superintendent

AMENDATORY SECTION (Amending WSR 06-14-009, filed 6/22/06, effective 6/22/06)

**WAC 392-410-100 Authority and purpose.** (1) The general authority for this chapter is RCW ~~((28A.305.130(8)))~~ 28A.230.020 which authorizes the ~~((state board of education))~~ superintendent of public instruction to prepare an outline of study for the common schools and ~~((RCW 28A.305.130(9) which authorizes the state board of education))~~ to adopt rules to meet the educational needs of students. Where applicable, specific statutory authority is cited within sections of this chapter.

(2) The purposes of this chapter are to:

(a) Implement RCW ~~((28A.305.130 (8) and (9)))~~ 28A.230.020 by prescribing state requirements for a course of study in the common schools;

(b) Implement courses of study specifically required by statutes;

(c) ~~((Establish))~~ Implement RCW 28A.230.100 establishing procedural and substantive requirements for the granting of credit for equivalent courses of study which may be in conjunction with or as a substitution for courses of study in common schools.

AMENDATORY SECTION (Amending WSR 06-14-009, filed 6/22/06, effective 6/22/06)

**WAC 392-410-115 Mandatory areas of study in the common school.** (1) Pursuant to RCW 28A.230.020 all school districts shall provide instruction in reading, penman-

ship, spelling, mathematics, geography, English grammar, physiology, hygiene, and history of the United States.

(2) Pursuant to RCW 28A.230.030, unless instruction in a language other than English will aid the educational advancement of the student, all students shall be taught in English.

(3) Pursuant to RCW 28A.230.130~~((, after July 1, 1986,))~~ each school district offering a high school program shall provide a course of study which includes the preparation for uniform college and university entrance requirements ~~((as published by the council of postsecondary education))~~.

(4) In addition to the requirements in the above subsections, each such school district shall offer all required courses for a high school diploma as provided in chapter 180-51 WAC and shall provide an opportunity for high school students to take at least one course in the following areas of study:

- (a) Art;
- (b) Career education;
- (c) Computer education;
- (d) Consumer education;
- (e) Economics;
- (f) A language other than English which may include American Indian languages;
- (g) Health education;
- (h) Home and family life;
- (i) Music;
- (j) Remedial education, including at least, remedial education in reading, language arts, and mathematics.

(5) Districts shall make available to all high school students enrolled therein the areas of study enumerated above either within the district or by alternative means which shall include equivalent education programs set forth in this chapter, interdistrict cooperative programs as permitted by RCW 28A.225.220, and/or the full-time or part-time release of such students to attend nonresident districts pursuant to chapter 392-137 WAC.

(6) Pursuant to RCW 28A.230.020 instruction about conservation, natural resources, and the environment shall be provided at all grade levels in an interdisciplinary manner through science, the social studies, the humanities, and other appropriate areas with an emphasis on solving the problems of human adaptation to the environment.

**WSR 06-20-134****EXPEDITED RULES****SUPERINTENDENT OF  
PUBLIC INSTRUCTION**

[Filed October 4, 2006, 11:38 a.m.]

Title of Rule and Other Identifying Information: Chapter 392-500 WAC, Pupil testing and record keeping—Requirements—Parents' rights.

## NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD

PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Marcia L. Riggers, Office of Superintendent of Public Instruction, P.O. Box 47200, Olympia, WA 98504-7200, AND RECEIVED BY December 18, 2006.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: These changes are being made as required under E2SHB 2098, sections 909 through 911.

Statutory Authority for Adoption: RCW 28A.04.120, 28A.31.118.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Office of superintendent of public instruction, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Marcia L. Riggers, Office of Superintendent of Public Instruction, (360) 725-6175.

October 3, 2006

Marty Daybell

Deputy Superintendent

AMENDATORY SECTION (Amending WSR 06-14-009, filed 6/22/06, effective 6/22/06)

**WAC 392-500-015 Pupil tests and records—Authority.** Pursuant to authority under provisions of RCW 28A.305.130, the ~~((state board of education))~~ office of superintendent of public instruction, hereby prescribes the rules and regulations relating to pupil tests and records hereinafter in WAC ~~((180-52-020, 180-52-025, 180-52-030 and 180-52-035))~~ 392-500-020, 392-500-025, 392-500-030 and 392-500-035 set forth.