WSR 26-14-107
PERMANENT RULES
OFFICE OF THE
STATE TREASURER

[Filed July 1, 2026, 8:46 a.m., effective August 1, 2026]

Effective Date of Rule: Thirty-one days after filing.

Purpose: Revise outdated school bond guarantee program rules and adjust the schedule of planned debt service payments.

Citation of Rules Affected by this Order: Amending WAC 210-02-010, 210-02-020, 210-02-030, 210-02-050, 210-02-055, 210-02-060, 210-02-080, 210-02-090, 210-02-115, 210-02-120, 210-02-130, 210-02-160, 210-02-180, and 210-02-200.

Statutory Authority for Adoption: RCW 39.98.080 and 43.33.040.

Adopted under notice filed as WSR 26-11-068 on May 20, 2026.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 14, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 14, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: July 1, 2026.

Tammie Nuber
Assistant State Treasurer

RDS-7205.1

AMENDATORY SECTION (Amending WSR 14-06-107, filed 3/5/14, effective 4/5/14)

WAC 210-02-010 Definitions. For purposes of this ((~~rule~~)) chapter, the following definitions shall apply:

"Act" means the Washington State School District Credit Enhancement Program Act, pursuant to chapter 39.98 RCW.

"Application" means ((~~an application~~)) a form maintained and provided by the office of the state treasurer requesting the state treasurer to issue a certificate of eligibility pursuant to RCW 39.98.040.

((**"Authorized district official"** ~~means any individual designated as such by resolution provided for in WAC 210-02-020.~~))

"Bond" means any ((~~voted~~)) voter-approved unlimited tax general obligation ((~~bond~~)) bonds issued by a school district holding a certificate of eligibility issued pursuant to the act, and any voter-approved unlimited tax general obligation bond issued by a school district holding a certificate of eligibility issued pursuant to the act to refund outstanding ((~~voted~~)) voter-approved unlimited tax general obligation bonds of that school district.

"Capital projects fund" means the fund created pursuant to RCW 28A.320.330.

"Certificate of eligibility" means a certificate issued by the state treasurer pursuant to RCW 39.98.040.

"County assessor" means ((~~the~~)) each county assessor(s) in the county or counties in which the ((~~requesting~~)) school district is located.

"County treasurer" means ((~~the county~~)) each treasurer of the ((~~requesting~~)) county or counties in which the school district is located.

"Guarantee program" means the Washington state school district credit enhancement program established by the act.

"Nationally recognized bond counsel firm" means a bond counsel firm listed in the most recent publication of *The Bond Buyer's Municipal Market Place* or, if such publication is no longer issued or no longer contains a listing of bond counsel firms, then such substantially similar publication or resource as may be specified in writing by the deputy treasurer for debt management.

"Paying agent" means the paying agent selected, from time to time, for a bond issue pursuant to state law.

"School district" or **"district"** means any public school district ((~~or its successor~~)) eligible to seek voter approval for the issuance of unlimited tax general obligation bonds under the laws of the state.

"State" means the state of Washington.

AMENDATORY SECTION (Amending WSR 14-06-107, filed 3/5/14, effective 4/5/14)

WAC 210-02-020 Application for certificate of eligibility. School districts may apply for a certificate of eligibility ((~~at any time during the year~~)) by filing ((~~the~~)) a completed application with the state treasurer. Such an application((~~, however,~~)) must be submitted to the state treasurer no less than ((~~thirty~~)) 30 days prior to sale of bonds for which the guarantee, if ((~~granted, will~~)) eligible, would apply. Applications, and all other written communications pursuant to the guarantee program, shall be addressed to the School Bond Guarantee Program, Office of the State Treasurer, Legislative Building, 2nd Floor, P.O. Box 40200, Olympia, Washington 98504-0200. ((~~The~~)) Each application shall include:

(1) ((~~The name, county, and district number (if applicable) of the requesting school district;~~

~~(2) The name of the authorized district official for the requesting school district;~~

~~(3) The name of the underwriter, if known, financial advisor (if any) and bond counsel assigned to the financing of the requesting school district to which the guarantee will apply;~~

~~(4) The mailing address, phone number, fax number, and email address (if applicable) of the requesting school district;~~

~~(5)~~)) A copy of the requesting district's ballot proposition resolution, showing details of the special election (including at least the date((~~, amount,~~)) of approval, the principal amount of bonds authorized, and ballot title) at which the bonds were approved by the district's voters;

((~~(6) The not-to-exceed amount the district is currently requesting be guaranteed pursuant to its application;~~

~~(7) An allocation report in the form provided by the state treasurer, identifying, by ballot issue, the principal amount of any bonds previously issued pursuant to the ballot proposition resolution(s) authorizing the bonds, plus any net original issue premium associated with such previously issued bonds that was deposited in the capital projects fund and any remaining authority to issue bonds pursuant to such ballot proposition resolution(s);~~

~~(8)~~)) (2) A copy of the resolution passed by the school district's board of directors (which may be the same resolution as the district's ballot proposition resolution) authorizing the requesting district's application for a certificate of eligibility;

((~~(9) A certificate signed by an authorized district official:~~

~~(a) Stating whether the school district has any bonds, the principal of or interest on which has been paid by the state under the act, and for which there remain outstanding any payment obligations of the district to the state;~~

~~(b) Stating that the school district is, and will remain, in compliance with these administrative rules as currently set forth or later amended; and~~

~~(c) Attesting to the accuracy and completeness of the materials provided.~~

~~(10)~~)) (3) A nonrefundable application processing fee of ((~~one hundred dollars~~)) $100; and

((~~(11)~~)) (4) Any additional materials that may be required by the office of the state treasurer in support of the application for participation in the guarantee program.

In addition to the above requirements, any application that includes bonds to be refunded must also provide a copy of the ballot resolution(s) relating to each series of bonds to be refunded.

AMENDATORY SECTION (Amending WSR 14-06-107, filed 3/5/14, effective 4/5/14)

WAC 210-02-030 Review of application for certificate of eligibility. Upon receipt of an application for a certificate of eligibility, the state treasurer ((~~will determine whether all items listed in WAC 210-02-020 have been provided and will notify the district no later than five business days after receipt if the application is incomplete.~~

~~In determining the school district's eligibility under the guarantee program, the office of the state treasurer~~)) may request additional information from the school district, as well as from any other person or entity.

AMENDATORY SECTION (Amending WSR 14-06-107, filed 3/5/14, effective 4/5/14)

WAC 210-02-050 Denial of eligibility/determination of ineligibility. The state treasurer may deny a school district's application for a certificate of eligibility and issue a determination of ineligibility pursuant to RCW 39.98.040((~~,~~)) if:

(1) The school district fails to meet the provisions outlined in the act or any of the requirements outlined in these rules; or

(2) The state has ever paid, pursuant to the guarantee program, any principal of or interest on any of the school district's bonds; and

(a) The associated payment ((~~obligations~~)) obligation(s) of the district to the state are not satisfied; or

(b) The state treasurer and the state superintendent of public instruction ((~~are unable to certify~~)) have not both certified, in writing, that the school district is fiscally solvent.

The state treasurer may deny a district's application at ((~~his or her~~)) their sole discretion.

AMENDATORY SECTION (Amending WSR 14-06-107, filed 3/5/14, effective 4/5/14)

WAC 210-02-055 Determination of fiscal solvency. "Fiscally solvent," when used for the purposes of any certification required by the act and these rules with respect to the financial condition of a school district ((~~seeking to participate in the guarantee program~~)), means that, in the reasonable professional opinion of the person making such determination after giving due consideration to:

(1) The principal and interest requirements of all outstanding ((~~voted~~)) voter-approved unlimited tax general obligation bonds of the school district and of all outstanding bonds issued to refund ((~~voted~~)) voter-approved unlimited tax general obligation bonds of the school district;

(2) The school district's past record of collecting voter-approved excess property taxes and reasonable expectations concerning future collections of voter-approved excess property taxes as required to meet those principal and interest requirements; and

(3) Such additional financial circumstances, if any, of the school district that such person considers to be material, it is reasonably expected that the school district will be able to satisfy all principal and interest requirements of bonds guaranteed and proposed to be guaranteed by the state under the guarantee program.

AMENDATORY SECTION (Amending WSR 14-06-107, filed 3/5/14, effective 4/5/14)

WAC 210-02-060 Information to be provided to the state treasurer before issuance of a final certificate. The school district shall provide to the state treasurer a copy of the final official statement for the bonds to which the guarantee was applied((~~,~~)) promptly upon its publication. The school district shall also provide to the state treasurer at the time of closing:

(1) A copy of the bond resolution(s) as adopted by the board of directors of the school district, or a bond purchase agreement, that states ((~~the~~)) all final terms of the bonds;

(2) ((~~An allocation report, identifying by ballot issue, the principal amount of any bonds issued pursuant to the ballot proposition resolution(s) authorizing the bonds, plus any net original issue premium associated with such issued bonds that was deposited in the capital projects fund and any remaining authority to issue bonds pursuant to the ballot proposition resolution(s); and~~

~~(3)~~)) A letter addressed to the state treasurer signed by the school district's nationally recognized bond counsel firm (a) stating that the state treasurer may rely upon such firm's approving legal opinion with respect to the bonds as if that opinion were addressed to the state treasurer; and (b) setting forth such approving legal opinion.

If all of the above ((~~information has~~)) documents have been completed, executed, and timely received((~~, on~~)) by the state treasurer's office before the date of the bond closing, the state treasurer will provide a certificate evidencing the state's guarantee for use by the school district ((~~that reflects its compliance with these requirements~~)).

AMENDATORY SECTION (Amending WSR 14-06-107, filed 3/5/14, effective 4/5/14)

WAC 210-02-080 Reference to guarantee in school district bond documents. School districts that issue bonds under a certificate of eligibility((~~,~~)) shall evidence the state's guarantee of the school district's bonds in ((~~a form~~)) prose to be provided by the state treasurer and placed:

(1) On the cover of the school district's preliminary official statement(s) and official statement(s), or other offering document(s), for the applicable bond(s);

(2) On the face of the school district's applicable bond(s); and

(3) As an appendix within the official statement(s), or other offering document(s), for the applicable bond(s).

The state treasurer will provide, and any school district ((~~relying on the state's guarantee~~)) that has submitted an application must use, the description of the state's guarantee in the school district's offering document. The description must be used in its entirety and may not be modified or amended.

((~~Any modification or amendment may result in a denial of future applications for eligibility by the district.~~)) As a condition of participating in the program, the district agrees not to modify, amend, or omit the state's language. Further, the school district agrees to correct any modification, amendment, or omission through a "stickered" preliminary or final official statement or through a voluntary event notice.

It is incumbent upon each district to check the state treasurer's website for the most current description of the state's guarantee to be included in the school district's offering document.

AMENDATORY SECTION (Amending WSR 14-06-107, filed 3/5/14, effective 4/5/14)

WAC 210-02-090 Ratings. The office of the state treasurer will undertake to have the Washington school bond guarantee program rated by at least one of the following: Standard & Poor's, Moody's ((~~Investors Service, or~~)) Ratings, Fitch Ratings, or Kroll Ratings. Any school district proposing to issue bonds under the guarantee program may:

(1) Engage, at its own expense, one or more of the rating agencies to apply the rating of the guarantee program to its bonds; and

(2) At its discretion, and at its own expense, choose to obtain an underlying rating on the bonds.

AMENDATORY SECTION (Amending WSR 14-06-107, filed 3/5/14, effective 4/5/14)

WAC 210-02-115 Notification by district of insufficient funds. At least seven business days before ((~~a~~)) each scheduled debt service payment is due, a district that has issued bonds under a certificate of eligibility must confirm that sufficient funds will be available to make the scheduled debt service payment in full and on time. If the district determines that ((~~insufficient~~)) sufficient funds are not reasonably expected to be available to make the scheduled debt service payment in full and on time, the district must notify the office of the state treasurer at least seven business days prior to ((~~its due date~~)) such scheduled debt service payment. Such notice shall be made to the office of the state treasurer as follows:

(1) By telephone: 360-902-9000; and

(2) By email: SchoolBondGuarantee@tre.wa.gov.

Failure to make this notification may result in a denial of future applications for eligibility.

AMENDATORY SECTION (Amending WSR 14-06-107, filed 3/5/14, effective 4/5/14)

WAC 210-02-120 County treasurer payment or notice to state treasurer of insufficient funds. ((~~Upon determining that~~)) The county treasurer shall transfer the full amount of each debt service payment to the paying agent at least one business day in advance of the scheduled debt service payment. If a timely transfer of all required funds to the paying agent for a scheduled debt service payment((~~s~~)) on one or more guaranteed bonds ((~~cannot~~)) is not reasonably expected to be made at least one business day prior to the scheduled debt service payment, the county treasurer shall immediately provide notice to the ((~~state treasurer~~)) paying agent and to the ((~~paying agent pursuant to RCW 39.98.050. Such notice shall be made to the office of the~~)) state treasurer as follows:

(1) By telephone: 360-902-9000; and

(2) By ((~~facsimile: 360-902-9045 or by~~)) email: SchoolBondGuarantee@tre.wa.gov((~~; and~~

~~(3) By first class mail: Attn: School Bond Guarantee Program, Office of the State Treasurer, Legislative Building, 2nd Floor, P.O. Box 40200, Olympia, Washington 98504-0200~~)).

AMENDATORY SECTION (Amending WSR 14-06-107, filed 3/5/14, effective 4/5/14)

WAC 210-02-130 Paying agent notice to state treasurer of insufficient funds. If sufficient funds are not transferred to the paying agent ((~~at the time or times required to make~~)) by or on behalf of a school district at least one business day prior to a scheduled debt

service payment((~~s~~)) on guaranteed bonds of ((~~a~~)) such school district, the paying agent shall immediately notify the state treasurer as follows:

(1) By telephone: 360-902-9000; and

(2) By ((~~facsimile: 360-902-9045 or by~~)) email: SchoolBondGuarantee@tre.wa.gov; ((~~and~~

~~(3) By first class mail: Attn: School Bond Guarantee Program, Office of the State Treasurer, Legislative Building, 2nd Floor, P.O. Box 40200, Olympia, Washington 98504-0200~~)).

AMENDATORY SECTION (Amending WSR 14-06-107, filed 3/5/14, effective 4/5/14)

WAC 210-02-160 Interest on school district obligations to state. The state treasurer may charge interest in connection with the recovery of funds under chapter 39.98 RCW. Any interest charged will be in a manner consistent with chapter 39.98 RCW. Interest will be determined after taking certain factors into account ((~~such as~~)) including, but not limited to: The circumstances ((~~of any prior draws by the district on the state, market interest and penalty rates, and~~)) surrounding any payment made by the state in connection with guaranteed bonds, the cost of funds or the opportunity cost of investments, penalty rates, and any fees, expenses, and costs associated with the recovery of funds.

AMENDATORY SECTION (Amending WSR 00-11-023, filed 5/9/00, effective 6/9/00)

WAC 210-02-180 Other costs. The district shall pay the fees, expenses, and costs incurred by the state in recovering amounts paid under the guarantee.

AMENDATORY SECTION (Amending WSR 14-06-107, filed 3/5/14, effective 4/5/14)

WAC 210-02-200 Exceptions. The state treasurer may, in ((~~his or her~~)) their sole discretion, waive any or all provisions of this chapter to the extent provided by law.