Chapter 392-129 WAC
FINANCE—EMERGENCY SCHOOL CLOSURE

WAC

392-129-003 Authority.
392-129-005 Purpose.
392-129-008 Construction of chapter.
392-129-010 Definition—School day.
392-129-015 Definition—Vacation day.
392-129-020 Definition—School year.
392-129-030 Definition—Current school year.
392-129-035 Definition—Preceding school year.
392-129-040 Definition—Prior school year.
392-129-045 Definition—Natural event.
392-129-050 Definition—Mechanical failure.
392-129-060 Definition—Action or inaction by one or more persons.
392-129-065 Definition—Unforeseen.
392-129-070 Definition—Foreseeable.
392-129-080 Definition—Foreseeable school closure days.
392-129-090 Definition—District-wide emergency closure.
392-129-100 Definition—School emergency closure.
392-129-105 Definition—Reasonable effort.
392-129-110 Definition—Annual average full-time equivalent students.
392-129-115 Separate consideration given to the kindergarten and first through twelfth grade programs.
392-129-120 Application of chapter to half-day kindergarten programs.
392-129-125 District-wide emergency closure—School district application to the superintendent of public instruction.
392-129-130 District-wide emergency closure—Superintendent of public instruction's determination of eligibility.
392-129-135 District-wide emergency closure—Implementation of superintendent of public instruction's determination of eligibility.
392-129-140 School emergency closure—School district application to the superintendent of public instruction.
392-129-145 School emergency closure—Superintendent of public instruction's determination of eligibility.
392-129-150 School emergency closure—Implementation of superintendent of public instruction's determination of eligibility.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

392-129-013 Application to superintendent of public instruction. [Statutory Authority: RCW 28A.41.170. WSR 86-08-076 (Order 86-4), § 392-129-013, filed 4/2/86; WSR 84-13-023 (Order 84-13), § 392-129-013, filed 6/13/84.] Repealed by WSR 90-01-141 (Order 22), filed 12/20/89, effective 1/20/90. Statutory Authority: RCW 28A.41.170(2).

WAC 392-129-003 Authority. The authority for this chapter is RCW 28A.150.290(2) which authorizes the superintendent of public instruction to establish the terms and conditions for allowing a school district to receive an allocation of state moneys when the school district is unable, due to an unforeseen emergency, to fulfill the following statutory requirements:

(1) One hundred eighty days of operation; or

(2) The total program hour offerings, teacher contact hours, or course mix and percentage requirements imposed by law.

[Statutory Authority: 1990 c 33. WSR 90-16-002 (Order 18), § 392-129-003, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.41.170(2). WSR 90-01-141 (Order 22), § 392-129-003, filed 12/20/89, effective 1/20/90. Statutory Authority: RCW 28A.41.170. WSR 87-19-060 (Order 87-11), § 392-129-003, filed 9/15/87.]

WAC 392-129-005 Purpose. This chapter shall govern a school district's entitlement to allocations of state moneys pursuant to RCW 28A.150.290(2) for any school year during which it is unable to conduct the kindergarten program, first through twelfth grade program, or both due to one or more unforeseen emergencies such that the following statutory requirements cannot be met:

(1) The minimum number of school days; and/or

(2) Program hour offerings, teacher contact hours, and course mix and percentages.

[Statutory Authority: 1990 c 33. WSR 90-16-002 (Order 18), § 392-129-005, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.41.170(2). WSR 90-01-141 (Order 22), § 392-129-005, filed 12/20/89, effective 1/20/90. Statutory Authority: RCW 28A.41.170. WSR 81-21-002 (Order 81-26), § 392-129-005, filed 10/8/81; WSR 80-04-046 (Order 80-3), § 392-129-005, filed 3/21/80, effective 5/2/80; Order 7-75, § 392-129-005, filed 12/22/75. Formerly WAC 392-14-010.]

WAC 392-129-008 Construction of chapter. The provisions of this chapter shall be narrowly construed by the superintendent of public instruction.

[Statutory Authority: RCW 28A.41.170(2). WSR 90-01-141 (Order 22), § 392-129-008, filed 12/20/89, effective 1/20/90.]

WAC 392-129-010 Definition—School day. As used in this chapter, "school day" means the same as defined in WAC 392-121-033.

[Statutory Authority: RCW 28A.41.170(2). WSR 90-01-141 (Order 22), § 392-129-010, filed 12/20/89, effective 1/20/90. Statutory Authority: RCW 28A.41.170. WSR 82-16-039 (Order 82-9), § 392-129-010, filed 7/28/82; WSR 81-21-002 (Order 81-26), § 392-129-010, filed 10/8/81; WSR 80-04-046 (Order 80-3), § 392-129-010, filed 3/21/80, effective 5/2/80; Order 7-75, § 392-129-010, filed 12/22/75. Formerly WAC 392-14-020.]

WAC 392-129-015 Definition—Vacation day. As used in this chapter, "vacation day" means a day other than:

(1) A school day;

(2) A school holiday defined in RCW 28A.150.050;

(3) Saturday unless actually used for a school day; or

(4) An inservice day for employees of the school district that:

(a) Was scheduled prior to the unforeseen school closure; and

(b) Was actually used for that purpose.

[Statutory Authority: 1990 c 33. WSR 90-16-002 (Order 18), § 392-129-015, filed 7/19/90, effective 8/19/90. Statutory Authority: RCW 28A.41.170(2). WSR 90-01-141 (Order 22), § 392-129-015, filed 12/20/89, effective 1/20/90. Statutory Authority: RCW 28A.41.170. WSR 81-21-002 (Order 81-26), § 392-129-015, filed 10/8/81; WSR 80-04-046 (Order 80-3), § 392-129-015, filed 3/21/80, effective 5/2/80; Order 7-75, § 392-129-015, filed 12/22/75. Formerly WAC 392-14-030.]

WAC 392-129-020 Definition—School year. As used in this chapter, "school year" means the same as defined in WAC 392-121-031.

[Statutory Authority: RCW 28A.41.170(2). WSR 90-01-141 (Order 22), § 392-129-020, filed 12/20/89, effective 1/20/90. Statutory Authority: RCW 28A.41.170. WSR 81-21-002 (Order 81-26), § 392-129-020, filed 10/8/81; WSR 80-04-046 (Order 80-3), § 392-129-020, filed 3/21/80, effective 5/2/80; Order 7-75, § 392-129-020, filed 12/22/75. Formerly WAC 392-14-040.]

WAC 392-129-030 Definition—Current school year. As used in this chapter, "current school year" means the same as defined in WAC 392-139-052.

[Statutory Authority: RCW 28A.41.170(2). WSR 90-01-141 (Order 22), § 392-129-030, filed 12/20/89, effective 1/20/90. Statutory Authority: RCW 28A.41.170. WSR 85-09-019 (Order 85-2), § 392-129-030, filed 4/10/85.]

WAC 392-129-035 Definition—Preceding school year. As used in this chapter, "preceding school year" means the school year immediately preceding the current school year.

[Statutory Authority: RCW 28A.41.170(2). WSR 90-01-141 (Order 22), § 392-129-035, filed 12/20/89, effective 1/20/90.]

WAC 392-129-040 Definition—Prior school year. As used in this chapter, "prior school year" means any one of nine school years immediately preceding the preceding school year.

[Statutory Authority: RCW 28A.150.290(2) and 28A.335.030. WSR 90-19-039 (Order 27), § 392-129-040, filed 9/13/90, effective 10/14/90. Statutory Authority: RCW 28A.41.170(2). WSR 90-01-141 (Order 22), § 392-129-040, filed 12/20/89, effective 1/20/90.]

WAC 392-129-045 Definition—Natural event. As used in this chapter, "natural event" means, but is not limited to, a fire, flood, explosion, storm, earthquake, epidemic, or volcanic eruption.

[Statutory Authority: RCW 28A.41.170(2). WSR 90-01-141 (Order 22), § 392-129-045, filed 12/20/89, effective 1/20/90.]

WAC 392-129-050 Definition—Mechanical failure. As used in this chapter, "mechanical failure" means a discontinuation or disruption of utilities such as heating, lighting, or water beyond the control of a school district board of directors and its employees.

[Statutory Authority: RCW 28A.41.170(2). WSR 90-01-141 (Order 22), § 392-129-050, filed 12/20/89, effective 1/20/90.]

WAC 392-129-060 Definition—Action or inaction by one or more persons. As used in this chapter, "action or inaction by one or more persons" means, but is not limited to, arson, vandalism, riots, insurrections, bomb threats, bombing, or delays in the scheduled completion of construction projects beyond the control of a school district board of directors and its employees. It shall not mean any labor dispute between a school district board of directors and any employee.

[Statutory Authority: RCW 28A.41.170(2). WSR 90-01-141 (Order 22), § 392-129-060, filed 12/20/89, effective 1/20/90.]

WAC 392-129-065 Definition—Unforeseen. As used in this chapter, "unforeseen" means the extent that a reasonably prudent person could not have anticipated, prior to August 1st of the preceding school year, that natural events, mechanical failures, or actions or inactions by one or more persons would probably occur during the current school year due to the occurrence of an event or circumstances during a preceding or prior school year.

[Statutory Authority: RCW 28A.41.170(2). WSR 90-01-141 (Order 22), § 392-129-065, filed 12/20/89, effective 1/20/90.]

WAC 392-129-070 Definition—Foreseeable. As used in this chapter, "foreseeable" means the extent that a reasonably prudent person could have anticipated prior to August 1st of the preceding school year, that natural events, mechanical failures, or actions or inactions by one or more persons would probably occur during the current school year due to the occurrence of an event or circumstances during a preceding or prior school year.

[Statutory Authority: RCW 28A.41.170(2). WSR 90-01-141 (Order 22), § 392-129-070, filed 12/20/89, effective 1/20/90.]

WAC 392-129-080 Definition—Foreseeable school closure days. As used in this chapter, "foreseeable school closure days" means those days that are foreseeable in order to provide the school district with the ability to make up lost school days due to foreseeable natural events, mechanical failure, or action or inaction by one or more persons that would lead to all schools being unsafe, unhealthy, inaccessible, or inoperable.

[Statutory Authority: RCW 28A.41.170(2). WSR 90-01-141 (Order 22), § 392-129-080, filed 12/20/89, effective 1/20/90.]

WAC 392-129-090 Definition—District-wide emergency closure. As used in this chapter, "district-wide emergency closure" means that all school buildings in the school district are unsafe, unhealthy, inaccessible, or inoperable due to one or more unforeseen natural events, mechanical failures, or actions or inactions by one or more persons.

[Statutory Authority: RCW 28A.41.170(2). WSR 90-01-141 (Order 22), § 392-129-090, filed 12/20/89, effective 1/20/90.]

WAC 392-129-100 Definition—School emergency closure. As used in this chapter, "school emergency closure" means a school in the school district comprised of more than one school that is unsafe, unhealthy, inaccessible, or inoperable due to one or more unforeseen natural events, mechanical failures, or actions or inactions by one or more persons.

[Statutory Authority: RCW 28A.41.170(2). WSR 90-01-141 (Order 22), § 392-129-100, filed 12/20/89, effective 1/20/90.]

WAC 392-129-105 Definition—Reasonable effort. As used in this chapter, "reasonable effort" means the:

(1) Extension of the school year to and through June 14th; and

(2) Use of scheduled vacation days and foreseeable school closure days, to attain the minimum number of school days and district-wide annual average total instruction hour offerings required by law. In no case, except as provided in subsection (3) of this section, shall a school district be considered to have made a reasonable effort unless at least three school days, per incident, and district-wide annual average total instruction hour offerings which have been lost have in fact been made up.

(3) Where a school district resides in a county which was declared a state of emergency proclamation by the governor due to fire, flood, explosion, storm, earthquake, epidemic, or volcanic eruption, and the emergency impacted district-wide facilities or operations, the superintendent may consider school district applications to have met the "reasonable effort" test by providing at least the district-wide annual average total instruction hour offerings.

[Statutory Authority: RCW 28A.41.170(2). WSR 07-13-090, § 392-129-105, filed 6/19/07, effective 7/20/07; WSR 90-01-141 (Order 22), § 392-129-105, filed 12/20/89, effective 1/20/90.]

WAC 392-129-110 Definition—Annual average full-time equivalent students. As used in this chapter, "annual average full-time equivalent students" means the same as defined in WAC 392-121-133.

[Statutory Authority: RCW 28A.41.170(2). WSR 90-01-141 (Order 22), § 392-129-110, filed 12/20/89, effective 1/20/90.]

WAC 392-129-115 Separate consideration given to the kindergarten and first through twelfth grade programs. For the purpose of computing compliance with minimum school days, program hour offerings, or both resulting in a loss of allocations of state moneys, the kindergarten and the first through twelfth grade programs shall be considered separately.

[Statutory Authority: RCW 28A.41.170(2). WSR 90-01-141 (Order 22), § 392-129-115, filed 12/20/89, effective 1/20/90.]

WAC 392-129-120 Application of chapter to half-day kindergarten programs. In the event a school district offers both a morning and afternoon kindergarten program and cancels either but not both the morning or afternoon session due to one or more unforeseen natural events, mechanical failures, or actions or inactions by one or more persons, the school district shall be considered as having met the school day, program hour offering, teacher contact hours, and course mix percentages for the canceled session.

[Statutory Authority: RCW 28A.41.170(2). WSR 90-01-141 (Order 22), § 392-129-120, filed 12/20/89, effective 1/20/90.]

WAC 392-129-125 District-wide emergency closure—School district application to the superintendent of public instruction. A school district applying for continuation of state support during a district-wide emergency closure will submit the following information:

(1) The name of the school district;

(2) The name of the superintendent of the school district;

(3) A statement signed by the superintendent that:

(a) The school district board of directors has reviewed the application and supports its submittal; and

(b) Any foreseeable school closure days are not included in the request;

(4) The unforeseen natural events, mechanical failures, or actions or inactions by one or more persons which caused the district-wide emergency closure;

(5) The specific dates of the district-wide emergency closure; and

(6) The specific dates that the school district has scheduled to make up the lost days.

[Statutory Authority: RCW 28A.41.170(2). WSR 90-01-141 (Order 22), § 392-129-125, filed 12/20/89, effective 1/20/90.]

WAC 392-129-130 District-wide emergency closure—Superintendent of public instruction's determination of eligibility. The superintendent of public instruction shall review each application submitted for a district-wide closure to determine if a reasonable effort has been made to make up all school days and program hour offerings, teacher contact hours, and course mix percentages required by law lost due to the district-wide emergency closure.

[Statutory Authority: RCW 28A.41.170(2). WSR 90-01-141 (Order 22), § 392-129-130, filed 12/20/89, effective 1/20/90.]

WAC 392-129-135 District-wide emergency closure—Implementation of superintendent of public instruction's determination of eligibility. If the superintendent of public instruction determines that the school district has made a reasonable effort to make up all school days and program hour offerings, teacher contact hours, and course mix percentages required by law, the school district shall receive its full annual allocation of state moneys. If the superintendent of public instruction determines that the school district has not made a reasonable effort, the school district's annual allocation of state moneys shall be reduced by the number of days lost due to the district-wide emergency closure divided by one hundred eighty.

[Statutory Authority: RCW 28A.41.170(2). WSR 90-01-141 (Order 22), § 392-129-135, filed 12/20/89, effective 1/20/90.]

WAC 392-129-140 School emergency closure—School district application to the superintendent of public instruction. A school district applying for continuation of state support during a school emergency closure will submit the following information:

(1) The name of the school district;

(2) The name of the superintendent of the school district;

(3) A statement signed by the superintendent that the school district board of directors has reviewed the application and supports its submittal;

(4) The name(s) of the individual schools which did not operate;

(5) The unforeseen natural events, mechanical failures, or actions or inactions by one or more persons which caused the school emergency closure;

(6) The specific dates of the school emergency closure; and

(7) The specific dates that the school district has scheduled to make up the lost days.

[Statutory Authority: RCW 28A.41.170(2). WSR 90-01-141 (Order 22), § 392-129-140, filed 12/20/89, effective 1/20/90.]

WAC 392-129-145 School emergency closure—Superintendent of public instruction's determination of eligibility. The superintendent of public instruction shall review each application submitted for a school closure to determine if the application provides a conclusive demonstration that one or more unforeseen natural events, mechanical failures, or actions or inactions by one or more persons prevented the school district from operating the school. Whenever a school district provides a school day, it shall be consid-

ered as meeting all hours, as originally scheduled for that day, toward meeting its program hour offerings, teacher contact hours, and course mix percentage requirements.

[Statutory Authority: RCW 28A.41.170(2). WSR 90-01-141 (Order 22), § 392-129-145, filed 12/20/89, effective 1/20/90.]

WAC 392-129-150 School emergency closure—Implementation of superintendent of public instruction's determination of eligibility. If the superintendent of public instruction determines that the school district has provided a conclusive demonstration that one or more unforeseen natural events, mechanical failures, or actions or inactions by one or more persons prevented the school district from operating the school, the school district shall receive its full annual allocation of state moneys. However, the superintendent of public instruction may only excuse the school district for up to two scheduled school days per incident and not for more than three scheduled school days per school year. Provided, the superintendent may excuse more than two scheduled school days per incident or three scheduled school days per year where the school is located in a county which was subject to a state of emergency declaration by the governor due to fire, flood, explosion, storm, earthquake, epidemic, or volcanic eruption, and the event giving rise to the emergency declaration prevented operation of the school.

If the district did not conclusively demonstrate that it was prevented from operating the school(s), its allocation of state moneys shall be reduced by:

(1) Dividing the number of days lost by one hundred eighty;

(2) Multiplying the result obtained in subsection (1) of this section by the annual average full-time equivalent enrollment in the school; and

(3) Dividing the result obtained in subsection (2) of this section by the annual average full-time equivalent enrollment in the school district.

[Statutory Authority: RCW 28A.41.170(2). WSR 08-13-049, § 392-129-150, filed 6/12/08, effective 7/13/08; WSR 90-01-141 (Order 22), § 392-129-150, filed 12/20/89, effective 1/20/90.]