

NEW SECTION

**WAC 392-117-070 Definition—Local education agency.** As used in WAC 392-117-075 through 392-117-085, local education agency means a common school district, educational service district, or charter school established under chapter 28A.710 RCW.

NEW SECTION

**WAC 392-117-075 Definition—Willful.** As used in this chapter, willful means nonaccidental action or inaction by a local education agency that the local education agency knew or reasonably should have known would violate Proclamation 20-09, et seq., or Proclamation 21-14, et seq.

NEW SECTION

**WAC 392-117-080 Failure to comply with health and safety requirements.** School districts, charter schools, and other local education agencies receiving state funds must comply with Proclamation 20-09, et seq. Local education agencies that fail to meet the requirements under Proclamation 20-09, et seq., are subject to the following course of action.

(1) **First notice:** Upon the superintendent of public instruction's determination that a local education agency has willfully failed to meet Proclamation 20-09, et seq., requirements, the state superintendent will provide notice of the determination to the local education agency. The local education agency will have 15 days from the receipt of the notice to provide verification of compliance. Unless the state superintendent provides instructions to the contrary, verification of compliance means a resolution passed by the local education agency which rescinds any actions previously taken prohibiting compliance or enforcement of Proclamation 20-09, et seq. If the local education agency's willful failure to comply with Proclamation 20-09, et seq., requirements is not corrected within 15 days of the state superintendent's first notice, the state superintendent will provide a second notice to the local education agency.

(2) **Second notice and withholding of apportionment:** The second notice will describe the state superintendent's determination and will identify a five day deadline for corrective action. If the local education agency does not provide verification of compliance prior to the deadline in the state superintendent's second notice, the state superintendent may withhold the local education agency's subsequent monthly apportionment payments until Proclamation 20-09, et seq., requirements are met. The first apportionment payment to be withheld will be for the month outlined in the second notice. The first apportionment payment and subsequent payments will be withheld until the local education authority meets Proclamation 20-09, et seq., requirements.

(3) **Reinstatement of apportionment:** A local education agency will be eligible to receive any withheld monthly apportionment, less any reduction under subsection (4) of this section, when the state superintendent has determined that the local education agency is complying with Proclamation 20-09, et seq. Such payments will be made at the next available monthly apportionment cycle.

(4) **Reduction of apportionment after persistent willful failure to meet requirements:** If the local education agency does not comply with the requirements under Proclamation 20-09, et seq., for two monthly apportionment cycles, any subsequent state basic education payments withheld for noncompliance will be reduced proportionately by a ratio equal to the number of school days held while the district was in violation of Proclamation 20-09, et seq., divided by 180 school days.

#### NEW SECTION

##### **WAC 392-117-085 Failure to comply with vaccination requirements.**

School districts, charter schools, and other local education agencies receiving state funds must comply with Proclamation 21-14, et seq. Local education agencies that fail to meet the requirements under Proclamation 21-14, et seq., are subject to the following course of action.

(1) **First notice:** Upon the superintendent of public instruction's determination that a local education agency has willfully failed to meet Proclamation 21-14, et seq., requirements, the state superintendent will provide notice of the determination to the local education agency. The local education agency will have 15 days from the receipt of the notice to provide verification of compliance. Unless the state superintendent provides instructions to the contrary, verification of compliance means a resolution passed by the local education agency which rescinds any actions previously taken prohibiting compliance or enforcement of Proclamation 21-14, et seq. If the local education agency's willful failure to comply with Proclamation 21-14, et seq., requirements is not corrected within 15 days of the state superintendent's first notice, the state superintendent will provide a second notice to the local education agency.

(2) **Second notice and withholding of apportionment:** The second notice will describe the state superintendent's determination and will identify a five day deadline for corrective action. If the local education agency does not provide verification of compliance prior to the deadline in the state superintendent's second notice, the state superintendent may withhold the local education agency's subsequent monthly apportionment payments until Proclamation 21-14, et seq., requirements are met. The first apportionment payment to be withheld will be for the month outlined in the second notice. The first apportionment payment and subsequent payments will be withheld until the local education authority meets Proclamation 21-14, et seq., requirements.

(3) **Reinstatement of apportionment:** A local education agency will be eligible to receive any withheld monthly apportionment, less any reduction under subsection (4) of this section, when the state superintendent has determined that the local education agency is complying with Proclamation 21-14, et seq. Such payments will be made at the next available monthly apportionment cycle.

(4) **Reduction of apportionment after persistent willful failure to meet requirements:** If the local education agency does not comply with the requirements under Proclamation 21-14, et seq., for two monthly apportionment cycles, any subsequent state basic education payments withheld for noncompliance will be reduced proportionately by a ratio equal to the number of school days held while the district was in violation of Proclamation 21-14, et seq., divided by 180 school days.