

**WAC 392-140-605 Special education safety net—Application types, certification, worksheets.** Application for safety net awards shall be made on Form SPI 1381 - Certification published by the office of the superintendent of public instruction. Applications will be considered and awards made according to the schedule published in the annual *Safety Net Bulletin*.

(1) Local education agencies may make application for safety net awards in the following categories, except that the same students may not be submitted in more than one category:

(a) High need student(s);

(b) High need student(s) served in residential schools, programs for juveniles under the department of corrections, and programs for juveniles operated under city and county jails; or

(c) Community impact factors.

(2) The applicant for any category of safety net awards shall certify that:

(a) Differences in costs attributable to local education agency philosophy, service delivery choice, or accounting practice are not a legitimate basis for safety net awards;

(b) The application complies with the respective safety net application standards of WAC 392-140-616 and 392-140-617;

(c) The application provides true, accurate, and complete information;

(d) The applicant acknowledges that safety net funding is not an entitlement, is subject to adjustment and recovery, may not be available in future years, must be expended in program 21 or program 24 as specified in the conditional decision letter, and certifies that federal medicaid has been billed for all services to eligible students consistent with RCW 28A.150.392 (2)(i) or consents to receive a deduction calculated by the office of the superintendent of public instruction as a percentage of the billing rates published by the health care authority to compensate for the local education agency's decision not to pursue medicaid reimbursement, if applicable;

(e) The applicant is making reasonable effort to provide appropriate services for students in need of special education using state funding generated by the basic education apportionment and special education funding formulas and federal funding in an efficient manner;

(f) All available state and federal funding is insufficient to address the request for additional funds;

(g) The costs of any supplemental contracts are not included for purposes of determining safety net awards. Supplemental contracts are those contracts made pursuant to RCW 28A.400.200(4) excluding extended school year contracts (ESY) required by an IEP; and

(h) The costs of any summer school instruction are not included for purposes of making safety net determinations excluding extended school year contracts (ESY) required by an individualized education program.

(3) Worksheet A shall be included with the application and must demonstrate the applicant's capacity for safety net awards. Worksheet A is used to determine a maximum amount of safety net award eligibility. Award amounts may be less than the maximum potential amount of safety net award eligibility determined on worksheet A.

(4) All high need student applications shall include worksheets A and C, the Summary of Applications for High Need Individual Students form published in the safety net application, the individualized edu-

cation programs applicable during the application period, and certification of standards and criteria pursuant to WAC 392-140-616.

(5) All community impact applications shall include worksheet A, the community impact application, all supporting documentation, and certification of standards and criteria pursuant to WAC 392-140-617.

[Statutory Authority: RCW 28A.155.090 and 28A.150.290. WSR 19-01-039, § 392-140-605, filed 12/13/18, effective 1/13/19. Statutory Authority: RCW 28A.150.290 and 28A.710.220. WSR 15-18-078, § 392-140-605, filed 8/28/15, effective 9/28/15. Statutory Authority: RCW 28A.150.290. WSR 13-05-054, § 392-140-605, filed 2/13/13, effective 3/16/13; WSR 08-03-096, § 392-140-605, filed 1/17/08, effective 2/17/08; WSR 06-01-017, § 392-140-605, filed 12/9/05, effective 1/9/06. Statutory Authority: RCW 28A.150.290 and 1999 c 309 § 507(7). WSR 04-08-118, § 392-140-605, filed 4/6/04, effective 5/7/04; WSR 03-02-053, § 392-140-605, filed 12/26/02, effective 1/26/03. Statutory Authority: RCW 28A.150.290. WSR 02-05-036, § 392-140-605, filed 2/12/02, effective 2/13/02; WSR 01-04-023, § 392-140-605, filed 1/30/01, effective 1/30/01. Statutory Authority: RCW 28A.150.290(2) and 1999 c 309 § 507(7). WSR 00-03-015, § 392-140-605, filed 1/7/00, effective 2/7/00. Statutory Authority: RCW 28A.150.290 and 1997 c 149 § 507(8). WSR 98-08-013 (Order 98-05), § 392-140-605, filed 3/18/98, effective 4/18/98. Statutory Authority: RCW 28A.150.290 and 1995 2nd sp.s. c 18 as modified by 1996 c 283. WSR 96-19-095 (Order 96-15), § 392-140-605, filed 9/18/96, effective 10/19/96.]