

**WAC 392-140-60120 Definition—Capacity for funding.** For the purpose of state special education safety net funding, potential capacity for funding exists when an applicant's net special education expenditures exceed total resources available demonstrating a fiscal capacity in excess of all available revenue to the applicant for special education services, including state and federal revenue, program income generated by such state and/or federally funded special education programs, and all carryover of state and federal special education revenue. Local education agencies with demonstrated capacity and approved applications may access safety net award regardless of the percentage of the local education agency's enrollment of students with disabilities. Beginning in 2020-21, applicants must either submit high need student applications with adjustments for medicaid billing, if applicable or receive a deduction calculated by 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.

[Statutory Authority: RCW 28A.155.090. WSR 21-19-065, § 392-140-60120, filed 9/14/21, effective 10/15/21. Statutory Authority: RCW 28A.155.090 and 28A.150.290. WSR 19-01-039, § 392-140-60120, filed 12/13/18, effective 1/13/19.]