

**WAC 180-16-225 Waiver—Substantial lack of classroom space—Grounds**

**and procedure.** (1) **Grounds.** The ~~state board of education~~superintendent of public instruction may waive one or more of the basic education allocation entitlement requirements set forth in WAC 180-16-200 through 180-16-220(1) only if a school district's failure to comply with such requirement(s) is found by the ~~state board~~superintendent of public instruction to be caused by substantial lack of classroom space.

As a condition to a waiver based on substantial lack of classroom space the state board will consider and a school district must demonstrate, at least, that the facilities of the school district do not contain enough classroom space or other space that can reasonably be converted into classroom space, and that necessary classroom space may not reasonably be acquired by lease or rental to enable the district to comply with the referenced entitlement requirements.

(2) **Waiver procedure.** In order to secure a waiver pursuant to subsection (1) of this section a school district must submit a petition together with a detailed explanation and documentation in support of its request not later than ~~thirty days prior~~the deadline in a schedule issued by the superintendent of public instruction and to either the commencement of the school year.

~~(a) The state board of education meeting immediately preceding commencement of the school year; or~~

~~(b) The March (or such other meeting as the state board shall have established) meeting of the board at which the board will consider certifications of compliance and noncompliance with these entitlement requirements.~~

~~A school district that can reasonably foresee an inability to comply with entitlement requirements by reason of substantial lack of classroom space should petition for a waiver as early as the state board meeting immediately preceding commencement of the school year in order to allow for the possibility that the request may be denied.~~

[Statutory Authority: RCW 28A.150.220, 28A.305.140, and 28A.305.130. WSR 04-23-008, § 180-16-225, filed 11/4/04, effective 12/5/04. Statutory Authority: RCW 28A.150.220(4), 28A.305.140, and 28A.305.130(6). WSR 04-04-093, § 180-16-225, filed 2/3/04, effective 3/5/04. Statutory Authority: RCW 28A.58.754(6). WSR 86-13-015 (Order 5-86), § 180-16-225, filed 6/10/86; WSR 84-11-043 (Order 2-84), § 180-16-225, filed 5/17/84. Statutory Authority: RCW 28A.04.120. WSR 83-13-002 (Order 3-83), § 180-16-225, filed 6/2/83; WSR 80-06-093 (Order 7-80), § 180-16-225, filed 5/29/80. Statutory Authority: RCW 28A.41.130 and 28A.58.754. WSR 78-06-097 (Order 3-78), § 180-16-225, filed 6/5/78.]