

AMENDATORY SECTION (Amending WSR 24-22-051, filed 10/28/24, effective 11/28/24)

WAC 392-121-436 Emergency advance payments—School district application. The board of directors of a school district or a charter school board may apply for any emergency advance on the school district's or charter school's basic education allocation. The application shall take the form of a resolution adopted by the board setting forth the following:

- (1) The nature of the unforeseen condition requiring the advance;
- (2) The amount requested to be advanced;
- (3) The net cash and investment balance of the general fund as of the date of the resolution;
- (4) A forecast of the general fund receipts, disbursements, and net cash and investment balance for each month remaining in the fiscal year;
- (5) A disclosure of any existing or planned general fund revenue anticipation notes;
- (6) A disclosure of any existing or planned general fund loan to or from another fund of the school district or charter school; and
- (7) A written acknowledgment that funds advanced will be repaid in accordance with WAC 392-121-443, subject to approval by the superintendent of public instruction.

The application must be received by the office of the superintendent of public instruction no later than April 15th.

AMENDATORY SECTION (Amending WSR 24-22-051, filed 10/28/24, effective 11/28/24)

WAC 392-121-438 Emergency advance payments—Approval criteria. The superintendent of public instruction shall approve requests for an emergency advance if the following conditions are met:

- (1) The unforeseen condition causing the need for the emergency advance could not have been anticipated by a reasonably prudent person.
- (2) It is probable that if the emergency advance is not made that the school district or charter school will be on:
 - (a) An interest-bearing, warrant-issuing basis within two months following the receipt of the resolution; and
 - (b) Warrant interest for at least three months from September through June.
- (3) The school district or charter school shall not have:
 - (a) Cash investments of the general fund during the months it estimates that it would pay warrant interest except for the emergency advance; or
 - (b) Inter-fund loans from the general fund to any other funds during the months it estimates that it would pay warrant interest; or
 - (c) Any existing or anticipated general fund revenue anticipated notes.

Applications and payouts for apportionment advances can be processed only during the months of October through ~~((July))~~ May. Advance requests ~~((for the months of May and June))~~ shall not be approved if

the superintendent of public instruction determines that the apportionment advance may result in any school district or charter school (~~would be~~) being short paid at the end of the fiscal year due to lack of appropriation of funds after considering transfer authority.

AMENDATORY SECTION (Amending WSR 24-22-051, filed 10/28/24, effective 11/28/24)

WAC 392-121-443 Emergency advance payments—Repayment of advances. Repayments of advances will be accomplished by a reduction in the school district's or charter school's apportionment payments. Under RCW 28A.510.250, all apportionment advances must be repaid during the apportionment year in which the funds are advanced. The repayment requirements are defined as follows:

(1) For advances received before June, at least ~~((50))~~ 80 percent of the amount advanced must be repaid ~~((in or before))~~ June 30th of the current school year, with the remaining balance repaid no later than August 31st of the current school year.

~~(2) ((For advances received in June, at least 50 percent of the amount advanced must be repaid in July of the current school year, with the remaining balance paid in August of the current school year.~~

~~(3) For advances received in July, the full balance must be repaid in August of the current school year.~~

~~(4))~~ In no instance can an apportionment advance be repaid and reapproved in the subsequent month.