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# SUPERINTENDENT OF PUBLIC INSTRUCTION

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*Chris Reykdal* Old Capitol Building · PO BOX 47200 · Olympia, WA 98504-7200 · <http://www.k12.wa.us>

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February 28, 2019

( ) Action Required  
(X) Informational

## BULLETIN NO. 011-19 SCHOOL APPORTIONMENT AND FINANCIAL SERVICES

TO: Educational Service District Superintendents  
School District Superintendents  
School District Business Managers  
School Building Principals  
School District Personnel Directors

FROM: Chris Reykdal, Superintendent of Public Instruction

RE: Establishing and Administering District Leave Sharing Programs

CONTACT: T.J. Kelly, Interim Chief Financial Officer  
[thomas.kelly@k12.wa.us](mailto:thomas.kelly@k12.wa.us), 360-725-6301  
Agency TTY 360-664-3631

### **PURPOSE**

The purpose of this bulletin is to inform you that the Office of Superintendent of Public Instruction (OSPI) intends to initiate rulemaking regarding the establishment and administration of school district and educational service district (ESD) leave sharing programs under RCW 41.04.650 through 41.04.665.

### **BACKGROUND**

Washington State's employee shared leave program was established in 1989 to permit certain qualifying state, school district, and ESD employees to transfer annual leave, sick leave, or personal holidays to fellow employees who are experiencing circumstances that may cause them to take leave without pay or terminate their employment.

School districts and ESDs are not required to participate in a shared leave program. However, if districts establish and administer a shared leave program it must be consistent with RCW 41.04.650 through 41.04.665.

RCW 41.04.650 through 41.04.665 and RCW 28A.400.380 currently authorize school districts and ESDs to permit their employees to receive shared leave when:

- The employee, or a relative or household member of the employee, suffers from an illness, injury, impairment, or physical or mental condition which is of an extraordinary or severe nature;
- The employee has been called to service in the uniformed services;
- The employee is a current member of the uniformed services or is a veteran as defined under law, and is attending medical appointments or treatments for a service connected injury or disability;
- The employee is a spouse of a current member of the uniformed services or a veteran who is attending medical appointments or treatments for a service connected injury or disability and requires assistance while attending appointment or treatment;
- A state of emergency has been declared anywhere within the United States by the federal or any state government and the employee has needed skills to assist in responding to the emergency or its aftermath and volunteers his or her services to either a governmental agency or to a nonprofit organization engaged in humanitarian relief in the devastated area, and the governmental agency or nonprofit organization accepts the employee's offer of volunteer services;
- The employee is a victim of domestic violence, sexual assault, or stalking;
- The employee needs the time for parental leave; or
- The employee is sick or temporarily disabled because of pregnancy disability.

Employees must have depleted or will shortly deplete all of their annual leave and other relevant types of leave to qualify for shared leave under RCW 41.04.650 through 41.04.665. However, employees who receive shared leave for parental leave, or for sickness or temporary disability due to pregnancy disability, are not required to deplete all of their annual and sick leave, and may maintain up to 40 hours of annual leave and 40 hours of sick leave in reserve.

School district and ESD superintendents determine the amounts of shared leave that employees may receive. Employees must not receive more than 522 days of shared leave, except when a supervisor authorizes such leave in certain extraordinary circumstances.

### **SHARED LEAVE PROGRAM STANDARDS FOR DISTRICT EMPLOYEES**

RCW 28A.400.380 authorizes OSPI to adopt standards establishing 1) appropriate parameters for school districts and ESDs to utilize in their shared leave programs; and 2) procedures to ensure that the program does not significantly increase the cost of providing leave. OSPI has adopted rules pursuant to this authority at WAC 392-126-004 through -104.

The shared leave program standards in chapter 392-126 WAC provide for additional criteria regarding, among other things, the donation, repayment, proration, and transfer of shared leave. OSPI's standards also identify the verification documentation that districts must require employees to provide before the district approves or disapproves requests for shared leave related to conditions of an extraordinary or severe nature and service in the uniformed services.

On February 20, 2019, OSPI filed a preproposal statement of inquiry to initiate rule-making amending the shared leave program rules in chapter 392-126. OSPI intends to revise the rules to align them with the underlying statutory requirements in RCW 41.04.650 through 41.04.665, establish additional appropriate parameters and procedures for school district and ESD shared leave programs, and make other technical and housekeeping changes. We anticipate that proposed district leave sharing rules will be published later this spring, with final rules adopted before the start of the 2019–20 school year. OSPI encourages you to participate in this rulemaking by following the rulemaking activity on OSPI's webpage and providing comments to the proposed rules when they are published. You can visit OSPI's [rulemaking web page](#) for more information.

During the rulemaking process, school districts may refer to the shared leave documentation verification standards that the Office of Financial Management has adopted for state employees at [WAC 357-31-405](#).

### **INFORMATION AND ASSISTANCE**

For questions regarding this bulletin, please contact T.J. Kelly, Interim Chief Financial Officer, at 360-725-6301, or email [thomas.kelly@k12.wa.us](mailto:thomas.kelly@k12.wa.us). The OSPI TTY number is 360-664-3631.

This bulletin is also available on [OSPI's Bulletins and Memoranda website](#).

Jamila B. Thomas  
Chief of Staff

T.J. Kelly  
Interim Chief Financial Officer  
School Apportionment and Financial Services

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