



# RULE-MAKING ORDER

## CR-103 (June 2004) (Implements RCW 34.05.360)

Agency: Superintendent of Public Instruction

- Permanent Rule
- Emergency Rule

Effective date of rule:

### Permanent Rules

- 31 days after filing.
- Other (specify) \_\_\_\_\_ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

Effective date of rule:

### Emergency Rules

- Immediately upon filing.
- Later (specify) \_\_\_\_\_

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

- Yes
  - No
- If Yes, explain:

**Purpose:** The current rule calls for the tracking of at least 2% or greater of facility maintenance expenditures over the last 15 years for a state assisted new facility built after 1993 in order to qualify to modernize that facility with state assistance.. Although the intent is judged to be valuable, the implementation of the rule has been deemed to be problematic and does not necessarily achieve the desired results under the proposed rule, an Asset Preservation Program (APP) is established which requires school boards to commit to maintaining facilities by developing a plan for asset preservation and maintenance, including an on-going condition assessment of all components and annual reporting. Designed to ensure the legislative intent, the revised rule retains financial penalties for eligibility of state assistance, but through a performance standard rather than through an accounting standard.

Citation of existing rules affected by this order:

- Repealed:
- Amended: 392-347-023
- Suspended:

Statutory authority for adoption: 28A-525-020 Duties of Superintendent of Public Instruction

Other authority :

### PERMANENT RULE ONLY (Including Expedited Rule Making)

Adopted under notice filed as WSR 09-06-041 on 4/25/09 (date).

Describe any changes other than editing from proposed to adopted version: (1) Definitions: For purposes of this chapter:

(a) An asset preservation program is a systematic approach to ensure performance accountability; promote student health and safety; by maintaining and operating building systems to their design capacity; ~~create~~ maintain an encouraging learning environment; and extend building life, thus minimizing future capital needs.

5 (d) Buildings accepted by the school board after December 31, 2010 must implement an asset preservation APP program within six months of upon facility acceptance.

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

Name: \_\_\_\_\_ phone ( ) \_\_\_\_\_  
 Address: \_\_\_\_\_ fax ( ) \_\_\_\_\_  
 e-mail \_\_\_\_\_

### EMERGENCY RULE ONLY

Under RCW 34.05.350 the agency for good cause finds:

- That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
- That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this finding:

Date adopted:

NAME (TYPE OR PRINT)

Randy I. Dorn

SIGNATURE

TITLE

Superintendent of Public Instruction

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 CODE REVISER'S OFFICE  
 STATE OF WASHINGTON  
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