



# PROPOSED RULE MAKING

## CR-102 (December 2017) (Implements RCW 34.05.320)

Do NOT use for expedited rule making

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STATE OF WASHINGTON  
FILED

DATE: September 14, 2021

TIME: 2:21 PM

WSR 21-19-066

Agency: Office of Superintendent of Public Instruction (OSPI)

Original Notice

Supplemental Notice to WSR \_\_\_\_\_

Continuance of WSR \_\_\_\_\_

Preproposal Statement of Inquiry was filed as WSR 21-09-086 ; or

Expedited Rule Making--Proposed notice was filed as WSR \_\_\_\_\_; or

Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1); or

Proposal is exempt under RCW \_\_\_\_\_.

Title of rule and other identifying information: (describe subject) WAC 392-121-249 through -299 -- Finance—General Apportionment -- Certificated Instructional Staff

### Hearing location(s):

Date:	Time:	Location: (be specific)	Comment:
October 27, 2021	1:00 pm	Webinar via Zoom (call-in option will be available)	Due to ongoing public health emergency related to the COVID-19 virus pandemic, this public hearing will be held by webinar via Zoom (with a call-in option). There will be no physical location for the hearing. For information on registering and participating, please visit OSPI's website at <a href="https://www.k12.wa.us/policyfunding/ospi-rulemaking-activity">https://www.k12.wa.us/policyfunding/ospi-rulemaking-activity</a> . For questions, please email: <a href="mailto:Kristin.murphy@k12.wa.us">Kristin.murphy@k12.wa.us</a>

Date of intended adoption: November 1, 2021 (Note: This is NOT the effective date)

### Submit written comments to:

Name: Ross Bunda

Address: OSPI, PO Box 47200, Olympia, WA 98504-7200

Email: [ross.bunda@k12.wa.us](mailto:ross.bunda@k12.wa.us)

Fax: 360-664-3683

Other:

By (date) October 27, 2021

### Assistance for persons with disabilities:

Contact [Kristin Murphy](#)

Phone: 360-725-6133

Fax: 360-754-4201

TTY: 360-664-3631

Email: [Kristin.murphy@k12.wa.us](mailto:Kristin.murphy@k12.wa.us)

Other:

By (date) October 20, 2021

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:** OSPI is proposing rule revisions regarding data collection requirements on the S-275 school personnel report after the 2018 Washington Legislature made significant changes to how school districts are funded and how educators are compensated. The Washington Legislature no longer provides funding to school districts for teacher salary and benefits tied to their education level (degree and credits) and certificated years of experience. Rule revisions are needed to implement those changes while continuing to collect S-275 education and experience data as needed.

**Reasons supporting proposal:** The proposed rule revisions are needed to provide simplified, but accurate, data for the Washington Legislature to review and rebase state salary allocations that align with the staffing costs for the state's program of basic education pursuant to RCW 28A.150.410

**Statutory authority for adoption:** RCW 28A.150.290(1)

**Statute being implemented:**

**Is rule necessary because of a:**

Federal Law?  Yes  No  
Federal Court Decision?  Yes  No  
State Court Decision?  Yes  No

If yes, CITATION:

**Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:**

**Name of proponent:** (person or organization)  Private  
 Public  
 Governmental

**Name of agency personnel responsible for:**

	Name	Office Location	Phone
Drafting:	Ross Bunda	OSPI, 600 S. Washington Street, Olympia, WA	360-725-6308
Implementation:	Michelle Matakas	OSPI, 600 S. Washington Street, Olympia, WA	360-725-6019
Enforcement:	T.J. Kelly	OSPI, 600 S. Washington Street, Olympia, WA	360-725-6301

**Is a school district fiscal impact statement required under RCW 28A.305.135?**  Yes  No

If yes, insert statement here:

The public may obtain a copy of the school district fiscal impact statement by contacting:

Name:  
Address:  
Phone:  
Fax:  
TTY:  
Email:  
Other:

**Is a cost-benefit analysis required under RCW 34.05.328?**

Yes: A preliminary cost-benefit analysis may be obtained by contacting:  
Name:  
Address:  
Phone:  
Fax:

TTY:  
Email:  
Other:

No: Please explain: The Superintendent of Public Instruction is not subject to RCW 34.05.328 per section (5)(a)(i). Additionally, this rule is not a significant legislative rule per section (5)(c)(iii).

**Regulatory Fairness Act Cost Considerations for a Small Business Economic Impact Statement:**

This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see chapter 19.85 RCW). Please check the box for any applicable exemption(s):

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.061 because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Please cite the specific federal statute or regulation this rule is being adopted to conform or comply with, and describe the consequences to the state if the rule is not adopted.

Citation and description:

This rule proposal, or portions of the proposal, is exempt because the agency has completed the pilot rule process defined by RCW 34.05.313 before filing the notice of this proposed rule.

This rule proposal, or portions of the proposal, is exempt under the provisions of RCW 15.65.570(2) because it was adopted by a referendum.

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.025(3). Check all that apply:

- |   |  |
|---|--|
| <input type="checkbox"/> RCW 34.05.310 (4)(b)<br>(Internal government operations) | <input type="checkbox"/> RCW 34.05.310 (4)(e)<br>(Dictated by statute)   |
| <input type="checkbox"/> RCW 34.05.310 (4)(c)<br>(Incorporation by reference)     | <input type="checkbox"/> RCW 34.05.310 (4)(f)<br>(Set or adjust fees)  |
| <input type="checkbox"/> RCW 34.05.310 (4)(d)<br>(Correct or clarify language)    | <input type="checkbox"/> RCW 34.05.310 (4)(g)<br>((i) Relating to agency hearings; or (ii) process requirements for applying to an agency for a license or permit) |

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.030.

Explanation of exemptions, if necessary: No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed amendment does not have an impact on small business and therefore does not meet the requirements for a statement under RCW 19.85.030 (1) or (2).

**COMPLETE THIS SECTION ONLY IF NO EXEMPTION APPLIES**

If the proposed rule is **not exempt**, does it impose more-than-minor costs (as defined by RCW 19.85.020(2)) on businesses?

- No Briefly summarize the agency's analysis showing how costs were calculated. \_\_\_\_\_
- Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses, and a small business economic impact statement is required. Insert statement here:

The public may obtain a copy of the small business economic impact statement or the detailed cost calculations by contacting:

Name:  
Address:  
Phone:  
Fax:  
TTY:  
Email:  
Other:

Date: September 14, 2021

Name: Chris Reykdal

Title: State Superintendent of Public Instruction

Signature: