



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: July 19, 2022

TIME: 2:12 PM

WSR 22-15-102

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 22-12-088 ; 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 392-349-015 – Small School Plants, proposed changes regarding review of remote and necessary status.

Hearing location(s):

Date:	Time:	Location: (be specific)	Comment:
August 23, 2022	10:00 a.m.	Webinar via Zoom (call-in option also available). Participation link available on OSPI website: k12.wa.us/policy-funding/ospi-rulemaking-activity	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 participating, please visit OSPI's website at k12.wa.us/policy-funding/ospi-rulemaking-activity . For questions, please email: kristin.murphy@k12.wa.us

Date of intended adoption: August 26, 2022 (Note: This is **NOT** the **effective** date)

Submit written comments to:

Name: Scott Black

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

Email: schoolfacilitiesrules@k12.wa.us

Fax:

Other:

By (date) August 23, 2022

Assistance for persons with disabilities:

Contact Kristin Murphy

Phone: 360-725-6133

Fax:

TTY: 360-664-3631

Email: kristin.murphy@k12.wa.us

Other:

By (date) August 16, 2022

Purpose of the proposal and its anticipated effects, including any changes in existing rules: OSPI is proposing to remove the requirement concerning reviewing remote and necessary schools every four years to determine if the schools can continue to keep their remote and necessary status.

Reasons supporting proposal: Existing statutes & rules establish the conditions necessary to become a remote and necessary district and further defines conditions when a school would lose its remote and necessary status. The conditions that designate the remote and necessary status do not change due to the remoteness of the schools. The change will save administrative time and effort.

Statutory authority for adoption: RCW 28A.525.020

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:	Scott Black	OSPI, 600 S. Washington St., Olympia, WA	360-742-4028
Implementation:	Scott Black	OSPI, 600 S. Washington St., Olympia, WA	360-742-4028
Enforcement:	Randy Newman	OSPI, 600 S. Washington St., Olympia, WA	

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:

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:

- RCW 34.05.310 (4)(b) (Internal government operations)
- RCW 34.05.310 (4)(c) (Incorporation by reference)
- RCW 34.05.310 (4)(d) (Correct or clarify language)
- RCW 34.05.310 (4)(e) (Dictated by statute)
- RCW 34.05.310 (4)(f) (Set or adjust fees)
- RCW 34.05.310 (4)(g) ((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: July 19, 2022	Signature: 
Name: Chris Reykdal	
Title: State Superintendent of Public Instruction	