**PROPOSED RULE MAKING**

CR-102 (July 2022)
(Implements RCW 34.05.320)
Do NOT use for expedited rule making

**Agency:** Office of Superintendent of Public Instruction (OSPI)

- Original Notice
- Preproposal Statement of Inquiry was filed as WSR 21-13-161; or
- Expedition 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) Chapter 392-136A WAC  Finance – Shared Leave

**Hearing location(s):**

<table>
<thead>
<tr>
<th>Date:</th>
<th>Time:</th>
<th>Location: (be specific)</th>
<th>Comment:</th>
</tr>
</thead>
<tbody>
<tr>
<td>December 8, 2022</td>
<td>11:00 am</td>
<td>Virtual Public Hearing via Zoom (call-in option also available). Participation link available on OSPI Rules webpage: k12.wa.us/policy-funding/osi-rulemaking-activity</td>
<td>The hearing will be held as a virtual public hearing, without a physical meeting space. Please visit the OSPI Rules webpage for information on participating in the hearing: k12.wa.us/policy-funding/osi-rulemaking-activity For participation questions, please email: <a href="mailto:kristin.murphy@k12.wa.us">kristin.murphy@k12.wa.us</a></td>
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**Date of intended adoption:** December 12, 2022 (Note: This is NOT the effective date)

**Submit written comments to:**

Name: T.J. Kelly  
Address: OSPI, PO Box 47200, Olympia, WA 98504  
Email: Thomas.kelly@k12.wa.us  
Fax: Other:  
By (date) December 8, 2022

**Assistance for persons with disabilities:**

Contact Kristin Murphy, OSPI Rules Coordinator  
Phone: 360-725-6133  
TTY: 360-664-3631  
Email: kristin.murphy@k12.wa.us  
Other:  
By (date) December 1, 2022

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:** OSPI is proposing changes to the shared leave rules to align with current language in RCW 41.04.650 through 41.04.671. The purpose is to clearly articulate changes to the shared leave statutes as applicable to school district staff and educational service district staff. Proposed updates, in alignment with statute, include sections related to definitions, eligibility, and use of shared leave.

**Reasons supporting proposal:** Shared leave statutes were amended by the Washington State Legislature (HB 2739 (2020)). The proposed changes to chapter 392-136A WAC align with those made to the authorizing and related statutes.

**Statutory authority for adoption:** : RCW 28A.400.380

**Is rule necessary because of a:**

- Federal Law?  
- Federal Court Decision?  
- State Court Decision?

If yes, CITATION:

**Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:**
**Type of proponent:** ☐ Private ☐ Public ☐ Governmental

**Name of proponent:** (person or organization)

<table>
<thead>
<tr>
<th>Name of agency personnel responsible for:</th>
<th>Name</th>
<th>Office Location</th>
<th>Phone</th>
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<tbody>
<tr>
<td>Drafting: Thomas Kelly</td>
<td>OSPI, 600 S. Washington St, Olympia, WA</td>
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<tr>
<td>Implementation: Thomas Kelly</td>
<td>OSPI, 600 S. Washington St, Olympia, WA</td>
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<tr>
<td>Enforcement:</td>
<td>OSPI, 600 S. Washington St, Olympia, WA</td>
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**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 and Small Business Economic Impact Statement**

Note: The [Governor's Office for Regulatory Innovation and Assistance (ORIA)](https://www.gov.wa.us/oria) provides support in completing this part.

(1) **Identification of exemptions:**

This rule proposal, or portions of the proposal, may be exempt from requirements of the Regulatory Fairness Act (see chapter 19.85 RCW). For additional information on exemptions, consult the [exemption guide published by ORIA](https://www.gov.wa.us/oria). 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 19.85.025(4) (does not affect small businesses).
☒ This rule proposal, or portions of the proposal, is exempt under RCW 19.85.030.

Explanation of how the above exemption(s) applies to the proposed rule: 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).

(2) Scope of exemptions: Check one.
☒ The rule proposal is fully exempt (skip section 3). Exemptions identified above apply to all portions of the rule proposal.
☐ The rule proposal is partially exempt (complete section 3). The exemptions identified above apply to portions of the rule proposal, but less than the entire rule proposal. Provide details here (consider using this template from ORIA):
☐ The rule proposal is not exempt (complete section 3). No exemptions were identified above.

(3) Small business economic impact statement: Complete this section if any portion is not exempt.

If any portion of 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 minor cost analysis and how the agency determined the proposed rule did not impose more-than-minor costs. ______
☐ Yes  Calculations show the rule proposal likely imposes more-than-minor cost to businesses and a small business economic impact statement is required. Insert the required small business economic impact 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: November 2, 2022

Name: Chris Reykdal

Title: State Superintendent of Public Instruction

Signature: [Signature]

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