



# 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: August 19, 2019

TIME: 4:02 PM

WSR 19-17-061

**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** 19-11-112 ; 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) Chapter 392-141 WAC—Transportation—State Allocation for Operations

**Hearing location(s):**

Date:	Time:	Location: (be specific)	Comment:
October 1, 2019	10:00 a.m.	Wanamaker Meeting Room Office of Superintendent of Public Instruction, 600 S. Washington Street, Olympia, WA 98501	Individuals planning to comment should arrive to OSPI by 10:00 a.m.

**Date of intended adoption:** October 4, 2019 (Note: This is **NOT** the **effective** date)

**Submit written comments to:**

Name: Patti Enbody, Director

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

Email: [patti.enbody@k12.wa.us](mailto:patti.enbody@k12.wa.us)

Fax: n/a

Other:

By (date) October 1, 2019

**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) September 24, 2019

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:** Districts received a one-time legislative salary and benefit increase included in the transportation operations allocation for the 2018-19 school year to reflect the compensation increase with the passage of E2SSB 6362. Districts may not have time to utilize the increase in funds and may face recovery of transportation funds not expended. OSPI is therefore proposing to amend WAC 392-141-410 to allow a one year only carryover of unspent funds for the 2019-20 school year to prevent the recovery of 2018-19 allocation.

**Reasons supporting proposal:** Based upon the passage of E2SSB 6362, this new section will allow districts a one year only carryover of unspent funds for the 201-19 school year to prevent the recovery of 2018-19 allocation.

**Statutory authority for adoption:** RCW 28A.150.290

**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:	Patti Enbody	OSPI, Student Transportation	360-725-6122
Implementation:	Patti Enbody	OSPI, Student Transportation	360-725-6122
Enforcement:	T. J. Kelly	OSPI, Chief Financial Officer	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:

**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).

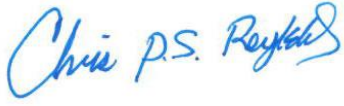
**COMPLETE THIS SECTION ONLY IF NO EXEMPTION APPLIES**

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:

<b>Date:</b> 8/19/19	<b>Signature:</b> 
<b>Name:</b> Chris Reykdal	
<b>Title:</b> State Superintendent of Public Instruction	