

**WSR 21-06-115  
PROPOSED RULES  
SUPERINTENDENT OF  
PUBLIC INSTRUCTION**

[Filed March 3, 2021, 10:26 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 21-02-085.

Title of Rule and Other Identifying Information: WAC 392-132-075  
Nonhigh school district capital fund payment schedules.

Hearing Location(s): On April 6, 2021, at 1:00 p.m., webinar via Zoom (call-in option will be available). Due to the public health emergency related to the COVID-19 virus pandemic, this public hearing will take place 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 <https://www.k12.wa.us/policyfunding/ospi-rulemaking-activity>. For questions, please email [kristin.murphy@k12.wa.us](mailto:kristin.murphy@k12.wa.us).

Date of Intended Adoption: April 9, 2021.

Submit Written Comments to: Scott Black, School Facilities, Office of Superintendent of Public Instruction (OSPI), P.O. Box 47200, Olympia, WA 98504, email [schoolfacilitiesrules@k12.wa.us](mailto:schoolfacilitiesrules@k12.wa.us), by April 6, 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), by March 30, 2021.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The purpose of the proposed rule change is to address capital construction agreements entered into by host and nonhigh school districts. Amending the rule, by adding a new section, would provide nonhigh districts (districts with no high school) with basic protections and ensure the host districts are able to secure financing of capital construction projects.

Reasons Supporting Proposal: Current rules could cause nonhigh school districts to be vulnerable to dissolution if the district and host high school district cannot agree to terms of capital construction financing. Amending the rule would provide nonhigh districts with basic protections and ensure host districts are able to secure necessary financing of capital construction projects.

Statutory Authority for Adoption: RCW 28A.525.020.

Rule is not necessitated by federal law, federal or state court decision.

Name of Agency Personnel Responsible for Drafting and Implementation: Scott Black, OSPI, 600 South Washington Street, Olympia, WA, 360-742-4028; Enforcement: Randy Newman, OSPI, 600 South Washington Street, Olympia, WA, 360-725-6268.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.030.

Explanation of exemptions: 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).

March 3, 2021  
Chris P. S. Reykdal  
State Superintendent  
of Public Instruction

OTS-2932.1

NEW SECTION

**WAC 392-132-075 Nonhigh school district capital fund payment schedules.** When determining a nonhigh school district's capital fund payments to a serving high school district, a serving high school district may not:

(1) Bill the nonhigh school district an amount which is greater than the sum of the calculation determined by the superintendent of public instruction under WAC 392-132-040;

(2) Collect capital funds payments from a nonhigh school district using an expedited payment schedule which would require the nonhigh school district to make capital fund payments on a more accelerated or condensed payment schedule than that of the serving high school district.

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