

WSR 21-09-090
PROPOSED RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION

[Filed April 21, 2021, 10:31 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 21-06-116.

Title of Rule and Other Identifying Information: WAC 392-244-130
Disbursements of moneys—Sequence of payments.

Hearing Location(s): On May 27, 2021, at 11:00 a.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 office of superintendent of public instruction's (OSPI) website at <https://www.k12.wa.us/policyfunding/ospi-rulemaking-activity>. For questions, please email kristin.murphy@k12.wa.us.

Date of Intended Adoption: June 3, 2021.

Submit Written Comments to: Scott Black, OSPI, School Facilities, P.O. Box 47200, Olympia, WA 98504, email schoolfacilitiesrules@k12.wa.us, by May 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, by May 20, 2021.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The proposed rule changes would allow OSPI flexibility to disburse state funding assistance for school district projects which are also receiving small district modernization grant funds.

Reasons Supporting Proposal: The proposed rule changes would assist school districts in minimizing project financing costs and provide additional time for a school district to secure sufficient local funding to meet its local funding obligations.

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, 360-742-4028; and Enforcement: Randy Newman, OSPI, 600 South Washington Street, Olympia, 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).

April 21, 2021
Chris P. S. Reykdal
State Superintendent
of Public Instruction

OTS-2841.1

AMENDATORY SECTION (Amending WSR 10-09-008, filed 4/8/10, effective 5/9/10)

WAC 392-344-130 Disbursement of moneys—Sequence of payments.

The order in which funds shall be disbursed for school facility construction shall be as follows:

(1) Prior to payment of state funding assistance, the school district shall make payments on all claims submitted until such time as the total amount of local funds obligated by the district have been expended.

(2) When local funds have been expended as in subsection (1) of this section, payments of state funding assistance shall then be made: Provided, That for projects authorized for state funding assistance pursuant to WAC 392-344-115(2) after June 30, 1993, payment shall be made after receipt of written certification by the school district board of directors that the school facility project authorized for state funding assistance has been or will be completed according to the purposes for which the state funding assistance is being provided.

(3) Payment of state funding assistance for projects receiving small district modernization grant funds authorized under RCW 28A.525.159 may receive payment prior to the expenditure of local funds obligated by the district with the approval of the superintendent of public instruction. The maximum amount of state funding assistance a district may receive prior to the expenditure of local funds obligated by the district is ninety percent.

[Statutory Authority: RCW 28A.525.020. WSR 10-09-008, § 392-344-130, filed 4/8/10, effective 5/9/10; WSR 06-16-032, amended and recodified as § 392-344-130, filed 7/25/06, effective 8/25/06. Statutory Authority: RCW 28A.525.020 and 1994 c 6 sp.s. WSR 94-13-019, § 180-29-130, filed 6/3/94, effective 7/4/94. Statutory Authority: RCW 28A.47.830. WSR 83-21-067 (Order 12-83), § 180-29-130, filed 10/17/83.]