

WSR 22-15-102
PROPOSED RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION

[Filed July 19, 2022, 2:12 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 22-12-088.

Title of Rule and Other Identifying Information: WAC 392-349-015
Small school plants, proposed changes regarding review of remote and necessary status.

Hearing Location(s): On August 23, 2022, at 10:00 a.m. Webinar via Zoom (call-in option also available). Participation link available on the office of the superintendent of public instruction (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.

Submit Written Comments to: Scott Black, OSPI, P.O. Box 47200, Olympia, WA 98504-7200, email schoolfacilitiesrules@k12.wa.us, by August 23, 2022.

Assistance for Persons with Disabilities: Contact Kristin Murphy, phone 360-725-6133, TTY 360-664-3631, email kristin.murphy@k12.wa.us, by 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 and 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.

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.

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).

July 19, 2022

Chris P. S. Reykdal

State Superintendent of Public Instruction

OTS-3972.1

AMENDATORY SECTION (Amending WSR 15-17-074, filed 8/17/15, effective 9/17/15)

WAC 392-349-015 Remote and necessary small school plants—Review committee. (1) There is hereby established by the superintendent of public instruction a remote and necessary review committee comprised of at least the following five members:

(a) One member of the state board of education selected by the president of the board;

(b) Two staff members from the office of the superintendent of public instruction, one who is knowledgeable about finance issues and one who is knowledgeable about curriculum issues, both selected by the state superintendent;

(c) One school director selected by the Washington State School Directors' Association;

(d) One school district administrator selected by the Washington Association of School Administrators.

(2) Vacancies on the review committee shall be filled by the person or organization responsible for appointments.

(3) At the discretion of the superintendent of public instruction, other members may be added to the review committee.

(4) It is the responsibility of the review committee to receive and review all applications from school districts requesting the superintendent of public instruction to grant remote and necessary status to a small school plant located in the district. Following the review of applications, the review committee shall recommend to the superintendent of public instruction whether such designation should be granted. Recommendations of the review committee shall be advisory only. The final determination rests solely with the superintendent of public instruction.

~~(5) ((Every small school plant with remote and necessary status beginning 1996, shall be reviewed every four years by the review committee and the superintendent of public instruction. The review committee shall submit its findings and recommendations to the superintendent of public instruction. The review committee may conduct the review on-site, with the number of members participating determined by the committee, or may conduct the review by other means as determined by the committee.~~

~~(6))~~) A small school plant shall lose its remote and necessary status if the number of students exceeds the enrollment requirements set forth in the state Operating Appropriations Act for three consecutive years. The loss of remote and necessary status shall take effect the immediate ensuing school year. If a small school site should lose its remote and necessary status, the local serving school district may continue to maintain and operate the school site. When the enrollment of such small school plant again meets the requirements of the state

Operating Appropriations Act, the school district may apply to the superintendent of public instruction for redesignation as a remote and necessary plant.

~~((7))~~ (6) A small school plant shall lose its remote and necessary status if a local school district closes the small school plant. If the small school plant is reopened by the district, or a new small school plant is opened, the school district may apply to the superintendent of public instruction for remote and necessary designation for the small school plant. If such designation is granted, the remote and necessary status shall take effect as determined by the superintendent of public instruction.

[Statutory Authority: RCW 28A.315.175. WSR 15-17-074, § 392-349-015, filed 8/17/15, effective 9/17/15. Statutory Authority: RCW 28A.305.130 (5), (10), 28A.315.015 (2) (e), 28A.315.175, 28A.315.195(4), 28A.315.205(3). WSR 06-17-038, amended and recodified as § 392-349-015, filed 8/8/06, effective 9/8/06. WSR 05-13-061, recodified as § 180-16-243, filed 6/10/05, effective 6/10/05. Statutory Authority: 1994 sp.s. c 6 § 502 (i) (e). WSR 02-14-113, § 180-24-415, filed 7/2/02, effective 8/2/02. Statutory Authority: 1994 1st sp.s. c 6 § 502 (1) (e). WSR 97-21-069, § 180-24-415, filed 10/15/97, effective 11/15/97. Statutory Authority: 1994 sp.s. c 6 § 502(i) (e). WSR 95-20-055, § 180-24-415, filed 10/2/95, effective 11/2/95.]