

WSR 25-05-033
PROPOSED RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION

[Filed February 11, 2025, 10:14 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 24-19-077.

Title of Rule and Other Identifying Information: Finance—Categorical appointment; establish a new section under chapter 392-122 WAC.

Hearing Location(s): On April 10, 2025, at 10:00 a.m., via Zoom (call-in option also available). Participation link available on the office of superintendent of public instruction (OSPI) rules web page at ospi.k12.wa.us/policy-funding/ospi-rulemaking-activity. For participation questions, email sirena.wu@k12.wa.us.

Date of Intended Adoption: April 14, 2025.

Submit Written Comments to: T.J. Kelly, OSPI, P.O. Box 47200, Olympia, WA 98504, email Thomas.kelly@k12.wa.us, beginning February 12, 2025, 8:00 a.m., by April 10, 2025, 5:00 p.m.

Assistance for Persons with Disabilities: Contact Sirena Wu, OSPI rules coordinator, phone 360-480-9317, TTY 360-664-3631, email sirena.wu@k12.wa.us, by April 3, 2025.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: In alignment with SSSB [2SSB] 5882 (2024), passed by the Washington state legislature in 2024, OSPI is proposing rule making to establish requirements for school districts to utilize allocated funding for the 2024-25 school year to support paraeducators, office support, and noninstructional aides. Additionally, consistent with legislative directive to collect data on the use of allocations, the rules would require local education agencies to provide reports that detail the uses of the allocations.

Reasons Supporting Proposal: The proposed rule making is consistent with legislative directives under SSSB [2SSB] 5882 (2024) to require school districts to utilize allocated funding in the 2024-25 school year to support certain staff types, including paraeducators, office support, and noninstructional aides. In addition, as directed by the Washington state legislature, the proposed rule language would require school districts to provide data on how the increased allocations are used.

Statutory Authority for Adoption: 2SSB 5882 (chapter 191, Laws of 2024); RCW 28A.150.260.

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

Name of Agency Personnel Responsible for Drafting and Implementation: T.J. Kelly, OSPI, 600 South Washington Street, Olympia, WA; Enforcement: 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 19.85.025(4).

Is exempt under RCW 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).

Scope of exemption for rule proposal:
Is fully exempt.

February 11, 2025
Chris P.S. Reykdal
State Superintendent of Public Instruction

RDS-6150.2

PARAEDUCATOR, OFFICE SUPPORT, AND NONINSTRUCTIONAL AIDE

NEW SECTION

WAC 392-122-305 Paraeducator, office support, and noninstructional aide compliance. The 2024-25 school year allocations are provided because of the increase in staffing ratios between the 2022-23 and 2024-25 school years for paraeducators, including any aspect of education instructional services provided by classified employees, and office support and other noninstructional aides. Such allocations for the 2024-25 school year must be spent on one of the following purposes as defined below:

(1) Increased staffing as demonstrated by having a combined student-to-staff ratio across paraeducators, office support, and noninstructional aides that is less in the 2024-25 school year than in the 2023-24 school year.

(2) Preventing layoffs as demonstrated by having a combined student-to-staff ratio across paraeducators, office support, and noninstructional aides that is equal to or less in the 2024-25 school year than in the 2023-24 school year.

(3) Increased salaries in the 2024-25 school year demonstrated by new contract language that articulates a pay increase beyond the state-funded cost-of-living adjustment (COLA) and beyond previously agreed-to salary steps or advancements.

Local education agencies must report no later than November 15, 2025, the use of the additional funds in alignment with one of the three purposes above in a format prescribed by the office of the superintendent of public instruction. The total revenue for increased staffing allocation for program 01 shall be identified in a separate apportionment report starting in school year 2024-25. Local education agencies are expected to report to the office of the superintendent of public instruction all expenditures of revenues identified in this apportionment report in the prescribed format.