



# RULE-MAKING ORDER EMERGENCY RULE ONLY

## CR-103E (December 2017) (Implements RCW 34.05.350 and 34.05.360)

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

DATE: January 14, 2022

TIME: 4:36 PM

WSR 22-03-071

**Agency:** Office of Superintendent of Public Instruction (OSPI)

**Effective date of rule:**

**Emergency Rules**

- Immediately upon filing.
- Later (specify) \_\_\_\_\_

**Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?**

- Yes
  - No
- If Yes, explain:

**Purpose:** To align OSPI rules under chapter 392-162 WAC regarding the learning assistance program with the statutory provisions under chapter 28A.165 RCW as amended with passage of SHB 1208, and to provide regulatory guidelines to districts who choose to use learning assistance program funds to implement the K–2 literacy screening and intervention requirements under RCW 28A.320.260

**Citation of rules affected by this order:**

New: WAC 392-162-016, WAC 392-162-017, WAC 392-162-120  
 Repealed: WAC 392-162-020, WAC 392-162-023, WAC 392-162-025, WAC 392-162-032, WAC 392-162-033, WAC 392-162-036, WAC 392-162-041, WAC 392-162-080  
 Amended: WAC 392-162-005, WAC 392-162-010, WAC 392-162-015, WAC 392-162-054, WAC 392-162-100, WAC 392-162-110, WAC 392-162-112, WAC 392-162-115  
 Suspended:

**Statutory authority for adoption:** RCW 28A.165.075

**Other authority:** RCW 28A.300.730

**EMERGENCY RULE**

Under RCW 34.05.350 the agency for good cause finds:

- That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
- That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

**Reasons for this finding:** In accordance with section 17 of SHB 1208, the provisions of the legislative enactment are “necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions and takes effect immediately. OSPI began the regular rule making process for these proposed changes by filing the CR101 on August 13, 2021, WSR 21-17-099.”

**Note: If any category is left blank, it will be calculated as zero.  
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.  
A section may be counted in more than one category.**

**The number of sections adopted in order to comply with:**

Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	___	Amended	___	Repealed	___
Recently enacted state statutes:	New	<u>3</u>	Amended	<u>8</u>	Repealed	<u>8</u>

**The number of sections adopted at the request of a nongovernmental entity:**

New \_\_\_\_ Amended \_\_\_\_ Repealed \_\_\_\_

**The number of sections adopted on the agency's own initiative:**


New \_\_\_\_ Amended \_\_\_\_ Repealed \_\_\_\_

**The number of sections adopted in order to clarify, streamline, or reform agency procedures:**

New \_\_\_\_ Amended \_\_\_\_ Repealed \_\_\_\_

**The number of sections adopted using:**

Negotiated rule making:	New ____	Amended ____	Repealed ____
Pilot rule making:	New ____	Amended ____	Repealed ____
Other alternative rule making:	New ____	Amended ____	Repealed ____

<b>Date Adopted:</b> January 14, 2022	<b>Signature:</b> 
<b>Name:</b> Chris Reykdal	
<b>Title:</b> State Superintendent of Public Instruction	