



PROPOSED RULE MAKING

CR-102 (December 2017) (Implements RCW 34.05.320)

Do NOT use for expedited rule making

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STATE OF WASHINGTON
FILED

DATE: April 20, 2022

TIME: 10:41 AM

WSR 22-09-081

Agency: Office of Superintendent of Public Instruction (OSPI)

Original Notice

Supplemental Notice to WSR _____

Continuance of WSR _____

Preproposal Statement of Inquiry was filed as WSR 21-17-099 ; or

Expedited Rule Making--Proposed notice was filed as WSR _____; or

Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1); or

Proposal is exempt under RCW _____.

Title of rule and other identifying information: (describe subject) Chapter 392-162 WAC, Special Service Program - Learning Assistance

Hearing location(s):

Date:	Time:	Location: (be specific)	Comment:
May 25, 2022	1:00 pm	Webinar via Zoom (call-in option will be available)	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 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

Date of intended adoption: May 27, 2022 (Note: This is **NOT** the effective date)

Submit written comments to:

Name: Annie Pennell

Address: OSPI, PO Box 47200, Olympia, WA 98504

Email: annie.pennell@k12.wa.us

Fax:

Other:

By (date) May 25, 2022

Assistance for persons with disabilities:

Contact Kristin Murphy

Phone: 360-725-6133

Fax: 360-753-4201

TTY: 360-664-3631

Email: Kristin.murphy@k12.wa.us

Other:

By (date) May 18, 2022

Purpose of the proposal and its anticipated effects, including any changes in existing rules: OSPI is proposing revisions to chapter 392-162 WAC concerning the Learning Assistance Program (LAP) to (1) align the rules with the amended requirements under chapter 28A.165 RCW through the passage of HB 1208; (2) clarify requirements in HB 1208, including specific guidance on the timeline and use of the Washington integrated student supports protocol (WISSP) for determining LAP services; and (3) 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.

Reasons supporting proposal: The legislature passed HB 1208, a bill that significantly modifies state laws pertaining to the Learning Assistance Program (LAP), in the 2021 legislative session. These modifications address the effects of the COVID-19 pandemic by granting greater local control over, accountability for, and flexibility with program funds, and to authorize continued flexible use of program funds through the framework of the Washington integrated student supports protocol. The proposed revisions to LAP rules reflect the legislative modifications and clarify specific requirements.

Statutory authority for adoption: RCW 28A.165.075

Statute being implemented:

Is rule necessary because of a:

- Federal Law? Yes No
Federal Court Decision? Yes No
State Court Decision? Yes No

If yes, CITATION:

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

Name of proponent: (person or organization) Private
 Public
 Governmental

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting:	Annie Pennell	OSPI, 600 S. Washington St., Olympia, WA	360-725-6190
Implementation:	Annie Pennell	OSPI, 600 S. Washington St., Olympia, WA	360-725-6190
Enforcement:		OSPI, 600 S. Washington St., Olympia, WA	

Is a school district fiscal impact statement required under RCW 28A.305.135? Yes No

If yes, insert statement here:

The public may obtain a copy of the school district fiscal impact statement by contacting:

Name:
Address:
Phone:
Fax:
TTY:
Email:
Other:

Is a cost-benefit analysis required under RCW 34.05.328?

Yes: A preliminary cost-benefit analysis may be obtained by contacting:
Name:
Address:
Phone:
Fax:

TTY:
Email:
Other:

No: Please explain:

Regulatory Fairness Act Cost Considerations for a Small Business Economic Impact Statement:

This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see chapter 19.85 RCW). Please check the box for any applicable exemption(s):

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.061 because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Please cite the specific federal statute or regulation this rule is being adopted to conform or comply with, and describe the consequences to the state if the rule is not adopted.

Citation and description:

This rule proposal, or portions of the proposal, is exempt because the agency has completed the pilot rule process defined by RCW 34.05.313 before filing the notice of this proposed rule.

This rule proposal, or portions of the proposal, is exempt under the provisions of RCW 15.65.570(2) because it was adopted by a referendum.

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.025(3). Check all that apply:

RCW 34.05.310 (4)(b)
(Internal government operations)

RCW 34.05.310 (4)(e)
(Dictated by statute)

RCW 34.05.310 (4)(c)
(Incorporation by reference)

RCW 34.05.310 (4)(f)
(Set or adjust fees)

RCW 34.05.310 (4)(d)
(Correct or clarify language)

RCW 34.05.310 (4)(g)
((i) Relating to agency hearings; or (ii) process requirements for applying to an agency for a license or permit)

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.030.

Explanation of exemptions, if necessary: 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).

COMPLETE THIS SECTION ONLY IF NO EXEMPTION APPLIES

If the proposed rule is **not exempt**, does it impose more-than-minor costs (as defined by RCW 19.85.020(2)) on businesses?

No Briefly summarize the agency's analysis showing how costs were calculated. _____

Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses, and a small business economic impact statement is required. Insert statement here:

The public may obtain a copy of the small business economic impact statement or the detailed cost calculations by contacting:

Name:
Address:
Phone:
Fax:
TTY:
Email:
Other:

Date: April 20, 2022

Name: Chris Reykdal

Title: State Superintendent of Public Instruction

Signature: