



# EXPEDITED RULE MAKING

## CR-105 (December 2017) (Implements RCW 34.05.353)

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STATE OF WASHINGTON  
FILED

DATE: August 24, 2022

TIME: 9:46 AM

WSR 22-17-163

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

**Title of rule and other identifying information:** (describe subject) WAC 392-162-100 and WAC 392-162-115, related to Learning Assistance Programs (LAP)

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:** In June 2022, OSPI updated chapter 392-162 WAC concerning the Learning Assistance Program (LAP) (see WSR 22-11-051). In the course of the rule making process, two sections were unintentionally omitted from the list of sections to repeal. The purpose of this expedited rule making is to correct this oversight and complete the process of repealing WAC 392-162-100 and 392-162-115. The purpose of repealing these sections is to eliminate redundancies in language that already exists in statute and guidance.

**Reasons supporting proposal:** For WAC 392-162-115, the language is already stated in RCW 28A.165.065. For WAC 392-162-100, the language makes recommendations that already exist in federal and state guidance provided to districts concerning implementation of LAP. Repealing these sections would not make any substantive change to the LAP program.

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

**Statute being implemented:**

**Is rule necessary because of a:**

- |                         |                              |  |
|-------------------------|------------------------------|--|
| Federal Law?            | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Federal Court Decision? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| State Court Decision?   | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |

If yes, CITATION:

**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:**

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

**Expedited Adoption - Which of the following criteria was used by the agency to file this notice:**

- Relates only to internal governmental operations that are not subject to violation by a person;
- Adopts or incorporates by reference without material change federal statutes or regulations, Washington state statutes, rules of other Washington state agencies, shoreline master programs other than those programs governing shorelines of statewide significance, or, as referenced by Washington state law, national consensus codes that generally establish industry standards, if the material adopted or incorporated regulates the same subject matter and conduct as the adopting or incorporating rule;
- Corrects typographical errors, make address or name changes, or clarify language of a rule without changing its effect;
- Content is explicitly and specifically dictated by statute;
- Have been the subject of negotiated rule making, pilot rule making, or some other process that involved substantial participation by interested parties before the development of the proposed rule; or
- Is being amended after a review under RCW 34.05.328.

**Expedited Repeal - Which of the following criteria was used by the agency to file notice:**

- The statute on which the rule is based has been repealed and has not been replaced by another statute providing statutory authority for the rule;
- The statute on which the rule is based has been declared unconstitutional by a court with jurisdiction, there is a final judgment, and no statute has been enacted to replace the unconstitutional statute;
- The rule is no longer necessary because of changed circumstances; or
- Other rules of the agency or of another agency govern the same activity as the rule, making the rule redundant.

**Explanation of the reason the agency believes the expedited rule-making process is appropriate pursuant to RCW 34.05.353(4):** The rule language already exists in state statute and/or already exists in federal and state regulations and guidance.

**NOTICE**

**THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO**

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Other:

**AND RECEIVED BY** (date) October 25, 2022

**Date:** August 22, 2022

**Name:** Chris Reykdal

**Title:** State Superintendent of Public Instruction

**Signature:**

