



# RULE-MAKING ORDER PERMANENT RULE ONLY

## CR-103P (December 2017) (Implements RCW 34.05.360)

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

DATE: February 14, 2023

TIME: 11:42 AM

WSR 23-05-082

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

**Effective date of rule:**

**Permanent Rules**

- 31 days after filing.  
 Other (specify) \_\_\_\_\_ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

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

- Yes  No If Yes, explain:

**Purpose:** The purpose of the changes to the shared leave rules, applicable to school district staff and educational service district staff, is to align with current language in RCW 41.04.650 through 41.04.671. The statutes, concerning shared leave, were amended by the Washington State Legislature via HB 2739 (2020).

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

New:  
Repealed:  
Amended: 392-136A-020, -030, -040, -045, -075  
Suspended:

**Statutory authority for adoption:** RCW 28A.400.380

**Other authority:**

**PERMANENT RULE (Including Expedited Rule Making)**

Adopted under notice filed as WSR 22-22-098 on November 2, 2022 (date).  
Describe any changes other than editing from proposed to adopted version: Section 392-136A-030(4) was changed for clarity. Section 392-136A-030(8) was removed because it was relevant to Governor Proclamation 20-05 which expired during the rules process. Sections in 392-136A-040 were changed for better clarity concerning instances in which employees can retain some accrued leave while accessing shared leave.

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

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

**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Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	___	Amended	___	Repealed	___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		Amended	<u>5</u>	Repealed	___

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

New	___	Amended	___	Repealed	___
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**The number of sections adopted on the agency's own initiative:**

New	___	Amended	___	Repealed	___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

New	___	Amended	___	Repealed	___
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**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	___

**Date Adopted:** February 14, 2023

**Name:** Chris Reykdal

**Title:** State Superintendent of Public Instruction

**Signature:**

