



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: December 13, 2018

TIME: 9:26 AM

WSR 19-01-039

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:

Safety Net funding is available to local education agencies (LEAs) that demonstrate a need for special education funding in excess of state and federal funding available to the district. The Washington State Legislature directed OSPI in 2017 and 2018 to review the current Safety Net process and make recommendations regarding possible adjustments to improve the Safety Net process and evaluate the appropriate funding level to meet the purpose of Safety Net. A Safety Net Legislative Workgroup was formed in fall 2017. The Workgroup, after analyzing Safety Net trends, fiscal data, and soliciting public input, developed a set of finalized recommendations to address the legislative requests. The Superintendent of Public Instruction, in turn, was required to submit recommendations to the Governor and the Legislature's education and operating budget committees by November 1, 2018, and review and revise rules and procedures necessary to administer the special education funding and Safety Net award process by December 1, 2018. These rules adopt several of the recommendations of the Safety Net Legislative Workgroup.

Citation of rules affected by this order:

New: 392-140-60115, 392-140-60120, 392-140-635

Repealed:

Amended: 392-140-600, 392-140-60105, 392-140-60110, 392-140-602, 392-140-605, 392-140-609, 392-140-616, 392-140-617, 392-140-626, 392-140-640, 392-140-643, 392-140-646, 392-140-650, 392-140-656, 392-140-660, 392-140-675, 392-140-685

Suspended:

Statutory authority for adoption: RCW 28A.155.090 and RCW 28A.150.290

Other authority:

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 18-21-185 on 10/24/18 (date).

Describe any changes other than editing from proposed to adopted version: The word "reimbursement" was changed back to "award" in the following WACs: 392-140-600, 392-140-60105, 392-140-60110, 392-140-60115, 392-140-602, 392-140-605, 392-140-616, 392-140-617, 392-140-626, 392-140-630, 392-140-635, 392-140-643, 392-140-646, 392-140-660, 392-140-675, 392-140-685.

392-140-60120: 'as a percentage of the billing rates published by the health care authority' was added for clarification.

392-140-605 (2) (d): 'as a percentage of the billing rates published by the health care authority' was added for clarification.

392-140-605 (2) (g): 'with the exception of supplemental contracts which provide direct special education services to students per an individualized education program' was struck as it conflicts with RCW 28A.400.200(4)

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 | <u>1</u> | Amended | ___ | Repealed | ___ |

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 | <u>1</u> | Amended | <u>3</u> | Repealed | ___ |
|-----|----------|---------|----------|----------|-----|

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

| | | | | | |
|-----|----------|---------|-----------|----------|-----|
| New | <u>1</u> | Amended | <u>14</u> | 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 | ___ |

Date Adopted: 12/12/18

Name: Chris Reykdal

Title: State Superintendent of Public Instruction

Signature:

