



# PROPOSED RULE MAKING

**CR-102 (June 2024)**  
**(Implements RCW 34.05.320)**  
Do **NOT** use for expedited rule making

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

DATE: September 10, 2025

TIME: 9:25 AM

**WSR 25-19-046**

**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 25-13-047** ; 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)

School Seismic Safety Program Implementation:

Amendatory sections:

- WAC 392-341-020 – District application—Study and survey.
- WAC 392-341-025 – State study and survey—Content.
- WAC 392-343-030 – Applicable state funding assistance percentage for project.
- WAC 392-343-080 – Value engineering studies, constructability reviews, and building commissioning—Requirements and definition.
- WAC 392-344-155 – Final acceptance of project by architect/engineer.

New sections:

- WAC 392-341-013 – Waiver of rules to facilitate school seismic safety program projects.
- WAC 392-343-013 – Waiver of rules to facilitate school seismic safety program projects.
- WAC 392-344-013 – Waiver of rules to facilitate school seismic safety program projects.
- WAC 392-347-011 – Waiver of rules to facilitate school seismic safety program projects.

New chapter and sections:

- Chapter 392-902 WAC – School Seismic Safety Grant Program.
  - WAC 392-902-005 – Purpose and authority.
  - WAC 392-902-010 – School seismic safety—Eligibility.
  - WAC 392-902-020 – Building inventory and condition data.
  - WAC 392-902-030 – School seismic safety planning grants.
  - WAC 392-902-040 – School seismic safety design and construction grants.
  - WAC 392-902-050 – School seismic safety construction grant—Funding determination for seismic structural retrofit projects.
  - WAC 392-902-060 – School seismic safety construction grant—Funding determination for seismic modernization projects.
  - WAC 392-902-070 – School seismic safety construction grant—Funding determination for vertical evacuation tower projects.
  - WAC 392-902-080 – School seismic safety construction grant—Space eligibility for seismic modernization projects.
  - WAC 392-902-090 – School seismic safety construction grant—Space eligibility for vertical evacuation towers.
  - WAC 392-901-100 – Seismic retrofit projects and future state assistance.

**Hearing location(s):**

Date:	Time:	Location: (be specific)	Comment:
October 21, 2025	11:00 a.m.	Virtual Public Hearing via Zoom (call-in option also available).	The hearing will be held as a virtual public hearing, without a physical meeting space. Please visit the OSPI

	Participation link available on OSPI Rules webpage:  <a href="https://ospi.k12.wa.us/policy-funding/ospi-rulemaking-activity">ospi.k12.wa.us/policy-funding/ospi-rulemaking-activity</a>	Rules webpage for information on participating in the hearing: <a href="https://ospi.k12.wa.us/policy-funding/ospi-rulemaking-activity">ospi.k12.wa.us/policy-funding/ospi-rulemaking-activity</a> For participation questions, please email: <a href="mailto:sirena.wu@k12.wa.us">sirena.wu@k12.wa.us</a>																
<b>Date of intended adoption:</b> <u>October 23, 2025</u> (Note: This is <b>NOT</b> the <b>effective</b> date)																		
<b>Submit written comments to:</b> Name <u>Scott Black</u> Address <u>OSPI, PO Box 47200, Olympia, WA 98504</u> Email <u><a href="mailto:SchoolFacilityRules@k12.wa.us">SchoolFacilityRules@k12.wa.us</a></u> Fax _____ Other _____ Beginning (date and time) <u>September 11, 2025, 8:00 a.m.</u> By (date and time) <u>October 21, 2025, 5:00 p.m.</u>	<b>Assistance for persons with disabilities:</b> Contact <u>Sirena Wu, OSPI Rules Coordinator</u> Phone <u>360-480-9317</u> Fax _____ TTY <u>360-664-3631</u> Email <u><a href="mailto:sirena.wu@k12.wa.us">sirena.wu@k12.wa.us</a></u> Other _____ By (date) <u>October 14, 2025</u>																	
<b>Purpose of the proposal and its anticipated effects, including any changes in existing rules:</b> The Washington State Legislature enacted Substitute Senate Bill 5933 in 2022, which requires the Office of Superintendent of Public Instruction (OSPI) to implement the School Seismic Safety Program to allow districts to receive seismic funds and be eligible to receive funding from the School Construction Assistance Program (SCAP). In alignment with SSB 5933 (2022), OSPI is proposing rulemaking concerning the School Seismic Safety Program. OSPI's current school construction rules do not provide a process that would allow OSPI to timely or effectively award these grant funds during the biennium. New grant funding procedures are necessary to preserve the general welfare by allowing OSPI to proceed with the grants and distribution of funding to school districts in accordance with legislative intent.																		
<b>Reasons supporting proposal:</b> The rule changes are necessary to implement the School Seismic Safety Program and to coordinate the new program with the School Construction Assistance Program (SCAP).																		
<b>Statutory authority for adoption:</b> RCW 28A.525.020; RCW 28A.525.320																		
<b>Statute being implemented:</b>																		
<b>Is rule necessary because of a:</b> <table style="width: 100%; border: none;"> <tr> <td style="width: 80%;">Federal Law?</td> <td style="width: 10%; text-align: center;"><input type="checkbox"/> Yes</td> <td style="width: 10%; text-align: center;"><input checked="" type="checkbox"/> No</td> </tr> <tr> <td>Federal Court Decision?</td> <td style="text-align: center;"><input type="checkbox"/> Yes</td> <td style="text-align: center;"><input checked="" type="checkbox"/> No</td> </tr> <tr> <td>State Court Decision?</td> <td style="text-align: center;"><input type="checkbox"/> Yes</td> <td style="text-align: center;"><input checked="" type="checkbox"/> No</td> </tr> </table> If yes, CITATION:			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							
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<b>Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:</b>																		
<b>Name of proponent:</b> (person or organization) <b>Type of proponent:</b> <input type="checkbox"/> Private. <input type="checkbox"/> Public. <input type="checkbox"/> Governmental.																		
<b>Name of agency personnel responsible for:</b> <table style="width: 100%; border: none;"> <thead> <tr> <th style="width: 15%;"></th> <th style="width: 35%;">Name</th> <th style="width: 40%;">Office Location</th> <th style="width: 10%;">Phone</th> </tr> </thead> <tbody> <tr> <td>Drafting</td> <td>Scott Black</td> <td>OSPI, 600 S. Washington St, Olympia, WA</td> <td></td> </tr> <tr> <td>Implementation</td> <td>Scott Black</td> <td>OSPI, 600 S. Washington St, Olympia, WA</td> <td></td> </tr> <tr> <td>Enforcement</td> <td></td> <td>OSPI, 600 S. Washington St, Olympia, WA</td> <td></td> </tr> </tbody> </table>				Name	Office Location	Phone	Drafting	Scott Black	OSPI, 600 S. Washington St, Olympia, WA		Implementation	Scott Black	OSPI, 600 S. Washington St, Olympia, WA		Enforcement		OSPI, 600 S. Washington St, Olympia, WA	
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Enforcement		OSPI, 600 S. Washington St, Olympia, WA																
<b>Is a school district fiscal impact statement required under <a href="#">RCW 28A.305.135</a>?</b> <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span> 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 and Small Business Economic Impact Statement**

Note: The [Governor's Office for Regulatory Innovation and Assistance \(ORIA\)](#) provides support in completing this part.

**(1) Identification of exemptions:**

This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see [chapter 19.85 RCW](#)). For additional information on exemptions, consult the [exemption guide published by ORIA](#). 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:

- |   |   |
|---|---|
| <input type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(b)<br>(Internal government operations) | <input type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(e)<br>(Dictated by statute)  |
| <input type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(c)<br>(Incorporation by reference)     | <input type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(f)<br>(Set or adjust fees)   |
| <input type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(d)<br>(Correct or clarify language)    | <input type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(g)<br>(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 19.85.025](#)(4). (Does not affect small businesses).

- ☒ This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.030](#).

Explanation of how the above exemption(s) applies to the proposed rule: 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).

**(2) Scope of exemptions: Check one.**

- ☒ The rule proposal: Is fully exempt. (Skip section 3.) Exemptions identified above apply to all portions of the rule proposal.
- ☐ The rule proposal: Is partially exempt. (Complete section 3.) The exemptions identified above apply to portions of the rule proposal, but less than the entire rule proposal. Provide details here (consider using [this template from ORIA](#)):
- ☐ The rule proposal: Is not exempt. (Complete section 3.) No exemptions were identified above.

**(3) Small business economic impact statement: Complete this section if any portion is not exempt.**

If any portion of 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 minor cost analysis and how the agency determined the proposed rule did not impose more-than-minor costs. \_\_\_\_\_
- ☐ Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses and a small business economic impact statement is required. Insert the required small business economic impact 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:** September 10, 2025

**Name:** Chris Reykdal

**Title:** State Superintendent of Public Instruction

**Signature:**

