



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: May 06, 2026

TIME: 9:39 AM

WSR 26-10-094

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: OSPI is adopting rule making, based on SB 5072 passed by the Washington State Legislature in 2023, concerning universal screening to identify students needing highly capable services, including focusing on equitable identification of low-income and underserved students. The adopted rulemaking clarifies identification of students who require service in a single content domain (math or reading), as well as establishing that assessments for highly capable identification are to be administered in the home school during school hours, with limited exceptions.

Citation of rules affected by this order:

New: WAC 392-170-016; 392-170-031; 392-170-034; 392-170-039; 392-170-041; 392-170-043; 392-170-046; 392-170-057; 392-170-077; 392-170-097

Repealed: WAC 392-170-036; 392-170-042; 392-170-047; 392-170-078

Amended: WAC 392-170-005; 392-170-012; 392-170-025; 392-170-030; 392-170-035; 392-170-038; 392-170-045; 392-170-055; 392-170-060; 392-170-070; 392-170-075; 392-170-076; 392-170-080; 392-170-083; 392-170-087; 392-170-090

Suspended:

Statutory authority for adoption: Substitute Senate Bill 5072 (Chapter 265, Laws of 2023); RCW 28A.185.010; RCW 28A.185.030

Other authority:

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 26-06-047 on February 25, 2026 (date).

Describe any changes other than editing from proposed to adopted version: Minor grammatical changes were made to WAC 392-170-046: "...and advance equitable enrollment practices, so that all students, especially students from historically underrepresented and low-income groups,..." Additionally, WAC 392-170-070(1) was revised to read: "A highly capable specialist, or if a highly capable specialist is not available, a classroom teacher shall be appointed."

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>10</u> | Amended | <u>16</u> | Repealed | <u>4</u> |

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 | ___ | Amended | ___ | Repealed | ___ |
|-----|-----|---------|-----|----------|-----|

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

| | | | | | |
|-----|-----|---------|-----|----------|-----|
| New | ___ | Amended | ___ | 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: May 6, 2026

Name: Chris Reykdal

Title: State Superintendent of Public Instruction

Signature:

