

**WSR 22-17-003**  
**EXPEDITED RULES**  
**LAKE WASHINGTON**  
**INSTITUTE OF TECHNOLOGY**  
[Filed August 3, 2022, 1:19 p.m.]

Title of Rule and Other Identifying Information: HB [2SHB] 1751 ("Sam's Law," Hazing prevention) implementation guide for community and technical colleges, June 2022.

Sam's Law is the name of new antihazing legislation recently adopted in Washington state. It is named after Sam Martinez, a freshman at Washington State University who died of alcohol poisoning at a fraternity party in November 2019. The new law updates the definition of hazing and requires institutions of higher education (IHEs) to implement antihazing programming for employees and students. It also requires IHEs to publish an annual report identifying student organizations, athletic teams, and living groups found responsible for engaging in hazing.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Adoption of a new definition of hazing. Institutions of higher education in Washington state are required to revise their student conduct codes to prohibit hazing both on and off campus. The act, which took effect on June 9, 2022, does not provide a deadline for completing conduct code revisions. Beginning in fall 2022, institutions of higher education must provide students with educational programming on hazing that includes information on hazing awareness, prevention, intervention, and the institutions of higher education policies prohibiting hazing. This programming can be provided either in person or electronically and must be part of the IHEs new student orientation sessions. The program must also be posted on the IHEs public website for the public, including parents, legal guardians, and volunteers to review.

Rule change includes adding this new legislation to the student conduct code.

Reasons Supporting Proposal: It is required by state law.

Statutory Authority for Adoption: RCW 28B.50.140(13).

Statute Being Implemented: WAC 495D-121-320, 495D-121-330, 495D-121-605, 495D-121-590.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Lake Washington Institute of Technology, governmental.

Name of Agency Personnel Responsible for Drafting: Dr. Sheila Walton, Lake Washington Institute of Technology, 425-739-8208; Implementation and Enforcement: Dr. Ruby Hayden, Lake Washington Institute of Technology, West Building, W202, 425-739-8208.

This notice meets the following criteria to use the expedited adoption process for these rules:

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.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEAR-

INGS, 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 Dr. Ruby Hayden, 11605 132nd Avenue N.E., Kirkland, WA 98032, phone 425-739-8200, email ruby.hayden@lwtech.edu, AND RECEIVED BY October 25, 2022.

August 3, 2022  
Elsa Gossett  
Senior Executive Assistant to the  
President and Board of Trustees

### OTS-4011.1

AMENDATORY SECTION (Amending WSR 21-18-041, filed 8/24/21, effective 9/24/21)

- WAC 495D-121-320 Student conduct code—Jurisdiction.** (1) The student conduct code shall apply to student conduct that occurs:
- (a) On college premises;
  - (b) At or in connection with college sponsored activities;
  - (c) Off-campus when, in the judgment of the college, it adversely affects the college community or the pursuit of its objectives.
- (2) Jurisdiction extends to, but is not limited to, locations in which students engage in official college activities including, but not limited to:
- (a) Foreign or domestic travel;
  - (b) Activities funded by the associated students;
  - (c) Athletic events;
  - (d) Training internships;
  - (e) Cooperative and distance education;
  - (f) Online education;
  - (g) Practicums;
  - (h) Supervised work experiences;
  - (i) Any other college-sanctioned social or club activities.
- (3) Students are responsible for their conduct from the time of application for admission through the actual receipt of a degree, even though conduct may occur before classes begin or after classes end, as well as during the academic year and during periods between terms of actual enrollment.
- (4) These standards shall apply to a student's conduct even if the student withdraws from college while a disciplinary matter is pending.
- (5) The college has sole discretion, on a case-by-case basis, to determine whether the student conduct code will be applied to conduct to students or student groups that occurs off campus.

[Statutory Authority: Chapter 34.05 RCW; and RCW 28B.50.140(13); 20 U.S.C. § 1092(f); Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 et seq. WSR 21-18-041, § 495D-121-320, filed 8/24/21, effective 9/24/21. Statutory Authority: RCW 28B.50.140(13). WSR 14-14-047, § 495D-121-320, filed 6/25/14, effective 7/26/14.]

AMENDATORY SECTION (Amending WSR 21-18-041, filed 8/24/21, effective 9/24/21)

**WAC 495D-121-330 Student conduct code—Definitions.** The following definitions apply for the purposes of this student conduct code:

(1) "Business day" means a weekday, excluding weekends and official college holidays.

(2) "College premises" shall include all campuses of the college, wherever located, and includes all land, buildings, facilities, vehicles, equipment, and other property the college owns, uses, or controls.

(3) "Complainant" means an alleged victim of sexual misconduct.

(4) "Conduct review officer" means the vice president of student services or other college administrator the president designates to have responsibility to receive and review or refer appeals of student disciplinary actions consistent with the procedures of this code. The president can reassign any and all of the conduct review officer's duties or responsibilities as set forth in this chapter as reasonably necessary.

(5) "Disciplinary action" means the process by which the student conduct officer imposes discipline against a student for a violation of the student conduct code.

(6) "Disciplinary appeal" means the process by which an aggrieved student can appeal the discipline imposed by the student conduct officer. The student conduct committee hears disciplinary appeals for a suspension in excess of (~~ten~~) 10 instructional days or a dismissal. The college will review appeals of all other appealable disciplinary action through brief adjudicative proceedings.

(7) "Filing" means the process by which a document is officially delivered to a college official responsible to facilitate a disciplinary review. Unless otherwise provided, filing shall be accomplished by:

(a) Hand delivery of the document to the specified college official or college official's assistant; or

(b) Sending the document by email or first class mail to the specified college official's office and college email address.

Papers required for filing are considered filed when the specified college official actually receives the papers during office hours.

(8) "Hazing" means any act committed as part of a person's recruitment, initiation, pledging, admission into, or affiliation with a student organization, athletic team, or living group, or any pastime or amusement engaged in with respect to such an organization, athletic team, or living group that causes, or is likely to cause, bodily danger or physical harm, or serious psychological or emotional harm, to any student or other person attending a public institution of higher education in this state, including causing, directing, coercing, or forcing a person to consume any food, liquid, alcohol, drug, or other substance which subjects the person to risk of such harm, regardless of the person's willingness to participate. "Hazing" does not include customary athletic events or other similar contests or competitions.

(9) "President" means the president of the college. The president is authorized to:

(a) Delegate any of their responsibilities as set forth in this chapter as may be reasonably necessary; and

(b) Reassign any and all duties and responsibilities as set forth in this chapter as may be reasonably necessary.

~~((9))~~ (10) "Respondent" means the student against whom the college initiates disciplinary action.

~~((10))~~ (11) "Service" means the process by which a document is officially delivered to a party. Unless otherwise provided, service upon a party shall be accomplished by:

(a) Hand delivery of the document to the party; or

(b) Sending the document by email or by certified mail or first class mail to the party's last known address.

Service is deemed complete upon hand delivery of the document or upon the date the document is emailed or deposited in the mail.

~~((11))~~ (12) "Sexual misconduct" has the meaning ascribed to this term in WAC 495D-121-590(18).

~~((12))~~ (13) "Student" includes all persons who take classes at or through the college, whether on a full-time or part-time basis, and whether such classes are credit courses, noncredit courses, online courses, or otherwise. People who withdraw after allegedly violating the code, who are not officially enrolled for a particular term but who have a continuing relationship with the college, or who were notified of their acceptance for admission are considered students for purposes of this chapter.

~~((13))~~ (14) "Student conduct committee" means a college committee as described in WAC 495D-121-400.

~~((14))~~ (15) "Student conduct officer" means a college administrator to whom the president or vice president of student services designates responsibility to implement and enforce the student conduct code. The president or vice president can reassign any and all of the student conduct officer's duties or responsibilities as set forth in this chapter as reasonably necessary.

~~((15))~~ (16) "Student group" is a student organization, athletic or intramural team, or living group including, but not limited to, student clubs and organizations, members of a class or student cohort, student performance groups, and student living groups within student housing.

(17) "Title IX coordinator" means a college administrator to whom the president designates responsibility to implement and enforce the guidelines of federal Title IX legislation.

[Statutory Authority: Chapter 34.05 RCW; and RCW 28B.50.140(13); 20 U.S.C. § 1092(f); Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 et seq. WSR 21-18-041, § 495D-121-330, filed 8/24/21, effective 9/24/21. Statutory Authority: RCW 28B.50.140(13). WSR 14-14-047, § 495D-121-330, filed 6/25/14, effective 7/26/14.]

AMENDATORY SECTION (Amending WSR 21-18-041, filed 8/24/21, effective 9/24/21)

**WAC 495D-121-590 Student conduct code—Prohibited student conduct.** The college may impose disciplinary sanctions against a student who commits, or aids, abets, incites, encourages, or assists another person to commit, an act(s) of misconduct which include, but are not limited to, the following:

(1) **Academic dishonesty.** Any act of academic dishonesty including, but not limited to, cheating, plagiarism, and fabrication.

(a) Cheating includes any attempt to give or obtain unauthorized assistance relating to the completion of an academic assignment.

(b) Plagiarism includes taking and using as one's own, without proper attribution, the ideas, writings, or work of another person in completing an academic assignment. Prohibited conduct may also include the unauthorized submission for credit of academic work that has been submitted for credit in another course.

(c) Fabrication includes falsifying data, information, or citations in completing an academic assignment and also includes providing false or deceptive information to an instructor concerning the completion of an assignment.

(d) Academic consequences for academic dishonesty or abetting in academic dishonesty may be imposed at the discretion of a faculty member up to and including a failing grade for the course. Students should refer to each of their faculty's course syllabus. Further academic consequences may follow consistent with the provisions in any program handbook. Incidents of academic dishonesty may also be referred to the student conduct officer for disciplinary action consistent with this chapter in addition to the academic consequences identified above.

(2) **Other dishonesty.** Any other acts of dishonesty. Such acts include, but are not limited to:

(a) Forgery, alteration, submission of falsified documents or misuse of any college document, record, or instrument of identification;

(b) Tampering with an election conducted by or for college students; or

(c) Furnishing false information or failing to furnish correct information, in response to the request or requirement of a college officer or employee.

(3) **Obstructive or disruptive conduct.** Conduct, not otherwise protected by law, that interferes with, impedes, or otherwise unreasonably hinders:

(a) Any instruction, research, administration, disciplinary proceeding, or other college activity;

(b) The free flow of pedestrian or vehicular movement on college property or at a college activity;

(c) Any student's ability to profit from the instructional program; or

(d) Any activity that is authorized to occur on college property, whether or not actually conducted or sponsored by the college.

(4) **Assault, intimidation, and/or harassment.** Unwanted touching, physical abuse, verbal abuse, threat(s), intimidation, harassment, bullying, or other conduct which harms, threatens, or is reasonably perceived as threatening the health or safety of another person or another person's property. For purposes of this code, "bullying" is defined as repeated or aggressive unwanted behavior, not otherwise protected by law that intentionally humiliates, harms, or intimidates the victim.

(5) **Imminent danger.** Where the student presents an imminent danger to college property, or to themselves, or other students or persons in college facilities on or off campus, or to the education processes of the college.

(6) **Cyber misconduct.** Cyberstalking, cyberbullying, or online harassment. Use of electronic communications including, but not limi-

ted to, electronic mail, instant messaging, electronic bulletin boards, and social media sites to harass, abuse, bully or engage in other conduct which harms, threatens, or is reasonably perceived as threatening the health or safety of another person. Prohibited activities include, but are not limited to, unauthorized monitoring of another's email communications directly or through spyware, sending threatening emails, disrupting electronic communications with spam or by sending a computer virus, sending false messages to third parties using another's email identity, nonconsensual recording of sexual activity, and nonconsensual distribution of a recording of sexual activity.

(7) **Property violation.** Damage to, misappropriation of, unauthorized use or possession of, vandalism, or other nonaccidental damaging or destruction of college property or the property of another person. Property for purposes of this subsection includes computer passwords, access codes, identification cards, personal financial account numbers, other confidential personal information, intellectual property, and college trademarks.

(8) **Noncompliance.** Failure to comply with:

(a) The direction of a college officer or employee who is acting in the legitimate performance of their duties, including failure to properly identify oneself to such a person when requested to do so;

(b) A college rule or policy as set forth in the *Lake Washington Institute of Technology Policies and Procedures Manual* which may be found in the library or online.

(9) **Weapons.** Possession, holding, wearing, transporting, storage, or presence of any firearm, dagger, sword, knife or other cutting or stabbing instrument, club, martial arts weapons, explosive device, dangerous chemicals, or any other weapon apparently capable of producing bodily harm is prohibited on the college campus, subject to the following exceptions:

(a) Commissioned law enforcement personnel or legally authorized military personnel while in performance of their duties; or

(b) A student with a valid concealed weapons permit may store a firearm in their vehicle parked on campus in accordance with RCW 9.41.050, provided the vehicle is locked and the weapon is concealed from view; or

(c) The president or designee may authorize possession of a weapon on campus upon a showing that the weapon is reasonably related to a legitimate pedagogical purpose. Such permission shall be in advance to bringing weapons to the college, in writing, and shall be subject to such terms or conditions incorporated therein.

(10) **Hazing.** (~~Hazing includes, but is not limited to, any initiation into a student organization or any pastime or amusement engaged in with respect to such an organization that causes, or is likely to cause, bodily danger or physical harm, or serious mental or emotional harm, to any student.~~)

(a) Hazing is any act committed as part of:

(i) A person's recruitment, initiation, pledging, admission into, or affiliation with a student group; or

(ii) Any pastime or amusement engaged in with respect to such a student group;

(iii) Any act that causes, or is likely to cause, bodily danger or physical harm, or serious psychological or emotional harm, to any student.

(b) Examples of hazing include, but are not limited to:

(i) Causing, directing, coercing, or forcing a person to consume any food, liquid, alcohol, drug, or other substance which subjects the person to risk of such harm;

(ii) Humiliation by ritual act;

(iii) Striking another person with an object or body part;

(iv) Causing someone to experience excessive fatigue, or physical and/or psychological shock; or

(v) Causing someone to engage in degrading or humiliating games or activities that create a risk of serious psychological, emotional, and/or physical harm.

(c) "Hazing" does not include customary athletic events or other similar contests or competitions.

(d) Consent is not a valid defense against hazing.

(11) **Tobacco, electronic cigarettes, and related products.** The use of tobacco, electronic cigarettes, and related products in any building owned, leased, or operated by the college or in any location where such use is prohibited, including (~~twenty-five~~) 25 feet from entrances, exits, windows that open, and ventilation intakes of any building owned, leased, or operated by the college. "Related products" include, but are not limited to, cigarettes, pipes, bidi, clove cigarettes, waterpipes, hookahs, chewing tobacco, and snuff.

(12) **Alcohol.** Being observably under the influence of any alcoholic beverage, or otherwise using, possessing, selling, or delivering any alcoholic beverage, except as permitted by law and authorized by the college president.

(13) **Marijuana.** The use, possession, delivery, sale, or being observably under the influence of marijuana or the psychoactive compounds found in marijuana and intended for human consumption, regardless of form. While state law permits the recreational use of marijuana, federal law prohibits such use on college premises or in connection with college activities.

(14) **Drugs.** The use, possession, delivery, sale, or being observably under the influence of any legend drug, including anabolic steroids, androgens, or human growth hormones as defined in chapter 69.41 RCW, or any other controlled substance under chapter 69.50 RCW, except as prescribed for a student's use by a licensed practitioner. Being observably under the influence of any lawfully prescribed drug when enrolled in classes that require operation of heavy equipment or other dangerous equipment.

(15) **Disorderly conduct.** Conduct which is disorderly, lewd, obscene, or a breach of peace on college premises or at college sponsored activities that is not otherwise protected under the law.

(16) **Discriminatory conduct.** Conduct which harms or adversely affects any member of the college community because of their race; color; national origin; sensory, mental or physical disability; use of a service animal; gender, including pregnancy; marital status; age; religion; creed; sexual orientation; gender identity; veteran's status; or any other legally protected classification.

(17) **Sexual misconduct.** The term "sexual misconduct" includes sexual harassment, sexual intimidation, and sexual violence. Sexual harassment prohibited by Title IX is defined in the supplemental procedures to this code. See WAC 495D-121-680 (supplemental Title IX student conduct procedures).

(a) **Sexual harassment.** The term "sexual harassment" means unwelcome sexual or gender-based conduct, including unwelcome sexual advances, requests for sexual favors, quid pro quo harassment, and other

verbal, nonverbal, or physical conduct of a sexual or a gendered nature that is sufficiently severe, persistent, or pervasive as to:

(i) Deny or limit the ability of a student to participate in or benefit from the college's educational program;

(ii) Alter the terms or conditions of employment for a college employee(s); and/or

(iii) Create an intimidating, hostile, or offensive environment for other campus community members.

(b) **Sexual intimidation.** The term "sexual intimidation" incorporates the definition of "sexual harassment" and means threatening or emotionally distressing conduct based on sex, including, but not limited to, nonconsensual recording of sexual activity or the distribution of such recording.

(c) **Sexual violence.** "Sexual violence" is a type of sexual discrimination and harassment. Nonconsensual sexual intercourse, nonconsensual sexual contact, domestic violence, dating violence, and stalking are all types of sexual violence.

(d) **Nonconsensual sexual intercourse.** Any actual or attempted sexual intercourse (anal, oral, or vaginal), however slight, with any object or body part, by a person upon another person, that is without consent and/or by force. Sexual intercourse includes anal or vaginal penetration by a penis, tongue, finger, or object, or oral copulation by mouth to genital contact or genital to mouth contact.

(e) **Nonconsensual sexual contact.** Any actual or attempted sexual touching, however slight, with any body part or object, by a person upon another person that is without consent and/or by force. Sexual touching includes any bodily contact with the breasts, groin, mouth, or other bodily orifice of another individual, or any other bodily contact in a sexual manner.

(f) **Incest.** Sexual intercourse or sexual contact with a person known to be related to them, either legitimately or illegitimately, as an ancestor, descendant, brother, or sister of either wholly or half related. Descendant includes stepchildren(~~(7)~~) and adopted children under the age of (~~(eighteen)~~) 18.

(g) **Statutory rape.** Consensual intercourse between a person who is (~~(eighteen)~~) 18 years of age or older, and a person who is under the age of (~~(sixteen)~~) 16.

(h) **Domestic violence.** Physical violence, bodily injury, assault, the infliction of fear of imminent physical harm, sexual assault, or stalking committed by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the state of Washington, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the state of Washington, RCW 26.50.010.

(i) **Dating violence.** Physical violence, bodily injury, assault, the infliction of fear of imminent physical harm, sexual assault, or stalking committed by a person:

(i) Who is or has been in a social relationship of a romantic or intimate nature with the victim; and

(ii) Where the existence of such a relationship shall be determined based on a consideration of the following factors:

(A) The length of the relationship;

(B) The type of relationship; and

(C) The frequency of interaction between the persons involved in the relationship.



(j) For purposes of this code, "consent" means knowing, voluntary, and clear permission by word or action, to engage in mutually agreed upon sexual activity. Each party has the responsibility to make certain that the other has consented before engaging in the activity. For consent to be valid, there must be at the time of the act of sexual intercourse or sexual contact actual words or conduct indicating freely given agreement to have sexual intercourse or sexual contact. A person cannot consent if they are unable to understand what is happening or are disoriented, helpless, asleep, or unconscious for any reason, including due to alcohol or other drugs. An individual who engages in sexual activity when the individual knows, or should know, that the other person is physically or mentally incapacitated has engaged in nonconsensual conduct. Intoxication is not a defense against allegations that an individual has engaged in nonconsensual sexual conduct.

(18) **Harassment.** Unwelcome and offensive conduct, including verbal, nonverbal, or physical conduct, that is directed at a person because of such person's protected status and that is sufficiently serious as to deny or limit, and that does deny or limit, the ability of a student to participate in or benefit from the college's educational program or that creates an intimidating, hostile, or offensive environment for other campus community members. Protected status includes a person's race; color; national origin; sensory, mental, or physical disability; age; religion; creed; genetic information; sexual orientation; gender identity; veteran's status; or any other legally protected classification. See "Sexual misconduct" for the definition of "sexual harassment." Harassing conduct may include, but is not limited to, physical conduct, verbal, written, social media and electronic communications.

(19) **Retaliation.** Harming, threatening, intimidating, coercing, or taking adverse action of any kind against a person because such person reported an alleged violation of this code or college policy, provided information about an alleged violation, or participated as a witness or in any other capacity in a college investigation or disciplinary proceeding.

(20) **Misuse of information resources.** Theft or other misuse of computer time or other electronic information resources of the college. Such misuse includes, but is not limited to:

(a) Unauthorized use of such resources or opening of a file, message, or other item;

(b) Unauthorized duplication, transfer, or distribution of a computer program, file, message, or other item;

(c) Unauthorized use or distribution of someone else's password or other identification;

(d) Use of such time or resources to interfere with someone else's work;

(e) Use of such time or resources to send, display, or print an obscene or abusive message, text, or image;

(f) Use of such time or resources to interfere with normal operation of the college's computing system or other electronic information resources;

(g) Use of such time or resources in violation of applicable copyright or other law;

(h) Adding to or otherwise altering the infrastructure of the college's electronic information resources without authorization;

(i) Failure to comply with the college's acceptable use policy.

(21) **Breach of campus safety.** Safety violation includes any non-accidental conduct that interferes with or otherwise compromises any college policy, equipment, or procedure relating to the safety and security of the campus community. Breaching campus safety or security includes, but is not limited to:

(a) Unauthorized access to college facilities; intentionally damaging door locks; unauthorized possession of college keys or access cards; duplicating college keys or access cards; propping open of exterior doors; or unauthorized entry onto or into college property;

(b) Tampering with fire safety equipment, such as fire extinguishers, smoke detectors, alarm pull stations or emergency exits or triggering false alarms or other emergency response systems;

(c) Placement of equipment or vehicles, including bicycles, so as to obstruct the means of access to/from college buildings;

(d) Entering or remaining in any closed college facility or entering after the closing time of the college facility without permission of a college official;

(e) Operation of any motor vehicle on college property in an unsafe manner or in a manner which is reasonably perceived as threatening the health or safety of another person.

(22) **Abuse of procedures.** Abuse or misuse of any of the procedures relating to student complaints or misconduct including, but not limited to:

(a) Failure to obey a subpoena;

(b) Falsification or misrepresentation of information;

(c) Disruption or interference with the orderly conduct of a proceeding;

(d) Interfering with someone else's proper participation in a proceeding;

(e) Destroying or altering potential evidence or attempting to intimidate or otherwise improperly pressure a witness or potential witness;

(f) Attempting to influence the impartiality of, or harassing or intimidating, a student conduct committee member;

(g) Failure to comply with any disciplinary sanction(s) imposed under this student conduct code.

(23) **Violation of other laws or policies.** Violation of any federal, state, or local law, rule, or regulation or other college rules or policies, including college traffic and parking rules.

(24) **Ethical violation.** The breach of any generally recognized and published code of ethics or standards of professional practice that governs the conduct of a particular profession for which the student is taking a course or is pursuing as an educational goal or major.

In addition to initiating discipline proceedings for violation of the student conduct code, the college may refer any violations of federal, state, or local laws to civil and criminal authorities for disposition. The college reserves the right to pursue student disciplinary proceedings regardless of whether the underlying conduct is subject to civil or criminal prosecution.

[Statutory Authority: Chapter 34.05 RCW; and RCW 28B.50.140(13); 20 U.S.C. § 1092(f); Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 et seq. WSR 21-18-041, § 495D-121-590, filed 8/24/21, effective 9/24/21. Statutory Authority: RCW 28B.50.140(13). WSR 16-10-092, § 495D-121-590, filed 5/3/16, effective 6/3/16; WSR 14-14-047, § 495D-121-590, filed 6/25/14, effective 7/26/14.]

NEW SECTION

**WAC 495D-121-605 Student conduct code—Hazing prohibited—Sanctions.** (1) Hazing by a student or a student group is prohibited pursuant to WAC 495D-121-590(10).

(2) No student may conspire to engage in hazing or participate in hazing of another. State law provides that hazing is a criminal offense, punishable as a misdemeanor.

(3) Washington state law provides that:

(a) Any student group that knowingly permits hazing is strictly liable for harm caused to persons or property resulting from hazing. If the organization, association, or student living group is a corporation, whether for profit or nonprofit, the individual directors of the corporation may be held individually liable for damages.

(b) Any person who participates in the hazing of another shall forfeit any entitlement to state-funded grants, scholarships, or awards for a period of time determined by the college.

(c) Student groups that knowingly permit hazing to be conducted by its members or by others subject to its direction or control shall be deprived of any official recognition or approval granted by the college.

(d) Student groups found responsible for violating the code of student conduct, college antihazing policies, or state or federal laws relating to hazing or offenses related to alcohol, drugs, sexual assault, or physical assault will be disclosed in a public report issued by the college setting forth the name of the student group, the date the investigation began, the date the investigation ended, a finding of responsibility, a description of the incident(s) giving rise to the finding, and the details of the sanction(s) imposed.

[]

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 495D-121-550 Student conduct code—Hazing prohibited.

WSR 22-17-045  
EXPEDITED RULES  
DEPARTMENT OF  
RETIREMENT SYSTEMS

[Filed August 11, 2022, 8:46 a.m.]

Title of Rule and Other Identifying Information: WAC 415-108-170  
Business hours.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The proposal repeals WAC 415-108-170 Business hours.

Reasons Supporting Proposal: In compliance with RCW 42.04.060, the agency's business hours are posted on the agency's website and of-  
fice building. This rule is no longer necessary.

Statutory Authority for Adoption: RCW 415.05.050 [41.50.050].

Statute Being Implemented: Chapter 41.40 RCW.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Department of retirement systems, governmen-  
tal.

Name of Agency Personnel Responsible for Implementation and En-  
forcement: Tracy Guerin, Department of Retirement Systems, P.O. Box  
48380, Olympia, WA 98380 [98504-8380], 360-664-7312.

This notice meets the following criteria to use the expedited re-  
peal process for these rules:

The rule is no longer necessary because of changed circumstances.

Explanation of the Reason the Agency Believes the Expedited Rule-  
Making Process is Appropriate: The rule is no longer necessary as the  
agency's business hours are posted on the agency's website and office  
building.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROC-  
ESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEAR-  
INGS, 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 EX-  
PRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Rubi Reaume,  
Department of Retirement Systems, P.O. Box 48380, Olympia, WA 98504,  
phone 360-664-7311, email drs.rules@drs.wa.gov, AND RECEIVED BY Octo-  
ber 24, 2022.

August 11, 2022  
Rubi Reaume  
Rules Coordinator

**OTS-4038.1**

REPEALER

The following section of the Washington Administrative Code is  
repealed:

WAC 415-108-170 Business hours.

**WSR 22-17-081**  
**EXPEDITED RULES**  
**LIQUOR AND CANNABIS**  
**BOARD**

[Filed August 17, 2022, 11:26 a.m.]

Title of Rule and Other Identifying Information: Title 314 WAC, Liquor and cannabis board. The Washington state liquor and cannabis board (WSLCB) is updating obsolete building, email, and web addresses in Title 314 WAC, including WAC 314-20-018, 314-24-175, 314-42-001, 314-55-073, 314-60-015, 314-60-025, 314-60-070, and 314-60-080.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The purpose of this proposed expedited rule making is to update obsolete building, email, and web addresses in Title 314 WAC. For example, references to the former headquarters address at 3000 Pacific Avenue S.E. need to be updated to reflect the current address at 1025 Union Avenue S.E., Olympia, WA 98501. These changes are technical in nature. No other types of changes are proposed.

Reasons Supporting Proposal: Amendments are needed to update obsolete building, email, and web addresses in Title 314 WAC. These amendments will ensure that the agency's rules contain accurate address information and will benefit licensees, staff, and the public by improving transparency, consistency, and access to resources.

Statutory Authority for Adoption: RCW 66.08.030, 69.50.342.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: WSLCB, governmental.

Name of Agency Personnel Responsible for Drafting and Implementation: Audrey Vasek, Policy and Rules Coordinator, 1025 Union Avenue S.E., Olympia, WA 98501, 360-664-1758; Enforcement: Chandra Brady, Director of Enforcement and Education, 1025 Union Avenue S.E., Olympia, WA 98501, 360-664-1726.

This notice meets the following criteria to use the expedited adoption process for these rules:

Corrects typographical errors, make address or name changes, or clarify language of a rule without changing its effect.

Explanation of the Reason the Agency Believes the Expedited Rule-Making Process is Appropriate: The expedited rule-making process is appropriate for this rule proposal because the amendments meet the criteria in RCW 34.05.353 (1)(c): These proposed rules only make address changes.

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 Audrey Vasek, Policy and Rules Coordinator, WSLCB, 1025 Union Avenue S.E., Olympia, WA 98501, phone 360-664-1758, fax 360-704-5027, email rules@lcb.wa.gov, AND RECEIVED BY October 24, 2022.

August 17, 2022  
David Postman  
Chair

## OTS-4025.1

AMENDATORY SECTION (Amending WSR 18-02-006, filed 12/20/17, effective 1/20/18)

**WAC 314-20-018 Farmer's market beer and wine sampling.** (1) To conduct beer and wine tasting at a farmer's market, the following criteria must be met:

(a) The farmer's market must be authorized to allow breweries, microbreweries, and wineries to sell sealed bottled wine and/or beer at retail.

(b) The farmer's market must hold an endorsement to allow sampling of beer and wine or both.

(c) A brewery, microbrewery, or winery offering samples at a farmer's market must have an endorsement from the board to sell beer or wine of its own production at a farmer's market (see RCW 66.24.170, 66.24.240, and 66.24.244).

(d) No more than three breweries, microbreweries, or wineries combined may offer samples at a qualifying farmer's market per day.

(e) A brewery, microbrewery, or winery may advertise that it offers samples only at its designated booth, stall, or anywhere within the farmer's market.

(2) Samples of beer or wine may be offered only under the following conditions:

(a) Each sample must be two ounces or less, up to a total of two ounces per customer per day.

(b) Beer and wine samples are to be conducted at the booth or stall of the brewery, microbrewery, or winery with a barrier at least (~~forty-two~~) 42 inches in height, where licensees are able to observe and control customers participating in the samples. The barriers may be moveable (an example would be ropes and stanchions).

(c) A brewery, microbrewery, or winery must have food available for customers to consume while sampling beer or wine, or must be adjacent to a vendor offering prepared food.

(d) Customers must remain in the designated sampling area while sampling beer or wine.

(e) Brewery, microbrewery, or winery employees serving beer or wine during sampling events must hold a valid MAST permit.

(f) The brewery, microbrewery, or winery is required to send a list of scheduled beer and wine samplings to the liquor control board at (~~MIWenforce@liq.wa.gov~~ [~~MIWenforce@lcb.wa.gov~~]) MIWenforce@lcb.wa.gov at the beginning of each month. The date for each beer and wine sampling must be included.

(g) The farmer's market is also required to send a list of scheduled beer and wine samplings to the liquor control board at (~~MIWenforce@liq.wa.gov~~ [~~MIWenforce@lcb.wa.gov~~]) MIWenforce@lcb.wa.gov at the beginning of each month. The date for each beer and wine sampling, and the names of the brewery, microbrewery, and winery providing the samples must be included.

(h) The farmer's market is required to provide a sketch to the licensing division of the area where beer and wine samples will be conducted and to any adjacent food booths.

[Statutory Authority: RCW 66.24.170, 66.24.640, 66.24.695, and 66.08.030. WSR 18-02-006, § 314-20-018, filed 12/20/17, effective

1/20/18. Statutory Authority: RCW 66.24.170, 66.24.240, and 66.24.244. WSR 14-03-084, § 314-20-018, filed 1/16/14, effective 2/16/14.]

**OTS-4026.1**

AMENDATORY SECTION (Amending WSR 14-03-084, filed 1/16/14, effective 2/16/14)

**WAC 314-24-175 Farmer's market beer and wine sampling.** (1) To conduct beer and wine tasting at a farmer's market, the following criteria must be met:

(a) The farmer's market must be authorized to allow breweries, microbreweries, and wineries to sell bottled wine and/or beer at retail.

(b) The farmer's market must hold an endorsement to allow sampling of beer and wine or both.

(c) A brewery, microbrewery, or winery offering samples at a farmer's market must have an endorsement from the board to sell beer or wine of its own production at a farmer's market (see RCW 66.24.170, 66.24.240, and 66.24.244).

(d) No more than three breweries, microbreweries, or wineries combined may offer samples at a qualifying farmer's market per day.

(e) A brewery, microbrewery, or winery may advertise that it offers samples only at its designated booth, stall, or anywhere within the farmer's market.

(2) Samples of beer or wine may be offered only under the following conditions:

(a) Each sample must be two ounces or less, up to a total of two ounces per customer per day.

(b) Beer and wine samples are to be conducted at the booth or stall of the brewery, microbrewery, or winery with a barrier at least (~~forty-two~~) 42 inches in height, where licensees are able to observe and control customers participating in the samples. The barriers may be moveable (an example would be ropes and stanchions).

(c) A brewery, microbrewery, or winery must have food available for customers to consume while sampling beer or wine, or must be adjacent to a vendor offering prepared food.

(d) Customers must remain in the designated sampling area while sampling beer or wine.

(e) Brewery, microbrewery, or winery employees serving beer or wine during sampling events must hold a valid MAST permit.

(f) The brewery, microbrewery, or winery is required to send a list of scheduled beer and wine samplings to the liquor control board at (~~MIWenforce@liq.wa.gov~~ [~~MIWenforce@lcb.wa.gov~~]) MIWenforce@lcb.wa.gov at the beginning of each month. The date for each beer and wine sampling must be included.

(g) The farmer's market is also required to send a list of scheduled beer and wine samplings to the liquor control board at (~~MIWenforce@liq.wa.gov~~ [~~MIWenforce@lcb.wa.gov~~]) MIWenforce@lcb.wa.gov at the beginning of each month. The date for each beer and wine sampling, and the names of the brewery, microbrewery, and winery providing the samples must be included.

(h) The farmer's market is required to provide a sketch to the licensing division of the area where beer and wine samples will be conducted and to any adjacent food booths.

[Statutory Authority: RCW 66.24.170, 66.24.240, and 66.24.244. WSR 14-03-084, § 314-24-175, filed 1/16/14, effective 2/16/14.]

#### OTS-4027.1

AMENDATORY SECTION (Amending WSR 18-05-006, filed 2/7/18, effective 3/10/18)

**WAC 314-42-001 Board operations and procedure.** This section details the general course and method by which the operations of the board are channeled and determined in addition to the other functions and procedures of the board as provided in Title 314 WAC.

(1) The "Washington state liquor and cannabis board" or "board" pursuant to RCW 66.08.012 and 66.08.014, consists of three members appointed by the governor, with the consent of the senate, for staggered terms of six years. Where appropriate, the term "board" also refers to the staff and employees of the Washington state liquor and cannabis board.

(2) The board delegates certain administrative functions to an administrative director appointed by the board as provided in WAC 314-42-010.

(3) Pursuant to the requirements of the Open Public Meetings Act, chapter 42.30 RCW all determinations and business of the board will be made and conducted in meetings open to the public, except matters exempt from the act under RCW 42.30.140 or properly conducted in executive session pursuant to RCW 42.30.110.

(a) The board holds regular meetings as published with the office of the code reviser in the *Washington State Register* per RCW 42.30.075 and as published on the board's website at (~~www.lcb.wa.gov~~) [lcb.wa.gov](http://lcb.wa.gov). For scheduling purposes, it is the board's intent to schedule petitions, take public testimony, conduct rule making activities, and adopt resolutions at its regular board meetings as published in the *Washington State Register* and posted on the WSLCB website.

(b) Occasionally the board may deem it necessary to cancel meetings or conduct business at times other than as published in the *Washington State Register*. For these occasions, stakeholder notification will occur as provided in the Open Public Meetings Act, chapter 42.30 RCW.

[Statutory Authority: RCW 42.56.120, 34.05.220, 42.56.040, 66.08.030, and 66.08.050. WSR 18-05-006, § 314-42-001, filed 2/7/18, effective 3/10/18.]

#### OTS-4028.1



AMENDATORY SECTION (Amending WSR 22-14-111, filed 7/6/22, effective 8/6/22)

**WAC 314-55-073 Cannabis research license.** A cannabis research license allows a holder of the license to produce, process, and possess cannabis for the limited research purposes provided in RCW 69.50.372. The WSLCB designates a scientific reviewer (reviewer) to review research applications and make recommendations for the approval or denial of research projects and to assess licensed research activities. The following provisions are in addition to the requirements for cannabis research licensees provided in RCW 69.50.372.

**(1) Eligibility and continuing requirements for research license applications, prohibitions and restrictions.**

(a) Other than the restrictions listed in this subsection, any person, organization, agency, or business entity may apply for a cannabis research license.

(b) Other cannabis licensees may apply for a research license. Facilities at which the research is conducted must be wholly separate and distinct from the cannabis business, except:

(i) Licensed producers with a research license and approved research project may grow cannabis plants or possess cannabis for research purposes at the producer's licensed premises. However, all cannabis grown or possessed for research purposes or purposes other than those related to the research project must be kept wholly separated and distinct from commercial operations and must not be comingled with or diverted to cannabis grown for commercial purposes or purposes other than those related to the research project; and

(ii) Licensed processors with a research license and approved research project may possess cannabis for research purposes at the processors licensed premises. However, all cannabis possessed for research purposes must be kept wholly separated and distinct from all cannabis possessed for commercial purposes or purposes other than those related to the research project and must not be comingled with or diverted to cannabis possessed for commercial purposes or purposes other than those related to the research project. Licensed processors who do not also hold a producer license may not grow cannabis plants for the purposes of research under a research license at the processor's licensed location.

(c) Labs certified to perform quality assurance testing on cannabis and cannabis products by the WSLCB may apply for a research license. Certified labs with a research license and approved research project must ensure that all cannabis possessed for research purposes is wholly separated from and is not comingled with cannabis possessed for state required testing purposes for licensed producers or processors or cannabis possessed for any reason other than research purposes.

(d) All research license applicants and persons conducting research under the research license must be 21 years of age or older.

(e) All research license applicants and those persons that have managing control over an organization, agency, or business entity must pass a criminal background check and financial investigation prior to being eligible to receive a research license.

(f) Except as otherwise provided by chapter 69.50 RCW and agency rule, no applicant for a research license may possess any cannabis plants or cannabis for research purposes unless and until the research project is approved and the applicant is notified that the research license is approved in writing by the WSLCB.

(g) No research licensee may conduct research unless and until the research project is approved by the reviewer and the WSLCB in writing.

(2) **Initial applications.**

(a) **Application made with business licensing services (BLS).**

(i) Applicants for a research license must apply through BLS to begin the application process for a research license.

(ii) Upon submitting an application for a research license through BLS, the applicant will receive an application letter from the WSLCB directing the applicant to submit the additional application materials directly to the WSLCB's designated scientific reviewer (reviewer).

(A) The applicant must submit complete and accurate additional application materials directly to the reviewer within 30 days of the date of the application letter from the WSLCB or by the date indicated on the application letter. It is the responsibility of the research license applicant to comply with the application requirements in this section and ensure the application is complete, accurate, and successfully submitted to the reviewer.

(B) Incomplete or incorrect additional application materials, materials that do not adhere to the content requirements in this section, or materials not received by the reviewer by 5:00 p.m. on the 30th day or the application date as indicated on the letter from the WSLCB will not be considered by the reviewer and the WSLCB will withdraw the application after receiving notice in writing from the reviewer.

(b) **Additional application materials requirements.**

(i) Application materials that do not adhere to the content requirements in this section or incomplete or incorrect applications will be withdrawn.

(ii) The applicant is responsible for ensuring that no information is included in the research plan that may compromise the applicant's ability to secure patent, trade secret, or other intellectual property protection. All application documents must be submitted by a person who has the legal authority to represent the entity if the applicant is an entity other than an individual person.

(iii) All documents must be submitted to the reviewer in a legible PDF format.

(iv) All of the following information and documents are required for each initial application:

(A) A completed cover page form, cannabis research license application form, and signature page form created by the WSLCB and available at the WSLCB's website at (~~www.leb.wa.gov~~) [lcb.wa.gov](http://lcb.wa.gov).

(B) A research plan limited to eight pages, not including references or citations, that includes the following information:

(I) Purpose and goal(s) of the proposed research project(s);

(II) Key milestones and timelines for the research project(s);

(III) Background and preliminary studies;

(IV) Amount of cannabis to be grown, if applicable, including the justification with respect to milestone tasks;

(V) Anticipated cost of the proposed research project(s) and funding available for the work. The scientific reviewer may request additional information or ask clarifying questions about the cost of the proposal to determine whether the budget meets the scope and design of the proposed project;

(VI) Key personnel and organizations, including names and roles;

(VII) Facilities, equipment, and other resources required and available for conducting the proposed research project(s).

(C) A biosketch for each individual involved in executing the proposed research project limited to two pages per individual performing technical and administrative functions essential to performing the proposed research, including proof that the individual is 21 years of age or older. Biosketches must be prepared using the National Institutes of Health (NIH) biographical sketch format, available at <http://grants.nih.gov/grants/forms/new-renewal-revisions.htm>.

(D) Letters of support limited to two pages per letter confirming the commitment of time and resources from external personnel or organizations if external personnel or organizations will participate in research activities under an approved research project. Letters of support are required to confirm the commitment of time and resources from personnel involved in the proposed research project(s) who are not employed at the applicant organization. Letters of support must include specific details regarding the type(s) and magnitude of the time and resources being committed to the proposed research project(s) and must be signed by individuals having the authority to make such commitments.

(E) For all project(s) involving human or animal subjects, documentation of all required institutional review board (IRB) or institutional animal care and use committee (IACUC) approvals. Documents must be provided on IRB or IACUC letterhead and be signed by authorized officials of those regulatory bodies.

(v) Documents that do not conform to the requirements in subsection (b) of this section may be withdrawn. All nonform documents must conform to the following requirements:

(A) Eight and one-half by 11-inch portrait-oriented page dimensions;

(B) Single-spaced with all margins measuring at least one inch; and

(C) At least 12-point font in Times New Roman or Arial, not proportionately reduced.

**(c) Review by the WSLCB's designated scientific reviewer.**

(i) If the applicant submits application materials to the reviewer by the required deadline specified by the WSLCB's application letter and the reviewer determines the additional application materials are complete and meet the document requirements specified in this section, the reviewer will proceed with reviewing the research project to evaluate whether the project complies with the provisions of RCW 69.50.372 (1) and (2). The scientific reviewer may require the applicant to provide additional information if the scientific reviewer determines that more information is necessary to complete the review.

(ii) When evaluating research projects, the reviewer must:

(A) Ensure confidentiality;

(B) Screen members of the reviewer panel for any conflicts of interest and take appropriate measures if a conflict of interest is identified;

(C) Review all information, including the budget, to evaluate whether the scope and design of the proposed project matches the budget and resources of the applicant; and

(D) The scientific reviewer may require the applicant to submit to a site inspection. The site inspection may occur after the initial review and before the license is issued to evaluate the adequacy of the location, facilities, or equipment to complete the proposed project.

(iii) The reviewer will assess fees for the review of the research project proposal directly to the applicant pursuant to RCW 69.50.372(7). The reviewer will not recommend approval of an application for any research license for which an unpaid balance of fees to the reviewer is due regardless of the recommendation of the reviewer regarding the sufficiency of the research project.

(iv) If at any time during the process of review the reviewer finds that the additional application materials are not complete, the reviewer will notify the WSLCB in writing and the WSLCB will withdraw the application.

(v) The reviewer will supply a written evaluation to the WSLCB in writing after completing review of the research project. Evaluations will provide the approval recommendation status; determination(s) of the applicable research category or categories; and, as applicable, the reasons for a "Not Approved" recommendation. The WSLCB will provide written evaluations to applicants following completion of the review process by the reviewer along with the WSLCB's approval or denial of the research license.

(d) **WSLCB requirements and licensing process.** If the reviewer indicates the application for a research license should be approved, the following requirements must be met prior to final approval of the license by the WSLCB.

(i) The WSLCB will request criminal background and financial information from the research license applicant and evaluate the applicant(s) pursuant to the standards and requirements established in WAC 314-55-020 except that research license applicants are not subject to prioritization under subsection (3) of that section;

(ii) Funding of the proposed research must be disclosed by the applicant(s) in amount, timing and source(s). Funding sources may include organizational resources and individuals and organizations that are not part of the person, organization, agency, or business entity applying for the research license. Out-of-state resources may be included, but must be identified;

(iii) The applicant(s) must adhere to the notice posting requirements under WAC 314-55-020;

(iv) The applicant must demonstrate access to and proficiency with the traceability system; and

(v) The applicant must meet facility security requirements as provided in WAC 314-55-083 prior to being granted a license.

(3) **Research license withdrawal and denials.**

(a) The WSLCB will withdraw an application if:

(i) The application or additional application materials are determined incomplete or incorrect by the WSLCB or its designated reviewer;

(ii) The additional application materials are not timely received by the reviewer as provided in this section; or

(iii) The applicant(s) request withdrawal of a research license application at any time in the application process. The applicant must request the withdrawal in writing and is responsible for any review costs due to the reviewer. The voluntary withdrawal of a research license application does not result in a hearing right.

(b) The WSLCB will deny a research license if:

(i) The scientific reviewer does not recommend approval of the license after reviewing the research proposal for compliance with this section or RCW 69.50.372;

(ii) The applicant does not meet the requirements for a license under this section or RCW 69.50.372; or

(iii) The applicant provides false or misleading information in any of the materials it submits to the WSLCB or the reviewer.

(c) If the WSLCB denies a research application for the reasons provided in (b)(iii) of this subsection or for failing to meet criminal history or administrative violations requirements under this section, the applicant(s) is prohibited from reapplying for a research license for one calendar year from the date of the WSLCB's denial of the license.

(d) A person or entity that has outstanding unpaid review fees owing to the scientific reviewer is prohibited from reapplying for a research license until all review fees are paid to the scientific reviewer.

**(4) Reporting required.**

(a) The WSLCB or the WSLCB's designated reviewer may require reporting by or auditing of research licensees as necessary.

(b) The WSLCB's designated reviewer must submit an annual status report of all completed and ongoing research projects for the previous year to the WSLCB by December 31st of each calendar year.

(c) The licensee must adhere to the reporting requirements in the traceability system under WAC 314-55-083.

(d) The reviewer must immediately notify the WSLCB if it receives information indicating that a research licensee is operating outside the scope of the projects approved under a research license.

**(5) Adding an additional research project or changing existing approved research project process (after licensure).**

(a) A research licensee is restricted to only those research activities under a research project that has been reviewed and approved by reviewer.

(b) Applications to add a new project or change an existing approved project is the same as what is required for initial application except that a new license application through BLS is not required. To apply to add a new research project or change an existing approved project, a research licensee must submit all materials to the reviewer as required under subsection (2)(b) of this section. Incomplete project applications will not be considered.

(c) The reviewer will review the application for a new research project or change to an existing approved research project pursuant to subsection (2)(c) of this section. The reviewer will supply a written evaluation to the WSLCB and the licensee in writing after completing review of the application for a new research project or a change to an existing approved research project. Evaluations will provide the approval recommendation status; determination(s) of the applicable research category or categories; and, as applicable, the reasons for a "Not Approved" recommendation.

**(6) Research license renewals.**

(a) Research license renewals operate on an annual basis, based on the license issuance date. A licensee must have an ongoing approved research project or an application for a new research project to be eligible for license renewal. The WSLCB will notify the licensee and reviewer 90 days prior to the license renewal date. The licensee must provide a status report to the reviewer or an application for a new research project if the licensee's ongoing approved research project will end within 30 days prior to or after the renewal date. The status report or application must be received by the reviewer within 30 days of the 90-day renewal notice from the WSLCB or the license will not be renewed.

(b) The reviewer will notify the WSLCB in writing if the licensee meets the requirements for renewal not later than 15 days prior to the licensee's renewal date.

(c) If the reviewer determines that the research project does not meet requirements for renewal due to lack of an ongoing project or for failure to meet the requirements of RCW 69.50.372 or this section for a proposed new project, the reviewer will recommend the WSLCB not renew the license.

(d) The WSLCB will review the licensee's violation history and criminal background check prior to renewal. If the violation history or criminal records disqualifies the licensee from eligibility for a research license under WAC 314-55-050, the WSLCB will not renew the license.

(7) **License revocation.**

(a) The WSLCB may revoke an application for the following reasons:

(i) The WSLCB has reason to believe that cannabis is being diverted from the research licensee;

(ii) The research licensee operates outside the scope of the research project(s) approved under the license issued to the licensee;

(iii) The applicant makes a misrepresentation of fact, or fails to disclose a material fact to the WSLCB during the application process or any subsequent investigation after a license has been issued;

(iv) The WSLCB finds that the licensee possesses cannabis plants, cannabis, or cannabis products that are not accounted for in the traceability system;

(v) The research licensee makes changes to their operating plan, entity structure, or location without prior approval from the WSLCB;

(vi) The research licensee fails to maintain security requirements for the licensed research facility; or

(vii) The licensee violates any provision of chapter 69.50 RCW or this chapter.

(b) A licensee may request voluntary cancellation of a license at any time. The licensee must request cancellation of a research license to the WSLCB in writing. The voluntary cancellation of a research license does not result in a hearing right.

(8) **Cannabis disposal requirements.**

(a) Licensees must dispose of cannabis as provided in WAC 314-55-097.

(b) Licensees must dispose of cannabis if the research license is discontinued for any reason. A licensee may transfer plants to another cannabis research licensee. A licensee may work with the WSLCB to dispose of cannabis or cannabis plants.

(9) An applicant or licensee may request an administrative hearing to contest the withdrawal, denial, nonrenewal, or revocation of a research license pursuant to chapter 34.05 RCW. A request for a hearing must be made in writing and received by the WSLCB no later than 20 days after the date the notification of withdrawal, denial, nonrenewal, or revocation was mailed to the applicant or licensee. Appeal requests submitted in paper form may be delivered to the WSLCB in person during normal business hours at (~~3000 Pacific~~) 1025 Union Avenue S.E., Olympia, WA 98501, or mailed to the WSLCB. Mailed appeal requests must be addressed to: WSLCB, ATTN: Adjudicative Proceedings Coordinator, P.O. Box 43076, Olympia, WA 98504-3076 or, for certified mail, WSLCB, ATTN: Adjudicative Proceedings Coordinator, (~~3000 Pacific~~) 1025 Union Avenue S.E., Olympia, WA 98501.

[Statutory Authority: RCW 69.50.342 and 2022 c 16 § 168. WSR 22-14-111, § 314-55-073, filed 7/6/22, effective 8/6/22. Statutory Authority: RCW 69.50.325, 69.50.342, 69.50.345, and 69.50.369. WSR 18-22-055, § 314-55-073, filed 10/31/18, effective 12/1/18. Statutory Authority: RCW 69.50.342, 69.50.345, and 69.50.372. WSR 17-04-038, § 314-55-073, filed 1/25/17, effective 2/25/17.]

## OTS-4029.1

AMENDATORY SECTION (Amending WSR 22-14-111, filed 7/6/22, effective 8/6/22)

### **WAC 314-60-015 Agency description—Contact information.** (1)(a)

The Washington state liquor and cannabis board (WSLCB) is an agency created to exercise the police power of the state in administering and enforcing laws and regulations relating to alcoholic beverage control (Title 66 RCW), cannabis (chapter 69.50 RCW), tobacco (chapter 70.155 RCW), and vapor products (chapter 70.345 RCW).

(b) The board issues licenses relating to liquor, cannabis, tobacco, and vapor products; and collects taxes imposed on liquor and cannabis.

(c) The WSLCB is responsible for enforcing laws preventing access to tobacco products by persons under the age of 18 years (chapter 70.155 RCW). The board enforces the tobacco tax laws and the department of revenue administers tobacco tax laws (chapters 82.24 and 82.26 RCW).

(2) The Washington state liquor and cannabis board is organized into seven divisions:

- (a) Board administration;
- (b) Director's office;
- (c) Licensing and regulation;
- (d) Enforcement and education;
- (e) Finance;
- (f) Information technology; and
- (g) Human resources.

(3)(a) The administrative offices of the Washington state liquor and cannabis board are located at (~~3000 Pacific Avenue Southeast, Olympia, Washington 98504-3080~~) 1025 Union Avenue S.E., Olympia, WA 98501.

(b) WSLCB staff is also located at enforcement offices maintained in major cities throughout the state.

Enforcement offices addresses and contact numbers are located on the WSLCB's website at (~~www.leb.wa.gov~~) lcb.wa.gov.

(4) An organizational chart is available from the board's public records office which illustrates the general structure of the WSLCB's operations. More information on the construct of the WSLCB is also available on the WSLCB's website at (~~www.leb.wa.gov~~) lcb.wa.gov.

[Statutory Authority: RCW 69.50.342 and 2022 c 16 § 168. WSR 22-14-111, § 314-60-015, filed 7/6/22, effective 8/6/22. Statutory Authority: RCW 42.56.120, 34.05.220, 42.56.040, 66.08.030, and

66.08.050. WSR 18-05-006, § 314-60-015, filed 2/7/18, effective 3/10/18. Statutory Authority: RCW 66.08.030, 34.05.220, and 42.56.40 [42.56.040]. WSR 09-07-070, § 314-60-015, filed 3/13/09, effective 4/13/09.]

AMENDATORY SECTION (Amending WSR 18-05-006, filed 2/7/18, effective 3/10/18)

**WAC 314-60-025 Public records officer.** (1) The WSLCB public records officer:

- (a) Receives all public records requests made to the WSLCB;
- (b) Provides "fullest assistance" to persons seeking WSLCB public records;
- (c) Oversees the WSLCB's compliance with the Public Records Act, including locating, processing, and releasing records responsive to public records requests;
- (d) Creates and maintains an index of certain WSLCB public records, to the extent required by RCW 42.56.070; and
- (e) Prevents the fulfillment of public records requests from causing excessive interference with essential functions of the department.

(2) Any person wishing to access WSLCB public records should contact the WSLCB's public records officer or designee at:

Mailing Address:

Public Records Officer  
Liquor and Cannabis Board  
(~~3000 Pacific Avenue Southeast~~) P.O. Box 43090  
Olympia, (~~Washington~~) WA 98504

Building Address:

1025 Union Avenue S.E.  
Olympia, WA 98501  
Phone: 360-664-1693  
(~~Fax: 360-664-9689~~)  
Email: publicrecords@lcb.wa.gov

Current contact information is also available on the WSLCB website at (~~www.lcb.wa.gov~~) lcb.wa.gov.

(3) The public records officer may designate one or more WSLCB staff to carry out the responsibilities set forth in subsection (1) of this section; and other staff may process public records requests. Therefore, use of the term public records officer in this chapter may include the public records officer's designee(s) or any other staff assisting in processing public records requests, where indicated by context.

[Statutory Authority: RCW 42.56.120, 34.05.220, 42.56.040, 66.08.030, and 66.08.050. WSR 18-05-006, § 314-60-025, filed 2/7/18, effective 3/10/18.]



AMENDATORY SECTION (Amending WSR 18-05-006, filed 2/7/18, effective 3/10/18)

**WAC 314-60-070 Availability of public records.** (1) Many records are available on the WSLCB's website at (~~www.leb.wa.gov~~) lcb.wa.gov. Requestors are encouraged to search for and view records on the WSLCB's website in lieu of or prior to making a public records request. An index of public records is available as provided in subsection (3) of this section.

(2) Requestors are encouraged to contact the public records officer to determine the location and availability of records prior to or at the time of making a public records request.

**(3) Hours for inspection of records.**

(a) Public records are available for inspection and copying at the main office of the board during normal business hours of the WSLCB, Monday through Friday, from 9:00 a.m. to noon and from 1:00 p.m. to 4:30 p.m., excluding state legal holidays.

(b) Records must be inspected at the offices of the WSLCB and may not be removed from WSLCB offices. The majority of public records are located at the WSLCB's central office, although some may be located in other locations, including the regional offices.

(4) **Records index.** The WSLCB maintains an index as required under RCW 42.56.070 and updates the index on a biennial basis at minimum. The index of public records is available on the WSLCB's website at (~~www.leb.wa.gov~~) lcb.wa.gov, including:

(a) Final opinions, including concurring and dissenting opinions, as well as orders, made in the adjudication of cases;

(b) Those statements of policy and interpretations of policy, statute and the constitution which have been adopted by the agency; and

(c) Declaratory orders issued pursuant to RCW 34.05.240 containing an analysis or decision of substantial importance to the agency in carrying out its duties.

(5) **Organization of records.** The WSLCB will maintain its records in a reasonably organized manner. The WSLCB will take reasonable actions to protect records from damage and disorganization.

[Statutory Authority: RCW 42.56.120, 34.05.220, 42.56.040, 66.08.030, and 66.08.050. WSR 18-05-006, § 314-60-070, filed 2/7/18, effective 3/10/18. Statutory Authority: RCW 66.08.030, 34.05.220, and 42.56.40 [42.56.040]. WSR 09-07-070, § 314-60-070, filed 3/13/09, effective 4/13/09; Order 22, § 314-60-070, filed 4/17/73, effective 5/18/73.]

AMENDATORY SECTION (Amending WSR 18-05-006, filed 2/7/18, effective 3/10/18)

**WAC 314-60-080 Requests for public records.** An individual may request a public record orally or in writing. The WSLCB encourages all public records requests be submitted in writing. Public records requests may be sent to the WSLCB via email at [publicrecords@lcb.wa.gov](mailto:publicrecords@lcb.wa.gov).

(1) A form for public records requests prescribed by the WSLCB is available at its main office and on its website at (~~www.leb.wa.gov~~) lcb.wa.gov. A written request or public records request form must be submitted or presented to the public records officer or designee and

may be sent to the WSLCB via email at publicrecords@lcb.wa.gov. The request should include the following information:

- (a) The name, organization, mailing address, telephone number, and email address of the requestor;
  - (b) The date and time of day of the request;
  - (c) Identification of the public records sought, in a form or description adequate for the public records officer to identify and locate the records;
  - (d) If the matter requested is referenced within the current index maintained by the board, a reference to the requested record as described; and
  - (e) The address where copies of the record are to be mailed or emailed, or notification that the requestor wants to examine the record at the WSLCB.
- (2) If the public records officer or designee accepts a request other than in writing, he or she will confirm receipt of the information and the substance of the request in writing.

[Statutory Authority: RCW 42.56.120, 34.05.220, 42.56.040, 66.08.030, and 66.08.050. WSR 18-05-006, § 314-60-080, filed 2/7/18, effective 3/10/18. Statutory Authority: RCW 66.08.030, 34.05.220, and 42.56.40 [42.56.040]. WSR 09-07-070, § 314-60-080, filed 3/13/09, effective 4/13/09. Statutory Authority: RCW 66.08.030. WSR 94-03-060, § 314-60-080, filed 1/14/94, effective 2/14/94; Order 56, § 314-60-080, filed 5/31/77, effective 7/1/77; Order 22, § 314-60-080, filed 4/17/73, effective 5/18/73.]

**WSR 22-17-120**  
**EXPEDITED RULES**  
**DEPARTMENT OF AGRICULTURE**  
[Filed August 23, 2022, 7:29 a.m.]

Title of Rule and Other Identifying Information: WAC 16-390-240  
USDA audit verification and terminal market inspection fees.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The department is proposing to amend WAC 16-390-240 USDA audit verification and terminal market inspection fees, to adopt fees identical to, and not less than fees adopted by the United States Department of Agriculture, Agricultural Marketing Service (USDA-AMS) as published in the Federal Register (Vol. 87, No. 114) on June 14, 2022, under the "Fresh Fruits, Vegetables, and Other Products (Inspection, Certification, and Standards)" table with an effective date of October 1, 2022. These changes are necessary to comply with the department's cooperative agreement with USDA-AMS for services the department provides as a "Federal-State Inspection Agency."

Reasons Supporting Proposal: The proposed fee amendments incorporate recent changes in the applicable USDA-AMS audit verification and terminal market inspection fees as required under the department's cooperative agreement with USDA-AMS.

Statutory Authority for Adoption: RCW 15.17.030, [15.17].140(2), [15.17].150, and [15.17].270.

Statute Being Implemented: RCW 15.17.150 and [15.17].270.

Rule is necessary because of federal law, 7 C.F.R. Part 51.

Name of Proponent: Washington state department of agriculture (WSDA), governmental.

Name of Agency Personnel Responsible for Drafting: Reanna McNamara, 1111 Washington Street S.E., Olympia, WA 98504, 360-902-1997; Implementation and Enforcement: Jeremy Martin, 1111 Washington Street S.E., Olympia, WA 98504, 509-885-4500.

This notice meets the following criteria to use the expedited adoption process for these rules:

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.

Explanation of the Reason the Agency Believes the Expedited Rule-Making Process is Appropriate: The department performs audit verification and terminal market inspection services requested by customers as a "Federal-State Inspection Agency" under a cooperative agreement with USDA-AMS. Under the cooperative agreement, WSDA is required to charge no less than USDA-AMS when conducting audit inspection and terminal market inspection services. The proposed rule amendments adopt the updated USDA-AMS fees that go into effect October 1, 2022.

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 Gloriann Robinson, Agency Rules Coordinator, WSDA, 1111 Washington Street S.E., Olympia, WA 98504, phone 360-902-1802, fax 360-902-2092, email wsdarulescomments@agr.wa.gov, AND RECEIVED BY October 24, 2022.

August 5, 2022  
 Jessica Allenton  
 Assistant Director

**OTS-4005.1**

AMENDATORY SECTION (Amending WSR 19-18-047, filed 8/30/19, effective 9/30/19)

**WAC 16-390-240 USDA audit verification and terminal market inspection fees.** WSDA performs audit and inspection services requested by customers under a "cooperative agreement" with the United States Department of Agriculture's Agricultural Marketing Service (USDA/AMS). Under USDA/AMS rules, WSDA provides these services as a "federal-state inspection agency." Under USDA/AMS regulations and the cooperative agreement, the fees that WSDA charges for these services must be no less than the current USDA/AMS fees for these services. The applicable current USDA/AMS fees were published in the Federal Register in Vol. (~~84, No. 83 on April 30, 2019~~) 87, No. 114 on June 14, 2022, under the "Fresh Fruits, Vegetables, and Other Products (Inspection, Certification, and Standards)" table and, for the mileage fee related to terminal market inspection, for incorporation in the USDA/AMS "General Market Manual" at Appendix II, "Schedule of User Fees." In conformity with the cooperative agreement, WSDA adopts the same applicable fees for these services as set forth in this section.

(1) Mileage related to audit verification services is charged at the rate established by the Washington state office of financial management at the time the service was performed.

(2) Specialty crop fees/audit and terminal market fees:

Quality and Condition Inspections for Whole Lots	(( <del>\$210.00</del> ) <u>\$225.00</u> per lot		
Quality and Condition Half Lot or Condition-Only Inspections for Whole Lots	(( <del>\$174.00</del> ) <u>\$186.00</u> per lot		
Condition Half Lot	(( <del>\$161.00</del> ) <u>\$172.00</u> per lot		
Quality and Condition or Condition-Only Inspections for Additional Lots of the Same Product	(( <del>\$96.00</del> ) <u>\$103.00</u> per lot		
Dockside Inspections - Each Package Weighing <30 lbs.	\$0.044 per pkg.		
Dockside Inspections - Each Package Weighing >30 lbs.	\$0.068 per pkg.		
Charge per Individual Product for Dockside Inspection	(( <del>\$210.00</del> ) <u>\$225.00</u> per lot		
Charge per Each Additional Lot of the Same Product	(( <del>\$96.00</del> ) <u>\$103.00</u> per lot		
Inspections for All Hourly Work	Regular	Overtime	Holiday
	(( <del>\$93.00</del> ) <u>\$100.00</u>	(( <del>\$113.00</del> ) <u>\$137.00</u>	(( <del>\$134.00</del> ) <u>\$175.00</u>
Audit Services - ((State)) <u>Federal</u>	(( <del>\$115.00</del> ) <u>\$132.00</u> per audit	((N/A))	((N/A))
<u>Audit Services - State</u>	<u>\$132.00 per audit</u>		
<u>GFSI Certification Fee<sup>2</sup></u>	<u>\$250.00 per audit</u>		

<sup>2</sup> Global Food Safety Initiative (GFSI) Certification Fee—\$250 per GFSI audit to recoup the costs associated with attaining technical equivalency to the GFSI benchmarking requirements.

(3) The mileage fee related to terminal market inspection services is \$1.96 per mile. Round trip mileage will be charged from an inspector's assigned location to the inspection site.

[Statutory Authority: RCW 15.17.030, [15.17].140(2), [15.17].150, and [15.17].270. WSR 19-18-047, § 16-390-240, filed 8/30/19, effective 9/30/19. Statutory Authority: RCW 15.17.030, [15.17].140(2), [15.17].150, [15.17].270 and chapter 34.05 RCW. WSR 18-21-167, § 16-390-240, filed 10/23/18, effective 11/23/18; WSR 17-24-077, § 16-390-240, filed 12/5/17, effective 1/5/18. Statutory Authority: RCW 15.17.140(2), 15.17.040 [15.17.030], chapters 17.24 and 34.05 RCW. WSR 14-24-086, § 16-390-240, filed 12/1/14, effective 1/1/15. Statutory Authority: RCW 15.17.050, 2012 2nd sp.s. c 7, and chapter 34.05 RCW. WSR 12-19-040, § 16-390-240, filed 9/12/12, effective 10/13/12. Statutory Authority: Chapters 15.17 and 34.05 RCW. WSR 07-16-084, § 16-390-240, filed 7/30/07, effective 8/30/07. Statutory Authority: Chapters 15.17, 34.05 RCW, and 2003 1st sp.s. c 25. WSR 04-11-078, § 16-390-240, filed 5/18/04, effective 6/18/04.]

**WSR 22-17-161**  
**EXPEDITED RULES**  
**SUPERINTENDENT OF**  
**PUBLIC INSTRUCTION**

[Filed August 24, 2022, 9:34 a.m.]

Title of Rule and Other Identifying Information: Chapter 392-107 WAC, rules concerning the administration of elections for education service district boards of directors.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The office of superintendent of public instruction (OSPI) is proposing to repeal chapter 392-107 WAC since the rules are no longer applicable due to a change in statute.

Reasons Supporting Proposal: The Washington state legislature passed HB 1974 (2022) moving the administration of elections for educational service district (ESD) boards of directors to the Washington State School Directors' Association (WSSDA). As WSSDA is now responsible for the administration of these elections and establishing related procedures, the rules under chapter 392-107 WAC are no longer valid.

Statutory Authority for Adoption: RCW 28A.310.080.

Rule is not necessitated by federal law, federal or state court decision.

Name of Agency Personnel Responsible for Drafting and Implementation: Kristin Murphy, OSPI, 600 South Washington Street, Olympia, WA, 360-725-6133.

This notice meets the following criteria to use the expedited repeal process for these rules:

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; and

The rule is no longer necessary because of changed circumstances.

Explanation of the Reason the Agency Believes the Expedited Rule-Making Process is Appropriate: RCW authorizing OSPI to administer elections for ESD boards of directors was amended in 2022. The amendment moved the responsibility to WSSDA. Therefore, OSPI no longer has the authority to administer these elections and the related rules are no longer applicable.

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 Kristin Murphy, OSPI, P.O. Box 47200, Olympia, WA 98504-7200, phone 360-725-6133, email Kristin.murphy@k12.wa.us, AND RECEIVED BY October 25, 2022.

August 16, 2022  
Chris P. S. Reykdal  
State Superintendent of Public Instruction

**OTS-3985.1**

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 392-107-200	Purpose and authority.
WAC 392-107-201	Election of educational service district board members.
WAC 392-107-205	Electors.
WAC 392-107-210	Call of election.
WAC 392-107-215	Candidate qualifications—Forms—Filing—Withdrawal of candidacy.
WAC 392-107-220	Balloting.
WAC 392-107-225	Counting—Ineligible votes—Recount—Certification of election—Special election.

**WSR 22-17-162**  
**EXPEDITED RULES**  
**SUPERINTENDENT OF**  
**PUBLIC INSTRUCTION**

[Filed August 24, 2022, 9:35 a.m.]

Title of Rule and Other Identifying Information: Chapter 392-109 WAC, rules concerning the administration of elections for elected members of the state board of education.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The office of superintendent of public instruction (OSPI) is proposing to repeal chapter 392-109 WAC since the rules are no longer applicable due to a change in statute.

Reasons Supporting Proposal: The Washington state legislature passed HB 1974 (2022) moving the administration of elections for elected members of the state board of education to the Washington State School Directors' Association (WSSDA). As WSSDA is now responsible for the administration of these elections and establishing related procedures, the rules under chapter 392-109 WAC are no longer valid.

Statutory Authority for Adoption: RCW 28A.305.021.

Rule is not necessitated by federal law, federal or state court decision.

Name of Agency Personnel Responsible for Drafting and Implementation: Kristin Murphy, OSPI, 600 South Washington Street, Olympia, WA, 360-725-6133.

This notice meets the following criteria to use the expedited repeal process for these rules:

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; or

The rule is no longer necessary because of changed circumstances.

Explanation of the Reason the Agency Believes the Expedited Rule-Making Process is Appropriate: RCW authorizing OSPI to administer elections for elected members of the state board of education was amended in 2022. The amendment moved the responsibility to WSSDA. Therefore, OSPI no longer has the authority to administer these elections and the related rules are no longer applicable.

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 Kristin Murphy, OSPI, P.O. Box 47200, Olympia, WA 98504-7200, phone 360-725-6133, email Kristin.murphy@k12.wa.us, AND RECEIVED BY October 25, 2022.

August 16, 2022  
Chris P. S. Reykdal  
State Superintendent of Public Instruction

**OTS-3986.1**



REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 392-109-037	Purpose and authority.
WAC 392-109-040	Composition.
WAC 392-109-043	Election officer.
WAC 392-109-045	Definitions.
WAC 392-109-047	Annual elections.
WAC 392-109-048	Election timeline.
WAC 392-109-050	Elector information.
WAC 392-109-060	Call of election.
WAC 392-109-065	Candidates—Eligibility—Filing.
WAC 392-109-070	Declaration of candidacy form.
WAC 392-109-075	Optional candidate statement.
WAC 392-109-077	Withdrawal of candidacy.
WAC 392-109-080	Ballots—Contents.
WAC 392-109-085	Ballots and envelopes—Mailing to electors.
WAC 392-109-090	Voting—Marking and return of ballots.
WAC 392-109-095	Election counting boards—Appointment and composition.
WAC 392-109-100	Receipt of ballots and count of votes.
WAC 392-109-105	Ineligible votes.
WAC 392-109-111	Run-off election.
WAC 392-109-112	Dispute resolution.
WAC 392-109-115	Report and certification of election.
WAC 392-109-120	Vacancies and appointments.

**WSR 22-17-163**  
**EXPEDITED RULES**  
**SUPERINTENDENT OF**  
**PUBLIC INSTRUCTION**

[Filed August 24, 2022, 9:46 a.m.]

Title of Rule and Other Identifying Information: WAC 392-162-100 and 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, the office of superintendent of public instruction (OSPI) updated chapter 392-162 WAC concerning 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 exist 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.

Rule is not necessitated by federal law, federal or state court decision.

Name of Agency Personnel Responsible for Drafting and Implementation: Annie Pennell, OSPI, 600 South Washington Street, Olympia, WA, 360-725-6190.

This notice meets the following criteria to use the expedited repeal process for these rules:

The rule is no longer necessary because of changed circumstances.

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: 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 Kristin Murphy, OSPI, P.O. Box 47200, Olympia, WA 98504-7200, phone 360-725-6133, email kristin.murphy@k12.wa.us, AND RECEIVED BY October 25, 2022.

August 22, 2022  
Chris P. S. Reykdal  
State Superintendent of Public Instruction

**OTS-3987.1**

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 392-162-100 Federal and state program coordination.
- WAC 392-162-115 Monitoring of districts.