



RULE-MAKING ORDER

CR-103E (July 2011)
(Implements RCW 34.05.350)

Agency: Office of Superintendent of Public Instruction (OSPI)

Emergency Rule Only

Effective date of rule:

Emergency Rules

- Immediately upon filing.
- Later (specify) _____

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

- Yes
 - No
- If Yes, explain:

Purpose: The purpose of this emergency rule is to align OSPI’s citizen complaint procedures for federally funded programs under the Elementary and Secondary Education Act (ESEA), as amended by the Every Student Succeeds Act (ESSA) in 2016. The procedures are set forth in chapter 392-168 WAC, and are amended as follows: (1) Federal terms and references are updated to be brought in line with ESSA; and (2) A 45-day timeline is established for OSPI to investigate and resolve citizen complaints regarding equitable services provided to private school students. The emergency rule also includes clarifying non-substantive amendments to chapter 392-168 WAC.

Citation of existing rules affected by this order:

Repealed:
 Amended: Chapter 392-168 WAC
 Suspended:

Statutory authority for adoption: RCW 28A.300.070; RCW 34.05.220(1)(a)

Other authority :

EMERGENCY RULE

Under RCW 34.05.350 the agency for good cause finds:

- That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
- That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.
- That in order to implement the requirements or reductions in appropriations enacted in any budget for fiscal year 2009, 2010, 2011, 2012, or 2013, which necessitates the need for the immediate adoption, amendment, or repeal of a rule, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the fiscal needs or requirements of the agency.

Reasons for this finding: Since the passage of ESEA in 1965, school districts have been required to provide equitable services to private school students and teachers—and in some cases, other education personnel and parent—under a number of ESEA programs. Private school services must start at the same time as public school services. In 2016, the ESSA made changes to ESEA’s timelines for filing complaints regarding equitable services. School districts and participating private schools are now required under federal law to conduct consultation for services. This typically occurs in spring and summer before the school year starts. OSPI is filing emergency rules so that the federally required process for citizen complaints regarding programs under ESEA is in place in time for consultation of equitable services in the 2017-18 school year.

Date adopted: May 11, 2017

NAME (TYPE OR PRINT)

Chris Reykdal

SIGNATURE

TITLE

State Superintendent of Public Instruction

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: May 11, 2017

TIME: 12:44 PM

WSR 17-11-038

(COMPLETE REVERSE SIDE)

**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	<u>6</u>	Repealed	_____
Federal rules or standards:	New	_____	Amended	_____	Repealed	_____
Recently enacted state statutes:	New	_____	Amended	_____	Repealed	_____

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

New	_____	Amended	_____	Repealed	_____
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The number of sections adopted in the agency's own initiative:

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

New	_____	Amended	<u>2</u>	Repealed	_____
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The number of sections adopted using:

Negotiated rule making:	New	_____	Amended	_____	Repealed	_____
Pilot rule making:	New	_____	Amended	_____	Repealed	_____
Other alternative rule making:	New	_____	Amended	_____	Repealed	_____