



RULE-MAKING ORDER EMERGENCY RULE ONLY

CR-103E (December 2017) (Implements RCW 34.05.350 and 34.05.360)

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: December 08, 2020

TIME: 9:38 AM

WSR 21-01-042

Agency: Office of Superintendent of Public Instruction

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 truancy timelines for Alternative Learning Experience (ALE) settings with revised timelines in the non-ALE setting. OSPI established truancy requirements in ALE aligned with truancy requirements of non-ALE settings set to take effect January 1, 2021. OSPI has since filed an emergency rule in November 2020 (WAC 392-401A-035, WA Register 20-17-086) modifying these requirements for the non-ALE setting through March 1, 2021 in response to the COVID-19 pandemic. This revision aligns ALE timelines with the March 1 date.

Citation of rules affected by this order:

- New:
- Repealed:
- Amended: WAC 392-550-040
- Suspended:

Statutory authority for adoption: RCW 28A.232.010, RCW 28A.232.030

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.

Reasons for this finding: The COVID-19 pandemic has required that many school districts shift their instructional models in school year 2020-21, either completely or partially, in order to ensure the safety of their students, staff, and communities. The immediate adoption of this emergency rule is therefore necessary for the preservation of the public health, safety, and general welfare in order to support districts in implementing remote learning and support students in access learning. By extending the period before districts are required to implement truancy protocols in ALE settings, OSPI intends to provide districts additional time to refine their student tracking and engagement processes and continue to attempt to engage families similar to the extension in the non-ALE setting.

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.**

The number of sections adopted in order to comply with:

Federal statute:	New	_____	Amended	_____	Repealed	_____
Federal rules or standards:	New	_____	Amended	_____	Repealed	_____
Recently enacted state statutes:	New	_____	Amended	_____	Repealed	_____

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

New ____ Amended ____ Repealed ____

The number of sections adopted on the agency's own initiative:


New ____ Amended 1 Repealed ____

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

New ____ Amended ____ Repealed ____

The number of sections adopted using:

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

Date Adopted: 12/8/20	Signature: 
Name: Chris Reykdal	
Title: State Superintendent of Public Instruction	