



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: August 23, 2021

TIME: 9:08 AM

WSR 21-18-022

Agency: Office of Superintendent of Public Instruction (OSPI)

Effective date of rule:

Emergency Rules

- Immediately upon filing.
- Later (specify) September 1, 2021

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 the emergency rule amendment to 392-160-015 and 392-160-026 is to provide school districts with additional time for required screening of potential multilingual/English learners. The emergency rule increases the screening timeframe from ten days to thirty days and is intended to be effective through December 2021. The 30-day screening period is consistent with current Federal screening period. The extended screening timeframe allows districts to screen students identified on a provisional status as well as incoming new students within 30-days of on-site attendance when school resumes in the fall.

Citation of rules affected by this order:

New:

Repealed:

Amended: 392-160-015, 392-160-026

Suspended:

Statutory authority for adoption: 28A.180.060

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: Due to the ongoing global pandemic caused by the COVID-19 virus and the need for many schools to operate fully or partially remotely last school year (SY20-21), students screened were identified on a provisional basis for last school year. The extended screening timeframe allows districts to screen students identified on a provisional status as well as incoming new students within 30-days of on-site attendance when school resumes in the fall 2021.

**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	<u>2</u>	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 2 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: August 23, 2021

Name: Chris Reykdal

Title: State Superintendent of Public Instruction

Signature:

