



# 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: February 23, 2022

TIME: 10:08 AM

WSR 22-06-028

**Agency:** Office of Superintendent of Public Instruction (OSPI)

**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:

1. For students enrolled in both an institutional education program and a youth dropout reengagement program, this emergency rule change will allow the student's enrollment to be shared between an institutional education program and a youth dropout reengagement program. The change allows the student's enrollment to exceed 1.0 FTE in these circumstances as recently enacted in RCW 28A.190.070.
2. For all students enrolled in youth reengagement programs, allow for the required face-to-face interaction to be conducted in-person or via synchronous communication for the 2021-22 school year. Due to the ongoing COVID-19 pandemic, the emergency rule will ensure that students enrolled in youth reengagement programs will be able to access services through additional means of contact.

**Citation of rules affected by this order:**

- New:
- Repealed:
- Amended: WAC 392-121-136, 392-122-221, 392-700-015, 392-700-035, 392-700-042, 392-700-160
- Suspended:

**Statutory authority for adoption:** RCW 28A.190.070 and RCW 28A.175.100

**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:**

1. RCW 28A.190.070, recently enacted, requires OSPI to develop procedures for school districts to report student enrollment in institutional education and youth dropout reengagement programs starting with the 2021-22 school year. Current rules do not allow a student's enrollment to be shared between an institutional education and youth reengagement programs and do not allow a student enrolled in both to exceed 1.0 FTE in any month. An emergency rule is necessary to make this possible as required in RCW 28A.190.070. OSPI filed a CR101 Preproposal Statement of Inquiry (WSR 21-21-096) to initiate regular rule making concerning this topic.
2. Students enrolled in youth dropout reengagement programs under chapter 392-700 WAC are required to receive face-to-face contact as defined in WAC 392-700-015. As programs are providing remote learning options due to the COVID-19 pandemic, face-to-face, in-person interaction is not feasible for all students. An emergency rule is necessary to ensure students will have access to services through alternative means of contact in the 2021-22 school year. OSPI filed a CR101 Preproposal Statement of Inquiry (WSR 21-21-096) to initiate regular rule making concerning this topic and is in the process of gathering input in preparation for next steps.

**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>5</u>	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 on the agency's own initiative:**

New	___	Amended	<u>1</u>	Repealed	___
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**The number of sections adopted in order to clarify, streamline, or reform agency procedures:**

New	___	Amended	___	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	___

**Date Adopted:** 2/16/22

**Name:** Chris Reykdal

**Title:** State Superintendent of Public Instruction

**Signature:**

