



PROPOSED RULE MAKING

CR-102 (December 2017) (Implements RCW 34.05.320)

Do NOT use for expedited rule making

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STATE OF WASHINGTON
FILED

DATE: April 20, 2022

TIME: 11:12 AM

WSR 22-09-084

Agency: Office of Superintendent of Public Instruction (OSPI)

Original Notice

Supplemental Notice to WSR _____

Continuance of WSR _____

Preproposal Statement of Inquiry was filed as WSR 22-05-034 ; or

Expedited Rule Making--Proposed notice was filed as WSR _____; or

Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1); or

Proposal is exempt under RCW _____.

Title of rule and other identifying information: (describe subject) WAC 392-401-020 Excused Absences

Hearing location(s):

Date:	Time:	Location: (be specific)	Comment:
May 24, 2022	3:00 pm	Webinar via Zoom (call-in option will be available)	Due to ongoing public health emergency related to the COVID-19 virus pandemic, this public hearing will be held by webinar via Zoom (with a call-in option). There will be no physical location for the hearing. For information on registering and participating, please visit OSPI's website at https://www.k12.wa.us/policyfunding/ospi-rulemaking-activity . For questions, please email: Kristin.murphy@k12.wa.us

Date of intended adoption: May 26, 2022 (Note: This is NOT the effective date)

Submit written comments to:

Name: Bridget Underdahl

Address: OSPI, PO Box 47200, Olympia, WA 98504

Email: bridget.underdahl@k12.wa.us

Fax:

Other:

By (date) May 24, 2022

Assistance for persons with disabilities:

Contact Kristin Murphy

Phone: 360-725-6133

Fax: 360-753-4201

TTY: 360-664-3631

Email: Kristin.murphy@k12.wa.us

Other:

By (date) May 17, 2022

Purpose of the proposal and its anticipated effects, including any changes in existing rules: OSPI is proposing amendments to WAC 392-401-020 to include absences due to mental and behavioral health as excusable absences in compliance with HB 1834 (2022).

Reasons supporting proposal: The proposed amendments are intended to include absences due to mental health reasons as excused absences. Including language specifying mental health would make clear that mental health has as much significance as physical health and is similarly important to one's overall wellbeing. In addition, the ability to compile data concerning absences due to mental health will provide important information in developing and improving strategies for student support systems. OSPI has engaged, and will continue to engage, student advisory groups and Graduation: A Team Effort (GATE) in developing and implementing the proposed rule change.

Statutory authority for adoption: RCW 28A.300.046

Statute being implemented: RCW 28A.300.046

Is rule necessary because of a:

Federal Law? Yes No

Federal Court Decision? Yes No

State Court Decision? Yes No

If yes, CITATION:

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

Name of proponent: (person or organization) Private
 Public
 Governmental

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting:	Bridget Underdahl	OSPI, 600 S. Washington St., Olympia, WA	
Implementation:	Krissy Johnson	OSPI, 600 S. Washington St., Olympia, WA	
Enforcement:		OSPI, 600 S. Washington St., Olympia, WA	

Is a school district fiscal impact statement required under RCW 28A.305.135? Yes No

If yes, insert statement here:

The public may obtain a copy of the school district fiscal impact statement by contacting:

Name:

Address:

Phone:

Fax:

TTY:

Email:

Other:

Is a cost-benefit analysis required under RCW 34.05.328?

Yes: A preliminary cost-benefit analysis may be obtained by contacting:

Name:

Address:

Phone:

Fax:

TTY:
Email:
Other:

No: Please explain:

Regulatory Fairness Act Cost Considerations for a Small Business Economic Impact Statement:

This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see chapter 19.85 RCW). Please check the box for any applicable exemption(s):

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.061 because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Please cite the specific federal statute or regulation this rule is being adopted to conform or comply with, and describe the consequences to the state if the rule is not adopted.

Citation and description:

This rule proposal, or portions of the proposal, is exempt because the agency has completed the pilot rule process defined by RCW 34.05.313 before filing the notice of this proposed rule.

This rule proposal, or portions of the proposal, is exempt under the provisions of RCW 15.65.570(2) because it was adopted by a referendum.

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.025(3). Check all that apply:

- | | |
|---|--|
| <input type="checkbox"/> RCW 34.05.310 (4)(b)
(Internal government operations) | <input type="checkbox"/> RCW 34.05.310 (4)(e)
(Dictated by statute) |
| <input type="checkbox"/> RCW 34.05.310 (4)(c)
(Incorporation by reference) | <input type="checkbox"/> RCW 34.05.310 (4)(f)
(Set or adjust fees) |
| <input type="checkbox"/> RCW 34.05.310 (4)(d)
(Correct or clarify language) | <input type="checkbox"/> RCW 34.05.310 (4)(g)
((i) Relating to agency hearings; or (ii) process requirements for applying to an agency for a license or permit) |

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.030.

Explanation of exemptions, if necessary: No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed amendment does not have an impact on small business and therefore does not meet the requirements for a statement under RCW 19.85.030 (1) or (2).

COMPLETE THIS SECTION ONLY IF NO EXEMPTION APPLIES

If the proposed rule is **not exempt**, does it impose more-than-minor costs (as defined by RCW 19.85.020(2)) on businesses?

No Briefly summarize the agency's analysis showing how costs were calculated. _____

Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses, and a small business economic impact statement is required. Insert statement here:

The public may obtain a copy of the small business economic impact statement or the detailed cost calculations by contacting:

Name:
Address:
Phone:
Fax:
TTY:
Email:
Other:

Date: April 20, 2022

Name: Chris Reykdal

Title: State Superintendent of Public Instruction

Signature: