



# 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: May 03, 2022

TIME: 2:53 PM

WSR 22-10-088

**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:** To allow school free and reduced price meal counts taken from the October 1, 2019 High Poverty Schools Annual Report to carry over to the 2021-2022 school year for the purpose of the High Poverty Schools National Board Certified Teacher (NBCT) bonus. This rule change only affects schools who lost High Poverty School eligibility between the October 1, 2019 and October 1, 2020 free and reduced price meal counts. Schools that are eligible as High Poverty in 2021-2022 per the October 1, 2020 count will not carry over the October 1, 2019 count. Schools that are eligible as High Poverty per participation in the Community Eligibility Provision or Provision 2 federal meal programs will also not be affected by this change.

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

- New:
- Repealed:
- Amended: WAC 392-140-973
- Suspended:

**Statutory authority for adoption:** RCW 28A.150.290 and 28A.405.415

**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 global COVID-19 pandemic, many Washington state schools and districts were able to provide free meals to all enrolled students. As a result, collecting family income information that would typically drive free and reduced meal counts was significantly reduced. The remote learning environment that most schools operated in also heavily impacted their capacity to collect family income information. These factors affected the free and reduced meal counts as of October 1, 2020 that are used to determine High Poverty Schools eligibility in 2021-2022. Consequently, many schools that had historically been eligible for High Poverty Schools NBCT bonuses have lost eligibility due to underreporting free and reduced price meal counts in 2020.

**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 1 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:** May 3, 2022

**Name:** Chris Reykdal

**Title:** State Superintendent of Public Instruction

**Signature:**

