



EXPEDITED RULE MAKING

CR-105 (December 2017) (Implements RCW 34.05.353)

CODE REVISER USE ONLY

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STATE OF WASHINGTON
FILED

DATE: June 27, 2019

TIME: 10:24 AM

WSR 19-14-045

Agency: Office of Superintendent of Public Instruction (OSPI)

Title of rule and other identifying information: (describe subject) Chapter 392-405 WAC, Harassment, Intimidation, and Bullying

Purpose of the proposal and its anticipated effects, including any changes in existing rules: The purpose of this expedited rule is to recodify WAC 392-400-226—Harassment, Intimidation, and Bullying, into a new, stand-alone chapter of the Washington Administrative Code, chapter 392-405 WAC. This rule making makes no material changes to the rule.

Reasons supporting proposal: RCW 28A.300.285 provides that OSPI must adopt rules regarding school districts' communication of a model harassment, intimidation, and bullying policy and procedure to parents, students, employees, and volunteers. Those rules were formerly codified at WAC 392-400-226. As a part of housekeeping changes made to chapter 392-400 WAC in 2019, WAC 392-400-226 has been repealed effective July 1, 2019. This expedited rule making will recodify WAC 392-400-226 into a new, stand-alone chapter of the Washington Administrative Code. There are no material changes to the former rule.

Statutory authority for adoption: RCW 28A.300.285

Statute being implemented: RCW 28A.300.285

Is rule necessary because of a:

- | | | |
|-------------------------|------------------------------|--|
| Federal Law? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Federal Court Decision? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| State Court Decision? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |

If yes, CITATION:

Name of proponent: (person or organization)

- Private
 Public
 Governmental

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting:	Dierk Meierbachtol	PO Box 47200, Olympia, WA 98504-7200	360-725-6004
Implementation:	Dierk Meierbachtol	PO Box 47200, Olympia, WA 98504-7200	360-725-6004
Enforcement:	Dierk Meierbachtol	PO Box 47200, Olympia, WA 98504-7200	360-725-6004

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

Expedited Adoption - Which of the following criteria was used by the agency to file this notice:

- Relates only to internal governmental operations that are not subject to violation by a person;
- Adopts or incorporates by reference without material change federal statutes or regulations, Washington state statutes, rules of other Washington state agencies, shoreline master programs other than those programs governing shorelines of statewide significance, or, as referenced by Washington state law, national consensus codes that generally establish industry standards, if the material adopted or incorporated regulates the same subject matter and conduct as the adopting or incorporating rule;
- Corrects typographical errors, make address or name changes, or clarify language of a rule without changing its effect;
- Content is explicitly and specifically dictated by statute;
- Have been the subject of negotiated rule making, pilot rule making, or some other process that involved substantial participation by interested parties before the development of the proposed rule; or
- Is being amended after a review under RCW 34.05.328.

Expedited Repeal - Which of the following criteria was used by the agency to file notice:

- The statute on which the rule is based has been repealed and has not been replaced by another statute providing statutory authority for the rule;
- The statute on which the rule is based has been declared unconstitutional by a court with jurisdiction, there is a final judgment, and no statute has been enacted to replace the unconstitutional statute;
- The rule is no longer necessary because of changed circumstances; or
- Other rules of the agency or of another agency govern the same activity as the rule, making the rule redundant.


Explanation of the reason the agency believes the expedited rule-making process is appropriate pursuant to RCW 34.05.353(4): RCW 28A.300.285 provides that OSPI must adopt rules regarding school districts' communication of a model harassment, intimidation, and bullying policy and procedure to parents, students, employees, and volunteers. Those rules were formerly codified at WAC 392-400-226. As a part of housekeeping changes made to chapter 392-400 WAC in 2019, WAC 392-400-226 has been repealed effective July 1, 2019. This expedited rule making will recodify WAC 392-400-226 into a new, standalone chapter of the Washington Administrative Code. There are no material changes to the former rule.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO

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AND RECEIVED BY (date) 9/3/19

Date: 6/26/19	Signature: 
Name: Chris Reykdal	
Title: State Superintendent of Public Instruction	