



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: June 27, 2019

TIME: 10:28 AM

WSR 19-14-046

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: RCW 28A.300.285 provides that OSPI must adopt rules regarding school districts' communication of a model harassment, intimidation, and bullying (HIB) 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 As a part of housekeeping changes made to chapter 392-400 WAC in 2019, WAC 392-400-226 has been repealed effective July 1, 2019. The purpose of this emergency rule is to temporarily recodify WAC 392-400-226 into a new, permanent stand-alone chapter of the Washington Administrative Code, chapter 392-405 WAC, while expedited rule making is underway that would make the rule change permanent. There are no material changes to the former rule.

Citation of rules affected by this order:

New: Chapter 392-405 WAC
 Repealed:
 Amended:
 Suspended:

Statutory authority for adoption:

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: Former WAC 392-400-226 directed school districts regarding how to communicate Washington State's model HIB rules to parents, students, employees, and volunteers as required under RCW 28A.300.285. As a part of housekeeping changes made to chapter 392-400 WAC in 2019, WAC 392-400-226 was repealed effective July 1, 2019. OSPI is simultaneously undertaking expedited rulemaking to recodify WAC 392-400-226 as a new, permanent stand-alone chapter of the Washington Administrative Code, chapter 392-405 WAC. The immediate adoption of this emergency rule is necessary to ensure that the notice requirements of RCW 28A.300.285 are in place at the start of the 2019-20 school year while the expedited rule making is underway.

**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 3 Amended ____ 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: 6/26/19

Name: Chris Reykdal

Title: State Superintendent of Public Instruction

Signature:

