RULE-MAKING ORDER
EMERGENCY RULE ONLY

CR-103E (December 2017)
(Implements RCW 34.05.350 and 34.05.360)

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 to temporarily suspend the requirement that all students in grades K-8 receive at least one hundred instructional minutes per week, per year of physical education.

Citation of rules affected by this order:
   New:
   Repealed:
   Amended:
   Suspended: WAC 392-410-135 (1)


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: Immediate suspension of part of WAC 392-410-135 (1) is necessary to provide flexibility for school districts to adopt and implement a COVID-19 reopening plan that keeps students and staff safe and provides students with the opportunity to access educational services. A school district’s decision to operate a hybrid or fully remote learning model and to practice social distancing will directly impact the district’s ability to offer 100 minutes per week of face-to-face instructional time for all students in grades 1-8. This change does not remove the requirement for all students in grades 1-8 to receive instruction in physical education, per RCW 28A.230.040.

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   Federal statute:   New ___ Amended ___ Repealed ___
   Federal rules or standards: New ___ Amended ___ Repealed ___
   Recently enacted state statutes: New ___ Amended ___ Repealed ___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:

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The number of sections adopted on the agency’s own initiative:

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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

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The number of sections adopted using:

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<tbody>
<tr>
<td>Negotiated rule making</td>
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<td>Pilot rule making</td>
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<td>Other alternative rule making</td>
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**Date Adopted:** 8/24/20

**Name:** Chris Reykdal

**Title:** State Superintendent of Public Instruction

**Signature:** [Signature]

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