



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: October 07, 2020

TIME: 9:32 AM

WSR 20-20-137

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: This emergency rule revision provides some necessary accommodations for youth reengagement programs as a result of the ongoing coronavirus (COVID-19) pandemic. First, the emergency rule provides necessary clarification regarding acceptable “face to face” engagements when a reengagement program is being administered in remote learning environments made necessary by the global COVID-19 pandemic. Second, the rule extends the reengagement programs apportionment count date for the month of September 2020 to allow schools to claim apportionment for students unable to enroll and begin school until later in the month due to the impact of the pandemic and wildfires. Third, the rule removes some “prior month” requirements for October 2020 apportionment to address the impact caused by late student enrollment and participation in September 2020 due to the COVID-19 pandemic. This emergency rule supersedes the previous emergency rule filed under WSR 20-18-081.

Citation of rules affected by this order:

- New:
- Repealed:
- Amended: WAC 392-700-015, WAC 392-700-160
- Suspended:

Statutory authority for adoption: RCW 28A.175.100

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: : Students being served through reengagement programs under chapter 392-700 WAC must still be able to receive educational services, including the face to face interaction time required under WAC 392-700-015, as school districts begin the school year by offering remote learning due to the global COVID-19 pandemic. Because face to face, in-person interaction is not feasible for all students participating in remote learning, this emergency rule amendment is necessary to ensure students will be able to access services through different means of contact in the 2020-21 school year. OSPI is initiating rulemaking to make this change permanent through the remainder of the school year. The pandemic and wildfire season also created situations where students were unable to enroll or participate until later in September. OSPI’s school apportionment rules have been modified for the traditional learning environment to allow for later enrollment and participation for this month. This emergency rule revision aligns with those rules and removes the impacts that late enrollment would create to October enrollment apportionment.

**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 | <u>2</u> | 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: 10/6/20

Name: Chris Reykdal

Title: State Superintendent of Public Instruction

Signature:

