



# EXPEDITED RULE MAKING

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

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

DATE: November 18, 2020

TIME: 8:28 AM

WSR 20-23-114

**Agency:** Office of Superintendent of Public Instruction (OSPI)

**Title of rule and other identifying information:** (describe subject) Alternative Learning Experience Requirements. WAC 392-550-025.

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:** Alternative Learning Experience (ALE) requirements were re-codified in August 2020 as Chapter 392-550 WAC. In this process, the codified timeline for implementation of an intervention plan, previously codified at WAC 392-121-182(7)(a)(ii)(B), was unintentionally omitted. This expedited rule making corrects that drafting error and maintains the established intervention plan requirement.

**Reasons supporting proposal:** Prior to the August 2020 rule revision, schools offering ALE had five school days to implement an intervention plan after a determination of unsatisfactory student progress. Due to a typographical error, that requirement was unintentionally omitted when the ALE rules were re-codified as Chapter 392-550 WAC. There was no intention of removing the requirement, and schools offering ALE courses are accustomed to the five-day timeline. This expedited rule corrects the typographical drafting error.

**Statutory authority for adoption:** RCW 28A.232.010

**Statute being implemented:** RCW 28A.232.010

**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:	Anissa Sharratt	OSPI, 600 Washington St SE, Olympia	(360) 725-4954
Implementation:	Anissa Sharratt	OSPI, 600 Washington St SE, Olympia	(360) 725-4954
Enforcement:	Anissa Sharratt	OSPI, 600 Washington St SE, Olympia	(360) 725-4954

**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):**

**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**

Name: Anissa Sharratt

Agency: Office of Superintendent of Public Instruction (OSPI), Alternative Learning Department

Address: OSPI, PO Box 47200, Olympia, WA 98504

Phone: (360) 725-4954

Fax:

Email: [Anissa.Sharratt@k12.wa.us](mailto:Anissa.Sharratt@k12.wa.us)

Other:

**AND RECEIVED BY** (date) January 19, 2021

**Date:** 11/17/20

**Name:** Chris Reykdal

**Title:** State Superintendent of Public Instruction

**Signature:**

