

**WSR 21-07-151**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**STATE BOARD OF EDUCATION**  
[Filed March 24, 2021, 11:30 a.m.]

Subject of Possible Rule Making: The state board of education adopted rules on chapter 180-16 WAC that required the state board of education to revisit rules on instructional hours by its regularly scheduled July 2021 board meeting and this rule making initiates the rule-making process for that review. The state board of education is proposing amendments to chapter 180-16 WAC to make changes as necessary to align rule to current policy or practice, correct references to law, implement recently passed legislation, improve readability of the rule, and make other changes identified during the review of the WAC chapter. The state board of education is responding to emergent COVID-19 issues in the education system with this rule making on instructional hours, the school day, and basic education compliance reporting. The state board of education is also considering rule making to allow districts continuity of operations of delivery of basic education in emergency situations that threaten public health and welfare or limit the ability to hold in-person instruction so that they may continue to deliver instructional hours through modalities other than in-person education during disruptions that limit the ability to hold in-person instruction.

The state board of education is proposing amendments to chapter 180-90 WAC to allow for schools on an individual basis to offer instruction online as needed to address health and safety concerns of students and staff, make changes as necessary to align rule to current policy or practice, correct references to law, implement recently passed legislation, improve readability of the rule, and make other changes identified during the review of the WAC chapter.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.150.220(7), 28A.195.010, and 28A.195.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: RCW 28A.150.220(7) states that the state board of education shall adopt rules to implement and ensure compliance with program requirements of basic education. To ensure that basic education can be delivered during emergency situations that threaten public health and welfare or disrupt, the state board of education is engaging in rule making so districts can count modalities of delivering instruction other than in-person delivery during disruptions. RCW 28A.195.040 states that the state board of education has the authority to make rules and regulations that establish the terms and conditions for allowing private schools to maintain their approval status when private schools are unable to fulfill the requirement of a full school year of one hundred eighty days or the annual average total instructional hour offering imposed by RCW 28A.195.010 due to a significant disruption resulting from an emergency. The COVID-19 pandemic has caused significant disruption.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Office of superintendent of public instruction.

Process for Developing New Rule: [No information supplied].

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Parker Teed, 600 Washington Street S.E., Olympia, WA 98504,

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March 24, 2021  
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Executive Director