

WSR 21-19-145
PREPROPOSAL STATEMENT OF INQUIRY
SUPERINTENDENT OF
PUBLIC INSTRUCTION

[Filed September 22, 2021, 10:07 a.m.]

Subject of Possible Rule Making: Add sections to chapter 392-117 WAC concerning Apportionment—Health and safety, and vaccination requirements. The purpose of this rule making is to establish the terms and conditions governing local education agencies' entitlement to receive state basic education apportionment allocations during the 2021-22 school year when local education agencies willfully fail to meet the requirements of Proclamation 20-09, et seq. or Proclamation 21-14, et seq.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.150.290, 28A.300.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: On August 25, 2021, the office of superintendent of public instruction (OSPI) filed emergency rules (WSR 21-18-052) on this subject that, based on ongoing conditions related to the COVID-19 pandemic, will be necessary beyond the initial 120-day period provided to emergency rules. The basis for these rules continue: Board actions that violate the law will jeopardize the opening of school, risk cases and outbreaks in school that will warrant quarantines, school building closures, and disruptions in high-quality in-person learning. Given the unprecedented situation caused by the COVID-19 virus and its effect on students and schools in Washington state, rule making is necessary to address local education agencies that willfully do not comply with health and safety requirements contained within Proclamation 20-09, et seq., or vaccination requirements contained within Proclamation 21-14, et seq.

Process for Developing New Rule: Early solicitation of public comments and recommendations respecting new, amended, or repealed rules, and consideration of the comments and recommendations in the course of drafting rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Katherine Mahoney, OSPI, P.O. Box 47200, Olympia, WA 98504, phone 360-764-0780, TTY 360-664-3631, email katherine.mahoney@k12.wa.us, website k12.wa.us; or Matt Schultz, OSPI, P.O. Box 47200, Olympia, WA 98504, phone 360-764-6025, TTY 360-664-3631, email matt.schultz@k12.wa.us, website k12.wa.us.

September 22, 2021
Chris P. S. Reykdal
State Superintendent
of Public Instruction