



## Strategic Plan Priority | Student Transitions & Diploma

Goal: Students successfully transition into, through, and out of the P-12 system, and graduate from Washington state high schools ready for civic engagement, careers, post-secondary education, and lifelong learning.

### Emergency and Permanent Rulemaking on School Closures in Response to Possible Legislation for COVID-19

*Prepared for the April 8, 2020 Special Board Meeting*

#### Synopsis:

The Board is considering two types of rulemaking on the same topic that will concurrently proceed:

1. **The emergency rulemaking (CR-103E) will take effect immediately after the Board takes action (anticipated action on April 8).** Emergency rules last for a maximum of 120 days but can be submitted again if a permanent rulemaking has begun. The rules define the requirements for the emergency waiver program. In addition, the rules provide direction to local education agencies on how the waiver application process will occur. A notification process for Private schools is also defined in the rules. The waiver application and notification process will be rolled out shortly after approval of the emergency rules. The emergency rulemaking may be rescinded or suspended at any time and the Governor may veto it within seven days.
2. **The Board will also consider starting the permanent rulemaking process with a preproposal statement of intent (CR-101). This would allow for allow establishment of permanent rules where appropriate and for further rounds of emergency rulemaking if necessary.** The preproposal statement of intent only describes the purpose and authority of subsequent rulemaking, it does not commit the Board to taking any further action. Filing the preproposal statement of intent allows the Board to issue another emergency rule if the one above expires during a prolonged Coronavirus (COVID-19) situation. Staff have also added the following open-ended language to accommodate future scenarios:  
If the State Board of Education is granted further authorities by the Legislature to create a waiver program for novel coronavirus (COVID-19) for the 2020-2021 school year or to respond to emergencies of various types including epidemics, the purpose of this rulemaking will also include establishment of a waiver program for providing flexibility during the closure of local educational agencies.