

November 3, 2020

Parker Teed  
Rulemaking Coordinator  
State Board of Education  
Sent via email to: [rulescoordinatorSBE@k12.wa.us](mailto:rulescoordinatorSBE@k12.wa.us)

Re: Opposition to Proposed Second Emergency Rule on Instructional Hours

Dear Mr. Teed,

We, the undersigned advocacy organizations, previously expressed concerns about the proposal to permanently adopt the July 22 emergency rule on instructional hours. (See our letter dated September 10, 2020.) We now understand that the State Board of Education has delayed a permanent rulemaking process and intends to adopt a second nearly identical “emergency” rule during its Nov. 4-5 meeting.

We object to this process. We believe the emergency rulemaking statute is only for unforeseen short-term circumstances. It has been more than eight months since the pandemic hit Washington state, with no end in sight. The SBE appears to be using emergency rulemaking to avoid the public participation requirements of permanent rulemaking. The sudden cancellation of last week’s public hearing on a permanent rule heightens our concerns that the SBE is insulating itself from public scrutiny and accountability.

We are especially troubled that the proposed second emergency rule does not cure the deficiencies identified in our September 10 comment letter. Of critical importance, there is still no recognition that many children cannot access remote learning due to personal or family circumstances. By allowing remote learning to count as “instructional hours” for all students regardless of ability to access it, the SBE is denying a basic education to many disadvantaged students. We renew our objections to this increasingly damaging approach.

Sincerely,

/s/ Arzu Forough  
Executive Director, Washington Autism Alliance & Advocacy

/s/ Stacy Dym  
Executive Director, The Arc of Washington State

/s/ Andrea Kadlec  
Attorney, Disability Rights Washington

/s/ Janis White  
President, Seattle Special Education PTA

/s/ Charlotte Cassady  
President, Attorneys for Education Rights