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Washington Office of Superintendent of
PUBLIC INSTRUCTION
Chris Reykdal, Superintendent

k12.wa.us

August 25, 2021

Dear Superintendents and School Board Directors:

At the end of July, I informed you that OSPI intended to withhold funds from school districts who willfully fail to comply with a health and safety measure required by Governor Inslee.

Today, we filed [an emergency rule](#) that defines OSPI's process for districts who willfully fail to comply with the requirements. You will see that the rule applies to both the mask mandate as well as the vaccination mandate for school employees. The rule goes into effect immediately.

For both mandates, the process (at a high level) will be as follows:

- Upon OSPI's determination that a local education agency (LEA) has willfully failed to comply with the Governor's order, OSPI will provide a first notice to the LEA. The LEA will have 15 days upon receipt of the first notice to provide verification of compliance to OSPI. Verification means a resolution passed by the LEA rescinding any actions previously taken prohibiting compliance.
- If corrective action is not taken within 15 days of OSPI's first notice, OSPI will provide a second notice to the LEA. The second notice will identify a 5-day deadline for corrective action. If the LEA does not provide verification of compliance prior to the 5-day deadline in the second notice, OSPI may withhold the LEA's subsequent monthly apportionment payments until the LEA comes into compliance.
- The LEA will be eligible to receive any withheld apportionment payment (minus any reduction included under the next bullet) when OSPI has determined that the LEA is complying with the Governor's order.
- If the LEA does not comply with the requirements in the Governor's order for two monthly apportionment cycles, any subsequent state basic education payments withheld for noncompliance will be reduced proportionately by a ratio equal to the number of school days held while the LEA was in violation of the order, divided by 180 school days.

Since this is an emergency rule with immediate implementation, we are filing and implementing the rule without seeking public comment. In the coming months, we will take action to make this rule permanent, and we will seek public comment at that time. We will keep you informed of our timeline and provide plenty of opportunities for you and your community members to engage with us and provide feedback.

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The health and safety measures required by the Department of Health and the Governor's Office are implemented following extensive research by public health experts. Statewide, nationwide, and global data and research show us that universal masking and widespread vaccinations are the two **most effective** measures our schools can utilize to combat virus spread. If there is minimal virus spread, the likelihood that you will need to close classrooms or entire schools is low. These safety measures work, and they are **not at the discretion of local school boards or superintendents.**

Please let me know if you have questions.

Sincerely,



Chris Reykdal
Superintendent of
Public Instruction