



PROPOSED RULE MAKING

CR-102 (December 2017) (Implements RCW 34.05.320)

Do NOT use for expedited rule making

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STATE OF WASHINGTON
FILED

DATE: May 13, 2022

TIME: 2:03 PM

WSR 22-11-050

Agency: Office of Superintendent of Public Instruction (OSPI)

Original Notice

Supplemental Notice to WSR _____

Continuance of WSR _____

Preproposal Statement of Inquiry was filed as WSR 21-21-096 ; or

Expedited Rule Making--Proposed notice was filed as WSR _____; or

Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1); or

Proposal is exempt under RCW _____.

Title of rule and other identifying information: (describe subject)

WAC 392-121-136 Limitation on enrollment counts,
WAC 392-122-221 State institutional education program-Enrollment exclusions,
WAC 392-700-015 Definitions,
WAC 392-700-035 Student eligibility,
WAC 392-700-042 Program operating agreements and OSPI approval, and
WAC 392-700-160 Reporting of student enrollment.

Hearing location(s):

Date:	Time:	Location: (be specific)	Comment:
June 22, 2022	10:00 a.m.	Webinar via Zoom (call-in option will be available).	Due to ongoing public health emergency related to the COVID-19 virus pandemic, this public hearing will be held by webinar via Zoom (with a call-in option). There will be no physical location for the hearing. For information on registering and participating, please visit OSPI's website at https://www.k12.wa.us/policyfunding/ospi-rulemaking-activity . For questions, please email: Kristin.murphy@k12.wa.us

Date of intended adoption: June 24, 2022 (Note: This is **NOT** the **effective** date)

Submit written comments to:

Name: Becky McLean, OSPI Enrollment Supervisor
Address: OSPI, PO Box 47200, Olympia, WA 98504
Email: becky.mclean@k12.wa.us
Fax: 360-664-3683
Other:
By (date) June 22, 2022

Assistance for persons with disabilities:

Contact Kristin Murphy
Phone: 360-725-6133
Fax: 360-754-4201
TTY: 360-664-3631
Email: Kristin.murphy@k12.wa.us
Other:
By (date) June 15, 2022

Purpose of the proposal and its anticipated effects, including any changes in existing rules: OSPI is proposing rule changes to allow students enrolled in an institutional education program to be concurrently enrolled in a youth dropout reengagement program. The proposed changes would allow the student to be claimed for a combined FTE that exceeds 1.0.

In addition, for all students enrolled in youth dropout reengagement programs, the proposed rule changes to the face-to-face contact requirement for students would expand options beyond in-person communication.

Reasons supporting proposal: RCW 28A.190.070, recently enacted, requires OSPI to develop procedures for school districts to report student enrollment in institutional education and youth dropout reengagement programs starting with the 2021-22 school year. Current rules do not allow a student's enrollment to be shared between an institutional education and youth reengagement programs and do not allow a student enrolled in both to exceed 1.0 FTE in any month.

For all students enrolled in youth dropout reengagement programs, expanding options for contact requirements and attendance definition to allow for options when in-person contact isn't feasible for all students.

Statutory authority for adoption: RCW 28A.150.290 and 28A.175.115

Statute being implemented: RCW 28A.190.070 and 28A.175.100

Is rule necessary because of a:

- Federal Law? Yes No
Federal Court Decision? Yes No
State Court Decision? Yes No

If yes, CITATION:

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

Name of proponent: (person or organization)

- Private
 Public
 Governmental

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting:	Becky McLean	OSPI, 600 S. Washington St., Olympia, WA	360-725-6306
Implementation:	Michelle Matakas	OSPI, 600 S. Washington St., Olympia, WA	360-725-6019
Enforcement:	T.J. Kelly	OSPI, 600 S. Washington St., Olympia, WA	360-725-6301

Is a school district fiscal impact statement required under RCW 28A.305.135?

- Yes No

If yes, insert statement here:

The public may obtain a copy of the school district fiscal impact statement by contacting:

Name:

Address:

Phone:

Fax:

TTY:

Email:

Other:

Is a cost-benefit analysis required under RCW 34.05.328?

- Yes: A preliminary cost-benefit analysis may be obtained by contacting:

Name:

Address:

Phone:

Fax:
TTY:
Email:
Other:

No: Please explain:

Regulatory Fairness Act Cost Considerations for a Small Business Economic Impact Statement:

This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see chapter 19.85 RCW). Please check the box for any applicable exemption(s):

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.061 because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Please cite the specific federal statute or regulation this rule is being adopted to conform or comply with, and describe the consequences to the state if the rule is not adopted.

Citation and description:

This rule proposal, or portions of the proposal, is exempt because the agency has completed the pilot rule process defined by RCW 34.05.313 before filing the notice of this proposed rule.

This rule proposal, or portions of the proposal, is exempt under the provisions of RCW 15.65.570(2) because it was adopted by a referendum.

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.025(3). Check all that apply:

RCW 34.05.310 (4)(b)
(Internal government operations)

RCW 34.05.310 (4)(c)
(Incorporation by reference)

RCW 34.05.310 (4)(d)
(Correct or clarify language)

RCW 34.05.310 (4)(e)
(Dictated by statute)

RCW 34.05.310 (4)(f)
(Set or adjust fees)

RCW 34.05.310 (4)(g)
(i) Relating to agency hearings; or (ii) process requirements for applying to an agency for a license or permit)

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.030.

Explanation of exemptions, if necessary: No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed amendment does not have an impact on small business and therefore does not meet the requirements for a statement under RCW 19.85.030 (1) or (2).

COMPLETE THIS SECTION ONLY IF NO EXEMPTION APPLIES

If the proposed rule is **not exempt**, does it impose more-than-minor costs (as defined by RCW 19.85.020(2)) on businesses?

No Briefly summarize the agency's analysis showing how costs were calculated. _____

Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses, and a small business economic impact statement is required. Insert statement here:

The public may obtain a copy of the small business economic impact statement or the detailed cost calculations by contacting:

Name:
Address:
Phone:
Fax:
TTY:
Email:
Other:

Date: May 12, 2022

Name: Chris Reykdal

Title: State Superintendent of Public Instruction

Signature:

