



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: March 07, 2018

TIME: 10:35 AM

WSR 18-06-105

Agency: Office of Superintendent of Public Instruction

Original Notice

Supplemental Notice to WSR _____

Continuance of WSR _____

Preproposal Statement of Inquiry was filed as WSR 17-18-105 ; 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 392-121-182, Alternative learning experience requirements

Hearing location(s):

Date:	Time:	Location: (be specific)	Comment:
April 12, 2018	10:00 am	Office of Superintendent of Public Instruction – 600 S. Washington Street, Olympia, WA 98501 Brouillet Conference Room	

Date of intended adoption: April 17, 2018 (Note: This is **NOT** the effective date)

Submit written comments to:

Name: Becky McLean

Address: OSPI, PO Box 47200, Olympia, WA 98504-7200

Email: becky.mclean@k12.wa.us

Fax: 360-664-3683

Other:

By (date) April 12, 2018

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) April 5, 2018

Purpose of the proposal and its anticipated effects, including any changes in existing rules: The Office of Superintendent of Public Instruction (OSPI) is proposing to revise the agency's Alternative Learning Experience (ALE) rules in WAC 392-121-182 for the purpose of ensuring that the statutory requirements governing full-day kindergarten (FDK), RCW 28A.150.315, are implemented in an ALE setting.

Reasons supporting proposal: WAC 392-121-182 needs to be clarified to provide the expectations in an ALE setting when FDK student attendance is not reflected in a full-time seat-time classroom.

RCW 28A.150.315 establishes the expectations for all-day kindergarten. To align with enrollment allocation language, the term "full-day kindergarten" or "FDK" will be used for purposes of this rule.

OSPI convened a workgroup to provide recommendations on the final rules for FDK in ALE. This workgroup included representation from OSPI's Alternative Learning, Early Learning, and Learning and Teaching departments, as well as ALE programs offering FDK, and Educational Service District (ESD) WaKIDS coordinators with experience in ALE and traditional kindergarten classrooms. Additionally, OSPI performed several site visits to ALE programs to observe how they were meeting the FDK requirements.

The proposed rules reflect input from the collected survey information, the workgroup recommendations, site visit observations, and the recommendations of the Alternative Learning and Learning and Teaching department staff.

Emergency rules for WAC 392-121-182 (WSR 18-03-007) were filed in January, 2018, to clarify the statutory expectations for FDK in an ALE setting for the 2017–18 school year and to notify ALE programs offering FDK instruction that OSPI would collect survey information about how they were meeting those expectations. These emergency rules are currently in effect. The rules proposed with this CR102 have been updated to reflect proposed changes for the next school year (2018-2019).

Statutory authority for adoption: RCW 28A.150.290, RCW 28A.710.220

Statute being implemented: RCW 28A.232.010 RCW 28A.150.315

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 Street, Olympia, WA	360-725-6306
Implementation:	T.J. Kelly	OSPI, 600 S. Washington Street, Olympia, WA	360-725-6301

Enforcement:

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)(e)
(Dictated by statute)

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

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

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

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: 3/7/18

Name: Chris Reykdal

Title: State Superintendent of Public Instruction

Signature:

