



# PREPROPOSAL STATEMENT OF INQUIRY

**CR-101 (October 2017)**  
**(Implements RCW 34.05.310)**

Do **NOT** use for expedited rule making

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STATE OF WASHINGTON  
FILED

DATE: October 19, 2021

TIME: 4:22 PM

WSR 21-21-096

**Agency:** Office of Superintendent of Public Instruction (OSPI)

**Subject of possible rule making:**

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.

**Statutes authorizing the agency to adopt rules on this subject:** RCW 28A.190.070 and RCW 28A.175.100

**Reasons why rules on this subject may be needed and what they might accomplish:**

OSPI is considering rule making related to students enrolled in both an institutional education program and a youth dropout reengagement program. 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.

In addition, for all students enrolled in youth dropout reengagement programs, OSPI is considering rulemaking concerning possible updates to the face-to-face contact requirement for students, to expand options beyond in-person communication. Updates may also include a change to the attendance requirement definition that would allow for updates to the face-to-face contact requirement.

**Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies:**

**Process for developing new rule (check all that apply):**


- Negotiated rule making
- Pilot rule making
- Agency study
- Other (describe) Early solicitation of public comments and recommendations respecting new, amended, or repealed rules, and consideration of the comments and recommendations in the course of drafting rules.

**Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting:**

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(If necessary)

Name:  
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Additional comments:	
<b>Date:</b> 10/19/21	<b>Signature:</b> 
<b>Name:</b> Chris Reykdal	
<b>Title:</b> State Superintendent of Public Instruction	