



# 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 12, 2022

TIME: 2:48 PM

WSR 22-11-044

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 22-07-094 ; 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 392-550-035, full-day kindergarten requirements in alternative learning experience (ALE), and WAC 392-550-050, assessment requirements in ALE.

### Hearing location(s):

Date:	Time:	Location: (be specific)	Comment:
June 24, 2022	10:00 AM	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 <a href="https://www.k12.wa.us/policyfunding/ospi-rulemaking-activity">https://www.k12.wa.us/policyfunding/ospi-rulemaking-activity</a> . For questions, please email: <a href="mailto:Kristin.murphy@k12.wa.us">Kristin.murphy@k12.wa.us</a>

Date of intended adoption: June 28, 2022 (Note: This is NOT the effective date)

### Submit written comments to:

Name: Anissa Sharratt

Address: OSPI, PO BOX 47200, Olympia, WA 98504

Email: [anissa.sharratt@k12.wa.us](mailto:anissa.sharratt@k12.wa.us)

Fax:

Other:

By (date) June 24, 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](mailto:Kristin.murphy@k12.wa.us)

Other:

By (date) June 17, 2022

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:** OSPI is proposing rule language to expand the methods through which the Washington Kindergarten Inventory of Developing Skills (WaKIDS) assessment and full-day kindergarten can be implemented in an ALE setting. Specifically, proposed language would allow synchronous digital instructional contact as a method of conducting observations for the WaKIDS assessment.

**Reasons supporting proposal:** Conducting observations using synchronous digital instructional contact is currently prohibited, thus excluding students participating in certain learning options from the benefits of the assessment tool and full-day kindergarten programs.

The COVID-19 pandemic created space for and challenged schools to explore new ways of conducting student observations and gathering evidence for the assessment portion of WaKIDS. This experience allowed OSPI to reflect on the lessons learned and at how the assessment might be effectively implemented with greater flexibility than previous language allowed.

**Statutory authority for adoption:** RCW 28A.232.010

**Statute being implemented:**

**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:	Anissa Sharratt	OSPI, 600 S. Washington Street, Olympia, WA	360-725-6229
Implementation:	Anissa Sharratt	OSPI, 600 S. Washington Street, Olympia, WA	360-725-6229

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:

- |   |  |
|---|--|
| <input type="checkbox"/> RCW 34.05.310 (4)(b)<br>(Internal government operations) | <input type="checkbox"/> RCW 34.05.310 (4)(e)<br>(Dictated by statute)   |
| <input type="checkbox"/> RCW 34.05.310 (4)(c)<br>(Incorporation by reference)     | <input type="checkbox"/> RCW 34.05.310 (4)(f)<br>(Set or adjust fees)  |
| <input type="checkbox"/> RCW 34.05.310 (4)(d)<br>(Correct or clarify language)    | <input type="checkbox"/> RCW 34.05.310 (4)(g)<br>((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:**