



# PREPROPOSAL STATEMENT OF INQUIRY

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

Do **NOT** use for expedited rule making

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FILED

DATE: January 21, 2020

TIME: 10:26 AM

WSR 20-03-151

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

**Subject of possible rule making:** Chapters 392-172A and 392-173 WAC; WAC 392-140-601 through -685.

**Statutes authorizing the agency to adopt rules on this subject:** RCW 28A.155.090; 20 USC §1400 et seq.

**Reasons why rules on this subject may be needed and what they might accomplish:** OSPI has the authority under state statute to develop administrative rules to implement federal statutes and state regulations governing special education services to students. OSPI is considering amending and/or adding new sections to current special education rules to: (1) address changes to federal law and requirements; (2) clarify existing requirements under current state law that impact the free appropriate public education (FAPE) of students eligible for special education services, including new requirements under ESHB 1130 (2019); and (3) make housekeeping changes to correct typographical errors, reorganize WACs for ease of reference, and make other rule changes that are technical in nature.

**Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies:** US Department of Education, Office of Special Education Programs (OSEP).

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

- Negotiated rule making
- Pilot rule making
- Agency study
- Other (describe) OSPI will hold at least two public hearings for comment and seek written input from stakeholders throughout the process.

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

	(If necessary)
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Additional comments:

**Date:** January 21, 2020

**Name:** Chris Reykdal

**Title:** State Superintendent of Public Instruction

**Signature:**