



# PROPOSED RULE MAKING

## CR-102 (July 2022) (Implements RCW 34.05.320) Do NOT use for expedited rule making

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

DATE: April 10, 2024

TIME: 9:20 AM

WSR 24-09-026

**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 23-22-073** ; 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) Transition to Kindergarten – establish a new chapter within Title 392 WAC and amend chapters 392-121 and 392-122 WAC.

**Hearing location(s):**

Date:	Time:	Location: (be specific)	Comment:
May 21 2024	11:00 a.m.	Virtual Public Hearing via Zoom (call-in option also available). Participation link available on OSPI Rules webpage:  ospi.k12.wa.us/policy-funding/ospi-rulemaking-activity	The hearing will be held as a virtual public hearing, without a physical meeting space. Please visit the OSPI Rules webpage for information on participating in the hearing: ospi.k12.wa.us/policy-funding/ospi-rulemaking-activity For participation questions, please email: sirena.wu@k12.wa.us

**Date of intended adoption:** May 23, 2024 (Note: This is **NOT** the **effective** date)

**Submit written comments to:**

Name: Samantha Bowen, Early Learning Director  
Address: OSPI, PO Box 47200, Olympia, WA 98504  
Email: earlylearning@k12.wa.us  
Fax:  
Other:  
By (date) May 21, 2024

**Assistance for persons with disabilities:**

Contact Sirena Wu, OSPI Rules Coordinator  
Phone: 360-480-9317  
Fax:  
TTY: 360-664-3631  
Email: sirena.wu@k12.wa.us  
Other:  
By (date) May 14, 2024

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:** In alignment with Second Substitute House Bill 1550, passed by the Washington State Legislature in 2023, OSPI is proposing rulemaking concerning transition to kindergarten programs. The proposed rules would provide for program administration, allocation of state funding, and minimum standards and requirements for transition to kindergarten programs. In addition, technical changes to apportionment sections may be considered.

**Reasons supporting proposal:** Second Substitute House Bill 1550 (2023) continues and renames transitional kindergarten as the transition to kindergarten program, which assists eligible children in need of additional preparation to be successful kindergarten students in the following school year. The permanent rules must be adopted by the beginning of the 2024-25 school year.

**Statutory authority for adoption:** RCW 28A.300.072; RCW 28A.150.290

**Statute being implemented:**

**Is rule necessary because of a:**

Federal Law?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Federal Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
State Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

If yes, CITATION:

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

**Type of proponent:**  Private  Public  Governmental  
**Name of proponent:** (person or organization)

**Name of agency personnel responsible for:**

	Name	Office Location	Phone
Drafting:	Samantha Bowen	OSPI, 600 S. Washington St, Olympia, WA	
Implementation:	Samantha Bowen	OSPI, 600 S. Washington St, Olympia, WA	
Enforcement:		OSPI, 600 S. Washington St, Olympia, WA	

**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 and Small Business Economic Impact Statement**  
 Note: The [Governor's Office for Regulatory Innovation and Assistance \(ORIA\)](#) provides support in completing this part.

**(1) Identification of exemptions:**  
 This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see [chapter 19.85 RCW](#)). For additional information on exemptions, consult the [exemption guide published by ORIA](#). 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"/> <a href="#">RCW 34.05.310</a> (4)(b)<br>(Internal government operations) | <input type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(e)<br>(Dictated by statute)  |
| <input type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(c)<br>(Incorporation by reference)     | <input type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(f)<br>(Set or adjust fees)   |
| <input type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(d)<br>(Correct or clarify language)    | <input type="checkbox"/> <a href="#">RCW 34.05.310</a> (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 19.85.025\(4\)](#) (does not affect small businesses).
- This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.030](#).

Explanation of how the above exemption(s) applies to the proposed rule: 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).

**(2) Scope of exemptions:** *Check one.*

- The rule proposal is fully exempt (*skip section 3*). Exemptions identified above apply to all portions of the rule proposal.
- The rule proposal is partially exempt (*complete section 3*). The exemptions identified above apply to portions of the rule proposal, but less than the entire rule proposal. Provide details here (consider using [this template from ORIA](#)):
- The rule proposal is not exempt (*complete section 3*). No exemptions were identified above.

**(3) Small business economic impact statement:** *Complete this section if any portion is not exempt.*

If any portion of 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 minor cost analysis and how the agency determined the proposed rule did not impose more-than-minor costs. \_\_\_\_\_
- Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses and a small business economic impact statement is required. Insert the required small business economic impact 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:

<b>Date:</b> April 10, 2024	<b>Signature:</b> 
<b>Name:</b> Chris Reykdal	
<b>Title:</b> State Superintendent of Public Instruction	