



# PREPROPOSAL STATEMENT OF INQUIRY

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

Do **NOT** use for expedited rule making

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

**DATE: October 14, 2025**

**TIME: 8:37 AM**

**WSR 25-21-067**

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

**Subject of possible rule making:** Amending and/or adding new sections to chapter 392-172A WAC – Provision of Special Education Services, and WAC 392-140-600 through 392-140-685 – State Special Education Safety Net Funding

**Statutes authorizing the agency to adopt rules on this subject:** Washington state Biennial Operating Appropriations Act; RCW 28A.150.290; RCW 28A.150.392; RCW 28A.155.090; 20 U.S.C. §1400 et seq., Individuals with Disabilities Education Act

**Reasons why rules on this subject may be needed and what they might accomplish:** OSPI is considering to amend current sections of and/or add new sections to the Washington Administrative Code (WAC) concerning special education services to students, with updates that are consistent with state and federal law, provide additional clarification on state requirements, and make updated technical changes. Specifically, these changes would: (1) address changes to the age of eligibility in accordance with Substitute Senate Bill (SSB) 5253 (2025); (2) address changes to the administration of students eligible for special education services placed in private settings or public educational service district settings by public school districts in accordance with Engrossed Second Substitute Senate Bill (E2SSB) 5315 (2023); (3) phase out the use of the severe discrepancy methodology and clarify existing procedural requirements for determining eligibility for students with specific learning disabilities; (4) update and clarify existing requirements under current state law regarding safety net awards (WAC 392-140-600 through 392-140-685), personnel qualifications, dispute resolution, referral/evaluation timelines, and behavioral supports applicable to the provision of free appropriate public education (FAPE) to students eligible for special education services; and (5) make changes to correct typographical errors, update references to other applicable sections of the Revised Code of Washington (RCW) and WAC, and 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:** U.S. 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) Early solicitation of feedback and recommendations concerning new or amended rules, and consideration of comments and recommendations in the course of drafting rule language.

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

Name: Scott Raub  
Address: OSPI, PO Box 47200, Olympia, WA 98504  
Phone: 360-725-6075  
Fax: 360-586-0247  
TTY: 360-664-3631  
Email: [scott.raub@k12.wa.us](mailto:scott.raub@k12.wa.us)  
Web site: [ospi.k12.wa.us](http://ospi.k12.wa.us)  
Other:

(If necessary)

Name: Dr. Tania May  
Address: OSPI, PO Box 47200, Olympia, WA 98504  
Phone: 360-725-6075  
Fax: 360-586-0247  
TTY: 360-586-0126  
Email: [speced@k12.wa.us](mailto:speced@k12.wa.us)  
Web site: [ospi.k12.wa.us](http://ospi.k12.wa.us)  
Other:

|                                                   |                                                                                                  |
|---------------------------------------------------|--------------------------------------------------------------------------------------------------|
| Additional comments:                              |                                                                                                  |
| Date: October 14, 2025                            | Signature:<br> |
| Name: Chris Reykdal                               |                                                                                                  |
| Title: State Superintendent of Public Instruction |                                                                                                  |