



PROPOSED RULE MAKING

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

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OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: April 04, 2023

TIME: 4:45 PM

WSR 23-08-079

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 22-24-028 ; 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) Concerning Summer Running Start:

WAC 392-121-119 – Definition – Enrolled count dates

WAC 392-121-123 – Nonstandard school year programs.

WAC 392-169-030 – Annual average full-time equivalent (AAFTE) running start enrollment – Definition.

WAC 392-169-055 – Enrollment – Extent and duration of running start enrollment.

WAC 392-169-100 – Running start enrollment count dates

Hearing location(s):

Date:	Time:	Location: (be specific)	Comment:
May 12, 2023	10:00am	Virtual Public Hearing via Zoom (call-in option also available). Participation link available on OSPI Rules webpage: 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: k12.wa.us/policy-funding/ospi-rulemaking-activity For participation questions, please email: kristin.murphy@k12.wa.us

Date of intended adoption: May 16, 2023 (Note: This is **NOT** the effective date)

Submit written comments to:

Name: Becky McLean, OSPI Enrollment Supervisor

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

Email: becky.mclean@k12.wa.us

Fax:

Other:

By (date) May 12, 2023

Assistance for persons with disabilities:

Contact Kristin Murphy, OSPI Rules Coordinator

Phone: 360-725-6133

Fax:

TTY: 360-664-3631

Email: kristin.murphy@k12.wa.us

Other:

By (date) May 5, 2023

Purpose of the proposal and its anticipated effects, including any changes in existing rules:

OSPI is proposing rule changes related to students enrolling in Running Start courses for the summer college term. The proposed rule changes will open the summer term for Running Start, allow for Running Start enrollment to be claimed on a July and August count day, and change the calculating of the AAFTE to be based on the eleven months of reported enrollment divided by nine.

The proposed rule revisions will allow a student who is in grade 11 and 12 for the current school year and who has available AAFTE to enroll in a college summer term and to be claimed for Running Start funds. The funding for the summer quarter will be based on a two-month count.

Reasons supporting proposal: 2022 Engrossed Substitute Senate Bill 5693, Section 504 (18) directs OSPI to adopt rules to fund participating student's enrollment in Running Start courses during the summer term.

As directed in RCW 28A.600.390 and WAC 392-169-005, OSPI, State Board of Community and Technical Colleges, and Washington Student Achievement Council jointly agree on the proposed changes. Further, the Council of Presidents has reviewed the proposed changes.

Statutory authority for adoption: 2022 Engrossed Substitute Senate Bill 5693, Section 504(18)
RCW 28A.600.390

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:

Type of proponent: Private Public Governmental

Name of proponent: (person or organization)

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting:	Becky McLean	OSPI, 600 S. Washington St, Olympia, WA	360-725-6306
Implementation:	Michelle Matakas	OSPI, 600 S. Washington St, Olympia, WA	360-725-6019
Enforcement:	T.J. Kelly	OSPI, 600 S. Washington St, Olympia, WA	360-725-6301

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:
 - [RCW 34.05.310](#) (4)(b) (Internal government operations)
 - [RCW 34.05.310](#) (4)(c) (Incorporation by reference)
 - [RCW 34.05.310](#) (4)(d) (Correct or clarify language)
 - [RCW 34.05.310](#) (4)(e) (Dictated by statute)
 - [RCW 34.05.310](#) (4)(f) (Set or adjust fees)
 - [RCW 34.05.310](#) (4)(g) ((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:

Date: April 4, 2023

Name: Chris Reykdal

Title: State Superintendent of Public Instruction

Signature: