



PREPROPOSAL STATEMENT OF INQUIRY

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

Do **NOT** use for expedited rule making

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DATE: September 05, 2018

TIME: 11:44 AM

WSR 18-18-105

Agency: Office of Superintendent of Public Instruction (OSPI)

Subject of possible rule making: OSPI is considering amending WAC 392-140-600 through -685 regarding school district eligibility for state special education safety net funding for the purpose of adopting recommendations from the Safety Net Legislative Workgroup. The possible rulemaking may also involve the addition of new definitions, a section on purpose and procedures, and technical and housekeeping revisions.

Statutes authorizing the agency to adopt rules on this subject: RCW 28A.155.090; 20 USC § 1400 et seq., the Individuals with Disabilities Education Act (IDEA)

Reasons why rules on this subject may be needed and what they might accomplish: Safety Net funding is available to local education agencies (LEAs) (i.e., school districts and charter schools) that demonstrate a need for special education funding in excess of state and federal funding available to the district. The Washington State Legislature directed OSPI in 2017 and 2018 to review the current Safety Net process and make recommendations regarding possible adjustments to improve the Safety Net process and evaluate the appropriate funding level to meet the purpose of Safety Net. A Safety Net Legislative Workgroup was formed in fall 2017. The Workgroup, after analyzing Safety Net trends, fiscal data, and soliciting public input, developed a set of finalized recommendations to address the legislative requests. The Superintendent of Public Instruction, in turn, is required to submit recommendations to the Governor and the Legislature's education and operating budget committees by November 1, 2018, and review and revise rules and procedures necessary to administer the special education funding and Safety Net award process by December 1, 2018.

Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies: OSPI is coordinating with the Legislature's education and operating budget committees by November 1, 2018.

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

- Negotiated rule making
- Pilot rule making
- Agency study

Other (describe) OSPI will hold a public hearing for comment, seek written input and recommendations from stakeholders pertaining to new, amended, or repealed rules, and consider comments and recommendations in the course of drafting rules.


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

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Additional comments:

Date: August 31, 2018	Signature: 
Name: Chris Reykdal	
Title: State Superintendent of Public Instruction	