

**WSR 12-08-014**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**SUPERINTENDENT OF**  
**PUBLIC INSTRUCTION**

[Filed March 26, 2012, 10:22 a.m.]

Subject of Possible Rule Making: Amendments to chapter 392-502 WAC, On-line learning—Approval of multidistrict on-line providers.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.250.020.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: ESHB 2065 (2011) broadened the approval requirements from "multidistrict" on-line providers to include *all* on-line providers. This has highlighted several issues with the current approval process. The proposed revisions solve the issues by adding a "single-district" provider path. Those programs that aren't multidistrict, and who are not wholly adopting an approved provider's program, will be able to be approved using a streamlined process. This new process reduces the burden on districts and the office of superintendent of public instruction, while still maintaining the proper oversight and accountability, as these programs must agree to the provider "assurances" and are subject to rescindment.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Solicitation of public comments and recommendations respecting new, amended or repealed rules, and considerations of the comments and recommendations in the course of drafting rules.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 Karl Nelson, Director, Digital Learning Department, (206) 616-9940, karl.nelson@k12.wa.us, 4507 University Way N.E., Suite 204, Seattle, WA 98105.

March 26, 2012

Randy Dorn

State Superintendent  
of Public Instruction

lication. Adoption of the new WAC is being studied by various groups on campus that include students, faculty, staff and administrators. Inquiries should be addressed to Dr. Tim Stokes, Executive Vice-President for Academic and Student Affairs, Tacoma Community College, 6501 South 19th Street, Tacoma, WA 98466, phone (253) 566-5022, fax (253) 566-5022, tstokes@tacomacc.edu.

March 26, 2012

Mary A. Chikwinya

Vice-President for

Student Services

**WSR 12-08-016**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**TACOMA COMMUNITY COLLEGE**

[Filed March 26, 2012, 10:33 a.m.]

Subject of Possible Rule Making: Student grievance procedure.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.50.140(13).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The student grievance procedure establishes rules for resolving student grievances against faculty members, administrators or members of the college staff.

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Adoption of the new WAC is being studied by various groups on campus that include students, faculty, staff and administrators. Inquiries should be addressed to Dolores M. Haugen, Director, K-12 Programs and Student Conduct, Tacoma Community College, 6501 South 19th Street, Tacoma, WA 98466, phone (253) 566-6090, fax (253) 566-6090, dhaugen@tacomacc.edu.

March 26, 2012

Mary A. Chikwinya

Vice-President for

Student Services

**WSR 12-08-015**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**TACOMA COMMUNITY COLLEGE**

[Filed March 26, 2012, 10:32 a.m.]

Subject of Possible Rule Making: Final course grade appeal process.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.50.140(13).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To provide a structured, equitable process for students to grieve final course grades that may have been assigned in an arbitrary or capricious manner.

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before pub-

**WSR 12-08-017**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**TACOMA COMMUNITY COLLEGE**

[Filed March 26, 2012, 10:34 a.m.]

Subject of Possible Rule Making: Chapter 132V-116 WAC, Parking and traffic rules and regulations.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.50.140(10).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: (1) To protect and control pedestrian and vehicular traffic on property owned, operated and maintained by the college district.

(2) To assure access at all times for emergency equipment.

(3) To minimize traffic disturbances.

(4) To facilitate the operation of the college by assuring access for vehicles.

(5) To regulate the use of parking spaces.

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Revisions to the current WAC are being studied by various groups on campus that include students, faculty, staff and administrators. Inquiries should be addressed to Will Howard, Public Safety Supervisor, Tacoma Community College, 6501 South 19th Street, Tacoma, WA 98466, phone (253) 566-5344, fax (253) 566-5344, whoward@tacomacc.edu.

March 26, 2012

Mary A. Chikwinya

Vice-President for

Student Services

### WSR 12-08-021

#### PREPROPOSAL STATEMENT OF INQUIRY PROFESSIONAL EDUCATOR STANDARDS BOARD

[Filed March 26, 2012, 4:01 p.m.]

Subject of Possible Rule Making: Chapter 181-78A WAC, Teacher preparation programs, higher education programs standards, criteria, infrastructure and timelines for approval.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.210.410, 28A.305.130, 28A.410.010, and 28A.150.220.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The professional educator standards board (PESB) is responsible for teacher certification and preparation programs. The legislature continually directs the activities of teacher preparation and qualifications. Rule-making authority is granted to the PESB for Title 181 WAC.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. PESB meeting[s] are open to the public and regularly scheduled. The calendar of meetings is announced on the web site at [www.PESB.wa.gov](http://www.PESB.wa.gov).

March 26, 2012

David Brenna

Senior Policy Analyst

### WSR 12-08-028

#### PREPROPOSAL STATEMENT OF INQUIRY OFFICE OF INSURANCE COMMISSIONER

[Insurance Commissioner Matter No. R 2012-08—Filed March 28, 2012, 3:54 p.m.]

Subject of Possible Rule Making: Defining things of value that a title company is permitted to give to any person in a position to refer or influence the referral of title insurance business.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 48.20.060, 48.29.005, and 48.29.210.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: RCW 48.29.210(2) prohibits title companies, their employees, and representatives from giving anything of value to any person in a position to refer or influence the referral of title insurance business to the title company, except as permitted by rules adopted by the commissioner. The commissioner will consider amendments to chapter 284-29 WAC defining "give" and other amendments related to the change in the definition of "give."

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Submit written comments by May 10, 2012, to Jim Tompkins, P.O. Box 40258, Olympia, WA 98504-0258, e-mail [jimt@oic.wa.gov](mailto:jimt@oic.wa.gov), fax (360) 586-3109.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jim Tompkins, P.O. Box 40258, Olympia, WA 98504-0258, e-mail [jimt@oic.wa.gov](mailto:jimt@oic.wa.gov), fax (360) 586-3109.

March 28, 2012

Mike Kreidler

Insurance Commissioner

### WSR 12-08-029

#### PREPROPOSAL STATEMENT OF INQUIRY OFFICE OF INSURANCE COMMISSIONER

[Insurance Commissioner Matter No. R 2012-09—Filed March 28, 2012, 3:58 p.m.]

Subject of Possible Rule Making: Establishing Washington state's individual market reinsurance program.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Section 15, chapter 87, Laws of 2012 (E2SHB 2319). Sections 132, 1341 - 1343, Pub.L. 111-148, 24 Stat 119 and 45 C.F.R. subtitle A, subchapter B part 153, subparts A, B, C and E.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Beginning January 1, 2014, Washington's health benefit coverage marketplace changes due to implementation related to the health care exchange, market reforms and patient protections under the Affordable Care Act. The Washington state legislature directed the commissioner to adopt rules establishing the state's reinsurance

program pursuant to the Affordable Care Act. The reinsurance program is essential to addressing the risk of adverse selection for carriers offering qualified health plans in the exchange.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Federal: The United States Department of Health and Human Services (HHS) regulates this subject. The commissioner monitors all official HHS publications related to the reinsurance program under the Affordable Care Act, contacts the HHS with implementation questions, and participates in work groups and conference calls with HHS related to the reinsurance program.

State: E2SHB 2319 directs the exchange to monitor the exchange and nonexchange marketplaces for adverse selection, and report on this to the legislature. The commissioner must consult with the exchange related to their effort in this regard. Since the exchange is also empowered to request information from the commissioner, the commissioner will provide disclosable information regarding the reinsurance program as the exchange may request.

Process for Developing New Rule: Submit written comments by May 6, 2012.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Meg L. Jones, P.O. Box 40258, Olympia, WA 98504, (360) 725-7170, fax (360) 725-7170, e-mail megj@oic.wa.gov.

March 28, 2012

Mike Kreidler  
Insurance Commissioner

#### WSR 12-08-045

##### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF EARLY LEARNING

[Filed March 30, 2012, 6:08 p.m.]

Subject of Possible Rule Making: Chapter 170-296A WAC, Minimum licensing requirements for family home child care standards, and related chapters and other subjects as appropriate.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.215.060, 43.215.200, chapter 43.215 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department of early learning (DEL) is considering possible revisions based upon review of related statutes and agency regulations.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: As appropriate, DEL plans to coordinate rule making with or seek input on the draft rules from the following agencies: Washington state fire marshal, Washington state building code council, Washington state department of health, and other agencies as appropriate.

Process for Developing New Rule: As time permits and as appropriate DEL plans to circulate draft materials for

input, including requirements in chapter 43.215 RCW. At a future date, DEL will file proposed rules (more than one proposed rule-making notice may be filed), schedule a public hearing or hearings, and accept written comments before adopting final rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Anyone interested in these rules may send comments or join a mailing list to receive notices, draft and proposed materials by contacting the DEL rules coordinator by e-mail at Rules@del.wa.gov, by fax to (360) 725-3482, or by mail to P.O. Box 40970, Olympia, WA 98504-0970.

March 30, 2012

Robert McLellan  
Senior Assistant Director  
(for the Rules Coordinator)

#### WSR 12-08-048

##### PREPROPOSAL STATEMENT OF INQUIRY SUPERINTENDENT OF PUBLIC INSTRUCTION

[Filed April 2, 2012, 10:49 a.m.]

Subject of Possible Rule Making: Unexcused absence definition.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.300.046.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rules in this area will be uniformity to the tracking reporting and analysis of data on student absences.

Process for Developing New Rule: In adopting this definition the office of superintendent of public instruction shall use established data governance processes.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting the Office of the Superintendent of Public Instruction, Bill Huennekens, P.O. Box 47200, Olympia, WA 98504-7200, (360) 725-6174, bill.huennekens@k12.wa.gov.

April 2, 2012

Randy Dorn  
State Superintendent

#### WSR 12-08-062

##### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF SOCIAL AND HEALTH SERVICES (Economic Services Administration)

[Filed April 4, 2012, 10:26 a.m.]

Subject of Possible Rule Making: The department is proposing to amend WAC 388-444-0030 Do I have to work to be eligible for Basic Food benefits if I am an able-bodied adult without dependents (ABAWD)?; and other related rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510, 74.08.090, 74.04.500, 74.08A.120.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The community services division is proposing to amend WAC 388-444-0030 to extend the statewide waiver that suspends eligibility time limits for nonexempt ABAWDs to September 30, 2013 (the current ABAWD waiver will end September 30, 2012). The department will amend rules for Basic Food consistent with approved waivers for ABAWD work requirements under 7 C.F.R. 273.24 (F)(2) and the United States Department of Agriculture (USDA) Food and Nutrition Service (FNS) ABAWD waiver letter dated March 21, 2012.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The USDA, FNS enforces the provisions of the federal supplemental nutrition assistance program (SNAP) as enacted in the 2008 Food and Nutrition Act and codified in the Code of Federal Regulations. The department will develop amendments to ABAWD rules that are consistent with the act, federal regulations, FNS administrative notices and interim guidance.

The state legislature authorizes the department to administer the food stamp program (SNAP) and food assistance program for legal immigrants under RCW 74.04.500, 74.04.510, and 74.08A.120.

DSHS incorporates regulations from the federal agencies, exercises state options, and implements approved waivers of federal regulatory requirements by adopting administrative rules for food assistance programs administered under the Washington Basic Food program.

Process for Developing New Rule: DSHS welcomes the public to take part in developing the rules. Anyone interested should contact the staff person identified below. At a later date, DSHS will file a proposal with the office of the code reviser with a notice of proposed rule making. A copy of the proposal will be sent to everyone on the mailing list and to anyone who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Bob Thibodeau, Program Manager, Economic Services Administration, Community Services Division, P.O. Box 45470, Olympia, WA 98504-5470, phone (360) 725-4634, fax (360) 725-4905, e-mail thiborl@dshs.wa.gov.

March 30, 2012  
Katherine I. Vasquez  
Rules Coordinator

### WSR 12-08-063

#### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed April 4, 2012, 10:27 a.m.]

Subject of Possible Rule Making: The department will be proposing amendments to sections in Title 388 WAC to conform to 2E2SHB 1738.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050, 74.04.055, 74.08.090, 74.08.025, 74.08.580, chapters 74.08A and 74.12 RCW, and 2E2SHB 1738, chapter 15, Laws of 2011.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is proposing to amend multiple rules related to medicaid funded services in Title 388 WAC to update WAC citations and repeal WAC language that is no longer needed in Title 388 WAC. This is in response to 2E2SHB 1738 (chapter 15, Laws of 2011).

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Health care authority.

Process for Developing New Rule: DSHS welcomes the public to take part in developing the rules. Anyone interested should contact the staff person identified below. At a later date, DSHS will file a proposal with the office of the code reviser with a notice of proposed rule making. A copy of the proposal will be sent to everyone on the mailing list and to anyone who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Aurea Figueroa-Rogers, Program Manager, Community Services Division, P.O. Box 45470, Olympia, WA 98504-5470, phone (360) 725-4623, fax (360) 725-4904, e-mail Aurea.Figueroa-Rogers@dshs.wa.gov.

March 30, 2012  
Katherine I. Vasquez  
Rules Coordinator

### WSR 12-08-064

#### PREPROPOSAL STATEMENT OF INQUIRY WASHINGTON STATE UNIVERSITY

[Filed April 4, 2012, 10:41 a.m.]

Subject of Possible Rule Making: Health and safety regulations, WAC 504-36-030 Spectator events—Safety rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.30.150.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The university is updating the rules for spectator events and safety rules.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Ralph T. Jenks, Director, Office of

Procedures, Records, and Forms and University Rules Coordinator, P.O. Box 641225, Pullman, WA 99164-1225, phone (509) 335-2005, fax (509) 335-3969, and e-mail prf.forms@wsu.edu.

A public hearing will be held to permit comment to all proposed rules and revisions. There will be an opportunity to provide written comments to the proposed rules.

April 4, 2012

Ralph T. Jenks, Director  
Office of Procedures, Records, and Forms  
and the University Rules Coordinator

**WSR 12-08-066**

**PREPROPOSAL STATEMENT OF INQUIRY  
LIQUOR CONTROL BOARD**

[Filed April 4, 2012, 10:59 a.m.]

Subject of Possible Rule Making: WAC 314-02-027 What are the requirements/restrictions for a spirits, beer, and wine restaurant license at a cinema with a dinner theater venue? and 314-02-051 What are the requirements/restrictions for a beer and wine restaurant license at a cinema with a dinner venue?

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 66.08.030.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This rule making is the result of a stakeholder request to allow minors in a dinner theater venue. The rules currently prohibit minors in theater venues that allow alcohol service and consumption.

Process for Developing New Rule: Interested parties can participate in the discussions formulating this rule change by contacting or sending written comments to the agency staff listed below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Karen McCall, Agency Rules Coordinator, P.O. Box 43080, Olympia, WA 98504-3080, (360) 664-1631, fax (360) 664-9689, e-mail rules@liq.wa.gov.

April 4, 2012  
Sharon Foster  
Chairman