

WSR 21-11-076

PROPOSED RULES

CHARTER SCHOOL COMMISSION

[Filed May 17, 2021, 3:55 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 21-07-146.

Title of Rule and Other Identifying Information: Replication, expansion and exceptions to uniform entry qualifications; new WAC 108-60-010, 108-60-020, and 108-60-030.

Hearing Location(s): On Thursday, June 24, 2021, at 2:00 p.m., Zoom <https://zoom.us/j/3607255511>, dial 646-558-8656, Meeting ID 360 725 5511.

Date of Intended Adoption: August 19, 2021.

Submit Written Comments to: Amanda Martinez, 1068 Washington Street S.E., Olympia, WA 98501, email [amanda.martinez@k12.wa.us](mailto:amanda.martinez@k12.wa.us), by Thursday, June 24, 2021.

Assistance for Persons with Disabilities: Contact Amanda Martinez, phone 360-725-5511, TTY 800-833-6388, email [amanda.martinez@k12.wa.us](mailto:amanda.martinez@k12.wa.us), by August 1, 2021.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The commission proposes to adopt rules regarding the standards and expectations set for a charter public school in Washington state wanting to implement transitional kindergarten and/or early entrance to kindergarten.

Reasons Supporting Proposal: The new rules are proposed as above to align with commission adopted policy and feedback by schools and stakeholders, as no current rules capture this topic.

Statutory Authority for Adoption: Chapter 34.05 RCW; RCW 28A.710.070, 28A.710.100, 28A.710.170.

Statute Being Implemented: RCW 28A.710.070, 28A.710.100, 28A.710.170.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Charter school commission, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Amanda Martinez, 1068 Washington Street S.E., Olympia, WA 98501, 360-725-5511.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. The commission is not an agency that is required to perform an analysis under RCW 34.05.328.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(3) as the rules only correct typographical errors, make address or name changes, or clarify language of a rule without changing its effect.

May 17, 2021  
Amanda Martinez  
Chief of Staff  
Executive Assistant

OTS-3055.2

**Chapter 108-60 WAC**  
**REPLICATION, EXPANSION AND EXCEPTIONS TO UNIFORM ENTRY QUALIFICATIONS**

NEW SECTION**WAC 108-60-010 Exceptions to uniform entry qualifications. (1)**

The uniform entry age qualifications of age five through twenty-one for students to access kindergarten through twelfth grade apply to charter public schools. A school that wants to adopt an age exception policy to the uniform age qualifications to allow four year olds to enroll, must apply to the commission for approval of the school's age exception policy and process, and have the age exception policy and process approved in writing by the commission. A school may apply for approval of an age exception policy and process for early entrance to kindergarten, transitional kindergarten, or both. Each application has separate requirements and is considered separately.

(2) Early entrance to kindergarten is intended to serve four year old students who turn age five by December 31st of the year of enrollment, are ready to succeed in earlier entry to kindergarten and will enroll in first grade the following year.

(3) Transitional kindergarten is intended to serve four year old students who have not had access to high-quality early learning experiences and who need additional preparation to be successful in kindergarten the following year.

(4) A school that is approved for an age exception policy and process must not screen or evaluate a student for the exception until after the student is enrolled. Charter public schools may not screen or evaluate students for eligibility as part of their enrollment process as this violates the Charter School Act. Schools must enroll transitional kindergarten and early entry kindergarten students in the same manner as any other charter public school student. Screening or evaluation for eligibility for early entry kindergarten or transitional kindergarten must be completed after enrollment.

(5) When the screening or evaluation for eligibility for early entry kindergarten or transitional kindergarten is completed, some students may not meet the required criteria to obtain public funding. A school cannot accept public funding for a student that has been enrolled under the school's age exception policy if that student does not meet the criteria for early entry kindergarten or transitional kindergarten. The school will remain responsible for educating these students even if public funding cannot be accepted, and the school may not revoke the enrollment of these students on this basis.

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NEW SECTION

**WAC 108-60-020 Application process for early entry to kindergarten. (1)** Information regarding the application process shall be made available on the commission's web page. At a minimum, the information will include: Application materials and the application evalua-

tion rubric. General questions regarding the application process may be directed to the commission's staff.

(2) Criteria for a school's application for early entry to kindergarten will be evaluated on the rubric criteria as meets standard, approaching standard, does not meet standard. The evaluation rubric criteria includes the following components: Enrollment policy and financial plan and budget. The commission may modify the criteria and such modifications will be posted on the commission's website.

(3) Commission staff will review the application submitted and other relevant information. The commission staff will make a recommendation to the commission to approve, approve the application with conditions, or deny. The commission is responsible for making the final decision on an application.

(4) If the commission approves a charter public school's application for an early entry to kindergarten age exception process, a written amendment to the charter contract for the school must be executed. Any subsequent changes in a school's early entry to kindergarten age exception process or substantive changes to the age exception policy, must be approved by the commission in writing.

(5) If the commission denies a school's application, the decision is final. A school whose application is denied, may reapply no earlier than the following school year.

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#### NEW SECTION

**WAC 108-60-030 Application process for transitional kindergarten.** (1) Information regarding the application process shall be made available on the commission's web page. At a minimum, the information will include: Application materials and the application evaluation rubric. General questions regarding the application process may be directed to the commission's staff.

(2) Criteria for an application for transitional kindergarten will be evaluated on the rubric criteria as meets standard, approaching standard, does not meet standard. The evaluation rubric criteria includes the following components: Educational need and anticipated student population; family and community demand and engagement; community outreach; student recruitment; education program; curriculum; student assessments; special education; school calendar and daily schedule; school leadership and staffing; staff recruitment and professional development; contractual relationships; board involvement and approval; financial plan and budget. The commission may modify the criteria and such modifications will be posted on the commission's website.

(3) Commission staff will review the application submitted and other relevant information. The commission staff will make a recommendation to the commission to approve, approve the application with conditions, or deny. The commission is responsible for making the final decision on an application.

(4) If the commission approves a charter public school's application for transitional kindergarten, a written amendment to the charter contract for the school must be executed. Any subsequent changes in a school's transitional kindergarten age exception process or substan-

tive changes to the age exception policy, must be approved by the commission in writing.

(5) If the commission denies a school's application, the decision is final. A school whose application is denied, may reapply no earlier than the following school year.

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