

**WSR 22-11-044
PROPOSED RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION**

[Filed May 12, 2022, 2:48 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 22-07-094.

Title of Rule and Other Identifying Information: WAC 392-550-035 Full-day kindergarten requirements, in alternative learning experience (ALE), and 392-550-050 Assessment requirements, in ALE.

Hearing Location(s): On June 24, 2022, at 10:00 a.m., webinar via Zoom (call-in option will be available). Due to ongoing public health emergency related to the COVID-19 virus pandemic, this public hearing will be held by webinar via Zoom (with a call-in option). There will be no physical location for the hearing. For information on registering and participating, please visit the office of superintendent of public instruction's (OSPI) website at <https://www.k12.wa.us/policyfunding/ospi-rulemaking-activity>. For questions, please email Kristin.murphy@k12.wa.us.

Date of Intended Adoption: June 28, 2022.

Submit Written Comments to: Anissa Sharratt, OSPI, P.O. Box 47200, Olympia, WA 98504, email anissa.sharratt@k12.wa.us, by June 24, 2022.

Assistance for Persons with Disabilities: Contact Kristin Murphy, phone 360-725-6133, fax 360-754-4201, TTY 360-664-3631, email Kristin.murphy@k12.wa.us, by June 17, 2022.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: OSPI is proposing rule language to expand the methods through which the Washington kindergarten inventory of developing skills (WaKIDS) assessment and full-day kindergarten can be implemented in an ALE setting. Specifically, proposed language would allow synchronous digital instructional contact as a method of conducting observations for the WaKIDS assessment.

Reasons Supporting Proposal: Conducting observations using synchronous digital instructional contact is currently prohibited, thus excluding students participating in certain learning options from the benefits of the assessment tool and full-day kindergarten programs.

The COVID-19 pandemic created space for and challenged schools to explore new ways of conducting student observations and gathering evidence for the assessment portion of WaKIDS. This experience allowed OSPI to reflect on the lessons learned and at how the assessment might be effectively implemented with greater flexibility than previous language allowed.

Statutory Authority for Adoption: RCW 28A.232.010.

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

Name of Agency Personnel Responsible for Drafting and Implementation: Anissa Sharratt, OSPI, 600 South Washington Street, Olympia, WA, 360-725-6229.

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.

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

Is exempt under RCW 19.85.030.

Explanation of exemptions: 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).

May 12, 2022
Chris P. S. Reykdal
State Superintendent
of Public Instruction

OTS-3781.1

AMENDATORY SECTION (Amending WSR 20-15-062, filed 7/10/20, effective 8/10/20)

WAC 392-550-035 Full-day kindergarten requirements. Alternative learning experience programs providing full-day kindergarten must:

(1) Have multiple weekly (~~(, in-person, and on-site)~~) observations of students by certificated teachers each week during the eight-week WaKIDS assessment window. Observations must take place either in person or through synchronous digital instructional contact.

(2) Have at least a one thousand annual hour instructional program.

(3) Have written student learning plans that include at least the following elements:

(a) A description of curriculum activities that assist students in:

(i) Developing initial skills in the academic areas of reading, mathematics, and writing;

(ii) Developing a variety of communication skills;

(iii) Providing experiences in science, social studies, arts, health, physical education, and a world language other than English;

(iv) Acquiring large and small motor skills;

(v) Acquiring social and emotional skills including successful participation in learning activities as an individual and as part of a group; and

(vi) Learning through hands-on experiences.

(b) A description of learning environments that are developmentally appropriate and promote creativity.

(4) Implement WaKIDS in accordance with WAC 392-550-050.

[Statutory Authority: Chapter 28A.232 RCW and RCW 28A.232.030. WSR 20-15-062, § 392-550-035, filed 7/10/20, effective 8/10/20.]

AMENDATORY SECTION (Amending WSR 20-15-062, filed 7/10/20, effective 8/10/20)

WAC 392-550-050 Assessment requirements. (1)(a) All students enrolled in alternative learning experience courses or course work must be assessed at least annually, using, for full-time students, the

state assessment for the student's grade level and using any other annual assessments required by the school district or charter school.

(b) (i) Part-time students must be assessed at least annually.

(ii) Part-time students who are receiving home-based instruction under chapter 28A.200 RCW or who are enrolled in an approved private school under chapter 28A.195 RCW are not required to participate in the assessments required under chapter 28A.655 RCW.

(2) Any student whose alternative learning experience enrollment is claimed as greater than 0.8 full-time equivalent in any one month through the January count date must be included by the school district or charter school in any required state or federal accountability reporting for that school year, subject to existing state and federal accountability rules and procedures.

(3) (a) Students enrolled in nonresident district alternative learning experience courses or course work who are unable to participate in required annual state assessments at the nonresident district must have the opportunity to participate in such required annual state assessments at the district of physical residence, subject to that district's planned testing schedule.

(b) (i) It is the responsibility of the nonresident enrolling district to establish a written agreement with the district of physical residence that facilitates all necessary coordination between the districts and with the student and, where appropriate, the student's parent(s) to fulfill this requirement. Such coordination may include arranging for appropriate assessment materials, notifying the student of assessment administration schedules, arranging for the forwarding of completed assessment materials to the enrolling district for submission for scoring and reporting, arranging for any allowable testing accommodations, and other steps as may be necessary.

(ii) The written agreement may include rates and terms for payment of reasonable fees by the enrolling district to the district of physical residence to cover costs associated with planning for and administering the assessments to students not enrolled in the district of physical residence.

(iii) Assessment results for students assessed according to these provisions must be included in the enrolling district's accountability measurements, and not in the district of physical residence's accountability measurements.

(4) (a) School districts and charter schools offering alternative learning experience courses or course work to students enrolled in full-day kindergarten under RCW 28A.150.315 must administer WaKIDS to identify the skills, knowledge, and characteristics of kindergarten students at the beginning of the school year in order to support social-emotional, physical, and cognitive growth and development of individual children; support early learning provider and parent involvement; and inform instruction.

(b) To maintain fidelity to the state WaKIDS assessment protocol, the WaKIDS assessment requires multiple weekly (~~(, in person, and on-site)~~) observations of students by certificated teachers each week during the eight-week assessment window. Observations must take place either in person or through synchronous digital instructional contact.

[Statutory Authority: Chapter 28A.232 RCW and RCW 28A.232.030. WSR 20-15-062, § 392-550-050, filed 7/10/20, effective 8/10/20.]