

**WSR 23-08-079**  
**PROPOSED RULES**  
**SUPERINTENDENT OF**  
**PUBLIC INSTRUCTION**

[Filed April 4, 2023, 4:45 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 22-24-028.

Title of Rule and Other Identifying Information: Concerning summer running start: WAC 392-121-119 Definition—Enrolled count dates, 392-121-123 Nonstandard school year programs, 392-169-030 Annual average full-time equivalent (AAFTE) running start enrollment—Definition, 392-169-055 Enrollment—Extent and duration of running start enrollment, and 392-169-100 Running start enrollment count dates.

Hearing Location(s): On May 12, 2023, at 10:00 a.m., virtual public hearing via Zoom (call-in option also available). Participation link available on the office of superintendent of public instruction (OSPI) rules web page [k12.wa.us/policy-funding/ospi-rulemaking-activity](http://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 web page for information on participating in the hearing [k12.wa.us/policy-funding/ospi-rulemaking-activity](http://k12.wa.us/policy-funding/ospi-rulemaking-activity). For participation questions, please email [kristin.murphy@k12.wa.us](mailto:kristin.murphy@k12.wa.us).

Date of Intended Adoption: May 16, 2023.

Submit Written Comments to: Becky McLean, Enrollment Supervisor, OSPI, P.O. Box 47200, Olympia, WA 98504, email [becky.mclean@k12.wa.us](mailto:becky.mclean@k12.wa.us), by May 12, 2023.

Assistance for Persons with Disabilities: Contact Kristin Murphy, OSPI rules coordinator, phone 360-725-6133, TTY 360-664-3631, email [kristin.murphy@k12.wa.us](mailto:kristin.murphy@k12.wa.us), by 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 calculation of the average annual full-time equivalent (AAFTE) to be based on the 11 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 ESSB 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 for 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 ESSB 5693, section 504(18); RCW 28A.600.390.

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

Name of Agency Personnel Responsible for Drafting: Becky McLean, OSPI, 600 South Washington Street, Olympia, WA, 360-725-6306; Implementation: Michelle Matakas, OSPI, 600 South Washington Street, Olym-

pia, WA, 360-725-6019; and Enforcement: T.J. Kelly, OSPI, 600 South Washington Street, Olympia, WA, 360-725-6301.

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 19.85.025(4).

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).

Scope of exemption for rule proposal:

Is fully exempt.

April 4, 2023

Chris P. S. Reykdal

State Superintendent of Public Instruction

#### OTS-4354.1

AMENDATORY SECTION (Amending WSR 15-18-078, filed 8/28/15, effective 9/28/15)

**WAC 392-121-119 Definition—Enrollment count dates.** As used in this chapter, "enrollment count dates" means the fourth school day of September and the first school day of each of the nine subsequent months of the school year for all school districts and charter schools including districts and charter schools which commence basic education programs prior to September 1st. Exceptions are limited to the following:

(1) In school districts where not every school or grade follows the same calendar of school days, the calendar of an individual school or an entire grade level within a school may determine the monthly enrollment count date for that school or grade level within the school.

(2) The ((~~nine~~)) 11 count dates for running start enrollment shall be the first school day of each month of October through ((~~June~~)) August.

[Statutory Authority: RCW 28A.150.290 and 28A.710.220. WSR 15-18-078, § 392-121-119, filed 8/28/15, effective 9/28/15. Statutory Authority: RCW 28A.150.305. WSR 13-02-004, § 392-121-119, filed 12/19/12, effective 1/19/13. Statutory Authority: RCW 28A.150.290. WSR 97-22-013 (Order 97-06), § 392-121-119, filed 10/27/97, effective 11/27/97.]

AMENDATORY SECTION (Amending WSR 15-18-078, filed 8/28/15, effective 9/28/15)

**WAC 392-121-123 Nonstandard school year programs.** A student participating in a program of education occurring during the nonstandard school year on a tuition-free basis may be claimed for state funding to the extent that the student was not claimed as a 1.0 AAFTE during the regular school year (September through June), subject to the following:

(1) Eligible student FTE in a nonstandard school year program shall be claimed based upon the following:

(a) Enrolled hours based upon the standards in WAC 392-121-122 or 392-121-182.

(b) Credit based for student enrolled in a college program under WAC 392-121-188.

(c) A student enrolled in transition school (~~(or a running start program)~~) is not eligible for nonstandard school year funding.

(2) A district or charter school shall make month by month evaluation of the student to determine if the following conditions were met during the regular school year:

(a) The student was not home schooled or enrolled in a private school.

(b) The student was not claimed as a 1.0 FTE in a regular or institution education program.

(3) For each month in which the conditions of subsection (2) of this section are met, the district or charter school shall determine the amount of student FTE claimed for the student. To the extent the enrollment claimed is less than 1.0 FTE for each month, the school district or charter school may claim nonstandard school year FTE based upon the student enrollment in the nonstandard school year school program.

[Statutory Authority: RCW 28A.150.290 and 28A.710.220. WSR 15-18-078, § 392-121-123, filed 8/28/15, effective 9/28/15. Statutory Authority: RCW 28A.150.305. WSR 13-02-004, § 392-121-123, filed 12/19/12, effective 1/19/13. Statutory Authority: RCW 28A.150.290. WSR 09-01-173, § 392-121-123, filed 12/23/08, effective 1/23/09; WSR 95-01-013, § 392-121-123, filed 12/8/94, effective 1/8/95. Statutory Authority: RCW 28A.41.055 and 28A.41.170. WSR 88-03-013 (Order 88-8), § 392-121-123, filed 1/11/88.]

#### OTS-4355.1

AMENDATORY SECTION (Amending WSR 16-10-115, filed 5/4/16, effective 6/4/16)

**WAC 392-169-030 Annual average full-time equivalent (AAFTE) running start enrollment—Definition.** For purposes of this chapter and chapter 392-121 WAC, "annual average full-time equivalent (AAFTE) running start enrollment" means the sum of the AAFTE of all running start students for a school year when each running start student's AAFTE

equals the sum of the student's running start FTE enrollment on the ~~((nine))~~ 11 running start count dates divided by nine.

[Statutory Authority: RCW 28A.600.390. WSR 16-10-115, § 392-169-030, filed 5/4/16, effective 6/4/16; WSR 14-22-079, § 392-169-030, filed 11/3/14, effective 12/4/14. Statutory Authority: RCW 28A.600.390, 28A.150.260 and [28A.150.]290. WSR 94-04-095 (Order 94-01), § 392-169-030, filed 2/1/94, effective 3/4/94.]

AMENDATORY SECTION (Amending WSR 16-10-115, filed 5/4/16, effective 6/4/16)

**WAC 392-169-055 Enrollment—Extent and duration of running start enrollment.** Running start program enrollment under this chapter is limited as follows (and as may be further limited for academic reasons under WAC 392-169-057):

(1) An eligible student who enrolls in grade ~~((eleven))~~ 11 may enroll in an institution of higher education while in the ~~((eleventh))~~ 11th grade for no more than the course work equivalent to one academic year of enrollment as an annual average full-time equivalent running start student ~~((i.e., three college or university quarters as a full-time equivalent college or university student, two semesters as a full-time equivalent college or university student, or nine months as a full-time equivalent technical college student))~~.

(2) An eligible student who enrolls in grade ~~((twelve))~~ 12 may enroll in an institution of higher education while in the ~~((twelfth))~~ 12th grade for no more than the course work equivalent to one academic year of enrollment as an annual average full-time equivalent running start student ~~((i.e., three college or university quarters as a full-time equivalent community college or university student, two semesters as a full-time equivalent college or university student, or nine months as a full-time technical college student))~~.

~~((3))~~ Enrollment in an institution of higher education is limited to the fall, winter and spring college quarters, and the fall and spring college semesters).

~~((4))~~ (3) As a general rule a student's eligibility for running start program enrollment terminates at the end of the student's ~~((twelfth))~~ 12th grade regular academic year, notwithstanding the student's failure to have enrolled in an institution of higher education to the full extent permitted by subsections (1) and (2) of this section: Provided, That a student who has failed to meet high school graduation requirements as of the end of the student's ~~((twelfth))~~ 12th grade regular academic year (September through June) due to the student's absence, the student's failure of one or more courses, or another similar reason may continue running start program enrollment for the sole and exclusive purpose of completing the particular course or courses required to meet high school graduation requirements, subject to the enrollment limitation established by subsection (2) of this section.

[Statutory Authority: RCW 28A.600.390. WSR 16-10-115, § 392-169-055, filed 5/4/16, effective 6/4/16; WSR 14-22-079, § 392-169-055, filed 11/3/14, effective 12/4/14. Statutory Authority: RCW 28A.300.390, 28A.150.260 and 28A.150.290. WSR 95-09-042 (Order 95-02), §

392-169-055, filed 4/14/95, effective 5/15/95. Statutory Authority: RCW 28A.600.390, 28A.150.260 and [28A.150.]290. WSR 94-04-095 (Order 94-01), § 392-169-055, filed 2/1/94, effective 3/4/94.]

AMENDATORY SECTION (Amending WSR 16-10-115, filed 5/4/16, effective 6/4/16)

**WAC 392-169-100 Running start enrollment count dates.** Enrollment count dates for the running start program shall be as follows:

(1) For community and technical colleges and for Central Washington University and Eastern Washington University, the first college or university day of each of the months of October through (~~June~~) August; and

(2) For Washington State University, the first university day of each of the months of September through (~~May~~) July.

[Statutory Authority: RCW 28A.600.390. WSR 16-10-115, § 392-169-100, filed 5/4/16, effective 6/4/16; WSR 14-22-079, § 392-169-100, filed 11/3/14, effective 12/4/14. Statutory Authority: RCW 28A.300.390, 28A.150.260 and 28A.150.290. WSR 95-09-042 (Order 95-02), § 392-169-100, filed 4/14/95, effective 5/15/95. Statutory Authority: RCW 28A.600.390, 28A.150.260 and [28A.150.]290. WSR 94-04-095 (Order 94-01), § 392-169-100, filed 2/1/94, effective 3/4/94.]