



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: April 21, 2025

TIME: 10:30 AM

WSR 25-09-104

Agency: Office of Superintendent of Public Instruction (OSPI)

Subject of possible rule making: Chapter 392-190 WAC regarding nondiscrimination and equal educational opportunity

Statutes authorizing the agency to adopt rules on this subject: RCW 28A.640.020; RCW 28A.642.020

Reasons why rules on this subject may be needed and what they might accomplish: In accordance with RCW 28A.640.010 and 28A.642.010, discrimination in Washington K–12 public schools on the basis of sex; race; creed; religion; color, national origin; honorably discharged veteran or military status; sexual orientation; gender identity; gender expression; the presence of any sensory, mental, or physical disability; or the use of a trained dog guide or service animal by a person with a disability is prohibited. RCW 28A.640.020 and 28A.642.020 require OSPI to develop rules and guidelines to eliminate discrimination as it applies to public school employment, counseling and guidance services to students, recreational and athletic activities for students, access to course offerings, and in textbooks and instructional materials used by students. These rules are found in Chapter 392-190 WAC.

OSPI is considering revising Chapter 392-190 WAC to (1) clarify civil rights requirements and procedures for responding to complaints of discrimination in public schools; (2) improve procedures for OSPI monitoring and enforcement, including specialized provisions for emergency situations involving ongoing discriminatory actions; (3) align rules with new statutory requirements regarding nondiscrimination requirements, and (4) clarify requirements for nondiscrimination previously addressed in guidelines.

OSPI anticipates a revision of the nondiscrimination rules will, among other things, (1) clarify procedures for responding to discrimination complaints; (2) eliminate problems of interpretation and problems of practice by increasing the clarity of rule language; (3) encourage public schools to address issues of discrimination with transparency and accountability; and (4) provide students, parents, employees, and community members better access to information about their rights and processes to addressing concerns about equal access and discrimination.

Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies: The U.S. Department of Education, Office for Civil Rights and the Washington State Human Rights Commission regulate similar nondiscrimination laws in K–12 public schools. Coordination will be achieved by reviewing agency regulations and guidance, as well as requesting agency support as needed to ensure consistency with federal and state regulations and guidance.

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

- ☐ Negotiated rule making
- ☐ Pilot rule making
- ☐ Agency study
- ☒ Other (describe) Early solicitation of feedback and recommendations concerning new or amended rules, and consideration of comments and recommendations in the course of drafting rule language.

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

(If necessary)

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Additional comments:

Date: April 21, 2025

Name: Chris Reykdal

Title: State Superintendent of Public Instruction

Signature:

