



RULE-MAKING ORDER EMERGENCY RULE ONLY

CR-103E (December 2017)
(Implements RCW 34.05.350
and 34.05.360)

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: September 24, 2025
TIME: 9:11 AM

WSR 25-20-038

Agency: Office of Superintendent of Public Instruction (OSPI)

Effective date of rule:

Emergency Rules

- ☒ Immediately upon filing.
☐ Later (specify) _____

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

- ☐ Yes ☒ No If Yes, explain:

Purpose: The purpose of this amended WAC is to allow school districts in binding conditions to loan money from their transportation vehicle fund (TVF) to their general fund in order to maintain a positive cash flow in their general fund. When other binding condition efforts fail to resolve the district's financial issues and insolvency is imminent, and to ensure that the district will have a positive cash flow to meet obligations, they need to be able to borrow from the TVF.

This is a renewal of emergency rule filing as OSPI continues to conduct permanent rulemaking.

Citation of rules affected by this order:

New:
Repealed:
Amended: WAC 392-123-140
Suspended:

Statutory authority for adoption: RCW 28A.150.290; RCW 28A.710.220; RCW 28A.315.221

Other authority:

EMERGENCY RULE

Under RCW 34.05.350 the agency for good cause finds:

- ☒ That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
☐ That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this finding: In order for OSPI to implement appropriate binding conditions upon districts facing insolvency and depleted cash flow, districts in binding conditions will need authority to borrow resources from other funds to support general operations. To borrow from the transportation vehicle fund (TVF), a district would need to pass a board resolution authorizing the loan and receive additional approval from OSPI to borrow from the TVF. .

Note: If any category is left blank, it will be calculated as zero.
No descriptive text.

Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.

The number of sections adopted in order to comply with:

| | | | | | | |
|----------------------------------|-----|-------|---------|-------|----------|-------|
| Federal statute: | New | _____ | Amended | _____ | Repealed | _____ |
| Federal rules or standards: | New | _____ | Amended | _____ | Repealed | _____ |
| Recently enacted state statutes: | New | _____ | Amended | _____ | Repealed | _____ |

The number of sections adopted at the request of a nongovernmental entity:

New Amended Repealed

The number of sections adopted on the agency’s own initiative:

New Amended 1 Repealed

The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New Amended 1 Repealed

The number of sections adopted using:

| | | | |
|--------------------------------|-----|---------|----------|
| Negotiated rule making: | New | Amended | Repealed |
| Pilot rule making: | New | Amended | Repealed |
| Other alternative rule making: | New | Amended | Repealed |

Date Adopted: September 24, 2025

Name: Chris Reykdal

Title: State Superintendent of Public Instruction

Signature:

