



# 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: February 05, 2026

TIME: 10:50 AM

WSR 26-05-005

**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 emergency rulemaking is to adopt rules concerning the sale of school district real property who are in binding conditions in alignment with Substitute Senate Bill 5412 (2025). Additionally, as provided in this same bill, the emergency rulemaking would address the charging of interest when districts are in binding conditions or under enhanced financial oversight for temporary interfund loan from its capital projects fund.

OSPI will also conduct permanent rulemaking concerning these rules.

**Citation of rules affected by this order:**

New: WAC 392-123-171  
Repealed:  
Amended: WAC 392-123-150  
Suspended:

**Statutory authority for adoption:** Substitute Senate Bill 5412 (Chapter 384, Laws of 2025); RCW 28A.335.135; RCW 28A.505.140

**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:** These emergency rules are necessary to ensure that rules are in place to provide transparency and accountability when districts in binding conditions sell real property, to verify the proceeds are used in alignment with OSPI's authorization of the sale, and to limit the sale of real property in these situations to no more than once every 10 years. Additionally, these emergency rules will state that no interest can be charged for an interfund loan from the capital projects fund for districts in binding condition or under financial oversight.

OSPI will also conduct permanent rulemaking concerning these rules.

**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 1 Amended 1 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      Repealed     

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

New      Amended      Repealed     

**The number of sections adopted using:**

Negotiated rule making:	New <u>    </u>	Amended <u>    </u>	Repealed <u>    </u>
Pilot rule making:	New <u>    </u>	Amended <u>    </u>	Repealed <u>    </u>
Other alternative rule making:	New <u>    </u>	Amended <u>    </u>	Repealed <u>    </u>

**Date Adopted:** February 5, 2026

**Name:** Chris Reykdal

**Title:** State Superintendent of Public Instruction

**Signature:**

