



# 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: April 17, 2026

TIME: 8:22 AM

WSR 26-09-091

**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 the emergency rulemaking is to adopt rules to authorize full-time enrollment funding for students enrolled in competency-based education programs identified by the State Board of Education as required by Senate Bill 5189 (2025).

OSPI will also conduct permanent rulemaking concerning these rules.

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

- New: WAC 392-121-189
- Repealed:
- Amended: WAC 392-121-107
- Suspended:

**Statutory authority for adoption:** Senate Bill 5189 (Chapter 278, Laws of 2025)

**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:** The emergency rules are necessary to be in place by the beginning of the 2025-26 school year to ensure that students enrolled in approved competency-based education programs can be claimed as a full-time student or 1.0 FTE for the purpose of generating state basic education funding.

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Federal statute:	New	_____	Amended	_____	Repealed	_____
Federal rules or standards:	New	_____	Amended	_____	Repealed	_____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	<u>  1  </u>	Amended	<u>  1  </u>	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 ____	Amended ____	Repealed ____
Pilot rule making:	New ____	Amended ____	Repealed ____
Other alternative rule making:	New ____	Amended ____	Repealed ____

**Date Adopted:** April 17, 2026

**Name:** Chris Reykdal

**Title:** State Superintendent of Public Instruction

**Signature:**

