



PREPROPOSAL STATEMENT OF INQUIRY

CR-101 (October 2017) (Implements RCW 34.05.310)

Do **NOT** use for expedited rule making

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: April 21, 2026

TIME: 11:53 AM

WSR 26-09-123

Agency: Office of Superintendent of Public Instruction (OSPI)

Subject of possible rule making:

- WAC 392-122-435 Physical, social, and emotional support (PSES)—Student enrollment
- WAC 392-122-440 Physical, social, and emotional support (PSES)—Staff
- WAC 392-122-455 Physical, social, and emotional support (PSES)—Penalty for noncompliance
- WAC 392-122-500 K-3 class size—Apportionment of state moneys
- WAC 392-122-505 K-3 class size—Student enrollments
- WAC 392-122-510 K-3 class size—Teachers
- WAC 392-122-515 K-3 class size compliance—Supplemental FTE teachers
- WAC 392-122-520 K-3 class size—Calculation
- WAC 392-127-045 FTE basic education certificated instructional employee—Definition

Statutes authorizing the agency to adopt rules on this subject: Engrossed Second Substitute Senate Bill 5263 (Chapter 368, Laws of 2025); RCW 28A.150.260; RCW 28A.150.290, RCW 28A.300.072

Reasons why rules on this subject may be needed and what they might accomplish: OSPI is considering rulemaking regarding how special education staff will apply to K-3 class size, physical, social, and emotional support (PSES), and certificated instructional staff ratio compliance calculations after changes were made to the special education allocation in Engrossed Second Substitute Senate Bill 5263 (2025). Additionally, the rulemaking being considered would change the months when K-3 class size and PSES compliances would be calculated and would add a new duty root for PSES compliance.

Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies:


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)
Name: Becky McLean, Manager, Enrollment Reporting and Categorical Funding	Name:
Address: OSPI, PO Box 47200, Olympia, WA 98504	Address:
Phone: 360-725-6306	Phone:
Fax:	Fax:
TTY: 360-664-3631	TTY:
Email: becky.mclean@k12.wa.us	Email:
Web site: ospi.k12.wa.us	Web site:
Other:	Other:

Additional comments:

Date: April 21, 2026	Signature: 
Name: Chris Reykdal	
Title: State Superintendent of Public Instruction	