



PROPOSED RULE MAKING

CR-102 (June 2024)
(Implements RCW 34.05.320)
Do **NOT** use for expedited rule making

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STATE OF WASHINGTON
FILED

DATE: May 05, 2026

TIME: 9:44 AM

WSR 26-10-067

Agency: Office of Superintendent of Public Instruction (OSPI)

Original Notice

Supplemental Notice to WSR _____

Continuance of WSR _____

Preproposal Statement of Inquiry was filed as WSR 25-09-104 ; or

Expedited Rule Making--Proposed notice was filed as WSR _____; or

Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1); or

Proposal is exempt under RCW _____.

Title of rule and other identifying information: (describe subject) Chapter 392-190 WAC regarding nondiscrimination and equal educational opportunity

Hearing location(s):

Date:	Time:	Location: (be specific)	Comment:
June 11, 2026	6:00 p.m.	Virtual Public Hearing via Zoom (call-in option also available). Participation link available on OSPI Rules webpage:	The hearing will be held as a virtual public hearing, without a physical meeting space. Please visit the OSPI Rules webpage for information on participating in the hearing: ospi.k12.wa.us/policy-funding/ospi-rulemaking-activity For participation questions, please email: sirena.wu@k12.wa.us
June 16, 2026	2:00 p.m.	ospi.k12.wa.us/policy-funding/ospi-rulemaking-activity	
June 18, 2026	10:00 a.m.		

Date of intended adoption: June 22, 2026 (Note: This is **NOT** the **effective** date)

Submit written comments to:

Name Sarah Albertson

Address OSPI, PO Box 47200, Olympia, WA 98504

Email CivilRightsRules@k12.wa.us

Fax

Other

Beginning (date and time) May 6, 2026, 8:00 a.m.

By (date and time) June 18, 2026, no later than 5:00 p.m.

Assistance for persons with disabilities:

Contact Sirena Wu, OSPI Rules Coordinator

Phone 360-480-9317

Fax

TTY 360-664-3631

Email sirena.wu@k12.wa.us

Other

By (date) June 4, 2026

Purpose of the proposal and its anticipated effects, including any changes in existing rules: In accordance with RCW 28A.640.010 and 28A.642.010, discrimination in Washington K–12 public schools on the basis of sex; race; ethnicity; creed; religion; color, national origin; honorably discharged veteran or military status; sexual orientation; gender identity; gender expression; homelessness; immigration or citizenship status; the presence of any sensory, mental, or physical disability; neurodivergence; 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 proposing 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; and (3) align rules with new statutory requirements regarding nondiscrimination requirements.

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.

Reasons supporting proposal: Clarifying rules, including nondiscrimination requirements and procedures for responding to discrimination complaints, will eliminate problems of interpretation and problems of practice to ensure clear expectations for how school districts prevent and respond to discrimination.

Statutory authority for adoption: RCW 28A.640.020; RCW 28A.642.020

Statute being implemented:

Is rule necessary because of a:

Federal Law?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Federal Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
State Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

If yes, CITATION:

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

Name of proponent: (person or organization)

Type of proponent: Private. Public. Governmental.

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting	Sarah Albertson	OSPI, 600 S. Washington St, Olympia, WA	
Implementation	Sarah Albertson	OSPI, 600 S. Washington St, Olympia, WA	
Enforcement	Sarah Albertson	OSPI, 600 S. Washington St, Olympia, WA	

Is a school district fiscal impact statement required under [RCW 28A.305.135](#)?

Yes No

If yes, insert statement here:

The public may obtain a copy of the school district fiscal impact statement by contacting:

Name
Address
Phone
Fax
TTY
Email
Other

Is a cost-benefit analysis required under [RCW 34.05.328](#)?

Yes: A preliminary cost-benefit analysis may be obtained by contacting:

Name
Address
Phone
Fax
TTY
Email
Other

No: Please explain:

Regulatory Fairness Act and Small Business Economic Impact Statement

Note: The [Governor's Office for Regulatory Innovation and Assistance \(ORIA\)](#) provides support in completing this part.

(1) Identification of exemptions:

This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see [chapter 19.85 RCW](#)). For additional information on exemptions, consult the [exemption guide published by ORIA](#). Please check the box for any applicable exemption(s):

This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.061](#) because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Please cite the specific federal statute or regulation this rule is being adopted to conform or comply with, and describe the consequences to the state if the rule is not adopted.

Citation and description:

This rule proposal, or portions of the proposal, is exempt because the agency has completed the pilot rule process defined by [RCW 34.05.313](#) before filing the notice of this proposed rule.

This rule proposal, or portions of the proposal, is exempt under the provisions of [RCW 15.65.570\(2\)](#) because it was adopted by a referendum.

This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.025\(3\)](#). Check all that apply:

[RCW 34.05.310](#) (4)(b)
(Internal government operations)

[RCW 34.05.310](#) (4)(c)
(Incorporation by reference)

[RCW 34.05.310](#) (4)(d)
(Correct or clarify language)

[RCW 34.05.310](#) (4)(e)
(Dictated by statute)

[RCW 34.05.310](#) (4)(f)
(Set or adjust fees)

[RCW 34.05.310](#) (4)(g)
((i) Relating to agency hearings; or (ii) process requirements for applying to an agency for a license or permit)

This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.025\(4\)](#). (Does not affect small businesses).

This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.030](#).

Explanation of how the above exemption(s) applies to the proposed rule: No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed amendment does not have an impact on small business and therefore does not meet the requirements for a statement under RCW 19.85.030 (1) or (2).

(2) Scope of exemptions: *Check one.*

The rule proposal: Is fully exempt. (*Skip section 3.*) Exemptions identified above apply to all portions of the rule proposal.

The rule proposal: Is partially exempt. (*Complete section 3.*) The exemptions identified above apply to portions of the rule proposal, but less than the entire rule proposal. Provide details here (consider using [this template from ORIA](#)):

The rule proposal: Is not exempt. (*Complete section 3.*) No exemptions were identified above.

(3) Small business economic impact statement: *Complete this section if any portion is not exempt.*

If any portion of the proposed rule is **not exempt**, does it impose more-than-minor costs (as defined by RCW 19.85.020(2)) on businesses?

No Briefly summarize the agency's minor cost analysis and how the agency determined the proposed rule did not impose more-than-minor costs. _____

Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses and a small business economic impact statement is required. Insert the required small business economic impact statement here:

The public may obtain a copy of the small business economic impact statement or the detailed cost calculations by contacting:

Name
Address
Phone
Fax
TTY
Email
Other

Date: May 5, 2026

Name: Chris Reykdal

Title: State Superintendent of Public Instruction

Signature:

