



RULE-MAKING ORDER

PERMANENT RULE ONLY

CR-103P (December 2017)
(Implements RCW 34.05.360)

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: July 22, 2026

TIME: 8:08 AM

WSR 26-15-128

Agency: Office of Superintendent of Public Instruction (OSPI)

Effective date of rule:

Permanent Rules

☒ 31 days after filing.

☐ Other (specify) _____ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

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

☐ Yes ☒ No If Yes, explain:

Purpose: 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 adopting revisions to 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.

Citation of rules affected by this order:

New: WAC 392-190-008, 392-190-052, 392-190-063, and 392-190-064

Repealed: WAC 392-190-056 and 392-190-082

Amended: WAC 392-190-005, 392-190-007, 392-190-010, 392-190-020, 392-190-025, 392-190-030, 392-190-040, 392-190-045, 392-190-046, 392-190-048, 392-190-050, 392-190-055, 392-190-0555, 392-190-057, 392-190-058, 392-190-059, 392-190-0591, 392-190-0592, 392-190-060, 392-190-065, 392-190-070, 392-190-075, 392-190-0751, 392-190-076, 392-190-077, 392-190-079, 392-190-080, and 392-190-081

Suspended:

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

Other authority:

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 26-10-067 on May 5, 2026 (date).

Describe any changes other than editing from proposed to adopted version: In WAC 392-190-010(6), the phrase “of a protected class” was revised to “who are members of any one of the categories identified in this section.” In WAC 392-190-055(5)(a) and 392-190-055(5)(b), the phrase “who is part of a protected class established in RCW 28A.640.010 and 28A.642.010” was changed to “on the basis of a protected status.” In WAC 392-190-055(5)(b), the phrase “Subitem (a) of this subsection” was revised to “Subsection (5)(a).” In WAC 392-190-060(2), the term “adequate” was changed to “sufficient.” The phrase “the preponderance of the evidence” was changed to “a preponderance of the evidence” in WAC 392-190-065(3)(a)(ii), 392-190-075(3)(b), and 392-190-077(2). WAC 392-190-065(3)(a)(iii) was revised to read: “...the email and address where the complainant may file the appeal, the name of the party or board that will decide the appeal, and any established filing deadline...”. WAC 392-190-070(1)(d) was added to require written appeal submission. WAC 392-190-075(1)(c)(iii) was revised to read: “A copy of the complainant’s written complaint to the school district and appeal to the school board.” WAC 392-190-075(1)(d) was added: “OSPI may require the complainant to submit a signed consent

form from a student's legal parent or guardian before OSPI proceeds to open an investigation that involves an individual student."

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

Name:

Address:

Phone:

Fax:

TTY:

Email:

Web site:

Other:

**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	_____
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The number of sections adopted on the agency's own initiative:

New	<u> 3 </u>	Amended	<u> 28 </u>	Repealed	<u> 2 </u>
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	_____	Amended	_____	Repealed	_____
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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: July 22, 2026

Name: Chris Reykdal

Title: State Superintendent of Public Instruction

Signature:

