



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: August 14, 2026

TIME: 9:15 AM

WSR 26-17-066

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Repealed: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Federal statute:	New	_____	Amended	_____	Repealed	_____
Federal rules or standards:	New	_____	Amended	_____	Repealed	_____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	Repealed	_____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: August 14, 2026		Signature: 	
Name: Chris Reykdal			
Title: State Superintendent of Public Instruction			