



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: September 08, 2026

TIME: 10:43 AM

WSR 26-19-023

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** 26-14-011 ; 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 392-425 WAC – Transition to Kindergarten

Hearing location(s):

Date:	Time:	Location: (be specific)	Comment:
November 5, 2026	11:00 a.m.	Virtual Public Hearing via Zoom (call-in option also available). Participation link available on OSPI Rules webpage: ospi.k12.wa.us/policy- funding/ospi-rulemaking-activity	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

Date of intended adoption: November 9, 2026 (Note: This is **NOT** the **effective** date)

Submit written comments to:

Name Samantha Bowen

Address OSPI, PO Box 47200, Olympia, WA 98504

Email EarlyLearning@k12.wa.us

Fax

Other

Beginning (date and time) September 9, 2026, 8:00 a.m.

By (date and time) November 5, 2026, 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) October 29, 2026

Purpose of the proposal and its anticipated effects, including any changes in existing rules: In accordance with Engrossed Substitute Senate Bill 6260 (2026) and RCW 28A.300.072, OSPI is proposing to amend chapter 392-425 WAC to adopt permanent rules authorizing local education agencies to charge sliding scale fees for enrollment in the transition to kindergarten (TK) program and to establish rules related to the allocation of state funding for TK programs. Permanent rule adoption is necessary to implement statutory changes enacted by the Washington State Legislature, and to ensure school districts, charter schools, and state-tribal education compact schools have the rules and guidance necessary for implementation during the 2027-28 school year, including enrollment, budgeting, and program planning timelines.

Permanent rules are necessary to implement ESSB 6260 (2026) in time for the 2027-28 school year. Local education agencies require timely rules regarding sliding scale fees and state funding allocation criteria in order to conduct enrollment, staffing, budgeting, and program planning activities prior to the start of the school year. Delayed adoption would create uncertainty regarding program administration and funding distribution and could impair implementation of legislatively enacted requirements.

Reasons supporting proposal: OSPI is proposing permanent amendments to chapter 392-425 WAC to implement ESSB 6260 (2026) and RCW 28A.300.072, including rules that allow local education agencies to charge sliding scale fees for Transition to Kindergarten and establish criteria for state funding allocations. Timely rule adoption is needed so districts,

charter schools, and state-tribal education compact schools can plan for enrollment, staffing, budgeting, and implementation for the 2027–28 school year.

Statutory authority for adoption: Engrossed Substitute Senate Bill 6260 (2026); RCW 28A.150.290; RCW 28A.300.072

Statute being implemented:

Is rule necessary because of a:

Federal Law?	☐ Yes	☒ No
Federal Court Decision?	☐ Yes	☒ No
State Court Decision?	☐ Yes	☒ 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	Samantha Bowen	OSPI, 600 S. Washington St, Olympia, WA	
Implementation	Samantha Bowen	OSPI, 600 S. Washington St, Olympia, WA	
Enforcement		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: September 8, 2026

Name: Chris Reykdal

Title: State Superintendent of Public Instruction

Signature: