WSR 26-09-123
PREPROPOSAL STATEMENT OF INQUIRY
SUPERINTENDENT OF
PUBLIC INSTRUCTION

[Filed April 21, 2026, 11:53 a.m.]

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

Statutes Authorizing the Agency to Adopt Rules on this Subject: E2SSB 5263 (chapter 368, Laws of 2025); RCW 28A.150.260, 28A.150.290, and 28A.300.072.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The office of superintendent of public instruction (OSPI) is considering rule making 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 E2SSB 5263 (2025). Additionally, the rule making 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.

Process for Developing New Rule: 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 Becky McLean, Manager, Enrollment Reporting and Categorical Funding, OSPI, P.O. Box 47200, Olympia, WA 98504, phone 360-725-6306, TTY 360-664-3631, email becky.mclean@k12.wa.us, website ospi.k12.wa.us.

April 21, 2026
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