WSR 26-13-070
PROPOSED RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION
[Filed June 15, 2026, 9:49 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 26-09-125.

Title of Rule and Other Identifying Information: WAC 392-121-106 Definition—Enrolled student, 392-121-187 Technical college direct-funded enrollment, 392-122-220 State institutional education program—Enrolled institutional education program student, and 392-700-035 Student eligibility.

Hearing Location(s): On July 22, 2026, at 10:00 a.m. Virtual public hearing via Zoom (call-in option also available). Participation link available on the office of superintendent of public instruction (OSPI) rules web page at ospi.k12.wa.us/policy-funding/ospi-rulemaking-activity. For participation questions, please email sirena.wu@k12.wa.us.

Date of Intended Adoption: July 24, 2026.

Submit Written Comments to: Becky McLean, Manager, Enrollment Reporting and Categorical Funding, OSPI, P.O. Box 47200, Olympia, WA 98504, email becky.mclean@k12.wa.us, beginning June 16, 2026, 8:00 a.m., by July 22, 2026, 5:00 p.m.

Assistance for Persons with Disabilities: Contact Sirena Wu, OSPI rules coordinator, phone 360-480-9317, TTY 360-664-3631, email sirena.wu@k12.wa.us, by July 15, 2026.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: OSPI is proposing rule making to expand state funding for students receiving special education services who turn 21, in alignment with SSB 5253 (2025).

Reasons Supporting Proposal: SSB 5253 (2025) authorizes students receiving special education services to continue receiving these services and their education until the end of the school year they turn 22. WAC that limit state funding for students under 21 must be updated to align with SSB 5253 (2025).

Statutory Authority for Adoption: SSB 5253 (2025); RCW 28A.150.290, 28A.150.305, 28A.175.115, 28A.300.072, and 28A.710.040.

Rule is not necessitated by federal law, federal or state court decision.

Name of Agency Personnel Responsible for Drafting and Implementation: Becky McLean, OSPI, 600 South Washington Street, Olympia, WA, 360-725-6306; Enforcement: Shawn Lewis, OSPI, 600 South Washington Street, Olympia, WA, 360-725-6019.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(4).

Is exempt under RCW 19.85.030.

Explanation of exemptions: 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).

Scope of exemption for rule proposal:

Is fully exempt.

June 15, 2026
Chris P.S. Reykdal
State Superintendent of Public Instruction

RDS-7235.1

AMENDATORY SECTION (Amending WSR 24-14-074, filed 6/28/24, effective 7/29/24)

WAC 392-121-106 Definition—Enrolled student. As used in this chapter, "enrolled student" means a person residing in Washington state who:

(1) Is eligible to enroll in the school district's education programs because ((~~he or she~~)) the person:

(a) Resides in the school district with or without an address (RCW 28A.225.010, 28A.225.160 and 28A.225.215);

(b) Resides on a United States reservation, national park, national forest, or Indian reservation contiguous to the school district (RCW 28A.225.170);

(c) Resides in a school district not offering the grade for which they are eligible to enroll such as a nonhigh district (RCW 28A.225.210);

(d) Has been released from the school district ((~~he or she~~)) the person resides in and has been accepted by the school district claiming enrollment (RCW 28A.225.225 and 28A.225.230);

(e) Will be attending the school district as part of an interdistrict cooperative program (RCW 28A.225.250);

(f) Will be attending school in a school district in another state per a reciprocity agreement pursuant to RCW 28A.225.260; or

(g) Will be attending a public charter school, as defined by RCW 28A.710.010, located within Washington state.

(2) After the close of the prior school year has presented ((~~himself or herself~~)), or has been presented, to the school district's or charter school's appropriate official to be entered on the school district's or charter school's rolls for the purpose of attending school in grades kindergarten through 12 and transition to kindergarten program;

(3) Is under 21 years of age at the beginning of the school year. For a student receiving special education services, the person is under the age of 22 at the beginning of the school year;

(4) Actually participated on a school day during the first four school days of the current school term (semester or quarter), or on a school day during the current school year on or prior to the date being counted, in a course of study offered by the school district or charter school as defined in WAC 392-121-107; and

(5) Does not qualify for any of the enrollment exclusions set forth in WAC 392-121-108.

AMENDATORY SECTION (Amending WSR 13-02-004, filed 12/19/12, effective 1/19/13)

WAC 392-121-187 Technical college direct-funded enrollment. Enrollment in a technical college pursuant to an interlocal agreement with a school district as provided in RCW 28B.50.533 may be counted as course of study generating state moneys payable directly to the technical college as provided in this section.

(1) The technical college shall submit a written request to the superintendent of public instruction and for each school district whose students are to be claimed by the college shall provide a copy of the interlocal agreement signed by the school district superintendent and the technical college president or authorized officials of the school district and college.

(2) The technical college shall report enrolled students monthly (September through June) to the superintendent of public instruction pursuant to this chapter and instructions provided by the superintendent. A separate report shall be submitted for each school district whose students are reported. Reports of students eligible for state basic education support shall show the total number of students served and total nonvocational and vocational FTE students on the monthly count date. Reports shall also show the name of each student, hours of enrollment per week on the monthly count date, and the nonvocational and vocational full-time equivalent reported for the student on the count date. Technical colleges claiming direct state handicapped funding under the interlocal agreement shall also report the number of enrolled handicapped students by handicapping category on the count dates of October through June pursuant to WAC 392-122-160 and chapter 392-172A WAC.

(3) The technical college shall report monthly to each school district whose students are served pursuant to this section. The report shall include at a minimum the data reported to the superintendent of public instruction pursuant to subsection (2) of this section.

(4) The technical college shall report only students who:

(a) Were under ((~~twenty-one~~)) 21 years of age at the beginning of the school year. For students receiving special education services, those who are under the age of 22 at the beginning of the school year;

(b) Are enrolled tuition-free;

(c) Are enrolled in a school district with which the technical college has a signed interlocal agreement on file with the superintendent of public instruction pursuant to subsection (1) of this section;

(d) Are enrolled in the school district for the purpose of earning a high school diploma or certificate; and

(e) Have actually participated in instructional activity at the technical college during the current school year.

(5) Enrollments claimed for state basic education funding by the technical college:

(a) Shall be for courses for which the student is earning high school graduation credit through the school district or the technical college; and

(b) Shall not include:

(i) Enrollment which is claimed by the school district for state funding; or

(ii) Enrollment which generates state or federal moneys for higher education, adult education, or job training for the technical college.

(6) Full-time equivalent students reported by the technical college for state basic education funding shall be determined pursuant to WAC 392-121-106 through ((~~392-121-183~~)) 392-121-182 except that the enrollment count dates shall be for the months of September through June. If a student is enrolled in courses provided by the school district as well as courses provided by the technical college, the combined full-time equivalents reported by the school district and the technical college are limited by WAC 392-121-136.

(7) The superintendent of public instruction shall make quarterly payments to the technical college as follows:

(a) Basic education allocations shall be determined pursuant to chapter 392-121 WAC based on average enrollments reported by the technical college for each school district times the average allocation per full-time equivalent high school student of the school district: Provided, That allocations for students enrolled in school districts with no more than two high schools with enrollments of less than ((~~three hundred~~)) 300 annual average full-time equivalent students shall be at the incremental rate generated by students in excess of ((~~sixty~~)) 60 annual average full-time equivalent students. Allocations for nonvocational and vocational full-time equivalent enrollments shall be calculated separately.

(b) Handicapped allocations shall be determined pursuant to WAC ((~~392-122-100~~)) 392-122-106 through 392-122-165 based on average handicapped enrollments and the school district's average allocation per handicapped student in each handicapping category.

(c) Quarterly payments shall provide the following percentages of the annual allocation:

December	30%
March	30%
June	20%
August	20%

RDS-7238.1

AMENDATORY SECTION (Amending WSR 21-04-039, filed 1/26/21, effective 2/26/21)

WAC 392-122-220 State institutional education program—Enrolled institutional education program student. A student may be counted as an enrolled institutional education program student under the following conditions:

(1)(a) The student is in a program in a department of corrections facility and is either:

(i) Under ((~~eighteen~~)) 18 years of age; or

(ii) Eighteen years of age and is continuing in the institutional education program with the permission of the department of corrections and the education provider; or

(b) The student is under ((~~twenty-one~~)) 21 years of age at the beginning of the school year ((~~and~~)). For a student receiving special education services, the student is under the age of 22 at the beginning of the school year;

(c) The student is either:

(i) In a residential school as defined in RCW 28A.190.020; or

(ii) Confined in a county juvenile detention center within the meaning of confinement provided in RCW 13.40.020;

(2) The student is scheduled to engage in educational activity in the institutional education program during the current week under WAC 392-122-212;

(3) During the current school year, the student has engaged in educational activity in the institutional education program provided or supervised by educational certificated staff under WAC 392-122-212; and

(4) The student does not qualify for any of the enrollment exclusions in WAC 392-122-221.

RDS-7244.1

AMENDATORY SECTION (Amending WSR 22-15-119, filed 7/20/22, effective 8/20/22)

WAC 392-700-035 Student eligibility. (1) A student is eligible to enroll in a program when they meet the following criteria:

(a) Under 21 years of age at the beginning of the school year but whose 16th birthday occurs on or before September 1st. For a student receiving special education services, the person is under the age of 22 at the beginning of the school year;

(b) Has not yet met the high school graduation requirements of either the district, tribal compact school, charter school, or the college under RCW 28B.50.535; and

(c) At the time the student enrolls, the student is significantly behind in credits based on the student's cohort graduation date. The cohort graduation date is established as the end of the fourth school year after a student first enrolls in the ninth grade.

(i) A student who is more than 24 months from their cohort graduation date and has earned less than 65 percent of the high school credits expected to be earned by their cohort or has a ratio of earned credits to attempted credits that is less than 65 percent. A cohort is the group of students that enter the ninth grade in the same school year;

(ii) A student who is between 12 and 24 months from their cohort graduation date and has earned less than 70 percent of the high school credits expected to be earned by their cohort or has a ratio of earned credits to attempted credits that is less than 70 percent;

(iii) A student who is less than 12 months from their cohort graduation date or who has passed their cohort graduation date by less than 12 months and has earned less than 75 percent of the high school credits expected to be earned by their cohort or has a ratio of earned credits to attempted credits that is less than 75 percent;

(iv) A student who is passed their cohort graduation date by 12 months or more and has not met their district, tribal compact school, or charter school graduation requirements; or

(v) A student who has never attended the ninth grade and has earned zero high school credits.

(d) If determined not to be credit deficient as outlined in (c) of this subsection, has been recommended for enrollment by case managers from the department of social and health services, the juvenile justice system, a district, tribal compact school, or charter school designated school personnel, or staff from community agencies which provide educational advocacy services;

(e) Are not currently enrolled in any high school classes that receive state basic education funding, excluding an approved skill center program, a Jobs for Washington's Graduates program, running start program, or institutional education program under WAC 392-122-205;

(f) Students who are claimed for state funding by a district, tribal compact school, or charter school outside the district they live in, must be released by either a choice transfer or interdistrict agreement. When a choice transfer is in place, the student's resident district as defined in WAC 392-700-015(24) becomes the district operating the program.

(2) Once determined eligible for enrolling in the program, a student will retain eligibility, regardless of breaks in enrollment, until the student does one of the following:

(a) Earns a high school diploma;

(b) Earns an associate degree; or

(c) Becomes ineligible because of age which occurs when a student is 21 years of age as of September 1st. Students receiving special education services can continue until the end of the school year they turn 22.

(3) A student's eligibility does not guarantee enrollment or continued enrollment in specific programs if the program determines that the student does not meet the program's enrollment criteria or if, after enrollment, a student's academic performance or conduct does not meet established program guidelines.