WSR 26-14-010
EMERGENCY RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION

[Filed June 18, 2026, 10:42 a.m., effective June 18, 2026, 10:42 a.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: In accordance with ESSB 6260 (2026) and RCW 28A.300.072, the office of superintendent of public instruction (OSPI) is amending chapter 392-425 WAC to adopt emergency 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. Emergency 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 2026-27 school year, including enrollment, budgeting, and program planning timelines.

OSPI will also conduct permanent rule making concerning these rules.

Citation of Rules Affected by this Order: New WAC 392-425-065; and amending WAC 392-425-040.

Statutory Authority for Adoption: ESSB 6260 (2026), RCW 28A.150.290 and 28A.300.072.

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.

Reasons for this Finding: Immediate adoption of emergency rules is necessary to implement ESSB 6260 (2026) in time for the 2026-27 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.

OSPI will also conduct permanent rule making concerning these rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 1, Amended 1, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: June 18, 2026.

Chris P.S. Reykdal
State Superintendent of Public Instruction

RDS-7285.1

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

WAC 392-425-040 Student eligibility. (1) Children meeting the following criteria are eligible to participate in a transition to kindergarten program offered by an eligible local education agency:

(a) A child who has been determined, by the local education agency, to benefit from additional preparation for kindergarten through a screening process and tool; and

(b) A child who is at least four years old by August 31st of the school year in which they enroll in a transition to kindergarten program.

(2) In determining student eligibility and admitting students to a transition to kindergarten program, local education agencies must:

(a) Give priority to children most in need of additional preparation to be successful in kindergarten, as demonstrated through a screening process and tool.

(b) Give priority to children with the lowest family income not otherwise eligible and not enrolled in another local program.

(c) Not exclude, nor establish a policy to prohibit from participation, an eligible child due only to the presence of a disability.

(d) ((~~Not charge tuition or other fees from state-funded eligible students for enrollment in a transition to kindergarten program~~)) Eligible local education agencies are authorized to charge sliding scale fees for enrollment in a transition to kindergarten program, except that no fee may be charged for the following:

(i) Children who are eligible for but not yet placed in the early childhood education or assistance program or the head start program;

(ii) Children with disabilities entitled to a free appropriate public education in accordance with the federal individuals with disabilities education act and chapter 28A.155 RCW.

(e) Tuition and fees collected for students in classrooms receiving state funding for the transition to kindergarten program must be accounted for separately, in accordance with the requirements outlined in the school district accounting manual.

NEW SECTION

WAC 392-425-065 Allocation of state funding. State funding for the transition to kindergarten program will be allocated to eligible local education agencies based on RCW 28A.300.072 and the state omnibus budget requirements. Funding allocations for the 2026-2027 school year will be prioritized as follows:

(1) Eligible local education agencies that received state funding allocations for transition to kindergarten in the previous year will have priority for the subsequent year.

(2) When state funding is insufficient to maintain the number of students served in the subsequent year, eligible local education agencies will be allocated funding based on one or more of the following criteria:

(a) Districtwide percentage of students eligible for free and reduced price lunch;

(b) Districtwide percentage of students eligible for special education services;

(c) Districtwide percentage of students eligible for transitional bilingual program services; and

(d) Data available measuring access to state-funded early learning programs.

(3) Local education agencies serving 20 or fewer transition to kindergarten students will continue to receive sufficient funding to maintain their current services, and their allocation will not be reduced below this level.