WSR 26-19-046
EMERGENCY RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION

[Filed September 11, 2026, 10:27 a.m., effective September 12, 2026]

Effective Date of Rule: September 12, 2026.

Purpose: The purpose of this emergency rule making is to reflect changes to running start eligibility and enrollment in alignment with 2SHB 1316 (2023), E2SSB 5670 (2024), and ESSB 5998 (2026); expand state funding for students receiving special education funding who turn 21 in alignment with SSB 5253 (2025); and clarify which students can be claimed for running start funding for the first count of a college term. Additionally, the rules provide for funding, reporting, and administration of participating student's enrollment in running start courses.

The office of superintendent of public instruction (OSPI) will also conduct permanent rule making concerning these rules.

Citation of Rules Affected by this Order: Amending WAC 392-121-119, 392-121-123, 392-121-136, 392-169-015, 392-169-020, 392-169-022, 392-169-025, 392-169-055, 392-169-100, 392-169-105, 392-169-115, 392-169-120, 392-172A-02000, 392-172A-02005, and 392-172A-02055.

Statutory Authority for Adoption: 2SHB 1316 (chapter 350, Laws of 2023); E2SSB 5670 (chapter 159, Laws of 2024); SSB 5253 (chapter 256, Laws of 2025); ESSB 5998 (section 504 (16)(a), chapter 268, Laws of 2026); RCW 28A.600.390 and 28A.150.290.

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: The emergency rules are necessary to ensure eligible students can participate in running start at enrollment levels provided for in ESSB 5998 (2026), 2SHB 1316 (2023), and E2SSB 5670 (2024), and to ensure the running start requirements for student enrollment calculations, reporting, and program administration are effective by the beginning of the 2026-27 school year. Additionally, the emergency rules are necessary to ensure that students who are age 21 and receiving special education services can be claimed for state funding as provided for in SSB 5253 (2025) by the beginning of the 2025-26 school year. Finally, after several state auditor's office audits, it was determined that emergency rules are required to change the first count day for a college's term to the fourth school day of the first full month.

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 0, Amended 15, 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: September 11, 2026.

Chris P.S. Reykdal
State Superintendent of Public Instruction

RDS-6625.2

AMENDATORY SECTION (Amending WSR 23-13-089, filed 6/16/23, effective 7/1/23)

WAC 392-121-119 Definition—Enrollment count dates. As used in this chapter, "enrollment count dates" means the fourth school day of September and the first school day of each of the nine subsequent months of the school year for all school districts and charter schools including districts and charter schools which commence basic education programs prior to September 1st. Exceptions are limited to the following:

(1) In school districts where not every school or grade follows the same calendar of school days, the calendar of an individual school or an entire grade level within a school may determine the monthly enrollment count date for that school or grade level within the school.

(2) ((~~The 11 count dates for running start enrollment shall be the first school day of each month of October through August.~~)) For running start programs, the count dates are:

(a) For the first full month of the term, the fourth school day of the month.

(b) For all other months, November through August, the first school day of the month.

(3) For open doors programs, the count days are the fourth school day of September and the first school day for the months, October through August.

AMENDATORY SECTION (Amending WSR 23-13-089, filed 6/16/23, effective 7/1/23)

WAC 392-121-123 Nonstandard school year programs. Except for running start, a student participating in a program of education occurring during the nonstandard school year on a tuition-free basis may be claimed for state funding to the extent that the student was not claimed as a 1.0 AAFTE during the regular school year (September through June), subject to the following:

(1) Eligible student FTE in a nonstandard school year program shall be claimed based upon the following:

(a) Enrolled hours based upon the standards in WAC 392-121-122 or 392-121-182.

(b) Credit based for student enrolled in a college program under WAC 392-121-188.

(c) A student enrolled in transition school is not eligible for nonstandard school year funding.

(2) A district or charter school shall make month by month evaluation of the student to determine if the following conditions were met during the regular school year:

(a) The student was not home schooled or enrolled in a private school.

(b) The student was not claimed as a 1.0 FTE in a regular or institution education program.

(3) For each month in which the conditions of subsection (2) of this section are met, the district or charter school shall determine the amount of student FTE claimed for the student. To the extent the enrollment claimed is less than 1.0 FTE for each month, the school district or charter school may claim nonstandard school year FTE based upon the student enrollment in the nonstandard school year school program.

(4) For the running start program only, a student may be claimed up to 1.40 AAFTE for their running start enrollment.

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

WAC 392-121-136 Limitation on enrollment counts. Enrollment counts under WAC 392-121-106 through 392-121-133 are subject to the following limitations:

(1) Except as provided in (a), (b) and (c) of this subsection, no student, including a student enrolled in more than one school district, shall be counted as more than one full-time equivalent student on any count date or more than one annual average full-time equivalent student in any school year.

(a) School districts or charter schools operating approved vocational skills center programs during the summer vacation months may claim additional full-time equivalent students based upon actual enrollment in such vocational skills centers on the aggregate of enrolled hours based upon the fourth day of each summer session.

(i) Prior to the 2018-19 school year, each district or charter school operating an approved vocational skills center program shall be entitled to claim one annual average full-time equivalent student for each 900 hours of planned student enrollment for the summer term(s) subject to the limitation in (c) of this subsection.

(ii) Beginning with the 2018-19 school year, each district or charter school operating an approved vocational skills center program shall be entitled to claim one annual average full-time equivalent student for each 1,000 hours of planned student enrollment for the summer term(s) subject to the limitation in (c) of this subsection.

(b) Enrollment count limitations apply separately to a student's running start, skills center and high school enrollments and is limited to an overall maximum ((~~1.8~~)) 2.0 FTE.

(c) Subject to (b) of this subsection:

(i) A student enrolled in a skill center program during the regular school year may be claimed for up to a combined 1.6 full-time equivalent student.

(ii) A student enrolled in running start during the regular school year may be claimed for up to a combined ((~~1.2~~)) 1.4 full-time equivalent student.

(iii) A student enrolled in high school and skills center for more than 1.0 FTE, can be claimed for a ((~~0.2~~)) 0.4 running start FTE.

(iv) A student enrolled in an institutional education program under WAC 392-122-205 and a youth engagement program under chapter 392-700 WAC can be claimed up to a combined 2.0 FTE.

(v) Each student may be claimed for a maximum of a 1.0 full-time equivalent for the skills center enrollment, a maximum of a ((~~1.0~~)) 1.40 full-time equivalent for running start, a maximum of a 1.0 full-time equivalent for the student's high school enrollment, and a maximum of a 1.0 full-time equivalent for institutional education funding under WAC 392-122-225 subject to the overall combined FTE limitation in (b) of this subsection.

(2) Running start enrollment counts are limited as provided in chapter 392-169 WAC and specifically as provided in WAC 392-169-060.

(3) The full-time equivalent reported for a five year old preschool student with a disability is limited as provided in WAC 392-121-137.

(4) No kindergarten student, including a student enrolled in more than one school district, shall be counted as more than one-half of an annual average full-time equivalent student in any school year.

(5) A student reported as part-time by a state institution educational program on Form SPI E-672 shall not be reported by a school district or charter school for more than part-time basic education funding on that enrollment count date and the total enrollment reported by one or more school districts or charter schools for basic education and on Form SPI E-672 must not exceed one full-time equivalent, except if the student is enrolled in a youth reengagement program under chapter 392-700 WAC.

(6) Districts and charter schools providing an approved state-funded full-day kindergarten program as provided in chapter 28A.150 RCW (from E2SSB 5841) may claim for an additional 0.50 FTE based upon student enrolled hours in excess of the 0.50 FTE provided under subsection (4) of this section.

RDS-4902.4

AMENDATORY SECTION (Amending WSR 16-10-115, filed 5/4/16, effective 6/4/16)

WAC 392-169-015 Running start program—Definition. As used in this chapter, the terms "running start" and "running start program" mean the part-time to full-time equivalent enrollment under this chapter of students eligible ((~~eleventh and twelfth~~)) to be in 11th and 12th grade ((~~high school students~~)), as defined under this chapter, in an institution of higher education for the purpose of earning ((~~at least~~)) high school credit to be awarded by a school district, and such additional college level or university level credit as may be awarded by the institution of higher education. A running start program's course must be open for registration to matriculated students

at the participating institution of higher education and may not be a course consisting solely of high school students in a high school classroom.

AMENDATORY SECTION (Amending WSR 16-10-115, filed 5/4/16, effective 6/4/16)

WAC 392-169-020 Eligible student—Definition. As used in this chapter, the term "eligible student" means any person, including a person who is otherwise attending a private school or receiving home-based instruction, who meets each of the following conditions:

(1) The person is under the age of ((~~twenty-one~~)) 21 years of age as of September 1st of the school year. For a person receiving special education services, the person is under the age of 22 at the beginning of the school year.

(2) The person is eligible by reason of his or her residence or other criterion established by law to enroll in the school district through which the person seeks to obtain the award of running start program high school credit. See RCW 28A.225.160 (residents of a school district), RCW 28A.225.170 (residents of the United States and Indian Reservations), RCW ((~~28A.225.210~~)) 28A.225.200 (residents of "nonhigh" school districts), and RCW 28A.225.220 ("choice" students). Note: A running start student who changes his or her school district of residence, including after a rescindment of a choice transfer agreement following enrollment in running start, solely for the purpose of attending an institution of higher education under this chapter shall be deemed to have retained his or her residence in the school district of initial running start enrollment for high school graduation, funding and other purposes under this chapter.

(3) The person is eligible to be in the 11th or 12th grade under the grade placement policies of the school district through which the person seeks to obtain running start program high school credit ((~~to be in the eleventh or the twelfth grade~~)). For the summer term, eligibility is established when the person has completed the 10th grade at the end of the standard school year or will be eligible to enroll in the 11th or 12th grade in the upcoming school year based upon district grade placement policies.

(4) The person has not as of the beginning of the school year earned the credits required for the award of a high school diploma by the school district through which the person seeks to obtain the award of running start program high school credit.

(5) The person has not as of the beginning of the school year received a high school diploma or its equivalent. Note: A general education development certificate is not considered to be the equivalent of a high school diploma for purposes of this subsection.

(6) The person's running start program enrollment to date is below the applicable ((~~eleventh or twelfth~~)) 11th or 12th grade running start enrollment limitations established under WAC 392-169-055.

AMENDATORY SECTION (Amending WSR 95-09-042, filed 4/14/95, effective 5/15/95)

WAC 392-169-022 Running start student—Definition. For the purposes of this chapter and chapter 392-121 WAC, the term "running start student" means an eligible student:

(1) Who is enrolled in the running start program in accordance with this chapter on the enrollment count date identified in WAC 392-169-100;

(2) Whose enrollment has not been suspended or terminated by withdrawal, transfer, suspension or expulsion; and

(3) Who has participated in one or more instructional activities conducted by college or university staff (e.g., classroom or laboratory instruction, course work testing, post enrollment/registration academic counseling, and similar other instructional activities) on at least one college or university day ((~~during~~)) within the current ((~~quarter or semester~~)) term since the last enrollment count date.

AMENDATORY SECTION (Amending WSR 16-10-115, filed 5/4/16, effective 6/4/16)

WAC 392-169-025 Full-time equivalent (FTE) running start enrollment—Definition. For the purposes of this chapter and chapter 392-121 WAC, "full-time equivalent (FTE) running start enrollment" (i.e., college or university enrollment) means the FTE of running start students on an enrollment count date when each student's FTE is determined subject to the limitations of WAC 392-169-022, 392-169-055 and 392-169-115 as follows:

(1) FTE for running start enrollment is the result of dividing a student's enrolled college credits by ((~~fifteen~~)) 15. For Washington State University classes offered at the college campus only, the FTE for running start enrollment is the result of dividing a student's enrolled college semester credits by ((~~fifteen~~)) 15.

(2) Beginning with the 2026-27 school year, the sum of ((~~the results of~~)) all running start enrollment under subsection (1) of this section at all colleges shall not exceed ((~~1.00~~)) 1.30 FTE per student on any count day except ((~~for the month of January or 1.00 annual average FTE in any school year~~)):

(a) In the spring term with available AAFTE as demonstrated by submission of the Spring Quarter Eligibility Adjustment Form (SQEAF);

(b) In December and January when the high school term overlaps with the institution of higher education term, which may result in a reduction of the available FTE for the spring term.

AMENDATORY SECTION (Amending WSR 23-13-089, filed 6/16/23, effective 7/1/23)

WAC 392-169-055 Enrollment—Extent and duration of running start enrollment. Running start program enrollment under this chapter is limited as follows ((~~(and as may be further limited for academic reasons under WAC 392-169-057)~~)):

(1) An eligible student who enrolls upon completion of grade 10 after the end of the standard school year and/or will be eligible to enroll in the 11th grade in the upcoming school year based on district grade placement policies may enroll in an institution of higher education for no more than the course work equivalent to 10 postsecondary credits in the summer term prior to enrolling in grade 11.

(2) An eligible student who enrolls in grade 11 may enroll in an institution of higher education while in the 11th grade for ((~~no more than the course work equivalent to one academic year of enrollment as an annual average full-time equivalent running start student.~~

~~(2)~~)) the course work equivalent to a maximum of AAFTE over the course of the entire school year as established in WAC 392-169-025(2), including the summer term following the standard school year, depending on the student's concurrent enrollment in high school and/or skill center courses, subject to the AAFTE limitation under WAC 392-121-136.

(3) An eligible student who enrolls in grade 12 may enroll in an institution of higher education while in the 12th grade for ((~~no more than the course work equivalent to one academic year of enrollment as an annual average full-time equivalent running start student.~~

~~(3) As a general rule~~)) the course work equivalent to a maximum of AAFTE over the course of the entire school year as established in WAC 392-169-025(2), including the summer term following the standard school year, depending on the student's concurrent enrollment in high school and/or skill center courses, subject to the AAFTE limitation under WAC 392-121-136.

(4) An eligible student who enrolls in summer term must have the capacity under the AAFTE limits established in subsections (2) and (3) of this section and may enroll for no more than the course work equivalent of 10 postsecondary credits.

(5) Even when a student does not enroll at the postsecondary level to the full extent permitted by subsections (1) through (4) of this section, a student's eligibility for running start program enrollment terminates at the end of the ((~~student's 12th grade regular academic year, notwithstanding the student's failure to have enrolled in an institution of higher education to the full extent permitted by subsections (1) and (2) of this section: Provided, That a student who has failed to meet high school graduation requirements as of the end of the student's 12th grade regular academic year (September through June) due to the student's absence, the student's failure of one or more courses, or another similar reason may continue running start program enrollment for the sole and exclusive purpose of completing the particular course or courses required to meet high school graduation requirements, subject to the enrollment limitation established by subsection (2)~~)) school year in which a student meets the district's credit requirements for high school graduation or the college's credit requirements for the award of an associate or applied associate degree.

(6) Students who have not yet graduated as of the end of the 12th grade standard school year would be eligible to enroll in the summer college term, provided they have capacity under AAFTE limits established in subsection (3) of this section.

(7) A student who has failed to meet high school graduation requirements as of the end of the student's 12th grade year due to the student's absence, the student's failure of one or more courses, or another similar reason may continue running start program enrollment for the sole and exclusive purpose of completing the particular course or courses required to meet high school graduation requirements, sub-

ject to the enrollment limitation established by subsection (3) of this section.

AMENDATORY SECTION (Amending WSR 23-13-089, filed 6/16/23, effective 7/1/23)

WAC 392-169-100 Running start enrollment count dates. Enrollment count dates for the running start program shall be as follows:

(1) For community and technical colleges and for Central Washington University and Eastern Washington University:

(a) For the months of October, January, April, and July, the fourth college or university day of the month;

(b) For all other months between November and August, the first college or university day of ((~~each of the months of October through August; and~~)) the month.

(2) For Washington State University:

(a) For the months of September, January, and June, the fourth university day of the month;

(b) For all other months between October and July, the first university day of ((~~each of the months of September through July~~)) the month.

AMENDATORY SECTION (Amending WSR 95-09-042, filed 4/14/95, effective 5/15/95)

WAC 392-169-105 Finance—Institution of higher education reporting requirements. Each institution of higher education that enrolls an eligible student under this chapter shall periodically report enrollment information as follows:

(1) Within ((~~ten~~)) 10 calendar days of enrollment of the student, provide written notice to the student((~~,~~)) and the school district through which the student seeks to obtain running start program high school credit of the courses and the credit hours or instructional/clock hours of enrollment.

For monthly counts, the institution of higher education may report an enrollment estimate to comply with the reporting deadline. When an estimate is used, the institution must provide a revised final enrollment number no later than the next month's reporting deadline.

(2) After each monthly count date, the institution of higher education shall report running start student enrollments by the eighth day of the month to the school district through which the student seeks to obtain the award of running start program high school credit as is necessary for the school district to claim state running start basic education program moneys under this chapter and chapter 392-121 WAC.

(3) The monthly report shall be prepared in accordance with instructions provided by the superintendent of public instruction, and shall include, but not necessarily be limited to, the following:

(a) The total number of enrolled running start students on the count date (see the definition of a "running start student" in WAC 392-169-022);

(b) Total nonvocational running start FTE enrollment;

(c) Total vocational running start FTE enrollment; and

(d) The name of each running start student and the nonvocational and vocational running start FTE reported for the student rounded to the nearest second decimal place.

AMENDATORY SECTION (Amending WSR 13-02-006, filed 12/19/12, effective 1/19/13)

WAC 392-169-115 Finance—Limitations on enrollment counts. ((~~No running start student enrolled in one or more institutions of higher education reported under WAC 392-169-105 and 392-169-110 shall exceed one full-time equivalent running start student on any enrollment count date except for the month of January or more than one annual average full-time equivalent student in any school year. An exception is allowed for January when the change in high school semesters may result in students exceeding the FTE limitation until the high school begins a new term.~~)) Beginning with the 2026-27 school year, a student enrolled in both high school and running start may be claimed for a maximum of 1.30 combined monthly FTE and a maximum of 1.30 AAFTE.

(1) The high school may only claim a maximum of 1.00 FTE and AAFTE.

(2) A student whose enrollment is reported under WAC 392-169-105 and 392-169-110 may not be claimed for more than 1.30 monthly FTE on any enrollment count date except:

(a) In the spring term with available AAFTE as demonstrated by submission of the Spring Quarter Eligibility Adjustment Form (SQEAF).

(b) In December and January when the high school term overlaps with the institution of higher education term which may result in a reduction of the available FTE for the spring term.

AMENDATORY SECTION (Amending WSR 95-09-042, filed 4/14/95, effective 5/15/95)

WAC 392-169-120 Finance—Documentation requirements. School districts and institutions of higher education shall maintain documentation supporting running start student enrollment and state funding claims, including the following:

(1) For each enrolled course, the institution of higher education documentation shall show each student's college or university enrollment status on each enrollment count date and evidence of the student's participation in college or university instructional activities conducted by college or university staff within the current term on at least one college or university day since the last enrollment count date. See WAC 392-169-022(3) for a description of required "instructional activities."

(2) School district documentation shall show each student's school district enrollment status on each enrollment count date and evidence that the student is earning high school ((~~graduation~~)) credit for running start enrollment reported for state funding.

RDS-6627.1

AMENDATORY SECTION (Amending WSR 21-19-065, filed 9/14/21, effective 10/15/21)

WAC 392-172A-02000 Students' rights to a free appropriate public education (FAPE). (1) Each school district and residential or day schools operated under chapters 28A.190 and 72.40 RCW shall provide every student who is eligible for special education services between the age of three and ((~~twenty-one~~)) 22 years, a free appropriate public education program (FAPE). The right to a FAPE includes special education services for students who have been suspended or expelled from school. A FAPE is also available to any student determined eligible for special education services even though the student has not failed or been retained in a course or grade and is advancing from grade to grade. The right to special education services for eligible students starts on their third birthday with an IEP in effect by that date. If an eligible student's third birthday occurs during the summer, the student's IEP team shall determine the date when services under the individualized education program will begin.

(2) A student who is determined eligible for special education services shall remain eligible until one of the following occurs:

(a) A group of qualified professionals and the parent of the student, based on a reevaluation, determines the student is no longer eligible for special education services; or

(b) The student has met high school graduation requirements established by the school district pursuant to rules of the state board of education, and the student has graduated from high school with a regular high school diploma. A regular high school diploma does not include a certificate of high school completion, or a general educational development credential. Graduation from high school with a regular high school diploma constitutes a change in placement, requiring written prior notice in accordance with WAC 392-172A-05010; or

(c) The student enrolled in the public school system or is receiving services pursuant to chapter 28A.190 or 72.40 RCW has reached age ((~~twenty-one~~)) 22. The student whose ((~~twenty-first~~)) 22nd birthday occurs on or before August 31 would no longer be eligible for special education services. The student whose ((~~twenty-first~~)) 22nd birthday occurs after August 31, shall continue to be eligible for special education and any necessary related services for the remainder of the school year; or

(d) The student stops receiving special education services based upon a parent's written revocation to a school district pursuant to WAC 392-172A-03000 (2)(e).

AMENDATORY SECTION (Amending WSR 21-19-065, filed 9/14/21, effective 10/15/21)

WAC 392-172A-02005 Exceptions to a student's right to FAPE. (1) A student eligible for special education services residing in a state adult correctional facility is eligible for special education services pursuant to chapter 28A.193 RCW. The department of corrections is the agency assigned supervisory responsibility by the governor's office for any student not served pursuant to chapter 28A.193 RCW.

(2)(a) Students determined eligible for special education services and incarcerated in other adult correctional facilities will be provided special education and related services under chapter 28A.194 RCW.

(b) Subsection (2)(a) of this section does not apply to students aged ((~~eighteen to twenty-one~~)) 18 to 22 if they:

(i) Were not actually identified as being a student eligible for special education services; and

(ii) Did not have an IEP; unless the student:

(A) Had been identified as a student eligible for special education services and had received services in accordance with an IEP, but who left school prior to incarceration; or

(B) Did not have an IEP in his or her last education setting, but who had actually been identified as a student eligible for special education services.

AMENDATORY SECTION (Amending WSR 21-19-065, filed 9/14/21, effective 10/15/21)

WAC 392-172A-02055 Continuum of alternative placements. (1) Each school district shall ensure that a continuum of alternative placements is available to meet the special education and related services needs of students eligible for special education services between the ages of three and ((~~twenty-one~~)) 22 years old.

(2) The continuum required in this section for eligible students kindergarten (including five year olds in kindergarten) through age ((~~twenty-one~~)) 22 must:

(a) Include the placements listed in the definition of special education services in WAC 392-172A-01175, such as instruction in general education classes, special education classes, special schools, home instruction, and instruction in hospitals and institutions; and

(b) Make provision for supplementary services such as resource room or itinerant instruction to be provided in conjunction with general education classroom placement.

(3) The continuum of alternative placements a public agency providing special education and related services to a preschool child with a disability may include, but is not limited to, the following:

(a) Providing opportunities for the participation of preschool children with disabilities in preschool programs operated by public agencies other than school districts (such as head start or community-based child care);

(b) Enrolling preschool children with disabilities in private preschool programs for nondisabled preschool children;

(c) Locating classes for preschool children with disabilities in regular public elementary schools; and

(d) Providing services and instruction in the home.

(4) If a public agency determines that placement in a private preschool program is necessary for a child with a disability to receive FAPE, the public agency must make that program available at no cost to the parent.