



EXPEDITED RULE MAKING

CR-105 (December 2017) (Implements RCW 34.05.353)

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STATE OF WASHINGTON
FILED

DATE: January 05, 2022

TIME: 10:22 AM

WSR 22-02-069

Agency: Office of Superintendent of Public Instruction (OSPI)

Title of rule and other identifying information: (describe subject) Proposed amendments to WAC 392-191A-030 concerning definitions related to the Professional Growth And Evaluation Of School Personnel chapter. The section defines the terms used in the ensuing chapters on teacher, principal, and other certificated staff evaluation.

Purpose of the proposal and its anticipated effects, including any changes in existing rules: OSPI is considering changes to the definitions section, WAC 392-191A-030, to align the language with recent rule changes made by the Professional Educator Standards Board (PESB).

Reasons supporting proposal: The PESB recently made changes to WAC 181-79A-140 and 181-79A-142 concerning the types of certificates available to educators. Since the types of certificates are also referenced in the definitions section in WAC 392-191A-030, OSPI needs to adjust the language to align with that of PESB. Aligning the language and WAC references is needed to clearly identify the certificate types included in the evaluation rules.

Statutory authority for adoption: RCW 28A.405.100

Statute being implemented: RCW 28A.405.100

Is rule necessary because of a:

- | | | |
|-------------------------|------------------------------|--|
| Federal Law? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Federal Court Decision? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| State Court Decision? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |

If yes, CITATION:

Name of proponent: (person or organization)

- Private
 Public
 Governmental

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting:	Sue Anderson	OSPI, 600 S. Washington Street, Olympia, WA	360-725-6116
Implementation:	Sue Anderson	OSPI, 600 S. Washington Street, Olympia, WA	360-725-6116
Enforcement:	Sue Anderson	OSPI, 600 S. Washington Street, Olympia, WA	360-725-6116

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters: These changes are important to ensure smooth operation of the educator evaluation system.

Expedited Adoption - Which of the following criteria was used by the agency to file this notice:

- Relates only to internal governmental operations that are not subject to violation by a person;
- Adopts or incorporates by reference without material change federal statutes or regulations, Washington state statutes, rules of other Washington state agencies, shoreline master programs other than those programs governing shorelines of statewide significance, or, as referenced by Washington state law, national consensus codes that generally establish industry standards, if the material adopted or incorporated regulates the same subject matter and conduct as the adopting or incorporating rule;
- Corrects typographical errors, make address or name changes, or clarify language of a rule without changing its effect;
- Content is explicitly and specifically dictated by statute;
- Have been the subject of negotiated rule making, pilot rule making, or some other process that involved substantial participation by interested parties before the development of the proposed rule; or
- Is being amended after a review under RCW 34.05.328.

Expedited Repeal - Which of the following criteria was used by the agency to file notice:

- The statute on which the rule is based has been repealed and has not been replaced by another statute providing statutory authority for the rule;
- The statute on which the rule is based has been declared unconstitutional by a court with jurisdiction, there is a final judgment, and no statute has been enacted to replace the unconstitutional statute;
- The rule is no longer necessary because of changed circumstances; or
- Other rules of the agency or of another agency govern the same activity as the rule, making the rule redundant.

Explanation of the reason the agency believes the expedited rule-making process is appropriate pursuant to RCW 34.05.353(4): This is a technical change to an OSPI rule in response to a rule change made by PESB. The purpose is to align OSPI rule language with that of PESB, as related to educator certificates. This proposed change does not substantively affect the operation of the program. The change updates references to related PESB WAC sections.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO

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Other:

AND RECEIVED BY (date) March 8, 2022

Date: January 5, 2022

Name: Chris Reykdal

Title: State Superintendent of Public Instruction

Signature:

