



PROPOSED RULE MAKING

CR-102 (July 2022)
(Implements RCW 34.05.320)
Do NOT use for expedited rule making

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OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: November 09, 2022

TIME: 1:21 PM

WSR 22-23-062

Agency: Office of Superintendent of Public Instruction (OSPI)

Original Notice

Supplemental Notice to WSR _____

Continuance of WSR _____

Preproposal Statement of Inquiry was filed as WSR 22-17-157 ; or

Expedited Rule Making--Proposed notice was filed as WSR _____; or

Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1); or

Proposal is exempt under RCW _____.

Title of rule and other identifying information: (describe subject) WAC 392-191A-160 and -190 concerning professional performance evaluations of certificated principals and assistant principals.

Hearing location(s):

Date:	Time:	Location: (be specific)	Comment:
January 5, 2023	3:00 pm	Virtual Public Hearing via Zoom (call-in option also available). Participation link available on OSPI Rules webpage: k12.wa.us/policy-funding/ospi-rulemaking-activity	The hearing will be held as a virtual public hearing, without a physical meeting space. Please visit the OSPI Rules webpage for information on participating in the hearing: k12.wa.us/policy-funding/ospi-rulemaking-activity For participation questions, please email: kristin.murphy@k12.wa.us

Date of intended adoption: January 10, 2023 (Note: This is **NOT** the **effective** date)

Submit written comments to:

Name: Katie Taylor, Director of Educator Effectiveness

Address: OSPI, PO Box 47200, Olympia, WA 98504

Email: katie.taylor@k12.wa.us

Fax:

Other:

By (date) January 5, 2023

Assistance for persons with disabilities:

Contact Kristin Murphy, OSPI Rules Coordinator

Phone: 360-725-6133

Fax:

TTY: 360-664-3631

Email: kristin.murphy@k12.wa.us

Other:

By (date) December 29, 2022

Purpose of the proposal and its anticipated effects, including any changes in existing rules:

OSPI is proposing to establish a timeline and defined process for professional performance evaluations of certificated principals and assistant principals. The proposal would require evaluations and summative conferences be conducted by the evaluator prior to June 1 of the school year of which the evaluation is made. The proposed timeline would apply to both focused and comprehensive evaluations for principals and assistant principals. The proposal is intended to ensure that principals and assistant principals receive timely feedback as well as indications of their employment status.

Reasons supporting proposal: In collaboration with the Teacher and Principal Evaluation Program (TPEP) Steering Committee*, this proposal supports growth and development for all principals and assistant principals by requiring evaluations and summative conferences occur in a timely manner. Unlike teacher evaluations, whose evaluation timeline is established by collective bargaining agreements, principal and assistant principal evaluations might not be completed in a manner or on a timeline that allows a principal/assistant principal to improve their practice or to seek another position.

*The TPEP Steering Committee includes the following: Association of Washington School Principals (AWSP), Washington Association of School Administrators (WASA), Washington Education Association (WEA), Washington State School Directors' Association (WSSDA), and Washington State Parent Teacher Association (WSPTA), as well as OSPI.

Statutory authority for adoption: RCW 28A.405.100

Statute being implemented:

Is rule necessary because of a:

Federal Law? Yes No

Federal Court Decision? Yes No

State Court Decision? Yes No

If yes, CITATION:

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters: OSPI anticipates that the proposed changes could be effective beginning with the 2023-24 school year.

Type of proponent: Private Public Governmental

Name of proponent: (person or organization)

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting:	Katie Taylor	OSPI, 600 S. Washington St, Olympia, WA	
Implementation:	Katie Taylor	OSPI, 600 S. Washington St, Olympia, WA	
Enforcement:		OSPI, 600 S. Washington St, Olympia, WA	

Is a school district fiscal impact statement required under [RCW 28A.305.135](#)? Yes No

If yes, insert statement here:

The public may obtain a copy of the school district fiscal impact statement by contacting:

Name:
Address:
Phone:
Fax:
TTY:
Email:
Other:

Is a cost-benefit analysis required under [RCW 34.05.328](#)?

Yes: A preliminary cost-benefit analysis may be obtained by contacting:
Name:
Address:
Phone:
Fax:
TTY:
Email:
Other:

No: Please explain:

Regulatory Fairness Act and Small Business Economic Impact Statement
Note: The [Governor's Office for Regulatory Innovation and Assistance \(ORIA\)](#) provides support in completing this part.

(1) Identification of exemptions:
This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see [chapter 19.85 RCW](#)). For additional information on exemptions, consult the [exemption guide published by ORIA](#). Please check the box for any applicable exemption(s):

This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.061](#) because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Please cite the specific federal statute or regulation this rule is being adopted to conform or comply with, and describe the consequences to the state if the rule is not adopted.
Citation and description:

This rule proposal, or portions of the proposal, is exempt because the agency has completed the pilot rule process defined by [RCW 34.05.313](#) before filing the notice of this proposed rule.

This rule proposal, or portions of the proposal, is exempt under the provisions of [RCW 15.65.570\(2\)](#) because it was adopted by a referendum.

- This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.025\(3\)](#). Check all that apply:
- | | |
|---|---|
| <input type="checkbox"/> RCW 34.05.310 (4)(b)
(Internal government operations) | <input type="checkbox"/> RCW 34.05.310 (4)(e)
(Dictated by statute) |
| <input type="checkbox"/> RCW 34.05.310 (4)(c)
(Incorporation by reference) | <input type="checkbox"/> RCW 34.05.310 (4)(f)
(Set or adjust fees) |
| <input type="checkbox"/> RCW 34.05.310 (4)(d)
(Correct or clarify language) | <input type="checkbox"/> RCW 34.05.310 (4)(g)
(i) Relating to agency hearings; or (ii) process requirements for applying to an agency for a license or permit) |

- This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.025\(4\)](#) (does not affect small businesses).
- This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.030](#).

Explanation of how the above exemption(s) applies to the proposed rule: 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).

(2) Scope of exemptions: *Check one.*

- The rule proposal is fully exempt (*skip section 3*). Exemptions identified above apply to all portions of the rule proposal.
- The rule proposal is partially exempt (*complete section 3*). The exemptions identified above apply to portions of the rule proposal, but less than the entire rule proposal. Provide details here (consider using [this template from ORIA](#)):
- The rule proposal is not exempt (*complete section 3*). No exemptions were identified above.

(3) Small business economic impact statement: *Complete this section if any portion is not exempt.*

If any portion of the proposed rule is **not exempt**, does it impose more-than-minor costs (as defined by RCW 19.85.020(2)) on businesses?

- No Briefly summarize the agency's minor cost analysis and how the agency determined the proposed rule did not impose more-than-minor costs. _____
- Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses and a small business economic impact statement is required. Insert the required small business economic impact statement here:

The public may obtain a copy of the small business economic impact statement or the detailed cost calculations by contacting:

Name:
Address:
Phone:
Fax:
TTY:
Email:
Other:

Date: November 9, 2022

Name: Chris Reykdal

Title: State Superintendent of Public Instruction

Signature:

