



# EXPEDITED RULE MAKING

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

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STATE OF WASHINGTON  
FILED

DATE: June 19, 2019

TIME: 10:34 AM

WSR 19-13-105

**Agency:** Office of Superintendent of Public Instruction (OSPI)

**Title of rule and other identifying information:** (describe subject)

WAC 392-191A-030: Definitions; and

WAC 392-191A-080: Minimum Procedural Standards – Conduct of the comprehensive evaluation for certificated classroom teachers

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:** OSPI is proposing to amend WAC 392-191A-030 to update the definitions of “Certificated classroom teacher” and “teacher” to reflect changes in certification categories enacted by the Professional Educators Standards Board (PESB) in WAC 181-79A-140. The proposed revision will ensure the WAC reflects state statutes. OSPI is also proposing to amend WAC 392-191A-080 to update the frequency of the comprehensive evaluation for a teacher or principal eligible for a focused evaluation, from at least once every four years to at least once every six years. This change will align with E2SHB 1139 (2019). The Teacher and Principal Evaluation Program Steering Committee has reviewed the proposed changes.

**Reasons supporting proposal:** The changes will ensure that districts have clear and consistent guidance on the certification categories that are affected by the revised evaluation process and the minimum frequency of the comprehensive evaluation process for teachers and principals.

**Statutory authority for adoption:** RCW 28A.405.100

**Statute being implemented:** RCW 28A.405.100

**Is rule necessary because of a:**

Federal Law?  Yes  No

Federal Court Decision?  Yes  No

State Court Decision?  Yes  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:

**Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:** OSPI is currently informing the field of the changes in statute.

**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):** These proposed rules are subject to expedited rule making under RCW 34.05.353 because (1) they adopt without material change Washington state statutes, and (2) the content is explicitly and specifically dictated by statute. The proposed changes are technical changes to align with current law.

**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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**AND RECEIVED BY** (date) August 20, 2019

**Date:** 6/19/19

**Name:** Chris Reykdal

**Title:** State Superintendent of Public Instruction

**Signature:**

