

**WSR 23-12-115
PROPOSED RULES
PROFESSIONAL EDUCATOR
STANDARDS BOARD**

[Filed June 7, 2023, 11:04 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 23-04-003.

Title of Rule and Other Identifying Information: WAC 181-82-110
Update WAC language to more closely align with federal guidance re-
garding special education qualifications.

Hearing Location(s): On July 13, 2023, at 8 a.m., virtual Zoom
meeting. A Zoom link to join the meeting virtually will be available
several weeks prior to the meeting on our website [https://
www.pesb.wa.gov/about-us/board-meetings/](https://www.pesb.wa.gov/about-us/board-meetings/).

Date of Intended Adoption: July 13, 2023.

Submit Written Comments to: Professional Educator Standards Board
(PESB), P.O. Box 47236, 600 Washington Street S.E., Olympia, WA
98504-7236, email pesb@k12.wa.us, by 8 a.m., Monday, July 10, 2023.

Assistance for Persons with Disabilities: Contact PESB, phone
360-725-6275, email pesb.k12.wa.us, by Tuesday, June 30, 2023.

Purpose of the Proposal and Its Anticipated Effects, Including
Any Changes in Existing Rules: Change the name of the out-of-endorse-
ment waiver to special education preendorsement authorization and
shorten the validity period from five years to three years, effective
September 1, 2023.

Reasons Supporting Proposal: Update WAC language to more closely
align with federal guidance regarding special education qualifica-
tions.

Statutory Authority for Adoption: Chapter 28A.410 RCW.

Statute Being Implemented: Chapter 28A.410 RCW.

Rule is not necessitated by federal law, federal or state court
decision.

Name of Proponent: PESB, governmental.

Name of Agency Personnel Responsible for Drafting and Implementa-
tion: Jisu Ryu, P.O. Box 47236, 600 Washington Street S.E., Olympia,
WA 98504-7236, 360-867-8510; Enforcement: Erica Hernandez-Scott, P.O.
Box 47236, 600 Washington Street S.E., Olympia, WA 98504-7236,
360-890-2443.

A school district fiscal impact statement is not required under
RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328.

This rule proposal, or portions of the proposal, is exempt from
requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(3) as the rules adopt, amend, or
repeal a procedure, practice, or requirement relating to
agency hearings; or a filing or related process requirement
for applying to an agency for a license or permit.

Scope of exemption for rule proposal:

Is fully exempt.

June 7, 2023
Jisu Ryu
Rules Coordinator

OTS-4377.1

AMENDATORY SECTION (Amending WSR 22-23-047, filed 11/8/22, effective 12/9/22)

WAC 181-82-110 School district response and support for non-matched endorsements to course assignment of teachers. (1) Individuals with initial, residency, endorsed continuing, professional, transitional, or emergency teacher certificates who are employed with a school district may be assigned to classes other than in their areas of endorsement. If teachers are so assigned, the following shall apply:

(a) A designated representative of the district and any teacher so assigned shall mutually develop a written plan which provides for necessary assistance to the teacher, and which provides for a reasonable amount of planning and study time associated specifically with the out-of-endorsement assignment;

(b) Such teaching assignments shall be approved by a formal vote of the local school board for each teacher so assigned.

(2) Special education preendorsement (~~(waiver)~~) authorization:

(a) A teacher who has completed 240 continuing education credit hours under WAC 181-85-030 of course work applicable to a special education, early childhood special education, teacher of the visually impaired, deaf education, or deaf education with ASL proficiency endorsement shall be eligible for a preendorsement (~~(waiver)~~) authorization from the special education office under chapter 392-172A WAC. Individuals with a preendorsement (~~(waiver)~~) authorization are considered to have met the requirements for "substantial professional training" for the appropriate endorsement under WAC 392-172A-02090.

(b) On or after September 1, 2023, all remaining requirements for the special education, early childhood special education, teacher of the visually impaired, deaf education, or deaf education with ASL proficiency endorsement shall be completed within (~~(five)) three years.~~

(c) Preendorsement waivers or preendorsement authorizations issued before September 1, 2023, shall have a validity period of five years from the date of issue.

(d) A preendorsement waiver shall be considered equivalent to a preendorsement authorization.

(3) Teachers are not subject to nonrenewal or probation based on evaluation of their teaching effectiveness in the out-of-endorsement assignments under this section.

[Statutory Authority: Chapter 28A.410 RCW. WSR 22-23-047, § 181-82-110, filed 11/8/22, effective 12/9/22; WSR 21-22-104, § 181-82-110, filed 11/2/21, effective 12/3/21; WSR 21-08-024, § 181-82-110, filed 3/29/21, effective 4/29/21; WSR 20-16-144, § 181-82-110, filed 8/4/20, effective 9/4/20. Statutory Authority: RCW 28A.410.210. WSR 14-20-051, § 181-82-110, filed 9/25/14, effective 10/26/14; WSR 14-11-106, § 181-82-110, filed 5/21/14, effective 6/21/14; WSR 12-16-107, § 181-82-110, filed 8/1/12, effective 9/1/12; WSR 08-12-056, § 181-82-110, filed 6/2/08, effective 7/3/08; WSR 06-14-010, § 181-82-110, filed 6/22/06, effective 7/23/06. WSR 06-02-051, recodified as § 181-82-110, filed 12/29/05, effective 1/1/06. Statutory Authority: RCW 28A.410.010. WSR 03-04-023, § 180-82-110, filed 1/27/03, effective 2/27/03. Statutory Authority: RCW 28A.150.220(4), 28A.305.130(1), 28A.410.018. WSR 00-18-063, §

180-82-110, filed 9/1/00, effective 10/2/00. Statutory Authority: RCW 28A.305.130 (1) and (2), 28A.410.010 and 28A.150.220(4). WSR 99-04-008, § 180-82-110, filed 1/21/99, effective 2/21/99.]