

# Washington State Register

**FEBRUARY 19, 1997**

**OLYMPIA, WASHINGTON**

**ISSUE 97-04**



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## CITATION

Cite all material in the Washington State Register by its issue number and sequence within that issue, preceded by the acronym WSR. Example: the 37th item in the August 5, 1981, Register would be cited as WSR 81-15-037.

## PUBLIC INSPECTION OF DOCUMENTS

A copy of each document filed with the code reviser's office, pursuant to chapter 34.05 RCW, is available for public inspection during normal office hours. The code reviser's office is located on the ground floor of the Legislative Building in Olympia. Office hours are from 8 a.m. to 5 p.m., Monday through Friday, except legal holidays. Telephone inquiries concerning material in the Register or the Washington Administrative Code (WAC) may be made by calling (360) 753-7470.

## REPUBLICATION OF OFFICIAL DOCUMENTS

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## CERTIFICATE

Pursuant to RCW 34.08:040, the publication of rules or other information in this issue of the Washington State Register is hereby certified to be a true and correct copy of such rules or other information, except that headings of public meeting notices have been edited for uniformity of style.

DENNIS W. COOPER  
Code Reviser

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## STATE MAXIMUM INTEREST RATE

(Computed and filed by the State Treasurer under RCW 19.52.025)

The maximum allowable interest rate applicable for the month of February 1997 pursuant to RCW 19.52.020 is twelve point zero percent (12.00%).

NOTICE: FEDERAL LAW PERMITS FEDERALLY INSURED FINANCIAL INSTITUTIONS IN THE STATE TO CHARGE THE HIGHEST RATE OF INTEREST THAT MAY BE CHARGED BY ANY FINANCIAL INSTITUTION IN THE STATE. THE MAXIMUM ALLOWABLE RATE OF INTEREST SET FORTH ABOVE MAY NOT APPLY TO A PARTICULAR TRANSACTION.

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# WASHINGTON STATE REGISTER

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The Washington State Register is an official publication of the state of Washington. It contains proposed, emergency, and permanently adopted administrative rules, as well as other documents filed with the code reviser's office pursuant to RCW 34.08.020 and 42.30.075. Publication of any material in the Washington State Register is deemed to be official notice of such information.

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## STYLE AND FORMAT OF THE WASHINGTON STATE REGISTER

### 1. ARRANGEMENT OF THE REGISTER

The Register is arranged in the following six sections:

- (a) **PREPROPOSAL**-includes the Preproposal Statement of Inquiry that will be used to solicit public comments on a general area of proposed rule making before the agency files a formal notice.
- (b) **PROPOSED**-includes the full text of formal proposals, continuances, supplemental notices, and withdrawals.
- (c) **PERMANENT**-includes the full text of permanently adopted rules.
- (d) **EMERGENCY**-includes the full text of emergency rules and rescissions.
- (e) **MISCELLANEOUS**-includes notice of public meetings of state agencies, rules coordinator notifications, summaries of attorney general opinions, executive orders and emergency declarations of the governor, rules of the state Supreme Court, and other miscellaneous documents filed with the code reviser's office under RCW 34.08.020 and 42.30.075.
- (f) **TABLE**-includes a cumulative table of the WAC sections that are affected in the current year.
- (g) **INDEX**-includes a combined subject matter and agency index.

Documents are arranged within each section of the Register according to the order in which they are filed in the code reviser's office during the pertinent filing period. The three part number in the heading distinctively identifies each document, and the last part of the number indicates the filing sequence with a section's material.

### 2. PRINTING STYLE—INDICATION OF NEW OR DELETED MATERIAL

RCW 34.05.395 requires the use of certain marks to indicate amendments to existing agency rules. This style quickly and graphically portrays the current changes to existing rules as follows:

- (a) In amendatory sections—
  - (i) underlined material is new material;
  - (ii) ~~deleted material is ((lined out between double parentheses))~~;
- (b) Complete new sections are prefaced by the heading **NEW SECTION**;
- (c) The repeal of an entire section is shown by listing its WAC section number and caption under the heading **REPEALER**.

### 3. MISCELLANEOUS MATERIAL NOT FILED UNDER THE ADMINISTRATIVE PROCEDURE ACT

Material contained in the Register other than rule-making actions taken under the APA (chapter 34.05 RCW) does not necessarily conform to the style and format conventions described above. The headings of these other types of material have been edited for uniformity of style; otherwise the items are shown as nearly as possible in the form submitted to the code reviser's office.

### 4. EFFECTIVE DATE OF RULES

- (a) Permanently adopted agency rules normally take effect thirty-one days after the rules and the agency order adopting them are filed with the code reviser's office. This effective date may be delayed or advanced and such an effective date will be noted in the promulgation statement preceding the text of the rule.
- (b) Emergency rules take effect upon filing with the code reviser's office unless a later date is provided by the agency. They remain effective for a maximum of one hundred twenty days from the date of filing.
- (c) Rules of the state Supreme Court generally contain an effective date clause in the order adopting the rules.

### 5. EDITORIAL CORRECTIONS

Material inserted by the code reviser's office for purposes of clarification or correction or to show the source or history of a document is enclosed in [brackets].

## 1996 - 1997

### DATES FOR REGISTER CLOSING, DISTRIBUTION, AND FIRST AGENCY ACTION

Issue No.	Closing Dates <sup>1</sup>			Distribution Date	First Agency Hearing Date <sup>3</sup>
	Non-OTS & 30 p. or more	Non-OTS & 11 to 29 p.	OTS <sup>2</sup> or 10 p. max. Non-OTS		
<i>For Inclusion in--</i>	<i>File no later than 12:00 NOON--</i>			<i>Count 20 days from--</i>	<i>For hearing on or after</i>
96-16	Jul 10	Jul 24	Aug 7	Aug 21	Sep 10
96-17	Jul 24	Aug 7	Aug 21	Sep 4	Sep 24
96-18	Aug 7	Aug 21	Sep 4	Sep 18	Oct 8
96-19	Aug 21	Sep 4	Sep 18	Oct 2	Oct 22
96-20	Sep 4	Sep 18	Oct 2	Oct 16	Nov 5
96-21	Sep 25	Oct 9	Oct 23	Nov 6	Nov 26
96-22	Oct 9	Oct 23	Nov 6	Nov 20	Dec 10
96-23	Oct 23	Nov 6	Nov 20	Dec 4	Dec 24
96-24	Nov 6	Nov 20	Dec 4	Dec 18, 1996	Jan 7, 1997
97-01	Nov 21	Dec 5	Dec 19, 1996	Jan 2, 1997	Jan 22
97-02	Dec 5	Dec 19, 1996	Jan 2, 1997	Jan 15	Feb 4
97-03	Dec 26, 1996	Jan 8, 1997	Jan 22	Feb 5	Feb 25
97-04	Jan 8	Jan 22	Feb 5	Feb 19	Mar 11
97-05	Jan 22	Feb 5	Feb 19	Mar 5	Mar 25
97-06	Feb 5	Feb 19	Mar 5	Mar 19	Apr 8
97-07	Feb 19	Mar 5	Mar 19	Apr 2	Apr 22
97-08	Mar 5	Mar 19	Apr 2	Apr 16	May 6
97-09	Mar 26	Apr 9	Apr 23	May 7	May 27
97-10	Apr 9	Apr 23	May 7	May 21	Jun 10
97-11	Apr 23	May 7	May 21	Jun 4	Jun 24
97-12	May 7	May 21	Jun 4	Jun 18	Jul 8
97-13	May 21	Jun 4	Jun 18	Jul 2	Jul 22
97-14	Jun 4	Jun 18	Jul 2	Jul 16	Aug 5
97-15	Jun 25	Jul 9	Jul 23	Aug 6	Aug 26
97-16	Jul 9	Jul 23	Aug 6	Aug 20	Sep 9
97-17	Jul 23	Aug 6	Aug 20	Sep 3	Sep 23
97-18	Aug 6	Aug 20	Sep 3	Sep 17	Oct 7
97-19	Aug 20	Sep 3	Sep 17	Oct 1	Oct 21
97-20	Sep 3	Sep 17	Oct 1	Oct 15	Nov 4
97-21	Sep 24	Oct 8	Oct 22	Nov 5	Nov 25
97-22	Oct 8	Oct 22	Nov 5	Nov 19	Dec 9
97-23	Oct 22	Nov 5	Nov 19	Dec 3	Dec 23
97-24	Nov 5	Nov 19	Dec 3	Dec 17, 1997	Jan 6, 1998

<sup>1</sup>All documents are due at the code reviser's office by 12:00 noon on or before the applicable closing date for inclusion in a particular issue of the Register; see WAC 1-21-040.

<sup>2</sup>A filing of any length will be accepted on the closing dates of this column if it has been prepared and completed by the order typing service (OTS) of the code reviser's office; see WAC 1-21-040. Agency-typed material is subject to a ten page limit for these dates; longer agency-typed material is subject to the earlier non-OTS dates.

<sup>3</sup>At least twenty days before the rule-making hearing, the agency shall cause notice of the hearing to be published in the Register; see RCW 34.05.320(1). These dates represent the twentieth day after the distribution date of the applicable Register.

## **REGULATORY FAIRNESS ACT**

The Regulatory Fairness Act, chapter 19.85 RCW, was enacted in 1982 to minimize the impact of state regulations on small business. Amended in 1994, the act requires a small business economic impact analysis of proposed rules that impose more than a minor cost on twenty percent of the businesses in all industries, or ten percent of the businesses in any one industry. The Regulatory Fairness Act defines industry as businesses within a four digit SIC classification, and for the purpose of this act, small business is defined by RCW 19.85.020 as "any business entity, including a sole proprietorship, corporation, partnership, or other legal entity, that is owned and operated independently from all other businesses, that has the purpose of making a profit, and that has fifty or fewer employees."

### **Small Business Economic Impact Statements (SBEIS)**

A small business economic impact statement (SBEIS) must be prepared by state agencies when a proposed rule meets the above criteria. Chapter 19.85 RCW requires the Washington State Business Assistance Center (BAC) to develop guidelines for agencies to use in determining whether the impact of a rule is more than minor and to provide technical assistance to agencies in developing a SBEIS. All permanent rules adopted under the Administrative Procedure Act, chapter 34.05 RCW, must be reviewed to determine if the requirements of the Regulatory Fairness Act apply; if an SBEIS is required it must be completed before permanent rules are filed with the Office of the Code Reviser.

### **Mitigation**

In addition to completing the economic impact analysis for proposed rules, state agencies must take reasonable, legal, and feasible steps to reduce or mitigate the impact of rules on small businesses when there is a disproportionate impact on small versus large business. State agencies are encouraged to reduce the economic impact of rules on small businesses when possible and when such steps are in keeping with the stated intent of the statute(s) being implemented by proposed rules. Since 1994, small business economic impact statements must contain a list of the mitigation steps taken, or reasonable justification for not taking steps to reduce the impact of rules on small businesses.

### **When is an SBEIS Required?**

When:

The proposed rule has more than a minor (as defined by the BAC) economic impact on businesses in more than twenty percent of all industries or more than ten percent of any one industry.

### **When is an SBEIS Not Required?**

When:

The rule is proposed only to comply or conform with a federal law or regulation, and the state has no discretion in how the rule is implemented;

There is less than minor economic impact on business;

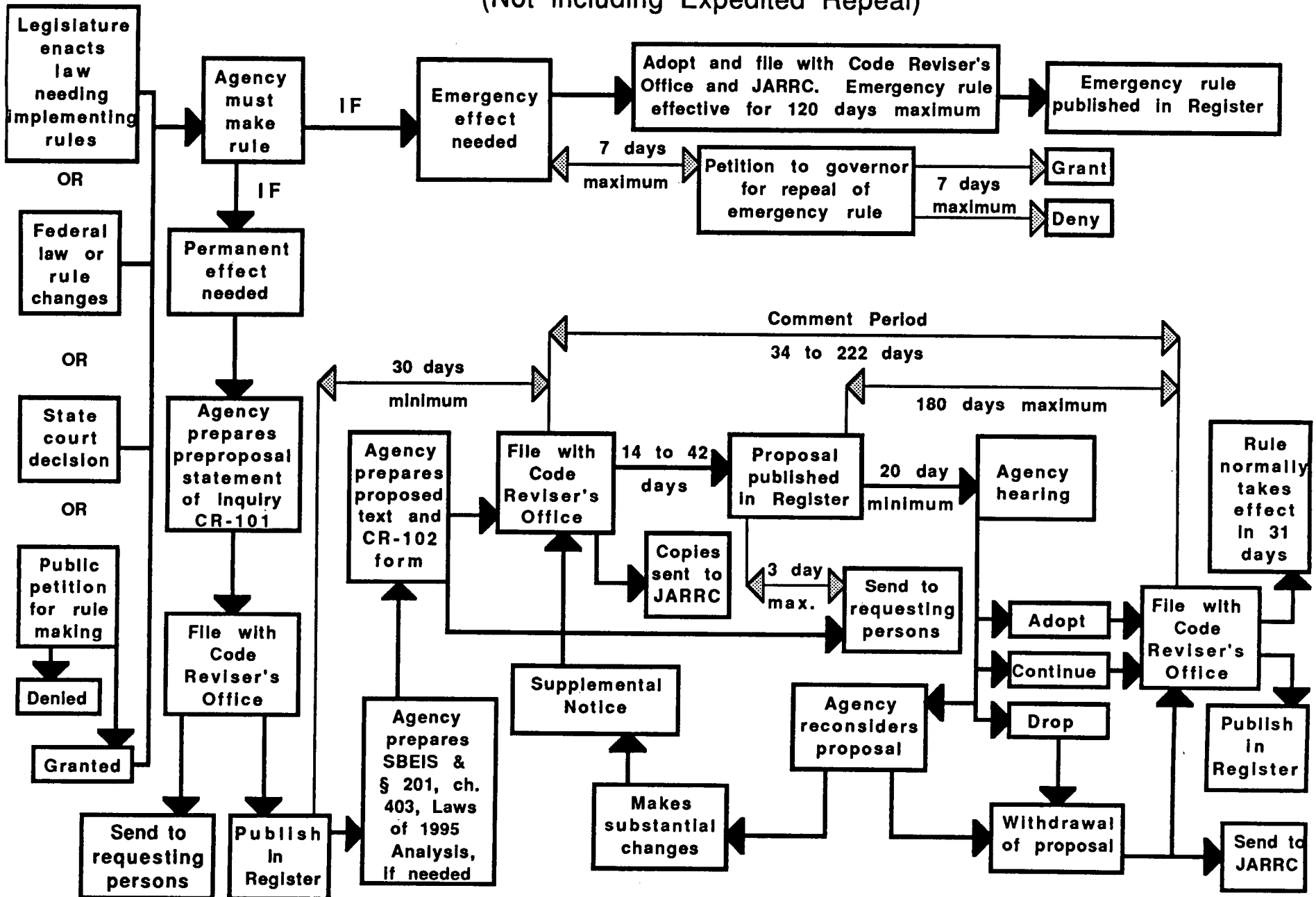
The rule **REDUCES** costs to business (although an SBEIS may be a useful tool for demonstrating this reduced impact);

The rule is adopted as an emergency rule, although an SBEIS may be required when an emergency rule is proposed for adoption as a permanent rule; or

The rule is pure restatement of state statute.

# RULE-MAKING PROCESS

(Not including Expedited Repeal)



**WSR 97-04-022****PREPROPOSAL STATEMENT OF INQUIRY  
SUPERINTENDENT OF  
PUBLIC INSTRUCTION**

[Filed January 28, 1997, 3:51 p.m.]

Subject of Possible Rule Making: Amendments to chapter 392-320 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.415.300.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To bring WAC into compliance with the statute (RCW 28A.415.280) and clarify calculation of ESD indirect rate (WAC 392-320-045(2)).

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Early solicitation of public comments and recommendations respecting new, amended or repealed rules, and consideration of the comments and recommendations in the course of drafting rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by sending written comments to Rules Coordinator, Legal Services, P.O. Box 47200, Olympia, WA 98504-7200, FAX (360) 753-4201, TDD (360) 664-3631. For further information, contact Alf Langland, (360) 753-3222.

January 27, 1997

Dr. Terry Bergeson  
Superintendent of  
Public Instruction

**WSR 97-04-033****PREPROPOSAL STATEMENT OF INQUIRY  
GAMBLING COMMISSION**

[Filed January 30, 1997, 11:00 a.m.]

Subject of Possible Rule Making: Bona fide charitable or nonprofit organizations.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 9.46.010, 9.46.0205, 9.46.0233, 9.46.0277, 9.46.0311, 9.46.070 (1), (8), (9), (11).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To help facilitate charitable and nonprofit organizations meet their responsibilities for conducting gambling activities.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting David D. Shaw, Rules and Policy Coordinator, P.O. Box 42400, Olympia, WA 98504-2400, (360) 438-7654, ext. 310, FAX (360) 438-8652.

January 29, 1997

David D. Shaw  
Rules and Policy Coordinator

**WSR 97-04-035****PREPROPOSAL STATEMENT OF INQUIRY  
SUPERINTENDENT OF  
PUBLIC INSTRUCTION**

[Filed January 30, 1997, 3:49 p.m.]

Subject of Possible Rule Making: WAC 392-123-047 Definitions—Revenue, accrual basis expenditures, cash basis expenditures, appropriation, and disbursements.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.150.290, 28A.150.400, 28A.505.140.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: A recent pronouncement of the Governmental Accounting Standards Board eliminates the earlier national standard that taxpayer assessed taxes, such as property taxes, must be collected in cash in order to meet the revenue accrual criteria of being both measurable and available to reimburse current period expenditures. This change will allow districts to be in compliance with national standards by allowing the accrual of property taxes as revenue if they are available after the end of the fiscal period to pay for expenditures incurred by the end of the fiscal period.

Process for Developing New Rule: Early solicitation of public comments and recommendations respecting new, amended or repealed rules, and consideration of the comments and recommendations in the course of drafting rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by sending written comments to Rules Coordinator, Legal Services, P.O. Box 47200, Olympia, WA 98504-7200, FAX (360) 753-4201, TDD (360) 664-3631. For further information, contact Ron Stead, (360) 753-3584.

January 27, 1997

Dr. Terry Bergeson  
Superintendent of  
Public Instruction

**WSR 97-04-040****PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF HEALTH**

(Board of Hearing and Speech)

[Filed January 31, 1997, 9:32 a.m.]

Subject of Possible Rule Making: Chapter 18.35 RCW (1996) expanded the training requirements for hearing instruments fitter/dispensers to include a six-month apprenticeship requirement. There are currently no guidelines in place for the required apprenticeship program. Therefore, rules must be developed to define the apprenticeship program. No persons applying for licensure after December 31, 1996, are eligible for licensure until completion of the apprenticeship program.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.35.040 and 18.35.161.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rules are needed to provide direction for the required apprenticeship program. Individuals applying for licensure must complete an apprenticeship program established by the Board of Hearing and Speech. Rules defining the apprenticeship program will provide those

individuals with the needed curriculum to complete for licensure.

**Process for Developing New Rule:** The program will work closely with the profession in developing rules. Two public meetings were held to provide an opportunity for public input. The meetings were held in Tacoma and Spokane. The program promoted participation from state-wide school districts who employ speech-language pathologists; the University of Washington, Washington State University and Western Washington University; hospitals and clinics throughout the state and professional associations for speech-language pathologists. Further input has been requested from members of the public who attended the public meetings. From these efforts draft language will be developed and shared for on-going direction from interested persons.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Diane Young, Program Manager, Board of Hearing and Speech, 1300 Quince Street, P.O. Box 47869, Olympia, WA 98504-7869, (360) 753-1817, (360) 586-0205, FAX (360) 586-7774.

January 7, 1997  
Diane Young  
Program Manager  
Board of Hearing and Speech

**WSR 97-04-058**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**HORSE RACING COMMISSION**

[Filed February 4, 1997, 9:01 a.m.]

**Subject of Possible Rule Making:** Chapter 260-48 WAC, Mutuels.

**Statutes Authorizing the Agency to Adopt Rules on this Subject:** RCW 67.16.040.

**Reasons Why Rules on this Subject may be Needed and What They Might Accomplish:** To review and update rules regarding parimutuel wagering.

**Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies:** None.

**Process for Developing New Rule:** Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Bruce Batson, Executive Secretary, Washington Horse Racing Commission, 7912 Martin Way, Suite D, Olympia, WA 98506, (360) 459-6462, FAX (360) 459-6461.

February 3, 1997  
Bruce Batson  
Executive Secretary

**WSR 97-04-059**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**HORSE RACING COMMISSION**

[Filed February 4, 1997, 9:03 a.m.]

**Subject of Possible Rule Making:** Chapter 260-32 WAC, Jockeys, apprentices and agents.

**Statutes Authorizing the Agency to Adopt Rules on this Subject:** RCW 67.16.040.

**Reasons Why Rules on this Subject may be Needed and What They Might Accomplish:** To conform with nationally accepted model rules regarding jockeys, apprentices and agents.

**Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies:** None.

**Process for Developing New Rule:** Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Bruce Batson, Executive Secretary, Washington Horse Racing Commission, 7912 Martin Way, Suite D, Olympia, WA 98506, (360) 459-6462, FAX (360) 459-6461.

February 3, 1997  
Bruce Batson  
Executive Secretary

**WSR 97-04-062**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF ECOLOGY**

[Order 97-03—Filed February 4, 1997, 10:24 a.m.]

**Subject of Possible Rule Making:** Dangerous waste regulations, chapter 173-303 WAC.

**Statutes Authorizing the Agency to Adopt Rules on this Subject:** Chapters 70.105 and 70.105D RCW, the Hazardous Waste Management Act and Hazardous waste cleanup—Model Toxics Control Act.

**Reasons Why Rules on this Subject may be Needed and What They Might Accomplish:** The primary purpose of this rule making is to update the dangerous waste regulations by incorporating federal hazardous waste requirements. The result will be more consistency between the two programs. Also, by staying more current with the federal program the regulated community has primarily one environmental agency to work with. Technical corrections and clarifications will also be made to make the rules more clear, and an exemption for those who recycle antifreeze will be codified as a result of a successful pilot project that resulted in increased recycling.

**Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies:** The Federal Environmental Protection Agency (EPA) implements hazardous waste rules in Washington until ecology adopts those rules and begins implementing them. Adoption is followed by a formal authorization process. EPA is aware of which rules we intend to adopt and will be provided with drafts to review. They will also be kept informed throughout the process via phone calls and written materials.

**Process for Developing New Rule:** The primary purpose of this rule making is to update existing federal hazardous waste requirements with newer federal rules. Since most of these requirements are already in effect (and were developed as part of federal rule making), the process will consist primarily of making draft and proposed rule language available for public review. The public will be



apprised of the rule making through mail outs, articles, ecology's Internet site, and public hearings.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. To receive information by mail regarding the rule making (availability of rule language, hearing announcements, and opportunities for public comment), or for more detailed information about the rule-making content and process, call Patricia Hervieux, (360) 407-6756, P.O. Box 47600, Olympia, WA 98504-7600, FAX (360) 407-6715.

January 29, 1997  
Daniel Silver  
Assistant Director  
Waste Programs

**WSR 97-04-065**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF AGRICULTURE**

[Filed February 4, 1997, 1:55 p.m.]

Subject of Possible Rule Making: Chapter 16-162 WAC, Animal production standards for organic meat and dairy products.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 15.86.060.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: National standards for organic livestock production have changed over the last few years. The Washington state standards need to be updated to reflect these changes and clarify the standards to organic livestock producers. The amended rules would clarify labeling standards for organic and other production claims for livestock products.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: The amended rules are being developed with the assistance of the Washington State Department of Agriculture Organic Advisory Board and other interested parties within the organic food industry.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Miles McEvoy, Washington State Department of Agriculture, Organic Food Program, P.O. Box 42560, Olympia, WA 98504-2560, (360) 902-1836, FAX (360) 902-2087, e-mail mmcevoy@agr.wa.gov. The proposed amended rules will be discussed on April 16 in Ellensburg, Washington.

February 3, 1997  
Candace Jacobs  
Assistant Director

**WSR 97-04-068**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**STATE BOARD OF EDUCATION**

[Filed February 4, 1997, 3:50 p.m.]

Subject of Possible Rule Making: Literacy specialist - subject area endorsement.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.410.010.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This new endorsement is being considered to provide school districts with a professional who is qualified to support all curricular areas through reading and writing across the curriculum.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: No other federal or state agency regulates this subject.

Process for Developing New Rule: Early solicitation of public comments and recommendations respecting new, amended or repealed rules, and consideration of the comments and recommendations in the course of drafting rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by sending written comments to Rules Coordinator, State Board of Education, P.O. Box 47206, Olympia, WA 98504-7206, FAX (360) 586-2357, TDD (360) 664-3631. For telephone assistance contact Larry Davis, (360) 753-6715.

February 4, 1997  
Larry Davis  
Executive Director

**WSR 97-04-069**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**STATE BOARD OF EDUCATION**

[Filed February 4, 1997, 3:52 p.m.]

Subject of Possible Rule Making: Early childhood education, regular - subject area endorsement.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.410.010.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The amendment to this rule is needed to ensure the endorsement more specifically addresses the field of early childhood.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: No other federal or state agency regulates this subject.

Process for Developing New Rule: Early solicitation of public comments and recommendations respecting new, amended or repealed rules, and consideration of the comments and recommendations in the course of drafting rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by sending written comments to Rules Coordinator, State Board of Education, P.O. Box 47206, Olympia, WA 98504-7206, FAX (360) 586-2357, TDD (360) 664-3631. For telephone assistance contact Larry Davis, (360) 753-6715.

February 4, 1997  
Larry Davis  
Executive Director

**WSR 97-04-074****PREPROPOSAL STATEMENT OF INQUIRY  
INSURANCE COMMISSIONER'S OFFICE**

[Matter No. R 97-01—Filed February 5, 1997, 9:25 a.m.]

Subject of Possible Rule Making: Possible amendment of WAC 284-51-050 - the allowable expense for coordination of benefits (COB) and the effect on benefits when an enrollee is eligible for health care benefits from two or more health benefit plans, at least one of which includes managed care provisions.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 48.02.060 and 48.21.200.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The current provisions of WAC 284-51-050 Allowable expense, do not take into account changes that have occurred in the health insurance products available to groups and individuals. The majority of health care benefit plans currently offered include managed care features with requirements for pretreatment authorization or referral by the carrier or a provider, and/or use of specified providers for specialty services. Such managed care provisions may preclude subscribers from realizing any benefits from a second health care plan for which premiums are paid with an expectation of coverage. Amending WAC 284-51-050 may increase consumer access to secondary plan benefits, clarify requirements for qualifying for these benefits, and decrease consumer complaints on the subject.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Agency study; and written comments are solicited. Send suggestions to Kacy Brandeberry, P.O. Box 40255, Olympia, WA 98504-0255, FAX (360) 586-3535, Internet inscomr@aol.com. Deadline for comments, March 14, 1997.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kacy Brandeberry, P.O. Box 40255, Olympia, WA 98504-0255, phone (360) 664-3790, FAX (360) 586-3535, Internet inscomr@aol.com.

February 5, 1997  
Deborah Senn  
Insurance Commissioner

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Bruce Crawford, Assistant Director, Fish Management Program, 600 Capitol Way North, Olympia, WA 98501, phone (360) 902-2325. Contact by March 31, 1997. Expected proposal filing, April 2, 1997.

February 5, 1997  
Evan Jacoby  
Rules Coordinator

**WSR 97-04-079****PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF  
FISH AND WILDLIFE**

[Filed February 5, 1997, 10:46 a.m.]

Subject of Possible Rule Making: Emerging commercial fishery—Puget Sound shrimp fishery.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 75.30.220.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The shellfish subproceeding in *United States v. Washington* has reduced harvest opportunity for emerging commercial fishery participants. Changes in participation requirements are needed to adjust to the court order.

**WSR 97-03-112**  
**PROPOSED RULES**  
**NORTHWEST AIR**  
**POLLUTION AUTHORITY**  
 [Filed January 21, 1997, 9:45 a.m.]

**Original Notice.**

Exempt from preproposal statement of inquiry under RCW 34.05.310(4).

Title of Rule: Northwest Air Pollution Authority (NWAPA).

Purpose: To amend, add and delete subsections of the NWAPA regulation to provide more clarity for users, to make the regulation more consistent with state and federal rules and to promote more effective air pollution control.

Statutory Authority for Adoption: Chapter 70.94 RCW.

Statute Being Implemented: RCW 70.94.141.

Summary: Subsections:

104.2 Referenced recently adopted federal rules in 40 CFR 60, 61, and 63.

114 Revised wording in confidential information subsection to be consistent with chapter 70.94 RCW.

131.21 Insert the word "business" after the word "ten" to allow ten business days for a response to a violation.

131.4 Change from two to five years after which any suspended portion of a penalty becomes null and void.

132.6 Add words "per day per violation" for consistency with federal law and other parts of subsection 132. This is necessary to receive full delegation from EPA of the Title 5 Air Operating Permit Program.

200 Add a definition for solid waste consistent with chapter 173-434 WAC, revise definition of Best Available Control Technology (BACT) to identify BACT as a technology not an emission limit, redefine standard conditions to be consistent with traditional air pollution engineering assumptions (20 degrees C. and 760 mm mercury), change correction factor in definition of standard cubic foot of gas to 68 degrees F from 60 degrees F.

321.3 Improve language referring to sources that lose their registration status if they cease operation for more than one year in the Northwest Air Pollution Authority jurisdiction.

342.3 Add the words "if requested by the Control Officer" after "submit a report."

360 Include air operating permit sources.

365 Include air operating permit sources.

462.1 and 2 Add word averaged before "for a sixty consecutive minute period" to make rule consistent with state requirement.

530.1 Revised wording of nuisance section for clarity.

535.3 Revised wording of nuisance odor subsection for clarity.

580.6 Modify subsection on gasoline stations to be consistent with chapter 173-491 WAC.

580.8 Revise subsection to be consistent with federal rules on leak detection and repair at petroleum refineries.

580.11 Add CARB (California Air Resources Board) as a resource for reference testing methods.

580.12 Remove all compliance dates for Section 580 because they are after the fact or Stage II requirements have changed.

Reasons Supporting Proposal: To clarify nuisance rules to be more consistent with state rules on confidential information and Stage II Vapor Controls.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: James Randles, 302 Pine Street, # 207, Mount Vernon, WA 98273-3852, (360) 428-1617.

Name of Proponent: Northwest Air Pollution Authority, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: See Summary above.

Proposal Changes the Following Existing Rules: See Summary above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Not required of this organization.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption.

Hearing Location: Skagit Administration Building, Second Street and Kincaid Street, Hearing Room "C", Mount Vernon, Washington 98273, on March 13, 1997, at 1:30 p.m.

Assistance for Persons with Disabilities: Contact Susan Duffy by February 28, 1997, (360) 428-1617, ext. 200.

Submit Written Comments to: Northwest Air Pollution Authority, FAX (360) 428-1620, by March 12, 1997.

Date of Intended Adoption: March 13, 1997.

January 17, 1997

James B. Randles

Assistant Control Officer

AMENDATORY SECTION

**SECTION 104 - ADOPTION OF STATE AND FEDERAL LAWS AND RULES**

104.1 All provisions of State Law as it now exists or may be hereafter amended, which is pertinent to the operation the Authority is hereby adopted by reference and made part of the Regulation of the Authority as of May 9, 1996. Specifically, there is adopted by reference the Washington State Clean Air Act (RCW 70.94), the Administrative Procedures Act (RCW 34.04) and RCW 43.21A and 43.21B and the following state rules: WAC 173-400, WAC 173-401, WAC-405, WAC 173-410, WAC 173-415, WAC-420, WAC-421, WAC-422, WAC 173-425, WAC 173-430, WAC 173-433, WAC 173-434, WAC-435, WAC-450, WAC 173-460, WAC 173-470, WAC 173-474, WAC 173-475, WAC 173-480, WAC 173-481, WAC 173-490, WAC 173-491, WAC-492, WAC-495, and WAC 173-802.

104.2 All provisions of the following federal rules are hereby adopted by reference and made part of the Regulation of the Authority as of May 9, 1996: 40 CFR Part 60 (Standards of Performance For New Stationary Sources) subparts A, B, C, Ca, Cb, Cc, Cd, D, Da, Db, Dc, E, Ea, Eb, F, G, H, I, J, K, Ka, Kb, L, M, N, Na, O, P, Q, R, S, T, U, V, W, X, Y, Z, AA, AAa, BB, CC, DD, EE, GG, HH, KK, LL,

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MM, NN, PP, QQ, RR, SS, TT, UU, VV, WW, XX, AAA, BBB, DDD, FFF, GGG, HHH, III, JJJ, KKK, LLL, NNN, OOO, PPP, QQQ, RRR, SSS, TTT, UUU, VVV, WWW; and 40 CFR Part 61 (National Emission Standards For Hazardous Air Pollutants) Subparts A, B, C, D, E, F, H, I, J, K, L, M, N, O, P, Q, R, T, V, W, Y, BB, FF and 40 CFR Part 63 (National Emission Standards for Hazardous Air Pollutants for Source Categories) Subparts A, B, C, D, F, G, H, I, L, M, N, O, Q, R, T, U, W, X, Y, CC, DD, EE, GG, II, ~~((and))~~ JJ, KK, OO, PP, QQ, RR, VV, and JJJ.

Amended: April 14, 1993, September 8, 1993, December 8, 1993, October 13, 1994, May 11, 1995, February 8, 1996, May 9, 1996, March 13, 1997

## AMENDATORY SECTION

### SECTION 114 - CONFIDENTIAL INFORMATION

114.1 Whenever any records or other information other than ambient air quality data or emission data furnished to or obtained by the Authority (~~(pursuant to any sections in the State Act as now or hereafter amended)~~), relates to processes or production unique to the owner or operator, or are likely to affect adversely the competitive position of such owner or operator (~~(of such processes or production may so certify and request that such records or information be made available only for the confidential use of the Board, the Advisory Council, and Authority staff)~~) if released to the public or to a competitor, and the owner or operator of such processes or production so certifies, such records or information shall be only for the confidential use of the Authority. Nothing herein shall be construed to prevent the use of records or information by the Authority in compiling or publishing analyses or summaries relating to the general condition of the outdoor atmosphere: PROVIDED, that such analyses or summaries do not reveal any information otherwise confidential under the provisions of this section: PROVIDED FURTHER, that emission data furnished to or obtained by the Board shall be correlated with applicable emission limitations and other control measures and shall be available for public inspection during normal business hours at offices of the Board.

~~((The Board shall give consideration to the request and if such action would not be detrimental to the public interest and is otherwise within accord with the policies and purposes of the Regulation of this Authority and with State Laws, may grant the same. Nothing herein shall be construed to prevent the use of records or information by the Board, the Advisory Council, or staff in compiling or publishing analyses or summaries relating to the general condition of the outdoor atmosphere; PROVIDED, that such analyses or summaries do not reveal any information otherwise confidential under the provisions of this Section. No member of the Board,~~

~~Advisory Council, or staff of the Authority shall have access to any confidential information in which they may, in the opinion of the Board, have a conflict of interest; PROVIDED FURTHER, that emission data furnished to or obtained by the Board shall be correlated with applicable emission limitations and other control measures and shall be available for public inspection during normal business hours at the office of the Authority.))~~

Passed: January 8, 1969

Amended: October 1, 1969, January 8, 1970, February 14, 1973, July 11, 1973, April 14, 1993, March 13, 1997

## AMENDATORY SECTION

### SECTION 131 - VIOLATION - NOTICES

- 131.1 If the Board or Control Officer has reason to believe that a violation of this Regulation has occurred or is occurring, the Board or Control Officer may, with or without notice as specified in Section 130, cause written notice of violation to be served upon the alleged violator and the facts alleged to constitute a violation thereof. Written notice shall be served at least thirty days prior to the commencement of any formal enforcement action under RCW 70.94.430 and 70.94.431.
- 131.2 The Board or Control Officer upon issuance of notice of violation may do any or all of the following:
- 131.21 Require that the alleged violator respond in writing or in person within ten (10) business days of the notice and specify the corrective Action being taken.
  - 131.22 Issue an order pursuant to Section 121 of this Regulation.
  - 131.23 Initiate action pursuant to Sections 132, 133, 134 and 135 of this Regulation.
  - 131.24 Hold a hearing pursuant to Section 120 of this Regulation.
  - 131.25 Require the alleged violator or violators appear before the Board.
  - 131.26 Avail itself of any other remedy provided by law.
- 131.3 Failure to respond as required in Section 131.21 shall constitute a prima face violation of this Regulation and the Board or Control Officer may initiate action pursuant to Section 132, 133, 134, 135 of this Regulation.
- 131.4 Any suspended civil penalty, issued under Section 133 of this Regulation, which is issued as part of a violation shall be applicable in future penalties against the same person for not more than ~~((two))~~ five years from the date of the same suspension. After ~~((two))~~ five years the suspended portion of the Penalty shall be considered void and of no force or effect, appeals notwithstanding.

Amended: April 14, 1993, March 13, 1997

## SECTION 132 - CRIMINAL PENALTY

132.6 Any person who knowingly makes any false material statement, representation, or certification in any form, in any notice or report required by a permit, as required by 40 CFR 70.11 (a)(3)(iii) shall be guilty of a crime and upon conviction thereof shall be punished by a maximum fine of not less than ten thousand dollars (\$10,000) per day per violation.

Amended: April 14, 1993, October 13, 1994, March 13, 1997

## AMENDATORY SECTION

### SECTION 200 - DEFINITIONS

AGRICULTURAL OPERATION - The growth of crops, the raising of fowl, animals or bees as a gainful occupation.

AIR CONTAMINANT - Means dust, fumes, mist, smoke, other particulate matter, vapor gas, odorous substance, or any combination thereof.

AIR CONTAMINANT SOURCE - Is a point or points from which one or more air contaminants originate.

AIR POLLUTION - Is present in the outdoor atmosphere of one or more air contaminants in sufficient quantities and of such characteristics and duration as is, or is likely to be, injurious to human health, plant, or animal life, or property, or which unreasonably interfere with enjoyment of life and property.

AIR QUALITY OBJECTIVE - The concentration and exposure time of one or more air contaminants in the ambient air below which, according to available knowledge, undesirable effects will not occur.

AIR QUALITY STANDARD - An established concentration, exposure time and frequency of occurrence of one or more air contaminants in the ambient air which shall not be exceeded.

AMBIENT AIR - The surrounding outside air.

AMBIENT AIR MONITORING STATION - A station so designated by the Control Officer for the purpose of measuring air contaminant concentrations in the ambient air. The station location and sampling probe locations shall be designated by the Control Officer utilizing as a guide CFR Title 40, Part 58, Appendix "D" Network Design and Appendix "E" Probe Siting Criteria.

AUTHORITY - Northwest Air Pollution Authority (NWAPA).

~~(BEST AVAILABLE CONTROL TECHNOLOGY (BACT)) - An emission limitation based on the maximum degree of reduction for each air pollutant subject to regulation under chapter 70.94 RCW emitted from or which results from any new or modified stationary source, which the permitting authority, on a case-by-case basis, taking into account energy, environmental, and economic impacts and other costs, determines is achievable for such source or modification through application of production processes and available methods, systems, and techniques, including fuel cleaning, clean fuels, or treatment or innovative fuel combustion techniques for control of each such pollutant. In no~~

~~event shall application of the "best available control technology" result in emissions of any pollutants which will exceed the emissions allowed by any applicable standard under 40 CFR Part 60 and Part 61, as they exist on February 8, 1996, or their later enactments as adopted by reference by the Control Officer by rule. Emissions from any source utilizing clean fuels, or any other means, to comply with this paragraph shall not be allowed to increase above levels that would have been required under the definition of BACT in the Federal Clean Air Act as it existed prior to enactment of the Clean Air Act Amendments of 1990.)~~

BEST AVAILABLE CONTROL TECHNOLOGY (BACT) - means technology that will result in an emission standard, including a visible emission standard, based on the maximum degree of reduction which the Authority, on a case-by-case basis, taking into account energy, environmental, and economic impacts, and other costs, determines is achievable for such source through application of production processes, available methods, systems, and techniques, including fuel cleaning or treatment, clean fuels, or innovative fuel combustion techniques for control of each air contaminant. In no event shall application of the best available control technology result in emissions of any air contaminant that would exceed the emissions allowed by any applicable standard under 40 CFR Parts 60, 61, and 63. The Authority may prescribe a design, equipment, work practice, or operational standard, or combination thereof, to meet the requirements of best available control technology. Such standard shall, to the degree possible, set forth the emission reduction achievable by implementation of such design, equipment, work practice, or operation and shall provide for compliance by means that achieve equivalent results.

REFUSE - Putrescible and non-putrescible solid waste including garbage, rubbish, ashes, dead animals, abandoned automobiles, solid market wastes, street cleanings and industrial wastes including waste disposal in industrial salvage.

REFUSE BURNING EQUIPMENT - Equipment designed to burn (refuse) waste material, scrap or combustion remains.

REGISTRATION - Registration shall mean the process of identifying, delineating and itemizing all air contaminant sources within the jurisdiction of the Authority including the making of periodic reports, as required, by the persons operating or responsible for such sources and may contain information concerning location, size, height of contaminant outlets, processes employed, nature of the contaminant emissions and such other information as is relevant to air pollution and available or reasonably capable of being assembled.

RESIDENTIAL BURNING - Means small outdoor fires, at a one or two family residence, consisting of leaves, clippings, pruning and other yard and gardening refuse originating on lands immediately adjacent and in close proximity to a human dwelling resulting from activities connected with said dwelling and burned on such lands by the property owner or his designee.

SMALL OUTDOOR FIRE - Means a fire in a pile no more than four (4) feet in diameter and three (3) feet in height.

SMOKE - Gas borne particulate matter in a sufficient amount to be observable.

SOLID WASTE - means all putrescible and nonputrescible solid and semisolid wastes, including but not limited to

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garbage, rubbish, ashes, industrial wastes, swill, demolition and construction wastes, abandoned vehicles or parts thereof, and discarded commodities. This includes all liquid, solid and semisolid materials, which are not primary products of public, private, industrial, commercial, mining, and agricultural operations. Solid waste includes but is not limited to septage from septic tanks, dangerous waste, and problem wastes. Solid waste does not include wood waste or sludge from waste water treatment plants.

SOURCE - All of the emissions unit(s) including quantifiable fugitive emissions, that are located on one or more contiguous or adjacent properties, and are under the control of the same person or persons under common control, whose activities are ancillary to the production of a single product or functionally related groups of products. Activities shall be considered ancillary to the production of a single product or functionally related group of products if they belong to the same major group (i.e., which have the same two digit code) as described in the *Standard Industrial Classification Manual, 1972*, as amended by the 1977 Supplement.

STACK - Duct, chimney, flue, conduit, or opening arranged for the emission into the outdoor atmosphere of air contaminants.

STANDARD CONDITIONS - Standard Conditions ((A)) is a temperature of ~~((60 degrees F))~~ 20 degrees C (68 degrees F) and a pressure of 760 mm (29.92 inches) of mercury. ~~Standard Conditions (B) is a temperature of 0 degrees C and 760 mm of mercury. Standard Conditions (C) is a temperature of 25 degrees C and 760 mm of mercury.)~~

STANDARD CUBIC FOOT OF GAS - That amount of gas which would occupy a cube having dimensions of one foot on each side, if the gas were free of water vapor at a pressure of 14.7 psia and a temperature of ~~((60))~~ 68 degrees F.

STATE ACT - Washington Clean Air Act (RCW 70.94) and RCW 43.21A and 43.21B.

STRAW - All vegetative material of agricultural origin other than seed removed by swathing, combining or cutting.

TON - Short ton or 2000 pounds.

TOTAL SUSPENDED PARTICULATE - Particulate matter as measured by the method described in 40 CFR Part 50 Appendix B as in effect on July 1, 1988.

TRUE VAPOR PRESSURE - The equilibrium pressure exerted by a hydrocarbon at storage conditions.

TURF GRASSES - All blue grasses, fescues, and bentgrass planted for seed production.

UNAVOIDABLE EXCESS EMISSIONS - Air contaminants emitted in excess of a standard that are excused and not subject to penalty by reason that the event(s) meet the criteria in WAC 173-400-107 (4), (5), or (6).

U.S. ENVIRONMENTAL PROTECTION AGENCY - Shall be known as EPA in this Regulation.

WOOD WASTE BURNER - A sheet metal or other type of enclosure to form a truncated cone or a single chamber cylindrically shaped incinerator line or constructed of suitable refractory material which employs controlled fuel feed, tangential overfire and underfire air supply system, and is designed and used for the disposal of wood and bark wastes by incineration.

AMENDED: October 13, 1982, November 14, 1984, April 14, 1993, October 13, 1994, February 8, 1996, May 9, 1996, March 13, 1997

## AMENDATORY SECTION

### SECTION 321 - GENERAL REQUIREMENTS FOR REGISTRATION

321.1 Registration shall include the following procedures. Any person operating or responsible for the operation of an air contaminant source that requires registration shall make reports containing information as may be required concerning location, size and height of contaminant outlets, processes employed, nature of contaminant emission and such other information as is relevant to air pollution and available or reasonably capable or being assembled. The owner or agent of the source shall, upon request, submit the required information.

321.2 A separate registration shall be required for each source of contaminant; provided that, an owner need not have a separate registration for identical units of equipment or control facility installed, altered or operated in an identical manner on the same process.

321.3 Any registered source which ceases to operate any air contaminant source for one (1) year or more or said source leaves the jurisdiction of the Authority, the source shall be considered a new source and shall submit a Notice of Construction and Application for Approval and receive approval from the Board prior to resumption of operation or re-entry into the jurisdiction of the Authority. ~~((Provided, however, that those registered sources specifically designed and approved by the Control Officer as part of their original "Notice of Construction and Application for Approval" shall be exempt from this subsection.))~~

Passed: January 8, 1969

Amended: February 14, 1973, August 8, 1978, April 14, 1993, March 13, 1997

### SECTION 342 - OPERATION AND MAINTENANCE

342.1 All air contaminant sources are required to keep any process and/or air pollution control equipment in good operating condition and repair. If a breakdown or upset condition occurs and it is determined by the Control Officer to be due to poor operating and maintenance procedures, the Control Officer may take any legal steps necessary to prevent a recurrence of the breakdown or upset condition.

342.2 Operating instructions and maintenance schedules for process and/or control equipment must be available and may be required to be posted on the site. This section is specifically applicable to the operation of equipment where untrained personnel may operate or otherwise have access to or use the equipment.

342.3 If a breakdown or violation occurs and is due to the improper operation or maintenance of equipment, the owner or operator of the source will, in addition to filing a report of breakdown under Section 340, submit a report if requested by the Control Officer on what measures will be taken in training or re-orienting personnel to prevent a recurrence of the breakdown.

342.4 Excess emissions due to shutdown or startup shall be considered unavoidable provided the source adequately demonstrates that the excess emissions could not have been prevented through careful planning and design, the emissions did not result in a violation of an ambient air quality standard and if a bypass of control equipment occurs, that such bypass is necessary to prevent loss of life, personal injury, or severe property damage.

Amended: April 14, 1993, September 8, 1993, May 11, 1995, February 8, 1996, March 13, 1997

### SECTION 360 - TESTING AND SAMPLING

360.1 Any person operating or using any article, machine, equipment or other contrivance (~~((for which this Regulation requires registration))~~) shall provide and maintain such sampling and testing facilities as specified in the approval to construct or (~~((the registration to operate))~~) an air operating permit.

360.2 Before an approval to construct or a registration or certificate to operate is granted, the Control Officer may require the owner or applicant to provide and maintain such facilities as are necessary for sampling and testing purposes and perform such tests as are necessary in order to secure information that will disclose the nature, extent, quality or degree of air contaminants discharged into the atmosphere from the article, machine, equipment or other contrivance described in the notice of construction, or application for registration or certificate to operate. In the event of such a requirement, the Control Officer shall notify the applicant in writing of the required size, number and location of sampling ports; the size and location of the sampling platform, and the utilities for operating the sampling and testing equipment and the tests to be performed. The platform, access and utilities shall be constructed and maintained in accordance with the rules and Regulations of the State Department of Labor and Industries and other applicable State and Local Regulations, rules and ordinances.

Passed: October 1, 1969

Amended: February 14, 1973, March 13, 1997

### SECTION 365 - MONITORING

365.1 Any person operating a registered air contaminant source or (~~((under a certificate to operate))~~) an air operating permit source may, at any time, be required to monitor the ambient air, process emissions or conduct emission tests as deemed neces-

sary by the Control Officer under the following provisions:

365.11 The Board or Control Officer may require any person operating any source to conduct a monitoring program on site or adjacent off site for emissions, ambient air concentrations or any other pertinent special studies deemed necessary.

365.12 All monitoring data shall be submitted in a form which the Board or Control Officer may require. Averaging time and collection periods will be determined by the Control Officer. Failure to record and/or report data as specified in the "Guidelines for Industrial Monitoring Equipment and Data Handling" may be cause for a Notice of Violation to be issued.

365.13 All data and records shall be kept for a period of at least one year and made available to the Control Officer upon request.

365.14 All instruments used to monitor compliance or for special studies must meet appropriate EPA performance specifications (40 CFR 60, Appendix B) and shall be calibrated and maintained in accordance with the "Guidelines for Industrial Monitoring Equipment and Data Handling" procedures approved by the Control Officer.

365.15 The Control Officer may take such samples and make any tests and investigations deemed necessary to determine the accuracy of the monitoring reports and tests submitted to the Authority, and evaluate the validity of the data. The owner or operator may also be required by the Control Officer to take a sample using an approved procedure and submit the results thereof within a reasonable period of time.

365.16 The Board or the Control Officer may require additional reasonable monitoring be undertaken at any appropriate time to insure compliance with this Regulation.

Passed: August 4, 1971

Amended: February 14, 1973, February 8, 1989, March 13, 1997

### SECTION 462 - EMISSION OF SULFUR COMPOUNDS

462.1 It shall be unlawful for any person to cause or permit the emission of air contaminants from any equipment if the air contaminants emitted as measured in the stack contain sulfur compounds calculated as sulfur dioxide, of more than one thousand (1,000) parts per million (2.62 mg/m<sup>3</sup>), averaged for a sixty consecutive minute period, except as otherwise provided by a specific emission restriction adopted by this Authority and/or the DOE. For the purpose of this section, all sulfur

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present in gaseous compounds containing oxygen shall be deemed present as sulfur dioxide.

462.2 Emissions of sulfur compounds calculated to be in excess of 1,000 parts per million (2.62 mg/m<sup>3</sup>) at any emission point, averaged for a sixty consecutive minute period, shall not constitute a violation of Section 462.1 of this Regulation, provided such person responsible for the emission provides reasonable evidence that such emissions will not cause ground level concentrations on adjacent property to exceed the values indicated in Section 410 of this Regulation, and can demonstrate to the Control Officer there is no practical method of reducing the concentration to the above levels or less.

462.3 All concentrations of sulfur dioxide referred to in this Section are on a volumetric dry basis. For combustion emissions, the exhaust gas volume shall be corrected to 7% oxygen.

Passed: July 8, 1969

Amended: August 4, 1971, January 9, 1974, August 9, 1978, July 1, 1987, October 14, 1987, April 14, 1992, October 13, 1994, March 13, 1997

#### AMENDATORY SECTION

##### SECTION 530 - GENERAL NUISANCE

530.1 ~~((A\*))~~ No person shall ~~((not))~~ discharge from any source ~~((whatsoever))~~ quantities of air contaminants in sufficient amounts and of such characteristics and duration as is likely to be injurious or cause damage to human health, plant or animal life, or property; or which unreasonably interferes with enjoyment of life and property ~~((of a significant number of persons))~~.

PASSED: December 4, 1970

Amended: April 14, 1993, March 13, 1997

##### SECTION 535 - ODOR CONTROL MEASURES

535.1 Best available control technology shall be installed and operated to reduce odor-bearing gases or particulate matter emitted into the atmosphere to a reasonable minimum.

535.2 The Board or Control Officer may establish reasonable requirements that the building or equipment be closed and ventilated in such a way that all the air, gases and particulate matter are effectively treated for removal or destruction of odorous matter or other air contaminants before emission to the atmosphere.

535.3 ~~((The ambient air shall not contain odorous substances, such as (but not limited to) hydrogen sulfide, mercaptans, organic sulfides and other aromatic and aliphatic compounds in such concentrations or of such duration as will threaten health or safety or prevent the enjoyment and use of property.))~~

No person shall discharge or permit the discharge into the ambient air odorous substances, such as (but not limited to) hydrogen sulfide, mercaptans, organic sulfides and other aromatic and aliphatic compounds in such concentrations or of such duration as will threaten health or safety of any person or unreasonably interfere with the use and enjoyment of property.

Passed: January 8, 1969

Amended: April 14, 1993, March 13, 1997

##### SECTION 580.6 - Gasoline Stations

580.61 Section 580.62 shall apply to:

580.611 All gasoline stations in existence on January 1, 1990 with a total annual gasoline output greater than one million three hundred sixty-four thousand liters (360,000 gallons) and total gasoline storage capacity greater than thirty-eight thousand liters (10,000 gallons) and

580.612 All gasoline stations installed or reconstructed after January 1, 1990.

580.62 It shall be unlawful for any person to cause or allow the transfer of gasoline from any transport tank into any stationary storage tank except as provided in 580.63 of this section unless the following conditions are met:

580.621 Such stationary storage tank is equipped with a permanent submerged fill pipe and approved vapor recovery system, and

580.622 Such transport tank is equipped to balance vapors and is maintained in a vapor-tight condition in accordance with Section 580.10 and

580.623 All vapor return line are connected between the transport tank and the stationary storage tank and the vapor recovery system is operating.

580.63 Notwithstanding the requirements of 580.61 of this regulation, the following stationary gasoline storage tanks are exempt from the requirements of 580.62:

580.631 All tanks with a capacity less than seven thousand five hundred liters (2,000 gallons) installed before January 1, 1990.

580.632 All tanks with offset fill lines installed before January 1, 1990.

580.633 All tanks with a capacity less than one thousand liters (260 gallons).

580.64 It shall be unlawful for any person to cause or allow the transfer of gasoline from a stationary tank into a motor vehicle fuel tank except as provided in WAC 173-491. ~~((580.65 of this section unless the following conditions are met:~~



- ~~580.641 The gasoline station shall be equipped with a certified Stage II vapor recovery system.~~
- ~~580.642 The owner or operator of the gasoline station shall not allow the transfer of gasoline from stationary tanks into motor vehicle fuel tanks unless a certified Stage II vapor recovery system is used.~~
- ~~580.643 All Stage II vapor recovery equipment shall be maintained in accordance with the systems certification requirements and shall be maintained to be leak free, vapor tight, and in good working order.~~
- ~~580.644 Whenever a Stage II vapor recovery system is determined to be defective, the owner or operator shall take the system out of service until it has been repaired, replaced, or adjusted, as necessary.~~
- ~~580.645 The owner or operator of each gasoline station utilizing Stage II vapor controls shall post operating instructions for the system as referenced in WAC 173-491-40 (5),(f).~~
- ~~580.65 The following gasoline stations are exempt from the requirements of 580.64:~~
- ~~580.651 All gasoline stations in existence August 2, 1991 having an annual gasoline throughput less than three million, one hundred and eighty two thousand liters (840,000 gallons).~~
- ~~580.652 All gasoline stations built after August 2, 1991 with a nominal gasoline storage capacity of thirty seven thousand nine hundred liters (10,000 gallons) or less:))~~

PASSED: February 14, 1990

Amended: April 14, 1993, March 13, 1997

SECTION 580.11 Scope, Registration, Reporting and Notice of Construction

- 580.111 The owner or operator of a stationary emission source of VOC shall notify the Authority and register the source in compliance with Sections 300, 320, 321, 322, 323, 324.
- 580.112 The owner or operator of a registered stationary emission source of VOC shall furnish, upon request of the Control Officer, such data as the Agency may require to calculate the emission of the source and evaluate the emission control program; and such other data at times as may be required by the Control Officer. The data shall be supplied not later than (60) sixty days following the request, in a form and according to instructions received from the Control Officer.
- 580.113 Owners or operators of stationary emission sources of VOC, as defined in Section 580,

shall demonstrate compliance with these regulations, using procedures approved by the Control Officer. These procedures shall comply with established EPA/DOE/CARB Reference Testing Methods. Where source sampling is required, procedures shall be used as specified in Section 180 of the NWAPA Regulation.

- 580.114 The owner or operator of any source of VOC emissions subject to the provisions of Section 580 shall:
- 580.1141 Install, operate, and maintain, process and/or control equipment, monitoring instruments or procedures as necessary to comply with paragraph 580.113 of this section; provided that use of Monitoring instruments or procedures is required only as specified in EPA/DOE/CARB Documents cited in subsection 580.113.
- 580.1142 Maintain, in writing, records and/or reports relating to monitoring instruments or procedures which will, upon review, document the compliance status of the VOC emission source or control equipment to the satisfaction of the Control Officer. Reports shall be forwarded to the Control Officer as required by procedures cited in 580.113. For sources subject to 580.6 and 580.7, no records or reports are required.
- 580.1143 The provisions of the NWAPA Regulation regarding Notices of Construction shall apply to new or altered VOC emission source, and no person shall construct, install, or establish a new or altered VOC emission source except in compliance therewith.

PASSED: December 13, 1989

Amended: March 13, 1997

580.8 - Petroleum Refinery Equipment Leaks

- 580.81 This section shall apply to all components (pump seals, compressor seals, pipeline valves and relief valves) handling volatile organic compounds at petroleum refinery process units and loading sites which utilize butane or lighter hydrocarbons as a primary feedstock. The process units shall include alkylation, polymerization, ~~((and light ends units))~~ and LPG loading. This section does not apply to systems or facilities in which or to which natural gas or refinery fuel gas are supplied.
- 580.~~((83))~~82 It shall be unlawful to install or operate a sample point at the end of a pipe or line containing VOC unless the pipe or line is sealed with a second suitable closure.

Exceptions to this requirement are the ends of a pipe or line connected to pressure relief valves, aspirator vents or other devices specifically required to be open for safety protection. The sealing device shall be removed only when a sample is being taken or during maintenance operations.

~~580.((82))83~~ It shall be unlawful for any person to cause or allow the operation of a petroleum refinery unless such person ~~(+)~~ conducts a fugitive leak detection and repair program for process units specified in 580.81 and 580.82 consistent with the provisions of 40 CFR 60.591-60.593. Where compliance with 40 CFR 60.591-60.593 results in any expansion of a facilities current LDAR program or modification of an existing facility, the date of applicability for the new portion of the program shall be August 31, 1998.

~~((580.821~~ Develops and conducts a monitoring program consistent with the provisions of ~~580.84~~ of this Section;

~~580.822~~ Records all leaking components which have a VOC concentration greater than 10,000 ppm and places a weatherproof tag bearing an identification number and the date the leak was located on each leaking component;

~~580.823~~ Corrects and retests the leaking component, as soon as practicable, but not later than fifteen days after the leak is recorded. If a leak continues after all reasonable corrective actions have been taken, then the component shall be repaired or replaced on the next scheduled turnaround;

~~580.824~~ Identifies all leaking components that cannot be corrected until the refinery unit is shut down for turnaround;))

~~((580.84~~ The owner or operator of a petroleum refinery shall conduct a monitoring program according to EPA reference method 21 and consistent with the following provisions:

~~580.841~~ Monitor all pump seals, pipeline valves in liquid service and process drains yearly;

~~580.842~~ Monitor all compressor seals, pipeline valves in gaseous service and pressure relief valves in gaseous service quarterly;

~~580.843~~ The source may petition the Control Officer to relax the frequency of monitoring from quarterly to annually. The source must show three consecutive quarterly results showing a leak rate of less than two percent for individual process

~~units. If annual monitoring results indicate a leak rate greater than two percent, the source will be required to comply with 580.842.~~

~~580.844~~ Visually monitor all pump seals weekly;

~~580.845~~ Monitor any dripping pump seal immediately;

~~580.846~~ Visually inspect any relief valve within twenty four hours after it has vented to the atmosphere; and

~~580.847~~ Monitor immediately after repair any component that was found leaking;))

~~580.((85))84~~ Pressure relief devices that are connected to an operating flare header, vapor recovery device, inaccessible valves, storage tank valves and valves that are not externally regulated are exempt from the monitoring requirements of this Section.

~~((580.86~~ The owner or operator of a petroleum refinery shall maintain a leaking component monitoring log that shall contain, at a minimum, the following:

~~580.861~~ The name of the process unit where the component is located;

~~580.862~~ The type of component;

~~580.863~~ The tag number of the component;

~~580.864~~ The date on which a leaking component is discovered;

~~580.865~~ The date on which a leaking component is repaired;

~~580.866~~ The date and instrument reading of the recheck procedure after a leaking component is repaired;

~~580.867~~ A record of the calibration of the monitoring instrument;

~~580.868~~ A record of those leaks that cannot be repaired until turnaround;

~~580.869~~ The total number of components checked and the total number of components found leaking. Copies of the monitoring log shall be retained for a minimum of two years after the date on which the record was made or the report prepared;))

PASSED: December 13, 1989

Amended: March 13, 1997

~~((SECTION 580.12~~ Schedule of Compliance Dates

~~580.121~~ Section 580 shall become effective throughout the Authority's jurisdictional area upon adoption of this section. All VOC sources shall be in compliance within a reasonable time but no later than the following schedule unless otherwise stated:

<del>Petroleum Refineries</del>	<del>December 31, 1993</del>
<del>Gasoline Terminals</del>	<del>December 31, 1993</del>
<del>Bulk Gasoline Plants</del>	<del>December 31, 1993</del>
<del>Gasoline Stations Stage I</del>	<del>December 31, 1993</del>
<del>Gasoline Stations Stage II</del>	

~~New or upgraded stations constructed after August 2, 1991 shall comply upon completion of construction.~~

~~Stations with an annual gasoline throughput greater than 1.2 million gallons shall comply by no later than May 1, 1994.~~

~~Stations with an annual gasoline throughput greater than 840,000 gallons, not previously required to comply shall comply by no later than December 31, 1998.~~

~~PASSED: December 13, 1989  
Amended: April 14, 1993))~~

**Reviser's note:** The spelling errors in the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

**Reviser's note:** The typographical errors in the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

**WSR 97-04-006  
PROPOSED RULES  
INTERAGENCY COMMITTEE FOR  
OUTDOOR RECREATION**  
[Filed January 24, 1997, 10:31 a.m.]

Original Notice.

Exempt from preproposal statement of inquiry under RCW 34.05.310(4).

Title of Rule: Eligible matching resources, retroactive and increased costs, income, and planning requirements.

Purpose: (1) To conform WAC to firearm and archery range recreation (FARR) program matching fund law for all sponsors, (2) to help explain waivers of retroactivity, (3) in accordance with law, to except the FARR program from certain fee rules, (4) to update and standardize planning requirements for the following programs - nonhighway and off-road vehicle activities, Washington wildlife and recreation, boating facilities, land and water conservation fund.

Other Identifying Information: WAC 286-13-045 Eligible matching resources, 286-13-085 Retroactive and increased costs, 286-26-080, 286-27-040, 286-27-050, 286-35-030, and 286-35-040 Planning requirements.

Statutory Authority for Adoption: RCW 43.98A.060(1), 43.98A.070(5), 43.99.080(2), 46.09.240(1), 77.12.720.

Statute Being Implemented: See Statutory Authority for Adoption above.

Summary: (1) In accordance with RCW 77.12.720, remove state agency firearms and archery range recreation project sponsors from one hundred percent funding (WAC 286-13-045(4)); (2) add explanatory text to the section on waivers of retroactivity (WAC 286-13-085); (3) in accor-

dance with RCW 77.12.720, except firearm and hunter safety classes from activities for which a fee may be charged; (4) standardize planning requirements across each applicable program to coincide with the policies approved by the Interagency Committee for Outdoor Recreation in the 1996 program review—*Streamlining IAC's Planning Programs* (WAC 286-26-080, 286-27-040, 286-27-050, 286-35-030, and 286-35-040).

Reasons Supporting Proposal: Further information is available in the report, *Streamlining IAC's Planning Programs*, June 12, 1996.

Name of Agency Personnel Responsible for Drafting: Greg Lovelady, 1111 Washington Street S.E., Olympia, WA 98504-0917, (360) 902-3008; Implementation and Enforcement: Laura Eckert Johnson, 1111 Washington Street S.E., Olympia, WA 98504-0917, (360) 902-3000.

Name of Proponent: Interagency Committee for Outdoor Recreation, public and governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: See text update shown below to Title 286 WAC.

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

Explanation of Rule, its Purpose, and Anticipated Effects: See Purpose, Summary, and Reasons Supporting Proposal above.

Proposal Changes the Following Existing Rules: In addition to the information cited under Purpose, Summary, and Reasons Supporting Proposal above, this proposal assumes that the terms "fees" and "charges" are synonymous (WAC 286-13-110), and thus deletes "charges." It also changes current WAC text to help explain the Interagency Committee for Outdoor Recreation's planning requirements for inventory, demand and need, public involvement, capital improvement program, and applicant agency adoption. It also combines WAC text on Washington wildlife and recreation program planning requirements into a single section (WAC 286-27-040). Similarly, it combines local and state agency planning requirement into a single section (WAC 286-35-030).

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed rule changes are directed at the Interagency Committee for Outdoor Recreation's grant recipients, that is, local, state, and federal governmental agencies and nonprofit firearm and archery range organizations. If approved, the changes will enhance efficiency and compliance with existing laws and procedures. We do not believe that small businesses will be impacted in any way.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. The Interagency Committee for Outdoor Recreation is exempted under RCW 34.05.328 (5)(a)(i).

Hearing Location: Room 175, Natural Resources Building, 1111 Washington Street S.E., Olympia, WA, on March 13, 1997, at 9:15 a.m., public comments; and on March 13, 1997, at 3:00 p.m., adoption consideration, executive session.

Assistance for Persons with Disabilities: Contact Greg Lovelady by March 3, 1997, TDD (360) 902-1996 (leave message), or (360) 902-3008.

PROPOSED

Submit Written Comments to: Greg Lovelady, Rules Coordinator, Interagency Committee for Outdoor Recreation, P.O. Box 40917, Olympia, WA 98504-0917, FAX (360) 902-3026, by March 11, 1997.

Date of Intended Adoption: March 13, 1997.

January 22, 1997

Greg Lovelady  
Rules Coordinator

**AMENDATORY SECTION** (Amending WSR 96-08-044, filed 3/29/96, effective 4/29/96)

**WAC 286-13-045 Eligible matching resources.** (1) Applicant resources used to match committee funds may include: Cash, local impact/mitigation fees, certain federal funds, the value of privately owned donated real estate, equipment, equipment use, materials, labor, or any combination thereof.

(2) Local agencies may match with state funds so long as the state funds are not administered by the committee.

(3) Private donated real property, or the value of that property, must consist of real property (land and facilities) that would normally qualify for committee grant funding.

(4) State agency projects may be assisted by one hundred percent funding from committee sources except where prohibited by law.

(5) The eligibility of federal funds to be used as a match is governed by federal requirements and thus may vary with individual program policies.

**AMENDATORY SECTION** (Amending WSR 96-15-082, filed 7/18/96, effective 8/18/96)

**WAC 286-13-085 Retroactive and increased costs.** See WAC 286-04-010 for definition of terms for the following section.

Under most conditions, eligible expenses may only be reimbursed for activities that occur within the period cited in the project agreement. This is known as the committee's prohibition on retroactivity. To avoid this prohibition, a waiver may be issued.

(1) Retroactive land acquisition costs.

The director may grant a waiver of retroactivity whenever an applicant asserts, in writing, that a condition exists which may jeopardize the project. When evidence warrants, the director may grant the applicant permission to proceed by issuing the written waiver. This waiver of retroactivity will not be construed as an approval of the proposed project. If the project is subsequently approved, however, the costs incurred will be eligible for assistance. If the project is to remain eligible for grant support from federal funds, the director shall not authorize a waiver of retroactivity to the applicant until the federal agency administering the federal funds has issued its own waiver of retroactivity as provided under its rules and regulations.

(2) Retroactive development costs. The only retroactive development costs eligible for reimbursement consideration are preliminary expenses (e.g., engineering costs).

However, solely in respect to WWRP projects on LEAP Capital Document 5, the director is authorized to grant a waiver of retroactivity which establishes eligibility for future reimbursement of all appropriate development costs. Such applicants' retroactivity requests must be in writing, and

provide sufficient justification. Reimbursement of expenditures is subject to the provisions of WAC 286-13-070. This authority shall be effective until the execution of a project agreement or June 30, 1997, whichever occurs first.

(3) Cost increases.

(a) Cost increases for approved projects may be granted by the committee if financial resources are available.

(b) Each cost increase request will be considered on its merits.

(c) If an approved project recommended for federal funding is denied by the appropriate federal agency, the sponsor may request that the committee increase assistance by an equivalent amount; such requests shall be considered on their merits.

(d) The director may approve a sponsor's development project cost increase request so long as the total request does not exceed ten percent of the project's approved initial cost. The director may also approve land acquisition cost increase requests so long as the total request for each parcel does not exceed ten percent of both the committee approved initial cost and the appraised and reviewed value of each parcel for which a cost increase is requested.

**AMENDATORY SECTION** (Amending WSR 96-08-044, filed 3/29/96, effective 4/29/96)

**WAC 286-13-110 Income.** (1) Fees (~~and charges~~). User or other types of fees may be charged in connection with land acquired or (~~areas and~~) facilities developed with committee grants if the fees (~~and charges~~) are (~~commensurate~~) consistent with the value of services or opportunities furnished and are within the prevailing range of public fees (~~and charges within~~) in the state for the (~~particular~~) activity (~~involved~~). Excepted are firearms and archery range recreation program safety classes (firearm and/or hunter) for which a facility/range fee must not be charged (RCW 77.12.720). Unless precluded by state law, the revenue from such fees (~~and charges~~) may only be used to offset the expense of operation and maintenance of the facility funded in whole or in part by committee grants or for accrual of capital for similar acquisition and/or development.

(2) Other income. Income that accrues to an area described in a project agreement from sources other than the intended use, including income from land management practices, must derive from use which is consistent with, and complementary to, the intended use of the area as described in the project agreement.

(a) Gross nonintended income that accrues during the contracted reimbursement period established in the project agreement will be used to reduce the total cost of the project.

(b) Gross nonintended income that accrues subsequent to the ending reimbursement date identified in the project agreement must be used to offset operation and maintenance expenses of the facility funded in whole or in part by committee grants or for capital acquisition and/or development of a similar type unless precluded by state law.

(3) Commercial income. Commercial activity performed by a project sponsor on a committee assisted site or facility must be directly related to the recreational service provided. After paying any necessary costs associated with

this activity, any net income must be used to assist in maintaining, renovating, operating, and/or developing the site as described in WAC 286-13-110 (1) and (2).

**AMENDATORY SECTION** (Amending WSR 96-08-044, filed 3/29/96, effective 4/29/96)

**WAC 286-26-080 Planning requirements.** (~~Plans completed~~) To be eligible for grant consideration under this chapter, applicants must complete a plan in accordance with WAC 286-13-040(2)(-). At minimum(-) the plan must include:

- (1) A statement of the applicant's long-range goals and objectives;
- (2) ~~((A))~~ An inventory, or description of the planning area(- or existing areas and facilities, or current conditions, as appropriate);
- (3) An analysis of demand and need, that is, why actions are required;
- (4) A description of ~~((the extent to which the public has been))~~ how the planning process gave the public ample opportunity to be involved in development of the plan;
- (5) A current capital improvement program of at least five years ~~((and/or a schedule which identifies those entities responsible for the actions needed to achieve the plan's goals and objectives));~~
- (6) Evidence that this plan has been approved by the applicant's governing ~~((body (e.g., ranger district, city/county department, or regional manager/supervisor, etc., as appropriate)))~~ entity most appropriate to the plan's scope. For example, a city or county-wide plan must be approved at the council or commission level. Plans with a different scope will be approved by department heads, district rangers, regional managers/supervisors, etc.

**AMENDATORY SECTION** (Amending WSR 96-08-044, filed 3/29/96, effective 4/29/96)

**WAC 286-27-040 Planning requirements**~~((, outdoor recreation account)). ((At minimum, outdoor recreation plans completed in accordance with WAC 286-13-040(2) must be approved by the applicant's governing body (e.g., city/county department, regional manager/supervisor, etc., as appropriate) and must include:~~

- (1) ~~Local agencies:~~
  - (a) ~~A plan for the agency's jurisdiction which includes park, recreation, trails, and open space elements;~~
  - (b) ~~A long-range plan for development of facilities (capital improvement program); and~~
  - (c) ~~An inventory of public trails, open space, and outdoor recreation lands and facilities managed by the applicant agency.~~
- (2) ~~State agencies:~~
  - (a) ~~A capital improvement program, based on the office of financial management's prescribed planning period, that includes a statement of agency long-term acquisition, development and management goals, and~~
  - (b) ~~An inventory of public trails, open space, and outdoor recreation lands and facilities managed by the applicant agency.)~~ To be eligible for grant consideration under this chapter, applicants must complete a plan in accordance with WAC 286-13-040(2). At minimum the plan must include:

(1) A statement of the applicant's long-range goals and objectives;

(2) An inventory, or description of the planning area;

(3) An analysis of demand and need, that is, why actions are required;

(4) A description of how the planning process gave the public ample opportunity to be involved in development of the plan;

(5) A current capital improvement program of at least five years;

(6) Evidence that this plan has been approved by the applicant's governing entity most appropriate to the plan's scope. For example, a city or county-wide plan must be approved at the council or commission level. Plans with a different scope will be approved by department heads, district rangers, regional managers/supervisors, etc.

#### **REPEALER**

The following section of the Washington Administrative Code is repealed:

WAC 286-27-050 Planning requirements, habitat conservation account.

**AMENDATORY SECTION** (Amending WSR 96-08-044, filed 3/29/96, effective 4/29/96)

**WAC 286-35-030 Planning requirements**~~((—Local agencies)). ((Plans completed in accordance with WAC 286-13-040, at minimum, must include:~~

~~(1) A statement of the applicant's long-range goals and objectives;~~

~~(2) A description of the planning area, or existing areas and facilities, or current conditions, as appropriate;~~

~~(3) An analysis of need, that is, why actions are required;~~

~~(4) A description of the extent to which the public has been involved in development of the plan;~~

~~(5) A current capital improvement program of at least five years, and a schedule which identifies those entities responsible for the actions needed to achieve the plan's goals and objectives;~~

~~(6) Evidence that this plan has been approved by the applicant's governing body (e.g., city/county department, regional manager/supervisor, etc., as appropriate).)~~ To be eligible for grant consideration under this chapter, applicants must complete a plan in accordance with WAC 286-13-040(2). At minimum the plan must include:

(1) A statement of the applicant's long-range goals and objectives;

(2) An inventory, or description of the planning area;

(3) An analysis of demand and need, that is, why actions are required;

(4) A description of how the planning process gave the public ample opportunity to be involved in development of the plan;

(5) A current capital improvement program of at least five years;

(6) Evidence that this plan has been approved by the applicant's governing entity most appropriate to the plan's scope. For example, a city or county-wide plan must be approved at the council or commission level. Plans with a

different scope will be approved by department heads, district rangers, regional managers/supervisors, etc.

### REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 286-35-040 Planning requirements—State agencies.

**AMENDATORY SECTION** (Amending WSR 96-08-044, filed 3/29/96, effective 4/29/96)

**WAC 286-40-020 Funding and candidate selection.** Funding for projects approved under this chapter is from the recreation resource account. Candidate project(s) are selected by the director, and approved by the committee, from among those submitted to the Washington wildlife and recreation program (chapter 286-27 WAC). Selection criteria includes:

- (1) Adherence to the outdoor recreation account planning requirements of WAC 286-27-040(-);
- (2) How well the project(s) has ranked in the evaluation;
- (3) How well the project(s) meets needs identified in the state-wide comprehensive outdoor recreation planning program and the general goals identified in WAC 286-04-030;
- (4) How well the project(s) meets the criteria in the Land and Water Conservation Fund Grants Manual;
- (5) An assessment of how quickly the project(s) will progress through planning and implementation stages.

**WSR 97-04-009**  
**WITHDRAWAL OF PROPOSED RULE**  
**GROWTH MANAGEMENT**  
**HEARINGS BOARDS**  
[Filed January 24, 1997, 11:30 a.m.]

On January 23, 1997, the Growth Management Hearings Boards held a joint hearing to consider addition of the proposed changes to board's rules of practice and procedure. These proposed rules were published and noticed in WSR 97-01-066 on January 2, 1997.

During the course of the hearing, the joint boards decided to withdraw proposed changes to WAC 242-02-240, 242-02-634, and 242-02-890. These sections of the WAC may be affected by bills pending before the legislature. Therefore, these three WAC sections will remain as they presently exist.

The boards did, however, adopt the remainder of the proposed rules with only minor editorial amendments.

E. G. McGuire  
Board Member

**WSR 97-04-051**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Economic Services)  
(Public Assistance)  
[Filed January 31, 1997, 4:52 p.m.]

Original Notice.

Exempt from preproposal statement of inquiry under RCW 34.05.310(4).

Title of Rule: WAC 388-215-1000 Summary of eligibility conditions.

Purpose: To comply with federal requirements that TANF benefits be denied to (1) fugitive felons and violators of probation and parole, and (2) unmarried minor parents who have not completed a high school education and are not participating in educational activities leading to the attainment of a high school diploma or equivalent.

Statutory Authority for Adoption: RCW 74.04.050 and 74.04.055.

Statute Being Implemented: Public Law 104-193, Section 103 (a)(1) (1996).

Summary: Federal rules for the temporary assistance to needy families (TANF) cash assistance program require that TANF benefits be denied to (1) fugitive felons and violators of probation and parole, and (2) unmarried minor parents who have not completed a high school education and are not participating in activities leading to the attainment of a high school diploma or equivalent.

Reasons Supporting Proposal: To qualify for federal funding under the TANF program.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Kevin Sullivan, Division of Income Assistance, (360) 413-3093.

Name of Proponent: Department of Social and Health Services, governmental.

Rule is necessary because of federal law, Public Law 104-193, Section 103 (a)(1) (1996).

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 388-215-1000 Summary of eligibility conditions, to comply with the federal requirements in Public Law 104-193 regarding denial of TANF benefits to (1) fugitive felons and violators of probation and parole, and (2) unmarried minor parents who have not completed a high school education and are not participating in activities leading to the attainment of a high school diploma or equivalent.

Proposal Changes the Following Existing Rules: These were not conditions of eligibility under the aid to families with dependent children (AFDC) program.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule change does not impact small businesses.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. Section 201 (RCW 34.05.328) does not apply to the Department of Social and Health Services.

Hearing Location: Lacey Government Center (behind Tokyo Bento restaurant), 1009 College Street S.E., Room 104-A, Lacey, WA 98503, on March 11, 1997, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Leslie Baldwin, Rules Coordinator, by February 25, 1997, (360) 902-7540, TTY (360) 902-8324.

Submit Written Comments and Identify WAC Numbers to: Leslie Baldwin, Rules Coordinator, Rules and Policies Assistance Unit, P.O. Box 45850, Olympia, WA 98504-5850, FAX (360) 902-8292, by March 11, 1997.

Date of Intended Adoption: No sooner than March 12, 1997.

January 31, 1997  
Merry A. Kogut, Manager  
Rules and Policies Assistance Unit

**AMENDATORY SECTION** (Amending Order 3860, filed 6/28/95, effective 7/29/95)

**WAC 388-215-1000 Summary of eligibility conditions.** (1) The department shall grant AFDC on behalf of a child who:

(a) Meets the age requirements under WAC 388-215-1025; and

(b) Is living in the home of a relative of specified degree including a parent or another relative as defined under WAC 388-215-1050 through 388-215-1080. For temporary absences, see WAC 388-215-1100 through 388-215-1110; and

(c) Is a citizen or an alien lawfully admitted for permanent residence or otherwise permanently residing in the United States (see WAC 388-215-1200); and

(d) Is a resident of the state of Washington, or resides with a parent or other relative who is a resident of the state of Washington (see WAC 388-215-1225); and

(e) Is in financial need (see chapters 388-216 through 388-219 WAC); and

(f) Is deprived of parental support or care because of the death (see WAC 388-215-1300), continued absence (see WAC 388-215-1320 through 388-215-1335), incapacity (see WAC 388-215-1340 through 388-215-1360), or unemployment (see WAC 388-215-1370 through 388-215-1385) of a parent. A parent is a person meeting the criteria in WAC 388-215-1060.

(2) Each client of AFDC shall:

(a) Assign to the division of child support any rights to support in his or her own behalf or in behalf of the other assistance unit members as required under WAC 388-215-1400; and

(b) Cooperate with the division of child support as required under WAC 388-215-1400 through 388-215-1490.

(3) The department shall require each applicant for, or recipient of assistance to furnish a Social Security number as specified in WAC 388-215-1500.

(4) The department shall require adult AFDC recipients or payees to cooperate in a review of eligibility as part of a quality control review as specified in WAC 388-215-1510.

(5) All AFDC applicants and recipients shall be subject to job opportunities and basic skills program (JOBS) participation requirements as specified under WAC 388-215-1520.

(6) All AFDC clients are subject to the rules regarding participation in strikes as specified under WAC 388-215-1540.

(7) Certain AFDC recipients shall return a completed monthly report to the department as required under WAC 388-215-1560.

(8) The department shall establish assistance units of children and caretaker relatives eligible for AFDC as specified under WAC 388-215-1600 through 388-215-1620.

(9) The department shall determine eligibility for a minor child applying for oneself as required under WAC 388-215-1650.

(10) The department shall deny temporary assistance to needy families (TANF) to fugitive felons and probation and parole violators as specified under WAC 388-215-1550.

(11) Under TANF, the department shall require unmarried minor parents who have not completed a high school education to participate in educational activities leading to the attainment of a high school diploma or equivalent as specified in WAC 388-215-1650.

#### WSR 97-04-053

#### PROPOSED RULES

#### WASHINGTON STATE PATROL

[Filed February 3, 1997, 1:42 p.m.]

Supplemental Notice to WSR 96-23-031.

Preproposal statement of inquiry was filed as WSR 96-14-076 [96-19-047].

Title of Rule: Chapter 204-91A WAC, Towing businesses. Amend section regarding applications for a letter of appointment to provide towing services for the state patrol. Amend the length of vehicles used in calculating basic storage fees.

Purpose: Clarify the criteria necessary for a letter of appointment to the state patrol's rotational tow list. Allow tow businesses more space for vehicle storage in tow impound yards.

Statutory Authority for Adoption: RCW 46.37.005 and 46.55.050.

Summary: Amendment will state grounds for revoking or refusing an application to provide towing services for the Washington State Patrol and allow the towing industry to store more vehicles in tow impound yards.

Reasons Supporting Proposal: Changes will ensure persons with certain criminal records not be allowed to provide towing services for the state patrol, thereby safeguarding the public. Amendments will bring vehicle lengths used to calculate storage fees into line with standard vehicle lengths.

Name of Agency Personnel Responsible for Drafting: Ms. Carol Morton, 4242 Martin Way, Olympia, WA 98504, (360) 412-8934; Implementation: Sergeant Jim Gallagher, 4242 Martin Way, Olympia, WA 98504, (360) 412-8932; and Enforcement: Captain Tim Erickson, General Administration Building, 210 11th Avenue, Olympia, (360) 753-0360.

Name of Proponent: Washington State Patrol, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Amendment will allow the state patrol to revoke or refuse persons who have been convicted of certain felonies a letter of appointment to provide towing services for the state patrol. This would help ensure the public receives quality towing services from the state patrol. By amending

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the vehicle lengths used to calculate storage fees, the towing industry would be able to store more vehicles in their tow impound yards.

Proposal Changes the Following Existing Rules: Adds verbiage stating that the Washington State Patrol may revoke or refuse a letter of appointment to the patrol's rotational towing list based on certain felony convictions. Vehicle storage fees will be calculated on the standard length of twenty feet, rather than twenty-five feet. This will allow tow business operators to store more vehicles in tow impound yards.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Under these amendments, tow businesses may still operate, however the business may not be able to provide tow services for the state patrol.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption.

Hearing Location: Washington State Patrol, Fleet Section Conference Room, 4242 Martin Way, Olympia, WA 98504, on March 12, 1997, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Ms. Jan Baca by March 7, 1997, (360) 753-0626.

Submit Written Comments to: Ms. Carol Morton, Washington State Patrol, Equipment Review Unit, P.O. Box 42635, Olympia, WA 98504-2635, FAX (360) 493-9090, by March 7, 1997.

Date of Intended Adoption: March 24, 1997.

February 3, 1997  
Annette M. Sandberg  
Chief

**AMENDATORY SECTION** (Amending WSR 94-18-083, filed 9/2/94, effective 10/3/94)

**WAC 204-91A-060 Application for letter of appointment.** (1) An application for a letter of appointment will not be considered or approved until the applicant is qualified as a licensed and registered tow truck operator with at least one approved "A" or "B" class tow truck. Additional trucks are optional.

Note: An exception may be made if an operator desires a letter of appointment for class "C" tows only. In such situations, only a class "C" truck is required.

Upon request, the section shall advise the applicant of the contents of the department's regulations and of the standards established for the issuance of a letter of appointment.

(2) An application for a letter of appointment to provide towing service for the patrol shall be filed by the applicant with the local state patrol district office on a form prescribed by the patrol. The state patrol may refuse to approve or may revoke a letter of appointment/contract if the applicant, partner, or employee has been convicted of any class "A" felony, or has within the last ten years been convicted of any lesser felony involving assault, sexual abuse, or theft as defined in RCW 9A.56.030. In the case of a partnership, each partner shall apply on the form prescribed. In the case of a corporation, the patrol may require that each of the present and any subsequent officers, managers, and stockholders holding ten percent or more of the total issued and outstanding stock of the applicant corporation complete an application form. A signed "letter of contractual agreement"

listing the maximum tow rates to be charged for services resulting from state patrol originated calls will be attached to the application.

(3) The district commander or designee shall complete tow zone portion of the form. He/she will enter "approved" or "disapproved" and will sign the form next to the zone designation. The application and "letter of contractual agreement" will be forwarded to the section.

(4) The application form will be assigned a docket number, by the section, which shall be its permanent identification number for all matters relating to appointments, granted or denied, and any other correspondence with the section thereafter.

(5) The filing of an application for a letter of appointment does not in itself authorize the operator to provide towing services pursuant to this chapter until a letter of appointment has been issued by the section. However, nothing herein shall prohibit the patrol from calling the towing business upon the specific request of a person responsible for a vehicle or his agent.

**AMENDATORY SECTION** (Amending WSR 89-21-044, filed 10/13/89, effective 11/13/89)

**WAC 204-91A-140 Fees.** (1) All towing fees shall be based on a flat, hourly rate only and shall apply without regard for the hour of day, day of the week or whether the service was performed on a Saturday, Sunday, or holiday. The hourly rate for each class of truck shall be the only charge for services performed for initial tows and secondary tows performed during business hours. Charges for secondary tows performed during nonbusiness hours, on weekends or holidays, if different from the hourly rate, shall be negotiated and agreed upon with the vehicle owner/agent before the tow is made.

(2) The chief of the state patrol shall, prior to October 15 of each year, establish maximum hourly towing rates for each class of tow truck and maximum daily storage rates that tow operators may charge for services performed as a result of state patrol calls. The maximum rates shall be determined after consulting with members of the towing industry, review of current private towing rates, and such other economic factors as the chief may deem appropriate.

When signed by the chief (or his/her designee) and the tow operator, a contractual agreement to charge no more than the maximum rates shall become part of the operator's letter of appointment. The tow operator may, however, adopt a rate schedule charging less than the maximum rates established by the chief.

The hourly rate shall:

(a) Be the only basis used to compute total charges for towing services.

(b) Apply when the call is made by the state patrol, for whatever reason, including but not limited to accidents, incidents, disableds, and impound requests.

(c) Include all ancillary activities such as, but not limited to, removal of glass and debris from the roadway and any other area referred to as the "scene or incident," necessary winching, dolly service, drive line removal, installing chains on the tow truck, installation of portable lights, vehicle hookup for towing or transporting, tire replacement (on vehicle to be towed) and standby time.



(d) Be considered to include one person (the driver) per truck. Any charges for additional labor and/or ancillary vehicles (trailers, pickups, etc.), for removing debris, cargo, etc., must have prior authorization from the legal or registered owner/agent, or a member of the patrol at the scene.

(e) Be computed from the actual time the truck departs in response to a call until it returns to the starting location or it begins responding to another call minus any down time.\* The hourly rate shall be applied to the resulting net time and, after the first hour, shall be rounded to the nearest fifteen minutes. The operator may charge the hourly rate for the first hour or any portion thereof. After the first hour, no more than one-quarter of the hourly rate may be charged for each fifteen minutes of tow or service work performed.

\*Down time includes coffee or meal breaks, personal errands by the operator, and/or any mechanical failure on the truck or equipment.

(3) The basic storage fee:

(a) Shall be calculated on a twenty-four-hour basis and shall be charged to the nearest half day from the time the vehicle arrived at the secure storage area; and

(b) Shall be the same for all three and four-wheel vehicles less than (~~twenty-five~~) twenty feet in length; and

(c) For vehicles or combinations exceeding (~~twenty-five~~) twenty feet shall be computed by multiplying each (~~twenty-five~~) twenty feet of vehicle length, or any portion thereof, by the basic storage fee;

(d) For two-wheel motorcycles shall be one-half the basic storage fee for three and four-wheel vehicles.

(4) After hours release fee. If an operator or employee is already present, for other reasons, at the storage facility after business hours when a customer arrives, the vehicle and/or property shall be released as if it were during business hours. No "after hours fee" may be assessed. If the operator or employee is called to the place of business specifically for the purpose of releasing the vehicle and/or property, an "after hours fee," equivalent to one-half of the maximum Class "A" hourly rate, may be assessed.

(5) Any tow operator who charges the general public (i.e., private citizens) rates lower than those identified in the contractual agreement for services listed below shall charge the same lower rate for similar services performed as a result of state patrol originated calls.

(a) Roadside mechanical service, including fuel transfer, tire and belt changes, etc.;

(b) Disabled vehicle tow/transportation;

(c) Storage;

(d) After hours release fees.

Any such price requirement shall not be imposed for unoccupied vehicle situations in which the owner/operator has had no prior contact with either the state patrol or the tow operator.

**WSR 97-04-060**  
**PROPOSED RULES**  
**HORSE RACING COMMISSION**  
 [Filed February 4, 1997, 9:06 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-06-086.

Title of Rule: Chapter 260-24 WAC, Association officials and employees, rules dealing with employees at the race track.

Purpose: Repeal existing WAC 260-24-010 through 260-24-480 and replace entire chapter with new sections WAC 260-24-500 through 260-24-690, to update duties and job descriptions to bring into conformance with nationally accepted model rules.

Statutory Authority for Adoption: RCW 67.16.040.

Summary: Changes will update and bring into conformance with nationally accepted model rules.

Reasons Supporting Proposal: Changes in technology and language.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Bruce Batson, Olympia, Washington, (360) 459-6462.

Name of Proponent: Washington Horse Racing Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: These new sections will bring into conformance with the nationally accepted model rules. Because of new technology and language, job descriptions will be updated.

Proposal Changes the Following Existing Rules: Repealing entire existing chapter 260-24 WAC. Replace with updated new sections dealing with association officials and employees employed at Washington state race tracks.

No small business economic impact statement has been prepared under chapter 19.85 RCW. These changes will not affect more than 20% or less than 10% of the population. A small business economic impact statement was not prepared.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption.

Hearing Location: Washington Horse Racing Commission, 7912 Martin Way, Suite D, Olympia, WA 98506, on March 24, 1997, at 1:00 p.m.

Submit Written Comments to: Bruce Batson, Executive Secretary, Washington Horse Racing Commission, 7912 Martin Way, Suite D, Olympia, WA 98506, FAX (360) 459-6461, by March 21, 1997.

Date of Intended Adoption: March 24, 1997.

February 3, 1997

Bruce Batson

Executive Secretary

**REPEALER**

The following sections of the Washington Administrative Code are repealed:

- 260-24-010 Officials enumerated.
- 260-24-020 Officials—Duties—Qualifications.
- 260-24-030 Submittal of roster to commission—Approval—Substitutions.
- 260-24-040 Disqualification for acting at unrecognized meeting.
- 260-24-050 Trafficking in horses, contracts, insurance, prohibited.
- 260-24-060 Wagering prohibited.
- 260-24-070 Duty to report violations of rules.

PROPOSED

- 260-24-080 Clerk of the scales.  
 260-24-090 Handicapper.  
 260-24-100 Mutuel manager.  
 260-24-110 Paddock judge.  
 260-24-120 Patrol judges.  
 260-24-130 Placing judges.  
 260-24-140 Racing secretary—General duties.  
 260-24-150 Racing secretary—Official program for each racing day.  
 260-24-160 Racing secretary—To keep record of all races.  
 260-24-170 Racing secretary—Duties with regard to stabling.  
 260-24-180 Racing secretary—List of entries—Posting—Available to newspapers.  
 260-24-190 Starter—Duties at start of race.  
 260-24-200 Starter—Appointment of assistants—Misconduct toward jockeys.  
 260-24-210 Starter—Schooling of horses.  
 260-24-220 Starter—To approve entries of two year olds.  
 260-24-230 Starter—May fine and suspend jockeys.  
 260-24-240 Stewards—Responsibility to commission.  
 260-24-250 Stewards—Authority over personnel and grounds.  
 260-24-260 Stewards—Powers as to cases not covered by rules—Increased penalties.  
 260-24-270 Stewards—Supervision of entries and declarations.  
 260-24-280 Stewards—Authority to award punishment.  
 260-24-290 Stewards—Inspection of documents.  
 260-24-300 Stewards—Determining disqualifications in case of fouls.  
 260-24-310 Stewards—Duty hours—Sessions.  
 260-24-320 Stewards—Substitutes.  
 260-24-330 Stewards—Deputies.  
 260-24-340 Stewards—Stewards pro tem.  
 260-24-350 Stewards—Report of appointment of deputy.  
 260-24-360 Stewards—Number in stand during race.  
 260-24-370 Stewards—Duty to notice questionable conduct.  
 260-24-380 Stewards—Substitution of jockeys.  
 260-24-390 Stewards—Placing horse in the temporary charge of trainer.  
 260-24-400 Stewards—Getting horses to gate at post time.  
 260-24-410 Stewards—Accident before offtime—Excusing horse.  
 260-24-420 Stewards—Settlement of protests and complaints.  
 260-24-430 Stewards—Infractions—Reports to commission.  
 260-24-440 Stewards—Violation of rule other than a rule of the race—Procedure.  
 260-24-450 Timers.  
 260-24-460 Veterinarians.  
 260-24-465 Veterinarians—Disposal, sterilization of instruments.  
 260-24-470 Clocker-identifier.

260-24-480 Film analyst.

### NEW SECTION

**WAC 260-24-500 Racing officials.** (1) Officials at a race meeting include the following:

- (a) Stewards;
- (b) Racing secretary;
- (c) Horsemen's bookkeeper;
- (d) Mutuel manager;
- (e) Official veterinarian(s);
- (f) Horse identifier;
- (g) Paddock judge;
- (h) Starter;
- (i) Security director, association;
- (j) Commission security inspector(s);
- (k) Commission auditor;
- (l) Clerk of scales;
- (m) Jockey room supervisor;
- (n) Film analyst;
- (o) Clocker(s);
- (p) Race timer
- (q) Paddock plater;
- (r) Mutuel inspector;
- (s) Outrider(s);
- (t) Any other person designated by the commission.

(2) The commission officials of a race meeting shall be designated prior to each race meeting and those commission officials shall be compensated by the commission.

The association officials of a race meeting shall include but are not be limited to: racing secretary, mutuel manager, starter, paddock plater, horsemen's bookkeeper, association security director, jockey room supervisor and outrider(s).

(3) Eligibility.

(a) To qualify as a racing official, the appointee shall be:

- (i) Of good character and reputation;
- (ii) Experienced in racing;
- (iii) Familiar with the duties of the position and with the commission's rules of racing;
- (iv) Mentally and physically able to perform the duties of the job; and
- (v) In good standing and not under suspension or ineligible in any racing jurisdiction.

(b) To qualify for appointment as a steward the appointee shall be an Association of Racing Commissioners International-accredited steward and be in good standing with all Association of Racing Commissioners International member jurisdictions. The commission may waive this requirement for Class C race meetings.

(4) The commission, in its sole discretion, may determine the eligibility of a racing official and, in its sole discretion, may approve or disapprove any such official for licensing.

(5) While serving in an official capacity, racing officials and their assistants shall not:

- (a) Participate in the sale or purchase, or ownership of any horse racing at the meeting;
- (b) Sell or solicit horse insurance on any horse racing at the meeting;

(c) Be licensed in any other capacity without permission of the commission, or in case of an emergency, the permission of the stewards;

(d) Wager on the outcome of any race for which pari-mutuel wagering is conducted under the jurisdiction of the commission; or

(e) Consume or be under the influence of alcohol or any prohibited substances while performing official duties.

(6) Racing officials and their assistants shall immediately report to the stewards every observed violation of these rules.

(7) Complaints against officials.

(a) Complaints against any steward shall be made in writing to the commission and signed by the complainant.

(b) Any complaint against a racing official other than a steward shall be made to the stewards in writing and signed by the complainant. All such complaints shall be reported to the commission by the stewards, together with a report of the action taken or the recommendation of the stewards.

(c) A racing official may be held responsible by the stewards or the commission for the actions of their assistants.

(8) Appointment.

(a) A person shall not be appointed to more than one racing official position at a meeting unless specifically approved by the commission.

(b) The commission shall appoint or approve its officials for each race meeting. The officials shall perform the duties as outlined herein and such other duties as are necessary as determined by the commission or its executive secretary.

(9) Where an emergency vacancy exists among racing officials, the stewards or the association, with the stewards' approval, shall fill the vacancy immediately. Such appointment shall be reported to the commission and shall be effective until the vacancy is filled in accordance with these rules.

(10) Should any steward be absent at race time, and no approved alternate steward be available, the remaining stewards shall appoint a substitute for the absent steward. If a substitute steward is appointed, the commission and the association shall be notified by the stewards.

**Reviser's note:** The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

#### NEW SECTION

**WAC 260-24-510 Stewards.** (1) General authority:

(a) The stewards for each meeting shall be responsible to the commission for the conduct of the race meeting in accordance with these rules.

(b) The stewards shall enforce these rules and the racing laws of this jurisdiction.

(c) The stewards' authority includes supervision of all racing officials, track management, licensed personnel, other persons responsible for the conduct of racing, and patrons, as necessary to insure compliance with these rules.

(d) All nominations, entries, declarations and scratches shall be conducted under the supervision of the stewards.

(e) The stewards shall have authority to resolve conflicts or disputes related to racing and to discipline violators in accordance with the provisions of these rules.

(f) The stewards shall take notice of any questionable conduct with or without complaint thereof.

(g) The stewards have the authority to interpret the rules and to decide all questions of racing not specifically covered by the rules.

(h) Should any case occur which may not be covered by these rules of racing, it shall be determined by the stewards of the race meeting in conformity with justice and in the best interest of racing; and the stewards of the meeting are hereby given authority to exercise their full power, recommending to the commission the impositions of more severe penalties, if in their judgment the penalty should be more drastic.

(2) The stewards' period of authority shall commence 10 days prior to the beginning, or at such other time as is necessary in the opinion of the commission, of each meeting and shall terminate with the completion of their business pertaining to the meeting. One of the three stewards shall be designated as the presiding steward by the commission

(3) Disciplinary action.

(a) The stewards shall take notice of alleged misconduct or rule violations and initiate investigations into such matters.

(b) The stewards shall have authority to charge any licensee with a violation of these rules, to conduct hearings and to impose disciplinary action in accordance with these rules.

(c) The stewards may compel the attendance of witnesses and the submission of documents or potential evidence related to any investigation or hearing.

(d) The stewards may at any time inspect license documents, registration papers, and other documents related to racing.

(e) The stewards shall have the power to administer oaths and examine witnesses.

(f) The stewards shall consult with the official veterinarian to determine the nature and seriousness of a laboratory finding or an alleged medication violation.

(g) The stewards may impose any of the following penalties on a licensee for a violation of these rules:

(i) Issue a reprimand;

(ii) Assess a fine;

(iii) Require forfeiture or redistribution of purse or award, when specified by applicable rules;

(iv) Place a licensee on probation;

(v) Suspend a license or racing privileges;

(vi) Revoke a license; or

(vii) Exclude from grounds under the jurisdiction of the commission.

(h) The stewards may suspend a license for not more than one year per violation; or they may impose a fine not to exceed \$2,500 per violation; or they may suspend and fine; or they may order that a person be ineligible for licensing. For violations covered by Chapter 260-70 WAC Medication, the stewards shall follow the penalty guidelines as set forth in WAC 260-70-690.

(i) A stewards' ruling shall not prevent the commission from imposing a more severe penalty.

(j) The stewards may refer any matter to the commission and may include recommendations for disposition. The absence of a stewards' referral shall not preclude commission action in any matter.

(k) Purses, prizes, awards, and trophies shall be redistributed if the stewards or commission order a change in the official order of finish.

(l) All fines imposed by the stewards shall be paid to the commission within 48 hours after the ruling is issued, unless otherwise ordered.

(4) Protests, objections and complaints. The stewards shall cause an investigation to be conducted and shall render a decision in every protest, objection and complaint made to them. They shall maintain a record of all protests, objections and complaints. The stewards shall file daily with the commission a copy of each protest, objection or complaint and any related ruling. The stewards are vested with the power to determine the extent of disqualification in case of fouls. They may place the offending horse behind such horses as in their judgment it interfered with, or they may place it last.

(5) Stewards' presence.

(a) On each racing day at least one steward shall be on duty at the track from 3 hours prior to first race post time. The full board of stewards shall sit in regular session to exercise their authority and perform the duties imposed on them by the rules of racing.

(b) Three stewards shall be present in the stewards' stand during the running of each race. In case of emergency, the stewards may, during the meeting, appoint a substitute subject to the confirmation of the commission.

(6) Order of finish for parimutuel wagering.

(a) The stewards shall determine the official order of finish for each race in accordance with these rules of racing.

(b) The decision of the stewards as to the official order of finish, including the disqualification of a horse or horses as a result of any event occurring during the running of the race, shall be final for purposes of distribution of the parimutuel wagering pool.

(7) The stewards have the authority to cancel wagering on an individual betting interest or on an entire race and also have the authority to cancel a parimutuel pool for a race or races, if such action is necessary to protect the integrity of parimutuel wagering.

(8) Records and reports.

(a) The stewards shall prepare a daily report, detailing their actions and observations made during each day's race program. The report shall contain the name of the racetrack, the date, the weather and track conditions, claims, inquiries, objections and hearings and any unusual circumstances or conditions. The report shall be signed by each steward and be filed with the commission.

(b) Not later than seven days after the last day of a race meeting, the presiding steward shall submit to the commission a written report regarding the race meeting. The report shall contain:

(i) The stewards' observations and comments regarding the conduct of the race meeting, the overall conditions of the association grounds during the race meeting; and

(ii) Any recommendations for improvement by the association or action by the commission.

(9) Stewards' list.

(a) The stewards shall maintain a stewards' list of the horses which are ineligible to be entered in a race because of poor or inconsistent performance or behavior on the

racetrack that may endanger the health or safety of other participants in racing.

(b) The stewards may place a horse on the stewards' list when there exists a question as to the exact identification or ownership of said horse.

(c) A horse which has been placed on the stewards' list because of inconsistent performance or behavior, may be removed from the stewards' list when, in the opinion of the stewards, the horse can satisfactorily perform competitively in a race without endangering the health or safety of other participants in racing.

(d) A horse which has been placed on the stewards' list because of questions as to the exact identification or ownership of said horse, may be removed from the stewards' list when, in the opinion of the stewards, proof of exact identification and/or ownership has been established.

(10) When the stewards feel that a rule, other than a rule of the race, has been violated by any person, the procedure shall be as follows:

(a) He or she shall be summoned to a hearing before the stewards, called for that purpose.

(b) Adequate notice of said hearing shall be given the summoned party. The stewards' decision as to what is adequate notice shall be final.

(c) No penalty shall be imposed until such hearing.

(d) Nonappearance of the summoned party after adequate notice shall be construed as a waiver of right to hearing before the stewards.

(e) No special announcement of the hearing or of the alleged infraction of rules shall be made until after said hearing. Immediately after a hearing, provided the matter is settled, the stewards shall transmit their findings in a stewards ruling to the commission and to the party in question. Thereafter, if a penalty is imposed for the infraction of the rules but only in the case of penalty, the commission may make a public statement.

(11) Nothing in this rule shall prohibit the stewards from taking necessary action to prevent or avoid the immediate danger to the public health, safety or welfare or the integrity of racing.

#### NEW SECTION

**WAC 260-24-520 Racing secretary.** (1) The racing secretary shall be responsible for the programming of races during the race meeting, compiling and publishing condition books, assigning weights for handicap races, and shall receive all entries, subscriptions, declarations and scratches. The racing secretary may employ one or more assistants who may assist in performing the following duties. An assistant racing secretary shall assume the duties of the racing secretary in that person's absence.

(2) Foal, health and other eligibility certificates.

(a) The racing secretary shall be responsible for receiving, inspecting and safeguarding the foal and health certificates, Equine Infectious Anemia (EIA) test certificates and other documents of eligibility for all horses competing at the track or stabled on the grounds.

(b) The racing secretary shall record the alteration of the sex of a horse on the horse's foal certificate and report such to the appropriate breed registry and past performance services.

(c) The racing secretary shall record on a horse's registration certificate when a posterior digital neurectomy (heel nerving) is performed on that horse.

(3) The racing secretary shall maintain a list of nerved horses which are on association grounds and shall make the list available for inspection by other licensees participating in the race meeting.

(4) The racing secretary shall maintain a list of all fillies or mares on association grounds who have been covered by a stallion. The list shall also contain the name of the stallion to which each filly or mare was bred and shall be made available for inspection by other licensees participating in the race meeting.

(5) It shall be the duty of the racing secretary to assign to applicants such stabling as he may deem proper to be occupied by horses in preparation for racing. He/she shall determine all conflicting claims of stable privileges and maintain a record of arrivals and departures of all horses stabled on association grounds.

(6) Conditions and eligibility.

(a) The racing secretary shall establish the conditions and eligibility for entering races and cause them to be published to owners, trainers and the commission and be posted in the racing secretary's office.

(b) For the purpose of establishing conditions, winnings shall be considered to include all monies and prizes won up to the time of the start of a race.

(c) Winnings during the year shall be calculated by the racing secretary from the preceding January 1.

(7) Listing of horses, the racing secretary shall:

(a) Examine all entry blanks to verify information as set forth therein; and

(b) Select the horses to start and the also eligible horses from those entries received in accordance with these rules.

(8) Upon completion of the draw each day, the racing secretary shall post a list of entries in a conspicuous location in his/her office and make the list available.

(9) The racing secretary shall publish the official daily program, ensuring the accuracy therein of the following information:

(a) Sequence of races to be run and post time for the first race;

(b) Purse, conditions and distance for each race, and current track record for such distance;

(c) The name of licensed owners of each horse, indicated as leased, if applicable, and description of racing colors to be carried;

(d) The name of the trainer and the name of the jockey named for each horse together with the weight to be carried;

(e) The post position and saddle cloth number or designation for each horse if there is a variance with the saddle cloth designation;

(f) Identification of each horse by name, color, sex, age, sire and dam; and

(g) Such other information as may be requested by the association or the commission.

(10) The racing secretary shall examine nominations received for early closing events, late closing events and stakes events to verify the eligibility of all such nominations and compile lists thereof for publication.

(11) The racing secretary shall be caretaker of the permanent records of all stakes and shall verify that all

entrance monies due are paid prior to entry for races conducted at the meeting.

### NEW SECTION

**WAC 260-24-530 Horsemen's bookkeeper.** The horsemen's bookkeeper shall maintain the records and accounts and perform the duties described herein and maintain such other records and accounts and perform such other duties as the association and commission may prescribe.

(1) Records.

(a) The records shall include the name, mailing address, social security number or federal tax identification number, and the state or country of residence of each horse owner, trainer or jockey participating at the race meeting who has funds due or on deposit in the horsemen's account.

(b) The records shall include a file of all required statements of partnerships, syndicates, corporations, assignments of interest, lease agreements and registrations of authorized agents.

(c) All records of the horsemen's bookkeeper shall be kept separate and apart from the records of the association.

(d) All records of the horsemen's bookkeeper including records of accounts and monies and funds kept on deposit are subject to inspection by the commission at any time.

(e) The association licensee is subject to disciplinary action by the commission for any violations of or non-compliance with the provisions of this rule.

(2) Monies and funds on account.

(a) All monies and funds on account with the horsemen's bookkeeper shall be maintained:

(i) separate and apart from monies and funds of the association;

(ii) in an account designated as Horsemen's Account and

(iii) in an account insured by the Federal Deposit and Insurance Corporation.

(b) The horsemen's bookkeeper shall be bonded in accordance with commission stipulations.

(c) The amount of purse money earned is credited in the currency of the jurisdiction in which the race was run. There shall be no appeal for any exchange rate loss at the time of transfer of funds from another jurisdiction.

(3) Payment of purses.

(a) The horsemen's bookkeeper shall receive, maintain and disburse the purses of each race and all stakes, entrance money, jockey fees, purchase money in claiming races, along with all applicable taxes and other monies that properly come into his/her possession in accordance with the provisions of commission rules.

(b) The horsemen's bookkeeper may accept monies due belonging to other organizations or recognized meetings, provided prompt return is made to the organization to which the money is due.

(c) The fact that purse money has been distributed prior to the issuance of a laboratory report shall not be deemed a finding that no chemical substance has been administered, in violation of these rules, to the horse earning such purse money.

(d) The horsemen's bookkeeper shall disburse the purse of each race and all stakes, entrance money, jockey fees and

purchase money in claiming races, along with all applicable taxes, upon request, within 48 hours of receipt of notification that all tests with respect to such races have cleared the drug testing.

(e) Absent a prior request, the horsemen's bookkeeper shall disburse monies to the persons entitled to receive same within 15 days after the last race day of the race meeting, including purses for official races, provided that all tests with respect to such races have cleared the drug testing laboratory and provided further that no protest or appeal has been filed with the stewards or the commission.

(f) In the event a protest or appeal has been filed with the stewards or the commission, the horsemen's bookkeeper shall disburse the purse within 48 hours of receipt of dismissal or a final non-appealable order disposing of such protest or appeal.

#### NEW SECTION

**WAC 260-24-540 Mutuel manager.** The mutuel manager is responsible for the operation of the parimutuel department and shall:

- (1) Be responsible for the correctness of all pay-off prices;
- (2) Maintain records of all wagers and provide information regarding betting patterns;
- (3) Employ licensed individuals to aid in the operation of the parimutuel department;
- (4) Make emergency decisions regarding the operation of the parimutuel department;
- (5) Be responsible for the enforcement of the association policy and procedures relating to the mutuel department.

#### NEW SECTION

**WAC 260-24-550 Official veterinarian(s).** The official veterinarian(s) shall:

- (1) Be employed by the commission;
- (2) Be a graduate veterinarian and be licensed to practice in this jurisdiction;
- (3) Recommend to the stewards any horse deemed unsafe to be raced, or a horse that it would be inhumane to allow to race;
- (4) Place horses on the veterinarian's list and remove horses from the veterinarian's list;
- (5) Place horses on the bleeder list and remove horses from the bleeder list;
- (6) Supervise and control the test barn;
- (7) Supervise the taking of all specimens for testing according to procedures approved by the commission;
- (8) Provide proper safeguards in the handling of all laboratory specimens to prevent tampering, confusion or contamination;
- (9) Provide the stewards with a written statement regarding the nature and seriousness of all laboratory reports of prohibited substances in equine samples.
- (10) Have jurisdiction over the practicing licensed veterinarians within the enclosure for the purpose of these rules;
- (11) Report to the commission the names of all horses humanely destroyed or which otherwise expire at the meeting and the reasons therefore;

(12) Maintain all required records of postmortem examinations performed on horses which have died on association grounds;

(13) Be available to the stewards prior to scratch time each racing day at a time designated by the stewards to inspect any horses and report on their condition as may be requested by the stewards;

(14) Be present in the paddock during saddling, on the racetrack during the post parade and at the starting gate until the horses are dispatched from the gate for the race;

(15) Inspect any horse when there is a question as to the physical condition of such horse;

(16) Recommend scratching a horse to the stewards if, in his/her opinion the horse is physically incapable of exerting its best effort to win;

(17) Inspect any horse which appears in physical distress during the race or at the finish of the race; and shall report such horse together with his/her opinion as to the cause of the distress to the stewards;

(18) Refuse employment or payment, directly or indirectly, from any horse owner or trainer of a horse racing or intending to race in this jurisdiction while employed as the official veterinarian for the commission;

(19) Review and consult with the applicants and the stewards regarding commission license applications of practicing veterinarians;

(20) Cooperate with practicing veterinarians and other regulatory agencies to take measures to control communicable and/or reportable equine diseases;

(21) Periodically review all horse papers under the jurisdiction of the commission to ensure that all required test and health certificates are current and properly filed in accordance with these rules;

(22) Be authorized to humanely destroy any horse deemed to be so seriously injured that it is in the best interests of racing the horse to so act.

#### NEW SECTION

**WAC 260-24-560 Horse identifier.** The Horse identifier shall:

(1) When required, ensure the safekeeping of registration certificates and racing permits for horses stabled and/or racing on association grounds;

(2) Inspect documents of ownership, eligibility, registration or breeding necessary to ensure the proper identification of each horse scheduled to compete at a race meeting;

(3) Examine every starter in the paddock for sex, color, markings and lip tattoo or other identification method approved by the appropriate breed registry and the commission for comparison with its registration certificate to verify the horse's identity; and

(4) Supervise the tattooing, branding or other method of identification approved by the appropriate breed registry and the commission for identification of any horse located on association grounds.

(5) The horse identifier shall report to the stewards any horse not properly identified or whose registration certificate is not in conformity with these rules.

NEW SECTION

**WAC 260-24-570 Paddock judge.** (1) The paddock judge shall:

- (a) Supervise the assembly of horses in the paddock no later than fifteen (15) minutes before the scheduled post time for each race;
- (b) Maintain a written record of all equipment, inspect all equipment of each horse saddled and report any change thereof to the stewards;
- (c) Prohibit any change of equipment without the approval of the stewards;
- (d) Ensure that the saddling of all horses is orderly, open to public view, free from public interference, and that horses are mounted at the same time, and leave the paddock for the post in proper sequence;
- (e) Supervise paddock schooling of all horses approved for such by the stewards;
- (f) Report to the stewards any observed cruelty to a horse;
- (g) Ensure that only properly authorized persons are permitted in the paddock; and
- (h) Report to the stewards any unusual or illegal activities.

(2) Paddock judge's list.

- (a) The paddock judge shall maintain a list of horses which shall not be entered in a race because of poor or inconsistent behavior in the paddock that endangers the health or safety of other participants in racing.
- (b) At the end of each race day, the paddock judge shall provide a copy of the list to the stewards.
- (c) To be removed from the paddock judge's list, a horse must be schooled in the paddock and demonstrate to the satisfaction of the paddock judge and the stewards that the horse is capable of performing safely in the paddock.

NEW SECTION

**WAC 260-24-580 Starter.** (1) The starter shall:

- (a) Have complete jurisdiction over the starting gate, the starting of horses and the authority to give orders not in conflict with the rules as may be required to ensure all participants an equal opportunity to a fair start;
  - (b) Appoint and supervise assistant starters who have demonstrated they are adequately trained to safely handle horses in the starting gate. In emergency situations, the starter may appoint qualified individuals to act as substitute assistant starters;
  - (c) Ensure that a sufficient number of assistant starters are available for each race;
  - (d) Assign the starting gate stall positions to assistant starters and notify the assistant starters of their respective stall positions more than 10 minutes before post time for the race;
  - (e) Assess the ability of each person applying for a jockey's license in breaking from the starting gate and working a horse in the company of other horses, and shall make said assessment known to the stewards; and
  - (f) Load horses into the gate in any order deemed necessary to ensure a safe and fair start.
- (2) Assistant starters, with respect to an official race, shall not:

- (a) Handle or take charge of any horse in the starting gate without the expressed permission of the starter;
  - (b) Impede the start of a race;
  - (c) Apply a whip or other device, with the exception of steward-approved twitches, to assist in loading a horse into the starting gate;
  - (d) Slap, boot or otherwise dispatch a horse from the starting gate;
  - (e) Strike or use abusive language to a jockey; or
  - (f) Accept or solicit any gratuity or payment other than his/her regular salary, directly or indirectly, for services in starting a race.
- (3) No horse shall be permitted to start in a race unless approval is given by the starter. The starter shall maintain a starter's list of all horses which are ineligible to be entered in any race because of poor or inconsistent behavior or performance in the starting gate. Such horse shall be refused entry until it has demonstrated to the starter that it has been satisfactorily schooled in the gate and can be removed from the starter's list. Schooling shall be under the direct supervision of the starter.
- (4) The starter and assistant starter shall report all unauthorized activities to the stewards.

NEW SECTION

**WAC 260-24-590 Security director, association..**

The security director shall be employed by the association and shall be directly responsible for maintaining the security and safety of the racing association's grounds. He/she shall issue daily reports to the commission security inspector outlining staffing and any incidents or occurrences which may constitute a violation of the "rules of racing". The security director shall perform other duties as designated by the board of stewards.

**Reviser's note:** The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

NEW SECTION

**WAC 260-24-600 Commission security inspector(s).**

The commission security inspector(s) shall be employed by the commission and report to the commission executive secretary and the stewards. His/her duties shall include investigation of allegations of wrongdoing and violations of the "rules of racing", presentation of cases before the stewards and other duties as set forth by the commission or the stewards.

NEW SECTION

**WAC 260-24-610 Commission auditor.** The commission auditor shall be responsible for;

- (1) Verifying the calculations of the parimutuel department;
- (2) Calculating and/or verify the monetary commissions due;
- (3) Maintaining the Washington Bred Bonus Fund (including filing of tax information) and
- (4) Various accounting and auditing services as requested by the commission or the stewards.

NEW SECTION

**WAC 260-24-620 Clerk of scales.** The clerk of scales shall:

- (1) Verify the presence of all jockeys in the jockeys' room at the appointed time;
- (2) Verify that all such jockeys have a current jockey's license issued by the commission;
- (3) Verify the correct weight of each jockey at the time of weighing out and weighing in and report any discrepancies to the stewards immediately;
- (4) Oversee the security of the jockeys' room including the conduct of the jockeys and their attendants;
- (5) Promptly report to the stewards any infraction of the rules with respect to weight, weighing, riding equipment or conduct;
- (6) Record all required data on the scale sheet and submit that data to the horsemen's bookkeeper at the end of each race day;
- (7) Maintain the record of applicable winning races on all apprentice certificates at the meeting;
- (8) Release apprentice jockey certificates, upon the jockey's departure or upon the conclusion of the race meet; and
- (9) Assume the duties of the jockey room supervisor in the absence of such employee.

NEW SECTION

**WAC 260-24-630 Jockey room supervisor.** The jockey room supervisor shall:

- (1) Supervise the conduct of the jockeys and their attendants while they are in the jockey room;
- (2) Keep the jockey room clean and safe for all jockeys;
- (3) Ensure all jockeys are in the correct colors before leaving the jockey room to prepare for mounting their horses;
- (4) Keep a daily video list as dictated by the stewards and have it displayed in plain view for all jockeys;
- (5) Keep a daily program displayed in plain view for the jockeys so they may have ready access to mounts that may become available;
- (6) Keep unauthorized persons out of the jockey room; and
- (7) Report to the stewards any unusual occurrences in the jockey room.

NEW SECTION

**WAC 260-24-640 Film analyst.** The film analyst, when utilized, shall be responsible for assisting the stewards and other commission officials in the interpretation of video coverage of each race. The analyst shall perform such other duties as are designated by the board of stewards.

NEW SECTION

**WAC 260-24-650 Clocker(s).** (1) The clocker(s) shall be present during training hours at each track on association grounds, which is open for training, to identify each horse working out and to accurately record the distances and times of each horse's workout.

(2) Each day, the clocker(s) shall prepare a list of workouts that describes the name of each horse which

worked along with the distance and time of each horse's workout.

(3) At the conclusion of training hours, the clocker shall deliver a copy of the list of workouts to the stewards and the racing secretary.

NEW SECTION

**WAC 260-24-660 Race timer.** (1) The timer shall accurately record the time elapsed between the start and finish of each race.

(2) The time shall be recorded from the instant that the first horse leaves the point from which the distance is measured until the first horse reaches the finish line.

(3) At the end of a race, the timer shall post the official running time on the infield totalisator board.

(4) At a racetrack equipped with an appropriate infield totalisator board, the timer shall post the quarter times (splits) for races in fractions as a race is being run. For quarter horse races, the timer shall post the official times in hundredths of a second.

(5) For back-up purposes, the timer shall also use a stopwatch to time all races. In time trials, the timer shall ensure that at least three stopwatches are used by the stewards or their designees.

(6) The timer shall maintain a written record of fractional and finish times of each race and have same available for inspection by the stewards or the commission on request.

NEW SECTION

**WAC 260-24-670 Paddock plater.** The paddock plater shall be present in the paddock to see that all horses are properly shod. Additionally, he/she shall report horses which are wearing caulks and on which feet. With permission of the stewards the paddock plater may assume other duties as requested by the association.

NEW SECTION

**WAC 260-24-680 Mutuel inspector.** The mutuel inspector shall perform duties as directed by the commission.

NEW SECTION

**WAC 260-24-690 Outrider(s).** The duty of the outrider(s) shall be to maintain safety on the race track during training hours insuring that all persons entering onto the race track have the proper safety equipment. During racing hours, prior to each race, the outrider(s) shall be responsible for maintaining order during the post parade and insuring that the horses arrive at the starting gate at post time. The outrider(s) shall inform the stewards of any questionable conduct and shall perform other duties as directed by the stewards.

NEW SECTION

**WAC 260-24-700 Any other person designated by the commission.** The commission may create additional racing official positions, as needed. Persons selected for these positions shall be considered racing officials and shall be subject to the general eligibility requirements outlined in this chapter.



**WSR 97-04-061****PROPOSED RULES****DEPARTMENT OF ECOLOGY**

[Order 97-01—Filed February 4, 1997, 10:20 a.m.]

## Original Notice.

Exempt from preproposal statement of inquiry under RCW 34.05.310(4).

Title of Rule: WAC 173-401-735 Operating permit regulation, permit appeals.

Purpose: To correct a reference citation.

Statutory Authority for Adoption: RCW 70.94.161 (2)(a).

Statute Being Implemented: RCW 70.94.161(8).

Summary: Legal reference in WAC 173-401-735(3) should read "RCW 34.05.570" instead of "chapter 7.16 RCW."

Reasons Supporting Proposal: Reference needs to be accurate.

Name of Agency Personnel Responsible for Drafting: Tom Todd, 300 Desmond, Lacey, WA, (360) 407-7528; Implementation and Enforcement: Joe Williams, 300 Desmond, Lacey, WA, (360) 407-6880.

Name of Proponent: Department of Ecology, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This amendment will correct the legal citation.

Proposal Changes the Following Existing Rules: Corrects a legal citation.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This is not a significant change and will not cause an economic impact.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. This rule change is just a correction of a citation and is not a significant legislative rule change.

Hearing Location: Department of Ecology, 300 Desmond Drive, Lacey, WA, on March 11, 1997, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Tom Todd by March 4, 1997, TDD (360) 407-6006.

Submit Written Comments to: Tom Todd, Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600, FAX (360) 407-6802, by March 14, 1997.

Date of Intended Adoption: March 19, 1997.

January 31, 1997

Tom Fitzsimmons

Director

**AMENDATORY SECTION** (Amending Order 91-68, filed 10/4/93, effective 11/4/93)

**WAC 173-401-735 Permit appeals.** (1) A decision to issue or to deny a final permit, or the terms or conditions of such a permit, may be appealed to the pollution control hearings board under chapter 43.21B RCW and RCW 70.94.161(9). Any appealable decision or determination shall be identified as such and shall contain a conspicuous notice to the recipient that it may be appealed by filing an appeal with the pollution control hearings board and serving the appeal on the permitting authority within thirty days of receipt, pursuant to RCW 43.21B.310. The provision for

appeal in this section is separate from and additional to any federal rights to petition and review under section 505(b) of the FCAA, including petitions filed pursuant to 40 CFR 70.8(c) and 70.8(d).

(2) Appealing parties. Parties that may file the appeal referenced in subsection (1) of this section include any person who participated in the public participation process pursuant to WAC 173-401-800.

(3) As provided in (~~chapter 7.16~~) RCW 34.05.570, a person may seek a writ of mandamus in the event that a permitting authority fails to take final action on an application for a permit, permit renewal, or permit revision within the deadlines specified by WAC 173-401-700 through 173-401-725.

**WSR 97-04-066****PROPOSED RULES****STATE BOARD OF EDUCATION**

[Filed February 4, 1997, 3:45 p.m.]

## Original Notice.

Preproposal statement of inquiry was filed as WSR 97-01-010.

Title of Rule: WAC 180-51-050 High school credit—Definition.

Purpose: To make permanent the current credit equivalency definition that one (1.0) high school credit shall equal five quarter or three semester hours of college or university level course work.

Statutory Authority for Adoption: RCW 28A.230.090, 28A.305.130.

Summary: Proposed amendments eliminate language that would have changed the definition to .75 effective September 1, 1997.

Reasons Supporting Proposal: The credit equivalency definition should remain at 1.0 rather than change to .75.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Larry Davis, State Board of Education, Olympia, (360) 753-6715.

Name of Proponent: State Board of Education, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: See Purpose, Summary, and Reasons Supporting Proposal above.

Proposal Changes the Following Existing Rules: Deletes language that would have enacted a change in the credit equivalency definition as of September 1, 1997.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Not applicable.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. Not applicable.

Hearing Location: Educational Service District 189, 205 Stewart Road, Mount Vernon, WA 98273, on March 19, 1997, at 1:30 p.m.

Assistance for Persons with Disabilities: Contact Judy Rus by March 5, 1997, TDD (360) 664-3631, or (360) 753-6715.

PROPOSED

Submit Written Comments to: Rules Coordinator, State Board of Education, P.O. Box 47206, Olympia, WA 98504-7206, FAX (360) 586-2357, by March 18, 1997.

Date of Intended Adoption: March 20, 1997.

February 4, 1997

Larry Davis  
Executive Director

**AMENDATORY SECTION** (Amending WSR 96-09-027, filed 4/9/96, effective 5/10/96)

**WAC 180-51-050 High school credit—Definition.** As used in this chapter the term "high school credit" shall mean:

(1) Grades nine through twelve high school programs. One hundred fifty hours of planned in-school instruction;

(2) College and university course work. At the college or university level, except for community college adult high school completion programs, five quarter or three semester hours shall equal ~~((75))~~ 1.0 high school credit ~~((: Provided, That five quarter or three semester hours shall continue to equal one high school credit until September 1, 1997))~~; and

(3) Community college adult high school completion program. Five quarter or three semester hours of community college work shall equal 1.0 high school credit for students in the community college high school completion program.

**WSR 97-04-067**

**PROPOSED RULES**

**STATE BOARD OF EDUCATION**

[Filed February 4, 1997, 3:47 p.m.]

**Original Notice.**

Preproposal statement of inquiry was filed as WSR 97-01-046.

Title of Rule: Chapter 180-40 WAC, Pupils, relating to procedural due process rights of students.

Purpose: To make clarification and technical changes to WAC 180-40-260 and 180-40-310.

Statutory Authority for Adoption: RCW 28A.305.160.

Summary: See Explanation of Rule below.

Reasons Supporting Proposal: Proposed amendments clarify due process rights of students.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Larry Davis, State Board of Education, Olympia, (360) 753-6715.

Name of Proponent: State Board of Education, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 180-40-260 Long-term suspension—Conditions and limitations, the proposed amendments reinstate language in subsection (4) which was inadvertently deleted when the board amended this section at the November 1996 meeting. WAC 180-40-310 Appeals—Long-term suspension and expulsion, the proposed amendments clarify the fact that students who are suspended temporarily (or for a "short-term"), while they appeal an initial due process hearing decision, retain the right to make up assignments and tests.

Proposal Changes the Following Existing Rules: See Explanation of Rule above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Not applicable.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. Not applicable.

Hearing Location: Educational Service District 189, 205 Stewart Road, Mount Vernon, WA 98273, on March 19, 1997, at 1:30 p.m.

Assistance for Persons with Disabilities: Contact Judy Rus by March 5, 1997, TDD (360) 664-3631, or (360) 753-6715.

Submit Written Comments to: Rules Coordinator, State Board of Education, P.O. Box 47206, Olympia, WA 98504-7206, FAX (360) 586-2357, by March 18, 1997.

Date of Intended Adoption: March 20, 1997.

February 4, 1997

Larry Davis  
Executive Director

**AMENDATORY SECTION** (Amending WSR 97-01-047, filed 12/12/96, effective 1/12/97)

**WAC 180-40-260 Long-term suspension—Conditions and limitations.** A long-term suspension may be imposed upon a student for violation of school district rules adopted pursuant to WAC 180-40-225, subject to the following limitations or conditions and the notice requirements set forth in WAC 180-40-265 and the hearing requirements set forth in WAC 180-40-270:

(1) The nature and circumstances of the violation must be considered and must reasonably warrant a long-term suspension and the length of the suspension imposed. This requirement does not preclude school districts (that is, the boards of directors of school districts) from establishing the nature and extent of the corrective actions and/or punishments which, as a general rule, must be imposed as a consequence of proscribed misconduct. Such advance notice to students is advisable, and the imposition of such preestablished corrective action and/or punishment is permissible as long as (a) disciplinarians and hearing officers are allowed to grant exceptions in cases involving extenuating and/or exceptional circumstances, and (b) long-term suspension is not established as the corrective action or punishment for a student's first time offense other than for offenses involving exceptional misconduct as defined in subsection (2) of this section.

(2) As a general rule, no student shall be suspended for a long term unless another form of corrective action or punishment reasonably calculated to modify his or her conduct has previously been imposed upon the student as a consequence of misconduct of the same nature. A school district may, however, elect to adopt rules providing for the immediate resort to long-term suspension in cases involving exceptional misconduct as long as disciplinarians and hearing officers are allowed to grant exceptions in cases involving extenuating and/or exceptional circumstances, notwithstanding the fact prior alternative corrective action or punishment has not been imposed upon the student(s) involved. For the purpose of this rule, "exceptional misconduct" means misconduct other than absenteeism which a school district has judged following consultation with an ad hoc citizens

committee to (a) be of such frequent occurrence, notwithstanding past attempts of district personnel to control such misconduct through the use of other forms of corrective action and/or punishment, as to warrant an immediate resort to long-term suspension, and/or (b) be so serious in nature and/or so serious in terms of the disruptive effect upon the operation of the school(s) as to warrant an immediate resort to long-term suspension (for example, misconduct judged by a school district to be the same or of the same nature as a violation of the state's drug or controlled substances laws). The ad hoc citizens committee required by this section shall be composed of three or more persons chosen by the school district or the administrative designee(s) of the district, and shall be constituted with the intent and purpose of representing various socioeconomic, minority and majority populations of the school district to the extent deemed practical.

(3) No student subject to compulsory attendance pursuant to chapter 28A.225 RCW, as now or hereafter amended, shall be suspended by reason, in whole or part, of one or more unexcused absences unless the school district has first imposed an alternative corrective action or punishment reasonably calculated to modify his or her conduct and, in addition:

(a) Provided notice to the student's parent(s) or guardian(s) or custodial parent(s) in writing in English or, if different, the primary language of the parent(s), guardian(s) or custodial parent(s) that the student has failed to attend school without valid justification, and by other means reasonably necessary to achieve notice of such fact;

(b) Scheduled a conference or conferences with the parent(s) or guardian(s) or custodial parent(s) and the student at a time and place reasonably convenient to all persons included to analyze the causes for the student's absence, the analysis to determine by appropriate means whether the student should be made a focus of concern for placement in a special education or other special program designed for his/her educational success; and

(c) Taken steps to reduce the student's absence which include, where appropriate in the judgment of local school officials and, where possible, discussed with the student, parent(s), guardian(s) or custodial parent(s), adjustments of the student's school program or school or course assignment or assisting the student or parent to obtain supplementary services that might ameliorate the cause(s) for the student's absence from school.

(4) Kindergarten through grade four—No student in grades kindergarten through four shall be subject to long-term suspension during any single semester or trimester, as the case may be, and no loss of academic grades or credit shall be imposed by reason of the suspension of such a student.

(5) Grade five and above program—No single long-term suspension shall be imposed upon a student in the grade five and above program in a manner which causes the student to lose academic grades or credit for in excess of one semester or trimester, as the case may be, during the same school year.

(6) Any student who has been suspended shall be allowed to make application for readmission at any time. Each school district board of directors shall adopt written rules which provide for such an application for readmission and set forth the procedures to be followed.

(7) All long-term suspensions and the reasons therefor shall be reported in writing to the superintendent of the school district or his or her designee within twenty-four hours after the imposition of the suspension.

**AMENDATORY SECTION** (Amending WSR 96-15-098, filed 7/22/96, effective 8/22/96)

**WAC 180-40-310 Appeals—Long-term suspension and expulsion.** Appeals from decisions rendered pursuant to WAC 180-40-270, 180-40-285 and 180-40-305 which impose either a long-term suspension or an expulsion upon a student shall be governed as follows:

(1) Any school district board of directors may delegate its authority to hear and decide long-term suspension and expulsion appeals to a school district disciplinary appeal council established by the board. School district disciplinary appeal councils shall be appointed by the school district board of directors for fixed terms and shall consist of not less than three persons.

(2) If the case was not heard and decided by the school district board of directors or school district disciplinary appeal council, the student and his or her parent(s) or guardian(s) shall have the right to appeal the decision to the board of directors or the disciplinary appeal council. Notice indicating that the student or his or her parent(s) or guardian(s) desire to appeal the decision shall be provided to either the office of the school district superintendent or to the office of the person who rendered the decision within three school business days after the date of receipt of the decision. The notice of appeal shall be accepted if in writing and may be accepted orally if expressly provided for and allowed by rule or policy of the district.

(3) If an appeal is not taken to the board of directors or disciplinary appeal council within the required three school business day period, the suspension or expulsion decided upon may be imposed as of the calendar day following expiration of the three school business day period.

(4) If a timely appeal is taken to the board of directors or disciplinary appeal council, the suspension or expulsion may be imposed during the appeal period subject to the following conditions and limitations:

(a) A long-term suspension or nonemergency expulsion may be imposed during the appeal period for no more than ten consecutive school days or until the appeal is decided, whichever is the shortest period;

(b) An emergency expulsion may be continued during the appeal period for so long as the student continues to pose an immediate and continuing danger to the student, other students, or school personnel or an immediate and continuing threat of substantial disruption of the educational process of the student's school; ~~(and)~~

(c) Any days that a student is temporarily suspended or expelled before the appeal is decided shall be applied to the term of the student's suspension or expulsion and shall not limit or extend the term of the student's suspension or expulsion; and

(d) Any student subjected to a temporary suspension who returns to school before the appeal is decided shall be provided the opportunity upon his or her return to make up assignments and tests missed by reason of the suspension if:

PROPOSED

(i) Such assignments or tests have a substantial effect upon the student's semester or trimester grade or grades; or  
 (ii) Failure to complete such assignments or tests would preclude the student from receiving credit for the course or courses.

(5) An appeal from any decision of a school board or disciplinary appeal council to impose or to affirm the imposition of a long-term suspension or an expulsion shall be to the courts. Whether or not the decision of a school board or disciplinary appeal council shall be postponed pending an appeal to superior court shall be discretionary with the school board or disciplinary appeal council except as ordered otherwise by a court.

#### WSR 97-04-070

**WITHDRAWAL OF PROPOSED RULES  
 DEPARTMENT OF  
 LABOR AND INDUSTRIES**  
 (By the Code Reviser's Office)  
 [Filed February 4, 1997, 4:15 p.m.]

WAC 296-150C-0090 and 296-150C-1010, proposed by the Department of Labor and Industries in WSR 96-15-089, appearing in issue 96-15 of the State Register, which was distributed on August 7, 1996, is withdrawn by the code reviser's office under RCW 34.05.335(3), since the proposal was not adopted within the one hundred eighty day period allowed by the statute.

Kerry S. Radcliff, Editor  
 Washington State Register

#### WSR 97-04-071

**WITHDRAWAL OF PROPOSED RULES  
 DEPARTMENT OF  
 FINANCIAL INSTITUTIONS**  
 (By the Code Reviser's Office)  
 [Filed February 4, 1997, 4:16 p.m.]

WAC 208-680D-050, proposed by the Department of Financial Institutions in WSR 96-15-129, appearing in issue 96-15 of the State Register, which was distributed on August 7, 1996, is withdrawn by the code reviser's office under RCW 34.05.335(3), since the proposal was not adopted within the one hundred eighty day period allowed by the statute.

Kerry S. Radcliff, Editor  
 Washington State Register

#### WSR 97-04-075

**PROPOSED RULES  
 PUGET SOUND AIR  
 POLLUTION CONTROL AGENCY**  
 [Filed February 5, 1997, 9:55 a.m.]

Continuance of WSR 96-22-088.

Exempt from preproposal statement of inquiry under RCW 70.94.141(1).

Title of Rule: Amend Section 8.07 of Regulation I.

Purpose: Continuing hearing and adoption on amendments to Section 8.07, Reg. I., with minor revisions.

Other Identifying Information: 8.07 Fire Extinguisher Training.

Hearing Location: Puget Sound Air Pollution Control Agency Offices, 110 Union Street, # 500, Seattle, WA 98101, on March 13, 1997, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Agency Receptionist, 689-4010, by March 6, 1997, TDD (800) 833-6388, or (800) 833-6385 (braille).

Submit Written Comments to: Dennis McLerran, Puget Sound Air Pollution Control Agency, 110 Union Street, # 500, Seattle, WA 98101, FAX (206) 343-7522, by March 3, 1997.

Date of Intended Adoption: March 13, 1997.

February 4, 1997

Larry Vaughn  
 Engineer I

#### AMENDATORY SECTION

#### **REGULATION I SECTION 8.07 FIRE EXTINGUISHER TRAINING**

(a) Applicability. This section applies to small, short-duration fires for teaching the proper use of hand-held fire extinguishers.

(b) General Requirements. Hand-held fire extinguisher training may be conducted provided the following requirements are met:

(1) Training shall not occur during any stage of an air pollution episode or period of impaired air quality;

(2) Flammable or combustible (~~Combustible~~) materials used during the fire extinguisher training shall be limited to:

(A) Less than 2 gallons of clean kerosene or diesel fuel oil per training exercise, provided that gasoline or gasoline mixed with diesel or kerosene may be used only by local fire departments, fire marshals, or fire districts;

(B) As much gaseous fuel (propane or natural gas) as required for the training exercise(~~s~~); or

(C) Less than 0.5 cubic yards of clean, solid combustible materials per training exercise. Examples of solid combustible materials are seasoned wood, untreated scrap lumber, and unused computer paper.

(3) All training must be conducted by local fire officials or a qualified instructor. Instructor qualifications and a training plan must be available to PSAPCA upon request;

(4) Prior to the training, the person(s) conducting the exercise must notify the local fire department, fire marshal, or fire district and must meet all applicable local ordinances and permitting requirements; and

(5) Person(s) conducting hand-held fire extinguisher training shall be responsible for responding to citizen inquiries and resolving citizen complaints caused by the training activity.

#### WSR 97-04-077

**PROPOSED RULES  
 DEPARTMENT OF AGRICULTURE**  
 [Filed February 5, 1997, 10:25 a.m.]

Supplemental Notice to WSR 97-01-080.

Preproposal statement of inquiry was filed as WSR 96-16-084.

Title of Rule: State fair fund—Proration.

Purpose: Amend the formula of state fair funds to community fairs.

Other Identifying Information: WAC 16-700-021.

Statutory Authority for Adoption: RCW 15.76.180.

Statute Being Implemented: Chapter 15.86 RCW.

Summary: The amendment will allow the director of agriculture to amend the minimum basic allocation to community fairs under certain circumstances.

Reasons Supporting Proposal: Changes will allow the director to make proportional changes in state aid to agricultural fairs to ensure an equitable allocation.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Walter Swenson, 1111 Washington Street, Olympia, WA 98504-2560, (360) 902-1928.

Name of Proponent: Washington State Fairs Commission, private; and Washington State Department of Agriculture, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The state legislature has declared it is in the public interest to hold agricultural fairs and establish the "fair fund" to assist fairs in developing programs to train youths and promote agriculture and rural living. The fair fund is funded by a portion of the parimutuel horseracing receipts collected by the state. As a result of the closure of Longacres racetrack in 1993, the fair fund has declined by thirty-three percent. However, the fair fund allocation formula has not allowed for a proportional reduction in allocation to all classes of fairs receiving allocations. The proposed change will allow for a more equitable allocation of funds to agricultural fairs.

Proposal Changes the Following Existing Rules: The proposed change will allow the director of agriculture to reduce the allocation to community fairs when fair fund revenues decline.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The rule change will only affect agriculture fairs which are considered not-for-profit.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. The Washington State Department of Agriculture is not a listed agency in section 201.

Hearing Location: Washington State Department of Agriculture, Natural Resources Building, Room 205, 1111 North Washington Street, Olympia, WA 98504-2560, on April 9, 1997, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Walter Swenson by April 2, 1997, TDD (360) 902-1996, or (360) 902-1928.

Submit Written Comments to: Walter Swenson, Washington State Department of Agriculture, P.O. Box 42560, Olympia, WA 98504-2560, FAX (360) 902-2092, by April 9, 1997.

Date of Intended Adoption: April 30, 1997.

February 5, 1997  
William E. Brookreson  
Assistant Director

AMENDATORY SECTION (Amending Order 1662, filed 12/14/79, effective 1/1/81)

**WAC 16-700-021 Qualifications.** Any area or community fair applying for an allocation from the state fair fund shall have on display or exhibit at one place, open to the public, for at least a seven-hour period:

(1) Three or more of the following animal categories: Beef, sheep, swine, horses, dairy, goats, dogs, and poultry and rabbits (poultry and rabbits being in one category) with at least five exhibits in each category, except poultry and rabbits which shall have ten; and

(2) At least three of the following categories: Foods, clothing, horticulture, crops, floriculture, arts and crafts, with at least five exhibits in each category.

(3) Each category, to qualify as per above, shall have at least three exhibitors.

(4) Each fair shall have at least twenty-five exhibitors in total.

Such area or community fair, whose application is accepted by the director, shall be entitled to ~~((a basic))~~ an annual allocation of up to fifty percent of the premiums and prizes paid to the participants. An allocation of up to one hundred percent reimbursement of premiums and prizes paid may be made on a merit basis to such fairs as reporting one thousand dollars or more of the value of such premiums and prizes: *Provided*, That any community fair that has for its purpose the education and training of youth in the matters of rural living and production agriculture and serving the 4-H and FFA members and all interested youth in its community, may qualify for an allocation with:

(1) Three or more of the following categories: Beef, sheep, swine, dairy, horses, or goats; or

(2) At least two of the following categories: Beef, sheep, swine, dairy and/or goats, and at least two of the following categories: Foods, clothing, horticulture, crops, floriculture, arts and crafts, dogs, poultry and/or rabbits (poultry and/or rabbits being one category).

(3) Each category, to qualify as per above, shall have at least three exhibitors.

(4) Each fair shall have at least twenty-five exhibitors in total.

All such exhibits are to be exhibited by youth exhibitors, at one place, open to the public, for at least a seven-hour period. Such fair shall be entitled to ~~((a))~~ a maximum annual allocation of ~~((only))~~ up to fifty percent reimbursement of premiums and prizes.

**WSR 97-04-080**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**  
(Fisheries)

[Filed February 5, 1997, 10:50 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-21-049.

Title of Rule: Commercial fishing rules.

Purpose: Amend sturgeon harvest rules.

Statutory Authority for Adoption: RCW 75.08.080.

PROPOSED

Statute Being Implemented: RCW 75.08.080.

Summary: Set lead line maximum weight. Reduce maximum length for white sturgeon. Restrict carcass permissible length.

Reasons Supporting Proposal: Conserve sturgeon resource.

Name of Agency Personnel Responsible for Drafting: Evan Jacoby, 1111 Washington Street, Olympia, WA, 902-2930; Implementation: Bruce Crawford, 1111 Washington Street, Olympia, WA, 902-2325; and Enforcement: Ron Swatfigure, 1111 Washington Street, Olympia, WA, 902-2925.

Name of Proponent: Washington State Department of Fish and Wildlife, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Lead line maximum weight ensures gill nets float. Prevents gear being used as set net. Size limit on sturgeon and carcass length will provide greater recruitment into the breeding population of white sturgeon. Take-home commercial sturgeon adjusted to reflect sport limit.

Proposal Changes the Following Existing Rules: Adjust size length for retained sturgeon and sturgeon carcasses, lead line weight, and number of take-home sturgeon.

A small business economic impact statement has been prepared under chapter 19.85 RCW.

**Small Business Economic Impact Statement**

Commercial Sturgeon Rules: WAC 220-20-020, 220-20-021, and 220-33-020.

Description of Reporting, Record Keeping and Other Compliance Measures Required by Proposal: None.

Professional Services Required for Compliance: None.

Costs of Compliance, Including Costs of Equipment, Supplies, Labor and Increased Administrative Costs: None.

Will Compliance Cost Businesses to Lose Sales or Revenue? No. By decreasing the maximum size of white sturgeon to 60 inches, the allowable harvest in the commercial fishery will increase from the 1996 quota of 8,000 fish to 13,500 fish in 1997. This is possible because additional recruitment into the brood stock will occur as both commercial and recreational fishers release white sturgeon greater than 60 inches in length.

Comparison of Costs for the 10% of Businesses that are the Largest Businesses Required to Comply with the Proposed Rule: No additional costs; increased revenue from additional sturgeon sales.

Steps Taken by Agency to Reduce the Costs of the Rule on Small Businesses: No additional costs.

Description of how the Agency will Involve Small Businesses in Rule Development: This rule was discussed at length with industry at the Columbia River Compact meetings. Lead line requirements, size limits and harvest quotas were agreed upon by industry.

List of Industries Required to Comply with this Rule: Columbia River gill net fishers and wholesale fish dealers.

A copy of the statement may be obtained by writing to Evan Jacoby, Rules Coordinator, 600 Capitol Way, Olympia, WA 98501, phone (360) 902-2930, or FAX (360) 902-2942.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. Not hydraulics rules.

Hearing Location: Room 108, Natural Resources Building, 1111 Washington Street, Olympia, on March 11, 1997, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Robin Ayers by February 28, 1997, TDD (360) 902-2207, or (360) 902-2933.

Submit Written Comments to: Evan Jacoby, Rules Coordinator, 600 Capitol Way North, Olympia, WA 98501, FAX (360) 902-2942, by March 10, 1997.

Date of Intended Adoption: March 11, 1997.

February 5, 1997  
Evan Jacoby  
Rules Coordinator

AMENDATORY SECTION (Amending Order 88-86, filed 9/2/88)

**WAC 220-33-020 Sturgeon.** It is unlawful to fish for sturgeon in the lower Columbia River for commercial purposes or to possess sturgeon taken from those waters for commercial purposes, except as provided in this section:

**Gear**

(1) Gill net gear may be used to fish for sturgeon if it does not exceed 1,500 feet in length along the cork line ~~((and))~~, is not constructed of monofilament webbing and does not have a lead line weighing more than two pounds per fathom of net as measured on the cork line. Gill net gear includes trammel nets.

**Fishing periods**

(2) The lower Columbia River is closed to commercial sturgeon fishing, except as provided by emergency rule of the director. Sturgeon taken incidentally during an open commercial salmon fishing period may be retained for commercial purposes.

**General**

(3) Sturgeon ~~((less than 48 inches or greater than 72 inches in length))~~ smaller or greater than the size limits provided for in WAC 220-20-020 may not be retained for commercial purposes and shall be returned immediately to the water. All sturgeon in transit must not have the head or tail removed.

(4) A person engaged in commercial fishing may retain two sturgeon of legal commercial length for personal use.

(5) Sturgeon eggs may not be removed from the body cavity of the sturgeon prior to the time the sturgeon is sold to a wholesale dealer licensed under RCW 75.28.300.

(6) The head or tail may not be removed from a sturgeon prior to the time the sturgeon is sold to a wholesale dealer licensed under RCW 75.28.300 and delivered to a fish processing plant.

(7) A sturgeon carcass with head and tail removed and retained at a fish processing plant must be at least 28 inches in length.

AMENDATORY SECTION (Amending Order 95-166, filed 11/8/95, effective 12/9/95)

**WAC 220-20-020 General provisions—Lawful and unlawful acts—Food fish other than salmon.** (1) It is unlawful to fish for or possess for commercial purposes any

PROPOSED

round, undressed white sturgeon less than 48 inches or greater than ~~((66))~~ 60 inches in length or any round, undressed green sturgeon less than 48 inches or greater than 66 inches in length.

(2) It is unlawful to fish for or possess for commercial purposes or possess aboard a commercial fishing vessel for any purpose any species of halibut (*Hippoglossus*) unless permitted by the current regulations of the International Pacific Halibut Commission.

(3) It is unlawful to fish for or possess for commercial purposes sturgeon taken from any of the waters of Puget Sound or tributaries, and any sturgeon taken with any type of commercial gear incidental to a lawful fishery shall immediately be returned to the water unharmed.

(4) It is unlawful to fish for food fish for commercial purposes in the waters of Shilshole Bay inland and inside a line projected in a southwesterly direction from Meadow Point to West Point.

(5) It is unlawful to fish for or possess for commercial purposes any starry flounder less than 14 inches in length taken by any commercial gear, in all Puget Sound Marine Fish-Shellfish Areas.

(6) It shall be unlawful to harvest herring eggs naturally deposited on marine vegetation or other substrate, unless a person has a permit issued by the director.

(7) It is unlawful to fish for or possess food fish other than salmon taken for commercial purposes from the San Juan Islands Marine Preserve, except that it is lawful to take herring.

(8) It is unlawful to fish for or possess food fish other than salmon taken from the Titlow Beach Marine Preserve or the Edmonds Underwater Park.

**AMENDATORY SECTION** (Amending Order 94-23, filed 5/19/94, effective 6/19/94)

**WAC 220-20-021 Sale of commercially caught sturgeon and bottomfish.** (1) It shall be unlawful for any person while engaged in commercial fishing for sturgeon or bottom fish to:

(a) Keep in excess of ~~((two))~~ one sturgeon (~~((not less than 48 inches in length nor more than 66 inches in length))~~ smaller or greater than the size limits provided for in WAC 220-20-020, or more than the equivalent of one limit of sport caught bottom fish for personal use. Any lingcod to be retained for personal use taken east of the mouth of the Sekiu River must be greater than 26 inches in length and may not exceed 40 inches in length.

(b) Sell any sturgeon or bottom fish taken under such license to anyone other than a licensed wholesale dealer within or outside the state of Washington, except that a person who is licensed as a wholesale dealer under the provisions of RCW 75.28.300 may sell to individuals or corporations other than licensed wholesale dealers.

(c) Sell, barter, or attempt to sell or barter sturgeon eggs that have been removed from the body cavity of any sturgeon taken under such license prior to the time that the sturgeon is sold under subsection (1)(b) of this section.

(2) It shall be unlawful for any wholesale dealer licensed under RCW 75.28.300 to purchase or attempt to purchase sturgeon eggs from sturgeon taken by any person licensed to take sturgeon for commercial purposes under

chapter 75.28 RCW if the sturgeon eggs have been removed from the body cavity of the sturgeon prior to the sale of the sturgeon.

**WSR 97-04-089**

**PROPOSED RULES**

**DEPARTMENT OF AGRICULTURE**

[Filed February 5, 1997, 11:18 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-23-069.

Title of Rule: Rules relating to apple maggot and plum curculio quarantine.

Purpose: To ensure that before quarantine action is taken which could result in grave economic consequences to the industry, it is determined that there is an established, reproducing apple maggot or plum curculio population present.

Statutory Authority for Adoption: RCW 17.24.041.

Statute Being Implemented: RCW 17.24.041.

Summary: Adds Island and Snohomish counties to existing quarantine area and utilizes internationally accepted terminology to specify pest establishment as a regulatory criterion.

Reasons Supporting Proposal: Modifications of existing rule in response to new information.

Name of Agency Personnel Responsible for Drafting: Mary Toohey, 1111 Washington Street, Olympia, WA 98504-2560, (360) 902-1907; Implementation and Enforcement: Diane Dolstad, 1111 Washington Street, Olympia, WA 98504-2560, (360) 902-2071.

Name of Proponent: Apple Maggot Working Group, Mike Willett, Chair, public.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule is intended to protect the commercial tree fruit industry from two economically significant pests (apple maggot and plum curculio) by establishing quarantine areas and criteria. Preventing establishment and specifying criteria for action are necessary to allow movement of Washington fruit into other states and internationally. The proposed changes update the existing rule in response to new information.

Proposal Changes the Following Existing Rules: Allows the Washington State Department of Agriculture to differentiate between the establishment of a reproducing population of the pests apple maggot or plum curculio, and an incidental entry of the pest into an area where it is not established. This clarifies existing language specifying criteria for declaring quarantines. Also adds two counties (Island and Snohomish) in which apple maggot is now clearly established, to the existing interior quarantine area.

No small business economic impact statement has been prepared under chapter 19.85 RCW. It does not appear that this change to existing rule will have significant economic impact on the commercial tree fruit industry. However, neglecting to update the existing rule may result in loss of markets and potential exports.

PROPOSED

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption.

Hearing Location: Washington State Department of Agriculture, 2015 South 1st Street, Conference Room A, Yakima, WA 98903, on March 24, 1997, at 1:00 p.m.

Assistance for Persons with Disabilities: Contact Cathy Jensen by March 17, 1997, TDD (360) 902-1996, or (360) 902-1976.

Submit Written Comments to: Mary Toohey, FAX (360) 902-2094, by March 24, 1997.

Date of Intended Adoption: April 23, 1997.

February 5, 1997  
Mary A. Martin Toohey  
Assistant Director

**AMENDATORY SECTION** (Amending Order 2071, filed 1/23/91, effective 2/23/91)

**WAC 16-470-100 Quarantine—Apple maggot and plum curculio—Area under order.** (1) The following areas are declared by the director to be under quarantine for apple maggot:

(a) Exterior quarantine. All states or foreign countries where apple maggot is (~~known to occur~~) established, including but not limited to the states of North Dakota, South Dakota, Nebraska, Oklahoma, and Texas, and all states east thereof including the District of Columbia, and the states of Idaho, Oregon, Utah, and California, and any other areas where apple maggot is (~~detected~~) established.

(b) Interior quarantine. The entire counties of Clallam, Clark, Cowlitz, Grays Harbor, Island, Jefferson, King, Kitsap, Klickitat, Lewis, Mason, Pacific, Pierce, Snohomish, Spokane, Skamania, Thurston and Wahkiakum, and any other counties where apple maggot is (~~detected~~) established.

(c) Regional area quarantine. When mutually agreed upon, and formally accepted by the directors of the Washington state department of agriculture and Oregon state department of agriculture the following shall apply: In Oregon state the counties of Wasco and Hood River and in Washington state the counties of Skamania and Klickitat will be considered a single production area. Commercial fruit produced in these counties may move freely throughout this production area unless regulatory measures as prescribed in WAC 16-470-120 are implemented.

(2) The following areas are declared by the director to be under quarantine for plum curculio: Utah, and, in the eastern United States, all states and districts east of and including the states of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas, and any other areas where plum curculio is (~~detected~~) established.

(3) The following definitions shall apply to WAC 16-470-100 through 16-470-120:

(a) "Apple maggot (*Rhagoletis pomonella*)" means a dipterous insect belonging to the family Tephritidae which in the larval stage lives within fruit of its host plants with potential for causing extensive damage to fruit of certain crops.

(b) "Established" means present in a country, state, county or other area, multiplying and expected to continue.

(c) "Plum curculio (*Conotrachelus nenuphar*)" means a coleopterous insect of the family Curculionidae which in the

larval stage lives within the fruit of its host plants with potential for causing extensive damage to fruit of certain crops.

((e)) (d) "Threatened with infestation" means that any life stage of apple maggot or plum curculio has been found within one-half mile of production site including any portion of an orchard outside or beyond the one-half mile boundary if any portion of the orchard is within the one-half mile area.

**WSR 97-04-090**  
**PROPOSED RULES**  
**DEPARTMENT OF AGRICULTURE**  
[Filed February 5, 1997, 11:20 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-23-068.

Title of Rule: Rules relating to lentil anthracnose quarantine.

Purpose: Prevent introduction of the plant disease anthracnose of lentils to Washington lentil crop.

Statutory Authority for Adoption: RCW 17.241.041.

Statute Being Implemented: RCW 17.241.041.

Summary: Forbids introduction in Washington and/or planting of seed of lentils, peas, Tangier peas, faba beans, vetch or other Vicia crops from areas where the disease is established or could be easily introduced.

Reasons Supporting Proposal: Potential devastating effect of disease establishment on the Washington lentil crop.

Name of Agency Personnel Responsible for Drafting: Mary Toohey, 1111 Washington Street, Olympia, WA 98504-2560, (360) 902-1907; Implementation and Enforcement: Diane Dolstad, 1111 Washington Street, Olympia, WA 98504-2560, (360) 902-2071.

Name of Proponent: USDA Dry Pea and Lentil Council — Tim McGreevy, Administrator; Washington - North Idaho Seed Association; Washington Seed Council; private.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Anthracnose of lentils (caused by the plant pathogen *Colletotrichum truncatum*) is a potentially devastating disease to the Washington lentil crop. In recent years it has been introduced to mid-Canadian provinces and contiguous lentil-growing areas of the United States, but not to Idaho or Washington. The proposed rules are intended to prevent the spread of the disease into this state, as the pathogen is seed-borne on lentils and soil borne, with potential to be introduced to Washington fields through soil and debris mixed with or adhering to seed of peas, Tangier peas, faba beans, vetch and other Vicia species. It is a companion measure to an existing Idaho state quarantine, as Idaho and Washington lentil-growing areas are contiguous. It will increase the likelihood that the Pacific Northwest can avoid this disease.

Proposal does not change existing rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Due to industry concerns about introduction of anthracnose, very few shipments of seed lentils, seed peas or other crops named in the proposed text have occurred from the proposed quarantine area in recent years. This rule would not require significant



alteration of current behavior. In addition, Washington lentil growers would be severely impacted economically, should anthracnose become established in this state.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption.

Hearing Location: Washington Interactive Television (formerly Bryant Elementary), Educational Service District, 4022 East Broadway, Spokane, WA 99202, on March 28, 1997, at 1:00 p.m.

Assistance for Persons with Disabilities: Contact Cathy Jensen by March 21, 1997, TDD (360) 902-1996, or (360) 902-1976.

Submit Written Comments to: Mary Toohey, FAX (360) 902-2094, by March 28, 1997.

Date of Intended Adoption: April 23, 1997.

February 5, 1997

Mary A. Martin Toohey  
Assistant Director

### Chapter 16-473 WAC LENTIL ANTHRACNOSE QUARANTINE

#### NEW SECTION

**WAC 16-473-001 Promulgation—Establishing quarantine.** The disease anthracnose of lentils (caused by the plant pathogen *Colletotrichum truncatum* (Schwein)) is potentially devastating to the Washington lentil crop. The disease has become established in central Canada and contiguous lentil growing areas of North Dakota and South Dakota, all of which produce lentil varieties grown in Washington. Anthracnose of lentils is a seed borne disease. In order to prevent its introduction, the director, under authority provided in chapter 17.24 RCW, establishes a quarantine.

#### NEW SECTION

**WAC 16-473-010 Regulated articles.** Regulated articles include all lentils, peas, Tangier peas, faba beans, vetch, and all other *Vicia* sp. used, or intended to be used, as seed.

#### NEW SECTION

**WAC 16-473-015 Quarantine areas.** Quarantine areas are the Canadian provinces of Manitoba, Saskatchewan, and Alberta, the states of North Dakota and South Dakota, and any other states and territories of the United States and foreign countries known to have confirmed presence of anthracnose of lentils.

#### NEW SECTION

**WAC 16-473-020 Prohibited acts.** The sale, offering to sell, transporting, disposing of, distributing and/or planting of regulated articles as defined in WAC 16-473-010 from or originating in the quarantine area as listed in WAC 16-473-015 is prohibited.

#### NEW SECTION

**WAC 16-473-025 Permits.** The director may allow, by special permit, the transportation, distribution, disposal of or planting of regulated articles, listed in WAC 16-473-010. Such permit shall specify terms and conditions, pursuant to RCW 17.24.041 and 17.24.091. Permits may be requested from the Washington state department of agriculture, plant protection program at telephone number (360) 902-2071.

PROPOSED



**WSR 97-04-004**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Public Assistance)

[Filed January 24, 1997, 9:01 a.m.]

Date of Adoption: January 23, 1997.

Purpose: To adopt the rule to correct the reference in subsection (2)(a) from (2)(c) to (3).

Citation of Existing Rules Affected by this Order: Amending WAC 388-538-110.

Statutory Authority for Adoption: RCW 74.08.090.

Adopted under notice filed as WSR 97-01-092 on December 18, 1996.

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 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 1, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 1, 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 1, repealed 0.

Effective Date of Rule: Thirty-one days after filing.

January 23, 1997

Merry Kogut, Manager  
Rules and Policies Assistance Unit

**AMENDATORY SECTION** (Amending Order 3886, filed 8/29/95, effective 9/1/95)

**WAC 388-538-110 Client grievances.** (1) A client aggrieved by a decision of a managed care contractor or the department shall have the right to a fair hearing as required under WAC 388-81-040.

(2) A client enrolled in a plan:

(a) Shall exhaust a plan's grievance procedure before requesting a fair hearing, except as provided in subsection ~~((2)(c))~~ (3) of this section;

(b) Shall receive a written decision containing the following information:

- (i) Action the plan intends to take;
- (ii) Reasons for the intended action;
- (iii) The specific information supporting the action;
- (iv) Client's right to request a fair hearing;
- (v) Full translation into the primary language of the limited English proficient recipient.

(c) May request a fair hearing when a:

- (i) Grievance decision is adverse;
- (ii) Plan does not respond in writing within thirty days from the date the client requests the grievance.

(3) The client may request a fair hearing at the same time a grievance is filed when:

(a) The plan denies medical care that a client indicates is urgently needed and the client requests a grievance in writing; or

(b) The subject matter of the grievance is one for which a client has a fair hearing right under chapters 34.05 RCW, 388-08 WAC, or this chapter.

(4) The managed care contractor shall advise a client of the client's right to request a fair hearing at the time the contractor notifies the client of the grievance decision.

**WSR 97-04-005**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Public Assistance)

[Filed January 24, 1997, 9:04 a.m.]

Date of Adoption: January 23, 1997.

Purpose: To assign medical assistance administration-contracted managed care plans the rights and remedies of the department as they pertain to assignment of client rights to medical care support or payments.

Citation of Existing Rules Affected by this Order: Amending WAC 388-87-020 and 388-505-0540.

Statutory Authority for Adoption: RCW 74.08.090, 74.09.522.

Adopted under notice filed as WSR 97-01-093 on December 18, 1996.

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 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 2, 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 2, repealed 0.

Effective Date of Rule: Thirty-one days after filing.

January 23, 1997

Merry Kogut, Manager  
Rules and Policies Assistance Unit

**AMENDATORY SECTION** (Amending Order 3900, filed 9/27/95, effective 10/28/95)

**WAC 388-87-020 Subrogation.** (1) For the purpose of this section, "liable third party" means:

(a) The tort-feasor or insurer of the tort-feasor, or both; and

(b) Any person who is liable, under any contract or insurance purchased by the client or by any other person, to provide coverage for the illness or injuries for which the assistance or residential care is paid or provided by the department.

(2) As a condition of medical care eligibility ((as described under WAC 388-505-0540,)) a client shall assign to the state any right the client may have to receive payment from any liable third party ((for reimbursement of state made expenses for medical care)). Except as provided in subsection (3) of this section, to the extent that payment has been made under medical care programs under chapter 74.09 RCW for health care items or services ((provided to the client)) furnished to an eligible client, the state shall have been subrogated to the client's rights to payment by any other party which has a legal or contractual liability to pay for those health care items or services.

(3) To the extent authorized by a contract executed under RCW 74.09.522, a managed health care plan has the rights and remedies of the department as provided in RCW 43.20B.060 and 70.09.180.

((2)) (4) The department shall not be responsible to pay for medical care for a client whose personal injuries are occasioned by the negligence or wrongdoing of another: *Provided, however,* That the secretary of the department or the secretary's designee may furnish the medical care required as a result of an injury to the client if the client is otherwise eligible for medical care and no other liable third party has been identified at the time the claim is filed, and the department shall thereby be subrogated to the rights of recovery therefore to the extent of the cost of medical care furnished by the department.

((3)) (5) The department may pursue its right to recover the value of medical care provided to an eligible client from any liable third party as a subrogee, assignee, or by enforcement of its public assistance lien as provided under RCW 43.20B.040 through 43.20B.070.

((4)) (6) Recovery pursuant to the subrogation rights, assignment, or enforcement of the lien granted to the department shall not be reduced, prorated, or applied to only a portion of a judgment, award, or settlement. No settlement or judgment of a lien created under RCW 43.20B.060 shall be discharged or compromised without written consent of the secretary of the department or the secretary's designee. The department shall only consider compromise or discharge of a medical care lien as authorized by federal regulation at 42 CFR 433.139.

((5)) (7) The doctrine of equitable subrogation shall not apply to defeat, reduce, or prorate recovery by the department as to its assignment, lien, or subrogation rights.

AMENDATORY SECTION (Amending Order 3732, filed 5/3/94, effective 6/3/94)

**WAC 388-505-0540 Assignment of medical support rights.** (1) As a condition of eligibility for any medical program, a client shall assign to the state of Washington all right, title, and interest to any medical care support available as a result of:

- (a) A court order; or
- (b) An administrative agency order; or
- (c) Any third-party payments for medical care.

(2) When payments for covered services have been made under medical care programs under chapter 74.09 RCW, or under a contract between a managed health care plan and the department under RCW 74.09.522, for health care items or services furnished to an eligible client, if a

third party has a legal or contractual liability to make payments, the state acquires the rights of the client to payment from any other party for those health care items or services.

(3) The client shall assign rights of payment to any medical care support the client may have in the client's own behalf or on the behalf of any other client for whom the client can legally assign such rights.

((3)) (4) As assignee of the eligible client's right to receive medical support payments, the department may sign coordination of benefit forms or other forms, as necessary, to ensure the efficient and proper payment of medical care support.

**WSR 97-04-008  
PERMANENT RULES  
GROWTH MANAGEMENT  
HEARINGS BOARDS**

[Filed January 24, 1997, 11:02 a.m., effective March 1, 1997]

Date of Adoption: January 23, 1997.

Purpose: In order to reflect recent legislative changes (1995 and 1996) and board experience, the boards need to amend their rules of practice and procedure.

Citation of Existing Rules Affected by this Order: Repealing WAC 242-02-554 and 242-02-850 through 242-02-870; amending WAC 242-04-050, 242-02-010, 242-02-030, 242-02-040, 242-02-060, 242-02-070, 242-02-074, 242-02-110, 242-02-130, 242-02-210, 242-02-220, 242-02-250, 242-02-260, 242-02-270, 242-02-310, 242-02-510, 242-02-520, 242-02-521, 242-02-532, 242-02-533, 242-02-550, 242-02-560, 242-02-570, 242-02-650, 242-02-660, 242-02-670, 242-02-710, 242-02-830, 242-02-880 and 242-02-892; new sections WAC 242-02-52001, 242-02-52002, 242-02-832 and 242-02-834; and withdrawing WAC 242-02-240, 242-02-634, and 242-02-890.

Statutory Authority for Adoption: RCW 36.70A.270(7).

Adopted under notice filed as WSR 97-01-066 on December 13, 1996.

Changes Other than Editing from Proposed to Adopted Version: Three sections withdrawn (WAC 242-02-240, 242-02-634, and 242-02-890). No changes other than minor editing changes from proposed to final.

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 1, amended 11, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 3, amended 22, repealed 6.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 4, amended 30, repealed 6.

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.

Effective Date of Rule: March 1, 1997.

January 23, 1997  
E. G. McGuire  
Board Member

**AMENDATORY SECTION** (Amending WSR 94-23-112, filed 11/22/94, effective 12/23/94)

**WAC 242-02-010 Organization.** Three growth management hearings boards were established pursuant to chapter 36.70A RCW. Each board is an independent quasi-judicial agency of the state of Washington with three members appointed by the governor who are qualified by experience or training in matters pertaining to land use planning. These rules were developed and adopted jointly by all three boards pursuant to RCW 36.70A.270(~~((6))~~) (7). They should be read in conjunction with the act and the Administrative Procedure Act, chapter 34.05 RCW.

**AMENDATORY SECTION** (Amending WSR 92-21-034, filed 10/15/92, effective 10/15/92)

**WAC 242-02-030 Jurisdiction.** This section is intended to be general and informational only, and failure to list matters over which a board has jurisdiction at law shall not constitute any waiver of or withdrawal from such jurisdiction.

(1) Geographic jurisdiction. Each board shall hear only those matters pertaining to the cities and counties located within its jurisdictional boundaries. The boundaries are as follows:

(a) The Eastern Washington board includes all counties and the cities now or subsequently located within these counties that are required or choose to plan under RCW 36.70A.040 and are located east of the crest of the Cascade mountains;

(b) The Central Puget Sound board includes and is limited to King, Pierce, Snohomish and Kitsap counties, and the cities now or subsequently located within those counties; and

(c) The Western Washington board includes all counties and the cities now or subsequently located within those counties that are required or choose to plan under RCW 36.70A.040 and are located west of the crest of the Cascade mountains and are not included in the Central Puget Sound board boundaries;

(d) Skamania County, should it be required or choose to plan under RCW 36.70A.040, may elect to be included within the jurisdictional boundaries of the Western or Eastern Washington boards.

(2) Subject matter jurisdiction. Each board shall hear and determine petitions alleging that a state agency, county, or city is not in compliance with the requirements of the act, or chapter 90.58 RCW as it relates to the adoption or amendment of shoreline master programs, or chapter 43.21C RCW as it relates to plans, development regulations, and amendments (~~(thereto)~~) adopted under the act or chapter 90.58 RCW; or, petitions from cities or the governor relating to an adopted county-wide planning policy; or, that the twenty-year growth management planning projections adopted by the office of financial management pursuant to RCW 43.62.035 should be adjusted.

(3) Jurisdictional issues. Any party to a proceeding before a board may, by motion, challenge the jurisdiction of

that board in any petition for review. A board may, upon its own motion, raise such an issue.

**AMENDATORY SECTION** (Amending WSR 94-23-112, filed 11/22/94, effective 12/23/94)

**WAC 242-02-040 Definitions.** As used in this title, the following terms shall have the following meaning:

(1) "Act" means chapter ~~((17, Laws of 1990 1st ex. sess. and chapter 32, Laws of 1991 sp. sess.))~~ 36.70A RCW, and subsequent amendments.

(2) "Board" means the Eastern Washington, Western Washington or Central Puget Sound growth management hearings board.

(3) "Hearing examiner" means an authorized agent of a board who has a demonstrated knowledge of land use planning and law, appointed to assist the board in the performance of its hearing function as delegated by the board as provided by the act.

(4) "Joint boards" means the three independent boards meeting or acting jointly.

(5) "Party" means any person named in the caption of a case before a board.

(6) "Person" means any individual, partnership, corporation, association, state agency, governmental subdivision or unit, or public or private organization or entity of any character.

(7) "Petitioner" means a person who appeals any matter or who brings a petition for rule making to the board. A petitioner is a party to a case before the board.

(8) "Presiding officer" means any member of a board, or a hearing examiner, who is assigned to conduct a conference or hearing as directed by a board. The presiding officer shall be designated pursuant to WAC 242-02-521 and have authority as provided by WAC 242-02-522.

(9) "Publication" means:

(a) For a city, the date the city publishes the ordinance or summary of the ordinance adopting a comprehensive plan, development regulations or subsequent amendment, as is required to be published, or the date the city publishes notice that the shoreline master program or amendment has been approved or disapproved by the department of ecology;

(b) For a county, the date the county publishes the notice that it has adopted a comprehensive plan, development regulations or other enactments, or subsequent amendments pursuant to RCW 36.70A.290(2), or the date the county publishes notice that the shoreline master program or amendment has been approved or disapproved by the department of ecology.

(10) "Respondent" means a person who is named as a responding party in any petition for review before a board.

**AMENDATORY SECTION** (Amending WSR 92-21-034, filed 10/15/92, effective 10/15/92)

**WAC 242-02-060 Computation of time.** The time within which any act shall be done, as provided by these rules, shall be computed by excluding the first day and including the last, unless the last day is a (~~((Saturday, a))~~) Sunday(~~(s)~~) or a legal holiday, and then it is excluded and the next succeeding day which is neither a (~~((Saturday, a))~~) Sunday(~~(s)~~) nor a legal holiday is included. When the period of time prescribed or allowed is less than seven days,

intermediate (~~Saturdays~~), Sundays(~~,~~) and holidays shall be excluded in the computation.

**AMENDATORY SECTION** (Amending WSR 92-21-034, filed 10/15/92, effective 10/15/92)

**WAC 242-02-070 Quorum.** (1) Joint boards. For the purpose of adopting, amending or repealing these rules, at least two members of each board must concur.

(2) Individual board. For purposes of making orders or decisions or transacting other official business, two members of a board shall constitute a quorum and may act even though one position on the board is vacant. One member or designated hearing examiner may hold hearings and take testimony. The findings of such member or hearing examiner shall not become final until approved by a majority of the board in accordance with WAC 242-02-840. A board member who does not attend a hearing shall review a transcript or recording of the hearing before signing the decision. In instances of a tie vote, the procedures described in WAC 242-02-870 shall apply.

**AMENDATORY SECTION** (Amending WSR 92-21-034, filed 10/15/92, effective 10/15/92)

**WAC 242-02-074 Regular meetings.** (1) Regular meetings of each board will be held at its principal office or designated location at the following times:

- (a) Eastern Washington board - (~~every Tuesday~~) on the first Wednesday of each month at ~~((10:30)) 10:00~~ a.m.
- (b) Western Washington board - (~~every~~) on the second Wednesday of each month at ~~((10:30)) 11:00~~ a.m.
- (c) Central Puget Sound board (~~at 10:00 a.m.~~) on the second Thursday of each month at 10:00 a.m.

(2) The joint boards shall meet annually at a time and location to be announced.

**AMENDATORY SECTION** (Amending WSR 94-07-033, filed 3/9/94, effective 4/9/94)

**WAC 242-02-110 Appearance and practice before a board—Who may appear.** Practice before a board in hearings shall be open to the following persons who have met the standing requirements of chapter 36.70A RCW:

- (1) A party to a case before the board may participate personally or, if the party is a corporation, organization, informal association, or other artificial person, by a duly authorized representative;
- (2) Whether or not participating individually, any person may be advised and represented at one's own expense by an attorney or (~~if permitted by provision of law,~~) other representative;
- (3) Attorneys at law practicing before the board must be duly qualified and entitled to practice in the courts of the state of Washington; and
- (4) Other persons permitted by law.

**AMENDATORY SECTION** (Amending WSR 92-21-034, filed 10/15/92, effective 10/15/92)

**WAC 242-02-130 Ex parte communication.** No one in a proceeding before a board shall make or attempt to make any improper ex parte communications with board members, hearing examiners, or presiding officers prohibited

by the Administrative Procedure Act, RCW 34.05.455. An ex parte communication is direct or indirect contact with board members or staff by only one party without notice and opportunity for all other parties to participate. To avoid the occurrence of any improper ex parte communications, written communication with the opposing parties copied or a telephone conference call to the board with all parties on-line are strongly suggested. Questions on purely procedural matters such as scheduling and logistics are permitted on an ex parte basis. Attempts by anyone to make (~~such~~) prohibited ex parte communications shall subject such person to the sanctions of WAC 242-02-120 and 242-02-720.

**AMENDATORY SECTION** (Amending WSR 94-23-112, filed 11/22/94, effective 12/23/94)

**WAC 242-02-210 Petition for review—Forms—Contents.** A petition for review shall substantially contain:

- (1) A caption in the following form:

BEFORE THE . . . . GROWTH MANAGEMENT  
HEARINGS BOARD  
STATE OF WASHINGTON

Petitioner,

Case No.

v.

PETITION FOR REVIEW

Respondent.

- (2) Numbered paragraphs stating:

(a) Petitioner's name, mailing address and telephone number and those of the attorney or other authorized representative, if any;

(b) Date of the challenged order, determination, publication, or other action or, in the case of an alleged failure to act ~~((from which the appeal is)), the date by which the action was required to be taken;~~

(c) A detailed statement of the issues presented for resolution by the board that specifies the provision of the act or other statute allegedly being violated and, if applicable, the provision of the document that is being appealed;

(d) A statement (~~indicating~~) specifying the type and the basis of the petitioner's standing before the board pursuant to RCW 36.70A.280(2). Petitioners shall distinguish between participant standing under the act, governor certified standing, standing pursuant to the Administrative Procedure Act, and standing pursuant to the State Environmental Policy Act, as the case may be;

(e) The estimated length of the hearing;

(f) The relief sought, including the specific nature and extent;

(g) A statement that the petitioner has read the petition for review and believes the contents to be true, followed by the petitioner's signature or signature of the attorney(s) or other authorized representative(s), if any.

(3) One copy of the applicable provisions of the document being appealed, if ~~((applicable, may)) any, shall be attached to the petition for review.~~

PERMANENT

**AMENDATORY SECTION** (Amending WSR 94-23-112, filed 11/22/94, effective 12/23/94)

**WAC 242-02-220 Petition for review—Time for filing.** (1) A petition relating to whether or not an adopted comprehensive plan, development regulation, shoreline master program or subsequent amendments, is in compliance with the goals and requirements of the act or chapter 90.58 or 43.21C RCW shall be filed with a board within sixty days from the date of publication by the legislative body of the county or city as specified by RCW 36.70A.290(2).

(2) A petition relating to an adopted county-wide planning policy shall be filed within sixty days of its adoption as specified in RCW 36.70A.210(6).

(3) A petition alleging that the twenty-year growth management planning population projections adopted by the office of financial management pursuant to RCW 43.62.035 should be adjusted can be filed at any time.

(4) For all other matters, a petition must be filed with a board within sixty days of the final written decision, order, determination, publication, or action being entered.

(5) A petition relating to the failure of a state agency, city or county to take an action by a deadline specified in the act may be brought at any time after the deadline for action has passed.

**AMENDATORY SECTION** (Amending WSR 94-07-033, filed 3/9/94, effective 4/9/94)

**WAC 242-02-250 Notice of appearance((s)) and answer ((and petition for cross review)).** (1) The respondent shall file a notice of appearance with the board and serve a copy on the petitioner and all other parties promptly after having been served with a petition for review. The notice of appearance shall be dated, signed and contain the respondent's address and telephone and FAX numbers.

(2) The respondent, at its option, may file an answer to the petition for review. The respondent shall file the original and three copies with the board and serve a copy on the petitioner. Answers shall be filed no later than twenty days from the date of service of the petition for review. Answers shall be verified in the same manner as the petition for review.

~~((3) A respondent may file a petition for cross review. The respondent shall file the original and three copies with the board and serve a copy on all other parties within thirty days after the service of the petition for review or any amendment to the petition. The petition for cross review shall conform in all respects to the requirements for a petition for review.))~~

**AMENDATORY SECTION** (Amending WSR 92-21-034, filed 10/15/92, effective 10/15/92)

**WAC 242-02-260 Amendments to petitions for review((s)) and answers ((and petitions for cross review)).** (1) A petition for review((s)) or answer ~~((or petition for cross review))~~ may be amended as a matter of right until thirty days after its date of filing.

(2) Thereafter any amendments shall be requested in writing by motion, and will be made only after approval by a board or presiding officer. Amendments shall not be freely granted and may be denied upon a showing by the

adverse party of unreasonable and unavoidable hardship, or ~~((unless))~~ by a board's finding that granting the same would adversely impact a board's ability to meet the time requirements of RCW 36.70A.300 for issuing a final order. The board may, upon motion of a party or upon its own motion, require a more complete statement of the nature of the claim or defense or any other matter stated in a pleading.

**AMENDATORY SECTION** (Amending WSR 94-07-033, filed 3/9/94, effective 4/9/94)

**WAC 242-02-270 Intervention.** (1) Any person ~~((whose interest may be substantially affected by a proceeding before a board))~~ at any time may by motion request status as an intervenor in ~~((the))~~ a case.

(2) In determining whether a person qualifies as an intervenor, the presiding officer shall apply any applicable provisions of law and may consider the applicable superior court civil rules (CR) of this state. The granting of intervention must be in the interests of justice and shall not impair the orderly and prompt conduct of the proceedings.

(3) If the person qualifies for intervention, the presiding officer may impose conditions upon the intervenor's participation in proceedings, either at the time that intervention is granted or at any subsequent time. Conditions may include:

(a) Limiting the intervenor's participation to designated issues in which the intervenor has a particular interest as demonstrated by the motion;

(b) Limiting the intervenor's use of discovery, cross-examination, and other procedures so as to promote the orderly and prompt conduct of the proceedings; and

(c) Requiring two or more intervenors to combine their presentations of evidence and argument, cross-examination, discovery, and other participation in the proceedings.

(4) The presiding officer shall timely grant or deny each motion and specify conditions, if any.

**AMENDATORY SECTION** (Amending WSR 94-07-033, filed 3/9/94, effective 4/9/94)

**WAC 242-02-310 Service of papers.** (1) Parties filing pleadings, ~~((documents))~~ briefs, exhibits and other documents or papers with a board shall also promptly serve copies upon all other parties.

(2) Service upon a party's attorney or other authorized representative shall be considered valid service for all purposes upon the party represented.

(3) Final decisions ((or orders)) of the board shall be served upon the parties ~~((or))~~ and their attorney or representative of record, if any.

**AMENDATORY SECTION** (Amending WSR 94-07-033, filed 3/9/94, effective 4/9/94)

**WAC 242-02-510 Notice of hearing—Setting of time and place.** (1) Within ten days of the filing of a petition for review, a board or presiding officer will schedule a hearing date and notify the parties of the date.

(2) The board or presiding officer will thereafter schedule a place for the hearing.

(3) A written notice of the date and location of the hearing shall be sent to all parties not less than twenty days prior to the hearing date.

(4) The notice shall identify the appeal to be heard, the names of the parties to the appeal and their attorneys or other authorized representatives, if any, and shall specify the time and place of hearing. The notice shall include the information specified in RCW 34.05.434 and if the hearing is to be conducted by teleconference call the notice shall so state.

(5) The notice shall state that if a limited-English-speaking or hearing impaired party or witness needs an interpreter, a qualified interpreter will be appointed and that there will be no cost to the party or witness. The notice shall include a form for a party to indicate if an interpreter is needed and identification of the primary language, or if a participant is hearing impaired.

(6) The notice may also include an order fixing the prehearing date and/or deadlines as provided in these rules.

(7) Defects in notice may be waived if the waiver is knowing and voluntary.

AMENDATORY SECTION (Amending WSR 92-21-034, filed 10/15/92, effective 10/15/92)

**WAC 242-02-520 Record.** ~~((4))~~ Within thirty days of service of a petition for review, the respondent shall file with the board and serve a copy on ~~((petitioner(s)))~~ the parties of an index of all material used in taking the action which is the subject of the petition for review. The index shall contain sufficient identifying information to enable unique documents to be distinguished. In addition, the written or tape recorded record of the legislative proceedings where action was taken shall be available to the ~~((petitioner))~~ parties for inspection.

~~((2) Unless otherwise directed by the board or presiding officer, within fifty days of the filing of the petition for review, each of the parties shall identify those documents listed in the index which the party intends to use as an exhibit. The documents identified in this stage shall be labeled "preliminary list of exhibits." The preliminary list of exhibits shall be filed with the board and a copy served on all parties. In complying with the requirements of this subsection, parties shall not simply designate every document but shall carefully review the index, and designate only those documents that are reasonably necessary for a full and fair determination of the issues presented.~~

~~(3) The board or the presiding officer shall establish a deadline for identifying and filing a final list of exhibits with the board and serving a copy on all other parties. A copy of any document listed on the final list of exhibits shall be served on the opposing party or parties by the time specified by the board or presiding officer. One copy of each document shall also be filed with the presiding officer to be used as an "original" exhibit. Prior to the beginning of a hearing, each of the parties shall also provide the board with three copies (four copies if a hearing examiner is the presiding officer) of each document being offered as an exhibit.~~

~~(4) Copies of designated documents from the index that have been certified or stipulated to be true and accurate may be admitted into evidence before a board in lieu of the original document.)~~

#### NEW SECTION

**WAC 242-02-52001 Exhibit lists.** (1) Unless otherwise directed by the board or presiding officer, within fifty days of the filing of the petition for review, each of the parties shall identify those documents listed in the index which the party intends to use as an exhibit. The documents identified in this stage shall be labeled "preliminary list of exhibits." The preliminary list of exhibits shall be filed with the board and a copy served on all parties. In complying with the requirements of this subsection, parties shall not simply designate every document but shall carefully review the index, and designate only those documents that are reasonably necessary for a full and fair determination of the issues presented.

(2) The board or the presiding officer may establish a deadline for identifying and filing a final list of exhibits with the board and serving a copy on all other parties. The board or presiding officer may elect not to require the filing of final exhibit lists and instead, require that a copy of any document cited in a brief shall be served on the opposing party or parties by the time specified by the board or presiding officer and an original and three copies of the exhibits be filed with the board.

(3) A presiding officer may order the use of a stipulated exhibit list in lieu of or in addition to preliminary and/or final exhibit lists.

(4) Copies of designated documents from the index that have been certified or stipulated to be true and accurate may be admitted into evidence before a board in lieu of the original document.

#### NEW SECTION

**WAC 242-02-52002 Documentary evidence.** (1) All rulings upon objections to the admissibility of evidence shall be made in accordance with the provisions of the Administrative Procedure Act and WAC 242-02-650.

(2) Where applicable, the presiding officer may order:

(a) That all documentary evidence which is to be offered during the hearing be submitted to the board and to other parties sufficiently in advance to permit study and preparation of cross-examination and rebuttal evidence;

(b) That documentary evidence not submitted as required in (a) of this subsection not be received in evidence in the absence of a clear showing that the offering party had good cause for the failure to produce the evidence sooner, unless it is submitted for impeachment or rebuttal purposes;

(c) That all documents so presented and examined be deemed authentic unless written objection is filed within fourteen days after receipt. A party will be permitted to challenge such authenticity at a later time only upon a clear showing of good cause for failure to have filed such written objection.

(3) The presiding officer may limit the documentary evidence to that identified on a preliminary, stipulated and/or final list of exhibits and/or to those exhibits cited in a brief. A party may submit additional documentary evidence at the time of hearing only upon a showing of good cause.

(4) When only portions of a document are to be relied upon, the offering party shall adequately identify and prepare the pertinent excerpts and shall supply copies of such excerpts to the presiding officer and to the other parties.



However, the whole of the original document shall be made available for examination and for use by all parties to the proceeding.

**AMENDATORY SECTION** (Amending WSR 94-23-112, filed 11/22/94, effective 12/23/94)

**WAC 242-02-521 Designation of presiding officer.** A board shall designate the presiding officer for each case at the time it issues its notice of hearing pursuant to WAC 242-02-510. In the event the presiding officer subsequently changes, the board shall promptly notify the parties.

**AMENDATORY SECTION** (Amending WSR 94-07-033, filed 3/9/94, effective 4/9/94)

**WAC 242-02-522 Presiding officer—Powers and duties.** It shall be the duty of the presiding officer to conduct conferences or hearings as directed by a board in an impartial and orderly manner. The presiding officer shall have the authority, subject to the other provisions of the act or these rules to:

(1) Inspect the petition for review to determine whether, on its face, compliance with the jurisdictional and standing requirements of the act is shown, and if compliance is not shown, to recommend an action or to refer the issue to the full board for resolution;

(2) Take appropriate action with respect to the qualifications of the parties or the parties' attorney(s) or other authorized representative(s) to appear before a board;

(3) Administer oaths and affirmations if witnesses are permitted to testify;

(4) Issue subpoenas as provided in RCW 34.05.446;

(5) Rule on all procedural matters, objections and motions unless a board determination is required;

(6) Rule on all evidentiary matters including offers of proof;

(7) When applicable, question witnesses called by the parties in an impartial manner as needed to develop any facts deemed necessary to fairly and adequately decide the issue;

(8) Issue orders joining other parties, on motion of any party, when it appears that such other parties may have an interest in, or may be affected by the case;

(9) Consolidate cases for hearing when such consolidation will expedite disposition and avoid duplication of testimony and when consolidation will not unduly prejudice the rights of any party;

(10) Hold conferences for the settlement or amplification of the issues;

(11) Regulate the course of the case prior to ~~((and))~~, during and after the hearing;

(12) Encourage the parties to stipulate to the admissibility of documents in advance of a hearing and to rule on issues concerning the content of the record;

(13) Waive any requirement of these rules unless a party shows that it would be prejudiced by such a waiver; and

(14) Take any other action necessary and authorized by these rules ~~((or))~~, the act, or the Administrative Procedure Act, chapter 34.05 RCW.

**AMENDATORY SECTION** (Amending WSR 92-21-034, filed 10/15/92, effective 10/15/92)

**WAC 242-02-532 Motions—Time for filing and hearing.** (1) A motion can be filed at any time unless otherwise specified in these rules or by a board or presiding officer.

(2) After prehearing or other order. If a prehearing order or other order has been entered establishing a deadline for filing motions, no written motion may be filed after the date specified in the order without written permission of the board or presiding officer.

(3) A board or presiding officer, after taking into consideration when the motion was received and the complexity of the issues raised, may, in its discretion, schedule a hearing for argument of a motion at the time of a prehearing conference or at a separate hearing time, or may defer consideration of the motion until commencement of the hearing on the petition for review. A board or presiding officer may also limit argument on a motion to briefs.

(4) A motion, other than a dispositive motion or a motion to supplement the record, is deemed denied unless the board takes action within twenty days of filing of the motion.

**AMENDATORY SECTION** (Amending WSR 94-23-112, filed 11/22/94, effective 12/23/94)

**WAC 242-02-533 Motion to disqualify for cause.** (1) A motion to disqualify a hearing examiner acting as the presiding officer, or any board member, for ~~((bias, prejudice, interest or other cause))~~ any reason provided under chapter 34.05 RCW, with supporting affidavit(s), must be filed at least seven days before the board holds a prehearing conference, or if facts establishing grounds for disqualification are subsequently discovered, promptly after discovery of such facts.

(2) The board shall promptly rule upon such a motion.

(3) If a motion for disqualification is granted and a presiding officer was disqualified as a result, the remaining board members shall promptly designate a new presiding officer.

**AMENDATORY SECTION** (Amending WSR 94-07-033, filed 3/9/94, effective 4/9/94)

**WAC 242-02-550 Prehearing conference.** A prehearing conference is optional at the discretion of the presiding officer. The purpose of a prehearing conference is to:

(1) Determine the feasibility of and encourage settlement of the matter or any portion thereof;

(2) Obtain a stipulation of relevant facts including a board's jurisdiction and the party's standing in the matter;

(3) Obtain agreement as to the issues of law and fact presented and their simplification, limitation, or resolution;

(4) ~~((Determine the authenticity and admissibility of exhibits;~~

~~((5)))~~ Determine the qualifications of expert witnesses, if they are permitted to testify;

~~((6)))~~ (5) Receive any motions concerning qualification of individual board members to hear the matter;

~~((7))~~ (6) Obtain information as to the number of expert and/or lay witnesses expected to be called by the parties and their names, addresses and telephone numbers ~~(, if the board has previously authorized supplemental or additional evidence to be presented at the hearing)~~;

~~((8))~~ (7) Set subsequent deadlines, if and when appropriate, for filing final exhibit and witness lists, filing motions, and completing discovery; establish a briefing schedule, limit the length of briefs; and decide other matters related to the conduct of the hearing;

~~((9))~~ (8) Determine the approximate time necessary for the presentation of evidence and/or argument of the respective parties; and

~~((10))~~ (9) Obtain all other information which may aid in the prompt disposition of the matter.

**AMENDATORY SECTION** (Amending WSR 92-21-034, filed 10/15/92, effective 10/15/92)

**WAC 242-02-560 Hearing—Continuances.** Because of the provisions of RCW 36.70A.300, continuances and extensions of time will be granted only on a board's initiative or upon timely request of a party setting forth in detail the reasons for such a request and a date by which such reason will no longer apply. ~~((In the latter instance,))~~ The board will continue or extend the matter only upon a finding of good cause and in order to prevent manifest injustice. Unless specifically authorized by law, neither a board nor the parties before it may extend the one hundred eighty-day limit specified in RCW 36.70A.300 for issuing a final decision and order.

**AMENDATORY SECTION** (Amending WSR 94-07-033, filed 3/9/94, effective 4/9/94)

**WAC 242-02-570 Briefs.** (1) A petitioner, or a moving party when a motion has been filed, shall submit a brief on each legal issue it expects a board to determine. Failure by such a party to brief an issue shall constitute abandonment of the unbriefed issue. Briefs shall enumerate and set forth the legal issue(s) as specified in the prehearing order if one has been entered.

(2) The original and three copies of briefs and exhibits not previously filed with the board in the pending case and that are cited in the brief shall be filed with a board at least five business days prior to the hearing unless otherwise provided by a board or presiding officer. When briefs and exhibits are filed, a copy shall also be served on ~~((all other parties))~~ each party, unless otherwise directed by a board or presiding officer. A board or presiding officer may permit or require the filing of additional briefs.

(3) Clarity and brevity are expected to assist a board in meeting its statutorily imposed time limits. A presiding officer may limit the length of a brief and impose format restrictions.

**AMENDATORY SECTION** (Amending WSR 92-21-034, filed 10/15/92, effective 10/15/92)

**WAC 242-02-650 Rules of evidence—Admissibility criteria.** (1) All relevant evidence, including hearsay evidence, is admissible if, in the opinion of the presiding officer, the offered evidence is the kind of evidence upon

which reasonably prudent persons are accustomed to rely in the conduct of their affairs. The presiding officer shall exclude evidence that is excludable on constitutional or statutory grounds or on the basis of evidentiary privilege recognized in the courts of this state. The presiding officer shall exclude evidence that is irrelevant, immaterial, or unduly repetitious.

(2) A board's experience, technical knowledge, competency, and specialized knowledge may be used in evaluation of evidence.

(3) If not inconsistent with subsection (1) of this section, the presiding officer ~~((may))~~ shall refer to, but shall not be bound by, the Washington rules of evidence.

(4) Documentary evidence may be submitted in the form of copies or excerpts, or by incorporation by reference.

**AMENDATORY SECTION** (Amending WSR 94-23-112, filed 11/22/94, effective 12/23/94)

**WAC 242-02-660 Official notice—Matters of law.** A board or presiding officer may officially notice:

(1) Federal law. The Constitution; congressional acts, resolutions, records, journals, and committee reports; decisions of federal courts and administrative agencies; executive orders and proclamations; and all rules, orders, and notices published in the Federal Register.

(2) Washington state law. The Constitution of the state of Washington; decisions of the state courts; acts, resolutions, records, journals, and committee reports of the legislature ~~((, resolutions, records, journals, and committee reports))~~; decisions of administrative agencies of the state of Washington; executive orders and proclamations by the governor; ~~((and))~~ all rules, orders, and notices filed with the code reviser; and codes or standards that have been adopted by an agency of this state or by a nationally recognized organization or association.

(3) Laws of other states. The constitutions of other states; decisions of state courts; acts, resolutions, records, journals and committee reports of other state legislatures; decisions of other states administrative agencies; executive orders and proclamations issued by a governor of another state; and codes or standards that have been adopted by an agency of another state.

(4) Counties and cities. Ordinances ~~((and)),~~ resolutions, and motions enacted by cities, counties, or other municipal subdivisions of the state of Washington.

~~((4))~~ Governmental organization. Organizational limitations, officers, departments and general administration of the government of the state of Washington, the United States, the several states, federally recognized Indian tribes, and foreign nations.

(5) Federally recognized Indian tribes, Constitutions, ordinances, resolutions and motions enacted by federally recognized Indian tribes.

(6) Growth management hearings boards. Orders and decisions of any board.

~~((6))~~ (7) Joint boards. Rules of practice and procedure.

**AMENDATORY SECTION** (Amending WSR 92-21-034, filed 10/15/92, effective 10/15/92)

**WAC 242-02-670 Official notice—Material facts.** In the absence of conflicting evidence, a board or presiding officer, upon request made before or during a hearing, may officially notice:

(1) Business customs. General customs and practices followed in the transaction of business.

(2) Notorious facts. Facts so generally and widely known to all well-informed persons as not to be subject to reasonable dispute or specific facts which are capable of immediate and accurate demonstration by resort to accessible sources of generally accepted authority, including, but not exclusively, facts stated in any publication authorized or permitted by law to be made by any federal or state officer, department, or agency.

(3) Technical or scientific facts. Technical or scientific facts within a board's specialized knowledge.

(4) Request. Any party may request, orally or in writing, that official notice be taken of a material fact. The board or presiding officer may take official notice of a material fact on its own initiative. If official notice of a material fact is taken, it shall be clearly and precisely stated and made part of the record.

~~((4))~~ (5) Statement. Where a decision of a board rests in whole or in part upon official notice of a material fact, such fact shall be clearly and precisely stated in such decision. In determining whether to take official notice of material facts, the presiding officer may consult any source of pertinent information, whether or not furnished by any party and whether or not admissible under the rules of evidence.

~~((5))~~ (6) Objection to taking of official notice. Any party may object to a request that official notice of a material fact be taken, when the request is made.

**AMENDATORY SECTION** (Amending WSR 92-21-034, filed 10/15/92, effective 10/15/92)

**WAC 242-02-710 Failure to attend—Default or dismissal—Setting aside.** (1) When a party to a proceeding has, after proper notice, failed to attend a hearing or any other matter before a board or presiding officer, a motion for default or dismissal may be sought by any party to the case or raised by a board ~~(or presiding officer)~~ upon its own motion or by a presiding officer. Any order granting the motion shall include a statement of the grounds for the order and shall be served upon all parties to the case.

(2) Within seven days after service of the default order or dismissal under subsection (1) of this section, the party against whom the order was entered may file a written objection requesting that the order be vacated and stating the specific grounds relied upon. The board may, for good cause, set aside an order of dismissal or default.

**AMENDATORY SECTION** (Amending WSR 94-07-033, filed 3/9/94, effective 4/9/94)

**WAC 242-02-830 Disposition of petition for review—Final decision and order.** ~~((1))~~ When the hearing on the petition for review has been ~~(heard)~~ held and the record reviewed by a majority of a board, a written final

decision and order containing appropriate findings and conclusions, ~~((that is concurred in by at least two members, may))~~ shall be issued.

~~((2))~~ After issuance of a final decision under this section, any party may file a petition for reconsideration with a board. Such petition must be filed within ten days of service of the final decision. The original and three copies of the petition for reconsideration shall be filed with the board. At the same time, copies shall be served on all parties of record. A board may require other parties to supply an answer which shall be served in a like manner.

(3) The filing of a petition for reconsideration shall suspend the final decision of a board until the petition is denied or a modified decision is entered by the board.

(4) In response to a petition for reconsideration, the board may deny the petition, modify its decision, or reopen the hearing. A petition is deemed denied unless the board takes action within twenty days of filing of the petition or answer where a board has required other parties to provide such an answer pursuant to subsection (2) of this section.

(5) A decision in response to the petition for reconsideration shall constitute a final decision and order for purposes of judicial review. Copies of the final decision and order shall be served by the board on each party or the party's attorney or other authorized representative of record.)

#### NEW SECTION

**WAC 242-02-832 Reconsideration.** (1) After issuance of a final decision under this section, any party may file a petition for reconsideration with a board in accordance with subsection (2) of this section. Such petition must be filed within ten days of service of the final decision. The original and three copies of the petition for reconsideration shall be filed with the board. At the same time, copies shall be served on all parties of record. A board may require other parties to supply an answer which shall be served in a like manner.

(2) A petition for reconsideration shall be based on any of the following grounds:

(a) Errors of procedure or misinterpretation of fact or law, material to the party seeking reconsideration;

(b) Irregularity in the hearing before the board by which such party was prevented from having a fair hearing;

(c) Clerical mistakes in the final decision and order.

(3) In response to a petition for reconsideration, the board may deny the petition, modify its decision, or reopen the hearing. A petition is deemed denied unless the board takes action within twenty days of filing of the petition or answer where a board has required other parties to provide such an answer pursuant to subsection (1) of this section.

(4) A decision in response to the petition for reconsideration shall constitute a final decision and order for purposes of judicial review. Copies of the final decision and order shall be served by the board on each party or the party's attorney or other authorized representative of record.

#### NEW SECTION

**WAC 242-02-834 Publication of final decision and orders.** Copies of all final decisions and orders are available from the board that entered the decision and order. Code Publishing Company, POB 51164, Seattle, WA

98115-1164 is the official publisher of all final decisions and orders entered by the boards. In addition, final decisions and orders are available from CD Law, 1000 2nd Ave., Ste. # 1610, Seattle, WA 98104 and Law BBS, Washington St. Bar Association, 2001 Sixth Ave., Ste. 500, Seattle, WA 98121-2599.

**AMENDATORY SECTION** (Amending WSR 94-07-033, filed 3/9/94, effective 4/9/94)

**WAC 242-02-880 Disposition of petition for review—Transcripts.** The following shall be the policy of each board with regard to transcription of the record:

(1) A board, in its discretion, may at any time cause a transcript to be printed. Any person may obtain a copy upon payment of the reasonable costs thereof.

(2) In any case when a board shall not cause the transcript to be printed, it shall be the obligation of the party wishing a transcript, or portions of it, to assume the cost of producing ~~((the same))~~ it.

(3) When an appeal is taken from any final decision and order of a board to ~~((the Superior Court of Thurston County))~~ a reviewing court, the appealing party is responsible for ordering and paying for the transcript of the hearing.

**AMENDATORY SECTION** (Amending WSR 92-21-034, filed 10/15/92, effective 10/15/92)

**WAC 242-02-892 Appeals of a board's final decision ~~((and order))~~.** (1) Any party aggrieved by a final decision of a board may appeal the decision to ~~((Thurston County))~~ superior court as provided in RCW 34.05.514 or 36.01.050 within thirty days of ~~((issuance))~~ service of the final ~~((order))~~ decision of the board.

(2) A board shall follow the procedures established in RCW 34.05.518 in the event that direct appellate review is sought.

#### **REPEALER**

The following sections of the Washington Administrative Code are repealed:

WAC 242-02-554	Prehearing conference—Documentary evidence.
WAC 242-02-820	Disposition of petition for review.
WAC 242-02-840	Disposition of petition for review—Initial decision and order.
WAC 242-02-850	Disposition of initial decision—Exceptions.
WAC 242-02-860	Disposition of petition for review—Finality of initial decision and order.
WAC 242-02-870	Disposition of petition for review—Final decision and order—Exceptions filed.

**AMENDATORY SECTION** (Amending WSR 94-23-112, filed 11/22/94, effective 12/23/94)

**WAC 242-04-050 Communications with each board or the joint boards.** (1) All communications with a board, including but not limited to the submission of materials pertaining to its operations and/or administration or enforcement of chapter 42.17 RCW and these rules, requests for copies of each board's decisions and other matters, shall be addressed to the appropriate board's office as follows:

- (a) Eastern Washington Growth Management Hearings Board  
Suite 818 Larson Building  
6 South 2nd Street  
Yakima, Washington 98901  
(509) 454-7803  
(509) 454-7292 FAX
- (b) Western Washington Growth Management Hearings Board  
111 West 21st Avenue, Suite 1  
P.O. Box 40953  
Olympia, Washington 98504-0953  
(360) 664-8966  
(360) 664-8975 FAX
- (c) Central Puget Sound Growth Management Hearings Board  
2329 One Union Square  
600 University Street  
Seattle, Washington 98101-1129  
(206) 389-2625  
(206) 389-2588 FAX

(2) All communications with the joint boards, except a petition for rule making pursuant to WAC 242-02-052, shall be addressed in care of the ~~((Western))~~ Eastern Washington board.

#### **WSR 97-04-012**

##### **PERMANENT RULES**

##### **DEPARTMENT OF ECOLOGY**

[Order 95-15—Filed January 27, 1997, 10:35 a.m.]

Date of Adoption: January 14, 1997.

Purpose: Amendment of emission standards and controls for sources emitting gasoline vapors, chapter 173-491 WAC.

Citation of Existing Rules Affected by this Order: Amending chapter 173-491 WAC.

Statutory Authority for Adoption: SHB 2376, 1996.

Adopted under notice filed as WSR 96-24-091 on December 4, 1996.

Changes Other than Editing from Proposed to Adopted Version: The final rule limits to forty-five days the time allowed for ecology's review of site-specific analyses.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 3, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 3, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 3, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 2, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 3, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: Thirty-one days after filing.

January 14, 1997

Mary G. Riveland

Director

**AMENDATORY SECTION** (Amending Order 92-47, filed 6/7/93, effective 7/8/93)

**WAC 173-491-020 Definitions.** The definitions of terms contained in chapter 173-400 WAC are by this reference incorporated into this chapter. Unless a different meaning is clearly required by context, the following words and phrases, as used in this chapter, shall have the following meanings:

(1) "Bottom loading" means the filling of a tank through a line entering the bottom of the tank.

(2) "Bulk gasoline plant" means a gasoline storage and transfer facility that receives more than ninety percent of its annual gasoline throughput by transport tank, and reloads gasoline into transport tanks.

(3) "Canister capture rate" means canister effectiveness times the percent of light duty vehicles that have onboard vapor recovery systems.

(4) "Canister effectiveness" means the percent of refueling vapors recovered by a representative onboard vapor recovery system.

(5) "Centroid" means the geometric center of a gas pump or a bank of gas pumps or, if a station has more than one bank of pumps, the geometric center of the geometric center of each bank of pumps.

(6) "Certified vapor recovery system" means a vapor recovery system which has been certified by the department of ecology. Only Stage II vapor recovery systems with a single coaxial hose can be certified. The department may certify vapor recovery systems certified by the California Air Resources Board as of the effective date of the regulation.

~~((4)) "Eastern Washington counties" means the following counties: Adams, Asotin, Benton, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Kittitas, Klickitat, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman, and Yakima.~~

(5)) (7) "Gasoline" means a petroleum distillate which is a liquid at standard conditions and has a true vapor pressure greater than four pounds per square inch absolute at twenty degrees C, and is used as a fuel for internal combustion engines. Also any liquid sold as a vehicle fuel with a true vapor pressure greater than four pounds per square inch absolute at twenty degrees C shall be considered "gasoline" for purpose of this regulation.

~~((6))~~ (8) "Gasoline dispensing facility" means any site dispensing gasoline into motor vehicle fuel tanks from stationary storage tanks.

~~((7))~~ (9) "Gasoline loading terminal" means a gasoline transfer facility that receives more than ten percent of its annual gasoline throughput solely or in combination by pipeline, ship or barge, and loads gasoline into transport tanks.

~~((8))~~ (10) "Leak free" means a liquid leak of less than four drops per minute.

~~((9))~~ (11) "Modified" means any physical change in, or change in the method of operation of, a gasoline dispensing facility that increases the amount of any air contaminant emitted by such source or that results in the emission of any air contaminant not previously emitted. The term modified shall be construed consistent with the definitions of modification in Section 7411, Title 42, United States Code, and with rules implementing that section. Section 7411 exempts changes in gasoline throughput not resulting directly from a physical change.

(12) "Ozone-contributing county" means a county in which the emissions have contributed to the formation of ozone in any county or area where violations of federal ozone standards have been measured, and includes: Cowlitz, Island, Kitsap, Lewis, Skagit, Thurston, Wahkiakum, and Whatcom counties.

(13) "Permanent residence" means a single-family or multi-family dwelling, or any other facility designed for use as permanent housing.

(14) "Stage I" means gasoline vapor recovery during all gasoline marketing transfer operations except motor vehicle refueling.

~~((10))~~ (15) "Stage II" means gasoline vapor recovery during motor vehicle refueling operations from stationary tanks.

~~((11))~~ (16) "Submerged fill line" means any discharge pipe or nozzle which meets either of the following conditions:

- Where the tank is filled from the top, the end of the discharge pipe or nozzle must be totally submerged when the liquid level is six inches from the bottom of the tank, or;
- Where the tank is filled from the side, the discharge pipe or nozzle must be totally submerged when the liquid level is eighteen inches from the bottom of the tank.

~~((12))~~ (17) "Submerged loading" means the filling of a tank with a submerged fill line.

~~((13))~~ (18) "Suitable cover" means a door, hatch, cover, lid, pipe cap, pipe blind, valve, or similar device that prevents the accidental spilling or emitting of gasoline. Pressure relief valves, aspirator vents, or other devices specifically required for safety and fire protection are not included.

~~((14))~~ (19) "Throughput" means the amount of material passing through a facility.

~~((15))~~ (20) "Top off" means to attempt to dispense gasoline to a motor vehicle fuel tank after a vapor recovery dispensing nozzle has shut off automatically.

~~((16))~~ (21) "Transport tank" means a container used for shipping gasoline over roadways.

~~((17))~~ (22) "True vapor pressure" means the equilibrium partial pressure of a petroleum liquid as determined by

methods described in American Petroleum Institute Bulletin 2517, 1980.

~~((18)) "Upgraded" means the modification of a gasoline storage tank or piping to add cathodic protection, tank lining or spill and overflow protection that involved removal of ground or ground cover above a portion of the product piping.~~

~~((19))~~ (23) "Vapor balance system" means a system consisting of the transport tank, gasoline vapor transfer lines, storage tank, and all tank vents designed to route displaced gasoline vapors from a tank being filled with liquid gasoline.

~~((20))~~ (24) "Vapor collection system" means a closed system to conduct vapors displaced from a tank being filled into the tank being emptied, a vapor holding tank, or a vapor control system.

~~((21))~~ (25) "Vapor control system" means a system designed and operated to reduce or limit the emission of gasoline vapors emission into the ambient air.

~~((22))~~ (26) "Vapor-mounted seal" means a primary seal mounted so there is an annular vapor space underneath the seal. The annular vapor space is bounded by the bottom of the primary seal, the tank wall, the liquid surface, and the floating roof.

~~((23))~~ (27) "Vapor tight" means a leak of less than one hundred percent of the lower explosive limit on a combustible gas detector measured at a distance of one inch from the source or no visible evidence of air entrainment in the sight glasses of liquid delivery hoses.

~~((24)) "Western Washington counties" means the following counties: Clallam, Clark, Cowlitz, Grays Harbor, Island, Jefferson, King, Kitsap, Lewis, Mason, Pacific, Pierce, San Juan, Skagit, Skamania, Snohomish, Thurston, Wahkiakum, and Whatcom.~~

Reviser's note: The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

**AMENDATORY SECTION** (Amending Order 92-47, filed 6/7/93, effective 7/8/93)

**WAC 173-491-040 Gasoline vapor control requirements.** (1) Fixed-roof gasoline storage tanks.

(a) All fixed-roof gasoline storage tanks having a nominal capacity greater than forty thousand gallons shall comply with one of the following:

(i) Meet the equipment specifications and maintenance requirements of the federal standards of performance for new stationary sources - Storage Vessels for Petroleum Liquids (40 CFR 60, subpart K).

(ii) Be retrofitted with a floating roof or internal floating cover using a metallic seal or a nonmetallic resilient seal at least meeting the equipment specifications of the federal standards referred to in (a)(i) of this subsection or its equivalent.

(iii) Be fitted with a floating roof or internal floating cover meeting the manufacturer's equipment specifications in effect when it was installed.

(b) All seals used in (a)(ii) and (iii) of this subsection are to be maintained in good operating condition and the seal fabric shall contain no visible holes, tears, or other openings.

(c) All openings not related to safety are to be sealed with suitable closures.

(d) Tanks used for the storage of gasoline in bulk gasoline plants and equipped with vapor balance systems as required in subsection (3)(b) of this section shall be exempt from the requirements of subsection (1) of this section.

(2) Gasoline loading terminals.

(a) This chapter shall apply to all gasoline loading terminals with an average annual gasoline throughput greater than 7.2 million gallons ~~((according to the schedule of compliance in WAC 173-491-050)).~~

(b) Loading facilities. Facilities for the purpose of loading gasoline into any transport tank shall be equipped with a vapor control system (VCS) as described in (c) of this subsection and comply with the following conditions:

(i) The loading facility shall employ submerged or bottom loading for all transport tanks.

(ii) The VCS shall be connected during the entire loading of all transport tanks.

(iii) The loading of all transport tanks shall be performed such that the transfer is at all times vapor tight. Emissions from pressure relief valves shall not be included in the controlled emissions when the back pressure in the VRS collection lines is lower than the relief pressure setting of the transport tank's relief valves.

(iv) All loading lines and vapor lines shall be equipped to close automatically when disconnected. The point of closure shall be on the tank side of any hose or intermediate connecting line.

(c) Vapor control system (VCS). The VCS shall be designed and built according to accepted industrial practices and meet the following conditions:

(i) The VCS shall not allow organic vapors emitted to the ambient air to exceed thirty-five milligrams per liter (three hundred twenty-two milligrams per gallon) of gasoline loaded.

(ii) The VCS shall be equipped with a device to monitor the system while the VCS is in operation.

(iii) The back pressure in the VCS collection lines shall not exceed the transport tank's pressure relief settings.

(3) Bulk gasoline plants.

(a) This section shall apply to all bulk gasoline plants with an average annual gasoline throughput greater than 7.2 million gallons ~~((according to the schedule of compliance in WAC 173-491-050)).~~

(b) Deliveries to bulk gasoline plant storage tanks.

(i) The owner or operator of a bulk gasoline plant shall not permit the loading of gasoline into a storage tank equipped with vapor balance fittings unless the vapor balance system is attached to the transport tank and operated properly. The vapor balance system shall prevent at least ninety percent of the displaced gasoline vapors from entering the ambient air. A vapor balance system that is designed, built, and operated according to accepted industrial practices will satisfy this requirement.

(ii) Storage tank requirements. All storage tanks with a nominal capacity greater than five hundred fifty gallons and used for the storage of gasoline shall comply with the following conditions:

(A) Each storage tank shall be equipped with a submerged fill line.

(B) Each storage tank shall be equipped for vapor balancing of gasoline vapors with transport tanks during gasoline transfer operations.

(C) The vapor line fittings on the storage tank side of break points with the transport tank vapor connection pipe or hose shall be equipped to close automatically when disconnected.

(D) The pressure relief valves on storage tanks shall be set at the highest possible pressure consistent with local and state codes for fire and safety but in no case greater than ninety percent of the tank's safe working pressure.

(iii) Transport tank requirements. All transport tanks transferring gasoline to storage tanks in a bulk gasoline plant shall comply with the following conditions:

(A) The transport tank shall be equipped with the proper attachment fittings to make vapor tight connections for vapor balancing with storage tanks.

(B) The vapor line fittings on the transport tank side of break points with the storage tank connection pipe or hose shall be equipped to close automatically when disconnected.

(C) The pressure relief valves on transport tanks shall be set at the highest possible pressure consistent with local and state codes for fire and safety.

(c) Gasoline transfer operations.

(i) No owner or operator of a bulk gasoline plant or transport tank shall allow the transfer of gasoline between a stationary storage tank and a transport tank except when the following conditions exist:

(A) The transport tanks are being submerged filled or bottom loaded.

(B) The loading of all transport tanks, except those exempted under (c)(ii) of this subsection are being performed using a vapor balance system.

(C) The transport tanks are equipped to balance vapors and maintained in a leak tight condition in accordance with subsection (6) of this section.

(D) The vapor return lines are connected between the transport tank and the stationary storage tank and the vapor balance system is operated properly.

(ii) Transport tanks used for gasoline and meeting the following conditions shall be exempt from the requirement to be equipped with any attachment fitting for vapor balance lines if:

(A) The transport tank is used exclusively for the delivery of gasoline into storage tanks of a facility exempt from the vapor balance requirements of subsection (4) of this section; and the transport tank has a total nominal capacity less than four thousand gallons and is constructed so that it would require the installation of four or more separate vapor balance fittings; or

(B) In eastern Washington counties, a transport tank with a total nominal capacity less than four thousand gallons shall be exempt from the requirement to be fitted with any attachment fitting for vapor balance lines if the transport tank was in use prior to July 1, 1993. Replacement transport tanks or new equipment put into use July 1, 1993, or later are exempt from vapor balance requirements only as specified in (c)(ii)(A) of this subsection.

(4) Gasoline dispensing facilities (Stage I).

(a) This section shall apply to the delivery of gasoline to gasoline dispensing facilities with an annual gasoline throughput greater than three hundred sixty thousand gallons (~~in accordance with the schedule of compliance in WAC 473-491-050~~) and all new gasoline dispensing facilities with

a total gasoline nominal storage capacity greater than ten thousand gallons.

(b) All gasoline storage tanks of the facilities defined in (a) of this subsection shall be equipped with submerged or bottom fill lines and fittings to vapor balance gasoline vapors with the delivery transport tank.

(c) Gasoline storage tanks with offset fill lines shall be exempt from the requirement of (b) of this subsection if installed prior to January 1, 1979.

(d) The owner or operator of a gasoline dispensing facility shall not permit the loading of gasoline into a storage tank equipped with vapor balance fittings from a transport tank equipped with vapor balance fittings unless the vapor balance system is attached to the transport tank and operated satisfactorily.

(5) Gasoline dispensing facilities (Stage II).

(a) Gasoline dispensing facilities are required to have certified Stage II vapor recovery systems under the following conditions:

(i) By December 31, 1998, all facilities that dispense in excess of six hundred thousand gallons of gasoline per year and are located in a county, any part of which is designated as nonattainment for ozone under the Federal Clean Air Act, 42 U.S.C. Sec. 7407;

(ii) By December 31, 1998, all facilities that dispense in excess of six hundred thousand gallons of gasoline per year and are located in a county where an ozone maintenance plan has been adopted by a local air pollution control authority or the department of ecology that includes gasoline vapor recovery systems as a control strategy;

(iii) Until December 31, 1998, all facilities that dispense in excess of one million two hundred thousand gallons of gasoline per year and are located in an ozone-contributing county;

(iv) After December 31, 1998, all facilities that dispense in excess of eight hundred forty thousand gallons of gasoline per year and are located in any county, no part of which is designated as nonattainment for ozone under the Federal Clean Air Act, 42 U.S.C. Sec. 7407, provided that the department of ecology determines by December 31, 1997, that the use of gasoline vapor control systems in the county is important to achieving or maintaining attainment status in any other county or area.

(v) Until December 31, 1998, all facilities that dispense in excess of eight hundred forty thousand gallons of gasoline per year and had a Stage II vapor recovery system installed prior to March 30, 1996;

(b) In addition to subsection (5)(a) of this section, all new and modified gasoline dispensing facilities with an annual gasoline throughput of 1.5 million gallons and above are required to have Stage II gasoline vapor recovery systems if a lot with a permanent residence is within the distance and throughput specifications of Table 1 of this subsection, and as explained in (b)(i) and (ii) of this subsection.

Table 1

<u>Gasoline Throughput</u> <u>(millions of gallons)</u>	<u>Allowable</u> <u>Distance to the</u> <u>Property Line</u> <u>(meters)</u>
<u>1.5</u>	<u>20</u>
<u>2.0</u>	<u>25</u>
<u>4.0</u>	<u>38</u>
<u>6.0</u>	<u>49</u>
<u>8.0</u>	<u>58</u>
<u>10.0</u>	<u>66</u>

(i) When the throughput is not shown in the chart, interpolate to get the distance for that throughput.

(ii) The allowable distance shall be measured from the centroid of the pumps to the nearest point on the property line of the nearest lot on which a permanent residence is located. However, if the permanent residence is located at least twice the allowable distance from the centroid of the pumps, the requirements of (b) of this subsection shall not apply.

(c)(i) Beginning on July 1, 2001, and each year thereafter, the department of ecology shall publish the canister capture rate.

(ii) When the canister capture rate reaches fifteen percent and there are no major exceptions, waivers, or other adjustments to the EPA onboard canister regulations or program implementation, the department of ecology shall revise (b) of this subsection to incorporate the effect of canisters.

(d) The owner or operator of new or modified gasoline dispensing facilities subject to any of the requirements of (a) or (b) of this subsection shall file a notice of construction.

(e) The owner or operator of any gasoline dispensing facility may elect to submit a site-specific analysis of the requirement for a Stage II vapor recovery system under (b) of this subsection and request the department of ecology to evaluate it subject to the fees described in (k) of this subsection. The department of ecology will complete a second tier analysis described under WAC 173-460-090 within forty-five days of determining that the analysis submitted is complete and no additional information is needed. The requirements for gasoline vapor control shall be determined as a result of that process.

(f) Fees. The fee for new source review of a gasoline dispensing facility under this section shall be the same as the fee under WAC 173-400-116 (2)(d)(ii) except, if a site-specific review is elected under (e) of this subsection, the fee shall be the same as the fee under WAC 173-400-116 (3)(c) for a tier two analysis.

(g) This section shall apply to the refueling of motor vehicles from stationary tanks at ~~((all))~~ gasoline dispensing facilities located in ~~((western))~~ Washington ~~((counties with an annual gasoline throughput greater than eight hundred forty thousand gallons with the exception of Clark, King, Pierce, and Snohomish counties where this section shall apply to gasoline dispensing facilities with an annual gasoline throughput greater than six hundred thousand gallons in accordance with the schedule of compliance in WAC 173-491-050 and all new gasoline dispensing facilities with greater than ten thousand gallons gasoline nominal storage capacity in western Washington counties)).~~

~~((b))~~ (h) All gasoline dispensing facilities subject to this section shall be equipped with a certified Stage II vapor recovery system.

~~((e))~~ (i) The owner or operator of a gasoline dispensing facility subject to this section shall not transfer or allow the transfer of gasoline from stationary tanks into motor vehicle fuel tanks unless a certified Stage II vapor recovery system is used.

~~((d))~~ (j) All Stage II vapor recovery equipment shall be installed in accordance with the system's certification requirements and shall be maintained to be leak free, vapor tight, and in good working order.

~~((e))~~ (k) Whenever a Stage II vapor recovery system component is determined to be defective, the owner or operator shall take the system out of service until it has been repaired, replaced, or adjusted, as necessary.

~~((f))~~ (l) The owner or operator of each gasoline dispensing facility utilizing a Stage II system shall conspicuously post operating instructions for the system in the gasoline dispensing area. The instructions shall clearly describe how to fuel vehicles correctly using the vapor recovery nozzles and include a warning against topping off. Additionally, the instructions shall include a prominent display of ecology's toll free telephone number for complaints regarding the operation and condition of the vapor recovery nozzles.

(6) Equipment or systems failures.

(a) Specific applicability. This section shall apply to all gasoline transport tanks equipped for gasoline vapor collection and all vapor collection systems at gasoline loading terminals, bulk gasoline plants, and gasoline dispensing facilities as described in subsections (2) through (5) of this section.

During the months of May, June, July, August, and September any failure of a vapor collection system at a bulk gasoline plant or gasoline loading terminal to comply with this section requires the discontinuation of gasoline transfer operations for the failed part of the system. Other transfer points that can continue to operate in compliance may be used. The loading or unloading of the transport tank connected to the failed part of the vapor collection system may be completed during the other months of the year.

(b) Provisions for specific processes.

(i) The owner or operator of a gasoline loading terminal or bulk gasoline plant shall only allow the transfer of gasoline between the facility and a transport tank if a current leak test certification for the transport tank is on file with the facility or a valid inspection sticker is displayed on the vehicle. Certification is required annually.

(ii) The owner or operator of a transport tank shall not make any connection to the tank for the purpose of loading or unloading gasoline, except in the case of an emergency, unless the gasoline transport tank has successfully completed the annual certification testing requirements in (c) of this subsection, and such certification is confirmed either by:

(A) Have on file with each gasoline loading or unloading facility at which gasoline is transferred a current leak test certification for the transport tank; or

(B) Display a sticker near the department of transportation certification plate required by 49 CFR 178.340-10b which:

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(I) Shows the date that the gasoline tank truck last passed the test required in (c) of this subsection;

(II) Shows the identification number of the gasoline tank truck tank; and

(III) Expires not more than one year from the date of the leak tight test.

(iii) The owner or operator of a vapor collection system shall:

(A) Operate the vapor collection system and the gasoline loading equipment during all loadings and unloadings of transport tanks equipped for emission control such that:

(I) The tank pressure will not exceed a pressure of eighteen inches of water or a vacuum of six inches of water;

(II) The concentration of gasoline vapors is below the lower explosive limit (LEL, measured as propane) at all points a distance of one inch from potential leak sources; and

(III) There are no visible liquid leaks except for a liquid leak of less than four drops per minute at the product loading connection during delivery.

(IV) Upon disconnecting transfer fittings, liquid leaks do not exceed ten milliliters (0.34 fluid ounces) per disconnect averaged over three disconnects.

(B) Repair and retest a vapor collection system that exceeds the limits of (b)(iii)(A) of this subsection within fifteen days.

(iv) The department or local air authority may, at any time, monitor a gasoline transport tank and vapor collection system during loading or unloading operations by the procedure in (c) of this subsection to confirm continuing compliance with this section.

(c) Testing and monitoring.

(i) The owner or operator of a gasoline transport tank or vapor collection system shall, at his own expense, demonstrate compliance with (a) and (b) of this subsection, respectively. All tests shall be made by, or under the direction of, a person qualified to perform the tests and approved by the department.

(ii) Testing to determine compliance with this section shall use procedures approved by the department.

(iii) Monitoring to confirm continuing leak tight conditions shall use procedures approved by the department.

(d) Recordkeeping.

(i) The owner or operator of a gasoline transport tank or vapor collection system shall maintain records of all certification tests and repairs for at least two years after the test or repair is completed.

(ii) The records of certification tests required by this section shall, as a minimum, contain:

(A) The transport tank identification number;

(B) The initial test pressure and the time of the reading;

(C) The final test pressure and the time of the reading;

(D) The initial test vacuum and the time of the reading;

(E) The final test vacuum and the time of the reading;

(F) At the top of each report page the company name, date, and location of the tests on that page; and

(G) Name and title of the person conducting the test.

(iii) The owner or operator of a gasoline transport tank shall annually certify that the transport tank passed the required tests.

(iv) Copies of all records required under this section shall immediately be made available to the department, upon written request, at any reasonable time.

(e) Preventing evaporation. All persons shall take reasonable measures to prevent the spilling, discarding in sewers, storing in open containers, or handling of gasoline in a manner that will result in evaporation to the ambient air.

Reviser's note: The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

**AMENDATORY SECTION** (Amending Order 92-47, filed 6/17/93, effective 7/18/93)

**WAC 173-491-050** (~~Compliance schedules~~) **Reserved.** (~~(1) Fixed-roof gasoline storage tanks. All fixed-roof gasoline storage tanks subject to WAC 173-491-040(1) in western Washington counties shall comply no later than December 31, 1993. All fixed-roof gasoline storage tanks subject to WAC 173-491-040(1) in eastern Washington counties shall comply no later than July 31, 1996.~~

~~(2) Gasoline loading terminals. All gasoline loading terminals subject to WAC 173-491-040(2) in western Washington counties shall comply no later than December 31, 1993. All gasoline loading terminals subject to WAC 173-491-040(2) in eastern Washington counties shall comply no later than July 31, 1996.~~

~~(3) Bulk gasoline plants. All bulk gasoline plants subject to the requirements of WAC 173-491-040(3) in western Washington counties shall comply no later than December 31, 1993. All bulk gasoline plants subject to WAC 173-491-040(3) in eastern Washington counties shall comply no later than July 31, 1996.~~

~~(4) Gasoline dispensing facilities—Stage I. All gasoline dispensing facilities subject to the requirements of WAC 173-491-040(4) shall comply no later than December 31, 1993, or whenever the facility is upgraded, whichever is earliest.~~

~~(5) Gasoline dispensing facilities—Stage II. All gasoline dispensing facilities subject to the requirements of WAC 173-491-040(5) shall comply:~~

~~(a) When upgraded except any gasoline dispensing facility upgraded or with new tank(s) installed after the effective date of this regulation but before May 1, 1992, need not comply earlier than May 1, 1992.~~

~~(b) For businesses which own ten or more gasoline dispensing facilities in the state of Washington, facilities subject to Stage II requirements as indicated in WAC 173-491-040(5)(a) must comply according to the following schedule:~~

~~(i) Fifty percent of all gasoline dispensing facilities with an annual throughput greater than 1.2 million gallons by May 1, 1993.~~

~~(ii) All remaining gasoline dispensing facilities with an annual throughput greater than 1.2 million gallons must comply by May 1, 1994.~~

~~(iii) Businesses which own ten or more gasoline dispensing facilities in King, Pierce, Snohomish, and Clark counties must, in addition, meet the following requirements at their facilities within King, Pierce, Snohomish, and Clark counties:~~

~~(A) At least fifty percent of the gasoline dispensing facilities with an annual throughput greater than 840,000 gallons must comply by May 1, 1994;~~

~~(B) The remaining gasoline dispensing facilities with an annual throughput greater than 840,000 gallons must comply by May 1, 1995.~~

~~(iv) All gasoline dispensing facilities must be in compliance not later than December 31, 1998.~~

~~(v) In meeting this requirement, businesses that lease some facilities and operate others must ensure that the percentage of facilities owned and operated which are required to comply with this provision at least equals the percentage of leased facilities required to comply with this provision.~~

~~(c) For businesses which own fewer than ten gasoline dispensing facilities in the state of Washington:~~

~~(i) All facilities with an annual throughput of 1.2 million gallons must comply by May 1, 1994;~~

~~(ii) All remaining facilities must comply by December 31, 1998.)~~

**WSR 97-04-023**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Economic Services)  
(Public Assistance)

[Filed January 28, 1997, 4:09 p.m.]

Date of Adoption: January 28, 1997.

Purpose: To implement provisions of Public Law 104-193, Personal Responsibility and Work Opportunity Act of 1996 (welfare reform). Institutes new program disqualification penalties for persons guilty of intentionally violating food stamp program rules.

Citation of Existing Rules Affected by this Order: Amending WAC 388-49-670 Intentional program violation—Disqualification penalties.

Statutory Authority for Adoption: RCW 74.04.510.

Adopted under notice filed as WSR 97-01-088 on December 18, 1996.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 1, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at 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.

Effective Date of Rule: Thirty-one days after filing.

January 28, 1997

Merry A. Kogut, Manager  
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending Order 3948, filed 3/1/96, effective 4/1/96)

**WAC 388-49-670 Intentional program violations—Disqualification penalties.** (1) The department shall disqualify the person or persons committing an intentional program violation as defined in WAC 388-49-020.

(2) The department shall apply the following disqualification penalties to a person committing an intentional program violation for offenses not related to those described in subsection (3) of this section:

(a) ~~((Six))~~ If the intentional program violation occurred in whole or in part after the household was notified of the following penalties:

(i) Twelve months for the first ((disqualification)) violation;

(ii) Twenty-four months for the second violation;

(iii) Permanently for the third violation.

(b) ~~((Twelve))~~ If the violation ended before the household was notified of the penalties in subsection (2)(a) of this section:

(i) Six months for the ((second disqualification)) first violation; ((and

~~((e)))~~ (ii) Twelve months for the second violation;

(iii) Permanently for the third ((disqualification)) violation.

(3) The department shall apply disqualification penalties against a person for ~~((trading or receiving food coupons for controlled substances or firearms. The department shall impose))~~ the following activities:

(a) A ~~((one))~~ two-year disqualification penalty for a first conviction by a federal, state, or local court of the trading or receiving of food coupons for a controlled substance, as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802); ~~((or))~~

(b) A ten-year disqualification penalty for a person found to have made a fraudulent statement or misrepresented information respecting identity or residence in order to receive multiple coupon benefits simultaneously; or

(c) A permanent disqualification for:

(i) The second conviction by a federal, state, or local court of the trading or receiving of food coupons for a controlled substance as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802); ~~((or))~~

(ii) The first conviction by a federal, state, or local court of the trading or receiving of food coupons for firearms, ammunition, or explosives; or

(iii) The first conviction by a federal, state, or local court for knowingly buying, selling, trading, or presenting for redemption food coupons of five hundred dollars or more in violation of section 15 (b) and (c) of the Food Stamp Act of 1977, as amended.

(4) The department shall consider multiple violations as only one disqualification when the violations occur before the department notified the household of the penalties, as described in subsection ~~((2))~~ and (3) of this section.

(5) When a court of law convicts a person of an offense which qualifies as an intentional program violation, the department shall:

(i) Recommend that a disqualification penalty, as provided in subsection (2) or (3) of this section, be imposed

in addition to any civil or criminal intentional program violation penalties;

(ii) Impose a disqualification period as specified in subsection (2) or (3) of this section if the court fails to address disqualification or specify a disqualification period;

(iii) Initiate the disqualification period for the currently eligible person or persons within forty-five days of the date the:

(A) Disqualification is ordered if the court does not specify a date; or

(B) Court finds such person or persons guilty if the court specifies a disqualification date; and

(iv) Not initiate or continue an intentional program violation disqualification period contrary to a court order.

(6) Before the disqualification is implemented, the department shall provide written notice informing the disqualified person of the disqualification and effective date.

(7) The department shall provide written notice to the remaining household member or members, if any:

(a) Of the allotment the household will receive during the period of disqualification; or

(b) That the household must re-apply because the certification period has expired.

(8) The department shall recognize an intentional program violation determined in another state or political jurisdiction.

**WSR 97-04-024**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Economic Services)  
(Public Assistance)

[Filed January 28, 1997, 4:11 p.m.]

Date of Adoption: January 28, 1997.

Purpose: To implement Public Law 104-193, Personal Responsibility and Work Opportunity Act of 1996 (welfare reform). The rule disallows the 20% earned income deduction when computing a food stamp overissuance caused when a household fails to timely report earned income.

Citation of Existing Rules Affected by this Order: Amending WAC 388-49-640 Overissuances.

Statutory Authority for Adoption: RCW 74.04.510.

Adopted under notice filed as WSR 97-01-089 on December 18, 1996.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 1, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at 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.

Effective Date of Rule: Thirty-one days after filing.

January 28, 1997

Merry A. Kogut, Manager  
Rules and Policies Assistance Unit

**AMENDATORY SECTION** (Amending Order 3894, filed 9/7/95, effective 10/6/95)

**WAC 388-49-640 Overissuances.** (1) The department shall establish claims and take collection action against households and household members for administrative error, inadvertent household error, or intentional program violation resulting in overissuances except as provided in subsections (3), (10), and (11) of this section.

(2) The department shall establish an overissuance claim against any household:

(a) Receiving more food stamp benefits than it was entitled to receive; or

(b) Containing an adult member who was an adult member of another household receiving more benefits than it was entitled to receive.

(3) The department shall not establish an administrative error claim or an inadvertent household error claim if an overissuance occurred because:

(a) The department failed to ensure the household:

(i) Signed the application form;

(ii) Completed a current work registration form; or

(iii) Was certified in the correct project area.

(b) The household transacted an expired food coupon authorization (FCA) unless the household had altered the FCA.

(4) The department shall hold all persons who were adult members of the household at the time of the overissuance jointly and severally liable for the overissuance.

(a) The department shall establish an overissuance claim and pursue collection action against any or all of these persons.

(b) If the household composition changes, the department may establish an overissuance claim and pursue collection action against any household containing a person who was an adult member of the household receiving the overissuance.

(5) The department shall not collect more than the amount of the overissuance.

(6) The department shall not establish an:

(a) Administrative error overissuance unless the department has:

(i) Discovered the overissuance within twelve months of its occurrence; and

(ii) Calculated the overissuance and mailed the household a demand letter within twenty-four months of the overissuance discovery date.

(b) Inadvertent household error overissuance unless the department has:

(i) Discovered the overissuance within twenty-four months of its occurrence; and

(ii) Calculated the overissuance and mailed the household a demand letter within twenty-four months of the overissuance discovery date.

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(c) Intentional program violation overissuance unless the department has:

(i) Discovered the overissuance within seventy-two months of its occurrence; and

(ii) Calculated the overissuance and mailed the household a demand letter within twenty-four months of the overissuance discovery date.

(7) Except as provided in subsection (9) of this section, the department shall determine the overissuance amount to be the difference between:

(a) The allotment actually authorized; and

(b) The allotment that should have been authorized.

(8) When determining the monthly allotment the household should have been authorized, the department shall:

(a) Count the actual income received by the household;

(b) Not apply the twenty percent earned income deduction to ~~((that portion of))~~ earned income ~~((willfully or fraudulently unreported by the))~~ which the household ((member when committing an intentional program violation)) failed, without good cause, to report in a timely manner.

(9) The amount of the household's and/or household member's liability for an overissuance shall be the difference between:

(a) The amount of the overissuance; and

(b) Any lost benefits not previously restored or used as an offset.

(10) The department shall initiate collection action on all inadvertent household or administrative error claims unless:

(a) The claim is collected through offset;

(b) The administrative error claim is less than one hundred dollars;

(c) The inadvertent household error claim is less than thirty-five dollars;

(d) The department cannot locate the liable household; or

(e) The department determines collection action will prejudice an inadvertent household error claim case referred for possible prosecution or administrative disqualification.

(11) The department shall initiate collection action against the liable household whose member is found to have committed an intentional program violation unless:

(a) The household has repaid the overissuance;

(b) The department cannot locate the household; or

(c) The department determines collection action will prejudice the case against a household member referred for prosecution.

(12) The department shall initiate collection action by providing the household a demand letter.

(13) A household or household member may repay an overissuance by:

(a) A lump sum;

(b) Regular installments under a payment schedule agreed to by the household or household member and the department; and/or

(c) Allotment reduction.

(14) The department shall ensure a negotiated monthly installment amount is not less than the amount which could be recovered through allotment reduction when a currently participating household is liable for an inadvertent household error or an intentional program violation.

(15) A household member and/or the department may request the payment schedule be renegotiated.

(16) When allotment reduction is the method of collection, the department shall reduce a currently participating household's allotment to repay an:

(a) Inadvertent household error overissuance by the greater of:

(i) Ten percent of the household's monthly allotment; or

(ii) Ten dollars per month.

(b) Intentional program violation overissuance by the greater of:

(i) Twenty percent of the household's monthly entitlement; or

(ii) Ten dollars per month.

(c) Administrative error overissuance by the amount agreed to by the household.

(17) The department shall reduce the allotment to repay an inadvertent household error or an intentional program violation claim when:

(a) A household is liable for an inadvertent household error claim and fails to notify the department of their chosen repayment agreement or request a fair hearing and continued benefits within twenty days after receipt of the demand letter; or

(b) A household is liable for an intentional program violation claim and fails to inform the department of their chosen repayment agreement within ten days after receiving the demand letter; or

(c) After notification of failure to make payment according to a negotiated repayment schedule, the household member fails to:

(i) Make the overdue payments; or

(ii) Request renegotiation of the payment schedule.

(18) The department shall suspend collection action when:

(a) Collection action has not been initiated as provided in subsection (10) of this section;

(b) A liable household member cannot be located; or

(c) The cost of further collection action is likely to exceed the amount that can be recovered.

(19) The department may accept offers of compromise for overissuances when:

(a) The department has already established the account receivable for the overissuance and taken steps to recover the overissuance; and

(b) The amount offered approximates the net amount expected to be collected prior to the expiration of the collection period allowed by statute.

(20) The department shall write-off amounts from its account receivable records and release any applicable liens prior to the expiration of the collection period allowed by statute when there is:

(a) No further possibility of collection;

(b) An account receivable balance after payment of an accepted offer of compromise; or

(c) An account receivable balance after a claim has been in suspense for three consecutive years, as provided in subsection (19) of this section.

(21) The department may initiate collection action to satisfy a food stamp overissuance which occurred in another state when the department:

- (a) Determines that the originating state does not intend to pursue collection in Washington state; and
- (b) Receives the following from the originating state:
- (i) Documentation of the overissuance computation;
  - (ii) Overissuance notice prepared for the client; and
  - (iii) Proof of service that the client received the overissuance notice.

**WSR 97-04-025**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**GENERAL ADMINISTRATION**  
 [Filed January 28, 1997, 4:30 p.m.]

Date of Adoption: January 24, 1997.

Purpose: The purpose of this rule is to ensure that state-wide law enforcement officers retiring from service due to disability are eligible to purchase their career service handguns from the state as used equipment. Current administrative rule provides this authorization only for those retiring for service. This rule would clarify the eligibility of those retiring due to disability, with some restrictions in the case of disability due to mental or stress-related illness.

Citation of Existing Rules Affected by this Order: Amending WAC 236-48-198.

Statutory Authority for Adoption: RCW 43.19.190, 43.19.1919.

Adopted under notice filed as WSR 96-24-110 on December 4, 1996.

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 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 1, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 1, 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 1, repealed 0.

Effective Date of Rule: Thirty-one days after filing.

January 24, 1997

Marsha Tadano Long  
 Director

**AMENDATORY SECTION** (Amending WSR 91-09-035, filed 4/12/91, effective 5/13/91)

**WAC 236-48-198 Sale of surplus property to state elected officials or employees.** Surplus property available for disposal under the provisions of RCW 43.19.1919 shall not be sold to state elected officials, officers or employees, except at public sale: *Provided, however,* An item valued at less than direct buy limit and declared surplus of a personal nature such as a chair, desk or bookcase, which in some way depicts or represents the office in which they have served,

may be sold to an elected official after leaving office at private sale as used equipment: *Provided further,* That ((~~a retiring~~)) commissioned officers of the Washington state patrol or other state-wide law enforcement activity retired for service or for nonmental or nonstress related disabilities may purchase his or her career service handgun at private sale as used equipment.

**WSR 97-04-041**  
**PERMANENT RULES**  
**DEPARTMENT OF HEALTH**  
 (State Board of Health)  
 [Filed January 31, 1997, 9:35 a.m.]

Date of Adoption: December 11, 1996.

Purpose: WAC 246-100-207 (3)(a) has been identified as being in conflict with RCW 70.24.325, both of which regulate HIV testing for insurance purposes. The WAC inappropriately limits regulation to only the testing of "blood." The RCW applies to HIV testing performed on any specimen.

Citation of Existing Rules Affected by this Order: Amending WAC 246-100-207.

Statutory Authority for Adoption: RCW 70.24.380.

Adopted under notice filed as WSR 96-22-070 on November 4, 1996.

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 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 1, 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.

Effective Date of Rule: Thirty-one days after filing.

January 27, 1996 [1997]

Sylvia Beck

Executive Director  
 State Board of Health

**AMENDATORY SECTION** (Amending Order 225B, filed 12/23/91, effective 1/23/92)

**WAC 246-100-207 Human immunodeficiency virus (HIV) testing—Ordering—Laboratory screening—Interpretation—Reporting.** (1) Any person ordering or prescribing an HIV test for another, except for seroprevalent studies under chapter 70.24 RCW or provided under subsections (2) and (3) of this section, shall:

(a) Provide or refer for pretest counseling described under WAC 246-100-209;

(b) Obtain or ensure informed specific consent of the individual to be tested separate from other consents prior to

ordering or prescribing an HIV test, unless excepted under provisions in chapter 70.24 RCW; and

(c) Provide or refer for post-test counseling described under WAC 246-100-209 if HIV test is positive for or suggestive of HIV infection.

(2) Blood banks, tissue banks, and others collecting or processing blood, sperm, tissues, or organs for transfusion/transplanting shall:

(a) Obtain or ensure informed specific consent of the individual prior to ordering or prescribing an HIV test, unless excepted under provisions in chapter 70.24 RCW;

(b) Explain that the reason for HIV testing is to prevent contamination of the blood supply, tissue, or organ bank donations; and

(c) At the time of notification regarding a positive HIV test, provide or ensure at least one individual counseling session.

(3) Persons subject to regulation under Title 48 RCW and requesting an insured, subscriber, or potential insured or subscriber to furnish the results of an HIV test for underwriting purposes, as a condition for obtaining or renewing coverage under an insurance contract, health care service contract, or health maintenance organization agreement shall:

(a) Before ~~((drawing blood))~~ obtaining a specimen to perform an HIV test, provide written information to the individual tested explaining:

(i) What an HIV test is;

(ii) Behaviors placing a person at risk for HIV infection;

(iii) The purpose of HIV testing in this setting is to determine eligibility for coverage;

(iv) The potential risks of HIV testing; and

(v) Where to obtain HIV pretest counseling.

(b) Obtain informed specific written consent for an HIV test. The written informed consent shall include:

(i) An explanation of confidential treatment of test result reports limited to persons involved in handling or determining applications for coverage or claims for the applicant or claimant; and

(ii) Requirements under subsection (3)(c) of this section.

(c) Establish procedures to inform an applicant of the following:

(i) Post-test counseling specified under WAC 246-100-209(4) is required if an HIV test is positive or indeterminate;

(ii) Post-test counseling is done at the time any positive or indeterminate HIV test result is given to the tested individual;

(iii) The applicant is required to designate a health care provider or health care agency to whom positive or indeterminate HIV test results are to be provided for interpretation and post-test counseling; and

(iv) When an individual applicant does not identify a designated health care provider or health care agency and the applicant's HIV test results are positive or indeterminate, the insurer, health care service contractor, or health maintenance organization shall provide the test results to the local health department for interpretation and post-test counseling.

(4) Laboratories and other places where HIV testing is performed shall demonstrate complete and satisfactory participation in an HIV proficiency testing program approved by the Department Laboratory Quality Assurance Section, Mailstop K17-9, 1610 N.E. 150th, Seattle, Washington 98155.

(5) The department laboratory quality assurance section shall accept substitutions for EIA screening only as approved by the United States Food and Drug Administration (FDA) and a published list or other written FDA communication.

(6) Medical laboratories testing for the presence of HIV shall:

(a) Send an HIV test prevalence results report by telephone or in writing to the department office on AIDS (Mailstop K17-9, 1610 N.E. 150th, Seattle, Washington 98155), quarterly or more often; and

(b) Include in the report:

(i) Number of samples tested;

(ii) Number of samples repeatedly reactive by enzyme immuno assay (EIA);

(iii) Number of samples tested by western blot assay (WBA) or other confirmatory test as approved by department office on AIDS;

(iv) Number of positive test results by WBA or other confirmatory test as approved by department office on AIDS;

(v) Number of specimens tested by viral culture; and

(vi) Number of positive test results from viral cultures.

(7) Persons informing a tested individual of positive laboratory test results indicating HIV infection shall do so only when:

(a) HIV is isolated by viral culture technique; or

(b) HIV antibodies are identified by a sequence of tests which are reactive and include:

(i) A repeatedly reactive screening test such as the enzyme immunoassay (EIA); and

(ii) An additional, more specific, assay such as a positive western blot assay (WBA) or other tests as defined and described in the AIDS office manual, April, 1988, Department of Health, Office on AIDS, P.O. Box 47840, Olympia, Washington 98504-7840.

(c) Such information consists of relevant, pertinent facts communicated in such a way that it will be readily understood by the recipient.

#### WSR 97-04-042

#### PERMANENT RULES

#### DEPARTMENT OF HEALTH

[Filed January 31, 1997, 9:40 a.m., effective January 31, 1997]

Date of Adoption: January 17, 1997.

Purpose: This rule defines the commonly accepted standards for the profession of speech-language pathology, required for certification without examination.

Citation of Existing Rules Affected by this Order: Amending chapter 246-828 WAC.

Statutory Authority for Adoption: RCW 18.35.080(2).

Other Authority: RCW 18.35.161.

Adopted under notice filed as WSR 96-23-066 on November 20, 1996.

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 1, amended 0, repealed 0.

Number of Sections Adopted at 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.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: Action is required by state statute RCW 18.35.080 to allow for certification of audiologists and speech-language pathologists within the required time frame.

Effective Date of Rule: January 31, 1997.

January 23, 1997

Diane Young

Program Manager

Board of Hearing and Speech

Number of Sections Adopted at 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.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: Action is required by state statute RCW 18.35.080 to allow for certification of audiologists and speech-language pathologists within the required time frame.

Effective Date of Rule: January 31, 1997.

January 31, 1997

Bruce Miyahara

Secretary

NEW SECTION

**WAC 246-828-015 Temporary credentialing standards.** Applicants engaged in the profession of speech-language pathology in this state on or before June 6, 1996, applying for certification before July 1, 1997, must meet at least one of the following requirements of commonly accepted standards:

(1) Master's or doctoral degree or their equivalents in speech-language pathology, communication disorders or communication sciences.

Equivalency to be determined on an individual case basis by the board.

(2) American Speech and Hearing Association's Certification of Clinical Competence in Speech-Language Pathology (CCC-SLP).

(3) Washington state educational staff associate certification of the initial or continuing type. (ESA.)

**WSR 97-04-043**

**PERMANENT RULES**

**DEPARTMENT OF HEALTH**

[Filed January 31, 1997, 9:44 a.m., effective January 31, 1997]

Date of Adoption: January 17, 1997.

Purpose: The rule amends (decreases) the existing hearing instrument fitter/dispenser licensing fees and creates audiologists and speech language pathologists certification fees.

Citation of Existing Rules Affected by this Order: Amending WAC 246-828-990.

Statutory Authority for Adoption: RCW 18.35.090.

Other Authority: RCW 43.70.250.

Adopted under notice filed as WSR 96-23-065 on November 20, 1996.

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 2, amended 1, repealed 0.

AMENDATORY SECTION (Amending WSR 95-19-017, filed 9/7/95, effective 10/8/95)

**WAC 246-828-990 Hearing aid fitter/dispenser fees, audiologist and speech language pathologists fees.** The following fees shall be charged by the health professions quality assurance division of the department of health:

Title of Fee	Fee
<u>((Trainee:</u>	
Initial application	\$200.00
Trainee transfer of sponsor <del>Within</del>	
<del>fifteen days</del>	<del>50.00</del>
Trainee transfer of sponsor <del>Over</del>	
<del>fifteen days</del>	<del>100.00</del>
Extension of trainee license	100.00
<u>Fitter/dispenser:</u>	
Examination or reexamination (full)	350.00
Partial reexamination	200.00
Initial license	175.00
Renewal	340.00
Late renewal penalty	272.00
Duplicate license	15.00
Certification	15.00
Temporary practice permit	175.00
Inactive status and renewal	175.00))
<u>Fitter/dispenser:</u>	
License application	\$125.00
Initial license	100.00
Renewal	200.00
Written Exam	100.00
Practical Exam	200.00
Apprentice permit	85.00
Inactive license	75.00
Late renewal penalty	100.00
License verification	15.00
Wall certificate	15.00
Duplicate license	15.00

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January 30, 1997

Merritt D. Long  
Director

Audiologists:

<u>Certificate application</u>	<u>125.00</u>
<u>Initial certificate</u>	<u>100.00</u>
<u>Renewal</u>	<u>200.00</u>
<u>Written Examination</u>	<u>100.00</u>
<u>Practical Examination</u>	<u>200.00</u>
<u>Interim permit</u>	<u>100.00</u>
<u>Inactive certificate</u>	<u>75.00</u>
<u>Late renewal penalty</u>	<u>100.00</u>
<u>Certificate verification</u>	<u>15.00</u>
<u>Wall certificate</u>	<u>15.00</u>
<u>Duplicate certificate</u>	<u>15.00</u>

Speech/language pathologist:

<u>Certificate application</u>	<u>125.00</u>
<u>Initial certificate</u>	<u>100.00</u>
<u>Renewal</u>	<u>200.00</u>
<u>Written Examination</u>	<u>100.00</u>
<u>Practical Examination</u>	<u>200.00</u>
<u>Interim permit</u>	<u>100.00</u>
<u>Inactive certificate</u>	<u>75.00</u>
<u>Late renewal penalty</u>	<u>100.00</u>
<u>Certificate verification</u>	<u>15.00</u>
<u>Wall certificate</u>	<u>15.00</u>
<u>Duplicate certificate</u>	<u>15.00</u>

**WSR 97-04-047**  
**PERMANENT RULES**  
**LOTTERY COMMISSION**  
[Filed January 31, 1997, 12:25 p.m.]

Date of Adoption: January 10, 1997.

Purpose: To amend WAC 315-10-010, 315-10-020, 315-10-030, 315-10-060 and 315-10-070, and to add new sections WAC 315-10-022, 315-10-025, 315-10-035, 315-10-055, 315-10-062, 315-10-065 and 315-10-075, which streamlines instant game rules found in this chapter.

Citation of Existing Rules Affected by this Order: Amending WAC 315-10-010, 315-10-020, 315-10-030, 315-10-060, and 315-10-070.

Statutory Authority for Adoption: RCW 67.70.040.

Adopted under notice filed as WSR 96-24-102 on December 4, 1996.

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 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 7, amended 5, 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.

Effective Date of Rule: Thirty-one days after filing.

AMENDATORY SECTION (Amending Order 3, filed 10/15/82)

**WAC 315-10-010 Instant games—Authorized—Director's authority.** It is the commission's intent to provide the director broad authority in carrying out the following duties:

(1) The commission hereby authorizes the director to select, operate, and contract relating to and for the operation of instant games ((which meet)) meeting the criteria set forth in this chapter.

(2) The director ((is hereby authorized to select, operate and contract relating to and for the operation of instant games which meet the criteria set forth in this chapter)) shall establish final instant game specifications, including the determination of winning tickets, in executed working papers. The director shall keep executed working papers on file at the headquarters office location and make them available for public review during normal business hours.

AMENDATORY SECTION (Amending WSR 89-21-029, filed 10/10/89, effective 11/10/89)

**WAC 315-10-020 Definitions.** (1) Ticket. The ticket purchased for participation in an instant game and any ticket used in ((authorized)) media promotions and ((authorized)) retailer incentive programs authorized by the director for an instant game.

(2) Instant game. A game in which a ticket is purchased and upon removal of a latex covering on the front of the ticket, the ticket bearer determines his or her winnings, if any.

(3) Ticket bearer. The person who has signed the ticket or has possession of the unsigned ticket.

(4) Play symbols. The numbers or symbols appearing in the designated areas under the removable covering on the front of the ticket. Play symbols were formerly called play numbers. Both terms shall have the same meaning.

(5) Validation number. The multi-digit number found on the ticket and on any ticket stub. There must be a validation number on the ticket or any stub.

(6) Working papers. The documents providing production and winning ticket specifications for each instant ticket game. Executed working papers (including amendments, if any) are signed and dated by the lottery director.

NEW SECTION

**WAC 315-10-022 What are the essential elements of instant game tickets?** The director shall establish in executed working papers for each instant game the specific form and location in which the following essential elements shall appear on each instant game ticket:

(1) **Play field** is generally the area under the latex covering that players scratch off to reveal play symbols, play symbol captions, prize symbols, prize symbol captions, and validation numbers;

(2) **Play spots** are the specific areas under the latex covering where play symbols are located;

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(3) **Play symbols** are symbols, letters, or numbers appearing in each play spot of a ticket;

(4) **Play symbol captions** are small printed characters generally associated with each play symbol appearing on the play field which correspond with and verify that play symbol. These captions spell out, in full or abbreviated form, the play symbol. There is only one play symbol caption for each play symbol, and each play symbol caption is associated with the three-digit ticket number;

(5) **Prize symbols** are numeric or symbolic representations, printed either in a display printed prize legend or on the play field, which indicate the amount of money a player may win;

(6) **Prize symbol captions** are small printed characters generally associated with each prize symbol appearing on the play field which correspond to and verify that prize symbol. The prize symbol caption is a spelling out, in full or abbreviated form, of the prize symbol;

(7) **Validation number** is a unique multi-digit number on the front of the ticket that appears under the removable latex covering and is identified as "val. no.";

(8) **Pack-ticket number** is a thirteen-digit number of the form XXXXXXXXX-X-XXX printed on the back of the ticket. The first three digits are the game identifier. The first nine digits of the pack-ticket number constitute the "pack number," which starts at XXX000001; the last three digits constitute the "ticket number," which starts at 000 and indicates the ticket's position within each pack of tickets;

(9) **Retailer verification code** consists of small letters found under the removable covering on the front of the ticket which the lottery retailer uses to verify instant winners of \$600.00 or less. A retailer verification code for a winning ticket of a particular game is a unique multiple letter code which corresponds to the prize value of the ticket for that game. Each letter of the code appears in varying locations beneath the removable latex covering on the front of the ticket; and

(10) **Odds of winning** shall always appear on the back of the ticket.

#### NEW SECTION

**WAC 315-10-025 How much does it cost to purchase an instant game ticket?** The price of an instant game ticket shall not be less than \$1.00 and not more than \$5.00, except for those tickets used in media promotions and retailer incentive programs authorized by the director.

**AMENDATORY SECTION** (Amending WSR 94-03-020, filed 1/7/94, effective, see WAC 315-04-180)

**WAC 315-10-030 Instant games criteria.** (1) ~~(The price of an instant game ticket shall not be less than \$1.00 and not more than \$5.00, except for those tickets used in authorized media promotions and authorized retailer incentive programs.~~

(2) ~~Winners of an instant game are determined by the matching or specified alignment of the play numbers on the tickets. The ticket bearer must notify the lottery of the win and submit the winning ticket to the lottery as specified by the director. The winning ticket must be validated by the lottery through use of the validation number and/or any other means as specified by the director.~~

~~(3))~~ The total of all prizes available to be won in an instant game shall not be less than forty-five percent of the instant game's projected revenue.

~~((4))~~ (2) The instant game shall pay out both lower tier prizes and higher tier prizes. Lower tier prizes are of \$25.00 or less. Higher tier prizes are of more than \$25.00. The director shall determine the number of lower and higher tier prizes.

~~((5) The start date and closing date of the instant game shall be publicly announced. Lottery retailers shall not sell any tickets prior to the start date of a game unless expressly authorized by the director. Lottery retailers may continue to sell tickets for each instant game for up to sixty days after the official end of game as authorized by WAC 315-10-060.~~

~~(6))~~ (3) There is no required frequency of drawing or method of selection of a winner in an instant game.

~~((7))~~ (4) At the director's discretion, an instant game may include a grand prize drawing(s). The criteria for the grand prize drawing shall be as follows:

(a) Finalists for a grand prize drawing shall be selected in an elimination drawing(s) from redeemed tickets meeting the criteria stated in specific game rules as determined by the director. Participation in the elimination drawing(s) shall be limited to such tickets which are actually received and validated by the director on or before a date to be announced by the director. The director may reserve the right to place any semi-finalist whose entry was not entered in the elimination drawing(s) and who is subsequently determined to have been entitled to such entry into an elimination drawing of a subsequent instant game, and the determination of the director shall be final.

(b) The number of prizes and the amount of each prize in the grand prize drawing(s) shall be determined by the director to correspond with the size and length of the instant game and to comply with subsection ~~((3))~~ (1) of this section.

(c) The dates and times as well as the procedures for conducting the elimination drawing and grand prize drawing shall be determined by the director.

~~((8) Procedures for claiming instant game prizes are as follows:~~

~~(a) To claim an instant game prize of \$600.00 or less the claimant either may present the apparent winning ticket to any lottery retailer regardless of where the ticket was purchased, or may present the apparent winning ticket to the lottery by mail or in person. When a retailer is presented with a claim under this section, the retailer shall verify the claim and, if acceptable, make payment of the amount due the claimant. The prizes shall be paid during all normal business hours of that retailer provided that claims can be validated on the lottery's instant ticket accounting system (ITAS). The retailer shall not charge the claimant any fee for payment of the prize or for cashing a business check drawn on the retailer's account.~~

~~(b) In the event the retailer cannot verify the claim, the claimant shall present a claim to the lottery by mail or in person. If the claim is validated by the lottery, a check shall be forwarded to the claimant in payment of the amount due. In the event that the claim is not validated by the director, the claim shall be denied and the claimant shall be promptly notified.~~

~~(c) To claim an instant prize of more than \$600.00, the claimant shall complete a claim form, as provided in WAC 315-06-120, which is obtained from the lottery retailer or the lottery and mail or present in person the completed form together with the apparent winning ticket to the lottery. Upon validation by the director, a check shall be mailed or presented to the claimant in payment of the amount due, less any applicable federal income tax withholding. In the event that the claim is not validated by the director, the claim shall be denied and the claimant shall be promptly notified.~~

~~(d) To claim an instant prize pursuant to WAC 315-070(2), the claimant shall notify the lottery of the claim and request reconstruction of the ticket not later than one hundred eighty days after the official end of that instant game. If the director authorizes reconstruction, the ticket shall not be validated nor the prize paid prior to the one hundred eighty first day following the official end of that instant game. A ticket(s) validated pursuant to WAC 315-10-070(2) shall not entitle the claimant entry into the grand prize drawing, if any, for that or any subsequent instant game.~~

~~(e) Any ticket not passing all the validation checks specified by the director is invalid and ineligible for any prize and shall not be paid. However, the director may, solely at his or her option, replace an invalid ticket with an unplayed ticket (or tickets of equivalent sales price from any other current game). In the event a defective ticket is purchased, the only responsibility or liability of the director shall be the replacement of the defective ticket with another unplayed ticket (or tickets of equivalent sale price from any other current game:))~~

NEW SECTION

**WAC 315-10-035 How do I know if I have a winning instant game ticket?** Each instant ticket shall be printed with instructions clearly indicating what constitutes a winning ticket. In addition, written descriptions of winning play and prize symbol combinations shall be included in the executed working papers for the production of each game. In general, winners of an instant game are determined by the matching or specified alignment of the play symbols on the ticket. The ticket bearer must submit the winning ticket to the lottery as specified by the director. The winning ticket must be validated by the lottery through use of the validation number or any other means as specified in this chapter or by the director.

NEW SECTION

**WAC 315-10-055 How much time does a player have to redeem winning and/or grand prize drawing instant game tickets?** (1) A player may submit a winning ticket for prize payment up to one hundred eighty days after the official end of game.

(2) In order to participate in a grand prize drawing in which the entry is the submittal of one or more winning or nonwinning tickets, a player must redeem and submit such a ticket or tickets within the time limits set forth in chapter 315-11 WAC governing the conduct of that specific game.

AMENDATORY SECTION (Amending WSR 94-03-020, filed 1/7/94, effective, see WAC 315-04-180)

**WAC 315-10-060 Official beginning and end of an instant ticket game.** ~~((+))~~ The director shall announce the official ~~(end)~~ start date and closing date of each instant ticket game in an official lottery publication via printed or electronic media, or both. Lottery retailers shall not sell any tickets prior to the start date of a game unless expressly authorized by the director. ~~((A player may submit a winning ticket for prize payment up to one hundred and eighty days after the official end of game. In order to participate in a grand prize drawing in which the entry is the submittal of one or more winning or nonwinning tickets, a player must redeem and submit such a ticket or tickets within the time limits set forth in chapter 315-11 WAC governing the conduct of that specific game.~~

~~(2) A lottery retailer may continue to sell tickets for each instant game up to sixty days after the official end of that game.~~

~~(3) Return of tickets by state liquor control board outlets shall be governed by the interlocal cooperative agreement between the lottery and the state liquor control board:))~~

NEW SECTION

**WAC 315-10-062 May a lottery retailer continue to sell instant game tickets for a particular game after the official end of that game?** A lottery retailer may continue to sell tickets for each instant game up to sixty days after the official end of that game.

NEW SECTION

**WAC 315-10-065 Return of instant game tickets by state liquor control board outlets.** Return of tickets by state liquor control board outlets shall be governed by the interlocal cooperative agreement between the lottery and the state liquor control board.

AMENDATORY SECTION (Amending Order 77, filed 7/30/85)

**WAC 315-10-070 Ticket validation requirements.** (1) To be a valid Washington state lottery instant game ticket, a ticket must meet all of the following validation requirements.

(a) The ticket must have been issued by the director in an authorized manner.

(b) The ticket must not be altered, unreadable, or tampered with in any manner.

(c) The ticket must not be counterfeit in whole or in part.

(d) The ticket must not be stolen nor appear on any list of omitted tickets on file with the lottery.

(e) The ticket must be complete and not blank or partially blank, miscut, misregistered, defective, or printed or produced in error.

(f) If play symbol and play symbol captions are present in the playfield, the ticket must have ((exactly)) at least one play symbol and ((exactly)) at least one play symbol caption under each ((of the rub off spots, exactly)) play spot. These elements must be present in their entirety, legible, right-side up, and not reversed in any manner.

PERMANENT

(g) The ticket must have at least one pack-ticket number, exactly one (~~agent~~) retailer verification code, and exactly one validation number. (~~They~~) These elements must be present in their entirety, legible, right-side up, and not reversed in any manner.

~~((g))~~ (h) The validation number of an apparent winning ticket shall appear on the lottery's official list of validation numbers of winning tickets; and a ticket with that validation number shall not have been previously paid.

~~((h))~~ (i) The ticket must pass all additional confidential validation requirements, if any, established by the director.

(2) The director may authorize reconstruction of an alleged winning ticket which was not received and/or cannot be located by the lottery~~(-)~~; provided, that the person requesting reconstruction submits to the lottery sufficient evidence to enable reconstruction and that they have submitted a claim for the prize, if any, for that ticket. If the reconstructed ticket is a winning ticket and meets the validation requirements contained in subsection (1) of this section and the specific validation requirements contained in the rules for its specific game, the director may authorize payment of the prize~~(-)~~; provided, that the ticket shall not be validated nor the prize paid prior to the one hundred eighty-first day following the official end of that instant game. A ticket(s) validated pursuant to this subsection shall not entitle the claimant entry into the grand prize drawing, if any, for that or any subsequent instant game.

(3) Any ticket not passing all the validation requirements in subsection (1) of this section and the specific validation requirements contained in the rules for its specific game is invalid and ineligible for any prize.

(4) The director may replace any invalid ticket with an unplayed ticket of equivalent sales price from any current instant game. In the event a defective ticket is purchased, the only responsibility or liability of the lottery shall be the replacement of the defective ticket with an unplayed ticket of equivalent sales price from any current instant game, or issue a refund of the sales price. However, if the ticket is partially mutilated or if the ticket is not intact but it still can be validated by other validation tests, the director may pay the prize for that ticket.

#### NEW SECTION

**WAC 315-10-075 How do I claim an instant game prize?** Procedures for claiming instant game prizes are as follows:

(1) To claim an instant game prize of \$600.00 or less the claimant either may present the apparent winning ticket to any lottery retailer regardless of where the ticket was purchased, or may present the apparent winning ticket to the lottery by mail or in person. When a retailer is presented with a claim under this section, the retailer shall verify the claim and, if acceptable, make payment of the amount due the claimant. The prizes shall be paid during all normal business hours of that retailer provided that claims can be validated on the lottery's instant ticket scanner. The retailer shall not charge the claimant any fee for payment of the prize or for cashing a business check drawn on the retailer's account.

(2) In the event the retailer cannot verify the claim, the claimant shall present a claim to the lottery by mail or in

person. If the claim is validated by the lottery, a check shall be forwarded to the claimant in payment of the amount due. In the event that the claim is not validated by the director, the claim shall be denied and the claimant shall be promptly notified.

(3) To claim an instant prize of more than \$600.00, the claimant shall complete a claim form, as provided in WAC 315-06-120, which is obtained from the lottery retailer or the lottery and mail or present in person the completed form together with the apparent winning ticket to the lottery. Upon validation by the director, a check shall be mailed or presented to the claimant in payment of the amount due, less any applicable federal income tax withholding and deductions pursuant to RCW 67.70.255 and WAC 315-06-125. In the event that the claim is not validated by the director, the claim shall be denied and the claimant shall be promptly notified.

(4) To claim an instant prize pursuant to WAC 315-10-070(2), the claimant shall notify the lottery of the claim and request reconstruction of the ticket not later than one hundred eighty days after the official end of that instant game. If the director authorizes reconstruction, the ticket shall not be validated nor the prize paid prior to the one hundred eighty-first day following the official end of that instant game. A ticket(s) validated pursuant to WAC 315-10-070(2) shall not entitle the claimant entry into the grand prize drawing, if any, for that or any subsequent instant game.

(5) Any ticket not passing all the validation checks specified by the director is invalid and ineligible for any prize and shall not be paid. However, the director may, solely at his or her option, replace an invalid ticket with an unplayed ticket (or tickets of equivalent sales price from any other current game). In the event a defective ticket is purchased, the only responsibility or liability of the director shall be the replacement of the defective ticket with another unplayed ticket (or tickets of equivalent sale price from any other current game).

#### **WSR 97-04-054**

#### **PERMANENT RULES**

#### **WASHINGTON STATE PATROL**

[Filed February 3, 1997, 1:45 p.m.]

Date of Adoption: February 3, 1997.

Purpose: Amend rule to allow refuse haulers to place alternate lights on the garbage trucks when vehicle equipment obscures regular headlamps. The standards would be the same used for snow removal and highway maintenance vehicles.

Citation of Existing Rules Affected by this Order: Amending WAC 204-60-010 and 204-60-030.

Statutory Authority for Adoption: RCW 46.37.005 and 46.37.300.

Adopted under notice filed as WSR 97-01-057 on December 12, 1996.

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 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 1, 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 1, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 1, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: Thirty-one days after filing.

February 3, 1997

Annette M. Sandberg

Chief

#### Chapter 204-60 WAC

### STANDARDS AND SPECIFICATIONS FOR ADDITIONAL LAMPS AND FLAGS FOR USE ON SNOW REMOVAL (~~AND~~), HIGHWAY MAINTENANCE EQUIPMENT, AND REFUSE HAULERS

AMENDATORY SECTION (Amending Order 7605, filed 2/24/76)

**WAC 204-60-010 Promulgation.** By authority vested in the (~~state commission on equipment~~) Washington state patrol in RCW 46.37.005 and 46.37.300, the following standards and specifications applicable to head lamps, clearance lamps, identification and other lamps on snow-removal and highway maintenance equipment, and refuse haulers in lieu of the lamps otherwise required on motor vehicles, are hereby adopted.

AMENDATORY SECTION (Amending Order 7605, filed 2/24/76)

**WAC 204-60-030 Standards for lights.** (1) Additional headlamps may be positioned sufficiently high enough to clear operating equipment provided they are aimed at an angle to avoid blinding oncoming traffic while on their routes, involved in construction, maintenance, and/or operations. Regular mounted headlamps must be used by refuse haulers when transporting refuse to the dump site. Auxiliary headlamps may be used if necessary.

When the refuse haulers' collections container is in a position to obscure the headlamps, the truck will use the alternate lights and will not exceed twenty miles per hour.

(2) Additional operating lamps may be located on the top of the cab or at other locations to illuminate plowing, abrasive spreading or other equipment.

(3) Red lights on highway equipment: No flashing red warning signal except those required by RCW 46.37.150, shall be displayed or used on any highway equipment.

(4) Amber lamps on highway equipment: Amber colored lamps required on the following equipment shall comply with the specifications set forth in (~~paragraph (6))~~ subsection (5) of this section:

(a) Power shovels or other similar highway maintenance equipment shall be equipped with a flashing amber lamp and red flag on an extension designating the maximum danger limit created by the swing of the cab while operating along the traffic lane.

(b) A flashing amber lamp shall be used on all other equipment which creates a potential hazard to traffic in order to serve as a warning to the traveling public. This equipment includes those vehicles and trailers for construction, maintenance and operations.

(c) A flashing amber lamp shall be used on the knuckle of all manlift-type platform trucks with articulating boom, where the knuckle is capable of being rotated beyond the side of the truck.

(d) The minimum light intensity of the lamp filament shall not be less than twenty-one candle power.

(e) The lamp or lamps shall be mounted on the cab or other high point of the equipment so as to be visible at all times, at least from the front and rear of the vehicle, from a distance of five hundred feet in normal sunlight.

(~~(6)~~) (5) The flashing amber lamp for use on highway construction, maintenance, refuse haulers, and operations equipment shall be illuminated only:

(a) When the equipment is actually involved in construction, maintenance, collecting refuse, and/or operations.

(b) When the equipment is traveling to or from the job site and is unable to maintain, either because of equipment limitations, or other reasons, at least one-half posted or prevailing speed.

#### WSR 97-04-055

#### PERMANENT RULES

#### WASHINGTON STATE PATROL

[Filed February 3, 1997, 1:49 p.m.]

Date of Adoption: February 3, 1997.

Purpose: Amend rule regarding body requirements for special motor vehicles to reflect chapter 225, Laws of 1996 (SSB 5250) which made hoods and bumpers optional equipment of street rods and kit vehicles.

Citation of Existing Rules Affected by this Order: Amending WAC 204-90-040.

Statutory Authority for Adoption: RCW 46.37.005, 46.37.513, 46.37.517.

Adopted under notice filed as WSR 97-01-058 on December 12, 1996.

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 1, repealed 0.

Number of Sections Adopted at 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 1, 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.

Effective Date of Rule: Thirty-one days after filing.

February 3, 1997

Annette M. Sandberg

Chief

**AMENDATORY SECTION** (Amending Order 83-05-01, filed 5/13/83)

**WAC 204-90-040 Body requirements.** (1) Defroster and defogging devices: Every enclosed special motor vehicle shall be equipped with a device capable of defogging and defrosting the windshield area. Vehicles or exact replicas of vehicles manufactured prior to January, 1938, are exempt from this requirement.

(2) Door latches: Every enclosed special motor vehicle equipped with side doors leading directly into a compartment that contains one or more seating accommodations shall be equipped with door latches which firmly and automatically secure the door when pushed closed and which allow each door to be opened both from the inside and outside.

(3) Hoodlatches: A front opening hood shall be equipped with a primary and a secondary latching system to hold the hood in a closed position.

Hoods are optional equipment on vehicles defined as street rods and kit vehicles by the Washington state patrol vehicle inspectors.

(4) Enclosed passenger compartment: A special motor vehicle with an enclosed passenger compartment and powered by an internal combustion engine shall be constructed to prevent the entry of exhaust fumes into the passenger compartment.

(5) Floor pan: A special motor vehicle shall be equipped with a floor pan under the entire passenger compartment capable of supporting the weight of the number of occupants that the vehicle is designed to carry.

(6) Bumpers: A special motor vehicle shall be equipped with a bumper on both the front and rear of the vehicle with the exception of motor vehicles where the original or predominant body configuration, provided by a recognized manufacturer, did not include such bumper or bumpers in the design of the vehicle. Bumpers or exact replicas of bumpers for Type I vehicles meeting the original specifications of a recognized manufacturer shall satisfy the requirements of this section.

Bumpers are optional equipment on vehicles defined as street rods and kit vehicles by the Washington state patrol vehicle inspectors.

Bumpers, unless specifically exempted above, shall be at least 4.5 inches in vertical height, centered on the vehicle's centerline, and extend no less than the width of the respective wheel track distances. Bumpers shall be horizontal load bearing and attach to the vehicle frame to effectively transfer energy when impacted.

The maximum bumper heights will be determined by weight category of gross vehicle weight rating (GVWR) measured from a level surface to the highest point on the bottom of the bumper. For vehicles exempted from the bumper requirement for the reasons stated above, a maximum frame elevation measurement shall be made to the bottom of the frame rail. Maximum heights are as follows:

	<u>Front</u>	<u>Back</u>
Passenger Vehicles	22 Inches	22 Inches
4,500 lbs. and under GVWR	24 Inches	26 Inches
4,501 lbs. to 7,500 lbs. GVWR	27 Inches	29 Inches
7,501 lbs. to 10,000 lbs. GVWR	28 Inches	30 Inches

(7) Fenders: All wheels of a special motor vehicle shall be equipped with fenders designed to cover the entire tire

tread width that comes in contact with the road surface. Coverage of the tire tread circumference shall be from at least 15° in front and to at least 75° to the rear of the vertical centerline at each wheel measured from the center of the wheel rotation. At no time shall the tire come in contact with the body, fender, chassis, or suspension of the vehicle.

(8) Frame: A special motor vehicle shall be equipped with a frame. If an existing frame from a recognized manufacturer is not used and a special frame is fabricated, it shall be constructed of wall box or continuous section tubing, wall channel, or unitized construction capable of supporting the vehicle, its load, and the torque produced by the power source under all conditions of operation. ~~((Specially fabricated frames shall meet the Specialty Equipment Manufacturing Association "Recommended practice for chassis construction of special motor vehicles."))~~

**WSR 97-04-063**

**PERMANENT RULES**

**DEPARTMENT OF ECOLOGY**

[Order 96-12—Filed February 4, 1997, 10:29 a.m.]

**Reviser's note:** This permanent filing has been rejected because it was filed earlier than the date stated as the date of adoption in the notice, WSR 97-03-129, filed on January 22, 1997. The agency refiled this permanent filing on February 5, 1997, as WSR 97-04-076.

**WSR 97-04-076**

**PERMANENT RULES**

**DEPARTMENT OF ECOLOGY**

[Order 96-12—Filed February 5, 1997, 10:21 a.m.]

Date of Adoption: February 5, 1997.

Purpose: To revise the existing WAC to include changes mandated by the 1995 legislature in ESB 5776. This includes changes to definitions of shorelands and wetlands and adoption of a state wetland delineation manual.

Citation of Existing Rules Affected by this Order: Amending chapter 173-22 WAC.

Statutory Authority for Adoption: RCW 90.58.140(3) and [90.58].200.

Adopted under notice filed as WSR 96-19-034 on September 11, 1996.

Changes Other than Editing from Proposed to Adopted Version: Added definitions. Removed guidance language that was not appropriate in a regulation.

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 2, amended 3, repealed 0.

Number of Sections Adopted at 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:

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New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: Thirty-one days after filing.  
February 5, 1997  
Tom Fitzsimmons  
Director

**Chapter 173-22 WAC**  
**ADOPTION OF DESIGNATIONS OF SHORELANDS**  
**AND WETLANDS ASSOCIATED WITH SHORE-**  
**LINES OF THE STATE**

AMENDATORY SECTION (Amending Order 86-06, filed 5/23/86)

**WAC 173-22-030 Definitions.** As used herein, the following words have the following meanings:

(1) "Associated wetlands" ~~((is synonymous with "wetlands" or "wetland areas"))~~ means those wetlands which are in proximity to and either influence or are influenced by tidal waters or a lake or stream subject to the Shoreline Management Act;

(2) "Atypical situation" as used herein, refers to areas in which one or more parameters (vegetation, soil, and/or hydrology) have been sufficiently altered by recent human activities or natural events to preclude the presence of wetland indicators of the parameter. Recent refers to the period of time since legal jurisdiction of an applicable law or regulation took effect;

(3) "Duration (inundation/soil saturation)" means the length of time during which water stands at or above the soil surface (inundation), or during which the soil is saturated. As used herein, duration refers to a period during the growing season;

(4) "Flood plain" is synonymous with one hundred-year floodplain and means that land area susceptible to being inundated by stream derived waters with a one percent chance of being equaled or exceeded in any given year. The limit of this area shall be based upon flood ordinance regulation maps or a reasonable method which meets the objectives of the act;

~~((3))~~ (5) "Floodway" means those portions of the area of a river valley lying streamward from the outer limits of a watercourse upon which flood waters are carried during periods of flooding that occur with reasonable regularity, although not necessarily annually, said floodway being identified, under normal condition, by changes in surface soil conditions or changes in types or quality of vegetative ground cover condition. The floodway shall not include those lands that can reasonably be expected to be protected from flood waters by flood control devices maintained by or maintained under license from the federal government, the state, or a political subdivision of the state. The limit of the floodway is that which has been established in flood regulation ordinance maps or by a reasonable method which meets the objectives of the act;

~~((4))~~ (6) "Growing season" means the portion of the year when soil temperatures at 19.7 inches below the soil surface are higher than biologic zero (5°C);

(7) "Hydrophytic vegetation" means the sum total of macrophytic plant life growing in water or on a substrate that is at least periodically deficient in oxygen as a result of

excessive water content. When hydrophytic vegetation comprises a community where indicators of hydric soils and wetland hydrology also occur, the area has wetland vegetation;

(8) "Hydric soil" means soil that formed under conditions of saturation, flooding, or ponding long enough during the growing season to develop anaerobic conditions in the upper part;

(9) "Lake" means a body of standing water in a depression of land or expanded part of a river, including reservoirs, of twenty acres or greater in total area. A lake is bounded by the ordinary high water mark or, where a stream enters a lake, the extension of the elevation of the lake's ordinary high water mark within the stream;

~~((5) "Marshes, bogs, and swamps" are lands transitional between terrestrial and aquatic systems where saturation with water is the dominant factor determining plant and animal communities and soil development. For the purposes of this definition, these areas must have one or more of the following attributes:~~

~~(a) At least periodically, the land supports predominant ly hydrophytes; and/or~~

~~(b) The substrate is predominantly undrained hydric soil. Hydrophytes include those plants capable of growing in water or on a substrate that is at least periodically deficient in oxygen as a result of excessive water content. Hydric soils include those soils which are wet long enough to periodically produce anaerobic conditions, thereby influencing the growth of plants;~~

~~(6))~~ (10) "Long duration" means a period of inundation from a single event that ranges from seven days to one month.

(11) "Ordinary high water mark" on all lakes, streams, and tidal water is that mark that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation as that condition exists on June 1, 1971, as it may naturally change thereafter, or as it may change thereafter in accordance with permits issued by a local government or the department. The following criteria clarify this mark on tidal waters, lakes, and streams:

(a) Tidal waters.

(i) In high energy environments where the action of waves or currents is sufficient to prevent vegetation establishment below mean higher high tide, the ordinary high water mark is coincident with the line of vegetation. Where there is no vegetative cover for less than one hundred feet parallel to the shoreline, the ordinary high water mark is the average tidal elevation of the adjacent lines of vegetation. Where the ordinary high water mark cannot be found, it is the elevation of mean higher high tide;

(ii) In low energy environments where the action of waves and currents is not sufficient to prevent vegetation establishment below mean higher high tide, the ordinary high water mark is coincident with the landward limit of salt tolerant vegetation. "Salt tolerant vegetation" means vegetation which is tolerant of interstitial soil salinities greater than or equal to 0.5 parts per thousand;

(b) Lakes. Where the ordinary high water mark cannot be found, it shall be the line of mean high water;

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(c) Streams. Where the ordinary high water mark cannot be found, it shall be the line of mean high water. For braided streams, the ordinary high water mark is found on the banks forming the outer limits of the depression within which the braiding occurs;

~~((7))~~ (12) "Prevalent vegetation" means the plant community or communities that occur in an area during a given period. The prevalent vegetation is characterized by the dominant macrophytic species that comprise the plant community;

(13) "River delta" means those lands formed as an aggradational feature by stratified clay, silt, sand and gravel deposited at the mouths of streams where they enter a quieter body of water. The upstream extent of a river delta is that limit where it no longer forms distributary channels;

~~((8))~~ (14) "Shorelands" or "shoreland areas" means those lands extending landward for two hundred feet in all directions as measured on a horizontal plane from the ordinary high water mark; floodways and contiguous floodplain areas landward two hundred feet from such floodways; and all wetlands and river deltas associated with the streams, lakes, and tidal waters which are subject to the provisions of this chapter; the same to be designated as to location by the department of ecology. Any county or city may determine that portion of a one-hundred-year-flood plain to be included in its master program as long as such portion includes, as a minimum, the floodway and the adjacent land extending landward two hundred feet therefrom;

(15) A "stream" is a naturally occurring body of periodic or continuously flowing water where:

(a) The mean annual flow is greater than twenty cubic feet per second; and

(b) The water is contained within a channel. A channel is an open conduit either naturally or artificially created. This definition does not include artificially created irrigation, return flow, or stockwatering channels;

~~((9))~~ (16) "Tidal water" includes marine and estuarine waters bounded by the ordinary high water mark. Where a stream enters the tidal water, the tidal water is bounded by the extension of the elevation of the marine ordinary high water mark within the stream;

~~((10))~~ (17) "Typically adapted" is a term that refers to a species being normally or commonly suited to a given set of environmental conditions, due to some feature of its morphology, physiology, or reproduction;

(18) "Very long duration" means a period of inundation from a single event that is greater than one month.

(19) "Wetlands" or "wetland areas" means ~~((those lands extending landward for two hundred feet in all directions as measured on a horizontal plane from the ordinary high water mark; floodways and contiguous flood plain areas landward two hundred feet from such floodways; and all marshes, bogs, swamps, and river deltas associated with the streams, lakes and tidal waters which are subject to the provisions of chapter 90.58 RCW: Provided, That any county or city may determine that portion of a one hundred year flood plain to be included in its master program as long as such portion includes, as a minimum, the floodway and the adjacent land extending landward two hundred feet therefrom))~~ areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation

typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas. Wetlands do not include those artificial wetlands intentionally created from nonwetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from nonwetland areas to mitigate the conversion of wetlands; and

~~((11))~~ (20) The definitions set forth in chapter 90.58 RCW shall also apply as used herein.

#### NEW SECTION

**WAC 173-22-035 Wetland identification and delineation.** Identification of wetlands and delineation of their boundaries pursuant to this chapter shall be done in accordance with the criteria and indicators listed in WAC 173-22-080. These criteria and indicators along with recommended methods and additional background information can be found in the Washington State Wetland Identification and Delineation Manual, Ecology Publication # 96-94.

AMENDATORY SECTION (Amending Order 86-06, filed 5/23/86)

**WAC 173-22-040 (~~Wetland~~) Shoreland area designation criteria.** The following criteria contain the standards for the department's designation of (~~wetland~~) shoreland areas associated with shorelines of the state which are subject to the jurisdiction of chapter 90.58 RCW:

(1) Tidal waters. The (~~wetland~~) shoreland area shall include:

(a) Those lands which extend landward two hundred feet as measured on a horizontal plane from the ordinary high water mark; and

(b) Those (~~marshes, bogs, and swamps~~) wetlands which are in proximity to and either influence or are influenced by the tidal water. This influence includes but is not limited to one or more of the following: Periodic tidal inundation; hydraulic continuity; formation by tidally influenced geohydraulic processes; or a surface connection through a culvert or tide gate;

(2) Lakes. The (~~wetland~~) shoreland area shall include:

(a) Those lands which extend landward two hundred feet as measured on a horizontal plane from the ordinary high water mark; and

(b) Those (~~marshes, bogs, and swamps~~) wetlands which are in proximity to and either influence or are influenced by the lake. This influence includes but is not limited to one or more of the following: Periodic inundation or hydraulic continuity;

(3) Streams. The (~~wetland~~) shoreland area shall include the greater of:

(a) Those lands which extend landward two hundred feet as measured on a horizontal plane from the ordinary high water mark;

(b) Those floodplains which extend landward two hundred feet as measured on a horizontal plane from the floodway: *Provided*, That local government may, at its

discretion, include all or a larger portion of the one hundred-year floodplain within the associated (~~wetlands~~) shorelands. Designation of this (~~wetland~~) shoreland area shall be in accordance with chapter 173-19 WAC, the state master program. If the applicable master program does not designate the (~~wetland~~) shoreland area for a stream, it shall be designated under the rules which applied at the time of adoption by the department;

(c) Those (~~marshes, bogs, and swamps~~) wetlands which are in proximity to and either influence or are influenced by the stream. This influence includes but is not limited to one or more of the following: Periodic inundation; location within a floodplain; or hydraulic continuity; and

(d) Those lands within a river delta floodplain except for those lands that can reasonably be expected to be protected from flood waters by flood control devices maintained by or maintained under license from the federal government, the state, or a political subdivision of the state.

**AMENDATORY SECTION** (Amending Order DE 73-11, filed 7/20/73)

**WAC 173-22-070 Lands within federal boundaries.**

In addition to those designations contained in the appendix, those nonfederal lands lying within the exterior boundaries of federal lands and those federal lands leased by the federal government to other persons, which lands fall within the definition of (~~wetlands~~) shorelands contained herein, shall also be subject to the jurisdiction of chapter 90.58 RCW.

**NEW SECTION**

**WAC 173-22-080 Wetland delineation manual.**

The department has prepared a Washington State Wetland Identification and Delineation Manual (Ecology publication # 96-94) to be used in implementing these regulations. The mandatory portions of this manual are adopted into the following regulations. In addition, the manual contains background information, guidance, examples, and methods which may be useful in applying these regulations. The manual is intended to be used in implementing the Shoreline Management Act and other applicable state statutes. The manual is also to be used by local governments in implementing local regulations under the Growth Management Act (chapter 36.70A RCW).

The state manual takes the original 1987 Corps of Engineers manual and incorporates the changes made by the federal government to the 1987 manual since that time. This includes the national guidance issued by the Corps in 1991 and 1992, and the regional guidance issued by the Corps and EPA in 1994. All other changes are of two types:

Additional language added to assist the user in applying the manual to the variety of situations found in the state of Washington; or

Deletion of geographic material or references irrelevant to Washington.

Since the original 1987 manual was developed for use throughout the United States, it contains many references that do not apply to our state. Where appropriate, references to species or situations found in Washington have been added.

(1) Wetland delineation. Purpose and introduction.

It is the purpose of a delineation manual to provide information and methods that will allow a delineator to make an accurate wetland delineation at any time of the year. However, it must be recognized that some wetlands will be more difficult to delineate than others and that all information collected must be used in conjunction with the knowledge and experience of the delineator. The proper collection and recording of field and other supporting data is one of the most critical aspects of any wetland delineation. The wetland delineation regulations are intended to identify areas that meet the definition of wetlands found in state law. They are also intended to identify the same areas identified in the Corps of Engineers 1987 Wetlands Delineation Manual, as amended and augmented by official federal guidance issued through January 1995.

The technical approach for identifying and delineating wetlands does not constitute a classification system. It provides a basis for determining whether a given area is a wetland for purposes of federal, state and local regulations without attempting to classify it by wetland type.

Certain wetland types, under the extremes of normal seasonal or annual variability, may not always meet all the wetland criteria defined in the manual. Examples include vernal wetlands during drought years and seasonal wetlands that may lack hydrophytic vegetation and/or wetland hydrology during the dry season. Such areas are discussed in subsection (12) of this section (**Problem Areas**), and guidance is provided for making wetland determinations in these areas.

Three key provisions of the definition of wetlands include:

(a) Inundated or saturated soil conditions resulting from permanent or periodic inundation or saturation by ground water or surface water.

(b) A prevalence of vegetation typically adapted for life in saturated soil conditions (hydrophytic vegetation).

(c) The presence of "normal circumstances."

Explicit in the definition is the consideration of three environmental parameters: Hydrology, soil, and vegetation. Positive wetland indicators of all three parameters are normally present in wetlands. Although vegetation is often the most readily observed parameter, sole reliance on vegetation or either of the other parameters as the determinant of wetlands can sometimes be misleading. Many plant species can grow successfully in both wetlands and nonwetlands, and hydrophytic vegetation and hydric soils may persist for decades following alteration of hydrology that will render an area a nonwetland. The presence of hydric soils and wetland hydrology indicators in addition to vegetation indicators will provide a logical, easily defensible, and technical basis for the presence of wetlands. The combined use of indicators for all three parameters will enhance the technical accuracy, consistency, and credibility of wetland determinations. Therefore, all three parameters were used in developing the criteria for wetlands and all approaches for applying the criteria embody the multiparameter concept.

The procedures described in the methods section of the state delineation manual have been tested and found to be reliable. However, these methods are recommendations and are not mandatory. Site-specific conditions may require



modification of field procedures. The user has the flexibility to employ sampling procedures other than those described. However, the basic approach for making wetland determinations should not be altered (i.e., the determination should be based on the dominant plant species, soil characteristics, and hydrologic characteristics of the area in question). The user should document reasons for using a different characterization procedure than described in the state manual. *CAUTION: Application of methods described in the manual or the modified sampling procedures requires that the user be familiar with wetlands of the area and use his/her training, experience, and good judgment in making wetland determinations.*

(2) Wetland identification and delineation. Technical criteria. The interaction of hydrology, vegetation, and soil results in the development of characteristics unique to wetlands. Therefore, the following criteria for wetlands are based on these three parameters.

The definition of wetlands (WAC 173-22-030) includes the language found in the federal Clean Water Act regulations. It also includes additional language found in the Shoreline Management Act and Growth Management Act which specifically excludes several types of "artificial" wetlands. Many of these areas specifically excluded in the definition will meet the technical requirements for being a wetland (i.e., will meet all three criteria). The delineation manual identifies all areas that meet the necessary wetland criteria and does not attempt to distinguish these "artificial" wetlands. If necessary, the user will need to independently determine if a wetland as identified by this manual fits in any of the categories of "artificial" wetlands specifically excluded in the definition.

(3) The following criteria, and technical approach comprise the basis for the identification and delineation of wetlands:

Wetlands meet the following criteria:

(a) Vegetation. The prevalent vegetation consists of macrophytes that are typically adapted to areas having hydrologic and soil conditions described in subsection (1)(a) of this section. Hydrophytic species, due to morphological, physiological, and/or reproductive adaptation(s), have the ability to grow, effectively compete, reproduce, and/or persist in anaerobic soil conditions. Indicators of vegetation associated with wetlands are listed in this section.

(b) Soil. A hydric soil is a soil that formed under conditions of saturation, flooding, or ponding long enough during the growing season to develop anaerobic conditions in the upper part. (USDA-NRCS 1995, Federal Register, 7/13/94, Vol. 59, No. 133, pp 35680-83.) The following criteria reflect those soils that meet this definition:

(i) All Histosols except Folists; or

(ii) Soils in Aquic suborders, great groups, or subgroups, Albolls suborder, Aquisalids, Pachic subgroups, or Cumulus subgroups that are:

(A) Somewhat poorly drained with a water table equal to 0.0 foot (ft.) from the surface during the growing season; or

(B) Poorly drained or very poorly drained and have either:

(I) A water table equal to 0.0 ft. during the growing season if textures are coarse sand, sand, or fine sand in all layers within 20 inches(in.), or for other soils;

(II) A water table at less than or equal to 0.5 ft. from the surface during the growing season if permeability is equal to or greater than 6.0 in./hour in all layers within 20 in.; or

(III) The water table is at less than or equal to 1.0 ft. from the surface during the growing season if permeability is less than 6.0 in./hour in any layer within 20 in.; or

(iii) Soils that are frequently ponded for long or very long duration during the growing season; or

(iv) Soils that are frequently flooded for long duration or very long duration during the growing season.

Soil criteria indicators are listed in subsections (6), (7) and (8) of this section.

(c) Hydrology. Areas which are inundated and/or saturated to the surface for a consecutive number of days for more than 12.5 percent of the growing season are wetlands, provided the soil and vegetation parameters are met. Areas inundated or saturated to the surface for a consecutive number of days between 5 percent and 12.5 percent of the growing season in most years may or may not be wetlands. Areas inundated or saturated to the surface for less than 5 percent of the growing season are nonwetlands. Wetland hydrology exists if field indicators are present as described in subsection (10) of this section.

(d) Technical approach for the identification and delineation of wetlands. Except in certain situations defined in this manual, evidence of at least one positive wetland indicator from each parameter (hydrology, soil, and vegetation) must be found in order to make a positive wetland determination.

#### Characteristics and Indicators of Hydrophytic Vegetation, Hydric Soils, and Wetland Hydrology

(4) Hydrophytic Vegetation. The plant community concept is followed throughout the manual. Emphasis is placed on the assemblage of plant species that exert a controlling influence on the character of the plant community, rather than on indicator species. Thus, the presence of scattered individuals of an upland plant species in a community dominated by hydrophytic species is not a sufficient basis for concluding that the area is an upland community. Likewise, the presence of a few individuals of a hydrophytic species in a community dominated by upland species is not a sufficient basis for concluding that the area has hydrophytic vegetation.

(5) Indicators of hydrophytic vegetation. Several indicators may be used to determine whether hydrophytic vegetation is present on a site. However, the presence of a single individual of a hydrophytic species does not mean that hydrophytic vegetation is present. The strongest case for the presence of hydrophytic vegetation can be made when several indicators, such as those in the following list, are present. One of the most common errors made in delineating wetlands has been to assume that the first indicator (a) must be met in every case. This has led to some wetland areas being called nonwetland. Keep in mind that any of the following indicators may be used to meet the vegetation criteria. However, when using any indicator other than (a),

it is important to have solid documentation of wetland hydrology and hydric soils. Indicators are listed in order of decreasing reliability. Although all are valid indicators, some are stronger than others. When a decision is based on an indicator appearing in the lower portion of the list, re-evaluate the parameter to ensure that the proper decision was reached.

(a) More than 50 percent of the dominant species are OBL, FACW+, FACW, FACW-, FAC+ or FAC (Table 1) on lists of plant species that occur in wetlands. A national interagency panel has prepared a National List of Plant Species that Occur in Wetlands (Reed 1988a). This list

categorizes species according to their affinity for occurrence in wetlands. In addition, a 1993 supplement to the plants species list for Region 9 (Northwest) has been prepared (Reed 1993). Be sure to consult this supplement or any more recent supplements to confirm that a species has the proper indicator status. (The Seattle District of the Corps does not use the FAC neutral option as an indicator of hydrophytic vegetation but does allow the use of the FAC neutral option as an indicator of hydrology. See Hydrology indicator # 10 for definition.) FAC- species do not count as FAC species for the purposes of meeting indicator (a). Only FAC, FAC+, FACW (+, -) and OBL species count.

Table 1  
Plant Indicator Status Categories

<u>Indicator Category</u>	<u>Indicator Symbol</u>	<u>Definition</u>
OBLIGATE WETLAND PLANTS	OBL	Plants that almost always occur (estimated probability >99%) in wetlands under natural conditions, but which may also occur rarely (estimated probability <1%) in nonwetlands. Examples: <i>Typha latifolia</i> , <i>Lysichitum americanum</i>
FACULTATIVE WETLAND PLANTS	FACW	Plants that usually occur (estimated probability 67% to 99%) in wetlands, but also occur (estimated probability 1% to 33% in nonwetlands). Examples: <i>Fraxinus latifolia</i> <i>Cornus stolonifera</i> .
FACULTATIVE PLANTS	FAC	Plants with a similar likelihood (estimated probability 34% to 66%) of occurring in both wetlands and nonwetlands. Examples: <i>Alnus rubra</i> , <i>Rubus spectabilis</i>
FACULTATIVE UPLAND PLANTS	FACU	Plants that sometimes occur (estimated probability 1% to 33%) in wetlands, but occur more often (estimated probability 67% to 99%) in nonwetlands. Examples: <i>Acer macrophyllum</i> , <i>Rubus discolor</i>
OBLIGATE UPLAND PLANTS	UPL	Plants that rarely occur (estimated probability <1%) in wetlands, but occur almost always (estimated probability >99%) in nonwetlands under natural conditions.

Categories were originally developed and defined by the USFWS National Wetlands Inventory and subsequently modified by the National Plant List Panel. The three facultative categories are subdivided by (+) and (-) modifiers. FAC+ species are considered to have a greater estimated probability of occurring in wetlands than FAC species, while FAC- species are considered to have a lesser estimated probability of occurring in wetlands than FAC species.

(b) Other indicators. Although there are several other indicators of hydrophytic vegetation, it will seldom be necessary to use them. However, they may provide additional useful information to strengthen a case for the presence of hydrophytic vegetation. Additional training and/or experience may be required to employ these indicators.

(i) Visual observation of plant species growing in areas of prolonged inundation and/or soil saturation. This indicator can only be applied by experienced personnel who have

accumulated information through several years of field experience and written documentation (field notes) that certain species commonly occur in areas of prolonged (>12.5 percent) inundation and/or soil saturation during the growing season. In certain situations, areas with wetland hydrology and hydric soils may be dominated by plant species classified as facultative upland. The most common examples in Washington are Western Hemlock forested wetlands and wet meadows planted with pasture grasses. It is important to

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keep in mind that facultative upland species are found in wetlands up to 33% of the time and, under certain circumstances, can be the dominant species in a wetland plant community. Usually, however, FACU species are found in uplands. Thus, if you encounter a situation where the hydrology and soil parameters are clearly met, do not eliminate the area from consideration as a wetland based on a lack of prevalence of facultative or wetter vegetation. Species such as *Gaultheria shallon*, *Acer circinatum*, and *Pteridium aquilinum* may be found in these areas, often on hummocks or downed logs or stumps. More typical wetland species may occur in such areas, though often as nondominants. Thus, occurrence of species commonly observed in other wetland areas provides a strong indication that hydrophytic vegetation is present. If you have strong evidence that the hydrology and soil parameters are met then the vegetation is acting as a hydrophyte and the area is probably a wetland. *CAUTION: It is necessary to have good documentation that the area experiences prolonged inundation and/or saturation in order to call it a wetland. The presence of standing water or saturated soil on a site at a single point in time or for short periods is insufficient evidence that the species present are able to tolerate long periods of inundation. The user must relate the observed species to other similar situations and determine whether they are normally found in wet areas, taking into consideration the season and immediately preceding weather conditions. If you encounter this situation, you may be dealing with an atypical situation or a problem area.*

(ii) Morphological adaptations. Some hydrophytic species have easily recognized physical characteristics that indicate their ability to occur in wetlands. A given species may exhibit several of these characteristics, but not all hydrophytic species have evident morphological adaptations.

(iii) Technical literature. The technical literature may provide a strong indication that plant species comprising the prevalent vegetation are commonly found in areas where soils are periodically saturated for long periods. Sources of available literature include:

(A) Taxonomic references. Such references usually contain at least a general description of the habitat in which a species occurs. A habitat description such as, "Occurs in water of streams and lakes and in alluvial floodplains subject to periodic flooding," supports a conclusion that the species typically occurs in wetlands.

(B) Botanical journals. Some botanical journals contain studies that define species occurrence in various hydrologic regimes.

(C) Technical reports. Governmental agencies periodically publish reports (e.g., literature reviews) that contain information on plant species occurrence in relation to hydrologic regimes.

(D) Technical workshops, conferences, and symposia. Publications resulting from periodic scientific meetings contain valuable information that can be used to support a decision regarding the presence of hydrophytic vegetation. These usually address specific regions or wetland types.

(E) Wetland plant data base. The National Wetland Inventory has produced a Plant Data Base that contains habitat information on over 6,700 plant species that occur at some estimated probability in wetlands, as compiled from the technical literature.

(iv) Physiological adaptations. Physiological adaptations include any features of the metabolic processes of plants that make them particularly fitted for life in saturated soil conditions. *NOTE: It is impossible to detect the presence of physiological adaptations in plant species during on-site visits.*

(v) Reproductive adaptations. Some plant species have reproductive features that enable them to become established and grow in saturated soil conditions.

(6) Hydric soils. Indicators. Indicators are listed in descending order of reliability. Although all are valid indicators, some are stronger indicators than others. When a decision is based on an indicator appearing in the lower portion of the list, re-evaluate the parameter to ensure that the proper decision was reached.

A hydric soil may be either drained or undrained, and a drained hydric soil may not continue to support hydrophytic vegetation. Therefore, not all areas having hydric soils will qualify as wetlands. Only when a hydric soil supports hydrophytic vegetation and the area has indicators of wetland hydrology may the area be referred to as a wetland.

A drained hydric soil is one in which sufficient ground or surface water has been removed by artificial means such that the area will no longer support hydrophytic vegetation or wetland hydrology. On-site evidence of drained soils includes:

(a) Presence of ditches or canals of sufficient depth to lower the water table below the major portion of the root zone of the prevalent vegetation.

(b) Presence of dikes, levees, or similar structures that obstruct normal inundation of an area.

(c) Presence of a tile system to promote subsurface drainage.

(d) Diversion of upland surface run-off from an area.

Although it is important to record such evidence of drainage of an area, a hydric soil that has been drained or partially drained still allows the soil parameter to be met. However, the area will not qualify as a wetland if the degree of drainage has been sufficient to preclude the presence of either hydrophytic vegetation or a hydrologic regime that occurs in wetlands. *NOTE: The mere presence of drainage structures in an area is not sufficient basis for concluding that a hydric soil has been drained; such areas may continue to have wetland hydrology.*

(7) Indicators of hydric soils (nonsandy soils). Several indicators are available for determining whether a given soil meets the definition and criteria for hydric soils. Any one of the following indicates that hydric soils are present.

(a) Organic soils (Histosols). As a general rule, a soil is an organic soil when:

(i) More than 50 percent (by volume) of the upper 32 inches of soil is composed of organic soil material; or

(ii) Organic soil material of any thickness rests on bedrock. Organic soils are saturated for long periods and are commonly called peats or mucks.

(b) Histic epipedons. A histic epipedon is an 8-inch to 16-inch layer at or near the surface of a mineral hydric soil that is saturated with water for 30 consecutive days or more in most years and contains a minimum of 20 percent organic matter when no clay is present or a minimum of 30 percent

organic matter when clay content is 60 percent or greater. Soils with histic epipedons are inundated or saturated for sufficient periods to greatly retard aerobic decomposition of the organic surface, and are considered to be hydric soils.

(c) Sulfidic material. When mineral soils emit an odor of rotten eggs, hydrogen sulfide is present. Such odors are only detected in soils that are permanently saturated and have sulfidic material within a few centimeters of the soil surface. Sulfides are produced only in a reducing environment.

(d) Aquic or peraquic moisture regime. An aquic moisture regime is a reducing one; i.e., it is virtually free of dissolved oxygen because the soil is saturated by ground water or by water of the capillary fringe. Because dissolved oxygen is removed from ground water by respiration of microorganisms, roots, and soil fauna, it is also implicit that the soil temperature is above biologic zero (41°F at 20 inches) at the same time the soil is saturated. Soils with peraquic moisture regimes are characterized by the presence of ground water which is always at or near the soil surface and exhibits reducing conditions. Examples include soils of tidal marshes and soils of closed, landlocked depressions that are fed by permanent streams.

(e) Reducing soil conditions. Soils saturated for long or very long duration will usually exhibit reducing conditions. Under such conditions, ions of iron are transformed (reduced) from a ferric valence state (Fe<sup>3+</sup>) to a ferrous valence state (Fe<sup>2+</sup>). This condition can often be detected in the field by a ferrous iron test. A simple colorimetric field test kit has been developed for this purpose. When a soil extract changes to a pink color upon addition of alpha-alpha-dipyridil, ferrous iron is present, which indicates a reducing soil environment. *NOTE: This test cannot be used in mineral hydric soils having low iron content, organic soils, and soils that have been desaturated for significant periods of the growing season. Caution: This test can only be used as a positive indicator of reducing conditions and it is only effective if it is done at the time that a mineral soil is actively reducing. While the presence of a reaction indicates anaerobic conditions, the lack of a reaction does not indicate a lack of anaerobic conditions.*

(f) Soil colors. The colors of various soil components are often the most diagnostic indicator of hydric soils. Colors of these components are strongly influenced by the frequency and duration of soil saturation, which leads to reducing soil conditions. Mineral hydric soils will be either gleyed or will have contrasting mottles and/or low chroma matrix. These are discussed below:

*NOTE: Soil terminology is undergoing constant change, and terms such as "mottles" and "low chroma colors" are being replaced with the term "redoximorphic features." In order to retain consistency with the Corps 1987 Manual, the older terms are used below.*

(i) Gleyed soils (gray colors). Gleyed soils develop when anaerobic soil conditions result in pronounced chemical reduction of iron, manganese, and other elements, thereby producing gray soil colors. Anaerobic conditions that occur in waterlogged soils result in the predominance of reduction processes, and such soils are greatly reduced. Iron is one of the most abundant elements in soils. Under anaerobic conditions, iron is converted from the oxidized (ferric) state to the reduced (ferrous) state, which results in

the bluish, greenish, or grayish colors associated with the gleying effect. Gleying immediately below the A-horizon or 10 inches (whichever is shallower) is an indication of a markedly reduced soil, and gleyed soils are hydric soils. Gleyed soil conditions can be determined by using the gley page of the Munsell Color Charts (Munsell Color 1990).

(ii) Soils with contrasting mottles and/or low chroma matrix. Mineral hydric soils that are saturated for substantial periods of the growing season (but not long enough to produce gleyed soils) will either have high chroma mottles and a low chroma matrix or will lack mottles but have a low matrix chroma. Mottled means "marked with spots of contrasting color." Soils that have high chroma mottles and a low chroma matrix are indicative of a fluctuating water table.

*NOTE: Hydric soils can also have low chroma mottles that contrast with the matrix color.*

The soil matrix is the portion (usually more than 50 percent) of a given soil layer that has the predominant color. Colors should be determined in soils that have been moistened; otherwise, state that colors are for dry soils. Mineral hydric soils usually have one of the following color features in the horizon immediately below the A-horizon or 10 inches (whichever is shallower):

(A) Matrix chroma of 2 or less in mottled soils.

(B) Matrix chroma of 1 or less in unmottled soils.

*NOTE: The matrix chroma of some dark (black) mineral hydric soils (e.g., Aquolls) will not conform to the criteria described in (f)(ii)(A) and (B) of this subsection; in such soils, gray mottles occurring at 10 inches or less are indicative of hydric conditions. Mollisols that are not hydric will often still have dark colored surface soils.*

*CAUTION: Soils with significant coloration due to the nature of the parent material may not exhibit the above characteristics. In such cases, this indicator cannot be used.*

(g) Soil appearing on hydric soils list. Using the criteria for hydric soils, the NTCHS has developed a list of hydric soils. Listed soils have reducing conditions for a significant portion of the growing season in a major portion of the root zone and are frequently saturated within 12 inches of the soil surface if they have not been effectively drained. *CAUTION: Do not use this indicator unless you have field verified that the profile description of the mapping unit conforms to that of the sampled soil.*

(h) Iron and manganese concretions. During the oxidation-reduction process, iron and manganese in suspension are sometimes segregated as oxides into concretions, nodules or soft masses. These accumulations are usually black or dark brown. Concretions >2 mm. in diameter occurring within 7.5 cm. of the surface are evidence that the soil is saturated for long periods near the surface.

*CAUTION: Concretions may be relict features. Be careful to confirm that the hydrologic conditions that created the concretions still exist before using this indicator.*

(8) Additional indicators of hydric soils (for sandy soils). Not all indicators listed above can be applied to sandy soils. In particular, soil color may not be a reliable indicator in most sandy soils. However, three additional soil features may be used as indicators of sandy hydric soils, including:

(a) High organic matter content in the surface horizon. Organic matter tends to accumulate above or in the surface horizon of sandy soils that are inundated or saturated to the surface for a significant portion of the growing season. Prolonged inundation or saturation creates anaerobic conditions that greatly inhibit decomposition (oxidation) of organic matter.

(b) Streaking of subsurface horizons by organic matter. Organic matter is moved downward through sand as the water table fluctuates. This often occurs more rapidly and to a greater degree in some vertical sections of a sandy soil containing a higher content of organic matter than in others. Thus, the sandy soil appears streaked with darker areas. When soil from a darker area is rubbed between the fingers, the organic matter stains the fingers.

(c) Organic pans. As organic matter is moved downward through sandy soils, it tends to accumulate at the point representing the most commonly occurring depth to the water table. This organic matter tends to become slightly cemented with iron and aluminum, forming a thin layer of hardened soil (spodic horizon). These horizons often occur at depths of 12 to 30 inches below the mineral surface. Wet spodic soils usually have thick dark surface horizons that are high in organic matter with dull, gray horizons above the spodic horizon. Generally, the nearer to the surface the spodic horizon, the more likely the soil is hydric.

**CAUTION:** *In recently deposited sandy material (e.g., accreting sandbars), it may be impossible to find any of these indicators. In such cases, consider this a problem area (Entisols).*

**NOTE:** *The NRCS developed and published Field Indicators of Hydric Soils in the United States in July 1996. This document includes many useful indicators of hydric soils, however, some hydric soils will lack one of the indicators included in the NRCS document. Therefore, the indicators are only used as positive indicators — if one or more of the indicators is present, the soil is a hydric soil, but the lack of any of these indicators does not mean the soil is nonhydric. In addition, the Corps has not authorized the use of these new field indicators and has stated that while they may be used as additional information, they do not replace the indicators in the 1987 Manual nor may they be used to contradict the 1987 Manual indicators.*

(9) Wetland Hydrology. The term "wetland hydrology" encompasses all hydrologic characteristics of areas that are periodically inundated or have soils saturated to the surface at some time during the growing season. Areas with evident characteristics of wetland hydrology are those where the presence of water has an overriding influence on characteristics of vegetation and soils due to anaerobic and chemically reducing conditions, respectively. Such characteristics are usually present in areas that are inundated or have soils that are saturated to the surface for sufficient duration to develop hydric soils and support vegetation typically adapted for life in periodically anaerobic soil conditions. Hydrology is often the least exact of the parameters, and indicators of wetland hydrology are sometimes difficult to find in the field. However, it is essential to establish that a wetland area is periodically inundated or has saturated soils during the growing season.

It is usually impractical to accurately measure the duration of soil saturation in the field because it takes repeated visits over a lengthy (several years) period of time. However, there has been a sufficient amount of research to support that the field indicators provided in the manual and supplementary guidance can be good measures of both the frequency and duration of soil saturation.

Given the requirement that inundation/saturation must be present for a certain portion of the growing season it is important to understand how the concept of growing season should be applied. The definition of growing season is: "The portion of the year when soil temperatures at 19.7 inches below the soil surface are higher than biological zero (41 degrees F). For ease of determination this period can be approximated by the number of frost-free days." The Washington State Wetland Identification and Delineation Manual contains additional guidance on how to determine the growing season.

(10) Indicators of wetland hydrology. Indicators of wetland hydrology may include, but are not necessarily limited to: Drainage patterns, drift lines, sediment deposition, watermarks, stream gage data and flood predictions, historic records, visual observation of saturated soils, and visual observation of inundation. Any of these indicators may be evidence of wetland hydrologic characteristics.

Methods for determining hydrologic indicators can be categorized according to the type of indicator. Recorded data include stream gage data, lake gage data, tidal gage data, flood predictions, and historical records. Use of these data is commonly limited to areas adjacent to streams or other similar areas. Recorded data usually provide both short-term and long-term information about frequency and duration of inundation, but contain little or no information about soil saturation, which must be gained from soil surveys or other similar sources. The remaining indicators require field observations. Field indicators are evidence of present or past hydrologic events (e.g., location and height of flooding). Indicators are listed in order of decreasing reliability. Although all are valid indicators, some are stronger indicators than others. When a decision is based on an indicator appearing in the lower portion of the list, re-evaluate the parameter to ensure that the proper decision was reached. Indicators for recorded data and field observations include:

(a) Recorded data. Stream gage data, lake gage data, tidal gage data, flood predictions, and historical data may be available from the following sources:

(i) Corps of Engineers (CE) district offices. Most CE Districts maintain stream, lake, and tidal gage records for major water bodies in their area. In addition, CE planning and design documents often contain valuable hydrologic information. For example, a General Design Memorandum (GDM) usually describes flooding frequencies and durations for a project area. Furthermore, the extent of flooding within a project area is sometimes indicated in the GDM according to elevation (height) of certain flood frequencies (1-, 2-, 5-, 10-year, etc.).

(ii) U.S. Geological Survey (USGS). Stream and tidal gage data are available from the USGS offices throughout the Nation, and the latter are also available from the National

Oceanic and Atmospheric Administration. CE Districts often have such records.

(iii) State, county, and local agencies. These agencies often have responsibility for flood control/relief and flood insurance.

(iv) Natural Resource Conservation Service Small Watershed Projects. Planning documents from this agency are often helpful, and can be obtained from the NRCS district office in the county.

(v) Planning documents of developers.

(b) Field data. The following field hydrologic indicators can be assessed quickly, and although some of them are not necessarily indicative of hydrologic events that occur only during the growing season, they do provide evidence that inundation and/or soil saturation has occurred:

*CAUTION: Many delineators have made the mistake of assuming that the wettest conditions occur in the earliest part of the growing season - usually March and April. However, in some situations, the wettest time of the growing season may be later. This is especially true in areas that receive snowmelt run-off or irrigation water or are subject to tidal influence.*

(i) Visual observation of inundation. The most obvious and revealing hydrologic indicator may be simply observing the areal extent of inundation. However, because seasonal conditions and recent weather conditions can contribute to surface water being present on a nonwetland site, both should be considered when applying this indicator.

(ii) Visual observation of soil saturation. Examination of this indicator requires digging a soil pit to a depth of 16 inches and observing the level at which water stands in the hole after sufficient time has been allowed for water to drain into the hole. The required time will vary depending on soil texture. In some cases, the upper level at which water is flowing into the pit can be observed by examining the wall of the hole. This level usually represents the depth to the water table. The depth to saturated soils will always be nearer the surface due to the capillary fringe. For soil saturation to impact vegetation, it must occur within a major portion of the root zone (usually within 12 inches of the surface) of the prevalent vegetation. The major portion of the root zone is that portion of the soil profile in which more than one half of the plant roots occur. *CAUTION: In some heavy clay soils, water may not rapidly accumulate in the hole even when the soil is saturated. If water is observed at the bottom of the hole but has not filled to the 12-inch depth, examine the sides of the hole and determine the shallowest depth at which water is entering the hole. When applying this indicator, the season of the year and preceding weather conditions as well the duration of saturation must be considered. NOTE: This indicator has caused confusion in relation to the hydrology criteria, which stipulates that saturation must be to the surface. If the water table (the level at which standing water is found in an unlined hole) is found within twelve inches of the soil surface in a nonsandy soil, one can assume that soil saturation occurs to the surface. For sandy soils, the water table must be within six inches of the soil surface. However, simply finding the water table at the appropriate depth on one particular day, does not necessarily confirm that saturation to the surface for the appropriate length of time does occur. Conversely, finding the water table below the appropriate depth on one*

*particular day, does not confirm that saturation to the surface for the appropriate length of time does not occur.*

(iii) Watermarks. Watermarks are most common on woody vegetation. They occur as stains on bark or other fixed objects (e.g., bridge pillars, buildings, tree trunks, fences, etc.). When several watermarks are present, the highest reflects the maximum extent of recent inundation.

(iv) Drift lines. This indicator is most likely to be found adjacent to streams or other sources of water flow in wetlands, but also often occurs in tidal marshes. Evidence consists of deposition of debris in a line on the surface or debris entangled in above ground vegetation or other fixed objects. Debris usually consists of remnants of vegetation (branches, stems, and leaves), sediment, litter, and other waterborne materials deposited parallel to the direction of water flow. Drift lines provide an indication of the minimum portion of the area inundated during a flooding event; the maximum level of inundation is generally at a higher elevation than that indicated by a drift line.

(v) Sediment deposits. Plants and other vertical objects often have thin layers, coatings, or depositions of mineral or organic matter on them after inundation. This evidence may remain for a considerable period before it is removed by precipitation or subsequent inundation. Sediment deposition on vegetation and other objects provides an indication of the minimum inundation level. When sediments are primarily organic (e.g., fine organic material, algae), the detritus may become encrusted on or slightly above the soil surface after dewatering occurs.

(vi) Drainage patterns within wetlands. This indicator, which occurs primarily in wetlands adjacent to streams or in depressions with closed or restricted outlets and impervious subsoils, consists of surface evidence of drainage flow into or through an area that is restricted for a substantial duration. In some wetlands, this evidence may exist as a drainage pattern eroded into the soil, vegetative matter (debris) piled against thick vegetation or woody stems oriented perpendicular to the direction of water flow, or the absence of expected leaf litter. Scouring is often evident around roots of persistent vegetation. Debris may be deposited in or along the drainage pattern. *CAUTION: Drainage patterns also occur in upland areas after periods of considerable precipitation; therefore, topographic position must also be considered when applying this indicator.*

(vii) Oxidized rhizospheres surrounding living roots are acceptable hydrology indicators on a case-by-case basis and may be useful in ground water driven systems. Rhizospheres should also be reasonably abundant and within the upper 12 inches of the soil profile. Oxidized rhizospheres should be supported by other indicators of hydrology if hydrology evidence is weak. *Caution: Make sure that the oxidation is occurring along live roots/rhizomes and thus, that they are not relict.*

(viii) Local soil survey data - If you can field verify that the soil at your sampling site is a soil listed in the county soil survey or on the Washington State List of Hydric Soils, then the data in the soil survey referring to the flooding and/or high water table conditions for that soil can be accepted as valid for your site (assuming the site has not been effectively drained since the time it was mapped by the NRCS).

(ix) Water-stained leaves - Forested wetlands that are inundated at some time of the year will frequently have water stained leaves on the forest floor. These leaves are generally grayish or blackish in appearance, as a result of being underwater for significant periods. This indicator should be used with caution as water-stained leaves don't always indicate long-term inundation/saturation. It is important to compare the color of the leaves in the area presumed to be wetland with leaves of the same species in an adjacent area that is clearly upland. There should be a distinct difference in the color and texture of the leaves.

(x) FAC neutral test - In areas where hydrology evidence is weak or lacking, the FAC neutral test may be employed to corroborate the presence of sufficient hydrology. Apply as follows: Compare the number of dominants that are FACW and OBL with the number of dominants that are FACU and UPL (ignore the "neutral" FAC dominants). If there are more dominants that are FACW or wetter than there are dominants that are FACU or drier, then one can infer that the plant community is reflecting the presence of wetland hydrology. If there is a tie, compare the number of FAC+ and FAC- to see if there is a difference. If there is still a tie between the numbers of dominants, examine the nondominant species to determine if they provide an indication of how strongly hydrophytic the vegetation is. Any use of nondominants should be clearly documented and explained.

(xi) Other - Explain and provide rationale for use.

(11) Atypical situations. When a determination is made that positive indicators of hydrophytic vegetation, hydric soils, and/or wetland hydrology could not be found due to effects of recent human activities or natural events, it is necessary to employ different methods of determining the presence of indicators for hydrology, soils or vegetation. The term recent refers to the period of time since legal jurisdiction of an applicable law or regulation took effect.

When any of the three types of situations described below occurs, application of normal methods will lead to the conclusion that the area is not a wetland because positive wetland indicators for at least one of the three parameters will be absent. Therefore, apply procedures described in Part IV, Section F of the 1987 Corps of Engineers Wetland Delineation Manual or the Washington State Wetland Identification and Delineation Manual (as appropriate) to determine whether positive indicators of hydrophytic vegetation, hydric soils, and/or wetland hydrology existed prior to alteration of the area.

This section is applicable to delineations made in the following types of situations:

(a) Unauthorized activities. Unauthorized discharges requiring enforcement actions may result in removal or covering of indicators of one or more wetland parameters. Examples include, but are not limited to:

(i) Alteration or removal of vegetation;

(ii) Placement of dredged or fill material over hydric soils; and/or

(iii) Construction of levees, drainage systems, or dams that significantly alter the area hydrology. *NOTE: This section should not be used for activities that have been previously authorized or those that are exempted from regulation.*

(b) Natural events. Naturally occurring events may result in either creation or alteration of wetlands. For example, recent beaver dams may impound water, thereby resulting in a shift of hydrology and vegetation to wetlands. However, hydric soil indicators may not have developed due to insufficient time having passed to allow their development. Fire, avalanches, volcanic activity, and changing river courses are other examples. *NOTE: It is necessary to determine whether alterations to an area have resulted in changes that are now the "normal circumstances."* The relative permanence of the change and whether the area is now functioning as a wetland must be considered.

(c) Human-induced wetlands. These are wetlands that have been purposely or incidentally created by human activities, but in which wetland indicators of one or more parameters are absent. For example, road construction may have resulted in impoundment of water in an area that previously was nonwetland, thereby affecting hydrophytic vegetation and wetland hydrology in the area. However, the area may lack hydric soil indicators. *NOTE: This is not intended to bring into jurisdiction those human-made wetlands that are exempted under agency regulations or policy.* It is also important to consider whether the man-induced changes are now the "normal circumstances" for the area. Both the relative permanence of the change and the functioning of the area as a wetland are implied.

(12) Problem Areas. There are certain wetland types and/or conditions that may make application of indicators of one or more parameters difficult, at least at certain times of the year. These are not considered to be atypical situations. Instead, they are wetland types in which wetland indicators of one or more parameters may be periodically lacking due to normal environmental conditions or seasonal or annual variations in environmental conditions that result from causes other than human activities or catastrophic natural events. When one of these wetland types is encountered, the methods described in Part IV, Section G of the 1987 Manual or the state manual should be used.

(13) Types of problem areas. Representative examples of potential problem areas, types of variations that occur, and their effects on wetland indicators are presented in the following subparagraphs. Similar situations may sometimes occur in other wetland types. *Note: This section is not intended to bring nonwetland areas having wetland indicators of two, but not all three, parameters into jurisdiction. This list is not intended to be limiting.*

(a) Wetlands on slopes (seeps) and other glacial features. Slope wetlands can occur in certain glaciated areas in which thin soils cover relatively impermeable unsorted glacial material or till or in which layers of sorted glacial material have different hydraulic conditions that produce a broad zone of ground water seepage. Such areas are seldom, if ever, flooded, but downslope ground water movement keeps the soils saturated for a sufficient portion of the growing season to produce anaerobic and reducing soil conditions. This fosters development of hydric soil characteristics and selects for hydrophytic vegetation. Indicators of wetland hydrology may be lacking during the drier portion of the growing season.

(b) Seasonal wetlands. In Washington, some depression areas have wetland indicators of all three parameters during

the wetter portion of the growing season, but normally lack wetland indicators of hydrology and/or vegetation during the drier portion of the growing season. For example, obligate and facultative wetland plant species normally are dominant during the wetter portion of the growing season, while upland species (annuals) may be dominant during the drier portion of the growing season. Also, these areas may be inundated during the wetter portion of the growing season, but wetland hydrology indicators may be totally lacking during the drier portion of the growing season. It is important to establish that an area truly is a water body. Water in a depression normally must be sufficiently persistent to exhibit an ordinary high-water mark or the presence of wetland characteristics before it can be considered as wetland potentially subject to jurisdiction. The determination that an area exhibits wetland characteristics for a sufficient portion of the growing season to qualify as a wetland must be made on a case-by-case basis. Such determinations should consider the respective length of time that the area exhibits upland and wetland characteristics, and the manner in which the area fits into the overall ecological system as a wetland. Evidence concerning the persistence of an area's wetness can be obtained from its history, vegetation, soil, drainage characteristics, uses to which it has been subjected, and weather or hydrologic records. This situation is common in eastern Washington and parts of western Washington where precipitation is highly seasonal and/or prolonged droughts occur frequently. It is important to become familiar with the types of wetlands found in these areas. In some cases, it may be necessary to withhold making a final wetland determination until a site is examined during the wettest part of the growing season. Consultation with other experienced delineators may be helpful as well.

(c) Vernal wetlands - Although these systems are usually associated with California, Washington does have vernal wetlands, particularly in the region around Spokane. These wetlands are a distinct type of seasonal wetland described above. The hydrology in these wetlands is driven by winter and early spring rain and snowmelt and may be totally lacking by early summer. A wetland plant community grows and reproduces in spring in response to the wet conditions and is replaced by an upland plant community by summer. Attempts to delineate these wetlands in summer or fall may result in a false negative conclusion. In addition, during periods of extended drought, these wetlands may remain dry for several years.

(d) Vegetated flats. In both coastal and interior areas of Washington, vegetated flats are often dominated by annual species that are categorized as OBL. Application of normal sampling procedures during the growing season will clearly result in a positive wetland determination. However, these areas will appear to be unvegetated mudflats when examined during the nongrowing season, and the area would not qualify at that time as a wetland due to an apparent lack of vegetation.

(e) Mollisols (prairie and steppe soils) - Mollisols are dark colored, base-rich soils. They are common in grassland areas of the state, especially in eastern Washington and the prairies of the south Puget Sound basin. These soils typically have deep, dark topsoil layers (mollic epipedons) and low chroma matrix colors to considerable depths. They are rich in organic matter due largely to the vegetation (deep

roots) and reworking of the soil and organic matter by earthworms, ants, moles, and rodents. The low chroma colors of mollisols are not necessarily due to prolonged saturation, so be particularly careful in making wetland determinations in these soils. Become familiar with the characteristics of mollisols with aquic moisture regimes, and be able to recognize these from nonhydric mollisols.

(f) Entisols (floodplain and sandy soils) - Entisols are usually young or recently formed soils that have little or no evidence of pedogenically developed horizons. These soils are typical of floodplains throughout Washington, but are also found in glacial outwash plains, along tidal waters, and in other areas. They include sandy soils of riverine islands, bars, and banks and finer-textured soils of floodplain terraces. Wet entisols have an aquic or peraquic moisture regime and are considered wetland soils. Some entisols are easily recognized as hydric soils such as the sulfaquents of tidal salt marshes, whereas others pose problems because they do not possess typical hydric soil field indicators. Wet sandy entisols (with loamy fine sand and coarser textures in horizons within 20 inches of the surface) may lack sufficient organic matter and clay to develop hydric soil colors. When these soils have a hue between 10YR and 10Y and distinct or prominent mottles present, a chroma of 3 or less is permitted to identify the soil as hydric (i.e., an aquic moisture regime). Also, hydrologic data showing that NTCHS criteria # 3 or # 4 are met are sufficient to verify these soils as hydric.

(g) Red parent material and volcanic ash soils - Hydric mineral soil derived from red parent materials (e.g., weathered clays, Triassic sandstones, and Triassic shales) may lack the low chroma colors characteristic of most hydric mineral soils. In these soils, the hue is redder than 10YR because of parent materials that remain red after citrate-dithionite extraction, so the low chroma requirement for hydric soil is waived. Additionally, some hydric soils in Washington that are influenced by volcanic ash or other volcanic material may not exhibit hydric soil indicators.

(h) Spodosols (evergreen forest soils) - These soils are usually associated with coniferous forests. Spodosols have a gray eluvial E-horizon overlying a diagnostic spodic horizon of accumulated (sometimes weakly cemented) organic matter and aluminum. A process called podzolization is responsible for creating these two soil layers. Organic acids from the leaf litter on the soil surface are moved downward through the soil with rainfall, cleaning the sand grains in the first horizon then coating the sand grains with organic matter and iron oxides in the second layer. Certain vegetation produces organic acids that speed podzolization including western hemlock (*Tsuga heterophylla*), spruces (*Picea* spp.), pine (*Pinus* spp.), larches (*Larix* spp.), and oaks (*Quercus* spp.) (Buol, *et al*, 1980). To the untrained observer, the gray leached layer may be mistaken as a field indicator of hydric soil, but if one looks below the spodic horizon the brighter matrix colors often distinguish nonhydric spodosols from hydric ones. The wet spodosols (formerly called "ground water podzolic soils") usually have thick dark surface horizons, dull gray E-horizons, and low chroma subsoils.

(i) Interdunal swale wetlands - Along the Washington coastline, seasonally wet swales supporting hydrophytic vegetation are located within sand dune complexes on barrier



islands and beaches. Some of these swales are inundated or saturated to the surface for considerable periods during the growing season, while others are wet for only the early part of the season. In some cases, swales may be flooded irregularly by the tides. These wetlands have sandy soils that generally lack field indicators of hydric soil. In addition, indicators of wetland hydrology may be absent during the drier part of the growing season. Consequently, these wetlands may be difficult to identify.

(j) Vegetated river bars and adjacent flats - Along streams, particularly in arid and semiarid parts of the state, some river bars and flats may be vegetated by FACU species while others may be colonized by wetter species. If these areas are frequently inundated for  $\geq 12.5\%$  of the growing season, they are wetlands. The soils often do not reflect the characteristic field indicators of hydric soils, however, and thereby pose delineation problems.

### REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 173-22-015 Relationship to National Coastal Zone Management Act of 1972.

**WSR 97-04-078**  
**PERMANENT RULES**  
**DEPARTMENT OF AGRICULTURE**  
[Filed February 5, 1997, 10:35 a.m.]

Date of Adoption: February 5, 1997.

Purpose: Amend the formula for the allocation of state fair funds to community and area fairs and add qualifying language to the rule.

Citation of Existing Rules Affected by this Order: Amending chapter 16-700 WAC.

Statutory Authority for Adoption: RCW 15.76.180.

Adopted under notice filed as WSR 97-01-080 on December 17, 1996.

Changes Other than Editing from Proposed to Adopted Version: The amendment to the rule was adopted with the exception to the change in the basic allocation to community fairs in WAC 16-700-021 and 16-700-080. A supplemental proposal was filed to allow for additional testimony.

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 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 1, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 5, 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.

Effective Date of Rule: Thirty-one days after filing.  
February 5, 1997  
Jim Jesernig  
Director

**AMENDATORY SECTION** (Amending Order 1279, filed 11/28/72, effective 1/1/73)

**WAC 16-700-010 Activity reports required.** Any area county fair desiring to apply for an allocation from the state fair fund under the provisions of chapter 61, Laws of 1961, must submit to the director annually, on or before February 15 of the following year, reports covering all of its activities on forms to be supplied by the director, and include a ~~((county))~~ certified auditor's report of receipts and expenditures attributed to the fair. Any ~~((area or))~~ community fair or youth show must submit to the director annually, on or before December 1, the reports of its activities on forms to be supplied by the director.

**AMENDATORY SECTION** (Amending Order 1662, filed 12/14/79, effective 1/1/81)

**WAC 16-700-021 Qualifications.** (1) Any ~~((area or))~~ community fair applying for an allocation from the state fair fund shall have on display or exhibit at one place, open to the public, for at least a seven-hour period:

~~((+))~~ (a) Three or more of the following animal categories: Beef, sheep, swine, horses, dairy, goats, llamas, dogs, and poultry and rabbits (poultry and rabbits being in one category) with at least five exhibits in each category, except poultry and rabbits and dogs which shall have ten; and

~~((2))~~ (b) At least three of the following categories: Foods, clothing, horticulture, crops, floriculture, arts and crafts, with at least five exhibits in each category.

~~((3))~~ (c) Each category, to qualify as per above, shall have at least three exhibitors.

~~((4))~~ (d) Each fair shall have at least twenty-five exhibitors in total.

(2) Such ~~((area or))~~ community fair, whose application is accepted by the director, shall be entitled to a basic annual allocation of fifty percent of the premiums and prizes paid to the participants. An allocation of up to one hundred percent reimbursement of premiums and prizes paid may be made on a merit basis to such fairs as reporting one thousand dollars or more of the value of such premiums and prizes: *Provided*, That any community fair that has for its purpose the education and training of youth in the matters of rural living and production agriculture and serving the 4-H and FFA members and all interested youth in its community, may qualify for an allocation with:

~~((+))~~ (a) Three or more of the following categories: Beef, sheep, swine, dairy, horses, llamas or goats; or

~~((2))~~ (b) At least two of the following categories: Beef, sheep, swine, dairy, llamas and/or goats, and at least two of the following categories: Foods, clothing, horticulture, crops, floriculture, arts and crafts, dogs, poultry and/or rabbits (poultry and/or rabbits being one category).

~~((3))~~ (c) Each category, to qualify as per above, shall have at least three exhibitors.

~~((4))~~ (d) Each fair shall have at least twenty-five exhibitors in total.

(e) All such exhibits are to be exhibited by youth exhibitors, at one place, open to the public, for at least a seven-hour period. Such fair shall be entitled to an annual allocation of only fifty percent reimbursement of premiums and prizes.

(3) Any area fair may not receive an allocation in excess of the total reimbursement of premiums and prizes.

AMENDATORY SECTION (Amending Order 847, Regulation 4, effective 6/8/61)

**WAC 16-700-040** (~~Weight~~) Consideration given to community support. (~~Due weight shall~~) Special consideration may be given to each of the several criteria by which fairs are to receive a merit rating. Special consideration may be given, however, to small and comparatively isolated fairs with limited local resources when such fairs have shown that a maximum community effort has been made in support of these fairs.

AMENDATORY SECTION (Amending Order 847, Regulation 5, effective 6/8/61)

**WAC 16-700-050 Merit criteria.** The merit of area, district, county and community fairs shall be determined on the basis of the following criteria:

(1) **Aims and purposes:** For what reason or purposes is the show held and what is the evidence of successful achievement of these aims and purposes?

(2) **Organization and management:** To what extent is the organization, its officers and management, and the physical (~~setup~~) facilities and financial resources geared to accomplish the objectives stated above?

(3) **Area served:** What is the extent of the area from which exhibits and exhibitors are drawn and the extent of the area served?

(4) **General attractiveness:** Are the agricultural, educational, commercial and recreational features wellbalanced, making the fair attractive to the fairgoing public?

(5) **Exhibits:** What is the number, quality and diversity of exhibits and their general rating judged by recognized standards of excellence, as well as their neatness and orderliness in all departments, in open and junior classes?

(6) **Community, county or area interest:** How is full participation and support of the area served indicated by (a) attendance, both paid and total, and (b) by active support of service clubs, farm organizations and other groups?

(7) (~~Financial management: What are the receipts from all sources, all expenditures, including building funds, capital improvements, financial reserves and obligations?~~)

(8) **Success of the fair:** How successful does the fair appear, measured by its accomplishment in relation to resources available?

AMENDATORY SECTION (Amending Order 847, Regulation 6, effective 6/8/61)

**WAC 16-700-060 Criteria for youth shows and fairs.** Youth shows and fairs shall be judged on a merit basis according to the following criteria:

(1) **Aims and purposes:** To what extent does the show supplement 4-H, FFA and other related youth programs and

to what extent does it provide opportunity for showing results of supervised training in these programs?

(2) **Organization and management:** To what extent is the organization, its officers and management and the physical setup geared to accomplish the objectives stated above?

(3) **Scope:** What does the show include in the nature of youth participation, such as number of participants, kind and number of exhibits or displays, and the clubs or chapters represented?

(4) **Quality:** What is the general attractiveness of the show in all departments, the general rating of exhibits judged by recognized standards of excellence, and the neatness and orderliness in all departments?

(5) **Financial statement:** What are the receipts of all kinds, the expenditures, including salaries and wages, premiums paid, (~~building fund accounts~~), financial reserves and general obligations?

(6) **Area and/or community support:** In what ways does the area served support this show?

(7) **Special activities:** To what extent does the show provide special activities for youth development, such as judging contests, educational demonstrations, banquets, barbecues, programs, or other supervised recreation?

AMENDATORY SECTION (Amending Order 1279, filed 11/28/72, effective 1/1/73)

**WAC 16-700-080 Qualifying premiums and prizes.** Premiums and prizes that qualify for listing for allocation purposes shall be those paid for exhibits and educational contests, displays, and demonstrations of an educational nature. This is not to include judges fees and expenses, livestock sale revenues, prizes or premiums for promotion or entertainment activities such as queen contests, parades, dances, rodeos, and races.

**WSR 97-04-081**  
**PERMANENT RULES**  
**STATE BOARD OF EDUCATION**  
 [Filed February 5, 1997, 10:55 a.m.]

Date of Adoption: January 24, 1997.

Purpose: The purpose is to move sections from chapter 180-79 WAC to chapter 180-78 WAC.

Citation of Existing Rules Affected by this Order: Amending WAC 180-78-205, 180-78-215, 180-78-235, and 180-78-285.

Statutory Authority for Adoption: RCW 28A.410.010 and 28A.305.130.

Adopted under notice filed as WSR 97-01-106 on December 18, 1996.

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 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 4, repealed 0.

PERMANENT

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 4, repealed 0.

Effective Date of Rule: Thirty-one days after filing.  
February 4, 1997  
Larry Davis  
Executive Director

**AMENDATORY SECTION** (Amending WSR 94-24-041, filed 12/2/94, effective 1/2/95)

**WAC 180-78-205 Program approval requirement—General knowledge required by all candidates for certification as teacher, administrator, school counselor, school psychologist, and school social worker.** An approved preparation program shall require all candidates for certification as teacher, administrator, school counselor, school psychologist, and school social worker to complete course work that covers the general knowledge required in WAC ((180-79-131)) 180-78-207 for all candidates for certification unless waived pursuant to WAC 180-78-215, 180-78-235, or 180-78-285: *Provided*, That effective August 31, 1997, an approved program for principals shall be exempted from this section and shall require candidates for principal certification to complete course work that covers the performance domains required by WAC 180-78-257.

**AMENDATORY SECTION** (Amending Order 7-88, filed 3/3/88)

**WAC 180-78-215 Program approval requirement—General knowledge required by all candidates for certification as teachers.** An approved preparation program for teachers shall include course work, either separate or combination of courses, that cover the general knowledge required in WAC ((180-79-131 and 180-79-136)) 180-78-207 and 180-78-217 for all candidates for certification as teachers: *Provided*, That the college or university may waive the required course work for any candidate, based on an individual determination, if the college or university determines that previous work experiences, other course work, or alternative learning experiences have or will provide the candidates with the knowledge and skills otherwise to be gained from the required course work: *Provided further*, That in the event the candidate has served as a teacher aide in a public or an approved private school and the candidate so requests and provides appropriate documentation, the college or university must evaluate the candidate pursuant to WAC 180-78-225.

**AMENDATORY SECTION** (Amending WSR 94-24-041, filed 12/2/94, effective 1/2/95)

**WAC 180-78-235 Program approval requirement—General knowledge required by all candidates for certification as administrators.** An approved preparation program for administrators shall include course work, either separate or combination of courses, that cover the general knowledge required in WAC ((180-79-131 and 180-79-140))

180-78-207 and 180-78-237 for all candidates for certification as administrators: *Provided*, That the college or university may waive the required course work for any candidate, based on an individual determination, if the college or university determines that previous work experiences, other course work, or alternative learning experiences have or will provide the candidates with the knowledge and skills otherwise to be gained from the required course work: *Provided further*, That effective August 31, 1997, an approved program for principals shall be exempted from this section and shall require candidates for principal certification to complete course work that covers the performance domains required by WAC 180-78-257.

**AMENDATORY SECTION** (Amending WSR 94-24-038, filed 12/2/94, effective 1/2/95)

**WAC 180-78-285 Program approval requirement—General knowledge required for all school counselor, school psychologist and school social worker candidates for certification.** An approved preparation program for school counselors, school psychologists and school social workers shall include course work, either separate or combination of courses, that cover the general knowledge required in WAC ((180-79-131)) 180-78-207 for all candidates for certification: *Provided*, That the college or university may waive the required course work for any candidate, based on an individual determination, if the college or university determines that previous work experiences, other course work, or alternative learning experiences have or will provide the candidates with the knowledge and skills otherwise to be gained from the required course work.

**NEW SECTION**

The following sections of the Washington Administrative Code are recodified as follows:

Old WAC Number	New WAC Number
180-79-131	180-78-207
180-79-136	180-78-217
180-79-140	180-78-237

**WSR 97-04-082**  
**PERMANENT RULES**  
**STATE BOARD OF EDUCATION**  
[Filed February 5, 1997, 10:59 a.m.]

Date of Adoption: January 24, 1997.

Purpose: The amendment is part of a larger effort to consolidate and clarify rules regarding certification.

Statutory Authority for Adoption: RCW 28A.410.010.  
Adopted under notice filed as WSR 97-01-105 on December 18, 1996.

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 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

PERMANENT

Number of Sections Adopted on the Agency's own Initiative: New 1, 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 1, amended 0, repealed 0.

Effective Date of Rule: Thirty-one days after filing.  
February 4, 1997  
Larry Davis  
Executive Director

Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 2, repealed 2.

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 2, repealed 2.

Effective Date of Rule: Thirty-one days after filing.  
February 4, 1997  
Larry Davis  
Executive Director

**GENERAL PROVISIONS**

NEW SECTION

**WAC 180-86-011 Valid certificate required.** Persons serving as teachers in the public or private schools or as principals or educational staff associates in public schools and in vocational positions as established by chapter 180-77 WAC shall hold certificates authorized by the state board of education for service in the respective roles as required by statute or rules of the state board of education.

Any certificate issued pursuant to chapter 180-77 or 180-79A WAC or previous standards of the state board of education shall entitle the holder thereof to be employed by a public or nonpublic school for the performance of duties encompassed by the type of certificate as specified in WAC 180-79A-140 if such certification is required by statute or rules of the state board of education, unless such certificate is under suspension or until such certificate expires, lapses, or is revoked.

NEW SECTION

The following sections of the Washington Administrative Code are recodified as follows:

Old WAC Number	New WAC Number
180-75-081	180-86-013
180-75-083	180-86-014

**WSR 97-04-083**  
**PERMANENT RULES**  
**STATE BOARD OF EDUCATION**  
[Filed February 5, 1997, 11:02 a.m.]

Date of Adoption: January 24, 1997.

Purpose: The amendments clarify and simplify both the rules for the assignment of certificated personnel and the process for necessary exceptions to these rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 180-16-223 and 180-16-224; and amending WAC 180-16-221 and 180-16-222.

Statutory Authority for Adoption: RCW 28A.150.220(6) and 28A.410.010.

Adopted under notice filed as WSR 97-01-103 on December 18, 1996.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal

AMENDATORY SECTION (Amending Order 9-87, filed 6/1/87)

**WAC 180-16-221 Assignment of classroom teachers within districts.** In addition to holding teaching permits or certificates as required by WAC 180-16-220(2), the assignment of classroom teachers in the basic program of education, effective August 31, 1987, shall comply with the following:

(1) Classroom teachers (~~specified below~~) with standard or unendorsed continuing teacher certificates may be assigned to any grade or subject areas for which certification is required.

~~((a))~~ (2) Classroom teachers with initial or endorsed continuing teacher certificates (~~issued pursuant to WAC 180-79-060 if such teachers were eligible for such certificates prior to August 31, 1987, and such certificates were applied for prior to July 1, 1988 or if such teachers would have been eligible for such certificate prior to August 31, 1987, but for one of the three year experience requirement and such experience is completed and the certificate is applied for prior to August 31, 1988;~~

~~(b) Classroom teachers with standard certificates issued or reinstated pursuant to WAC 180-80-215;~~

~~(c) Classroom teachers with provisional certificates issued, reissued, or reinstated pursuant to WAC 180-80-210 and who have completed a ninety school day assignment as a classroom teacher;~~

~~(d) Classroom teachers whose standard certificate has been converted pursuant to WAC 180-79-045 to a continuing certificate;~~

~~(e) Classroom teachers with initial certificates issued, reissued, or reinstated pursuant to WAC 180-80-705 and who have completed a ninety school day assignment as a classroom teacher;~~

~~(f) Classroom teachers with continuing certificates issued or reinstated pursuant to WAC 180-80-705.~~

(2) Classroom teachers ~~specified below~~) may be assigned only to the specified grades and specified subject areas stated as endorsements upon their respective certificates or permits.

~~((a) Classroom teachers with continuing certificates issued pursuant to WAC 180-79-060 after August 31, 1987,~~

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~~unless such teachers were eligible for such certificates prior to August 31, 1987, and applied for such certificates prior to July 1, 1988 or unless such teachers would have been eligible for such certificates prior to August 31, 1987, but for one of the three-year experience requirement and such experience is completed and the certificates are applied for prior to August 31, 1988;~~

~~(b) Classroom teachers with initial certificates issued pursuant to WAC 180-79-060 and immigrant alien and temporary permits;~~

~~(c) Classroom teachers with provisional certificates issued pursuant to WAC 180-80-210 and who have not completed a ninety school day assignment as a classroom teacher;~~

~~(d) Classroom teachers with initial certificates issued pursuant to WAC 180-80-705 and who have not completed a ninety school day assignment as a classroom teacher;~~

(3) Classroom teachers with initial or endorsed continuing teacher certificates who have an elementary education endorsement may be assigned to teach any subject in grades K-8.

(4) Any certificated teacher who has completed twenty-four quarter hours (sixteen semester hours) of academic study in a content area that will be offered in grades four through nine may be assigned to that course even if the teacher does not hold an endorsement in that area.

(5) Any certificated teacher may be assigned to a middle school or junior high school block program, which for the purpose of this section shall be defined as the same teacher assigned to teach two or more subject areas to the same group of students, if the teacher has an endorsement in one of the subject areas and has completed or will complete within one year nine quarter hours in each of the other subject areas.

(6) Upon determination by school districts that teachers have the competencies to be effective teachers in alternative settings, individuals with initial or endorsed continuing teacher certificates who have completed provisional status with a school district under RCW 28A.405.220 may be assigned to teach in alternative schools.

(7) Any certificated teacher may be assigned to courses offered in basic education subject areas not included with the list of endorsements specified in WAC 180-79A-302.

(8) Any certificated teacher may be assigned to serve as a substitute classroom teacher at any grade level or in any subject area for a period not to exceed thirty consecutive school days in any one assignment.

(9) Any certificated person holding a limited certificate as specified in WAC 180-79A-230 or a vocational education certificate as specified in chapter 180-77 WAC may be assigned as per the provisions of such section or chapter.

(10) If a teacher is assigned to provide special education, then the district must also comply with WAC 392-172-200 and 392-172-202.

(11) For the purpose of this section, the term "specified grades" shall mean any grade preschool through twelve specified by the classroom teacher's endorsement. In the event the teacher is assigned to an ungraded classroom, the chronological age of such students shall be converted for the purpose of compliance with this section to the grade level such students would have been assigned but for the ungraded classroom assignment.

~~((4))~~ (12) For the purpose of this section, the term "specified subject areas" shall mean courses or classes with the same subject area title as specified by the classroom teachers endorsement and courses or classes which the board of directors of the district determines to substantially include the same subject area as the endorsement—e.g., a classroom teacher with a health endorsement may be assigned to any course, regardless of course title, which substantially includes health as the subject area.

~~((5))~~ (13) Exceptions to the assignment requirements of subsection ~~((2))~~ (1) of this section must comply with WAC 180-16-222.

~~((6))~~ (14) School district compliance with this section shall be subject to the state staff review process specified in WAC 180-16-195(2).

AMENDATORY SECTION (Amending WSR 94-24-040, filed 12/2/94, effective 1/2/95)

**WAC 180-16-222 Exceptions to classroom teacher assignment policy.** Exceptions to the classroom teacher assignment policy specified in WAC 180-16-221 shall be limited to the following:

(1) ~~(Any certificated teacher may be assigned to serve as a substitute classroom teacher at any grade level or in any subject area for a period not to exceed thirty consecutive school days in any one assignment.~~

(2) ~~Any certificated person holding a limited certificate as specified in WAC 180-79-230 or a vocational education certificate as specified in chapter 180-77 WAC or any person holding a nonimmigrant alien permit issued pursuant to WAC 392-193-055, may be assigned as per the provisions of such section or chapter.~~

(3) ~~Any certificated teacher may be assigned to courses offered in basic education subject areas not included within the list of endorsements specified in WAC 180-79-080.~~

(4) ~~Any certificated teacher with at least two full school years of classroom teaching experience who has not been placed on probation pursuant to RCW 28A.405.100 during the past two years may be assigned for one year to an out-of-endorsement assignment under the following conditions:~~

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

~~(b) The following conditions apply regarding required observations and evaluations:~~

~~(i) Teachers cannot be assigned out-of-endorsement full-time if they would be subject to evaluation under RCW 28A.405.100(1) in such assignment. Teachers so assigned must be eligible for short form evaluation as provided in RCW 28A.405.100(5).~~

~~(ii) Any observation conducted in an out-of-endorsement part-time assignment will not be utilized by the district as evidence to support probation of the teacher so assigned pursuant to RCW 28A.405.100 or nonrenewal of such teacher pursuant to RCW 28A.405.210.~~

~~(iii) Teachers who are assigned out-of-endorsement full or part-time, and who are eligible pursuant to state and~~

district criteria, shall be encouraged to participate in the district's professional growth plan option.

(e) If a teacher is assigned to provide special education, then the district must also comply with WAC 392-171-701, including the request for a waiver from the superintendent of public instruction required by subsection (5) of this section.

(5) School districts may assign classroom teachers out of their endorsement areas for two additional years if such assignment(s) complies with WAC 180-16-223.

(6) Any certificated teacher may be assigned to a middle school or junior high school block program, which for the purpose of this section shall be defined as the same teacher assigned to teach two or more subject areas to the same group of students, if the teacher has an endorsement in one of the subject areas and has completed or will complete within one year nine quarter hours in each of the other subject areas.

(7) Any certificated teacher who holds one of the specific subject area endorsements (i.e., drama, English, journalism, and/or speech) related to the broad area of English/Language Arts, may be assigned at the junior high school/middle school level to teach any other related course in that respective broad subject area endorsement if the teacher has completed or will complete at least nine quarter hours (six semester hours) of study within one year in the assigned endorsement area. Only coursework which received a grade of C (2.0) or higher or a grade of pass on a pass-fail system of grading shall be counted toward the required minimum number of credit hours.

(8) Any certificated teacher who holds one of the specific subject area endorsements (i.e., biology, chemistry, earth science, and/or physics) related to the broad area of science, may be assigned at the junior high school/middle school level to teach any other related course in that respective broad subject area endorsement if the teacher has completed or will complete at least nine quarter hours (six semester hours) of study within one year in the assigned endorsement area. Only coursework which received a grade of C (2.0) or higher or a grade of pass on a pass-fail system of grading shall be counted toward the required minimum number of credit hours.

(9) Any certificated teacher who holds one of the specific subject area endorsements (i.e., anthropology, economics, geography, history, political science, psychology, and/or sociology) related to the broad area of social studies, may be assigned at the junior high school/middle school level to teach any other related course in that respective broad subject area endorsement if the teacher has completed or will complete at least nine quarter hours (six semester hours) of study within one year in the assigned endorsement area. Only coursework which received a grade of C (2.0) or higher or a grade of pass on a pass-fail system of grading shall be counted toward the required minimum number of credit hours.

(10) Any certificated teacher who has completed twenty-four quarter hours (sixteen semester hours) of academic study in a content area that will be offered in grades four through nine may be assigned to that course even if the teacher does not hold an endorsement in that area.)) Upon determination by school districts that teachers have the competencies to be effective teachers in areas other than their endorsed areas, individuals with initial or endorsed

continuing teacher certificates who have completed provisional status with a school district under RCW 28A.405.220 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 such 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 teachers shall not be subject to nonrenewal or probation based on evaluations of their teaching effectiveness in the out-of-endorsement assignments;

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

(d) The assignment of such teachers for the previous school year shall be reported annually to the state board of education by the employing school district as required by WAC 180-16-195. Included in the report shall be the number of teachers in out-of-endorsement assignments and the specific assistance being given to the teachers.

(2) Teachers with initial or endorsed continuing teacher certificates who have not completed provisional status with a school district under RCW 28A.405.220 may be assigned to one out-of-endorsement assignment for a maximum of two periods (not more than forty percent full-time equivalent) a day. Conditions described in subsection (1)(a) through (d) of this section shall apply to teachers so assigned.

#### REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 180-16-223	Temporary out-of-endorsement assignment criteria.
WAC 180-16-224	Second and third year temporary out-of-endorsement criteria.

#### **WSR 97-04-084**

#### **PERMANENT RULES**

#### **STATE BOARD OF EDUCATION**

[Filed February 5, 1997, 11:05 a.m.]

Date of Adoption: January 24, 1997.

Purpose: Revision of rules governing standards for approval of educator certification programs to insure that educators are prepared to work effectively in the education system created by the Improvement of Student Achievement Act of 1993.

Statutory Authority for Adoption: RCW 28A.305.130.

Adopted under notice filed as WSR 97-01-100 on December 18, 1996.

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 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 52, 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 52, amended 0, repealed 0.

Effective Date of Rule: Thirty-one days after filing.

February 4, 1997

Larry Davis

Executive Director

**Chapter 180-78A WAC**  
**APPROVAL STANDARDS FOR PERFORMANCE-BASED PREPARATION PROGRAMS FOR TEACHERS, ADMINISTRATORS, AND EDUCATIONAL STAFF ASSOCIATES**

**NEW SECTION**

**WAC 180-78A-003 Authority.** The authority for this chapter is RCW 28A.410.010 which authorizes the state board of education to establish, publish, and enforce rules and regulations determining eligibility and certification of personnel employed in the common schools of this state. This authority is supplemented by RCW 28A.305.130 (1) and (2) which authorizes the state board of education to approve educator preparation programs in institutions of higher education.

**NEW SECTION**

**WAC 180-78A-004 Intent.** These rules establish a performance-based preparation system for educators that supports the Improvement of Student Achievement Act of 1993 (ESHB 1209) which will enable educators to implement the Washington state student learning goals and essential academic learning requirements.

**NEW SECTION**

**WAC 180-78A-005 Purpose.** In order to support the successful implementation of Washington's ongoing public school reform and improvement policies, the state board of education is establishing a newly designed performance-based preparation system for educators that will be aligned with these efforts. This chapter establishes the procedures, standards, and criteria to be used in the development and approval of preparation programs offered by institutions of higher education in Washington state leading to teacher, administrator, and educational staff associates certification.

**NEW SECTION**

**WAC 180-78A-006 Mission.** The mission of the performance-based preparation system is to ensure that educators can demonstrate a positive impact on student learning as the foundation for preparing students to effectively participate in a diverse and democratic society.

**NEW SECTION**

**WAC 180-78A-007 Minimum state standards.** All state standards prescribed in this chapter for the approval of professional preparation programs are minimal standards for state approval. Where allowed colleges or universities may and are encouraged to develop program standards which exceed the minimums herein prescribed.

**NEW SECTION**

**WAC 180-78A-010 Definition of terms.** The following definitions shall be used in this chapter:

(1) "College or university" means any regionally accredited baccalaureate degree granting Washington institution of higher learning or cooperative group of such institutions which has or develops programs of preparation in education which are submitted to the state board of education for approval.

(2) "Endorsement" means a specification placed on a certificate to indicate the subject area, grade level, and/or specialization for which the individual is prepared to teach.

(3) "Interstate compact" means the contractual agreement among several states authorized by RCW 28A.690.010 and 28A.690.020 which facilitates interstate reciprocity.

(4) "Program approval" means the approval by the state board of education of an educator preparation program within Washington state.

(5) "Field experience" means a sequence of learning experiences which occur in actual school settings or clinical or laboratory settings. Such learning experiences are related to specific program outcomes and are designed to integrate educational theory, knowledge, and skills in actual practice under the direction of a qualified supervisor.

(6) "Regionally accredited institution of higher education" means a community college, college, or university which is fully accredited by one of the following regional accrediting bodies:

- (a) Middle States, Association of Colleges and Schools;
- (b) New England Association of Schools and Colleges;
- (c) North Central Association of Colleges and Schools;
- (d) Northwest Association of Schools and Colleges;
- (e) Southern Association of Colleges and Schools;
- (f) Western Association of Schools and Colleges;

Accrediting Commission for Junior and Senior Colleges.

(7) "A performance-based approved educator preparation program" means a program that requires the candidate to demonstrate in multiple ways, over time, specific state board of education required standards, criteria, knowledge and skills, including, where appropriate, evidence related to positive impact on student learning.

(8) "A positive impact on student learning" means that a teacher through instruction and assessment has been able to document students' increased knowledge and/or demonstration of a skill or skills related to the state goals and/or essential academic learning requirements.

**NEW SECTION**

**WAC 180-78A-012 Organization of chapter 180-78A WAC.** In order for users of this chapter to easily identify which sections apply to residency certificate programs and

which sections apply to professional certificate programs, this chapter is organized as follows:

(1) WAC 180-78A-000 through 180-78A-099 are applicable to both residency and professional certificate programs;

(2) WAC 180-78A-100 through 180-78A-299 are applicable to residency certificate programs; and

(3) WAC 180-78A-300 through 180-78A-399 are applicable to professional certificate programs.

#### NEW SECTION

**WAC 180-78A-015 Professional education advisory committee.** (1) The state board of education shall establish a professional education advisory committee to serve as the working committee of the board on matters pertaining to the preparation and certification of school personnel. The committee shall give advice and make recommendations to the board and the state superintendent about educator preparation and certification matters and participate in the review of preparation programs. The size of the committee shall be determined by the board but membership shall be comprised of regular members representing colleges and universities, specialized and general professional associations, school district administrators, school district boards of directors, nonpublic schools, the Washington state legislature, other business and lay organizations having interest in the preparation and certification of school personnel, and three members of the state board of education.

(2) The advisory committee shall have a four-member executive committee comprised of one member of the state board, one member representing higher education, one member representing certificated staff practitioners, and one member from among the other groups represented on the advisory committee. The chair of the advisory committee shall rotate at least every two years among the nonboard members of the executive committee.

(3) The executive committee shall have the authority to work with member groups, as necessary, to assure to the extent possible that the combined membership of the advisory committee reflects the racial, ethnic, geographic and gender diversity of the state.

(4) The advisory committee shall be responsible for adopting written operating procedures.

#### NEW SECTION

**WAC 180-78A-025 Program approval.** All programs leading to certification offered in Washington state to prepare teachers, principals, program administrators, superintendents, school counselors, school psychologists, and school social workers shall be approved pursuant to the requirements of this chapter.

#### NEW SECTION

**WAC 180-78A-026 Existing approved programs.** Chapter 180-78A WAC rules shall govern all policies related to programs upon adoption by the state board of education, which shall provide assistance to colleges and universities in the revision of their existing programs. All professional education programs shall be reviewed for approval under the 1997 program approval standards by August 31, 2000. The

state board of education shall determine the schedule for such approval reviews and whether an on-site visit or other forms of documentation and validation shall be used for the purposes of granting approval under the 1997 program approval standards. In submitting a request for approval under these standards, the approved program shall provide a description of the criteria that the approved preparation program will use to assess, in multiple ways, over time, its certification candidates' knowledge and skills, including, where appropriate, evidence related to positive impact on student learning. Based on the documentation submitted and/or an on-site visit, the state board of education shall grant approval or request specific revisions that need to be made in order to obtain state board of education approval. Institutions shall be given at least one year notification prior to a state board of education review for compliance with these standards: *Provided*, That if an institution requests a visit with less than a year's notice, the state board of education shall consider that request.

#### NEW SECTION

**WAC 180-78A-028 Procedures for initial approval of an educator preparation program.** Each college or university desiring to establish a preparation program shall comply with the following:

(1) Advise the state board of education of the desire to establish the preparation program.

(2) Establish, pursuant to WAC 180-78A-065, the appropriate professional education advisory board.

(3) Develop, with the assistance of the professional education advisory board and designated officials of the state board of education, a written plan which provides timelines for the implementation of all applicable program approval standards during the first year of the preparation program and submit such report to the designated official of the state board of education for review and comment and, if requested, resubmit such plan to the designated official.

(4) Describe the criteria that the approved preparation program will use to assess, in multiple ways, over time, its candidates knowledge and skills, including, where appropriate, evidence related to positive impact on student learning.

(5) Present the written plan to the state board of education which shall approve such written plan and grant initial approval status if the state board of education is satisfied that the college or university intends to meet all program approval standards in accordance with reasonable and practical timelines and that the college or university has made the needed commitments, specifically personnel and other resources, to implement the plan: *Provided*, That prior to making a judgment on the college or university's request for approval, the state board of education may review, if provided, written and oral evidence presented by the following:

(a) The designated college or university official.

(b) The superintendent of public instruction.

(c) The chair of the applicable professional education advisory board.

(d) Any other official deemed by the state board of education to have a legitimate interest in the approval status of the college or university.



(6) The newly approved preparation program shall be approved for up to a two-year period.

(7) During the second year of approval, the superintendent of public instruction shall conduct a site visit to determine if the program is in full compliance with the 1997 program approval standards.

#### NEW SECTION

**WAC 180-78A-030 Length of time for which program approval status shall be granted.** (1) The state board of education shall approve all preparation programs under the 1997 program approval standards for five years unless the state board of education approves a variation with the exception of new programs approved for up to two years under WAC 180-78A-028.

(2) The state board of education, upon receipt of a complaint from any source or upon its initiative, may review all or any part of a preparation program for compliance with the provisions of this chapter. If deviations are found, the state board of education is authorized to rescind program approval until the college or university submits an acceptable compliance agreement which will bring the preparation program into compliance as soon as reasonably practicable but no later than the commencement of the succeeding academic year or six calendar months, whichever is later.

(3) If an acceptable compliance agreement is not developed and approved by the state board of education, the preparation program shall be placed on probationary status and the probationary status provision of WAC 180-78A-033 shall apply.

#### NEW SECTION

**WAC 180-78A-033 Probationary status.** Colleges and universities with approved preparation programs shall not lose official approval status until the state board of education has taken final action to disapprove the preparation program: *Provided*, That colleges or universities shall be permitted for the current and one additional academic year following receipt of the formal notice of disapproval to continue as an approved preparation program on probationary status for the purpose of completing the preparation program for those candidates for certification currently enrolled in the preparation program and who are scheduled to complete such preparation program within such academic years and for the purpose of regaining state board of education approval.

#### NEW SECTION

**WAC 180-78A-037 Procedures for reestablishment of approval status for an educator preparation program.** The procedures for the reestablishment of state board of education approval of a preparation program shall be the same as the procedure for initial approval as provided in WAC 180-78A-028 except that, if the preparation program continues to operate pursuant to the probationary status provision of WAC 180-78A-033, the state board of education may limit the content of the written plan required by WAC 180-78A-028(3) to program standards determined by the state board of education to be the cause of the college or university's probationary status.

#### NEW SECTION

**WAC 180-78A-047 Annual reports by colleges and universities.** Each college or university offering an approved preparation program shall submit annual reports covering the period from July 1 of the previous year to June 30 of the current year, containing the following:

(1) An executive summary of the activities of each professional education advisory board.

(2) Other material related to the preparation programs requested by the state board of education.

#### NEW SECTION

**WAC 180-78A-057 Approval of preparation program offered by an out-of-state college or university within the state applicable to certification.** No out-of-state college or university shall offer a program of courses within Washington state for purposes of Washington state certification without meeting all program approval requirements set forth in this chapter and those set forth in the Degree Authorization Act, chapter 28A.85 RCW.

#### NEW SECTION

**WAC 180-78A-060 Preparation of superintendents.** In accordance with RCW 28B.10.140, the only public institutions authorized to prepare superintendents shall be the University of Washington and Washington State University.

#### NEW SECTION

**WAC 180-78A-063 Responsibilities of deans, directors, or other designated administrators.** Each college or university operating an approved preparation program shall require the dean, director, or other designee of the administrative unit required by WAC 180-78A-155(2) to coordinate the following college or university responsibilities:

(1) Formation of professional education advisory boards.

(2) Management of operations and resources for each preparation program.

(3) Filing of affidavits and reports required by this chapter and chapter 180-79A WAC.

(4) Dissemination of information relative to initial and continuing certification procedures and requirements.

(5) The application process for certification.

(6) Establishing and administering a process to counsel and assist applicants in the processing of applications for certificates and endorsements thereon: *Provided*, That colleges and universities need not provide such assistance to applicants who have completed less than fifteen quarter (ten semester) hours of course work at the respective college or university.

#### NEW SECTION

**WAC 180-78A-065 Required professional education advisory board.** Colleges and universities seeking approval by the state board of education as an approved preparation program and in order to maintain such approval status shall establish a professional education advisory board in accordance with the following:

(1) The program areas for which a college or university may seek approval and maintain an approved preparation program are:

- (a) Teacher.
- (b) Administrator.
- (c) Educational staff associate, school counselor.
- (d) Educational staff associate, school psychologist.
- (e) Educational staff associate, school social worker.

(2) A college or university may combine educational staff associate professional education advisory boards as long as one-half or more of the voting members are appointed by the associations representing the ESA roles involved and are divided equally among those roles.

(3) A college or university may have separate administrator professional education advisory boards for each administrator role as long as one-half or more of the voting members are appointed by the association representing the administrator role involved: *Provided*, That each administrator PEAB shall include at least one member appointed by AWSP and one appointed by WASA.

(4) The failure of a designated organization, as specified in WAC 180-78A-075 to make appointments to the designated board, or to make such appointments in a timely manner, shall not cause the approved preparation program to lose its approval status.

#### NEW SECTION

**WAC 180-78A-068 Joint professional education advisory board.** Any two or more colleges and/or universities may agree to have the same professional education advisory board for their respective preparation program at such college or university.

#### NEW SECTION

**WAC 180-78A-073 Qualification to be appointed to professional education advisory boards.** Except as otherwise provided in WAC 180-78A-074, appointees to service on professional education advisory boards from required agencies, other than the designee(s) of the college or university president, at the time of their appointment must be employed in or reside in a school district with which the college or university has a current written agreement to provide field experiences for students involved in the preparation program for which the professional education advisory board has responsibility. The purpose of this section is to ensure that the interest of such districts are considered in the deliberative process of the respective professional education advisory board.

#### NEW SECTION

**WAC 180-78A-074 Additional membership on professional education advisory boards.** Once established in accordance with the membership requirements of this chapter, professional education advisory boards may authorize the appointment of additional representatives from other school districts or other public and private agencies as long as one-half or more of the members of the professional education advisory board consist of representatives who meet the qualifications of WAC 180-78A-073 and who are from the role for which the professional education advisory board

has responsibility. If any professional education advisory board receives a written request from other school districts or other public or private agencies for representation on such professional education advisory board, the current members of such professional education advisory board shall vote on such request at the next regular meeting of such board: *Provided*, That a college or university may elect to add private school representatives to a professional education advisory board without adding to the representation from the role for which the professional education advisory board has responsibility if the professional education advisory board authorizes such action by a majority vote.

#### NEW SECTION

**WAC 180-78A-075 Professional education advisory boards—Membership.** The professional education advisory boards shall at a minimum consist of the following:

(1) Teacher.

(a) One-half or more of the voting members shall be classroom teachers appointed by the president of the Washington Education Association: *Provided*, That a college or university that has placed more than fifty percent of its graduates of the teacher certification program within the previous three academic years in private schools may appoint up to one-half of the practitioners required by this subsection from nominations from faculties of private schools in which the college or university places student teachers or teachers.

(b) At least one principal appointed by the president of the Association of Washington School Principals.

(c) At least one school administrator appointed by the Washington Association of School Administrators.

(d) At least one college or university representative who may serve in a voting or nonvoting role.

(2) Administrator.

(a) At least one-fourth of the voting members shall be administrators appointed by the president of the Association of Washington School Principals, and at least one-fourth of the voting members shall be administrators appointed by the president of the Washington Association of School Administrators.

(b) At least one or more classroom teachers appointed by the president of the Washington Education Association.

(c) At least one college or university representative who may serve in a voting or nonvoting role.

(3) School counselor.

(a) At least one-half of the voting members shall be school counselors appointed by the president of the Washington School Counselors Association.

(b) At least one teacher appointed by the president of the Washington Education Association.

(c) At least one principal appointed by the Association of Washington School Principals.

(d) At least one administrator appointed by the Washington Association of School Administrators.

(e) At least one college or university representative who may serve in a voting or nonvoting role.

(4) School psychologist.

(a) At least one-half of the voting members shall be school psychologists appointed by the president of the Washington State Association of School Psychologists.

(b) At least one teacher appointed by the president of the Washington Education Association.

(c) At least one principal appointed by the Association of Washington School Principals.

(d) At least one administrator appointed by the Washington Association of School Administrators.

(e) At least one college or university representative who may serve in a voting or nonvoting role.

(5) School social worker.

(a) At least one-half of the voting members shall be school social workers appointed by the president of the Washington Association of School Social Workers.

(b) At least one teacher appointed by the president of the Washington Education Association.

(c) At least one principal appointed by the Association of Washington School Principals.

(d) At least one administrator appointed by the Washington Association of School Administrators.

(e) At least one college or university representative who may serve in a voting or nonvoting role.

#### NEW SECTION

**WAC 180-78A-080 Substitute pay for members of professional education advisory boards.** Service on professional education advisory boards by certificated employees is deemed by the state board of education as a committee formed for the purpose of furthering education within the state; and, the superintendent of public instruction, in conformance with the provisions of RCW 28A.300.035, shall make payments to school districts for needed substitutes.

#### **STANDARDS FOR APPROVING RESIDENCY CERTIFICATE PROGRAMS**

#### NEW SECTION

**WAC 180-78A-135 Candidate admission policies.** Admission requirements to residency preparation programs shall include, but not be limited to, evidence that the candidate is competent in the basic skills required for oral and written communication, reading, and computation, demonstrated by one of the following options:

(1) Successful completion of an examination in the basic skills required for oral and written communication, reading, and computation; or

(2) Completion of a baccalaureate degree program; or

(3) Completion of a graduate degree program; or

(4) Completion of two or more years of college level course work and demonstrated basic skills competency through college level work and a written essay; or

(5) A combined score of more than the state-wide median score for the prior school year scored by all persons taking the Scholastic Assessment Test I: Reasoning Test or the American College Test (ACT).

#### NEW SECTION

**WAC 180-78A-140 Program approval standards for approved preparation programs.** The program approval standards for approved preparation programs for teachers,

administrators, and educational staff associates are as follows:

(1) **Professional education advisory boards:** The college or university, in conformance with the provisions of WAC 180-78A-145, has established and maintained a professional education advisory board to participate in and cooperate with the college or university on decisions related to the development, implementation, and revision of each preparation program—i.e., teacher, administrator, school counselor, school psychologist, and school social workers.

(2) **Accountability:** Each college or university, in conformance with the provision of WAC 180-78A-150, has established a performance-based preparation program.

(3) **Resources:** A separate college, school, department, or other administrative unit within the college or university, in conformance with the provision of WAC 180-78A-155, is responsible for providing the resources needed to develop and maintain quality preparation programs.

(4) **Program design:** Each college or university, in conformance with the provision of WAC 180-78A-160, is responsible for establishing a collaboratively developed approved preparation program that is based on a conceptual framework, current research and best practice that reflects the state's learning goals and essential academic learning requirements.

(5) **Knowledge and skills:** Each college or university, in conformance with the provision of WAC 180-78A-165, has established policies requiring all candidates for certification to demonstrate knowledge and skills required for the particular certificate and areas of endorsement.

#### NEW SECTION

**WAC 180-78A-142 Acceptance of alternative standards.** For a given program, the state board of education may allow the substitution of the Council for Accreditation of Counseling and Related Education Program's (CACREP) or the National Association of School Psychologist's (NASP) standards for program approval standards (WAC 180-78A-140 (2) through (5)) for school counselor and school psychologist program approval. The state board of education may allow the substitution of the National Council for Accreditation of Teacher Education (NCATE) teacher education standards for program approval with any additions deemed necessary by the state board of education.

#### NEW SECTION

**WAC 180-78A-145 Approval standard—Professional education advisory board.** Building on the mission to prepare educators who demonstrate a positive impact on student learning, the following evidence shall be evaluated to determine whether each preparation program is in compliance with the program approval standards of WAC 180-78A-140(1):

(1) The professional education advisory board has been established in accordance with WAC 180-78A-075.

(2) The professional education advisory board has adopted operating procedures and has met at least four times a year.

(3) The professional education advisory board has reviewed all program approval standards at least once every five years.

(4) The professional education advisory board has reviewed annually follow-up studies and placement records.

(5) The professional education advisory board has made recommendations when appropriate for program changes to the institution which must in turn consider and respond to the recommendations in writing in a timely fashion.

(6) The professional education advisory board has seen, reviewed and approved annually an executive summary of the activities of the professional education advisory board for the period from July 1 through June 30 of the reporting year. The college or university has submitted the approved executive summary to the state board of education.

#### NEW SECTION

**WAC 180-78A-150 Approval standard—Accountability.** Building on the mission to prepare educators who demonstrate a positive impact on student learning, the following evidence shall be evaluated to determine whether each preparation program is in compliance with the program approval standards of WAC 180-78A-140(2). Each college and university shall:

(1) Submit for initial approval to the state board of education a performance-based program for the preparation of teachers, administrators, and educational staff associates.

(2) Conduct follow-up studies of graduates, maintain placement records for all graduates and prepare annual placement and follow-up summaries.

(3) Submit annually the following to the state board of education for each approved program:

(a) The number of students enrolled in certificate programs during fall of the previous year;

(b) The number of students completing approved programs during the period from July 1 of the previous year to June 30 of the reporting year;

(c) Demographic characteristics, including gender, ethnicity, and citizenship of students completing approved programs during the period from July 1 of the previous year to June 30 of the reporting year;

(d) The number of full-time and part-time faculty and graduate teaching assistants teaching in approved programs during each term from summer through spring of the reporting year;

(e) Demographic characteristics of faculty teaching in approved programs including ethnicity and gender; and

(f) A brief narrative description of changes that occurred in certificate programs during the reporting year.

(4) Submit its program for review when requested by the state board of education to ensure that the program meets the state's program approval standards and to provide assessment data relative to the performance standards to the state board of education for the year prior to the site visit.

*Provided*, Institutions seeking National Council for the Accreditation of Teacher Education, Council for Accreditation of Counseling and Related Education Programs, and National Association of School Psychologist accreditation may request from the state board of education approval for concurrent site visits which would utilize the same documentation with the exception of material submitted by the institution to the state for the professional education advisory boards and the accountability standards.

#### NEW SECTION

**WAC 180-78A-155 Approval standard—Resources.** Building on the mission to prepare educators who demonstrate a positive impact on student learning, the following evidence shall be evaluated to determine whether each preparation program is in compliance with the resources program approval standard of WAC 180-78A-140(3):

(1) A separate administrative unit supports the preparation program whose composition and organization are clearly described in writing.

(2) An officially designated administrator is responsible for the management of operations and resources for the preparation program.

(3) Administrators and faculty in the preparation program have appropriate qualifications (including masters' or doctoral degrees) and have experience for the roles to which they are assigned.

(4) The institution has and implements an explicit plan with adequate resources to ensure hiring and retaining of a diverse faculty.

(5) Specific staff and/or faculty members in the unit are assigned the responsibility of advising applicants for certification and endorsements and for maintaining certification records.

(6) Financial resources are provided to support the preparation program.

(7) Facilities are provided to support the needs of the preparation program.

(8) Library, technology, and other informational resources must be sufficient in scope, breadth, and recency to support the preparation program.

#### NEW SECTION

**WAC 180-78A-160 Approval standard—Program design.** Building on the mission to prepare educators who demonstrate a positive impact on student learning, the following evidence shall be evaluated to determine whether each preparation program is in compliance with the program design standard of WAC 180-78A-140(4):

(1) The curriculum is guided by a conceptual framework and is based on current research and best practice, is cohesive and integrated, is performance-based, and supports the state's student learning goals and for teacher preparation programs reflects the essential academic learning requirements.

(2) Candidates who demonstrate potential for acquiring the content and pedagogical knowledge and skills for success as educators in schools are recruited, admitted, and retained (see WAC 180-78A-135 Candidate admission policies). These candidates include members from underrepresented groups.

(3) Candidates attain/demonstrate academic competence in the educator role for which they are being prepared.

(4) A set of criteria/performances for program completion are established and published.

(5) Field experiences are integrated throughout the preparation program and include experience with diverse populations in a variety of settings.

(6) Candidates complete an internship in which they demonstrate the required knowledge and skills: *Provided*, That candidates for an administrator certificate shall com-

plete an internship pursuant to WAC 180-78A-265, and candidates for a school counselor certificate shall complete an internship pursuant to WAC 180-78A-260.

(7) Programs reflect ongoing collaboration with P-12 schools.

(8) Candidates for a teacher certificate shall hold/obtain a baccalaureate degree from a regionally accredited college or university in any of the subject areas of the endorsement listed in WAC 180-79A-302. Such degrees shall require the completion of at least forty-five quarter hours (thirty semester hours) of course work in the subject area: *Provided*, That a candidate who holds a baccalaureate degree in another academic field will not be required to obtain a second baccalaureate degree if the candidate provides evidence to the superintendent of public instruction that he or she has completed the required forty-five quarter or thirty semester hours of course work in one of the subject areas of the endorsements listed in WAC 180-79A-302.

### NEW SECTION

**WAC 180-78A-165 Approval standard—Knowledge and skills.** Building on the mission to prepare educators who demonstrate a positive impact on student learning based on the Improvement of Student Achievement Act of 1993 (1209), the following evidence shall be evaluated to determine whether each preparation program is in compliance with the program approval standards of WAC 180-78A-140(5):

(1) **Teacher** candidates will complete a well-planned sequence of courses and/or experiences in which they acquire and apply knowledge about:

(a) The state goals and essential academic learning requirements.

(b) The subject matter content for the area(s) they teach, including the essential areas of study for each endorsement area for which the candidate is applying (chapter 180-79A WAC).

(c) The social, historical, and philosophical foundations of education, including an understanding of the moral, social, and political dimensions of classrooms, teaching, and schools.

(d) The impact of technological and societal changes on schools.

(e) Theories of human development and learning.

(f) Inquiry and research.

(g) School law and educational policy.

(h) Professional ethics.

(i) The responsibilities, structure, and activities of the profession.

(j) Research and experience-based principles of effective practice for encouraging the intellectual, social, and personal development of students.

(k) Different student approaches to learning for creating instructional opportunities adapted to learners from diverse cultural backgrounds and with exceptionalities.

(l) Instructional strategies for developing critical thinking problem solving, and performance skills.

(m) Classroom management and discipline, including:

(i) Individual and group motivation for encouraging positive social interaction, active engagement in learning, and self-motivation.

(ii) Effective verbal, nonverbal, and media communication for fostering active inquiry, collaboration, and supportive interactions in the classroom.

(n) Planning and management of instruction based on knowledge of the content area, the community, and curriculum goals.

(o) Formal and informal assessment strategies for evaluating and ensuring the continuous intellectual, social, and physical development of the learner.

(p) Collaboration with school colleagues, parents, and agencies in the larger community for supporting students' learning and well-being.

(q) Effective interactions with parents to support students' learning and well-being.

(r) The opportunity for candidates to reflect on their teaching and its effects on student growth and learning.

(s) Educational technology including the use of computer and other technologies in instruction, assessment and professional productivity.

(t) Issues related to abuse including the identification of physical, emotional, sexual, and substance abuse, information on the impact of abuse on the behavior and learning abilities of students, discussion of the responsibilities of a teacher to report abuse or provide assistance to students who are the victims of abuse, and methods for teaching students about abuse of all types and their prevention.

(u) Strategies for effective participation in group decision making.

(v) The standards, criteria and other requirements for obtaining the professional certificate.

(2) Effective August 31, 1997, **principal and program administrator** candidates will complete a well-planned sequence of courses and/or experiences in an approved preparation program which shall include:

(a) Specific performance domains. An approved preparation program shall require the candidate to demonstrate in course work and the internship the following:

(i) **Leadership:** Formulating goals with individuals or groups; initiating and maintaining direction with groups and guiding them to the accomplishment of tasks; setting priorities for one's school in the context of community and district priorities and student and staff needs; integrating own and others' ideas for task accomplishment; initiating and planning organizational change.

(ii) **Information collection:** Gathering data, facts, and impressions from a variety of sources about students, parents, staff members, administrators, and community members; seeking knowledge about policies, rules, laws, precedents, or practices; managing the data flow; classifying and organizing information for use in decision making and monitoring.

(iii) **Problem analysis:** Identifying the important elements of a problem situation by analyzing relevant information; framing problems; identifying possible causes; identifying additional needed information; framing and reframing possible solutions; exhibiting conceptual flexibility; assisting others to form reasoned opinions about problems and issues.

(iv) **Judgment:** Reaching logical conclusions and making high quality, timely decisions given the best available information.

(v) Organizational oversight: Planning and scheduling one's own and others' work so that resources are used appropriately, and short-term and long-term priorities and goals are met; monitoring projects to meet deadlines.

(vi) Implementation: Making things happen; putting programs and plans into action; applying management technologies; applying methods of organizational change including collaborative processes; facilitating tasks; establishing progress checkpoints; considering alternative approaches; providing "mid-course" corrections when actual outcomes start to diverge from intended outcomes; adapting to new conditions.

(vii) Delegation: Assigning projects or tasks together with clear authority to accomplish them and responsibility for their timely and acceptable completion.

(viii) Instructional program: Envisioning and enabling instructional and auxiliary programs for the improvement of teaching and learning; recognizing the developmental needs of students; insuring appropriate instructional methods; designing positive learning experiences; accommodating differences in cognition and achievement; mobilizing the participation of appropriate people or groups to develop these programs and to establish a positive learning environment.

(ix) Curriculum design: Interpreting school district curricula; planning and implementing with staff a framework for instruction; initiating needs analyses and monitoring social and technological developments as they affect curriculum; responding to international content levels; adjusting content as needs and conditions change.

(x) Student guidance and development: Providing for student guidance, counseling, and auxiliary services; utilizing community organizations; responding to family needs; enlisting the participation of appropriate people and groups to design and conduct these programs and to connect schooling with plans for adult life; planning for a comprehensive program of student activities.

(xi) Staff development: Identifying with participants the professional needs of individuals and groups; planning and organizing programs to improve staff effectiveness; supervising individuals and groups; engaging staff and others to plan and participate in recruitment and development; initiating self-development.

(xii) Measurement and evaluation: Determining what diagnostic information is needed about students, staff, and the school environment; examining the extent to which outcomes meet or exceed previously defined standards, goals, or priorities for individuals or groups; drawing inferences for program revisions; interpreting measurements or evaluations for others; relating programs to desired outcomes; developing equivalent measures of competence.

(xiii) Resource allocation: Planning and developing the budget with appropriate staff; seeking, allocating, and adjusting fiscal, human, and material resources; utilizing the physical plant; monitoring resource use and reporting results.

(xiv) Motivating others: Building commitment to a course of action; creating and channeling the energy of self and others; planning and encouraging participation; supporting innovation; recognizing and rewarding effective performance; providing coaching, guidance, or correction for performance that needs improvement; serving as a role model.

(xv) Sensitivity: Perceiving the needs and concerns of others; dealing with others tactfully; working with others in emotionally stressful situations or in conflict; managing conflict; obtaining feedback; recognizing multicultural sensitivities.

(xvi) Oral expression: Making oral presentations that are clear and easy to understand; clarifying and restating questions; responding, reviewing, and summarizing for groups; utilizing appropriate communicative aids; adapting for audiences.

(xvii) Written expression: Expressing ideas clearly in writing; writing appropriately for different audiences such as students, teachers, and parents; preparing brief memoranda.

(xviii) Philosophical and cultural values: Acting with a reasoned understanding of the role of education in a democratic society and in accord with accepted ethical standards; recognizing philosophical and historical influences in education; reflecting an understanding of American culture, including current social and economic issues related to education; recognizing global influences on students and society.

(xix) Legal and regulatory applications: Acting in accordance with relevant federal and Washington state laws, rules, and policies; recognizing governmental influences on education; working within local rules, procedures, and directives; administering contracts.

(xx) Policy and political influences: Identifying relationships between public policy and education; recognizing policy issues; examining and affecting policies individually and through professional and public groups; relating policy initiatives to the welfare of students; addressing ethical issues.

(xxi) Public and media relationships: Developing common perceptions about school issues; interacting with parental and community opinion leaders; understanding and responding skillfully to the electronic and printed news media; initiating and reporting news through appropriate channels; enlisting public participation; recognizing and providing for market segments.

(b) Performance assessment. An approved preparation program for principals shall require that prior to the internship each candidate shall engage in a performance assessment through a process determined by each preparation program. The results of this assessment shall be utilized by the college/university supervisor, the cooperating principal, and the principal candidate to cooperatively design the internship plan.

(3) **Superintendent** candidates will complete a well-planned sequence of courses and/or experiences in an approved preparation program for superintendents which shall include specific performance domains for superintendents. An approved preparation program for superintendents shall require the candidate to demonstrate in course work and the internship the following:

(a) Strategic leadership: The knowledge, skills and attributes to identify contexts, develop with others vision and purpose, utilize information, frame problems, exercise leadership processes to achieve common goals, and act ethically for educational communities. This includes:

(i) Professional and ethical leadership.

(ii) Information management and evaluation.

(b) **Instructional leadership:** The knowledge, skills and attributes to design with others appropriate curricula and instructional programs, to develop learner centered school cultures, to assess outcomes, to provide student personnel services, and to plan with faculty professional development activities aimed at improving instruction. This includes:

(i) Curriculum, instruction, supervision, and learning environment.

(ii) Professional development and human resources.

(iii) Student personnel services.

(c) **Organizational leadership:** The knowledge, skills and attributes to understand and improve the organization, implement operational plans, manage financial resources, and apply decentralized management processes and procedures. This includes:

(i) Organizational management.

(ii) Interpersonal relationships.

(iii) Financial management and resource allocation.

(iv) Technology and information system.

(d) **Political and community leadership:** The knowledge, skills and attributes to act in accordance with legal provisions and statutory requirements, to apply regulatory standards, to develop and apply appropriate policies, to be conscious of ethical implications of policy initiatives and political actions, to relate public policy initiatives to student welfare, to understand schools as political systems, to involve citizens and service agencies, and to develop effective staff communications and public relations programs. This includes:

(i) Community and media relations.

(ii) Federal and Washington state educational law, public policy and political systems.

(4) **School counselor** candidates will complete a well-planned sequence of courses and/or experiences in which they acquire and apply knowledge about:

(a) Human growth and development (studies that provide an understanding of the nature and needs of individuals at all developmental levels).

(b) Social and cultural foundations (studies that provide an understanding of issues and trends in a multicultural and diverse society).

(c) Helping relationships (studies that provide an understanding of counseling and consultation processes).

(d) Group work (studies that provide an understanding of group development, dynamics, counseling theories, group counseling methods and skills, and other group work approaches).

(e) Career and lifestyle development (studies that provide an understanding of career development and related life factors).

(f) Appraisal (studies that provide an understanding of individual and group approaches to assessment and evaluation).

(g) Research and program evaluation (studies that provide an understanding of types of research methods, basic statistics, and ethical and legal considerations in research).

(h) Professional orientation (studies that provide an understanding of all aspects of professional functioning including history, roles, organizational structures, ethics, standards, and credentialing).

(i) Foundations of school counseling including:

(i) History, philosophy, and trends in school counseling;

(ii) Role and function of the school counselor in conjunction with the roles of the professional and support personnel in the school;

(iii) Knowledge of the school setting and curriculum;

(iv) Ethical standards and guidelines of the American School Counselor Association (ASCA);

(v) State and federal policies, laws, and legislation relevant to school counseling; and

(vi) Implications of sociocultural, demographic, and lifestyle diversity relevant to school counseling.

(j) Studies that provide an understanding of the coordination of counseling program components as they relate to the total school community including:

(i) Referral of children and adolescents for specialized help;

(ii) Coordination efforts with resource persons, specialists, businesses, and agencies outside the school to promote program objectives;

(iii) Methods of integration of guidance curriculum in the total school curriculum;

(iv) Promotion of the use of counseling and guidance activities and programs by the total school community to enhance a positive school climate; and

(v) Methods of planning and presenting guidance-related educational programs for school personnel and parents.

(k) Theory, knowledge and skills for the practice of school counseling including:

(i) Program development, implementation and evaluation. Studies in this area include:

(A) Use of surveys, interviews, and needs assessments;

(B) Design, implementation and evaluation of a comprehensive, developmental school program;

(C) Implementation and evaluation of specific strategies designed to meet program goals and objectives;

(D) Preparation of a counseling schedule reflecting appropriate time commitments and priorities in a developmental school counseling program; and

(E) Use of appropriate technology and information systems.

(ii) Counseling and guidance. Studies in this area include:

(A) Individual and group counseling and guidance approaches appropriate for the developmental stage and needs of children and adolescents;

(B) Group guidance approaches that are systematically designed to assist children and adolescents with developmental tasks;

(C) Approaches to peer helper programs;

(D) Issues which may affect the development and function of children and adolescents (e.g., abuse, eating disorders, attention deficit hyperactivity disorder, exceptionality, substance abuse, violence, suicide, dropout);

(E) Developmental approaches to assist students and parents at points of educational transition (e.g., postsecondary education, vocational, and career options);

(F) Crisis intervention and referral; and

(G) System dynamics, including family, school, community, etc.

(iii) Consultation. Studies in this area shall include:

(A) Methods of enhancing teamwork within the school community; and

(B) Methods of involving parents, teachers, administrators, support staff and community agency personnel.

(5) **School psychologist** candidates will complete a well-planned sequence of courses and/or experiences in which they acquire and apply knowledge about:

(a) Knowledge of the field. The candidate has knowledge and skill in relevant fields of study, including:

- (i) Learning theory.
- (ii) Personality theory and development.
- (iii) Individual and group testing and assessment.
- (iv) Individual and group counseling and interviewing theory and techniques.

(v) Basic statistics.

(vi) Child development.

(vii) Exceptional children.

(viii) Social and cultural factors.

(ix) Deviant personality.

(x) Curriculum.

(xi) Research design.

(xii) Physiological and biological factors.

(b) Assessment and diagnosis. The candidate has knowledge and skill necessary to select, administer, score, and interpret instruments and techniques in the following areas:

(i) Intellectual and cognitive assessment.

(ii) Individual and group academic skills.

(iii) Personality assessment.

(iv) Assessment of perceptual skills.

(v) Assessment of adaptive behavior; assessment of language skills.

(c) Behavioral observation and analysis. The candidate has knowledge and skill in behavior observation, including:

(i) Data taking.

(ii) Frequency measures.

(iii) Qualitative and quantitative analysis of classroom behavior.

(iv) Developmental and personality analysis, including perceptual, cognitive, social, and affective and language development in children.

(d) Counseling and interviewing. The candidate has the knowledge and skill necessary to:

(i) Provide individual and group counseling to students and parents.

(ii) Conduct interviews essential to information collect- ing from parents, teachers, and other professionals.

(e) Program development. The candidate has the knowledge and skill to make educational prescriptions, including specification of remedial environmental changes, both curricular and behavioral, for a particular student.

(f) Consultation. The candidate has the knowledge and skill to:

(i) Function on multidisciplinary teams in evaluating and placing students.

(ii) Confer with and make recommendations to parents, specialists, teachers, referral personnel, and others relative to student's characteristics and needs in the educational and home environments.

(g) Program evaluation and recordkeeping. The candi- date has the knowledge and skill necessary to develop and implement program evaluation and maintain required records.

(h) Professionalism. The candidate has knowledge of professional standards regarding ethical and legal practices relevant to the practice of school psychology. The candidate demonstrates knowledge and skill in written and oral reporting of assessment and remedial recommendations which will meet ethical and legal standards.

(i) Research. The candidate has knowledge and skill to:

(i) Evaluate and perform research.

(ii) Apply school-oriented research.

(iii) Construct criterion-referenced instruments with reference to such educational decisions as:

(A) Retention in grade.

(B) Acceleration and early entrance.

(C) Early entrance.

(6) **School social worker** candidates will complete a well-planned sequence of courses and/or experiences in which they acquire and apply knowledge about:

(a) Knowledge for social work practice. The candidate has knowledge and skills in relevant fields of study includ- ing:

(i) Values.

(A) Knowledge of profession including values, skills, and ethics; and

(B) National Association of Social Workers (NASW) Code of Ethics and school social work guidelines for practice.

(ii) Human behavior and the social environment.

(A) Community theory and community change (e.g., community organization and development, social planning, networking, and case management);

(B) Systems and organizational theory (e.g., school as a bureaucracy);

(C) Social disorganization (e.g., poverty, family and community violence, unemployment, addictions, multiple losses), and context of family in a changing society;

(D) Family dynamics and theories of family therapy;

(E) Human/child growth and development;

(F) Diverse populations of: Race, culture, social class, life style, age, gender and the disabled;

(G) Theories of personality; and

(H) Use of computer technology for social work practice.

(b) Service delivery and program development. The candidate will have knowledge and skills in the following activities:

(i) Direct practice.

(A) Referring, developing, and coordinating resources and services in the local education agency and community;

(B) Knowledge and skills related to families;

(C) Case management;

(D) Working with vulnerable and "hard to reach" individuals and families, including those from diverse populations;

(E) Crisis intervention, conflict resolution, stress management and decision-making skills;

(F) Individual and group counseling to improve students' self-knowledge and interactional skills for personal empowerment;

(G) Interviewing and counseling students in relation to social-personal problems adjudged to be impairing student's ability to learn;



(H) Family interventions including parent education; referral to resources; family counseling;

(I) Teaching children communication and interpersonal relationship skills through individual/group/classroom interventions;

(J) Collaborating and consulting with parents and community to assure readiness to learn for all students;

(K) Multidimensional assessment of student's social-emotional adjustment, adaptive behaviors, individual strengths, and environmental assets;

(L) Intervention case planning processes; and

(M) Career and academic guidance to students in their school to work transitions.

(ii) Indirect practice.

(A) Liaison and facilitator between and among home, school and community;

(B) Collaborate and consult with other educational staff to assure student progress;

(C) Use computer technology for practice and efficiency;

(D) Develop strategies for increased parental and community involvement with the school;

(E) Develop programs of remediation for students and their families;

(F) Design, coordinate and facilitate programs such as suicide prevention, truancy and drop-out prevention, and prevention of teenage pregnancy;

(G) Provide staff development programs;

(H) Work collaboratively with educational staff to develop programs to address school-community identified needs; and

(I) Function as change agents.

(c) Research and evaluation. The candidate will have necessary skills and knowledge to:

(i) Collect and interpret data in order to evaluate student, school, and community needs;

(ii) Evaluate own practice;

(iii) Become consumer of research findings;

(iv) Understand use of program evaluation methods; and

(v) Utilize computer technology for research and evaluation.

(d) Context for educational system. The candidate will have necessary knowledge and skills to apply the following practice:

(i) Theories of learning;

(ii) School law and professional ethics;

(iii) Computer technology in the workplace; and

(iv) Understanding of policies, laws, and procedures.

#### NEW SECTION

##### **WAC 180-78A-195 Course work/internship waiver.**

The college or university may waive required course work and/or waive or reduce in length the required internship for any candidate, based on an individual review if the college or university determines that previous course work, work experiences, or alternative learning experiences have or will provide the candidate knowledge and skills to be otherwise gained from the required course work or internship.

#### NEW SECTION

**WAC 180-78A-197 Special consideration for certain former para-educators.** An approved teacher preparation program may determine that a candidate who has work experience as a noncertificated para-educator may substitute his or her work experience for some teacher preparation program requirements if the candidate presents evidence that he or she has served as a para-educator within the previous seven years and that at least fifty percent of the candidate's work as a para-educator was involved in instructional activities with children under the supervision of a certificated teacher and that the candidate worked a minimum of six hundred thirty hours in any one school year.

#### NEW SECTION

**WAC 180-78A-201 Program approval—Teachers, collaboration with K-12 schools.** An approved preparation program annually shall develop and implement a plan to enhance the level of collaboration and interaction between the program's faculty and K-12 schools in the state. The plan shall require, to the maximum extent feasible, that each member of the full-time teacher preparation faculty annually provide instruction to students in the K-12 classroom in a public or approved private school setting in the state of Washington, during the regular school year. The instruction that will be provided must be in accordance with RCW 28A.405.010 and applicable state board of education rules.

#### NEW SECTION

**WAC 180-78A-260 Program approval requirement—Field experience for school counselors.** Approved school counselor preparation programs shall require all students to complete a supervised internship in the schools that includes a minimum of four hundred hours of on the job professional service and one hour per week of individual supervision provided by the site supervisor. Site supervisors must be fully certificated school personnel and have a minimum of three years of professional experience in the role of school counselor. Faculty supervision including on-site visits will be provided on an ongoing basis. Prior to the internship, the student will complete a faculty supervised practicum (a distinctly defined clinical experience intended to enable the student to develop basic counseling skills and integrate professional knowledge).

#### NEW SECTION

**WAC 180-78A-265 Program approval requirement—Field experience for all administrators.** An approved preparation program for administrators and, prior to August 31, 1997, for principals, shall require an internship of at least three hundred sixty hours: *Provided*, That effective August 31, 1997, an approved preparation program for principals shall require an internship which requires practice as an intern during a full school year. A "full school year" shall mean seven hundred twenty hours of which at least one-half shall be during school hours, when students and/or staff are present and include the principal performance domains as stated in WAC 180-78A-165: *Provided further*, That for a candidate seeking the P-12

principal certificate, the internship shall include P-12 administrative experience. The internship shall take place in an education setting serving under the general supervision of a certificated practitioner who is performing in the role for which the endorsement is sought. Components of the required internship shall include demonstration by the candidate that he or she has the appropriate, specific skills pursuant to WAC 180-78A-165.

#### NEW SECTION

**WAC 180-78A-266 Internship standards—State-funded administrator interns.** (1) Principal, superintendent, and program administrator interns participating in the state-funded administrator internship program shall meet the following standards:

(a) Enrollment in a principal, superintendent or program administrator preparation program approved by the state board of education, pursuant to WAC 180-78A-028.

(b) Completion of all administrator field experience, knowledge and skill certification requirements, pursuant to chapters 180-78A and 180-79A WAC.

(c) Completion of up to forty-five internship days for school employees selected for a principal, superintendent or program administrator certification internship when K-12 students and/or staff are present; provided the internship shall meet the following criteria:

(i) The intern, mentor administrator and college/university intern supervisor shall cooperatively plan the internship, provided that the school district is encouraged to include teachers and other individuals in the internship planning process.

(ii) Principal and program administrator interns shall demonstrate competency in the performance domains identified as needing development by the mentor administrator, college/university supervisor, and the intern, pursuant to WAC 180-78A-165(2). Superintendent interns shall demonstrate competency in the standards identified as needing development by the mentor administrator, college/university supervisor, and the intern, pursuant to WAC 180-78A-165(3).

(iii) The activities to be undertaken to implement the internship shall be outlined in writing.

(d) The intern, college/university supervisor and mentor administrator shall determine whether the intern days and the selected performance domains or competencies were demonstrated.

(2) Participating colleges/universities, and school districts may establish additional internship standards and shall report such standards to the state board of education.

(3) Each college/university shall submit a summary report of the internships to the state board of education.

#### **STANDARDS FOR APPROVING PROFESSIONAL CERTIFICATE PROGRAMS**

#### NEW SECTION

**WAC 180-78A-300 Professional certificate program approval.** All professional certificate programs for teachers shall be approved pursuant to the requirements in WAC 180-78A-320 through 180-78A-365.

#### NEW SECTION

**WAC 180-78A-301 Overview—Professional certificate program.** Teachers who complete approved programs after August 31, 2000, shall be issued residency certificates that shall be valid for five years. To obtain a professional certificate, the residency teacher will need to have completed provisional status with a school district under RCW 28A.405.220 or the equivalent with an approved private school and will need to have completed a state board of education approved professional certificate program collaboratively developed by a college/university and the professional educational advisory board (PEAB).

The professional certificate requires successful demonstration of three standards (effective teaching, professional development, and leadership) and 18 criteria, pursuant to WAC 180-78A-365, related to these standards. Wherever appropriate, the residency teacher will need to provide evidence that his/her teaching has had a positive impact on student learning.

During the implementation phase of the program, the employing approved private school or school district (or an educational service district, if the employing approved private school or school district so delegates) and an individual selected by the candidate from one of the other authorized agencies (i.e., local school district professional association, state-wide professional association, specialty area professional association, or educational service district) shall collaborate along with the college or university and the candidate in the development of an individualized professional growth plan.

The individualized professional growth plan will be based on an analysis of the student/learning context in that teacher's assignment and a preassessment of that teacher's ability to demonstrate the standards and criteria.

The individualized professional growth plan shall include instruction and assistance components for each residency teacher. The instruction and assistance components will be designed to give the residency teacher the necessary knowledge and skills needed to demonstrate successfully the standards and criteria.

The final component of the program will be an assessment seminar in which the residency teacher's ability to demonstrate the standards and criteria will be evaluated. These assessments shall include multiple forms of data collected over time, including evidence of positive impact on student learning, where appropriate.

As part of the program development, the college/university and the PEAB shall establish criteria and procedures for determining when the residency teacher has successfully completed the program. When the approved program has verified to the superintendent of public instruction that the candidate has completed the approved program, the state will issue the residency teacher a professional certificate.

Between 1997 and 2000, the state board of education shall approve a number of field tests of the professional certificate programs pursuant to WAC 180-78A-302 through 180-78A-306.

NEW SECTION

**WAC 180-78A-302 Field tests—Professional certificate approved programs.** WAC 180-78A-300 through 180-78A-399 contain the rules and regulations for establishing a state board of education professional certificate approved program. These rules and regulations will become mandatory for teachers with residency certificates issued after August 31, 2000. The state board of education, or its designee, will establish procedures for approving a number of field tests which may lead to revisions in these rules and regulations prior to August 31, 2000.

The purpose of the field tests is to determine the system-wide feasibility of the proposed performance-based professional certification program, including the validity of the standards and criteria in WAC 180-78A-365.

The superintendent of public instruction will make relevant materials available and provide technical assistance to agencies and/or individuals participating in the field tests.

NEW SECTION

**WAC 180-78A-303 Field tests—Selection of participating programs.** Selection of programs by the state board of education or its designated agency to participate in the field tests will be based on the following:

## (1) Eligibility criteria:

(a) Each college or university with an approved teacher preparation program is eligible to apply to conduct a field test of the professional teacher certification program.

(b) The field tests will require participating agencies and individuals to implement all of the components of the approved program as described in WAC 180-78A-320, 180-78A-340, 180-78A-345, 180-78A-350, 180-78A-355, 180-78A-360, and 180-78A-365, including the collection of data relevant to the issues to be addressed in WAC 180-78A-306.

(2) Applications for a limited number of field tests at public and private colleges and universities (for example, six) shall be approved according to the following selection criteria:

(a) The extent to which a specific application enhances the geographic diversity of the complete field test: Including, but not limited to, the identification of the public or private colleges and universities and identification of the specific school districts that will participate (e.g., suburban, rural and remote school districts, and private schools).

(b) The detailed workplan in the application with timelines for sufficient planning, implementation, and evaluation including, but not limited to, the following:

(i) Identification of two or more school districts that will participate in the field test.

(ii) Estimated number of candidates that will be involved in the field test.

(iii) Identification of professional certificate program administrator of the field test and/or a description of the qualifications of the person to serve in the role.

(iv) Experience and/or expertise in:

(A) Implementation of alternative delivery systems in rural and remote areas.

(B) Performance-based teacher assessment.

(C) Collaborative development of teacher education programs.

(c) The process described in the application for evaluating the field test, including a review of how such a program could be implemented collaboratively and in a cost-effective manner throughout the state.

## (3) Timelines:

(a) On or before March 15, 1997, the state board of education will issue requests for proposals for field testing the professional certificate program.

(b) Proposals will be due by May 15, 1997.

(c) The state board of education or designated agency will approve field test proposals on or before June 15, 1997.

(d) Field test programs shall begin in accordance with the timeline submitted in the application.

NEW SECTION**WAC 180-78A-304 Field tests—Alternative models.**

The state board of education, or its designated agency, may waive one or more of the requirements in WAC 180-78A-301 through 180-78A-365, if compelling evidence is presented.

NEW SECTION**WAC 180-78A-305 Field tests—Participating teachers.**

Teachers who participate in the field test shall be issued professional certificates if the collaborating agencies verify that they have successfully completed the state board of education approved field test. Teachers who participate in the field test, who do not meet the requirements for the professional certificate, will be allowed to meet the requirements for the continuing certificate. In addition, participation in the field tests shall qualify teachers for one renewal, if needed, of their initial certificate.

NEW SECTION**WAC 180-78A-306 Field tests—Evaluation criteria.**

Programs approved for the field tests shall collect data related to all of the following criteria during and at the conclusion of the field test. Participating agencies shall provide interim reports at least annually and a final report, including recommendations for changes to the *Washington Administrative Code*, to the state board of education on the following criteria:

**Demographics:**

(1) Can the professional certificate program be implemented in a fair and equitable manner for:

(a) Teachers in any community: Rural and urban, near a college or university, or distant from a college or university,

(b) All teachers, e.g., public and private, elementary, secondary, special education and vocational teachers?

**Standards:**

(2) Are the three standards and the 18 criteria:

(a) The most appropriate and relevant standards and/or criteria?

(b) In need of revision (including additions or eliminations)?

(c) Supportive of the state goals and/or essential academic learning requirements?

**Assessment:**

(3) What should the role of each of the agencies involved in the implementation of the program be in regard to assessment?

(4) Are the assessments of the standards and criteria valid?

(5) What assessment procedures and benchmarks determine that a candidate has successfully demonstrated the standards and criteria in WAC 180-78A-365?

(6) For which of the standards and criteria can evidence of positive impact on student learning be obtained?

(7) What forms of evidence of impact on student learning should be required?

(8) How have collaborating agencies implemented the requirement that candidates provide "multiple forms of evidence, over time"?

(9) Is an "assessment seminar" the best means to assess the candidate's demonstration of the standards and criteria?

Could or should some/all of the standards and criteria be demonstrated through courses/activities in the instruction or assistance components of the individualized professional growth plan?

**Implementation:**

(10) What are the logistical challenges and time requirements associated with developing and implementing professional certificate programs for candidates and collaborating agencies and individuals?

(11) What are the direct and indirect costs associated with implementing professional certificate programs, especially to the candidate and how were the collaborating agencies and individuals compensated for their involvement?

(a) Can professional certificate programs be implemented primarily on candidate fees/tuition basis?

(b) Did the professional certificate programs utilize other financial resources?

(12) Which aspects of the professional certificate program should require traditional college course work, and which aspects of the program should provide alternatives to this course work?

**Professional growth plans:**

(13) How were the candidates' student/learning contexts and preassessments used to develop the individualized professional growth plan?

(14) How were the individualized professional growth plan and the instruction and assistance components organized and delivered?

(15) How were the individualized professional growth plan and the instruction and assistance components aligned with the state's goals and essential academic learning requirements?

**Other:**

(16) What other relevant information needs to be reported to the state board of education as a result of the field tests?

...serving as the professional certificate administrator may be an employee, or a joint employee, representing any of the collaborating agencies participating in the program.

NEW SECTION

**WAC 180-78A-340 Program approval standards for professional certificate approved programs.** The program approval standards for approved programs for teachers are as follows:

(1) **Professional education advisory boards.** The professional certificate program, in conformance with the provisions of WAC 180-78A-145 and 180-78A-345, has established and maintained a professional education advisory board to participate in decisions related to the development, implementation, and revision of the professional certificate program for teachers.

(2) **Accountability.** Each professional certificate program, in conformance with the provision of WAC 180-78A-350, has established a performance-based program.

(3) **Resources.** The professional certificate program, in conformance with the provision of WAC 180-78A-355, is responsible for providing the resources needed to develop and maintain quality professional programs.

(4) **Program design.** Each professional certificate program, in conformance with the provision of WAC 180-78A-360, is responsible for establishing a collaboratively developed, individualized, approved professional certificate program.

(5) **Knowledge and skills.** Each professional certificate program, in conformance with the provision of WAC 180-78A-365, has established policies requiring all candidates for certification to demonstrate the standards and respective criteria for obtaining the professional certificate.

NEW SECTION

**WAC 180-78A-345 Approval standard—Professional education advisory board.** The following evidence shall be evaluated to determine whether each professional certificate program is in compliance with the program approval standards of WAC 180-78A-340(1).

(1) The professional education advisory board established for the preservice program in accordance with WAC 180-78A-075 shall also serve as the professional advisory board for the professional certificate program.

(2) The professional education advisory board has participated in the development of the professional certificate program and has recommended approval of the proposed program prior to its submission to the state board of education for approval.

(3) The professional education advisory board has reviewed the annual summary on the status of all candidates in the program required by WAC 180-78A-350(7).

(4) The professional education advisory board has made recommendation(s), as appropriate, for program changes to the professional certificate administrator who shall implement the recommendation(s) within twelve months, or provide a rationale for why the recommendation(s) was not implemented.

NEW SECTION

**WAC 180-78A-320 Responsibilities of the professional certificate administrator.** Each approved professional certificate program shall identify a professional certificate administrator who shall have the primary responsibility for the overall administration of the program. The person

NEW SECTION

**WAC 180-78A-350 Approval standard—Accountability.** The following evidence shall be evaluated to determine whether each professional certificate program is in compliance with the program approval standards of WAC 180-78A-140(2). Each college and university shall:

(1) Submit for initial approval to the state board of education a performance-based professional certificate program for teachers.

(2) Provide documentation that the respective professional education advisory board has participated in the development of and has approved the proposal.

(3) Identify the professional certificate administrator who shall be responsible for the administration of the professional certificate program.

(4) Describe the major responsibilities of each of the collaborating agencies. Identify the staff from one or more of the collaborating agencies who will be assigned the responsibility for reviewing applications for the professional certificate program; advising candidates once accepted; developing and implementing the individualized professional growth plan, the instruction and assistance components, and the assessment seminar; maintaining current records on the status of all candidates accepted into the professional certificate program; and for serving as the liaison with the superintendent of public instruction certification office in order to facilitate the issuance of the professional certificates when candidates have met the required standards.

(5) Establish the admission criteria that candidates for the professional certificate will need to meet in order to be accepted into the collaboratively developed professional certificate program.

(6) Describe the procedures that the approved program will use to determine that a candidate has successfully demonstrated the standards and criteria for obtaining the professional certificate.

(7) Prepare an annual summary on the status of all candidates in the program and submit the summary to the professional education advisory board.

(8) Submit any additional information to the professional education advisory board that it requests.

(9) Facilitate an on-site review of the program when requested by the state board of education to ensure that the program meets the state's program approval standards and to provide assessment data relative to the performance standards to the state board of education.

*Provided,* That the on-site reviews shall be scheduled on a five-year cycle unless the state board of education approves a variation in the schedule.

*Provided further,* That institutions seeking National Council for the Accreditation of Teacher Education accreditation may request from the state board of education approval for concurrent site visits which would utilize the same documentation whenever possible.

NEW SECTION

**WAC 180-78A-355 Approval standard—Resources.** The following evidence shall be evaluated to determine whether each professional certificate program is in compliance with the resources program approval standard of WAC 180-78A-340(3):

(1) Administrators, faculty, and teachers implementing the professional certificate program have appropriate qualifications (either academic, experience, or both for the roles to which they are assigned). Such responsibilities shall be shared, as appropriate, between and among the collaborating agencies.

(2) One of the collaborating agencies is assigned the responsibility for maintaining fiscal records in order to monitor and report on the costs of implementing the program both to the collaborating agencies as well as to the candidates whose fees and tuition costs should be the primary source of fiscal support for the program.

(3) Instructional, technological, and other needed resources must be sufficient in scope, breadth, and recency to support the professional certificate program.

NEW SECTION

**WAC 180-78A-360 Approval standard—Program design.** The following requirements shall govern the design of the professional certificate program:

(1) To be eligible to apply for admission to a professional certificate program, a candidate shall be contracted as a teacher in a public or a state board of education approved private school and shall have completed provisional status with a school district under RCW 28A.405.220 or the equivalent with an approved private school.

(2) The professional certificate program must be available to all candidates who are admitted to the program in Washington in a timely, fair, equitable, and fiscally responsible manner.

(3) The professional certificate program shall be collaboratively developed by an existing professional education advisory board with representation from its collaborating agencies. Additional agencies may participate in the development of the program if the professional education advisory board so chooses.

(4) Each program shall consist of:

(a) An individualized professional growth plan designed to provide the candidate with the knowledge and skills needed to demonstrate successfully the standards and criteria required to obtain the professional certificate.

(b) An assessment seminar designed to provide a variety of assessment opportunities for the candidate to demonstrate successfully each of the criteria related to the standards, pursuant to WAC 180-78A-365 and which may include college or university credit hours.

(5) The individualized professional growth plan shall be based on:

(a) An analysis of the instructional context for determining the appropriate strategies by which the teacher will be able to have a positive impact on student learning. In developing the analysis, consideration should be given, but not limited to, the following data collected in collaboration with the school district or building:

(i) The resources available at the approved private school or school district to support the instruction, including: Textbooks, technological resources, the assignment of teacher assistants, and administrator and/or peer teacher support;

(ii) The teaching assignments(s);

(iii) The age(s) and maturity of the students;

(iv) The number of special needs students in any specific class; and

(v) Other.

(b) A preassessment of the candidate's ability to demonstrate successfully the professional certificate standards and criteria.

(6) A representative of the college/university, a representative of the candidate's employing approved private school or school district (or an educational service district, if the employing approved private school or school district so delegates), and a representative, selected by the candidate, from one of the other authorized agencies (i.e., local school district professional association, state-wide professional association, specialty area professional association or educational service district) as well as the candidate, shall participate in the development and approval of the professional growth plan.

(7) The individualized professional growth plan shall include assistance and instructional components and shall specify any required course work which may include college and university credit hours.

(8) The assessment seminar shall include performance-based assessments which shall include:

(a) K-12 student achievement data, whenever appropriate, related to one or more of the essential academic learning requirements now being developed by the commission on student learning.

(b) Evidence of a positive impact on student learning as defined in WAC 180-78A-010(8) for the standard of effective teaching. In determining positive impact on student learning, the candidate, in consultation with one or more of the collaborating agencies, shall determine, prior to instruction, the level of appropriate achievement of the K-12 student based on the analysis of the instructional context described in WAC 180-78A-360 (5)(a). The positive impact on student learning will then be determined on the basis of the extent to which the level of achievement was met. Candidates may need to repeat these assessments a number of times, utilizing alternative instructional strategies in order to demonstrate consistently a positive impact on student learning.

(c) A focus on the achievement of all, or a limited number of, students in a class. Teachers will not be required to provide assessment data for all their students for the full range of potential content and learning objectives.

(d) Multiple forms of evidence presented over time which may include, but are not limited to, the following: Classroom-based evidence of student learning; portfolios; statements from parents, peer teachers, and/or administrators; and student scores on standardized achievement tests.

(9) No limits shall be placed on the number of times a candidate with a valid residency certificate may participate in the assessment component and on the forms of relevant evidence that the candidate may submit.

(10) Candidates who do not successfully complete the assessment component shall receive an individualized analysis of strengths and weaknesses and a plan for appropriate assistance and instruction.

## NEW SECTION

**WAC 180-78A-365 Approval standard—Knowledge and skills.** The following standards and criteria must be demonstrated successfully by the candidate in order to obtain a professional certificate:

(1) A successful candidate for the professional certificate shall demonstrate the knowledge and skills for effective teaching which ensure student learning by:

(a) Using effective teaching practices;

(b) Using assessment to monitor and improve instruction;

(c) Establishing and maintaining a positive, student-focused, learning environment;

(d) Designing and/or adapting challenging curriculum that is developmentally appropriate;

(e) Demonstrating cultural sensitivity in teaching and in relationships with students, parents, and community members;

(f) Using information on student achievement and performance to advise and involve students and families;

(g) Integrating technology into instruction and assessment; and

(h) Informing, involving, and collaborating with parents and families to support student success.

(2) A successful candidate for the professional certificate shall demonstrate the knowledge and skills for professional development by:

(a) Evaluating the effects of his/her teaching through feedback and reflection;

(b) Establishing goals for professional improvement;

(c) Designing and implementing personal professional growth programs; and

(d) Remaining current in subject area(s), theories, practice, and research.

(3) A successful candidate for the professional certificate shall demonstrate leadership that contributes to the improvement of the school, community, and the profession by:

(a) Participating in activities within the school community to improve curriculum and instructional practices;

(b) Participating in professional and/or community organizations;

(c) Advocating for curriculum, instruction, and learning environments which meet the diverse needs of students;

(d) Demonstrating communication skills and/or strategies that facilitates group decision making;

(e) Participating collaboratively in school improvement activities; and

(f) Incorporating democratic principles into his/her practice.

**WSR 97-04-085**  
**PERMANENT RULES**  
**STATE BOARD OF EDUCATION**

[Filed February 5, 1997, 11:07 a.m.]

Date of Adoption: January 24, 1997.

Purpose: The amendments will clarify existing rules and policies for vocational certification and modify the experience requirement.

Citation of Existing Rules Affected by this Order:  
Amending chapter 180-77 WAC.

Statutory Authority for Adoption: RCW 28A.410.010.

Adopted under notice filed as WSR 97-01-101 on December 18, 1996.

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 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 4, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 4, 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 4, repealed 0.

Effective Date of Rule: Thirty-one days after filing.

February 4, 1997

Larry Davis

Executive Director

**AMENDATORY SECTION** (Amending WSR 95-12-056, filed 6/2/95, effective 7/3/95)

**WAC 180-77-003 Definitions.** The following definitions shall apply to terms used in this chapter:

(1) "Approved program for training vocational teachers and vocational counselors" shall be defined as any program approved by the state board of education, which complies with chapter 180-78 WAC.

(2) "Vocational educator training" shall mean those vocational programs, courses, seminars and workshops offered for the purpose of vocational certification in compliance with chapter 180-85 WAC.

(3) "General safety" shall mean course work approved by the state board of education and/or its designee that is designed to provide skill and knowledge common to all vocational instructors in safety.

(4) "Specific safety requirements" shall mean completion of course work approved by the state board of education and/or its designee which is designed to provide the vocational instructor with the specific skill and knowledge of safety for the occupation he or she is to teach.

(5) "Learning period" shall mean the amount of time required prior to becoming gainfully employed at the journeyman or equivalent level in the occupation being taught. In any case, this shall be no less than one year.

(6) "Management experience" shall mean work as a supervisor, foreman or manager in the occupational area in which the person will instruct.

(7) "Occupational experience" shall mean paid or unpaid work experience in the career field to be taught.

(8) "One year of occupational experience" shall equal two thousand hours of employment.

(9) "Professional education" shall mean those programs, courses, seminars and workshops that are designed to improve teaching ability.

(10) "Professional experience" shall mean employment in vocational education in the discipline and/or specialty for which the application has been submitted.

(11) "Quarter hours or the equivalent" shall mean one quarter credit, two-thirds semester credit, ten clock hours or one hundred hours of occupational experience.

(12) "Technical education/upgrading" shall mean those vocational programs, courses, seminars and workshops which are designed to improve the skills and/or knowledge in the discipline in which the application is being made.

**AMENDATORY SECTION** (Amending WSR 95-12-056, filed 6/2/95, effective 7/3/95)

**WAC 180-77-031 Requirements for vocational certification of instructors who complete approved college/university programs.** Candidates for certification through the completion of approved programs shall complete the following requirements in addition to those set forth in WAC 180-75-081, 180-75-085 (1) and (2), and chapter 180-78 WAC.

(1) Initial.

(a) Candidates for the initial certificate shall hold a baccalaureate degree from a regionally accredited college or university ~~((and shall have completed))~~ which includes a minimum of forty-five quarter hours of study in the specific vocational ((field)) subject area for which certification is sought.

(b) Candidates for the initial certificate shall demonstrate competency in one or more of the major categories of WAC 180-77A-170, Program area standards.

(c) Candidates for the initial certificate shall complete a state approved vocational teacher training program through a regionally accredited college or university which shall include completion of student teaching in the relevant vocational ~~((field))~~ subject area.

~~((e))~~ (d) Candidates for the initial certificate shall ((also)) demonstrate competence in the general standards for all vocational-technical teacher certificate candidates pursuant to WAC 180-77A-165, which include but are not limited to knowledge and skills in the following areas:

(i) General and specific safety;

(ii) Vocational teaching methods;

(iii) Occupational analysis;

(iv) Course organization and curriculum design;

(v) Philosophy of vocational education;

(vi) Personal student development and leadership techniques.

~~((Provided, until such time as the state board of education establishes approved procedures for the demonstration of the above knowledge and skills, candidates shall complete a minimum of ten quarter hours of competency based course work in the above areas.~~

~~((d))~~ (e) In addition, candidates for initial certification in diversified occupations or coordinator of work based learning shall demonstrate competency in knowledge and skills described in WAC 180-77A-180.

(f) Candidates for the initial certificate shall provide documentation of one year of paid occupational experience (two thousand hours) ~~((within the past six years))~~ in the specific vocational field for which certification is sought. If all or part of the two thousand hours is more than six years

old, candidates must complete an additional three hundred hours of recent (occurring in the last two years) occupational experience.

(2) Initial renewal. Candidates for renewal of the initial certificate must complete three quarter hours of credit or thirty clock hours of vocational educator training in the subject ~~((matter))~~ area certified to teach since the initial certificate was issued or renewed.

(3) Continuing.

(a) Candidates for the continuing certificate shall have in addition to the requirements for the initial certificate at least nine quarter hours or ninety clock hours of vocational educator training in the vocational subject ~~((matter))~~ area to be certified completed subsequent to the conferral of the baccalaureate degree.

(b) Candidates for the continuing certificate shall provide as a condition for the issuance of a continuing certificate documentation of two years of teaching/coordination in the vocational subject ~~((matter))~~ area certified to teach with an authorized employer—i.e., school district(s) or skills center(s).

(4) Continuing certificate renewal.

(a) Candidates for renewal of the continuing certificate shall complete since the previous continuing certificate was issued one of the following:

(i) Six quarter hours or sixty clock hours of vocational educator training;

(ii) Three quarter hours or thirty clock hours of vocational educator training and three quarter hours or thirty clock hours of technical education/upgrading;

(iii) Three quarter hours or thirty clock hours of vocational educator training and three hundred hours of occupational experience.

AMENDATORY SECTION (Amending WSR 95-12-056, filed 6/2/95, effective 7/3/95)

**WAC 180-77-041 Requirements for vocational certification of instructors ~~((who do not complete approved college/university programs))~~ on the basis of business and industry work experience.** Candidates for certification who have not completed approved programs set forth in WAC 180-77A-028 shall complete the following requirements in addition to those set forth in WAC 180-75-081 and 180-75-085 (1) and (2).

(1) Initial.

(a) Candidates for the initial certificate shall provide documentation of three years (six thousand hours) of paid occupational experience in the specific vocational ~~((field))~~ subcategory for which certification is sought. One year (two thousand hours) must be within the past six years. If all or part of the two thousand hours is more than six years old, candidates must complete an additional three hundred hours of recent (occurring in the last two years) occupational experience.

(b) Candidates for the initial certificate shall ~~((also))~~ demonstrate competence in the general standards for all vocational-technical teacher certificate candidates pursuant to WAC 180-77A-165, which include but are not limited to knowledge and skills in the following areas:

- (i) General and specific safety;
- (ii) Vocational teaching methods;

- (iii) Occupational analysis;
- (iv) Course organization and curriculum design;
- (v) Philosophy of vocational education;
- (vi) Personal student development and leadership techniques~~((:))~~.

~~((vii)) School law;~~

~~((viii)) Issues related to abuse as specified in WAC 180-78-165(3).))~~

(c) ~~Provided, until such time as ((the state board of education establishes approved procedures for the demonstration of the above knowledge and skills))~~ two or more programs are approved by the SBE under WAC 180-77A-029, candidates shall complete a minimum of twenty-five quarter hours or two hundred fifty hours of vocational educator training and/or technical education/upgrading of which a minimum of ten quarter hours or one hundred clock hours of competency-based course work must be in the above areas.

(d) Candidates for the initial certificate shall also demonstrate knowledge and skills in the following areas:

(i) School law;

(ii) Issues related to abuse as specified in WAC 180-78-165(3).

(e) In addition, candidates for initial certification in diversified occupations or coordinator of work based learning shall demonstrate competency in knowledge and skills described in WAC 180-77A-180.

(2) Initial renewal. Candidates for renewal of the initial certificate must complete three quarter hours of credit or thirty clock hours of vocational educator training in the subject matter certified to teach since the initial certificate was issued or renewed.

(3) Continuing.

(a) Candidates for the continuing certificate shall have in addition to the requirements for the initial certificate at least nine quarter hours or ninety clock hours of vocational educator training in the vocational subject matter to be certified completed subsequent to the issuance of the initial certificate.

(b) Candidates for the continuing certificate shall provide as a condition for the issuance of a continuing certificate documentation of two years of teaching/coordination in the vocational subject matter certified to teach with an authorized employer—i.e., school district(s) or skills center(s).

(4) Continuing certificate renewal.

(a) Candidates for renewal of the continuing certificate shall complete since the previous continuing certificate was issued one of the following:

(i) Six quarter hours or sixty clock hours of vocational educator training;

(ii) Three quarter hours or thirty clock hours of vocational educator training and three quarter hours or thirty clock hours of technical education/upgrading;

(iii) Three quarter hours or thirty clock hours of vocational educator training and three hundred hours of occupational experience.



**AMENDATORY SECTION** (Amending WSR 95-12-056, filed 6/2/95, effective 7/3/95)

**WAC 180-77-120 Out-of-state candidates.** Out-of-state applicants shall be eligible for Washington vocational certificates if they meet the standards in chapter 180-77 WAC or as follows: Provided, That candidates who apply for a vocational certificate who have not successfully completed course work or an in-service program including a minimum of ten clock hours of instruction on issues of abuse, must complete such course work or in-service program as a condition of the issuance of a vocational certificate. The content of the course work or in-service program shall discuss the identification of physical, emotional, sexual, and substance abuse, information on the impact of abuse on the behavior and learning abilities of students, discussion of the responsibilities of a teacher to report abuse or provide assistance to students who are victims of abuse, and methods for teaching students about abuse of all types and their prevention.

(1) Initial certificate. The initial certificate shall be issued by the superintendent of public instruction to a candidate who has two thousand hours of paid occupational experience and who meets one of the following:

(a) Qualifies under provisions of the interstate compact;  
 (b) Holds the appropriate degree and, if applicable, credit hours and/or licensing as set forth in this chapter and has completed a state-approved preparation program at a regionally accredited college or university in the professional field for which the certificate is to be issued and such additional professional fields as required by WAC 180-79-049;

(c) Holds an appropriate vocational certificate issued by another state and has practiced at the P-12 level in that respective role outside the state of Washington for three years and has completed the ten quarter hours of academic study as specified in WAC ~~((180-77-034))~~ 180-77-041 (1)(c).

(2) Continuing certificate. The continuing certificate shall be issued on verification that the candidate has met all requirements for initial and continuing certification in the state of Washington.

**WSR 97-04-086**  
**PERMANENT RULES**  
**STATE BOARD OF EDUCATION**  
 [Filed February 5, 1997, 11:08 a.m.]

Date of Adoption: January 24, 1997.

Purpose: The amendments to this chapter repeal procedures which are no longer necessary because the certificate expiration date is now written on the continuing certificate. Other proposed changes clarify auditing and approval procedures.

Citation of Existing Rules Affected by this Order: Repealing WAC 180-85-110, 180-85-115, 180-85-120 and 180-85-135; amending WAC 180-85-025, 180-85-030, 180-85-200, 180-85-210 and 180-85-215; and new section WAC 180-85-211.

Statutory Authority for Adoption: RCW 28A.410.010. Adopted under notice filed as WSR 97-01-104 on December 18, 1996.

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 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 6, repealed 4.

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 6, repealed 4.

Effective Date of Rule: Thirty-one days after filing.

February 4, 1997

Larry Davis

Executive Director

**AMENDATORY SECTION** (Amending WSR 96-08-013, filed 3/25/96, effective 4/25/96)

**WAC 180-85-025 Continuing education—Definition.** As used in this chapter, the term "continuing education" shall mean:

(1) All college and/or university credit, normally 100 level or higher, awarded by a regionally accredited institution of higher education, pursuant to WAC 180-78-010(6).

(2) All continuing education credit hours awarded by a vocational-technical (~~(institute))~~ college pursuant to WAC 180-85-030(3) (~~and 180-85-083~~) and all continuing education credit hours awarded in conformance with the in-service education procedures and standards specified in this chapter by an approved in-service education agency.

(3) All continuing education credit hours awarded through a business, industry, or government internship that meets the requirements of chapter 180-83 WAC.

**AMENDATORY SECTION** (Amending Order 28-88, filed 12/14/88)

**WAC 180-85-030 Continuing education credit hour—Definition.** As used in this chapter, the term "continuing education credit hour" shall mean:

(1) For each college or university semester hour credit, fifteen hours of continuing education credit hours shall be granted.

(2) For each college or university quarter hour credit, ten hours of continuing education credit hours shall be granted.

(3) For each sixty minutes of instruction in course work provided by a vocational-technical (~~(institute))~~ college, one continuing education credit hour shall be granted.

(4) For each sixty minutes of approved in-service education including reasonable time for breaks and passing time, one continuing education credit hour shall be granted. In the application of this subsection, the in-service education provider shall determine what is reasonable.

(5) In the application of this section, approved in-service credit hours shall not include:

(a) Routine staff meetings—such as district, building, or area meetings within an agency, district, or building—to discuss or explain operational policies or administrative practices within the agency, district, or building;

(b) Business meetings of professional associations to discuss operational policies or practices of the association;

(c) Social hours, independent study, or actual meal time.

(6) In the application of this section, for the purpose of official records of the amount of in-service credit hours, the in-service provider or the superintendent of public instruction shall round continuing education credit hours down to the nearest half hour of credits actually completed—i.e., .50, and .00—and in no case shall an applicant receive credit for an in-service program that was less than a total of three continuing education credit hours.

**AMENDATORY SECTION** (Amending Order 28-88, filed 12/14/88)

**WAC 180-85-200 In-service education approval standards.** In-service education programs provided by approved in-service education agencies shall meet the following program standards:

(1) The objectives of the in-service program—i.e., intended outcomes—shall be written for each in-service education program.

(2) The content of the in-service education program shall be set forth in a program agenda which shall specify the topics to be covered, the days and times of each presentation, and the names and short description of qualifications of each instructor—e.g., degrees and current professional position.

(3) All in-service education instructors shall have academic and/or professional experience which specifically qualifies them to conduct the in-service education program—e.g., a person with expertise in a particular subject, field, or occupation.

(4) Program materials, including the program agenda, prepared, designed, or selected for the in-service education program shall be available to all attendees.

(5) The in-service education program shall be evaluated by the participants to determine the success of the program, including the following:

(a) The extent to which the written objectives—i.e., subsection (1) of this section—have been met;

(b) The quality of the physical facilities in which the program was offered;

(c) The quality of the oral presentation by each instructor;

(d) The quality of the written program materials provided by each instructor; and

(e) Suggestions for improving the in-service education program if repeated.

(6) The in-service education agency shall compile the evaluations required in subsection (5) of this section in summary form.

(7) The designated administrator of each in-service education program shall assess the value and success of such program and periodically report his or her findings to the governing or advisory board which authorized the in-service program.

(8) The standards for recordkeeping as provided in WAC 180-85-205 shall apply.

(9) The in-service education agency must permit a designated representative of the superintendent of public instruction to attend the in-service education program at no charge and permit such representative to receive a copy of the program materials required by subsection (4) of this section also at no charge.

(10) The in-service education agency must provide each registrant with appropriate forms for claiming continuing education credit hours.

(11) Note: The provisions of this section (~~and WAC 180-85-202~~) do not apply to credit hours awarded by a college or university or course work continuing education hours awarded by a vocational-technical (~~institute~~) college.

**AMENDATORY SECTION** (Amending Order 8-86, filed 6/10/86)

**WAC 180-85-210 Assurances of compliance with program and recordkeeping standards.** Annual assurances (~~by approved in-service education agencies~~) shall be completed as follows:

(1) School districts shall be requested, when submitting the annual basic education compliance report, to provide an assurance that any in-service education program to be provided by such district and for which continuing education credit hours will be granted shall comply with the applicable program and recordkeeping standards within this chapter.

(2) Approved private schools shall be requested, when applying for annual approval, to provide an assurance that any in-service education program to be provided by such private school and for which continuing education credit hours will be granted shall comply with the applicable program and recordkeeping standards within this chapter.

(3) Approved in-service agencies and other in-service education agencies seeking approval status shall provide on forms provided by the superintendent of public instruction, an annual assurance that any in-service education program to be provided by such agency and for which continuing education credit hours will be granted shall comply with the applicable program standards and recordkeeping within this chapter. Such forms shall contain such other information related to the continuing education program provided by the approved in-service agency as requested by the superintendent of public instruction.

**NEW SECTION**

**WAC 180-85-211 Annual approval procedures.** On an annual basis a list shall be submitted to the state board of education which shall include new applicants for approval as an approved in-service agency and agencies which were previously approved by the state board of education which no longer wish to serve as an approved in-service education agency.

**AMENDATORY SECTION** (Amending Order 8-86, filed 6/10/86)

**WAC 180-85-215 Selective audit of records of in-service education agencies.** (~~The superintendent of public instruction shall audit school district compliance with the~~)

~~provisions of this chapter as a part of the state staff review provided by WAC 180-16-195(2).)~~ All ~~((other))~~ approved in-service education agencies shall be audited by the superintendent of public instruction on a selective basis, which may include responses to complaints or other evidence of possible noncompliance, with the number of actual audits per year left to the discretion of the superintendent of public instruction.

### REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 180-85-110	SPI subsequent notice to certify holders of continuing education requirement.
WAC 180-85-115	SPI notice of lapsed certificate.
WAC 180-85-120	Appeal from determination of lapsed status.
WAC 180-85-135	Practicing with lapsed certificate.

**WSR 97-04-087**  
**PERMANENT RULES**  
**STATE BOARD OF EDUCATION**

[Filed February 5, 1997, 11:09 a.m.]

Date of Adoption: January 24, 1997.

Purpose: This new chapter establishes approval standards for programs leading to vocational-technical certification.

Statutory Authority for Adoption: RCW 28A.410.010 and 28A.305.130.

Adopted under notice filed as WSR 97-01-099 on December 18, 1996.

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 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 22, 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 22, amended 0, repealed 0.

Effective Date of Rule: Thirty-one days after filing.

February 4, 1997  
 Larry Davis  
 Executive Director

**Chapter 180-77A WAC**  
**APPROVAL STANDARDS FOR VOCATIONAL-  
 TECHNICAL TEACHER PREPARATION PRO-  
 GRAMS**

### NEW SECTION

**WAC 180-77A-003 Authority.** The authority for this chapter is RCW 28A.410.010 which authorizes the state board of education to establish, publish, and enforce rules and regulations determining eligibility and certification of personnel employed in the common schools of this state. This authority is supplemented by RCW 28A.305.130 (1) and (2) which authorizes the state board of education to approve educator preparation programs in institutions of higher education.

### NEW SECTION

**WAC 180-77A-004 Overview.** These rules establish a performance-based preparation system for educators that supports the Improvement of Student Achievement Act of 1993 (1209) which will enable educators to implement the Washington state student learning goals and essential academic learning requirements. These rules also provide a framework for consistency and quality preparation of vocational-technical teacher certification candidates completing baccalaureate degrees or using industry or business work experience.

Specifically, this chapter describes the procedures and standards for colleges/universities and other agencies or institutions to be approved as providers of preparation programs for vocational-technical teacher certification. In addition to colleges and universities, programs may be provided by community and technical colleges, school districts, educational service districts, or any combination of the above.

In addition, this chapter authorizes the establishment of a state-wide vocational-technical professional education council which will make recommendations to the state board of education regarding approval of the vocational-technical teacher preparation programs and will advise the programs on an ongoing basis. The council will consist of practicing vocational-technical teachers and administrators, representatives from business, industry, labor and the community, and representatives from colleges and universities and other program providers.

Finally, this chapter identifies the general standards which must be demonstrated by all successful applicants for vocational-technical teacher certification and the specific standards which will be demonstrated by those applying for certification in particular subject areas.

### NEW SECTION

**WAC 180-77A-006 Purpose.** This chapter establishes, pursuant to WAC 180-77-004, procedures, standards, and criteria to be used in the development and approval of vocational-technical teacher preparation programs and identifies the knowledge and skill expected of all vocational-technical teacher certificate candidates.

PERMANENT

NEW SECTION

**WAC 180-77A-012 Required vocational-technical professional education council.** In order to maintain quality and consistency in vocational-technical teacher preparation programs state-wide, the state board of education will establish a vocational-technical professional education council.

NEW SECTION

**WAC 180-77A-014 Qualifications to be appointed to the vocational-technical professional education council.** Each individual selected by an association, institution or the state board of education to membership as prescribed in WAC 180-77A-016 shall:

- (1) Be a resident of the state of Washington or be employed by a school district of the state; and
- (2) Have demonstrated commitment to the improvement of vocational-technical education within the context of WAC 180-77A-004.

NEW SECTION

**WAC 180-77A-016 Vocational-technical professional education council—Membership.** Appointments to the vocational-technical professional education council shall be made by the state board of education. The vocational-technical professional education council shall at a minimum consist of:

- (1) Eight classroom vocational-technical teachers, one representing each vocational-technical major category identified in WAC 180-77-005 (agriculture education, business education, marketing education, family and consumer sciences education, technology education, trade and industrial, health occupations, and diversified occupations), recommended by the professional association of the major category. At least twenty-five percent of the above appointees shall have earned their vocational-technical teacher certificates through business and industry experience.
- (2) Two vocational administrators recommended by the Washington Association of Vocational Administrators.
- (3) Two representatives from business, industry, labor and community appointed by the state board of education.
- (4) One representative from each college and university with an approved program for vocational-technical teacher preparation, recommended by the institution.
- (5) One representative of nonbaccalaureate vocational-technical teacher preparation providers, appointed by the state board of education.
- (6) One representative of the community and technical colleges appointed by the state board of education.
- (7) One representative, at large, recommended by the Washington Vocational Association.

NEW SECTION

**WAC 180-77A-018 Substitute pay for members of the vocational-technical professional education council.** Service on the vocational-technical professional education council by certificated employees is deemed by the state board of education as a committee formed for the purpose of furthering education within the state; and, the superintendent of public instruction, in conformance with the provisions of

RCW 28A.300.035, shall make payments to school districts for needed substitutes.

NEW SECTION

**WAC 180-77A-020 Vocational-technical professional education council—Duties.** The vocational-technical professional education council shall:

- (1) Adopt operation procedures and meet on a regular basis.
- (2) Make a recommendation to the state board of education regarding approval of all vocational-technical teacher preparation programs submitted for approval pursuant to the standards and criteria of this chapter.
- (3) Establish the criteria that shall be used to determine acceptable basic skills for vocational-technical teacher certification candidates.
- (4) Make recommendations for program changes to the colleges/university institutions or providers which must in turn consider and respond to the recommendations in writing in a timely fashion.
- (5) Submit to the state board of education annually an executive summary of the activities of the council for the preceding year's meetings, including a report of all vocational-technical teacher preparation programs reviewed and approved, and other material related to the vocational-technical teacher preparation programs requested by the state board of education.
- (6) Explore the role of the council as an appeals board in vocational-technical certification matters.

NEW SECTION

**WAC 180-77A-025 Program approval.** All programs leading to certification offered in Washington state to prepare vocational-technical teachers shall be approved pursuant to the requirements of this chapter.

NEW SECTION

**WAC 180-77A-026 Existing approved programs.** All existing approved vocational-technical teacher preparation programs shall be reviewed for approval under the approval standards of chapter 180-77A WAC prior to August 31, 2000, unless granted a waiver by the state board of education. The state board of education shall determine the schedule for such approval reviews and whether an on-site visit or other forms of documentation and validation shall be used for the purposes of granting approval. In submitting a request for approval under these standards, the approved program shall provide a description of the criteria that the approved vocational-technical teacher preparation program will use to assess, in multiple ways, over time, its certification candidates' knowledge and skills, including, where appropriate, evidence related to positive impact on student learning. Based on the documentation submitted and/or an on-site visit, the state board of education shall grant approval or request specific revisions that need to be made in order to obtain state board of education approval.

NEW SECTION

**WAC 180-77A-028 Procedures for initial approval of a vocational-technical teacher preparation program for candidates applying under WAC 180-77-031.** Each college or university desiring to establish a vocational-technical teacher preparation program shall comply with the following in addition to all approval standards in chapter 180-78A WAC:

(1) Advise the vocational-technical professional education council of the desire to establish the vocational-technical teacher preparation program.

(2) Describe the planned process that the approved vocational-technical teacher preparation program will use to assess, in multiple ways, over time, its vocational-technical teacher candidates knowledge and skills as required by WAC 180-77A-165 and relevant subsections of WAC 180-77A-170, including, where appropriate, evidence related to positive impact on student learning.

(3) Describe the plan for assuring that adequate resources will be provided to support the program and that faculty will have the appropriate qualifications and work experience for the roles assigned.

(4) Present the plan to the vocational-technical professional education council which shall review such plan and shall make a recommendation regarding program approval to the state board of education.

NEW SECTION

**WAC 180-77A-029 Procedures for initial approval of a vocational-technical teacher preparation program for candidates applying under WAC 180-77-041.** Each program provider, which shall be a college or university, community or technical college, school district, educational service district, or any combination of the above, desiring to establish a vocational-technical teacher preparation program for candidates applying under WAC 180-77-041 shall comply with the following:

(1) Advise the vocational-technical professional education council of the desire to establish the vocational-technical teacher preparation program, identifying the agencies involved and the administrator of the program.

(2) Describe the planned process that the approved vocational-technical teacher preparation program will use to assess, in multiple ways, over time, its vocational-technical teacher candidates knowledge and skills as required by WAC 180-77A-165, including, where appropriate, evidence related to positive impact on student learning.

(3) Describe the plan for assuring that adequate resources will be provided to support the program and that faculty will have the appropriate qualifications and work experience for the roles assigned.

(4) Present the plan to the vocational-technical professional education council which shall review such plan and shall make a recommendation regarding approval to the state board of education.

NEW SECTION

**WAC 180-77A-030 Length of time for which vocational-technical teacher program approval status shall be granted.** (1) The state board of education shall approve all vocational-technical teacher preparation programs under these program approval standards for five years unless the state board of education approves a variation.

(2) The state board of education, upon receipt of a complaint from any source or upon its initiative, may review all or any part of a vocational-technical teacher preparation program for compliance with the provisions of this chapter. If deviations are found, the state board of education is authorized to rescind program approval until the program provider submits an acceptable compliance agreement which will bring the vocational-technical teacher preparation program into compliance as soon as reasonably practicable but no later than the commencement of the succeeding academic year or six calendar months, whichever is later.

(3) If an acceptable compliance agreement is not developed and approved by the state board of education, the vocational-technical teacher preparation program shall be placed on probationary status and the probationary status provision of WAC 180-77A-033 shall apply.

NEW SECTION

**WAC 180-77A-033 Probationary status.** Program providers with approved vocational-technical teacher preparation programs shall not lose official approval status until the state board of education has taken final action to disapprove the vocational-technical teacher preparation program: *Provided*, That programs shall be permitted for the current and one additional academic year following receipt of the formal notice of disapproval to continue as an approved preparation program on probationary status for the purpose of completing the vocational-technical teacher preparation program for those candidates for certification currently enrolled in the vocational-technical teacher preparation program and who are scheduled to complete such vocational-technical teacher preparation program within such academic years and for the purpose of regaining state board of education approval.

NEW SECTION

**WAC 180-77A-037 Procedures for reestablishment of approval status for a vocational-technical teacher preparation program.** The procedures for the reestablishment of state board of education approval of a vocational-technical teacher preparation program shall be the same as the procedure for initial approval as provided in WAC 180-77A-028 and 180-77A-029.

NEW SECTION

**WAC 180-77A-040 Responsibilities of the designated program administrator.** Each provider of an approved vocational-technical teacher preparation program pursuant to WAC 180-77A-029 shall require the administrator to coordinate the following responsibilities:

(1) Submit to the vocational-technical professional education council information required for obtaining and maintaining program approval.

(2) Coordinate the process established for the candidate's demonstration of required knowledge and skills.

(3) Establish procedures for providing the candidate with documentation of the successful demonstration of the required knowledge and skills.

(4) Establish a process to counsel the candidate's application process for certification.

(5) Coordinate management of operations and resources for the preparation program.

#### NEW SECTION

**WAC 180-77A-057 Approval of vocational-technical teacher preparation program offered by an out-of-state provider within the state applicable to certification.** No out-of-state provider shall offer a program of courses within Washington state for purposes of Washington state vocational-technical teacher certification without meeting all program approval requirements set forth in this chapter.

#### NEW SECTION

**WAC 180-77A-165 General standards for all vocational-technical teacher certificate candidates.** All candidates for initial vocational-technical teacher certification shall demonstrate competence in the following standards:

(1) State learning goals—The vocational-technical teacher is able to apply and integrate the state's learning goals and essential academic learning requirements in program implementation and assessment.

(2) Learning environments—The vocational-technical teacher is able to create and sustain safe learning environments which prepare diverse students for the workplace, advanced training, and continued education.

(3) Student characteristics and related instructional strategies—The vocational-technical teacher is able to identify the diverse needs of students and implement programs and strategies which promote student competency development and success.

(4) Personal and professional attributes—The vocational-technical teacher models personal and professional attributes and leadership skills which reflect productive life and work roles.

(5) Partnerships—The vocational-technical teacher implements and maintains collaborative partnerships with students, colleagues, community, business, industry, and families, which maximize resources and promote student self-sufficiency.

#### NEW SECTION

**WAC 180-77A-170 Program area standards.** In addition to the standards identified in WAC 180-77A-165, individuals completing baccalaureate programs from an approved college or university will demonstrate competency in the following standards in one or more of the following major categories of WAC 180-77-005.

##### **(1) Agriculture education.**

(a) The agriculture education teacher demonstrates essential skills and knowledge including the scientific/technical, safety and career information in the areas of: Natural resource science, agricultural economics, horticultur-

al science, animal science, crop science, soil science, and agricultural technology and management.

(b) The agriculture education teacher demonstrates a philosophy of education which reflects the unique student/community and industry interaction and includes the technical, personal leadership, and school to work components which comprise a comprehensive agricultural education program.

(c) The agriculture education teacher develops a comprehensive instructional program based on identified agriculture industry needs while recognizing the social economic, demographic, diversity of the community in consultation with an appropriate advisory committee.

(d) The agriculture education teacher demonstrates personal and professional leadership skills as an integral part of agriculture programs and apply these competencies through the agriculture education student organization, FFA.

(e) The agriculture education teacher demonstrates the necessary skills and abilities to implement and manage a supervised agriculture experience including: Accounting practices, career experiences, entrepreneurial, and job-related skills.

(f) The agriculture education teacher develops and maintains a safe environment while dealing with agricultural chemicals, scientific apparatus and solvents during classroom, laboratory, and supervised agricultural experiences.

(g) The agriculture education teacher is able to develop and demonstrate the scientific process through the preparation of mechanical and research experiences in the classroom, laboratory, leadership, and supervised agriculture experiences.

##### **(2) Business education.**

(a) The business education teacher demonstrates workplace competencies in keyboarding and information processing, computer technology and applications, information systems and management, accounting principles and applications, business communications, and business systems, and procedures.

(b) The business education teacher demonstrates the ability to apply the principles of business management and entrepreneurship, leadership, economics, international business, business law, and computation.

(c) The business education teacher demonstrates teaching competence in keyboarding, information processing, and microcomputer applications; accounting and computation; specific business content areas of business management and procedures, business law, economics, business communications, career development, and work-based coordination; and integration of leadership development into the curriculum and management of Future Business Leaders of America (FBLA) activities.

##### **(3) Family and consumer sciences education.**

(a) The family and consumer sciences teacher demonstrates the ability to prepare students for family life and responsible participation and leadership in work and community roles.

(b) The family and consumer sciences teacher demonstrates knowledge and skills in individual and family wellness; resource creation, access maintenance and management; and individual and family development across the life span.

(c) The family and consumer sciences teacher creates environments and utilizes strategies which enhance student ability to value diverse populations and their contributions to society.

(d) The family and consumer sciences teacher demonstrates the ability to advocate for technological and societal change that benefits the family system.

(e) The family and consumer sciences teacher encourages the use of thinking skills and the planning process for problem solving and decision making through the designated vocational student organization for family and consumer sciences.

#### (4) Marketing education.

(a) The marketing education teacher models effective leadership traits and demonstrates the ability facilitate, supervise, and evaluate DECA student leadership activities.

(b) The marketing education teacher demonstrates the ability to link classroom learning of work and work-based learning to prepare students for the world of marketing.

(c) The marketing education teacher demonstrates a commitment to professional development.

(d) The marketing education teacher applies understanding of the foundations and functions of marketing, management, and entrepreneurial competencies.

(e) The marketing education teacher is able to successfully implement and provide leadership for a school-based enterprise as an instructional strategy.

#### (5) Technology education.

(a) The technology education teacher demonstrates knowledge and understanding of systems and concepts related to all areas of technological study referred to as core technologies including: Power and energy, controls, materials science, problem solving, and technology in society.

(b) The technology education teacher demonstrates knowledge and understanding of the relationship of mathematics, science, computer science, and communications to the technological process.

(c) The technology education teacher demonstrates competency in the areas of communications, manufacturing, construction, transportation, and bio-related with a concentration in at least one of the areas.

(d) The technology education teacher demonstrates ability to manage a traditional shop; as well as convert a traditional shop to an exemplary technology education laboratory.

(e) The technology education teacher demonstrates knowledge and understanding of communications and technological concepts related to technical systems created for encoding, transmitting, receiving, decoding, storing, retrieving, and using information.

(f) The technology education teacher demonstrates the fundamental knowledge of manufacturing and manufacturing systems and technological concepts related to technical systems associated with research, extraction, processing, recycling, and conversion of materials for consumer and industrial goods.

(g) The technology education teacher demonstrates fundamental knowledge of construction and construction systems, including the technological concepts related to technical systems associated with the design, creation, and maintenance associated with construction of residential,

commercial, industrial, and civil structures; as well as consideration of economics, management, power, and energy.

(h) The technology education teacher demonstrates knowledge and understanding of transportation systems, including technological concepts related to technical systems associated with the design, development, evaluation, and operation of subsystems, and components of terrestrial, marine, atmospheric, and space vehicles.

(i) The technology education teacher demonstrates knowledge and understanding of biological systems in areas such as botany, environmental biology, medical, and biotechnology and zoology.

### NEW SECTION

**WAC 180-77A-175 Work experience program standards.** Individuals obtaining certification on the basis of business and industry work experience in the major categories of trade and industrial, health occupation, or any of the subcategories approved by the state board of education for WAC 180-77-005 shall be assessed on the basis of the requirements pursuant to WAC 180-77-041 and 180-77A-165.

### NEW SECTION

**WAC 180-77A-180 Vocational-technical teacher preparation specialty standards.** In addition to the standards identified in WAC 180-77A-170 or 180-77A-175, individuals obtaining certification in the areas of coordinator of work-based learning or diversified occupations must demonstrate competency in the following standards.

#### (1) Coordinator of work-based learning.

(a) The work-based learning coordinator demonstrates the knowledge and ability to develop, implement, manage, and evaluate a diversified work-based learning program that utilizes local resources.

(b) The work-based learning coordinator models ethical behavior and demonstrates the ability to facilitate, supervise, and evaluate student leadership activities.

(c) The work-based learning coordinator demonstrates the ability to team with vocational-technical teachers and prospective employers to relate work-based learning with school-based learning and to measure student performance.

(d) The work-based learning coordinator demonstrates a commitment to professional development.

(e) The work-based learning coordinator demonstrates a current knowledge of the essential academic learning requirements and skills for entry level workers and uses a variety of methods to insure that students master the essential academic learning requirements.

#### (2) Diversified occupations.

(a) The diversified occupations teacher demonstrates competency in the areas of career exploration, employment acquisition, job retention, resource management (personal, community, workplace technology, consumerism), economic systems (entrepreneurship, economics), basis skills development, and leadership development.

(b) The diversified occupations teacher demonstrates the ability to link classroom learning with the world of work and coordinate work-based learning which prepares students for the world of work.

NEW SECTION

**WAC 180-77A-195 Course work/internship waiver.** The provider of approved vocational-technical teacher programs may waive required course work and/or waive or reduce in length the required internship for any candidate, based on an individual review if the college or university or approved provider determines that previous course work, work experiences, or alternative learning experiences have or will provide the candidate knowledge and skills to be otherwise gained from the required course work or internship.

**WSR 97-04-088****PERMANENT RULES****STATE BOARD OF EDUCATION**

[Filed February 5, 1997, 11:12 a.m.]

Date of Adoption: January 24, 1997.

**Purpose:** The purpose is to establish a performance-based certification system for educators to prepare individuals to work effectively with students in the education system created by the Improvement of Student Achievement Act of 1993.

**Citation of Existing Rules Affected by this Order:** Repealing chapters 180-75 and 180-79 WAC.

Statutory Authority for Adoption: RCW 28A.410.010.

Adopted under notice filed as WSR 97-01-102 on December 18, 1996.

**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 0, repealed 0.

**Number of Sections Adopted at Request of a Nongovernmental Entity:** New 0, amended 0, repealed 0.

**Number of Sections Adopted on the Agency's own Initiative:** New 105, amended 0, repealed 110.

**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 105, amended 0, repealed 110.

**Effective Date of Rule:** Thirty-one days after filing.

February 4, 1997

Larry Davis

Executive Director

**Chapter 180-79A WAC  
STANDARDS FOR TEACHER, ADMINISTRATOR,  
AND EDUCATIONAL STAFF ASSOCIATE  
CERTIFICATION**

NEW SECTION

**WAC 180-79A-003 Authority.** The authority for this chapter is RCW 28A.410.010 which authorizes the state board of education to establish, publish, and enforce rules and regulations determining eligibility for the certification of personnel employed in the common schools of this state.

This authority is supplemented by RCW 28A.305.130(5) which authorizes the state board of education to specify the types and kinds of certificates necessary for the several departments within the common schools. (Note: RCW 28A.195.010 (3)(a) requires most private school classroom teachers to hold appropriate state certification with few exceptions.)

NEW SECTION

**WAC 180-79A-005 Purpose.** The purposes of this chapter are to establish the various certificates which must be held as a condition to employment in the Washington school system and establish the conditions and procedures governing issuance and retention of those and other certificates, including endorsements thereon.

NEW SECTION

**WAC 180-79A-010 State board of education performance-based certification system.** The state board of education establishes a performance-based certification system to be fully implemented for all candidates applying for certification after August 31, 2000. The performance-based certification system shall include the issuance of a residency certificate, a professional certificate, and other certificates which the state board of education may add in the future.

NEW SECTION

**WAC 180-79A-012 Public policy purposes of state board of education performance-based certification system.** The policy purposes of state board of education performance-based certification system are:

(1) To provide qualified educators for the emerging performance-based P-12 education system.

(2) To assure that practitioners are more directly involved in decisions related to professional practice.

(3) To recognize that there is a distinction between the level of competence of beginning educators and the competency of educators who have been able to demonstrate their competencies at a professional level.

(4) To assure that all educators demonstrate their competencies before attaining the status of a professional educator.

(5) To establish a certificate level that recognizes service at a high level of achievement.

(6) To assure that all residency educators have the support required to assist them through their induction.

(7) To assure each educator has a professional development plan.

NEW SECTION

**WAC 180-79A-013 Knowledge and skill requirements of the performance-based certification system—Teachers.** Each of the knowledge and skills required for the preparation and certification of teachers shall relate to one or more of the following three standards that all teachers will be required to demonstrate: Effective teaching, professional development, and leadership. The emphasis in the preservice preparation programs shall be on effective teaching; the emphasis in the program for the professional certificate shall



be divided among each of the three categories; during the remainder of the teacher's career, the emphasis should be on professional development and leadership.

#### NEW SECTION

**WAC 180-79A-015 Washington advisory council for professional certification standards—Purpose and selection.** The state board of education shall establish, no later than December 31, 1997, Washington advisory councils for professional teaching standards for teachers, administrators, and educational staff associates. The purpose of the councils shall be to serve as working councils of the state board of education to advise the state board of education regarding the development and implementation of the certification system to be implemented in the year 2000.

(1) A majority of the advisory councils' members shall be practitioners in their respective roles.

(2) The state board of education shall solicit recommendations from the appropriate professional organizations for persons to serve on the councils.

(3) The board of education shall appoint council members on the basis of the recommendations received with consideration being given to educator roles, geographic distribution, gender, race, and ethnicity.

#### NEW SECTION

**WAC 180-79A-020 Washington advisory council for professional teaching standards—Duties.** (1) The Washington advisory council for professional teaching standards shall present recommendations to the state board of education in regard to the following:

(a) Establishing parameters for the development, monitoring, and evaluation of the field-tests of the professional certificate.

(b) Exploring the role of WACPTS in the alignment and review of the relationship between the standards for the residency certificate and the standards for the professional certificate.

(c) Exploring the role of WACPTS as an appeals board in certification matters.

(d) Monitoring and recommending revisions to the criteria for renewing the residency and professional certificate to ensure equity and fairness.

(2) In addition, WACPTS shall:

(a) Continue the discussion of the third level certificate; and

(b) Serve in a communications role regarding the performance-based certification system.

#### NEW SECTION

**WAC 180-79A-022 Washington advisory councils for professional administrator standards and professional educational staff associates standards—Duties.** The Washington advisory councils for professional administrator standards and for educational staff associate standards shall present recommendations to the state board of education no later than September 30, 2000, in regard to the following:

(1) Standards to be used to obtain the professional certificates;

(2) Standards for renewing the professional certificate;

(3) Standards for obtaining the professional career certificate; and

(4) The policies for implementing these standards.

In addition, the councils shall submit recommendations for the future composition, term of membership and responsibilities of the councils.

#### NEW SECTION

**WAC 180-79A-025 Organization of chapter 180-79A WAC.** In order for users of this chapter to easily identify which rules are applicable to the performance-based certification system and which rules are applicable to previous certification systems, the remainder of this chapter is organized as follows:

(1) WAC 180-79A-100 through 180-79A-399 are applicable to all certification systems.

(2) WAC 180-79A-400 through 180-79A-499 are applicable to certification systems preceding the performance-based system.

(3) WAC 180-79A-500 through 180-79A-599 are applicable to the performance-based certification system.

#### NEW SECTION

**WAC 180-79A-101 Definitions.** The following definitions shall apply to terms used in this chapter:

(1) The terms, "program approval," "endorsement," "interstate compact," "college or university," and "regionally accredited institution of higher education," as defined in WAC 180-78-010 and 180-78A-010 shall apply to the provisions of this chapter.

(2) "Certificate" means the license issued by the superintendent of public instruction to teachers, administrators, and educational staff associates verifying that the individual has met the requirements set forth in this chapter.

(3) "Certificate renewal" means the process whereby the validity of a certificate, subject to expiration, is extended or regained.

(4) "Classroom teaching" means instructing pupils in an instructional setting.

(5) "Approved baccalaureate degree" for the purpose of this chapter, means a baccalaureate from a regionally accredited college or university in any of the subject areas of the endorsement listed in WAC 180-79A-302. Such degrees shall require the completion of at least forty-five quarter hours (thirty semester hours) of course work in the subject area: *Provided*, That a candidate who holds a baccalaureate degree in another academic field will not be required to obtain a second baccalaureate degree if the candidate provides evidence to the superintendent of public instruction that he or she has completed the required forty-five quarter or thirty semester hours of course work in one of the subject areas of the endorsements listed in WAC 180-79A-302.

(6) "Approved master's degree" for the purpose of this chapter, means a master's or doctorate degree from a regionally accredited college or university.

NEW SECTION**WAC 180-79A-105 Equivalency of standards.**

Reasonable flexibility in interpretation of the requirements for certification may be applied consistent with the intent and spirit of the requirements of the appropriate chapter. For example, advanced degrees in the same or related fields may be substituted for required lesser degrees. An annual report of the use of this rule shall be submitted to the state board of education by the superintendent of public instruction.

NEW SECTION

**WAC 180-79A-110 Denial of application for certification or endorsement by approved professional preparation training institutions.** Any person whose application for certification or for an endorsement is denied by an institution of higher education within the state with an approved professional preparation program, after exhausting any appeal procedures established by such institution, may apply directly to the superintendent of public instruction for such certificate or endorsement.

NEW SECTION

**WAC 180-79A-115 Validity date.** The validity date of a certificate or permit shall be the actual date of issuance.

NEW SECTION

**WAC 180-79A-117 Uniform expiration date.** All certificates issued for one or more stated years shall expire on August 31 of the stated year and shall be calculated as follows:

(1) Certificates issued prior to October 1 of a calendar year shall have the expiration date of the certificate calculated on the basis such certificate was issued on September 1 of the same calendar year regardless of the date of issuance.

(2) Certificates issued October 1 or later in the calendar year, other than limited certificates issued pursuant to WAC 180-79A-230, shall have the expiration date of the certificate calculated on the basis such certificate was issued on September 1 of the next calendar year regardless of the date of issuance.

(3) All such certificates issued prior to the effective date of this section and scheduled to expire prior to August 31 of a given year, regardless of such stated expiration date, shall be valid until August 31 of the stated year of expiration.

NEW SECTION

**WAC 180-79A-120 Certificate replacement.** The superintendent of public instruction shall issue a replacement certificate to any person who files an application, pays the appropriate certification fee, and verifies by signature that the original certificate has been lost or destroyed or that a legal name change has occurred.

NEW SECTION

**WAC 180-79A-122 Good moral character and personal fitness—Necessary supporting evidence by**

**applicants.** All applicants for certification shall submit the following:

(1) An affidavit from the applicant indicating that he or she has not been convicted of any crime or a complete disclosure of all arrests and subsequent dispositions of such arrests. In the event of a conviction for any arrest, the applicant shall state reasons why such conviction does not reflect adversely on the requirement to possess good moral character and be personally fit.

(2) An affidavit from the applicant that he or she has no history of serious behavioral problems or a complete disclosure of the nature and status of all such problems, including the names and addresses of health practitioners who have treated the applicant within the past ten years and an executed consent form permitting the superintendent of public instruction to contact and consult with such health practitioners and for such health practitioners to fully disclose medical information related to such behavioral problems.

(3) An affidavit from the dean of the college or school of education or one or more officials designated by such dean, or, if none, by the college or university president, where the applicant completed his or her approved preparation program, that indicates that a designated college or university official has contacted several faculty members who personally know or knew the applicant and has no knowledge of any relevant information related to the applicant's character or fitness that would adversely affect the applicant's ability to serve in a certificated role or a statement from such affiant of the reasons why it is not possible to make such an affidavit.

(4) *Provided*, That, if the affidavit described in subsection (3) of this section is impossible or impractical to obtain, the applicant shall submit to the superintendent of public instruction the following:

(a) A statement as to why it is impossible or impractical to secure the affidavit required by subsection (3) of this section;

(b) A complete employment history, including the names, addresses, and phone numbers of the immediate supervisor of such applicant when an employee; and

(c) The names, addresses, and phone numbers of three character references who are not related to the applicant.

(5) If the applicant holds or has held a professional certificate in any other state, such applicant shall prepare one of the following affidavits for each such state:

(a) An affidavit that such certificate has not been suspended, surrendered, or revoked. Such affidavit shall be forwarded to the licensing agency in such state with a request that such affidavit be verified and forwarded directly to the superintendent of public instruction.

(b) An affidavit which shall fully disclose the reasons for the suspension, surrender, or revocation of the certificate. Such affidavit shall be submitted directly to the superintendent of public instruction.

NEW SECTION

**WAC 180-79A-125 Affidavits from applicants.** An individual's application for certification shall be signed under oath that the statements therein are true and correct. The application if not notarized by a notary public must conform

with the formalities prescribed in RCW 9A.72.085. In addition, the application shall state that any knowingly false statement therein is punishable under perjury laws of the state of Washington.

#### NEW SECTION

**WAC 180-79A-126 Other affidavits from applicants and certificate holders.** Whenever this chapter requires an applicant or certificate holder to file an affidavit, it shall be in the same form as required by WAC 180-79A-125.

#### NEW SECTION

**WAC 180-79A-130 Fee for certification.** (1) In accordance with provisions of RCW 28A.410.060 and 28A.415.010, the fee for certificates which are valid for more than one year, issued by authority of the state of Washington and authorizing the holder to serve in the common schools of the state, shall be as follows:

(a) The continuing certificate is seventy dollars;

(b) The reinstatement, additional endorsement on the teaching certificate, duplicate certificates, substitute certificates, and certificates issued for the purpose of showing a name change is fifteen dollars; and

(c) Any other certificate or credential or any renewal thereof shall be five dollars for each year of validity:

(d) *Provided*, That the fee for all vocational certificates shall be one dollar.

(2) The fee for any other certificate/credential, or for any renewal thereof, issued by the authority of the state of Washington and authorizing the holder to serve in the common schools of the state, shall be five dollars.

(3) Officials authorized to collect certification fees are educational service district superintendents, local school district superintendents, deans and directors of education at colleges and universities, or their designees. The fee must accompany the application for a certificate and shall be transmitted by the receiving district, college or university, or program unit designee at least quarterly to the educational service district within which the application is filed for disposition in accordance with provisions of RCW 28A.410.060. The fee shall not be refunded unless the application is withdrawn before it is finally considered (i.e., the issuance of a certificate or a written communication denying such issuance) by the superintendent of public instruction or his or her designee. Fees not refunded shall apply as credit toward certificate fees if such applicant reapplies within twenty-four months of the date of denial. Moneys accrued from certification fees within the boundaries of an educational service district shall be divided in the following manner:

(a) Local school districts employing more than one hundred teachers and other professional staff and collecting certification fees may retain one dollar of each fee in order to hold a professional training institute. If such district does not hold an institute, all such moneys shall be placed to the credit of the educational service district.

(b) No less than fifty percent of the funds accruing within the boundaries of an educational service district shall be used to support program activities related to state-wide precertification professional preparation and evaluation.

(c) The remaining funds shall be used to support professional in-service training programs and evaluations thereof.

#### NEW SECTION

**WAC 180-79A-131 Use of fee for certification.** (1) Certification fees will be used solely for precertification preparation, professional in-service training programs, teachers' institutes and/or workshops, and evaluations thereof in accordance with this chapter.

(2) Precertification preparation:

(a) A subcommittee of the state professional education advisory committee as established in WAC 180-78-015 and 180-78A-015 shall assist the superintendent of public instruction in administration of precertification program funds by annually establishing priorities and procedures for distribution of funds available for precertification activities. The primary utilization shall be to support collaborative efforts essential to program development, program evaluation, and assessment of candidates' entry and exit competency.

(b) Funds set aside for precertification shall not supplant funds already available to any participating agency.

(c) A single educational service district shall be designated to administer the funds allocated for precertification programs. The designated educational service district shall be permitted to retain a percentage of the precertification fees at a rate to be negotiated by the superintendent of public instruction and the educational service district for costs related to administering these funds.

(d) Each quarter every educational service district shall forward the moneys designated for precertification programs to the educational service district designated to administer such programs.

(3) Professional in-service training programs and teachers' institutes and/or workshops:

(a) Each educational service district, or cooperative thereof as specified in (d) of this subsection, shall establish an in-service committee composed of an educational service district representative; at least one district superintendent; one principal; one educational staff associate; one elementary, one junior high and one senior high teacher; one representative from the elementary or secondary level of private schools within the educational service district; and one representative selected by the chief administrative officer responsible for professional education from a college/university having a state board of education approved teacher education program. Teacher representatives shall be selected by agreement among the presidents of the local education associations within the respective educational service district or cooperative thereof.

(b) The educational service district representative shall serve as chairperson of the in-service committee and provide liaison with the superintendent of public instruction and the state board of education.

(c) The in-service committee will be responsible for coordinating in-service/staff development model programs within the educational service district and shall submit to the superintendent of public instruction and the state board of education a plan for soliciting and selecting model programs which shall include procedures for conducting needs assess-

ments, determining priorities and carrying out program evaluation.

(d) Cooperative agreements may be made among educational service districts to provide quality in-service education programs.

(e) Funds designated for in-service programs shall not supplant funds already available for such programs.

(4) Allowable expenditures. Funds may be used to support costs related to training, such as the payment of professional contractual services, per diem, travel costs, materials, printing, or released time. Nonallowable costs are college/university tuition and fees.

(5) Annual reporting. The superintendent of public instruction shall prepare and present to the state board of education an annual report concerning the use of certification fees for precertification and in-service activities.

#### NEW SECTION

**WAC 180-79A-140 Types of certificates.** Four types of certificates shall be issued:

(1) Teacher. The teacher certificate, including teacher exchange permits as provided in WAC 180-79A-220, authorizes service as a classroom teacher.

(2) Vocational. The vocational certificate authorizes service in vocational programs in accordance with the provisions of chapter 180-77 WAC.

(3) Administrator.

(a) The administrator certificate for principal authorizes services as a building administrator or vice-principal. The initial principal certificate shall indicate one of the following grade levels, preschool-9, 4-12, or preschool-12, based on recommendations from the college or university in which the candidate completed an approved preparation program.

(b) The administrator certificates for superintendent or program administrator will be issued to persons who meet state board of education certification standards for service in the roles of superintendent or program administrator.

(4) Educational staff associate. The educational staff associate certificate authorizes service in the roles of school speech pathologists or audiologists, school counselors, school nurses, school occupational therapists, school physical therapists, school psychologists, and school social workers: *Provided*, That nothing within chapter 180-79A WAC authorizes professional practice by an educational staff associate which is otherwise prohibited or restricted by any other law, including licensure statutes and rules and regulations promulgated by the appropriate licensure board or agency.

#### NEW SECTION

**WAC 180-79A-150 General requirements—Teachers, administrators, educational staff associates.** The following requirements are to be met by candidates for certification as teachers including vocational teachers, administrators, or educational staff associates:

(1) Age. No person who is less than eighteen years of age shall receive a certificate to serve in the public or nonpublic schools of Washington state.

(2) Character. Applicants for certificates in Washington state who are not holders of a valid Washington state teacher's, administrator's, educational staff associate's, or

vocational certificate must give evidence of good moral character and personal fitness as specified in WAC 180-79A-122 and must complete a record check through the Washington state patrol criminal identification system and through the Federal Bureau of Investigation at the applicant's expense as required by RCW 28A.410.010; such record check shall include a fingerprint check using a Washington state patrol approved fingerprint card: *Provided*, That the superintendent of public instruction may waive the record check for an applicant who has had a record check within the two years prior to application.

(3) Degrees and course work. A candidate for certification shall hold appropriate degrees, licenses, and additional course work as prescribed in chapters 180-79A and 180-77 WAC or have qualified under WAC 180-79A-205.

(4) Approved preparation program. Applicants for certification as teachers, administrators, school counselors, school psychologists and school social workers, except as otherwise provided in WAC 180-79A-205, 180-79A-230, 180-79A-236, and 180-79A-241 and in chapter 180-77 WAC, in order to be certified within the state of Washington shall have completed a state approved college/university preparation program in the professional field for which certification is to be issued. In addition, candidates for principal's certificates must hold a valid teacher's certificate, excluding certificates issued under WAC 180-79A-230, 180-79A-236, or 180-79A-241 or chapter 180-77 WAC, or comparable out-of-state certificates. Candidates for superintendent's certificates must hold a valid teacher, educational staff associate, or program administrator certificate; excluding certificates issued under WAC 180-79A-230, 180-79A-236, or 180-79A-241 or chapter 180-77 WAC, or comparable out-of-state certificates.

#### NEW SECTION

**WAC 180-79A-160 Certificates—Previous standards.**

(1) Certificates issued under previous standards which were issued for a specific term shall continue to be effective for that term.

(2) Certificates issued under previous standards which were issued for an indefinite period shall continue to be in effect.

(3) All persons who hold any standard teacher, administrator, or specialized personnel certificate issued under previous standards of the state board of education shall be issued a continuing certificate at such time as it is necessary for them to reissue a standard certificate or on application and payment of the fee as specified in WAC 180-79A-130.

(4) Any person who holds a provisional principal's or provisional superintendent's certificate under previous standards of the state board of education shall be issued upon application, including payment of applicable fees, continuing administrative for the appropriate role and such certificates shall be subject to the continuing education requirements of chapter 180-85 WAC.

(5) Any person holding a provisional certificate as a school nurse under provisions of chapter 180-84 WAC shall be granted a continuing certificate.

(6) All persons who hold a valid initial certificate granted under previous standards of the state board of education shall be authorized to meet requirements for

continuing certification as set forth in the relevant previous standards except as noted below in subsection (7) of this section.

(7) Any person with a valid initial teacher's certificate granted under previous standards of the state board of education may renew that certificate once after August 31, 2000. The individual shall meet requirements for and apply for the continuing certificate by the expiration date on the renewed certificate or meet requirements for the residency certificate for further certification.

(8) Any person whose certificate, subject to expiration and issued under previous standards, has expired shall apply, except as noted under this section, for a new certificate pursuant to WAC 180-79A-161.

#### NEW SECTION

**WAC 180-79A-161 Application for certification.** An individual who applies for a Washington state certificate, unless seeking reinstatement pursuant to WAC 180-79A-170 or renewal pursuant to WAC 180-79A-165, or unless otherwise stipulated by the provisions of WAC 180-79A-160 must meet the requirements in effect at the time of application.

#### NEW SECTION

**WAC 180-79A-165 Renewal of certificate.** A holder of a certificate subject to expiration may renew such certificate subject to the rules in effect at the time of such renewal, unless otherwise stipulated by the provisions of WAC 180-79-160.

#### NEW SECTION

**WAC 180-79A-170 Reinstatement of certificates.** Only a continuing certificate may be reinstated. A holder of a lapsed, surrendered, or revoked continuing professional certificate at the time of application for reinstatement of such certificate must submit the following:

(1) Character evidence as required by WAC 180-79A-150(2) for candidates for certification.

(2) In accordance with RCW 28A.410.110, a revoked certificate may not be reinstated within one calendar year from the date of revocation.

(3) *Provided*, That no certificate may be reinstated if more than five calendar years has passed since the date of lapsing, surrender, or revocation; however, such applicants may apply pursuant to WAC 180-79A-161 for a new certificate under requirements in effect at the time of application.

#### NEW SECTION

**WAC 180-79A-200 Certification of out-of-state trained educational personnel—Interstate educational personnel contracts.** The superintendent of public instruction is authorized to enter into interstate educational personnel contracts with states party to the interstate agreement on qualifications of educational personnel in accordance with provisions of RCW 28A.690.010 and 28A.690.020 which authorize on an interstate basis Washington state certification of persons of other states having preparation and qualifica-

tions comparable even though not identical to Washington state board of education standards.

#### NEW SECTION

**WAC 180-79A-205 Out-of-state candidates.** Candidates for certification from other states shall be eligible for Washington certificates as follows:

(1) Initial and residency certificates. The initial certificate (residency certificate after August 31, 2000,) shall be issued by the superintendent of public instruction to any candidate who meets one of the following:

(a) Qualifies under provisions of the interstate compact.

(b) Holds the appropriate degree and, if applicable, credit hours and/or licensing as set forth in this chapter and has completed a state approved preparation program at a regionally accredited college or university in the professional field for which the certificate is to be issued and such additional professional fields as required by WAC 180-79A-150(4).

(c) Holds an appropriate degree from a regionally accredited college or university and also holds or has held an appropriate certificate issued by another state and has practiced at the P-12 level in that respective role outside the state of Washington for three years.

(d) Holds an appropriate degree from a regionally accredited college or university and has practiced three years as an educational staff associate in that role in a state where such certificate was not required.

(2) Continuing certificate. The continuing certificate shall be issued through August 31, 2000, on verification that the candidate has met all requirements for initial and continuing certification in the state of Washington.

(3) Professional certificate. After August 31, 2000, the professional certificate shall be issued to out-of-state candidates only if one of the following conditions is met:

(a) The candidate has completed an advanced level certification procedure approved by the state board of education as equivalent to the approved program procedure required in Washington; or

(b) An approved professional certificate program verifies that the candidate has met all the requirements of that institution's approved program. The college/university shall evaluate the candidate's background to determine whether or not course work or certification activities are equivalent to that college/university's approved program.

#### NEW SECTION

**WAC 180-79A-210 Establishing equivalency for course work, degrees and programs completed in countries outside the United States.** Certification candidates who have completed degree and/or approved professional preparation programs in a country other than the United States may be required to submit:

(1) A statement of degree equivalency for the appropriate degree from a foreign credentials' evaluation agency approved by the office of the superintendent of public instruction.

(2) A statement from an official of the college or university where the certification program was completed, indicating completion of the program and approval of the

program by the agency governing certification in that country.

#### NEW SECTION

**WAC 180-79A-215 Endorsements on teacher certificates for out-of-state candidates.** Washington shall issue endorsements, where comparable endorsements exist, to candidates on the basis of endorsements awarded by other states: *Provided*, That in those subject areas where minimum credits are required for funding purposes, that number of credits shall be required to obtain the endorsement in these subject areas, e.g., special education, vocational education and traffic safety.

#### NEW SECTION

**WAC 180-79A-220 Teacher and principal exchange permits.** Teacher and principal exchange permits may be issued by the superintendent of public instruction to an individual admitted to the United States for the purpose of serving as an exchange teacher or principal. Such teacher or principal exchange permits shall be valid for one year and may be renewed once.

#### NEW SECTION

**WAC 180-79A-225 Temporary permits.** Temporary permits may be issued by the superintendent of public instruction and designated agents under the following conditions:

(1) Temporary permits may be issued under this section to those persons who have filed an application for a certificate; who, based on available documentation, including affidavits or other evidence that appears reliable which substantiates the existence of missing documentation, appear to have completed all requirements for certification; and who do not disclose any information which indicates that such applicant fails to meet the character requirement of WAC 180-79A-150(2).

(2) An individual may apply for a permit directly to the superintendent of public instruction or designated agents—i.e., educational service districts or Washington state institutions of higher education.

(3) A permit entitles the holder to serve as a teacher, educational staff associate or administrator consistent with the endorsement(s) on his/her permit.

(4) A permit is valid for one hundred eighty consecutive calendar days unless prior to the expiration date the superintendent of public instruction determines the applicant is ineligible to receive a valid certificate or endorsement. In such cases, the temporary permit shall expire on the date notice of cancellation is received by the applicant and/or the employer.

(5) The temporary permit may be reissued only upon demonstration that the applicant has made a good faith effort to secure the missing documentation.

(6) Issuing authority. The superintendent of public instruction either directly or through a designated agent shall issue all permits and shall provide institutions of higher education and educational service districts with forms and instructions relevant to application for a permit.

#### NEW SECTION

**WAC 180-79A-230 Limited certificates.** Notwithstanding other requirements prescribed in this chapter for eligibility for certification in the state of Washington, the following certificates shall be issued under specific circumstances set forth below for limited service:

(1) Conditional certificate.

(a) Such certificates are issued upon application by the local school district, approved private school, or educational service district superintendent to persons:

(i) Who meet the age, good moral character, and personal fitness requirements of WAC 180-79A-150 (1) and (2); and

(ii) Who are highly qualified and experienced in subject matter to be taught in the common or nonpublic schools; or

(iii) Who qualify to instruct in the traffic safety program as paraprofessionals pursuant to WAC 392-153-020 (2) and (3); or

(iv) Who are assigned instructional responsibility for intramural/interscholastic activities which are part of the district or approved private school approved program; or

(v) Who possess a state of Washington license for a registered nurse: *Provided*, That the district will be responsible for orienting and preparing individuals for their assignment as described in (c)(ii) of this subsection; or

(vi) Who have completed a baccalaureate degree level school speech pathologist or audiologist certification preparation program, who were eligible for certification at the time of program completion and who have served in the role for three of the last seven years.

(b) The educational service district or local district superintendent or administrator of an approved private school will verify that the following criteria have been met when requesting the conditional certificate:

(i) No person with regular certification in the field is available as verified by the district or educational service district superintendent or approved private school administrator;

(ii) The district or educational service district superintendent or approved private school administrator will indicate the basis on which he/she has determined that the individual is competent for the assignment;

(iii) The individual is being certificated for a limited assignment and responsibility in a specified activity/field.

(c) When requesting the conditional certificate for persons who are highly qualified and experienced in fields of knowledge to be taught in the common or nonpublic schools, the educational service district superintendent or local district superintendent or approved private school administrator will verify that the following additional criteria will be met:

(i) The individual will be delegated primary responsibility for planning, conducting, and evaluating instructional activities with the direct assistance of a school district or approved private school mentor and will not be serving in a paraprofessional role which would not require certification;

(ii) Personnel so certificated will be oriented and prepared for the specific assignment by the employing district or approved private school. A written plan of assistance will be developed, in cooperation with the person to be employed within twenty working days from the

commencement of the assignment. In addition, prior to service the person will be apprised of any legal liability, the responsibilities of a professional educator, the lines of authority, and the duration of the assignment;

(iii) Within the first sixty working days, personnel so certificated will complete sixty clock hours (six quarter hours or four semester hours) of course work in pedagogy and child/adolescent development appropriate to the assigned grade level(s) as approved by the employing school district or approved private school.

(d) The certificate is valid for two years or less, as evidenced by the expiration date which is printed on the certificate, and only for the activity specified. The certificate may be reissued for two years and for two-year intervals thereafter upon completion of sixty clock hours (six quarter hours or four semester hours) of course work since the issuance of the most recent certificate as approved by the employing school district or approved private school.

(2) Substitute certificate.

(a) The substitute certificate entitles the holder to act as substitute during the absence of the regularly certificated staff member for a period not to exceed thirty consecutive school days during the school year in any one assignment. This certificate may be issued to:

(i) Teachers, educational staff associates or administrators whose state of regular Washington certificates have expired; or

(ii) Persons who have completed state approved preparation programs and baccalaureate degrees at regionally accredited colleges and universities for certificates.

(b) The substitute certificate is valid for life:

(c) *Provided*, That if the district or approved private school has exhausted or reasonably anticipates it will exhaust its list of qualified substitutes who are willing to serve as substitutes, the superintendent of public instruction may issue emergency substitute certificates to persons not fully qualified under this subsection for use in a particular school district or approved private school once the list of otherwise qualified substitutes has been exhausted. Such emergency substitute certificates shall be valid for three years or less, as evidenced by the expiration date which is printed on the certificate.

(3) Emergency certification.

(a) Emergency certification for specific positions may be issued upon the recommendation of school district and educational service district superintendents or approved private school administrators to persons who hold the appropriate degree and have substantially completed a program of preparation in accordance with Washington requirements for certification: *Provided*, That a qualified person who holds regular certification is not available or that the position is essential and circumstances warrant consideration of issuance of an emergency certificate: *Provided further*, That a candidate for emergency certification as a school counselor, school psychologist, or social worker shall be the best qualified of the candidates for the position as verified by the employing school district and shall have completed all course work for the required master's degree with the exception of the internship: *Provided further*, That a candidate for emergency certification as a school psychologist shall be enrolled in an approved school psychologist

preparation program and shall be participating in the required internship.

(b) The emergency certificate is valid for one year or less, as evidenced by the expiration date which is printed on the certificate.

(4) Nonimmigrant alien exchange teacher. Applicants for certification as a nonimmigrant alien exchange teacher must qualify pursuant to WAC 180-79A-220 and be eligible to serve as a teacher in the elementary or secondary schools of the country of residence.

#### NEW SECTION

**WAC 180-79A-236 Instructional specialist certificate.** In order to provide opportunities for persons of unusual distinction or exceptional talent to teach in Washington, the state board of education establishes the instructional specialist certificate that shall be issued under the specific circumstances set forth below:

Instructional specialist certificate.

(1) Such certificates are issued upon application by the local school district or educational service district superintendent or approved private school administrator for a limited assignment and responsibility in a specified activity/field to persons:

(a) Who have unusual distinction or exceptional talent which is able to be demonstrated through public records of accomplishments and/or awards;

(b) Whose records of accomplishments or awards are documented by the local school district or educational service district superintendent or approved private school administrator who has requested such a certificate;

(c) Who meets the age, good moral character, and personal fitness requirements of WAC 180-79A-150 (1) and (2).

(2) Individuals who meet the following conditions may apply directly to the state board of education:

(a) They intend to teach in more than one school district or approved private school on an occasional or part-time basis;

(b) They provide documentation that there is widespread recognition at the state and/or national level of their unusual distinction or exceptional talent; and

(c) They meet the age, good moral character, and personal fitness requirements of WAC 180-79A-150 (1) and (2).

(3) Such certification applications will be reviewed by the office of the superintendent of public instruction and approved by the state board of education before issuance of the certificate.

(4) The hiring school districts or educational service district superintendent or approved private school administrator will establish the following conditions for employment:

(a) The individual will be delegated primary responsibility for planning, conducting, and evaluating instructional activities with the direct assistance of a school district or approved private school mentor and will not be serving in a paraprofessional role which would not require certification;

(b) Personnel so certificated will be oriented and prepared for the specific assignment by the employing district or approved private school. A written plan of assistance will be developed, in cooperation with the person

to be employed within twenty working days from the commencement of the assignment. In addition, prior to teaching the person will be apprised of any legal liability, the responsibilities of a professional educator, the lines of authority, and the duration of the assignment;

(c) Within the first sixty working days of employment, personnel so certificated will complete sixty clock hours (six quarter hours or four semester hours) of study in pedagogy and/or child/adolescent development appropriate to the assigned grade level(s) as approved by the employing school district or approved private school.

(5) The certificate is valid for two years or less and only for the activity specified. The certificate may be reissued for two years and for two-year intervals thereafter only upon application to and approval by the state board of education. Such application shall include recommendations from all employing school districts or approved private schools, describing the extent to which the person was successful in his or her teaching assignment.

#### NEW SECTION

**WAC 180-79A-241 Internship certificate.** In order to broaden the base of persons eligible to pursue teaching careers, the state board of education establishes a teaching internship certificate pilot project under the specific circumstances set forth below:

##### Internship certificate.

(1) Candidates shall be eligible for internship certificates which allow the holder full authority to serve as a part-time or full-time teacher and will be subject to the local school district's or approved private school's evaluation procedures under the following conditions:

(a) Persons must possess a master's degree and have a minimum of forty-five quarter hours (thirty semester hours) in an endorsement area or in a directly related area of study; or a bachelor's degree with a minimum of forty-five quarter hours (thirty semester hours) in an endorsement area or in a directly related area of study and at least five years of relevant work experience, subsequent to the bachelor's degree, as determined by the college or university;

(b) Candidates must be admitted to an approved Washington state college or university teacher education program, and hold a contract for employment as a teacher in a participating school district or approved private school or be given written notice of other program or placement options if the candidate does not hold a contract. Candidates would be eligible for the internship certificate only upon completion of the college or university course work, as specified in subsection (2)(d) of this section, and employment in a participating school district or approved private school;

(c) Notwithstanding the provisions above or other provisions in this section, in order to conduct a field test of an alternative model for the internship certificate, Teach for America resident teachers participating in a professional teaching residency shall be eligible for internship certificates for the two years of their residency program if they are employed by the Seattle School District.

The internship certificate shall be issued for up to two years. The internship certificates shall be endorsed on the basis of the academic requirements in WAC 180-79A-304.

If a resident teacher does not continue in the program for the full two years, the certificate shall become invalid when the resident teacher leaves the program.

Prior to teaching under the internship certificate, the resident teacher shall have studied issues of abuse, child or adolescent psychology, classroom management, methods of instruction in the appropriate endorsement area, the legal responsibilities of the professional educator, reading in the content area, and the safety and supervision of children.

If a resident teacher has not completed such study in the summer training program, the Seattle School District shall be responsible for assuring that each resident teacher has completed the required study prior to teaching. The resident teacher shall continue study throughout the two years in appropriate workshops or courses as determined by the Seattle School District and Teach for America.

The resident teacher shall receive on-site assistance throughout the two years.

The assessment of the professional teaching residency field test will focus specifically on the effective recruitment of outstanding individuals (especially minority candidates), the performance-based assessment process, and the teaching effectiveness demonstrated by the resident teachers who complete the program.

At the completion of their two-year internships, resident teachers shall be eligible for the initial certificate upon recommendation by the Seattle School District and by a review board of experienced educators. The authorization for the Teach for America field test extends from the 1994-95 school year through the 1998-99 school year.

An advisory board shall be established by Teach for America and the Seattle School District to assure the active involvement of interested persons, including teachers, principals, representatives of higher education, administrators, and parents in the ongoing review of the professional teaching residency program in order:

- (i) To assure that the program is consistent with Seattle School District goals and priorities; and
- (ii) To provide ongoing feedback to Teach for America and the Seattle School District.

An evaluation of the program shall be completed prior to the close of the first school year by a professional education advisory committee subcommittee, which shall include a site visit to the Seattle School District and the collection of data from the resident teachers and other parties, including, but not limited to, relevant students, teachers, principals, administrators, and parents. Findings from the evaluations shall be reviewed by the professional education advisory committee. Recommendations for continuation, revisions, or discontinuation of the professional teaching residency program shall be submitted by the professional education advisory committee to the state board of education. On the basis of the evaluation, the state board of education may rescind the authorization for any additional recruitment of resident teachers prior to the beginning of the next school year.

Prior to September 1, 1998, the professional education advisory committee shall review the evaluations of the teaching residency program and make recommendations to the state board on its future status.

(2) The college or university approved internship program shall be designed as follows:



(a) Students shall proceed through the program as a cohort group;

(b) The program shall be a minimum of forty-five quarter hours (thirty semester hours) of upper division and/or graduate study and must meet the state board of education standards for approved programs;

(c) The program shall provide the intern a minimum of fifteen quarter hours (ten semester hours) of study prior to the beginning of the school year, five quarter hours (three semester hours) for each quarter/semester of the school year and fifteen quarter hours (ten semester hours) in the summer following the first year of teaching;

(d) Prior to beginning teaching, the candidate must complete a minimum of fifteen quarter hours (ten semester hours) of course work in pedagogy including but not limited to: Child or adolescent psychology, classroom management, methods instruction in the appropriate endorsement area, the legal responsibilities of the professional educator, reading in a content area, and the safety and supervision of children (the course work must include forty hours of observation of school students in learning situations);

(e) During each quarter/semester the interns shall participate in a college/university three hour seminar weekly in order to provide the interns with peer interaction and assistance on issues associated with their teaching experiences;

(f) The college/university shall assign a college supervisor to work with each intern;

(g) The school district or approved private school shall assign a staff member to serve as a mentor (who shall be selected using the criteria established for the teacher assistance program) for each intern;

(h) The school district or approved private school and the college/university shall specify in detail the resources they will provide and the procedures they will follow to assure that the intern is qualified to assume full-time responsibility when placed in the classroom as a teacher;

(i) The year of internship teaching shall be deemed comparable to the state board of education student teaching requirement, provided, the college/university evaluates the intern's teaching as satisfactory. The local school district or approved private school evaluation of the intern shall be shared with the college/university in making its decision;

(j) The internship certificate shall be issued for one year and may be renewed only once for one additional year to persons who for good cause were unable to complete the program upon recommendation by the college or university where the person is enrolled in the teacher education program.

(3) At least one college/university and one school district or approved private school that meet the following criteria shall be approved by the state board of education to conduct this pilot program:

(a) Colleges and universities and school districts or approved private schools wishing to participate in this program must submit joint proposals to the state board of education for its consideration, provided, one college/university may have joint agreements with more than one school district or approved private school and may include within such agreements a cooperative arrangement with an educational service district.

(b) Colleges/universities and school districts or approved private schools shall submit a detailed description of the program based on the requirements in subsection (2) of this section, provided, the state board of education will consider modifications to the requirements if the proposal indicates how the intent of the program can be met in a different curricular design.

(4) The internship teaching program shall be reviewed annually by the respective professional education advisory board and evaluated by the professional education advisory committee during its third year of operation. After receiving the recommendation from the professional education advisory committee, the state board of education shall determine whether or not or under what circumstances the pilot project shall be continued.

(5) The pilot project shall terminate on August 31, 1999, with the exception of the field test described in subsection (1)(c) of this section unless the state board of education extends or revises the existing program.

#### NEW SECTION

**WAC 180-79A-300 Certificate endorsement.** Teacher certificates shall be endorsed as follows:

(1) Teacher certificates shall specify endorsements in subject area(s) and grade level(s).

(2) In order to change or add an endorsement to any teaching certificate, the candidate must complete an application, pay the certification fee specified in WAC 180-79A-130, and submit verification of completion of the necessary requirements specified in this chapter.

#### NEW SECTION

**WAC 180-79A-302 Authorized endorsement for teachers.** Endorsements for grade levels, and subject areas within such grade levels, for certificated teachers shall be limited to the following:

(1) Preschool through grade three endorsements shall be granted in the subject area of:

- (a) Early childhood special education;
- (b) Early childhood education.

(2) Grade kindergarten through grade eight endorsements shall be granted in the subject area of elementary education which shall include all subject areas taught in such grades.

(3) Grade kindergarten through grade twelve endorsements shall be granted in:

- (a) Art;
- (b) Music (broad subject area endorsement) and the specialized subject areas of:
  - (i) Choral music;
  - (ii) Instrumental music;
  - (c) Physical education;
  - (d) Reading;
  - (e) Designated foreign language;
  - (f) Special education;
  - (g) Learning resources;
  - (h) English as a second language;
  - (i) Bilingual education.

(4) Grade four through grade twelve endorsements shall be granted in:

(a) English/language arts (broad subject area endorsement) and the specialized English/language arts subject areas of:

- (i) Drama;
- (ii) English;
- (iii) Journalism;
- (iv) Speech.

(b) Science (broad subject area endorsement) and the specialized science subject areas of:

- (i) Biology;
- (ii) Chemistry;
- (iii) Earth science;
- (iv) Physics.

(c) Social studies (broad subject area endorsement) and the specialized social studies subject areas of:

- (i) Anthropology;
- (ii) Economics;
- (iii) Geography;
- (iv) History;
- (v) Political science;
- (vi) Psychology;
- (vii) Sociology.

(d) The specialized subject areas of:

(i) Comparative religion;

(ii) Instructional technology (formerly computer science);

- (iii) Health;
- (iv) Technology education (formerly industrial arts);
- (v) Mathematics;
- (vi) Philosophy.

(e) The vocational areas of:

- (i) Agriculture education;
- (ii) Business education;
- (iii) Family and consumer sciences education;
- (iv) Marketing education.

(5) Traffic safety endorsements may be noted on certificates issued under this chapter if the candidate meets the requirements of the regulations promulgated by the superintendent of public instruction pursuant to RCW 28A.220.020(3).

#### NEW SECTION

**WAC 180-79A-304 Minimum preparation for endorsements for teachers.** Endorsements granted teachers shall comply with the following:

(1) Endorsements—with the exception of the broad subject area endorsements of English/language arts, music, science, and social studies, and the areas of agriculture education, business education, family and consumer sciences education, marketing education, and technology education which shall require the satisfactory completion of a minimum of forty-five quarter hours (thirty semester hours) of course work—shall require the satisfactory completion of a minimum of twenty-four quarter hours (sixteen semester hours) of course work in the subject area in a regionally accredited institution of higher education or in a college or university with a professional preparation program approved by the state board of education pursuant to chapter 180-79A WAC.

(2) Reasonable flexibility shall be permitted in establishing equivalencies for specified subject area course work.

The test for substitution of an equivalent course for a stated subject area course is a factual determination that the subject matter content of the equivalent course, or combination of courses, substantially complies with the generally recognized course content of the subject area course.

(3) Course work used to meet endorsement requirements must be completed through a regionally accredited college/university and may not include student teaching credits.

(4) Only course work in which an individual received a grade of C (2.0) or higher or a grade of pass on a pass-fail system of grading shall be counted toward the required minimum number of credit hours as defined in WAC 180-79A-304.

(5) When existing requirements regarding the number of credit hours, the titles for endorsements, and/or the essential areas of study are revised by the state board of education for any endorsement area, the candidate may, until the first day of September following two calendar years from the effective date of the rule change, obtain the endorsement by completing either the previous or the revised requirements. Following the September first date established above, all candidates shall meet the revised requirements to obtain an endorsement.

#### NEW SECTION

**WAC 180-79A-306 Subject area endorsement recommendations by colleges and universities.** Applicants for subject area endorsements may apply directly to a Washington college or university with an approved preparation program in the particular subject area. Only applicants who have provided sufficient evidence of completion of the required course work and the essential areas of study for the particular subject area endorsement or who have passed written examinations pursuant to WAC 180-79A-308 shall be recommended, by the college or university, to the superintendent of public instruction for an endorsement in such subject area: *Provided*, That nothing within this chapter precludes a college or university from adopting additional requirements as conditions for recommendation, by such college or university, to the superintendent of public instruction for a particular subject area endorsement.

#### NEW SECTION

**WAC 180-79A-308 Endorsement by examination.** In lieu of completing the required number of credit hours and the essential areas of study, or any portion of such requirements, individuals may add endorsements to an initial or continuing teaching certificate by examination in one of the following ways:

(1) An individual may add an endorsement to a teaching certificate by obtaining a score of not less than one-half standard deviation below the mean on a graduate record examination in the subject matter area for which endorsement is sought.

(2) Washington colleges and universities with an approved preparation program for teachers may waive all or any portion of the requirement for a particular endorsement and recommend the candidate to the superintendent of public instruction for the particular endorsement if the following conditions are met:

(a) The candidate is required to demonstrate subject matter competency for all or a portion of the requirement waived through passage of one or more written examinations.

(b) In the case of waiver of an essential area of study, a faculty member regularly responsible for teaching a course which covers that essential area of study must attest to the fact that the proposed examination is of sufficient scope and depth to evaluate the candidate's knowledge of the essential area of study.

#### NEW SECTION

**WAC 180-79A-310 Subject area endorsements through SPI.** Applicants for subject area endorsements may apply directly to the superintendent of public instruction for a particular subject area endorsement. The application for a particular subject area endorsement shall include the following:

- (1) A list of the essential areas of study for a particular subject area endorsement.
- (2) Space for the applicant to document the college or university credit hours and/or approved in-service education programs which meet the credit hour requirements in the essential area of study.
- (3) Space for the applicant to list all college or university credit hours and approved in-service education programs which are applicable to the minimum credit hour requirements and to indicate which type of evidence—i.e., college transcripts, in-service records, or other reliable documentation—will be forwarded to the superintendent of public instruction.
- (4) An affidavit to be signed by the applicant that the information submitted is accurate.

#### NEW SECTION

**WAC 180-79A-311 Specialty areas of study.** (1) Specialty areas of study in middle grades, gifted, and at-risk students shall be recognized by the state board of education on the basis of the following:

- (a) Completion of twelve quarter hours (eight semester hours) of academic study from a regionally accredited college or university directly addressing knowledge and skills relevant to the respective specialty area as recommended by the respective college/university PEAB; and
- (b) Recommendation of the individual by the college/university that has offered the specialty area of study.

(2) Specialty areas of study are not endorsements and shall have no bearing on assignment policies as outlined in chapter 180-16 WAC.

(3) The recognition of specialty areas of study shall in no way impact the requirements for obtaining or maintaining an initial or continuing certificate.

#### NEW SECTION

**WAC 180-79A-312 Award of college or university credit hours for experience.** College and/or university credit hours awarded by accredited institutions of higher education for knowledge acquired in occupational or other experiences shall be recognized as meeting the minimum course work credit hours and/or the essential areas of study

for a particular subject area endorsement if the college or university notes on its issued transcript that credit hours have been awarded for specific courses offered by such college or university.

#### NEW SECTION

**WAC 180-79A-315 In-service in lieu of college and university credit hours.** The following shall govern the substitution of approved in-service education—i.e., sponsored by an approved in-service education provider pursuant to chapter 180-85 WAC—toward the minimum course work credit hours for a particular subject area endorsement and/or for meeting an essential area of study:

(1) The in-service education program must be offered by an in-service education agency approved pursuant to chapter 180-85 WAC.

(2) The in-service education program must be specifically designed by the in-service education agency to serve as a substitute for course work in the specified subject area or areas and/or as meeting a designated essential area of study. The criterion for determining whether the in-service education program is specifically designed for such purpose is whether the in-service program's content is recognized as equivalent in content to what is generally recognized as the content of an equivalent course in an accredited college or university.

(3) The length of the in-service education program is at least ten continuing education hours.

(4) The in-service education agency must hold the recipient accountable for successful completion of the in-service education program through evaluation by an examination or some other work product provided by the recipient.

(5) The in-service education agency must provide the recipient with a letter, certificate, or other written document which indicates the following:

- (a) The in-service education agency has been approved by the state board of education.
- (b) The subject area or areas and/or the designated essential area of study for which the in-service education program was specifically designed to meet.
- (c) The number of continuing education hours awarded.
- (d) A statement that the recipient received a passing mark on an examination or some other work product which was evaluated by the in-service education agency.

(6) The in-service education agency must provide the superintendent of public instruction with the following fourteen calendar days prior to commencement of the in-service program:

- (a) The dates and location of places where the in-service program will be offered.
- (b) The names and qualification of the instructor or instructors who will be assisting in the in-service program.
- (c) An outline of the topics to be covered within each in-service session.

(d) A description of the examination or work product which will be used to evaluate the participants.

(e) An invitation for a representative of the superintendent of public instruction and representative of the professional education advisory committee to attend and observe the in-service program.

(7) Upon completion of an in-service education program, the in-service education agency must provide the superintendent of public instruction the following:

(a) A copy of all program materials distributed to participants.

(b) A copy of the evaluation instrument and the results therefrom.

(8) *Provided*, That no more than one-third of the minimum course work credit hours required for a subject area endorsement may be met through in-service based on ten hours of approved in-service education for one-quarter hour of credit.

#### NEW SECTION

**WAC 180-79A-317 Evaluation of in-service in lieu of college and university credit hours by PEAC.** The professional education advisory committee shall review materials submitted to the superintendent of public instruction pursuant to WAC 180-79A-315, conduct an evaluation of such in-service programs, and report to the superintendent of public instruction and the state board of education its recommendation regarding the continuation of such program and/or the advisability of removing or modifying the limitation on number of in-service credit hours that may be applied to an endorsement.

#### NEW SECTION

**WAC 180-79A-320 Agriculture education—Subject area endorsements.** In order to receive an endorsement in agriculture education, the candidate shall have completed the minimum course work credit hours in the subject area of agriculture—e.g., agriculture, agronomy, and animal science—including, but not limited to, credit hours in each of the following essential areas of study:

- (1) Plant science, agronomy, or horticulture.
- (2) Soil science.
- (3) Animal science or animal husbandry.
- (4) Agriculture mechanics.
- (5) Agriculture economics.

#### NEW SECTION

**WAC 180-79A-322 Anthropology—Subject area endorsement.** In order to receive an endorsement in anthropology, the candidate shall have completed the minimum course work credit hours in the subject area of anthropology, including, but not limited to, credit hours in each of the following essential areas of study:

- (1) Cultural anthropology.
- (2) Physical anthropology.
- (3) Archeology.

#### NEW SECTION

**WAC 180-79A-324 Art—Subject area endorsement.** In order to receive an endorsement in art, the candidate shall have completed the minimum course work credit hours in the subject area of art, including, but not limited to, credit hours in each of the following essential areas of study:

- (1) Art history or criticism.
- (2) Aesthetics or philosophy of art.
- (3) Drawing.

(4) Painting.

(5) Sculpture.

(6) Instructional methods in art.

#### NEW SECTION

**WAC 180-79A-326 Bilingual education—Subject area endorsement.** In order to receive an endorsement in bilingual education, the candidate shall have completed the minimum course work credit hours in the subject area of bilingual education, which shall include, but not be limited to, one-half or more of the minimum course work credit hours for an endorsement in a designated foreign language and credit hours in each of the following essential areas of study:

- (1) Linguistics.
- (2) Instructional methods in English as a second language.
- (3) History and/or theories of bilingual education.
- (4) Instructional methods in bilingual education.

#### NEW SECTION

**WAC 180-79A-328 Biology—Subject area endorsement.** In order to receive an endorsement in biology, the candidate shall have completed the minimum course work credit hours in the subject area of biology, including, but not limited to, credit hours in each of the following essential areas of study:

- (1) Genetics.
- (2) Ecology or evolution theory.
- (3) Botany, including laboratory experience therein.
- (4) Zoology, including laboratory experience therein.
- (5) Laboratory management and safety.
- (6) Science technology and society or bioethics.

#### NEW SECTION

**WAC 180-79A-330 Business education—Subject area endorsement.** In order to receive an endorsement in business education, the candidate shall have completed the minimum course work credit hours in the subject area of business education—e.g., business administration, business education, and accounting—including, but not limited to, credit hours in each of the following essential areas of study:

- (1) Business organization or management.
- (2) Office procedures or applications.
- (3) Information processing, word processing, or machine transcription.
- (4) Microcomputer application.
- (5) Instructional methods in keyboarding.
- (6) Instructional methods in accounting.

#### NEW SECTION

**WAC 180-79A-332 Chemistry—Subject area endorsement.** In order to receive an endorsement in chemistry, the candidate shall have completed the minimum course work credit hours in the subject area of chemistry, including, but not limited to, credit hours in each of the following essential areas of study:

- (1) Organic chemistry, including laboratory experience therein.

- (2) Inorganic chemistry, including laboratory experience therein.
- (3) Analytic chemistry, including laboratory experience therein.
- (4) Physical chemistry.
- (5) Laboratory management and safety.

**NEW SECTION**

**WAC 180-79A-333 Comparative religion—Subject area endorsement.** In order to receive an endorsement in comparative religion, the candidate shall have completed the minimum course work credit hours in the subject area of comparative religion, including but not limited to, credit hours in each of the essential areas of, history and/or development of comparative religious thought, and issues and trends in modern religions, plus two other essential areas of study:

- (1) History and/or development of comparative religious thought.
- (2) Issues and trends in modern religions.
- (3) Ethics.
- (4) Aesthetics.
- (5) Epistemology.
- (6) Metaphysics.
- (7) Logic.
- (8) History of philosophy.

**NEW SECTION**

**WAC 180-79A-334 Instructional technology (formerly computer science)—Subject area endorsement.** In order to receive an endorsement in instructional technology, the candidate shall have completed the minimum course work credit hours in the subject area of instructional technology, including, but not limited to, credit hours in each of the following essential areas of study:

- (1) Technology and society, i.e., ethical use.
- (2) Computer networks and telecommunication system, e.g., Internet.
- (3) Instructional hardware usage and classroom applications.
- (4) Instructional software, including word processing, data base management systems, spreadsheets and use of multimedia tools, e.g., sound, video, hypertext, and graphics.
- (5) Development of student learning activities which integrate technology tools and telecommunications.

**NEW SECTION**

**WAC 180-79A-336 Designated foreign language—Subject area endorsement.** In order to receive an endorsement in a designated foreign language, the candidate shall have completed the minimum course work credit hours in the subject area of the designated foreign language, including, but not limited to, credit hours in each of the following essential areas of study:

- (1) Writing/composition in the designated foreign language.
- (2) Conversation in the designated foreign language.
- (3) Reading in the designated foreign language.
- (4) History and culture of the designated foreign language.

**NEW SECTION**

**WAC 180-79A-338 Drama—Subject area endorsement.** In order to receive an endorsement in drama, the candidate shall have completed the minimum course work credit hours in the subject area of drama, including, but not limited to, credit hours in each of the following essential areas of study:

- (1) Acting skills.
- (2) Theater production.
- (3) Theater history or history of drama.
- (4) Creative drama.
- (5) Theater directing.

**NEW SECTION**

**WAC 180-79A-340 Early childhood education, regular—Subject area endorsement.** In order to receive an endorsement in early childhood education, regular, the candidate shall have completed the minimum course work credit hours in the subject area of early childhood education—e.g., preschool, early childhood, and elementary education, including, but not limited to, credit hours in each of the following essential areas of study:

- (1) All essential areas of study for an endorsement in elementary education.
- (2) Issues and trends in early childhood education.
- (3) Instructional methods in early childhood or preschool education.

**NEW SECTION**

**WAC 180-79A-342 Early childhood education, special education—Subject area endorsement.** In order to receive an endorsement in early childhood education, special education, the candidate shall have completed the minimum course work credit hours in the subject area of special education and early childhood education, the credit hours in each of the essential areas of study for an endorsement in the subject area of special education, and credit hours in each of the following essential areas of study:

- (1) Issues and trends in early childhood education.
- (2) Instructional methods in early childhood education.

**NEW SECTION**

**WAC 180-79A-344 Earth science—Subject area endorsement.** In order to receive an endorsement in earth science, the candidate shall have completed the minimum course work credit hours in the subject area of earth science—e.g., geology, mineralogy, oceanography, astronomy, and meteorology—including, but not limited to, credit hours in each of the following essential areas of study:

- (1) Physical geology.
- (2) Historical geology.
- (3) Environmental geology.
- (4) Oceanography.
- (5) Astronomy.
- (6) Meteorology.

NEW SECTION

**WAC 180-79A-346 Economics—Subject area endorsement.** In order to receive an endorsement in economics, the candidate shall have completed the minimum course work credit hours in the subject area of economics, including, but not limited to, credit hours in each of the following essential areas of study:

- (1) Macroeconomics.
- (2) Microeconomics.
- (3) History and/or development of economic thought.

NEW SECTION

**WAC 180-79A-348 Elementary education—Subject area endorsement.** In order to receive an endorsement in elementary education, the candidate shall have completed the minimum course work credit hours in the subject area of elementary education, including, but not limited to, credit hours in each of the following essential areas of study:

- (1) Child growth and development.
- (2) Classroom organization and management.
- (3) Instructional methods in reading.
- (4) Instructional methods in mathematics.
- (5) Instructional methods in language arts.
- (6) Instructional methods in science.
- (7) Instructional methods in social studies.
- (8) Instructional methods in art.
- (9) Instructional methods in music.
- (10) Instructional methods in physical education.
- (11) Instructional methods in health education.

NEW SECTION

**WAC 180-79A-350 English—Subject area endorsement.** In order to receive an endorsement in English, the candidate shall have completed the minimum course work credit hours in the subject area of English, including, but not limited to, credit hours in each of the following essential areas of study:

- (1) Writing/composition.
- (2) American literature.
- (3) World literature representing a variety of diverse cultures, including British literature.
- (4) Linguistics or structure of language.

NEW SECTION

**WAC 180-79A-352 English as a second language—Subject area endorsement.** In order to receive an endorsement in English as a second language, the candidate shall have completed the minimum course work credit hours in the subject area of English as a second language—e.g., English, elementary education, and English as a second language—including, but not limited to, credit hours in each of the following essential areas of study:

- (1) Structure of language or language acquisition.
- (2) Culture and learning for the ESL student.
- (3) Instructional methods in language arts for the ESL student.
- (4) Instructional methods in reading for the ESL student.
- (5) Instructional methods in English as a second language.

NEW SECTION

**WAC 180-79A-354 English/language arts—Broad subject area endorsement.** In order to receive an endorsement in English/language arts, the candidate shall have completed the minimum course work credit hours in the specialized subject areas of English/language arts, the credit hours in each of the essential areas of study for an English subject area endorsement, and credit hours selected from the essential areas of study in each of the specialized English/language arts subject areas of:

- (1) Drama.
- (2) Speech.
- (3) Journalism.

NEW SECTION

**WAC 180-79A-356 Geography—Subject area endorsement.** In order to receive an endorsement in geography, the candidate shall have completed the minimum course work credit hours in the subject area of geography, including, but not limited to, credit hours in each of the following essential areas of study:

- (1) Physical geography.
- (2) Human or cultural geography.
- (3) Economic geography.
- (4) North American or other regional geography.
- (5) Map reading and analysis.

NEW SECTION

**WAC 180-79A-358 Health—Subject area endorsement.** In order to receive an endorsement in health, the candidate shall have completed the minimum course work credit hours in the subject area of health, including, but not limited to, credit hours in each of the following essential areas of study:

- (1) Substance use and abuse.
- (2) Wellness and illness.
- (3) Nutrition.
- (4) Human physiology.
- (5) Safety education.

NEW SECTION

**WAC 180-79A-360 History—Subject area endorsement.** In order to receive an endorsement in history, the candidate shall have completed the minimum course work credit hours in the subject area of history, including, but not limited to, credit hours in each of the following essential areas of study:

- (1) Washington state or Pacific Northwest history and government.
- (2) United States history.
- (3) World, Western, or Pacific Rim history or civilizations.

NEW SECTION

**WAC 180-79A-362 Family and consumer sciences education (formerly home and family life education)—Subject area endorsement.** In order to receive an endorsement in family and consumer sciences education, the candidate shall have completed the minimum course work

credit hours in the subject area of family and consumer sciences education, including, but not limited to, credit hours in each of the following essential areas of study:

- (1) Family relations.
- (2) Child growth and development.
- (3) Nutrition.
- (4) Consumer education or resource management.

#### NEW SECTION

**WAC 180-79A-364 Technology education (formerly industrial arts)—Subject area endorsement.** In order to receive an endorsement in technology education, the candidate shall have completed the minimum course work credit hours in the subject area of technology education, including, but not limited to, credit hours in each of the following essential areas of study:

- (1) Industrial safety.
- (2) Technology education.
- (3) Industrial arts program management.
- (4) Manufacturing, construction, communications, or transportation.

#### NEW SECTION

**WAC 180-79A-366 Marketing education—Subject area endorsement.** In order to receive an endorsement in marketing education, the candidate shall have completed the minimum course work credit hours in the subject area of marketing education—e.g., business administration, business or marketing education, and economics—including, but not limited to, credit hours in each of the following essential areas of study:

- (1) Selling.
- (2) Economics.
- (3) Retail management.

#### NEW SECTION

**WAC 180-79A-368 Journalism—Subject area endorsement.** In order to receive an endorsement in journalism, the candidate shall have completed the minimum course work credit hours in the subject area of journalism, including, but not limited to, credit hours in each of the following essential areas of study:

- (1) News and feature writing.
- (2) Copy editing.
- (3) News production.
- (4) Copy makeup and design.
- (5) Legal rights and liabilities of the press.

#### NEW SECTION

**WAC 180-79A-370 Learning resources—Subject area endorsement.** In order to receive an endorsement in learning resources, the candidate shall have completed the minimum course work credit hours in the subject area of learning resources, including, but not limited to, credit hours in each of the following essential areas of study:

- (1) Library/media materials selection.
- (2) Materials production.
- (3) Literature for children and young adults.
- (4) Information services.
- (5) Learning resources management.

- (6) Instructional methods in learning resources.

#### NEW SECTION

**WAC 180-79A-372 Mathematics—Subject area endorsement.** In order to receive an endorsement in mathematics, the candidate shall have completed the minimum course work credit hours in the subject area of mathematics, including, but not limited to, credit hours in each of the following essential areas of study:

- (1) Euclidean geometry.
- (2) Non-Euclidean geometry.
- (3) Differential calculus.
- (4) Integral calculus.
- (5) Discrete mathematics.

#### NEW SECTION

**WAC 180-79A-374 Music—Broad subject area endorsement.** In order to receive an endorsement in music, the candidate shall have completed the minimum course work credit hours in the subject area of music, the requirements for an endorsement in the specialized subject areas of choral music and instrumental music, and at least an additional six quarter (four semester) hours of credit hours of performance experience in both choral music and instrumental music.

#### NEW SECTION

**WAC 180-79A-376 Choral music—Subject area endorsement.** In order to receive an endorsement in choral music, the candidate shall have completed the minimum course work credit in the subject area of music, including at least three quarter hours (two semester hours) of performance experience in choral music, and credit hours in each of the following essential areas of study:

- (1) Score reading.
- (2) Music theory.
- (3) Music history and/or culture.
- (4) Conducting.
- (5) Instructional methods in choral music.
- (6) Instructional methods in general music.

#### NEW SECTION

**WAC 180-79A-378 Instrumental music—Subject area endorsement.** In order to receive an endorsement in instrumental music, the candidate shall have completed the minimum course work credit hours in the subject area of music, including at least three quarter hours (two semester hours) of performance experience in instrumental music, and credit hours in each of the following essential areas of study:

- (1) Score reading.
- (2) Music theory.
- (3) Music history and/or culture.
- (4) Conducting.
- (5) Instructional methods in instrumental music.
- (6) Instructional methods in general music.

NEW SECTION

**WAC 180-79A-379 Philosophy—Subject area endorsement.** In order to receive an endorsement in philosophy, the candidate shall have completed the minimum course work credit hours in the subject area of philosophy, including but not limited to, credit hours in a minimum of four of the following areas of essential study:

- (1) Ethics.
- (2) Aesthetics.
- (3) Epistemology.
- (4) Metaphysics.
- (5) Logic.
- (6) History of philosophy.

NEW SECTION

**WAC 180-79A-380 Physical education—Subject area endorsement.** In order to receive an endorsement in physical education, the candidate shall have completed the minimum course work credit hours in the subject area of physical education, including, but not limited to, credit hours in each of the following essential areas of study:

- (1) Care and prevention of student injury including first aid.
- (2) Kinesiology.
- (3) Exercise physiology.
- (4) School physical education, sports, or athletic law.
- (5) Sociology and/or psychology of sports.
- (6) Instructional methods in physical education for the handicapped.
- (7) Instructional methods in physical education.

NEW SECTION

**WAC 180-79A-382 Physics—Subject area endorsement.** In order to receive an endorsement in physics, the candidate shall have completed the minimum course work credit hours in the subject area of physics, including, but not limited to, credit hours in each of the following essential areas of study:

- (1) Mechanics, including laboratory experience therein.
- (2) Electricity and magnetism, including laboratory experience therein.
- (3) Light and sound, including laboratory experience therein.
- (4) Thermodynamics, modern physics, or astronomy.

NEW SECTION

**WAC 180-79A-384 Political science—Subject area endorsement.** In order to receive an endorsement in political science, the candidate shall have completed the minimum course work credit hours in the subject area of political science, including, but not limited to, credit hours in each of the following essential areas of study:

- (1) American government.
- (2) International relations or studies.
- (3) Comparative government or political systems.
- (4) Political theory.

NEW SECTION

**WAC 180-79A-386 Psychology—Subject area endorsement.** In order to receive an endorsement in psychology, the candidate shall have completed the minimum course work credit hours in the subject area of psychology, including, but not limited to, credit hours in each of the following essential areas of study:

- (1) Human behavior.
- (2) Learning theories.
- (3) Developmental psychology.
- (4) Interpersonal psychology.

NEW SECTION

**WAC 180-79A-388 Reading—Subject area endorsement.** In order to receive an endorsement in reading, the candidate shall have completed the minimum course work credit hours in the subject area of reading, including, but not limited to, credit hours in each of the following essential areas of study:

- (1) Reading development.
- (2) Reading diagnosis and prescription.
- (3) Children and adolescent literature.
- (4) Instructional methods in reading.
- (5) Instructional methods in reading in the content areas.

NEW SECTION

**WAC 180-79A-390 Science—Broad subject area endorsement.** In order to receive an endorsement in science, the candidate shall have completed the minimum course work credit hours in the specialized subject areas of science, the credit hours in each of the essential areas of study for a chemistry, physics, biology, or earth science subject area endorsement, and at least nine quarter (six semester) credit hours selected from the essential areas of study in each of the specialized science subject areas of:

- (1) Chemistry, including laboratory experience therein.
- (2) Physics, including laboratory experience therein.
- (3) Biology, including laboratory experience therein.
- (4) Earth science.

NEW SECTION

**WAC 180-79A-392 Sociology—Subject area endorsement.** In order to receive an endorsement in sociology, the candidate shall have completed the minimum course work credit hours in the subject area of sociology, including, but not limited to, credit hours in each of the following essential areas of study:

- (1) Group behavior.
- (2) Social institutions.
- (3) Social process.
- (4) Theory and history of sociology.

NEW SECTION

**WAC 180-79A-394 Social studies—Broad subject area endorsement.** In order to receive an endorsement in social studies, the candidate shall have completed the minimum course work credit hours in the specialized subject areas of social studies, the credit hours in each of the essential areas of study for a history subject area endorse-



ment, credit hours in American government, and credit hours selected from the essential areas of study in each of the specialized social studies subject areas of:

- (1) Economics.
- (2) Anthropology, sociology, or psychology.
- (3) Geography.

#### NEW SECTION

**WAC 180-79A-396 Special education—Subject area endorsement.** In order to receive an endorsement in special education, the candidate shall have completed the minimum course work credit hours in the subject area of special education, including, but not limited to, credit hours in each of the following essential areas of study:

- (1) Exceptionality.
- (2) Alternative delivery systems and strategies for special education.
- (3) Student assessment and evaluation.
- (4) Procedural and substantive legal issues in special education.
- (5) Instructional methods in special education.

#### NEW SECTION

**WAC 180-79A-398 Speech—Subject area endorsement.** In order to receive an endorsement in speech, the candidate shall have completed the minimum course work credit hours in the subject area of speech, including, but not limited to, credit hours in each of the following essential areas of study:

- (1) Public speaking.
- (2) Debate.
- (3) Group process.
- (4) Interpersonal communication.

#### NEW SECTION

**WAC 180-79A-403 Levels of certificates, initial and continuing.** Two levels of certification may be issued: *Provided*, That, after August 31, 2000, initial and continuing certificates will be issued only to previous Washington certificate holders, pursuant to WAC 180-79A-160.

(1) Initial certificate. The initial teacher certificate is valid for four years and the initial administrator and educational staff associate certificates are valid for seven years. Initial teacher certificates shall be subject to renewal pursuant to WAC 180-79A-405 and 180-79A-160(7). Initial administrator and educational staff associate certificates shall not be subject to renewal.

(2) Continuing certificate. The continuing certificate is valid on a continuing basis as specified in WAC 180-79A-405(2).

#### NEW SECTION

**WAC 180-79A-405 Initial and continuing certificates—Renewal requirements.** The following shall apply to initial and continuing certificates issued pursuant to this chapter:

- (1) Initial certificate.

An initial teacher certificate may be renewed for an additional three-year period on application and verification that the individual has completed all course work require-

ments from a regionally accredited institution of higher education for continuing certification or has completed at least fifteen quarter hours (ten semester hours) of college credit course work (normally 100 level or higher) from a regionally accredited institution of higher education since the certificate was issued or renewed. After August 31, 2000, provisions of WAC 180-79A-160 will apply.

- (2) Continuing certificate.

(a) The continuing certificates of holders who were eligible for such certificates prior to August 31, 1987, and who applied for such certificates prior to July 1, 1988, or who would have been eligible for such certificates prior to August 31, 1987, but for one of the three-year experience requirement and who complete such requirement and apply for such certificate prior to August 31, 1988, will be valid for life. Holders of valid continuing certificates affected by this subsection shall be entitled to have such certificate reissued and subject to the terms and conditions applicable to certification at the time of reissuance including the continuing education requirements of chapter 180-85 WAC.

(b) All continuing certificates not affected by the exception stated in (a) of this subsection shall lapse if the holder does not complete the continuing education requirement specified in chapter 180-85 WAC. To reinstate such a lapsed continuing certificate the individual must complete the requirements for reinstatement stated within chapter 180-85 WAC.

#### NEW SECTION

**WAC 180-79A-415 Academic requirements for certification—Teachers.** Candidates for teachers' certificates shall complete the following requirements in addition to those set forth in WAC 180-79A-150.

- (1) Initial.

Candidates for the initial certificate shall hold an approved baccalaureate degree from a regionally accredited college or university: *Provided*, That if the approved baccalaureate degree is in early childhood education, elementary education, or special education, the candidate also must have at least thirty quarter hours (twenty semester hours) in one of the academic fields listed in WAC 180-79A-302 (3)(a) through (e) and (4).

- (2) Continuing.

(a) Candidates who apply for a continuing certificate shall have at least forty-five quarter hours (thirty semester hours) of upper division and/or graduate work completed from a regionally accredited institution of higher education subsequent to the conferral of the baccalaureate degree: *Provided*, That if the individual is pursuing study in a new subject matter area or specialization, lower division courses in that subject area or specialization shall be accepted toward continuing certification upon completion of the requirements for an endorsement in that subject area or specialization.

(b) Candidates for a continuing certificate shall have been granted at least two subject area endorsements.

(c) Candidates who apply for a continuing certificate who have not successfully completed course work or an in-service program including a minimum of ten clock hours of instruction on issues of abuse, must complete such course work or in-service program as a condition for the issuance of a continuing certificate. The content of the course work

or in-service program shall discuss the identification of physical, emotional, sexual, and substance abuse, information on the impact of abuse on the behavior and learning abilities of students, discussion of the responsibilities of a teacher to report abuse or provide assistance to students who are the victims of abuse, and methods for teaching students about abuse of all types and their prevention.

#### NEW SECTION

**WAC 180-79A-417 Experience requirement for continuing certification—Teachers.** In addition to the academic requirements specified in WAC 180-79A-415, candidates for continuing teachers' certificates shall provide, as a condition for the issuance of a continuing certificate, documentation of one hundred eighty days or full-time equivalent or more satisfactory teaching experience with an authorized employer—i.e., school district, state agency, college or university, private school, or private school system—and at least thirty days of such employment with the same employer.

#### NEW SECTION

**WAC 180-79A-420 Academic requirements for certification—Administrators.** Candidates for the respective administrative certificate shall complete the following requirements in addition to those set forth in WAC 180-79A-150 and 180-79A-424.

(1) Superintendent.

(a) Initial.

(i) The candidate shall hold an approved master's degree and have completed subsequent to the baccalaureate degree at least forty-five quarter hours (thirty semester hours) of graduate level course work in education.

(ii) The candidate must meet requirements for a superintendent's certificate pursuant to WAC 180-79A-150(4).

(b) Continuing.

(i) The candidate shall hold an approved master's degree and have completed subsequent to the baccalaureate degree at least sixty quarter hours (forty semester hours) of graduate level course work in education or shall hold a doctorate in education.

(ii) The candidate must meet requirements for a superintendent's certificate pursuant to WAC 180-79A-150(4).

(2) Principal.

(a) Initial.

The candidate shall hold a master's degree and have completed an approved program for the preparation of principals.

(b) Continuing.

(i) The candidate who applies prior to August 31, 1998, shall hold an approved master's degree and completed subsequent to the baccalaureate degree at least forty-five hours (thirty semester hours) of graduate level course work in education or shall hold a doctorate in education.

(ii) The candidate who applies on or after August 31, 1998, shall have completed a program based on the state principal performance domains included in WAC 180-78A-257. Such program shall consist of at least fifteen quarter (ten semester) hours of graduate (post-initial) course work

offered by a state approved principal program or one hundred fifty clock hours of study, which meet the state continuing education clock hour criteria, as determined in consultation with and approved by the employer.

(iii) The candidate must meet requirements for a principal's certificate pursuant to WAC 180-79A-150(4).

(3) Program administrator.

(a) Initial.

The candidate shall hold an approved master's degree, a master's degree required for an educational staff associate certificate, a master's degree in school nursing, occupational therapy or physical therapy, or a master's degree in public education, or business administration and have completed subsequent to the baccalaureate degree at least twenty-four quarter hours (sixteen semester hours) of graduate level course work in education.

(b) Continuing.

The candidate shall hold an approved master's degree, a master's degree required for an educational staff associate certificate, a master's degree in school nursing, occupational therapy, physical therapy, or a master's degree in public education, or business administration and have completed subsequent to the baccalaureate degree at least thirty quarter hours (twenty semester hours) of graduate level course work in education or shall hold a doctorate in education.

#### NEW SECTION

**WAC 180-79A-422 Experience requirement for initial endorsement—Principals.** In addition to the academic requirements specified in WAC 180-79A-420(2), candidates applying for initial administrator's certificate with a principal's endorsement prior to August 31, 1998, as a condition for the issuance of such endorsement, shall present documentation of one hundred eighty days or full-time equivalent or more teaching experience with an authorized employer—i.e., school district, state agency, college or university, private school, or private school system—and at least thirty days of such employment with the same employer. Candidates applying for the initial principal's certificate on or after August 31, 1998, shall present documentation of five hundred forty days (three school years) of full-time or more teaching in a public or private school system. No more than sixty days substitute or equivalent teaching experience may be included for this requirement.

#### NEW SECTION

**WAC 180-79A-423 Experience requirement for continuing certification—Administrators.** In addition to the academic requirements specified in WAC 180-79A-420, candidates applying for continuing administrator certificates shall provide, as a condition for issuance of a continuing certificate, documentation of one hundred eighty days or full-time equivalent or more employment in the respective role with an authorized employer—i.e., school district, educational service district, state agency, college or university, private school, or private school system—and at least thirty days of such employment with the same employer. Candidates applying for the continuing principal's certificate on or after August 31, 1998, shall provide documentation of three contracted school years of full-time employment as a principal or assistant principal.

NEW SECTION

**WAC 180-79A-424 Child abuse course work requirement for continuing certification—Administrators.** Candidates who apply for a continuing administrator certificate after August 31, 1994, must have successfully completed course work or an in-service program including a minimum of ten clock hours of instruction on issues of abuse as a condition for the issuance of a continuing certificate. The content of the course work or in-service program shall discuss the identification of physical, emotional, sexual, and substance abuse, information on the impact of abuse on the behavior and learning abilities of students, discussion of the responsibilities of a teacher to report abuse or provide assistance to students who are the victims of abuse, and methods for teaching students about abuse of all types and their prevention.

NEW SECTION

**WAC 180-79A-430 Academic requirements for certification—School counselors, school psychologists, and school social workers.** Candidates for school counselor, school psychologist and school social worker certification shall complete the following requirements in addition to those set forth in WAC 180-79A-150 and 180-79A-435: *Provided*, That it shall not be necessary for any candidate who holds a master's or doctorate degree to obtain the specified master's degree if the candidate provides satisfactory evidence to the superintendent of public instruction that he or she has completed all course work requirements relevant to the required master's degree and has satisfactorily completed a comprehensive written examination required in such master's degree program: *Provided*, That if any candidate has been awarded a master's degree without a comprehensive written examination, the candidate, as a condition for certification, shall arrange to take such an examination with any accredited college or university and provide the superintendent of public instruction with an affidavit from the chair of the department of such academic field that he or she has successfully completed the above noted comprehensive examination.

(1) School counselor.

(a) Initial.

(i) The candidate shall have completed all requirements for the master's degree (except special projects or thesis) with a major in counseling.

(ii) The candidate shall have successfully completed a written comprehensive examination of the knowledge included in the course work for the required master's degree. This examination shall be an examination of a regionally accredited institution of higher education or the National Counselor Examination (NCE) of the National Board of Certified Counselors (NBCC).

(b) Continuing. The candidate shall hold a master's degree with a major in counseling.

(2) School psychologist.

(a) Initial.

(i) The candidate shall have completed all requirements for the master's degree (except special projects or thesis) with a major or specialization in school psychology.

(ii) The candidate shall have successfully completed a written comprehensive examination of the knowledge

included in the course work for the required master's degree. This examination shall be an examination from a regionally accredited institution of higher education or the National Certification of School Psychologist (NCSP) examination.

(b) Continuing. The candidate shall hold a master's degree with a major or specialization in school psychology.

(3) School social worker.

(a) Initial.

(i) The candidate shall have completed all requirements for a master's degree in social work except special projects or thesis.

(ii) The candidate shall have successfully completed a written comprehensive examination of the knowledge included in the course work for the required master's degree. This examination shall be an examination from a regionally accredited institution of higher education, the social worker examination of the Academy of Certified Social Workers or the National Teacher Examination—School Social Worker Specialty Area examination required for certification as a school social worker by the National Association of Social Workers.

(b) Continuing. The candidate shall hold a master's degree in social work.

NEW SECTION

**WAC 180-79A-433 Academic requirements for certification—School nurse, school occupational therapist, school physical therapist and school speech-language pathologist or audiologist.** Candidates for school nurse, school occupational therapist, school physical therapist and school speech-language pathologist or audiologist certification shall apply directly to the professional education and certification office. Such candidates shall complete the following requirements, in addition to those set forth in WAC 180-79A-150, except state approved college/university professional preparation program:

(1) School nurse.

(a) Initial.

(i) The candidate shall hold a valid license as a registered nurse (RN) in Washington state.

(ii) The candidate shall hold a baccalaureate degree in nursing from a National League of Nursing accredited program.

(iii) The candidate shall successfully complete thirty clock hours or three quarter hours (two semester hours) of course work approved by the state board of education which will include schools and society; human growth, development, and learning; American school law; legal responsibilities of the ESA; and the responsibilities of the specific ESA role in a school setting: *Provided*, That an individual who meets all other requirements but who has not completed the required course work shall, upon verification of employment in the role, be issued a temporary permit valid for one hundred twenty calendar days which will allow the individual to practice in the role. The candidate shall verify to OSPI the completion of the required course work during the one hundred twenty-day period.

(b) Continuing. The candidate shall have completed the requirements for the initial certificate as a school nurse and have completed forty-five quarter hours (thirty semester

hours) of post-baccalaureate course work in education, nursing, or other health sciences.

(2) School occupational therapist.

(a) Initial.

(i) The candidate shall hold a valid license as an occupational therapist in Washington state.

(ii) The candidate shall hold a baccalaureate (or higher) degree from an American Occupational Therapy Association approved program in occupational therapy.

(iii) The candidate shall successfully complete thirty clock hours or three quarter hours (two semester hours) of course work approved by the state board of education which will include schools and society; human growth, development, and learning; American school law; legal responsibilities of the ESA; and the responsibilities of the specific ESA role in a school setting: *Provided*, That an individual who meets all other requirements but who has not completed the required course work shall, upon verification of employment in the role, be issued a temporary permit valid for one hundred twenty calendar days which will allow the individual to practice in the role. The candidate shall verify to OSPI the completion of the required course work during the one hundred twenty-day period.

(b) Continuing. The candidate shall have completed the requirements for the initial certificate as a school occupational therapist and have completed at least fifteen quarter hours (ten semester hours) of course work beyond the baccalaureate degree in occupational therapy, other health sciences or education.

(3) School physical therapist.

(a) Initial.

(i) The candidate shall hold a valid license as a physical therapist in Washington state.

(ii) The candidate shall hold a baccalaureate (or higher) degree from an American Physical Therapy Association accredited program in physical therapy.

(iii) The candidate shall successfully complete thirty clock hours or three quarter hours (two semester hours) of course work approved by the state board of education which will include schools and society; human growth, development, and learning; American school law; legal responsibilities of the ESA; and the responsibilities of the specific ESA role in a school setting: *Provided*, That an individual who meets all other requirements but who has not completed the required course work shall, upon verification of employment in the role, be issued a temporary permit valid for one hundred twenty calendar days which will allow the individual to practice in the role. The candidate shall verify to OSPI the completion of the required course work during the one hundred twenty-day period.

(b) Continuing. The candidate shall have completed the requirements for the initial certificate as a school physical therapist and have completed fifteen quarter hours (ten semester hours) of course work beyond the baccalaureate degree in physical therapy, other health sciences or education.

(4) School speech-language pathologist or audiologist.

(a) Initial.

(i) The candidate shall have completed all course work (except special project or thesis) for a master's degree from a college or university program accredited by the American Speech and Hearing Association (ASHA) with a major in

speech pathology or audiology. Such program shall include satisfactory completion of a written comprehensive examination: *Provided*, That if any candidate has not completed a written comprehensive examination, the candidate may present verification from ASHA of a passing score on the National Teacher's Examination in speech pathology or audiology as a condition for certification.

(ii) The candidate shall successfully complete thirty clock hours or three quarter hours (two semester hours) of course work approved by the state board of education which will include schools and society; human growth, development, and learning; American school law; legal responsibilities of the ESA; and the responsibilities of the specific ESA role in a school setting: *Provided*, That an individual who meets all other requirements but who has not completed the required course work shall, upon verification of employment in the role, be issued a temporary permit valid for one hundred twenty calendar days which will allow the individual to practice in the role. The candidate shall verify to OSPI the completion of the required course work during the one hundred twenty-day period.

(b) Continuing. The candidate shall hold a master's degree with a major in speech pathology or audiology.

#### NEW SECTION

**WAC 180-79A-435 Child abuse course work requirement for continuing certification—Educational staff associate.** Candidates who apply for a continuing educational staff associate certificate after August 31, 1994, must have successfully completed course work or an in-service program including a minimum of ten clock hours of instruction on issues of abuse as a condition for the issuance of a continuing certificate. The content of the course work or in-service program shall discuss the identification of physical, emotional, sexual, and substance abuse, information on the impact of abuse on the behavior and learning abilities of students, discussion of the responsibilities of a teacher to report abuse or provide assistance to students who are the victims of abuse, and methods for teaching students about abuse of all types and their prevention.

#### NEW SECTION

**WAC 180-79A-440 Experience requirement for continuing certification—ESAs.** In addition to the academic requirements specified in WAC 180-79A-430 and 180-79A-433, candidates for continuing educational staff associate certificates shall provide, as a condition for issuance of a continuing certificate, documentation of one hundred eighty days or full-time equivalent or more employment in the respective role with an authorized employer—i.e., school district, educational service district, state agency, college or university, private school, or private school system—and at least thirty days of such employment with the same employer.

#### NEW SECTION

**WAC 180-79A-445 Supervised experience requirement for continuing certification.** In order to obtain a continuing certificate, school counselors, school psychologists and school social workers who hold initial ESA

certificates must demonstrate their respective knowledges and skills while employed in that role by passing a one-quarter or one-semester college or university course that includes peer review. The college or university shall establish the procedures for the peer review with advice from the respective professional education advisory board.

#### NEW SECTION

**WAC 180-79A-503 Levels of certificates—Residency and professional.** Two levels of certificates may be issued after August 31, 2000: *Provided*, That a professional certificate may be issued prior to August 31, 2000, pursuant to WAC 180-78A-304.

(1) Residency certificate. The residency certificate is valid for five years and shall be subject to renewal pursuant to WAC 180-79A-510(1).

(2) Professional certificate. The professional certificate is valid for seven years and shall be subject to renewal pursuant to WAC 180-79A-510(2).

#### NEW SECTION

**WAC 180-79A-510 Residency and professional certificates for teachers—Renewal requirements.** The following shall apply to residency and professional teacher certificates issued pursuant to this chapter.

(1) Residency certificate. Residency certificates shall be renewed under one of the follow options:

(a) Individuals who hold, or have held, a residency certificate and are enrolled in a professional certificate program may have the certificate renewed for an additional two years upon verification by the professional certificate administrator that the candidate is making satisfactory progress in a state approved professional certificate program.

(b) Individuals who hold, or have held, residency certificates who have not been employed as contracted teachers in Washington may have their residency certificates renewed for an additional five years by the completion of fifteen quarter credits (ten semester credits) of college credit course work (normally one hundred level or higher) from a regionally accredited institution of higher education taken since the issuance of the residency certificate.

(c) All other individuals who hold, or have held, residency certificates may have their certificates renewed only by appeal to the state board of education, or its designated appeals committee. The following conditions apply to such appeals:

(i) Teachers who appeal shall present a rationale and evidence to support their request to have their residency certificates renewed.

(ii) The state board of education, or its designated appeals committee, in making its decision shall determine the length of the renewal and may establish specific conditions (such as course work requirements) as prerequisites for the reissuance of the residency certificate.

(2) Professional certificate. A professional certificate may be renewed for additional seven year periods. Prior to August 31, 2000, the state board of education will establish requirements for renewal of the professional certificate.

#### NEW SECTION

**WAC 180-79A-515 Academic requirements for certification—Teachers.** Candidates for teachers' certificates shall complete the following requirements in addition to those set forth in WAC 180-79A-150.

(1) Residency. Candidates for the residency certificate shall hold an approved baccalaureate degree from a regionally accredited college or university: *Provided*, That if the approved baccalaureate degree is in early childhood education, elementary education, or special education, the candidate also must have at least thirty quarter hours (twenty semester hours) in one of the academic fields listed in WAC 180-79A-302 (3)(a) through (e) and (4).

(2) Professional.

(a) Candidates for the professional certificate shall have completed a state board of education approved, collaboratively developed program, pursuant to WAC 180-78A-300 through 180-78A-365.

(b) Candidates who apply for a professional certificate who have not successfully completed course work or an in-service program including a minimum of ten clock hours of instruction on issues of abuse, must complete such course work or in-service program as a condition for the issuance of a continuing certificate. The content of the course work or in-service program shall discuss the identification of physical, emotional, sexual, and substance abuse, information on the impact of abuse on the behavior and learning abilities of students, discussion of the responsibilities of a teacher to report abuse or provide assistance to students who are the victims of abuse, and methods for teaching students about abuse of all types and their prevention.

(c) Candidates for a professional certificate shall have been granted at least two subject area endorsements.

#### NEW SECTION

**WAC 180-79A-517 Experience requirement for professional certification—Teachers.** In addition to the academic requirements specified in WAC 180-79A-515(2), candidates for professional teachers' certificates shall provide, as a condition for the issuance of a professional certificate, documentation that they have completed provisional status with a school district under RCW 28A.405.220 or the equivalent with an approved private school.

#### NEW SECTION

**WAC 180-79A-520 Requirements for certification for administrators and education staff associates under the performance-based certification system.** Academic and experience requirements, as well as applicable conditions, for residency and professional certificates for administrators and educational staff associates shall be approved by the state board of education prior to August 31, 2000.

#### REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 180-75-003	Authority.
WAC 180-75-005	Purpose.
WAC 180-75-016	Equivalency of standards.

PERMANENT

WAC 180-75-017	Denial of recommendation for certification or endorsement by approved professional preparation training institutions.	WAC 180-79-063	Approved masters degree—Definition.
WAC 180-75-045	Certificate validity.	WAC 180-79-065	Initial and continuing certificates—Applicable conditions.
WAC 180-75-047	Uniform expiration date.	WAC 180-79-075	Certificate endorsement.
WAC 180-75-048	Validity date.	WAC 180-79-080	Authorized endorsements for teachers.
WAC 180-75-050	Certificate required.	WAC 180-79-086	Minimum preparation for endorsements for teachers.
WAC 180-75-055	Types of certificates.	WAC 180-79-115	Academic requirements for certification—Teachers.
WAC 180-75-060	Certificate replacement.	WAC 180-79-117	Experience requirement for continuing certification—Teachers.
WAC 180-75-061	Application for certification.	WAC 180-79-120	Academic requirements for certification—Administrators.
WAC 180-75-065	Fee for certification.	WAC 180-79-121	Academic requirements for certification—School nurse, school occupational therapist, school physical therapist and school speech-language pathologist or audiologist.
WAC 180-75-070	Use of fee for certification.	WAC 180-79-122	Experience requirement for initial endorsement—Principals.
WAC 180-75-082	Good moral character and personal fitness—Necessary supporting evidence by applicants.	WAC 180-79-123	Experience requirement for continuing certification—Administrators.
WAC 180-75-085	General requirements—Teachers, administrators, educational staff associates.	WAC 180-79-124	Child abuse course work requirement for continuing certification—Administrators.
WAC 180-75-087	Reinstatement of certificates.	WAC 180-79-125	Academic requirements for certification—School counselors, school psychologists, and school social workers.
WAC 180-75-088	Renewal of certificate.	WAC 180-79-126	Child abuse course work requirement for continuing certification—Educational staff associate.
WAC 180-75-089	Teacher exchange permits.	WAC 180-79-127	Experience requirement for continuing certification—ESAs.
WAC 180-75-090	Temporary permits.	WAC 180-79-128	Supervised experience requirement for continuing certification.
WAC 180-75-091	Affidavits from applicants.	WAC 180-79-230	Limited certificates.
WAC 180-75-092	Other affidavits from applicants and certificate holders.	WAC 180-79-236	Instructional specialist certificate.
WAC 180-75-100	Certification of out-of-state trained educational personnel—Interstate educational personnel contracts.	WAC 180-79-241	Internship certificate.
WAC 180-75-110	Study of educational staff associate certification.	WAC 180-79-245	Out-of-state candidates.
		WAC 180-79-247	Establishing equivalency for course work, degrees and programs completed in countries outside the United States.
		WAC 180-79-300	Subject area endorsement recommendations by colleges and universities.
		WAC 180-79-303	Endorsement by examination.
		WAC 180-79-305	Subject area endorsements through SPI.
		WAC 180-79-311	Specialty areas of study.
		WAC 180-79-312	Award of college or university credit hours for experience.

**REPEALER**

The following sections of the Washington Administrative Code are repealed:

WAC 180-79-003	Authority.		
WAC 180-79-005	Purpose.		
WAC 180-79-010	Definitions.		
WAC 180-79-031	State board of education 1997 teacher certification policy.		
WAC 180-79-032	Public policy purposes of state board of education 1997 certification policy.		
WAC 180-79-035	Washington advisory council for professional teaching standards—Selection.		
WAC 180-79-041	Washington advisory council for professional teaching standards—Duties.		
WAC 180-79-045	Certificates—Previous standards.		
WAC 180-79-047	Conversion to new standards.		
WAC 180-79-049	Professional preparation program requirement for certification.		
WAC 180-79-060	Levels of certificates.		
WAC 180-79-062	Approved baccalaureate degree—Definition.		

WAC 180-79-315	In-service in lieu of college and university credit hours.	WAC 180-79-372	Mathematics—Subject area endorsement.
WAC 180-79-317	Evaluation of in-service in lieu of college and university credit hours by PEAC.	WAC 180-79-374	Music—Broad subject area endorsement.
WAC 180-79-320	Agriculture—Subject area endorsement.	WAC 180-79-376	Choral music—Subject area endorsement.
WAC 180-79-322	Anthropology—Subject area endorsement.	WAC 180-79-378	Instrumental music—Subject area endorsement.
WAC 180-79-324	Art—Subject area endorsement.	WAC 180-79-379	Philosophy—Subject area endorsement.
WAC 180-79-326	Bilingual education—Subject area endorsement.	WAC 180-79-380	Physical education—Subject area endorsement.
WAC 180-79-328	Biology—Subject area endorsement.	WAC 180-79-382	Physics—Subject area endorsement.
WAC 180-79-330	Business education—Subject area endorsement.	WAC 180-79-384	Political science—Subject area endorsement.
WAC 180-79-332	Chemistry—Subject area endorsement.	WAC 180-79-386	Psychology—Subject area endorsement.
WAC 180-79-333	Comparative religion—Subject area endorsement.	WAC 180-79-388	Reading—Subject area endorsement.
WAC 180-79-334	Instructional technology—Subject area endorsement.	WAC 180-79-390	Science—Broad subject area endorsement.
WAC 180-79-336	Designated foreign language—Subject area endorsement.	WAC 180-79-392	Sociology—Subject area endorsement.
WAC 180-79-338	Drama—Subject area endorsement.	WAC 180-79-394	Social studies—Broad subject area endorsement.
WAC 180-79-340	Early childhood education, regular—Subject area endorsement.	WAC 180-79-396	Special education—Subject area endorsement.
WAC 180-79-342	Early childhood education, special education—Subject area endorsement.	WAC 180-79-398	Speech—Subject area endorsement.
WAC 180-79-344	Earth science—Subject area endorsement.		
WAC 180-79-346	Economics—Subject area endorsement.		
WAC 180-79-348	Elementary education—Subject area endorsement.		
WAC 180-79-350	English—Subject area endorsement.		
WAC 180-79-352	English as a second language—Subject area endorsement.		
WAC 180-79-354	English/language arts—Broad subject area endorsement.		
WAC 180-79-356	Geography—Subject area endorsement.		
WAC 180-79-358	Health—Subject area endorsement.		
WAC 180-79-360	History—Subject area endorsement.		
WAC 180-79-362	Home and family life education (formerly home economics)—Subject area endorsement.		
WAC 180-79-364	Technology education (formerly industrial arts)—Subject area endorsement.		
WAC 180-79-366	Marketing education—Subject area endorsement.		
WAC 180-79-368	Journalism—Subject area endorsement.		
WAC 180-79-370	Learning resources—Subject area endorsement.		





**WSR 97-04-001**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

(Wildlife)

[Order 97-08—Filed January 22, 1997, 1:15 p.m.]

Date of Adoption: January 22, 1997.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order:  
 Repealing WAC 232-28-61900A; and amending WAC 232-28-619.

Statutory Authority for Adoption: RCW 77.12.040.

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; and that state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this Finding: This rule is necessary because reduced numbers of wild steelhead returning to Grays Harbor tributaries would not provide for harvest and allow necessary spawning escapement under the permanent rule. Allocation of hatchery and wild steelhead between treaty and nontreaty fishers occurs after determination of run size and harvest effort. These estimates were completed in November 1996, and coordinated agreement of harvest effort occurred on December 5, 1996. This agreement was reached with the Quinault Indian Nation through the Humptulips and Chehalis rivers steelhead management plans, as required by federal law. These agreements provide that non-Indian impact on wild steelhead would be limited to hooking mortality associated with hatchery fish fishing effort. The wild steelhead release by non-Indians is offset by allocation of a disproportionate share of hatchery fish to the non-Indian sport fishery. Wild steelhead release in minor tributaries of Grays Harbor is to prevent shifting of effort from major tributaries and will allow enforcement of the wild steelhead release rules. There is insufficient time to promulgate permanent rules to provide for implementation of this plan.

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 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, amended 0, repealed 1.

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.

Effective Date of Rule: Immediately.

January 22, 1997

Bern Shanks  
 Director

NEW SECTION

**WAC 232-28-61900E Washington game fish seasons and daily limits-regional regulation exceptions** Notwithstanding the provisions of WAC 232-28-619:

(1) The Humptulips River is closed to fishing for game fish after March 31, 1997 until further notice.

(2) Wild steelhead release is required beginning immediately until further notice in the following waters during all open seasons:

(a) Cloquallum Creek, from mouth to second bridge on Cloquallum Road;

(b) Elk River, from the Highway 105 Bridge upstream;

(c) Hoquiam River (includes all forks);

(d) Humptulips River, from the mouth upstream to the concrete bridge on Forest Service Road between Humptulips Guard Station and Gridale on the East Fork and to the bridge on Forest Service Road # 2204 (about one-half mile above the mouth of Chester Creek on the West Fork;

(e) Johns River (includes North, South Forks);

(f) Wishkah River, from mouth to Cedar Creek;

(g) Wynoochee River, from mouth to 7400 line bridge above the mouth of Schafer Creek; and

(h) Stevens Creek, from mouth to Highway 101 Bridge.

REPEALER

The following section of the Washington Administrative Code is repealed effective immediately.

WAC 232-28-61900A Washington game fish seasons and daily limits-regional regulation exceptions

**WSR 97-04-011**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**  
 (Fisheries)

[Order 97-11—Filed January 24, 1997, 4:13 p.m.]

Date of Adoption: January 24, 1997.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order:  
 Repealing WAC 220-52-07300N; and amending WAC 220-52-073.

Statutory Authority for Adoption: RCW 75.08.080.

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: Harvestable amounts of red sea urchins remain in Sea Urchin Districts 1, 2, and 4. Harvestable amounts of green sea urchins remain in Sea Urchin Districts 3 and 4.

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 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, amended 0, repealed 1.

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.

Effective Date of Rule: Immediately.

January 24, 1997  
 Dirk Brazil  
 Deputy Director  
 for Bern Shanks  
 Director

**NEW SECTION**

**WAC 220-52-07300P Sea urchins.** Notwithstanding the provisions of WAC 220-52-073, effective immediately until further notice, it is unlawful to take or possess sea urchins taken for commercial purposes except as provided for in this section:

(1) **Red sea urchins:** Sea Urchin Districts 1, 2, and 4 are open only on January 27, 1997. The maximum daily landing for a vessel is 500 pounds of red sea urchins in District 4. It is unlawful to harvest red sea urchins larger or smaller than the following size (size in diameter exclusive of the spines):

- (a) Districts 1 and 2                      4.0 minimum to 5.5 maximum inches
- (b) District 4                                3.25 minimum to 5.0 maximum inches

(2) **Green sea urchins:** Sea Urchin Districts 3 and 4 are open only on January 27 and 28, 1997. The minimum size for green sea urchins is 2.25 inches in diameter exclusive of the spines.

(3) **Sea Urchin Districts**

(a) Sea Urchin District 2 (Southern San Juans and Port Townsend) is defined as those waters of Marine Fish/Shellfish Management and Catch Reporting Area 22A south of a line projected east-west one-quarter mile north of Lime Kiln Light on San Juan Island and east of a line projected true north from Limestone Point on San Juan Island, and Areas 21A, 21B, 22B, 23A, 23B, 25A, and 25B. The following areas within Sea Urchin District 2 are closed to the harvest of sea urchins at all times.

(i) Those waters of Haro Strait north of a line projected east-west one half mile south of Eagle Point on San Juan Island and south of a line projected east-west one-quarter mile north of Lime Kiln Light on San Juan Island.

(ii) Those waters of San Juan Channel and Upright Channel within the following lines: north of a line from Cattle Point on San Juan Island to Davis Point on Lopez Island, south of a line projected from Flat Point on Lopez Island true west to Shaw Island, west of a line from Neck Point on Shaw Island to Steep Point on Orcas Island, and

south of a line from Steep Point on Orcas Island to Limestone Point on San Juan Island.

(4) It is unlawful for any person to dive for any purpose from a commercially-licensed fishing vessel, designated for use with a sea urchin fishery license, except vessels actively fishing geoducks under contract with the Washington Department of Natural Resources, on the following dates:

January 25 and 26, 1997.

**Reviser's note:** The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

**REPEALER**

The following section of the Washington Administrative Code is repealed:

WAC 220-52-07300N      Sea urchins (97-07)

**WSR 97-04-013**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**  
 (Fisheries)

[Order 97-10—Filed January 27, 1997, 2:33 p.m.]

Date of Adoption: January 27, 1997.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-33-01000M; and amending WAC 220-33-010.

Statutory Authority for Adoption: RCW 75.08.080.

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: Harvestable numbers of sturgeon are available. This season is consistent with actions of the January 24, 1997, Columbia River Compact hearing, and will allow a directed sturgeon fishery while providing protection for salmon. There is insufficient time to promulgate permanent rules in order to access the commercial sturgeon allocation and maximize economic benefits.

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 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, amended 0, repealed 1.

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.

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Effective Date of Rule: Immediately.

January 27, 1997  
Evan Jacoby  
for Bern Shanks  
Director

(c) Cowlitz  
(d) Kalama-A  
(e) Lewis-A  
(f) Washougal  
(g) Sandy Creek

## NEW SECTION

**WAC 220-33-01000M Columbia River seasons below Bonneville.** Notwithstanding the provisions of WAC 220-33-010, 220-33-020, and 220-33-030, it is unlawful for a person to take or possess salmon, or sturgeon taken for commercial purposes from Columbia River Salmon Management and Catch Reporting Areas 1A, 1B, 1C, 1D, and 1E, except as provided in the following subsections:

### **FISHING PERIODS**

(1) Noon Monday January 27 to 6:00 p.m. Tuesday January 28, Noon Thursday January 30 to 6:00 p.m. Friday January 31, 1997.

(2) Noon Monday February 3 to 6:00 p.m. Tuesday February 4, Noon Thursday February 6 to 6:00 p.m. Friday February 7, 1997.

(3) Noon Monday February 10 to 6:00 p.m. Tuesday February 11, Noon Thursday February 13 to 6:00 p.m. Friday February 14, 1997.

### **GEAR**

(4) It is unlawful to fish for salmon, shad and sturgeon with gill net gear that:

(a) exceeds 1,500 feet in length along the corkline;

(b) is constructed of monofilament webbing;

(c) has webbing with a mesh size of less than 8-3/4 inches or more than 9-3/4 inches; or

(d) has lead or weight on the leadline that exceeds two pounds in any one fathom, measurement to be taken along the corkline of the net.

(5)(a) It is unlawful to gaff sturgeon

(b) White sturgeon less than 48 inches or greater than 60 inches may not be retained for commercial purposes and shall be returned immediately to the water. The length of a sturgeon is the shortest distance between the tip of the nose and the extreme tip of the tail measured while the fish is lying on its side on a flat surface with its tail in a normal position.

(c) Sturgeon must be delivered to wholesale dealers and fish buyers undressed (in the round).

(d) It is unlawful for a wholesale dealer or fish buyer to possess a sturgeon from which the head and/or tail have been removed if the remaining carcass is less than 28 inches in length. A carcass length of less than 28 inches is prima facie evidence that the total length of the whole sturgeon was less than 48 inches.

(e) It is unlawful to sell unprocessed eggs from lower Columbia sturgeon.

### **SANCTUARIES**

(6) During the season provided for in subsection 1 of this section, the following sanctuaries, as defined in WAC 220-33-005, are closed to fishing:

(a) Grays Bay

(b) Elokomina-A

**Reviser's note:** The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

## REPEALER

The following section of the Washington Administrative Code is repealed effective 6:01 p.m. February 14, 1997:

WAC 220-33-01000M Columbia River seasons below Bonneville.

**WSR 97-04-014**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**  
(Fisheries)

[Order 97-12—Filed January 27, 1997, 2:35 p.m.]

Date of Adoption: January 27, 1997.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order:  
Amending WAC 220-33-040.

Statutory Authority for Adoption: RCW 75.08.080.

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 harvestable allocation to the Lower Columbia River commercial smelt fishery is less than anticipated in the permanent rules, and conservation of the resource is needed to provide spawning escapement. This rule conforms with recommendations of the Columbia River Compact. There is insufficient time to enact permanent rules to protect the smelt resource.

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 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, 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.

Effective Date of Rule: Immediately.

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January 27, 1997  
Evan Jacoby  
for Bern Shanks  
Director

**NEW SECTION**

**WAC 220-33-04000C Smelt seasons---Lower Columbia River and tributaries.** Notwithstanding the provisions of WAC 220-33-040, effective immediately until further notice it is unlawful to commercially fish for smelt in the Lower Columbia River as defined in WAC 220-16-400 except as provided for in this section:

- (1) Lower Columbia River tributaries are open only:  
6:00 a.m. January 28 through 6:00 p.m. January 29;  
6:00 a.m. February 4 through 6:00 p.m. February 5; and  
6:00 a.m. February 11 through 6:00 p.m. February 12, 1997.
- (2) The mainstem of the Lower Columbia River is open only:  
6:00 a.m. January 30 through 6:00 p.m. January 31;  
6:00 a.m. February 6 through 6:00 p.m. February 7; and  
6:00 a.m. February 13 through 6:00 p.m. February 14, 1997.
- (3) Except for the seasons provided for in this section, all other provisions of WAC 220-33-040 remain in effect.

**WSR 97-04-020**  
**EMERGENCY RULES**  
**DEPARTMENT OF AGRICULTURE**  
[Order 6014—Filed January 28, 1997, 1:57 p.m.]

Date of Adoption: January 28, 1997.

Purpose: To prevent economic loss to the ginseng industry by continuing the ginseng management program established by emergency rule and recognized by the United States Fish and Wildlife Service which has federal oversight through the Endangered Species Act. This allows the 1996 crop of cultivated ginseng to be marketed and exported from Washington state while the provisions of a permanent rule are discussed with the ginseng industry and the United States Fish and Wildlife Service.

Statutory Authority for Adoption: Chapter 15.17 RCW.

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: This rule must be in place and approved by the United States Fish and Wildlife Service in order for the ginseng industry in the state of Washington to continue to export product from the 1996 harvest. If the ginseng industry is unable to export, they will suffer significant economic loss. Due to the potential economic losses that could occur without this rule is in place, the Department of Agriculture is instituting this emergency rule, so the public welfare is served and will not be harmed.

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 0, repealed 0.

Number of Sections Adopted at 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.

Effective Date of Rule: Immediately.

January 28, 1997  
James M. Jesernig  
Director

**Rules Relating to Ginseng Management**

**NEW SECTION**

**WAC 16-695-005 Purpose.** These rules are promulgated under Chapter 34.05 RCW to establish standards and administer a ginseng management program. This program will promote the production and export of cultivated ginseng and prohibit acts detrimental to the survival of the indigenous wild ginseng population. These rules shall regulate the sale and export of ginseng, establish a registration program for dealers and growers, and provide for the certification of cultivated American ginseng by the Washington State Department of Agriculture. These rules are recognized by the United States Fish and Wildlife Service.

**NEW SECTION**

**WAC 16-695-010 Definitions.** The following definitions shall apply:

- (1) "Cultivated ginseng" means any part of a ginseng plant that is growing or grown in managed beds under artificial or natural shade and cultivated according to recognized ginseng horticultural practices. Cultivated ginseng includes woodsgrown ginseng.
- (2) "Dealer" means anyone who buys ginseng for resale, or grows and sells it for export. This definition does not apply to persons who buy ginseng solely for the purpose of final retail sale to consumers in the United States.
- (3) "Dealer registration" means an annual registration issued by the department authorizing a dealer to buy, collect, or otherwise acquire ginseng roots for resale or export from this state.
- (4) "Department" means the Washington state department of agriculture.
- (5) "Director" means the director of the department or his duly appointed representative.
- (6) "Dry weight" means the weight in pounds and ounces of harvested or collected ginseng root that is dried and is no longer viable.
- (7) "Export" means export outside the boundaries of the United States.
- (8) "Out-of-state ginseng" means ginseng that is grown or originated outside the state of Washington.
- (9) "Ginseng" means any and all parts of the plant known as American ginseng (*Panax quinquefolius L.*) including but not limited to: plants, whole roots, essentially

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intact roots, root chunks, slices, seeds, and tissue. This definition does not apply to processed products, seed, tissue cultures obtained in vitro, or live seedlings (within one year of germination) of ginseng not intended for export. This definition includes live seedlings intended for export.

(10) "Green ginseng" means a ginseng root from which the moisture has not been removed by drying.

(11) "Green weight" means the weight in pounds and ounces of freshly harvested or collected ginseng root that is not dried and is still viable.

(12) "Grower" means a person who grows "cultivated," "wild simulated" and or "woodsgrown" ginseng, and sells it to a dealer.

(13) "Grower registration" means an annual registration issued by the department which enables a grower to sell cultivated ginseng that the grower has produced.

(14) "Person" means any individual, firm, partnership, corporation, company, society, association or other business entity, and every officer, agent or employee thereof, agency or organized group of persons whether or not incorporated

(15) "Wild ginseng" means ginseng growing naturally within its native range.

(16) "Wild simulated ginseng" means cultivated ginseng grown in a wooded site where wild ginseng is not established.

(17) "Woodsgrown ginseng" means ginseng grown in managed beds under natural shade.

#### NEW SECTION

**WAC 16-695-015 Collection of wild ginseng.** No grower's or dealer's registration will be issued for the collection, sale or distribution of wild ginseng for the purpose of sale or distribution.

#### NEW SECTION

**WAC 16-695-020 Dealers and growers—Annual registration with the Department — Requirements.** Dealer and growers must register with the Washington State Department of Agriculture, and the following requirements apply. (1) No person may act as a dealer without first registering with the department. Registration shall be made annually on a form provided by the department and will expire on December 31 of each year. The department will assign a registration number to each person registered under this subsection.

(2) No person shall act as a grower without first registering with the department. Registration shall be made annually on a form provided by the department and will expire on December 31 of each year. The department will assign a registration number to each person registered under this subsection.

(3) Any person who acts as a dealer and a grower must register as both.

#### NEW SECTION

**WAC 16-695-025 Grower records.** A grower selling cultivated ginseng shall do all of the following when selling to a dealer:

(a) Provide a record of sale containing all of the following information to a dealer:

- (i) Grower's name and address;
- (ii) Grower's registration number;
- (iii) Ginseng certificate number;
- (iv) Dry weight;
- (v) Year harvested;
- (vi) Date of transaction;
- (b) Certify that the ginseng was grown in Washington State. The certification shall be in the form prescribed by the director;
- (c) Maintain records of all ginseng production and sales;
- (d) Maintain records of the location and dimensions of and all management activities applied to any woodsgrown ginseng beds;

**Reviser's note:** The typographical errors in the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

#### NEW SECTION

**WAC 16-695-030 Dealer records.** Dealers shall keep true and accurate records of transactions, including both sales and purchase records, in a format prescribed by the director herein. (1) Purchase records shall include:

- (a) Dealer's Name;
- (b) Dealer's registration number;
- (c) Dealer's address;
- (d) Grower/seller name;
- (e) Grower/seller registration number;
- (f) Ginseng weight in pounds and ounces;
- (g) Designation of green or dry ginseng;
- (h) Designation of wild or cultivated ginseng;
- (i) Harvest year of ginseng;
- (j) Date of transaction;
- (2) Sales records shall include the following information:

- (a) Dealer's name;
- (b) Dealer's registration number;
- (c) Dealer's address;
- (d) Buyer's name;
- (e) Buyer's registration number;
- (f) Ginseng weight in pounds and ounces;
- (g) Designation of green or dry ginseng;
- (h) Designation of wild or cultivated ginseng;
- (i) Harvest year;
- (j) Date of transaction.

**Reviser's note:** The typographical errors in the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

#### NEW SECTION

**WAC 16-695-035 Out-of-state ginseng.** (1) No dealer may purchase, receive or import out-of-state ginseng unless it is accompanied by a valid certificate of origin issued by the state or country of origin. The certificate must include the state or country of origin, the source (wild or cultivated), year of harvest, and dry weight of the out-of-state ginseng.

(2) The dealer shall retain for a period of three years a copy of each written certificate of origin received.

(3) If a dealer receives ginseng not accompanied by a valid certificate of origin, the uncertified ginseng must be returned within 30 days to the state or country of origin.

Failure to do so shall render the ginseng illegal for commerce.

NEW SECTION

**WAC 16-695-040 Selling and/or shipping of ginseng - certificates.** (1) Except as described in subsection (6) of this section, no person shall sell or ship ginseng out-of-state or export Washington grown ginseng unless it is accompanied by a valid certificate of origin issued by the Washington State Department of Agriculture, which contains the following information:

- (a) State of origin;
- (b) Serial number of certificate;
- (c) Dealer's and grower's state registration number;
- (d) Dealer's and grower's shipment number for that harvest season;
- (e) Year of harvest of ginseng being certified;
- (f) Designation as wild or artificially propagated roots or plants;
- (g) Designation as dried or fresh (green) roots, or live plants;
- (h) Weight of roots or plants (or number of plants) separately expressed both numerically and in writing;
- (i) Verified statement by Washington State Department of Agriculture ginseng official that the ginseng was obtained in that state in accordance with the state law of that harvest year;

(j) Name and title of the Washington State Department of Agriculture certifying official;

(k) Date of certification;

(l) Signature of dealer and Washington State Department of Agriculture official making certification;

(2) Certificates are issued by the Washington State Department of Agriculture in triplicate. The original is designated for the dealer's use in commerce; the first copy is for the dealer's records; and the second copy is retained by the Washington State Department of Agriculture for reference.

(3) No person shall export ginseng grown in Washington using an out-of-state issued certificate.

(4) A certificate is valid for ginseng harvested within the same registration year that the certificate was issued (also see WAC 16-695-050).

(5) Certificates of origin shall not be issued for wild ginseng.

(6) Subsection (1) of this section shall not apply to a person who sells or ships cultivated ginseng out-of-state to a person who is buying or receiving it solely for the purpose of final retail sale to consumers in the United States, if the person selling or shipping keeps a record which includes:

- (a) Name and address of the buyer or receiver;
- (b) Weight of the ginseng in pounds and ounces;
- (c) Date of the sale or shipment;
- (d) Location of harvest of the ginseng;
- (e) Year of harvest of the ginseng

NEW SECTION

**WAC 16-695-045 Maintaining separate lots of ginseng.** Dealers shall maintain separation between lots of out-of-state ginseng and that harvested in Washington until

a certificate of origin has been issued for the ginseng harvested in the state.

NEW SECTION

**WAC 16-695-050 Dealer and/or grower holding ginseng after March 31 of the year.** Any grower or dealer holding ginseng after March 31 of the year after harvest must notify the Department. The Department will inspect the ginseng and provide an official receipt of the weight of the remaining ginseng. Any future certification of this ginseng will be issued referencing this weight receipt.

NEW SECTION

**WAC 16-695-055 Inspection or submission of records.** (1) All records required to be kept under this chapter must be made available to the Washington State Department of Agriculture upon request for audit, inspection, and/or copying.

(2) Pursuant to the authority provided in chapter 15.17 RCW, the department shall not disclose information obtained regarding purchases, sales, or production of an individual American ginseng dealer, except for providing reports to the United States Fish and Wildlife Service. This information is exempt from public disclosure required by chapter 42.17 RCW.

NEW SECTION

**WAC 16-695-060 Export procedures.** Valid Federal CITES documents are necessary to export ginseng.

NEW SECTION

**WAC 16-695-065 Fees—Hourly, overtime.** Fees shall be charged sufficient to cover the department's cost of implementing this chapter. (1) Ginseng certification activities shall be provided at an hourly and overtime rate. The overtime rate shall apply for service provided subsequent to a regularly scheduled eight-hour week day shift or on Saturdays, Sundays, and state legal holidays. No service will be performed on Thanksgiving Day, Christmas Day or New Years Day, beginning at 5:00 p.m., on the previous day.

(2) Charges shall be for a minimum of one hour. Additional time shall be charged in one-half hour increments.

NEW SECTION

**WAC 16-695-070 Schedule of fees and charges.** The following schedule for ginseng certification activities shall apply:

- (1) Certificate, each ..... \$25.00
- (2) Hourly rate ..... \$28.00
- (3) Overtime rate ..... \$42.00
- (4) Travel time at the appropriate hourly or overtime rate shall be assessed.

(5) Mileage and per diem shall be charged at the rate established by the state office of financial management.

(6) Postage and other miscellaneous costs shall be charged back at actual cost.

EMERGENCY

(7) Certification activities shall include auditing dealers records of the production, sales and storage of ginseng, and issuing certificates.

**NEW SECTION**

**WAC 16-695-075 Unlawful activities.** A person shall not do any of the following:

- (1) Fail to maintain all required records.
- (2) Buy, otherwise acquire, or possess uncertified ginseng, which is required by this chapter to be certified.
- (3) Export uncertified ginseng from this state.
- (4) Possess ginseng originating from another state without authorization from the state of origin.
- (5) Violate Chapter 15.17 RCW or any rule promulgated thereunder, or any lawful order of the director.
- (6) Knowingly provide incorrect or false information on a registration application, report, certificate of origin, or other document required under this act.
- (7) Provide a purchaser with a record of sale for more ginseng than is actually sold or otherwise exchanged.

**NEW SECTION**

**WAC 16-695-080 Enforcement actions.** (1) The director may take any enforcement action authorized by Chapter 15.17 RCW.

(2) Upon determination that an applicant or registered ginseng dealer or grower has violated this chapter, and after following the notice and hearing requirements and provisions of chapter 34.05 RCW concerning adjudicative proceedings, the director of the department may deny, suspend, or revoke any registration or application for registration.

**WSR 97-04-045  
EMERGENCY RULES  
DEPARTMENT OF  
FISH AND WILDLIFE  
(Fisheries)**

[Order 97-09—Filed January 31, 1997, 10:55 a.m., effective February 8, 1997, 12:01 p.m.]

Date of Adoption: January 29, 1997.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-56-36000T; and amending WAC 220-56-360.

Statutory Authority for Adoption: RCW 75.08.080.

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: Razor clam harvest is below expected and there are adequate clams left in the total allowable catch (TAC) in that portion of Razor Clam Area 1 opened for harvest.

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 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, amended 0, repealed 1.

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.

Effective Date of Rule: February 8, 1997, 12:01 p.m.

January 27, 1997

Dirk Brazil

for Bern Shanks

Director

**NEW SECTION**

**WAC 220-56-36000T Razor clams.** Notwithstanding the provisions of WAC 220-56-360, it is unlawful to dig for or possess razor clams taken for personal use from any beach in Razor Clam Areas 1, 2, 3 except as provided for in this section:

(1) Razor clam digging is allowed from 12:01 p.m. through 11:59 p.m. in Razor Clam Area 1 on the following days:

February 8, 1997

March 8, 1997

(2) It is unlawful to dig for razor clams at any time in Long Beach, Twin Beach or Copalis Beach Clam Sanctuaries defined in WAC 220-56-372.

**REPEALER**

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. March 9, 1997:

WAC 220-56-36000T Razor clams.

**WSR 97-04-046  
EMERGENCY RULES  
DEPARTMENT OF  
FISH AND WILDLIFE  
(Fisheries)**

[Order 97-13—Filed January 31, 1997, 10:58 a.m., effective February 3, 1997, noon]

Date of Adoption: January 31, 1997.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-32-05100X; and amending WAC 220-32-051.

Statutory Authority for Adoption: RCW 75.08.080.

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: Harvestable numbers of sturgeon are available in the Columbia River between Bonneville and McNary dams. This rule is consistent with the recommendations of the Columbia River Compact meeting of January 24, 1997, and sturgeon management task force catch guidelines.

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 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, amended 0, repealed 1.

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.

Effective Date of Rule: February 3, 1997, noon.

January 31, 1997

Dirk Brazil

for Bern Shanks

Director

#### NEW SECTION

**WAC 220-32-05100X Columbia River salmon seasons above Bonneville.** (1) Notwithstanding the provisions of WAC 220-32-051, and 220-32-052, 220-32-053, 220-32-056, 220-32-057, and 220-32-058, effective immediately, it is unlawful for a person to take or possess salmon, shad or sturgeon taken for commercial purposes from Columbia River Salmon Management and Catch Reporting Areas (SMCRA) 1F, 1G or 1H, except those individuals possessing treaty fishing rights under the Yakama, Warm springs, Umatilla or Nez Perce treaties may fish or possess salmon, sturgeon and shad under the following provisions:

(a) Open Periods:

Noon February 3 to Noon February 8;  
Noon February 10 to Noon February 15;  
Noon February 17 to Noon February 22;  
Noon February 24 to 4:00 p.m. March 1,  
Noon March 3 to 4:00 p.m. March 8,  
Noon March 10 to 4:00 p.m. March 15;  
Noon March 17 to 4:00 p.m. March 21, 1997.

(b) Open Area: SMCRA 1F, 1G, and 1H

(c) Mesh: No mesh restriction

(2) Notwithstanding the provisions of WAC 220-32-058, closed areas at the mouth of:

(a) Hood River is those waters along the Oregon side of the Columbia River and extends to mid-stream at right angles to the thread of the Columbia River between markers located approximately 0.85 miles downriver from the west bank at the end of the break wall at the west end of the port of Hood River and 1/2 mile upriver from the east bank.

(b) Herman Creek is those waters upstream from a line between deadline markers near the mouth. One marker is

located on the east bank piling and the other is located on the west bank to the north of the boat ramp.

(c) Deschutes River is those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between point one-half mile upstream from the eastern shoreline to one mile downstream from the western shoreline.

(d) Umatilla River is those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between points one-half mile upstream from the eastern shoreline to one mile downstream from the western shoreline.

(e) Big White Salmon River is those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between a marker located one-half mile downstream from the west bank upstream to light "35".

(f) Wind River is those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between markers located 1 1/4 miles downstream from the west bank and 1/2 mile upstream from the east bank.

(g) Klickitat River is those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between the downstream margin of Lyle Landing downstream to a marker located near the railroad tunnel approximately 1/8 miles downstream from the west bank.

(h) Little White Salmon River is those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia river between Light "27" upstream to a marker located approximately one-half mile upstream from the eastern shoreline.

(3) Notwithstanding the provisions of WAC 220-22-010, during the open periods in subsection (1):

(a) Area 1F (Bonneville Pool) includes those waters of the Columbia River upstream from the Bridge of Gods, and downstream from the west end of the 3 mile rapids located approximately 1.8 miles below the Dalles Dam.

(b) Area 1G includes those waters of the Columbia River upstream from a line drawn between deadline marker on the Oregon shore located approximately 3/4 mile above the Dalles Dam fishway exit, thence at a right angle to the thread of the river to a point in midriver, then downstream to Light "1" on the Washington shore, and downstream from Preacher's Eddy light below John Day Dam.

(c) Area 1H includes those waters of the Columbia River upstream from a fishing boundary marker approximately one-half mile above the John Day River, Oregon, extending at a right angle across the thread of the river to a point in midriver, then downstream to a fishing boundary marker on the Washington shore approximately opposite the mouth of the John Day River, and downstream from a line at a right angle across the thread of the river one mile downstream from McNary Dam.

#### REPEALER

The following section of the Washington Administrative Code is repealed effective 4:01 p.m. March 21, 1997:



WAC 220-32-05100X

Columbia River salmon seasons above Bonneville.

kitchens and living quarters, must be at least 30 foot-candles 30 inches from the floor.

**WSR 97-04-048  
EMERGENCY RULES  
DEPARTMENT OF  
LABOR AND INDUSTRIES**  
[Filed January 31, 1997, 1:55 p.m.]

Date of Adoption: January 31, 1997.

Purpose: Agriculture, chapter 296-306A WAC, adoption of this amendment corrects an inadvertent housekeeping error in the original adoption of WAC 296-306A-16013.

Citation of Existing Rules Affected by this Order: Amending WAC 296-306A-16013.

Statutory Authority for Adoption: RCW 49.17.040, [49.17.]050, [49.17.]060.

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: To prevent unintended impact and confusion to the agriculture industry, this emergency adoption corrects an inadvertent error. This rule provides agriculture employees protection equivalent to that of employees in general industry.

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 0, repealed 0.

Number of Sections Adopted at 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.

Effective Date of Rule: Immediately.

January 31, 1997  
Gary Moore  
Director

**AMENDATORY SECTION** (Amending WSR 96-22-048, filed 10/31/96, effective 12/1/96)

**WAC 296-306A-16013 What lighting must an employer provide in camp buildings?** Where electric service is available, each habitable room in a camp must have at least one ceiling-type light fixture and at least one separate floor-type or wall-type convenience outlet. Laundry and toilet rooms and rooms where people congregate must have at least one ceiling-type or wall-type fixture. Light levels in toilet and storage rooms must be at least 20 foot-candles 30 inches from the floor. Other rooms, including

**WSR 97-04-049  
EMERGENCY RULES  
DEPARTMENT OF  
FISH AND WILDLIFE**  
(Fisheries)

[Order 97-14—Filed January 31, 1997, 2:25 p.m.]

Date of Adoption: January 31, 1997.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-52-07300P; and amending WAC 220-52-073.

Statutory Authority for Adoption: RCW 75.08.080.

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: Harvestable amounts of red sea urchins remain in Sea Urchin District 4. Harvestable amounts of green sea urchins remain in Sea Urchin Districts 3 and 4.

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 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, amended 0, repealed 1.

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.

Effective Date of Rule: Immediately.

January 31, 1997  
Jack Needham  
for Bern Shanks  
Director

**NEW SECTION**

**WAC 220-52-07300Q Sea urchins.** Notwithstanding the provisions of WAC 220-52-073, effective immediately until further notice, it is unlawful to take or possess sea urchins taken for commercial purposes except as provided for in this section:

(1) **Red sea urchins:** Sea Urchin District 4 is open only on February 3, 1997. The maximum daily landing for a vessel is 500 pounds of red sea urchins in District 4. It is unlawful to harvest red sea urchins larger or smaller than the following size (size in diameter exclusive of the spines): Size limit is 3.25 minimum to 5.0 maximum inches.

EMERGENCY

(2) **Green sea urchins:** Sea Urchin Districts 3 and 4 are open only on February 3, 4, 5, and 6, 1997. The minimum size for green sea urchins is 2.25 inches in diameter exclusive of the spines.

(3) It is unlawful for any person to dive for any purpose from a commercially-licensed fishing vessel, designated for use with a sea urchin fishery license, except vessels actively fishing geoducks under contract with the Washington Department of Natural Resources, on the following dates:

February 1 and 2, 1997.

**REPEALER**

The following section of the Washington Administrative Code is repealed:

WAC 220-52-07300P Sea urchins (97-11)

**WSR 97-04-050  
EMERGENCY RULES  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES  
(Economic Services)  
(Public Assistance)**

[Filed January 31, 1997, 4:50 p.m.]

**Purpose:** To comply with federal requirement that temporary assistance to needy families (TANF) be denied to (1) fugitive felons and violators of probation and parole, and (2) unmarried minor parents who have not completed a high school education and are not participating in activities leading to the attainment of a high school diploma or equivalent.

**Citation of Existing Rules Affected by this Order:** Amending WAC 388-215-1000 Summary of eligibility conditions.

**Statutory Authority for Adoption:** RCW 74.08.090, 74.04.050, and 74.04.055.

Under RCW 34.05.350 the agency for good cause finds that state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

**Reasons for this Finding:** In order to secure federal funding for the state of Washington's TANF program beginning January 10, 1997, the state must comply with the federal requirements of Public Law 104-193 which denies TANF benefits to (1) fugitive felons and violators of probation and parole, and (2) unmarried minor parents who have not completed a high school education and are not participating in educational activities leading to the attainment of a high school diploma or equivalent.

**Number of Sections Adopted in Order to Comply with Federal Statute:** New 0, amended 1, repealed 0; **Federal Rules or Standards:** New 0, amended 0, repealed 0; **Recently Enacted State Statutes:** New 0, amended 0, repealed 0.

**Number of Sections Adopted at 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.

**Effective Date of Rule:** Immediately.

January 31, 1997

Merry A. Kogut, Manager  
Rules and Policies Assistance Unit

**AMENDATORY SECTION** (Amending Order 3860, filed 6/28/95, effective 7/29/95)

**WAC 388-215-1000 Summary of eligibility conditions.** (1) The department shall grant AFDC on behalf of a child who:

(a) Meets the age requirements under WAC 388-215-1025; and

(b) Is living in the home of a relative of specified degree including a parent or another relative as defined under WAC 388-215-1050 through 388-215-1080. For temporary absences, see WAC 388-215-1100 through 388-215-1110; and

(c) Is a citizen or an alien lawfully admitted for permanent residence or otherwise permanently residing in the United States (see WAC 388-215-1200); and

(d) Is a resident of the state of Washington, or resides with a parent or other relative who is a resident of the state of Washington (see WAC 388-215-1225); and

(e) Is in financial need (see chapters 388-216 through 388-219 WAC); and

(f) Is deprived of parental support or care because of the death (see WAC 388-215-1300), continued absence (see WAC 388-215-1320 through 388-215-1335), incapacity (see WAC 388-215-1340 through 388-215-1360), or unemployment (see WAC 388-215-1370 through 388-215-1385) of a parent. A parent is a person meeting the criteria in WAC 388-215-1060.

(2) Each client of AFDC shall:

(a) Assign to the division of child support any rights to support in his or her own behalf or in behalf of the other assistance unit members as required under WAC 388-215-1400; and

(b) Cooperate with the division of child support as required under WAC 388-215-1400 through 388-215-1490.

(3) The department shall require each applicant for, or recipient of assistance to furnish a Social Security number as specified in WAC 388-215-1500.

(4) The department shall require adult AFDC recipients or payees to cooperate in a review of eligibility as part of a quality control review as specified in WAC 388-215-1510.

(5) All AFDC applicants and recipients shall be subject to job opportunities and basic skills program (JOBS) participation requirements as specified under WAC 388-215-1520.

(6) All AFDC clients are subject to the rules regarding participation in strikes as specified under WAC 388-215-1540.

(7) Certain AFDC recipients shall return a completed monthly report to the department as required under WAC 388-215-1560.

EMERGENCY

(8) The department shall establish assistance units of children and caretaker relatives eligible for AFDC as specified under WAC 388-215-1600 through 388-215-1620.

(9) The department shall determine eligibility for a minor child applying for oneself as required under WAC 388-215-1650.

(10) The department shall deny temporary assistance to needy families (TANF) to fugitive felons and probation and parole violators as specified under WAC 388-215-1550.

(11) Under TANF, the department shall require unmarried minor parents who have not completed a high school education to participate in educational activities leading to the attainment of a high school diploma or equivalent as specified in WAC 388-215-1650.

**WSR 97-04-056**  
**EMERGENCY RULES**  
**WASHINGTON STATE PATROL**

[Filed February 3, 1997, 1:55 p.m.]

Date of Adoption: January 31, 1997.

Purpose: Amend requirements regarding letters of appointment to provide towing services for the Washington State Patrol. Amend the standard length of vehicles used to calculate basic storage fees for tow businesses.

Citation of Existing Rules Affected by this Order: Amending WAC 204-91A-060 and 204-91A-140.

Statutory Authority for Adoption: RCW 46.37.005 and 46.55.050.

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: Changes will ensure that only persons of good moral character may apply to provide towing service for the state patrol, thereby safeguarding the general public. The amendments will allow the towing industry to store more vehicles in their present impound yards and bring the rule into line with standard vehicle lengths.

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 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 2, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 2, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 2, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: Immediately.

January 31, 1997  
Annette M. Sandberg  
Chief

**AMENDATORY SECTION** (Amending WSR 94-18-083, filed 9/2/94, effective 10/3/94)

**WAC 204-91A-060 Application for letter of appointment.** (1) An application for a letter of appointment will not be considered or approved until the applicant is qualified as a licensed and registered tow truck operator with at least one approved "A" or "B" class tow truck. Additional trucks are optional.

Note: An exception may be made if an operator desires a letter of appointment for class "C" tows only. In such situations, only a class "C" truck is required.

Upon request, the section shall advise the applicant of the contents of the department's regulations and of the standards established for the issuance of a letter of appointment.

(2) An application for a letter of appointment to provide towing service for the patrol shall be filed by the applicant with the local state patrol district office on a form prescribed by the patrol. The state patrol may refuse to approve or may revoke a letter of appointment/contract if the applicant, partner, or employee has been convicted of any class "A" felony, or has within the last ten years been convicted of any lesser felony involving assault, sexual abuse, or theft as defined in RCW 9A.56.030. In the case of a partnership, each partner shall apply on the form prescribed. In the case of a corporation, the patrol may require that each of the present and any subsequent officers, managers, and stockholders holding ten percent or more of the total issued and outstanding stock of the applicant corporation complete an application form. A signed "letter of contractual agreement" listing the maximum tow rates to be charged for services resulting from state patrol originated calls will be attached to the application.

(3) The district commander or designee shall complete tow zone portion of the form. He/she will enter "approved" or "disapproved" and will sign the form next to the zone designation. The application and "letter of contractual agreement" will be forwarded to the section.

(4) The application form will be assigned a docket number, by the section, which shall be its permanent identification number for all matters relating to appointments, granted or denied, and any other correspondence with the section thereafter.

(5) The filing of an application for a letter of appointment does not in itself authorize the operator to provide towing services pursuant to this chapter until a letter of appointment has been issued by the section. However, nothing herein shall prohibit the patrol from calling the towing business upon the specific request of a person responsible for a vehicle or his agent.

**AMENDATORY SECTION** (Amending WSR 89-21-044, filed 10/13/89, effective 11/13/89)

**WAC 204-91A-140 Fees.** (1) All towing fees shall be based on a flat, hourly rate only and shall apply without regard for the hour of day, day of the week or whether the service was performed on a Saturday, Sunday, or holiday.

EMERGENCY

The hourly rate for each class of truck shall be the only charge for services performed for initial tows and secondary tows performed during business hours. Charges for secondary tows performed during nonbusiness hours, on weekends or holidays, if different from the hourly rate, shall be negotiated and agreed upon with the vehicle owner/agent before the tow is made.

(2) The chief of the state patrol shall, prior to October 15 of each year, establish maximum hourly towing rates for each class of tow truck and maximum daily storage rates that tow operators may charge for services performed as a result of state patrol calls. The maximum rates shall be determined after consulting with members of the towing industry, review of current private towing rates, and such other economic factors as the chief may deem appropriate.

When signed by the chief (or his/her designee) and the tow operator, a contractual agreement to charge no more than the maximum rates shall become part of the operator's letter of appointment. The tow operator may, however, adopt a rate schedule charging less than the maximum rates established by the chief.

The hourly rate shall:

(a) Be the only basis used to compute total charges for towing services.

(b) Apply when the call is made by the state patrol, for whatever reason, including but not limited to accidents, incidents, disableds, and impound requests.

(c) Include all ancillary activities such as, but not limited to, removal of glass and debris from the roadway and any other area referred to as the "scene or incident," necessary winching, dolly service, drive line removal, installing chains on the tow truck, installation of portable lights, vehicle hookup for towing or transporting, tire replacement (on vehicle to be towed) and standby time.

(d) Be considered to include one person (the driver) per truck. Any charges for additional labor and/or ancillary vehicles (trailers, pickups, etc.), for removing debris, cargo, etc., must have prior authorization from the legal or registered owner/agent, or a member of the patrol at the scene.

(e) Be computed from the actual time the truck departs in response to a call until it returns to the starting location or it begins responding to another call minus any down time.\* The hourly rate shall be applied to the resulting net time and, after the first hour, shall be rounded to the nearest fifteen minutes. The operator may charge the hourly rate for the first hour or any portion thereof. After the first hour, no more than one-quarter of the hourly rate may be charged for each fifteen minutes of tow or service work performed.

\*Down time includes coffee or meal breaks, personal errands by the operator, and/or any mechanical failure on the truck or equipment.

(3) The basic storage fee:

(a) Shall be calculated on a twenty-four-hour basis and shall be charged to the nearest half day from the time the vehicle arrived at the secure storage area; and

(b) Shall be the same for all three and four-wheel vehicles less than ~~((twenty-five))~~ twenty feet in length; and

(c) For vehicles or combinations exceeding ~~((twenty-five))~~ twenty feet shall be computed by multiplying each ~~((twenty-five))~~ twenty feet of vehicle length, or any portion thereof, by the basic storage fee;

(d) For two-wheel motorcycles shall be one-half the basic storage fee for three and four-wheel vehicles.

(4) After hours release fee. If an operator or employee is already present, for other reasons, at the storage facility after business hours when a customer arrives, the vehicle and/or property shall be released as if it were during business hours. No "after hours fee" may be assessed. If the operator or employee is called to the place of business specifically for the purpose of releasing the vehicle and/or property, an "after hours fee," equivalent to one-half of the maximum Class "A" hourly rate, may be assessed.

(5) Any tow operator who charges the general public (i.e., private citizens) rates lower than those identified in the contractual agreement for services listed below shall charge the same lower rate for similar services performed as a result of state patrol originated calls.

(a) Roadside mechanical service, including fuel transfer, tire and belt changes, etc.;

(b) Disabled vehicle tow/transportation;

(c) Storage;

(d) After hours release fees.

Any such price requirement shall not be imposed for unoccupied vehicle situations in which the owner/operator has had no prior contact with either the state patrol or the tow operator.

**WSR 97-04-002**  
**NOTICE OF PUBLIC MEETINGS**  
**FIRE PROTECTION POLICY BOARD**  
[Memorandum—January 23, 1997]

A special meeting of the Fire Protection Policy Board has been scheduled for February 11-12, 1997, 8 a.m. to 5 p.m., both days, in Olympia:

Fire Protection Policy Board Meeting  
February 11-12, 1997, 8 a.m. to 5 p.m.  
General Administration Building  
1st Floor Auditorium  
11th and Columbia Street  
Olympia, Washington

The agenda for this meeting will include a 95-97 biennium budget expenditure and revenue review, review of RCW related to fire protection, evaluation of bureau program priorities, reevaluation of proposed 97-99 biennium budget, evaluation of information received from clients regarding the state fire marshal position, and discuss "draft" job description for the fire training academy manager.

If you have questions regarding Fire Protection Policy Board meetings, please contact Ms. Pam Williams, Special Assistant, at (360) 753-0453.

**WSR 97-04-003**  
**NOTICE OF PUBLIC MEETINGS**  
**FIRE PROTECTION POLICY BOARD**  
[Memorandum—January 23, 1997]

**1997 MEETING SCHEDULE**

January 16, 1997 10 a.m.	U.S. Forest Service Admin. Office Olympia
March 14, 1997 (FM Roundtable) 9 a.m.	Skamania Lodge Stevenson
May 21, 1997 (FS 97 Conference) 9 a.m.	WestCoast Wenatchee Convention Center
July 17, 1997 10 a.m.	Bellevue Public Safety Training Center
September 18, 1997 10 a.m.	U.S. Forest Service Admin. Office Olympia
November 20, 1997 10 a.m.	Bellevue Public Safety Training Center

For information regarding Fire Protection Policy Board meetings, please contact Pam Williams, Special Assistant, Washington State Patrol, Fire Protection Bureau, at (360) 753-0453.

**WSR 97-04-007**  
**DEPARTMENT OF ECOLOGY**  
[Filed January 24, 1997, 10:46 a.m.]

The Department of Ecology, shorelands and water resources program has scheduled a public hearing for comments on the

proposed grant awards for the flood control assistance account program.

**NOTICE OF PUBLIC HEARING FOR THE  
FLOOD CONTROL ASSISTANCE ACCOUNT PROGRAM**

The Department of Ecology has scheduled a public hearing on Wednesday, April 16, 1997, from 9:00 a.m. to noon, to receive comments on the proposed grant award list for the flood control assistance account program. The hearing will be held at Ecology's Headquarters Building, Room 1S-17, 300 Desmond Drive, Lacey, WA. Ecology is an equal opportunity agency. If you have special accommodation needs, please call Laura Lowe at (360) 407-7255 (voice) or (360) 407-6006 (TDD).

Laura H. Lowe  
Environmental Planner  
Shorelands and Water Resources Program

**WSR 97-04-010**  
**NOTICE OF PUBLIC MEETINGS**  
**INTERAGENCY COMMITTEE**  
**FOR OUTDOOR RECREATION**  
[Memorandum—January 21, 1997]

The Interagency Committee for Outdoor Recreation (IAC) has adopted its meeting schedule for 1997. Dates, locations and preliminary agenda items follow:

March 13	Olympia Natural Resources Building Room 175	Proposed Agenda Items: Legislative and budget updates Washington Wildlife and Recreation Program (WWRP) - discuss simplification of even-year processes National Recreational Trails Fund Act (NRTFA) - process for FFY 97 funds Nonrecreational use of boating facilities program projects Policy manuals and associated administrative rule (WAC) adoption
July 17-18	Yakima Arboretum Gardenview Room	Proposed Agenda Items: Legislative and budget updates Boating facilities program - final approval of state agency projects WWRP - approval of FY 98 projects WWRP - distribution of unallocated funds Policy manuals and associated administrative rule (WAC) adoption Proposed 1998 legislation site visits/field tour

MISCELLANEOUS

September 25-26  
 Olympia  
 Natural Resources Building  
 Room 172  
 Proposed Agenda Items:  
 WWRP - FY 99 distribution recommendations  
 Proposed 1998 legislation  
 Policy manuals and associated administrative rule (WAC) adoption  
 Adopt 1998 meeting schedule

November 13-14  
 Olympia  
 Natural Resources Building  
 Room 172  
 Proposed Agenda Items:  
 Firearms range and recreation program (FARR) funding  
 Nonhighway and off-road vehicle account (NOVA) funding  
 Local agency boating facilities (BFP) funding  
 Boating access report

If you wish to receive quarterly notices or need specific information regarding exact meeting locations or planned agenda items, please write or call the IAC at (360) 902-3000.

**WSR 97-04-015**  
**NOTICE OF PUBLIC MEETINGS**  
**DEPARTMENT OF HEALTH**  
 (Board of Hearing and Speech)  
 [Memorandum—January 23, 1997]

The Board of Hearing and Speech has changed the cancellation of the May 14 and 15, 1997, examination dates, please note changes below:

May 14 and 15, 1997, will be the set dates for the hearing instrument fitter/dispenser examinations.

May 16, 1997, has been canceled as the set date for the hearing instrument fitter/dispenser examination, this date is scheduled for a board meeting in the SeaTac area.

**WSR 97-04-016**  
**NOTICE OF PUBLIC MEETINGS**  
**COMMISSION ON**  
**HISPANIC AFFAIRS**  
 [Memorandum—January 23, 1997]

Please accept this memo as notice of our next public meeting to be held on February 22, 1997, in Moses Lake, Washington. The regular commission meeting will begin at 9:00 a.m., and end at 3:00 p.m.

An agenda can be obtained by calling the Commission on Hispanic Affairs at (360) 753-3159. The public is invited to offer comment at the meeting. Any questions regarding the

meeting, or requests for special accommodations, can be made by calling Paul Winder at the commission.

The next regular commission meeting will take place April 19, in Tri-Cities, Washington.

**WSR 97-04-017**  
**NOTICE OF PUBLIC MEETINGS**  
**DEPARTMENT OF AGRICULTURE**  
 (Hop Commission)  
 [Memorandum—January 22, 1997]

The Washington Hop Commission has changed the date of its next regular meeting, which was previously scheduled for February 18 in Toppenish. The meeting has been rescheduled to February 25 in Mabton.

Interested parties may call the Washington Hop Commission at (509) 453-4749 for the time and site of the meeting.

**WSR 97-04-018**  
**NOTICE OF PUBLIC MEETINGS**  
**UNIVERSITY OF WASHINGTON**  
 [Memorandum—January 23, 1997]

In accordance with RCW 42.30.075, the University of Washington is providing the enclosed meeting schedule(s) for governing bodies of schools, colleges, departments and programs at the university that maintain regular meeting schedules at the UW Public Records Office.

Department of Mechanical Engineering Faculty  
 1997 Notice of Committee Meetings

Please make the following correction to the 1997 Official Notice of Committee Meetings which was filed last month with your office for the Department of Mechanical Engineering:

Add September to the list of months in which there is no meeting. The corrected information should read as follows:

Meeting Dates: First Thursday of each month (except July, August and September: No meetings).

Location: Mechanical Engineering Building Room 134.

Time: 12:30 p.m. - 1:20 p.m.

**Student Activities and Union Facility**

**ASUW Finance Committee**

Meeting Dates	Location	Time
Monday, January 6	204M HUB	3:30
Monday, January 13	204M HUB	3:30
Monday, January 27	204M HUB	3:30
Monday, February 3	204M HUB	3:30
Monday, February 10	204M HUB	3:30
Monday, February 24	204M HUB	3:30
Monday, March 3	204M HUB	3:30
Monday, March 10	204M HUB	3:30

MISCELLANEOUS

**ASUW Personnel Committee**

Meeting Dates	Location	Time
January 7, 1997	HUB 204M	3:30
January 14, 1997	HUB 204M	3:30
January 21, 1997	HUB 204M	3:30
January 28, 1997	HUB 204M	3:30
February 4, 1997	HUB 204M	3:30
February 11, 1997	HUB 204M	3:30
February 18, 1997	HUB 204M	3:30
February 25, 1997	HUB 204M	3:30
March 4, 1997	HUB 204M	3:30
March 11, 1997	HUB 204M	3:30

**GPSS Executive**

Meeting Dates	Location	Time
January 7, 1997	HUB 300	5:30 p.m.
January 22, 1997		
February 5, 1997		
February 26, 1997		
March 5, 1997		
March 19, 1997		

**GPSS Senate**

Meeting Dates	Location	Time
January 8	HUB 310	4:30 p.m.
February 12	HUB 310	4:30 p.m.
March 12	HUB 310	4:30 p.m.
April 9	HUB 310	4:30 p.m.
April 23	HUB 310	4:30 p.m.
May 7	HUB 310	4:30 p.m.

**ASUW Board of Control**

Meeting Dates	Location	Time
January 9, 1997	HUB Room 204M	3:30 p.m.
January 16, 1997	HUB Room 204M	3:30 p.m.
January 23, 1997	HUB Room 204M	3:30 p.m.
January 30, 1997	HUB Room 204M	3:30 p.m.
February 6, 1997	HUB Room 204M	3:30 p.m.
February 13, 1997	HUB Room 204M	3:30 p.m.
February 20, 1997	HUB Room 204M	3:30 p.m.
February 27, 1997	HUB Room 204M	3:30 p.m.
March 6, 1997	HUB Room 204M	3:30 p.m.
March 13, 1997	HUB Room 204M	3:30 p.m.

**Student Technology for Governance Board**

Meeting Dates	Location	Time
January 17, 1997	HUB 204M	1:30 p.m.
January 31, 1997	HUB 204M	1:30 p.m.
February 14, 1997	HUB 204M	1:30 p.m.
February 28, 1997	HUB 204M	1:30 p.m.
March 14, 1997	HUB 204M	1:30 p.m.

**Student Union Facilities Advisory Board (SUFAB)**

Meeting Dates	Location	Time
January 28, 1997	HUB 204N	2:30 p.m.

**Legislative Steering Committee**

Meeting Dates	Location	Time
January 8, 1997	204M	5:00 p.m.
January 15, 1997	204M	5:00 p.m.
January 22, 1997	204M	5:00 p.m.
January 29, 1997	204M	5:00 p.m.
February 5, 1997	204M	5:00 p.m.
February 12, 1997	204M	5:00 p.m.
February 19, 1997	204M	5:00 p.m.
February 26, 1997	204M	5:00 p.m.
March 5, 1997	204M	5:00 p.m.
March 12, 1997	204M	5:00 p.m.
March 19, 1997	204M	5:00 p.m.

**WSR 97-04-019**

**NOTICE OF PUBLIC MEETINGS  
COMMUNITY COLLEGES OF SPOKANE**

[Memorandum—January 23, 1997]

The February 25, 1997, meeting of the board of trustees of Community Colleges of Spokane (Washington State Community College District # 17) has been canceled. The next regularly scheduled meeting is Tuesday, March 18, 1997, at the time and location referenced in WSR 96-22-009.

**WSR 97-04-021**

**POLICY AND INTERPRETIVE STATEMENT  
DEPARTMENT OF  
LABOR AND INDUSTRIES**

[Filed January 28, 1997, 3:49 p.m.]

**POLICY AND INTERPRETIVE STATEMENT**

**Consultation and Compliance**

Discontinuing the practice of issuing a letter certifying exemption from chapter 19.30 RCW, the Farm Labor Contractor Act to individuals working in reforestation activities.

**Contact:** Holly Kemp-Farm Labor Specialist  
Mailstop 4511  
(360) 902-5315

Frank Leuck, Assistant Director  
Consultation and Compliance

WISHA Interim Operations Memorandum # 96-12-A, "Revised Citation Policy Regarding Vertical Food Mixers in Bakeries," provides guidance to WISHA staff regarding the appropriate application of standards in light of current interpretive and enforcement policy. It incorporates and, as necessary, modifies WIM # 96-11-G and WIM # 96-11-H, which are hereby rescinded.

**Contact:** Teri Neely  
Mailstop 4648  
(360) 902-5503

Frank Leuck, Assistant Director  
Consultation and Compliance

WISHA Interim Operations Memorandum # 96-12-B, "Interim Retention of Selected Pre-1996 WISHA Regional

MISCELLANEOUS

Directives," provides a list of pre-1996 WRDs that remain in effect on an interim basis until more formal guidance on these subjects is issued.

**Contact:** Teri Neely  
Mailstop 4648  
(360) 902-5503

Frank Leuck, Assistant Director  
Consultation and Compliance

WISHA Interim Operations Memorandum # 96-12-C, "Coding the WISHA-1 Inspection Report Form," is necessary to correct a long standing conflict in IMIS forms completion instructions and provides guidance for appropriate use. It is accompanied by an updated list of codes for entry in box 42 of the WISHA-1 inspection report form.

**Contact:** Teri Neely  
Mailstop 4648  
(360) 902-5503

Frank Leuck, Assistant Director  
Consultation and Compliance

WISHA Interim Operations Memorandum # 96-12-D, "Identification of Public Employers for WISHA Purposes," provides WISHA consultation and compliance staff with specific guidance regarding the application of these complex and, at times, conflicting criteria.

**Contact:** Teri Neely  
Mailstop 4648  
(360) 902-5503

Frank Leuck, Assistant Director  
Consultation and Compliance

This WISHA Regional Directive provides that compliance staff shall not normally issue citations when only the employer himself/herself is exposed.

**Contact:** Tracy Spencer  
Mailstop 4620  
(360) 902-5530

Frank Leuck, Assistant Director  
Consultation and Compliance

This WISHA Regional Directive in regard to WAC 296-24-18005(5), using cutoff wheels and masonry saws will remain in effect. It directs staff in the appropriate application of existing guarding requirements related to such saws.

**Contact:** Tracy Spencer  
Mailstop 4620  
(360) 902-5530

Frank Leuck, Assistant Director  
Consultation and Compliance

The Setaflash method of determining the flashpoint of liquids will not adversely affect the safety and health of either employees conducting the tests or the users of the liquids classified by this method of testing. This WISHA Regional Directive declares that such violations must not be cited under WAC 296-24-33001(15).

**Contact:** Tracy Spencer  
Mailstop 4620  
(360) 902-5530

Frank Leuck, Assistant Director  
Consultation and Compliance

The WISHA Regional Directive in regard to WAC 296-62-07109(3), makes clear that alternative physician guidelines for the appropriate evaluation of potential respirator users are acceptable under the standard.

**Contact:** Tracy Spencer  
Mailstop 4620  
(360) 902-5530

Frank Leuck, Assistant Director  
Consultation and Compliance

This WISHA Regional Directive provides guidance in the appropriate application of the Bloodborne Pathogens Standard to first-aid trained employees.

**Contact:** Tracy Spencer  
Mailstop 4620  
(360) 902-5530

Frank Leuck, Assistant Director  
Consultation and Compliance

This WISHA Regional Directive provides guidance related to possible Hantavirus exposure to ensure that existing standards are applied appropriately.

**Contact:** Tracy Spencer  
Mailstop 4620  
(360) 902-5530

Frank Leuck, Assistant Director  
Consultation and Compliance

This WISHA Regional Directive explains the application of existing audiometric testing requirements in the case of intermittent noise exposure.

**Contact:** Tracy Spencer  
Mailstop 4620  
(360) 902-5530

Frank Leuck, Assistant Director  
Consultation and Compliance

This WISHA Regional Directive describes the Department of Labor and Industries' implementation of asbestos course approval requirements found in WAC 296-65-015.

**Contact:** Tracy Spencer  
Mailstop 4620  
(360) 902-5530

Frank Leuck, Assistant Director  
Consultation and Compliance

This WISHA Regional Directive is in regard to contractor safety and health under Stute v. PBMC. The WRD has focused on the contractor's responsibility for safety of the work place. If the contractor meets all responsibilities in Section III. B., no citation will be issued. The WRD is intended to provide guidance to determine whether the general contractor has provided a safety program at the work site that is "effective in practice."

**Contact:** Tracy Spencer  
Mailstop 4620  
(360) 902-5530

Frank Leuck, Assistant Director  
Consultation and Compliance



This WISHA Regional Directive provides OSHA comparable guidance regarding Industrial Fire Brigades and IDLH atmospheres.

Contact: Tracy Spencer  
Mailstop 4620  
(360) 902-5530

Frank Leuck, Assistant Director  
Consultation and Compliance

This WISHA Regional Directive provides guidance regarding Post-Emergency Oil Spill Response. The Standard defines post-emergency response as "that portion of an emergency response performed after the immediate threat of a release has been stabilized or eliminated and clean-up of the site has begun."

Contact: Tracy Spencer  
Mailstop 4620  
(360) 902-5530

Frank Leuck, Assistant Director  
Consultation and Compliance

**Administrative Services**

Interim policy changes to room and board section of Policy 6.51, "Authorizing Vocational Retraining." States when room and board is payable. Sets limits on the monetary amount for room and board.

Contact: Vern Lee  
Mailstop 4172  
(360) 902-4717

Mary Pat Frederick, Assistant Director  
Administrative Services

Marie Myerchin-Redifer  
Rules Coordinator

**WSR 97-04-026**  
**NOTICE OF PUBLIC MEETINGS**  
**PUBLIC EMPLOYEES**  
**BENEFITS BOARD**  
[Memorandum—January 28, 1997]

1997 Meeting Schedule

Location and Time: All meetings will be held at the Attorney General Conference Center, RoweSix, Building One, 4224 6th Avenue S.E., Lacey, WA 98504, (360) 438-8584, beginning at 1:00 p.m.

- February 25
- April 8
- May 20
- July 8
- August 12
- September 23
- October 14 (planning session)
- November 4
- December 9

In the event additional meetings are needed, the Public Employees Benefits Board is tentatively holding the following dates for special meetings:

- March 11
- May 13
- June 10
- June 24
- August 19

**WSR 97-04-027**  
**NOTICE OF PUBLIC MEETINGS**  
**COMMUNITY ECONOMIC**  
**REVITALIZATION BOARD**  
[Memorandum—January 29, 1997]

CHANGE OF LOCATION

Regularly Scheduled CERB Meeting: March 20, 1997, 9:00 a.m.

New Location: Salon E, Wyndham Garden Hotel, 18118 Pacific Highway South, SeaTac.

**WSR 97-04-028**  
**INTERPRETIVE OR POLICY STATEMENT**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
[Filed January 29, 1997, 1:30 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Numbered Memoranda 97-01 MAA.  
Subject: Updated Expedited Authorization Criteria Coding List and Drug Formulary Index.  
Effective Date: February 17, 1997.

Document Description: This document contains the Medical Assistance Administration's revised Expedited Authorization Criteria Coding List, effective February 19, 1997. The attached lists contain revised criteria for certain drugs and addition/deletion of other drugs and is a replacement for current Prescription Drug Formulary Billing Instructions, dated July 1993. Also attached is an updated Drug Formulary, effective January 1, 1997.

To receive a copy of the interpretive or policy statement, contact Anne DeJarnette, Administrative Regulations Analyst, Department of Social and Health Services, Medical Assistance Administration, Division of Client Services, P.O. Box 45530, Olympia, WA 98504-5530, phone (360) 664-2320, TDD 1-800-848-5429, FAX (360) 753-7315, e-mail dejarae@dshs.wa.gov.

January 27, 1997  
Steven Wish, Section Head  
Division of Client Services

**WSR 97-04-029**  
**INTERPRETIVE OR POLICY STATEMENT**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
[Filed January 29, 1997, 1:31 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Numbered Memoranda 97-02 MAA.

MISCELLANEOUS

Subject: Request for CPT or HCPCS Codes on Outpatient Claims.

Effective Date: February 15, 1997.

Document Description: Implementation of interagency ambulatory patient groups (APG).

To receive a copy of the interpretive or policy statement, contact Anne DeJarnette, Administrative Regulations Analyst, Department of Social and Health Services, Medical Assistance Administration, Division of Client Services, P.O. Box 45530, Olympia, WA 98504-5530, phone (360) 664-2320, TDD 1-800-848-5429, FAX (360) 753-7315, e-mail dejarae@dshs.wa.gov.

January 27, 1997  
Steven Wish, Section Head  
Division of Client Services

#### WSR 97-04-030

#### INTERPRETIVE OR POLICY STATEMENT DEPARTMENT OF SOCIAL AND HEALTH SERVICES

[Filed January 29, 1997, 1:34 p.m.]

##### DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Numbered Memorandum # 97.04.

Subject: Billing newborn premiums.

Effective Date: March 1, 1997.

Document Description: Informs managed care carriers of the need to use the baby's personal identification code (PIC) when billing newborn premiums. This policy change is being made to minimize the number of duplicate claims which result when using the parent's PIC to bill newborn claims.

To receive a copy of the interpretive or policy statement, contact Anne DeJarnette, Administrative Regulations Analyst, Department of Social and Health Services, Medical Assistance Administration, Division of Client Services, P.O. Box 45530, Olympia, WA 98504-5530, phone (360) 664-2320, TDD 1-800-848-5429, FAX (360) 753-7315, e-mail dejarae@dshs.wa.gov.

January 27, 1997  
Steven Wish, Section Head  
Division of Client Services

#### WSR 97-04-031

#### INTERPRETIVE OR POLICY STATEMENT DEPARTMENT OF SOCIAL AND HEALTH SERVICES

[Filed January 29, 1997, 1:35 p.m.]

##### DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: School Medical Services Billing Instructions.

Subject: Policy, procedures, and billing for school medical services.

Effective Date: February 1, 1997.

Document Description: General information and policy for school medical services for special education students. Includes eligibility, reimbursement, managed health care, third-party liability, parent notification and consent, licenses,

certificates, and practitioner qualifications. Also included are allowed services with their corresponding procedure codes and fees.

To receive a copy of the interpretive or policy statement, contact Anne DeJarnette, Administrative Regulations Analyst, Department of Social and Health Services, Medical Assistance Administration, Division of Client Services, P.O. Box 45530, Olympia, WA 98504-5530, phone (360) 664-2320, TDD 1-800-848-5429, FAX (360) 753-7315, e-mail dejarae@dshs.wa.gov.

January 27, 1997  
Steven Wish, Section Head  
Division of Client Services

#### WSR 97-04-032

#### NOTICE OF PUBLIC MEETINGS OFFICE OF THE GOVERNOR

[Memorandum—January 27, 1997]

The Washington State Clemency and Pardons Board hereby files with the code reviser the following schedule of its regular meetings for 1997:

The March 7 meeting of the Clemency and Pardons Board will be held in the John A. Cherberg Building, Olympia, Washington, starting at 10:00 a.m. in Senate Hearing Room No. 1. The June 6, September 5, and December 5, meetings of the board will be held in the John A. Cherberg Building, Olympia, Washington, starting at 9:00 a.m. in Senate Hearing Room No. 4.

#### WSR 97-04-034

#### OFFICE OF THE GOVERNOR

[Filed January 30, 1997, 3:47 p.m.]

##### NOTICE OF APPEAL

On January 16, 1997, the governor received an appeal pursuant to RCW 34.05.330(3) of the December 24, 1996, denial by the Department of Revenue of that certain PETITION FOR ADOPTION, AMENDMENT, OR REPEAL OF A STATE ADMINISTRATIVE RULE, dated November 6, 1996, filed by the Washington State Auto Dealers Association, seeking amendment of WAC 458-20-192.

Dated as of the 16th day of January, 1997.

The governor shall issue his response on or before March 2, 1997.

Everett H. Billingslea  
General Counsel to the Governor

#### WSR 97-04-036

#### INTERPRETIVE STATEMENT DEPARTMENT OF HEALTH

[Filed January 31, 1997, 9:26 a.m.]

##### NOTICE OF ADOPTION OF INTERPRETIVE STATEMENT

Title: Definition of immediate supervision of Level A pharmacy assistants.

Issuing Entity: Washington State Board of Pharmacy.

Subject: Laws regulating the practice of pharmacy assistants require assistants to practice under the immediate supervision and control of a pharmacist. The Board of Pharmacy issued an advisory opinion in response to a request submitted by Martin Nolan, Director of Operations, Okanogan-Douglas Hospital. The hospital requested permission to install video monitoring equipment in the pharmacy to allow a pharmacist located off-site to directly supervise the pharmacy assistant.

Effective Date: January 23, 1997.

Contact Person: Lisa A. Salmi, Program Manager, Department of Health, Washington State Board of Pharmacy, P.O. Box 47863, Olympia, WA 98504-7863, (360) 753-6834.

**WSR 97-04-037**  
**POLICY STATEMENT**  
**DEPARTMENT OF HEALTH**  
 [Filed January 31, 1997, 9:28 a.m.]

**NOTICE OF ADOPTION OF POLICY STATEMENT**

Title of Policy: Interim Permit.

Issuing Entity: Board of Hearing and Speech.

Subject Matter: The board has adopted a policy to define the requirements for issuing an interim permit for speech-language pathologists and audiologists, under RCW 18.35.060.

Effective Date: November 13, 1996.

Contact Person: T. Diane Young, Department of Health, Board of Hearing and Speech, P.O. Box 47869, Olympia, WA 98504-7869, (360) 586-0205.

**WSR 97-04-038**  
**POLICY STATEMENT**  
**DEPARTMENT OF HEALTH**  
 [Filed January 31, 1997, 9:30 a.m.]

**NOTICE OF ADOPTION OF POLICY STATEMENT**

Title of Policy: Commonly Accepted Standards for Audiologists.

Issuing Entity: Board of Hearing and Speech.

Subject Matter: The board has adopted a policy to define the commonly accepted standard for individuals applying for an audiology certificate who were engaged in the profession in Washington on June 6, 1996, and would like examination waived.

Effective Date: November 13, 1996.

Contact Person: T. Diane Young, Department of Health, Board of Hearing and Speech, P.O. Box 47869, Olympia, WA 98504-7869, (360) 586-0205.

**WSR 97-04-039**  
**POLICY STATEMENT**  
**DEPARTMENT OF HEALTH**  
 [Filed January 31, 1997, 9:31 a.m.]

**NOTICE OF ADOPTION OF POLICY STATEMENT**

Title of Policy: Definition of "Engaged in the professions of speech-language pathology or audiology."

Issuing Entity: Board of Hearing and Speech.

Subject Matter: The board has issued a policy to define the term "engaged in" for the professions of speech-language pathology and audiology as of June 6, 1996, for the purpose of issuing a certificate.

Effective Date: November 13, 1996.

Contact Person: T. Diane Young, Department of Health, Board of Hearing and Speech, P.O. Box 47869, Olympia, WA 98504-7869, (360) 586-0205.

**WSR 97-04-044**  
**NOTICE OF PUBLIC MEETINGS**  
**GRAYS HARBOR COLLEGE**  
 [Memorandum—January 29, 1997]

The dates of the regular board of trustees' meetings for Grays Harbor College for 1997 are as follows:

January 21, 1997  
 February 18, 1997  
 March 17, 1997  
 April 21, 1997  
 May 19, 1997  
 June 16, 1997  
 September 15, 1997  
 October 20, 1997  
 November 17, 1997

All regularly scheduled meetings of the board will begin at 3:30 p.m. in the boardroom in the Joseph A. Malik Administration Building at the college.

**WSR 97-04-052**  
**NOTICE OF PUBLIC MEETINGS**  
**SEATTLE COMMUNITY COLLEGES**  
 [Memorandum—January 30, 1997]

The Seattle Community College District board of trustees has scheduled a board retreat to be held Wednesday, February 5, 1997. The retreat will begin at 7:30 a.m. to 4:30 p.m., and held at the Battelle Conference Center, 4000 N.E. 41st Street, Seattle, WA 98105-5428.

**WSR 97-04-057**  
**INTERPRETIVE OR POLICY STATEMENT**  
**INSURANCE COMMISSIONER'S OFFICE**

[Filed February 4, 1997, 8:40 a.m.]

TECHNICAL ASSISTANCE ADVISORY—T 97-1  
February 4, 1997

Re: Assets of health care service contractors and health maintenance organizations.

The Insurance Commissioner's staff continues to receive questions on the applicability of chapters 48.12 and 48.13 RCW to the assets and investments of health care service contractors and health maintenance organizations. This "technical assistance advisory" will assist health care service contractors and health maintenance organizations in the proper application of those chapters of the Insurance Code.

RCW 48.44.010(16) and 48.46.020(18) state as follows:

"Net worth" means the excess of total admitted assets as defined in RCW 48.12.010 over total liabilities but the liabilities shall not include fully subordinated debt. (Adopted and effective 1990.)

Therefore, in order for an asset of a health care service contractor or a health maintenance organization to qualify in determining its net worth, the asset must comply with RCW 48.12.010. Two of the primary categories of assets defined in RCW 48.12.010 are cash (RCW 48.12.010(1)) and investments, securities, properties, and loans (RCW 48.12-010(2)). However, not just any investment, security, property or loan will be permitted as an admitted asset. Only those investments, securities, properties, and loans which are "acquired and held in accordance with" the Insurance Code will be allowed as admitted assets (RCW 48.12.010(2)). As a result, chapters 48.12 and 48.13 RCW define allowable assets for health care service contractors and health maintenance organizations.

The commissioner will recognize as admitted assets only those assets which are permitted by chapters 48.12 and 48.13 RCW in determining the net worth of health care service contractors and health maintenance organizations. This position has been upheld by the Appeals Court of the State of Washington in an unpublished opinion entitled *Washington Health Services, Inc. v. Marquardt* and *Marquardt v. Washington Health Services, Inc.* dated January 6, 1992.

If you have specific questions, please call Jacqueline Gardner at (206) 464-6624.

**WSR 97-04-064**  
**NOTICE OF PUBLIC MEETINGS**  
**INTERAGENCY COMMITTEE**  
**FOR OUTDOOR RECREATION**

[Memorandum—February 2, 1997]

The Interagency Committee for Outdoor Recreation (IAC) will meet Thursday, March 13th, beginning at 8:30 a.m., in Room 175 of the Natural Resources Building in Olympia, Washington.

Agenda items include a proposed WAC rule making pertaining to planning revisions, changes to policy manuals (# 2, 5, 6, 10, 11, 12, 13, and 14), a 2nd year funding process for the National Recreation Trails Funding Act and policy revisions relating to nonrecreational use of boating facility program

sites. Additional discussion will focus on future options for the Washington wildlife and recreation program (WWRP) 2nd year funding in the trails and water access categories, planning for a state-wide trails conference and legislative and budget updates.

If you plan to participate or have materials for committee review, please submit information to IAC no later than February 20, 1997. This will allow for distribution to committee members in a timely fashion.

IAC public meetings are held in locations accessible to people with disabilities. Arrangements for individuals with hearing or visual impairments can be provided by contacting IAC by February 20 at (360) 902-3000 or TDD (360) 902-1996.

**WSR 97-04-072**  
**NOTICE OF PUBLIC MEETINGS**  
**UNIVERSITY OF WASHINGTON**

[Memorandum—February 3, 1997]

In accordance with RCW 42.30.075, the University of Washington is providing the following meeting schedule(s) for governing bodies of schools, colleges, departments and programs at the university that maintain regular meeting schedules at the UW Public Records Office.

**OPHTHALMOLOGY**

**Regular Faculty Meeting**

Meeting Dates	Location	Time
January 23	BB-824 HSC	11:45
February 27	BB-824 HSC	11:45
March 27	BB-824 HSC	11:45
April 17	BB-824 HSC	11:45
May 8	BB-824 HSC	11:45
June 19	BB-824 HSC	11:45
July 24	BB-824 HSC	11:45
August 14	BB-824 HSC	11:45
September 18	BB-824 HSC	11:45
October 16	BB-824 HSC	11:45
November 13	BB-824 HSC	11:45
December 11	BB-824 HSC	11:45

**Faculty Clinicians Meeting**

Meeting Dates	Location	Time
January 16	BB-824 HSC	11:45
February 20	BB-824 HSC	11:45
March 20	BB-824 HSC	11:45
April 24	BB-824 HSC	11:45
May 22	BB-824 HSC	11:45
June 26	BB-824 HSC	11:45
July 31	BB-824 HSC	11:45
None	BB-824 HSC	11:45
September 11	BB-824 HSC	11:45
October 9	BB-824 HSC	11:45
November 6	BB-824 HSC	11:45
December 18	BB-824 HSC	11:45

MISCELLANEOUS

**WSR 97-04-073**  
**NOTICE OF PUBLIC MEETINGS**  
**UNIVERSITY OF WASHINGTON**  
 [Memorandum—February 3, 1997]

In accordance with RCW 42.30.075, the University of Washington is providing the following meeting schedule(s) for governing bodies of schools, colleges, departments and programs at the university that maintain regular meeting schedules at the UW Public Records Office.

**Communications**

**Faculty Meeting**

Meeting Dates	Location	Time
February 4	CMU 126	3:30
March 4	CMU 126	3:30
April 1	CMU 126	3:30
May 6	CMU 126	3:30
June 3	CMU 126	3:30
October 7	CMU 126	3:30
November 4	CMU 126	3:30
December 2	CMU 126	3:30

**Student Activities and Union Faculty**

**ASUW Judiciary Committee**

Meeting Dates	Location	Time
January 31	204N HUB	1:00
February 7	HUB 204M	1:30
February 14	207 HUB	1:00
February 21	HUB 204M	1:30
February 28	207 HUB	1:00
March 7	HUB 204M	1:30
March 14	207 HUB	1:00

**ASUW Student Senate/Governance**

Meeting Dates	Location	Time
January 21	Gowen 301	5 p.m.
January 28	Gowen 301	5 p.m.
February 3	Gowen 301	5 p.m.
February 10	Gowen 301	5 p.m.
February 17	Gowen 301	5 p.m.
February 24	Gowen 301	5 p.m.
March 4	Gowen 301	5 p.m.
March 11	Gowen 301	5 p.m.



**Table of WAC Sections Affected**

**KEY TO TABLE**

This table covers the current calendar year through this issue of the Register and should be used to locate rules amended, adopted, or repealed subsequent to the publication date of the latest WAC or Supplement.

**Symbols:**

- AMD = Amendment of existing section
- A/R = Amending and recodifying a section
- DECOD = Decodification of an existing section
- NEW = New section not previously codified
- OBJEC = Notice of objection by Joint Administrative Rules Review Committee
- PREP = Preproposal comments
- RE-AD = Readoption of existing section
- RECOD = Recodification of previously codified section
- REP = Repeal of existing section
- RESCIND = Rescind previous emergency rule
- REVIEW = Review of previously adopted rule

**Suffixes:**

- C = Continuance of previous proposal
- E = Emergency action
- P = Proposed action
- S = Supplemental notice
- W = Withdrawal of proposed action
- X = Expedited repeal

Note: These filings will appear in a special section of Issue 96-14

No suffix means permanent action

WAC # shows the section number under which an agency rule is or will be codified in the Washington Administrative Code.

WSR # shows the issue of the Washington State Register where the document may be found; the last three digits identify the document within the issue.

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
16-162	PREP	97-04-065	132V-12-036	REP-P	97-03-128	132V-12-243	REP-P	97-03-128
16-230-835	AMD-P	97-02-094	132V-12-039	REP-P	97-03-128	132V-12-246	REP-P	97-03-128
16-230-862	AMD-P	97-02-094	132V-12-042	REP-P	97-03-128	132V-12-249	REP-P	97-03-128
16-409-020	AMD-S	97-02-098	132V-12-045	REP-P	97-03-128	132V-12-252	REP-P	97-03-128
16-459-010	AMD-E	97-03-063	132V-12-048	REP-P	97-03-128	132V-12-255	REP-P	97-03-128
16-470-100	AMD-P	97-04-089	132V-12-051	REP-P	97-03-128	132V-12-258	REP-P	97-03-128
16-473-001	NEW-P	97-04-090	132V-12-054	REP-P	97-03-128	132V-12-261	REP-P	97-03-128
16-473-010	NEW-P	97-04-090	132V-12-057	REP-P	97-03-128	132V-12-264	REP-P	97-03-128
16-473-015	NEW-P	97-04-090	132V-12-060	REP-P	97-03-128	132V-12-267	REP-P	97-03-128
16-473-020	NEW-P	97-04-090	132V-12-063	REP-P	97-03-128	132V-12-270	REP-P	97-03-128
16-473-025	NEW-P	97-04-090	132V-12-066	REP-P	97-03-128	132V-12-273	REP-P	97-03-128
16-695-005	NEW-E	97-04-020	132V-12-069	REP-P	97-03-128	132V-12-276	REP-P	97-03-128
16-695-010	NEW-E	97-04-020	132V-12-072	REP-P	97-03-128	132V-12-279	REP-P	97-03-128
16-695-015	NEW-E	97-04-020	132V-12-075	REP-P	97-03-128	132V-12-281	REP-P	97-03-128
16-695-020	NEW-E	97-04-020	132V-12-078	REP-P	97-03-128	132V-12-284	REP-P	97-03-128
16-695-025	NEW-E	97-04-020	132V-12-084	REP-P	97-03-128	132V-12-287	REP-P	97-03-128
16-695-030	NEW-E	97-04-020	132V-12-087	REP-P	97-03-128	132V-12-290	REP-P	97-03-128
16-695-035	NEW-E	97-04-020	132V-12-096	REP-P	97-03-128	132V-12-293	REP-P	97-03-128
16-695-040	NEW-E	97-04-020	132V-12-120	REP-P	97-03-128	132V-12-296	REP-P	97-03-128
16-695-045	NEW-E	97-04-020	132V-12-144	REP-P	97-03-128	132V-12-299	REP-P	97-03-128
16-695-050	NEW-E	97-04-020	132V-12-147	REP-P	97-03-128	132V-12-302	REP-P	97-03-128
16-695-055	NEW-E	97-04-020	132V-12-150	REP-P	97-03-128	132V-12-305	REP-P	97-03-128
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16-695-070	NEW-E	97-04-020	132V-12-168	REP-P	97-03-128	132V-12-314	REP-P	97-03-128
16-695-075	NEW-E	97-04-020	132V-12-171	REP-P	97-03-128	132V-12-317	REP-P	97-03-128
16-695-080	NEW-E	97-04-020	132V-12-174	REP-P	97-03-128	132V-12-320	REP-P	97-03-128
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16-700-021	AMD-S	97-04-077	132V-12-180	REP-P	97-03-128	132V-12-326	REP-P	97-03-128
16-700-021	AMD	97-04-078	132V-12-183	REP-P	97-03-128	132V-12-329	REP-P	97-03-128
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132V-12-003	REP-P	97-03-128	132V-12-210	REP-P	97-03-128	132V-12-356	REP-P	97-03-128
132V-12-006	REP-P	97-03-128	132V-12-213	REP-P	97-03-128	132V-12-359	REP-P	97-03-128
132V-12-009	REP-P	97-03-128	132V-12-216	REP-P	97-03-128	132V-12-362	REP-P	97-03-128
132V-12-012	REP-P	97-03-128	132V-12-219	REP-P	97-03-128	132V-12-365	REP-P	97-03-128
132V-12-015	REP-P	97-03-128	132V-12-222	REP-P	97-03-128	132V-12-368	REP-P	97-03-128
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132V-12-030	REP-P	97-03-128	132V-12-237	REP-P	97-03-128	132V-12-383	REP-P	97-03-128
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TABLE

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132V-12-392	REP-P	97-03-128	180-77-041	AMD	97-04-085	180-78A-304	NEW	97-04-084
132V-12-398	REP-P	97-03-128	180-77-120	AMD	97-04-085	180-78A-305	NEW	97-04-084
132V-12-401	REP-P	97-03-128	180-77A-003	NEW	97-04-087	180-78A-306	NEW	97-04-084
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132V-12-407	REP-P	97-03-128	180-77A-006	NEW	97-04-087	180-78A-340	NEW	97-04-084
132V-12-410	REP-P	97-03-128	180-77A-012	NEW	97-04-087	180-78A-345	NEW	97-04-084
132V-12-413	REP-P	97-03-128	180-77A-014	NEW	97-04-087	180-78A-350	NEW	97-04-084
132V-12-416	REP-P	97-03-128	180-77A-016	NEW	97-04-087	180-78A-355	NEW	97-04-084
132V-12-419	REP-P	97-03-128	180-77A-018	NEW	97-04-087	180-78A-360	NEW	97-04-084
132V-12-422	REP-P	97-03-128	180-77A-020	NEW	97-04-087	180-78A-365	NEW	97-04-084
132V-12-425	REP-P	97-03-128	180-77A-025	NEW	97-04-087	180-79-003	REP	97-04-088
132V-12-428	REP-P	97-03-128	180-77A-026	NEW	97-04-087	180-79-005	REP	97-04-088
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180-40-310	AMD-P	97-04-067	180-78A-037	NEW	97-04-084	180-79-245	REP	97-04-088
180-51-050	AMD-P	97-04-066	180-78A-047	NEW	97-04-084	180-79-247	REP	97-04-088
180-75-003	REP	97-04-088	180-78A-057	NEW	97-04-084	180-79-300	REP	97-04-088
180-75-005	REP	97-04-088	180-78A-060	NEW	97-04-084	180-79-303	REP	97-04-088
180-75-016	REP	97-04-088	180-78A-063	NEW	97-04-084	180-79-305	REP	97-04-088
180-75-017	REP	97-04-088	180-78A-065	NEW	97-04-084	180-79-311	REP	97-04-088
180-75-045	REP	97-04-088	180-78A-068	NEW	97-04-084	180-79-312	REP	97-04-088
180-75-047	REP	97-04-088	180-78A-073	NEW	97-04-084	180-79-315	REP	97-04-088
180-75-048	REP	97-04-088	180-78A-074	NEW	97-04-084	180-79-317	REP	97-04-088
180-75-050	REP	97-04-088	180-78A-075	NEW	97-04-084	180-79-320	REP	97-04-088
180-75-055	REP	97-04-088	180-78A-080	NEW	97-04-084	180-79-322	REP	97-04-088
180-75-060	REP	97-04-088	180-78A-135	NEW	97-04-084	180-79-324	REP	97-04-088
180-75-061	REP	97-04-088	180-78A-140	NEW	97-04-084	180-79-326	REP	97-04-088
180-75-065	REP	97-04-088	180-78A-142	NEW	97-04-084	180-79-328	REP	97-04-088
180-75-070	REP	97-04-088	180-78A-145	NEW	97-04-084	180-79-330	REP	97-04-088
180-75-081	DECOD	97-04-082	180-78A-150	NEW	97-04-084	180-79-332	REP	97-04-088
180-75-082	REP	97-04-088	180-78A-155	NEW	97-04-084	180-79-333	REP	97-04-088
180-75-083	DECOD	97-04-082	180-78A-160	NEW	97-04-084	180-79-334	REP	97-04-088
180-75-085	REP	97-04-088	180-78A-165	NEW	97-04-084	180-79-336	REP	97-04-088
180-75-087	REP	97-04-088	180-78A-195	NEW	97-04-084	180-79-338	REP	97-04-088
180-75-088	REP	97-04-088	180-78A-197	NEW	97-04-084	180-79-340	REP	97-04-088
180-75-089	REP	97-04-088	180-78A-201	NEW	97-04-084	180-79-342	REP	97-04-088
180-75-090	REP	97-04-088	180-78A-260	NEW	97-04-084	180-79-344	REP	97-04-088
180-75-091	REP	97-04-088	180-78A-265	NEW	97-04-084	180-79-346	REP	97-04-088
180-75-092	REP	97-04-088	180-78A-266	NEW	97-04-084	180-79-348	REP	97-04-088
180-75-100	REP	97-04-088	180-78A-300	NEW	97-04-084	180-79-350	REP	97-04-088
180-75-110	REP	97-04-088	180-78A-301	NEW	97-04-084	180-79-352	REP	97-04-088
180-77-003	AMD	97-04-085	180-78A-302	NEW	97-04-084	180-79-354	REP	97-04-088

TABLE



Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
180-79-356	REP	97-04-088	180-79A-330	NEW	97-04-088	196-24-030	PREP	97-03-029
180-79-358	REP	97-04-088	180-79A-332	NEW	97-04-088	196-24-040	PREP	97-03-029
180-79-360	REP	97-04-088	180-79A-333	NEW	97-04-088	196-24-050	PREP	97-03-029
180-79-362	REP	97-04-088	180-79A-334	NEW	97-04-088	196-24-085	PREP	97-03-029
180-79-364	REP	97-04-088	180-79A-336	NEW	97-04-088	196-24-100	PREP	97-03-029
180-79-366	REP	97-04-088	180-79A-338	NEW	97-04-088	196-24-105	PREP	97-03-029
180-79-368	REP	97-04-088	180-79A-340	NEW	97-04-088	197-11	PREP	97-03-130
180-79-370	REP	97-04-088	180-79A-342	NEW	97-04-088	204-10-035	NEW	97-03-087
180-79-372	REP	97-04-088	180-79A-344	NEW	97-04-088	204-10-045	PREP	97-03-042
180-79-374	REP	97-04-088	180-79A-346	NEW	97-04-088	204-41-060	PREP	97-03-043
180-79-376	REP	97-04-088	180-79A-348	NEW	97-04-088	204-60	AMD	97-04-054
180-79-378	REP	97-04-088	180-79A-350	NEW	97-04-088	204-60-010	AMD	97-04-054
180-79-379	REP	97-04-088	180-79A-352	NEW	97-04-088	204-60-030	AMD	97-04-054
180-79-380	REP	97-04-088	180-79A-354	NEW	97-04-088	204-90-040	AMD	97-04-055
180-79-382	REP	97-04-088	180-79A-356	NEW	97-04-088	204-91A-060	AMD-S	97-04-053
180-79-384	REP	97-04-088	180-79A-358	NEW	97-04-088	204-91A-060	AMD-E	97-04-056
180-79-386	REP	97-04-088	180-79A-360	NEW	97-04-088	204-91A-140	AMD-S	97-04-053
180-79-388	REP	97-04-088	180-79A-362	NEW	97-04-088	204-91A-140	AMD-E	97-04-056
180-79-390	REP	97-04-088	180-79A-364	NEW	97-04-088	204-95-030	NEW	97-03-127
180-79-392	REP	97-04-088	180-79A-366	NEW	97-04-088	204-95-080	NEW	97-03-127
180-79-394	REP	97-04-088	180-79A-368	NEW	97-04-088	208-440-030	AMD-W	97-03-074
180-79-396	REP	97-04-088	180-79A-370	NEW	97-04-088	208-680D-050	AMD-W	97-04-071
180-79-398	REP	97-04-088	180-79A-372	NEW	97-04-088	220-20-020	AMD-P	97-04-080
180-79A-003	NEW	97-04-088	180-79A-374	NEW	97-04-088	220-20-021	AMD-P	97-04-080
180-79A-005	NEW	97-04-088	180-79A-376	NEW	97-04-088	220-32-05100X	NEW-E	97-04-046
180-79A-010	NEW	97-04-088	180-79A-378	NEW	97-04-088	220-32-05100X	REP-E	97-04-046
180-79A-012	NEW	97-04-088	180-79A-379	NEW	97-04-088	220-32-05700U	REP-E	97-03-002
180-79A-013	NEW	97-04-088	180-79A-380	NEW	97-04-088	220-32-05700U	NEW-E	97-03-002
180-79A-015	NEW	97-04-088	180-79A-382	NEW	97-04-088	220-33-01000M	NEW-E	97-04-013
180-79A-020	NEW	97-04-088	180-79A-384	NEW	97-04-088	220-33-01000M	REP-E	97-04-013
180-79A-022	NEW	97-04-088	180-79A-386	NEW	97-04-088	220-33-020	AMD-P	97-04-080
180-79A-025	NEW	97-04-088	180-79A-388	NEW	97-04-088	220-33-04000C	NEW-E	97-04-014
180-79A-101	NEW	97-04-088	180-79A-390	NEW	97-04-088	220-52-07300L	REP-E	97-03-045
180-79A-105	NEW	97-04-088	180-79A-392	NEW	97-04-088	220-52-07300M	NEW-E	97-03-045
180-79A-110	NEW	97-04-088	180-79A-394	NEW	97-04-088	220-52-07300M	REP-E	97-03-101
180-79A-115	NEW	97-04-088	180-79A-396	NEW	97-04-088	220-52-07300N	NEW-E	97-03-101
180-79A-117	NEW	97-04-088	180-79A-398	NEW	97-04-088	220-52-07300N	REP-E	97-04-011
180-79A-120	NEW	97-04-088	180-79A-403	NEW	97-04-088	220-52-07300P	NEW-E	97-04-011
180-79A-122	NEW	97-04-088	180-79A-405	NEW	97-04-088	220-52-07300P	REP-E	97-04-049
180-79A-125	NEW	97-04-088	180-79A-415	NEW	97-04-088	220-52-07300Q	NEW-E	97-04-049
180-79A-126	NEW	97-04-088	180-79A-417	NEW	97-04-088	220-56-24000F	REP-E	97-03-001
180-79A-130	NEW	97-04-088	180-79A-420	NEW	97-04-088	220-56-24000G	NEW-E	97-03-001
180-79A-131	NEW	97-04-088	180-79A-422	NEW	97-04-088	220-56-36000T	NEW-E	97-04-045
180-79A-140	NEW	97-04-088	180-79A-423	NEW	97-04-088	220-56-36000T	REP-E	97-04-045
180-79A-150	NEW	97-04-088	180-79A-424	NEW	97-04-088	220-95-013	AMD-W	97-03-075
180-79A-160	NEW	97-04-088	180-79A-430	NEW	97-04-088	220-95-018	AMD-W	97-03-075
180-79A-161	NEW	97-04-088	180-79A-433	NEW	97-04-088	220-95-022	AMD-W	97-03-075
180-79A-165	NEW	97-04-088	180-79A-435	NEW	97-04-088	220-95-032	AMD-W	97-03-075
180-79A-170	NEW	97-04-088	180-79A-440	NEW	97-04-088	230-02-020	AMD	97-03-094
180-79A-200	NEW	97-04-088	180-79A-445	NEW	97-04-088	230-02-520	AMD-P	97-03-093
180-79A-205	NEW	97-04-088	180-79A-503	NEW	97-04-088	230-04-138	AMD-P	97-03-093
180-79A-210	NEW	97-04-088	180-79A-510	NEW	97-04-088	230-08-060	AMD-P	97-03-093
180-79A-215	NEW	97-04-088	180-79A-515	NEW	97-04-088	230-12-230	AMD-P	97-03-093
180-79A-220	NEW	97-04-088	180-79A-517	NEW	97-04-088	230-20-115	AMD-P	97-03-092
180-79A-225	NEW	97-04-088	180-79A-520	NEW	97-04-088	230-20-600	AMD-P	97-03-093
180-79A-230	NEW	97-04-088	180-85-025	AMD	97-04-086	230-20-630	AMD-P	97-03-093
180-79A-236	NEW	97-04-088	180-85-030	AMD	97-04-086	230-20-685	AMD-P	97-03-093
180-79A-241	NEW	97-04-088	180-85-110	REP	97-04-086	230-20-700	AMD-P	97-03-093
180-79A-300	NEW	97-04-088	180-85-115	REP	97-04-086	230-50-005	NEW	97-03-095
180-79A-302	NEW	97-04-088	180-85-120	REP	97-04-086	232-28-61900A	REP-E	97-04-001
180-79A-304	NEW	97-04-088	180-85-135	REP	97-04-086	232-28-61900B	NEW-E	97-03-039
180-79A-306	NEW	97-04-088	180-85-200	AMD	97-04-086	232-28-61900C	NEW-E	97-03-099
180-79A-308	NEW	97-04-088	180-85-210	AMD	97-04-086	232-28-61900C	REP-E	97-03-099
180-79A-310	NEW	97-04-088	180-85-211	NEW	97-04-086	232-28-61900D	NEW-E	97-03-100
180-79A-311	NEW	97-04-088	180-85-215	AMD	97-04-086	232-28-61900D	REP-E	97-03-100
180-79A-312	NEW	97-04-088	180-86-011	NEW	97-04-082	232-28-61900E	NEW-E	97-04-001
180-79A-315	NEW	97-04-088	180-86-013	RECOD	97-04-082	236-48-198	AMD	97-04-025
180-79A-317	NEW	97-04-088	180-86-014	RECOD	97-04-082	242-02-010	AMD	97-04-008
180-79A-320	NEW	97-04-088	196-12-010	PREP	97-03-029	242-02-030	AMD	97-04-008
180-79A-322	NEW	97-04-088	196-12-020	PREP	97-03-029	242-02-040	AMD	97-04-008
180-79A-324	NEW	97-04-088	196-12-030	PREP	97-03-029	242-02-060	AMD	97-04-008
180-79A-326	NEW	97-04-088	196-12-050	PREP	97-03-029	242-02-070	AMD	97-04-008
180-79A-328	NEW	97-04-088	196-12-060	PREP	97-03-029	242-02-074	AMD	97-04-008

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WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
242-02-110	AMD	97-04-008	260-24-110	REP-P	97-04-060	286-13-110	AMD-P	97-04-006
242-02-130	AMD	97-04-008	260-24-120	REP-P	97-04-060	286-26-080	AMD-P	97-03-006
242-02-210	AMD	97-04-008	260-24-130	REP-P	97-04-060	286-27-040	AMD-P	97-03-006
242-02-220	AMD	97-04-008	260-24-140	REP-P	97-04-060	286-27-050	REP-P	97-03-006
242-02-240	AMD-W	97-04-009	260-24-150	REP-P	97-04-060	286-35-030	AMD-P	97-03-006
242-02-250	AMD	97-04-008	260-24-160	REP-P	97-04-060	286-35-040	REP-P	97-03-006
242-02-260	AMD	97-04-008	260-24-170	REP-P	97-04-060	286-40-020	AMD-P	97-03-006
242-02-270	AMD	97-04-008	260-24-180	REP-P	97-04-060	292-120-010	NEW-P	97-03-133
242-02-310	AMD	97-04-008	260-24-190	REP-P	97-04-060	292-120-020	NEW-P	97-03-133
242-02-510	AMD	97-04-008	260-24-200	REP-P	97-04-060	292-120-030	NEW-P	97-03-133
242-02-520	AMD	97-04-008	260-24-210	REP-P	97-04-060	292-120-040	NEW-P	97-03-133
242-02-52001	NEW	97-04-008	260-24-220	REP-P	97-04-060	296-20	PREP	97-02-096
242-02-52002	NEW	97-04-008	260-24-230	REP-P	97-04-060	296-20-125	PREP	97-02-097
242-02-521	AMD	97-04-008	260-24-240	REP-P	97-04-060	296-20-135	PREP	97-02-097
242-02-522	AMD	97-04-008	260-24-250	REP-P	97-04-060	296-23	PREP	97-02-096
242-02-532	AMD	97-04-008	260-24-260	REP-P	97-04-060	296-23-220	PREP	97-02-097
242-02-533	AMD	97-04-008	260-24-270	REP-P	97-04-060	296-23-230	PREP	97-02-097
242-02-550	AMD	97-04-008	260-24-280	REP-P	97-04-060	296-23A	PREP	97-02-097
242-02-554	REP	97-04-008	260-24-290	REP-P	97-04-060	296-24-07801	AMD-P	97-03-085
242-02-560	AMD	97-04-008	260-24-300	REP-P	97-04-060	296-24-084	AMD-P	97-03-085
242-02-570	AMD	97-04-008	260-24-310	REP-P	97-04-060	296-24-088	AMD-P	97-03-085
242-02-634	AMD-W	97-04-009	260-24-320	REP-P	97-04-060	296-27-15503	AMD-P	97-03-085
242-02-650	AMD	97-04-008	260-24-330	REP-P	97-04-060	296-46	PREP	97-02-095
242-02-660	AMD	97-04-008	260-24-340	REP-P	97-04-060	296-46-090	AMD-P	97-03-083
242-02-670	AMD	97-04-008	260-24-350	REP-P	97-04-060	296-46-130	AMD-P	97-03-083
242-02-710	AMD	97-04-008	260-24-360	REP-P	97-04-060	296-46-140	AMD-P	97-03-083
242-02-820	REP	97-04-008	260-24-370	REP-P	97-04-060	296-46-150	REP-P	97-03-083
242-02-830	AMD	97-04-008	260-24-380	REP-P	97-04-060	296-46-21008	AMD-P	97-03-083
242-02-832	NEW	97-04-008	260-24-390	REP-P	97-04-060	296-46-21052	AMD-P	97-03-083
242-02-834	NEW	97-04-008	260-24-400	REP-P	97-04-060	296-46-225	AMD-P	97-03-083
242-02-840	REP	97-04-008	260-24-410	REP-P	97-04-060	296-46-23028	AMD-P	97-03-083
242-02-850	REP	97-04-008	260-24-420	REP-P	97-04-060	296-46-23062	AMD-P	97-03-083
242-02-860	REP	97-04-008	260-24-430	REP-P	97-04-060	296-46-30001	AMD-P	97-03-083
242-02-870	REP	97-04-008	260-24-440	REP-P	97-04-060	296-46-360	AMD-P	97-03-083
242-02-880	AMD	97-04-008	260-24-450	REP-P	97-04-060	296-46-370	AMD-P	97-03-083
242-02-890	AMD-W	97-04-009	260-24-460	REP-P	97-04-060	296-46-514	AMD-P	97-03-083
242-02-892	AMD	97-04-008	260-24-465	REP-P	97-04-060	296-46-553	NEW-P	97-03-083
242-04-050	AMD	97-04-008	260-24-470	REP-P	97-04-060	296-46-700	AMD-P	97-03-083
246-100-207	AMD	97-04-041	260-24-480	REP-P	97-04-060	296-46-725	AMD-P	97-03-083
246-232-060	AMD-P	97-03-126	260-24-500	NEW-P	97-04-060	296-46-910	AMD-P	97-03-083
246-235-075	AMD-P	97-03-126	260-24-510	NEW-P	97-04-060	296-46-915	AMD-P	97-03-083
246-321-001	REP	97-03-080	260-24-520	NEW-P	97-04-060	296-46-920	AMD-P	97-03-083
246-321-010	REP	97-03-080	260-24-530	NEW-P	97-04-060	296-49	PREP	97-03-082
246-321-012	REP	97-03-080	260-24-540	NEW-P	97-04-060	296-62-05413	AMD-P	97-03-085
246-321-014	REP	97-03-080	260-24-550	NEW-P	97-04-060	296-86-020	AMD-P	97-03-132
246-321-015	REP	97-03-080	260-24-560	NEW-P	97-04-060	296-86-030	AMD-P	97-03-132
246-321-017	REP	97-03-080	260-24-570	NEW-P	97-04-060	296-86-050	AMD-P	97-03-132
246-321-018	REP	97-03-080	260-24-580	NEW-P	97-04-060	296-86-060	AMD-P	97-03-132
246-321-020	REP	97-03-080	260-24-590	NEW-P	97-04-060	296-86-070	AMD-P	97-03-132
246-321-025	REP	97-03-080	260-24-600	NEW-P	97-04-060	296-86-075	AMD-P	97-03-132
246-321-030	REP	97-03-080	260-24-610	NEW-P	97-04-060	296-86-080	AMD-P	97-03-132
246-321-035	REP	97-03-080	260-24-620	NEW-P	97-04-060	296-86-090	NEW-P	97-03-132
246-321-040	REP	97-03-080	260-24-630	NEW-P	97-04-060	296-93-300	AMD-P	97-03-132
246-321-045	REP	97-03-080	260-24-640	NEW-P	97-04-060	296-93-320	REP-P	97-03-132
246-321-050	REP	97-03-080	260-24-650	NEW-P	97-04-060	296-93-330	AMD-P	97-03-132
246-321-055	REP	97-03-080	260-24-660	NEW-P	97-04-060	296-128-013	NEW-W	97-03-073
246-321-990	REP	97-03-080	260-24-670	NEW-P	97-04-060	296-150C-0090	NEW-W	97-04-070
246-828-015	NEW	97-04-042	260-24-680	NEW-P	97-04-060	296-150C-1010	NEW-W	97-04-070
246-828-990	AMD	97-04-043	260-24-690	NEW-P	97-04-060	296-150C-3000	AMD-P	97-03-132
246-838	PREP-W	97-03-066	260-24-700	NEW-P	97-04-060	296-150F-3000	AMD-P	97-03-132
246-838	PREP-W	97-03-067	260-32	PREP	97-04-059	296-150M-3000	AMD-P	97-03-132
246-839	PREP-W	97-03-066	260-48	PREP	97-04-058	296-150R	PREP	97-03-082
246-839	PREP-W	97-03-067	275-27-023	AMD-E	97-03-033	296-150R-3000	AMD-P	97-03-132
260-24-010	REP-P	97-04-060	275-27-220	AMD-E	97-03-033	296-155-527	AMD-P	97-03-085
260-24-020	REP-P	97-04-060	275-27-221	REP-E	97-03-033	296-200	PREP	97-03-081
260-24-030	REP-P	97-04-060	275-27-223	AMD-E	97-03-033	296-200-025	AMD-P	97-03-132
260-24-040	REP-P	97-04-060	275-27-400	AMD-E	97-03-033	296-200-050	AMD-P	97-03-132
260-24-050	REP-P	97-04-060	284-04	NEW-C	97-03-023	296-200-900	AMD-P	97-03-132
260-24-060	REP-P	97-04-060	284-04	NEW-C	97-03-120	296-306-060	REP-P	97-03-131
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296-306A-16013	AMD-P	97-03-131	315-10-025	NEW	97-04-047	415-112-414	REP	97-03-016
296-306A-16013	AMD-E	97-04-048	315-10-030	AMD	97-04-047	415-112-444	NEW	97-03-016
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