

ERRATUM

WAC 388-845-0205 was filed permanently by the department of social and health services in WSR 06-01-024 on December 13, 2006. Due to a clerical error, the two lines that are shown below in bold were inadvertently deleted during the publication process. These two lines were on the original copy filed by the department of social and health services. The internet copy of WSR 06-01-024 and WAC 388-845-0205 have been corrected.

NEW SECTION

WAC 388-845-0205 Basic waiver services.

BASIC WAIVER	SERVICES	YEARLY LIMIT
	AGGREGATE SERVICES: Behavior management and consultation Community guide Environmental accessibility adaptations Occupational therapy Physical therapy Specialized medical equipment/supplies Specialized psychiatric services Speech, hearing and language services Staff/family consultation and training Transportation	May not exceed \$1425 per year on any combination of these services
	EMPLOYMENT/DAY PROGRAM SERVICES: Community access Person-to-person Prevocational services Supported employment	May not exceed \$6500 per year
	Sexual Deviancy Evaluation	Limits are determined by DDD
	Respite care	Limits are determined respite assessment
	Personal care	Limits are determined by CARE assessment

BASIC WAIVER	SERVICES	YEARLY LIMIT
	MENTAL HEALTH STABILIZATION SERVICES: Behavior management and consultation Mental health crisis diversion bed services Skilled nursing Specialized psychiatric services	Limits are determined by a mental health professional or DDD
	Emergency assistance is only for services contained in the Basic waiver	\$6000 per year; Preauthorization required

WSR 06-14-004

PERMANENT RULES

DEPARTMENT OF AGRICULTURE

[Filed June 22, 2006, 8:34 a.m., effective August 1, 2006]

Effective Date of Rule: August 1, 2006.

Purpose: This rule-making order amends the apple maggot and plum curculio quarantine established in chapter 16-470 WAC by:

- (1) Expanding the boundaries of the existing area under apple maggot quarantine in Yakima County;
- (2) Excluding commercial cherries from commodities regulated for apple maggot; and
- (3) Modifying the current language to increase its clarity and readability.

Citation of Existing Rules Affected by this Order: Amending WAC 16-470-101, 16-470-105, and 16-470-111.

Statutory Authority for Adoption: Chapters 17.24 and 34.05 RCW.

Adopted under notice filed as WSR 06-09-095 on April 19, 2006.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.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 3, 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 3, Repealed 0.

Date Adopted: June 22, 2006.

Valoria H. Loveland
Director

AMENDATORY SECTION (Amending WSR 01-14-075, filed 7/3/01, effective 8/3/01)

WAC 16-470-101 Establishing quarantine for apple maggot and plum curculio. Apple maggot (*Rhagoletis pomonella*) and plum curculio (*Conotrachelus nenuphar*) are insects with a larval (worm) stage that develops within fruit. These insects are capable of attacking many fruit crops grown in Washington. Apple maggot is not established in significant portions of the major fruit production areas east of the Cascade Mountains, and plum curculio is not established anywhere in the state. An increased range for either insect would cause decreased environmental quality and economic loss to the agricultural industries of the state by increasing production inputs and jeopardizing foreign and domestic markets. The director of agriculture, pursuant to chapter 17.24 RCW, has determined that the regulation and/or exclusion of fresh fruits grown or originating from areas infested with apple maggot or plum curculio is necessary to protect the environmental quality and agricultural crops of the state.

AMENDATORY SECTION (Amending WSR 05-09-005, filed 4/7/05, effective 8/15/05)

WAC 16-470-105 Area under order for apple maggot—Pest free area—Quarantine areas. (1) A pest free area for apple maggot is declared for the following portions of Washington state:

(a) Counties of Adams, Asotin, Benton, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Lincoln, Okanogan, Pend Oreille, Stevens, Walla Walla, and Whitman.

(b) The portion of Kittitas County designated as follows: Beginning at the point where Interstate Highway No. 90 crosses longitude 120°31' W; thence southerly to the Kittitas - Yakima County line; thence easterly along ~~((said))~~ the county line to the Columbia River; thence northerly along ~~((said))~~ the Columbia River to Interstate Highway No. 90; thence westerly along Interstate Highway No. 90 to the point of beginning.

~~((The portions of))~~ (c) ~~((east of longitude 120°48' W))~~, except for the area designated in subsection (2)(c) of this section.

(2) A quarantine for apple maggot is declared for the following portions of Washington state:

(a) Counties of Clallam, Clark, Cowlitz, Grays Harbor, Island, Jefferson, King, Kitsap, Klickitat, Lewis, Mason, Pacific, Pierce, Snohomish, Spokane, Skagit, Skamania, Thurston, Wahkiakum, and Whatcom.

~~((The counties of))~~ (b) ~~((and Yakima))~~ County, except for the area~~((s))~~ designated in subsection (1)(b) ~~((and e))~~ of this section.

(c) The portion of Yakima County designated as follows: Beginning at the northeastern corner of Yakima County on the west bank of the Columbia River; thence southerly along the Columbia River to the Yakima-Benton County line; thence southerly along the county line to latitude N46°30'; thence west to longitude W120°20'; thence north to latitude N46°30.48'; thence west to longitude W120°25'; thence north to latitude N46°31.47'; thence west to longitude W120°28'; thence north to latitude N46°32'; thence west to longitude

W120°36'; thence south to latitude N46°30'; thence west to longitude W120°48'; thence southerly to the Klickitat-Yakima County line; thence westerly along the county line to the Yakima-Skamania County line; thence northerly along the county line to the Lewis-Yakima County line; thence easterly and northerly along the county line to the Pierce-Yakima County line; thence northerly and easterly along the county line to the Kittitas-Yakima County line; thence easterly and southerly along the county line to the west bank of the Columbia River and the point of beginning.

(3) A quarantine for apple maggot is declared for all states or foreign countries where apple maggot is established. The area under quarantine includes, but is not limited to, the states of Idaho, Oregon, Utah, and California, and, in the eastern United States, all states and districts east of and including North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas, and any other areas where apple maggot is established.

AMENDATORY SECTION (Amending WSR 01-14-075, filed 7/3/01, effective 8/3/01)

WAC 16-470-111 What commodities are regulated for apple maggot? All fresh fruit of apple (including crab apple), cherry (except cherries that are commercial fruit), hawthorn (haw), pear (except pears that are commercial ~~((pears))~~ fruit from California, Idaho, Oregon, Utah, and Washington), plum, prune, and quince are regulated under quarantine for apple maggot.

AMENDATORY SECTION (Amending WSR 01-14-075, filed 7/3/01, effective 8/3/01)

WAC 16-470-115 Within Washington state, what is required to ship fruit into the pest free area for apple maggot from quarantined ~~((counties))~~ areas? Shipment of regulated commodities, as described in WAC 16-470-111, from an area under quarantine, as described in WAC 16-470-105(2), into the pest free area for apple maggot, as described in WAC 16-470-105(1), is prohibited, unless one of the following conditions is met:

(1) The shipment is accompanied by a permit for movement of fruit issued by the department verifying one of the following:

(a) The fruit came from orchards and production sites that are not threatened with infestation; or

(b) The fruit has completed treatment as specified in WAC 16-470-118(3). If records of treatment verifying compliance with conditions specified in WAC 16-470-118(3) are made available to the department, no reinspection is required by the department.

(2) The shipment is accompanied by a permit issued by the department in fulfillment of WAC 16-470-118 (2) and (3), which specifies conditions for shipment from orchards and production sites that are infested or threatened with infestation.

AMENDATORY SECTION (Amending WSR 01-14-075, filed 7/3/01, effective 8/3/01)

WAC 16-470-118 Within Washington state, what is required to ship fruit into, within, or through the pest free area for apple maggot from an orchard or production site that is infested or threatened with infestation? All regulated commodities, as described in WAC 16-470-111, from an orchard or production site that is infested or threatened with infestation by apple maggot must be ~~((sampled and))~~ inspected (except graded culls - see subsection (4) of this section) by the department following accepted agency standards.

(1) If regulated commodities are inspected and found free of apple maggot, the shipment must be accompanied by a permit for movement of fruit issued by the department.

(2) If regulated commodities are found to be infested with apple maggot, a permit from the department, which specifies conditions for handling and shipment, is required to transport the fruit within or through the pest free area. No permit may be issued under this subsection for transportation of regulated commodities found to be infested with apple maggot into the pest free area for apple maggot.

(3) If regulated commodities are found to be infested with apple maggot, one or more of the following treatments must be performed and verified by the department as specified in WAC 16-470-115 (1)(b) before the commodity is moved from area(s) designated or quarantined by the department:

(a) Apples (including crab apples) cold treated as specified in WAC 16-470-113 (1)(a).

(b) Regulated commodities cold treated as specified in WAC 16-470-113 (1)(b).

(c) Other methods as prescribed in writing by the department.

(4) If the shipment contains graded culls, it must comply with the conditions specified in WAC 16-470-113 (1)(a) and (b).

WSR 06-14-010

PERMANENT RULES

PROFESSIONAL EDUCATOR STANDARDS BOARD

[Filed June 22, 2006, 4:45 p.m., effective July 23, 2006]

Effective Date of Rule: Thirty-one days after filing.

Purpose: To comply with ESSB 5732. Specifically, the changes replace "the state board of education" with "the professional educator standards board" in chapters 181-77, 181-77A, 181-78A, 181-79A, 181-82, 181-82A, 181-83, 181-85, 181-86 and 181-87 WAC, and replaces references to Title 180 WAC with Title 181 WAC.

Statutory Authority for Adoption: RCW 28A.410.210.

Adopted under notice filed as WSR 06-09-100 on April 19, 2006.

Changes Other than Editing from Proposed to Adopted Version: WAC 181-78A-700 is not included in this permanent adoption. The PESB already made the technical changes to this section in a previous rule adoption.

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 183, 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 183, Amended 0, Repealed 0.

Date Adopted: June 22, 2006.

Nasue Nishida

Policy and Research Analyst

AMENDATORY SECTION (Amending WSR 06-02-051, filed 12/29/05, effective 1/1/06)

WAC 181-77-001 Authority. The authority for this chapter is RCW 28A.410.010 which authorizes the ~~((state board of education))~~ professional educator standards board to establish, publish, and enforce rules and regulations determining eligibility for and certification of personnel employed in the common schools of this state.

AMENDATORY SECTION (Amending WSR 06-02-051, filed 12/29/05, effective 1/1/06)

WAC 181-77-003 Definitions. The following definitions shall apply to terms used in this chapter:

(1) "Approved program for training career and technical education teachers and career and technical education counselors" shall be defined as any program approved by the ~~((state board of education))~~ professional educator standards board which complies with chapter ~~((180-77A-WAC [181-77A-WAC]))~~ 181-77A WAC.

(2) "Career and technical education educator training" shall mean those career and technical education programs, courses, seminars and workshops offered for the purpose of career and technical education certification in compliance with chapter ~~((180-85-WAC [181-85-WAC]))~~ 181-85 WAC.

(3) "General safety" shall mean course work approved by the ~~((state board of education))~~ professional educator standards board and/or its designee that is designed to provide skill and knowledge common to all career and technical education instructors in safety.

(4) "Specific safety requirements" shall mean completion of course work approved by the ~~((state board of education))~~ professional educator standards board and/or its designee which is designed to provide the career and technical education 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 jour-

neyman 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 career and technical 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 career and technical education 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 06-02-051, filed 12/29/05, effective 1/1/06)

WAC 181-77-005 Types of career and technical education certificates. The following types of certificates shall be issued:

(1) Teacher. The teacher certificate authorizes service as a teacher in the school district(s) or skills center(s) and shall be issued in one of the following categories and/or in a specific subcategory of the major category as approved by the ~~((state board of education))~~ professional educator standards board and/or its designee:

- (a) Agriculture education;
- (b) Business education;
- (c) Marketing education;
- (d) Family and consumer sciences education;
- (e) Technology education;
- (f) Trade and industrial;
- (g) Health occupations;
- (h) Diversified occupations;
- (i) Coordinator for work-based learning; or
- (j) New and emerging fields;

(2) Director. The director certificate authorizes service as a career and technical education director, as an assistant director, or as a career and technical education supervisor in the school district(s) or skills center(s);

(3) Counselor. The career and technical education counselor certificate authorizes service in the role of career and technical education guidance and counseling;

(4) Occupational information specialist. The occupational information specialist certificate authorizes service in the role as an occupational information specialist.

AMENDATORY SECTION (Amending WSR 06-02-051, filed 12/29/05, effective 1/1/06)

WAC 181-77-014 Requirements for limited certification. (1) Probationary certificate. The probationary certificate is valid for two years and is renewable one time for two additional years upon recommendation of the employing district if the individual has completed the procedures outlined for the first year in the professional growth plan and has made additional progress in meeting the requirements for the initial career and technical education certificate.

The candidate for a probationary certificate must have substantially completed requirements for the initial career and technical education certificate as set forth in WAC (~~(180-77-031 [181-77-031] or 180-77-041 [181-77-041])~~) 181-77-031 or 181-77-041.

(a) Such a certificate may be issued upon recommendation by the employing school district.

(b) The candidate shall have developed a professional growth plan in cooperation with the career and technical education administrator. The plan must be approved by the local school district career and technical education program advisory committee, to which the candidate is assigned. The plan shall provide for orientation, prior to the commencement of the teaching assignment, in the following:

- (i) Issues related to legal liability;
- (ii) The responsibilities of professional career and technical education educators; and
- (iii) The lines of authority in the employing school district and/or building.

Within the first sixty working days, the plan shall establish procedures for the career and technical education instructor to develop competencies in the following:

- (iv) Career and technical education methods; and
- (v) General and specific safety.

If the candidate does not have access to the required course work within the first ninety working days, the local school district career and technical education advisory committee responsible may authorize the completion of the course work at a later date. The required course work shall be completed prior to the second year of employment.

(vi) The plan shall develop procedures and timelines for the career and technical education instructor to meet the requirements for the initial career and technical education certificate.

(vii) Provided, That candidates for probationary certificates as a coordinator of work-based learning shall successfully demonstrate competencies related to coordination techniques as verified by a ~~((state board of education))~~ professional educator standards board approved program and hold a valid probationary career and technical education teacher certificate.

(2) Conditional career and technical education certificate. Notwithstanding other requirements prescribed in this chapter for eligibility for career and technical education certification in the state of Washington, the one-year conditional career and technical education certificate may be issued under specific circumstances set forth below for limited service:

(a) The issuance of the conditional career and technical education certificate may be issued only under unique and

special circumstances where no regularly certificated career and technical education instructor is available and is limited to:

(i) Persons highly qualified and experienced in the knowledge and occupational skills of the career and technical education program to be certified; or

(ii) Persons who meet the occupational experience requirements for career and technical education certification; or

(iii) Persons who will be employed in new and emerging occupations as identified by the ~~((state board of education))~~ professional educator standards board and/or its designee.

(b) The certificate is issued to individuals who are screened by the local career and technical education administrator and school district superintendent or designee. The local career and technical education administrator or superintendent will verify that the following criteria have been met when requesting the conditional career and technical education certificate:

(i) No person with career and technical education certification in the field is available as verified by the local career and technical education administrator or superintendent;

(ii) The individual is being certified for a limited assignment and responsibility in a specified career and technical education program area;

(iii) Personnel so certificated will be oriented and prepared for the specific assignment and will be apprised of any legal liability, the lines of authority and the duration of the assignment;

(iv) The career and technical education administrator and local program advisory committee will indicate the basis on which he/she has determined that the individual is competent for the assignment;

(v) A written work and/or educational experience training plan as specified in WAC ~~((180-77-014 [181-77-014]))~~ 181-77-014 (1)(b) is on file with the employing district.

(c) The certificate is valid for one year and only for the teaching area specified on the certificate. The certificate may be reissued on application and evidence that requirements continue to be met.

(3) Substitute career and technical education certificates. Substitute career and technical education certificates may be issued to candidates who meet the requirements in WAC ~~((180-79A-231 [181-79A-231]))~~ 181-79A-231 (2) or (4).

AMENDATORY SECTION (Amending WSR 06-02-051, filed 12/29/05, effective 1/1/06)

WAC 181-77-015 Certificate validity and renewal.

(1) The initial certificate is valid for four years and may be renewed two times in accordance with WAC ~~((180-77-031 [181-77-031] or 180-77-041 [181-77-041]))~~ 181-77-031 or 181-77-041.

(2) The initial renewal certificate is valid for three years and may be renewed one time in accordance with WAC ~~((180-77-031 [181-77-031]))~~ 181-77-031 (2)(a) or ~~((180-77-041 [181-77-041]))~~ 181-77-041 (2)(a).

(3) The continuing certificate is valid for five years and may be renewed every five years in accordance with WAC

~~((180-77-031(4) [181-77-031(4)] or 180-77-041(4) [181-77-041(4)]))~~ 181-77-031(4) or 181-77-041(4).

AMENDATORY SECTION (Amending WSR 06-02-051, filed 12/29/05, effective 1/1/06)

WAC 181-77-020 Certificate required. Persons serving as career and technical education instructors, career and technical education directors and assistant directors, career and technical education supervisors, career and technical education counselors, and occupational information specialists shall hold certificates authorized by the ~~((state board of education))~~ professional educator standards board for service in the respective roles.

AMENDATORY SECTION (Amending WSR 06-02-051, filed 12/29/05, effective 1/1/06)

WAC 181-77-025 Personnel assignment. Career and technical education teachers teaching other secondary school subjects and career and technical education counselors serving in addition as general counselors need to hold a valid certificate as provided for in chapter ~~((180-79A WAC [181-79A WAC]))~~ 181-79A WAC, Standards for teacher, administrator, and educational staff associate certification.

AMENDATORY SECTION (Amending WSR 06-02-051, filed 12/29/05, effective 1/1/06)

WAC 181-77-031 Requirements for candidates seeking career and technical education certification who have completed approved college/university programs in a career and technical education endorsement area. Candidates shall complete the following requirements in addition to those set forth in WAC ~~((180-79A-150 [181-79A-150], 180-79A-155 [181-79A-155], 180-82-322 [181-82-322]))~~ 181-79A-150, 181-79A-155, 181-82-322, and chapter ~~((180-78A WAC [181-78A WAC]))~~ 181-78A WAC.

(1) Initial.

(a) Candidates for the initial certificate shall hold a baccalaureate degree from a regionally accredited college or university which includes a minimum of forty-five quarter hours of study in the specific career and technical education subject area for which certification is sought.

(b) Candidates for the initial certificate shall demonstrate competency in one or more of the specific endorsement areas of WAC ~~((180-82-322 [181-82-322]))~~ 181-82-322.

(c) Candidates for the initial certificate shall complete a state approved career and technical education teacher training program through a regionally accredited college or university which shall include completion of student teaching in the relevant career and technical education subject area.

(d) Candidates for the initial certificate shall provide documentation of one year of paid occupational experience (two thousand hours) in the specific career and technical education 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.

(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~~ [~~181-77A-180~~])) 181-77A-180.

(2) Initial renewal. Candidates for renewal of the initial certificate must complete three quarter hours of credit or thirty clock hours of career and technical education educator training in the subject 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 career and technical education educator training in the career and technical education subject 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 career and technical education subject 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 career and technical education educator training;

(ii) Three quarter hours or thirty clock hours of career and technical education educator training and three quarter hours or thirty clock hours of technical education/upgrading;

(iii) Three quarter hours or thirty clock hours of career and technical education educator training and three hundred hours of occupational experience.

AMENDATORY SECTION (Amending WSR 06-02-051, filed 12/29/05, effective 1/1/06)

WAC 181-77-041 Requirements for candidates seeking career and technical education certification on the basis of business and industry work experience. Candidates for certification who have not completed approved programs set forth in WAC ((~~180-82-322~~ [~~181-82-322~~])) 181-82-322 shall complete the following requirements in addition to those set forth in WAC ((~~180-79A-150~~ [~~181-79A-150~~])) 181-79A-150 (1) and (2) and ((~~180-79A-155~~ [~~181-79A-155~~])) 181-79A-155 (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 career and technical education 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 complete a ((~~state board of education~~)) professional educator standards board approved program under WAC ((~~180-77A-029~~ [~~181-77A-029~~])) 181-77A-029 in which they demonstrate compe-

tence in the general standards for all career and technical education teacher certificate candidates pursuant to WAC ((~~180-77A-165~~ [~~181-77A-165~~])) 181-77A-165, which include but are not limited to knowledge and skills in the following areas:

(i) General and specific safety;

(ii) Career and technical education teaching methods;

(iii) Occupational analysis;

(iv) Course organization and curriculum design;

(v) Philosophy of vocational education;

(vi) Personal student development and leadership techniques.

(c) 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 ((~~180-77A-165(7)~~ [~~181-77A-165(7)~~])) 181-77A-165(7).

(d) 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~~ [~~181-77A-180~~])) 181-77A-180.

(2) Initial renewal. Candidates for renewal of the initial certificate must complete three quarter hours of credit or thirty clock hours of career and technical education 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 career and technical education educator training in the career and technical education 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 career and technical education 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 career and technical education educator training;

(ii) Three quarter hours or thirty clock hours of career and technical education educator training and three quarter hours or thirty clock hours of technical education/upgrading;

(iii) Three quarter hours or thirty clock hours of career and technical education educator training and three hundred hours of occupational experience.

AMENDATORY SECTION (Amending WSR 06-02-051, filed 12/29/05, effective 1/1/06)

WAC 181-77-068 Requirements for coordinator of work-based learning initial or continuing certificates. To obtain a coordinator of work-based learning certificate, a candidate must:

- (1) Possess a valid initial or continuing career and technical education teaching certificate; and
- (2) Successfully demonstrate competencies related to coordination techniques as verified by a (~~state board of education~~) professional educator standards board approved program.

AMENDATORY SECTION (Amending WSR 06-02-051, filed 12/29/05, effective 1/1/06)

WAC 181-77-075 Levels, validity and standards for certification of local career and technical education counselors. Career and technical education counselors are required to meet the following:

(1) Counselors are required to possess a valid educational staff associate—counselor certificate as provided in WAC (~~(180-79A-221(1) [181-79A-221(1)])~~) 181-79A-221(1), in counseling and/or graduated from an institution of higher education in a counselor education program which includes study in such subjects as economics, sociology, psychology, political science and sources of occupational information in order to obtain a one-year certificate. All vocational counselors must have completed courses in the following or equivalent experiences:

- (a) Techniques of counseling or counseling theory to include individual and/or group;
- (b) Tests and measurements and/or individual mental measurement and/or psychological evaluation;
- (c) Counseling practice;
- (d) Philosophy of vocational education;
- (e) Counselors must have had two years of varied work experience in the last ten years other than teaching or counseling experience;
- (f) Experience is suggested in dealing with employment and personnel problems and with placement and evaluation of workers in business, industry, agriculture, education and/or government service.

(2) The requirements for a three-year certificate are as follows:

- (a) The counselor must have possessed a one-year certificate in the past two years;
- (b) Counselors must have had one year of career and technical education counseling;
- (c) Counselors must have three quarter credits or the equivalent of approved professional education since the previous certificate.

(3) The requirements for a five-year certificate are as follows:

- (a) Counselors must have had two years of career and technical education counseling during the previous three-year certificate;
- (b) Counselors are required to have had six quarter credits or the equivalent of approved training in career and technical education counseling and/or career and technical education since the previous certificate.
- (4) To renew a counselor certificate the following is required:
 - (a) The one-year certificate may be renewed two times;
 - (b) The three-year certificate may be renewed one time provided:

(i) The counselor has had one year of career and technical education counseling during the life of the previous certificate; and

(ii) The counselor has had three quarter credits or the equivalent training in career and technical education counseling and/or career and technical education since the previous certificate.

(c) The five-year certificate may be renewed every five years provided:

(i) The counselor has had two years of career and technical education counseling during the previous five-year career and technical education certificate; and

(ii) The counselor has had six quarter credits or the equivalent of career and technical education training and/or equivalent experience.

AMENDATORY SECTION (Amending WSR 06-02-051, filed 12/29/05, effective 1/1/06)

WAC 181-77-110 Career and technical education instructor certification reciprocity. The superintendent of public instruction will recognize community and technical college instructors certified under WAC 131-16-091 through 131-16-095 when these individuals provide instruction to high school students. These instructors must maintain their certification in good standing and, when employed to provide services within a public common school shall be required to have completed and have on file:

- (1) Documentation of completion of the issues of abuse requirement pursuant to RCW 28A.410.035; and
- (2) A background check as defined in WAC (~~(180-79A-150(2) [181-79A-150(2)])~~) 181-79A-150(2) and RCW 28A.410.010; and
- (3) Evidence of good moral character as required in WAC (~~(180-79A-155 [181-79A-155])~~) 181-79A-155.

AMENDATORY SECTION (Amending WSR 06-02-051, filed 12/29/05, effective 1/1/06)

WAC 181-77-120 Out-of-state candidates. Out-of-state applicants shall be eligible for Washington career and technical education certificates if they meet the standards in chapter (~~(180-77 WAC [181-77 WAC])~~) 181-77 WAC or as follows: Provided, That candidates who apply for a career and technical education 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 career and technical education 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 (~~(180-79A-150(4))~~ ~~[181-79A-150(4)]~~) 181-79A-150(4).

(c) Holds an appropriate career and technical education certificate issued by another state and had practiced at the P-12 level in that respective role outside the state of Washington for three years and has completed competency-based teacher training.

(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.

AMENDATORY SECTION (Amending WSR 06-02-051, filed 12/29/05, effective 1/1/06)

WAC 181-77-122 Appeal procedures. Career and technical education certification candidates who apply directly to the superintendent of public instruction for a certificate, certificate renewal, or certificate reinstatement and whose application is denied shall be entitled to appeal that decision in accordance with the appeal procedures in chapter (~~(180-86 WAC~~ ~~[181-86 WAC])~~) 181-86 WAC.

AMENDATORY SECTION (Amending WSR 06-02-051, filed 12/29/05, effective 1/1/06)

WAC 181-77A-003 Authority. The authority for this chapter is RCW 28A.410.010 which authorizes the (~~(state board of education))~~ professional educator standards board 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)~~ 28A.410.210) (1) and (2) which authorizes the (~~(state board of education))~~ professional educator standards board to approve educator preparation programs in institutions of higher education.

AMENDATORY SECTION (Amending WSR 06-02-051, filed 12/29/05, effective 1/1/06)

WAC 181-77A-029 Procedures for initial approval of a career and technical education teacher preparation program for candidates applying under WAC (~~(180-77-041~~ ~~[181-77-041])~~) 181-77-041. Using the criteria published by the office of the superintendent of public instruction as a guideline, 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 career and technical education teacher preparation program for candidates applying under WAC (~~(180-77-041~~ ~~[181-77-041])~~) 181-77-041 shall comply with the following:

(1) Advise the (~~(state board of education))~~ professional educator standards board of the desire to establish the career and technical education teacher preparation program, identi-

fying the agencies involved and the administrator of the program.

(2) Establish and maintain a representative program advisory committee including career and technical education teachers from the discipline, at least one first-year teacher (if applicable) who has completed the respective program, career and technical education administrators, and industry and/or community representatives.

The purpose of the program advisory committee is to advise, validate, and review the integrity of the respective career and technical education teacher education program.

(3) Describe the planned process that the approved career and technical education teacher preparation program will use to assess, in multiple ways, over time, its career and technical education teacher candidates knowledge and skills as required by WAC (~~(180-77A-165~~ ~~[181-77A-165])~~) 181-77A-165, including, where appropriate, evidence related to positive impact on student learning.

(4) 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.

(5) Present the plan to the (~~(state board of education))~~ professional educator standards board.

AMENDATORY SECTION (Amending WSR 06-02-051, filed 12/29/05, effective 1/1/06)

WAC 181-77A-030 Length of time for which a career and technical education teacher program based on business and industry work experience shall be approved. (1) The (~~(state board of education))~~ professional educator standards board shall approve all programs under these program approval standards for five years unless the (~~(state board of education))~~ professional educator standards board approves a variation.

(2) The (~~(state board of education))~~ professional educator standards board, upon receipt of a complaint from any source or upon its initiative, may review all or any part of a program for compliance with the provisions of this chapter. If deviations are found, the (~~(state board of education))~~ professional educator standards board is authorized to rescind program approval until the program provider submits an acceptable compliance agreement which will bring the 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))~~ professional educator standards board, the program shall be placed on probationary status and the probationary status provision of WAC (~~(180-77A-033~~ ~~[181-77A-033])~~) 181-77A-033 shall apply.

AMENDATORY SECTION (Amending WSR 06-02-051, filed 12/29/05, effective 1/1/06)

WAC 181-77A-033 Probationary status for a career and technical education teacher preparation program based on business and industry work experience. Program providers with approved programs shall not lose official

approval status until the ~~((state board of education))~~ professional educator standards board has taken final action to disapprove the 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 program for those candidates for certification currently enrolled in the program and who are scheduled to complete such program within such academic years and for the purpose of regaining ~~((state board of education))~~ professional educator standards board approval.

AMENDATORY SECTION (Amending WSR 06-02-051, filed 12/29/05, effective 1/1/06)

WAC 181-77A-037 Procedures for reestablishment of approval status for a career and technical education teacher preparation program based on business and industry work experience. The procedures for the reestablishment of ~~((state board of education))~~ professional educator standards board approval of a program shall be the same as the procedure for initial approval as provided in WAC ~~((180-77A-029 [181-77A-029]))~~ 181-77A-029.

AMENDATORY SECTION (Amending WSR 06-02-051, filed 12/29/05, effective 1/1/06)

WAC 181-77A-040 Responsibilities of the designated program administrator. Each provider of an approved career and technical education teacher preparation program based on business and industry work experience pursuant to WAC ~~((180-77A-029 [181-77A-029]))~~ 181-77A-029 shall require the administrator to coordinate the following responsibilities:

- (1) Submit to the ~~((state board of education))~~ professional educator standards board 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.

AMENDATORY SECTION (Amending WSR 06-02-051, filed 12/29/05, effective 1/1/06)

WAC 181-77A-080 Substitute pay for members of program advisory committees. Service on program advisory committees by certificated employees is deemed by the ~~((state board of education))~~ professional educator standards board 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.

AMENDATORY SECTION (Amending WSR 06-02-051, filed 12/29/05, effective 1/1/06)

WAC 181-77A-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))~~ professional educator standards board for WAC ~~((180-77-005 [181-77-005]))~~ 181-77-005 shall be assessed on the basis of the requirements pursuant to WAC ~~((180-77-041 [181-77-041]))~~ 181-77-041 and ~~((180-77A-165 [181-77A-165]))~~ 181-77A-165.

AMENDATORY SECTION (Amending WSR 06-02-051, filed 12/29/05, effective 1/1/06)

WAC 181-77A-180 Career and technical education teacher preparation specialty standards. In addition to the standards identified in WAC 182-82-332 or ~~((180-77A-175 [180-77A-175]))~~ 181-77A-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 career and technical education 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.

AMENDATORY SECTION (Amending WSR 06-02-051, filed 12/29/05, effective 1/1/06)

WAC 181-78A-003 Authority. The authority for this chapter is RCW ~~((28A.305.130))~~ 28A.410.210 (1) through

(4) which authorizes the (~~(state board of education)~~) professional educator standards board to approve and disapprove educator preparation programs in institutions of higher education in Washington state.

AMENDATORY SECTION (Amending WSR 06-02-051, filed 12/29/05, effective 1/1/06)

WAC 181-78A-005 Purpose. In order to support the successful implementation of Washington's ongoing public school reform and improvement policies, the (~~(state board of education)~~) professional educator standards board is establishing a performance-based preparation system for educators. The intent 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 participate effectively in a diverse and democratic society. 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. 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.

AMENDATORY SECTION (Amending WSR 06-02-051, filed 12/29/05, effective 1/1/06)

WAC 181-78A-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)~~) professional educator standards board 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)~~) professional educator standards board 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 a candidate for accreditation or is 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 of Colleges and Universities;

(e) Southern Association of Colleges and Schools;

(f) Western Association of Schools and Colleges: Accrediting Commission for Junior and Senior Colleges.

(7) "An approved performance-based educator preparation program" means a program that requires the candidate to demonstrate in multiple ways, over time, specific (~~(state board of education)~~) professional educator standards board 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: Provided, That teachers employed by private schools who are candidates for the professional teaching certificate shall document students' increased knowledge and/or demonstration of a skill or skills related to either:

(a) The state goals or essential academic learning requirements; or

(b) Such alternative learning goals as the private school has established.

(9) "Collaboration" (as used in WAC (~~(180-78A-500 [181-78A-500])~~) 181-78A-500 through (~~(180-78A-540 [181-78A-540])~~) 181-78A-540) means ongoing communication among the professional growth team members using a variety of formats (e.g., conferences, electronic mail, conference calls, etc.) to reach consensus regarding the content - course work, experiences, competencies, knowledges and skills - of the candidate's professional growth plan.

(10) "Professional growth team."

(a) Teacher "professional growth team" means a team comprised of the candidate for professional certification, a colleague specified by the candidate, a college or university advisor appointed by the college or university, and a representative from the school district in which the candidate teaches.

(b) Principal/program administrator "professional growth team," for the purpose of professional certification, means a team comprised of the candidate for the professional certificate, a district representative or designee, a professional association representative, and a college or university advisor. "Professional growth team," for the purpose of renewal of the professional certificate, means a team comprised of the individual renewing the certificate and the superintendent, or superintendent designee or appointed representative.

(c) School counselor, school psychologist, and school social worker "professional growth team" for the purpose of professional certification, means a team comprised of the candidate for the professional certificate, a college/university representative, and a colleague/peer specified by the candidate.

(11) "Individual professional growth plan" means the document which identifies the specific competencies, knowledges, skills and experiences needed to meet the standards set forth in WAC (~~(180-78A-540 [181-78A-540])~~) 181-78A-

540. The individual professional growth plan shall meet requirements set forth in WAC ((180-78A-535 [181-78A-535])) 181-78A-535 (4)(a).

(12) "Preassessment seminar" means that component of the approved professional certificate program in which the candidate for a professional certificate, in collaboration with members of his/her professional growth team, identifies specific competencies, knowledges, skills and/or experiences needed to meet standards for the certificate as required by WAC ((180-78A-540 [181-78A-540])) 181-78A-540. The preassessment seminar shall meet requirements set forth in WAC ((180-78A-535 [181-78A-535])) 181-78A-535 (4)(a).

(13) "Culminating seminar" means that component of the approved professional certificate program in which the candidate for a professional certificate presents his/her final documentation and evidence of professional certificate level knowledge, skill and performance, and positive impact on student learning. The culminating seminar shall meet requirements set forth in WAC ((180-78A-535 [181-78A-535])) 181-78A-535 (4)(e).

AMENDATORY SECTION (Amending WSR 06-02-051, filed 12/29/05, effective 1/1/06)

WAC 181-78A-100 Existing approved programs.

Chapter ((180-78A [181-78A])) 181-78A WAC rules shall govern all policies related to programs upon adoption by the ((state board of education)) professional educator standards board, which shall provide assistance to colleges and universities in the revision of their existing programs.

(1) All professional education programs shall be reviewed for approval under the 1997 program approval standards of chapter ((180-78A [181-78A])) 181-78A WAC by August 31, 2000. Colleges and universities may permit individuals accepted into teacher preparation programs on or before August 31, 2000, to obtain certification by meeting requirements of programs approved under approval standards described in chapter ((180-78 [181-78])) 181-78 WAC if the individuals complete the program on or before August 31, 2003, and the college or university verifies program completion to the superintendent of public instruction on or before December 31, 2003: Provided, That the ((state board of education)) professional educator standards board or its designee may waive this deadline on a case-by-case basis.

(2) All principal/program administrator programs shall be reviewed for approval under the 2002 program approval standards of chapter ((180-78A [181-78A])) 181-78A WAC by August 31, 2004. Colleges and universities may permit individuals accepted into principal/program administrator programs on or before August 31, 2004, to obtain a residency certificate by meeting requirements of programs approved under 1997 approval standards described in chapter ((180-78A [181-78A])) 181-78A WAC if the individuals complete the program on or before August 31, 2006, and the college or university verifies program completion to the superintendent of public instruction on or before December 31, 2006. Provided, That the ((state board of education)) professional educator standards board or its designee may waive this deadline on a case-by-case basis.

(3) All school counselor, school psychologist, or school social worker programs shall be approved under the 2004 program approval standards of chapter ((180-78A [181-78A])) 181-78A WAC by August 31, 2005. Colleges and universities may permit individuals accepted into the school counselor, school psychologist, or school social worker programs on or before August 31, 2005, to obtain a residency certificate by meeting requirements of programs approved under the 1997 approval standards described in chapter ((180-78A [181-78A])) 181-78A WAC if the individuals complete the program on or before August 31, 2007, and the college or university verifies program completion to the superintendent of public instruction on or before December 31, 2007. Provided that the ((state board of education)) professional educator standards board or its designee may waive this deadline on a case-by-case basis.

(4) Individuals who completed a principal/program administrator program on or before August 31, 2004, shall be granted an initial certificate if the preparing college or university verifies completion by December 31, 2004. Individuals who complete an educational staff associate program on or before August 31, 2005, shall be granted an initial certificate if the preparing college or university verifies completion by December 31, 2005.

(5) Institutions shall be given at least one year notification prior to a ((state board of education)) professional educator standards board 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)) professional educator standards board shall consider that request.

(6) The ((state board of education)) professional educator standards board 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 determining the schedule for site visits, the board shall take into consideration the partnership agreement between the state and the National Council for the Accreditation of Teacher Education (NCATE) as such agreement relates to the NCATE accreditation cycle and allow NCATE accredited colleges/universities to follow the NCATE schedule for their state site visit. Non-NCATE accredited colleges/universities shall have a state approval site visit every five years. The ((state board of education)) professional educator standards board may require more frequent site visits at their discretion pursuant to WAC ((180-78A-110(2) [181-78A-110(2)])) 181-78A-110(2).

(7) Each institution shall submit its program for review when requested by the ((state board of education)) professional educator standards board 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)) professional educator standards board for the year prior to the site visit.

(8) 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)) professional

educator standards board 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.

(9) In submitting a request for approval under these standards, the approved program shall provide a description of the criteria that the 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))~~ professional educator standards board shall grant approval or request specific revisions that need to be made in order to obtain ~~((state board of education))~~ professional educator standards board approval.

AMENDATORY SECTION (Amending WSR 06-02-051, filed 12/29/05, effective 1/1/06)

WAC 181-78A-105 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))~~ professional educator standards board of its desire to establish a preparation program.

(2) Establish the appropriate professional education advisory board pursuant to WAC ~~((180-78A-205 [181-78A-205]))~~ 181-78A-205.

(3) Develop with the assistance of the professional education advisory board and designated officials of the ~~((state board of education))~~ professional educator standards board, 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))~~ professional educator standards board 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))~~ professional educator standards board which shall approve it and grant initial approval status if the ~~((state board of education))~~ professional educator standards board is satisfied that the college or university will 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.

(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.

AMENDATORY SECTION (Amending WSR 06-02-051, filed 12/29/05, effective 1/1/06)

WAC 181-78A-110 Length of time for which program approval status shall be granted. (1) The ~~((state board of education))~~ professional educator standards board shall approve all preparation programs under the 1997 program approval standards for five years unless the ~~((state))~~ professional educator standards board approves a variation with the exception of new programs approved for up to two years under WAC ~~((180-78A-105 [181-78A-105]))~~ 181-78A-105.

(2) The superintendent of public instruction, upon receipt of a complaint from any source or upon her or his initiative, or initiative of the ~~((state))~~ professional educator standards board may review all or any part of a preparation program for compliance with the provisions of this chapter. If deviations are found, the ~~((state))~~ professional educator standards board 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))~~ professional educator standards board, the preparation program shall be placed on probationary status and the probationary status provision of WAC ~~((180-78A-115 [181-78A-115]))~~ 181-78A-115 shall apply.

AMENDATORY SECTION (Amending WSR 06-02-051, filed 12/29/05, effective 1/1/06)

WAC 181-78A-115 Probationary status. Colleges and universities with approved preparation programs shall not lose official approval status until the ~~((state board of education))~~ professional educator standards board 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))~~ professional educator standards board approval.

AMENDATORY SECTION (Amending WSR 06-02-051, filed 12/29/05, effective 1/1/06)

WAC 181-78A-120 Procedures for reestablishment of approval status for an educator preparation program. The procedures for the reestablishment of ~~((state board of education))~~ professional educator standards board approval of a preparation program shall be the same as the procedure for initial approval as provided in WAC ~~((180-78A-105 [181-78A-105]))~~ 181-78A-105, except that if the preparation program continues to operate pursuant to the probationary status

provision of WAC (~~(180-78A-115 [181-78A-115])~~) 181-78A-115, the (~~(state board of education)~~) professional educator standards board may limit the content of the written plan required by WAC (~~(180-78A-105(3) [181-78A-105(3)])~~) 181-78A-105(3) to program standards determined by the (~~(state board of education)~~) professional educator standards board to be the cause of the college or university's probationary status.

AMENDATORY SECTION (Amending WSR 06-02-051, filed 12/29/05, effective 1/1/06)

WAC 181-78A-136 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-261(2) [181-78A-261(2)])~~) 181-78A-261(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 [181-79A])~~) 181-79A 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 15 quarter (10 semester) hours of coursework at the respective college or university.

AMENDATORY SECTION (Amending WSR 06-02-051, filed 12/29/05, effective 1/1/06)

WAC 181-78A-205 Required professional education advisory board. Colleges and universities seeking approval by the (~~(state board of education)~~) professional educator standards board as an approved preparation program, and in order to maintain such approval status, shall establish a professional education advisory board (PEAB) 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 (ESA), 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 admin-

istrator role involved: Provided, That each administrator PEAB shall include at least one member appointed by the association of Washington school principals (AWSPP) and one appointed by the Washington association of school administrators (WASA).

(4) The failure of a designated organization, as specified in WAC (~~(180-78A-209 [181-78A-209])~~) 181-78A-209, to make appointments to the designated board, or to make such appointments in a timely manner, shall not cause the preparation program to lose its approval status.

AMENDATORY SECTION (Amending WSR 06-02-051, filed 12/29/05, effective 1/1/06)

WAC 181-78A-215 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)~~) professional educator standards board as a committee formed for the purpose of furthering education within the state. Accordingly, the superintendent of public instruction, in conformance with the provisions of RCW 28A.300.035, shall make payments to school districts for needed substitutes.

AMENDATORY SECTION (Amending WSR 06-02-051, filed 12/29/05, effective 1/1/06)

WAC 181-78A-220 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 compliance with the provisions of WAC (~~(180-78A-250 [181-78A-250])~~) 181-78A-250, 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 compliance with the provision of WAC (~~(180-78A-255 [181-78A-255])~~) 181-78A-255, has established a performance-based preparation program.

(3) **Unit governance and resources:** A separate college, school, department, or other administrative unit within the college or university, in compliance with the provision of WAC (~~(180-78A-261 [181-78A-261])~~) 181-78A-261, is responsible for providing the resources needed to develop and maintain quality preparation programs.

(4) **Program design:** Each college or university, in compliance with the provision of WAC (~~(180-78A-264 [181-78A-264])~~) 181-78A-264, 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 compliance with the provision of WAC (~~(180-78A-270 [181-78A-270])~~) 181-78A-270, has established policies

requiring all candidates for certification to know and demonstrate the content, pedagogical, and professional knowledge and skills required for the particular certificate and areas of endorsement, which reflect the state's learning goals and essential academic learning requirements, and are necessary to help all students learn.

AMENDATORY SECTION (Amending WSR 06-02-051, filed 12/29/05, effective 1/1/06)

WAC 181-78A-225 Acceptance of alternative standards. (1) For a given program, the ~~((state board of education))~~ professional educator standards board 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 for school counselor and school psychologist program approval (WAC ~~((180-78A-220 [181-78A-220]))~~ 181-78A-220 (2) through (5)).

(2) The ~~((state board of education))~~ professional educator standards board may allow the substitution of national standards (e.g., 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))~~ professional educator standards board. National standards may also be approved for programs in specific endorsement areas if they are deemed to be equivalent to state standards.

AMENDATORY SECTION (Amending WSR 06-02-051, filed 12/29/05, effective 1/1/06)

WAC 181-78A-250 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-220(1) [181-78A-220(1)])~~ 181-78A-220(1):

(1) The professional education advisory board has been established in accordance with WAC ~~((180-78A-209 [181-78A-209]))~~ 181-78A-209.

(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 annually has reviewed follow-up studies, placement records, and summaries of performance on the pedagogy assessment for teacher candidates.

(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 annually has seen, reviewed and approved an executive summary of the activities of the professional education advisory board. The college or university has submitted the approved execu-

tive summary to the ~~((state board of education))~~ professional educator standards board.

(7) The professional education advisory board for administrator preparation programs participated in the candidate selection process for principal preparation programs.

AMENDATORY SECTION (Amending WSR 06-02-051, filed 12/29/05, effective 1/1/06)

WAC 181-78A-255 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-220(2) [181-78A-220(2)])~~ 181-78A-220(2). Each college and university shall:

(1) Submit for approval to the ~~((state board of education))~~ professional educator standards board a performance-based program for the preparation of teachers, administrators, and educational staff associates that identifies:

(a) A comprehensive set of learner expectations for each preparation program;

(b) An assessment system that reflects the conceptual framework(s) and state standards, and collects and analyzes data on applicant qualifications, candidate and graduate performance, unit operations and program quality;

(c) Explicit connections between professional, state, and institutional standards, and candidate assessments.

(2) During the first year following program completion, solicit feedback from program completers employed in education, and their supervisors, regarding the program's effectiveness.

(3) Maintain placement records for all program completers during the first year following program completion.

(4) Submit an annual report to the ~~((state board of education))~~ professional educator standards board for each approved program to include:

(a) An executive summary of the activities of each professional education advisory board, including membership, meeting attendance, meeting expenditure information, PEAB recommendations, and program responses to the recommendations.

(b) The number of students completing each approved program during the period from September 1 - August 31 of the previous year.

(c) Other information related to the preparation programs requested by the ~~((state board of education))~~ professional educator standards board.

(5) Collect and maintain exemplar candidate work samples that document a positive impact on student learning.

AMENDATORY SECTION (Amending WSR 06-02-051, filed 12/29/05, effective 1/1/06)

WAC 181-78A-261 Approval standard—Unit governance and resources. Building on the mission to prepare educators who demonstrate a positive impact on student learning, the unit has the leadership, authority, budget, personnel, facilities, and resources, including information technology resources, for the preparation of candidates to meet state standards. 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-220(3)~~ [~~181-78A-220(3)~~])) 181-78A-220(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) Faculty are qualified and model best professional practices in scholarship, service, and teaching including the assessment of their own effectiveness as related to candidate performance.

(4) The institution has and implements an explicit plan to ensure that candidates interact with higher education faculty, school faculty, other candidates and P-12 students representing diverse populations.

(5) The unit provides a mechanism and facilitates collaboration between unit faculty and faculty in other units of the institution involved in the preparation of educators.

(6) The unit receives sufficient budgetary allocations at least proportional to other institutional units.

(7) Workload policies allow faculty members to be actively engaged in teaching, scholarship, assessment, advisement, collaborative work with P-12 schools, and service.

(8) 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.

(9) The unit has adequate facilities to support candidates in meeting standards.

(10) The unit has adequate information technology resources, library, and curricular resources, and electronic information to support faculty and candidates.

(11) The unit systematically evaluates faculty performance and facilitates professional development.

(12) Faculty regularly and systematically collaborate with colleagues in P-12 settings, faculty in other college or university units, and members of the broader professional community to improve teaching, candidate learning, and the preparation of educators.

AMENDATORY SECTION (Amending WSR 06-02-051, filed 12/29/05, effective 1/1/06)

WAC 181-78A-264 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-220(4)~~ [~~181-78A-220(4)~~])) 181-78A-220(4):

(1) The conceptual framework establishes the shared vision for the unit's efforts in preparing educators to work effectively in P-12 schools. It provides the basis for coherence among curriculum, instruction, field experiences, clinical practice, assessment, and evaluation. The conceptual framework is based on current research and best practice, is cohesive and integrated, supports the state's student learning

goals and for teacher preparation programs, and reflects the essential academic learning requirements. The conceptual framework reflects the unit's commitment to preparing candidates to support learning for all students and the unit's commitment to preparing candidates who are able to use educational technology to help all students learn.

(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-200~~ [~~181-78A-200~~])) 181-78A-200 Candidate admission policies). These candidates include members from under represented groups.

(3) Programs shall assure that candidates are provided with opportunities to learn the pedagogical and professional knowledge and skills required for the particular certificate, and for teacher preparation programs, the competencies for endorsement areas.

(4) A set of learner expectations for program completion are identified and published.

(5)(a) The unit and its school partners design, implement, and evaluate field experiences and clinical practices so that candidates develop and demonstrate the knowledge and skills necessary to help all students learn. Provided, That candidates for an administrator certificate shall complete an internship pursuant to WAC ((~~180-78A-325~~ [~~181-78A-325~~])) 181-78A-325, candidates for a school psychologist certificate shall complete an internship pursuant to WAC ((~~180-78A-317~~ [~~181-78A-317~~])) 181-78A-317, and candidates for a school counselor certificate shall complete an internship pursuant to WAC ((~~180-78A-315~~ [~~181-78A-315~~])) 181-78A-315, and candidates for a school social worker certificate shall complete an internship pursuant to WAC ((~~180-78A-319~~ [~~181-78A-319~~])) 181-78A-319.

(b) Field experiences are integrated throughout the preparation program and occur in settings with students representing diverse populations.

(c) Clinical practice is sufficiently extensive and intensive for candidates to demonstrate competence in the professional roles for which they are preparing.

(6) The preparing institution shall assure that candidates are provided with appropriate course work and experiences in teaching methods for each endorsement area. The methods should include:

(a) Instructional strategies.

(b) Curriculum frameworks (essential academic learning requirements).

(c) Assessment strategies, including performance-based measurements of student work.

(d) Unit/lesson planning.

(7) Entry and exit criteria exist for candidates in clinical practice.

(8) Programs reflect ongoing collaboration with P-12 schools.

(9) Candidates for a teacher certificate shall hold/obtain a baccalaureate degree from a regionally accredited college or university pursuant to WAC ((~~180-79A-030(5)~~ [~~181-79A-030(5)~~])) 181-79A-030(5).

(10) Beginning fall 2003, approved programs shall administer the pedagogy assessment adopted by the ((~~state board of education~~)) professional educator standards board

and published by the superintendent of public instruction to all candidates in a residency certificate program.

Candidates must take the pedagogy assessment as a condition of residency program completion. However, passage is not required for program completion as long as the program can provide other evidence, separately or in combination with the results of the pedagogy assessment, that the candidate has satisfied all program completion requirements.

AMENDATORY SECTION (Amending WSR 06-02-051, filed 12/29/05, effective 1/1/06)

WAC 181-78A-270 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-220(5)~~ [~~181-78A-220(5)~~]) 181-78A-220(5)):

(1) **TEACHER.** Teacher candidates will complete a well-planned sequence of courses and/or experiences in which they acquire and apply knowledge about:

Foundational knowledge

(a) The state learning goals and essential academic learning requirements.

(b) The subject matter content for the area(s) they teach, including relevant methods course work and the knowledge and skills for each endorsement area for which the candidate is applying (chapter ((~~180-82~~ [~~181-82~~])) 181-82 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, including laws pertaining to school health and safety.

(h) Professional ethics.

(i) The responsibilities, structure, and activities of the profession.

(j) 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.

(k) The standards, criteria and other requirements for obtaining the professional certificate, including a draft professional growth plan.

Effective teaching

(l) Research and experience-based principles of effective practice for encouraging the intellectual, social, and personal development of students.

(m) Different student approaches to learning for creating instructional opportunities adapted to learners of both sexes and from diverse cultural or linguistic backgrounds.

(n) Areas of exceptionality and learning — including, but not limited to, learning disabilities, visual and perceptual difficulties, and special physical or mental challenges.

(o) Effective instructional strategies for students at all levels of academic abilities and talents with an awareness of the influence of culture and gender on student learning.

(p) Instructional strategies for developing reading, writing, critical thinking, and problem solving skills.

(q) The prevention and diagnosis of reading difficulties and research-based intervention strategies.

(r) 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.

(s) Planning and management of instruction based on knowledge of the content area, the community, and curriculum goals.

(t) Formal and informal assessment strategies for evaluating and ensuring the continuous intellectual, social, and physical development of the learner.

(u) Collaboration with school colleagues, parents, and agencies in the larger community for supporting students' learning and well-being.

(v) Effective interactions with parents to support students' learning and well-being.

Professional development

(w) The opportunity for candidates to reflect on their teaching and its effects on student growth and learning.

(x) Educational technology including the use of computer and other technologies in instruction, assessment and professional productivity.

(y) Strategies for effective participation in group decision making.

(2) PRINCIPAL AND PROGRAM ADMINISTRATOR.

(a) Effective August 31, 1997, through August 31, 2004, principal and program administrator candidates, in order to support student achievement of the state learning goals and essential academic learning requirements, will complete a well-planned sequence of courses and/or experiences in an approved preparation program which shall include:

(i) Specific performance domains. An approved preparation program shall require the candidate to demonstrate in course work and the internship the following:

(A) **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.

(B) **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.

(C) **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.

(D) **Judgment:** Reaching logical conclusions and making high quality, timely decisions given the best available information.

(E) **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.

(F) **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.

(G) **Delegation:** Assigning projects or tasks together with clear authority to accomplish them and responsibility for their timely and acceptable completion.

(H) **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 that address students' gender and cultural differences; 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.

(I) **Curriculum design:** Interpreting school district curricula; planning and implementing with staff a framework for instruction that shall include the implementation of the state learning goals and essential academic learning requirements; 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.

(J) **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.

(K) **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.

(L) **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.

(M) **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.

(N) **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.

(O) **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.

(P) **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.

(Q) **Written expression:** Expressing ideas clearly in writing; writing appropriately for different audiences such as students, teachers, and parents; preparing brief memoranda.

(R) **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.

(S) **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.

(T) **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.

(U) **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.

(ii) 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.

(b) Effective September 1, 2004, principal and program administrator candidates, in order to support student achieve-

ment of the state learning goals and essential academic learning requirements, will complete formalized learning opportunities, including an internship, in an approved program that includes:

(i) Successful demonstration of standards. A school administrator is an educational leader who promotes the success of all students by:

(A) Facilitating the development, articulation, implementation, and stewardship of a vision of learning that is shared and supported by the school community;

(B) Advocating, nurturing, and sustaining a school culture and instructional program conducive to student learning and staff professional growth;

(C) Ensuring management of the organization, operations, and resources for a safe, efficient, and effective learning environment;

(D) Collaborating with families and community members, responding to diverse community interests and needs, and mobilizing community resources;

(E) Acting with integrity, fairness, and in an ethical manner; and

(F) Understanding, responding to, and influencing the larger political, social, economic, legal and cultural context.

(ii) Performance assessment. An approved preparation program for principals shall require that each candidate engage in an assessment process using the standards-based benchmarks approved by the ~~((state board of education))~~ professional educator standards board and published by the office of the superintendent of public instruction. The benchmarks may not be changed without prior ~~((state))~~ professional educator standards board approval. All candidates shall exit the residency certificate program with a draft professional growth plan.

(3) **SUPERINTENDENT.** Superintendent candidates, in order to support student achievement of the state learning goals and essential academic learning requirements, 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 which implement the state learning goals and essential academic learning requirements, 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.** Effective August 31, 1997 through August 31, 2005, school counselor candidates, in order to support student achievement of the state learning goals and essential academic learning requirements, 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), including assessment of the state learning goals and essential academic learning requirements.

(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 including the state learning goals and essential academic learning requirements;

(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, career and technical education, 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 COUNSELOR.** Effective September 1, 2005, school counselor candidates, in order to support student achievement of the state learning goals and essential academic learning requirements, will complete formalized learning opportunities, including an internship, in an approved program that includes:

(a) **Successful demonstration of standards:**

(i) **Foundations of the school counseling profession:**

Certified school counselors design, deliver, and evaluate student-centered, data-driven school counseling programs that advance the mission of the school in light of recognized theory, research, exemplary models, community context, and professional standards.

(ii) **School counseling and student competencies:** Certified school counselors integrate academic, career, and personal/social student competencies, including Washington state learning goals and essential academic learning requirements, into the school counseling program; teach counseling and guidance related material by using effective curriculum, instructional strategies, and instructional management; support teachers and parents in helping students develop knowledge and skill for learning, living, and working; and provide information about best practices to a school community.

(iii) **Human growth and development:** Certified school counselors apply comprehensive, in-depth knowledge of human growth and development to improve student learning, well-being, and to enhance resiliency; provide guidance to parents and teachers about developmentally appropriate practices that support students throughout their schooling experience.

(iv) **Counseling theories and technique:** Certified school counselors demonstrate an understanding of established and emerging counseling theories through effective use of individual and group techniques for working with a diverse population.

(v) **Equity, fairness, and diversity:** Certified school counselors value and show respect for all members of the community; demonstrate fairness, equity, and sensitivity to every student, and advocate for equitable access to instructional programs and activities; use data for designing and implementing plans that remove barriers to learning; and help to close achievement gaps among sub-groups of students.

(vi) **School climate:** Certified school counselors establish and foster a safe, inclusive, and nurturing learning environment for students, staff, and families and use strategies designed to prevent or resolve problems that could limit or diminish the capacity of students to learn and achieve at their highest levels.

(vii) **Collaboration with school staff, family, and community:** Certified school counselors work collaboratively with school staff, families and community members to achieve common goals for the education of students, improvement of schools, and advancement of the larger community; know appropriate behavior management strategies and can team with staff and families to improve student achievement; and use their knowledge of community

resources to make appropriate referrals based on the needs of students.

(viii) **Information resources and technology:** Certified school counselors select and use informational resources and technology to facilitate delivery of a comprehensive school counseling program that meets student needs; and skillfully use technology to enhance communication.

(ix) **Student assessment and program evaluation:** Certified school counselors understand the basic principles and purposes of assessment; collection and use of data; regularly monitor student progress and are able to communicate the purposes, design, and results of assessments to various audiences; know basic principles of research design, action research, and program evaluation for purposes of program improvement and accountability.

(x) **Leadership and advocacy:** Certified school counselors support practices and policies that promote academic rigor-skills for learning, living, and working; provide leadership that enhances student academic, career, and personal/social development and advocate for guidance as an integral part of a school's educational system; model practices that help students, parents, teachers, and policy makers understand how curriculum, instruction and assessment can help students see the relationship between effort, performance, and success beyond high school. Certified school counselors help promote understanding of graduation requirements, WASL scores, and development of the high school and beyond plan.

(xi) **Professionalism, ethics, and legal mandates:** Certified school counselors develop a professional identity congruent with knowledge of all aspects of professional functions, professional development, and state and national school counselor organizations. They adhere strictly to the profession's codes of ethics, especially those that have been established by the American Counseling Association (ACA), the American School Counselor Association (ASCA), the National Board for Certified Counselors (NBCC), and other relevant codes of ethics. They are familiar with state and federal policies, laws, and legislation relevant to school counseling.

(xii) **Reflective practice:** Certified school counselors integrate knowledge, skills, and life experiences to respond effectively to new or unexpected critical events and situations; serve as change agents by using their understanding of schools as social, cultural and political systems within a larger organizational context; monitor practice with continuous, in-depth reflection; and make adjustments as needed.

(b) **Performance assessment.** An approved preparation program for school counselors shall require that each candidate engage in an assessment process using the standards-based benchmarks approved by the ~~((state board of education))~~ professional educator standards board and published by the office of the superintendent of public instruction. The benchmarks may not be changed without prior ~~((state))~~ professional educator standards board approval. All candidates shall exit the residency certificate program with a draft professional growth plan.

(6) **SCHOOL PSYCHOLOGIST.** Effective August 31, 1997, through August 31, 2005, school psychologist candidates, in order to support student achievement of the state

learning goals and essential academic learning requirements, 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, including the state learning goals and essential academic learning requirements.
 - (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: Standardized norm-referenced and criteria-referenced measurements and curriculum-based measurements.
 - (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 collecting 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 candidate 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.

(7) **School psychologist.** Effective September 1, 2005, school psychologist candidates, in order to support student achievement of the state learning goals and essential academic learning requirements, will complete formalized learning opportunities, including an internship, in an approved program that includes:

(a) **Successful demonstration of standards:**

(i) **Data-based decision-making and accountability:**

Certified school psychologists have knowledge of varied models and methods of assessment that yield information useful in identifying strengths and needs, in understanding problems, and in measuring progress and accomplishments; use such models and methods as part of a systematic process to collect data and other information, translate assessment results into empirically based decisions about service delivery, evaluate the outcomes of services; and data-based decision making permeates every aspect of professional practice.

(ii) **Consultation and collaboration:** Certified school psychologists have knowledge of behavioral, mental health, collaborative, and/or other consultation models and methods and of their application to particular situations; collaborate effectively with others in planning and decision-making processes at the individual, group, and system levels.

(iii) **Effective instruction and development of cognitive/academic skills:** Certified school psychologists have knowledge of human learning processes, techniques to assess these processes, and direct and indirect services applicable to the development of cognitive and academic skills; collaborate with others, develop appropriate cognitive and academic goals for students with different abilities, disabilities, strengths, and needs; implement interventions to achieve those goals; and evaluate the effectiveness of interventions, including, but not limited to, instructional interventions and consultation.

(iv) **Socialization and development of life skills:** Certified school psychologists have knowledge of human developmental processes, techniques to assess these processes, and direct and indirect services applicable to the development of behavioral, affective, adaptive, and social skills; collaborate with others, develop appropriate behavioral, affective, adaptive, and social goals for students of varying abilities, disabilities, strengths, and needs; implement interventions to achieve those goals; and evaluate the effectiveness of inter-

ventions, including, but not limited to, consultation, behavioral assessment/intervention, and counseling.

(v) **Student diversity in development and learning:** Certified school psychologists have knowledge of individual differences, abilities, and disabilities and of the potential influence of biological, social, cultural, ethnic, experiential, socioeconomic, gender-related, and linguistic factors in development and learning; demonstrate the sensitivity and skills needed to work with individuals of diverse characteristics and to implement strategies selected and/or adapted based on individual characteristics, strengths, and needs.

(vi) **School and systems organization, policy development, and climate:** Certified school psychologists have knowledge of general education, special education, and other educational and related services; understanding of schools and other settings as systems; work with individuals and groups to facilitate policies and practices that create and maintain safe, supportive, and effective learning environments for children and others.

(vii) **Prevention, crisis intervention, and mental health:** Certified school psychologists have knowledge of human development and psychopathology and of associated biological, cultural, and social influences on human behavior; provide or contribute to prevention and intervention programs that promote the mental health and physical well-being of students.

(viii) **Home/school/community collaboration:** Certified school psychologists have knowledge of family systems, including family strengths and influences on student development, learning, and behavior, and of methods to involve families in education and service delivery; work effectively with families, educators, and others in the community to promote and provide comprehensive services to children and families.

(ix) **Research and program evaluation:** Certified school psychologists have knowledge of research, statistics, and evaluation methods; evaluate research, translate research into practice, and understand research design and statistics in sufficient depth to plan and conduct investigations and program evaluations for improvement of services.

(x) **School psychology practice and development:** Certified school psychologists have knowledge of the history and foundations of their profession; of various service models and methods; of public policy development applicable to services to children and families; and of ethical, professional, and legal standards, including the Washington Administrative Code; practice in ways that are consistent with applicable standards, are involved in their profession, and have the knowledge and skills needed to acquire career-long professional development.

(xi) **Information technology:** Certified school psychologists have knowledge of information sources and technology relevant to their work; access, evaluate, and utilize information sources and technology in ways that safeguard or enhance the quality of services.

(b) **Performance assessment.** An approved preparation program for school psychologists shall require that each candidate engage in an assessment process using the standards-based benchmarks approved by the ~~((state board of education))~~ professional educator standards board and published by the office of the superintendent of public instruction. The

benchmarks may not be changed without prior ((state)) professional educator standards board approval. All candidates shall exit the residency certificate program with a draft professional growth plan.

(8) **SCHOOL SOCIAL WORKER.** Effective August 31, 1997, through August 31, 2005, school social worker candidates, in order to support student achievement of the state learning goals and essential academic learning requirements, 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 including:

(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:

(i) State learning goals and essential academic learning requirements;

(ii) Theories of learning;

(iii) School law and professional ethics;

(iv) Computer technology in the workplace; and

(v) Understanding of policies, laws, and procedures.

(9) **School social workers.** Effective September 1, 2005, school social worker candidates, in order to support student achievement of the state learning goals and essential academic learning requirements, will complete formalized learning opportunities, including an internship, in an approved program that includes:

(a) **Successful demonstration of standards:**

(i) **Core concepts and professional practice foundations:** The certified school social worker understands and applies the core concepts, tools of inquiry, theories, and skills and values of the general field of social work to the educational system; relates these core concepts to the Washington state learning goals, essential academic learning requirement (EALRS), Revised Code of Washington (RCW), Washington Administrative Code (WAC) and the Individuals With Disabilities Education Act (IDEA); and utilizes these constructs

to facilitate the educational, social and emotional development of students by working towards reducing the impact of nonacademic barriers to academic success.

(ii) **Planning, ecological assessment and evaluation:** The certified school social worker understands and knows how to apply various formal and informal assessment tools to identify student, family, school and community needs using a strengths and systems perspective; engage students (individually or in groups), families, school staff and/or the larger community in designing interventions and developing programs, which bolsters the strengths and meets the needs identified; uses best practices in evaluation criteria to monitor the success of the intervention; revisions to the intervention plan are based on systematic data collection; and to utilize the principles of research design and program evaluation to improve student learning outcomes.

(iii) **Prevention/intervention services:** The certified school social worker has knowledge of and ability to provide prevention education and skill building in such areas as violence, mediation, bullying, substance misuse and abuse, conflict resolution/management, and stress management; provide direct intervention services to students through crisis management, case management, counseling, skill building, behavior management, teaching of psycho-educational curricula, personal development skills and classroom presentations; and provide both prevention and intervention services to students individually, in small group or classroom settings as well as with students' families.

(iv) **Home, school and community consultation and collaboration:** The certified school social worker understands and has the ability to develop consultative and collaborative relationships both individually and on a systemic level with students, colleagues, families and the community to support students' learning and social/emotional development; assist students and their families in networking with various social support systems in order to benefit student learning; and use their extensive knowledge of community resources to appropriately refer students and families to various community services.

(v) **Advocacy and facilitation:** The certified school social worker understands and has the ability to advocate and facilitate changes that empower students, families, educators and others to gain access to and effectively use school and community resources.

(vi) **Diversity and school climate:** The certified school social worker understands how a student's learning is influenced and impacted by culture, family dynamics, community values, individual learning styles, talents, gender, sexual orientation, language, prior learning, economics and disabilities; utilize this knowledge to design, implement and evaluate programs that enhance student learning and social interaction in school, family and community settings; and how to create and support a safe, nurturing and secure learning environment by designing and using strategies to prevent or resolve ecological barriers that could limit or diminish the capacity of students to learn and achieve at their highest levels.

(vii) **Professional development:** The certified school social worker understands and values the need for professional development and is able to use supervision, consulta-

tion, collaboration, continuing education and professional research to evaluate and enhance their practice.

(viii) **Information resources and technology:** The certified school social worker uses informational resources and technology to communicate, monitor student progress and evaluate programs; and access, appraise and utilize information sources and technology in ways that safeguard and enhance their quality of services.

(ix) **Professional code of conduct and ethics:** The certified school social worker understands, maintains and applies the professional codes of conduct and ethical practice guidelines embodied in the National Association of Social Work (NASW) code of ethics and School Social Work standards developed for the field of education; and are familiar with district, state and federal laws and policies relevant to the educational setting.

(b) **Performance assessment.** An approved preparation program for school social workers shall require that each candidate engage in an assessment process using the standards-based benchmarks approved by the ~~((state board of education))~~ professional educator standards board and published by the office of the superintendent of public instruction. The benchmarks may not be changed without prior ~~((state))~~ professional educator standards board approval. All candidates shall exit the residency certificate program with a draft professional growth plan.

AMENDATORY SECTION (Amending WSR 06-02-051, filed 12/29/05, effective 1/1/06)

WAC 181-78A-272 Approval of residency certificate preparation programs for principals/program administrators, school psychologists, school counselors and school social workers. Colleges/universities offering residency certificate programs for principals/program administrators shall have these programs approved by the ~~((state board of education))~~ professional educator standards board by August 31, 2004. Colleges/universities offering residency certificate programs for school psychologists, school counselors, and school social workers shall have these programs approved by the ~~((state board of education))~~ professional educator standards board by August 31, 2005.

AMENDATORY SECTION (Amending WSR 06-02-051, filed 12/29/05, effective 1/1/06)

WAC 181-78A-310 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.410.025 and applicable ~~((state board of education))~~ professional educator standards board rules.

AMENDATORY SECTION (Amending WSR 06-02-051, filed 12/29/05, effective 1/1/06)

WAC 181-78A-325 Program approval requirement—Field experience for all administrators. 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 certification is sought. Components of the required internship shall include demonstration by the candidate that he or she has the appropriate, specific relevant skills pursuant to WAC ~~((180-78A-270 [181-78A-270]))~~ 181-78A-270. An approved preparation program for administrators and, prior to August 31, 1998, for principals, shall require an internship of at least three hundred sixty hours: Provided, That an approved preparation program for principals shall require for those persons entering the program August 31, 1998, and after, 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-270 [181-78A-270]))~~ 181-78A-270 (2)(a) or (b): Provided further, That an approved preparation program for principals shall require for those individuals entering the program on or after September 1, 2004, an internship that shall include demonstration by the candidate that she or he has the appropriate, specific skills pursuant to the standards identified in WAC ~~((180-78A-270 [181-78A-270]))~~ 181-78A-270 (2)(b) and meets, at minimum, the standards-based benchmarks approved by the ~~((state board of education))~~ professional educator standards board and published by the office of the superintendent of public instruction. The benchmarks may not be changed without prior ~~((state))~~ professional educator standards board approval.

AMENDATORY SECTION (Amending WSR 06-02-051, filed 12/29/05, effective 1/1/06)

WAC 181-78A-330 Demographic information. Building on the mission to prepare educators who demonstrate a positive impact on student learning, approved preparation programs annually shall provide the ~~((state board of education))~~ professional educator standards board the following information:

(1) Demographic characteristics, including gender and ethnicity, of students completing approved programs during the period from July 1 of the previous year to June 30 of the reporting year;

(2) 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; and

(3) Demographic characteristics of faculty teaching in approved programs including ethnicity and gender.

AMENDATORY SECTION (Amending WSR 06-02-051, filed 12/29/05, effective 1/1/06)

WAC 181-78A-400 Internship standards—State-funded administrator interns. (1) Principal, superinten-

dent, 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))~~ professional educator standards board, pursuant to WAC ~~((180-78A-105 [181-78A-105]))~~ 181-78A-105.

(b) Completion of all administrator field experience, knowledge and skill certification requirements, pursuant to chapters ~~((180-78A [181-78A] and 180-79A [181-79A]))~~ 181-78A and 181-79A 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) 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-270(3) [181-78A-270(3)]))~~ 181-78A-270(3). Principal and program administrator interns admitted to programs before September 1, 2004, shall demonstrate competency in the performance domains identified as needing development by the mentor administrator, college/university, and the intern, pursuant to either WAC ~~((180-78A-270 [181-78A-270]))~~ 181-78A-270 (2)(a) or (b) pursuant to WAC ~~((180-78A-100 [181-78A-100]))~~ 181-78A-100. Principal and program administrator interns admitted to programs on or after September 1, 2004, 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-270 [181-78A-270]))~~ 181-78A-270 (2)(b).

(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))~~ professional educator standards board.

(3) Each college/university shall submit a summary report of the internships to the ~~((state board of education))~~ professional educator standards board.

AMENDATORY SECTION (Amending WSR 06-02-051, filed 12/29/05, effective 1/1/06)

WAC 181-78A-500 Professional certificate program approval. All professional certificate programs for teachers, principals/program administrators, and school counselors, school psychologists, and school social workers shall be

approved pursuant to the requirements in WAC (~~(180-78A-520 [181-78A-520])~~) 181-78A-520 through (~~(180-78A-540 [181-78A-540])~~) 181-78A-540. Only colleges/universities with (~~(state board of education)~~) professional educator standards board-approved residency certificate teacher, principals/program administrator, and school counselor, school psychologist, and school social worker preparation programs are eligible to apply for approval to offer professional certificate programs.

AMENDATORY SECTION (Amending WSR 06-02-051, filed 12/29/05, effective 1/1/06)

WAC 181-78A-505 Overview—Teacher professional certificate program. (1) By September 1, 2001, all colleges and universities offering a professional certificate program must be in compliance with the new program standards.

(2) To obtain a professional certificate, the residency teacher will need to complete a (~~(state board of education)~~) professional educator standards board-approved professional certificate program collaboratively developed by a college/university and the professional educational advisory board (PEAB).

(3)(a) Prior to full admission to a professional certificate program, excluding the preassessment seminar, the candidate shall complete provisional status with a school district under RCW 28A.405.220, or the equivalent with a (~~(state)~~) professional educator standards board-approved private school or state agency providing educational services for students.

(b) The candidate may be fully admitted to the professional certificate program, prior to completion of provisional status, if the candidate provides to the program a letter from the candidate's employing school district, private school, or state agency providing educational services for students, documenting the employer's support for the candidate's full admission to the professional certificate program.

(4) The professional certificate requires successful demonstration of three standards (effective teaching, professional development, and professional contributions) and 12 criteria, pursuant to WAC (~~(180-78A-540 [181-78A-540])~~) 181-78A-540, 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 as defined in WAC (~~(180-78A-010(8) [181-78A-010(8)])~~) 181-78A-010(8).

(5)(a) The candidate and college or university shall develop an individual professional growth plan to be reviewed and agreed upon after input from and consultation and collaboration (WAC (~~(180-78A-010(9) [181-78A-010(9)])~~) 181-78A-010(9)) with his/her professional growth team.

(b) The individual 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 set forth in WAC (~~(180-78A-540 [181-78A-540])~~) 181-78A-540.

(c) The individual 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 knowl-

edge and skills needed to demonstrate successfully the standards and criteria set forth in WAC (~~(180-78A-540 [181-78A-540])~~) 181-78A-540.

(6) The final component of the program will be a culminating assessment seminar in which the residency teacher's ability to demonstrate the standards and criteria cited above will be evaluated. These assessments shall include multiple forms of data collected over time, including evidence of positive impact on student learning, where appropriate.

(7) 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 program administrator 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.

AMENDATORY SECTION (Amending WSR 06-02-051, filed 12/29/05, effective 1/1/06)

WAC 181-78A-507 Overview—Principal/program administrator professional certificate programs. By September 1, 2007, all colleges and universities offering a professional certificate program for principals/program administrators must be in compliance with the new program standards. To obtain a professional certificate, the residency principal will need to complete a (~~(state board of education)~~) professional educator standards board-approved professional certificate program, have satisfactory district evaluations for an administrator role, and document three contracted school years of employment as a principal or assistant principal; the residency program administrator will need to complete a (~~(state board of education)~~) professional educator standards board-approved professional certificate program and have satisfactory district evaluations for an administrator role.

The professional certificate for principals/program administrators requires successful demonstration of six standards at the professional certification benchmark levels, or above, and the candidate will need to provide evidence that he/she has had a positive impact on student learning.

The candidate and college or university shall develop an individual professional growth plan to be reviewed and agreed upon after input from and consultation and collaboration with his/her professional growth team. The individual growth plan shall address the six knowledge and skills standards, focus on activities that enhance student learning, and be informed by the performance evaluation process, and an analysis of the administrative context and assignment.

AMENDATORY SECTION (Amending WSR 06-02-051, filed 12/29/05, effective 1/1/06)

WAC 181-78A-509 Overview—Educational staff associate—School counselor/school psychologist/school social worker professional certificate programs. By September 1, 2007, all colleges and universities offering ESA professional certificate programs must be in compliance with the new program standards. To obtain a professional ESA certificate, individuals will need to hold a valid ESA residency certificate, be employed in his/her ESA role in a public school district, (~~(state)~~) professional educator standards

board-approved private school or state agency providing educational services for students, and complete a ((state board of education)) professional educator standards board-approved professional ESA certificate program in his/her ESA role.

(1) The professional certificate requires successful demonstration of the ESA role standards at the professional certificate benchmark levels, or above, and the candidate will need to provide evidence that he/she has had a positive impact on student learning.

(2) The candidate shall develop an individual professional growth plan to be reviewed and agreed upon after input from and consultation with his/her professional growth team. The individual growth plan shall be based on an assessment of the candidate's ability to demonstrate standards at the professional benchmark level and evidence of a positive impact on student learning.

AMENDATORY SECTION (Amending WSR 06-02-051, filed 12/29/05, effective 1/1/06)

WAC 181-78A-515 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 college or university, in compliance with the provisions of WAC ((180-78A-250 [181-78A-250])) 181-78A-250 and ((180-78A-520 [181-78A-520])) 181-78A-520, 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 college or university, in compliance with the provision of WAC ((180-78A-525 [181-78A-525])) 181-78A-525, has established a performance-based program.

(3) **Resources.** The college or university, in compliance with the provision of WAC ((180-78A-530 [181-78A-530])) 181-78A-530, is responsible for providing the resources needed to develop and maintain quality professional programs.

(4) **Program design.** Each college or university, in compliance with the provision of WAC ((180-78A-535 [181-78A-535])) 181-78A-535, is responsible for establishing an approved professional certificate program which accommodates the individual professional growth needs of each candidate as set forth in his/her professional growth plan.

(5) **Knowledge and skills.** Each college or university, in compliance with the provision of WAC ((180-78A-540 [181-78A-540])) 181-78A-540, has established policies requiring that all candidates for certification demonstrate the standards and criteria for the professional certificate set forth in WAC ((180-78A-540 [181-78A-540])) 181-78A-540.

AMENDATORY SECTION (Amending WSR 06-02-051, filed 12/29/05, effective 1/1/06)

WAC 181-78A-520 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-515(1) [181-78A-515(1)]) 181-78A-515(1).

(1) The professional education advisory board established for the preservice program in accordance with WAC ((180-78A-209 [181-78A-209])) 181-78A-209 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)) professional educator standards board 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-525(7) [181-78A-525(7)]) 181-78A-525(7).

(4) The professional education advisory board has made recommendation(s), as appropriate, for program changes to the professional certificate administrator who shall implement or respond to the recommendation(s) in a timely manner.

AMENDATORY SECTION (Amending WSR 06-02-051, filed 12/29/05, effective 1/1/06)

WAC 181-78A-525 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-515(2) [181-78A-515(2)]) 181-78A-515(2). Each college and university shall:

(1) Submit for initial approval to the ((state board of education)) professional educator standards board a performance-based professional certificate program for teachers which shall include the five program components specified in WAC ((180-78A-535(4) [181-78A-535(4)]) 181-78A-535(4).

(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) Delegate to the professional certificate administrator responsibility for reviewing or overseeing the following: Application 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 serving as the liaison with the superintendent of public instruction certification office 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 shall meet to be accepted into the professional certificate program.

(6) Describe the procedures that the approved program will use to determine that a candidate has successfully dem-

onstrated the standards and criteria for the professional certificate set forth in WAC ((180-78A-540 [181-78A-540])) 181-78A-540.

(7) Prepare an annual summary of the status of all candidates in the program and submit the summary to the respective professional education advisory board.

(8) Submit any additional information required to the respective professional education advisory board that it requests.

(9) Facilitate an on-site review of the program when requested by the ((state board of education)) professional educator standards board to ensure that the program meets the state's program approval standards and to provide assessment data relative to the performance standards.

Provided, That the on-site reviews shall be scheduled on a five-year cycle unless the ((state board of education)) professional educator standards board approves a variation in the schedule.

Provided further, That institutions seeking National Council for the Accreditation of Teacher Education (NCATE) accreditation may request from the ((state board of education)) professional educator standards board approval for concurrent site visits which shall utilize the same documentation whenever possible.

AMENDATORY SECTION (Amending WSR 06-02-051, filed 12/29/05, effective 1/1/06)

WAC 181-78A-530 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-515(3) [181-78A-515(3)]) 181-78A-515(3):

(1) Administrators, faculty, and teachers implementing the professional certificate program have appropriate qualifications (academic, experience, or both) for the roles to which they are assigned. Such responsibilities may be shared, when appropriate, among the collaborating agencies.

(2) The college or university shall have responsibility for maintaining fiscal records and ensuring adequate financial support for the professional certificate program.

(3) Instructional, technological, and other needed resources shall be sufficient in scope, breadth, and recency to support the professional certificate program.

AMENDATORY SECTION (Amending WSR 06-02-051, filed 12/29/05, effective 1/1/06)

WAC 181-78A-535 Approval standard—Program design.

The following requirements shall govern the design of the professional certificate program:

(1) **Teacher.**

(a) To be eligible to apply for admission to a professional certificate program, a candidate shall hold a contract as a teacher in a public or a ((state board of education)) professional educator standards board-approved private school or state agency providing educational services for students and shall have completed provisional status with a school district under RCW 28A.405.220 or the equivalent with a ((state board of education)) professional educator standards board-approved private school or state agency providing educa-

tional services for students or the candidate provides to the program a letter from the candidate's employing district, ((state board of education)) professional educator standards board-approved private school, or state agency providing educational services for students, documenting the employer's support for the candidate's full admission to the professional certificate program: Provided, That a candidate for the professional teacher's certificate may enroll in and complete the preassessment seminar described in subsection (4)(a) of this section prior to admission to a professional certificate program.

(b) The professional certificate program must be available to all qualified candidates.

(c) Using the descriptions of practice related to the criteria for the professional certificate, as approved by the ((state board of education)) professional educator standards board and published by the office of the superintendent of public instruction, which may not be changed without prior ((state)) professional educator standards board approval, the professional certificate program shall be developed by a college or university and its professional education advisory board. Additional agencies may participate in the development of the program if the college or university and professional education advisory board so choose.

(d) Each program shall consist of:

(i) A preassessment seminar which considers input from the candidate's "professional growth team" (WAC ((180-78A-505 [181-78A-505])) 181-78A-505), the candidate's past experience, the context in which he/she teaches, information from past annual evaluations if the individual chooses, the candidate's personal and professional goals, his/her self-evaluation, and evidences of the candidate's impact on student learning.

The seminar will culminate in preparation and approval of the candidate's individual professional growth plan designed to provide the candidate with the knowledge and skills needed to demonstrate successfully the standards and criteria required by WAC ((180-78A-540 [181-78A-540])) 181-78A-540.

A representative of the college/university and the candidate shall develop the professional growth plan to be reviewed and agreed upon after input from and consultation and "collaboration" (WAC ((180-78A-010(9) [181-78A-010(9)]) 181-78A-010(9)) with his/her "professional growth team" (WAC ((180-78A-010(10) [181-78A-010(10)]) 181-78A-010(10)).

The individual professional growth plan shall be based on:

(A) An analysis of the instructional context and teaching assignment(s) to determine strategies which the teacher should use to achieve a positive impact on student learning.

(B) An assessment of the candidate's ability to demonstrate successfully the professional certificate standards and criteria.

(C) Specifications of assistance and instructional components needed and any required course work.

(ii) Course work, past and current experience, inservice, continuing education and other activities directed at developing and verifying that the candidate has achieved acceptable knowledge, skill and performance on all criteria required

statewide as essential to "effective teaching" as defined in WAC ((~~180-78A-540(1)~~ [~~181-78A-540(1)~~])) 181-78A-540(1).

(iii) Course work, past and current experience, inservice, continuing education and other activities directed at developing and verifying that the candidate has achieved acceptable knowledge, skill and performance on all criteria required statewide as essential to "professional development" as defined in WAC ((~~180-78A-540(2)~~ [~~181-78A-540(2)~~])) 181-78A-540(2).

(iv) Course work, past and current experience, inservice, continuing education and other activities directed at developing and verifying that the candidate has achieved acceptable knowledge, skill and performance on all criteria required statewide as essential to professional contributions as defined in WAC ((~~180-78A-540(3)~~ [~~181-78A-540(3)~~])) 181-78A-540(3).

(v) A culminating seminar in which the candidate presents his/her final documentation and evidence of professional certificate level knowledge, skill and performance; positive impact on student learning; identification of future goals and professional/career interests; and specification of areas for continuing education and development. The candidate must provide multiple forms of evidence which shall include, but are not limited to, the descriptions of practice related to the criteria for the professional certificate as approved by the ((~~state board of education~~)) professional educator standards board and published by the office of the superintendent of public instruction, which may not be changed without prior ((~~state~~)) professional educator standards board approval.

(vi) Candidates who do not successfully complete a culminating seminar shall receive an individualized analysis of strengths and weaknesses and a plan for appropriate assistance and instruction.

(vii) No limits shall be placed on the number of times a candidate with a valid residency certificate may participate in the culminating seminar.

(2) Principal/program administrator.

(a) To be eligible to apply for enrollment in a professional certificate program, a candidate shall hold a contract as an administrator for which the credential is required in a public school or ((~~state board of education~~)) professional educator standards board-approved private school.

(b) The professional certificate program must be available to all qualified candidates.

(c) Using the six knowledge and skills standards, and the standards-based benchmarks as approved by the ((~~state board of education~~)) professional educator standards board and published by the office of the superintendent of public instruction, which may not be changed without ((~~state~~)) professional educator standards board approval, the professional certificate program shall be developed by a college or university and its professional education advisory board. Additional agencies may participate in the development of the program if the college or university and professional education advisory board so choose.

(d) Each program shall consist of:

(i) A preassessment seminar during which the professional growth plan shall be developed. The plan will be

agreed upon after input from and consultation with his/her professional growth team (WAC ((~~180-78A-010~~ [~~181-78A-010~~])) 181-78A-010 (10)(b)). The individual professional growth plan shall be based on an assessment of the candidate's ability to demonstrate six standards at the professional certificate benchmark level (WAC ((~~180-78A-270~~ [~~181-78A-270~~])) 181-78A-270 (2)(b)), performance evaluation data, and an analysis of the administrative context and assignment.

(ii) Formalized learning opportunities, past and current experience, professional development opportunities, and other activities directed at developing and verifying that the candidate has achieved acceptable knowledge, skill, and performance at the professional certificate benchmark level, or above, on all standards as defined in WAC ((~~180-78A-270~~ [~~181-78A-270~~])) 181-78A-270 (2)(b).

(iii) A culminating seminar in which the candidate presents his/her final documentation and evidence of professional certificate level knowledge, skill and performance; positive impact on student learning; development of a professional growth plan that includes the identification of future goals and professional/career interests as well as a five-year plan for professional development designed to meet the requirements for certificate renewal.

(e) Candidates who do not successfully complete a culminating seminar shall receive an individualized analysis of strengths and weaknesses and a plan for assistance.

(f) No limit shall be placed on the number of times a candidate with a valid residency certificate may enroll in the culminating seminar.

(3) Educational staff associate (ESA) - school counselor, school psychologist, school social worker.

(a) To be eligible for enrollment in a professional certificate program, a candidate shall be employed in his/her ESA role in a public school, a ((~~state~~)) professional educator standards board-approved private school, or state agency providing educational services for students.

(b) The professional certificate must be available to all qualified candidates.

(c) Using the knowledge and skills standards in WAC ((~~180-78A-270~~ [~~181-78A-270~~])) 181-78A-270 (5), (7), and (9), and the standards-based benchmarks as approved by the ((~~state board of education~~)) professional educator standards board and published by the office of the superintendent of public instruction, which may not be changed without ((~~state~~)) professional educator standards board approval, the professional certificate program shall be developed by a college or university and its professional education advisory board. Additional agencies may participate in the development of the program if the college or university and professional education advisory board so choose.

(d) Each program shall consist of:

(i) A preassessment seminar during which the professional growth plan shall be developed. The plan will be agreed upon after input from and consultation with the ESA candidate's professional growth team (WAC ((~~180-78A-010~~ [~~181-78A-010~~])) 181-78A-010 (10)(c)). The individual's professional growth plan shall be based on an assessment of the candidate's ability to demonstrate the standards at the professional certificate benchmark level in the specific ESA role

pursuant to WAC ((~~180-78A-270~~ [~~181-78A-270~~])) 181-78A-270 (5), (7), or (9).

(ii) Formalized learning opportunities, and other activities directed at developing and verifying that the candidate has achieved acceptable knowledge, skill, and performance at the professional certificate benchmark level, or above, on all standards in the specific ESA role as defined in WAC ((~~180-78A-270~~ [~~181-78A-270~~])) 181-78A-270 (5), (7), or (9).

(iii) A culminating seminar in which the candidate presents his/her final documentation and evidence of professional certificate level knowledge, skill, and performance; positive impact on student learning; and specification of areas for continuing education and development.

(e) Candidates who do not successfully complete a culminating seminar shall receive an individualized analysis of strengths and weaknesses and a plan for assistance.

(f) No limit shall be placed on the number of times a candidate with a valid residency certificate may enroll in the culminating seminar.

AMENDATORY SECTION (Amending WSR 06-02-051, filed 12/29/05, effective 1/1/06)

WAC 181-78A-540 Approval standard—Knowledge and skills. (1) **Teacher.** A successful candidate for the teacher professional certificate shall demonstrate:

(a) The knowledge and skills for effective teaching which ensure student learning by:

(i) Using instructional strategies that make learning meaningful and show positive impact on student learning;

(ii) Using a variety of assessment strategies and data to monitor and improve instruction;

(iii) Using appropriate classroom management principles, processes and practices to foster a safe positive, student-focused learning environment;

(iv) Designing and/or adapting challenging curriculum that is based on the diverse needs of each student;

(v) Demonstrating cultural sensitivity in teaching and in relationships with students, families, and community members;

(vi) Integrating technology into instruction and assessment; and

(vii) Informing, involving, and collaborating with families and community members as partners in each student's educational process including using information about student achievement and performance.

(b) A successful candidate for the professional certificate shall demonstrate the knowledge and skills for professional development by:

(i) Evaluating the effects of his/her teaching through feedback and reflection;

(ii) Using professional standards and district criteria to assess professional performance, and plan and implement appropriate growth activities; and

(iii) Remaining current in subject area(s), theories, practice, research and ethical practice.

(c) A successful candidate for the professional certificate shall demonstrate professional contributions to the improvement of the school, community, and the profession by:

(i) Advocating for curriculum, instruction, and learning environments that meet the diverse needs of each student;

(ii) Participating collaboratively in school improvement activities and contributing to collegial decision making.

(2) **Principal/program administrator.** A successful candidate for the principal/program administrator professional certificate shall demonstrate the knowledge and skills at the professional certificate benchmark levels for the six standards pursuant to WAC ((~~180-78A-270~~ [~~181-78A-270~~])) 181-78A-270 (2)(b).

(3) **Educational staff associate - school counselor, school psychologist, or school social worker.** A successful candidate for the ESA professional certificate shall demonstrate the knowledge and skills at the professional certificate benchmark levels for the standards in the specific ESA role pursuant to WAC ((~~180-78A-270~~ [~~181-78A-270~~])) 181-78A-270 (5), (7), or (9).

AMENDATORY SECTION (Amending WSR 06-02-051, filed 12/29/05, effective 1/1/06)

WAC 181-79A-003 Authority. The authority for this chapter is RCW 28A.410.010 which authorizes the ((~~state board of education~~)) professional educator standards board 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)~~)) 28A.410.210(6) which authorizes the ((~~state board of education~~)) professional educator standards board 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.)

AMENDATORY SECTION (Amending WSR 06-02-051, filed 12/29/05, effective 1/1/06)

WAC 181-79A-006 Purpose. The purposes of this chapter are:

(1) To establish a performance-based certification system to be fully implemented for all teacher candidates applying for the residency certificate after August 31, 2000, and for all teacher candidates applying for the professional certificate after August 31, 2001. A performance-based certification system shall be fully implemented for all principals/program administrators applying for the residency certificate after August 31, 2004, and for all principal/program administrator candidates applying for the professional certificate after August 31, 2006. A performance-based professional certificate system shall be fully implemented for school psychologists, school counselors, and school social workers applying for the residency certificate after August 31, 2005, and for the professional certificate after August 31, 2007.

(2) To establish the various certificates which must be held as a condition to employment in the Washington school system. 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~~)) professional educator standards board may add in the future.

(3) To establish the conditions and procedures governing issuance and retention of those and other certificates, including endorsements thereon.

AMENDATORY SECTION (Amending WSR 06-02-051, filed 12/29/05, effective 1/1/06)

WAC 181-79A-007 Public policy purposes of ((state board of education)) professional educator standards board performance-based certification system. The policy purposes of ((state board of education)) professional educator standards board 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 establish a certification system that provides for continuing support and developmental assistance to individuals as they progress toward professional certification.
- (7) To prepare educators who are able to assess their professional growth and achievement in light of their impact on student learning.

AMENDATORY SECTION (Amending WSR 06-02-051, filed 12/29/05, effective 1/1/06)

WAC 181-79A-030 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 [181-78A-010])) 181-78A-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 chapter ((180-82 [181-82])) 181-82 WAC as now or hereafter amended: Provided, That if a candidate is accepted into a program in Washington state on or before August 31, 2000, and completes the program on or before August 31, 2003, in accordance with WAC ((180-79A-299 [181-79A-299])) 181-79A-299, the candidate may hold a baccalaureate degree in any of the subject areas of the endorsements listed in WAC ((180-79A-302 [181-79A-

~~302]))~~ 181-79A-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 chapter ((180-82 [181-82])) 181-82 WAC: Provided further, That a candidate who holds a baccalaureate degree in early childhood education, elementary education, or special education 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 thirty quarter or twenty semester credit hours in one academic field in an approved endorsement area pursuant to WAC ((180-82A-202 [181-82A-202])) 181-82A-202.

(6) "Issues of abuse course work requirement" means completion of course work or an in-service program on issues of abuse. The content 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.

(7) "Approved master's degree" for the purpose of this chapter, means a master's or doctorate degree from a regionally accredited college or university.

(8) "Credit hour(s)" means credit (normally 100 level or above) awarded by a regionally accredited institution of higher education.

(9) "Previous standards" means a certification system in place prior to a revision in rules that results in changed names and/or validity periods for the certificates issued.

(10) "Application for certification" means an application for a certificate or endorsement that includes a signed affidavit (as specified in WAC ((180-79A-157 [181-79A-157])) 181-79A-157) by the applicant. Such application shall be considered valid for two years from the date of receipt by the superintendent of public instruction, or its designee.

AMENDATORY SECTION (Amending WSR 06-02-051, filed 12/29/05, effective 1/1/06)

WAC 181-79A-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. An annual report of the use of this rule shall be submitted to the ((state board of education)) professional educator standards board by the superintendent of public instruction.

AMENDATORY SECTION (Amending WSR 06-02-051, filed 12/29/05, effective 1/1/06)

WAC 181-79A-117 Uniform expiration date. (1) All certificates issued for one or more stated years shall expire on June 30 of the stated year and shall be calculated as follows:

(a) Certificates issued prior to June 30 of a calendar year, other than limited certificates issued pursuant to WAC ((~~180-79A-231~~ [~~181-79A-231~~])) 181-79A-231, shall have the expiration date of the certificate calculated on the basis such certificate was issued on June 30 of the same calendar year regardless of the date of issuance.

(b) Certificates issued July 1 or later in the calendar year, other than limited certificates issued pursuant to WAC ((~~180-79A-231~~ [~~181-79A-231~~])) 181-79A-231, shall have the expiration date of the certificate calculated on the basis such certificate was issued on June 30 of the next calendar year regardless of the date of issuance.

(c) All valid existing certificates scheduled to expire on August 31 of a given year shall be valid until June 30 of the following year.

(2) An applicant who holds a valid certificate, who submits an application for further certification prior to the expiration date of that certificate, and who meets all the requirements of WAC ((~~180-79A-128~~ [~~181-79A-128~~])) 181-79A-128, shall be granted a one hundred eighty-day permit as provided in chapter ((~~180-79A~~ [~~181-79A~~])) 181-79A WAC.

(3) Any educator in the National Guard, U.S. military branch reserves, or U.S. Coast Guard reserve who is called up to active duty by one of the U.S. military branches by order of an authorized agency or official of Washington state government, or by the U.S. Department of Homeland Security for more than thirty consecutive days shall be granted an extension of the expiration date of his/her certificate. The extension shall be equal to the length of active duty service calculated to the next uniform expiration date.

AMENDATORY SECTION (Amending WSR 06-02-051, filed 12/29/05, effective 1/1/06)

WAC 181-79A-123 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~~)) professional educator standards board 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~~ [~~181-79A-130~~])) 181-79A-130.

(4) Any person who holds a provisional principal's or provisional superintendent's certificate under previous standards of the ((~~state board of education~~)) professional educator standards board shall be issued upon application, including payment of applicable fees, a continuing administrator's certificate for the appropriate role and such certificates shall be subject to the continuing education requirements of chapter ((~~180-85~~ [~~181-85~~])) 181-85 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~~)) professional educator standards board shall be authorized to meet requirements for continuing certification as set forth in the relevant previous standards except as noted below in subsections (7), (8) or (9) of this section.

(7) Any person with a valid initial teacher's certificate granted under previous standards of the ((~~state board of education~~)) professional educator standards board 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: Provided, That any person who qualified for initial renewal or continuing certificate under the provisions of WAC ((~~180-79A-250~~ [~~181-79A-250~~])) 181-79A-250 (1)(a) prior to their expiration date, but whose initial certificate expired after August 31, 2000, because they applied for certification too late, may apply once for such renewal or continuing certificate and will be issued such certificate.

(8) Any person with a valid initial administrator certificate granted under previous standards of the ((~~state board of education~~)) professional educator standards board shall meet requirements for and apply for the continuing certificate by the expiration date on the initial certificate or meet requirements for the residency certificate for further certification: Provided, That any person who qualified for a continuing certificate under the provisions of WAC ((~~180-79A-250~~ [~~181-79A-250~~])) 181-79A-250 (1)(b) prior to their expiration date, but whose initial certificate expired after June 30, 2004, because they applied for certification too late, may apply for such continuing certificate and will be issued such certificate.

(9) Any person with a valid initial ESA certificate granted under previous standards of the ((~~state board of education~~)) professional educator standards board shall meet requirements for and apply for the continuing certificate by the expiration date on the initial certificate or meet requirements for the residency certificate for further certification: Provided, That any person who qualified for a continuing certificate under the provisions of WAC ((~~180-79A-250~~ [~~181-79A-250~~])) 181-79A-250 (1)(c) prior to their expiration date, but whose initial certificate expired after June 30, 2005, because they applied for certification too late, may apply for such continuing certificate and will be issued such certificate.

AMENDATORY SECTION (Amending WSR 06-02-051, filed 12/29/05, effective 1/1/06)

WAC 181-79A-124 Application for certification. An individual who applies for a Washington state certificate, unless seeking reinstatement pursuant to WAC ((~~180-79A-253~~ [~~181-79A-253~~])) 181-79A-253 or renewal pursuant to WAC ((~~180-79A-127~~ [~~181-79A-127~~])) 181-79A-127 or unless otherwise stipulated by the provisions of WAC ((~~180-79A-123~~ [~~181-79A-123~~])) 181-79A-123 must meet the requirements in effect at the time of application.

AMENDATORY SECTION (Amending WSR 06-02-051, filed 12/29/05, effective 1/1/06)

WAC 181-79A-127 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 ((~~180-79A-123~~ [~~181-79A-123~~])) 181-79A-123.

AMENDATORY SECTION (Amending WSR 06-02-051, filed 12/29/05, effective 1/1/06)

WAC 181-79A-128 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)~~ [~~181-79A-150(2)~~])) 181-79A-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.

AMENDATORY SECTION (Amending WSR 06-02-051, filed 12/29/05, effective 1/1/06)

WAC 181-79A-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 first issue of the residency certificate, thirty-five dollars;

(b) The continuing certificate, seventy dollars;

(c) The reinstatement, additional endorsement on the teaching certificate, duplicate certificates, substitute certifi-

cates, and certificates issued for the purpose of showing a name change, fifteen dollars; and

(d) Any other certificate or credential or any renewal thereof, five dollars for each year of validity:

(e) Provided, That the fee for all career and technical education certificates shall be one dollar:

(f) Provided, That a one-time late fee for a renewed initial or continuing certificate issued under the provisions of WAC ((~~180-79A-123~~ [~~181-79A-123~~])) 181-79A-123 (7), (8), or (9) for those whose initial certificate had already expired shall be one hundred dollars.

(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 statewide precertification professional preparation and evaluation.

(c) The remaining funds shall be used to support professional in-service training programs and evaluations thereof.

(d) Use of certification fees described in this section shall be reported annually to the ((~~state board of education~~)) professional educator standards board pursuant to WAC ((~~180-79A-131(5)~~ [~~181-79A-131(5)~~])) 181-79A-131(5).

AMENDATORY SECTION (Amending WSR 06-02-051, filed 12/29/05, effective 1/1/06)

WAC 181-79A-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) 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))~~ professional educator standards board-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))~~ professional educator standards board.

(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))~~ professional educator standards board a plan for soliciting and selecting model programs which shall include procedures for conducting needs assessments, 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))~~ professional educator standards board an annual report concerning the use of certification fees for precertification and in-service activities.

AMENDATORY SECTION (Amending WSR 06-02-051, filed 12/29/05, effective 1/1/06)

WAC 181-79A-140 Types of certificates. Six types of certificates shall be issued:

(1) Teacher. The teacher certificate, including teacher exchange permits as provided in WAC ~~((180-79A-220 [181-79A-220]))~~ 181-79A-220, authorizes service as a classroom teacher.

(2) Career and technical. The career and technical education certificate authorizes service in career and technical education programs in accordance with the provisions of chapter ~~((180-77 [181-77]))~~ 181-77 WAC.

(3) First people's language/culture. The first people's language/culture teacher certificate authorizes service as defined under WAC ~~((180-78A-700(8) [181-78A-700(8)]))~~ 181-78A-700(8).

(4) Administrator.

(a) The administrator certificate for principal authorizes services as a building administrator or assistant principal.

(b) The administrator certificates for superintendent or program administrator will be issued to persons who meet ~~((state board of education))~~ professional educator standards board certification standards for service in the roles of superintendent or program administrator.

(5) 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 [181-79A]))~~ 181-79A 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.

(6) Limited certificates. The following limited certificates are issued to individuals under specific circumstances set forth in WAC ~~((180-79A-231 [181-79A-231]))~~ 181-79A-231:

(a) Conditional certificate.

(b) Substitute certificate.

(c) Emergency certificate.

(d) Emergency substitute certificate.

(e) Nonimmigrant alien exchange teacher.

(f) Intern substitute teacher certificate.

(g) Transitional certificate.

AMENDATORY SECTION (Amending WSR 06-02-051, filed 12/29/05, effective 1/1/06)

WAC 181-79A-145 Levels of certificates, initial/residency and continuing/professional. Two levels of certification may be issued.

(1) Initial and continuing certificates: Teachers with program completion dates through August 31, 2000, administrators with program completion dates through August 31,

2004, and educational staff associates with program completion dates through August 31, 2005, will be issued the following levels of certificates: Provided, That initial and continuing teachers' certificates after August 31, 2000, initial and continuing principal and program administrator certificates after August 31, 2004, and initial and continuing educational staff associate certificates after August 31, 2005, will be issued only to previous Washington certificate holders, pursuant to WAC ((~~180-79A-123~~ [~~181-79A-123~~])) 181-79A-123:

(a) 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-250(1)~~ [~~181-79A-250(1)~~] and ~~180-79A-123~~ [~~181-79A-123~~])) 181-79A-250(1) and 181-79A-123. Initial administrator and educational staff associate certificates shall not be subject to renewal. Initial administrator and educational staff associate certificate holders shall be issued a continuing certificate if they meet the requirements for such certificate. Initial administrator and educational staff associate certificate holders shall be issued a residency certificate if their initial certificate has lapsed or they do not meet the requirements for a continuing certificate.

(b) Continuing certificate. The continuing certificate is valid on a continuing basis as specified in WAC ((~~180-79A-250(3)~~ [~~181-79A-250(3)~~])) 181-79A-250(3).

(2) Residency and professional certificates: Teachers, administrators, and educational staff associates with program completion dates commencing with the dates indicated below will be issued the following levels of certificates:

(a) Residency certificate. The residency certificate will be issued to teachers beginning September 1, 2000, to principal/program administrators beginning September 1, 2004, and to educational staff associate school counselors, school psychologists, and school social workers no later than September 1, 2005.

(b) The residency certificate for principals, program administrators, and educational staff associates is valid for five years and shall be subject to renewal pursuant to WAC ((~~180-79A-250~~ [~~181-79A-250~~])) 181-79A-250 (2)(b) and (c).

(c) The first issue of a residency certificate for teachers employed in a school district or state agency that provides educational services for students shall be valid until the holder is no longer on provisional status. When the teacher for the first time in their career completes provisional status, their residency certificate will be reissued with a five-year expiration date. Prior to the expiration date, the teacher must earn a professional certificate or meet residency renewal requirements under WAC ((~~180-79A-250~~ [~~181-79A-250~~])) 181-79A-250 (2)(a).

(d) The first issue of a residency certificate for teachers employed in a state approved private school shall be valid until the holder has completed two years of successful teaching. When the teacher for the first time in their career completes two years of successful teaching, their residency certificate will be reissued with a five-year expiration date. Prior to the expiration date, the teacher must earn a professional certificate or meet residency renewal requirements under WAC ((~~180-79A-250~~ [~~181-79A-250~~])) 181-79A-250 (2)(a).

(e) The first issue of a residency certificate for principals, program administrators, and educational staff associates shall be valid until the holder has completed two successful years of service in the role. When the principal, program administrator, or educational staff associate for the first time in their career completes two years of successful service in a school district, state approved private school, or state agency, their residency certificate will be reissued with a five-year expiration date. Prior to the expiration date, the candidate must earn a professional certificate or meet residency renewal requirements under WAC ((~~180-79A-250~~ [~~181-79A-250~~])) 181-79A-250 (2)(b) and (c).

(f) Professional certificate. The professional certificate will be issued to teachers beginning September 1, 2001, to principals/program administrators beginning September 1, 2007, and to educational staff associate school counselors, school psychologists, and school social workers beginning September 1, 2007. The professional certificate is valid for five years and shall be subject to renewal pursuant to WAC ((~~180-79A-250~~ [~~181-79A-250~~])) 181-79A-250. Provided, That a professional teacher's certificate based on the possession of a valid teacher's certificate issued by the National Board for Professional Teaching Standards National Board Certification pursuant to WAC ((~~180-79A-257~~ [~~181-79A-257~~] (3)(b) or ~~180-79A-206~~ [~~181-79A-206~~])) 181-79A-257 (3)(b) or 181-79A-206 (3)(a) shall be valid for five years or until the expiration of the National Board Certificate, whichever is greater.

AMENDATORY SECTION (Amending WSR 06-02-051, filed 12/29/05, effective 1/1/06)

WAC 181-79A-150 General requirements—Teachers, administrators, educational staff associates. The following requirements are to be met by candidates for certification as teachers including career and technical education 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 career and technical education certificate must give evidence of good moral character and personal fitness as specified in WAC ((~~180-79A-155~~ [~~181-79A-155~~])) 181-79A-155 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~~ [~~181-79A~~] and ~~180-77~~ [~~181-77~~])) 181-79A and 181-77 WAC or have

qualified under WAC (~~(180-79A-257 [181-79A-257])~~) 181-79A-257.

(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-257 [181-79A-257], and 180-79A-231 [181-79A-231])~~) 181-79A-257, and 181-79A-231, and in chapter (~~(180-77 [181-77])~~) 181-77 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.

(5) Certificates.

(a) Candidates for principal's certificates must hold or have held:

(i) A valid teacher's certificate, excluding certificates issued under WAC (~~(180-79A-231 [181-79A-231])~~) 181-79A-231, or comparable out-of-state certificates; or

(ii) A valid educational staff associate certificate and have demonstrated successful school-based experience in an instructional role with students. Persons whose teacher or educational staff associate certificates were revoked, suspended, or surrendered are not eligible for principal's certificates.

(b) Candidates for superintendent's certificates must hold a valid teacher, educational staff associate, program administrator, or principal certificate; excluding certificates issued under WAC (~~(180-79A-231 [181-79A-231])~~) 181-79A-231, or comparable out-of-state certificates.

(6) Assessments. See RCW 28A.410.220.

AMENDATORY SECTION (Amending WSR 06-02-051, filed 12/29/05, effective 1/1/06)

WAC 181-79A-206 Academic and experience requirements for certification—Teachers. Candidates for teachers' certificates shall complete the following requirements in addition to those set forth in WAC (~~(180-79A-150 [181-79A-150])~~) 181-79A-150.

(1) Initial/residency.

Candidates for the initial or residency certificate shall hold an approved baccalaureate degree from a regionally accredited college or university pursuant to WAC (~~(180-79A-030(5) [181-79A-030(5)])~~) 181-79A-030(5).

(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 (freshmen or sophomore level) credit hours 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 applying for a continuing certificate prior to September 1, 2000, 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 on issues of abuse, must complete the abuse course work requirement as defined in WAC (~~(180-79A-030(6) [181-79A-030(6)])~~) 181-79A-030(6).

(d) Candidates for continuing teachers' certificates shall provide 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.

(3) Professional.

(a) Candidates for the professional certificate shall have successfully completed a (~~(state board of education)~~) professional educator standards board-approved, professional certificate program, pursuant to WAC (~~(180-78A-500 [181-78A-500] through 180-78A-540 [181-78A-540])~~) 181-78A-500 through 181-78A-540: Provided, That an individual who holds a teaching certificate issued by the National Board for Professional Teaching Standards (NBPTS) shall be deemed to have met the requirement for completion of a professional certificate program, in recognition that NBPTS certification is issued only to individuals who have demonstrated highly advanced skills as a teacher.

(b) Candidates who apply for a professional certificate who have not successfully completed course work or an in-service program on issues of abuse, must complete the abuse course work requirement as defined in WAC (~~(180-79A-030(6) [181-79A-030(6)])~~) 181-79A-030(6).

AMENDATORY SECTION (Amending WSR 06-02-051, filed 12/29/05, effective 1/1/06)

WAC 181-79A-211 Academic and experience 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 [181-79A-150] and 180-79A-213 [181-79A-213])~~) 181-79A-150 and 181-79A-213.

(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 credit hours (thirty semester credit 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) [181-79A-150(4)])~~) 181-79A-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 credit hours (forty semester credit 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) [181-79A-150(4)])~~) 181-79A-150(4).

(iii) Candidates applying for continuing superintendent's certificate shall provide 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.

(2) Principal.

(a) Initial.

(i) The candidate shall hold an approved master's degree and have completed an approved program for the preparation of principals.

(ii) The candidate shall have documented successful school-based experience in an instructional role with students.

(b) Residency.

(i) The candidate shall hold an approved master's degree and have completed an approved program for the preparation of principals.

(ii) The candidate shall have documented successful school-based experience in an instructional role with students.

(c) Continuing.

(i) The candidate who holds a valid initial principal's certificate issued 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 hold a valid initial principal's certificate, an approved master's degree and shall have completed at least fifteen quarter (ten semester) credit hours of graduate course work offered by a college or university with a state approved principal program or one hundred fifty clock hours of study, which meet the state continuing education clock hour criteria pursuant to chapter ~~((180-85-181-85))~~ 181-85 WAC, or a combination of credits and clock hours equivalent to the above. Such study shall:

(A) Be based on the principal performance domains included in WAC ~~((180-78A-270-181-78A-270))~~ 181-78A-270 (2)(a) or (b);

(B) Be taken subsequent to the issuance of the initial principal's certificate; and

(C) Be determined in consultation with and approved by the candidate's employer or the administrator of a state approved principal preparation program.

(iii) Provided, That a candidate who held a valid initial principal's certificate on August 31, 1998, may meet the academic requirement for the continuing certificate described in WAC ~~((180-79A-211-181-79A-211))~~ 181-79A-211 (2)(c)(i), if the candidate meets requirements for and applies for the continuing certificate by the expiration date on that initial certificate.

(iv) The candidate must meet requirements for a principal's certificate pursuant to WAC ~~((180-79A-150(4)-181-79A-150(4))~~ 181-79A-150(4).

(v) Candidates applying for continuing principal's certificate shall provide 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.

(vi) Provided, That a candidate who held a valid initial principal's certificate on August 31, 1998, may meet the one hundred-eighty day experience requirement described in WAC ~~((180-79A-211-181-79A-211))~~ 181-79A-211 (2)(c)(v), if that candidate meets requirements and applies for the continuing certificate by the expiration date on that initial certificate.

(d) Professional certificate.

(i) The candidate shall have completed an approved professional certificate program.

(ii) The candidate shall have satisfactory evaluations while serving in the principal or assistant principal role as verified by a school district or a ~~((state board of education))~~ professional educator standards board-approved private school.

(iii) The candidate shall have documentation of three contracted school years of employment as a principal or assistant principal.

(3) Program administrator.

(a) Initial.

(i) The candidate shall hold an approved master's degree and have completed subsequent to the baccalaureate degree at least twenty-four quarter credit hours (sixteen semester credit hours) of graduate level course work in education.

(b) Residency certificate.

(i) The candidate shall hold an approved master's degree and have completed an approved program for the preparation of program administrators.

(ii) The candidate shall have documented successful school-based experience in an instructional role with students.

(c) Continuing.

(i) The candidate shall hold a valid initial program administrator's certificate, an approved master's degree and have completed subsequent to the baccalaureate degree at least thirty quarter credit hours (twenty semester credit hours) of graduate level course work in education or shall hold a doctorate in education.

(ii) Candidates applying for continuing program administrator's certificate shall provide 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.

(d) Professional certificate.

(i) The candidate shall have completed an approved professional certificate program.

(ii) The candidate shall have satisfactory evaluations while serving in a program administrator role as verified by a school district or a ~~((state board of education))~~ professional educator standards board-approved private school.

AMENDATORY SECTION (Amending WSR 06-02-051, filed 12/29/05, effective 1/1/06)

WAC 181-79A-213 Issues of abuse course work requirement for continuing certification—Administrators. Candidates who apply for a continuing administrator certificate after August 31, 1994, must have successfully completed the abuse course work requirement as defined in WAC ~~((180-79A-030(6) [181-79A-030(6)])~~ 181-79A-030(6).

AMENDATORY SECTION (Amending WSR 06-02-051, filed 12/29/05, effective 1/1/06)

WAC 181-79A-221 Academic and experience 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 [181-79A-150] and 180-79A-226 [181-79A-226])~~ 181-79A-150 and 181-79A-226: 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) Residency.

(i) The candidate shall hold a master's degree 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 a proctored, written examination of a regionally accredited institution of higher education or the candidate may meet this requirement by receiving a passing score on the Praxis II guidance and counseling examination administered by Educational Testing Service (ETS).

(c) Continuing.

(i) The candidate shall hold a master's degree with a major in counseling.

(ii) The candidate shall provide 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.

(iii) The candidates 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.

(d) Professional. The candidate shall have completed an approved professional certificate program.

(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) Residency.

(i) The candidate shall hold a master's degree 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 a proctored, written examination of a regionally accredited institution of higher education or the candidate may meet this requirement by receiving a passing score on the Praxis II school psychology examination administered by Educational Testing Service (ETS).

(c) Continuing.

(i) The candidate shall hold a master's degree with a major or specialization in school psychology.

(ii) The candidate shall provide 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.

(iii) The candidates 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.

(d) Professional. The candidate shall have completed an approved professional certificate program.

(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) Residency.

(i) The candidate shall hold a master's degree in social work.

(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 a proctored, written examination of a regionally accredited institution of higher education or the candidate may meet the requirement by receiving a passing score on the Praxis II school social work examination administered by Educational Testing Service (ETS).

(c) Continuing.

(i) The candidate shall hold a master's degree in social work.

(ii) The candidate shall provide 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.

(iii) The candidates 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.

(d) Professional. The candidate shall have completed an approved professional certificate program.

AMENDATORY SECTION (Amending WSR 06-02-051, filed 12/29/05, effective 1/1/06)

WAC 181-79A-223 Academic and experience 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 [181-79A-150]))~~ 181-79A-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 or higher in nursing from a program accredited by the National League for Nursing Accrediting Commission or the Commission on Collegiate Nursing Education.

(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))~~ professional educator standards board 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 including the state learning goals and essential academic learning requirements: Provided, That an individual who meets all other requirements but who has not completed the required course work shall be issued a temporary permit valid for one hundred eighty 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 eighty-day period.

(b) Continuing.

(i) 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 postbaccalaureate course work in education, nursing, or other health sciences.

(ii) The candidate shall provide documentation of one hundred eighty days of 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.

(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))~~ professional educator standards board 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 including the state learning goals and essential academic learning requirements: Provided, That an individual who meets all other requirements but who has not completed the required course work shall be issued a temporary permit valid for one hundred eighty 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 eighty-day period.

(b) Continuing.

(i) 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 semes-

ter hours) of course work beyond the baccalaureate degree in occupational therapy, other health sciences or education.

(ii) The candidate shall provide documentation of one hundred eighty days of 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.

(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))~~ professional educator standards board 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 including the state learning goals and essential academic learning requirements: Provided, That an individual who meets all other requirements but who has not completed the required course work shall be issued a temporary permit valid for one hundred eighty 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 eighty-day period.

(b) Continuing.

(i) 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.

(ii) The candidate shall provide documentation of one hundred eighty days of 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.

(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))~~ pro-

essional educator standards board 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 including the state learning goals and essential academic learning requirements: Provided, That an individual who meets all other requirements but who has not completed the required course work shall be issued a temporary permit valid for one hundred eighty 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 eighty-day period.

(b) Continuing.

(i) The candidate shall hold a master's degree with a major in speech pathology or audiology, with the exception of a candidate who holds a current and valid Washington state conditional certificate in speech/language pathology as of June 30, 2003.

(ii) The candidate shall provide documentation of one hundred eighty days of 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.

AMENDATORY SECTION (Amending WSR 06-02-051, filed 12/29/05, effective 1/1/06)

WAC 181-79A-226 Issues of abuse course work requirement for continuing or professional certification—Educational staff associate. Candidates who apply for a continuing or professional educational staff associate certificate after August 31, 1994, must have successfully completed the abuse course work requirement as defined in WAC ~~((180-79A-030(6) [181-79A-030(6)])~~ 181-79A-030(6).

AMENDATORY SECTION (Amending WSR 06-02-051, filed 12/29/05, effective 1/1/06)

WAC 181-79A-231 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) The purpose of the conditional certificate is to assist local school districts, approved private schools, and educational service districts in meeting the state's educational goals by giving them flexibility in hiring decisions based on shortages or the opportunity to secure the services of unusually talented individuals. The ~~((state board of education))~~ professional educator standards board encourages in all cases the hiring of fully certificated individuals and understands that districts will employ individuals with conditional certificates only after careful review of all other options. The ~~((state board of education))~~ professional educator standards board asks districts when reviewing such individuals for employment to consider, in particular, previous experience the individual has had working with children.

(b) Conditional certificates are issued upon application by the local school district, approved private school, or educational service district superintendent to persons who meet the age, good moral character, and personal fitness requirements of WAC ((~~180-79A-150~~ [~~181-79A-150~~])) 181-79A-150 (1) and (2), if one of the following conditions is verified:

(i) The applicant is highly qualified and experienced in the subject matter to be taught and has unusual distinction or exceptional talent which is able to be demonstrated through public records of accomplishments and/or awards; or

(ii) No person with regular teacher certification in the endorsement area is available as verified by the district or educational service district superintendent or approved private school administrator, or circumstances warrant consideration of issuance of a conditional certificate.

(c) In addition, conditional certificates are issued to persons in the following categories only if no person with regular certification is available:

(i) The applicant qualifies to instruct in the traffic safety program as paraprofessionals pursuant to WAC 392-153-020 (2) and (3); or

(ii) The applicant is assigned instructional responsibility for intramural/interscholastic activities which are part of the district or approved private school approved program; or

(iii) The applicant possesses 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 (e)(iii) of this subsection; or

(iv) The applicant has completed a bachelor's degree or higher from a regionally accredited college/university. All speech-language pathologists or audiologists providing services under a current and valid conditional certificate issued as of June 30, 2003, will be fully qualified consistent with WAC ((~~180-79A-223~~ [~~181-79A-223~~])) 181-79A-223 by the year 2010. First conditional certificates, issued to speech-language pathologists or audiologists after June 30, 2003, which are valid for up to two years, may be reissued once for up to two years, if the individual provides evidence that he/she is enrolled in and completing satisfactory progress in a master's degree program resulting in the initial ESA school speech-language pathologists or audiologist certificate.

(v) The applicant for a conditional teaching certificate in special education shall hold a bachelor's degree or higher from a regionally accredited college/university.

(vi) The issuance of a conditional certificate to a special education teacher after July 1, 2003, is contingent upon the individual being enrolled in an approved teacher preparation program resulting in a residency teacher certificate endorsed in special education. The conditional certificate is valid for up to two years and may be reissued once for one year upon verification by the college/university that the individual is completing satisfactory progress in the residency teacher certificate program.

(vii) An individual with full certification and endorsed in special education shall be assigned as a mentor to the special education teacher serving on a conditional certificate for the duration of the conditional certificate.

(d) 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) The district or educational service district superintendent or approved private school administrator has indicated the basis on which he/she has determined that the individual is competent for the assignment;

(ii) The individual is being certificated for a specific assignment and responsibility in a specified activity/field;

(e) When requesting the conditional certificate for persons who provide classroom instruction, 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) After specific inclusion on the agenda, the school board or educational service district board has authorized submission of the application.

(ii) 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;

(iii) 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;

(iv) 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.

(f) 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 application by the employing local school district, approved private school, or educational service district and upon completion of sixty clock hours (six quarter hours or four semester hours) of course work since the issuance of the most recent certificate. The requesting local school district, approved private school, or educational service district shall verify that the sixty clock hours taken for the reissuance of the certificate shall be designed to support the participant's professional growth and enhance the participant's instructional knowledge or skills to better assist students meeting the state learning goals and/or essential academic learning requirements.

(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 preparatory programs and baccalaureate degrees at regionally accredited colleges and universities for certificates; or

(iii) Persons applying as out-of-state applicants who qualify for certification pursuant to WAC (~~(180-79A-257~~ ~~[181-79A-257])~~) 181-79A-257 (1)(c) and (d).

(b) The substitute certificate is valid for life.

(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) Emergency substitute certification.

(a) 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 subsection (2) of this section for use in a particular school district or approved private school once the list of otherwise qualified substitutes has been exhausted.

(b) Such emergency substitute certificates shall be valid for three years or less, as evidenced by the expiration date which is printed on the certificate.

(5) Nonimmigrant alien exchange teacher. Applicants for certification as a nonimmigrant alien exchange teacher must qualify pursuant to WAC (~~(180-79A-270~~ ~~[181-79A-270])~~) 181-79A-270 and be eligible to serve as a teacher in the elementary or secondary schools of the country of residence.

(6) Intern substitute teacher certificate.

(a) School districts and approved private schools may request intern substitute teacher certificates for persons enrolled in student teaching/internships to serve as substitute teachers in the absence of the classroom teacher.

(b) The supervising college or university must approve the candidate for the intern substitute teacher certificate.

(c) Such certificated substitutes may be called at the discretion of the school district or approved private school to

serve as a substitute teacher only in the classroom(s) to which the individual is assigned as a student teacher/intern.

(d) The intern substitute teacher certificate is valid for one year, or less, as evidenced by the expiration date which is printed on the certificate.

(7) Transitional certificate.

(a) An individual whose continuing certificate has lapsed according to WAC (~~(180-85-040~~ ~~[181-85-040])~~) 181-85-040 may be issued a transitional certificate to be employed on a conditional basis upon request by a school district, approved private school, or educational service district superintendent. The holder of the transitional certificate must complete any continuing certificate reinstatement requirements established by the (~~(state board of education)~~) professional educator standards board within two years of the date the holder was issued the transitional certificate in order to continue to be employed. The transitional certificate expiration date shall not be calculated under (~~(state)~~) professional educator standards board policy WAC (~~(180-79A-117~~ ~~[181-79A-117])~~) 181-79A-117.

(b) No individual whose continuing certificate has been suspended or revoked shall be eligible to be employed under this section.

(c) School districts, approved private schools, and educational service districts are strongly encouraged to develop with the holder of a transitional certificate a plan of assistance to be sure the holder completes the necessary continuing certificate reinstatement requirements under WAC (~~(180-85-130~~ ~~[181-85-130])~~) 181-85-130 within the two-year conditional employment period specified under (a) of this subsection if the holder is to continue to be employed.

(d) The transitional certificate is not renewable and may not be reissued.

AMENDATORY SECTION (Amending WSR 06-02-051, filed 12/29/05, effective 1/1/06)

WAC 181-79A-250 Initial/residency and continuing/professional certificates—Renewal, reinstatement, and continuing education requirements. The following shall apply to initial/residency and continuing/professional certificates issued pursuant to this chapter:

(1) Initial certificate.

(a) Teachers.

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 requirements from a regionally accredited institution of higher education as defined in WAC (~~(180-78A-010(6)~~ ~~[181-78A-010(6)])~~) 181-78A-010(6) for continuing certification or has completed at least fifteen quarter credit hours (ten semester credit hours) since the certificate was issued or renewed. After August 31, 2000, provisions of WAC (~~(180-79A-123~~ ~~[181-79A-123])~~) 181-79A-123 will apply.

(b) Administrators.

After June 30, 2004, provisions of WAC (~~(180-79A-123(8)~~ ~~[181-79A-123(8)])~~) 181-79A-123(8) will apply.

(c) Educational staff associates.

After June 30, 2005, provisions of WAC (~~(180-79A-123(9)~~ ~~[181-79A-123(9)])~~) 181-79A-123(9) will apply.

(2) Residency certificate. Residency certificates shall be renewed under one of the following options:

(a) Teachers.

(i) Individuals who hold, or have held, a residency certificate and who qualify for enrollment in a professional certificate program pursuant to WAC ((~~180-78A-535~~ [~~181-78A-535~~])) 181-78A-535 (1)(a) may have the certificate renewed for one additional two-year period upon verification by the professional certificate administrator that the candidate is enrolled in a state approved professional certificate program.

(ii) Individuals who hold, or have held, residency certificates who do not qualify for enrollment in a professional certificate program pursuant to WAC ((~~180-78A-535~~ [~~181-78A-535~~])) 181-78A-535 (1)(a) may have their residency certificates renewed for one additional five-year period 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.

(iii) An individual who completes a national board certification assessment but does not earn national board certification, may use that completed assessment to renew the residency certificate for two years.

(iv) Individuals who complete the requirements in their school district professional growth plan may use that completed plan to maintain the continuing certificate or renew the professional certificate.

(b) Principals/program administrators.

(i) Individuals who hold, or have held, a residency certificate and who qualify for enrollment in a professional certificate program pursuant to WAC ((~~180-78A-535~~ [~~181-78A-535~~])) 181-78A-535 (2)(a) may have the certificate renewed for one additional two-year period upon verification by the professional certificate program administrator that the candidate is enrolled in a state approved professional certificate program.

(ii) Individuals who hold, or have held, residency certificates who do not qualify for enrollment in a professional certificate program under WAC ((~~180-78A-535~~ [~~181-78A-535~~])) 181-78A-535 (2)(a) may have their residency certificates renewed for one additional five-year period by the completion of fifteen quarter credits (ten semester credits) of college credit course work, directly related to the current performance-based leadership standards as defined in WAC ((~~180-78A-270~~ [~~181-78A-270~~])) 181-78A-270 (2)(b) from a regionally accredited institution of higher education taken since the issuance of the residency certificate. Renewal beyond one time requires the completion of fifteen quarter credits (ten semester credits) directly related to the current performance-based leadership standards as defined in WAC ((~~180-78A-270~~ [~~181-78A-270~~])) 181-78A-270 (2)(b) plus an internship approved by a college or university with a ((state)) professional educator standards board-approved residency certificate program and taken since the issuance of the last residency certificate.

(c) School counselors, school psychologists, or school social workers.

(i) Individuals who hold a residency certificate and who qualify for enrollment in a professional certificate program pursuant to WAC ((~~180-78A-535(3)~~ [~~181-78A-535(3)~~]))

181-78A-535(3) may have the certificate renewed for one additional two-year period upon verification by the professional certificate program administrator that the candidate is enrolled in a state approved professional certificate program.

(ii) Individuals who hold, or have held, a residency certificate who do not qualify for admission to a professional certificate program under WAC ((~~180-78A-535~~ [~~181-78A-535~~])) 181-78A-535 (3)(a) may have their residency certificates renewed for one additional five-year period by the completion of fifteen quarter credits (ten semester credits) of college credit course work, directly related to the current performance-based standards as defined in WAC ((~~180-78A-270~~ [~~181-78A-270~~])) 181-78A-270 (5), (7), or (9) from a regionally accredited institution of higher education taken since the issuance of the residency certificate. Renewal for an additional five-year period requires the completion of fifteen quarter credits (ten semester credits) directly related to the current performance-based standards as defined in WAC ((~~180-78A-270~~ [~~181-78A-270~~])) 181-78A-270 (5), (7), or (9) completed since the issuance of the most recent residency certificate plus an internship approved by a college or university with a ((state)) professional educator standards board-approved residency certificate program and taken since the issuance of the last residency certificate.

(d) Renewals based on conditions other than those described in WAC ((~~180-79A-250~~ [~~181-79A-250~~])) 181-79A-250 (2)(a) and (b) may be appealed to the ((state board of education)) professional educator standards board, or its designated appeals committee. The following conditions apply to such appeals:

(i) Individuals who appeal shall present a rationale and evidence to support their request to have their residency certificates renewed.

(ii) The ((state board of education)) professional educator standards board, 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.

(3) 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~~ [~~181-85~~])) 181-85 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, to include the filing requirement specified in chapter ((~~180-85~~ [~~181-85~~])) 181-85 WAC. To reinstate such a lapsed continuing certificate the individual must complete the requirements for reinstatement stated within chapter ((~~180-85~~ [~~181-85~~]))

181-85 WAC and must meet the conditions stated in WAC ~~((180-79A-253 [181-79A-253]))~~ 181-79A-253.

(4) Professional certificate.

(a) Teachers.

(i) A valid professional certificate may be renewed for additional five year periods by the completion of one hundred fifty continuing education credit hours as defined in chapter ~~((180-85 [181-85]))~~ 181-85 WAC since the certificate was issued. An expired professional certificate may be renewed for an additional five-year period by presenting evidence to the superintendent of public instruction of completing the continuing education credit hour requirement within the five years prior to the date of the renewal application. All continuing education credit hours shall relate to either (a)(i)(A) or (B) of this subsection: Provided, That both categories (a)(i)(A) and (B) of this subsection must be represented in the one hundred fifty continuing education credit hours required for renewal:

(A) One or more of the following three standards outlined in WAC ~~((180-78A-540 [181-78A-540]))~~ 181-78A-540:

(I) Effective instruction.

(II) Professional contributions.

(III) Professional development.

(B) One of the salary criteria specified in RCW 28A.415.023.

(I) Is consistent with a school-based plan for mastery of student learning goals as referenced in RCW 28A.320.205, the annual school performance report, for the school in which the individual is assigned;

(II) Pertains to the individual's current assignment or expected assignment for the subsequent school year;

(III) Is necessary to obtain an endorsement as prescribed by the ~~((state board of education))~~ professional educator standards board;

(IV) Is specifically required to obtain advanced levels of certification; or

(V) Is included in a college or university degree program that pertains to the individual's current assignment, or potential future assignment, as a certified instructional staff.

(ii) Provided, That a professional certificate may be renewed based on the possession of a valid teaching certificate issued by the National Board for Professional Teaching Standards at the time of application for the renewal of the professional certificate. Such renewal shall be valid for five years or until the expiration of the National Board Certificate, whichever is greater.

(b) Principals/program administrators.

(i) A professional certificate may be renewed for additional five year periods for individuals employed as a principal, assistant principal or program administrator in a public school or ~~((state))~~ professional educator standards board-approved private school by:

(A) Completion of a professional growth plan that is developed and approved with the superintendent, superintendent designee, or appointed representative (e.g., educational service district personnel, professional association or organization staff, or peer from another district), and that documents formalized learning opportunities and professional development activities that:

(I) Emphasize continuous learning;

(II) Positively impact student learning;

(III) Relate to the six standards and "career level" benchmarks defined in WAC ~~((180-78A-270 [181-78A-270]))~~ 181-78A-270 (2)(b);

(IV) Explicitly connect to the evaluation process;

(V) Reflect contributions to the school, district, and greater professional community; and

(VI) Identify areas in which knowledge and skills need to be enhanced.

(B) Verification of satisfactory performance evaluations for the five year periods; and

(C) Documented evidence of results of the professional growth plan on student learning.

(ii) Individuals not employed as a principal, assistant principal, or program administrator in a public school or ~~((state))~~ professional educator standards board-approved private school may have their professional certificate renewed for one additional five-year period by the completion of fifteen quarter credits (ten semester credits) of college credit course work directly related to the current performance-based leadership standards as defined in WAC ~~((180-78A-270 [181-78A-270]))~~ 181-78A-270 (2)(b) from a regionally accredited institution of higher education taken since the issuance of the professional certificate. Renewal beyond one time requires the completion of fifteen quarter credits (ten semester credits) directly related to the current performance-based leadership standards as defined in WAC ~~((180-78A-270 [181-78A-270]))~~ 181-78A-270 (2)(b) plus an internship approved by a college or university with a ~~((state))~~ professional educator standards board-approved professional certificate program, and taken since the issuance of the last professional certificate.

(c) School counselors, school psychologists, or school social workers.

(i) A professional certificate may be renewed for additional five-year periods for individuals employed as a school counselor, school psychologist, or school social worker in a public school, ~~((state))~~ professional educator standards board-approved private school, or in a state agency which provides educational services to students by:

(A) Completion of a professional growth plan that is developed and approved with the principal or principal designee, and that documents formalized learning opportunities and professional development activities that:

(I) Emphasize continuous learning;

(II) Positively impact student learning; and

(III) Reflect contributions to the school, district, and greater professional community; or

(B) Completion of one hundred fifty continuing education credit hours as defined in chapter ~~((180-85 [181-85]))~~ 181-85 WAC since the certificate was issued and which relate to the current performance-based standards as defined in WAC ~~((180-78A-270 [181-78A-270]))~~ 181-78A-270 (5), (7), or (9).

(ii) Individuals not employed as a school counselor, school psychologist, or a school social worker in a public school or ~~((state))~~ professional educator standards board-approved private school may have their professional certificate renewed for an additional five-year period by:

(A) Completion of fifteen quarter credits (ten semester credits) of college credit course work directly related to the current performance-based standards as defined in WAC ((~~180-78A-270~~ [~~181-78A-270~~])) 181-78A-270 (5), (7), or (9) from a regionally accredited institution of higher education taken since the issuance of the professional certificate; or

(B) Completion of one hundred fifty continuing education credit hours as defined in chapter ((~~180-85~~ [~~181-85~~])) 181-85 WAC since the certificate was issued and which relate to the current performance-based standards as defined in WAC ((~~180-78A-270~~ [~~181-78A-270~~])) 181-78A-270 (5), (7), or (9).

AMENDATORY SECTION (Amending WSR 06-02-051, filed 12/29/05, effective 1/1/06)

WAC 181-79A-253 Reinstatement of certificates.

Only a continuing certificate may be reinstated. A holder of a lapsed, surrendered, or revoked continuing 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)~~ [~~181-79A-150(2)~~])) 181-79A-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 surrender or revocation; however, such applicants may apply pursuant to WAC ((~~180-79A-124~~ [~~181-79A-124~~])) 181-79A-124 for a new certificate under requirements in effect at the time of application.

AMENDATORY SECTION (Amending WSR 06-02-051, filed 12/29/05, effective 1/1/06)

WAC 181-79A-255 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 qualifications comparable even though not identical to Washington ((~~state board of education~~)) professional educator standards board standards.

AMENDATORY SECTION (Amending WSR 06-02-051, filed 12/29/05, effective 1/1/06)

WAC 181-79A-257 Out-of-state candidates. Candidates for certification from other states who meet the general certificate requirements described in WAC ((~~180-79A-150~~ [~~181-79A-150~~])) 181-79A-150 (1) and (2) shall be eligible for Washington certificates as follows:

(1) Initial and residency certificates. The initial certificate (residency certificate for teachers after August 31, 2000,) shall be issued by the superintendent of public instruc-

tion to any candidate who meets requirements for the residency certificate including testing requirements as described in RCW 28A.410.220, and who passes the WEST-B and 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)~~ [~~181-79A-150(4)~~])) 181-79A-150(4).

(c) Provided, That if a candidate for teacher, administrator or educational staff associate certification does not meet the qualifications described in (a) or (b) of this subsection, an initial/residency certificate shall be issued to a candidate who holds an appropriate degree from a regionally accredited college or university and also holds or has held a certificate in the role, comparable to an initial/residency 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: Provided further, That the teacher preparation program through which the teacher earned their teaching certificate included a supervised classroom-based internship.

(d) Provided further, That if a candidate for a teacher's certificate would qualify under (b) of this subsection, but for the fact that he or she has completed an approved teacher preparation program in a subject area that is not listed in chapter ((~~180-82~~ [~~181-82~~])) 181-82 WAC as a Washington endorsement, the candidate shall be issued a certificate that bears the out-of-state area of program preparation. It shall be noted on the certificate so issued that the subject area listed is not a Washington state endorsement.

(e) 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.

(f) Holds a valid Nationally Certified School Psychologist (NCSP) certificate issued by the National School Psychology Certification Board (NSPCB) after December 31, 1991, and applies for an initial/residency educational staff associated school psychologist certificate.

(2) Continuing certificate. The continuing certificate shall be issued to administrators and educational staff associates 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 if the candidate meets requirements for the residency certificate including testing requirements as described in RCW 28A.410.220, meets the child abuse course work requirement as described in WAC ((~~180-79A-206~~ [~~181-79A-206~~])) 181-79A-206 (3)(b), and 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~~)) professional educator standards board as equivalent to the approved program procedure required in Washington; or

(b) The candidate holds a valid teaching certificate issued by the National Board for Professional Teaching Standards; or

(c) A Washington state college or university with 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.

AMENDATORY SECTION (Amending WSR 06-02-051, filed 12/29/05, effective 1/1/06)

WAC 181-79A-299 Transition policies. The transition to the endorsement policies described in chapter ~~((180-82-181-82))~~ 181-82 WAC will include the following policies:

(1) Endorsement requirements as described in WAC ~~((180-79A-300-181-79A-300) through 180-79A-398-181-79A-398))~~ 181-79A-300 through 181-79A-398 shall sunset effective August 31, 2000.

(2) Candidates for endorsements on teacher certificates on, or before, August 31, 2000, shall meet requirements as described in WAC ~~((180-79A-300-181-79A-300) through 180-79A-398-181-79A-398))~~ 181-79A-300 through 181-79A-398; after August 31, 2000, candidates for endorsements on teacher certificates shall meet requirements as described in chapter ~~((180-82-181-82))~~ 181-82 WAC.

(3) Colleges and universities may permit an individual accepted into programs in Washington state on, or before, August 31, 2000, to obtain endorsements under the requirements in WAC ~~((180-79A-300-181-79A-300) through 180-79A-398-181-79A-398))~~ 181-79A-300 through 181-79A-398, if the individual completes the endorsement program on, or before, August 31, 2003, and the college or university verifies endorsement program completion to the superintendent of public instruction on, or before, December 31, 2003.

AMENDATORY SECTION (Amending WSR 06-02-051, filed 12/29/05, effective 1/1/06)

WAC 181-79A-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-130-181-79A-130))~~ 181-79A-130, and submit verification of completion of the necessary requirements specified in this chapter.

AMENDATORY SECTION (Amending WSR 06-02-051, filed 12/29/05, effective 1/1/06)

WAC 181-79A-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 educa-

tion, 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))~~ professional educator standards board pursuant to chapter ~~((180-78A-181-78A))~~ 181-78A 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-304-181-79A-304))~~ 181-79A-304.

(5) Except as otherwise specified in this chapter or in chapter ~~((180-82-181-82))~~ 181-82 WAC, 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))~~ professional educator standards board 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.

AMENDATORY SECTION (Amending WSR 06-02-051, filed 12/29/05, effective 1/1/06)

WAC 181-79A-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-308-181-79A-308))~~ 181-79A-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.

AMENDATORY SECTION (Amending WSR 06-02-051, filed 12/29/05, effective 1/1/06)

WAC 181-79A-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 ~~((180-85-181-85))~~ 181-85 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 ~~((180-85-181-85))~~ 181-85 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))~~ professional educator standards board.

(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.

AMENDATORY SECTION (Amending WSR 06-02-051, filed 12/29/05, effective 1/1/06)

WAC 181-79A-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-315-181-79A-315))~~ 181-79A-315, conduct an evaluation of such in-service programs, and report to the superintendent of public instruction and the ~~((state board of education))~~ professional educator standards board 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.

AMENDATORY SECTION (Amending WSR 06-02-051, filed 12/29/05, effective 1/1/06)

WAC 181-82-002 Authority. The authority for this chapter is chapter 28A.410 RCW which authorizes the ~~((state board of education))~~ professional educator standards board 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)))~~ 28A.410.210(6) which authorizes the ~~((state board of education))~~ professional educator standards board to specify the types and kinds of certificates necessary for the several departments within the common schools and by RCW 28A.150.220(4) which authorizes the ~~((state board of education))~~ professional educator standards board to adopt rules that implement and ensure compliance with the basic program of education requirements of RCW 28A.150.250, 28A.150.260, and 28A.150.220 and such related basic program of education requirements as may be established by the ~~((state board of education))~~ professional educator standards board.

AMENDATORY SECTION (Amending WSR 06-02-051, filed 12/29/05, effective 1/1/06)

WAC 181-82-105 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 shall comply with the following:

(1) Classroom teachers with standard or unendorsed continuing teacher certificates may be assigned to any grade or subject areas for which certification is required.

(2) Classroom teachers with initial, residency, endorsed continuing, or professional teacher certificates may be

assigned only to the specified grades and specified subject areas stated as endorsements upon their respective certificates or permits.

(3) Classroom teachers with initial, residency, endorsed continuing, or professional 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, residency, endorsed continuing, or professional teacher certificates 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 ((180-82-202 [181-82-202])) 181-82-202.

(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 [181-79A-230])) 181-79A-230 or a career and technical education certificate as specified in chapter ((180-77 [181-77])) 181-77 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)(a) 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 teacher's endorsement and courses or classes which the board of directors of the district, using the endorsement-related assignment table published by the ((state board of education)) professional educator standards board as a nonbinding guideline, 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.

(b) The endorsement-related assignment table published by the ((state board of education)) professional educator standards board may not be changed without prior ((state board of education)) professional educator standards board approval. Endorsement-related assigned classroom teachers must be evaluated annually specific to the assignment and achieve a satisfactory rating to continue in the assignment.

(12) Exceptions to the assignment requirements of subsection (1) of this section must comply with WAC ((180-82-110 [181-82-110])) 181-82-110.

(13) 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 06-02-051, filed 12/29/05, effective 1/1/06)

WAC 181-82-110 Exceptions to classroom teacher assignment policy. Exceptions to the classroom teacher assignment policy specified in WAC ((180-82-105 [181-82-105])) 181-82-105 shall be limited to the following:

(1) Upon determination by school districts that teachers have the competencies to be effective teachers in areas other than their endorsed areas, individuals with initial, residency, endorsed continuing, or professional 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)) professional educator standards board 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, residency, endorsed continuing, or professional 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.

(3) After August 31, 2000, a teacher who has completed twenty-four quarter credit hours (sixteen semester credit hours) of course work applicable to a special education endorsement shall be eligible for a waiver from the special education office which will allow that person to be employed as a special education teacher. All remaining requirements shall be completed within five years of service as a special education teacher. Teachers who hold certificates endorsed in special education or who have received waivers from the special education office prior to September 1, 2000, shall not be affected by the requirements of this subsection.

AMENDATORY SECTION (Amending WSR 06-02-051, filed 12/29/05, effective 1/1/06)

WAC 181-82-120 Assignment of principals and assistant principals within districts. No person shall be assigned within the basic program of education to serve as principal or assistant principal unless such person holds a certificate or permit pursuant to WAC (~~(180-79A-140(3))~~ ~~[181-79A-140(3)]~~) 181-79A-140(3).

AMENDATORY SECTION (Amending WSR 06-02-051, filed 12/29/05, effective 1/1/06)

WAC 181-82-125 Assignment of educational staff associates. No person shall be assigned within the basic program of education to serve in a specific educational staff associate role, as identified in WAC (~~(180-79A-140)~~ ~~[181-79A-140]~~) 181-79A-140, unless such person holds a certificate or permit endorsed for such specific role.

AMENDATORY SECTION (Amending WSR 06-02-051, filed 12/29/05, effective 1/1/06)

WAC 181-82-130 Assignment of persons providing instruction of Braille to students. (1) No certificated school district employee shall be assigned to provide instruction of Braille to students who has not demonstrated competency with the grade two standard literary Braille code by:

- (a) Successful completion of the National Literary Braille Competency Test; or
- (b) Successful completion of the Braille competency test developed at Portland State University; or
- (c) Successful completion of any other test approved for use by the (~~(state board of education))~~ professional educator standards board.

(2) No classified school district employee working under the supervision of a certificated school district employee, which certificated employee meets the requirement of subsection (1) of this section, may produce Braille material or provide instruction in the Braille code unless the employee has demonstrated competency with the grade two standard literary Braille code as provided under subsection (1) of this section.

(3)(a) Each school district is responsible for monitoring the appropriate assignment of personnel under subsections (1) and (2) of this section.

(b) Any person under subsections (1) and (2) of this section shall have one year from the date of request to successfully pass the testing requirement under subsection (1) of this section.

(c) The Washington Instructional Resource Center for the Visually Impaired shall forward to the (~~(state board of education))~~ professional educator standards board the names of individuals who have passed the testing requirement under subsection (1) of this section and the date of passage. The center also shall forward to the (~~(state))~~ professional educator standards board the names of individuals who have not passed the testing requirement within one year and the name of the employing school district of the individual.

(4) The (~~(state))~~ professional educator standards board shall establish a test review committee which shall be respon-

sible for developing criteria to evaluate a test under subsection (1)(c) of this section. No test shall be considered for approval by the (~~(state))~~ professional educator standards board under subsection (1)(c) of this section unless it has been evaluated by the test review committee and a recommendation for approval or disapproval has been submitted to the board. At a minimum, the membership of the committee shall include persons representing:

- (a) National Federation of the Blind of Washington;
 - (b) Washington council of the blind;
 - (c) Association of education and rehabilitation of the blind and visually impaired of Washington;
 - (d) Washington instructional resource center for the visually impaired;
 - (e) Washington state school for the blind; and
 - (f) Office of the superintendent of public instruction.
- (5) A person who has met the requirement of subsection (1) of this section shall maintain their facility with the grade two standard literary Braille code by:

- (a) Completing ten hours every five years of continuing education; or
- (b) Successful completion every five years of one of the tests under subsection (1) of this section.

(6)(a) For the purpose of subsection (5)(a) of this section, the continuing education option may be satisfied by:

- (i) Completing the equivalent of ten clock hours through completion of college credits as provided under WAC (~~(180-85-030)~~ ~~[181-85-030]~~) 181-85-030 (1) and (2); or
- (ii) Completing ten clock hours of continuing education as provided under WAC (~~(180-85-030)~~ ~~[181-85-030]~~) 181-85-030 (3) and (4); or
- (iii) Completing the equivalent of ten clock hours through completion of continuing education units through a college or university. One continuing education unit shall equal not fewer than ten clock hours of attendance.

(b) For the purpose of subsection (5)(a) of this section, "continuing education" shall mean one or more of the following:

- (i) Instructional methodology in Braille;
- (ii) Improving Braille code skills; or
- (iii) Maintaining or refreshing Braille code skills, not including technology or software. "Braille code skills" means literary, music, and the Nemeth code of mathematics and scientific notation.

(c) For the purpose of subsection (5)(a) of this section, an approved provider of continuing education may include:

- (i) The National Braille Association;
- (ii) The Library of Congress;
- (iii) The Braille Authority of North America;
- (iv) A regionally accredited institution of higher education under WAC (~~(180-78A-010(6))~~ ~~[181-78A-010(6)]~~) 181-78A-010(6);
- (v) An educational service district;
- (vi) The American Foundation for the Blind;
- (vii) The Association of Education and Rehabilitation of the Blind and Visually Impaired of Washington;
- (viii) The American Foundation for the Blind annual American Braille literacy conference; or
- (ix) Any other entity approved by the (~~(state board of education))~~ professional educator standards board based

upon a recommendation to approve from the test review committee established under subsection (4) of this section.

(d) For the purpose of subsection (1) of this section, a person who holds a Library of Congress transcriber's certificate is exempt only from the testing requirement under subsection (1) of this section. If an individual earns the Library of Congress transcriber's certificate, they shall be deemed to have met the continuing education option under subsection (5)(a) of this section.

(e) Individuals who seek through subsection (5)(a) of this section to remain eligible to work with visually impaired students are responsible for documenting completion of continuing education. Such individuals are strongly encouraged to provide a copy of their documentation to their employing school district. The documentation shall not be collected by the ~~((state board of education))~~ professional educator standards board. However, the documentation could be audited for purposes of compliance with basic education appropriation requirements under WAC 180-16-195.

AMENDATORY SECTION (Amending WSR 06-02-051, filed 12/29/05, effective 1/1/06)

WAC 181-82-135 Assignment waivers. On a case-by-case basis, the ~~((state board of education))~~ professional educator standards board may waive the provisions of WAC ~~((180-82-105 [181-82-105] through 180-82-130 [181-82-130]))~~ 181-82-105 through 181-82-130 upon written application by a school district board of directors. The application shall detail the rationale for the waiver request. The waiver may be granted subject to any conditions and stipulations as the ~~((state))~~ professional educator standards board determines.

AMENDATORY SECTION (Amending WSR 06-02-051, filed 12/29/05, effective 1/1/06)

WAC 181-82-200 Purpose of endorsement requirements. The purposes of the endorsement requirements in chapter ~~((180-82 [181-82]))~~ 181-82 WAC are:

- (1) To align requirements for endorsements with the state's learning goals and essential academic learning requirements;
- (2) To maintain rigorous standards for obtaining endorsements; and
- (3) To provide school districts with teachers who are able to demonstrate a positive impact on student learning.

AMENDATORY SECTION (Amending WSR 06-02-051, filed 12/29/05, effective 1/1/06)

WAC 181-82-201 Grade designations for endorsements obtained after August 31, 2000. In order to implement the state's reform legislation, schools are reorganizing by developmental levels, by benchmarks, by student performance, etc. Therefore, the designation of mandatory grade levels on certificates for assignment purposes, no longer appears appropriate. The ~~((state board of education))~~ professional educator standards board does, however, wish to provide guidance to school districts in the placement of its certified staff and to colleges and universities in developing prep-

aration programs by providing the following guidelines for grade and age designations:

- (1) Early childhood: Birth to third grade (age eight).
- (2) Elementary: Kindergarten (age five) to grade eight (age fourteen).
- (3) Middle level: Grade four (age nine) to grade nine (age fifteen).
- (4) Secondary: Grade five (age ten) to grade twelve (age eighteen).
- (5) All levels: Preschool (birth) to grade twelve (age eighteen).

AMENDATORY SECTION (Amending WSR 06-02-051, filed 12/29/05, effective 1/1/06)

WAC 181-82-202 Certificate endorsements. Teacher certificates shall be endorsed as follows, except as otherwise provided in WAC ~~((180-79A-257 [181-79A-257]))~~ 181-79A-257 (1)(d):

- (1) **All levels:**
 - (a) Bilingual education, (supporting).
 - (b) Designated arts: Dance, (primary and supporting).
 - (c) Designated arts: Drama, (primary and supporting).
 - (d) Designated arts: Music: Choral, instrumental or general, (primary and supporting).
 - (e) Designated arts: Visual arts, (primary and supporting).
 - (f) Designated world languages, (primary and supporting).
 - (g) English as a second language, (primary and supporting).
 - (h) Health/fitness, (primary and supporting).
 - (i) Library media, (primary and supporting).
 - (j) Reading, (primary and supporting).
 - (k) Special education, (primary).
- (2) **Early childhood:**
 - (a) Early childhood education, (primary and supporting).
 - (b) Early childhood special education, (primary).
- (3) **Elementary education,** (primary).
- (4) **Middle level,** (primary).
- (5) **Secondary level:**
 - (a) Designated science: Biology, (primary and supporting).
 - (b) Designated science: Chemistry, (primary and supporting).
 - (c) Designated science: Earth science, (primary and supporting).
 - (d) Designated science: Physics, (primary and supporting).
 - (e) Designated career and technical education: Agriculture education, business education, family and consumer sciences education, marketing education, and technology education, (primary).
 - (f) English, (primary and supporting).
 - (g) English/language arts, (primary).
 - (h) History, (primary and supporting).
 - (i) Mathematics, (primary and supporting).
 - (j) Science, (primary).
 - (k) Social studies, (primary).

(6) **Traffic safety** endorsements may be noted on certificates issued under chapter ~~((180-79A-181-79A))~~ 181-79A WAC if the candidate meets the requirements of the regulations promulgated by the superintendent of public instruction pursuant to RCW 28A.220.020(3).

AMENDATORY SECTION (Amending WSR 06-02-051, filed 12/29/05, effective 1/1/06)

WAC 181-82-204 Endorsement requirements. (1) Candidates for all primary teaching endorsements shall complete college/university programs approved by the ~~((state board of education))~~ professional educator standards board pursuant to chapter ~~((180-78A-181-78A))~~ 181-78A WAC, which include methodology (see WAC ~~((180-78A-264(5)-181-78A-264(5)))~~ 181-78A-264(5)) and field experience/internship (see WAC ~~((180-78A-264(7)-181-78A-264(7)))~~ 181-78A-264(7)).

(2) Candidates for all supporting teaching endorsements shall complete college/university programs approved by the ~~((state board of education))~~ professional educator standards board pursuant to chapter ~~((180-78A-181-78A))~~ 181-78A WAC, which shall include methodology (see WAC ~~((180-78A-264(5)-181-78A-264(5)))~~ 181-78A-264(5)). The requirement for field experience/internship for a supporting endorsement shall be at the discretion of the college/university: Provided, That in cases where programs require a field experience/internship the colleges and universities should make every attempt to allow the individual to complete field-based requirements for the endorsement within the confines of the individual's existing schedule.

(3) Teachers may add an endorsement by achieving National Board certification in a Washington teaching endorsement area and possessing a valid National Board certificate.

(4) The ~~((state board of education))~~ professional educator standards board shall approve teacher preparation programs for each endorsement program at Washington colleges and universities, pursuant to chapter ~~((180-78A-181-78A))~~ 181-78A WAC.

(5) Candidates from out-of-state shall be required to present verification that they completed a state-approved program in a Washington endorsement area, except as otherwise provided in WAC ~~((180-79A-257-181-79A-257))~~ 181-79A-257 (1)(d).

(6) Course work used to meet endorsement requirements must be completed through a regionally accredited college/university.

(7) 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 course work required for the approved endorsement program.

(8) 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.

AMENDATORY SECTION (Amending WSR 06-02-051, filed 12/29/05, effective 1/1/06)

WAC 181-82-210 Primary and supporting endorsements. (1) All endorsements obtained under the requirements in chapter ~~((180-82-181-82))~~ 181-82 WAC shall be designated as either primary or supporting endorsements on teaching certificates.

(2) All candidates for teaching certificates shall be required to obtain a primary endorsement, except as otherwise provided in WAC ~~((180-79A-257-181-79A-257))~~ 181-79A-257 (1)(d).

(3) Primary endorsements shall require a minimum of forty-five quarter credit hours (thirty semester credit hours) of academic study (or its equivalent) in the endorsement area: Provided, That primary endorsements for broad area endorsements (i.e., English/language arts, science, and social studies) shall require sixty quarter credit hours (forty semester credit hours) of academic study (or its equivalent) in the endorsement area.

(4) Supporting endorsements shall require a minimum of twenty-four quarter credit hours (sixteen semester credit hours) of academic study (or its equivalent) in the endorsement area.

(5) The ~~((state board of education))~~ professional educator standards board or its designee may establish performance/competency criteria for obtaining an endorsement.

AMENDATORY SECTION (Amending WSR 06-02-051, filed 12/29/05, effective 1/1/06)

WAC 181-82-215 Implementation policies. (1) All teachers who obtain endorsements after August 31, 2000, shall meet the requirements in chapter ~~((180-82-181-82))~~ 181-82 WAC: Provided, That colleges and universities may permit an individual accepted into programs in Washington state on, or before, August 31, 2000, to obtain endorsements under the requirements in WAC ~~((180-79A-300-181-79A-300) through 180-79A-398-181-79A-398))~~ 181-79A-300 through 181-79A-398, if the individual completes the endorsement program on, or before, August 31, 2003, and the college or university verifies endorsement program completion to the superintendent of public instruction on, or before, December 31, 2003: Provided further, That the ~~((state board of education))~~ professional educator standards board or its designee may waive this requirement on a case-by-case basis.

(2) Teachers applying for a continuing or professional certificate after August 31, 2000, shall be required to obtain only one endorsement.

AMENDATORY SECTION (Amending WSR 06-02-051, filed 12/29/05, effective 1/1/06)

WAC 181-82-300 Bilingual education—All levels, (supporting). In order to obtain a supporting endorsement in bilingual education, the candidate shall have completed a primary endorsement in another endorsement area, shall have demonstrated proficiency in the English language, shall have completed a state approved preparation program in bilingual education which shall be comprised of the appropriate pedagogy courses and field experiences/internship, pursuant to

chapter (~~((180-78A-[181-78A]))~~) 181-78A WAC, as well as twenty-four quarter credit hours (sixteen semester credit hours) in the subject areas below. Through the completion of this course work and/or an alternative performance-based assessment acceptable to the college/university, the candidate shall have demonstrated knowledge and skills in the following areas:

- (1) Language acquisition theory.
- (2) Cross-cultural teaching and learning strategies.
- (3) Literacy development (reading, writing, listening, speaking).
- (4) History and theory of bilingual education.
- (5) Instructional strategies for bilingual education.
- (6) Demonstrated proficiency in a targeted foreign language.

AMENDATORY SECTION (Amending WSR 06-02-051, filed 12/29/05, effective 1/1/06)

WAC 181-82-303 Designated arts: Dance—All levels, primary. In order to receive a primary endorsement in designated arts: Dance, the candidate shall have completed a state approved preparation program in designated arts: Dance which shall be comprised of the appropriate pedagogy courses and field experience/internship, pursuant to chapter (~~((180-78A-[181-78A]))~~) 181-78A WAC, as well as forty-five quarter credit hours (thirty semester credit hours) in the subject areas below and shall have demonstrated a level of artistic and technical proficiency appropriate for his/her dance concentration. Through the completion of this course work and/or an alternative performance-based assessment acceptable to the college/university, the candidate shall have demonstrated knowledge and skills in the following areas:

- (1) Elements of dance.
- (2) Composition, improvisation, or choreography.
- (3) Dance science.
- (4) Dance production.
- (5) Social, cultural, and historical contexts and connections.
- (6) Equipment and facilities safety.

AMENDATORY SECTION (Amending WSR 06-02-051, filed 12/29/05, effective 1/1/06)

WAC 181-82-304 Designated arts: Dance—All levels (supporting). In order to receive a supporting endorsement in designated arts: Dance, the candidate shall have completed a primary endorsement in another endorsement area, shall have completed a state approved preparation program in designated arts: Dance which shall be comprised of the appropriate pedagogy courses and field experiences/internship, pursuant to chapter (~~((180-78A-[181-78A]))~~) 181-78A WAC, as well as twenty-four quarter credit hours (sixteen semester credit hours) in the subject areas below and shall have demonstrated a level of artistic and technical proficiency appropriate for his/her dance concentration. Through the completion of this course work and/or an alternative performance-based assessment acceptable to the college/university, the candidate shall have demonstrated knowledge and skills in the following areas:

- (1) Elements of dance.

- (2) Composition, improvisation, or choreography.
- (3) Dance science.
- (4) Dance production.
- (5) Social, cultural, and historical contexts and connections.
- (6) Equipment and facilities safety.

AMENDATORY SECTION (Amending WSR 06-02-051, filed 12/29/05, effective 1/1/06)

WAC 181-82-307 Designated arts: Drama—All levels, primary. In order to receive a primary endorsement in designated arts: Drama, the candidate shall have completed a state approved preparation program in designated arts: Drama which shall be comprised of the appropriate pedagogy courses and field experiences/internship, pursuant to chapter (~~((180-78A-[181-78A]))~~) 181-78A WAC, as well as forty-five quarter credit hours (thirty semester credit hours) in the subject areas below. Through the completion of this course work and/or an alternative performance-based assessment acceptable to the college/university the candidate shall have demonstrated knowledge and skills in the following areas:

- (1) Acting skills, including improvisational and script-based.
- (2) Theatrical design and construction.
- (3) Directing.
- (4) Stage management.
- (5) Analysis and criticism of both script and performances.
- (6) Equipment, materials, and facilities safety.

AMENDATORY SECTION (Amending WSR 06-02-051, filed 12/29/05, effective 1/1/06)

WAC 181-82-308 Designated arts: Drama—All levels, supporting. In order to receive a supporting endorsement in designated arts: Drama, the candidate shall have completed a primary endorsement in another endorsement area, shall have completed a state approved preparation program in designated arts: Drama which shall be comprised of the appropriate pedagogy courses and field experiences/internship, pursuant to chapter (~~((180-78A-[181-78A]))~~) 181-78A WAC, as well as twenty-four quarter credit hours (sixteen semester credit hours) in the subject areas below. Through the completion of this course work and/or an alternative performance-based assessment acceptable to the college/university the candidate shall have demonstrated knowledge and skills in the following areas:

- (1) Acting skills, including improvisational and script-based.
- (2) Theatrical design and construction.
- (3) Directing.
- (4) Stage management.
- (5) Analysis and criticism of both script and performances.
- (6) Equipment, materials, and facilities safety.

AMENDATORY SECTION (Amending WSR 06-02-051, filed 12/29/05, effective 1/1/06)

WAC 181-82-310 Designated arts: Choral, instrumental, or general music—All levels, primary. In order to receive a primary endorsement in designated arts: Choral, instrumental, or general music, the candidate shall have completed a state approved preparation program in designated arts: Choral, instrumental, or general music which shall be comprised of the appropriate pedagogy courses and field experiences/internship, pursuant to chapter ((180-78A-[181-78A])) 181-78A WAC, as well as forty-five quarter credit hours (thirty semester credit hours) in the subject areas below. Through the completion of this course work and/or an alternative performance-based assessment acceptable to the college/university, the candidate shall have demonstrated knowledge and skills in the following areas:

- (1) Performance in-depth study of instrument or voice.
- (2) Aural skills and analysis.
- (3) Composition and improvisation.
- (4) Performance repertory (e.g., instrumental, choral, solo, world music).
- (5) Technology.
- (6) Conducting.
- (7) Arranging.
- (8) Theory analysis of music literature.
- (9) Equipment and facilities safety.
- (10) Social, cultural, and historical contexts and connections.

AMENDATORY SECTION (Amending WSR 06-02-051, filed 12/29/05, effective 1/1/06)

WAC 181-82-311 Designated arts: Choral, instrumental, or general music—All levels, supporting. In order to receive a supporting endorsement in designated arts: Choral, instrumental, or general music, the candidate shall have completed a state-approved preparation program in designated arts: Choral, instrumental, or general music which shall include the appropriate pedagogy courses and field experiences/internship, pursuant to chapter ((180-78A-[181-78A])) 181-78A WAC, as well as twenty-four quarter credit hours (sixteen semester credit hours) from the subject areas below. Through the completion of this course work and/or an alternative performance-based assessment acceptable to the college/university, the candidate shall have demonstrated knowledge and skills from the following areas:

- (1) Performance in-depth study of instrument or voice.
- (2) Aural skills and analysis.
- (3) Composition and improvisation.
- (4) Performance repertory (e.g., instrumental, choral, solo, world music).
- (5) Technology.
- (6) Conducting.
- (7) Arranging.
- (8) Theory analysis of music literature.
- (9) Equipment and facilities safety.
- (10) Social, cultural, and historical contexts and connections.

AMENDATORY SECTION (Amending WSR 06-02-051, filed 12/29/05, effective 1/1/06)

WAC 181-82-312 Designated arts: Visual arts—All levels, primary. In order to receive a primary endorsement in designated arts: Visual arts, the candidate shall have completed a state approved preparation program in designated arts: Visual arts which shall be comprised of the appropriate pedagogy courses and field experiences/internship, pursuant to chapter ((180-78A-[181-78A])) 181-78A WAC, as well as forty-five quarter credit hours (thirty semester credit hours) in the subject areas below. Through the completion of this course work and/or an alternative performance-based assessment acceptable to the college/university, the candidate shall have demonstrated knowledge and skills in the following areas:

- (1) Skills and techniques in multiple media (e.g., painting, sculpture, drawing, computer, photography).
- (2) Composition and production using design principles.
- (3) Analysis and interpretation of art.
- (4) Social, cultural and historical contexts and connections.
- (5) Material, equipment, and facilities safety.

AMENDATORY SECTION (Amending WSR 06-02-051, filed 12/29/05, effective 1/1/06)

WAC 181-82-313 Designated arts: Visual arts—All levels, supporting. In order to receive a supporting endorsement in designated arts: Visual arts, the candidate shall have completed a state-approved preparation program in designated arts: Visual arts which shall include the appropriate pedagogy courses and field experiences/internship, pursuant to chapter ((180-78A-[181-78A])) 181-78A WAC, as well as twenty-four quarter credit hours (sixteen semester credit hours) from the subject areas below. Through the completion of this course work and/or an alternative performance-based assessment acceptable to the college/university, the candidate shall have demonstrated knowledge and skills from the following areas:

- (1) Skills and techniques in multiple media (e.g., painting, sculpture, drawing, computer, photography).
- (2) Composition and production using design principles.
- (3) Analysis and interpretation of art.
- (4) Social, cultural and historical contexts and connections.
- (5) Material, equipment, and facilities safety.

AMENDATORY SECTION (Amending WSR 06-02-051, filed 12/29/05, effective 1/1/06)

WAC 181-82-314 Designated science: Biology—Secondary, primary. In order to receive a primary endorsement in designated science: Biology, the candidate shall have completed a state approved preparation program in designated science: Biology which shall be comprised of the appropriate pedagogy courses and field experiences/internship, pursuant to chapter ((180-78A-[181-78A])) 181-78A WAC, as well as forty-five quarter credit hours (thirty semester credit hours) in the subject areas below. Through the completion of this course work and/or an alternative perfor-

mance-based assessment acceptable to the college/university, the candidate shall have demonstrated knowledge and skills in the following areas:

- (1) Botany with lab.
- (2) Zoology with lab.
- (3) Genetics.
- (4) Microbiology or cellbiology with lab.
- (5) Chemistry with lab.
- (6) Ecology.
- (7) Evolution.
- (8) Lab safety, practice, and management.
- (9) Lab, inquiry-based experience.
- (10) Relationship of the concepts of science to contemporary, historical, technological, and societal issues.

AMENDATORY SECTION (Amending WSR 06-02-051, filed 12/29/05, effective 1/1/06)

WAC 181-82-315 Designated science: Biology—Secondary, supporting. In order to receive a supporting endorsement in designated science: Biology, the candidate shall have completed a state approved preparation program in designated science: Biology which shall be comprised of the appropriate pedagogy courses and field experiences/internship, pursuant to chapter ((180-78A-[181-78A])) 181-78A WAC, as well as twenty-four quarter credit hours (sixteen semester credit hours) in the subject areas below. Through the completion of this course work and/or an alternative performance-based assessment acceptable to the college/university, the candidate shall have demonstrated knowledge and skills from the following areas*:

- (1) Botany with lab.
- (2) Zoology with lab.
- (3) Genetics.
- (4) Microbiology or cell biology with lab.
- (5) Chemistry with lab.
- (6) Ecology.
- (7) Evolution.
- (8) Lab safety, practice, and management.
- (9) Lab, inquiry-based experience.
- (10) Relationship of the concepts of science to contemporary, historical, technological, and societal issues.

* Program must include #(8) Lab safety, practice and management.

AMENDATORY SECTION (Amending WSR 06-02-051, filed 12/29/05, effective 1/1/06)

WAC 181-82-316 Designated science: Chemistry—Secondary, primary. In order to receive a primary endorsement in designated science: Chemistry, the candidate shall have completed a state approved preparation program in designated science: Chemistry which shall be comprised of the appropriate pedagogy courses and field experiences/internship, pursuant to chapter ((180-78A-[181-78A])) 181-78A WAC, as well as forty-five quarter credit hours (thirty semester credit hours) in the subject areas below. Through the completion of this course work and/or an alternative performance-based assessment acceptable to the college/university, the candidate shall have demonstrated knowledge and skills in the following areas:

- (1) General principles of chemistry with lab (i.e., inorganic, physical, and analytical).
- (2) Advanced study in organic chemistry with lab.
- (3) Quantitative analysis with lab.
- (4) Biochemistry with lab.
- (5) Physics.
- (6) Laboratory safety, practice, and management.
- (7) Lab, inquiry-based experience.
- (8) Relationship of the concepts of science to contemporary, historical, technological, and societal issues.

AMENDATORY SECTION (Amending WSR 06-02-051, filed 12/29/05, effective 1/1/06)

WAC 181-82-317 Designated science: Chemistry—Secondary, supporting. In order to receive a supporting endorsement in designated science: Chemistry, the candidate shall have completed a state approved preparation program in designated science: Chemistry which shall be comprised of the appropriate pedagogy courses and field experiences/internship, pursuant to chapter ((180-78A-[181-78A])) 181-78A WAC, as well as twenty-four quarter credit hours (sixteen semester credit hours) in the subject areas below. Through the completion of this course work and/or an alternative performance-based assessment acceptable to the college/university, the candidate shall have demonstrated knowledge and skills from the following areas*:

- (1) General principles of chemistry with lab (i.e., inorganic, physical, and analytical).
- (2) Advanced study in organic chemistry with lab.
- (3) Quantitative analysis with lab.
- (4) Biochemistry with lab.
- (5) Physics.
- (6) Lab safety, practice, and management.
- (7) Lab, inquiry-based experience.
- (8) Relationship of the concepts of science to contemporary, historical, technological, and societal issues.

* Program must include #(6) Lab safety, practice and management.

AMENDATORY SECTION (Amending WSR 06-02-051, filed 12/29/05, effective 1/1/06)

WAC 181-82-318 Designated science: Earth science—Secondary, primary. In order to receive a primary endorsement in designated science: Earth science, the candidate shall have completed a state approved preparation program in designated science: Earth science which shall be comprised of the appropriate pedagogy courses and field experiences/internship, pursuant to chapter ((180-78A-[181-78A])) 181-78A WAC, as well as forty-five quarter credit hours (thirty semester credit hours) in the subject areas below. Through the completion of this course work and/or an alternative performance-based assessment acceptable to the college/university, the candidate shall have demonstrated knowledge and skills in the following areas:

- (1) Physical geology.
- (2) Historical geology.
- (3) Environmental issues related to earth science.
- (4) Oceanography.
- (5) Astronomy.

- (6) Meteorology.
- (7) Lab safety, practice, and management.
- (8) Lab, inquiry-based experience.
- (9) Relationship of the concepts of science to contemporary, historical, technological, and societal issues.

AMENDATORY SECTION (Amending WSR 06-02-051, filed 12/29/05, effective 1/1/06)

WAC 181-82-319 Designated science: Earth science—Secondary, supporting. In order to receive a supporting endorsement in designated science, the candidate shall have completed a state approved preparation program in designated science: Earth science which shall be comprised of the appropriate pedagogy courses and field experience/internship, pursuant to chapter ((180-78A-[181-78A])) 181-78A WAC, as well as twenty-four quarter credit hours (sixteen semester credit hours) in the subject areas below. Through the completion of this course work and/or an alternative performance-based assessment acceptable to the college/university, the candidate shall have demonstrated knowledge and skills from the following areas*:

- (1) Physical geology.
- (2) Historical geology.
- (3) Environmental issues related to earth science.
- (4) Oceanography.
- (5) Astronomy.
- (6) Meteorology.
- (7) Lab safety, practice, and management.
- (8) Lab, inquiry-based experience.
- (9) Relationship of the concepts of science to contemporary, historical, technological, and societal issues.

* Program must include #(7) Lab safety, practice and management.

AMENDATORY SECTION (Amending WSR 06-02-051, filed 12/29/05, effective 1/1/06)

WAC 181-82-320 Designated science: Physics—Secondary, primary. In order to receive a primary endorsement in designated science: Physics, the candidate shall have completed a state approved preparation program in designated science: Physics which shall be comprised of the appropriate pedagogy courses and field experiences/internship, pursuant to chapter ((180-78A-[181-78A])) 181-78A WAC, as well as forty-five quarter credit hours (thirty semester credit hours) in the subject areas below. Through the completion of this course work and/or an alternative performance-based assessment acceptable to the college/university, the candidate shall have demonstrated knowledge and skills in the following areas:

- (1) General principles of physics, with lab.
- (2) Lab safety, practice and management.
- (3) Lab, inquiry-based experience.
- (4) Relationships of the concepts of science to contemporary, historical, technological and societal issues.

AMENDATORY SECTION (Amending WSR 06-02-051, filed 12/29/05, effective 1/1/06)

WAC 181-82-321 Designated science: Physics—Secondary, supporting. In order to receive a supporting endorsement in designated science: Physics, the candidate shall have completed a state approved preparation program in designated science: Physics which shall be comprised of the appropriate pedagogy courses and field experiences/ internship, pursuant to chapter ((180-78A-[181-78A])) 181-78A WAC, as well as twenty-four quarter credit hours (sixteen semester credit hours) in the subject areas below. Through the completion of this course work and/or an alternative performance-based assessment acceptable to the college/university the candidate shall have demonstrated knowledge and skills in the following areas:

- (1) General principles of physics, with lab.
- (2) Lab safety, practice and management.
- (3) Lab, inquiry-based experience.
- (4) Relationships of the concepts of science to contemporary, historical, technological and societal issues.

AMENDATORY SECTION (Amending WSR 06-02-051, filed 12/29/05, effective 1/1/06)

WAC 181-82-322 Designated career and technical education—Secondary, primary. In order to obtain a primary endorsement in designated career and technical education: Agriculture education, business education, family and consumer sciences education, marketing education, or technology education, the candidate shall have completed a state approved preparation program which shall be comprised of the appropriate pedagogy courses and field experiences/internship, pursuant to chapter ((180-78A-[181-78A])) 181-78A WAC, as well as forty-five quarter credit hours (thirty semester credit hours) in one of the endorsement areas below. Through completion of this course work and/or an alternative performance based assessment acceptable to the college/university, the candidate shall have demonstrated knowledge and skills in the general areas below. In addition, the candidate shall have demonstrated the knowledge and skills identified in one of the specific endorsement areas:

- (1) General areas.
 - (a) General and specific safety.
 - (b) Occupational analysis.
 - (c) Philosophy of vocational education.
 - (d) Partnerships - The career and technical education teacher implements and maintains collaborative partnerships with students, colleagues, community, business, industry and families, which maximize resources and promote student self-sufficiency.
 - (e) Personal and professional attributes - The career and technical education teacher models personal and professional attributes and leadership skills which reflect productive life and work roles.
- (2) Specific endorsement areas.
 - (a) **Agriculture education.**
 - (i) 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, horticultural

science, animal science, crop science, soil science, and agricultural technology and management.

(ii) 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.

(iii) 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.

(iv) The agriculture education teacher demonstrates personal and professional leadership skills as an integral part of agriculture programs and applies these competencies through the agriculture education student organization, FFA.

(v) 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.

(vi) 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.

(vii) 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.

(b) Business education.

(i) 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.

(ii) The business education teacher demonstrates the ability to apply the principles of business management and entrepreneurship, leadership, economics, international business, business law, and computation.

(iii) 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.

(c) Family and consumer sciences education.

(i) 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.

(ii) The family and consumer sciences teacher demonstrates knowledge and skills in individual and family wellness; resource creation, access maintenance and manage-

ment; and individual and family development across the life span.

(iii) The family and consumer sciences teacher creates environments and utilizes strategies which enhance student ability to value diverse populations and their contributions to society.

(iv) The family and consumer sciences teacher demonstrates the ability to advocate for technological and societal change that benefits the family system.

(v) 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 career and technical education student organization for family and consumer sciences.

(d) Marketing education.

(i) The marketing education teacher models effective leadership traits and demonstrates the ability to facilitate, supervise, and evaluate DECA student leadership activities.

(ii) 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.

(iii) The marketing education teacher demonstrates a commitment to professional development.

(iv) The marketing education teacher applies understanding of the foundations and functions of marketing, management, and entrepreneurial competencies.

(v) The marketing education teacher is able to successfully implement and provide leadership for a school-based enterprise as an instructional strategy.

(vi) The marketing education teacher demonstrates the ability to plan and implement a marketing education program following national and state curriculum guidelines.

(e) Technology education.

(i) 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.

(ii) The technology education teacher demonstrates knowledge and understanding of the relationship of mathematics, science, computer science, and communications to the technological process.

(iii) 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.

(iv) The technology education teacher demonstrates ability to manage a traditional shop; as well as convert a traditional shop to an exemplary technology education laboratory.

(v) 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.

(vi) 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.

(vii) 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.

(viii) 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.

(ix) The technology education teacher demonstrates knowledge and understanding of biological systems in areas such as botany, environmental biology, medical, and biotechnology and zoology.

AMENDATORY SECTION (Amending WSR 06-02-051, filed 12/29/05, effective 1/1/06)

WAC 181-82-324 Designated world languages—All levels, primary. In order to receive a primary endorsement in designated world languages the candidate shall have completed a state approved preparation program in designated world languages which shall be comprised of the appropriate pedagogy courses and field experiences/internship, pursuant to chapter ~~((180-78A [181-78A]))~~ 181-78A WAC, as well as forty-five quarter credit hours (thirty semester credit hours) in the subject areas below. Through the completion of this course work and/or an alternative performance-based assessment acceptable to the college/university, the candidate shall have demonstrated knowledge and skills in the following areas:

- (1) Communication in the designated world language: Speaks, understands, reads, and writes in a variety of contexts with a variety of situations.
- (2) Culture and language.
 - (a) Describes, analyzes, and interprets cultural and language practices, products, and perspectives.
 - (b) Analyzes similarities and differences between United States and designated language cultures (e.g., history, mores, traditions, celebrations, and community context).
 - (c) Participates in designated world language community.
- (3) Interdisciplinary integration (e.g., world languages and educational technology, selected areas in social studies, in language arts and any other suitable area).
- (4) A variety of language acquisition theories.
- (5) Appropriate methodological study for all levels, including but not limited to, FLES strategies and skills.

AMENDATORY SECTION (Amending WSR 06-02-051, filed 12/29/05, effective 1/1/06)

WAC 181-82-326 Designated world languages—All levels, supporting. In order to receive a supporting endorsement in designated world languages, the candidate shall have completed a primary endorsement in another endorsement area, shall have completed a state approved preparation program in designated world languages which shall be com-

prised of the appropriate pedagogy courses and field experiences/internship, pursuant to chapter ~~((180-78A [181-78A]))~~ 181-78A WAC, as well as twenty-four quarter credit hours (sixteen semester credit hours) in the subject areas below. Through the completion of this course work and/or an alternative performance-based assessment acceptable to the college/university, the candidate shall have demonstrated knowledge and skills in the following areas:

- (1) Communication in the designated world language: Speaks, understands, reads, and writes in a variety of contexts with a variety of situations.
- (2) Culture and language.
 - (a) Describes, analyzes, and interprets cultural and language practices, products, and perspectives.
 - (b) Analyzes similarities and differences between United States and designated language cultures (e.g., history, mores, traditions, celebrations, and community context).
 - (c) Participates in designated world language community.
- (3) Interdisciplinary integration (e.g., world languages and educational technology, selected areas in social studies, in language arts and any other suitable area).
- (4) A variety of language acquisition theories.

AMENDATORY SECTION (Amending WSR 06-02-051, filed 12/29/05, effective 1/1/06)

WAC 181-82-328 Early childhood education—Primary. In order to obtain a primary endorsement in early childhood education, the candidate shall have completed a state approved preparation program in early childhood education which shall be comprised of the appropriate pedagogy courses and field experiences/internship, pursuant to chapter ~~((180-78A [181-78A]))~~ 181-78A WAC, as well as forty-five quarter credit hours (thirty semester credit hours) in the subject areas below. Through the completion of this course work and/or an alternative performance-based assessment acceptable to the college/university, the candidate shall have demonstrated knowledge and skills in the following areas:

- (1) Dynamics of family structure and involving parents and community agencies in early childhood development.
- (2) Curriculum, instruction, and assessment in the following:
 - (a) Communication skills, emerging literacy, and language arts.
 - (b) Math and science.
 - (c) Social studies.
 - (d) Arts.
 - (i) Art.
 - (ii) Music.
 - (iii) Drama.
 - (iv) Creative movement/dance.
 - (e) Health/fitness.
- (3) Typical and atypical growth and development (cognitive, linguistic, motor, and social).
- (4) Assessment methods designed to measure developmental progress.
- (5) Knowledge of requirements for promoting social competence.

(6) Knowledge of exceptionalities and identification of high risk and special needs students, and methods of modifying curriculum, instructional strategies and assessment.

(7) Strategies for environmental design and management of physical space, equipment, and material.

(8) Current issues and trends in early childhood education.

AMENDATORY SECTION (Amending WSR 06-02-051, filed 12/29/05, effective 1/1/06)

WAC 181-82-331 Early childhood special education—Primary. In order to receive a primary endorsement in early childhood special education, the candidate shall have completed a state approved preparation program in early childhood special education which shall be comprised of the appropriate pedagogy courses and field experiences/internship pursuant to chapter ((180-78A-[181-78A])) 181-78A WAC, as well as forty-five quarter credit hours (thirty semester credit hours) in the subject areas below. Through the completion of this course work and/or an alternative performance-based assessment acceptable to the college/university, the candidate shall have demonstrated knowledge and skills in the following areas:

(1) Typical and atypical growth and development (cognitive, linguistic, motor and social).

(2) Dynamics of family systems and involving parents and community agencies in early childhood development, including knowledge of cultural and linguistic diversity.

(3) Exceptionally—defined as an overview of all disabling conditions, including low to high incidence disabilities.

(4) Curriculum modification and adaptation (including developmental precursors to the essential academic learning requirements), accommodations, special aids, technology, and equipment.

(5) Age appropriate child assessment and evaluation strategies:

(a) Functional analysis of behavior, including caregiver-child interactions.

(b) Individualized family service plan/individualized education plan development.

(c) Accommodations for the Washington assessment of student learning.

(6) Strategies for environmental design and management of physical space, equipment, and materials.

(7) Procedural and substantive legal issues in special education, including provisions for eligible infants and toddlers.

(8) Least restrictive environment/natural environment/inclusion strategies for early childhood special education.

(9) Specially designed instruction, including curriculum materials in all developmental domains and content areas.

(10) Age and developmentally appropriate, effective strategies for teaching pro-social skills and addressing behavioral problems.

(11) Transition planning for new settings.

(12) Organization and management systems (i.e., individualized family service plan/individualized education plan, scheduling, evaluation, and recordkeeping/data collection).

(13) Collaboration, teaming, and partnerships with families, professionals, and related human services agency personnel.

(14) Supervision of paraprofessionals.

AMENDATORY SECTION (Amending WSR 06-02-051, filed 12/29/05, effective 1/1/06)

WAC 181-82-332 Elementary education—Primary.

In order to receive a primary endorsement in elementary education, the candidate shall have completed a state approved preparation program in elementary education which shall be comprised of the appropriate pedagogy courses and field experiences/internship, pursuant to chapter ((180-78-[181-78A])) 181-78A WAC, as well as forty-five quarter credit hours (thirty semester credit hours) in the subject areas listed below. Through the completion of this course work and/or an alternative performance-based assessment acceptable to the college/university, the candidate shall have demonstrated knowledge and skills at the developmentally appropriate levels in the following areas:

(1) Language literacy.

(a) Reading strategies.

(b) The writing process.

(c) Communication.

(d) Language skills.

(e) Child and adolescent literature.

(2) Mathematics.

(a) Number sense.

(b) Measurement.

(c) Geometric sense.

(d) Probability and statistics.

(e) Algebraic sense.

(3) Science. Life and physical science, including a lab science.

(4) Social studies.

(a) U.S. history.

(b) Geography.

(c) Economics.

(d) Civics.

(5) The arts.

(a) Music.

(b) Visual arts.

(c) Drama.

(d) Creative movement/dance.

(6) Health/fitness.

(a) Foundations of health and fitness.

(b) Safe living.

AMENDATORY SECTION (Amending WSR 06-02-051, filed 12/29/05, effective 1/1/06)

WAC 181-82-334 English—Secondary, primary. In

order to receive a primary endorsement in English the candidate shall have completed a state approved preparation program in English which shall be comprised of the appropriate pedagogy courses and field experiences/internship, pursuant to chapter ((180-78A-[181-78A])) 181-78A WAC, as well as forty-five quarter credit hours (thirty semester credit hours) in the subject areas below. Through the completion of this course work and/or alternative performance-based assess-

ment acceptable to the college/university, the candidate shall have demonstrated knowledge and skills in the following areas:

- (1) The reading process (e.g., skills and strategies).
- (2) The writing process (e.g., expository, technical, narrative).
- (3) Communication (e.g., speaking, listening, and analyzing).
- (4) Language skills (conventions) and structure (social/historical).
- (5) Literature (e.g., American, British, world, and multicultural).

AMENDATORY SECTION (Amending WSR 06-02-051, filed 12/29/05, effective 1/1/06)

WAC 181-82-335 English—Secondary, supporting.

In order to receive a supporting endorsement in English the candidate shall have completed a state-approved preparation program in English which shall include the appropriate pedagogy courses and field experiences/internship, pursuant to chapter ((180-78A-[181-78A])) 181-78A WAC, as well as twenty-four quarter credit hours (sixteen semester credit hours) from the subject areas below. Through the completion of this course work and/or alternative performance-based assessment acceptable to the college/university, the candidate shall have demonstrated knowledge and skills from the following areas:

- (1) The reading process (e.g., skills and strategies).
- (2) The writing process (e.g., expository, technical, narrative).
- (3) Communication (e.g., speaking, listening, and analyzing).
- (4) Language skills (conventions) and structure (social/historical).
- (5) Literature (e.g., American, British, world, and multicultural).

AMENDATORY SECTION (Amending WSR 06-02-051, filed 12/29/05, effective 1/1/06)

WAC 181-82-336 English/language arts—Secondary, primary. In order to receive a primary endorsement in English/language arts the candidate shall have completed a state approved preparation program in English/language arts which shall be comprised of the appropriate pedagogy courses and field experiences/internship, pursuant to chapter ((180-78A-[181-78A])) 181-78A WAC, as well as sixty quarter credit hours (forty semester credit hours) in the subject areas below. Through the completion of this course work and/or an alternative performance-based assessment acceptable to the college/university, the candidate shall have demonstrated knowledge and skills in the following areas:

- (1) The reading process (e.g., skills and strategies).
- (2) The writing process (e.g., expository, technical, narrative).
- (3) Communication (e.g., speech, listening, media analysis, acting, journalism).
- (4) Language skills (conventions) and structure (social/historical).

(5) American, British, world, multicultural, and adolescent literature, including representation from the following genre: Poetry, drama, fiction, nonfiction, and technical materials.

AMENDATORY SECTION (Amending WSR 06-02-051, filed 12/29/05, effective 1/1/06)

WAC 181-82-338 English as a second language—All levels, primary. In order to obtain a primary endorsement in English as a second language, the candidate shall have demonstrated proficiency in the English language and shall have completed a state approved preparation program in English as a second language which shall be comprised of the appropriate pedagogy courses and field experience/internship pursuant to chapter ((180-78A-[181-78A])) 181-78A WAC, as well as forty-five quarter credit hours (thirty semester credit hours) in the subject areas below. Through the completion of this course work and/or an alternative performance-based assessment acceptable to the college/university, the candidate shall have demonstrated knowledge and skills in the following areas:

- (1) Language acquisition theory.
- (2) Cross-cultural teaching and learning strategies.
- (3) Literacy development (reading, writing, listening, speaking).
- (4) History and theory of ESL.
- (5) Instructional strategies for ESL.

AMENDATORY SECTION (Amending WSR 06-02-051, filed 12/29/05, effective 1/1/06)

WAC 181-82-339 English as a second language—All levels, supporting. In order to obtain a supporting endorsement in English as a second language, the candidate shall have completed a primary endorsement in another endorsement area, shall have demonstrated proficiency in the English language, shall have completed a state approved preparation program in English as a second language which shall be comprised of the appropriate pedagogy courses and field experiences/internship, pursuant to chapter ((180-78A-[181-78A])) 181-78A WAC, as well as twenty-four quarter credit hours (sixteen semester credit hours) in the subject areas below. Through the completion of this course work and/or an alternative performance-based assessment acceptable to the college/university, the candidate shall have demonstrated knowledge and skills in the following areas:

- (1) Language acquisition theory.
- (2) Cross-cultural teaching and learning strategies.
- (3) Literacy development (reading, writing, listening, speaking).
- (4) History and theory of ESL.
- (5) Instructional strategies for ESL.

AMENDATORY SECTION (Amending WSR 06-02-051, filed 12/29/05, effective 1/1/06)

WAC 181-82-340 Health/fitness—All levels, primary. In order to receive a primary endorsement in health/fitness the candidate shall have completed a state approved preparation program in health/fitness which shall be com-

prised of the appropriate pedagogy courses and field experiences/internship, pursuant to chapter ((180-78A-[181-78A])) 181-78A WAC, as well as forty-five quarter credit hours (thirty semester credit hours) in the subject areas below. Through the completion of this course work and/or an alternative performance-based assessment acceptable to the college/university the candidate shall have demonstrated knowledge and skills in the following areas:

- (1) Foundations of health and fitness.
- (2) Safe living, including first aid and CPR.
- (3) Scientific foundations for health and fitness (i.e., anatomy exercise physiology, kinesiology/biomechanics, psychomotor maturation and development, and motor learning).
- (4) Movement, activities, and application with attention to special needs populations.
- (5) Coordinated health education (i.e., alcohol and other drugs, diseases, injury prevention, human relationships, nutrition, HIV prevention, and abuse prevention).

AMENDATORY SECTION (Amending WSR 06-02-051, filed 12/29/05, effective 1/1/06)

WAC 181-82-341 Health/fitness—All levels, supporting. In order to receive a supporting endorsement in health/fitness the candidate shall have completed a state-approved preparation program in health/fitness which shall include the appropriate pedagogy courses and field experiences/internship, pursuant to chapter ((180-78A-[181-78A])) 181-78A WAC, as well as twenty-four quarter credit hours (sixteen semester credit hours) from the subject areas below. Through the completion of this course work and/or an alternative performance-based assessment acceptable to the college/university the candidate shall have demonstrated knowledge and skills from the following areas:

- (1) Foundations of health and fitness.
- (2) Safe living, including first aid and CPR.
- (3) Scientific foundations for health and fitness (i.e., anatomy exercise physiology, kinesiology/biomechanics, psychomotor maturation and development, and motor learning).
- (4) Movement, activities, and application with attention to special needs populations.
- (5) Coordinated health education (i.e., alcohol and other drugs, diseases, injury prevention, human relationships, nutrition, HIV prevention, and abuse prevention).

AMENDATORY SECTION (Amending WSR 06-02-051, filed 12/29/05, effective 1/1/06)

WAC 181-82-342 History—Secondary, primary. In order to receive a primary endorsement in history the candidate shall have completed a state-approved preparation program in history which shall be comprised of the appropriate pedagogy courses and field experiences/internship, pursuant to chapter ((180-78A-[181-78A])) 181-78A WAC, as well as forty-five quarter credit hours (thirty semester credit hours) in the subject areas below. Through the completion of this course work and/or an alternative performance-based assessment acceptable to the college/university the candidate shall

have demonstrated knowledge and skills in the following areas:

- (1) Pacific Northwest history.
- (2) United States history, including chronological, thematic, multicultural, ethnic, and women's history.
- (3) World, regional, or country history.
- (4) Civics/political science/United States government.
- (5) Geography.
- (6) Economics.

AMENDATORY SECTION (Amending WSR 06-02-051, filed 12/29/05, effective 1/1/06)

WAC 181-82-343 History—Secondary, supporting. In order to receive a supporting endorsement in history the candidate shall have completed a state-approved preparation program in history which shall be comprised of the appropriate pedagogy courses and field experiences/internship, pursuant to chapter ((180-78A-[181-78A])) 181-78A WAC, as well as twenty-four quarter credit hours (sixteen semester credit hours) from the subject areas below. Through the completion of this course work and/or alternative performance-based assessment acceptable to the college/university, the candidate shall have demonstrated knowledge and skills from the following areas:

- (1) Pacific Northwest history.
- (2) United States history, including chronological, thematic, multicultural, ethnic, and women's history.
- (3) World, regional, or country history.
- (4) Civics/political science/United States government.
- (5) Geography.
- (6) Economics.

AMENDATORY SECTION (Amending WSR 06-02-051, filed 12/29/05, effective 1/1/06)

WAC 181-82-344 Library media—All levels, primary. In order to receive a primary endorsement in library media, the candidate shall have completed a state approved preparation program in library media which shall be comprised of the appropriate pedagogy courses and field experiences/internship, pursuant to chapter ((180-78A-[181-78A])) 181-78A WAC, as well as forty-five quarter credit hours (thirty semester credit hours) in the subject areas below. Through the completion of this course work and/or an alternative performance-based assessment acceptable to the college/university, the candidate shall have demonstrated knowledge and skills in the following areas:

- (1) Integration of information technologies with essential academic learnings.
- (2) Needs assessment, evaluation, and selection of diverse literature, media (print, nonprint, and electronic), and information services for children and young adults.
- (3) Understanding and utilization of existing and emerging information technologies.
- (4) Media (print, nonprint and electronic) literacy-methods and instruction.
- (5) Research and library applications in the curriculum.
- (6) Social, ethical, and legal implications of information technologies.

(7) Management of library media program-services and facilities.

(8) Theories and accepted principles of standardized systems of cataloguing, process, and classification.

AMENDATORY SECTION (Amending WSR 06-02-051, filed 12/29/05, effective 1/1/06)

WAC 181-82-346 Library media—All levels, supporting. In order to receive a supporting endorsement in library media, the candidate shall have completed a state approved preparation program in library media which shall be comprised of the appropriate pedagogy courses and field experiences/internship, pursuant to chapter ((180-78A-[181-78A])) 181-78A WAC, as well as twenty-four quarter credit hours (sixteen semester credit hours) in the subject areas below. Through the completion of this course work and/or an alternative performance-based assessment acceptable to the college/university, the candidate shall have demonstrated knowledge and skills in the following areas:

- (1) Integration of information technologies with essential academic learnings.
- (2) Needs assessment, evaluation, and selection of diverse literature, media (print, nonprint, and electronic), and information services for children and young adults.
- (3) Understanding and utilization of existing and emerging information technologies.
- (4) Social, ethical and legal implications of information technologies.
- (5) Management of library media program-services and facilities.
- (6) Theories and accepted principles of standardized systems of cataloguing, process, and classification.

AMENDATORY SECTION (Amending WSR 06-02-051, filed 12/29/05, effective 1/1/06)

WAC 181-82-348 Mathematics—Secondary, primary. In order to receive a primary endorsement in mathematics, the candidate shall have completed a state approved preparation program in mathematics which shall be comprised of the appropriate pedagogy courses and field experiences/internship, pursuant to chapter ((180-78A-[181-78A])) 181-78A WAC, as well as forty-five quarter credit hours (thirty semester credit hours) in the subject areas below. Through the completion of this course work and/or an alternative performance-based assessment acceptable to the college/university, the candidate shall have demonstrated knowledge and skills in the following areas:

- (1) Geometry (Euclidean and non-Euclidean).
- (2) Probability and statistics.
- (3) Calculus (integral and differential).
- (4) Discrete mathematics.
- (5) Logic and problem solving.
- (6) History of math or foundations of math.

AMENDATORY SECTION (Amending WSR 06-02-051, filed 12/29/05, effective 1/1/06)

WAC 181-82-349 Mathematics—Secondary, supporting. In order to receive a supporting endorsement in

mathematics, the candidate shall have completed a state approved preparation program in mathematics which shall be comprised of the appropriate pedagogy courses and field experiences/internship, pursuant to chapter ((180-78A-[181-78A])) 181-78A WAC, as well as twenty-four quarter credit hours (sixteen semester credit hours) in the subject areas below. Through the completion of this course work and/or an alternative performance-based assessment acceptable to the college/university, the candidate shall have demonstrated knowledge and skills in the following areas:

- (1) Geometry (Euclidean and non-Euclidean).
- (2) Probability and statistics.
- (3) Logic and problem solving.
- (4) History of math or foundations of math.

AMENDATORY SECTION (Amending WSR 06-02-051, filed 12/29/05, effective 1/1/06)

WAC 181-82-350 Middle level, primary. In order to obtain an endorsement in middle level, the candidate shall have completed a state approved preparation program in middle level which shall be comprised of the developmentally appropriate pedagogy courses and field experiences/ internship, pursuant to chapter ((180-78A-[181-78A])) 181-78A WAC, as well as forty-five quarter credit hours (thirty semester credit hours) in the subject areas below:

(1) A primary area comprised of thirty quarter credit hours (twenty semester credit hours) in either:

(a) Humanities, including a minimum of ten quarter credit hours (six semester credit hours) from language arts and ten quarter credit hours (six semester credit hours) from social studies with the remaining credit hours taken from language arts and/or social studies to total thirty quarter credit hours (twenty semester credit hours); or

(b) Math-science, including a minimum of ten quarter credit hours (six semester credit hours) from math and ten quarter credit hours (six semester credit hours) from science with the remaining credit hours taken from math and/or science to total thirty quarter credit hours (twenty semester credit hours); and

(2) A supporting area comprised of fifteen quarter credit hours (ten semester credit hours) from one of the following:

(a) Humanities (available only to candidates whose primary area is math-science); or

(b) Math-science (available only to candidates whose primary area is humanities); or

(c) Designated arts; or

(d) Career and technical education; or

(e) Designated world languages; or

(f) Health/fitness.

AMENDATORY SECTION (Amending WSR 06-02-051, filed 12/29/05, effective 1/1/06)

WAC 181-82-352 Reading—All levels, primary. In order to receive a primary endorsement in reading/literacy the candidate shall have completed a state approved preparation program in reading which shall be comprised of the appropriate pedagogy courses and field experiences/ internship, pursuant to chapter ((180-78A-[181-78A])) 181-78A WAC, as well as forty-five quarter credit hours (thirty

semester credit hours) in the subject areas below. Through the completion of this course work and/or an alternative performance-based assessment acceptable to the college/university, the candidate shall have demonstrated knowledge and skills in the following areas:

- (1) Assessment and diagnosis of reading skills and deficiencies.
- (2) Strategies of how to teach reading.
 - (a) Scientifically validated research-based instructional strategies.
 - (b) Developmental stages/theories of reading.
 - (c) Philosophy of reading.
- (3) Language acquisition/integration.
- (4) Social/cultural contexts for literacy.
- (5) Reading process, including decoding, encoding, and student response to child and adolescent literature.
- (6) Beginning literacy (reading, writing, spelling, and communication).
- (7) Reading in the content areas, fiction and nonfiction, including, but not limited to, enriched literature and expository text in the content areas.
- (8) Literacy for a second language learner.
- (9) Meta-cognitive strategies (teaching children to self-assess their reading ability).
- (10) Risk factors for reading difficulties and intervention strategies for students experiencing reading difficulties.

AMENDATORY SECTION (Amending WSR 06-02-051, filed 12/29/05, effective 1/1/06)

WAC 181-82-354 Reading—All levels, supporting. In order to receive a supporting endorsement in reading the candidate shall have completed a primary endorsement in another endorsement area, shall have completed a state approved preparation program in reading, which shall be comprised of the appropriate pedagogy courses and field experiences/internship, pursuant to chapter ((180-78A-[181-78A])) 181-78A WAC, and shall have completed twenty-four quarter credit hours (sixteen semester credit hours) in the subject areas below. Through the completion of this course work and/or an alternative performance-based assessment acceptable to the college/university, the candidate shall have demonstrated knowledge and skills in the following areas:

- (1) Assessment and diagnosis of reading skills and deficiencies.
- (2) Language acquisition/integration.
- (3) Social/cultural contexts for literacy.
- (4) Beginning literacy (reading, writing, spelling, and communication).
- (5) Reading in the content areas, fiction and nonfiction, including, but not limited to, enriched literature and expository text in the content areas.

AMENDATORY SECTION (Amending WSR 06-02-051, filed 12/29/05, effective 1/1/06)

WAC 181-82-355 Science—Secondary, primary. In order to receive a primary endorsement in science the candidate shall have completed a state approved preparation program in science which shall be comprised of the appropriate pedagogy courses and field experiences/internship, pursuant

to chapter ((180-78A-[181-78A])) 181-78A WAC, as well as sixty quarter credit hours (forty semester credit hours) in the subject areas below, as follows:

- (1) Forty-five quarter credit hours (thirty semester credit hours) in a designated science area (biology, chemistry, earth science, or physics), including all the requirements for the endorsement in that area; and
- (2) Fifteen quarter credit hours (ten semester credit hours) from the remaining three science areas, including course work from each of those three areas.

AMENDATORY SECTION (Amending WSR 06-02-051, filed 12/29/05, effective 1/1/06)

WAC 181-82-356 Social studies—Secondary, primary. In order to receive a primary endorsement in social studies the candidate shall have completed a state approved preparation program in social studies which shall be comprised of the appropriate pedagogy courses and field experiences/internship, pursuant to chapter ((180-78A-[181-78A])) 181-78A WAC, as well as sixty quarter credit hours (forty semester credit hours) in the subject areas below, including twenty-four quarter credit hours (sixteen semester credit hours) in history. Through the completion of this course work and/or an alternative performance-based assessment acceptable to the college/university, the candidate shall have demonstrated knowledge and skills in the following areas:

- (1) Pacific Northwest history.
- (2) United States history, including chronological, thematic, multicultural, ethnic and women's history.
- (3) World, regional, or country history.
- (4) Geography.
- (5) Political science, civics, or government.
- (6) Anthropology, psychology, or sociology.
- (7) Economics.

AMENDATORY SECTION (Amending WSR 06-02-051, filed 12/29/05, effective 1/1/06)

WAC 181-82-360 Special education—All levels, primary. (See WAC ((180-82-110(3)-[181-82-110(3)])) 181-82-110(3) for information regarding eligibility for a waiver for a candidate who may be assigned to a special education classroom, if he or she has completed twenty-four quarter credit hours (sixteen semester credit hours) of the course work specified below.) In order to receive a primary endorsement in special education, the candidate shall have completed a state approved preparation program in special education which shall be comprised of the appropriate pedagogy courses and field experiences/internship, pursuant to chapter ((180-78A-[181-78A])) 181-78A WAC, as well as forty-five quarter credit hours (thirty semester credit hours) in the subject areas below. Through the completion of this course work and/or an alternative performance-based assessment acceptable to the college/university, the candidate shall have demonstrated knowledge and skills in the following areas:

- (1) Exceptionality-defined as an overview of all disabling conditions, including low to high incidence disabling.

(2) Curriculum modification and adaptation (including modifying the essential academic learning requirements), accommodations, special aids, technology, and equipment.

(3) Least restrictive environment/inclusion strategies for special education.

(4) Student assessment and evaluation.

(a) Functional behavior analysis.

(b) Individualized education plan/individualized family services plan development.

(c) Accommodations for the Washington assessment of student learning.

(5) Procedural and substantive legal issues in special education.

(6) Specially designed instruction including curriculum materials in all content areas.

(7) Effective procedures and strategies for teaching pro-social skills and addressing behavioral problems.

(8) School, family, community partnerships to improve learning for students with disabilities and their families (understanding and applying) knowledge of family systems including cultural and linguistic diversity).

(9) Transition planning for new settings including planning post school outcomes.

(10) Organization and management systems (i.e., individualized education plan/individualized family services plan, scheduling, evaluation, and recordkeeping/data collection).

(11) Methods, issues and trends in early childhood education.

(12) Collaboration, teaming, partnerships, and supervision of paraeducators.

AMENDATORY SECTION (Amending WSR 06-02-051, filed 12/29/05, effective 1/1/06)

WAC 181-82A-002 Purposes and authority. (1) The purposes of this chapter are to:

(a) Establish policies and conditions for obtaining performance-based endorsements on teaching certificates.

(b) Establish policies for college/university approval to offer performance-based endorsement programs.

(2) The authority for this chapter is chapter 28A.410 RCW which authorizes the ~~((state board of education))~~ professional educator standards board 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)))~~ 28A.410.210(6) which authorizes the ~~((state board of education))~~ professional educator standards board to specify the types and kinds of certificates necessary for the several departments within the common schools and by RCW 28A.150.220(4) which authorizes the ~~((state board of education))~~ professional educator standards board to adopt rules that implement and insure compliance with the basic program of education requirements of RCW 28A.150.220, 28A.150.250, and 28A.150.260, and such related basic program of education requirements as may be established by the ~~((state board of education))~~ professional educator standards board.

AMENDATORY SECTION (Amending WSR 06-02-051, filed 12/29/05, effective 1/1/06)

WAC 181-82A-204 Endorsement requirements. (1) Candidates completing endorsements required to obtain a residency certificate, shall complete college/university teacher preparation programs approved by the ~~((state board of education))~~ professional educator standards board pursuant to chapter ~~((180-78A-181-78A))~~ 181-78A WAC, which include methodology (see WAC ~~((180-78A-264(5)) [181-78A-264(5)])~~ 181-78A-264(5)) and field experience/internship (see WAC ~~((180-78A-264(6)) [181-78A-264(6)])~~ 181-78A-264(6)) and pursuant to endorsement program approval requirements in this chapter.

(2) In order to add an additional endorsement, the candidate shall:

(a) Have completed a state-approved endorsement program which includes methodology (see WAC ~~((180-78A-264(5)) [181-78A-264(5)])~~ 181-78A-264(5)) and addresses all endorsement-specific competencies adopted by the ~~((state board of education))~~ professional educator standards board and published by the superintendent of public instruction. The requirement for field experience shall be at the discretion of the college/university. Provided, that in cases where programs require a field experience/internship, the colleges/universities should make every attempt to allow the individual to complete field-based requirements for the endorsement within the confines of the individual's teaching schedule; or

(b) Achieve National Board certification in a Washington teaching endorsement area and hold a valid National Board certificate; or

(c) Pass the subject knowledge test approved by the professional educator standards board for the certificate endorsement being sought. The instructional methodology and content-related skills of the desired subject endorsement must be compatible with one or more of the current endorsement(s) on the applicant's teacher certificate, per the list of Pathway 1 endorsements adopted by the ~~((state board of education))~~ professional educator standards board and published by the superintendent of public instruction. The applicant must document a minimum of ninety days teaching experience, in a public or state approved private school, or state agency providing educational services for students, in the endorsement area that is compatible in instructional methodology and content-related skills to the Pathway 1 endorsement; or

(d)(i) Pass the subject knowledge test approved by the professional educator standards board for the certificate endorsement being sought and successfully meet all eligibility criteria and process requirements for Pathway 2 endorsements as adopted by the ~~((state board of education))~~ professional educator standards board and published by the superintendent of public instruction. The desired subject endorsement must be identified as a Pathway 2 endorsement for one or more of the current endorsement(s) on the applicant's teacher certificate, per the list of Pathway 2 endorsements adopted by the ~~((state board of education))~~ professional educator standards board and published by the superintendent of public instruction.

(ii) Teacher preparation programs that offer Pathway 2 endorsement programs shall follow process steps as adopted by the ~~((state board of education))~~ professional educator stan-

ards board and published by the superintendent of public instruction to verify successful completion of the Pathway 2 process and to recommend adding the endorsement to the applicant's teacher certificate.

(3) Candidates from out-of-state shall be required to present verification that they completed a state-approved program (equivalent to a major) in a Washington endorsement area.

(4) Course work used to meet endorsement requirements must be completed through a regionally accredited college/university.

(5) 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 course work required for the approved endorsement program.

(6) 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.

AMENDATORY SECTION (Amending WSR 06-02-051, filed 12/29/05, effective 1/1/06)

WAC 181-82A-206 Endorsement program approval.

(1) The ~~((state board of education))~~ professional educator standards board shall approve endorsement programs at Washington colleges and universities pursuant to the requirements of this chapter. Only colleges and universities with ~~((state board of education))~~ professional educator standards board-approved residency certificate teacher preparation programs are eligible to apply for approval to offer endorsement programs.

(2) The ~~((state board of education))~~ professional educator standards board will establish performance/competency criteria for obtaining an endorsement. Revision in adopted endorsement competencies may occur only as approved by the ~~((state))~~ professional educator standards board.

(3) The superintendent of public instruction will publish, and make available, competencies for all endorsement areas identified in chapter ~~((180-82A-[181-82A]))~~ 181-82A WAC.

(4) By August 31, 2003, each college or university desiring to establish an endorsement program shall submit a timeline to meet the following requirements for full approval by August 31, 2004:

(a) Identification of strategies that will be used to assess candidates' capacity/performance related to the competencies;

(b) A description of evidences that candidates will provide to document their positive impact on student learning in the endorsement area; and

(c) A description of the assessment system by which candidate performance, relative to the competencies, will be aggregated, analyzed, and used for program improvement.

(5) The ~~((state board of education))~~ professional educator standards board shall approve endorsement programs for a maximum of five years. Each institution shall submit endorsement programs for review when requested by the ~~((state board of education))~~ professional educator standards board to ensure that the endorsement programs meet the com-

petencies and to provide assessment data relative to candidate performance.

(6) The ~~((state board of education))~~ professional educator standards board shall determine the schedule and process for endorsement program reviews.

AMENDATORY SECTION (Amending WSR 06-02-051, filed 12/29/05, effective 1/1/06)

WAC 181-82A-215 Implementation policies. (1) In order to offer an endorsement program after August 31, 2003, the timeline by which the colleges and universities will be in full compliance with the approval standards in this chapter shall be reviewed and approved. In order to offer an endorsement program after August 31, 2004, the endorsement program shall be reviewed and approved under the approval standards of this chapter. All teachers who obtain endorsements after September 1, 2003, shall meet the requirements in this chapter. Provided, that colleges and universities may permit an individual enrolled in programs in Washington state to obtain endorsements under the requirements in chapter ~~((180-82-[181-82]))~~ 181-82 WAC, if the individual completes the endorsement program on, or before August 31, 2005, and the college or university verifies endorsement program completion on or before December 31, 2005. Provided further, that the ~~((state board of education))~~ professional educator standards board or its designee may waive this requirement on a case-by-case basis.

(2) Teachers shall be required to obtain a minimum of one endorsement.

AMENDATORY SECTION (Amending WSR 06-02-051, filed 12/29/05, effective 1/1/06)

WAC 181-83-010 Authority. The authority for this chapter is RCW 28A.415.020 and 28A.415.025 which authorize the ~~((state board of education))~~ professional educator standards board to define the term "internship" and establish rules for awarding clock hours for the purpose of placement on the statewide salary allocation schedule for participation of certificated personnel in internships with business, industry, or government.

AMENDATORY SECTION (Amending WSR 06-02-051, filed 12/29/05, effective 1/1/06)

WAC 181-83-020 Definitions. As used in this chapter, the following definitions shall apply:

(1) "Intern" means a certified instructional staff employee of a school district as defined at RCW 28A.150.100.

(2) "Internship" or "approved internship" means the actual paid or unpaid work experience performed by an intern in a business, industry, or government setting that meets the requirements set forth in WAC ~~((180-83-030-[181-83-030] and 180-83-040-[181-83-040]))~~ 181-83-030 and 181-83-040.

AMENDATORY SECTION (Amending WSR 06-02-051, filed 12/29/05, effective 1/1/06)

WAC 181-83-040 Internship report. (1) Upon completion of the internship, the intern shall submit to the school district a report that includes the following information:

(a) Completion of the requirements under WAC ((~~180-83-030~~ [~~181-83-030~~])) 181-83-030;

(b) Summary evaluation by the intern of the internship experience;

(c) Summary evaluation by the business, industry, or government agency representative of the intern's experience; and

(d) Whether the internship will be claimed for purposes of recognition on the salary allocation schedule developed by the legislative evaluation and accountability program committee.

(2) The report shall be signed by the intern and business, industry, or government agency representative.

(3) The school district shall forward annually to the ((~~state board of education~~)) professional educator standards board, on or before December 1, the internship reports for the previous school year.

AMENDATORY SECTION (Amending WSR 06-02-051, filed 12/29/05, effective 1/1/06)

WAC 181-85-020 Effective date and applicable certificates. The provisions of this chapter shall apply to the following certificates issued on or after August 31, 1987:

(1) Continuing certificates as provided in chapter ((~~180-79~~)) 181-79A WAC.

(2) Standard certificates as provided under previous standards of the ((~~state board of education~~)) professional educator standards board.

(3) Professional certificates as provided in chapter ((~~180-79A~~ [~~181-79A~~])) 181-79A WAC.

(4) Provided, That applicants who have completed all requirements for a continuing or standard certificates prior to August 31, 1987, and who apply for such certificate prior to July 1, 1988, and applicants who have completed all requirements for a continuing or standard certificate except one of the three-years experience requirement prior to August 31, 1987, and who completes such requirement and applies prior to August 31, 1988, shall be exempt from the continuing education requirements of this chapter.

AMENDATORY SECTION (Amending WSR 06-02-051, filed 12/29/05, effective 1/1/06)

WAC 181-85-025 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 ((~~180-78A-010~~(6) [~~181-78A-010~~(6)])) 181-78A-010(6).

(2) All continuing education credit hours awarded by a vocational-technical college pursuant to WAC ((~~180-85-030~~(3) [~~181-85-030~~(3)])) 181-85-030(3) 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~~ [~~181-83~~])) 181-83 WAC, Internships.

(4) All continuing education credit hours awarded in conformance with WAC ((~~180-85-033~~ [~~181-85-033~~] and ~~180-85-034~~ [~~181-85-034~~])) 181-85-033 and 181-85-034.

AMENDATORY SECTION (Amending WSR 06-02-051, filed 12/29/05, effective 1/1/06)

WAC 181-85-032 Continuing education credit hour—Definition—Internships. Notwithstanding the provisions of WAC ((~~180-85-030~~(6) [~~181-85-030~~(6)])) 181-85-030(6), for each forty clock hours of participation in an approved internship with a business, industry, or government agency under chapter ((~~180-83~~ [~~181-83~~])) 181-83 WAC, ten continuing education credit hours shall be granted.

AMENDATORY SECTION (Amending WSR 06-02-051, filed 12/29/05, effective 1/1/06)

WAC 181-85-033 Continuing education credit hour—Definition—Professional growth team consultation and collaboration—School accreditation site visit team participation—National Board for Professional Teaching Standards assessment—Supervisors. (1) Notwithstanding any provisions of this chapter to the contrary, for consultation and collaboration as a member of an approved professional growth team, as defined by WAC ((~~180-78A-010~~ [~~181-78A-010~~] and ~~180-78A-505~~ [~~181-78A-505~~])) 181-78A-010 and 181-78A-505, members of a professional growth team, excluding the candidate, shall receive the equivalent of ten continuing education credit hours. The team member may not receive more than the equivalent of twenty continuing education credit hours, as defined by this section, during a calendar year period.

(2) A person holding a valid educational certificate pursuant to RCW 28A.410.010 shall receive the equivalent of ten continuing education credit hours for serving on a school accreditation site visit team. The person may not receive more than the equivalent of twenty continuing education credit hours during a calendar year period.

(3)(a) Notwithstanding any provisions of this chapter to the contrary, individuals officially designated as a supervisor by a college/university, school district, educational service district, an approved private school, a state agency providing educational services to students or the superintendent of public instruction, a person holding a valid educational certificate pursuant to RCW 28A.410.010 shall receive the equivalent of ten continuing education credit hours for service as a supervisor. The person may not receive more than the equivalent of twenty continuing education credit hours during a calendar year period.

(b) The term "supervisor" shall mean individuals officially designated as a supervisor by a college/university, school district, educational service district, an approved private school, a state agency providing educational services to students, or the office of superintendent of public instruction

for supervising the training of teacher interns, administrative interns, educational staff associate interns, and paraprofessionals.

(4) A person holding a valid educational certificate pursuant to RCW 28A.410.010 shall receive the equivalent of forty-five continuing education credit hours for completion of an assessment process as part of the National Board for Professional Teaching Standards certificate application. Upon achieving National Board certification, the individual shall receive the equivalent of an additional forty-five continuing education credit hours for a total of ninety continuing education credit hours per National Board certificate.

(5) Notwithstanding any provisions of this chapter to the contrary, for designing and completing a professional growth plan under the provisions of WAC ((~~180-85-034~~ ~~[181-85-034]~~) 181-85-034, participants shall receive the equivalent of no more than sixty continuing education credit hours over a period of two school years, as defined by this chapter.

AMENDATORY SECTION (Amending WSR 06-02-051, filed 12/29/05, effective 1/1/06)

WAC 181-85-034 Continuing education credit hour—Definition—Professional development system—Professional growth plan. (1) Beginning September 1, 2005, in order to initiate a process that leads to a performance-based continuing education system, districts and approved private schools may offer educators the opportunity through use of a professional growth plan to earn not more than sixty continuing education credit hours over a period of two school years, in addition to hours earned through WAC ((~~180-85-025~~ ~~[181-85-025]~~) 181-85-025 (1) through (4). Districts/private schools electing to participate must verify as a prerequisite that the following minimum elements of a professional development system are in place:

(a) A professional development system plan describing the use of professional growth plans for continuing education purposes and the accompanying support structure which will be made available to participants shall:

(i) Be approved by the board of directors of the local school district or approved private school.

(ii) In the case of a public school district, be accompanied by a letter of support from the applicable local educational association.

(iii) Include the establishment of a professional development committee consisting of, at a minimum, an educator and administrator representing the building level and a representative of the district or approved private school. This professional development committee is formed to review and approve professional growth plans, and verify continuing education credit hours to be awarded.

(b) A template of an individual professional growth plan, showing how the process described in subsection (3) of this section will be documented, as well as how the plan is tailored to the individual's professional growth needs and aligned with district improvement plans, school improvement plans under WAC 180-16-220, or both.

(2) The district/private school professional development system must be approved by the superintendent of public instruction. Districts shall respond to requests for information

from the superintendent of public instruction, for evaluation purposes.

(3) The office of superintendent of public instruction shall publish guidelines on its web site as part of the state professional development planning guide to assist districts/private schools with compliance and implementation. Such guidelines shall include the following minimum essential elements:

(a) An assessment of the needs of each participating educator, including a written reflective analysis.

(b) Preparation of a written individual professional growth plan, with input from the educator's supervisor, that is approved by the professional development committee.

(c) Activities to both implement the plan and gather evidence of its completion.

(d) Verification of completion, including review of evidence and determination, in the professional judgment of the professional development committee, of how many continuing education credit hours are to be awarded.

(4) In making its determination, the professional development committee shall not count continuing education credit hours that can be awarded pursuant to WAC ((~~180-85-025~~ ~~[181-85-025]~~) 181-85-025 (1) through (4).

(a) If documentation/evidence presented is determined to be incomplete or insufficient, the professional development committee shall provide feedback to the educator on the documentation/evidence presented, citing reasons for the decision.

(b) An educator may submit for review by the professional development committee additional documentation and evidence submitted in response to feedback received under (a) of this subsection.

(5) Individuals electing to use professional growth planning for purposes of earning continuing education credit hours may choose to integrate such professional growth planning with that called for in the professional growth option for evaluation established in accordance with RCW 28A.405.100(5), but they may not be required to do so.

(6) After the first three years of implementation, the superintendent of public instruction will review this option and will provide a report with recommendations, as necessary, to the professional educator standards board.

AMENDATORY SECTION (Amending WSR 06-02-051, filed 12/29/05, effective 1/1/06)

WAC 181-85-045 Approved in-service education agency—Definition. As used in this chapter, the term "approved in-service education agency" shall mean an agency approved by the ((~~state board of education~~) professional educator standards board) to provide in-service education programs and to grant continuing education credit hours to all or a selective group of educators. Such agency must demonstrate the following characteristics:

(1) The agency is one of the following entities or a department or section within such entities:

(a) A college or university referenced in WAC ((~~180-85-025(1)~~ ~~[181-85-025(1)]~~) 181-85-025(1);

(b) An organization which for the purpose of this chapter shall mean any local, state, regional, or national nonprofit

organization which offers in-service education programs to teachers, administrators, and/or educational staff associates;

(c) A school district, an educational service district, the superintendent of public instruction, or any state or national agency; or

(d) An approved private school which for the purpose of this chapter shall mean the same as provided in WAC 180-90-112.

(2) The agency has either a committee or board of directors which provides prior approval to proposed in-service education programs on the basis that the proposed programs are designed to meet the program standards set forth in WAC ((180-85-200 [181-85-200])) 181-85-200. In the case of school districts or educational service districts the committee shall be composed of the same representatives as required by RCW 28A.415.040—i.e., "representatives from the ranks of administrators, building principals, teachers, classified and support personnel the public, and . . . institution(s) of higher education,"

AMENDATORY SECTION (Amending WSR 06-02-051, filed 12/29/05, effective 1/1/06)

WAC 181-85-075 Continuing education requirement. Continuing education requirements are as follows:

(1) Each holder of a continuing certificate affected by this chapter shall be required to complete during a five-year period one hundred fifty continuing education credit hours, as defined in WAC ((180-85-025 [181-85-025] and 180-85-030 [181-85-030])) 181-85-025 and 181-85-030, prior to the lapse date of the first issue of the continuing certificate and during each five-year period between subsequent lapse dates as calculated in WAC ((180-85-100 [181-85-100])) 181-85-100.

(2) Provided, That each holder of a continuing or a standard certificate affected by this chapter may present a copy of a valid certificate issued by the National Board for Professional Teaching Standards in lieu of the completion of the continuing education credit hours required by this chapter.

AMENDATORY SECTION (Amending WSR 06-02-051, filed 12/29/05, effective 1/1/06)

WAC 181-85-077 Continuing education credit—ESAs. Educational staff associates may use credits or clock hours that satisfy continuing education requirements for state professional licensure toward fulfilling ((state board of education)) professional educator standards board continuing education certification requirements.

AMENDATORY SECTION (Amending WSR 06-02-051, filed 12/29/05, effective 1/1/06)

WAC 181-85-085 In-service education records. Holders of certificates affected by this chapter shall retain the necessary in-service records from the approved in-service provider for the purpose of any audit by the superintendent of public instruction. Such holders shall be notified on such form that the intentional misrepresentation of a material fact on such form subjects the holder to revocation of his or her certificate pursuant to chapter ((180-86 [181-86])) 181-86

and that a copy of such completed form should be retained by the holder for possible disputes arising under this chapter and for other purposes that may arise, including verification of in-service hours completed for a current or prospective employer.

AMENDATORY SECTION (Amending WSR 06-02-051, filed 12/29/05, effective 1/1/06)

WAC 181-85-130 Reinstatement of lapsed certificate. A holder of a lapsed certificate may reinstate such lapsed certificate by presenting evidence to the superintendent of public instruction of completing the continuing education credit hour requirement within the previous five years from the date of reinstatement application. The next lapse dates on a reinstated professional certificate shall be recalculated and shall be the same as if a new certificate under the provisions of WAC ((180-85-100 [181-85-100])) 181-85-100.

AMENDATORY SECTION (Amending WSR 06-02-051, filed 12/29/05, effective 1/1/06)

WAC 181-85-200 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 pro-

gram 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 [181-85-205]))~~ 181-85-205 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 do not apply to credit hours awarded by a college or university or course work continuing education hours awarded by a vocational-technical college.

AMENDATORY SECTION (Amending WSR 06-02-051, filed 12/29/05, effective 1/1/06)

WAC 181-85-205 Required recordkeeping by approved in-service education agencies. Each approved in-service education agency shall provide the following record service:

(1) Documentation that the in-service education program, including the program agenda, received approval by the board or committee provided in WAC ~~((180-85-045(2) [181-85-045(2)]))~~ 181-85-045(2) prior to offering the in-service program.

(2) A copy of the summary of evaluations required by WAC ~~((180-85-200(5) [181-85-200(5)]))~~ 181-85-200(5); and

(3) A copy of the minutes of the board or advisory committee which demonstrates that such board or advisory committee reviewed the assessment required by WAC ~~((180-85-200(6) [181-85-200(6)]))~~ 181-85-200(6).

(4) A list, for each in-service education program, of all participants who have requested continuing education credit hours by signing a registration form made available at the in-service education program. Such registration form shall provide space for the registrant to indicate he or she is requesting fewer hours than the amount calculated for the entire in-service education program due to partial attendance.

(5) The registrant shall be provided a form to be completed at the in-service education program which includes the necessary information for recording in-service credits, and upon request if such request is made within seven calendar years of such in-service education program, including the number of continuing education credit hours recorded. In addition, the registrant shall be given specific instructions regarding the need to preserve the record and how to correct the record if attendance or credit hours has been recorded by the approved in-service education agency inaccurately.

(6) The above records shall be available for inspection by the superintendent of public instruction for a period of seven calendar years from the date of each in-service education program. The amendments to this section reducing the amount of recordkeeping by in-service providers shall apply retroactively to August 31, 1987.

AMENDATORY SECTION (Amending WSR 06-02-051, filed 12/29/05, effective 1/1/06)

WAC 181-85-211 Annual approval procedures. On an annual basis a list shall be submitted to the ~~((state board of education))~~ professional educator standards board 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))~~ professional educator standards board which no longer wish to serve as an approved in-service education agency.

AMENDATORY SECTION (Amending WSR 06-02-051, filed 12/29/05, effective 1/1/06)

WAC 181-85-225 Appeal to ~~((state board of education))~~ professional educator standards board. Any finding of noncompliance by the superintendent of public instruction pursuant to WAC ~~((180-85-220 [181-85-220]))~~ 181-85-220 may be appealed to the ~~((state board of education))~~ professional educator standards board for review. The filing of a notice of appeal shall cause a stay of any order by the superintendent of public instruction until the ~~((state board of education))~~ professional educator standards board makes an independent determination on the issue of substantial compliance. If the ~~((state board of education))~~ professional educator standards board concurs that the approved in-service education agency has failed to substantially comply with the applicable provisions of this chapter, the ~~((state board of education))~~ professional educator standards board shall prescribe the corrective action necessary to achieve substantial compliance. Such agency or department or section within such agency, whichever is applicable, upon receipt of notice of action by the ~~((state board of education))~~ professional educator standards board, shall be denied the authority to grant any continuing education credit hours for any subsequent in-service education program until the agency provides an assurance to the superintendent of public instruction that corrective action prescribed by the ~~((state board of education))~~ professional educator standards board will be implemented.

AMENDATORY SECTION (Amending WSR 06-02-051, filed 12/29/05, effective 1/1/06)

WAC 181-86-003 Authority. The authority for this chapter is RCW ~~((28A-70-005))~~ 28A.410.090 which authorizes the ~~((state board of education))~~ professional educator standards board to establish, publish, and enforce rules and regulations determining eligibility for certification of personnel employed in the common schools of this state. (Note: RCW 28A.02.201 (3)(a) requires most private school classroom teachers to hold appropriate Washington state certification with few exceptions.)

AMENDATORY SECTION (Amending WSR 06-02-051, filed 12/29/05, effective 1/1/06)

WAC 181-86-011 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 [181-~~

77)) 181-77 WAC shall hold certificates authorized by the (~~(state board of education)~~) professional educator standards board for service in the respective roles as required by statute or rules of the (~~(state board of education)~~) professional educator standards board.

Any certificate issued pursuant to chapter (~~(180-77 [181-77] or 180-79A [181-79A])~~) 181-77 or 181-79A WAC or previous standards of the (~~(state board of education)~~) professional educator standards board 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 [181-79A-140])~~) 181-79A-140 if such certification is required by statute or rules of the (~~(state board of education)~~) professional educator standards board, unless such certificate is under suspension or until such certificate expires, lapses, or is revoked or surrendered.

AMENDATORY SECTION (Amending WSR 06-02-051, filed 12/29/05, effective 1/1/06)

WAC 181-86-013 Good moral character and personal fitness—Definition. As used in this chapter, the terms "good moral character and personal fitness" means character and personal fitness necessary to serve as a certificated employee in schools in the state of Washington, including character and personal fitness to have contact with, to teach, and to perform supervision of children. Good moral character and personal fitness includes, but is not limited to, the following:

- (1) No conviction of any felony crime involving:
 - (a) The physical neglect of a child under chapter 9A.42 RCW;
 - (b) The physical injury or death of a child under chapter 9A.32 or 9A.36 RCW, excepting motor vehicle violations under chapter 46.61 RCW;
 - (c) The sexual exploitation of a child under chapter 9.68A RCW;
 - (d) Sexual offenses where a child is the victim under chapter 9A.44 RCW;
 - (e) The promotion of prostitution of a child under chapter 9A.88 RCW;
 - (f) The sale or purchase of a child under RCW 9A.64.030;
 - (g) Provided, That the general classes of felony crimes referenced within this subsection shall include equivalent federal and crimes in other states committed against a child;
 - (h) Provided further, That for the purpose of this subsection "child" means a minor as defined by the applicable state or federal law;
 - (i) Provided further, That for the purpose of this subsection "conviction" shall include a guilty plea.
- (2) No conviction of any crime within the last ten years, including motor vehicle violations, which would materially and substantially impair the individual's worthiness and ability to serve as a professional within the public and private schools of the state. In determining whether a particular conviction would materially and substantially impair the individual's worthiness and ability to practice, the following and any other relevant considerations shall be weighed:

(a) Age and maturity at the time the criminal act was committed;

(b) The degree of culpability required for conviction of the crime and any mitigating factors, including motive for commission of the crime;

(c) The classification of the criminal act and the seriousness of the actual and potential harm to persons or property;

(d) Criminal history and the likelihood that criminal conduct will be repeated;

(e) The permissibility of service as a professional educator within the terms of any parole or probation;

(f) Proximity or remoteness in time of the criminal conviction;

(g) Any evidence offered which would support good moral character and personal fitness;

(h) If this subsection is applied to a person certified under the laws of the state of Washington in a suspension or revocation action, the effect on the education profession, including any chilling effect, shall be weighed; and

(i) In order to establish good moral character and personal fitness despite the criminal conviction, the applicant or certificate holder has the duty to provide available evidence relative to the above considerations. The superintendent of public instruction has the right to gather and present additional evidence which may corroborate or negate that provided by the applicant or certificate holder.

(3) No behavioral problem which endangers the educational welfare or personal safety of students, teachers, or other colleagues within the educational setting.

(4) No practice within the state of Washington within the previous five school years with an expired, lapsed, suspended, surrendered, or revoked certificate in a professional position for which certification is required under the rules of the (~~(state board of education)~~) professional educator standards board.

AMENDATORY SECTION (Amending WSR 06-02-051, filed 12/29/05, effective 1/1/06)

WAC 181-86-014 Good moral character and personal fitness—Continuing requirement. The good moral character and personal fitness requirement of applicants for certification under the laws of the state of Washington is a continuing requirement for holding a professional educational certificate under regulations of the (~~(state board of education)~~) professional educator standards board.

AMENDATORY SECTION (Amending WSR 06-02-051, filed 12/29/05, effective 1/1/06)

WAC 181-86-070 Grounds for issuance of suspension order. The superintendent of public instruction may issue a suspension order under one of the following conditions:

- (1) The certificate holder has admitted the commission of an act of unprofessional conduct or lack of good moral character or personal fitness and has presented to the superintendent of public instruction an agreed order to not serve as an education practitioner for a stated period of time and the superintendent of public instruction has agreed that the interest of the state in protecting the health, safety, and general

welfare of students, colleagues, and other affected persons is adequately served by a suspension. Such order may contain a requirement that the certificate holder fulfill certain conditions precedent to resuming professional practice and certain conditions subsequent to resuming practice.

(2) The certificate holder has committed an act of unprofessional conduct or lacks good moral character but the superintendent of public instruction has determined that a suspension as applied to the particular certificate holder will probably deter subsequent unprofessional or other conduct which evidences lack of good moral character or personal fitness by such certificate holder, and believes the interest of the state in protecting the health, safety, and general welfare of students, colleagues, and other affected persons is adequately served by a suspension. Such order may contain a requirement that the certificate holder fulfill certain conditions precedent to resuming professional practice and certain conditions subsequent to resuming practice.

(3) The certificate holder lacks personal fitness but the superintendent of public instruction has determined the deficiency is correctable through remedial action and believes the interest of the state in protecting the health, safety, and general welfare of students, colleagues, and other affected persons is adequately served by a suspension which states condition precedent to resuming professional practice and which also may state certain conditions subsequent to resuming practice.

(4) Provided, That suspension shall never be appropriate if the certificate holder has committed a felony crime under WAC ((180-86-013(1))~~[181-86-013(1)]~~) 181-86-013(1).

AMENDATORY SECTION (Amending WSR 06-02-051, filed 12/29/05, effective 1/1/06)

WAC 181-86-075 Grounds for issuance of a revocation order. The superintendent of public instruction may issue a revocation order under one of the following conditions:

(1) The superintendent of public instruction has determined that the certificate holder has committed a felony crime under WAC ((180-86-013(1))~~[181-86-013(1)]~~) 181-86-013(1), which bars the certificate holder from any future practice as an education practitioner.

(2) The certificate holder has not committed a felony crime under WAC ((180-86-013(1))~~[181-86-013(1)]~~) 181-86-013(1) but the superintendent of public instruction has determined the certificate holder has committed an act of unprofessional conduct or lacks good moral character or personal fitness and revocation is appropriate.

AMENDATORY SECTION (Amending WSR 06-02-051, filed 12/29/05, effective 1/1/06)

WAC 181-86-095 Admissions and professional conduct advisory committee—Duties. The duties of the admissions and professional conduct advisory committee are as follows:

(1) To advise the superintendent of public instruction and the ((state board of education)) professional educator standards board on matters related to good moral character,

personal fitness, and unprofessional conduct regarding education practitioners.

(2) To review informal appeals conducted pursuant to WAC ((180-86-140)~~[181-86-140]~~) 181-86-140 and provide recommendations to the review officer on the content of the written decision.

AMENDATORY SECTION (Amending WSR 06-02-051, filed 12/29/05, effective 1/1/06)

WAC 181-86-100 Reprimand or certificate suspension or revocation—Initiation of proceedings. The initiation of reprimand, suspension, or revocation proceedings by the superintendent of public instruction shall commence as a result of the following:

(1) Whenever the superintendent of public instruction or the designated administrative officer of the superintendent of public instruction having responsibility for certification becomes aware from whatever source that a certificate holder has had a professional license revoked or suspended by a licensing agency, has voluntarily surrendered a license or has been arrested, charged, or convicted for any felony offense included within WAC ((180-86-013(1))~~[181-86-013(1)]~~) 181-86-013(1), the superintendent of public instruction or the designated administrative officer shall cause an investigation.

(2) In all other cases, the initiation of investigative proceedings shall commence only upon receipt of a written complaint from a school district or educational service district superintendent or the chief administrative officer of an approved private school. Such written complaint shall state the grounds and summarize the factual basis upon which a determination has been made that an investigation by the superintendent of public instruction is warranted. The superintendent of public instruction shall provide the affected certificate holder with a copy of such written complaint and a copy of WAC ((180-86-180)~~[181-86-180]~~) 181-86-180.

AMENDATORY SECTION (Amending WSR 06-02-051, filed 12/29/05, effective 1/1/06)

WAC 181-86-140 Appeal—General. Any person who applies directly to the superintendent of public instruction for a certificate, particular endorsement, certificate renewal, or certificate reinstatement whose application is denied or any person who is notified that his or her certificate is suspended or revoked or that a reprimand order has been issued shall be advised that he or she is entitled to appeal that decision to the superintendent of public instruction if he or she follows the procedures established in this chapter: Provided, That the appeal procedure may not be used to seek reinstatement of a certificate if that certificate has been revoked in the preceding twelve months by the superintendent of public instruction.

The appeal procedure to the superintendent of public instruction consists of two levels, one informal and one formal. The use of the informal level is a condition precedent to use of the formal level. In addition, the provisions of WAC ((180-86-155)~~[181-86-155]~~) 181-86-155 provide an additional appeal to the ((state board of education)) professional educator standards board and RCW 34.05.570 provides for judicial review of such decisions.

AMENDATORY SECTION (Amending WSR 06-02-051, filed 12/29/05, effective 1/1/06)

WAC 181-86-145 Appeal procedure—Informal SPI review. Any person who appeals the decision or order to deny his or her application, the issuance of a reprimand, or the order to suspend or revoke his or her certificate must file a written notice with the superintendent of public instruction within thirty calendar days following the date of receipt from the section of the superintendent of public instruction's office responsible for certification of the decision or order.

The written notice must set forth the reasons why the appellant believes his or her application should have been granted or why his or her certificate should not be suspended or revoked, or why the reprimand should not be issued whichever is applicable.

Following timely notice of appeal, the superintendent of public instruction shall appoint a review officer who shall proceed as follows:

(1) If the appeal does not involve good moral character, personal fitness, or unprofessional conduct, the review officer shall review the application and appeal notice and may request further written information including, but not limited to, an explanation from the person or persons who initially reviewed the application of the reason(s) why the application was denied. If the review officer deems it advisable, he or she shall schedule an informal meeting with the appellant, the person or persons who denied the application, and any other interested party designated by the review officer to receive oral information concerning the application. Any such meeting must be held within thirty calendar days of the date of receipt by the superintendent of public instruction of the ~~((timely filed))~~ timely filed appeal notice.

(2) If the appeal involves good moral character, personal fitness, or acts of unprofessional conduct, the review officer shall schedule an informal meeting of the applicant or certificate holder and/or counsel for the applicant or certificate holder with the admissions and professional conduct advisory committee. Such meeting shall be scheduled in accordance with the calendar of meetings of the advisory committee: Provided, That notice of appeal must be received at least fifteen calendar days in advance of a scheduled meeting.

(3) Send by certified mail a written decision—i.e., findings of fact and conclusions of law—on the appeal within thirty calendar days from the date of receipt of the ~~((timely filed))~~ timely filed appeal notice or informal meeting, whichever is later. The review officer may uphold, reverse, or modify the decision to deny the application, the order to reprimand, or the order to suspend or revoke the certificate.

(4) The timelines stated herein may be extended by the review officer for cause.

(5) Provided, That in the case of an action for suspension or revocation of a certificate, the review officer, if so requested by an appellant, shall delay any review under this section until all quasi-judicial administrative or judicial proceedings (i.e., criminal and civil actions), which the review officer and the appellant agree are factually related to the suspension or revocation proceeding, are completed, including appeals, if the appellant signs the agreement stated in WAC ~~((180-86-160 [181-86-160]))~~ 181-86-160. In requesting such delay, the appellant shall disclose fully all pending quasi-

judicial administrative proceedings in which the appellant is involved.

AMENDATORY SECTION (Amending WSR 06-02-051, filed 12/29/05, effective 1/1/06)

WAC 181-86-150 Appeal procedure—Formal SPI review process. Formal appeals to the superintendent of public instruction shall be provided as follows:

(1) Any person who has filed an appeal in accordance with WAC ~~((180-86-140 [181-86-140]))~~ 181-86-140 and desires to have the decision of the review officer formally reviewed by the superintendent of public instruction may do so. To instigate review under this section, a person must file a written notice with the superintendent of public instruction within thirty calendar days following the date of receipt of the review officer's written decision.

(2) For purposes of hearing an appeal under this section, the superintendent of public instruction shall conduct a formal administrative hearing in conformance with the Administrative Procedure Act, chapter 34.05 RCW. The superintendent of public instruction, in carrying out this duty, may contract with the office of administrative hearings pursuant to RCW 28A.03.500 to hear a particular appeal. Decisions in cases formally appealed pursuant to this section may be made by the administrative law judge selected by the chief administrative law judge if the superintendent of public instruction delegates this authority pursuant to RCW 28A.03.500.

(3) The decision of the superintendent of public instruction or the administrative law judge, whichever is applicable, shall be sent by certified mail to the appellant's last known address and if the decision is to reprimand, suspend, or revoke, the appellant shall be notified that such order takes effect upon signing of the final order and that no stay of reprimand, suspension, or revocation shall exist until the appellant files an appeal in a timely manner pursuant to WAC ~~((180-86-155 [181-86-155]))~~ 181-86-155.

AMENDATORY SECTION (Amending WSR 06-02-051, filed 12/29/05, effective 1/1/06)

WAC 181-86-155 Appeal procedure to SBE. Any person whose certificate has been suspended or revoked by the superintendent of public instruction in accordance with the procedures of this chapter may appeal that decision to the ~~((state board of education))~~ professional educator standards board by filing a notice of appeal with the superintendent of public instruction or the secretary of the ~~((state board of education))~~ professional educator standards board within thirty calendar days of the date of mailing the decision of the superintendent of public instruction. Review by the ~~((state board of education))~~ professional educator standards board shall be conducted as follows:

(1) Review shall be conducted by the ~~((state board of education))~~ professional educator standards board at its next scheduled meeting following notice of appeal unless either the appellant or the superintendent of public instruction requests an extension of the review to the following next scheduled meeting.

(2) Review conducted by the ~~((state board of education))~~ professional educator standards board shall be confined to the

record, except that in cases of alleged irregularities in procedures before the superintendent of public instruction, not shown in the record, testimony thereon shall be taken before the ~~((state board of education))~~ professional educator standards board.

(3) The record shall include written briefs submitted.

(4) Oral argument will be permitted if fifteen days advance notice is given to the secretary of the ~~((state board of education))~~ professional educator standards board.

(5) The ~~((state board of education))~~ professional educator standards board will be assisted in its deliberations and its final order by an assistant attorney general who has not been involved in any prior proceeding related to the previous administrative order by the superintendent of public instruction.

(6) The ~~((state board of education))~~ professional educator standards board may affirm the decision of the superintendent of public instruction, remand the matter for further proceedings, modify the decision, or reverse the decision.

(7) If the decision of the ~~((state board of education))~~ professional educator standards board is to modify or reverse the decision of the superintendent of public instruction or to remand the matter for further proceedings, the ~~((state board of education))~~ professional educator standards board shall state its reasons in a written order.

(8) The final order of the ~~((state board of education))~~ professional educator standards board shall be by written order, attested by the secretary of the ~~((state board of education))~~ professional educator standards board, and sent to the appellant by certified mail within ten calendar days of the final decision by the ~~((state board of education))~~ professional educator standards board. In addition, persons aggrieved by a final order shall be advised of their right to judicial review pursuant to RCW 34.05.570.

AMENDATORY SECTION (Amending WSR 06-02-051, filed 12/29/05, effective 1/1/06)

WAC 181-86-175 Emergency suspension of certificate. Notwithstanding any other provision of this chapter, the superintendent of public instruction, pursuant to RCW 34.05.479, may emergency suspend a certificate if the superintendent of public instruction finds that the public health, safety, or welfare of students, colleagues, or the general public imperatively requires emergency action. In such cases, the holder of the certificate who is subjected to emergency suspension of his or her certificate shall have the right to commence an informal review of such action within forty-eight hours of filing a notice of appeal with the superintendent of public instruction or, if applicable, to sign an agreement pursuant to WAC ~~((180-86-180 [181-86-180]))~~ 181-86-180. If such an agreement is signed or, if not, unless the superintendent of public instruction sustains the emergency action within seven calendar days of the filing of the notice of appeal, the emergency suspension shall be void. The superintendent of public instruction, in carrying out this duty, may contract with the office of administrative hearings, pursuant to RCW 28A.03.050, to hear the appeal and sustain the emergency action.

AMENDATORY SECTION (Amending WSR 06-02-051, filed 12/29/05, effective 1/1/06)

WAC 181-86-180 Voluntary surrender of certificates. A holder of a certificate who has not received a final order for revocation of his or her certificate may voluntarily surrender his or her certificate to the superintendent of public instruction if the certificate holder believes that he or she is or might be ineligible to hold a certificate for any reason which is or might constitute grounds for revocation of the certificate other than conviction of a felony crime stated within WAC ~~((180-86-013(1) [181-86-013(1)]))~~ 181-86-013(1).

A certificate holder voluntarily surrendering a certificate shall provide the superintendent of public instruction the following affidavit:

"I,, have reason to believe that I am or might be ineligible to hold a certificate(s) for reasons which do or might constitute grounds for revocation of the certificate(s). Accordingly, I hereby voluntarily surrender the following certificate(s):

- (1) Cert. No.
- (2) Cert. No.

I have not been to the best of my knowledge convicted of any felony crime listed within WAC ~~((180-86-013(1) [181-86-013(1)]))~~ 181-86-013(1).

I agree, if I request reinstatement of the certificate(s) I have voluntarily surrendered, to provide the superintendent of public instruction with an affidavit describing in full the reasons for my voluntary surrender of the certificate(s) listed above. I further understand that the superintendent of public instruction will notify other states and public and private school officials within the state of Washington that I have voluntarily surrendered my certificate(s)."

Upon request for reinstatement of such certificate, the applicant must comply with chapter ~~((180-77 [181-77] or 180-79A [181-79A]))~~ 181-77 or 181-79A WAC and, in addition, must disclose in full the reasons for the voluntary surrender of the certificate. In the event the surrendered certificate would have expired or lapsed but for the surrendering of the certificate, the applicant must meet all requirements for reinstating an expired or lapsed certificate.

AMENDATORY SECTION (Amending WSR 06-02-051, filed 12/29/05, effective 1/1/06)

WAC 181-86-200 Annual report. The superintendent of public instruction, annually, shall transmit to the ~~((state board of education))~~ professional educator standards board a factual report describing the administration of this chapter. The report shall include:

- (1) Number of the following actions:
 - (a) Voluntary surrenders of certificates.
 - (b) Reprimands, suspensions, and revocations.
 - (c) Cases investigated.
- (2) Brief descriptions of the cases investigated but written so as to protect the privacy rights of persons involved.
- (3) Any other information the superintendent of public instruction deems important to the public and the ~~((state board of education))~~ professional educator standards board.

AMENDATORY SECTION (Amending WSR 06-02-051, filed 12/29/05, effective 1/1/06)

WAC 181-87-003 Authority. The authority for this chapter is RCW ((28A.70.005)) 28A.410.090 which authorizes the ((state board of education)) professional educator standards board to establish, publish, and enforce rules and regulations determining eligibility for and certification of personnel employed in the common schools of this state. This authority is supplemented by RCW ((28A.70.160)) 28A.410.090 which authorizes the revocation of certificates for unprofessional conduct. (Note: RCW 28A.02.201 (3)(a) requires most private school classroom teachers to hold appropriate Washington state certification with few exceptions.)

AMENDATORY SECTION (Amending WSR 06-02-051, filed 12/29/05, effective 1/1/06)

WAC 181-87-010 Public policy goals of chapter. The public policy goals of this chapter are as follows:

- (1) To protect the health, safety, and general welfare of students within the state of Washington.
- (2) To assure the citizens of the state of Washington that education practitioners are accountable for acts of unprofessional conduct.
- (3) To define and provide notice to education practitioners within the state of Washington of the acts of unprofessional conduct for which they are accountable pursuant to the provisions of chapter ((180-86-181-86)) 181-86 WAC.

AMENDATORY SECTION (Amending WSR 06-02-051, filed 12/29/05, effective 1/1/06)

WAC 181-87-015 Accountability for acts of unprofessional conduct. Any educational practitioner who commits an act of unprofessional conduct proscribed within this chapter may be held accountable for such conduct pursuant to the provisions of chapter ((180-86-181-86)) 181-86 WAC.

AMENDATORY SECTION (Amending WSR 06-02-051, filed 12/29/05, effective 1/1/06)

WAC 181-87-035 Education practitioner—Definition. As used in this chapter, the term "education practitioner" means any certificate holder licensed under rules of the ((state board of education)) professional educator standards board to serve as a certificated employee.

AMENDATORY SECTION (Amending WSR 06-02-051, filed 12/29/05, effective 1/1/06)

WAC 181-87-070 Unauthorized professional practice. Any act performed without good cause that materially contributes to one of the following unauthorized professional practices is an act of unprofessional practice.

- (1) The intentional employment of a person to serve as an employee in a position for which certification is required by rules of the ((state board of education)) professional educator standards board when such person does not possess, at the time of commencement of such responsibility, a valid cer-

tificate to hold the position for which such person is employed.

(2) The assignment or delegation in a school setting of any responsibility within the scope of the authorized practice of nursing, physical therapy, or occupational therapy to a person not licensed to practice such profession unless such assignment or delegation is otherwise authorized by law, including the rules of the appropriate licensing board.

(3) The practice of education by a certificate holder during any period in which such certificate has been suspended.

(4) The failure of a certificate holder to abide by the conditions within an agreement, executed pursuant to WAC ((180-86-160-181-86-160)) 181-86-160, to not continue or to accept education employment.

(5) The failure of a certificate holder to comply with any condition, limitation, or other order or decision entered pursuant to chapter ((180-86-181-86)) 181-86 WAC.

(6) Provided, That for the purpose of this section, good cause includes, but is not limited to, exigent circumstances where immediate action is necessary to protect the health, safety, or general welfare of a student, colleague, or other affected person.

AMENDATORY SECTION (Amending WSR 06-02-051, filed 12/29/05, effective 1/1/06)

WAC 181-87-095 Failure to file a complaint. The intentional or knowing failure of an educational service district superintendent, a district superintendent, or a chief administrator of a private school to file a complaint pursuant to WAC ((180-86-110-181-86-110)) 181-86-110 regarding the lack of good moral character or personal fitness of an education practitioner or the commission of an act of unprofessional conduct by an education practitioner is an act of unprofessional conduct.

WSR 06-14-012

PERMANENT RULES

CASCADIA COMMUNITY COLLEGE

[Filed June 23, 2006, 8:54 a.m., effective July 24, 2006]

Effective Date of Rule: Thirty-one days after filing.

Purpose: Cascadia Community College will govern operations of its dedicated campus facilities use under WAC 132Z-140-010 - 132Z-140-110, Use of college facilities.

Statutory Authority for Adoption: RCW 28B.50.140.

Adopted under notice filed as WSR 06-10-006 on April 20, 2006.

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 11, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 11, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 11, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: June 21, 2006.

Dede Gonzales
Rules Coordinator
Executive Assistant
to the President

Chapter 132Z-140 WAC

USE OF COLLEGE FACILITIES

NEW SECTION

WAC 132Z-140-010 Definitions. The following terms shall have the following meaning within chapter 132Z-140 WAC, unless otherwise specified:

"College" shall mean Cascadia Community College;

"College facilities" shall mean those parts of the joint Cascadia Community College/University of Washington, Bothell campus that are dedicated primarily to Cascadia Community College use, and shall include those campus buildings dedicated primarily to Cascadia Community College classrooms, laboratories, and administration, as well as the areas immediately surrounding those buildings;

"Campus" shall mean the entire joint Cascadia Community College/University of Washington, Bothell campus.

NEW SECTION

WAC 132Z-140-020 Use of college facilities. Cascadia Community College provides continued educational opportunity for area citizens. In keeping with this general purpose, the college believes that facilities should be available for a variety of uses that are of benefit to the general public if such general uses do not interfere with the educational mission of the college. However, a state agency is under no obligation to make its public facilities available to the community for private purposes. Reasonable time, place, and manner restrictions may be placed on the use of college facilities made available for public or private purposes.

NEW SECTION

WAC 132Z-140-030 Priority of use. (1) When allocating use of college facilities, the highest priority is always given to activities specifically related to the college's mission. No arrangements will be made that may interfere with or operate to the detriment of the college's own teaching, research, or public service programs. In particular, college buildings, properties, and facilities, including those assigned to student programs, are used primarily for:

(a) The regularly established teaching, research, or public service activities of the college and its departments;

(b) Cultural, educational, or recreational activities of the students, faculty, or staff;

(c) Short courses, conferences, seminars, or similar events, conducted either in the public service or for the advancement of specific departmental professional interests, when arranged under the sponsorship of the college or its departments.

(d) Public events of a cultural or professional nature brought to the campus at the request of college departments or committees and presented with their active sponsorship and active participation;

(e) Activities or programs sponsored by educational institutions, by state or federal agencies, or by charitable agencies or civic or community organizations whose activities are of widespread public service and of a character appropriate to the college. However, the college will not make its facilities available for instructional or related purposes that compete with courses or programs offered by the college.

(2) College facilities may be assigned to student organizations for regular business meetings, social functions, and programs open to the public. Any recognized campus student organization may invite speakers from outside the college community, after following the facility use application procedures in WAC 132Z-140-100. The appearance of an invited speaker on campus does not represent an endorsement by the college, its faculty or administration, or the board of trustees of the speaker's views.

(3) Reasonable conditions may be imposed to regulate the timeliness of requests, to determine the appropriateness of space assigned and the time of use, and to ensure the proper maintenance of the facilities. Subject to the same limitations, college facilities shall be made available for assignment to individuals or groups within the college community. Arrangements by both organizations and individuals must be made through the designated administrative officer, consistent with the facility use application procedures in WAC 132Z-140-100. Allocation of space shall be made in accordance with college rules and on the basis of time, space, priority of request, and the demonstrated needs of the applicant.

(4) The college may restrict an individual's or a group's use of college facilities if that person or group has, in the past, physically abused facilities the individual or group has used. Charges may be imposed for damage or for any unusual costs for the use of facilities. The individual, group or organization requesting space will be required to state in advance the general purpose of any meeting.

NEW SECTION

WAC 132Z-140-040 Policies limiting use. (1) College facilities may be used for purposes of political campaigning by or for candidates who have filed for public office, directed to members of the public, only when the full rental cost of the facility is paid. Use of state funds to pay for facility rental costs for political campaigns is prohibited. No person may solicit contributions on college property for political uses, except where this limitation conflicts with federal law regarding interference with the mails.

(2) Posters and samples may be posted or distributed only in designated areas of the campus, unless prior permis-

sion to post/distribute is obtained from the director of communications. Information on the location of designated poster/distribution areas may be obtained in the office of the director of communications.

(3) WAC 132Z-140-010 through 132Z-140-122 shall apply to recognized student groups using college facilities.

(4) Handbills, leaflets, and similar materials except those which are commercial, obscene, or unlawful may be distributed in designated areas on the campus where, and at times when, such distribution will not interfere with the orderly administration of the college affairs or the free flow of traffic. Prior authorization must be obtained from the director of communications. Any distribution of materials as authorized by the director of communications shall not be construed as support or approval of the content by the college community or the board of trustees.

(5) Use of audio amplifying equipment is permitted only in locations and at times that will not interfere with the normal conduct of college affairs as determined by the vice-president for finance and operations.

(6) The right of peaceful dissent within the college community will be preserved. While peaceful dissent is acceptable, violence or disruptive behavior is not a legitimate means of dissent. If any person, group, or organization attempts to resolve differences by means of violence, the college retains the right to take steps to protect the safety of individuals, the continuity of the educational process, and the property of the state.

(7) Orderly picketing and other forms of peaceful dissent are protected activities on and about the college premises when such premises are open to public use. However, interference with free passage through areas where members of the college community have a right to be, interference with ingress and egress to college facilities, interruption of classes, injury to persons, or damage to property exceeds permissible limits.

(8) Where college space is used for an authorized function (such as a class or a public or private meeting under approved sponsorship, administrative functions or service related activities), groups must obey or comply with directions of the designated administrative officer or individual in charge of the meeting.

NEW SECTION

WAC 132Z-140-050 Administrative control. The college may adopt administrative procedures consistent with these rules for the use of college facilities, and adopt rental schedules as appropriate.

NEW SECTION

WAC 132Z-140-060 Trespass. (1) Individuals who are not students or members of the faculty or staff and who violate these rules will be advised of the specific nature of the violation, and if they persist in the violation, they will be requested by the president, or his or her designee, to leave the college property. Such a request prohibits the entry of and withdraws the license or privilege to enter onto or remain upon any portion of the college facilities by the person or group of persons requested to leave. Such persons shall be

subject to arrest under the provisions of chapter 9A.52 RCW. Individuals requested to leave college property may appeal that decision by submitting to the college president by certified mail, return receipt requested, a letter stating the reasons the person should not be barred from college facilities. The college president or designee shall respond in writing within fifteen calendar days with a final decision of the college. Persons shall continue to be barred from college property while an appeal is pending.

(2) Students, faculty, and staff of the college who do not comply with these regulations will be reported to the appropriate college office or agency for action in accordance with this chapter or with other applicable rules, regulations, or policies. Individuals who are students of the University of Washington, Bothell and are attending University of Washington, Bothell classes or sponsored events may be referred to the University of Washington, Bothell office of the dean of students as an alternative to the process set forth in this section.

NEW SECTION

WAC 132Z-140-070 Prohibited conduct. (1) The use or possession of unlawful drugs or narcotics, not medically prescribed, or of intoxicants on college property or at college functions, is prohibited. Students obviously under the influence of intoxicants, unlawful drugs or narcotics while in college facilities are subject to disciplinary action.

(2) The use of tobacco in any indoor facility is prohibited in accordance with health regulations.

(a) Smoking is prohibited inside all college or university vehicles, inside buildings and parking structures owned or occupied by the college or university and/or used by college or university faculty, staff or students and at any outside areas or locations that may directly or indirectly affect the air supply of buildings or carry smoke into buildings.

(b) The institutions may designate specific outdoor locations as smoking areas. Signage will be placed to indicate the designated locations.

(c) Any student, staff, or faculty member who violates the smoking policy may be subject to disciplinary action. In addition, violations of the smoking policy may be subject to appropriate enforcement.

(3) Destruction of property is also prohibited by state law in reference to public institutions.

(4) Authorized events may have alcoholic beverages as approved by the president and with proper permits.

NEW SECTION

WAC 132Z-140-080 Pets. Pets are not permitted in college buildings except guide or service animals for individuals with disabilities. Pet owners on college grounds must adhere to posted regulations.

NEW SECTION

WAC 132Z-140-090 Basis of fee assessment. (1) The basis for establishing and charging use fees reflects the college's assessment of the present market and the cost of operations, and an evaluation of the intended purpose and its rela-

tionship to the purposes of this college. The board of trustees has determined that groups or organizations affiliated with the college should be permitted access to facilities at the lowest charge on the fee schedule, which may include complimentary use. A current fee schedule is available from the office of the vice-president for finance and operations.

(2) The college does not wish to compete with private enterprise. Therefore, the college reserves the right to deny applications for facility use when the administration and/or the board of trustees feels a commercial facility is equivalent to the college facility, is available for use, and should be patronized. At no time will facility use be granted for a commercial activity at a rental rate, or upon terms, less than the full and fair rental value of premises used.

NEW SECTION

WAC 132Z-140-100 Application procedures. (1) At least seven working days prior to date of intended use of any college facility, an authorized representative of the requesting organization must submit a written application which may be obtained through the college's office of the vice-president for finance and operations. A single application may be sufficient for a series of meetings by an organization unless those meetings vary significantly in some substantive way; if so, separate applications will be required. The college may consider applications received on less than seven days' notice; however, the college cannot guarantee that such applications will be considered prior to seven days after submission.

(2) Upon approval of the application, an authorized representative of the using organization shall sign the rental agreement. By affixing a signature as representing the using organization, the signatory specifies he or she has authority to enter into agreement on behalf of the organization and if the organization fails to pay the amount due, the signatory becomes responsible for all charges which may include interest payment for overdue accounts as specified on the rental form but not less than one percent per month.

(3) The college may require an advance deposit of up to fifty percent, payable before approval of the application, for large events, events requiring expenditures on the part of the college, or events that require the college to block out significant areas for the renter.

(4) The college reserves the right to make pricing changes without prior notice.

(5) Use of a facility is limited to the facilities specified on the agreement.

(6) The priorities for facility use place primary emphasis on regular college events and activities. The college reserves the right to cancel any permit and refund any payments for use of college facilities and equipment when they deem such action advisable and in the college's best interests.

(7) If an applicant cancels a facility use permit, the applicant is liable for all college costs and expenses in preparing the facility for its use.

(8) Organizations using Cascadia Community College's facilities shall conduct all activities in accordance with applicable local, state, and federal laws including but not limited to the Americans with Disabilities Act, 42 U.S.C. §§ 12101-

12213, the Rehabilitation Act of 1973, 29 U.S.C. § 794, Washington's law against discrimination, chapter 49.60 RCW, and all rules adopted by the board of trustees.

NEW SECTION

WAC 132Z-140-110 Supervision during facility use.

(1) Organizations using college facilities are responsible for group conduct and are expected to remain with their group during activities. When the use of special facilities makes it necessary that supervision be provided, the trustees reserve the right to require a staff member be present to represent the college at any activity on college facilities. Such service shall be paid at the current rate, by the organization requesting use of the facility, and does not relieve the organization from safeguarding the college's property.

(2) The security staff or some other authority of the college will open and lock all rented facilities. Keys to buildings or facilities will not be issued or loaned on any occasion to any using organization with the exception of keys to designated off-campus locations.

WSR 06-14-013

PERMANENT RULES

CASCADIA COMMUNITY COLLEGE

[Filed June 23, 2006, 8:55 a.m., effective July 24, 2006]

Effective Date of Rule: Thirty-one days after filing.

Purpose: WAC 132Z-141-010 - 132Z-141-060, Cascadia Community College (CCC) and the University of Washington Bothell (UWB) share Washington state's only collocated higher education campus. The collocation agreement provides that the institutions have dedicated and joint building spaces. Cascadia Community College will govern operations of its dedicated campus facilities use under WAC 132Z-140-010 - 132Z-140-110, Use of college facilities. WAC 132Z-141-010 - 132Z-141-060 will allow the institution to govern the use of shared spaces with UWB.

Statutory Authority for Adoption: RCW 28B.50.140.

Adopted under notice filed as WSR 06-10-005 on April 20, 2006.

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 6, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 6, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 6, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 6, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: June 21, 2006.

Dede Gonzales
Rules Coordinator
Executive Assistant
to the President

Chapter 132Z-141 WAC

USE OF JOINT CASCADIA COMMUNITY COLLEGE AND UNIVERSITY OF WASHINGTON, BOTHELL, FACILITIES

NEW SECTION

WAC 132Z-141-010 Purpose. The colocated campus of Cascadia Community College and the University of Washington, Bothell, operates joint facilities that provide benefits to each educational institution. The purpose of this chapter is to define the facilities jointly operated by the institutions and to ensure that these joint facilities are reserved primarily for activities related to the educational missions of the institutions. Further, the joint facilities may be used for a variety of activities, providing the primary function the facility or space was intended to serve is not compromised. Reasonable time, place, and manner restrictions may be placed on the use of joint facilities.

The rules set forth in this chapter have been jointly developed and agreed upon by the two institutions of higher education, and adopted and codified in separate chapters of the Washington Administrative Code by each of the institutions. Rules for the use of dedicated facilities of Cascadia Community College and the University of Washington, Bothell, are governed by chapter 132Z-140 WAC and chapter 478-136 WAC, respectively.

NEW SECTION

WAC 132Z-141-020 Definitions. (1) "College" shall mean Cascadia Community College.

(2) "Institutions" shall mean University of Washington, Bothell, and Cascadia Community College.

(3) "Joint facilities" shall mean those structures, spaces, campus grounds, and parking lots operated jointly by the institutions. Specific rules also apply to parking lots (chapters 132Z-116 and 478-117 WAC).

(4) "University" shall mean University of Washington, Bothell.

(5) "Use of facilities" includes, but is not limited to: The holding of classes, events, the posting and removal of signs, all forms of advertising, commercial and community activities, and charitable solicitation.

(6) "Wetlands" shall mean campus grounds to the east of Campus Way N.E. and east of 110th N.E. between N.E. 185th and Beardslee Blvd., and the Chase House.

NEW SECTION

WAC 132Z-141-030 Administrative authority. (1) The board of trustees for Cascadia Community College and the board of regents of the University of Washington have

delegated to the president of the college and the chancellor of the university, respectively, the authority to regulate the use of facilities on the colocated campus.

(2) Under this authority, the president of the college and the chancellor of the university designate the coordination for use of joint facilities to an appointed joint committee on facility use and designate the use of the wetlands to the wetlands oversight committee. The president of the college and the chancellor of the university shall each appoint representatives to the joint committee on facility use to develop suggested event procedures. Each designee shall review the use of the facilities; establish administrative procedures governing such use that are consistent with these rules; approve or disapprove requested uses and establish policies regarding fees and rental schedules unique to joint facilities as appropriate. Additionally, the joint committee on facility use shall act as an appeals board for decisions of the wetlands oversight committee regarding wetlands use requests. Inquiries concerning the use of joint facilities may be directed to:

Cascadia Community College
Finance and Operations Office
Director of Auxiliary Services and Capital Projects
18345 Campus Way N.E.
Bothell, WA 98011
(Phone: 425-352-8269 or 425-352-8000),and

University of Washington, Bothell
Office of Administrative Services
Facilities Use Coordinator
Box 358535
18115 Campus Way N.E.
Bothell, WA 98011
(Phone: 425-352-3556 or e-mail: facuse@uwb.edu).

(3) Preliminary approval of an event by an academic or administrative unit of the college or university implies that a responsible official has applied his or her professional judgment to the content of the program, the qualifications of the individuals conducting the event, the manner of presentation, and has concluded that the event is consistent with the teaching, research, and/or public service mission of the institutions.

(4) Final approval of a joint facilities use request by the appropriate designee on the use of joint facilities implies that the designee has reviewed the proposed event with regard to: The rules in this chapter; the direct and indirect costs to the institutions; environmental, health and safety concerns; wear and tear on the facilities; appropriateness of the event to the specific facility; and the impact of the event on the institutions, surrounding neighborhoods and the general public.

(5) The institutions will not make their joint facilities or services available to organizations that do not assure the institutions that they will comply with the terms of the Americans with Disabilities Act (ADA, 42 U.S.C. 12132, 12182) and the Rehabilitation Act of 1973 (RA, 29 U.S.C. 794). Uses must not impose restrictions nor alter facilities in a manner which would violate the ADA or RA.

(6) The institutions will not make their joint facilities or services available to organizations which do not assure the institution that they do not discriminate against any person because of race, color, religion, national origin, sex, sexual

orientation, age, handicap, or status as a Vietnam era or disabled veteran, except where such organizations have been exempted from provisions of applicable state or federal laws or regulations.

(7) Individuals who violate the institutions' use of joint facilities regulations and approved users who violate the institutions' contract terms for use of joint facilities may be advised of the specific nature of the violation and individuals may be requested to leave the property or be refused future use of joint facilities. Failure to comply with a request to leave the property may subject such individuals to arrest and criminal prosecution under provisions of applicable state, county, and city laws.

NEW SECTION

WAC 132Z-141-040 Use of joint facilities. When allocating use of joint facilities, the highest priority shall be given to activities specifically related to the institutions' missions. No arrangements will be made that may interfere with or operate to the detriment of the institutions' own instruction, research, public assembly, and student activities. In particular, joint facilities are used primarily for:

(1) The regularly established instruction, research, public assembly, and student activities of the institutions and their departments.

(2) Cultural, educational, or recreational activities of the students, faculty, or staff of the college or university.

(3) Short courses, conferences, seminars, or similar events, when arranged under the sponsorship of the institutions or their departments.

(4) Public events of a cultural or professional nature brought to the campus at the request of institution departments or committees or institutionally sanctioned student organizations and presented with their active sponsorship and active participation.

(5) Activities or programs sponsored by other educational institutions, by state or federal agencies, by charitable agencies or civic or community organizations whose activities are of widespread public service and of a character appropriate to the institutions. However, joint facilities will not be made available for instructional or related purposes that compete with courses or programs offered by the institutions.

(6) Faculty, staff, registered or official student organizations of the institutions may use joint facilities to hold events for college or university faculty, staff and students provided such uses comply with these rules on use of joint facilities. These events do not, however, require either preliminary approval by an academic or administrative unit or final approval by the joint committee on facility use.

(7) Faculty, staff, registered or official student organizations of the institutions may use joint facilities to hold events to which the general public is invited when the event has preliminary approval by an academic or administrative unit of one of the institutions and final approval of the appropriate designee. The appearance of an invited speaker on campus does not represent an endorsement by the institutions of the speaker's views.

(8) Noninstitution organizations and individuals may use joint facilities to hold events which have received prelimi-

nary approval by an academic or administrative unit of one of the institutions and final approval of the appropriate designee. The general public may be invited to such events.

(9) Reasonable conditions may be imposed to regulate the timeliness of requests, to determine the appropriateness of space assigned, time of use, and proper maintenance of the facilities. Subject to the same limitations, joint facilities shall be made available for assignment to individuals or groups within the institutions. Arrangements by both organizations and individuals must be made through the appropriate facility designee. Allocation of space shall be made in accordance with these rules and on the basis of time, space, priority of request and the demonstrated needs of the applicant.

NEW SECTION

WAC 132Z-141-050 Limitations on use. (1) Freedom of expression is a highly valued and indispensable quality of college and university life. However, joint facilities may not be used in ways that obstruct or disrupt the institutions' operations, the freedom of movement, or any other lawful activities. Additionally, use of joint facilities may be subject to reasonable time, place and manner restrictions.

(2) Joint facilities may be used for events and forums regarding ballot propositions and/or candidates who have filed for public office providing the event has received preliminary approval by an administrative or academic unit of one of the institutions and final approval by the appropriate facility designee. There are, however, certain limitations on the use of joint facilities for these political activities.

(a) First priority for the use of joint facilities shall be given to regularly scheduled college and university activities.

(b) Joint facilities may be used for political purposes such as events and forums regarding ballot propositions and/or candidates who have filed for public office only when the full rental cost of the facility is paid. Use of state funds for payment of facility rental costs is prohibited.

(c) Forums or debates may be scheduled at full facility rental rates if all parties to a ballot proposition election or all candidates who have filed for office for a given position, regardless of party affiliation, are given equal access to the use of facilities within a reasonable time.

(d) No person shall solicit contributions on joint property for political uses, except in instances where this limitation conflicts with applicable federal law regarding interference with the mails.

(e) Public areas outside joint facility buildings may be used for political purposes such as events and forums regarding ballot propositions and/or candidates who have filed for public office, excluding solicitation of funds, provided the other normal business of the institutions is not disrupted and entrances to and exits from buildings are not blocked.

(f) Joint facilities or services may not be used to establish or maintain offices or headquarters for political candidates or partisan political causes.

(3) Joint facilities may not be used for private or commercial purposes such as sales, advertising, or promotional activities unless such activities are consistent with the institution's mission, as determined by the appropriate designee.

(4) Nothing in these rules is intended to alter or affect the regular advertising, promotional, or underwriting activities carried on, by, or in the regular media or publications of the institutions. Policies concerning advertising, promotional or underwriting activities included in these media or publications are under the jurisdiction of and must be approved by their respective management or, where applicable, advisory committees, in accordance with applicable state and federal laws.

(5) In accordance with WAC 132Z-141-010 the institutions will make their joint facilities available only for purposes related to their educational missions, including but not limited to instruction, research, public assembly, community programs, and student activities. When permission is granted to use joint facilities for approved instructional or related purposes, as a condition of approval, the user of joint facilities agrees to include in all materials nonendorsement statements in the form approved by the appropriate designee. "Materials" includes all communications, advertisement, and any other printed, electronic, or broadcast/telecast information related to the user's activities offered in joint facilities. The designee will determine the content, size of print and placement of the nonendorsement language. The institutions will not make their joint facilities available for instructional or related purposes that compete with courses or programs offered by the college or university.

(6) Solicitation, or distribution of handbills, pamphlets and similar materials by anyone, whether a member of the college and university community or of the general public, is not permitted in those areas of campus to which access by the public is restricted or where such solicitation or distribution would significantly impinge upon the primary business being conducted.

(7) Electronic amplification on the grounds of the campus shall not be permitted unless approved by the joint committee on facility use.

(8) No person may use joint facilities to camp. "Camp" means to remain overnight, to erect a tent or other shelter, or to use sleeping equipment, a vehicle, or a trailer camper, for the purpose of or in such ways as will permit remaining overnight. Violators are subject to arrest and criminal prosecution under applicable state, county and city laws. This provision does not prohibit use of joint facilities where a college or university employee remains overnight to fulfill the responsibilities of his or her position.

(9) The institutions are committed to maintaining a safe and healthful work and educational environment for all faculty, staff, students, and visitors. In accordance with the Washington Clean Indoor Air Act (chapter 70.160 RCW), the Cascadia Community College facility use (chapter 132Z-140 WAC) and Use of University of Washington facilities (chapter 478-136 WAC), the following smoking policy is intended to protect nonsmokers from exposure to smoke in their campus-associated environments and to protect life and property against fire hazards:

(a) Smoking is prohibited inside all college or university vehicles, inside buildings and parking structures owned or occupied by the college or university and/or used by college or university faculty, staff or students and at any outside areas

or locations that may directly or indirectly affect the air supply of buildings or carry smoke into buildings.

(b) The institutions may designate specific outdoor locations as smoking areas. Signage will be placed to indicate the designated locations.

(c) Any student, staff, or faculty member who violates the smoking policy may be subject to disciplinary action. In addition, violations of the smoking policy may be subject to appropriate enforcement.

(10) Alcoholic beverages may be possessed, sold, served, and consumed at joint facilities only if the procedures set forth in this section are followed.

(a) The appropriate permits/licenses for possession, sale, service, and consumption of alcohol must be obtained from the Washington state liquor control board.

(b) Permits/licenses must be displayed during the event and all other guidelines and restrictions established by the Washington state liquor control board must be followed.

(c) Alcoholic beverages may be possessed, sold, served, and consumed at joint facilities leased to a commercial tenant under a lease that includes authorization for the tenant to apply and hold a license issued by the Washington state liquor control board.

(d) Except as provided in (c) of this subsection, alcoholic beverages may be possessed, sold, served, and consumed at joint facilities only under permits/licenses issued by the Washington state liquor control board and only as follows:

(i) Events at which alcohol is to be sold must be approved by the joint committee on facility use and an application to the committee must be accompanied by a request for written authorization under (e) or (f) of this subsection or proof that the seller holds an appropriate license; and

(ii) A college or university unit or an individual or organization applying for a permit/license must have obtained approval under (e) or (f) of this subsection; and

(iii) Sale, service, and consumption of alcohol is to be confined to specified room(s) or area(s) specified on the license or permit. Unopened containers may not be sold or served. No alcohol is permitted to be taken off-premises.

(e) Written authorization to apply for a special occasion license to sell alcoholic beverages at joint facilities must be obtained from the joint committee on facility use prior to applying for a special occasion license from the Washington state liquor control board. Authorization should be requested through the facilities use coordinator for the joint committee on facility use sufficiently in advance of the program to allow timely consideration. (Note: Some license applications must be filed with the Washington state liquor control board at least thirty days or more before the event.) Written authorization to apply for such license shall accompany the license application filed with the Washington state liquor control board.

(f) Written authorization to apply for a banquet permit to serve and consume alcoholic beverages at joint facilities must be obtained from the college president or university chancellor prior to applying for the permit from the Washington state liquor control board. Authorization should be requested sufficiently in advance of the program to allow timely consideration. Written authorization to apply for such permit shall

accompany the permit application filed with the Washington state liquor control board.

(g) Consumption, possession, dispensation, or sale of alcohol is prohibited except for persons of legal age.

NEW SECTION

WAC 132Z-141-060 Safety and liability. (1) It is the responsibility of any person or organization requesting the use of joint facilities to comply with all applicable policies, procedures, rules and regulations of the institutions, and applicable local, state and federal laws, including but not limited to fire, health and safety regulations.

(2) Permission to an organization not affiliated with one of the institutions or to a registered or official student organization of the college or university for the use of joint facilities is granted with the express understanding and condition that such organization assumes full responsibility for any loss, damage or claims arising out of such use.

When the event involves physical activity, or otherwise will increase the risk of bodily injury above the level inherent in the facilities to be used, proof of appropriate liability insurance coverage with limits of at least one million dollars per occurrence must be provided to the state office of risk management before approval for the requested use will be granted.

WSR 06-14-014
PERMANENT RULES
COLUMBIA RIVER
GORGE COMMISSION

[Filed June 23, 2006, 8:56 a.m., effective August 1, 2006]

Effective Date of Rule: August 1, 2006.

Purpose: The proposed amendments were added to the management plan in December 2005 (Plan Amendment File No. PA-05-02). The proposed amendments to the management plan are identical to the language adopted into the management plan. The purpose of the proposed amendments to Commission Rule 350-81 is thus to make the land use ordinance consistent with the management plan. Anticipated effects were addressed during adoption of the amendments to the management plan.

Citation of Existing Rules Affected by this Order: Amending 350-81-108, 350-81-190, 350-81-270, 350-81-370, 350-81-450, and 350-81-490.

Statutory Authority for Adoption: 16 U.S.C. § 544e, RCW 43.97.015, ORS 196.150.

Adopted under notice filed as WSR 06-07-072 on March 13, 2006.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 1, Amended 6, 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 6, 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.

Date Adopted: June 13, 2006.

Nancy A. Andring
Rules Coordinator

Reviser's note: The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 06-16 issue of the Register.

WSR 06-14-018

PERMANENT RULES

DEPARTMENT OF HEALTH

(Dental Quality Assurance Commission)

[Filed June 23, 2006, 4:31 p.m., effective July 24, 2006]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The rule establishes the level of dental supervision required when a dental hygienist places antimicrobials. 2003 legislation amended the dental hygiene law, chapter 18.29 RCW, to allow placement of antimicrobials by dental hygienists. This rule amends WAC 246-817-560 under the Dental Practice Act to include placement of antimicrobials in the list of acts that may be performed by a dental hygienist under close supervision by a dentist.

Citation of Existing Rules Affected by this Order: Amending WAC 246-817-560.

Statutory Authority for Adoption: RCW 18.32.0365.

Adopted under notice filed as WSR 06-07-093 on March 15, 2006.

A final cost-benefit analysis is available by contacting Lisa Anderson, Program Manager, DQAC, P.O. Box 47867, Olympia, WA 98504-7867, phone (360) 236-4863, fax (360) 664-9077, e-mail lisa.anderson@doh.wa.gov.

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 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 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 1, Repealed 0.

Date Adopted: May 18, 2006.

Russell B. Timms, DDS, Chair
Dental Quality Assurance Commission

AMENDATORY SECTION (Amending WSR 95-21-041, filed 10/10/95, effective 11/10/95)

WAC 246-817-560 Acts that may be performed by licensed dental hygienists under close supervision. In addition to the acts performed under WAC 246-817-520, a dentist may allow a dental hygienist licensed under the provisions of chapter 18.29 RCW to perform the following acts under the dentist's close supervision:

- (1) Perform soft-tissue curettage.
- (2) Give injections of a local anesthetic.
- (3) Place restorations into the cavity prepared by the dentist, and thereafter could carve, contour, and adjust contacts and occlusion of the restoration.
- (4) Administer nitrous oxide analgesia.
- (5) Place antimicrobials.

WSR 06-14-024

PERMANENT RULES

DEPARTMENT OF ECOLOGY

[Order 05-13—Filed June 26, 2006, 4:18 p.m., effective July 27, 2006]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The chapter provides a process and criteria for certifying solid waste landfill and incinerator operators and inspectors. This amendment clarifies existing rule language, specifically stating that ecology may enter into agreements or contracts for certifications to be carried out by other governmental entities or private organizations.

Citation of Existing Rules Affected by this Order: Amending chapter 173-300 WAC, Certification of operators of solid waste incinerator and landfill facilities.

Statutory Authority for Adoption: Chapter 70.95 RCW, Solid waste management—Reduction and recycling.

Adopted under notice filed as WSR 06-06-068 on February 28, 2006.

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 1, Amended 11, 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.

Date Adopted: June 23, 2006.

Jay J. Manning
Director

AMENDATORY SECTION (Amending Order 00-16, filed 9/8/00, effective 10/9/00)

WAC 173-300-020 Definitions. (1) "Ash" means the residue and includes any air pollution flue dusts from combustion or incineration of material including solid wastes.

Note: Please see definition for "special incinerator ash."

(2) "Biomedical waste" means solid waste of the following types:

(a) "Animal waste," which includes waste animal carcasses, body parts, and bedding of animals that were known to have been deliberately infected or inoculated with human pathogenic microorganisms during research.

(b) "Liquid human body fluids" means waste that includes waste liquid emanating or derived from humans including but not limited to human blood and blood products, serum and plasma, sputum, drainage secretions, cerebrospinal fluid, synovial fluid, pleural fluid, peritoneal fluid, pericardial fluid and amniotic fluid that exceeds fifty milliliters per container, storage vessel, or plastic bag and cannot be and has not been directly discarded into a sanitary sewage system.

(c) "Cultures and stocks" means waste that includes waste cultures and stocks of microbiological agents infectious to humans, human serums and discarded live and attenuated vaccines infectious to humans, human blood specimens, and laboratory wastes that are contaminated with these agents or specimens.

(d) "Biosafety level 4 disease waste," which includes wastes contaminated with blood, excretions, exudates, or secretions from humans or animals who are isolated to protect others from highly communicable infectious diseases that are identified as viruses assigned to Biosafety Level 4 by the Centers for Disease Control, National Institute of Health, Biosafety in Microbiological and Biomedical Laboratories, 2nd Edition, 1988. These viruses include, but are not limited to, Congo-Crimean hemorrhagic fever, tick-borne encephalitis virus complex (Absettarov, Hanzalova, Hypr, Kumlinge, Kyasanur Forest disease, Omsk hemorrhagic fever, and Russian spring-summer encephalitis), Marburg, Ebola, Junin, Lassa, and Machupo.

(e) "Pathological waste," which includes waste human source biopsy materials, tissues, and anatomical parts that emanate from surgery, obstetrical procedures, autopsy, and laboratory procedures. "Pathological waste" does not include teeth or formaldehyde or other preservative agents, human corpses, remains, and anatomical parts that are intended for interment or cremation.

(f) "Sharps waste," which includes waste hypodermic needles, syringes, IV tubing with needles attached, scalpel blades, and lancets that have been used in animal or human patient care or treatment in medical research.

(3) "Biomedical waste treatment" means incineration, steam sterilization, or any method, technique, or process that changes the biological character or composition of biomedical waste to render it noninfectious. Any waste, except sharps, that has been treated is not considered to be biohazardous or biomedical.

(4) "Board" means the board of advisors for solid waste incinerator and landfill certification established by RCW 70.95D.050.

(5) "Certificate" means the certificate of competency issued by the director stating that the operator has met the requirements for the operation and maintenance of a specific classification of solid waste incinerator or landfill facility.

(6) "Certificate holder" means the individual to whom a certificate is issued.

(7) "Commercial waste" means nonhazardous solid waste that is generated by the commercial business sector.

(8) "Contractor" means any other state, federal, or inter-state agencies, municipalities, educational institutions, or other organizations or individuals with whom the department has an agreement, contract or cooperative agreement.

(9) "Department" means the Washington state department of ecology.

~~((9))~~ (10) "Director" means the director of the department of ecology or the director's designee.

~~((10))~~ (11) "Fee" means only those monies to be paid for examinations, certification, or renewal.

Note: Fees do not include the costs of training or other educational opportunities.

~~((11))~~ (12) "Hog fuel" means woodwaste that is reduced in size to facilitate burning.

~~((12))~~ (13) "Incineration" means reducing the volume of solid wastes by use of an enclosed device using controlled flame combustion.

~~((13))~~ (14) "Incinerator" means an enclosed mechanical combustion device that has as its primary purpose the burning and reduction of the volume of solid waste or solid waste-derived fuel. Crematoria facilities that have combustion devices which burn human corpses, or burn animal bodies exclusively, in a manner that is not a solid waste reduction measure, or burn primarily hog fuel waste are not included in this definition. NOTE: Crematoria facilities that burn any kind of biomedical, treated or untreated medical waste, human or animal, or other solid waste, in their incinerator are subject to this rule.

~~((14))~~ (15) "Incineration facility" means any municipal or private activity that has as part of its operations a solid waste incinerator. It may also include means for storage, preparation, and conveyance of the solid waste fuel, and air pollution control equipment.

~~((15))~~ (16) "Incinerator operator in responsible charge" means an individual who is the owner or who is designated as the on-site operator in responsible charge of operation and maintenance duties at a solid waste incineration facility.

~~((16))~~ (17) "Inspector" means any person employed by any public agency that inspects the operation of solid waste incinerators, or the operation of solid waste landfills, to determine the compliance of the facility with state and local laws or rules.

~~((17))~~ (18) "Institutional waste" means nonhazardous solid waste that is generated by any commercial or noncommercial service establishment.

~~((18))~~ (19) "Landfill" means an operating disposal facility or part of a facility at which solid waste is placed in or on land and which is not a land treatment.

~~((19))~~ (20) "Landfill operator in responsible charge" means an individual who is the owner or who is designated as

the on-site or on-call operator in responsible charge of operation and maintenance duties at a landfill facility.

~~((20))~~ (21) "Limited purpose landfill" means a landfill that receives solid waste of a limited type or types of known and consistent composition.

~~((21))~~ (22) "Monofill" means a disposal facility or part of a facility that is not a land treatment facility, at which only a single, specific substance is deposited in or on.

~~((22))~~ (23) "Municipal solid waste" means any combination of nonhazardous solid waste generated by residential sources, and any institutional waste, commercial waste, and industrial waste. NOTE: Household hazardous wastes are an excluded waste under WAC 173-303-071 and therefore may be disposed of in a municipal or incinerated landfill or incinerated. Small quantities of hazardous waste may also be landfilled if the waste complies with WAC 173-303-070 (8)(a) and (b).

~~((23))~~ (24) "Owner" means:

(a) In the case of a town or city, the city or town acting through its chief executive officer or the lessee if operated under a lease or contract;

(b) In the case of a county, the chief elected official of the county legislative authority or the chief elected official's designee;

(c) In the case of a board of public utilities, association, municipality, or other public body, the president or chief elected official of the body or the president's or chief elected official's designee;

(d) In the case of a privately owned landfill or incinerator, the legal owner.

~~((24))~~ (25) "Reciprocity" means the automatic recognition of comparable training from another state, the federal government, a local government, or a professional association. NOTE: Correction of deficiencies such as a lack of training in Washington state solid waste law is required for certification.

~~((25))~~ (26) "Reserved" is a note to the regulated community that means a section that has no requirements and which is set aside for future possible rule-making.

~~((26))~~ (27) "Solid waste" or "wastes" as defined in RCW 70.95.030 (1989 ed.) means all putrescible and nonputrescible solid and semisolid wastes including, but not limited to, garbage, rubbish, ashes, industrial wastes, swill, demolition and construction wastes, abandoned vehicles or parts thereof, and recyclable materials. NOTE: Treated biomedical waste or medical waste not defined as biomedical waste is considered to be solid waste. Woodwaste is also considered solid waste.

~~((27))~~ (28) "Special incinerator ash" means ash residues that results from the operation of incineration or energy recovery facilities which manage municipal solid waste from residential, commercial, and industrial establishments, if the ash residues are:

(a) Not otherwise regulated as hazardous wastes under chapter 70.105 RCW; and

(b) Are not regulated as a hazardous waste under the federal Resource Conservation and Recovery Act, 42 U.S.C. Sec. 6901 et seq.

~~((28))~~ (29) "Woodwaste" means solid waste that consists of wood pieces or particles generated as a by-product or

waste from the manufacturing of wood products, and the handling and storage of raw materials, trees, and stumps. This includes but is not limited to sawdust, chips, shavings, bark, pulp, and log sort yard waste, but does not include wood pieces or particles containing chemical preservatives such as creosote, pentachlorophenol, or copper-chrome-arsenate.

Note: All applicable terms not defined above have the same meaning as those defined in chapter 173-304 WAC.

AMENDATORY SECTION (Amending Order 00-16, filed 9/8/00, effective 10/9/00)

WAC 173-300-030 Duties of the board of advisors.

(1) ~~((As a standing subcommittee of))~~ The state's solid waste advisory committee may establish a standing committee or act as a committee of the whole to serve as a board of advisors created under RCW 70.95D.050~~((, the board of advisors shall report to the solid waste advisory committee four times a year or as directed in accordance with RCW 70.95D.040.~~

(2) ~~The board shall act as an advisory committee to the department and shall assist in the development and review of the rules adopted under this chapter.~~

(3) ~~The board shall assist in the development and evaluation of the training and testing material required for certification.~~

(4) ~~On matters of revocation of certification, the board shall hold a hearing and make recommendations to the director.~~

(5) ~~The board shall encourage operating personnel other than those who are required to be certified in chapter 70.95D RCW to become certified on a voluntary basis).~~

Duties of the board of advisors may include:

(a) Act as an advisory committee to the department and shall assist the department with review of the rules adopted under this chapter.

(b) Assist in the development and evaluation of the training and testing material required for certification.

(c) Hold hearings and make recommendations to the director on matters of revocation of certification.

(d) Encourage operating personnel other than those required to be certified under chapter 70.95D RCW to become certified on a voluntary basis.

~~((6))~~ (2) Members shall receive no compensation for their services but must be reimbursed for their travel expenses while engaged in business of the committee in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended.

AMENDATORY SECTION (Amending Order 00-16, filed 9/8/00, effective 10/9/00)

WAC 173-300-050 Operator certification required at incineration facilities. (1) ~~((After January 1, 1992,))~~ It is unlawful to operate a solid waste incineration facility without a certified operator in responsible charge on-site during all hours of operation.

(2) All other operational employees are to be encouraged to become certified on a voluntary basis.

AMENDATORY SECTION (Amending Order 00-16, filed 9/8/00, effective 10/9/00)

WAC 173-300-060 Operator certification required at landfill facilities. (1) ~~((After January 1, 1992,))~~ It is unlawful to operate the following types of landfills without an on-site certified landfill operator in responsible charge during all hours of operation when accepting waste, and during the closure phase of the facility. The operator's specific role in the closure phase must be specified in the closure plan. However, the certified operator may be away from the facility on official business or personal emergencies for periods of one day or less if they are on-call and available to respond in case of an emergency at the facility.

(a) All municipal waste landfills.

(b) All problem waste landfills. NOTE: Problem waste landfills are presently reserved per chapter 173-350 WAC and WAC 173-304-463.

(c) All special incinerator ash landfills or monofills. NOTE: In a case where a monofill is a separate cell at a municipal waste landfill, the responsible operator in charge of the complete facility may assume responsibility of the operation of the monofills.

(d) All inert waste and demolition waste landfills.

(e) All limited purpose solid waste landfills.

(2) These standards do not apply to:

(a) Dangerous waste landfills;

(b) Drop box facilities;

(c) Interim solid waste handling sites;

(d) Landspreading disposal facilities;

(e) Piles;

(f) Transfer stations;

(g) Waste recycling facilities; and

(h) Composting facilities.

(3) Owners of small landfills with a total capacity at closure of two hundred thousand cubic yards of solid waste or less, may apply to the department to have their facility operated and maintained by a certified operator who is in responsible charge on an on-call basis at all times the landfill is operating: Provided, That a certified operator visit the site once each working day. The department shall consider all applications on a case-by-case basis. The department shall base its decision on the following requirements:

(a) A physical inspection of the facility by the department to determine whether the facility is being operated in a manner that is protective of human health and the environment;

(b) That the facility has an up-to-date approved facility operating plan and is in compliance with all other sections of chapters 173-350 and 173-304 WAC;

(c) That the status of all facility variances, compliance schedules, and related grants are current as required; and

(d) That the facility strictly adheres to all other applicable laws and rules.

(4) All landfills that have on-call designations shall reapply for the designation every five years from the date of issuance. This designation may be revoked at any time the facility does not meet the minimum requirements.

(5) When a position required to be filled by an on-site certified landfill operator is vacated for a period of not longer than a maximum of thirty calendar days due to an emergency

such as a short-term illness, the landfill owner may apply to the department for a variance that allows the facility be operated and maintained by a certified operator on an on-call basis as outlined in this section. These requirements may be waived temporarily at the director's discretion.

(6) All other operational employees are to be encouraged to become certified on a voluntary basis.

AMENDATORY SECTION (Amending Order 00-16, filed 9/8/00, effective 10/9/00)

WAC 173-300-070 Certification of inspectors. (1) Any person who is employed by a public agency to inspect the operation of a landfill or incinerator described under this chapter to determine the compliance of the facility with state or local laws or rules shall receive, in addition to the successful completion of the training and examination process as an operator under this chapter, training relevant to the inspection procedure.

(2) Inspectors are exempt from ~~((all))~~ certification fees administered by the department.

NEW SECTION

WAC 173-300-075 Contracting for certification. Notwithstanding any provision of this chapter, the department may enter into contracts with any individual, firm, association, or corporation to conduct certification, training, testing, and recertification under this chapter. Provided, that such individual, firm, association or corporation, and the certification, training, testing and recertification conducted under such contract, comply with chapter 70.95D RCW and this chapter, and any other applicable state or federal laws.

AMENDATORY SECTION (Amending Order 00-16, filed 9/8/00, effective 10/9/00)

WAC 173-300-080 Applications and certification requirements. (1) An application for incineration, landfill operator, or inspector certification must be filed with the department or its designee. ~~((An application fee shall accompany each application.))~~ The department or its designee shall make application forms available upon request.

(2) Upon receipt of the completed application and application fee, the department or its designee shall determine:

(a) If the applicant has successfully completed the required training and examinations;

(b) The status of a reciprocal certification; and

(c) That the facility at which the applicant is employed is in compliance with local and state laws or rules.

(3) Upon successful determination of all requirements and the payment of the certification fees provided for in WAC 173-300-110 and 173-300-120, the appropriate operator or inspector certificate will be issued.

(4) An owner may apply for a variance for a temporary certificate without an examination to fill a vacated position required by WAC 173-300-050 and 173-300-060 to have a certified operator, or 173-300-070, in the case of a certified inspector. A temporary certificate must be valid for a period of not more than twelve months from date of issue.

~~((5) Persons who hold a current operators certificate from any national organization, educational institution, the federal government, other states, or a province may be granted an interim certification if the applicant meets the requirements of WAC 173-300-140.~~

~~(a) No interim certification may be issued or be valid after January 1, 1992.~~

~~(b) Interim certification may not automatically qualify an operator for certification.))~~

AMENDATORY SECTION (Amending Order 00-16, filed 9/8/00, effective 10/9/00)

WAC 173-300-090 Training and examinations. (1) The department or its designee shall prepare or cause to be prepared educational materials and opportunities to fulfill requirements of WAC 173-300-080(2) to help develop the skills necessary to operate a solid waste incinerator or solid waste landfill according to state and federal laws.

~~(2) ((The board of advisors shall assist in the development of written examinations to be used in determining the competency of operators. Incinerator operators are also required to successfully complete an examination to determine the competency needed to operate and maintain the facility for which the operator is responsible.~~

~~(3) Examinations must be held immediately at the end of all required operator training courses. Additional examinations must be held at places and times set by the board.~~

~~(4))~~ All examinations must be graded by the department or the department's designee and the applicant must be notified by mail of the score attained. Examinations may not be returned to the applicant.

~~((5))~~ (3) An applicant who fails to pass an examination must be reexamined at the next scheduled examination. An additional application form and examination fee is required. No individual will be allowed to retake the same examination.

~~((6))~~ (4) An applicant who fails to pass a second examination is required to repeat the certification training.

~~((7) The board shall forward the recommendations for certification of those examined to the director.))~~

AMENDATORY SECTION (Amending Order 00-16, filed 9/8/00, effective 10/9/00)

WAC 173-300-100 Certificate term. Except as provided for in WAC 173-300-080(4), the term for any certificate or renewal thereof is ~~((from the first of January of the year))~~ three years from the date of issuance ~~((until the thirty-first of December three years thereafter)).~~

AMENDATORY SECTION (Amending Order 00-16, filed 9/8/00, effective 10/9/00)

WAC 173-300-110 Renewal of certificate. (1) Except as provided in WAC 173-300-080(4), all certificates held by incinerator operators, landfill operators, and inspectors are renewable upon presentation of evidence that the certificate holder successfully completed ~~((a refresher course administered by the department, and successfully attended other pro-~~

professional educational opportunities approved by the department)) renewal requirements.

(2) The department or its designee shall mail renewal notices and refresher course information to all certificate holders eligible for renewal four months before the date the certificate expires.

AMENDATORY SECTION (Amending Order 00-16, filed 9/8/00, effective 10/9/00)

WAC 173-300-120 Fees. (1) For examinations, certifications, or renewals administered by the department:

(a) A fee of \$50.00 for each examination administered by the department shall accompany the application for examination.

~~((2))~~ (b) After an applicant successfully completes the examination and is notified by the department of the results, the applicant shall pay a certification fee of \$200.00 to the department within thirty days of the date of the results notification.

~~((3))~~ (c) A \$200.00 renewal fee must accompany an application for certificate renewal.

(d) A fee of \$50.00 is required to apply for consideration of certification through reciprocity under WAC 173-300-140. After determining that the reciprocal criteria has been met, the department will notify the applicant:

~~((a))~~ (i) That the applicant is deficient in a required area, and the process to correct the deficiency; or

~~((b))~~ (ii) That the applicant has successfully completed all requirements for certification and that the applicant must pay a certification fee of \$200.00 to the department within thirty days of the date of notification.

~~((4))~~ (2) A \$200.00 renewal fee must accompany an application for certificate renewal.

AMENDATORY SECTION (Amending Order 00-16, filed 9/8/00, effective 10/9/00)

WAC 173-300-130 Revocation. (1) When a certificate is not renewed, the certificate, upon notice by the director or its designee, must be suspended for sixty days.

(a) If renewal of the certificate is not completed during the suspension period, the director or its designee shall mail a written notice of revocation by certified mail to the certificate holder's employer as last known by the department and to the certificate holder at the address last known by the department.

(b) If, during the revocation notice period, the certificate is not renewed, the certificate must be revoked ten days after the notice is mailed.

(2) Certificates may also be revoked when a majority of the board so recommends to the director, and the director agrees, upon finding:

(a) Fraud or deceit in obtaining the certificate;

(b) Gross negligence in the operation or inspection of an incineration or landfill facility;

(c) Violation of the requirements of chapter 70.95D RCW, this chapter or of any lawful rule or order of the department; or if

(d) The facility operated by the certified employee is operated in violation of local, state, or federal environmental laws.

(3) No revocation may be made under subsection (2) of this section unless the operator has been notified that revocation is proposed, has been advised of the grounds therefore, and has been given an opportunity to appear before the board and be heard on the matter.

(4) A person whose certificate is revoked under this section is eligible to apply for a certificate for one year from the effective date of the final order of revocation.

(5) Whenever an individual's certificate is revoked, the individual may not be certified again until:

(a) He or she has repeated all required training for certification or has completed other requirements recommended by the board and approved by the department;

(b) Has applied for certification under WAC 173-300-090;

(c) Paid the application fees; and

(d) Upon notification, paid the certification fee within thirty days of notification.

AMENDATORY SECTION (Amending Order 00-16, filed 9/8/00, effective 10/9/00)

WAC 173-300-150 Unlawful acts—Variance from requirements. ~~((After January 1, 1992,))~~ It is unlawful for any person, firm, corporation, municipal corporation, or other governmental subdivision or agency to operate a solid waste incineration or landfill facility unless an operator in responsible charge is duly certified by the director under this chapter or any lawful rule or order of the department. The department shall allow the owner or operator of a landfill or solid waste incineration facility to request a variance from this requirement under emergency conditions. Emergency conditions may include but are not limited to unexpected health related problems that incapacitate the operator or an unexpected termination of employment of the operator. The department may impose conditions that may be necessary to protect human health and the environment during the term of the variance.

WSR 06-14-026

PERMANENT RULES

PUGET SOUND

CLEAN AIR AGENCY

[Filed June 27, 2006, 8:15 a.m., effective August 1, 2006]

Effective Date of Rule: August 1, 2006.

Purpose: To adjust the asbestos notification fees; and to make two minor clarifications:

(1) In order to include multiple asbestos projects on one notification, the structures must be in a contiguous area,

(2) Additional structures cannot be added to a notification through an amendment.

Citation of Existing Rules Affected by this Order: Amending Regulation III, Section 4.03.

Statutory Authority for Adoption: Chapter 70.94 RCW.

Adopted under notice filed as WSR 06-10-048 on May 1, 2006.

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.

Date Adopted: June 22, 2006.

Steve M. Van Slyke
Supervisory Engineer

AMENDATORY SECTION

REGULATION III SECTION 4.03 ASBESTOS NOTIFICATION REQUIREMENTS

(a) General Requirements

It shall be unlawful for any person to cause or allow any work on an asbestos project or demolition unless a complete notification, including the required fee and any additional information requested by the Control Officer, has been submitted to the Agency on approved forms, in accordance with the advance notification period requirements contained in Section 4.03(d) of this Regulation.

(1) The duration of an asbestos project shall be commensurate with the amount of work involved.

(2) Notification is not required for asbestos projects involving less than 10 linear feet of friable, asbestos-containing material on pipes or 48 square feet of friable, asbestos-containing material on other components (per structure, building, or vessel, per calendar year).

(3) Notification is not required for removal and disposal of nonfriable, asbestos-containing material.

(4) Notification is required for all demolitions involving structures with a projected roof area greater than 120 square feet, even if no asbestos-containing material is present.

(5) The written notification shall be accompanied by the appropriate nonrefundable fee as set forth in Section 4.03(d) of this Regulation unless prior arrangements for payment have been made with the Agency.

(6) A copy of the notification, all amendments to the notification, and the asbestos survey shall be available for inspection at all times at the asbestos project or demolition site.

(7) A property owner may file notification for multiple asbestos projects or demolitions on one form if all the following criteria are met:

(A) The work will be performed continuously by the same contractor; ~~(and)~~

(B) The structures are located in a contiguous area; and

~~((B))~~ (C) A work plan is submitted that includes: a map of the structures involved in the project including the site address for each structure; the amount and type of friable, asbestos-containing material in each structure; and the schedule for performing asbestos project and demolition work. For projects where a detailed work schedule cannot be provided, the asbestos contractor and/or the demolition contractor shall participate in the Agency's work schedule fax program and will continue to participate in the program throughout the duration of the project.

(8) Annual Notification

A property owner may file one annual notification for asbestos projects to be conducted on one or more structures, vessels, or buildings during each calendar year if all of the following conditions are met:

(A) The annual notification shall be filed with the Agency before commencing work on any asbestos project included in an annual notification;

(B) The total amount of asbestos-containing material for all asbestos projects from each structure, vessel, or building in a calendar year under this section is less than 260 linear feet on pipes or less than 160 square feet on other components; and

(C) The property owner submits quarterly written reports to the Control Officer on Agency-approved forms within 15 days after the end of each calendar quarter.

(b) Amendments

(1) Mandatory Amendments

An amendment shall be submitted to the Control Officer for the following changes in a notification and shall be accompanied by the appropriate nonrefundable fee as set forth in Section 4.03(d) of this Regulation unless prior arrangements for payment have been made with the Agency:

(A) Increases in the project type or job size category that increase the fee;

(B) Changes in the type of friable, asbestos-containing material that will be removed; or

(C) Changes in the start date, completion date, or work schedule, including hours of work. Asbestos contractors or property owners participating in the Agency work schedule fax program are not required to submit amendments for work schedule changes occurring between the start and completion dates.

(2) Optional Amendments

(A) An amendment may be submitted to the Control Officer for any other change in a notification and shall be accompanied by the appropriate nonrefundable fee as set forth in Section 4.03(d) of this Regulation unless prior arrangements for payment have been made with the Agency.

(B) Contractors and property owners participating in the Agency work schedule fax program may, within 45 days after the last completion date on record, submit an amendment to the Control Officer for the removal of additional, friable, asbestos-containing material not identified during the asbestos survey. If more than 45 days have lapsed since the last completion date on record, the requirements of Section 4.03(a), including notification periods and fees, shall apply.

(3) Additional structures may not be added to a notification by amendment.

(c) Emergencies

The Control Officer may waive the advance notification period, if the property owner submits a written request that demonstrates to the Control Officer that an asbestos project or demolition must be conducted immediately because of any of the following:

(1) There was a sudden, unexpected event that resulted in a public health or safety hazard;

(2) The project must proceed immediately to protect equipment, ensure continuous vital utilities, or minimize property damage;

(3) Asbestos-containing materials were encountered that were not identified during the asbestos survey; or

(4) The project must proceed to avoid imposing an unreasonable burden.

(d) Notification Period and Fees

Project	Notification Period	Non-Refundable Fee	Demolition Surcharge**
Single-Family Residence Asbestos Project*	prior notice	\$25	
Demolition (with or without asbestos project)	10 days	\$50	
All Other Demolitions (without asbestos project)	10 days	(\$100) <u>\$50</u>	
All Other Asbestos Projects			
10 - 259 linear ft* and/or 48 - 159 square ft	prior notice (asbestos only) 10 days (demolition)	(\$100) <u>\$50</u>	(\$100) <u>\$50</u>
260 - 999 linear ft and/or 160 - 4,999 square ft	10 days	\$200	(\$100) <u>\$50</u>
1,000+ linear ft and/or 5,000+ square ft	10 days	\$600	(\$100) <u>\$50</u>
Emergency - 4.03(c)***	prior notice	applicable fees + \$50	
Amendment - 4.03(b)	prior notice	\$25	
Annual Notice - 4.03 (a)(8)	prior notice	(\$1,500) <u>\$1,000</u>	

*Contractors participating in the Agency work schedule fax program are not required to file a Notice of Intent for asbestos removals in this project category and no fee will be assessed.

**Additional fee for demolitions. All demolitions require a Notice of Intent and a 10-day notification period unless waived per Section 4.03(c).

***The 10-day notification period may be waived per Section 4.03(c) and with payment of the applicable fees + \$50. Single-family residences are exempt from the emergency fee; however, property owners must still provide a written request per Section 4.03(c).

The Control Officer may waive the asbestos project fee and notification period, by written authorization, for disposal of unused and intact or abandoned (without the knowledge or consent of the property owner) friable, asbestos-containing material.

Purpose: To adjust the registration fee structure to cover an increase in program costs. To place small coffee roasters into their proper fee category.

Citation of Existing Rules Affected by this Order: Amending Regulation I, Section 5.07.

Statutory Authority for Adoption: Chapter 70.94 RCW. Adopted under notice filed as WSR 06-10-049 on May 1, 2006.

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.

Date Adopted: June 22, 2006.

Steve M. Van Slyke
Supervisory Engineer

WSR 06-14-027

PERMANENT RULES

PUGET SOUND

CLEAN AIR AGENCY

[Filed June 27, 2006, 8:16 a.m., effective August 1, 2006]

Effective Date of Rule: August 1, 2006.

AMENDATORY SECTION

REGULATION I SECTION 5.07 ANNUAL REGISTRATION FEES

(a) The Agency shall assess annual fees as set forth in Section 5.07(c) of this regulation for services provided in administering the registration program. Fees received under the registration program shall not exceed the cost of administering the program, which shall be defined as initial registration and annual or other periodic reports from the source owner providing information directly related to air pollution registration, on-site inspections necessary to verify compliance with registration requirements, data storage and retrieval systems necessary for support of the registration program, emission inventory reports and emission reduction credits computed from information provided by sources pursuant to registration program requirements, staff review, including engineering analysis for accuracy and currentness, of information provided by sources pursuant to registration program requirements, clerical and other office support provided in direct furtherance of the registration program, and administrative support provided in directly carrying out the registration program. Payment of these fees by the owner or operator of a source shall maintain its active registration status (even if it is not actively operating).

(b) Upon assessment by the Agency, registration fees are due and payable within 45 days of the date of the invoice. They shall be deemed delinquent if not fully paid within 45 days of the date of the invoice and shall be subject to an additional delinquent fee equal to 25% of the original fee, not to exceed \$1,000. Persons knowingly under-reporting emissions or other information used to set fees, or persons required to pay emission or permit fees who are more than 90 days late with such payments may be subject to a penalty equal to 3 times the amount of the original fee owed (in addition to other penalties provided by chapter 70.94 RCW).

(c) Except as specified in Section 5.07 (d) and (e) of this regulation, registered sources shall be assessed a fee of ~~(\$850)~~ \$935, plus the following fees:

(1) Sources subject to a federal emission standard as specified in Section 5.03 (a)(1) of this regulation shall be assessed \$1,750 per subpart of 40 CFR Parts 60-63;

(2) Sources subject to a federally enforceable emission limitation as specified in Section 5.03 (a)(2) or meeting the emission thresholds specified in Section 5.03 (a)(3) of this regulation shall be assessed \$2,000;

(3) Sources subject to the emission reporting requirements under Section 5.05(b) of this regulation shall be assessed \$23 for each ton of CO and \$46 for each ton of NOx, PM₁₀, SOx, HAP, and VOC, based on the emissions reported during the previous calendar year;

(4) Sources with more than one coffee roaster installed on-site that are approved under a Notice of Construction Order of Approval shall be assessed \$2,000; and

(5) Sources of commercial composting with raw materials from off-site shall be assessed \$5,000.

(d) Gasoline dispensing facilities shall be assessed the following fees based on their gasoline throughput during the previous calendar year (as certified at the time of payment):

- (1) More than 6,000,000 gallons ~~\$(3,000)~~ 3,300;

- (2) 3,600,001 to 6,000,000 gallons . . . ~~\$(1,500)~~ 1,650;
- (3) 1,200,001 to 3,600,000 gallons . . . ~~\$(1,000)~~ 1,100;
- (4) 840,001 to 1,200,000 gallons ~~\$(500)~~ 550;
- (5) 200,001 to 840,000 gallons ~~\$(250)~~ 275.

(e) The following registered sources shall be assessed an annual registration fee of ~~(\$100)~~ \$110, provided that they meet no other criteria listed in Section 5.03(a) of this regulation:

(1) Sources with spray-coating operations subject to Section 9.16 of this regulation that use no more than 4,000 gallons per year of total coatings and solvents;

(2) Gasoline dispensing facilities subject to Section 2.07 of Regulation II with gasoline annual throughput during the previous calendar year (as certified at the time of payment) of no more than 200,000 gallons;

(3) Motor vehicle and mobile equipment coating operations subject to Section 3.04 of Regulation II; ~~(and)~~

(4) Unvented dry cleaners subject to Section 3.03 of Regulation III; and

(5) Batch coffee roasters subject to notification under Section 6.03 (b)(11) of this regulation.

WSR 06-14-030

PERMANENT RULES

BOARD OF ACCOUNTANCY

[Filed June 27, 2006, 4:12 p.m., effective August 1, 2006]

Effective Date of Rule: August 1, 2006.

Purpose: To increase the section fees charged to candidates applying to take the uniform certified public accountant (CPA) examination.

Citation of Existing Rules Affected by this Order: Amending WAC 4-25-530 Fees.

Statutory Authority for Adoption: RCW 18.04.065, 18.04.105(3).

Adopted under notice filed as WSR 06-11-138 on May 23, 2006.

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 1, Repealed 0.

Date Adopted: June 27, 2006.

Richard C. Sweeney
Executive Director

AMENDATORY SECTION (Amending WSR 05-10-046, filed 4/29/05, effective 6/2/05)

WAC 4-25-530 Fees. The board shall charge the following fees:

(1) Initial application for individual license, practice privilege, individual license through reciprocity, CPA firm license (sole proprietorships with no employees are exempt from the fee), or registration as a resident nonlicensee firm owner	\$330
(2) Renewal of individual license, CPA-Inactive certificate, practice privilege, CPA firm license (sole proprietorships with no employees are exempt from the fee), or registration as a resident nonlicensee firm owner	\$230
(3) Application for CPA-Inactive certificateholder to convert to a license	\$0
(4) Application for reinstatement of license, practice privilege, CPA-Inactive certificate, or registration as a resident nonlicensee owner	\$480
(5) Quality assurance review (QAR) program fee (includes monitoring reviews for up to two years) Firm submits reports for review	\$400
Firm submits a peer review report for review	\$60
Firm is exempted from the QAR program because the firm did not issue attest reports	\$0
(6) Late fee	\$100
(7) Amendment to firm license except for a change of firm address (there is no fee for filing a change of address)	\$35
(8) Copies of records, per page exceeding fifty pages	\$0.15
(9) Computer diskette listing of licenses, CPA-Inactive certificateholders, grants of practice privilege, registered resident nonlicensee firm owners, or firms	\$75
(10) Replacement CPA wall document	\$50
(11) Process transfer of grades	\$35

(12) Dishonored check fee (including, but not limited to, insufficient funds or closed accounts)	\$35
(13) CPA examination. Exam fees are comprised of section fees plus administrative fees. The total fee is contingent upon which section(s) is/are being applied for and the number of sections being applied for at the same time. The total fee is the section fee(s) for each section(s) applied for added to the administrative fee for the number of section(s) applied for.	
(a) Section fees:	
(i) Auditing and attestation	\$ (+159.25) 187.00
(ii) Financial accounting and reporting	\$ (+148.00) 175.44
(iii) Regulation	\$ (+125.50) 152.33
(iv) Business environment and concepts	\$ (+114.25) 140.78
(b) Administrative fees:	
	1/1/04 - After
	12/31/06 1/1/07
(i) First-time candidate - Four sections	\$124.50 \$132.95
(ii) First-time candidate - Three sections	\$111.00 \$119.10
(iii) First-time candidate - Two sections	\$97.00 \$104.70
(iv) First-time candidate - One section	\$83.00 \$90.30
(v) Reexam candidate - Four sections	\$122.50 \$130.75
(vi) Reexam candidate - Three sections	\$104.00 \$111.40
(vii) Reexam candidate - Two sections	\$85.00 \$91.50
(viii) Reexam candidate - One section	\$66.00 \$71.60
National Association of State Boards of Accountancy candidate data base investigation fee for exam applications submitted without the applicant's Social Security number	\$70 \$70

Note: The board may waive late filing fees for individual hardship including, but not limited to, financial hardship, critical illness, or active military deployment.

WSR 06-14-046
PERMANENT RULES
SECRETARY OF STATE
(Elections Division)

[Filed June 28, 2006, 9:50 a.m., effective July 29, 2006]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The rules address issues such as issuing provisional ballots before election day, physically counting ballots when poll site ballot counters are used, comparing ballot counts at the poll site and the counting center, maintaining the secrecy of ballots, providing examples of reconciliation reports and oaths, and calculating levy validation figures and results.

Citation of Existing Rules Affected by this Order: Amending WAC 434-253-203, 434-262-010, 434-262-020, 434-262-030, 434-262-203, and 434-262-204.

Statutory Authority for Adoption: RCW 29A.04.611.

Adopted under notice filed as WSR 06-10-074 on May 2, 2006.

WAC 434-253-203 was changed so results from direct recording electronic devices do not need to be posted at poll sites if the secrecy of ballots will be jeopardized.

WAC 434-262-017 was updated to reflect the correct calculation.

WAC 434-262-020 was changed to allow counties to take other necessary steps to maintain the secrecy of ballots instead of just aggregating results.

WAC 434-262-135 was changed so there is no longer a "0" on the "Total number of voters credited even though the ballot was late and not counted" line of the reconciliation report.

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 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 1, Amended 6, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 1, Amended 6, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: June 28, 2006.

Steve Excell
Assistant Secretary of State

NEW SECTION

WAC 434-250-085 Provisional ballots issued before election day. A provisional ballot issued before election day, in accordance with RCW 29A.40.070 and 29A.48.010, is valid if issued to an ongoing absentee voter or issued in a county conducting the election entirely by mail.

AMENDATORY SECTION (Amending WSR 05-06-035 and 05-08-065, filed 2/25/05, effective 3/28/05)

WAC 434-253-203 Precinct count optical scan and direct recording devices—Poll-site reconciliation. (1) Each precinct or poll-site ballot counter shall print out results immediately following the closing of the polls. A copy of the results will be posted at the poll-site or otherwise made available for public inspection, unless the secrecy of voters' ballots will be jeopardized.

(2) The total of votes cast from each counter shall be reconciled with the number of signatures in the poll book(s) and a manual count of the number of optical scan ballots from each machine prior to transporting to the counting center. The total number of ballots reported on the results printout should equal the number of signatures in the poll book(s). Discrepancies shall be reported and explained by the inspector.

(3) In a sealed container, the data pack/chip of each ballot counter shall be transported to the counting center with each results printout.

AMENDATORY SECTION (Amending WSR 05-17-145, filed 8/19/05, effective 9/19/05)

WAC 434-262-010 Definitions. As used in these regulations:

(1) "Canvassing" is that process of examining in detail a ballot, groups of ballots, election subtotals, or grand totals, in order to determine the final official returns of a primary, special, or general election, and to safeguard the integrity of the election process.

(2) "County canvassing board" is that body charged by law with the duty of canvassing ballots, of ruling on the validity of questioned or challenged ballots, of the verifying all unofficial returns as listed in the auditor's abstract of votes, and the producing of the official county canvass report; it shall be composed of the county auditor, prosecuting attorney, and chairman of the board of the county legislative authority, or their designated representatives.

(3) "Auditor's abstract of votes" is that report prepared by the county auditor which lists the number of registered voters, votes cast, all of the vote totals by precinct, or by combination of precincts if applicable, absentee ballot totals, legislative and congressional district subtotals, if any, and county-wide totals. The auditor's abstract of votes must also include the reconciliation report required by RCW 29A.60.235(1). Vote totals in the auditor's abstract of votes shall be unofficial until verified and certified by the county canvassing board.

(4) "County canvass report" is the auditor's abstract of votes after verification by the county canvassing board and shall contain a certificate which shall include the oath as specified in RCW 29A.60.200, the original signatures of each member of the county canvassing board, the county seal, and all other material pertinent to the election.

(5) "Certified copy of the county canvass report" is that report transmitted by the county auditor to the secretary of state which contains registered voters and votes cast by precinct, or combination of precincts if applicable, votes cast for and against state measures, and votes cast for candidates for federal and statewide offices and for any office whose juris-

diction encompasses more than one county, absentee ballot totals for those measures and candidates, subtotals if applicable, and county-wide totals. It shall also include a certificate, bearing original signatures and an original county seal, identical to that included in the official county canvass report, and any other material which may be pertinent to the canvass of the election.

NEW SECTION

WAC 434-262-017 Calculating validation figures and results for bonds and levies. (1) Before determining a jurisdiction's validation figures, the number of votes cast in the jurisdiction in the last general election must be determined. For levies, the state Constitution states, "...the number of persons voting "yes" on the proposition shall constitute three-fifths of a number equal to forty per centum of the total votes cast in such taxing district at the last preceding general election..." For example:

10,000 votes cast in the jurisdiction in the last general election x 40% = 4,000 votes x 3/5 = 2,400 votes

These numbers should be calculated based on the number of voters credited for voting in each jurisdiction, before adding, deleting, or transferring voters following the general election.

(2) When determining the results of a specific bond or levy, county auditors must not include overvotes or undervotes in the calculation. Rounding must not be used to reach sixty percent "yes" votes for a bond or levy. For example:

2,980 "yes" votes ÷ 5,000 total votes cast = 59.6%, so the levy would not pass.

AMENDATORY SECTION (Amending WSR 05-17-145, filed 8/19/05, effective 9/19/05)

WAC 434-262-020 Preliminary abstract of votes. Following the election and prior to the official canvass, the county auditor shall prepare a preliminary abstract of votes, listing the number of registered voters and votes cast. Provisional ballot results must be combined with precinct results. The preliminary abstract of votes must list separately for each precinct:

(1) Votes cast by absentee or mail ballot and votes cast at the polls(=);

(2) Votes cast for and against measures(=);

(3) Votes cast for candidates(=); and

(4) Overvotes and undervotes(=, by precinct or groups of precincts in the event that precincts have been combined in accordance with RCW 29A.16.060, for canvassing purposes)). Pursuant to RCW 29A.60.230, the county auditor may aggregate results or take other necessary steps to maintain the secrecy of ballots. The county auditor shall inspect the preliminary abstract of votes for errors or anomalies that may affect the results of the election. Correction of any errors or anomalies discovered must be made prior to the official canvass.

AMENDATORY SECTION (Amending WSR 05-17-145, filed 8/19/05, effective 9/19/05)

WAC 434-262-030 Auditor's abstract of votes. No later than the tenth day following any primary or special election and the twenty-first day following any general election the county canvassing board shall meet and canvass all ballots. Upon completion of this canvass, the board shall direct the county auditor to ~~((include all ballot totals, or legislative or congressional district subtotals if applicable, and the reconciliation report in the preliminary abstract of votes prepared pursuant to WAC 434-262-020. The ensuing report, containing a count of all ballots cast in the election, subtotal reports by legislative district, and county-wide totals shall constitute the auditor's abstract of votes))~~ prepare the auditor's abstract of votes as defined by WAC 434-262-010. The oaths and the reconciliation report must be substantially similar to the following:

Oath of County Auditor or Supervisor of Elections

STATE OF WASHINGTON)
) ss.
COUNTY OF _____)

I solemnly swear that the returns of the (insert election) held on (insert date), in _____ County, State of Washington, have been in no way altered and that they are the same as when they were deposited in my office.

County Auditor or Supervisor of Elections

Subscribed and sworn to me this ___ day of (insert month, year).

Chairman, County Legislative Authority

Certification Reconciliation Report
_____ Election
(insert date)

County _____
Date of Completion _____

NOTE: Address confidentiality program participants must be included with service voters.

Registration

Total number of active registered voters in all precincts _____
Total number of inactive registered voters in all precincts _____
Total registered voters in all precincts _____

Total absentee ballots counted (includes absentee, VBM, federal write-in, overseas, out of state, and service ballots) _____

Total poll site ballots counted (includes poll site and provisional ballots) _____
Total Ballots counted _____

Absentee and VBM Ballots

The total number of absentee/VBM ballots originally issued _____
The total number of absentee/VBM ballots received _____
The total number of absentee/VBM ballots rejected _____
The total number of absentee/VBM ballots counted _____

Federal Write-In Ballots

The total number of federal write-in ballots counted _____

Out-of-State, Overseas, and Service Voters

The total number of out-of-state, overseas, and service voters' ballots issued _____

The total number of out-of-state, overseas, and service voters' ballots received _____

The total number of out-of-state, overseas, and service voters' ballots rejected _____

The total number of out-of-state, overseas, and service voters' ballots counted _____

Provisional Ballots

The total number of provisional ballots issued (by this county) _____

The total number of provisional ballots rejected (includes sending to other counties) _____

The total number of provisional ballots received from other counties _____

The total number of provisional ballots counted _____

Certification of the Canvassing Board

STATE OF WASHINGTON)
) ss.
COUNTY OF _____)

The undersigned officers designated by law as constituting the Canvassing Board for the County of _____, State of Washington, hereby certify that this is a full, true and correct copy of the Abstract of Votes including the cumulative results, precinct results, and a reconciliation report of votes cast at the (insert election) held on (insert date), in _____ County, State of Washington, and that the following are the true and reconciled numbers of voters and votes counted.

Witness our hands and official seal this _____ day of (insert month, year).

County Auditor or Supervisor of Elections

Chairman, County Legislative Authority

County Prosecuting Attorney

NEW SECTION

WAC 434-262-135 Thirty day reconciliation report.

Within thirty days of certification, the county auditor must prepare and make publicly available at the auditor's office or on the auditor's web site a final election reconciliation report that is substantially similar to the following:

30 DAY RECONCILIATION REPORT
_____ ELECTION
(insert date)

Table with 2 columns: Description and Value. Rows include: Total number of registered voters in all precincts, Total number of absentee voters credited, Total number of poll voters credited, Total number of provisional voters credited, Total number of federal write-in voters credited, Total number of UOCAVA voters credited, Total number of voters credited even though the ballot was late and not counted, Total number of voters credited.

AMENDATORY SECTION (Amending WSR 05-17-145, filed 8/19/05, effective 9/19/05)

WAC 434-262-203 Poll-site ballot reconciliation— Central count optical scan ((and punchcard)). Using the poll-site ballot accountability forms, the poll books, and election night precinct results, poll-site ballots shall be reconciled in the following manner:

- (1) Reconciliation must begin as soon as practical after the election.
(2) Each precinct's or poll-site's results shall be reconciled with the precinct's ballot accountability form.
(3) Any discrepancies in precinct or poll-site results compared with the ballot accountability form must be investigated.
(a) Check the accuracy of the ballot accountability form.
(b) Recount the signatures in the poll book.
(c) Check the spoiled ballots.
(d) Check the provisional ballots.

- (e) Count the ballot stubs.
(f) Check the poll-site supplies for ballots.
(g) Manually count the number of ballots.
(h) Call the poll workers.

(4) The ballot count included in the ballot accountability form must be compared to the number of ballots counted at the counting center:

(5) All steps to reconcile each precinct and the ballot accountability count with the number of ballots reported shall be documented, including any discrepancies that cannot be resolved. Reconciliation of all precincts shall be completed and presented to the county canvassing board before the election can be certified.

AMENDATORY SECTION (Amending WSR 05-17-145, filed 8/19/05, effective 9/19/05)

WAC 434-262-204 Poll-site ballot reconciliation— Precinct count optical scan and direct recording devices. Poll-site ballots shall be reconciled in the following manner:

(1) Compare the total number of votes cast from each counter at the poll-site and the number of signatures in the poll book(s).

(2) The number of ballots issued should equal the number of ballots counted plus any ballots not counted. Ballots not counted may include, but not be limited to: Provisional ballots, ballots referred to the canvassing board, ballots to be duplicated, ballots with write-in votes, any out-sorted ballots, spoiled ballots, and ballots canceled in accordance with WAC 434-253-080.

(3) Any discrepancies in precinct or poll-site results compared with the ballot accountability form must be investigated. At a minimum, the following areas must be checked ((until)) in an attempt to resolve the discrepancy ((is resolved)):

- (a) Check the accuracy of the ballot accountability form.
(b) Recount the signatures in the poll book.
(c) Ballot counter/direct recording device results.
(d) Check the bins in the ballot counter(s).
(e) Check the spoiled ballots.
(f) Check the provisional ballots.
(g) Count the ballot stubs.
(h) Check the poll-site supplies for ballots.
(i) Manually count the number of ballots.
(j) Call the poll workers.

(4) The ballot count included in the ballot accountability form must be compared to the number of ballots counted at the counting center:

(5) All steps to reconcile each precinct and the ballot accountability count with the number of ballots reported shall be documented, including any discrepancies that cannot be resolved. Reconciliation of all precincts shall be completed and presented to the county canvassing board before the election may be certified.

WSR 06-14-047
PERMANENT RULES
SECRETARY OF STATE
 (Elections Division)

[Filed June 28, 2006, 9:51 a.m., effective July 29, 2006]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The rules outline procedures regarding vote by mail, such as establishing ballot drop site locations and issuing mail ballots.

Citation of Existing Rules Affected by this Order: Amending WAC 434-250-030, 434-250-100, 434-250-320, and 434-261-075.

Statutory Authority for Adoption: RCW 29A.04.611.

Adopted under notice filed as WSR 06-10-073 on May 2, 2006.

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 4, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: June 28, 2006.

Steve Excell
 Assistant Secretary of State

AMENDATORY SECTION (Amending WSR 05-17-145, filed 8/19/05, effective 9/19/05)

WAC 434-250-030 Applications. (1) As authorized by RCW 29A.40.040, requests for status as an ongoing absentee voter must be made in writing. With the exception of county auditors who conduct primaries and elections entirely by mail, each county auditor must provide applications for requests made in writing. The form must include, but not be limited to, the following:

(a) A space for the voter to print his or her name and the address at which he or she is registered to vote;

(b) The address to which the ballot is to be mailed; and

(c) A space for the voter to sign and date the application.

A voter may request status as an ongoing absentee voter by indicating such on a standard voter registration form.

(2) As authorized by RCW 29A.40.020 and 29A.40.030, requests for a single absentee ballot may be made in person, by telephone, electronically, or in writing, and may be made by a family member. Each county auditor must provide applications for requests made in writing. The form must include, but not be limited to, the following:

(a) A space for the voter to print his or her name and the address at which he or she is registered to vote;

(b) The address to which the ballot is to be mailed;

(c) A space for the voter to indicate for which election or elections the application is made; and

(d) A space for the voter to sign and date the application.

(3) As authorized by RCW 29A.40.050, requests for a special absentee ballot must be made in writing and each county auditor must provide the applications. In addition to the requirements for a single absentee ballot, as provided in subsection (2) of this section, the form must include:

(a) A space for an out-of-state, overseas, or service voter not registered to vote in Washington to indicate his or her last residential address in Washington;

(b) A checkbox requesting that a single absentee ballot be forwarded as soon as possible; and

(c) The declaration required in WAC 434-250-050.

The county auditor shall honor any application for a special absentee ballot that is in substantial compliance with the provisions of this section. Any application for a special absentee ballot received more than ninety days prior to a primary or general election may be either returned to the applicant with the explanation that the request is premature or held by the auditor until the appropriate time and then processed.

(4) As authorized by RCW 29A.40.080, requests for an absentee ballot may be made by a resident of a health care facility, as defined by RCW 70.37.020(3). Each county shall provide an application form for such a registered voter to apply for a single absentee ballot by messenger on election day. The messenger may pick up the voter's absentee ballot and deliver it to the voter and return it to the county auditor's office.

(5) If an application for an absentee ballot does not contain sufficient information to enable the auditor to issue the correct absentee ballot, the auditor shall notify the person and explain why the application is not accepted. If, in the judgment of the county auditor, enough time exists to correct the application, the county auditor must request the proper information from the voter in order to facilitate the application. If, in the judgment of the county auditor, insufficient time exists to correct the application, the auditor must issue the absentee ballot as if the voter had listed the county auditor's office as his or her residence. Upon its return, the ballot must be referred to the county canvassing board, and the only offices or issues that may be tabulated are those common to the entire county and those for which it can be conclusively determined the voter is qualified to vote.

AMENDATORY SECTION (Amending WSR 06-02-028, filed 12/28/05, effective 1/28/06)

WAC 434-250-100 Depositing of ballots. Ballots may be deposited in the auditor's office during normal business hours prior to the day of the election, and from 7:00 a.m. to 8:00 p.m. on the day of the election. ~~((Other))~~ Places of deposit may be staffed or unstaffed.

(1)(a) Staffed sites must be staffed by at least two people. Deposit site staff may be employees of the county auditor's office or persons appointed by the auditor. If two or more deposit site staff are persons appointed by the county auditor, the appointees shall be representatives of different major political parties whenever possible. Deposit site staff shall subscribe to an oath regarding the discharge of the duties.

(b) Staffed deposit sites must be open from 7:00 a.m. until 8:00 p.m. on the day of the election and may be open prior to the election on dates and times established by the county auditor. Staffed deposit sites must have a secure ballot box that is constructed in a manner to allow return envelopes, once deposited, to only be removed by the county auditor or by the deposit site staff. If a ballot envelope is returned after 8:00 p.m. on election day, deposit site staff must note the time and place of deposit on the ballot envelope, and such ballots must be referred to the canvassing board for consideration of whether special circumstances warrant consideration, as documented by the deposit site staff.

(c) A staffed deposit site that only receives ballots is not considered a polling place. A staffed deposit site that both receives and issues ballots is considered a polling place.

(2) Unstaffed sites may be used if the ballot drop box is either:

(a) Constructed and secured according to the same requirements as United States Postal Service postal drop boxes; or

(b) Secured and located indoors.

(3) Ballot boxes must be locked and sealed at all times, with seal logs that document each time the box is opened, by whom, and the number of ballots removed. From eighteen days prior to election day until 8:00 p.m. on election day, two people who are either employees of or appointed by the county auditor must empty each ballot drop box with sufficient frequency to prevent damage or unauthorized access to the ballots. Ballots must be placed into sealed transport carriers and returned to the county auditor's office or another designated location. On election day, ballot drop boxes must be emptied at exactly 8:00 p.m. to ensure that all ballots meet the 8:00 p.m. delivery deadline.

AMENDATORY SECTION (Amending WSR 05-17-145, filed 8/19/05, effective 9/19/05)

WAC 434-250-320 Deposit sites. A county auditor conducting a county-wide election entirely by mail must provide at least ~~((one))~~ two sites for the deposit of ballots ~~((in addition to the county auditor's office))~~. One of the deposit sites may be at the county auditor's office. All other deposit sites must be at geographical locations that are different from the county auditor's office. All deposit sites must meet the requirements of WAC 434-250-100.

AMENDATORY SECTION (Amending WSR 05-17-145, filed 8/19/05, effective 9/19/05)

WAC 434-261-075 Manual inspection of ballot—Acceptability of marks ((or punches)). (1) If the voter returns voting responses by mail on any form other than the ballot sent, the votes thereon shall be acceptable and tallied provided that:

(a) Only votes for offices or measures for which the voter is eligible are counted.

(b) The candidate or measure response position for which the voter is voting can be clearly identified.

(c) The ballot issued is not returned, or if returned, contains no marks ~~((or punches))~~ indicating an attempt to vote it.

(d) A valid signature on an absentee oath is on file with the county auditor.

The votes accepted must then be duplicated to a ballot that can be read by the electronic voting equipment.

(2) Corrected absentee ballots shall be counted in the following manner:

(a) If a voter follows the instructions for correcting a vote, either the written instructions or other instructions given to the voter by the county auditor, the correction shall be made by duplicating the ballot and then tabulating the duplicated ballot.

(b) If a voter appears to have corrected the ballot in a manner other than as instructed, the vote for that candidate or issue shall not be tabulated unless the voter provides written instructions directing how the vote should be counted or has clearly attempted to erase a mark.

(3) If a voter has indicated a write-in vote on the ballot which duplicates the name of a candidate who already appears on the ballot for the same office, the ballot shall be duplicated to count one vote for the candidate indicated. Such a vote shall be counted pursuant to RCW 29A.60.021.

~~((4)) ((If a voter signs the oath with a mark and does not have two witnesses attest to the signature, the envelope must be treated as if it were unsigned.~~

~~((5))~~ If a ballot contains marks ~~((or punches))~~ that differ from those specified in the voting instructions, those marks ~~((or punches))~~ shall not be counted as valid votes unless there is a discernable and consistent pattern, to the extent that the voter's intent can clearly be determined. If there is such a pattern, the ballot shall be duplicated to reflect the voter's intent.

WSR 06-14-048

PERMANENT RULES SECRETARY OF STATE (Elections Division)

[Filed June 28, 2006, 9:53 a.m., effective July 29, 2006]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The rules outline procedures regarding voting equipment, such as conducting logic and accuracy tests and voters leaving the polling place without casting their ballots on DRE devices.

Citation of Existing Rules Affected by this Order: Amending WAC 434-253-080, 434-253-110, 434-335-320, 434-335-330, 434-335-440 and 434-335-520.

Statutory Authority for Adoption: RCW 29A.04.611.

Adopted under notice filed as WSR 06-10-076 [06-10-072] on May 2, 2006.

Changes Other than Editing from Proposed to Adopted Version: WAC 434-335-330 was amended to clarify that certifications must include verification that the version numbers have not changed since the version was certified.

WAC 434-335-445 was amended to provide further direction. It states each ballot style must be tested, and if an alternate marking pattern is used, it must be approved by the secretary of state.

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 2, Amended 6, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 2, Amended 6, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 2, Amended 6, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: June 28, 2006.

Steve Excell

Assistant Secretary of State

AMENDATORY SECTION (Amending WSR 05-24-040, filed 11/30/05, effective 12/31/05)

WAC 434-253-080 Voter leaving polling place ~~((without voting))~~ prior to casting ballot. (1) Whenever it is noted by a precinct election officer that a voter has been issued a ballot and leaves a polling place without returning the ballot, a notation shall be made in the poll book or list along with the ballot stub number of the ballot issued.

(2)(a) If a ballot on a direct recording electronic device has not been cast but has been printed by the voter, ~~((the))~~ two precinct election officers ~~((must~~

~~(1) Cancel the ballot to ensure the ballot is not counted;~~

~~(2) Make a mark on the paper record to indicate the ballot has been canceled; and~~

~~(3) Make a notation in the poll book to indicate which direct recording electronic device was used to cancel the ballot~~, preferably representing different political parties, may cast the ballot.

(b) If a ballot on a direct recording electronic device has not been printed nor cast by the voter, a precinct election officer must cancel the ballot and make a corresponding notation in the accountability form.

AMENDATORY SECTION (Amending WSR 05-24-040, filed 11/30/05, effective 12/31/05)

WAC 434-253-110 Examination of voting devices. ~~((At least once every hour))~~ While the poll booths are open, precinct election officers shall examine the voting devices, poll booths, printed materials within the poll booths, and paper printers or paper canisters attached to direct recording electronic devices to ensure that they have not been tampered with and are in proper working condition. Precinct election officers must also monitor for instances where voters using a direct recording electronic device have left the polling place without casting their ballots. At polling places other than the courthouse, there must be one precinct election officer dedicated to monitoring the voting devices.

(1) If any seal or lock on a direct recording electronic device ~~((or)),~~ including seals for the paper printer or paper canister, has been broken or tampered with, the direct record-

ing electronic device and paper printer must be removed from service for the remainder of the election. The direct recording electronic device and paper printer must be transferred pursuant to WAC 434-253-115 (1)(b). A written report regarding the circumstances of the removal from service must be sent to the county canvassing board.

(2) Precinct election officers must replace any printed materials that were to remain in the poll booth if they have been defaced, removed, or destroyed.

(3) If a paper printer for a direct recording electronic device has malfunctioned or run out of paper, it must be handled pursuant to WAC 434-253-115.

(4) If a voter has voted and left the polling place without casting his or her ballot, it must be handled in accordance with WAC 434-253-080.

NEW SECTION

WAC 434-257-140 Contingency plans for disability access units. For each polling place in which a disability access unit is available for use, county auditors must have a contingency plan to accommodate voters wishing to use the unit should it malfunction or be removed from service in accordance with WAC 434-253-110.

AMENDATORY SECTION (Amending WSR 05-18-022, filed 8/29/05, effective 9/29/05)

WAC 434-335-320 Logic and accuracy test scheduling and preparation—State primary and general election. Prior to each state primary and general election, the office of the secretary of state must prepare a schedule of logic and accuracy tests. The office of the secretary of state must notify each county of the date and time of the test at least thirty days before the primary or election. ~~((The county is responsible for preparing the vote tabulating system and testing it before the actual logic and accuracy test. The vote tabulating system must be fully programmed, cleaned, maintained, tested, and functional before the official logic and accuracy test.))~~ The county must notify the parties, press, public, and candidates of the date and time of the test.

AMENDATORY SECTION (Amending WSR 05-18-022, filed 8/29/05, effective 9/29/05)

WAC 434-335-330 Logic and accuracy test certification—State primary and general election. The county auditor or deputy, the secretary of state representative, and any political party observers must certify that the test was conducted in accordance with RCW 29A.12.130. This certification must include verification ~~((of))~~ that the version numbers for all software, firmware, and hardware of the voting system used have not changed from the certified versions. Copies of this certification must be retained by the secretary of state and the county auditor and may be posted by electronic media. All programming materials, test results, and test ballots must be ~~((securely sealed))~~ kept in secure storage employing the use of numbered seals and logs or other security measures that will detect any inappropriate access to the materials until the day of the primary or election. These items may be sealed and stored separately.

If, for any reason, any changes are made to the ballot counting programming after the official logic and accuracy test, an emergency logic and accuracy test must be conducted pursuant to WAC 434-335-310.

AMENDATORY SECTION (Amending WSR 05-18-022, filed 8/29/05, effective 9/29/05)

WAC 434-335-440 Logic and accuracy test deck preparation—State primary and general election—Optical scan systems. ~~((The test deck or decks used for the official logic and accuracy test for optical scan systems may, at the discretion of the secretary of state, be prepared by either the office of the secretary of state, the county, or the county's ballot printer applicant.))~~ The county is responsible for preparing and testing the vote tabulating system prior to the official logic and accuracy test. This pretesting must be completed prior to using the equipment to process ballots. Information describing the candidates, offices, ((ballot formats, ballot positions,)) ballot styles, number of appearances of each office, method used to mark the test deck, a copy of the anticipated results, and all other information required to create the test decks must be ((available)) sent to the office of the secretary of state by the 20th day prior to the primary or election. If a county is delayed, the county must advise the office of the secretary of state before the 20th day prior to the primary or election.

NEW SECTION

WAC 434-335-445 The preparation of logic and accuracy test decks. Each county shall produce a test deck of ballots to be used in the pretest and the official logic and accuracy test to verify that the vote tabulating system is programmed to correctly count the ballots.

When a race has five or fewer candidates, the pattern to mark the test deck shall begin by giving the first candidate in each race one vote, the second candidate in each race two votes, the third candidate in each race three votes, etc. When a race has more than five candidates the pattern may be repeated. Once the pattern is completed for each race and issue, each remaining ballot style must be tested by using at least one ballot that has a first choice marked for each race and issue. Another pattern may be used if it meets the requirements outlined in this section and is approved by the secretary.

The test deck must also test that the vote tabulating system is programmed to accurately count write-in votes, overvotes, undervotes, and blank ballots. In addition, if ballot on demand systems will be used during the election, the test deck must also include a sampling of ballots printed from the ballot on demand system.

AMENDATORY SECTION (Amending WSR 05-18-022, filed 8/29/05, effective 9/29/05)

WAC 434-335-520 Logic and accuracy test plan preparation—State primary and general election—~~((Direct recording electronic systems))~~ Disability access units. The test plan used for the official logic and accuracy test prior to a state primary or election for ~~((a direct recording~~

~~electronic system may, at the discretion of the secretary of state, be prepared by either the office of the secretary of state~~ disability access units must be prepared by the county in the same manner as for optical scan ballots. The official testing must be completed before a direct recording device may be used for casting ballots. Counties must complete the testing to have in-person disability access voting available starting twenty days before the day of a primary or election. Information describing the candidates, offices, ballot formats, ballot styles, number of appearances of each office, and all other information required to create the test plan must be ~~((available))~~ sent to the office of the secretary of state by the 20th day prior to the primary or election. If a county is delayed, the county auditor must advise the office of the secretary of state before the 20th day prior to the primary or election.

WSR 06-14-049

**PERMANENT RULES
SECRETARY OF STATE**

(Elections Division)

[Filed June 28, 2006, 9:55 a.m., effective July 29, 2006]

Effective Date of Rule: Thirty-one days after filing.

Purpose: Rules are implemented to implement the pick-a-party primary system.

Citation of Existing Rules Affected by this Order: Amending WAC 434-215-005, 343-215-012, 434-215-020, 434-230-010, 434-230-030, 434-230-060, 434-230-150, 434-230-160, 434-230-170, 434-253-020, and 434-262-031.

Statutory Authority for Adoption: RCW 29A.04.611.

Adopted under notice filed as WSR 06-10-076 on May 2, 2006.

Changes Other than Editing from Proposed to Adopted Version: WAC 434-220-030 was amended to remove duplicative language.

WAC 434-220-050 was amended to remove the words "ballot guides," since they are no longer used.

WAC 434-262-031 was amended to make subsections (iii) and (vi) consistent in terms of the counting nonpartisan votes. In each case, only nonpartisan votes that are the same on each ballot will be counted.

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 11, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 9, Amended 11, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 9, Amended 4, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: June 28, 2006.

Steve Excell
Assistant Secretary of State

AMENDATORY SECTION (Amending WSR 04-15-089, filed 7/16/04, effective 8/16/04)

WAC 434-215-005 Filing information—Questionnaire—Compiling and dissemination. Prior to ~~((May))~~ April 1 of each year, the county auditor shall send a questionnaire to the administrative authority of each local jurisdiction for which the auditor is the candidate filing officer subject to the provisions of RCW 29A.04.320 and 29A.04.330. The purpose of the questionnaire shall be to confirm information which the auditor may disseminate to the public regarding the filing for elective offices. The questionnaire should request, as a minimum, confirmation of offices to be filled at the general election that year, the name of the incumbent, and the annual salary for the position at the time of the filing period ~~((; and the statutory reference for candidate eligibility))~~. Responses should be received prior to ~~((June))~~ May 1 of that year so that the filing information can be compiled and disseminated to the public at least two weeks prior to the candidate filing period.

AMENDATORY SECTION (Amending WSR 02-15-156, filed 7/23/02, effective 8/23/02)

WAC 434-215-012 Declaration of candidacy—Offices subject to a primary. Declarations of candidacy for all partisan and nonpartisan offices filed either in person or by mail shall be in substantially the following form:

((STRICKEN GRAPHIC))

[

FILING DATA . . . FOR OFFICE USE ONLY

Date _____ Fee Paid \$ _____ File No. _____
 Paid By (Check one)
 AM Check Other
 PM Cash Nom. Petition
 Clerk/Cashier Initials _____

DECLARATION OF CANDIDACY

- I, _____ am a registered voter residing at:
(PRINT NAME AS YOU ARE REGISTERED TO VOTE)
- _____
(STREET ADDRESS OR RURAL ROUTE) (TELEPHONE NUMBER)

(MAILING ADDRESS--IF DIFFERENT)

(CITY) (COUNTY) Washington (ZIP CODE)
 and at the time of filing this declaration I am legally qualified to assume office if elected.
- I declare myself as a candidate for nomination to the office of:

(NAME OF OFFICE)

(CONGRESSIONAL OR LEGISLATIVE DISTRICT, COUNTY, CITY, OR OTHER JURISDICTION)

(POSITION NUMBER IF APPLICABLE) (DIRECTOR OR COMMISSIONER DISTRICT, IF ANY)

- For the following term of office:
 a full term or a full term and a short term, or
 an unexpired term
- This office is:
 Nonpartisan, or
 Partisan, and I am: a candidate of the _____ party, or
 an independent candidate nominated pursuant to chapter 29.24 RCW
- Filing Fee: (Check one):
 There is no filing fee because the office has no fixed annual salary, or
 I am submitting a filing fee of \$10 because the fixed annual salary of the office being sought is \$1,000 or less, or
 I am submitting a filing fee of \$ _____, an amount equal to 1% of the annual salary, or
 I am without sufficient assets or income to pay the filing fee required by law and I have attached a nominating petition in lieu of this fee, pursuant to RCW 29.18.050.
- Please print my name on the ballot exactly as follows: _____
(PLEASE PRINT)

I declare that this information is, to the best of my knowledge, true. I also swear, or affirm, that I will support the Constitution and laws of the United States and the Constitution and laws of the State of Washington.

Note: Your signature must be personally attested to by either a notary public or by the officer with whom the declaration is filed.

8. Sign Here **X** _____
(SIGNATURE OF CANDIDATE AS REGISTERED TO VOTE)

(SIGNATURE OF ACKNOWLEDGING OFFICIAL)

(TITLE OF ACKNOWLEDGING OFFICIAL)

Candidate: Return all copies of this declaration to your Elections Dept.
 Distribution by Elections Dept: White--County; Yellow--POC; Pink--Candidate

]

STRICKEN GRAPHIC))

((STRICKEN GRAPHIC _____

[

FILING DATA . . . FOR OFFICE USE ONLY

Date/Time _____	Fee Paid \$ _____	File No. _____
Paid By (Check one)		
<input type="checkbox"/> Check	<input type="checkbox"/> Other	Office _____
<input type="checkbox"/> Cash	<input type="checkbox"/> Nom. Petition	Code: _____
Clerk/Cashier initials _____		

DECLARATION OF CANDIDACY

1. I, _____ am a registered voter residing at:

(PRINT NAME AS YOU ARE REGISTERED TO VOTE)

2. _____ (STREET ADDRESS OR RURAL ROUTE WHERE REGISTERED TO VOTE) (CITY) (COUNTY) (ZIP CODE)

(MAILING ADDRESS) (CITY) (COUNTY) (ZIP CODE)

(TELEPHONE NO.) (EMAIL ADDRESS)

and at the time of filing this declaration I am legally qualified to assume office if elected.

3. I declare myself as a candidate for nomination to the office of:

(NAME OF OFFICE)

(CONGRESSIONAL OR LEGISLATIVE DISTRICT, COUNTY, CITY, OR OTHER JURISDICTION)

(POSITION NUMBER IF APPLICABLE)

(DIRECTOR OR COMMISSIONER DISTRICT, IF ANY)

4. For the following term of office:

- A full term or a full term and a short term, or
- An unexpired term

5. This office is:

- Nonpartisan, or
- Partisan, and I am: a candidate of the _____ party, or an independent candidate nominated pursuant to chapter 29.24 RCW.

6. Filing Fee (Check one):

- There is no filing fee because the office has no fixed annual salary, or
- I am submitting a filing fee of \$10 because the fixed annual salary of the office being sought is \$1,000 or less, or
- I am submitting a filing fee of \$ _____, an amount equal to 1% of the annual salary, or
- I am without sufficient assets or income to pay the filing fee required by law and I have attached a nominating petition in lieu of this fee, pursuant to RCW 29.15.050.

7. Please print my name on the ballot exactly as follows: _____ (PLEASE PRINT)

I declare that this information is, to the best of my knowledge, true. I also swear, or affirm, that I will support the Constitution and laws of the United States and the Constitution and laws of the State of Washington.

Note: Your signature must be personally attested to either by a notary public or by the officer with whom the declaration is filed.

8. Sign Here X _____ (SIGNATURE OF CANDIDATE AS REGISTERED TO VOTE)

STATE OF WASHINGTON, COUNTY OF _____

SIGNED OR ATTESTED BEFORE ME ON _____ (DATE)

by _____ (CANDIDATE)

(SIGNATURE OF NOTARY)

(TITLE)

My APPOINTMENT EXPIRES _____

(SEAL OR STAMP)

]

(STRICKEN GRAPHIC))

((Candidate: Return all copies of this declaration to the filing officer. Distribution by the filing officer: White—County; Yellow—PDC; Pink—Candidate))

FILING DATA . . . FOR OFFICE USE ONLY

Date _____ Fee Paid \$ _____ File No. _____ Office Code _____
[] Check [] Debit/Credit
[] Cash [] Filing Fee Petition Voter Registration # _____ Clerk Initials _____

DECLARATION OF CANDIDACY

1. I, _____ am a registered voter residing at:
(PRINT NAME AS YOU ARE REGISTERED TO VOTE)

2. _____ (STREET ADDRESS OR RURAL ROUTE) (CITY) (COUNTY) (ZIP CODE)
(MAILING ADDRESS) (CITY) (COUNTY) (ZIP CODE)
(TELEPHONE NUMBER) (EMAIL ADDRESS)

and at the time of filing this declaration I am legally qualified to assume office if elected.

3. I declare myself as a candidate for the office of:

(NAME OF OFFICE)

(CONGRESSIONAL OR LEGISLATIVE DISTRICT, COUNTY, CITY, OR OTHER JURISDICTION)

(POSITION NUMBER IF APPLICABLE) (DIRECTOR OR COMMISSIONER DISTRICT, IF ANY)

4. For the following term of office:
[] A full term or a full term and a short term, or
[] An unexpired term

5. This office is:
[] Nonpartisan, or
[] Partisan, and I am (check one): [] a candidate of the _____ party, or
[] an independent candidate.

6. Filing Fee (check one):
[] There is no filing fee because the office has no fixed annual salary, or
[] I am submitting a filing fee of \$10 because the fixed annual salary of the office is \$1,000 or less, or
[] I am submitting a filing fee of \$_____, an amount equal to 1% of the annual salary, or
[] I am without sufficient assets or income to pay the filing fee required by law and I have attached a filing fee petition in lieu of this fee, pursuant to RCW 29A.24.091.

7. Please print my name on the ballot exactly as follows: _____ (PLEASE PRINT)

I declare that this information is, to the best of my knowledge, true. I also swear, or affirm, that I will support the Constitution and laws of the United States and the Constitution and laws of the State of Washington.
Note: Your signature must be personally attested to either by a notary public or by the officer with whom the declaration is filed.
8. Sign Here X _____ (SIGNATURE OF CANDIDATE AS REGISTERED TO VOTE)
STATE OF WASHINGTON, COUNTY OF _____
(SIGNED OR ATTESTED BEFORE ME ON _____ (DATE)
by _____ (CANDIDATE)
(SIGNATURE OF NOTARY)
(TITLE)
MY APPOINTMENT EXPIRES _____

SSE 84-1 (2006)

Candidate: Return all copies of this declaration to your Elections Dept.
Distribution by Elections Dept: White—County; Yellow—PDC; Pink—Candidate

The form shall measure eight and one-half inches by eleven inches and be printed on paper stock of good quality. The form shall also contain space for recording the date and time of filing and a sequential filing and receipt number. One copy of the form or an electronic file, in a format approved by the secretary of state and acceptable to the public disclosure commission, containing the information on the form of each properly executed and filed declaration and affidavit of candidacy shall be forwarded to the public disclosure commission as required by RCW ((29.15.030)) 29A.24.070, and one copy of the form or an electronic file containing the information on the form of each properly executed and filed declaration and affidavit of candidacy shall be returned to the candidate.

AMENDATORY SECTION (Amending WSR 02-09-007, filed 4/4/02, effective 4/4/02)

WAC 434-215-020 Declaration of candidacy—Precinct committee officer. Declarations of candidacy for the office of precinct committee officer, shall be filed in substantially the following form:

((DECLARATION OF CANDIDACY

State of Washington }
 "
 } ss:
County of

I, (Name as it will appear on ballot) , declare that I am a registered voter residing at (Street and Number or Rural Route) , (City or Town) , County of, state of Washington; that, at the time of filing this declaration, I am a registered voter in precinct and that I am legally qualified to assume office if elected; that I hereby declare myself a candidate for the office of precinct committee officer to be elected at the general election to be held on the day of November, 19... , and hereby request that my name be printed upon the official general election ballots as a candidate of the party, and:

I accompany herewith the sum of dollars, the fee required by law of me for becoming a candidate

AFFIDAVIT

further, I declare, under penalty of perjury, that I will support the Constitution and laws of the United States and the Constitution and laws of the state of Washington.

.....
(Signature of candidate))

Filing Data For Office Use Only

Date _____	Fee Paid \$ _____	Filing No. _____	Precinct # _____
Paid By (check one)			
<input type="checkbox"/> Check	<input type="checkbox"/> Cash	<input type="checkbox"/> Other	Clerk/Cashier Initials _____ Voter Registration # _____

DECLARATION OF CANDIDACY
PRECINCT COMMITTEE OFFICER

I, _____, declare that I am a registered voter residing at:
(PRINT NAME AS YOU ARE REGISTERED TO VOTE)

(STREET ADDRESS OR RURAL ROUTE) (CITY) (COUNTY) WA (ZIP CODE)

(MAILING ADDRESS) (CITY) (COUNTY) WA (ZIP CODE)

(TELEPHONE NUMBER) (EMAIL ADDRESS)

that, at the time of filing this declaration, I am a registered voter in _____ precinct and that I am legally qualified to assume office if elected; that I hereby declare myself a candidate for the office of Precinct Committee Officer to be elected at the Primary Election to be held on the _____ day of September, 2006, and hereby request that my name be printed upon the official Primary Election ballot as a candidate of the _____ party, and:

I am submitting the sum of one dollar, the fee required by RCW 29A.24.091.

Please print my name on the ballot **exactly** as follows: _____

Further, I declare, under penalty of perjury, that I will support the Constitution and laws of the United States and the Constitution and laws of the State of Washington.

X _____
(SIGNATURE OF CANDIDATE) (DATE)

The forms shall measure eight and one-half inches by eleven inches and be printed on paper stock of good quality. The form may also contain space for recording the date and time of filing, a receipt number, if applicable, and a sequential filing number. County auditors may design and use a declaration of candidacy different in form and style from that specified by this rule as long as it contains all of the information required by this rule.

Chapter 434-220 WAC

PARTISAN PRIMARIES

NEW SECTION

WAC 434-220-010 Partisan primaries. This chapter is limited in application to the conduct of partisan primaries and nonpartisan primaries held in conjunction with partisan primaries. If a county holds only a nonpartisan primary, it is exempt from this chapter.

NEW SECTION

WAC 434-220-020 Definitions. As used in this chapter:

(1) "Checkbox" means a voter response position on a consolidated ballot that allows a voter who desires to vote in a partisan primary to affiliate with a major political party.

(2) "Consolidated ballot" is a single ballot that lists the candidates for partisan office of all major political parties, the candidates for nonpartisan office, and the ballot measures. The candidates for partisan office are listed by party, and each party is separated from the other parties. The candidates for nonpartisan office and the ballot measures are listed at the end of the ballot, after the partisan offices. In the case of a direct recording electronic device, a consolidated ballot must have a beginning screen which contains a checkbox for the major political parties. After the voter has affiliated with a major party by marking a checkbox, only the party ballot checked by the voter and the nonpartisan ballot shall appear to the voter.

(3) "Nonpartisan ballot" means a ballot that includes nonpartisan offices listed in RCW 29A.52.231, and ballot measures.

(4) "Party affiliation" means:

(a) For a voter:

(i) On a consolidated ballot, a voter's selection of a major political party in a manner consistent with the type of voting system used;

(ii) On physically separate ballots, voting a major political party's ballot;

(b) For a write-in candidate, filing as a write-in candidate as a member of a major political party.

(5) "Physically separate ballots" include party ballots for each major political party, and a nonpartisan ballot. Each party ballot lists the candidates for partisan office that have listed that party on the declaration of candidacy.

(6) "Spot color" means coloring a portion of the ballot.

(7) "Void," when applied to unvoted ballots, means keeping the unvoted ballots in the sealed container in which they were deposited on election day.

NEW SECTION

WAC 434-220-030 Ballot layout and color—Consolidated ballots. A county may choose to use a combination of both consolidated and physically separate ballots for poll-site, absentee, and vote by mail ballots. County auditors may use spot coloring, shading, or colored printing to assist the voter in distinguishing between party sections. If color is used, blue must be used for the democratic party ballot, and

red must be used for the republican party ballot. In addition to other requirements listed in state law and administrative rule, the following provisions apply to the layout of consolidated ballots:

(1) The party checkboxes must be listed before all offices and ballot measures, pursuant to RCW 29A.36.106. The checkboxes must be labeled "democratic party" and "republican party."

(2) Ballots must list partisan office candidates in columns or sections labeled "democratic party" and "republican party." If a party section spans multiple columns, the next party section must begin where the last party section ended, and there must be a well-defined division between the party sections. If all parties cannot be listed on the same side of the ballot, there must be a conspicuous explanation that additional parties are listed on the other side of the ballot.

(3) Ballots must list the nonpartisan offices and ballot measures separately in a column or section labeled "nonpartisan offices and measures."

(4) Ballot instructions must be printed on the ballot and include:

(a) Instructions on how to mark the ballot, including write-in votes; and

(b) Instructions, as required by RCW 29A.36.106 and 29A.36.161, printed in substantially the following form:

"This ballot contains major political party candidates for the partisan offices, candidates for the nonpartisan offices, and ballot measures. For the partisan offices, you may vote for candidates of only one political party. Regardless of whether you vote for partisan offices, you may vote for the nonpartisan offices and the ballot measures.

1. Select one political party. If you do not select a party or if you select more than one party, your votes for partisan offices will **not** be counted. No record will be made of the party you select.

2. Vote only for candidates of that party. Votes for another party's candidates will **not** be counted.

3. Vote for nonpartisan offices and ballot measures. These votes **will** be counted, even if you do not select a political party."

(5) Ballot instructions may be printed on the ballot itself or on the ballot stub. An instruction page may be considered a separate page of the ballot in which case page one of the ballot must be the instruction page and the candidates and ballot measures must begin on page two.

NEW SECTION

WAC 434-220-040 Ballot layout and color—Physically separate ballots. A county may choose to use a combination of both consolidated and physically separate ballots for poll-site, absentee, and vote by mail ballots. County auditors may use colored ballot stock, spot coloring, shading, or colored printing to assist the voter in distinguishing between the ballots. If colored ballot stock is used, blue must be used for the democratic party ballot, and red must be used for the republican party ballot. In addition to other requirements listed in state law and administrative rule, the following provisions apply to the layout of physically separate ballots:

(1) A separate ballot must be produced for each major political party and for all nonpartisan races. The political party abbreviation after each candidate's name may be eliminated if the ballot layout clearly identifies the candidate's political party.

(2) Each physically separate ballot must have "democratic party," "republican party," or "nonpartisan offices and measures" printed on the ballot. In addition to the requirements of RCW 29A.36.121, each party ballot must list partisan offices first, then all nonpartisan offices and ballot measures. All ballots must be issued to each voter, both at the poll-site and to voters voting by mail or absentee. Voters must be instructed to vote and return only one ballot.

(3) Ballot instructions must be printed on the ballot and must include:

(a) Instructions on how to mark the ballot, including write-in votes; and

(b) Instructions, as required by RCW 29A.36.106 and 29A.36.161, printed in substantially the following form:

"Separate ballots for each political party have been provided, in addition to a third ballot for nonpartisan offices and ballot measures. Each party ballot lists the candidates of that political party running for partisan office, as well as the candidates running for nonpartisan office and the ballot measures. The ballot labeled "nonpartisan offices and measures" lists the candidates running for nonpartisan office and the ballot measures, but does **not** list any partisan offices.

You may only vote one ballot. Your affiliation with a political party is inferred by choosing that party's ballot, but no record will be made of your choice. If you cast more than one party ballot, none of your votes for partisan office will count. If you vote for the nonpartisan offices and ballot measures on a party ballot, return the party ballot only and **not** the separate nonpartisan ballot. Votes for the nonpartisan offices and ballot measures will not be affected by your choice of party ballot."

(4) Ballot instructions may be printed on the ballot itself or on the ballot stub. An instruction page may be considered a separate page of the ballot in which case page one of the ballot must be the instruction page and the candidates and ballot measures must begin on page two.

NEW SECTION

WAC 434-220-050 Order of political parties. The order of political parties for consolidated ballots, sample ballots, and notices of election must be in the same order as candidates on the general election ballot as determined by RCW 29A.36.161.

NEW SECTION

WAC 434-220-060 Ballot programming—Consolidated ballots. (1) Before a county may use a consolidated ballot format, the ballot counting program must achieve the following:

(a) If a voter marks a checkbox for a major political party, only votes for candidates of that party may be counted; and

(b) If a voter does not mark a checkbox for a major political party, no votes for a partisan office may be counted; and

(c) If a voter marks two or more checkboxes, no votes for a partisan office may be counted; and

(d) In the case of direct recording devices, the voter must be allowed to select one ballot on the first screen, and have only the ballot selected appear to the voter.

(2) If an optical scan ballot counting program cannot use the checkbox to eliminate invalid votes for each of the situations listed in this section, all ballots must be inspected for those marks that cannot be read correctly. Improperly marked ballots must be duplicated to ensure invalid votes are not counted. In the case of precinct ballot counters, ballots must be inspected after they have been returned from the polls. As part of the canvassing process, the county auditor must take appropriate steps to amend the unofficial precinct count totals to reflect the correct count.

NEW SECTION

WAC 434-220-070 Polling place procedures—Physically separate ballots. (1) In the case of optical scan ballots, poll workers must give each voter a party ballot for each major political party and a nonpartisan ballot. The county auditor must number the ballot stubs in a manner so that it cannot be determined which ballot was cast by the voter. The poll workers must instruct the voter to choose one ballot to vote. The remaining two ballots must be deposited into an "unvoted ballots" container secured with a numbered seal. The voter may select a single ballot and deposit the other ballots in the "unvoted ballots" container prior to entering the voting booth, or may deposit the unvoted ballots after leaving the voting booth. Regardless of when the ballot selection is made, the poll workers must ensure that only one ballot is deposited in the ballot box and the remaining ballots are deposited into the "unvoted ballots" container. The privacy of the ballot selection by the voter must be maintained. The ballot stub must be removed and placed into the ballot stub envelope before the voted ballot is deposited into the ballot box.

(2) The "unvoted ballots" container must remain sealed and be returned to the county auditor with the supplies and voting materials.

(3) If a voter spoils a ballot and wishes to correct the error, the ballot must be returned to the poll worker and placed into the spoiled ballot envelope. The poll worker must issue a new set of ballots, consisting of each major political party's ballot and the nonpartisan ballot. The ballot stub number must be recorded in the poll book.

NEW SECTION

WAC 434-220-080 No records made at poll-sites. Pursuant to RCW 29A.44.231, no record of the political party ballot selected by the voter may be made. This prohibition includes poll workers, political observers and any other person who may be present while voting or ballot processing is taking place. The use of devices such as telephones, cameras, or recording devices to report, track, or monitor the ballot selection by voters is prohibited.

NEW SECTION

WAC 434-220-090 Partisan primary recounts. When a recount in a partisan primary is either requested or mandatory under chapter 29A.64 RCW, the recount only applies to the candidates of the affected political party. Votes for candidates for the same office but of a different political party may not be recounted.

AMENDATORY SECTION (Amending WSR 04-15-089, filed 7/16/04, effective 8/16/04)

WAC 434-230-010 Sample ballots. Sample paper ballots shall be printed in substantially the same form as official ballots, but shall be a different color than the official ballot. Sample ballots for counties using electronic or mechanical voting systems shall be printed in a manner that makes them easily distinguishable from the official ballot. Sample ballots shall be available starting fifteen days prior to an election. Such sample ballots shall be made available through the office of the county auditor and at least one shall be available at all polling places on election day.

Names of the candidates in each office to appear on the primary ballot shall be arranged on the sample ballot in the order provided by RCW ((29A.36.120)) 29A.36.121. The names of the candidates in each office to appear on the general election ballot shall be listed on the sample ballot in the order in which their names appear on the official ballot. State measures and local measures shall be in the same order as they appear on the official ballot.

At any primary or election when a local voters' pamphlet is published which contains a full sample ballot, a separate sample ballot need not be printed.

Counties with populations of over five hundred thousand may produce more than one sample ballot for a primary or election, each of which lists a portion of the offices and issues to be voted on at that election. Sample ballots may be printed by region or area (e.g., legislative district, municipal, or other district boundary) of the county, provided that all offices and issues to be voted upon at the election appears on at least one of the various sample ballots printed for such county. Each regional sample ballot shall contain all offices and issues to be voted upon within that region. A given office or issue may appear on more than one sample ballot, provided it is to be voted upon within that region. Sample ballots shall be made available and distributed to each polling place and to other locations within the appropriate region or area.

AMENDATORY SECTION (Amending WSR 98-03-033, filed 1/13/98, effective 2/13/98)

WAC 434-230-030 Placement of ballot measures for local units of government. All county-wide ballot measures shall be listed immediately following state ballot measures ((or issues)). In the absence of state ballot measures ((or issues)), county-wide ballot measures shall appear first ((on all sample ballots and on all ballots)) where state ballot measures would appear. For other local ballot measures and offices, each county shall establish written procedures to determine the order in which local units of government are to be listed on the ballot. Such order of local governmental units

shall be consistent on official, absentee, and sample ballots. The order may be determined by, but is not limited to the following: Size of jurisdictional area, alphabetical order by jurisdictional area, or such order as to provide for efficient use of ballot spacing and voting positions. Such procedures are to provide consistency from election to election within a county.

Except for county-wide ballot measures, local ballot measures and offices, if any, may be positioned in the area dedicated for that jurisdiction; or, local ballot measures may be grouped in a separate area dedicated to special measures only. This may be an area on the ballot separate from the candidates of such local government unit.

AMENDATORY SECTION (Amending WSR 97-21-045, filed 10/13/97, effective 11/13/97)

WAC 434-230-060 Primary votes required for appearance on general election ballot. Following any non-partisan primary, no candidate's name shall be entitled to appear on the general election ballot unless he or she receives the greatest or the next greatest number of votes for the office and additionally receives at least one percent of the total votes cast for the office.

Following any partisan primary, no major political party candidate's name shall be entitled to appear on the general election ballot unless he or she receives a plurality of votes cast for the candidates of his or her party for that office ((and additionally at least one percent of the total votes cast for the office. An independent candidate must receive one percent of the total votes cast for the office in the primary in order for his or her name to appear on the general election ballot. The filing officer shall notify, in writing, all candidates who satisfy other requirements but who fail to meet the one percent requirement of the fact that their name will not appear on the general election ballot)). The requirement in RCW 29A.36.191 that a candidate for partisan office receive at least one percent of the votes cast for that office in order to appear on the general election ballot is unenforceable based on *Libertarian Party v. Sam Reed*, Thurston County Superior Court No. 04-2-01974-2 (2004).

In those charter counties where provision is made in the county charter for the qualification of minor party and independent candidates, the charter provisions shall apply if the candidates has chosen that method for ballot qualification.

AMENDATORY SECTION (Amending WSR 98-03-033, filed 1/13/98, effective 2/13/98)

WAC 434-230-150 ((Electronic voting device)) Ballot uniformity. Counties may use varying sizes and colors of ballot cards if such size and color is used consistently throughout a region, area or jurisdiction (e.g., legislative district, commissioner district, school district, etc.). Varying color and size may also be used to designate absentee ballots, ((official)) poll ballots ((or)), vote by mail ballots, ((and in the case of a presidential preference primary;)) or political party ballots.

AMENDATORY SECTION (Amending WSR 98-03-033, filed 1/13/98, effective 2/13/98)

WAC 434-230-160 (~~(Electronic voting device)~~) Poll-site voting instructions. The ballot shall identify the type of primary or election, the county, and the date of the primary or election. Prominently displayed in the voting booth or on the ballot shall appear instructions directing the voter how to (~~operate the voting device and~~) correctly cast votes on issues and candidates, including write-in votes. The instructions shall read substantially as follows: To vote for a candidate or for or against a ballot measure, (~~punch or~~) mark the voting position to the right of the candidate or ballot measure (~~or of the name of the person~~) for whom you desire to vote. To vote for a person not on the ballot, write the title of the office, (~~if applicable~~), the name of the candidate, and party affiliation if for a partisan office, in the space provided on the ballot (~~card or ballot envelope~~) and (~~punch or~~) mark (~~such~~) the write-in position (~~if applicable~~).

(~~Absentee ballots shall be designated in such a manner as to clearly distinguish them from polling place ballots.~~)

AMENDATORY SECTION (Amending WSR 04-15-089, filed 7/16/04, effective 8/16/04)

WAC 434-230-170 (~~(Electronic voting devices —~~) Ballot form. Each office on the ballot shall be identified, along with a statement designating how many candidates are to be voted on for such office (e.g., vote for , with the words, "one," "two," or a spelled number). The office term shall be included on the ballot if such term is other than a full term (e.g., short/full term, two-year unexpired term, etc.). Each office shall be listed on the ballot in the manner prescribed by law or administrative rule. Following the office designation the names of all candidates for that position shall be listed together with political party designation certified by the secretary of state as provided in RCW (~~29A.36.010~~) 29A.36.011 or the word "nonpartisan," or "NP" as applicable. Each office listed on the ballot shall be separated by a bold line. In a year in which a President of the United States is to be elected, the names of all candidates for President and Vice-President for each party shall be grouped together (~~Each group shall be enclosed in brackets~~) with one vote response position for each party, where the voter may indicate (~~their~~) his or her choice.

Candidate names shall be printed in a type style and point size which is easily read. If a candidate's name exceeds the space provided, the election official shall take whatever steps necessary to place the name on the ballot in a manner which is readable. These steps may include using a smaller point size, a different type style, or setting the name in upper/lower case letters, rather than upper case, if appropriate.

Each position, with the candidates running for that office, shall be clearly delineated from the following one by a bold line. Following each listing of candidates shall be a blank space for writing in the name of any candidate (~~if desired, on the ballot card, or a write-in space provided on the ballot envelope~~).

AMENDATORY SECTION (Amending WSR 06-02-028, filed 12/28/05, effective 1/28/06)

WAC 434-253-020 Polling place—Election supplies. Polling places shall be provided, at a minimum, with the following supplies at every election:

- (1) Precinct list of registered voters or a poll book, which shall include suitable means to record the signature and address of the voter;
- (2) Inspector's poll book;
- (3) Required oaths/certificates for inspectors and judges;
- (4) Sufficient number of ballots as determined by election officer;
- (5) Ballot containers;
- (6) United States flag;
- (7) Voting instruction signs;
- (8) Challenge and provisional ballots and envelopes;
- (9) Cancellation cards due to death;
- (10) Voting equipment instructions;
- (11) Procedure guidelines for inspectors and judges and/or precinct election officer guidebooks;
- (12) Keys and/or extra seals;
- (13) Pay voucher;
- (14) Ballots stub envelope;
- (15) Emergency plan of action;
- (16) Either sample ballots or voters' pamphlets;
- (17) HAVA voter information poster; (~~and~~)
- (18) Voter registration forms; and
- (19) For partisan primaries in counties using physically separate ballots, and "unvoted ballots" container with a numbered seal.

AMENDATORY SECTION (Amending WSR 05-17-145, filed 8/19/05, effective 9/19/05)

WAC 434-262-031 Rejection of ballots or parts of ballots. Ballots or parts of ballots shall be rejected by the canvassing board in the following instances:

- (1) Where two ballots are found folded together, or where a voter has voted more than one ballot;
- (2) Where two voted ballots are contained within a returned mail ballot envelope containing only one valid signature under the affidavit, unless both ballots are voted identically, in which case one ballot will be counted. If there are two valid signatures under the affidavit, both ballots must be counted;
- (3) Where a ballot or parts of a ballot are marked in such a way that it is not possible to determine the voter's intent;
- (4) Where the voter has voted for candidates or issues for whom he or she is not entitled to vote;
- (5) Where the voter has voted for more candidates for an office than are permissible;
- (6) Where the voter has incorrectly attempted to correct a vote on the ballot contrary to the instructions provided pursuant to WAC 434-250-040 unless the voter provides written instructions directing how the vote should be counted;
- (7) In the case of a partisan primary:
 - (a) For physically separate ballots:
 - (i) A log must be kept of all voted ballots rejected and included as part of the county canvassing board minutes.

(ii) When a voted nonpartisan ballot and a voted party ballot are both returned, and the nonpartisan section of the party ballot was not voted, the votes from both ballots must be duplicated onto a blank ballot of the same party the voter originally voted for.

(iii) When a party ballot and nonpartisan ballot both have been returned with the nonpartisan offices and ballot measures voted on both ballots, the nonpartisan votes that are the same on each ballot and the party votes shall be duplicated and counted.

(iv) Write-in votes for a partisan candidate on a nonpartisan ballot must not be counted in the final write-in tally.

(v) Write-in votes for a partisan candidate who has not filed a write-in declaration of candidacy, thereby affiliating with a major party, must not be counted in the final write-in tally.

(vi) If physically separate ballots are used and a voter returns more than one voted partisan ballot, no votes cast for candidates for partisan office shall be counted. If votes are cast for nonpartisan offices and/or ballot measures on only one of the partisan ballots, the nonpartisan votes must be counted. If votes are cast for nonpartisan offices and/or ballot measures on more than one party ballot, only those votes which are the same on each ballot shall be duplicated onto a nonpartisan ballot and counted.

(vii) If more than one ballot is returned but only one ballot is voted, the voted ballot must be counted.

(b) For consolidated ballots:

(i) When voting a consolidated ballot, if the voter does not mark the party checkbox, votes cast for candidates for partisan office must not be counted but votes cast on the nonpartisan portion of the ballot shall be counted.

(ii) Write-in votes for a partisan candidate in a partisan office on the nonpartisan section of the ballot must not be counted in the final write-in tally.

(iii) Write-in votes for a partisan candidate who has not filed a write-in declaration of candidacy shall not be counted in the final write-in tally.

(iv) If the voter marks one party checkbox, only those votes for candidates of that party shall count. Votes cast for candidates of other political parties must not be counted and do not cause over-votes.

Additionally, the canvassing board shall reject any ballot cast by a voter not qualified to vote, and shall reject absentee ballots where such rejection is required by law or administrative rule.

WSR 06-14-050
PERMANENT RULES
SECRETARY OF STATE
 (Elections Division)

[Filed June 28, 2006, 9:56 a.m., effective July 29, 2006]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The rules address issues such as documenting situations where a seal is missing or broken, verifying a voter registration applicant's identity, mailing ballot materials to out-of-state voters, notifying voters of unsigned ballot envelopes,

late transfer registrations, filing voter registration challenges, and certifying voting equipment.

Citation of Existing Rules Affected by this Order: Amending WAC 434-250-060, 434-253-050, 434-260-170, 434-261-050, 434-324-040, 434-324-075, 434-324-115, 434-324-150, and 434-335-010.

Statutory Authority for Adoption: RCW 29A.04.611.

Adopted under notice filed as WSR 06-10-075 on May 2, 2006.

Changes Other than Editing from Proposed to Adopted Version: WAC 434-324-040 was amended to state the state identification number for a new voter registration applicant after the applicant's data has been entered. Additionally, if the applicant's driver's license number, state ID number, or last four digits of the Social Security number don't match, the county auditor must send a verification notice and may attempt to contact the applicant by phone or e-mail. The county auditor may attempt to confirm the applicant's driver's license number or state identification number, obtain the last four digits of the applicant's Social Security number, or obtain an alternative form of identification.

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 6, 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 4, Amended 3, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 3, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 4, Amended 9, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: June 28, 2006.

Steve Excell

Assistant Secretary of State

NEW SECTION

WAC 434-250-025 Broken or missing seals. If a seal is missing or broken without authority, all subsequent steps taken must be documented and included in a report to the canvassing board.

AMENDATORY SECTION (Amending WSR 05-17-145, filed 8/19/05, effective 9/19/05)

WAC 434-250-060 Service and overseas voters—Material and postage. Pursuant to RCW 29A.40.150, the secretary of state must furnish envelopes and instructions for ~~((out of state,))~~ overseas ~~((;))~~ and service voters. For purposes of RCW 29A.40.150, ~~((out of state voters are limited to voters who are spouses or dependents of service voters, and))~~ service voters do not include participants of the address confidentiality program established in chapter 40.24 RCW. All absentee ballots to voters in these categories will be sent post-

age-free, pursuant to the provisions of federal law, and the return envelopes must be marked as to indicate that they may be returned free of postage.

NEW SECTION

WAC 434-253-005 Broken or missing seals. If a seal is missing or broken without authority, all subsequent steps taken must be documented and included in a report to the canvassing board.

AMENDATORY SECTION (Amending WSR 98-03-033, filed 1/13/98, effective 2/13/98)

WAC 434-253-050 Voter unable to sign name— Authority to vote. Whenever a registered voter's name appears in the poll book or precinct list but the voter is unable to sign his/her name, the precinct election officer shall require the person offering to vote to be identified by another registered voter and issued a ballot. The ballot shall be processed in the same manner as other regularly voted ballots. In the event that the person offering to vote cannot be identified by another registered voter, the precinct election officer shall issue the person a ~~((special))~~ provisional ballot. Such ~~((special))~~ provisional ballots shall be referred to the county canvassing board. The precinct election officer shall note on the poll book that the voter could not sign their name. The county auditor shall verify after election day that the voter's registration reflects the voter's inability to sign. The county auditor shall request an updated signature for those voters without current signatures on file.

AMENDATORY SECTION (Amending WSR 99-12-004, filed 5/19/99, effective 6/19/99)

WAC 434-260-170 Distribution of special review recommendations and response. The county auditor and the county canvassing board may respond in writing to any recommendations made by the review staff. Such response shall not be made later than ~~((fifteen))~~ ten working days after the completion of the mandatory recount. The review staff shall, after the county auditor and county canvassing board have had an opportunity to respond, provide a copy of its recommendations and any response to any person requesting them at actual reproduction costs. Nothing in this section shall prevent the review staff from modifying or amending its recommendations, based on the response received from the county auditor or county canvassing board. In the event the special review recommendations are modified or amended, only the final recommendations and any response by the county shall be made available for inspection and copying. In the event that the review staff does not modify or amend the draft recommendations within sixteen working days from the completion of the mandatory recount, the draft recommendations shall be considered to be final recommendations and shall be made available for inspection and copying. A copy of the special review recommendations and any response shall be provided to the chairperson of the election administration and certification board and a copy shall also be kept on file by the secretary of state.

NEW SECTION

WAC 434-261-007 Broken or missing seals. If a seal is missing or broken without authority, all subsequent steps taken must be documented and included in a report to the canvassing board.

AMENDATORY SECTION (Amending WSR 05-17-145, filed 8/19/05, effective 9/19/05)

WAC 434-261-050 Unsigned oath or mismatched signatures. If a voter neglects to sign the oath on an absentee or provisional ballot envelope, signs the oath with a mark and fails to have two witnesses attest to the signature, or signs the ballot envelope but the signature on the envelope does not match the signature on the voter registration file, the auditor shall notify the voter ((by phone, as required by)) pursuant to RCW 29A.60.165((, if the voter has provided the auditor with a phone number. Leaving a message for the voter is not sufficient. If, at least one week prior to the certification of the election, the county auditor still has not been able to contact the voter by phone, the county auditor shall send a first class letter to the voter. If the ballot is received within one week of certification, the county auditor shall both send a letter and telephone the voter. The voter must sign the oath that appeared on the envelope)).

AMENDATORY SECTION (Amending WSR 05-24-039, filed 11/30/05, effective 12/31/05)

WAC 434-324-040 Data transfer to secretary and registration status. (1) Following entry into the county election management system, all information in the application for voter registration must be transferred electronically to the secretary for identity verification, outlined in RCW 29A.08.107. The secretary must assign the application a state identification number, and the application ((for voter registration)) must remain in the county election management system in pending status until the applicant's identity has been verified.

(2) If the applicant provided a Washington driver license number or state identification card number, the applicant's identity is verified with the department of licensing. If the applicant provided the last four digits of his or her Social Security number, the applicant's identity is verified with the Social Security Administration through the department of licensing.

(3) If the applicant's identity is not verified automatically, the secretary must notify the county election management system accordingly. The county auditor must first confirm the accuracy of the information entered in the county election management system from the voter registration application. The county auditor must correct any errors and again attempt to verify the applicant's identity automatically.

(4) If the applicant provided a Washington driver license number or state identification number and the identity is not verified automatically, the information on the application may be considered a "match" for purposes of RCW 29A.08.107 if the number on the application exactly matches a number issued by the department of licensing, and it is clear that the information on the application describes the person

on the department of licensing record. The county auditor may conclude that the information on the application matches the department of licensing record if:

(a) The first or middle name on the application is a variation of the first or middle name in the department of licensing record;

(b) The first, middle, or last name has transposed letters or another typographical error on the application or in the department of licensing record;

(c) The first or middle name is abbreviated with initials on the application or in the department of licensing record; or

(d) The month and day of the applicant's date of birth are transposed on the application or in the department of licensing record.

If the information on the application matches the information maintained by the department of licensing, the county auditor may override the automated failure to verify and must note the reason it is considered a match.

(5) If the applicant's driver's license or state identification number cannot be considered a match, the county auditor must attempt to contact the applicant to resolve the discrepancy, as required by RCW 29A.08.107. At a minimum, the county auditor must send a verification notice, as required by RCW 29A.08.030, 29A.08.110, and 29A.08.210, and may attempt to contact the applicant by phone or e-mail. The county auditor may attempt to confirm the applicant's driver's license number or state identification number, obtain the last four digits of the applicants's Social Security number, or obtain an alternative form of identification as allowed by RCW 29A.08.113.

(6) If the applicant provided the last four digits of his or her Social Security number and the identity is not verified automatically, the county auditor must contact the applicant to resolve the discrepancy, as required by RCW 29A.08.107. At a minimum, the county auditor must send a verification notice, as required by RCW 29A.08.030, 29A.08.110, and 29A.08.210, and may attempt to contact the applicant by phone or e-mail. The county auditor may attempt to confirm the last four digits of the applicant's Social Security number, obtain a Washington driver's license number or state identification number, or obtain an alternative form of identification as allowed by RCW 29A.08.113.

(7) Once the ~~((secretary has verified the applicant's identity pursuant to RCW 29A.08.107))~~ applicant's identity has been verified, ~~((the secretary must assign a state identification number, and))~~ the county auditor must change the voter's registration code in the county election management system from pending status to active. ~~((If the applicant's identity has not been verified, the secretary must notify the auditor accordingly.))~~ Consistent with RCW 29A.08.110, the applicant is considered registered as of the original date of mailing or date of delivery, whichever is applicable.

AMENDATORY SECTION (Amending WSR 05-24-039, filed 11/30/05, effective 12/31/05)

WAC 434-324-075 ((Transfer of voter registration record between counties.)) Timelines for new and transfer registrations. (1) ~~((Up until))~~ In order to be in effect for an upcoming primary, special, or general election, a regis-

tered voter must transfer his or her registration record by mail or in person no later than thirty days prior to ((a)) the primary, special ((election)), or general election((;)). A registered voter may transfer his or her registration record by completing and submitting a new application for voter registration ((pursuant to RCW 29A.08.140)). Upon receipt, the auditor must process the application for voter registration in the same manner as all other applications for voter registration pursuant to WAC 434-324-010.

(2)((a) If a registered voter transfers his or her registration late, as outlined in RCW 29A.08.145 between counties, the new auditor must issue the voter a late registration absentee ballot and envelope for the next primary, special election, or general election. The late registration absentee ballot must not be counted until it is confirmed that it is a valid ballot.

(b) A late registration absentee ballot must be issued in a specially marked envelope along with an instructional notice. The notice must explain why a late registration absentee ballot is being issued, that the enclosed ballot is the correct ballot for the voter to cast, and that no other ballot submitted by the voter for that same primary, special election, or general election will be counted. The auditor's contact information must be included, and it must be stated that the voter may call the auditor regarding questions. The voter's registration status in the previous county must promptly be flagged so any returned ballots will not be counted.

(c)(i) If the new county receives a late registration absentee ballot, it must confirm that the previous county did not receive a ballot from the same voter.

(ii) If the previous county does not receive a ballot from the voter, the late registration absentee ballot received by the new county must be counted. Any subsequent ballot returned to the previous county must not be counted.

(iii) If the previous county receives a ballot from the voter, it must contact the new county. If the late registration absentee ballot was not returned to the new county, the previous county must send the absentee ballot to the new county, and the new county must count only races applicable to that county.)) In order to vote in an upcoming primary, special, or general election, a person who is not registered to vote in Washington must register:

(a) By mail no later than thirty days prior to the primary, special, or general election; or

(b) In person at the county auditor's office no later than fifteen days before the primary, special, or general election. A person who registers under this subsection will be issued an absentee ballot for the upcoming primary, special, or general election.

AMENDATORY SECTION (Amending WSR 05-17-094, filed 8/15/05, effective 9/15/05)

WAC 434-324-115 Challenge of voter's registration. All county auditors and the secretary of state shall ~~((maintain a supply of, and))~~ furnish to the public on request((;)) forms substantially similar to the sample included below for the purpose of allowing a registered voter to challenge the registration of another voter pursuant to RCW ~~((29A.08.830))~~ 29A.08.810 through 29A.08.850. ~~((A copy of the form shall be sent to the voter, whose voter registration has been chal-~~

lenged and to the challenger pursuant to RCW 29A.08.840. The form shall be substantially similar to the following:

VOTER REGISTRATION CHALLENGE FORM
REASON FOR CHALLENGE

Check the appropriate box below.

- The individual challenged is not a U.S. Citizen.
- The individual challenged is not at least eighteen years old.
- The individual challenged is currently being denied his or her civil rights by reason of a felony conviction.
- The individual challenged has been judicially declared mentally incompetent.
- The individual challenged does not reside at the address at which he or she is registered to vote. Under Article VI, section 4, of the Washington State Constitution, a voting residence is not lost if the person is absent due to state or federal employment, military service, school attendance, confinement in prison, or engaged in navigation at sea. State law requires the person filing the challenge to provide the address at which the challenged voter actually resides:

Voter Registration Address	Actual Address
Please describe the factual basis for the voter registration challenge:	

AFFIDAVIT OF CHALLENGER

I, _____ declare under penalty of perjury under the laws of the State of Washington that I am a registered voter in the State of Washington and that I hereby challenge the voter registration of _____. I have personal knowledge and belief that this person is not qualified to vote, or does not reside at the address given on his or her voter registration record and is also not protected by the provisions of Article VI, section 4, of the Washington State Constitution.

Signature of Challenger _____ Date and Place Signed

Address

City, State, Zip

PROCEDURES FOR FILING A VOTER REGISTRATION CHALLENGE

FORM

By statute, any registered voter may challenge the right to vote of any other registered voter, up until the day before an election, by filing the attached affidavit subject to the penalties of perjury. The challenger must declare that, to his or

her personal knowledge and belief, the challenged voter is not qualified to vote or does not actually reside at the address given on his or her voter registration record.

If the challenge is based on residence, RCW 29A.08.830 requires the challenger to provide the address at which the challenged voter actually resides. The challenger must also declare that, to his or her personal knowledge and belief, the challenged voter is not protected by the provisions of Article VI, section 4, of the Washington State Constitution. This provision of the Washington State Constitution protects a voter from losing his or her voting residence if the absence is due to state or federal employment, military service, school attendance, confinement in prison, or engaged in navigation at sea.

Challenges may not be based on unsupported allegations or allegations by anonymous third parties.

HEARING

The County Auditor shall notify the challenged voter, by certified mail, that his or her voter registration has been challenged. The notice shall request that the challenged voter appear at a hearing to be held within 10 days, and shall state the date, time, and location of the hearing. The challenger shall be provided a copy of the notice.

If either the challenger or the challenged voter is unable to appear at the hearing, he or she may submit a reply by affidavit stating, under oath, the reasons he or she believes that the voter registration is valid or invalid.

The identity of the challenger, and any third person involved in the challenge, is public record and shall be announced at the time the challenge is made.

A challenged voter may properly transfer or reregister until three days before the election by applying personally to the County Auditor.

If a challenge is filed more than 30 days before an election, the County Auditor presides over the hearing and issues a decision. If the challenge is filed less than 30 days before an election, the County Canvassing Board presides over the hearing and issues a decision.

For more information, please contact your County Auditor.))

VOTER REGISTRATION CHALLENGE

AFFIDAVIT

I, _____ declare under penalty of perjury under the laws of the State of Washington that I am a registered voter in the State of Washington and that I hereby challenge the voter registration of:

<u>Name</u>	<u>Registered Address</u>

I have personal knowledge and belief that this person is not qualified to vote or does not reside at the address given on his or her voter registration record, as evidenced below. I have

exercised due diligence to personally verify the evidence presented.

REASON FOR CHALLENGE

Check the appropriate box below. The voter:

- Is not a U.S. Citizen.
- Will not be at least eighteen years old by the next election.
- Has been convicted of a felony and his or her right to vote has not been restored.
- Has been judicially declared ineligible to vote due to mental incompetency.
- Does not reside at the address at which he or she is registered to vote, in which case I am submitting either:
 - 1) The address at which the challenged voter actually resides:
or
 - 2) Evidence that I exercised due diligence to verify that the voter does not reside at the address provided and to attempt to contact the voter to learn the voter's actual residence. I personally:
 - Sent a letter with return service requested to all known addresses for the voter;
 - Visited the voter's residential address to contact persons at the address to determine if the voter actually resides there. If I was able to contact anyone who owns, manages, resides, or is employed at the address, I am submitting a signed affidavit from that person stating that, to his or her personal knowledge, the voter does not reside at the address;
 - Searched local telephone directories to determine whether the voter maintains a telephone listing at an address within the county;
 - Searched county auditor property records to determine whether the voter owns any property in the county; and
 - Searched the statewide voter registration data base to determine if the voter is registered at any other address in the state.

List the evidence for the challenge:

Signature of Challenger Date and Place Signed

Address City, State, Zip

Attach all necessary documentation.

FILING A VOTER REGISTRATION CHALLENGE

General Information

The registration of a person as a voter is presumptive evidence of that person's right to vote. A voter registration challenge cannot be based on unsupported allegations or allegations by anonymous third parties. All documents pertaining to a challenge are public records. A challenge may be dismissed if it is not in proper form or if the reason is not grounds for a challenge. The challenge process is established in RCW 29A.08.810 through 29A.08.850. Residency requirements are established in Article VI, section 4 of the Washington state Constitution, RCW 29A.04.151 and 29A.08.112.

Who May File a Challenge and When

A registered voter or the prosecuting attorney may file a challenge. To affect an upcoming election, the challenge must be filed at least forty-five days before the election. However, if the challenged voter registered less than sixty days before the election or moved less than sixty days before the election without transferring the registration, the challenge must be filed at least ten days before the election or ten days after the voter registered, whichever is later. Additionally, a poll site judge or inspector may challenge a voter's right to vote on election day at the poll site.

Exceptions to the Residency Requirements

A voter does not lose his or her voting residency if absent due to state or federal employment, military service, school attendance, confinement in a public prison, out-of-state business, or navigation at sea. A voter who lacks a traditional residential address, such as a person who resides in a shelter, park, motor home or marina, is assigned a precinct based on the voter's physical location.

The Hearing

The county auditor notifies the voter and challenger of the hearing date and time. The voter and challenger may either appear in person or submit testimony by affidavit. The county auditor presides over the hearing, unless the challenge was filed during the forty-five days before an election, in which case the county canvassing board presides over the hearing. The challenger has the burden to prove by clear and convincing evidence that the voter's registration is improper. The voter has an opportunity to respond. The final decision may only be appealed in superior court.

AMENDATORY SECTION (Amending WSR 05-24-039, filed 11/30/05, effective 12/31/05)

WAC 434-324-150 Retaining voter registration records. The secretary and each county must retain the voter registration records according to a retention schedule approved by the state or local records committee and promulgated by the archives division of the secretary's office. On an annual basis, the secretary must copy all voter registration records from the statewide voter registration data base after ~~(the)~~ each general election. By December 31st of each year, the secretary must transfer the copy to the state archives division for permanent retention. This copy will contain all voter

registration records in the statewide voter registration data base, including active, inactive, and canceled records.

NEW SECTION

WAC 434-335-005 Broken or missing seals. If a seal is missing or broken without authority, all subsequent steps taken must be documented and included in a report to the canvassing board.

AMENDATORY SECTION (Amending WSR 05-18-022, filed 8/29/05, effective 9/29/05)

WAC 434-335-010 Certification of voting equipment. All voting systems, voting devices, and vote tallying systems must be certified and approved by the secretary of state before they can be used in Washington state (~~In order for a voting system to be certified in Washington state, it must~~) pursuant to RCW 29A.12.080 and meet the applicable federal standards (~~(, comply with Washington state law, and, except for functions or capabilities unique to Washington state, be certified and used in at least one other state)~~).

**WSR 06-14-051
PERMANENT RULES
UTILITIES AND TRANSPORTATION
COMMISSION**

[Docket No. UT-053021, General Order No. R-534—Filed June 28, 2006, 10:17 a.m., effective July 29, 2006]

Reviser's note: The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 06-15 issue of the Register.

**WSR 06-14-052
PERMANENT RULES
UTILITIES AND TRANSPORTATION
COMMISSION**

[Docket A-060464, General Order No. R-535—Filed June 28, 2006, 10:19 a.m., effective July 29, 2006]

In the matter of amending and adopting WAC 480-75-999 and 480-93-999, relating to adoption-by-reference date revisions for petroleum pipeline companies and gas companies—Safety.

1 STATUTORY OR OTHER AUTHORITY: The Washington utilities and transportation commission takes this action under Notice No. WSR 06-08-059 for an expedited rule making, filed with the code reviser on March 31, 2006. The commission brings this proceeding pursuant to RCW 80.01.040, 80.04.160, 80.28.210, 81.04.160, 81.88.020, and 34.05.353.

2 STATEMENT OF COMPLIANCE: This proceeding complies with the Administrative Procedure Act (chapter 34.05 RCW), the State Register Act (chapter 34.08 RCW), the State Environmental Policy Act of 1971 (chapter 43.21C RCW), and the Regulatory Fairness Act (chapter 19.85 RCW).

3 DATE OF ADOPTION: The commission adopts this rule on the date that this order is entered.

4 CONCISE STATEMENT OF PURPOSE AND EFFECT OF THE RULE: RCW 34.05.325(6) requires that the commission prepare and provide to commenters a concise explanatory statement about an adopted rule. The statement must include the identification of the commission's reasons for adopting the rule, a description of the differences between the version of the proposed rules published in the register and the rules as adopted (other than editing changes), a summary of the comments received regarding the proposed rule changes, and the commission's responses to the comments, reflecting the commission's consideration of them.

5 In this docket, to avoid unnecessary duplication, the commission designates the discussion in this order as its concise explanatory statement, supplemented where not inconsistent by the staff memoranda preceding the filing of the CR-105 and the adoption order. Together, the documents provide a complete but concise explanation of the agency actions and its reasons for taking those actions.

6 REFERENCE TO AFFECTED RULES: This rule amends the following sections of the Washington Administrative Code:

Rule Changes			
Action	WAC No.	Rule Title	Changes
Chapter 480-75 WAC, Petroleum pipeline companies			
Amend	480-75-999	Adoption by reference.	Adoption by Reference dates changed as follows:
			Title 49 Code of Federal Regulations October 1, 2005 - Parts 195 and 199
Chapter 480-93 WAC, Gas companies—Safety			
Amend	480-93-999	Adoption by reference.	Adoption by reference dates changed as follows:
			Title 49 Code of Federal Regulations October 1, 2005 - Parts 191, 192, 193, and 199

7 PREPROPOSAL STATEMENT OF INQUIRY AND ACTIONS THEREUNDER: A preproposal statement of inquiry is not required under RCW 34.05.353 Expedited rule making.

8 NOTICE OF EXPEDITED RULE MAKING: The commission filed notice of expedited rule making (CR-105) on March 31, 2006, at WSR 06-08-059. The notice informed interested persons that the rules were being proposed under an expedited rule-making process as required by RCW 34.05.353. The commission provided notice of its expedited rule making to all persons on the commission's list of persons requesting such information pursuant to RCW 34.05.353, and by sending notice to all companies affected by the adoption-by-reference rule proposal. The notice provided interested persons the opportunity to submit written comments to the commission not later than June 5, 2006. The commission posted the relevant rule-making information on its internet web site at www.wutc.wa.gov.

9 COMMENTERS (WRITTEN COMMENTS): No comments were received on the proposed rules.

10 RULE-MAKING HEARING: A rule-making hearing is not required under RCW 34.05.353 Expedited rule making.

11 COMMISSION ACTION: After considering all of the information regarding this proposal, the commission amended the rules as proposed in the CR-105 at WSR 06-08-059.

12 CHANGES FROM PROPOSAL: The commission adopted the proposal noticed at WSR 06-08-059.

13 STATEMENT OF ACTION; STATEMENT OF EFFECTIVE DATE: After reviewing the entire record, the commission determines that WAC 480-75-999 and 480-93-999 should be amended to read as set forth in Appendix A, as rules of the Washington utilities and transportation commission, to take effect pursuant to RCW 34.05.380(2) on the thirty-first day after filing with the code reviser.

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 0, Repealed 0.

ORDER

14 THE COMMISSION ORDERS:

15 (1) The commission amends and adopts WAC 480-75-999 and 480-93-999 to read as set forth in Appendix A, as rules of the Washington utilities and transportation commission, to take effect pursuant to RCW 34.05.380(2) on the thirty-first day after filing with the code reviser.

16 (2) This order and the rules set out below, after being recorded in the register of the Washington utilities and transportation commission, shall be forwarded to the code reviser for filing pursuant to chapters 80.01 and 34.05 RCW and chapter 1-21 WAC.

DATED at Olympia, Washington, June 26, 2006.

Washington Utilities and Transportation Commission
Mark H. Sidran, Chairman
Patrick J. Oshie, Commissioner

AMENDATORY SECTION (Amending Docket No. A-050271, General Order No. R-521, filed 10/10/05, effective 11/10/05)

WAC 480-75-999 Adoption by reference. In this chapter, the commission adopts by reference all or portions of regulations and standards identified below. They are available for inspection at the commission branch of the Washington state library. The publications, effective dates, references

within this chapter, and availability of the resources are as follows:

(1) **Title 49 Code of Federal Regulations**, cited as 49 CFR, Parts 195 and 199 including all appendices and amendments except for 195.0, 195.1, 199.1 and 199.2 published by the United States Government Printing Office.

(a) The commission adopts the version in effect on October 1, (~~2004~~) 2005.

(b) This publication is referenced in WAC 480-75-370 (Design factor (*F*) for steel pipe), WAC 480-75-630 (Incident reporting), and WAC 480-75-660 (Operations safety plan requirements).

(c) Copies of Title 49 Code of Federal Regulations are available from the U.S. Government Online Bookstore, <http://bookstore.gpo.gov/>, and from various third-party vendors.

(2) **The American Society of Mechanical Engineers (ASME) B31.4**, 1998 edition.

(a) This publication is referenced in WAC 480-75-350 (Design specifications for new pipeline projects), WAC 480-75-440 (Pipeline repairs), and WAC 480-75-450 (Construction specifications).

(b) Copies of ASME B31.4 are available from The American Society of Mechanical Engineers, Park Avenue New York, New York.

(3) The 2001 edition of **Section IX of the ASME Boiler and Pressure Vessel Code**.

(a) This publication is referenced in WAC 480-75-430 (Welding procedures).

(b) Copies of *Section IX of the ASME Boiler and Pressure Vessel Code* are available from The American Society of Mechanical Engineers, Park Avenue, New York, New York.

(4) The commission adopts **American Petroleum Institute (API) standard 1104** 19th edition.

(a) This publication is referenced in WAC 480-75-430 (Welding procedures) and WAC 480-75-460 (Welding inspection requirements).

(b) Copies of API standard 1104 19th edition are available from the Office of API Publishing Services in Washington DC.

(5) The commission adopts **API RP standard 1117** Second Edition, August 1996.

(a) This publication is referenced in WAC 480-75-500 (Moving and lowering hazardous liquid pipelines).

(b) Copies of API standard 1117 Second Edition are available from Global Engineering Documents in Englewood, Colorado.

AMENDATORY SECTION (Amending Docket No. UG-011073, General Order No. R-520, filed 5/2/05, effective 6/2/05)

WAC 480-93-999 Adoption by reference. In this chapter, the commission adopts by reference each of the regulations and/or standards identified below. For each regulation or standard the commission is adopting by reference is listed the publisher, the scope of what the commission is adopting, the effective date of the regulation or standard the commission is adopting, the place within the commission's rules the

regulation or standard is referenced, and the availability of the publication in which the regulation or standard is found.

(1) Title 49 Code of Federal Regulations, cited as 49 CFR, Parts 191, 192, 193, and 199 including all appendices and amendments thereto as published by the United States Government Printing Office.

(a) The commission adopts the version of the above regulations that were in effect on October 1, ((2004)) 2005, except the following sections are not adopted by reference: 191.1, 192.1(a), 193.2001(a), 199.1. However, in WAC 480-93-013, the commission includes "new construction" in the definition of "covered task," as defined in 49 CFR § 192.801 (b)(2).

(b) This publication is referenced in WAC 480-93-005, 480-93-080, 480-93-100, 480-93-110, 480-93-124, 480-93-155, 480-93-170, 480-93-180, and 480-93-18601.

(c) The Code of Federal Regulations is published by the federal government. Copies of Title 49 Code of Federal Regulations are available from most Government Printing Offices, including the Seattle office of the Government Printing Office, as well as from various third-party vendors and various libraries, including the branch of the state library located at the commission. It is also available for inspection at the commission.

(2) Section IX of the ASME Boiler and Pressure Vessel Code.

(a) The commission adopts the 2001 edition of Section IX of the ASME Boiler and Pressure Vessel Code.

(b) This publication is referenced in WAC 480-93-080.

(c) Copies of Section IX of the ASME Boiler and Pressure Vessel Code (2001 edition) are available from The American Society of Mechanical Engineers, Park Avenue, New York, New York, and various libraries, including the branch of the state library located at the commission. It is also available for inspection at the commission.

(3) The American Petroleum Institute (API) standard 1104.

(a) The commission adopts the 19th edition of this standard.

(b) This standard is referenced in WAC 480-93-080.

(c) Copies of API standard 1104 (19th edition) are available from the Office of API Publishing Services in Washington DC, and various libraries, including the branch of the state library located at the commission. It is also available for inspection at the commission.

WSR 06-14-057

PERMANENT RULES

PUBLIC DISCLOSURE COMMISSION

[Filed June 29, 2006, 3:43 p.m., effective July 30, 2006]

Effective Date of Rule: Thirty-one days after filing.

Purpose: To reflect the commission's intent to receive stipulated agreements involving civil penalties prior to an adjudicative proceeding. Stipulations shall be provided by 4:00 p.m. the business day preceding a commission hearing.

Citation of Existing Rules Affected by this Order: Amending WAC 390-37-090.

Statutory Authority for Adoption: RCW 42.17.370.

Adopted under notice filed as WSR 06-11-012 on May 4, 2006.

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.

Date Adopted: June 29, 2006.

Vicki Rippie
Executive Director

AMENDATORY SECTION (Amending WSR 05-11-001, filed 5/4/05, effective 6/4/05)

WAC 390-37-090 Informal settlement—Cases resolvable by stipulation prior to an enforcement hearing (adjudicative proceeding), or by other alternative dispute mechanisms. (1) RCW 34.05.060 authorizes agencies to establish by rule specific procedures for attempting and executing informal settlement of matters. The following procedures are available for informal dispute resolution prior to an adjudicative proceeding that may make more elaborate proceedings under the Administrative Procedure Act unnecessary.

(a) Any enforcement matter before the commission which has not yet been heard in an adjudicative proceeding may be resolved by settlement. The respondent shall communicate his or her request to the executive director or designee (commission staff), setting forth all pertinent facts and the desired remedy. Settlement negotiations shall be informal and without prejudice to rights of a participant in the negotiations.

(b) When the executive director and respondent agree to terms of any stipulation of facts, violations, and/or penalty, commission staff shall prepare the stipulation for presentation to the commission.

(c) Any proposed stipulation shall be in writing and signed by each party to the stipulation or his or her representative. The executive director shall sign for commission staff. ~~((The stipulation shall be provided at the hearing.))~~ Any stipulation to facts and violations shall be provided prior to or at the hearing. Stipulations to penalty shall be provided by 4:00 p.m. the business day preceding the hearing. The commission has the option of accepting, rejecting, or modifying the proposed stipulation or asking for additional facts to be presented. If the commission accepts the stipulation or modifies the stipulation with the agreement of the opposing party, the commission shall enter an order in conformity with the terms of the stipulation. If the commission rejects the stipulation or

the opposing party does not agree to the commission's proposed modifications to the stipulation, and if no revised stipulation or staff report is presented to the commission, then an adjudicative proceeding shall be scheduled and held.

(2) Parties are encouraged to be creative in resolving cases without further litigation where appropriate.

(3) Following a stipulation of facts or law, if the commission determines certain sanctions or other steps are required by the respondent as a result of the alternative dispute resolution including stipulations and that it intends to enter an order, and the respondent does not timely raise an objection at the hearing, it shall be presumed that the respondent has waived objections and appeals, and agrees to the entry of the order.

WSR 06-14-062

PERMANENT RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Health and Recovery Services Administration)

[Filed June 30, 2006, 10:01 a.m., effective July 31, 2006]

Effective Date of Rule: Thirty-one days after filing.

Purpose: Amending WAC 388-501-0135 to update and clarify policy and to add language that allows the department or department-contracted managed care organization (MCO) to restrict a fee-for-service client or MCO enrollee to one narcotic prescriber.

Citation of Existing Rules Affected by this Order: Amending WAC 388-501-0135.

Statutory Authority for Adoption: RCW 74.08.090, 74.09.520, and 74.04.055.

Other Authority: 42 C.F.R. 431.54.

Adopted under notice filed as WSR 06-08-093 on April 4, 2006.

Changes Other than Editing from Proposed to Adopted Version:

WAC 388-501-0135(2) "~~Abusive practices~~" means ~~services and/or treatment that are one or both of the following:~~

- ~~Not medically necessary and may result in unnecessary costs to a medical assistance program; or~~
- ~~Improper or excessive.~~

WAC 388-501-0135(2) "At-risk" means a medical history that may include one or more of the following:

- Indicators of forging or altering prescriptions;
- ~~Overuse of health care services that were or are beyond the fee for service client's or MCO enrollee's medically necessary care; Seeking and/or obtaining medical services at a frequency or amount that is not medically necessary.~~
- A client's or enrollee's medical assistance identification care reportedly used by an unauthorized person(s) or for an unauthorized purpose(s); or
- Other behaviors or ~~abusive~~ practices that could jeopardize a client's or enrollee's medical treatment or health.

WAC 388-501-0135 (7)(b)(iv) Been counseled at least once by a health care provider, or ~~department or MCO staff member, with clinical oversight, a managed care plan clinical or program staff member, or a department, clinical or PRR program staff member~~ about the appropriate use of health care.

WAC 388-501-0135(9) PRR program placement. When a ...a written notice of the PRR placement that (a) Informs the client or the enrollee of the reason for the PRR program placement; ~~(a) (b)~~ Restricts the client or enrollee... ~~(b) (c)~~ Directs the client... ~~(c) (d)~~ Informs the client... ~~(d) (e)~~ Informs the client or enrollee that if... (f) Informs the client or enrollee of the rules that support the decision.

WAC 388-501-0135 (12)(b) When the department assigns a subsequent PRR restriction period...a written notice that informs the client or enrollee: (i) Of the reason for the subsequent PRR program placement; (ii) Of the period of time of the subsequent PRR placement; (iii) That the current providers... ~~(iii) (iv)~~ That all PRR program rules continue to apply; ~~(iv) (v)~~ Of hearing rights (see subsection (14) of this section); and (vi) Of the rules that support the decision.

WAC 388-501-0135(13) This subsection takes precedence over WAC 388-502-0160. A fee-for-service client or MCO enrollee placed in the PRR program may be billed by a provider and held financially responsible for health care services when the client or enrollee: ~~(a) Obtains~~ obtains none-emergency services and the provider who renders the services is not assigned or referred under the PRR program. ~~(b) Obtains services that are not medically necessary.~~

A final cost-benefit analysis is available by contacting Bernice Lawson, Mailstop 45532, 626 8th Avenue, Olympia, WA 98504-5532, phone (360) 725-1392, fax (360) 753-0286, e-mail lawsoba@dshs.wa.gov. The preliminary cost-benefit analysis was unchanged and will be 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 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 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.

Date Adopted: June 29, 2006.

Robin Arnold-Williams
Secretary

AMENDATORY SECTION (Amending WSR 04-01-099, filed 12/16/03, effective 1/16/04)

WAC 388-501-0135 Patient review and restriction (PRR). (1) Patient review and restriction (PRR) is a

~~((medical assistance administration (MAA))) health and safety program for medical assistance fee-for-service clients and managed care organization (MCO) enrollees needing help ~~((in the appropriate use of))~~ with using medical services appropriately. PRR is authorized under federal Medicaid law by 42 USC 1396n (a)(2) and 42 CFR 431.54. ~~((A client is assigned to the PRR program based upon a determination by MAA of overuse or inappropriate use of medical services.~~~~

~~(H))~~ (2) Definitions((—)). The following definitions apply to this section only:

"Appropriate use" means use of health care services that are adapted to or appropriate for a client's or enrollee's medical needs.

"Assigned provider"~~((—))(A)~~ means a department-enrolled or MCO contracted medical provider who agrees to be assigned ~~((by MAA staff in the PRR program to be the))~~ as a primary provider and coordinator of services for a medical assistance client or MCO enrollee in the PRR program. ~~((A PRR client may have an assigned medical provider; an assigned pharmacy and an assigned hospital and may be restricted to these provider(s))~~ Assigned providers can include a primary care provider (PCP), a pharmacy, a narcotic prescriber, and, for non-emergency medical services, a hospital.

"At-risk" means a medical history that ~~((includes evidence))~~ may include one or more of the following:

- Indicators of forging or altering prescriptions;
- Seeking and/or obtaining medical services at a frequency or amount that is not medically necessary;
- Indicators of ~~((life-threatening or))~~ potentially life-threatening events or life-threatening conditions ~~((which))~~ that required or may require medical intervention;
- A client's or enrollee's medical assistance identification card reportedly used by an unauthorized person(s) or for an unauthorized purpose(s); or
- Other behaviors or practices that could jeopardize a client's or enrollee's medical treatment or health.

"Conflicting" means drugs and or health care services that are incompatible and/or unsuitable for use together because of undesirable chemical or physiological effects.

"Contraindicated" means to indicate or show that a medical treatment or procedure is inadvisable or not recommended or warranted.

"Duplicative" applies to the use of the same or similar drugs and health care services without due justification. Example: A client (or MCO enrollee) receives health care services from two or more providers for the same or similar condition(s) in an overlapping time frame, or the client receives two or more similarly acting drugs in an overlapping time frame, which could result in a harmful drug interaction or an adverse reaction.

~~((("Inappropriate use" — means use of medical services which are not adapted to or appropriate for a patient's medical needs.~~

~~((("Medically unnecessary" — means services that are nonessential, redundant, and/or not necessary for a patient's medical care.~~

~~((("Overuse" — means the excessive use of medical services well beyond the patient's medically necessary care.))~~

"Managed care organization" or "MCO" means an organization having a certificate of authority or certificate of registration from the office of insurance commissioner, that contracts with the department under a comprehensive risk contract to provide prepaid health care services to eligible medical assistance clients under the department's managed care programs.

"MCO enrollee" means a medical assistance client enrolled in, and receiving medical services from, a department-contracted managed care organization (MCO).

"Narcotic prescriber" means any of the following health care professionals who, within their scope of professional practice, are licensed to prescribe and administer controlled substances (see chapter 69.50 RCW, Uniform Controlled Substance Act) for a legitimate medical purpose:

- A physician under chapter 18.71 RCW;
- A physician assistant under chapter 18.71A RCW;
- An osteopathic physician under chapter 18.57 RCW;
- An osteopathic physician assistant under chapter 18.57A RCW; and
- An advanced registered nurse practitioner under chapter 18.79 RCW.

"Primary care provider" or "PCP" means a person licensed or certified under title 18 RCW including, but not limited to, a physician, an advanced registered nurse practitioner (ARNP), or a physician assistant who supervises, coordinates, and provides health care services to a client or an MCO enrollee, initiates referrals for specialty and ancillary care, and maintains the client's or enrollee's continuity of care.

(3) Restrictions under the PRR program:

(a) Do not apply to a client eligible for a family planning only program; and

(b) Do apply to a fee-for-service client or an MCO enrollee currently assigned to the PRR program.

(4) The prior authorization process described in WAC 388-530-1250 may be required for a fee-for-service client:

(a) Prior to or during a PRR review; or

(b) Currently placed in the PRR program.

~~((2))~~ (5) Clients selected for PRR review((—)). ~~((Clients are selected))~~ The department or MCO selects a fee-for-service client or MCO enrollee for PRR review ((by)) when either or both of the following occur:

(a) ((An "exception report" produced by the Medicaid Management Information System)) A utilization review report indicates the client or enrollee has utilized health care services as described in subsection (6) of this section; or

(b) ((Direct referral from)) Medical providers, social service agencies, or other concerned parties have provided direct referrals.

~~((3) Initial review criteria — Any client of the department's medical programs may be considered for assignment to PRR if conditions in either (a) or (b) of this subsection apply.))~~

(6) PRR review for placement in the PRR program. When the department or MCO selects a client or enrollee for PRR review, the department or MCO staff, with clinical oversight, reviews a client's or enrollee's medical and/or billing history to determine if the client or enrollee has utilized medical services at a frequency or amount that is not medi-

cally necessary (42 CFR 431.54(e)). The utilization guidelines in subsection (7) of this section establish that a client or enrollee has utilized medical services at a frequency or amount that is not medically necessary when:

(a) There is a history of medical services that are duplicative, excessive, or contraindicated;

(b) There is a history of conflicting health care services, drugs, or supplies that are not within acceptable medical practice; or

(c) The medical history shows indicators of "at-risk" utilization patterns.

(7) Utilization guidelines for PRR placement. Department and MCO staff use the following utilization guidelines to determine PRR placement and may place a client or enrollee in the PRR program when medical and/or billing histories document any of the following:

(a) Any two or more of the following conditions ((have been met)) occurred in a period of ninety calendar days ((in the previous twelve months)). The client or enrollee:

(i) Received services from four or more different providers, including physicians, advanced registered nurse practitioners (ARNPs), and physician assistants (PAs);

(ii) Had prescriptions filled by four or more different pharmacies;

(iii) Received ten or more prescriptions;

(iv) Had prescriptions written by four or more different prescribers; ((or))

(v) Received similar services from two or more providers in the same day; or

(vi) Had ten or more office visits.

(b) Any one of the following ((conditions applies:)) occurred within a period of ninety calendar days. The client or enrollee has:

(i) Made two or more emergency department visits ((in a ninety-day period));

(ii) A medical history ((indicating)) that indicates "at-risk" utilization patterns; ((or))

(iii) Made repeated and documented efforts to seek ((medically unnecessary)) health care services that are not medically necessary; or

(iv) ((and)) Been counseled at least once by a health care provider, or ((managed care representative)) a department or MCO staff member, with clinical oversight, about the appropriate use of health care services.

((4) Request for clinical review— If either subsection (2)(a) or (b) of this section applies, PRR program staff may review the client's medical and billing history for overuse or inappropriate use of medical services and on a case-by-case basis decide to: (c) The client or enrollee received prescriptions for controlled substances from two or more different prescribers in any month.

(8) PRR review outcomes. As a result of the PRR review, department or MCO staff may:

(a) Determine no action is needed and close the client's or enrollee's file;

(b) Send the client or enrollee and, if applicable, the client's or enrollee's authorized representative, a letter of concern with information on specific findings and notice of potential placement in the PRR program; or

(c) ((Request a clinical review of the records.

(5) **Clinical review**— A nurse consultant, physician, or other qualified clinical staff at MAA may review the client's medical records to determine if there is a history of overuse or inappropriate or medically unnecessary use of services. The reviewer relies on established medical guidelines and may on a case-by-case basis decide to:

(a) Take no action and close the PRR file; or

(b) Proceed with any or all of the following:

(i) Continue to monitor the client's utilization pattern for thirty to sixty days;

(ii) Refer the client for education on appropriate use of services;

(iii) Refer the client to other support services or agencies; or

(iv) Assign the client to the PRR program.

(6) Client restriction— When the clinical review determines that the client has obtained inappropriate or medically unnecessary services, by established medical guidelines, the client will be restricted:

(a) The department will send a written notice to the client or the client's authorized representative that:

(i) Asks the client to select a primary care provider (PCP) and/or a pharmacy and/or a hospital. (See WAC 388-546-5000 through 388-546-5400 for limitations on non-emergency transportation services.)

(ii) Directs the client to respond to the department within twenty calendar days after receiving the written notice:

(A) To provide information on the selected provider(s);

(B) To submit additional medical information, justifying the client's use of medical services; or

(C) To request assistance from PRR program staff.

(iii) Informs the client of fair hearing rights (see subsection (8) of this section); and

(iv) Informs the client that, if a response is not received within twenty calendar days, the client will be restricted to provider(s) assigned by the PRR program.

(b) After twenty calendar days, the PRR program may restrict the client to the specific provider(s) either chosen by the client or assigned by the program.

(7) Assigned providers— Assigned providers will be:

(a) Located in the client's local geographic area; and/or

(b) Reasonably accessible to the client.

(8) Fair hearing rights

(a) A client has ninety calendar days following the date of the department's notice in which to request a fair hearing.

(b) A client who requests a fair hearing within twenty calendar days from the date the client receives notice under subsection (6)(a) of this section, will not be assigned to the PRR program until a fair hearing decision is made or if the client appeals, until a final order is issued.

(c) A client who requests a fair hearing after twenty calendar days from the date the client receives notice under subsection (6)(a) of this section, and who has already been assigned a provider or providers, will remain in PRR until a fair hearing decision is made and a final administrative order is issued. (The client will remain in PRR if the fair hearing decision is adverse to the client.)

~~(9) **Provider selection and role**—~~ For fee for service clients the providers must be contracted with MAA:

~~(a) The selected primary care provider (PCP) must be either:~~

~~(i) A physician who meets the criteria under WAC 388-502-0020 and 388-502-0030;~~

~~(ii) An advanced registered nurse practitioner (ARNP) who meets criteria under WAC 388-502-0020 and 388-502-0030; or~~

~~(iii) A licensed physician assistant, practicing with a sponsoring supervising physician.~~

~~(b) The PCP supervises and coordinates medical care for the client on restriction. The PCP provides continuity of care and refers to specialists when necessary.~~

~~(c) A single pharmacy fills all prescriptions for the client.~~

~~(d) A single hospital provides all nonemergent and out-patient hospital care for the client.~~

~~(10) **Provider changes**—~~ A client in PRR cannot change the assigned providers for twelve months after the assignments are made, unless:

~~(a) The client moves to a residence outside the provider's geographic area;~~

~~(b) The provider moves out of the client's geographical area;~~

~~(c) The provider refuses to continue to serve the client; or~~

~~(d) The client did not select the provider. The client may change a department assigned provider once within sixty calendar days of the initial assignment.~~

~~(11) **Managed care clients on PRR**—~~ A client in PRR enrolled in an MAA managed care plan must select a primary care provider (PCP) and/or a pharmacy and/or a hospital from those identified as available within the plan. In addition to the reasons given in subsection (9) of this section, the client may change a provider if the chosen or assigned PCP or pharmacy no longer participates with the plan. In such a situation, the client may:

~~(a) Select a new PCP from the list of available PCPs provided by the plan; or~~

~~(b) Transfer enrollment of all family members to the new department contracted plan that the established PCP has joined.~~

~~(12) **Lifting or continuing restrictions**—~~ After twenty-four months of assignment to the PRR program, a PRR client's use of services is reviewed:

~~(a) A client is removed from PRR after the twenty-four month review if:~~

~~(i) Clinical and billing documentation show the client's care was reasonable and appropriate; and/or~~

~~(ii) The PCP reports the services requested and received were reasonable and appropriate.~~

~~(b) If the client is not removed from PRR after the twenty-four month review, the client remains in PRR for an additional twelve months. After that twelve-month period, the client is reviewed again pursuant to this subsection.~~

~~(13) **Client financial responsibility**—~~ So long as the requirements of WAC 388-502-0160 are followed, a client who is restricted under the PRR program may be billed for services and held financially responsible for:

~~(a) Services that MAA and/or the client's health plan determine are not medically necessary; and:~~

~~(b) Nonemergent services obtained from providers or facilities other than those assigned under the PRR program)) Determine that the utilization guidelines for PRR placement establish that the client or enrollee has utilized medical services at an amount or frequency that is not medically necessary and take one or more of the following actions. The department or MCO staff:~~

~~(i) Refers the client or enrollee for education on appropriate use of health care services;~~

~~(ii) Refers the client or enrollee to other support services or agencies; or~~

~~(iii) Places the client or enrollee into the PRR program for an initial restriction period of twenty-four months.~~

~~(9) **PRR program placement.** When a fee-for-service client or MCO enrollee is initially placed in the PRR program, the department or the MCO sends the client or enrollee and, if applicable, the client's or enrollee's authorized representative, a written notice of the PRR placement that:~~

~~(a) Informs the client or the enrollee of the reason for the PRR program placement.~~

~~(b) Restricts the client or enrollee for twenty-four months to one or more of the following types of providers when obtaining health care services:~~

~~(i) Primary care physician (PCP) (as defined in subsection (2) of this section.);~~

~~(ii) Pharmacy;~~

~~(iii) Narcotic prescriber;~~

~~(iv) Hospital (for nonemergency medical services); or~~

~~(v) Another qualified provider-type, as determined by department or MCO program staff on a case-by-case basis.~~

~~(c) Directs the client or enrollee to respond to the department or the MCO within ten days of the date of the written notice:~~

~~(i) To select providers, subject to department or MCO approval;~~

~~(ii) To submit additional medical information, justifying the client's or enrollee's use of medical services; or~~

~~(iii) To request assistance, if needed, from the department or MCO program staff.~~

~~(d) Informs the client or enrollee of hearing rights (see subsection (14) of this section).~~

~~(e) Informs the client or enrollee that if a response is not received within ten days of the date of the notice, the client or enrollee will be assigned providers.~~

~~(f) Informs the client or enrollee of the rules that support the decision.~~

~~(10) **Selection and role of assigned provider.** A fee-for-service client and an MCO enrollee may be afforded a limited choice of providers for the types of services that are to be restricted (see subsection (9)(a) of this section for a list of provider-types that the department may assign).~~

~~(a) For a fee-for-service client placed in the PRR program, the assigned:~~

~~(i) Provider(s) must be located in the client's local geographic area and/or reasonably accessible to the client.~~

(ii) Department-enrolled primary care provider (PCP) supervises and coordinates health care services for the client, including providing continuity of care and referrals to specialists when necessary. The PCP must be one of the following:

(A) A physician who meets the criteria under WAC 388-502-0020 and 388-502-0030;

(B) An advanced registered nurse practitioner (ARNP) who meets the criteria under WAC 388-502-0020 and 388-502-0030; or

(C) A licensed physician assistant (PA), practicing with a sponsored supervising physician.

(iii) Narcotic prescriber prescribes all controlled substances for the client.

(iv) Pharmacy fills all prescriptions for the client.

(v) Hospital provides all nonemergency and outpatient hospital care for the client.

(b) For an MCO enrollee placed in the PRR program, the assigned PCP, narcotic prescriber, pharmacy, and hospital must be:

(i) Available within the enrollee's selected MCO; and

(ii) Located in the enrollee's local geographic area and/or reasonably accessible to the enrollee.

(c) A client or enrollee placed in the PRR program cannot change assigned providers for twelve months after the assignments are made, unless:

(i) The client or enrollee moves to a residence outside the provider's geographic area;

(ii) The provider moves out of the client's or enrollee's local geographic area and is no longer reasonably accessible to the client or enrollee;

(iii) The provider refuses to continue to serve the client or enrollee;

(iv) The client or enrollee did not select the provider. The client or enrollee may request to change an assigned provider once within thirty calendar days of the initial assignment;

(v) The enrollee's assigned provider no longer participates with the MCO. In this case, the enrollee may select a new provider from the list of available providers in the MCO or transfer enrollment of all family members to the new department-contracted MCO that the established provider has joined;

(vi) The provider has been suspended or disqualified from participating as a department-enrolled or MCO-contracted provider; or

(vii) The provider's business license has been suspended or revoked by the licensing authority;

(d) When an assigned prescribing provider no longer contracts with the department:

(i) All prescriptions from the provider are invalid thirty days following the date the contract ends;

(ii) All prescriptions from the provider are subject to applicable pharmacy rules in chapter 388-530 WAC or appropriate MCO rules; and

(iii) The client or enrollee must choose or be assigned another provider according to the requirements in this section.

(11) PRR restriction periods. The length of time for a fee-for-service client's or MCO enrollee's:

(a) Initial restriction period of PRR placement is:

(i) A minimum of twenty-four consecutive months; or

(ii) If the client or enrollee is not eligible for a medical assistance program for any month(s) during the span of the twenty-four consecutive months of PRR placement, the restriction period is for the duration of the client's or enrollee's medical assistance program eligibility plus any subsequent period of eligibility up to but not exceeding twenty-four months;

(b) Second restriction period of PRR placement is:

(i) An additional thirty-six consecutive months; or

(ii) If the client or enrollee is not eligible for a medical assistance program for any month(s) during the span of the thirty-six consecutive months, the restriction period is for the duration of the client's or enrollee's eligibility for a medical assistance program plus any subsequent period of eligibility up to but not exceeding thirty-six months; and

(c) Third restriction period and each subsequent period of PRR placement is:

(i) An additional seventy-two consecutive months; or

(ii) If the client or enrollee is not eligible for a medical assistance program for any month(s) during the span of the seventy-two consecutive months, the restriction period is for the duration of the client's or enrollee's eligibility for a medical assistance program plus any subsequent period of eligibility up to but not exceeding each seventy-two month placement.

(12) Department review of a PRR restriction period assignment. The department reviews a fee-for-service client's or MCO enrollee's use of health care services prior to the end of each assigned PRR restriction period described in subsection (11) of this section using the utilization guidelines in subsection (7) of this section.

(a) The department assigns the next PRR restriction period if the utilization guidelines for PRR placement in subsection (7) apply to the client or enrollee.

(b) When the department assigns a subsequent PRR restriction period, the department sends the client or enrollee and, if applicable, the client's or enrollee's authorized representative, a written notice that informs the client or enrollee:

(i) Of the reason for the subsequent PRR program placement;

(ii) Of the period of time of the subsequent PRR placement;

(iii) That the current providers assigned to the client or enrollee continue to be assigned to the client during the subsequent PRR restriction period;

(iv) That all PRR program rules continue to apply;

(v) Of hearing rights (see subsection (14) of this section); and

(vi) Of the rules that support the decision.

(c) The department may lift any assigned PRR restriction period if the client or enrollee:

(i) Successfully completes a treatment program that is provided by a chemical dependency service provider certified by the department under chapter 388-805 WAC;

(ii) Submits documentation of completion of the approved treatment program to the department; and

(iii) Maintains appropriate use of health care services within the utilization guidelines described in subsection (7) for six months after the date the treatment ends.

(d) A client or enrollee who is placed in the PRR program after being removed from any PRR restriction period will be placed at the next PRR restriction period described in subsections (11)(b) and (c) of this section.

(e) A client or enrollee will remain placed in the PRR program regardless of change in eligibility program type or change in address.

(13) Client financial responsibility. This subsection takes precedence over WAC 388-502-0160. A fee-for-service client or MCO enrollee placed in the PRR program may be billed by a provider and held financially responsible for health care services when the client or enrollee obtains non-emergency services and the provider who renders the services is not assigned or referred under the PRR program.

(14) Right to hearing. A fee-for-service client or MCO enrollee who believes the department or MCO has taken action erroneously may request a hearing.

(a) A client or enrollee must request the hearing within ninety days after the client or enrollee receives the written notice of restriction. Chapter 388-538 WAC does not apply to the department's or MCO's decision to place an enrollee in the PRR program.

(b) The department conducts a hearing according to chapter 388-02 WAC. Definitions for the terms "hearing", "initial order", and "final order" used in this subsection are found in WAC 388-02-0010.

(c) A client or enrollee who requests a hearing within ten calendar days from the date of the written notice of an initial restriction period of PRR placement under subsection (11)(a) of this section will not be placed in the PRR program until the date an initial order is issued that supports the client's or enrollee's placement in the PRR program.

(d) A client or enrollee who requests a hearing after ten days from the date of the written notice under subsection (11)(a) of this section will remain placed in the PRR program unless a final administrative order is entered that orders their removal from restriction.

(e) A client or enrollee who requests a hearing within ninety days from the date of receiving the written notice under subsection (11)(b) or (c) of this section and who has already been assigned providers will remain placed in the PRR program unless a final administrative order is entered that orders the client's or enrollee's removal from restriction.

(f) An administrative law judge (ALJ) may rule that the client or enrollee be placed in the PRR program prior to the date the record is closed and prior to the date the initial order is issued based on a showing of just cause (a showing of just cause means it has been demonstrated that there is a legitimate cause to justify the action taken) to protect the health and safety of the client or enrollee.

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.

WSR 06-14-064
PERMANENT RULES
DEPARTMENT OF REVENUE

[Filed June 30, 2006, 10:06 a.m., effective July 1, 2006]

Effective Date of Rule: July 1, 2006.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: The stumpage value rule is required by statute (RCW 84.33.091) to be effective on July 1, 2006.

Purpose: WAC 458-40-660 contains the stumpage values used by harvesters of timber to calculate the timber excise tax. This rule is being revised to provide the stumpage values to be used during the second half of 2006. The rule also redefines the "Volume per Acre" harvest adjustment classes for the Eastside (SVA 6 & 7) to simplify the reporting. Classes 2 and 3 have been combined into a single class 2 for the harvesting of 8,000 MBF per acre or less.

Citation of Existing Rules Affected by this Order: Amending WAC 458-40-660 Timber excise tax—Stumpage value tables—Stumpage value adjustments.

Statutory Authority for Adoption: RCW 82.01.060(2), 82.32.300, and 84.33.096.

Other Authority: RCW 84.33.091.

Adopted under notice filed as WSR 06-11-183 on May 24, 2006.

A final cost-benefit analysis is available by contacting Roseanna Hodson, P.O. Box 47453, Olympia, WA 98504-7453, phone (360) 570-6119, fax (360) 586-5543, e-mail roseannah@dor.wa.gov.

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 1, Repealed 0.

Date Adopted: June 30, 2006.

Janis P. Bianchi, Manager
 Interpretations and Technical Advice Unit

AMENDATORY SECTION (Amending WSR 06-02-005, filed 12/22/05, effective 1/1/06)

WAC 458-40-660 Timber excise tax—Stumpage value tables—Stumpage value adjustments. (1) Introduction. This rule provides stumpage value tables and stumpage value adjustments used to calculate the amount of a harvester's timber excise tax.

(2) Stumpage value tables. The following stumpage value tables are used to calculate the taxable value of stump-

age harvested from ((January)) July 1 through ((June 30)) December 31, 2006:

((TABLE 1—Stumpage Value Table
Stumpage Value Area 1
January 1 through June 30, 2006

Stumpage Values per Thousand Board Feet Net Scribner Log Scale⁽¹⁾

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir	DF	1	\$480	\$473	\$466	\$459	\$452
		2	462	455	448	441	434
		3	424	417	410	403	396
		4	371	364	357	350	343
Western Redcedar ⁽²⁾	RC	1	597	590	583	576	569
Western Hemlock ⁽³⁾	WH	1	342	335	328	321	314
		2	278	271	264	257	250
		3	278	271	264	257	250
		4	278	271	264	257	250
Red Alder	RA	1	390	383	376	369	362
		2	325	318	311	304	297
Black Cottonwood	BC	1	40	33	26	19	12
Other Hardwood	OH	1	178	171	164	157	150
Douglas-Fir Poles	DFL	1	653	646	639	632	625
Western Redcedar Poles	RCL	1	1193	1186	1179	1172	1165
Chipwood ⁽⁴⁾	CHW	1	1	1	1	1	1
RC Shake & Shingle Blocks ⁽⁵⁾	RCS	1	174	167	160	153	146
RC & Other Posts ⁽⁶⁾	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁽⁷⁾	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁽⁷⁾	TFX	1	0.50	0.50	0.50	0.50	0.50

TABLE 1—Proposed Stumpage Value Table
Stumpage Value Area 1
July 1 through December 31, 2006

Stumpage Values per Thousand Board Feet Net Scribner Log Scale⁽¹⁾

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir	DF	1	\$632	\$625	\$618	\$611	\$604
		2	469	462	455	448	441
		3	463	456	449	442	435
		4	412	405	398	391	384
Western Redcedar ⁽²⁾	RC	1	559	552	545	538	531
Western Hemlock ⁽³⁾	WH	1	383	376	369	362	355
		2	347	340	333	326	319
		3	302	295	288	281	274
		4	302	295	288	281	274
Red Alder	RA	1	367	360	353	346	339
		2	268	261	254	247	240
Black Cottonwood	BC	1	34	27	20	13	6
Other Hardwood	OH	1	165	158	151	144	137
Douglas-Fir Poles	DFL	1	796	789	782	775	768
Western Redcedar Poles	RCL	1	1373	1366	1359	1352	1345
Chipwood ⁽⁴⁾	CHW	1	1	1	1	1	1
RC Shake & Shingle Blocks ⁽⁵⁾	RCS	1	174	167	160	153	146
RC & Other Posts ⁽⁶⁾	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁽⁷⁾	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁽⁷⁾	TFX	1	0.50	0.50	0.50	0.50	0.50

(1) Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-680.
 (2) Includes Alaska-Cedar.
 (3) Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, Subalpine Fir, and all Spruce. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."
 (4) Stumpage value per ton.
 (5) Stumpage value per cord.
 (6) Stumpage value per 8 lineal feet or portion thereof.
 (7) Stumpage value per lineal foot.

~~(TABLE 2—Stumpage Value Table
Stumpage Value Area 2
January 1 through June 30, 2006~~

Stumpage Values per Thousand Board Feet Net Scribner Log Scale⁽⁴⁾

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir	DF	1	\$543	\$536	\$529	\$522	\$515
		2	514	507	500	493	486
		3	474	467	460	453	446
		4	440	433	426	419	412
Western Redcedar ⁽²⁾	RC	1	597	590	583	576	569
Western Hemlock ⁽³⁾	WH	1	384	377	370	363	356
		2	362	355	348	341	334
		3	333	326	319	312	305
		4	326	319	312	305	298
Red Alder	RA	1	390	383	376	369	362
		2	325	318	311	304	297
Black Cottonwood	BC	1	40	33	26	19	12
Other Hardwood	OH	1	178	171	164	157	150
Douglas-Fir Poles	DFL	1	653	646	639	632	625
Western Redcedar Poles	RCL	1	1193	1186	1179	1172	1165
Chipwood ⁽⁴⁾	CHW	1	1	1	1	1	1
RC Shake & Shingle Blocks ⁽⁵⁾	RCS	1	174	167	160	153	146
RC & Other Posts ⁽⁶⁾	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁽⁷⁾	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁽⁷⁾	TFX	1	0.50	0.50	0.50	0.50	0.50

**TABLE 2—Proposed Stumpage Value Table
Stumpage Value Area 2
July 1 through December 31, 2006**

Stumpage Values per Thousand Board Feet Net Scribner Log Scale⁽¹⁾

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir	DF	1	\$632	\$625	\$618	\$611	\$604
		2	505	498	491	484	477
		3	490	483	476	469	462
		4	474	467	460	453	446
Western Redcedar ⁽²⁾	RC	1	559	552	545	538	531
Western Hemlock ⁽³⁾	WH	1	383	376	369	362	355
		2	361	354	347	340	333
		3	334	327	320	313	306
		4	334	327	320	313	306
Red Alder	RA	1	367	360	353	346	339
		2	268	261	254	247	240
Black Cottonwood	BC	1	34	27	20	13	6
Other Hardwood	OH	1	165	158	151	144	137
Douglas-Fir Poles	DFL	1	796	789	782	775	768
Western Redcedar Poles	RCL	1	1373	1366	1359	1352	1345
Chipwood ⁽⁴⁾	CHW	1	1	1	1	1	1
RC Shake & Shingle Blocks ⁽⁵⁾	RCS	1	174	167	160	153	146
RC & Other Posts ⁽⁶⁾	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁽⁷⁾	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁽⁷⁾	TFX	1	0.50	0.50	0.50	0.50	0.50

(1) Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-680.

(2) Includes Alaska-Cedar.

(3) Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, Subalpine Fir, and all Spruce. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

(4) Stumpage value per ton.

(5) Stumpage value per cord.

(6) Stumpage value per 8 lineal feet or portion thereof.

(7) Stumpage value per lineal foot.

**(TABLE 3—Stumpage Value Table
Stumpage Value Area 3
January 1 through June 30, 2006**

Stumpage Values per Thousand Board Feet Net Scribner Log Scale⁽¹⁾

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir ⁽²⁾	DF	1	\$486	\$479	\$472	\$465	\$458
		2	428	421	414	407	400
		3	428	421	414	407	400
		4	340	333	326	319	312
Western Redcedar ⁽³⁾	RC	1	597	590	583	576	569
Western Hemlock and Other Conifer ⁽⁴⁾	WH	1	384	377	370	363	356
		2	259	252	245	238	231
		3	259	252	245	238	231
		4	259	252	245	238	231
Red Alder	RA	1	390	383	376	369	362
		2	325	318	311	304	297
Black Cottonwood	BC	1	40	33	26	19	12
Other Hardwood	OH	1	178	171	164	157	150
Douglas-Fir Poles	DFL	1	653	646	639	632	625
Western Redcedar Poles	RCL	1	1193	1186	1179	1172	1165
Chipwood ⁽⁵⁾	CHW	1	1	1	1	1	1
RC Shake & Shingle Blocks ⁽⁶⁾	RCS	1	174	167	160	153	146
RC & Other Posts ⁽⁷⁾	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁽⁸⁾	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁽⁸⁾	TFX	1	0.50	0.50	0.50	0.50	0.50

**TABLE 3—Proposed Stumpage Value Table
Stumpage Value Area 3
July 1 through December 31, 2006**

Stumpage Values per Thousand Board Feet Net Scribner Log Scale⁽¹⁾

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir ⁽²⁾	DF	1	\$542	\$535	\$528	\$521	\$514
		2	457	450	443	436	429
		3	402	395	388	381	374
		4	402	395	388	381	374
Western Redcedar ⁽³⁾	RC	1	559	552	545	538	531
Western Hemlock and Other Conifer ⁽⁴⁾	WH	1	383	376	369	362	355
		2	347	340	333	326	319
		3	288	281	274	267	260
		4	247	240	233	226	219
Red Alder	RA	1	367	360	353	346	339
		2	268	261	254	247	240
Black Cottonwood	BC	1	34	27	20	13	6
Other Hardwood	OH	1	165	158	151	144	137
Douglas-Fir Poles	DFL	1	796	789	782	775	768
Western Redcedar Poles	RCL	1	1373	1366	1359	1352	1345
Chipwood ⁽⁵⁾	CHW	1	1	1	1	1	1
RC Shake & Shingle Blocks ⁽⁶⁾	RCS	1	174	167	160	153	146
RC & Other Posts ⁽⁷⁾	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁽⁸⁾	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁽⁸⁾	TFX	1	0.50	0.50	0.50	0.50	0.50

(1) Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-680.

(2) Includes Western Larch.

(3) Includes Alaska-Cedar.

(4) Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, Subalpine Fir, and all Spruce. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

(5) Stumpage value per ton.

(6) Stumpage value per cord.

(7) Stumpage value per 8 lineal feet or portion thereof.

(8) Stumpage value per lineal foot.

**(TABLE 4—Stumpage Value Table
Stumpage Value Area 4
January 1 through June 30, 2006**

Stumpage Values per Thousand Board Feet Net Scribner Log Scale⁽¹⁾

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir ⁽²⁾	DF	1	\$543	\$536	\$529	\$522	\$515
		2	485	478	471	464	457
		3	482	475	468	461	454
		4	426	419	412	405	398
Lodgepole Pine	LP	1	250	243	236	229	222
Ponderosa Pine	PP	1	387	380	373	366	359
		2	212	205	198	191	184
Western Redcedar ⁽²⁾	RC	1	597	590	583	576	569
Western Hemlock and Other Conifer ⁽⁴⁾	WH	1	384	377	370	363	356
		2	319	312	305	298	291
		3	313	306	299	292	285
		4	313	306	299	292	285
Red Alder	RA	1	390	383	376	369	362
		2	325	318	311	304	297
Black Cottonwood	BC	1	40	33	26	19	12
Other Hardwood	OH	1	178	171	164	157	150
Douglas-Fir Poles	DFL	1	653	646	639	632	625
Western Redcedar Poles	RCL	1	1193	1186	1179	1172	1165
Chipwood ⁽⁵⁾	CHW	1	+	+	+	+	+
RC Shake & Shingle Blocks ⁽⁶⁾	RCS	1	174	167	160	153	146
RC & Other Posts ⁽⁷⁾	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁽⁸⁾	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁽⁸⁾	TFX	1	0.50	0.50	0.50	0.50	0.50

**TABLE 4—Proposed Stumpage Value Table
Stumpage Value Area 4
July 1 through December 31, 2006**

Stumpage Values per Thousand Board Feet Net Scribner Log Scale⁽¹⁾

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir ⁽²⁾	DF	1	\$632	\$625	\$618	\$611	\$604
		2	528	521	514	507	500
		3	465	458	451	444	437
		4	465	458	451	444	437
Lodgepole Pine	LP	1	221	214	207	200	193
Ponderosa Pine	PP	1	317	310	303	296	289
		2	211	204	197	190	183
Western Redcedar ⁽³⁾	RC	1	559	552	545	538	531
Western Hemlock and Other Conifer ⁽⁴⁾	WH	1	383	376	369	362	355
		2	320	313	306	299	292
		3	316	309	302	295	288
		4	316	309	302	295	288
Red Alder	RA	1	367	360	353	346	339
		2	268	261	254	247	240
Black Cottonwood	BC	1	34	27	20	13	6
Other Hardwood	OH	1	165	158	151	144	137
Douglas-Fir Poles	DFL	1	796	789	782	775	768
Western Redcedar Poles	RCL	1	1373	1366	1359	1352	1345
Chipwood ⁽⁵⁾	CHW	1	1	1	1	1	1
RC Shake & Shingle Blocks ⁽⁶⁾	RCS	1	174	167	160	153	146
RC & Other Posts ⁽⁷⁾	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁽⁸⁾	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁽⁸⁾	TFX	1	0.50	0.50	0.50	0.50	0.50

(1) Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-680.

(2) Includes Western Larch.

(3) Includes Alaska-Cedar.

(4) Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, Subalpine Fir, and all Spruce. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

(5) Stumpage value per ton.

(6) Stumpage value per cord.

- (7) Stumpage value per 8 lineal feet or portion thereof.
- (8) Stumpage value per lineal foot.

**TABLE 5—Proposed Stumpage Value Table
Stumpage Value Area 5**
July 1 through December 31, 2006

**(TABLE 5—Stumpage Value Table
Stumpage Value Area 5**
January 1 through June 30, 2006

Stumpage Values per Thousand Board Feet Net Scribner Log Scale⁽¹⁾

Species Name	Species Code	Timber-Quality-Code-Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir ⁽²⁾	DF	1	\$602	\$595	\$588	\$581	\$574
		2	511	504	497	490	483
		3	489	482	475	468	461
		4	426	419	412	405	398
Lodgepole Pine	LP	1	250	243	236	229	222
Ponderosa Pine	PP	1	387	380	373	366	359
		2	212	205	198	191	184
Western Redcedar ⁽²⁾	RC	1	597	590	583	576	569
Western Hemlock and Other Conifer ⁽⁴⁾	WH	1	394	387	380	373	366
		2	330	323	316	309	302
		3	330	323	316	309	302
		4	330	323	316	309	302
Red Alder	RA	1	390	383	376	369	362
		2	325	318	311	304	297
Black Cottonwood	BC	1	40	33	26	19	12
Other Hardwood	OH	1	178	171	164	157	150
Douglas-Fir Poles	DFL	1	653	646	639	632	625
Western Redcedar Poles	RCL	1	1193	1186	1179	1172	1165
Chipwood ⁽⁵⁾	CHW	1	+	+	+	+	+
RC Shake & Shingle Blocks ⁽⁶⁾	RCS	1	174	167	160	153	146
RC & Other Posts ⁽⁷⁾	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁽⁸⁾	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁽⁸⁾	TFX	1	0.50	0.50	0.50	0.50	0.50

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir ⁽²⁾	DF	1	\$655	\$648	\$641	\$634	\$627
		2	534	527	520	513	506
		3	493	486	479	472	465
		4	493	486	479	472	465
Lodgepole Pine	LP	1	221	214	207	200	193
Ponderosa Pine	PP	1	317	310	303	296	289
		2	211	204	197	190	183
Western Redcedar ⁽³⁾	RC	1	559	552	545	538	531
Western Hemlock and Other Conifer ⁽⁴⁾	WH	1	383	376	369	362	355
		2	348	341	334	327	320
		3	331	324	317	310	303
		4	328	321	314	307	300
Red Alder	RA	1	367	360	353	346	339
		2	268	261	254	247	240
Black Cottonwood	BC	1	34	27	20	13	6
Other Hardwood	OH	1	165	158	151	144	137
Douglas-Fir Poles	DFL	1	796	789	782	775	768
Western Redcedar Poles	RCL	1	1373	1366	1359	1352	1345
Chipwood ⁽⁵⁾	CHW	1	1	1	1	1	1
RC Shake & Shingle Blocks ⁽⁶⁾	RCS	1	174	167	160	153	146
RC & Other Posts ⁽⁷⁾	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁽⁸⁾	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁽⁸⁾	TFX	1	0.50	0.50	0.50	0.50	0.50

- (1) Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-680.
- (2) Includes Western Larch.
- (3) Includes Alaska-Cedar.
- (4) Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, Subalpine Fir, and all Spruce. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."
- (5) Stumpage value per ton.
- (6) Stumpage value per cord.
- (7) Stumpage value per 8 lineal feet or portion thereof.
- (8) Stumpage value per lineal foot.

**(TABLE 6—Stumpage Value Table
Stumpage Value Area 6
January 1 through June 30, 2006**

Stumpage Values per Thousand Board Feet Net Scribner Log Scale⁽¹⁾

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir ⁽²⁾	DF	1	\$358	\$351	\$344	\$337	\$330
Lodgepole Pine	LP	1	250	243	236	229	222
Ponderosa Pine	PP	1	387	380	373	366	359
		2	212	205	198	191	184
Western Redcedar ⁽³⁾	RC	1	496	489	482	475	468
True Firs and Spruce ⁽⁴⁾	WH	1	262	255	248	241	234
Western White Pine	WP	1	336	329	322	315	308
Hardwoods	OH	1	50	43	36	29	22
Western Redcedar Poles	RCL	1	496	489	482	475	468
Small Logs ⁽⁵⁾	SML	1	34	33	32	31	30
Chipwood ⁽⁵⁾	CHW	1	1	1	1	1	1
RC Shake & Shingle Blocks ⁽⁶⁾	RCF	1	76	69	62	55	48
LP & Other Posts ⁽⁷⁾	LPP	1	0.35	0.35	0.35	0.35	0.35
Pine Christmas Trees ⁽⁸⁾	PX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁽⁹⁾	DFX	1	0.25	0.25	0.25	0.25	0.25

**TABLE 6—Proposed Stumpage Value Table
Stumpage Value Area 6
July 1 through December 31, 2006**

Stumpage Values per Thousand Board Feet Net Scribner Log Scale⁽¹⁾

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir ⁽²⁾	DF	1	\$357	\$350	\$343	\$336	\$329
Lodgepole Pine	LP	1	221	214	207	200	193
Ponderosa Pine	PP	1	317	310	303	296	289
		2	211	204	197	190	183
Western Redcedar ⁽³⁾	RC	1	480	473	466	459	452
True Firs and Spruce ⁽⁴⁾	WH	1	253	246	239	232	225
Western White Pine	WP	1	320	313	306	299	292
Hardwoods	OH	1	50	43	36	29	22
Western Redcedar Poles	RCL	1	480	473	466	459	452
Small Logs ⁽⁵⁾	SML	1	37	36	35	34	33
Chipwood ⁽⁵⁾	CHW	1	1	1	1	1	1
RC Shake & Shingle Blocks ⁽⁶⁾	RCF	1	76	69	62	55	48
LP & Other Posts ⁽⁷⁾	LPP	1	0.35	0.35	0.35	0.35	0.35
Pine Christmas Trees ⁽⁸⁾	PX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁽⁹⁾	DFX	1	0.25	0.25	0.25	0.25	0.25

- (1) Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-680.
- (2) Includes Western Larch.
- (3) Includes Alaska-Cedar.
- (4) Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, Subalpine Fir, and all Spruce. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."
- (5) Stumpage value per ton.
- (6) Stumpage value per cord.
- (7) Stumpage value per 8 lineal feet or portion thereof.
- (8) Stumpage value per lineal foot. Includes Ponderosa Pine, Western White Pine, and Lodgepole Pine.
- (9) Stumpage value per lineal foot.

**(TABLE 7—Stumpage Value Table
Stumpage Value Area 7
January 1 through June 30, 2006**

Stumpage Values per Thousand Board Feet Net Scribner Log Scale⁽¹⁾

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir ⁽²⁾	DF	1	\$358	\$351	\$344	\$337	\$330
Lodgepole Pine	LP	1	250	243	236	229	222
Ponderosa Pine	PP	1	387	380	373	366	359
		2	212	205	198	191	184
Western Redcedar ⁽³⁾	RC	1	496	489	482	475	468
True Firs and Spruce ⁽⁴⁾	WH	1	262	255	248	241	234
Western White Pine	WP	1	336	329	322	315	308
Hardwoods	OH	1	50	43	36	29	22
Western Redcedar Poles	RCL	1	496	489	482	475	468
Small Logs ⁽⁵⁾	SML	1	26	25	24	23	22
Chipwood ⁽⁵⁾	CHW	1	1	1	1	1	1
RC Shake & Shingle Blocks ⁽⁶⁾	RCF	1	76	69	62	55	48
LP & Other Posts ⁽⁷⁾	LPP	1	0.35	0.35	0.35	0.35	0.35
Pine Christmas Trees ⁽⁸⁾	PX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁽⁹⁾	DFX	1	0.25	0.25	0.25	0.25	0.25

**TABLE 7—Proposed Stumpage Value Table
Stumpage Value Area 7
July 1 through December 31, 2006**

Stumpage Values per Thousand Board Feet Net Scribner Log Scale⁽¹⁾

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir ⁽²⁾	DF	1	\$402	\$395	\$388	\$381	\$374
Lodgepole Pine	LP	1	265	258	251	244	237
Ponderosa Pine	PP	1	321	314	307	300	293
		2	200	193	186	179	172
Western Redcedar ⁽³⁾	RC	1	480	473	466	459	452
True Firs and Spruce ⁽⁴⁾	WH	1	285	278	271	264	257
Western White Pine	WP	1	320	313	306	299	292
Hardwoods	OH	1	50	43	36	29	22
Western Redcedar Poles	RCL	1	480	473	466	459	452
Small Logs ⁽⁵⁾	SML	1	33	32	31	30	29
Chipwood ⁽⁵⁾	CHW	1	1	1	1	1	1
RC Shake & Shingle Blocks ⁽⁶⁾	RCF	1	76	69	62	55	48
LP & Other Posts ⁽⁷⁾	LPP	1	0.35	0.35	0.35	0.35	0.35
Pine Christmas Trees ⁽⁸⁾	PX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁽⁹⁾	DFX	1	0.25	0.25	0.25	0.25	0.25

(1) Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-680.

(2) Includes Western Larch.

(3) Includes Alaska-Cedar.

(4) Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, Subalpine Fir, and all Spruce. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

(5) Stumpage value per ton.

(6) Stumpage value per cord.

(7) Stumpage value per 8 lineal feet or portion thereof.

(8) Stumpage value per lineal foot. Includes Ponderosa Pine, Western White Pine, and Lodgepole Pine.

(9) Stumpage value per lineal foot.

**(TABLE 8—Stumpage Value Table
Stumpage Value Area 10
January 1 through June 30, 2006**

Stumpage Values per Thousand Board Feet Net Scribner Log Scale⁽¹⁾

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir ⁽²⁾	DF	1	\$529	\$522	\$515	\$508	\$501
		2	471	464	457	450	443
		3	468	461	454	447	440
		4	412	405	398	391	384
Lodgepole Pine	LP	1	250	243	236	229	222
Ponderosa Pine	PP	1	387	380	373	366	359
		2	212	205	198	191	184
Western Redcedar ⁽²⁾	RC	1	583	576	569	562	555
Western Hemlock and Other Conifer ⁽⁴⁾	WH	1	370	363	356	349	342
		2	305	298	291	284	277
		3	299	292	285	278	271
		4	299	292	285	278	271
Red Alder	RA	1	376	369	362	355	348
		2	311	304	297	290	283
Black Cottonwood	BC	1	26	19	12	5	1
Other Hardwood	OH	1	164	157	150	143	136
Douglas-Fir Poles	DFL	1	639	632	625	618	611
Western Redcedar Poles	RCL	1	1179	1172	1165	1158	1151
Chipwood ⁽⁵⁾	CHW	1	1	1	1	1	1
RC Shake & Shingle Blocks ⁽⁶⁾	RCS	1	174	167	160	153	146
RC & Other Posts ⁽⁷⁾	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁽⁸⁾	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁽⁸⁾	TFX	1	0.50	0.50	0.50	0.50	0.50

**TABLE 8—Proposed Stumpage Value Table
Stumpage Value Area 10
July 1 through December 31, 2006**

Stumpage Values per Thousand Board Feet Net Scribner Log Scale⁽¹⁾

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir ⁽²⁾	DF	1	\$618	\$611	\$604	\$597	\$590
		2	514	507	500	493	486
		3	451	444	437	430	423
		4	451	444	437	430	423
Lodgepole Pine	LP	1	221	214	207	200	193
Ponderosa Pine	PP	1	317	310	303	296	289
		2	211	204	197	190	183
Western Redcedar ⁽³⁾	RC	1	545	538	531	524	517
Western Hemlock and Other Conifer ⁽⁴⁾	WH	1	369	362	355	348	341
		2	306	299	292	285	278
		3	302	295	288	281	274
		4	302	295	288	281	274
Red Alder	RA	1	353	346	339	332	325
		2	254	247	240	233	226
Black Cottonwood	BC	1	20	13	6	1	1
Other Hardwood	OH	1	151	144	137	130	123
Douglas-Fir Poles	DFL	1	782	775	768	761	754
Western Redcedar Poles	RCL	1	1359	1352	1345	1338	1331
Chipwood ⁽⁵⁾	CHW	1	1	1	1	1	1
RC Shake & Shingle Blocks ⁽⁶⁾	RCS	1	174	167	160	153	146
RC & Other Posts ⁽⁷⁾	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁽⁸⁾	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁽⁸⁾	TFX	1	0.50	0.50	0.50	0.50	0.50

(1) Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-680.

(2) Includes Western Larch.

(3) Includes Alaska-Cedar.

(4) Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, Subalpine Fir, and all Spruce. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

(5) Stumpage value per ton.

(6) Stumpage value per cord.

(7) Stumpage value per 8 lineal feet or portion thereof.

(8) Stumpage value per lineal foot.

(3) **Harvest value adjustments.** The stumpage values in subsection (2) of this rule for the designated stumpage value areas are adjusted for various logging and harvest conditions, subject to the following:

(a) No harvest adjustment is allowed for special forest products, chipwood, or small logs.

(b) Conifer and hardwood stumpage value rates cannot be adjusted below one dollar per MBF.

(c) Except for the timber yarded by helicopter, a single logging condition adjustment applies to the entire harvest unit. The taxpayer must use the logging condition adjustment class that applies to a majority (more than 50%) of the acreage in that harvest unit. If the harvest unit is reported over more than one quarter, all quarterly returns for that harvest unit must report the same logging condition adjustment. The helicopter adjustment applies only to the timber volume from the harvest unit that is yarded from stump to landing by helicopter.

(d) The volume per acre adjustment is a single adjustment class for all quarterly returns reporting a harvest unit. A harvest unit is established by the harvester prior to harvesting. The volume per acre is determined by taking the volume logged from the unit excluding the volume reported as chipwood or small logs and dividing by the total acres logged. Total acres logged does not include leave tree areas (RMZ, UMZ, forested wetlands, etc.) over 2 acres in size.

(e) A domestic market adjustment applies to timber which meet the following criteria:

(i) **Public timber**—Harvest of timber not sold by a competitive bidding process that is prohibited under the authority of state or federal law from foreign export may be eligible for the domestic market adjustment. The adjustment may be applied only to those species of timber that must be processed domestically. According to type of sale, the adjustment may be applied to the following species:

Federal Timber Sales: All species except Alaska-cedar. (Stat. Ref. - 36 C.F.R. 223.10)

State, and Other Nonfederal, Public Timber Sales: Western Redcedar only. (Stat. Ref. - 50 U.S.C. appendix 2406.1)

(ii) **Private timber**—Harvest of private timber that is legally restricted from foreign export, under the authority of The Forest Resources Conservation and Shortage Relief Act (Public Law 101-382), (16 U.S.C. Sec. 620 et seq.); the Export Administration Act of 1979 (50 U.S.C. App. 2406(i)); a Cooperative Sustained Yield Unit Agreement made pursuant to the act of March 29, 1944 (16 U.S.C. Sec. 583-583i); or Washington Administrative Code (WAC 240-15-015(2)) is also eligible for the Domestic Market Adjustment.

The following harvest adjustment tables apply from ~~(January)~~ July 1 through ~~(June 30)~~ December 31, 2006:

**TABLE 9—Harvest Adjustment Table
Stumpage Value Areas 1, 2, 3, 4, 5, and 10
(~~January~~) July 1 through (~~June 30~~) December 31, 2006**

Type of Adjustment	Definition	Dollar Adjustment Per Thousand Board Feet Net Scribner Scale
I. Volume per acre		
Class 1	Harvest of 30 thousand board feet or more per acre.	\$0.00
Class 2	Harvest of 10 thousand board feet to but not including 30 thousand board feet per acre.	-\$15.00
Class 3	Harvest of less than 10 thousand board feet per acre.	-\$35.00
II. Logging conditions		
Class 1	Ground based logging a majority of the unit using tracked or wheeled vehicles or draft animals.	\$0.00
Class 2	Cable logging a majority of the unit using an overhead system of winch driven cables.	-\$30.00
Class 3	Applies to logs yarded from stump to landing by helicopter. This does not apply to special forest products.	-\$145.00
III. Remote island adjustment:		
	For timber harvested from a remote island	-\$50.00
IV. Thinning		
Class 1	A limited removal of timber described in WAC 458-40-610 (28)	-\$100.00

**TABLE 10—Harvest Adjustment Table
Stumpage Value Areas 6 and 7
(~~January~~) July 1 through (~~June 30~~) December 31, 2006**

Type of Adjustment	Definition	Dollar Adjustment Per Thousand Board Feet Net Scribner Scale
I. Volume per acre		
Class 1	Harvest of more than 8 thousand board feet per acre.	\$0.00
Class 2	Harvest of ((3)) 8 thousand board feet ((to 8 thousand board feet)) per acre <u>and less.</u>	-\$((7.00)) <u>8.00</u>
((Class 3	Harvest of less than 3 thousand board feet per acre.	-\$10.00))
II. Logging conditions		
Class 1	The majority of the harvest unit has less than 40% slope. No significant rock outcrops or swamp barriers.	\$0.00
Class 2	The majority of the harvest unit has slopes between 40% and 60%. Some rock outcrops or swamp barriers.	-\$20.00
Class 3	The majority of the harvest unit has rough, broken ground with slopes over 60%. Numerous rock outcrops and bluffs.	-\$30.00
Class 4	Applies to logs yarded from stump to landing by helicopter. This does not apply to special forest products.	-\$145.00

Type of Adjustment	Definition	Dollar Adjustment Per Thousand Board Feet Net Scribner Scale
	Note A Class 2 adjustment may be used for slopes less than 40% when cable logging is required by a duly promulgated forest practice regulation. Written documentation of this requirement must be provided by the taxpayer to the department of revenue.	
III. Remote island adjustment:		
	For timber harvested from a remote island	- \$50.00

TABLE 11—Domestic Market Adjustment

Class	Area Adjustment Applies	Dollar Adjustment Per Thousand Board Feet Net Scribner Scale
Class 1:	SVA's 1 through 6, and 10	\$0.00
Class 2:	SVA 7	\$0.00

Note: The adjustment will not be allowed on special forest products.

(4) **Damaged timber.** Timber harvesters planning to remove timber from areas having damaged timber may apply to the department of revenue for an adjustment in stumpage values. The application must contain a map with the legal descriptions of the area, an accurate estimate of the volume of damaged timber to be removed, a description of the damage sustained by the timber with an evaluation of the extent to which the stumpage values have been materially reduced from the values shown in the applicable tables, and a list of estimated additional costs to be incurred resulting from the removal of the damaged timber. The application must be received and approved by the department of revenue before the harvest commences. Upon receipt of an application, the department of revenue will determine the amount of adjustment to be applied against the stumpage values. Timber that has been damaged due to sudden and unforeseen causes may qualify.

(a) Sudden and unforeseen causes of damage that qualify for consideration of an adjustment include:

(i) Causes listed in RCW 84.33.091; fire, blow down, ice storm, flood.

(ii) Others not listed; volcanic activity, earthquake.

(b) Causes that do not qualify for adjustment include:

(i) Animal damage, root rot, mistletoe, prior logging, insect damage, normal decay from fungi, and pathogen caused diseases; and

(ii) Any damage that can be accounted for in the accepted normal scaling rules through volume or grade reductions.

(c) The department of revenue will not grant adjustments for applications involving timber that has already been harvested but will consider any remaining undisturbed damaged timber scheduled for removal if it is properly identified.

(d) The department of revenue will notify the harvester in writing of approval or denial. Instructions will be included for taking any adjustment amounts approved.