

**WSR 06-17-050**  
**WITHDRAWAL OF**  
**EXPEDITED RULE MAKING**  
**SUPERINTENDENT OF**  
**PUBLIC INSTRUCTION**

[Filed August 9, 2006, 11:43 a.m.]

On July 10, 2006, WSR 06-15-039 was filed with your office. We would like to withdraw the above-mentioned WSR due to further changes.

If you have any questions you may reach Penny Coker at (360) 725-6133.

Penny Coker  
 Administrative Resources

**WSR 06-17-103**  
**EXPEDITED RULES**  
**SUPERINTENDENT OF**  
**PUBLIC INSTRUCTION**

[Filed August 16, 2006, 11:38 a.m.]

Title of Rule and Other Identifying Information: Chapter 392-185 WAC, Education centers.

**NOTICE**

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Marcia Riggers, Office of Superintendent of Public Instruction, 600 Washington Street S.E., AND RECEIVED BY October 23, 2006.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The purpose of the proposed changes to chapter 392-185 WAC is to make appropriate agency name changes to be consistent with chapter 28A.205 RCW.

Statutory Authority for Adoption: Chapter 28A.205 RCW.

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

Name of Proponent: Office of superintendent of public instruction, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Marcia Riggers, Office of Superintendent of Public Instruction, (360) 725-6175.

August 16, 2006  
 Terry Bergeson  
 Superintendent

AMENDATORY SECTION (Amending WSR 06-14-009, filed 6/22/06, effective 6/22/06)

**WAC 392-185-310 Definitions.** The following definitions shall apply to terms used in this chapter:

(1) "Education center" shall mean a private educational institution certified by the ~~((state board of education))~~ superintendent of public instruction which employs a clinical, client-centered approach and is devoted to (a) teaching the basic academic skills including specific attention to improvement of student motivation for achieving and (b) employment orientation: Provided, That no education center certified by the ~~((state board of education))~~ superintendent of public instruction pursuant to this section shall be deemed a common school under RCW 28A.150.020 or a private school for the purposes of RCW 28A.195.010 through 28A.195.050 ~~((, or proprietary school under chapter 18.82 RCW))~~.

(2) "Basic academic skills" shall mean the study of mathematics, speech, language, reading and composition, science, history, literature and political science or civics; it shall not include courses of a vocational training nature and courses deemed nonessential to the accrediting ~~((of common schools))~~ or the approval of private schools under RCW 28A.305.130.

(3) "A clinical, client-centered basis" shall mean an approach to education which includes the individual diagnosis of the person's educational abilities, determining and setting of individual goals, prescribing and providing individual programs of instruction, and evaluating the individual student's progress in his or her educational program.

(4) "Individual diagnostic procedure" shall mean the individual assessment by a certified teacher, or when deemed necessary, by a psychometrist, psychologist, and/or another professional who is appropriately certificated or licensed to conduct specific diagnostic evaluations and to prescribe an individual educational and instructional program in conjunction with the teacher, student, parents, and others as necessary.

(5) "General educational development (GED) tests" shall mean that battery of tests designed and published by the GED testing service of the American council on education to measure the major outcomes and concepts generally associated with four years of high school education. Each GED testing center must have a current contract with the American council on education and be authorized by the state ~~((superintendent of public instruction))~~ board for community and technical colleges.

(6) "Educational gain" shall mean (a) measurable increases in the student's achievement, (b) increased motivation for achieving, and/or (c) increased knowledge and skills relevant to employment orientation as defined in (8) below: Provided, That consideration is given to the student's background in determining the extent of such gain.

(7) "Eligible common school dropout" shall be defined as set forth in WAC 392-185-010(2).

(8) "Employment orientation" shall normally include, but not be restricted to instruction and practical experience in the following areas: Job applications, interview techniques, expectations for attendance and production, learning to translate skills and abilities in terms of job needs, examination by

the student of job descriptions and exploration of the student's ability to fulfill the job needs.

AMENDATORY SECTION (Amending WSR 06-14-009, filed 6/22/06, effective 6/22/06)

**WAC 392-185-320 Criteria for certification of education centers.** To be certified as an education center, a private educational institution must apply to the ~~((state board of education))~~ superintendent of public instruction and provide evidence that it:

(1) Qualifies under the definition set forth in WAC 180-95-010(1).

(2) Offers instruction in the basic academic skills as defined in WAC 180-95-010(2) and employment orientation as defined in WAC 180-95-010(8).

(3) Employs, for purposes of diagnosing and instructing students, professionally trained personnel who meet requirements for certification set forth in chapters 180-80 and/or 180-84 WAC: Provided, That for specific diagnostic evaluations, a professional who is otherwise appropriately licensed does not have to meet certification requirements.

(4) Operates on a clinical, client-centered basis as defined in WAC 180-95-010(3).

(5) Conducts individualized diagnosis and instruction which includes as a minimum:

(a) Consideration by qualified personnel of the student's achievement, abilities, interests, and aptitudes;

(b) Delineation of individual learning objectives and education and/or employment goals;

(c) Development and implementation of curriculum and instruction appropriate to diagnosed needs and specified objectives and goals;

(d) Provision for evaluation of the student's progress toward and attainment of learning objectives and education and/or employment goals.

(6) Produces educational gains in students which relate directly to the individual learning objectives and educational and/or employment goals established for the student.

(7) Maintains accurate and complete financial and personnel records.

(8) Is financially sound and capable of fulfilling its educational commitment, i.e., that it has definite and certain resources to meet its current obligations.

AMENDATORY SECTION (Amending WSR 06-14-009, filed 6/22/06, effective 6/22/06)

**WAC 392-185-330 Application procedures for certification as an education center.** A private educational institution shall apply for certification to the ~~((state board of education))~~ superintendent of public instruction on a form provided by the ~~((state board of education))~~ superintendent of public instruction. The ~~((state board of education))~~ superintendent of public instruction or its designee(s) shall determine by ~~((on-site visitation and))~~ documentary evidence submitted by the applicant whether all criteria set forth in WAC 180-95-020 are satisfied. The ~~((state board of education))~~ superintendent of public instruction shall notify the applicant institution of its certification status within ten weeks after the

date ~~((state board of education))~~ the superintendent of public instruction receives a completed application.

AMENDATORY SECTION (Amending WSR 06-14-009, filed 6/22/06, effective 6/22/06)

**WAC 392-185-340 Length of certification.** A private educational institution shall be certified as an education center by the ~~((state board of education))~~ superintendent of public instruction for no more than three years and shall report annually any changes relevant to certification criteria set forth in WAC 180-95-020 to the ~~((state board of education))~~ superintendent of public instruction on a form provided by the ~~((state board of education))~~ superintendent of public instruction.

AMENDATORY SECTION (Amending WSR 06-14-009, filed 6/22/06, effective 6/22/06)

**WAC 392-185-350 Withdrawal of certification as an education center.** The ~~((state board of education))~~ superintendent of public instruction may withdraw certification if the board finds that a center fails:

(1) To provide adequate instruction in basic academic skills which shall mean:

(a) The center does not offer or make provision for instruction in all the basic skills defined in WAC 180-95-010(2), or

(b) Evidence/data do not verify educational gains which relate directly to the individual learning objectives and the educational and/or employment goals established, or

(c) The center does not provide opportunities for employment orientation.

(2) To meet any of the criteria for certification of education centers as established in WAC 180-95-020.

#### REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 392-185-360	Fee revision—Appeal procedure.
WAC 392-185-370	Additional rules.

**WSR 06-17-137**  
**EXPEDITED RULES**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**

[Filed August 22, 2006, 9:14 a.m.]

Title of Rule and Other Identifying Information: Chapter 296-876 WAC, Ladders, portable and fixed, the training requirements that are currently located in chapter 296-876 WAC were inadvertently repealed in a rule making that was adopted as WSR 06-16-020 on July 24, 2006. The purpose of this rule making is to put the training requirements back into this chapter.

## NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Elizabeth Smith, Department of Labor and Industries, P.O. Box 44001, Olympia, WA 98504-4001, AND RECEIVED BY October 23, 2006.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The purpose of this rule making is to move the current training requirements located in chapter 296-876 WAC to a different section in this chapter. There are no anticipated effects.

Reasons Supporting Proposal: These requirements, currently in this rule, were inadvertently repealed in a recent rule making with an effective date of December 1, 2006. They will be returned to the chapter under new numbers, with an effective date of December 1, 2006, so that there is no loss of protection.

Adding two new sections relating to training:

WAC 296-876-150 Training—Section contents.

- Create this summary page and move the existing WAC 296-876-500 to this section.

WAC 296-876-15005 Training.

- Create this section and move the existing WAC 296-876-50005 to this section.

Statutory Authority for Adoption: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060.

Statute Being Implemented: Chapter 49.17 RCW.

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

Name of Proponent: Department of labor and industries, governmental.

Name of Agency Personnel Responsible for Drafting: Tracy Spencer, Tumwater, (360) 902-5530; Implementation and Enforcement: Stephen M. Cant, Tumwater, (360) 902-5495.

August 22, 2006

Gary Weeks

Director

NEW SECTION

**WAC 296-876-150 Training—Section contents.**

**Your responsibility:**

To train employees who use ladders.

Training.

WAC 296-876-15005.

NEW SECTION

**WAC 296-876-15005 Training.**

**You must:**

- Train employees to recognize ladder hazards and the procedures to minimize these hazards.
- Have a competent person train employees that use ladders in at least the following topics:
  - The proper construction, use, placement, and care in handling ladders.
  - The maximum intended load capacities of ladders that are used.
  - The requirements of this chapter.
- Retrain employees as necessary to make sure they know and understand the content of the original training.

**WSR 06-17-179**

**EXPEDITED RULES  
OFFICE OF THE  
CODE REVISER**

[Filed August 23, 2006, 10:23 a.m.]

Title of Rule and Other Identifying Information: WAC 1-21-160 Filing after office hours.

## NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Kerry Radcliff, Office of the Code Reviser, P.O. Box 40551, Olympia, WA 98504-0551, (360) 786-6697, radcliff.kerry@leg.wa.gov, AND RECEIVED BY October 23, 2006.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The Washington state patrol accepts the filing of orders after the business hours of the office of the code reviser. The phone information in WAC 1-21-160 is incorrect and a clarification of procedures is necessary to streamline the process of the Washington state patrol accepting these filings.

Reasons Supporting Proposal: The phone information in WAC 1-21-160 is incorrect and needs to be corrected. Also, a clarification of the process of acceptance of filings by the Washington state patrol is necessary to assist state agencies and the Washington state patrol with the procedure of accepting these filings and with the delivery of these filings to the office of the code reviser.

Statutory Authority for Adoption: RCW 1.08.110 and 34.05.385.

Statute Being Implemented: RCW 1.08.110 and 34.05.-385.

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

Name of Proponent: Office of the code reviser and the Washington state patrol, governmental.

Name of Agency Personnel Responsible for Drafting: Kerry S. Radcliff, P.O. Box 40551, Olympia, WA 98504-0551, (360) 786-6697; Implementation and Enforcement: Office of the code reviser and the Washington state patrol.

August 23, 2006

K. Kyle Thiessen

Code Reviser

AMENDATORY SECTION (Amending WSR 06-16-019, filed 7/24/06, effective 8/24/06)

**WAC 1-21-160 Filing after office hours.** The office of the code reviser is open for the filing of agency rule-making notices and orders from 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays. The office of the code reviser delegates to the Washington state patrol the authority to accept at other times the filing of orders adopting, amending, or repealing rules when the nature of the order requires their immediate filing and/or effectiveness. To use this service, the agency may telephone the ~~((capitol security unit of the))~~ Washington state patrol communications center at ~~((360) 753-2191 to))~~ 360-586-1999. When your call is answered, request a zone 4 trooper and arrange for receipt of the filing(s) ~~((by the state patrol))~~. The agency shall give the original and three copies of each filing to the trooper. The trooper shall mark each copy with the trooper's name, badge number, date, and time and arrange for all of the copies to be delivered to the office of the code reviser as early as possible on the next business day. The agency filing the rules with the state patrol shall notify the office of the code reviser of the filing by 9:00 a.m. on the next business day after ~~((the))~~ filing and arrange to receive the stamped copies.