

WSR 10-20-002
EXPEDITED RULES
PROFESSIONAL EDUCATOR
STANDARDS BOARD

[Filed September 22, 2010, 1:43 p.m.]

Title of Rule and Other Identifying Information: Chapter 181-78A WAC rules require multiple edits as a result of legislation during the 2010 session. Under SB 6696, colleges and universities are no longer the only institutions that may provide teacher preparation programs. These expedited rule changes are technical since the same standards apply to non-higher education preparation programs and the changes are required by statute.

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 David Brenna, Professional Educator Standards Board, 600 Washington Street South, Room 400, Olympia, WA 98504, AND RECEIVED BY December 6, 2010.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The change responds to legislation that allows nonhigher education providers to be approved. Technical changes only.

Reasons Supporting Proposal: Legislative requirements.

Statutory Authority for Adoption: Chapter 28A-410 [28A.410] RCW.

Statute Being Implemented: Chapter 28A.410 RCW.

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

Name of Proponent: Professional educator standards board, governmental.

Name of Agency Personnel Responsible for Drafting: David Brenna, 600 Washington Street, Room 400, Olympia, WA, (360) 725-6238.

September 22, 2010

David Brenna

Legislative and

Policy Coordinator

AMENDATORY SECTION (Amending WSR 06-14-010, filed 6/22/06, effective 7/23/06)

WAC 181-78A-005 Purpose. In order to support the successful implementation of Washington's ongoing public school reform and improvement policies, the 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~~) approved preparation programs 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-007 Minimum state standards. All state standards prescribed in this chapter for the approval of professional preparation programs are minimal standards for state approval. Where allowed (~~colleges or universities~~) programs may and are encouraged to develop program standards which exceed the minimums herein prescribed.

AMENDATORY SECTION (Amending WSR 10-08-015, filed 3/29/10, effective 4/29/10)

WAC 181-78A-105 Procedures for initial approval of an educator preparation program. Each (~~college or university~~) institution or organization desiring to establish a preparation program shall comply with the following:

(1) Advise the professional educator standards board of its desire to establish a preparation program.

(2) Develop with the assistance of the professional education advisory board a written preproposal plan which addresses all preproposal components adopted and published by the professional educator standards board and submit such plan to the designated official of the professional educator standards board for review and comment.

(3) Submit such plan to the professional educator standards board. The (~~college or university~~) institution or organization may be granted approval for full proposal development or denied approval.

(a) If approved, the (~~college or university~~) institution or organization shall comply with the following:

(i) Establish the appropriate professional education advisory board pursuant to WAC 181-78A-205;

(ii) Develop with assistance of the professional education advisory board a written plan which includes the following:

(A) Timelines for the implementation of all applicable program approval standards during the first year of the program;

(B) The criteria that the program will use to assess, in multiple ways over time, its candidates' knowledge and skills including evidence related to positive impact on student learning (WAC 181-78A-205(4));

(C) How the professional education advisory board was involved in program development, including a letter of support; and

(D) Letters of support from partnership districts and/or other agencies.

(iii) Present the written plan to the professional educator standards board.

(A) The program may be conditionally approved in a specific location(s) for a period of up to twenty-seven months following the beginning of instruction. The institution or organization shall notify the professional educator standards board when instruction has begun. If not approved, the ~~((college or university))~~ institution or organization may resubmit its revised plan or request a contested hearing via an appeal team appointed by the professional educator standards board.

(B) Prior to the expiration of approval, staff of the professional educator standards board shall conduct a site visit and/or other forms of documentation to determine if the program is in full compliance with the 1997 program approval standards; provided that a college/university with an approved residency principal program which adds an approved program administrator program is not required to have a site visit of the program administrator program until the next regularly scheduled site visit of that institution.

(b) If denied, the ~~((college or university))~~ institution or organization may resubmit its plan based upon the suggestions of the professional educator standards board.

(4) Programs shall be approved for a specific location(s) identified in the written plan presented to the professional educator standards board. Institutions and organizations seeking to expand an existing program to a new location shall submit a request to the professional educator standards board which contains the following:

- (a) A description of the location and facilities;
- (b) Verification that no complaints have been filed against the program in its current location(s);
- (c) A summary of the findings from the most recent site review, including how weaknesses, if any, have been addressed;
- (d) A statement that supports need for the program;
- (e) Cost to the students;
- (f) Mode(s) of the program delivery; and
- (g) Letters of support from program partners. The length of time for which the program approval status shall be granted shall coincide with the length of time for which the program in its current location(s) last received approval. The program review cycle for programs at all locations shall be the same.

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

WAC 181-78A-130 Approval of preparation program offered by an out-of-state ~~((college or university))~~ institution or organization within the state applicable to certification. No out-of-state ~~((college or university))~~ institution or organization shall offer a program of courses within Washington state for purposes of Washington state certification without meeting all program approval requirements set forth in this chapter and those set forth in the Degree Authorization Act, chapter 28B.85 RCW where applicable.

AMENDATORY SECTION (Amending WSR 06-14-010, filed 6/22/06, effective 7/23/06)

WAC 181-78A-136 Responsibilities of deans, directors, or other designated administrators. Each ~~((college or university))~~ institution or organization operating an approved

preparation program shall require the dean, director, or other designee of the administrative unit required by WAC 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 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 09-20-110, filed 10/7/09, effective 11/7/09)

WAC 181-78A-205 Required professional education advisory board. ~~((Colleges and universities))~~ Institutions and organizations seeking approval by the 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))~~ an institution or organization 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))~~ An institution or organization 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))~~ An institution or organization may have separate administrator professional education advisory boards for each administrator role as long as one-half or more of the voting members are appointed by the association representing the administrator role involved: Provided, That each administrator PEAB shall include at least one member appointed by the Association of Washington School Principals (AWSP), one appointed by the Washington Association of School Administrators (WASA), and one appointed by the Washington Federation of Independent Schools (WFIS).

(4) The failure of a designated organization, as specified in WAC 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 09-20-110, filed 10/7/09, effective 11/7/09)

WAC 181-78A-207 Qualification to be appointed to ~~((a college or university)) an institution or organization professional education advisory board.~~ (1) Professional education advisory boards may authorize the appointment of additional representatives from other school districts or other public and private agencies as long as one-half or more of the members of the professional education advisory board consist of representatives who meet the qualifications of this subsection and who are from the role for which the professional education advisory board has responsibility.

(2) If any professional education advisory board receives a written request from other school districts or other public or private agencies for representation on such professional education advisory board, the current members of such professional education advisory board shall vote on such request at the next regular meeting of such board: Provided, That a ~~((college or university))~~ program may elect to add private school representatives to a professional education advisory board without adding to the representation from the role for which the professional education advisory board has responsibility if the professional education advisory board authorizes such action by a majority vote.

AMENDATORY SECTION (Amending WSR 09-20-110, filed 10/7/09, effective 11/7/09)

WAC 181-78A-209 ~~((College or university)) Professional education advisory boards—Membership.~~ The professional education advisory boards shall at a minimum consist of the following:

(1) **TEACHER.**

(a) One-half or more of the voting members shall be classroom teachers. All, but one, will be appointed by the president of the Washington Education Association. The remaining teacher shall be employed in a state-approved private school and appointed by the Washington Federation of Independent Schools.

(b) At least one principal appointed by the president of the Association of Washington School Principals.

(c) At least one school administrator appointed by the Washington Association of School Administrators.

(d) At least one educational staff associate (school counselor, school psychologist, school social worker, school nurse, school occupational therapist, school physical therapist, or school speech language pathologist or audiologist) appointed by the president of the individual's professional association.

(e) At least one ~~((college or university))~~ institution or organization representative who may serve in a voting or nonvoting role.

(f) At ~~((colleges or universities))~~ programs where career and technical education programs are offered, one career and technical education director or career and technical education teacher, with expertise in one of the approved career and technical education programs at the ~~((college or university))~~ institution or organization, appointed by the Washington Association of Vocational Administrators in cooperation with the ~~((college or university))~~ institution or organization.

(2) **ADMINISTRATOR.**

(a) One-half or more of the voting members shall be administrators. One-half of these administrators shall be appointed by the president of the Washington Association of School Administrators. The remaining administrators shall be appointed by the president of the Association of Washington School Principals except one who shall be employed in an approved private school and appointed by the Washington Federation of Independent Schools.

(b) At least one or more classroom teachers appointed by the president of the Washington Education Association.

(c) At least one educational staff associate (school counselor, school psychologist, school social worker, school nurse, school occupational therapist, school physical therapist, or school speech language pathologist or audiologist) appointed by the president of the individual's professional association.

(d) At least one ~~((college or university))~~ institution or organization representative who may serve in a voting or nonvoting role.

(3) **SCHOOL COUNSELOR.**

(a) At least one-half of the voting members shall be school counselors appointed by the president of the Washington School Counselors Association.

(b) At least one teacher appointed by the president of the Washington Education Association.

(c) At least one principal appointed by the Association of Washington School Principals.

(d) At least one administrator appointed by the Washington Association of School Administrators.

(e) At least one ~~((college or university))~~ institution or organization representative who may serve in a voting or nonvoting role.

(4) **SCHOOL PSYCHOLOGIST.**

(a) At least one-half of the voting members shall be school psychologists appointed by the president of the Washington State Association of School Psychologists.

(b) At least one teacher appointed by the president of the Washington Education Association.

(c) At least one principal appointed by the Association of Washington School Principals.

(d) At least one administrator appointed by the Washington Association of School Administrators.

(e) At least one ~~((college or university))~~ institution or organization representative who may serve in a voting or nonvoting role.

(5) **SCHOOL SOCIAL WORKER.**

(a) At least one-half of the voting members shall be school social workers appointed by the president of the Washington Association of School Social Workers.

(b) At least one teacher appointed by the president of the Washington Education Association.

(c) At least one principal appointed by the Association of Washington School Principals.

(d) At least one administrator appointed by the Washington Association of School Administrators.

(e) At least one ~~((college or university))~~ institution or organization representative who may serve in a voting or nonvoting role.

(6) **MEMBERSHIP APPOINTMENTS.** Applicable to all professional association appointments, if the professional association does not respond to the ~~((university's))~~ program's request for an appointment of a representative within sixty days of the receipt of the request, a ~~((university))~~ program may appoint the representative of its choice in the role for which an appointment is being sought. If the ~~((university))~~ program makes an appointment, it must notify the appropriate professional association within one week that the appointment has been made. If an association is unable to appoint a representative due to the geographic restriction of possible candidates, the PEAB will appoint an alternate to represent that association with their consent.

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

WAC 181-78A-210 Joint professional education advisory board. Any two or more ~~((colleges))~~ institutions and/or ~~((universities))~~ organizations may agree to have the same professional education advisory board for their respective preparation program at such ~~((college or university))~~ institution or organization.

AMENDATORY SECTION (Amending WSR 06-14-010, filed 6/22/06, effective 7/23/06)

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))~~ institution or organization, in compliance with the provisions of WAC 181-78A-250, has established and maintained a professional education advisory board to participate in and cooperate with the ~~((college or university))~~ institution or organization 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))~~ institution or organization, in compliance with the provision of WAC 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))~~ institution or organization, in compliance with the provision of WAC 181-78A-261, is responsible for providing the resources needed to develop and maintain quality preparation programs.

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

ing 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 07-04-002, filed 1/24/07, effective 2/24/07)

WAC 181-78A-272 Approval of residency certificate preparation programs for principals/program administrators, school psychologists, school counselors and school social workers. ~~((1))~~ Colleges/universities offering residency certificate programs for principals/program administrators shall have these programs approved by the 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 professional educator standards board by August 31, 2005.

~~((2))~~ Principal alternative route pilot program. ((Colleges and universities)) Institutions and organizations with approved residency certificate programs will be invited to participate.

~~((a))~~ (1) The program shall be comprised of the following:

~~((i))~~ (a) Two summer academies plus a year long mentored internship;

~~((ii))~~ (b) Assignment of the intern to a full-time second level administrative position for one school year while enrolled in the alternative route program;

~~((iii))~~ (c) A comprehensive assessment of the intern's performance by school officials and program faculty and a recommendation that the person be issued a residency principal certificate upon successful completion of the program.

~~((b))~~ (2) The pilot will be implemented for one academic year beginning June 2007.

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

WAC 181-78A-307 Course work/internship waiver. The ~~((college or university))~~ institution or organization may waive required course work and/or waive or reduce in length the required internship for any candidate, based on an individual review if the ~~((college or university))~~ institution or organization determines that previous course work, work experiences, or alternative learning experiences have or will provide the candidate knowledge and skills to be otherwise gained from the required course work or internship.

AMENDATORY SECTION (Amending WSR 06-14-010, filed 6/22/06, effective 7/23/06)

WAC 181-78A-400 Internship standards—State-funded administrator interns. (1) Principal, superintendent, and program administrator interns participating in the state-funded administrator internship program shall meet the following standards:

(a) Enrollment in a principal, superintendent or program administrator preparation program approved by the professional educator standards board, pursuant to WAC 181-78A-105.

(b) Completion of all administrator field experience, knowledge and skill certification requirements, pursuant to chapters 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 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 181-78A-270 (2)(a) or (b) pursuant to WAC 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 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~~) institution/organization supervisor and mentor administrator shall determine whether the intern days and the selected performance domains or competencies were demonstrated.

(2) Participating (~~colleges/universities~~) institution/organization and school districts may establish additional internship standards and shall report such standards to the professional educator standards board.

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

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 181-78A-151 Preparation of superintendents.
- WAC 181-78A-200 Basic skills.

WSR 10-20-057

EXPEDITED RULES

DEPARTMENT OF REVENUE

[Filed September 27, 2010, 11:23 a.m.]

Title of Rule and Other Identifying Information: WAC 458-18A-060 Deferral of special assessments and/or property taxes—Limitations of deferral—Interest, a deferral under chapter 84.37 RCW cannot be granted if liens created by the deferrals of special assessments and/or real property taxes equal or exceed forty percent of the claimant's equity value in the property. Equity value is determined as of January 1 in the year the taxes are to be deferred. This rule explains how the amount of the lien is determined.

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 Jay Jetter, Department of Revenue, P.O. Box 47471, Olympia, WA 98504-7471, e-mail JayJ@dor.wa.gov, AND RECEIVED BY December 6, 2010.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The department of revenue is proposing to amend this rule to recognize that the state's lien under this program is shown on the certificate of title of a mobile home. The current rule explains that the state's lien is to be shown on the certificate of ownership of a mobile home. This proposal recognizes legislative changes made in SB 6379 (chapter 161, Laws of 2010).

Copies of draft rules are available for viewing and printing on our web site at <http://dor.wa.gov/content/FindALawOrRule/RuleMaking/agenda.aspx>.

Reasons Supporting Proposal: To recognize 2010 legislation.

Statutory Authority for Adoption: RCW 84.38.180.

Statute Being Implemented: RCW 84.37.070.

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

Name of Proponent: Department of revenue, governmental.

Name of Agency Personnel Responsible for Drafting: Peggy Davis, 1025 Union Avenue S.E., Suite #200, Olympia, WA, (360) 570-5867; Implementation and Enforcement: Brad Flaherty, 1025 Union Avenue S.E., Suite #200, Olympia, WA, (360) 570-5860.

September 27, 2010

Alan R. Lynn

Rules Coordinator

AMENDATORY SECTION (Amending WSR 09-14-038, filed 6/24/09, effective 7/25/09)

WAC 458-18A-060 Deferral of special assessments and/or property taxes—Limitations of deferral—Interest. No deferral will be granted if the liens created by the deferrals of special assessments and/or real property taxes equal or exceed forty percent of the claimant's equity value in said property. Equity value will be determined as of January 1 in the year the taxes are to be deferred.

The liens include:

(1) The total amount of special assessments and/or real property taxes deferred; plus

(2) Interest on the amount deferred. The rate of interest is an average of the federal short-term rate as defined in 26 U.S.C. Sec. 1274(d) plus two percentage points. The rate set for each new year is computed by taking an arithmetical average to the nearest percentage point of the federal short-term rate, compounded annually. That average is calculated using the rates from four months: January, April, and July of the calendar year immediately preceding the new year, and October of the previous preceding year. The interest is calculated from the time it could have been paid before delinquency until such obligation is paid. In the case of a mobile home, the department of licensing will show the state's lien on the certificate of ((ownership)) title for the mobile home. In the case of all other property, the department of revenue will file a notice of the deferral with the county recorder or auditor.

WSR 10-20-073

EXPEDITED RULES

DEPARTMENT OF HEALTH

[Filed September 29, 2010, 10:56 a.m.]

Title of Rule and Other Identifying Information: WAC 246-650-991 Specialty clinic support fee repeal.

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 Michael Glass, Department of Health, 1610 N.E. 150th Street, Shoreline, WA 98155, AND RECEIVED BY December 6, 2010.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: In 2010 RCW 70.83.023 was updated and reflects the fee to be charged. The rule is no longer necessary.

Reasons Supporting Proposal: The fee is stated in the law and therefore the rule is no longer necessary to impose the fee.

Statutory Authority for Adoption: RCW 70.83.023.

Statute Being Implemented: Session law, chapter 17, Laws of 2010.

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

Name of Proponent: Department of health, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Michael Glass, 1610 N.E. 150th Street, Shoreline, WA 98155, (206) 418-5470.

September 29, 2010

Mary C. Selecky

Secretary

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 246-650-991

Specialty clinic support fee.

WSR 10-20-096

EXPEDITED RULES

DEPARTMENT OF REVENUE

[Filed September 30, 2010, 1:27 p.m.]

Title of Rule and Other Identifying Information: WAC 458-18-220 Refunds—Rate of interest, which provides the rate of interest that applies to tax refunds made pursuant to RCW 84.69.010 through 84.69.090 in accordance with RCW 84.69.100, and also to judgments entered in favor of the plaintiff pursuant to RCW 84.68.030.

WAC 458-30-262 Agricultural land valuation—Interest rate—Property tax component, which provides the interest rate and the property tax component used to value classified farm and agricultural land classified under chapter 84.34 RCW (open space program).

WAC 458-30-590 Rate of inflation—Publication—Interest rate—Calculation, which provides the rate of inflation used to calculate interest on deferred special benefit assessments when farm and agricultural or timber land is removed or withdrawn from classification under chapter 84.34 RCW (open space program).

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 Marilou Rickert, Department of Revenue, P.O. Box 47453, Olympia, WA 98504-7453, e-mail MarilouR@DOR.WA.GOV, AND RECEIVED BY December 6, 2010.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The department proposes to amend:

WAC 458-18-220, to provide the rate of interest for treasury bill auction year 2010, which is to be used when refunding property taxes paid in 2011, as required by RCW 84.69-100.

WAC 458-30-262, to provide the interest rate and property tax component to be used when valuing classified farm and agricultural land during the 2011 assessment year, as required by RCW 84.34.065.

WAC 458-30-590, to provide the rate of inflation used in calculating interest for deferred special benefit assessments of land removed or withdrawn during 2011, as required by RCW 84.34.310.

Copies of draft rules are available for viewing and printing on our web site at <http://dor.wa.gov/content/FindALawOrRule/RuleMaking/agenda.aspx>.

Reasons Supporting Proposal: The department is required by statute to annually adopt these rules to provide the information identified above.

Statutory Authority for Adoption: RCW 84.34.360, 84.34.065, 84.34.141, and 84.69.100.

Statute Being Implemented: RCW 84.34.055, 84.34-065, 84.34.141, 84.34.310, 84.34.360, 84.68.030, and 84.69-100.

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

Name of Proponent: Department of revenue, governmental.

Name of Agency Personnel Responsible for Drafting: Marilou Rickert, 1025 Union Avenue S.E., Suite #544, Olympia, WA, (360) 570-6115; Implementation and Enforcement: Brad Flaherty, 1025 Union Avenue S.E., Suite #200, Olympia, WA, (360) 570-5860.

September 30, 2010

Alan R. Lynn

Rules Coordinator

AMENDATORY SECTION (Amending WSR 10-07-038, filed 3/10/10, effective 4/10/10)

WAC 458-18-220 Refunds—Rate of interest. The following rates of interest shall apply on refunds of taxes made pursuant to RCW 84.69.010 through 84.69.090 in accordance with RCW 84.69.100. The following rates shall also apply to judgments entered in favor of the plaintiff pursuant to RCW 84.68.030. The interest rate is derived from the equivalent coupon issue yield of the average bill rate for twenty-six week treasury bills as determined at the first bill market auction conducted after June 30th of the calendar year preceding the date the taxes were paid. The rate thus determined shall be applied to the amount of the judgment or the amount of the refund, until paid:

Year tax paid	Auction Year	Rate
1984	1983	9.29%
1985	1984	11.27%

Year tax paid	Auction Year	Rate
1986	1985	7.36%
1987	1986	6.11%
1988	1987	5.95%
1989	1988	7.04%
1990	1989	8.05%
1991	1990	8.01%
1992	1991	5.98%
1993	1992	3.42%
1994	1993	3.19%
1995	1994	4.92%
1996	1995	5.71%
1997	1996	5.22%
1998	1997	5.14%
1999	1998	5.06%
2000	1999	4.96%
2001	2000	5.98%
2002	2001	3.50%
2003	2002	1.73%
2004	2003	0.95%
2005	2004	1.73%
2006	2005	3.33%
2007	2006	5.09%
2008	2007	4.81%
2009	2008	2.14%
2010	2009	0.29%
<u>2011</u>	<u>2010</u>	<u>0.21%</u>

AMENDATORY SECTION (Amending WSR 10-09-049, filed 4/15/10, effective 5/16/10)

WAC 458-30-262 Agricultural land valuation—Interest rate—Property tax component. For assessment year ((2010)) 2011, the interest rate and the property tax component that are to be used to value classified farm and agricultural lands are as follows:

- (1) The interest rate is ((7.53)) 7.00 percent; and
- (2) The property tax component for each county is:

COUNTY	PERCENT	COUNTY	PERCENT
Adams	((+22)) <u>1.20</u>	Lewis	((0-90)) <u>0.96</u>
Asotin	((+25)) <u>1.22</u>	Lincoln	((+15)) <u>1.18</u>
Benton	((+15)) <u>1.16</u>	Mason	((0-90)) <u>0.88</u>
Chelan	((0-95)) <u>0.92</u>	Okanogan	((0-94)) <u>0.96</u>
Clallam	((0-83)) <u>0.88</u>	Pacific	((+14)) <u>1.07</u>
Clark	((+01)) <u>1.16</u>	Pend Oreille	((0-86)) <u>0.83</u>
Columbia	((+09)) <u>1.11</u>	Pierce	((+09)) <u>1.14</u>
Cowlitz	((+03)) <u>1.07</u>	San Juan	((0-50)) <u>0.49</u>
Douglas	((0-95)) <u>0.96</u>	Skagit	((0-90)) <u>0.98</u>
Ferry	<u>0.91</u>	Skamania	((0-79)) <u>0.82</u>
Franklin	((+34)) <u>1.27</u>	Snohomish	((0-91)) <u>0.99</u>
Garfield	((+12)) <u>1.09</u>	Spokane	((+13)) <u>1.19</u>

COUNTY	PERCENT	COUNTY	PERCENT
Grant	((+22)) <u>1.19</u>	Stevens	0.94
Grays Harbor	((+08)) <u>1.06</u>	Thurston	((0-99)) <u>1.05</u>
Island	((0-69)) <u>0.73</u>	Wahkiakum	((0-79)) <u>0.78</u>
Jefferson	0.79	Walla Walla	((+14)) <u>1.27</u>
King	((0-88)) <u>1.01</u>	Whatcom	0.94
Kitsap	((0-90)) <u>1.01</u>	Whitman	((+27)) <u>1.29</u>
Kittitas	((0-73)) <u>0.71</u>	Yakima	((+12)) <u>1.16</u>
Klickitat	((0-84)) <u>0.85</u>		

AMENDATORY SECTION (Amending WSR 10-02-027, filed 12/29/09, effective 1/1/10)

WAC 458-30-590 Rate of inflation—Publication—Interest rate—Calculation. (1) **Introduction.** This section sets forth the rates of inflation discussed in WAC 458-30-550. It also explains the department of revenue's obligation to annually publish a rate of inflation and the manner in which this rate is determined.

(2) **General duty of department—Basis for inflation rate.** Each year the department determines and publishes a rule establishing an annual rate of inflation. This rate of inflation is used in computing the interest that is assessed when farm and agricultural or timber land, which are exempt from special benefit assessments, is withdrawn or removed from current use classification.

(a) The rate of inflation is based upon the implicit price deflator for personal consumption expenditures calculated by the United States Department of Commerce. This rate is used to calculate the rate of interest collected on exempt special benefit assessments.

(b) The rate is published by December 31st of each year and applies to all withdrawals or removals from farm and agricultural or timber land classification that occur the following year.

(3) **Assessment of rate of interest.** An owner of classified farm and agricultural or timber land is liable for interest on the exempt special benefit assessment. Interest accrues from the date the local improvement district is created until the land is withdrawn or removed from classification. Interest accrues and is assessed in accordance with WAC 458-30-550.

(a) Interest is assessed only for the time (years and months) the land remains classified under RCW 84.34.020 (2) or (3).

(b) If the classified land is exempt from the special benefit assessment for more than one year, the annual inflation rates are used to calculate an average rate of interest. This average is determined by adding the inflation rate for each year the classified land was exempt from the special benefit assessment after the local improvement district was created. The sum of the inflation rates is then divided by the number of years involved to determine the applicable rate of interest.

(c) Example. A local improvement district for a domestic water supply system was created in January 1990 and the owner used the statutory exemption provided in RCW 84.34.320. On July 1, 1997, the land was removed from the farm and agricultural classification. An average interest rate was calculated using the inflation rates for 1990 through 1997. The owner was then notified of the amount of previ-

ously exempt special benefit assessment, plus the average interest rate.

(4) **Rates of inflation.** The rates of inflation used to calculate the interest as required by WAC 458-30-550 are as follows:

YEAR	PERCENT	YEAR	PERCENT
1976	5.6	1977	6.5
1978	7.6	1979	11.3
1980	13.5	1981	10.3
1982	6.2	1983	3.2
1984	4.3	1985	3.5
1986	1.9	1987	3.7
1988	4.1	1989	4.8
1990	5.4	1991	4.2
1992	3.3	1993	2.7
1994	2.2	1995	2.3
1996	2.2	1997	2.1
1998	0.85	1999	1.42
2000	2.61	2001	1.89
2002	1.16	2003	1.84
2004	2.39	2005	2.54
2006	3.42	2007	2.08
2008	4.527	2009	-0.85 (negative)
<u>2010</u>	<u>1.539</u>		

WSR 10-20-129
EXPEDITED RULES
SECRETARY OF STATE
 (Corporations and Charities Division)
 [Filed October 5, 2010, 10:35 a.m.]

Title of Rule and Other Identifying Information: Corporation filing procedures and special fees.

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 Pamela Floyd, Secretary of State, Corporations and Charities Division, P.O. Box 40234, Olympia, WA 98504-0234, AND RECEIVED BY December 6, 2010.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The purpose of this proposal is to repeal chapter 434-110 WAC as these rules have been added to chapter 434-112 WAC in an effort to resolve conflicting rules and remove repetitive rules.

Reasons Supporting Proposal: Consolidating rules gives both customers and staff fewer opportunities to error [err] in filing corporate and charitable organization documents. Having one chapter, rather than two, means finding what they need faster and with more accuracy. All of the subject matter of this chapter is now in chapter 434-112 WAC.

Statutory Authority for Adoption: Titles 23B, 24, 25 RCW, chapter 43.07 RCW.

Statute Being Implemented: Titles 23B, 24, 25 RCW, chapter 19.09 RCW.

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

Name of Proponent: Secretary of state, corporations and charities division, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Pamela Floyd, 801 Capitol Way South, Olympia, WA 98504, (360) 725-0310.

October 5, 2010

Steve Excell

Assistant Secretary of State

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 434-110-010	Purpose.
WAC 434-110-030	Office hours.
WAC 434-110-050	Mail-in service.
WAC 434-110-100	Registered office address—Requirements.
WAC 434-110-120	Initial and annual reports—Form of content.
WAC 434-110-130	Annual reports—Due date for all nonprofit corporations.
WAC 434-110-140	Inactive profit domestic corporations—Proof.

**WSR 10-20-134
EXPEDITED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES**

[Filed October 5, 2010, 11:11 a.m.]

Title of Rule and Other Identifying Information: Means of egress, chapter 296-307 WAC, Safety standards for agriculture and chapter 296-800 WAC, Safety and health core rules.

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 Naomi Goodman, Department of Labor and Industries, P.O. Box 44001, Olympia, WA 98504-4001, AND RECEIVED BY December 7, 2010.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The department is updating its means of egress rule language to make it clear that the minimum ceiling height is seven feet six inches for an exit route. The language will also make it clear that no projection from the ceiling can be less than six feet eight inches from the floor.

Reasons Supporting Proposal: The department of labor and industries' division of occupational safety and health is required to have laws at-least-as-effective-as the federal Occupational Safety and Health Administration (OSHA).

Statutory Authority for Adoption: RCW 49.17.050.

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: Michael Silverstein, Tumwater, (360) 902-4805.

October 5, 2010

Judy Schurke

Director

AMENDATORY SECTION (Amending WSR 97-09-013, filed 4/7/97, effective 4/7/97)

WAC 296-307-35009 What are the design requirements for exit routes? You must ensure that each workplace meets each of the following requirements:

- (1) Each exit is a permanent part of the workplace.
- (2) Two exit routes, remote from one another, are available to provide alternate means for employees to safely leave the workplace during an emergency.

(a) A single exit route is permitted where the number of employees, the size of the building, its occupancy, or the arrangement of the workplace indicate that a single exit will allow all employees to exit safely during an emergency. Other means of escape, such as fire exits or accessible windows, should be available where fewer than two exit routes are provided.

(b) More than two exit routes are available to allow employees to safely leave the workplace during an emergency where the number of employees, the size of the building, its occupancy, or the arrangement of the workplace reasonably suggest that reliance on two exit routes could endanger employees.

(3) An exit has only those openings necessary to permit access to, or exit from, occupied areas of the workplace. An opening into an exit is protected by a self-closing fire door that remains closed. Each fire door, its frame, and hardware

are listed or approved by a nationally recognized testing laboratory.

(4) Construction materials used to separate an exit have a 1-hour fire resistance rating if the exit connects three or fewer stories. Construction materials used to separate an exit have a 2-hour fire resistance rating if the exit connects 4 or more stories.

(5) Free and unobstructed access to each exit route is provided to ensure safe exit during an emergency.

(a) The exit route is free of material or equipment.

(b) Employees are not required to travel through a room that can be locked, such as a bathroom, or toward a dead end to reach an exit.

(c) Stairs or a ramp are used if the exit route is not substantially level.

(6) An exit leads directly outside or to a street, walkway, refuge area, or to an open space with access to the outside.

(a) The street, walkway, refuge area, or open space to which an exit leads is large enough to accommodate all building occupants likely to use that exit.

(b) A refuge area is:

(i) A space along an exit route protected from the effects of fire either by separation from other spaces within the building or by its location; or

(ii) A floor with at least two spaces separated by smoke-resistant partitions, in a building where each floor is protected by an automatic sprinkler system. An automatic sprinkler system complies with NFPA No. 13, Automatic Sprinkler Systems.

(c) Exit stairs that continue beyond the floor of exit discharge are interrupted by doors, partitions, or other effective means.

(7) Where a doorway or corner of a building is located near a railroad or trolley track so that an employee is liable to walk upon the track in front of an approaching engine or cars, a standard safeguard must be installed with a warning sign.

(8) An exit door can be readily opened from the inside without keys, tools, or special knowledge. A device, such as a panic bar, that locks only from the outside is permitted. An exit door is free of any device or alarm that, if it fails, can restrict emergency use of an exit.

Note: An exit door may be locked or blocked from the inside in a mental, penal, or correctional institution, if supervisory personnel are continually on duty and a plan exists to remove occupants during an emergency.

(9) The opening device on all doors of walk-in refrigerated or freezer rooms must be the type, when locked from the outside with a lock, can be opened from inside.

(10) A side-hinged exit door is used to connect any room to an exit route. A door that connects any room to an exit route swings out if the room may be occupied by more than 50 persons or highly flammable or explosive materials may be used inside.

(11) Each exit route supports the maximum-permitted occupant load for each floor served by the exit route. The capacity of an exit does not decrease with the direction of exit travel.

(12) Minimum height and width requirements:

(a) ~~((The ceiling for an exit route is at least 7 feet 6 inches high and the exit route is at least 6 feet 8 inches high at all points.~~

~~((b))~~ Make sure the exit route has a minimum ceiling height of 7 feet 6 inches and that no projection from the ceiling is less than 6 feet 8 inches from the floor.

(b) Objects that stick out into the exit route, such as fans hanging from the ceilings or cabinets on walls, must not reduce the minimum height of the exit route to less than 6 feet 8 inches from the floor.

(c) The width of an exit route is at least 28 inches wide at all points between handrails. An exit route is wider than 28 inches if necessary to accommodate the expected occupant load.

~~((e))~~ (d) Objects that project into the exit route do not reduce the minimum height and width of an exit route.

(13) An outdoor exit route is permitted if it meets the requirements for an indoor exit route and the following additional requirements.

(a) The exit has guardrails to protect exposed sides.

(b) The exit route is covered if accumulation of snow or ice is likely and is not removed regularly.

(c) The exit route is reasonably straight with smooth, solid, substantially level floors.

(d) The exit route has no dead ends longer than 20 feet.

AMENDATORY SECTION (Amending WSR 08-18-056, filed 9/2/08, effective 11/2/08)

WAC 296-800-31010 Make sure that exit routes are large enough. You must:

- Make sure each exit route is large enough to accommodate the maximum-permitted occupant load for each floor served by the route.

- Make sure the capacity of an exit route does not decrease at any point.

- ~~((Make sure an exit route is at least 6 feet 8 inches high at all points.~~

- ~~Make sure projections from the ceiling do not reach a point less than 6 feet 8 inches from the floor.)~~ Make sure the exit route has a minimum ceiling height of 7 feet 6 inches and that no projection from the ceiling is less than 6 feet 8 inches from the floor.

- Objects that stick out into the exit route, such as fans hanging from the ceilings or cabinets on walls, must not reduce the minimum height of the exit route to less than 6 feet 8 inches from the floor.

- Make sure exit routes are at least 28 inches wide at all points between any handrails.

- If necessary, routes must be wider than 28 inches to accommodate the expected occupant load.

- Make sure objects that stick out into the exit route, such as cabinets on walls, do not reduce the minimum width of the exit route.