

WSR 19-13-012**EXPEDITED RULES****DEPARTMENT OF TRANSPORTATION**

[Filed June 7, 2019, 8:08 a.m.]

Title of Rule and Other Identifying Information: WAC 468-17-010 Authority.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: This amendatory section is to correct a clerical error where an incorrect statutory authority was cited. This amendment removes the incorrectly cited authority (RCW 47.28.030) and replaces it with the correct authority of RCW 47.01.101.

Reasons Supporting Proposal: The purpose of this amendment is to correct a clerical error where the incorrect statute was cited for rule-making authority. There are no substantive changes.

Statutory Authority for Adoption: RCW 47.01.101.

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

Name of Proponent: Washington state department of transportation (WSDOT), governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Jackie Bayne, 2D08 Transportation Building, 310 Maple Park Avenue S.E., Olympia, WA 98504-7314, 360-705-7090.

This notice meets the following criteria to use the expedited adoption process for these rules:

Relates only to internal governmental operations that are not subject to violation by a person.

Corrects typographical errors, make address or name changes, or clarify language of a rule without changing its effect.

Explanation of the Reason the Agency Believes the Expedited Rule-Making Process is Appropriate: This amendment is to correct a clerical error where the incorrect statute was cited. The correction simply cites the correct authority and makes no substantive changes.

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 Jackie Bayne, WSDOT, Office of Equal Opportunity, 2D08 Transportation Building, 310 Maple Park Avenue S.E., Olympia, WA, phone 360-705-7090, email BayneJ@wsdot.wa.gov, AND RECEIVED BY August 19, 2019.

June 7, 2019

Kara Larsen, Director
Risk Management and
Legal Services Division

AMENDATORY SECTION (Amending WSR 19-12-026, filed 5/29/19, effective 6/29/19)

WAC 468-17-010 Authority. RCW ~~47.28.030~~ 47.01.101 provides that the Washington state department of transportation (WSDOT) may adopt rules ~~to enable a larger number of small businesses and veteran contractors to compete for department contracts~~ that are subject to the adoption procedures contained in the state administrative procedure act.

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

WSR 19-13-042**EXPEDITED RULES****DEPARTMENT OF LICENSING**

[Filed June 12, 2019, 12:54 p.m.]

Title of Rule and Other Identifying Information: WAC 308-61-158 Storage of vehicles.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: SSB 5652, passed during the 2019 legislative session, requires the department to adopt rules prescribing the content and format of the personal belongings storage request form. The amendment updates agency rules concerning the storage of vehicles and the storage of personal belongings in those vehicles. The amendment allows a vehicle's owner to retrieve personal belongings from the vehicle and/or request that the registered tow truck operator (RTTO) store the personal belongings for thirty days from the date of signing a storage request form.

Reasons Supporting Proposal: This change will allow owners of impounded vehicles a way to request that any personal belongings not registered to the department be stored by RTTO.

Statutory Authority for Adoption: RCW 46.55.190.

Statute Being Implemented: Chapter 401, Laws of 2019.

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

Name of Proponent: Department of licensing, governmental.

Name of Agency Personnel Responsible for Drafting and Implementation: Heidi Graham, Business and Professions Division, 405 Black Lake Boulevard, Building 2, Olympia, WA 98502, 360-664-1893; and Enforcement: Lt. Timothy Coley, Washington State Patrol, Commercial Vehicle Enforcement, 106 11th Avenue S.W., Olympia, WA 98501, 360-596-3802.

This notice meets the following criteria to use the expedited adoption process for these rules:

Content is explicitly and specifically dictated by statute.

Have been the subject of negotiated rule making, pilot rule making, or some other process that involved substantial participation by interested parties before the development of the proposed rule.

Explanation of the Reason the Agency Believes the Expedited Rule-Making Process is Appropriate: SSB 5652 requires the agency to adopt rules to state the content of a simple form only. The interested/affected stakeholders have

been consulted and the agency has worked with the stakeholders and have [has] obtained agreement on the content of the form.

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 Heidi Graham, Department of Licensing, P.O. Box 9039, Olympia, WA 98507-9039, phone 360-664-1893, email hgraham@dol.wa.gov, AND RECEIVED BY August 19, 2019.

June 12, 2019
Damon Monroe
Rules Coordinator

AMENDATORY SECTION (Amending WSR 02-20-035, filed 9/24/02, effective 10/25/02)

WAC 308-61-158 Storage of vehicles. How must the registered tow truck operator handle stored vehicles?

(1) Handling and returning vehicles in substantially the same condition means that vehicles are to be handled with care so that their value is not diminished. The operator must not remove parts or equipment which are affixed to the vehicle.

(2) A vehicle being held for storage by agreement or being held under police authority, other than a suspended license impound, or pursuant to a writ or court order shall not be considered abandoned, nor shall it be processed as such. Any storage fees accrued while under agreement or under police hold, other than a suspended license impound, or pursuant to a writ or court order, shall not be included in the abandoned vehicle lien. Upon the expiration of a storage agreement, the lifting of a police hold other than a suspended license impound, or when the writ or court order is no longer in effect, the operator must begin the unauthorized abandoned vehicle processing, including the notification to vehicle owners by first class mail within twenty-four hours.

(3) When vehicles are stored pursuant to a writ or court order, the operator must keep evidence of the inception and termination dates of the writ or court order in the vehicle transaction file.

(4) When a vehicle is being held pursuant to a suspended license impound, and the vehicle is not redeemed even after the payment of a security deposit, and upon expiration of the hold, the operator must send the notice provided in RCW 46.55.110(2) and schedule its auction accordingly.

(5) Vehicles in the custody of an operator must be kept entirely within a secure area owned or operated under that registration.

(6) An operator must not charge for relocating vehicles between separate secure storage areas which he/she owns or operates.

(7) A vehicle's owner or agent may request that the operator store personal belongings from their vehicle for a period of thirty days from the date of signing a personal belongings storage request form. The personal belongings storage request form shall contain the requestor's vehicle identification number, license plate number, make, model, and year. The form shall also contain the RTTO company's name, street address, city, state and zip code where the personal belongings will be stored, the requestor's name and signature, and the date the request form was signed.

WSR 19-13-074

EXPEDITED RULES

DEPARTMENT OF AGRICULTURE

[Filed June 17, 2019, 9:53 a.m.]

Title of Rule and Other Identifying Information: WAC 16-390-240 USDA audit verification and terminal market inspection fees.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The department is proposing to amend WAC 16-390-240 USDA audit verification and terminal market inspection fees, to adopt fees identical to and not less than fees adopted by the United States Department of Agriculture, Agricultural Marketing Service (USDA-AMS) as published in the Federal Register (Vol. 84, No. 83) on April 30, 2019, under the "Fresh Fruits, Vegetables, and Other Products (Inspection, Certification, and Standards)" table with an effective date of October 1, 2019. These changes are necessary to comply with the department's cooperative agreement with USDA-AMS for services the department provides as a "Federal-State Inspection Agency."

Reasons Supporting Proposal: The proposed fee amendments incorporate recent changes in the applicable USDA-AMS audit verification and terminal market inspection fees as required under the department's cooperative agreement with USDA-AMS.

Statutory Authority for Adoption: RCW 15.17.030, [15.17].140(2), [15.17].150, and [15.17].270.

Statute Being Implemented: RCW 15.17.150 and [15.17].270.

Rule is necessary because of federal law, 7 C.F.R. Part 51.

Name of Proponent: Department of agriculture, governmental.

Name of Agency Personnel Responsible for Drafting: Aspen Humiston, 1111 Washington Street S.E., Olympia, WA 98504, 360-902-1960; Implementation and Enforcement: Jim Nelson, 270 9th Street N.E., Suite 101-A, East Wenatchee, WA 98802, 509-884-4253.

This notice meets the following criteria to use the expedited adoption process for these rules:

Adopts or incorporates by reference without material change federal statutes or regulations, Washington state statutes, rules of other Washington state agencies, shoreline master programs other than those programs governing shorelines of statewide significance, or, as referenced by Washington state law, national consensus codes that generally establish

industry standards, if the material adopted or incorporated regulates the same subject matter and conduct as the adopting or incorporating rule.

Explanation of the Reason the Agency Believes the Expedited Rule-Making Process is Appropriate: The department performs audit verification and terminal market inspection services requested by customers as a "Federal-State Inspection Agency" under a cooperative agreement with USDA-AMS. Under the cooperative agreement, Washington state department of agriculture is required to charge no less than USDA-AMS when conducting audit inspection and terminal market inspection services. The proposed rule amendments adopt the updated USDA-AMS fees that go into effect October 1, 2019.

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 Gloriann Robinson, Agency Rules Coordinator, Department of Agriculture, 1111 Washington Street S.E., Olympia, WA 98504, phone 360-902-1802, fax 360-902-2092, email wsdarulescomments@agr.wa.gov, AND RECEIVED BY August 19, 2019.

June 14, 2019
 Jessica Allenton
 Assistant Director

AMENDATORY SECTION (Amending WSR 18-21-167, filed 10/23/18, effective 11/23/18)

WAC 16-390-240 USDA audit verification and terminal market inspection fees. WSDA performs audit and inspection services requested by customers under a "cooperative agreement" with the United States Department of Agriculture's Agricultural Marketing Service (USDA/AMS). Under USDA/AMS rules, WSDA provides these services as a "federal-state inspection agency." Under USDA/AMS regulations and the cooperative agreement, the fees that WSDA charges for these services must be no less than the current USDA/AMS fees for these services. The applicable current USDA/AMS fees were published in the Federal Register ((~~at Vol. 82, No. 88, on May 9, 2017~~) in Vol. 84, No. 83 on April 30, 2019, under the "~~((Fruit and Vegetable Fees)) Fresh Fruits, Vegetables, and Other Products (Inspection, Certification, and Standards)~~" table and, for the mileage fee related to terminal market inspection(~~(, in Patch #32, dated July 25, 2018)~~), for incorporation in the USDA/AMS "General Market Manual" at Appendix II, "Schedule of User Fees." In conformity with the cooperative agreement, WSDA adopts the same applicable fees for these services as set forth in this section.

(1) ~~((The fee for USDA audit verification services is \$108.00 per hour.~~

~~(2))~~ Mileage related to audit verification services is charged at the rate established by the Washington state office of financial management at the time the service was performed.

~~((3) The fee for terminal market inspection services is \$85.00 per hour, \$191.00 per lot for a earlot equivalent of each product, and \$159.00 per lot for one half earlot equivalent or less of each product. The fee for each additional lot of the same product is \$79.00. The overtime fee for terminal market inspection services is an additional \$27.00 per hour. The fee for terminal market inspection services on a holiday is an additional \$63.00 per hour.))~~ (2) Specialty crop fees/audit and terminal market fees:

Quality and Condition Inspections for Whole Lots	\$210.00 per lot		
Quality and Condition Half Lot or Condition-Only Inspections for Whole Lots	\$174.00 per lot		
Condition Half Lot	\$161.00 per lot		
Quality and Condition or Condition-Only Inspections for Additional Lots of the Same Product	\$96.00 per lot		
Dockside Inspections - Each Package Weighing <30 lbs.	\$0.044 per pkg.		
Dockside Inspections - Each Package Weighing >30 lbs.	\$0.068 per pkg.		
Charge per Individual Product for Dockside Inspection	\$210.00 per lot		
Charge per Each Additional Lot of the Same Product	\$96.00 per lot		
Inspections for All Hourly Work	Regular	Overtime	Holiday
	\$93.00	\$113.00	\$134.00
Audit Services - State	\$115.00	N/A	N/A

(3) The mileage fee related to terminal market inspection services is \$1.96 per mile. ~~((USDA fees for lots and mileage are regulated by 7 C.F.R. 51.38 and 51.40.))~~ Round trip mileage will be charged from an inspector's assigned location to the inspection site.

WSR 19-13-105
EXPEDITED RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION

[Filed June 19, 2019, 10:34 a.m.]

Title of Rule and Other Identifying Information: WAC 392-191A-030 Definitions and 392-191A-080 Minimum procedural standards—Conduct of the comprehensive evaluation for certificated classroom teachers.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The office of superintendent of public instruction (OSPI) is proposing to amend WAC 392-191A-030 to update the definitions of "certificated classroom teacher" and "teacher" to reflect changes in certification categories enacted by the professional educator standards board (PESB) in WAC 181-79A-140. The pro-

posed revision will ensure the WAC reflects state statutes. OSPI is also proposing to amend WAC 392-191A-080 to update the frequency of the comprehensive evaluation for a teacher or principal eligible for a focused evaluation, from at least once every four years to at least once every six years. This change will align with E2SHB 1139 (2019). The teacher and principal evaluation program (TPEP) steering committee has reviewed the proposed changes.

Reasons Supporting Proposal: The changes will ensure that districts have clear and consistent guidance on the certification categories that are affected by the revised evaluation process and the minimum frequency of the comprehensive evaluation process for teachers and principals.

Statutory Authority for Adoption: RCW 28A.405.100.

Statute Being Implemented: RCW 28A.405.100.

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

Name of Agency Personnel Responsible for Drafting and Implementation: Sue Anderson, OSPI, 600 South Washington Street, Olympia, WA, 360-725-6116.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: OSPI is currently informing the field of the changes in statute.

This notice meets the following criteria to use the expedited adoption process for these rules:

Adopts or incorporates by reference without material change federal statutes or regulations, Washington state statutes, rules of other Washington state agencies, shoreline master programs other than those programs governing shorelines of statewide significance, or, as referenced by Washington state law, national consensus codes that generally establish industry standards, if the material adopted or incorporated regulates the same subject matter and conduct as the adopting or incorporating rule.

Content is explicitly and specifically dictated by statute.

Explanation of the Reason the Agency Believes the Expedited Rule-Making Process is Appropriate: These proposed rules are subject to expedited rule making under RCW 34.05.353 because: (1) They adopt without material change Washington state statutes, and (2) the content is explicitly and specifically dictated by statute. The proposed changes are technical changes to align with current law.

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 Sue Anderson, TPEP, OSPI, P.O. Box 47200, Olympia, WA 98504-7200, phone 360-725-6116, fax 360-753-4201, email sue.anderson@k12.wa.us, TTY 360-664-3631, AND RECEIVED BY August 20, 2019.

June 19, 2019
Chris P. S. Reykdal
State Superintendent
of Public Instruction

AMENDATORY SECTION (Amending WSR 16-17-028, filed 8/8/16, effective 8/31/16)

WAC 392-191A-030 Definitions. The following definitions apply to the terms used in this chapter:

"Certificated classroom teacher" and "teacher" mean a certificated employee who provides academically focused instruction to students and holds one or more of the certificates pursuant to WAC 181-79A-140 (1) through (3) ~~((and)), (6)(a) ((through (e) and (g))), (b), (d), and (7).~~

"Certificated principal," "principal" and "assistant principal" mean a person who is employed to supervise the operation and management of a school as provided by RCW 28A.400.100 and holds certificates pursuant to WAC 181-79A-140 (4)(a) or (6)(h).

"Certificated support personnel" and "certificate support person" mean a certificated employee who provides services to students and holds one or more of the educational staff associate certificates pursuant to WAC 181-79A-140(5).

"Evaluation" shall mean the ongoing process of identifying, gathering and using information to improve professional performance, assess total job effectiveness, and make personnel decisions.

"Evaluation criteria" means minimum evaluation criteria for classroom teachers specified in WAC 392-191A-060, the minimum evaluation criteria for principals specified in WAC 392-191A-150, and the minimum evaluation criteria for certificated support personnel specified in WAC 392-191-020 and 392-191A-210.

"Evidence" means observed practice, products or results of a certificated classroom teacher's or certificated principal's work that demonstrates knowledge and skills of the educator with respect to the four-level rating system.

"Four-level rating system" means the continuum of performance that indicates the extent to which the criteria have been met or exceeded.

"Instructional framework" means one of the approved instructional frameworks adopted by the superintendent of public instruction to support the four-level rating system pursuant to RCW 28A.405.100.

"Leadership framework" means one of the approved leadership frameworks adopted by the superintendent of public instruction to support the four-level rating system pursuant to RCW 28A.405.100.

"Observe" or "observation" means the gathering of evidence made through classroom or worksite visits, or other visits, work samples, or conversations that allow for the gathering of evidence of the performance of assigned duties for the purpose of examining evidence over time against the instructional or leadership framework rubrics pursuant to this section.

"Rubrics" or "rubric row" means the descriptions of practice used to capture evidence and data and classify teaching or leadership performance and student growth using the evaluation criteria and the four-level rating system.

"Scoring band" means the adopted range of scores used to determine the final summative score for a certificated classroom teacher or principal.

"Student growth" means the change in student achievement between two points in time.

"Student growth data" means relevant multiple measures that can include classroom-based, school-based, school district-based, and state-based tools.

"Summative performance ratings" means the four performance levels applied using the four-level rating system: Level 1 - Unsatisfactory; Level 2 - Basic; Level 3 - Proficient; Level 4 - Distinguished.

AMENDATORY SECTION (Amending WSR 16-17-028, filed 8/8/16, effective 8/31/16)

WAC 392-191A-080 Minimum procedural standards—Conduct of the comprehensive evaluation for certificated classroom teachers. The conduct of the evaluation of classroom teachers must include, at a minimum, the following:

(1) All eight teaching criteria must contribute to the overall summative evaluation and must be completed at least once every (~~four~~) six years.

(2) The evaluation must include an assessment of the criteria using the instructional framework rubrics and the superintendent of public instruction's approved student growth rubrics. More than one measure of student growth data must be used in scoring the student growth rubrics.

(3) The principal or his/her designee at the school to which the certificated employee is assigned must make observations and written comments pursuant to RCW 28A.405.100.

(4) The opportunity for the employee to attach written comments to his/her evaluation report.

(5) Criterion scores, including instructional and student growth rubrics, must be determined by an analysis of evidence.

(6) An overall summative score shall be derived by a calculation of all criterion scores and determining the final four-level rating based on the superintendent of public instruction's determined summative evaluation scoring band.

(7) Upon completion of the overall summative scoring process, the evaluator will combine only the student growth rubric scores to assess the certificated classroom teacher's student growth impact rating.

(8) The student growth impact rating will be determined by the superintendent of public instruction's student impact rating scoring band.

(9) A student growth score of "1" in any of the rubric rows will result in an overall low student growth impact rating.

(10) Evaluators must analyze the student growth score in light of the overall summative score and determine outcomes.