

WSR 22-02-069
EXPEDITED RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION

[Filed January 5, 2022, 10:22 a.m.]

Title of Rule and Other Identifying Information: Proposed amendments to WAC 392-191A-030 concerning definitions related to the professional growth and evaluation of school personnel chapter. The section defines the terms used in the ensuing chapters on teacher, principal, and other certificated staff evaluation.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The office of superintendent of public instruction (OSPI) is considering changes to the definitions section, WAC 392-191A-030, to align the language with recent rule changes made by the professional educator standards board (PESB).

Reasons Supporting Proposal: PESB recently made changes to WAC 181-79A-140 and 181-79A-142 concerning the types of certificates available to educators. Since the types of certificates are also referenced in the definitions section in WAC 392-191A-030, OSPI needs to adjust the language to align with that of PESB. Aligning the language and WAC references is needed to clearly identify the certificate types included in the evaluation rules.

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, Implementation, and Enforcement: 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: These changes are important to ensure smooth operation of the educator evaluation system.

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: This is a technical change to an OSPI rule in response to a rule change made by PESB. The purpose is to align OSPI rule language with that of PESB, as related to educator certificates. This proposed change does not substantively affect the operation of the program. The change updates references to related PESB WAC sections.

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, OSPI, Teacher/Principal Evaluation Program, P.O. Box 47200, Olympia, WA 98504, email sue.anderson@k12.wa.us, AND RECEIVED BY March 8, 2022.

January 5, 2022
Chris P. S. Reykdal
State Superintendent
of Public Instruction

OTS-3532.1

AMENDATORY SECTION (Amending WSR 19-19-069, filed 9/17/19, effective 10/18/19)

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)~~) under WAC 181-79A-140 (1) through (3), ((6)(a), (b), (d), and (7)) and 181-79A-142 (1), (2)(a), (b), (d), and (3).

"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)~~) under WAC 181-79A-140 (4)(a) ((or (6)(h))) and 181-79A-142 (1), (2)(a), (d), and (3).

"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)~~) under WAC 181-79A-140(5) and 181-79A-142 (1), (2)(a), (d), and (3).

"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.

[Statutory Authority: RCW 28A.405.100. WSR 19-19-069, § 392-191A-030, filed 9/17/19, effective 10/18/19; WSR 16-17-028, § 392-191A-030, filed 8/8/16, effective 8/31/16; WSR 13-05-009, § 392-191A-030, filed 2/7/13, effective 3/10/13.]