

WSR 24-16-025
PROPOSED RULES
PROFESSIONAL EDUCATOR
STANDARDS BOARD

[Filed July 26, 2024, 12:54 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 24-14-087 [24-12-009].

Title of Rule and Other Identifying Information: WAC 181-85-045, 181-85-200, 181-85-220, and 181-85-222, educator certificate renewal requirements.

Hearing Location(s): On September 19, 2024, at 8 a.m., in Spokane, Washington. Exact meeting location and a link to listen to the meeting virtually will be available several weeks prior to the meeting. More information regarding this can be found on our website <https://www.pesb.wa.gov/about-us/board-meetings/>.

Date of Intended Adoption: September 19, 2024.

Submit Written Comments to: Professional Educator Standards Board (PESB), P.O. Box 47236, 600 Washington Street S.E., Olympia, WA 98504-7236, email pesb@k12.wa.us, by 8 a.m. on Monday, September 16, 2024.

Assistance for Persons with Disabilities: Contact PESB, phone 360-725-6275, email pesb.k12.wa.us [pesb@k12.wa.us], by Thursday, September 5, 2024.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Update certificate renewal requirements to align with recent legislation.

Reasons Supporting Proposal: In 2024, state legislators identified a need for a more in-depth and expanded clock hour provider approval and review process and directed PESB to take on that work. State legislators focused on a need for clock hour providers to align their clock hour courses with PESB standards through an updated application/approval process and a new complaint system. This rule will help PESB establish the systems needed to carry out the legislative direction provided in the bill.

Statutory Authority for Adoption: Chapter 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: PESB, governmental.

Name of Agency Personnel Responsible for Drafting: Michael Nguyen, P.O. Box 47236, 600 Washington Street S.E., Olympia, WA 98504-7236, 360-489-4471; Implementation: Jeffrey Youde, P.O. Box 47236, 600 Washington Street S.E., Olympia, WA 98504-7236, 360-870-0143; and Enforcement: Erica Hernandez-Scott, P.O. Box 47236, 600 Washington Street S.E., Olympia, WA 98504-7236, 360-890-2443.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(3) as the rules adopt, amend, or repeal a procedure, practice, or requirement relating to agency hearings; or a filing or related process requirement for applying to an agency for a license or permit.

Scope of exemption for rule proposal:

Is fully exempt.

July 26, 2024
Michael Nguyen
Rules Coordinator

OTS-5593.3

AMENDATORY SECTION (Amending WSR 20-16-031, filed 7/25/20, effective 8/25/20)

WAC 181-85-045 Approved in-service education agency—Definition.

As used in this chapter, the term "approved in-service education agency" shall mean an agency approved by the professional educator standards board to provide in-service education programs and to grant continuing education credit hours to all or a selective group of educators. Such agency must demonstrate the following characteristics:

(1) The agency is one of the following entities or a department or section within such entities:

(a) A college or university referenced in WAC 181-85-025(1);

(b) (i) An organization which for the purpose of this chapter shall mean any local, state, regional, or national organization which offers in-service education programs to teachers, administrators, educational staff associates, or paraeducators. These organizations must be nonprofit or not-for-profit organizations;

(ii) Organizations shall provide documentation of their nonprofit or not-for-profit status to the superintendent of public instruction as part of their annual assurances of compliance with program and recordkeeping standards under WAC 181-85-210;

(iii) Organizations that are filed as a 501 (c) (4) with the Internal Revenue Service shall not be approved as continuing education providers.

(c) A school district, an educational service district, the superintendent of public instruction, or any local, state, or federal agency;

(d) An approved private school which for the purpose of this chapter shall mean the same as provided in WAC 180-90-112; or

(e) An educator preparation program provider approved under chapter 181-78A or 181-77A WAC by the professional educator standards board.

(2) The in-service education agency has either a committee or board of directors that provide prior approval to proposed in-service education programs on the basis that the proposed programs are designed to meet the program standards set forth in WAC 181-85-200, and the content standards in WAC 181-85-202.

The committee will be composed of individuals who may include teachers, educational staff associates, administrators, paraeducators, community members, or representatives from colleges and universities.

(3) Beginning in the 2025-26 school year, in-service education agencies providing continuing education under WAC 181-79A-244(3) shall submit the following as part of the application process:

(a) The entity's mission and vision;

(b) The entity's experience and expertise in providing professional development to educators generally, as well as specific experience and expertise in equity-based practices;

(c) Possible subject matter topics of continuing education to be provided by the entity;

(d) Information on clock hour pricing;

(e) Transcript processes.

(4) School districts, tribal compact schools, and the superintendent of public instruction shall be considered to be approved in-service education agencies.

AMENDATORY SECTION (Amending WSR 19-15-143, filed 7/24/19, effective 8/24/19)

WAC 181-85-200 In-service education approval standards. All in-service education programs provided by approved in-service education agencies shall meet the following program standards if continuing education credit hours are to be offered:

(1) The objectives of the in-service program—i.e., intended outcomes—shall be written for each in-service education program.

(2) The content of the in-service education program shall be set forth in a program agenda which shall specify the program objectives, the dates of each session, the number of continuing education credit hours to be offered, and the names and a short description of the qualifications of each instructor, for example, the instructor's relevant experience, academic background, or current professional position.

(3) All in-service education instructors shall have academic or professional experience which specifically qualifies them to conduct the in-service education program, for example, expertise in a particular content area, field, or occupation.

(4) The program agenda and program materials, prepared, designed, or selected for the in-service education program shall be available to all attendees.

(5) The in-service education program must relate to one or more of the content standards in WAC 181-85-202.

(6) The in-service education agency shall provide program evaluations to the participants, and, to the extent possible, collect these evaluations, in order to determine:

(a) The extent to which the written objectives have been met;

(b) Participant perception of relevance and quality of the offering;

(c) The extent to which activities identified in subsection (5) of this section, addressed by the in-service program, have been met;

(d) The extent to which the in-service program provided the opportunity for participants to reflect on next steps or implementation of the learning in their practice; and

(e) Suggestions for improving the in-service education program if repeated.

(7) The in-service education agency shall compile the evaluations received in subsection (6) of this section in summary form. Summary evaluation results for each in-service education agency offering shall be accessible to office of superintendent of public instruction staff for review.

(8) The designated administrator of each in-service education agency shall assess the value and success of such program and periodically report his or her findings, along with a summary of the evaluation results, to the board of directors or in-service education agency committee that authorized the in-service program.

(9) The standards for recordkeeping as provided in WAC 181-85-205 shall apply.

(10) The in-service education agency must permit a designated representative of the superintendent of public instruction to attend the in-service education program at no charge and permit such representative to receive a copy of the program materials required by subsection (4) of this section also at no charge.

(11) The in-service education agency must provide each registrant with appropriate forms for claiming continuing education credit hours.

(12) The provisions of this section do not apply to credit or continuing education hours awarded by accredited institutions of higher education under WAC 181-79A-030; course work continuing education hours awarded by a vocational-technical college; hours awarded by the department of children, youth, and families under WAC 181-85-030; hours awarded under WAC 181-85-033; or hours awarded under WAC 181-85-077 which satisfy department of health licensure requirements.

(13) An entity providing an administrator or teacher continuing education program focused on equity-based school practices or the national professional standards for education leaders must publicly post the learning objectives of the program on its website. If the entity does not have a website, it must post the learning objectives of the program in a conspicuous place in the entity's main office and submit a copy of the learning objectives to the Washington professional educator standards board.

AMENDATORY SECTION (Amending WSR 19-15-143, filed 7/24/19, effective 8/24/19)

WAC 181-85-220 Noncompliance—Substantial compliance rule. (1)

If an audit by the superintendent of public instruction finds that an approved in-service education agency is not in substantial compliance with the provisions of this chapter, the superintendent of public instruction shall document violations of the regulations—i.e., written findings of fact and conclusions of law—and notify such provider of corrective action necessary to achieve substantial compliance. If such in-service education agency fails to provide an assurance within ~~(twenty)~~ 20 calendar days that such corrective action will be implemented, the superintendent of public instruction shall notify the agency that it is no longer eligible to provide continuing education credit hours in its in-service education program until the agency provides an assurance to the superintendent of public instruction that corrective action will be implemented which will satisfy the substantial compliance standard. If the approved in-service agency has more than one department or section operating in-service programs, then only the department or section within such agency that fails to comply with the provisions of this chapter shall no longer be eligible to provide continuing education credit hours.

(2) If an audit by the professional educator standards board finds that an approved in-service education agency is not in substan-

tial compliance with the provisions of this chapter, the professional educator standards board shall document violations of the regulations —i.e., written findings of fact and conclusions of law—and notify such provider of corrective action necessary to achieve substantial compliance. If such in-service education agency fails to provide an assurance within 20 calendar days that such corrective action will be implemented, the professional educator standards board shall notify the agency that it is no longer eligible to provide continuing education credit hours in its in-service education program until the agency provides an assurance to the professional educator standards board that corrective action will be implemented which will satisfy the substantial compliance standard. If the approved in-service agency has more than one department or section operating in-service programs, then only the department or section within such agency that fails to comply with the provisions of this chapter shall no longer be eligible to provide continuing education credit hours.

NEW SECTION

WAC 181-85-222 Temporary or permanent revocation of continuing education provider status. (1) Continuing education provider status may be temporarily or permanently revoked for providers that meet any of the following criteria:

(a) Providers that receive a substantial number of complaints filed against the provider, as determined by the board;

(b) Providers found to not be in substantial compliance with RCW 28A.410.277; or

(c) Providers found to offer course material that is not in substantial alignment with the cultural competency, diversity, equity, and inclusion standards of practices adopted in RCW 28A.410.260, as determined by the board.

(2) The following entities are authorized to submit a complaint under this section:

(a) Educators; or

(b) Local education agencies; or

(c) The office of the superintendent of public instruction; or

(d) Organizations representing principals; or

(e) Organizations representing school board members; or

(f) Organizations representing school administrators; or

(g) Labor organizations representing classified instructional staff; or

(h) Labor organizations representing teachers.

(3) The process for reviewing complaints under subsections (1) and (2) of this section shall be published by the professional educator standards board.

(4) Only the professional educator standards board may permanently revoke approval status of a continuing education provider.