

WSR 21-19-129
PROPOSED RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION

[Filed September 21, 2021, 9:35 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 21-15-118.

Title of Rule and Other Identifying Information: Chapter 392-194 WAC, School personnel certificate fees.

Hearing Location(s): On October 26, 2021, at 9:00 a.m., webinar via Zoom (call-in option will be available). Due to ongoing public health emergency related to the COVID-19 virus pandemic, this public hearing will be held by webinar via Zoom (with a call-in option). There will be no physical location for the hearing. For information on registering and participating, please visit office of superintendent of public instruction's (OSPI) website at <https://www.k12.wa.us/policyfunding/ospi-rulemaking-activity>. For questions, please email Kristin.murphy@k12.wa.us.

Date of Intended Adoption: October 29, 2021.

Submit Written Comments to: David E. Kinnunen, OSPI, P.O. Box 47200, Olympia, WA 98504-7200, email david.kinnunen@k12.wa.us, fax 360-586-0145, TTY 360-664-3631, by October 26, 2021.

Assistance for Persons with Disabilities: Contact Kristin Murphy, phone 360-725-6133, fax 360-754-4201, TTY 360-664-3631, email Kristin.murphy@k12.wa.us, by October 19, 2021.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: OSPI is considering rule making concerning fees for processing initial educator, paraprofessional certificate applications, and subsequent actions. The new proposed processing fee will be \$51.

Reasons Supporting Proposal: The proposed revisions being considered are needed to adjust the processing fee to adequately support and maintain the operations of OSPI's professional certification office. The current fee is not sufficient to adequately run the operations and staffing to meet the needs of constituents, school districts, and educators in a timely manner.

Statutory Authority for Adoption: RCW 28A.410.062.

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

Name of Proponent: OSPI, [governmental].

Name of Agency Personnel Responsible for Drafting and Implementation: David E. Kinnunen, OSPI, 600 South Washington Street, Olympia, WA, 360-725-6400; Enforcement: OSPI, 600 South Washington Street, Olympia, WA, 360-725-6400.

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 19.85.030.

Explanation of exemptions: No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed amendment does not have an impact on small business and therefore does not meet the requirements for a statement under RCW 19.85.030 (1) or (2).

September 21, 2021

Chris P. S. Reykdal
State Superintendent
of Public Instruction

OTS-3337.1

AMENDATORY SECTION (Amending WSR 12-03-065, filed 1/12/12, effective 2/12/12)

WAC 392-194-001 Purpose and authority. The purpose of this chapter is to establish the fee for processing (~~initial~~) educator and paraeducator certificate applications and subsequent actions. The authority for this chapter is (~~chapter 23 (ESHB 1449), Laws of 2011~~) RCW 28A.410.062. OSPI will review every two years to assure the fee is at a sufficient level to defray the costs of administering the educator certification program under RCW 28A.300.040(9) and the paraeducator certificate program under chapter 28A.413 RCW.

[Statutory Authority: 2011 c 50 and 2011 c 23. WSR 12-03-065, § 392-194-001, filed 1/12/12, effective 2/12/12.]

AMENDATORY SECTION (Amending WSR 15-16-077, filed 7/31/15, effective 8/31/15)

WAC 392-194-002 Fee for processing initial educator certificate applications and subsequent actions. (~~Effective October 1, 2011,~~) The superintendent of public instruction will charge a nonrefundable fee of (~~thirty-nine dollars~~) \$51 for processing any certificate application or requests for administrative action which results in the issuance, renewal, or reissuance of a permit or certificate (~~pursuant to RCW 28A.410.010, 28A.410.025, 28A.410.210, and chapters 181-85 and 181-77 WAC; for issuance of a letter authorizing internship/student teaching pursuant to WAC 181-78A-130; and any subsequent action upon any certificate or permit referred to within this chapter. Educator certificates governed under this chapter include:~~

(1) ~~Teacher. The teacher certificate, including teacher exchange permits as provided in WAC 181-79A-140, authorizes service as a classroom teacher.~~

(2) ~~Career and technical. The career and technical education certificate authorizes service in career and technical education programs in accordance with the provisions of chapter 181-77 WAC.~~

(3) ~~First people's language/culture. The first peoples' language, culture, and oral tribal traditions teacher certificate authorizes service as defined under WAC 181-78A-700(8).~~

(4) ~~Administrator.~~

(5) ~~Educational staff associate. The educational staff associate certificate authorizes service in the roles of school speech pathologists or audiologists, school counselors, school nurses, school occupational therapists, school physical therapists, school psychologists, and school social workers: Provided, That nothing within chapter 181-79A WAC authorizes professional practice by an educational staff~~

~~associate which is otherwise prohibited or restricted by any other law, including licensure statutes and rules and regulations promulgated by the appropriate licensure board or agency.~~

~~(6) Limited certificates. The following limited certificates are issued to individuals under specific circumstances set forth in WAC 181-79A-231:~~

- ~~(a) Conditional certificate.~~
- ~~(b) Substitute certificate.~~
- ~~(c) Emergency certificate.~~
- ~~(d) Emergency substitute certificate.~~
- ~~(e) Nonimmigrant alien exchange teacher.~~
- ~~(f) Intern substitute teacher certificate.~~
- ~~(g) Transitional certificate.~~

~~(h) Provisional alternative administrative certificate.)) in accordance with chapters 28A.410 and 28A.413 RCW.~~

(1) Educator certificates issued under chapter 181-79A WAC will be charged a fee of \$51 for processing educator certificates and subsequent actions.

(2) Paraeducator certificates issued under Title 179 WAC will be charged a fee of \$39 for processing paraeducator certificates and subsequent actions.

[Statutory Authority: RCW 28A.410.062. WSR 15-16-077, § 392-194-002, filed 7/31/15, effective 8/31/15. Statutory Authority: 2011 c 50 and 2011 c 23. WSR 12-03-065, § 392-194-002, filed 1/12/12, effective 2/12/12.]